

By: Senator(s) Parks

To: Government Structure

SENATE BILL NO. 2455

1 AN ACT TO RECONSTITUTE THE MISSISSIPPI PUBLIC SERVICE  
2 COMMISSION FROM AN ELECTED COMMISSION TO AN APPOINTED COMMISSION;  
3 TO CONSOLIDATE THE PUBLIC SERVICE COMMISSION WITH THE MISSISSIPPI  
4 PUBLIC UTILITIES STAFF; TO ESTABLISH THE EXECUTIVE DIRECTOR AS THE  
5 HEAD OF THE RECONSTITUTED COMMISSION; TO AMEND SECTION 77-1-1,  
6 MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE PUBLIC SERVICE  
7 COMMISSION, TO STIPULATE THAT COMMISSIONERS BE APPOINTED RATHER  
8 THAN ELECTED, TO SET NEW TERM LIMITS, TO FURTHER DEFINE THE ROLE  
9 OF COMMISSIONERS, AND TO ESTABLISH THE FOUR DIVISIONS OF THE  
10 PUBLIC UTILITIES STAFF; TO AMEND SECTION 77-1-15, MISSISSIPPI CODE  
11 OF 1972, TO EXPAND THE ROLE OF THE EXECUTIVE SECRETARY OF THE  
12 COMMISSION TO ALSO SERVE THE PUBLIC UTILITIES STAFF AND TO PROVIDE  
13 FOR ADDITIONAL RESPONSIBILITIES OF THE SECRETARY; TO AMEND SECTION  
14 77-2-1, MISSISSIPPI CODE OF 1972, TO INCLUDE THE NEW DIVISIONS OF  
15 THE STAFF; TO AMEND SECTION 77-2-7, MISSISSIPPI CODE OF 1972, TO  
16 STIPULATE THAT THE EXECUTIVE DIRECTOR OF THE COMMISSION IS  
17 REMOVABLE ONLY FOR CAUSE AND IS THE CHIEF ADMINISTRATIVE AND  
18 POLICY OFFICER OF THE PUBLIC SERVICE COMMISSION STAFF; TO CREATE  
19 WITHIN THE ATTORNEY GENERAL'S OFFICE THE OFFICE OF CONSUMER  
20 ADVOCATE TO REPRESENT THE INTERESTS OF CONSUMERS BEFORE THE PUBLIC  
21 SERVICE COMMISSION AND TO ESTABLISH THE DUTIES AND  
22 RESPONSIBILITIES OF THE OFFICE OF CONSUMER ADVOCATE; TO AMEND  
23 SECTION 77-3-11, MISSISSIPPI CODE OF 1972, TO ALLOW THE COMMISSION  
24 TO REQUIRE A FILING FEE FOR CERTAIN RENEWABLE PROJECTS; TO AMEND  
25 SECTION 77-3-87, MISSISSIPPI CODE OF 1972, TO ALLOW THE COMMISSION  
26 TO RETAIN FUNDS COLLECTED VIA FILING FEE; TO AMEND SECTION  
27 77-3-37, MISSISSIPPI CODE OF 1972, TO REFLECT THE COMMISSION'S  
28 AUTHORITY TO REQUIRE A FILING FEE; TO AMEND SECTIONS 23-15-193,  
29 23-15-297, 25-3-31, 23-15-333, 23-15-367, 25-3-41, 77-1-25,  
30 77-3-3, 77-3-91, 77-3-111, 77-11-305 AND 77-13-3, MISSISSIPPI CODE  
31 OF 1972, TO CONFORM; TO AMEND SECTION 77-1-51, MISSISSIPPI CODE OF  
32 1972, TO EXTEND THE DATE OF REPEAL; AND FOR RELATED PURPOSES.

33 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:



34           **SECTION 1.** From and after July 1, 2025, the Mississippi  
35 Public Service Commission established in Section 77-1-1 et seq.,  
36 Mississippi Code of 1972, shall be continued and reconstituted as  
37 follows:

38           (a) The Mississippi Public Service Commission shall be  
39 reconstituted from an elected commission to an appointed  
40 commission as specifically provided in Section 77-1-77, as amended  
41 by this act.

42           (b) The Public Utilities Staff shall be consolidated  
43 with the Public Service Commission and shall be reconstituted as a  
44 support unit with four (4) divisions. The staff shall have the  
45 responsibilities specifically established in Sections 77-1-1 and  
46 77-2-1, as amended by this act.

47           (c) The executive director shall be responsible for the  
48 overall direction and management of the combined Mississippi  
49 Public Service Commission and the four (4) new divisions of the  
50 Mississippi Public Utilities Staff, with the duties and  
51 responsibilities specifically established in Section 77-2-7, as  
52 amended by this act.

53           (d) On or before July 1, 2025, the Mississippi Public  
54 Utilities Staff and any other agency affected by this  
55 consolidation shall transfer to the Public Service Commission the  
56 employees, equipment, inventory, information technology equipment,  
57 state and federal funding, and any other resources necessary to  
58 implement the consolidation herein described. The Public Service



59 Commission shall consult with the Bureau of Building, Grounds and  
60 Real Property of the Department of Finance and Administration for  
61 the effective transfer of office space and equipment to facilitate  
62 said consolidation.

63 **SECTION 2.** Section 77-1-1, Mississippi Code of 1972, is  
64 amended as follows:

65 77-1-1. (1) A public service commission, hereinafter  
66 referred to in this chapter as the commission, is hereby created,  
67 consisting of three (3) members, \* \* \* who shall devote their  
68 entire time to the duties of the office. The Governor shall  
69 appoint the members of the commission, by and with the consent of  
70 the Mississippi State Senate, one (1) for a term of two (2) years,  
71 one (1) for a term of four (4) years, and one (1) for a term of  
72 six (6) years. Upon the expiration of each term as set forth  
73 above, the Governor shall appoint a successor for a term of six  
74 (6) years, and thereafter the term of office of each commissioner  
75 shall be for six (6) years. Each commissioner shall hold at least  
76 a bachelor's degree. One (1) member shall be a person who by  
77 reason of his or her previous vocation or affiliation can be  
78 classed as a representative of utilities professions. One (1)  
79 member shall be an attorney-at-law of recognized ability with at  
80 least five (5) years of active practice in Mississippi prior to  
81 his or her appointment. One (1) member shall be a person who by  
82 reason of his or her previous vocation or affiliation can be  
83 classed as a representative of financial professions.



84 The commissioners shall each receive a yearly salary fixed by  
85 the Legislature, payable monthly.

86 The commissioners shall each possess the qualifications  
87 prescribed for the Secretary of State. The commissioners shall  
88 not operate, own any stock in, or be in the employment of any  
89 telephone company, gas or electric utility company, or any other  
90 public utility that shall come under their jurisdiction or  
91 supervision.

92 (2) The commissioners' personal staffs shall not consist of  
93 more than one (1) administrative assistant and one (1) law clerk  
94 or attorney advisor. The commission's staff shall operate as  
95 outlined in Section 77-3-8.

96 (3) The commissioners shall have the authority to meet and  
97 deliberate as necessary to determine or otherwise dispose of any  
98 matter presented to them.

99 (4) (a) The Mississippi Public Utilities Staff, as now  
100 consolidated with the Mississippi Public Service Commission, shall  
101 consist of four (4) divisions: The executive secretary of the  
102 commission as established in Section 77-1-15, the Customer  
103 Complaint Division, the Legal Division, and the Division of Rates,  
104 Tariffs and Applications.

105 (b) There is hereby created within the Mississippi  
106 Public Utilities Staff the Customer Complaint Division. The  
107 Customer Complaint Division shall be headed by a director. It  
108 shall be the responsibility of the director, on behalf of the



109 Customer Complaint Division, to centralize all customer complaints  
110 made to the Public Service Commission.

111 (c) There is hereby created within the Mississippi  
112 Public Utilities Staff the Legal Division. The Legal Division  
113 shall be headed by an attorney-at-law of recognized ability with  
114 at least five (5) years of active practice in Mississippi prior to  
115 his or her appointment, serving as general counsel. The Legal  
116 Division shall be comprised of two (2) sections:

117 (i) The Administrative Law section shall be  
118 comprised of administrative law judges, who shall hear all initial  
119 cases and prepare an initial decision to be referred to and  
120 considered by the Public Service Commission; and

121 (ii) The Staff Attorney section shall be comprised  
122 of staff attorneys to advise on cases and complaints as deemed  
123 necessary.

124 (d) There is hereby created within the Mississippi  
125 Public Utilities Staff the Division of Rates, Tariffs and  
126 Applications. The Division of Rates, Tariffs and Applications  
127 shall be headed by a director and comprised of accountants,  
128 utility analysts, economic and financial analysts, and other  
129 specialized staff as deemed necessary to address the docket of the  
130 Public Service Commission.

131 (5) Any reference in this chapter or in any other provision  
132 of law to the "Public Service Commission" means the consolidated  
133 Public Service Commission and Mississippi Public Utilities Staff.



134           **SECTION 3.** Section 77-1-15, Mississippi Code of 1972,  
135 is amended as follows:

136           77-1-15. (1) There shall be an executive secretary of the  
137 commission and Mississippi Public Utilities Staff, hereinafter  
138 referred to in this chapter as the secretary, to be appointed by  
139 the commission, by and with the advice and consent of the Senate,  
140 for the term of the commissioners. The secretary must have the  
141 same qualifications as the commissioners and shall be subject to  
142 the same disqualifications and to like penalties, except that he  
143 or she shall not be liable to impeachment. He or she shall  
144 receive a salary fixed by the Legislature. He or she shall take  
145 the oath of office and shall be removable at the pleasure of the  
146 commission, which may fill any vacancy until the Senate confirms a  
147 successor. The secretary shall make bond as provided for other  
148 state officers, in the sum of Ten Thousand Dollars (\$10,000.00),  
149 conditioned upon the faithful performance of the duties of his  
150 office.

151           (2) The secretary shall collect all fees and penalties  
152 collected by or paid to the commission, and shall cover the same  
153 into the State Treasury.

154           (3) The secretary \* \* \* shall be the custodian of all  
155 records, documents, and the seal of the commission. He or she  
156 shall issue all citations, subpoenas and other rightful orders and  
157 documents, maintain the docket of the commission, ensure all  
158 filings comply with the policies and procedures of the commission



159 and the law, oversee and organize all commission hearings, and  
160 perform all other duties usually required of such officer, and as  
161 required by the commission.

162 (4) It shall be the duty and responsibility of the secretary  
163 to supervise and manage the offices and staff of the consolidated  
164 Public Service Commission and Public Utilities Staff and formulate  
165 written policies and procedures for the effective and efficient  
166 operation of the office and present these policies and procedures  
167 to the board for promulgation. It shall also be the duty and  
168 responsibility of the secretary to supervise and manage the  
169 official commission webpage, as well as information technology  
170 systems and systems mapping.

171 (5) From and after July 1, 2016, the expenses of this agency  
172 shall be defrayed by appropriation from the State General Fund and  
173 all user charges and fees authorized under this section shall be  
174 deposited into the State General Fund as authorized by law.

175 (6) From and after July 1, 2016, no state agency shall  
176 charge another state agency a fee, assessment, rent or other  
177 charge for services or resources received by authority of this  
178 section.

179 (7) From and after July 1, 2025, the office of the executive  
180 secretary shall serve as a division of the Public Utilities Staff,  
181 as stipulated in Section 77-2-1.

182 **SECTION 4.** Section 77-2-1, Mississippi Code of 1972, is  
183 amended as follows:



184           77-2-1. There is hereby established a Public Utilities  
185 Staff, which shall \* \* \* operate in tandem with the Public Service  
186 Commission and the Public Service Commission staff as stipulated  
187 in Section 1 of this act. Such staff shall consist of the  
188 personnel positions of the executive director, the economic and  
189 planning division, legal division, engineering division and  
190 accounting division with a State Personnel Board organizational  
191 code of twenty thousand (20,000) or larger which were formerly  
192 authorized and appropriated under the provisions of Section  
193 77-3-8, Mississippi Code of 1972. \* \* \* The Public Utilities  
194 Staff shall consist of four (4) divisions as established in  
195 Section 77-1-1: The executive secretary of the commission as  
196 established in Sections 77-1-1 and 77-1-15, the Customer Complaint  
197 Division, the Legal Division, and the Division of Rates, Tariffs  
198 and Applications. The Public Utilities Staff shall represent the  
199 broad interests of the State of Mississippi by balancing the  
200 respective concerns of the residential, commercial or industrial  
201 ratepayers, and the state and its agencies and departments, and  
202 the public utilities. The staff shall consist of a sufficient  
203 number of professional, administrative, technical, clerical and  
204 other personnel as may be necessary for the staff to perform its  
205 duties and responsibilities as hereinafter provided. All such  
206 personnel shall be competitively appointed by the executive  
207 director and shall be dismissed only for cause in accordance with  
208 the rules and regulations of the State Personnel Board. All





209 equipment, supplies, records and any funds appropriated by the  
210 Legislature to the Public Service Commission for and on behalf of  
211 the Public Utilities Staff shall be \* \* \* transferred to the  
212 Public Service Commission on or before July 1, 2025.

213 Notwithstanding any provision of this chapter to the  
214 contrary, the personnel positions of the data processing division  
215 and the gas pipeline safety division of the Public Utilities Staff  
216 shall be the Public Service Commission staff positions authorized  
217 under Section 77-3-8, and shall be under the control and  
218 supervision of the Public Service Commission from and after March  
219 15, 1991. However, the Public Service Commission staff shall  
220 continue to provide at no cost administrative support in the  
221 nature of data processing and bookkeeping to the Public Utilities  
222 Staff in order to avoid duplication of services.

223 **SECTION 5.** Section 77-2-7, Mississippi Code of 1972, is  
224 amended as follows:

225 77-2-7. (1) An executive director of the consolidated  
226 Public Utilities Staff and Public Service Commission shall be  
227 appointed, on or before July 1, 1990, by the Governor, with the  
228 advice and consent of the Senate, to serve for a term of six (6)  
229 years. Whenever any vacancy shall occur in the position of  
230 executive director, the Governor shall appoint an executive  
231 director, as provided herein, to fill the unexpired term. The  
232 executive director shall \* \* \* be removable only for cause.



233 (2) The executive director of the \* \* \* Public Service  
234 Commission shall hold at least a bachelors degree and shall have  
235 extensive managerial experience with a thorough knowledge of  
236 public utility economics and the principles of utility service and  
237 rate construction. The executive director \* \* \* shall possess the  
238 ability to analyze quantitative and qualitative data and to  
239 develop and adjust regulatory strategies or policies to attain  
240 commission objectives. The salary of the executive director shall  
241 be set by the Personnel Board and shall be such that it is  
242 comparable to salaries of those holding similar positions in other  
243 state and federal agencies and commensurate with the duties and  
244 responsibilities imposed on this official position which affects  
245 the broad interests of the State of Mississippi. The executive  
246 director shall be the Chief Administrative and Policy Officer of  
247 the Public Service Commission Staff and shall oversee the four (4)  
248 divisions of the Public Utilities Staff as established in Section  
249 77-1-1. Nothing herein shall be construed to prevent  
250 reappointment of the executive director for consecutive terms.

251 **SECTION 6.** (1) There is hereby established within the  
252 Attorney General's Office the Office of Consumer Advocate to  
253 represent the interests of consumers before the Mississippi Public  
254 Service Commission.

255 (2) The office shall consist of the following:

256 (a) An independent consumer advocate, appointed by the  
257 governor with the consent of the senate, who shall be a qualified



258 attorney admitted to practice in this state. The consumer  
259 advocate shall serve for a term of four (4) years and until a  
260 successor is appointed and qualified and shall be removable only  
261 for cause; and

262 (b) Additional staff people appointed by the consumer  
263 advocate as necessary to carry out the responsibilities of the  
264 office.

265 (3) The consumer advocate shall have the power and duty to  
266 petition for, initiate, appear, intervene in or suspend any  
267 proceeding concerning rates, charges, tariffs and consumer  
268 services before the Public Service Commission to represent the  
269 interests of residential utility consumers.

270 **SECTION 7.** Section 77-3-11, Mississippi Code of 1972, is  
271 amended as follows:

272 77-3-11. (1) No person shall construct, acquire, extend or  
273 operate equipment for manufacture, mixing, generating,  
274 transmitting or distributing natural or manufactured gas, or mixed  
275 gas, or water, for any intrastate sale to or for the public for  
276 compensation, or for the operation of a public utility operating a  
277 business and equipment or facilities as contemplated by \* \* \*  
278 Section 77-3-3(d)(iii), without first having obtained from the  
279 commission a certificate that the present or future public  
280 convenience and necessity require or will require the operation of  
281 such equipment or facility.



282 (2) No person shall construct, acquire, extend or operate  
283 equipment for manufacture, generating, transmitting or  
284 distributing electricity for any intrastate or interstate sale to  
285 or for the public for compensation without first having obtained  
286 from the commission a certificate that the present and future  
287 public convenience and necessity require or will require the  
288 operation of such equipment or facility. Provided, however,  
289 nothing herein contained shall be construed to require a joint  
290 municipal electric power agency organized in accordance with the  
291 provisions of Section 77-5-201 et seq., Mississippi Code of 1972,  
292 to obtain any permit, license, certificate or approval from the  
293 Mississippi Public Service Commission.

294 (3) No person shall construct, acquire, extend or operate  
295 equipment or facilities for collecting, transmitting, treating or  
296 disposing of sewage, or otherwise operating an intrastate sewage  
297 disposal service, to or for the public for compensation, without  
298 first having obtained from the commission a certificate that the  
299 present or future public convenience and necessity require or will  
300 require the operation of such equipment or facilities.

301 (4) However, nothing herein shall be construed to require  
302 any certificate of convenience and necessity from the commission  
303 for the production and gathering of natural gas, the sale of  
304 natural gas in or within the vicinity of the field where produced,  
305 the distribution or sale of liquefied petroleum gas, the sale of  
306 natural gas to the ultimate consumer for use as a motor vehicle



307 fuel, or for the facilities and equipment utilized in any such  
308 operations.

309 (5) Upon complaints filed by not less than ten percent (10%)  
310 of the total subscribers or three thousand five hundred (3,500)  
311 subscribers of a public utility, whichever is less, then the  
312 commission shall hold a hearing on the adequacy of service as  
313 contemplated in Section 77-3-21.

314 (6) The commission may require a filing fee for review and  
315 certification of renewable projects which must be approved by the  
316 commission before the commencement of the project.

317 ( \* \* \*7) With respect to any facility or contract for a  
318 facility serving a customer under Section 22 of \* \* \* Senate Bill  
319 No. 2001, 2024 Second Extraordinary Session, nothing in this  
320 section shall supersede the provisions of Section 22 of \* \* \*  
321 Senate Bill No. 2001, 2024 Second Extraordinary Session.

322 **SECTION 8.** Section 77-3-87, Mississippi Code of 1972, is  
323 amended as follows:

324 77-3-87. All reasonable and necessary expenses of the  
325 administration of the duties imposed on the public utilities staff  
326 and on the commission by Title 77, Mississippi Code of 1972,  
327 excluding the reasonable and necessary expenses of the  
328 administration and enforcement by the commission of the laws of  
329 this state pursuant to Chapters 7 and 9, Title 77, Mississippi  
330 Code of 1972, shall be provided as follows: There is hereby  
331 levied a tax upon (a) all utilities, the rates of which are



332 subject to regulation by the provisions of this chapter and upon  
333 (b) all utilities not subject to such rate regulation which  
334 furnish to the ultimate consumer utility services of the type  
335 described by subparagraph (i) of paragraph (d) of Section 77-3-3  
336 and otherwise subject to regulation by the provisions of this  
337 chapter, such levy to be effective on the first day of each year  
338 and to be calculated as follows: The rate of the tax shall be one  
339 hundred sixty-four thousandths of one percent (164/1000 of 1%) per  
340 year, of the gross revenues from the intrastate operations of the  
341 utilities taxed under this section. The rate of the tax for  
342 electric power associations and rural electrification authorities  
343 shall be ninety thousandths of one percent (90/1000 of 1%) per  
344 year of the gross revenues from the intrastate operations of  
345 electric power associations and rural electrification authorities  
346 taxed under this section. Effective July 1, 2017, the sum of all  
347 taxes levied by this section shall not exceed the total  
348 legislative appropriation of monies for the Public Utilities staff  
349 and the Public Service Commission for the ensuing fiscal year.  
350 The commission and the executive director of the \* \* \* commission  
351 shall certify to the Department of Revenue the amount of  
352 legislative appropriations of monies for the regulation of  
353 utilities. The Department of Revenue shall adjust the tax rates  
354 on a pro rata basis to generate the necessary revenues established  
355 by such legislative appropriations. Each utility which is subject  
356 to the tax levied by this section shall file a statement of its



357 gross revenue by April 1 of each year showing the gross revenue  
358 for the preceding year's operation. These statements of gross  
359 revenue shall be filed with the Department of Revenue on forms  
360 prescribed and furnished by the Department of Revenue. The  
361 Department of Revenue shall file a copy of these statements of  
362 gross revenue with the public utilities staff and the commission.  
363 The Department of Revenue shall calculate the amount of tax to be  
364 paid by each of the utilities and shall submit a statement thereof  
365 to the respective utilities, and the amount shown due in the  
366 statements to the utilities shall be paid by them within thirty  
367 (30) days thereafter to the Department of Revenue. The Department  
368 of Revenue shall furnish the public utilities staff and the  
369 commission with an itemized list showing gross and net revenues,  
370 assessments, tax collections and other related information for the  
371 respective utilities. The Department of Revenue shall deposit  
372 these funds into the General Fund of the State Treasury on the  
373 same day collected.

374 All administrative provisions of the Mississippi Sales Tax  
375 Law, including those which fix damages, penalties and interest for  
376 nonpayment of taxes and for noncompliance with the provisions of  
377 such chapter, and all other duties and requirements imposed upon  
378 taxpayers, shall apply to all persons liable for taxes under the  
379 provisions of this chapter, and the Commissioner of Revenue shall  
380 exercise all the power and authority and perform all the duties  
381 with respect to taxpayers under this chapter as are provided in



382 the Mississippi Sales Tax Law except where there is a conflict,  
383 then the provisions of this chapter shall control. The term  
384 "gross revenue" as used in this section is the total amount of all  
385 revenue derived by each of the utilities from its intrastate  
386 operations, which are subject to rate regulation under the  
387 provisions of this chapter or which constitute utility services of  
388 the type described by subparagraph (i) of paragraph (d) of Section  
389 77-3-3 and which are regulated by this chapter and furnished to  
390 ultimate consumers. The Department of Revenue is hereby  
391 authorized to use all tax returns of any utilities available to it  
392 and to make audits as may be deemed necessary of all records of  
393 utilities in order to correctly determine the amount of such gross  
394 revenue.

395 All proceeds of the above-mentioned tax are hereby allocated  
396 to the public utilities staff and to the commission in the manner  
397 provided in this section for the purpose of this chapter. In  
398 addition, the consolidated public utilities staff and commission  
399 are authorized to retain funds collected through certification  
400 filing fees in the manner provided in Section 77-3-11.

401 Each utility subject to the provisions of this section shall  
402 be allowed to recover, through the use of a rate adjustment clause  
403 or rider, the total amount of taxes paid by the utility pursuant  
404 to this section for the reasonable and necessary expenses of the  
405 commission and the public utilities staff.





406 From and after July 1, 2016, the expenses of this agency  
407 shall be defrayed by appropriation from the State General Fund and  
408 all user charges and fees authorized under this section shall be  
409 deposited into the State General Fund as authorized by law.

410 From and after July 1, 2016, no state agency shall charge  
411 another state agency a fee, assessment, rent or other charge for  
412 services or resources received by authority of this section.

413 **SECTION 9.** Section 77-3-37, Mississippi Code of 1972, is  
414 amended as follows:

415 77-3-37. (1) No public utility shall make any change in any  
416 rate which has been duly established under this chapter, except as  
417 provided in this chapter. A public utility seeking a change in  
418 any rate or rates shall file with the secretary of the commission  
419 and the executive director \* \* \* a notice of intent to change  
420 rates. The commission may promulgate rules and regulations  
421 providing for notice to customers of the filing by any public  
422 utility for a rate increase. Routine changes in rates and  
423 schedules that do not involve any substantial revenue adjustment  
424 may go into effect after thirty (30) days' notice to the  
425 commission or after such shorter period of notice as the  
426 commission, for good cause shown, may allow. In all other cases,  
427 the notice of intent shall contain a statement of the changes  
428 proposed to be made in the rates then in force, the new level of  
429 revenues sought, the reasons for the proposed changes and the date  
430 proposed for such changes to become effective, which date shall



431 not be less than thirty (30) days after the date of filing. The  
432 proposed changes may be shown by filing new schedules, by plainly  
433 indicating the changes upon schedules filed and in force at the  
434 time and kept open to public inspection or by such other manner as  
435 will clearly indicate the rates to be changed and the rates  
436 proposed. All direct testimony, exhibits and other information  
437 which any utility will rely upon in support of the proposed  
438 changes shall be filed concurrently with the filing of the notice  
439 of intent. Such other data or documentation as the commission  
440 shall request shall be supplied by such utility.

441 (2) The commission shall establish by rule and regulation a  
442 standard requirement list of documentation to be filed with or to  
443 be included in every notice of intent. With respect to any notice  
444 of intent involving a major change in rates as defined in  
445 subsection (8) of this section, the standard requirement list in  
446 each case shall include:

447 (a) A copy of its charter or articles of incorporation,  
448 if not already on file with the commission;

449 (b) A schedule of the present rates, fares, tolls,  
450 charges or rentals in effect, and the changes it is desired to  
451 make;

452 (c) A balance sheet of the utility prepared as of the  
453 last day of the latest month in which data shall be readily  
454 available;



455 (d) An actual operating statement setting forth revenue  
456 and expenses by account numbers for the twelve (12) months ending  
457 as the date of the balance sheet applicable to the utility filing  
458 the notice of intent;

459 (e) A pro forma operating statement in the same form as  
460 the actual operating statement showing estimate of revenue and  
461 expenses for the twelve-month period beginning with the effective  
462 date of the changed rates (i) without giving effect to the changed  
463 rates and (ii) giving effect to the changed rates;

464 (f) A pro forma operating statement in the same form as  
465 the actual operating statement for the same period giving effect  
466 to the proposed changes in rates and adjusted for known changes in  
467 the cost of operations;

468 (g) A statement showing the number of stations or  
469 customers by classes affected by the proposed changes in rates,  
470 the actual revenue under the old rates arising from each class and  
471 the annual amount of the proposed increase or decrease applicable  
472 to each class;

473 (h) A description of the utility's property, including  
474 a statement of the original cost of the property and the cost to  
475 the utility;

476 (i) A statement in full of the reasons why the change  
477 in rates is desired so that the commission may clearly see the  
478 justification therefor;

479 (j) The amount and kinds of stock authorized;



480 (k) The amount and kinds of stock issued and  
481 outstanding;

482 (l) The number and amount of bonds authorized and the  
483 number and amount issued;

484 (m) The rate and amount of dividends paid during the  
485 five (5) previous fiscal years, and the amount of capital stock on  
486 which dividends were paid each year;

487 (n) An analysis of surplus covering the period from the  
488 close of the last calendar year for which an annual report has  
489 been filed with the commission to the date of the balance sheet  
490 attached to the notice.

491 (3) The commission may, by rule and regulation, require the  
492 utility filing a notice of intent to change rates to supplement  
493 the above data with such other information as the commission or  
494 the public utilities staff may reasonably request.

495 (4) Unless the commission, upon application by a utility and  
496 for good cause shown, shall enter an order waiving one or more of  
497 the following requirements, then whenever a public utility files a  
498 notice of intent wherein an increase in the level of annual  
499 revenues in the amount of at least Fifteen Million Dollars  
500 (\$15,000,000.00) is sought, the standard requirement list of  
501 documentation shall include:

502 (a) Guidelines or directives as to the public utility's  
503 presentation provided by a controlling affiliate, parent or  
504 holding company;



505 (b) Marginal cost data;  
506 (c) Alternate rate design;  
507 (d) Conservation effectiveness;  
508 (e) A properly prepared, complete, detailed lead-lag  
509 study for the test year for the total company, Mississippi retail,  
510 other retail jurisdictions and Federal Energy Regulatory  
511 Commission wholesale rates in support of the public utility's  
512 total working capital requirement contained therein, including all  
513 working papers in support thereof;

514 (f) Direct testimony proposed to be offered at a  
515 hearing.

516 (5) The notice of intent for major changes in rates as  
517 defined in subsection (8) of this section shall state the test  
518 period adopted by the public utility in support of its proposed  
519 rate changes, which may be a twelve-month period beginning with  
520 the proposed effective date of the rates proposed in the notice.  
521 For the purpose of expediting the regulatory process, all public  
522 utilities shall keep the commission advised of their plans or  
523 needs for future requests for major rate changes.

524 (6) Within five (5) days after the notice of intent has been  
525 filed, the utility shall serve a copy of the notice of intent  
526 without documentation on all parties of record in its last  
527 proceeding in which a major change in rates was sought, and shall  
528 file a certificate of service with the commission. Thereafter, a  
529 copy of all material filed by the utility shall be furnished by



530 the utility to those persons as may be provided for by the  
531 commission's rules and regulations.

532 (7) (a) When the rates in a notice of intent are suspended  
533 by commission order, the commission may issue a scheduling order  
534 which establishes deadlines for submitting data requests,  
535 responding to data requests, conducting prehearing conferences and  
536 hearings and disposing of other matters necessary for the orderly  
537 disposition of the case.

538 (b) The public utilities staff and all intervenors or  
539 protestants shall file all direct testimony, exhibits and other  
540 information which is to be relied upon regarding the proposed  
541 changes within eighty (80) days from the filing of such notice of  
542 intent. At the time of filing direct testimony, exhibits and  
543 other information, each party filing such documents shall serve  
544 copies of the documentation on all other parties of record and  
545 shall file a certificate of service with the commission.

546 (8) The commission, for good cause shown, may, except in the  
547 case of major changes, allow changes in rates to take effect at  
548 the end of thirty (30) days from the date of the filing and the  
549 notice of intent, or on the effective date set out in the notice,  
550 without requiring any further proceedings, under such conditions  
551 as it may prescribe. All such changes shall be immediately  
552 indicated by such public utility upon its schedules. "Major  
553 changes" means (a) an increase in rates which would increase the  
554 annual revenues of such public utility more than the greater of



555 One Hundred Thousand Dollars (\$100,000.00) or two percent (2%),  
556 but shall not include changes in rates allowed to go into effect  
557 by the commission or made by the public utility pursuant to an  
558 order of the commission after hearings held upon notice to the  
559 public, or (b) a change in the rate design which has a significant  
560 impact on a class or classes of ratepayers.

561 (9) For all major changes in rates and schedules as defined  
562 in subsection (8) of this section, a public utility as defined in  
563 Section 77-3-3(d)(iv) shall provide, not later than twenty (20)  
564 days after filing the notice of intent to change rates, notice of  
565 such proposed change within each affected customer's bill or  
566 invoice and in a newspaper having general circulation in the area  
567 where service is being provided by the public utility. The notice  
568 shall state the date on which the notice of intent was filed with  
569 the commission and shall include a financial impact statement  
570 showing the average amount of increase to customers by class and  
571 usage. The filing public utility shall file a copy of the notice,  
572 along with a certificate with the executive secretary of the  
573 commission, verifying that notice to each of the utility's  
574 affected customers was provided in a timely manner.

575 (10) The commission may require a filing fee for review and  
576 certification of renewable projects which must be approved by the  
577 commission before commencement of the project.

578 ( \* \* \*11) With respect to any facility or contract for a  
579 facility serving a customer under Section 22 of \* \* \* Senate Bill



580 No. 2001, 2024 Second Extraordinary Session, nothing in this  
581 section shall supersede the provisions of Section 22 of \* \* \*  
582 Senate Bill No. 2001, 2024 Second Extraordinary Session.

583         **SECTION 10.** Section 23-15-193, Mississippi Code of 1972, is  
584 amended as follows:

585         23-15-193. (1) At the election in 2023, and every four (4)  
586 years thereafter, there shall be elected a Governor, Lieutenant  
587 Governor, Secretary of State, Auditor of Public Accounts, State  
588 Treasurer, Attorney General, \* \* \* three (3) Mississippi  
589 Transportation Commissioners, Commissioner of Insurance,  
590 Commissioner of Agriculture and Commerce, Senators and members of  
591 the House of Representatives in the Legislature, district  
592 attorneys for the several districts, clerks of the circuit and  
593 chancery courts of the several counties, as well as sheriffs,  
594 coroners, assessors, surveyors and members of the boards of  
595 supervisors, justice court judges and constables, and all other  
596 officers to be elected by the people at the general state  
597 election. All such officers shall hold their offices for a term  
598 of four (4) years, and until their successors are elected and  
599 qualified. The state officers shall be elected in the manner  
600 prescribed in Section 140 of the Constitution.

601         (2) The state officers that receive a majority of votes cast  
602 for the office at the general election shall be elected. If no  
603 candidate receives a majority number of votes cast at the  
604 election, then the two (2) candidates who receive the highest





605 number of votes cast shall have their names placed on the ballot  
606 for the runoff election to be held three (3) weeks later. The  
607 candidate who receives a majority of the votes cast in the runoff  
608 election shall be elected. However, if no candidate receives a  
609 majority vote cast at the election, and there is a tie in the  
610 election of those receiving the next highest vote, then those  
611 candidates receiving the next highest vote and the candidate  
612 receiving the highest number of votes cast shall have their names  
613 placed on the ballot for the runoff election to be held three (3)  
614 weeks later, and whoever receives the majority of votes cast in  
615 the runoff election shall be elected. If it appears that two (2)  
616 or more candidates for state office have an equal number of votes  
617 after the runoff election, the interested candidates shall appear  
618 before the Chief Justice of the Mississippi Supreme Court within  
619 two (2) days after the canvass and the tie shall be determined by  
620 a toss of a coin or by lot fairly and publicly drawn, and a  
621 certificate of election shall be given accordingly.

622       **SECTION 11.** Section 23-15-297, Mississippi Code of 1972, is  
623 amended as follows:

624       23-15-297. (1) All candidates, upon entering the race for  
625 party nominations for office, shall first pay to the proper  
626 officer as provided for in Section 23-15-299 for each primary  
627 election the following amounts:

628               (a) Candidates for Governor, the amount determined by  
629 the state executive committee of the party pursuant to subsection



630 (2) of this section but no less than One Thousand Dollars  
631 (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).

632 (b) Candidates for Lieutenant Governor, Attorney  
633 General, Secretary of State, State Treasurer, Auditor of Public  
634 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
635 and Commerce, and State Highway Commissioner \* \* \*, the amount  
636 determined by the state executive committee of the party pursuant  
637 to subsection (2) of this section but no less than Five Hundred  
638 Dollars (\$500.00) and no more than Two Thousand Five Hundred  
639 Dollars (\$2,500.00).

640 (c) Candidates for State Senator and State  
641 Representative, Two Hundred Fifty Dollars (\$250.00).

642 (d) Candidates for district attorney, Two Hundred Fifty  
643 Dollars (\$250.00).

644 (e) Candidates for sheriff, chancery clerk, circuit  
645 clerk, tax assessor, tax collector, county attorney, county  
646 superintendent of education and board of supervisors, One Hundred  
647 Dollars (\$100.00).

648 (f) Candidates for county surveyor, county coroner,  
649 justice court judge and constable, One Hundred Dollars (\$100.00).

650 (g) Candidates for United States Senator, the amount  
651 determined by the state executive committee of the party pursuant  
652 to subsection (2) of this section but no less than One Thousand  
653 Dollars (\$1,000.00) and no more than Five Thousand Dollars  
654 (\$5,000.00).



655 (h) Candidates for United States Representative, the  
656 amount determined by the state executive committee of the party  
657 pursuant to subsection (2) of this section but no less than Five  
658 Hundred Dollars (\$500.00) and no more than Two Thousand Five  
659 Hundred Dollars (\$2,500.00).

660 (2) (a) The state executive committee of a political party  
661 shall set the entry fee that a candidate is to pay upon entering  
662 the race for party nominations for the offices listed in  
663 paragraphs (a), (b), (g) and (h) of subsection (1) of this section  
664 and Section 23-15-1093(2) (a). The authority granted under this  
665 subsection shall not be exercised by any state executive committee  
666 of a political party for any individual office more than once  
667 every two (2) years, beginning July 1, 2022.

668 (b) Each state executive committee of a political party  
669 shall report the entry fee determined for each office to the  
670 Secretary of State by October 1 of the year before the election is  
671 held for that office. If a state executive committee does not  
672 meet the deadline in this paragraph for any office, the minimum  
673 entry fee shall be assessed for the office in that party's primary  
674 election during that election cycle.

675 (3) All independent candidates and special election  
676 candidates entering the race for office shall pay to the proper  
677 officer as provided for in Section 23-15-299 the following  
678 amounts:



679 (a) Candidates for Governor, One Thousand Dollars  
680 (\$1,000.00).

681 (b) Candidates for Lieutenant Governor, Attorney  
682 General, Secretary of State, State Treasurer, Auditor of Public  
683 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
684 and Commerce, and State Highway Commissioner \* \* \*, Five Hundred  
685 Dollars (\$500.00).

686 (c) Candidates for district attorney, State Senator and  
687 State Representative, Two Hundred Fifty Dollars (\$250.00).

688 (d) Candidates for sheriff, chancery clerk, circuit  
689 clerk, tax assessor, tax collector, county attorney, county  
690 superintendent of education and board of supervisors, One Hundred  
691 Dollars (\$100.00).

692 (e) Candidates for county surveyor, county coroner,  
693 justice court judge and constable, One Hundred Dollars (\$100.00).

694 (f) Candidates for United States Senator, One Thousand  
695 Dollars (\$1,000.00).

696 (g) Candidates for United States Representative, Five  
697 Hundred Dollars (\$500.00).

698 (4) The Secretary of State shall publish the fees listed in  
699 this section and Section 23-15-1093 no later than forty-five (45)  
700 days before the qualifying period begins for each office.

701 **SECTION 12.** Section 25-3-31, Mississippi Code of 1972, is  
702 amended as follows:



703           25-3-31. (1) The annual salaries of the following elected  
704 state and district officers are fixed as follows:

705	Governor.....	\$ 160,000.00
706	Attorney General.....	150,000.00
707	Secretary of State.....	120,000.00
708	Commissioner of Insurance.....	150,000.00
709	State Treasurer.....	120,000.00
710	State Auditor of Public Accounts.....	150,000.00
711	Commissioner of Agriculture and Commerce.....	120,000.00
712	Transportation Commissioners.....	95,000.00

713       \* \* \*

714           (2) To assist the elected state and district officers in  
715 subsection (1) of this section in efficiently performing the  
716 official duties imposed upon him or her by law, the officer may  
717 employ suitable and competent persons who possess the professional  
718 skill and expert knowledge needed to fulfill those duties. The  
719 State Personnel Board, based upon its findings of fact, shall  
720 exempt those persons from the provisions of Section 25-3-39 when  
721 the acquisition of such professional services is precluded based  
722 upon the prevailing wage in the relevant labor market. This  
723 subsection (2) shall stand repealed on July 1, 2024.

724           **SECTION 13.** Section 23-15-333, Mississippi Code of 1972, is  
725 amended as follows:

726           23-15-333. (1) The county executive committee shall have  
727 printed all necessary ballots, for use in primary elections. The



728 county executive committee shall have printed all necessary  
729 absentee ballots forty-five (45) days before the election as  
730 required by law. The ballots shall contain the names of all the  
731 candidates to be voted for at the election, and there shall be  
732 left on each ballot one (1) blank space under the title of each  
733 office for which a nominee is to be elected; and in the event of  
734 the death of any candidate whose name shall have been printed on  
735 the ballot, the name of the candidate duly substituted in the  
736 place of the deceased candidate may be written in such blank space  
737 by the voter. Except as otherwise provided in subsection (2) of  
738 this section, the order in which the titles to the various offices  
739 shall be printed, and the size, print and quality of the paper of  
740 the ballot is left to the discretion of the county executive  
741 committee. Provided, however, that in all cases the arrangement  
742 of the names of the candidates for each office shall be  
743 alphabetical. No ballot shall be used except those so printed.

744 (2) The titles for the various offices shall be listed in  
745 the following order:

746 (a) Candidates, electors or delegates for the following  
747 national offices:

748 (i) President of the United States of America;

749 (ii) United States Senator or United States  
750 Representative;

751 (b) Candidates for the following statewide offices:

752 Governor, Lieutenant Governor, Secretary of State, Attorney



753 General, State Treasurer, Auditor of Public Accounts, Commissioner  
754 of Agriculture and Commerce, Commissioner of Insurance;

755 (c) Candidates for the following state district  
756 offices: Mississippi Transportation Commissioner, \* \* \* District  
757 Attorney;

758 (d) Candidates for the following legislative offices:  
759 Senator and House of Representatives;

760 (e) Candidates for countywide office;

761 (f) Candidates for county district office.

762 The order in which the titles for the various offices are  
763 listed within each of the categories listed in paragraphs (e) and  
764 (f) are left to the discretion of the county executive committee.  
765 Candidates' names shall be listed alphabetically under each office  
766 by the candidate's last name.

767 (3) If after the deadline to qualify as a candidate for an  
768 office, only one (1) person has duly qualified to be a candidate  
769 for the office in the primary election, the name of that person  
770 shall be placed on the ballot; provided, however, that if not more  
771 than one (1) person has duly qualified to be a candidate for each  
772 office on the primary election ballot, the election for all  
773 offices on the ballot shall be dispensed with and the appropriate  
774 executive committee shall declare each candidate as the party  
775 nominee if the candidate meets all the qualifications to hold the  
776 office.



777 (4) (a) If it is eligible under Section 23-15-266, the  
778 county executive committee may enter into a written agreement with  
779 the circuit clerk or the county election commission authorizing  
780 the circuit clerk or the county election commission to perform any  
781 of the duties required of the county executive committee pursuant  
782 to this section. Any agreement entered into pursuant to this  
783 subsection shall be signed by the chair of the county executive  
784 committee and the circuit clerk or the chair of the county  
785 election commission, as appropriate. The county executive  
786 committee shall notify the state executive committee and the  
787 Secretary of State of the existence of such agreement.

788 (b) If it is eligible under Section 23-15-266, the  
789 municipal executive committee may enter into a written agreement  
790 with the municipal clerk or the municipal election commission  
791 authorizing the municipal clerk or the municipal election  
792 commission to perform any of the duties required of the municipal  
793 executive committee pursuant to this section. Any agreement  
794 entered into pursuant to this subsection shall be signed by the  
795 chair of the municipal executive committee and the municipal clerk  
796 or the chair of the municipal election commission, as appropriate.  
797 The municipal executive committee shall notify the state executive  
798 committee and the Secretary of State of the existence of such  
799 agreement.

800 **SECTION 14.** Section 23-15-367, Mississippi Code of 1972, is  
801 amended as follows:





802           23-15-367. (1) Except as otherwise provided by Sections  
803 23-15-974 through 23-15-985 and subsection (2) of this section,  
804 the size, print and quality of paper of the official ballot is  
805 left to the discretion of the officer charged with printing the  
806 official ballot.

807           (2) The titles for the various offices shall be listed in  
808 the following order:

809                   (a) Candidates, electors or delegates for the following  
810 national offices:

811                           (i) President;

812                           (ii) United States Senator or United States  
813 Representative;

814                   (b) Candidates for the following statewide office:  
815 Governor, Lieutenant Governor, Secretary of State, Attorney  
816 General, State Treasurer, Auditor of Public Accounts, Commissioner  
817 of Agriculture and Commerce, Commissioner of Insurance;

818                   (c) Candidates for the following state district  
819 offices: Mississippi Transportation Commissioner, \* \* \* District  
820 Attorney;

821                   (d) Candidates for the following legislative offices:  
822 Senate and House of Representatives;

823                   (e) Candidates for countywide office;

824                   (f) Candidates for county district office.

825           The order in which the titles for the various offices are  
826 listed within paragraphs (e) and (f) is left to the discretion of



827 the county election commissioners. Nominees of the political  
828 parties, qualified to conduct primary elections as defined in  
829 Section 23-15-291, shall be listed first alphabetically by the  
830 candidate's last name, followed by any other candidates listed  
831 alphabetically by last name.

832 (3) It is the duty of the Secretary of State, with the  
833 approval of the Governor, to furnish the designated election  
834 commissioner of each county a sample of the official ballot, not  
835 less than fifty-five (55) days before the election, the general  
836 form of which shall be followed as nearly as practicable.

837 **SECTION 15.** Section 25-3-41, Mississippi Code of 1972, is  
838 amended as follows:

839 25-3-41. (1) Subject to the provisions of subsection (10)  
840 of this section, when any officer or employee of the State of  
841 Mississippi, or any department, agency or institution thereof,  
842 after first being duly authorized, is required to travel in the  
843 performance of his official duties, the officer or employee shall  
844 receive as expenses for each mile actually and necessarily  
845 traveled, when the travel is done by a privately owned automobile  
846 or other privately owned motor vehicle, the mileage reimbursement  
847 rate allowable to federal employees for the use of a privately  
848 owned vehicle while on official travel.

849 (2) When any officer or employee of any county or  
850 municipality, or of any agency, board or commission thereof, after  
851 first being duly authorized, is required to travel in the



852 performance of his official duties, the officer or employee shall  
853 receive as expenses Twenty Cents (20¢) for each mile actually and  
854 necessarily traveled, when the travel is done by a privately owned  
855 motor vehicle; provided, however, that the governing authorities  
856 of a county or municipality may, in their discretion, authorize an  
857 increase in the mileage reimbursement of officers and employees of  
858 the county or municipality, or of any agency, board or commission  
859 thereof, in an amount not to exceed the mileage reimbursement rate  
860 authorized for officers and employees of the State of Mississippi  
861 in subsection (1) of this section.

862 (3) Where two (2) or more officers or employees travel in  
863 one (1) privately owned motor vehicle, only one (1) travel expense  
864 allowance at the authorized rate per mile shall be allowed for any  
865 one (1) trip. When the travel is done by means of a public  
866 carrier or other means not involving a privately owned motor  
867 vehicle, then the officer or employee shall receive as travel  
868 expense the actual fare or other expenses incurred in such travel.

869 (4) In addition to the foregoing, a public officer or  
870 employee shall be reimbursed for other actual expenses such as  
871 meals, lodging and other necessary expenses incurred in the course  
872 of the travel, subject to limitations placed on meals for  
873 intrastate and interstate official travel by the Department of  
874 Finance and Administration, provided, that the Legislative Budget  
875 Office shall place any limitations for expenditures made on  
876 matters under the jurisdiction of the Legislature. The Department



877 of Finance and Administration shall set a maximum daily  
878 expenditure annually for such meals and shall notify officers and  
879 employees of changes to these allowances immediately upon approval  
880 of the changes. Travel by airline shall be at the tourist rate  
881 unless that space was unavailable. The officer or employee shall  
882 certify that tourist accommodations were not available if travel  
883 is performed in first class airline accommodations. Itemized  
884 expense accounts shall be submitted by those officers or employees  
885 in such number as the department, agency or institution may  
886 require; but in any case one (1) copy shall be furnished by state  
887 departments, agencies or institutions to the Department of Finance  
888 and Administration for preaudit or postaudit. The Department of  
889 Finance and Administration shall promulgate and adopt reasonable  
890 rules and regulations which it deems necessary and requisite to  
891 effectuate economies for all expenses authorized and paid pursuant  
892 to this section. Requisitions shall be made on the State Fiscal  
893 Officer who shall issue his warrant on the State Treasurer.  
894 Provided, however, that the provisions of this section shall not  
895 include agencies financed entirely by federal funds and audited by  
896 federal auditors.

897 (5) Any officer or employee of a county or municipality, or  
898 any department, board or commission thereof, who is required to  
899 travel in the performance of his official duties, may receive  
900 funds before the travel, in the discretion of the administrative  
901 head of the county or municipal department, board or commission



902 involved, for the purpose of paying necessary expenses incurred  
903 during the travel. Upon return from the travel, the officer or  
904 employee shall provide receipts of transportation, lodging, meals,  
905 fees and any other expenses incurred during the travel. Any  
906 portion of the funds advanced which is not expended during the  
907 travel shall be returned by the officer or employee. The  
908 Department of Audit shall adopt rules and regulations regarding  
909 advance payment of travel expenses and submission of receipts to  
910 ensure proper control and strict accountability for those payments  
911 and expenses.

912 (6) No state or federal funds received from any source by  
913 any arm or agency of the state shall be expended in traveling  
914 outside of the continental limits of the United States until the  
915 governing body or head of the agency makes a finding and  
916 determination that the travel would be extremely beneficial to the  
917 state agency and obtains a written concurrence thereof from the  
918 Governor, or his designee, and the Department of Finance and  
919 Administration. However, employees of state institutions of  
920 higher learning may expend funds for travel outside of the  
921 continental limits of the United States upon a written finding by  
922 the president or head of the institution that the travel would be  
923 extremely beneficial to the institution.

924 (7) Where any officer or employee of the State of  
925 Mississippi, or any department, agency or institution thereof, or  
926 of any county or municipality, or of any agency, board or



927 commission thereof, is authorized to receive travel reimbursement  
928 under any other provision of law, the reimbursement may be paid  
929 under the provisions of this section or the other section, but not  
930 under both.

931 (8) When the Governor, Lieutenant Governor or Speaker of the  
932 House of Representatives appoints a person to a board, commission  
933 or other position that requires confirmation by the Senate, the  
934 person may receive reimbursement for mileage and other actual  
935 expenses incurred in the performance of official duties before the  
936 appointment is confirmed by the Senate, as reimbursement for those  
937 expenses is authorized under this section.

938 (9) (a) The Department of Finance and Administration may  
939 contract with one or more commercial travel agencies, after  
940 receiving competitive bids or proposals therefor, for that travel  
941 agency or agencies to provide necessary travel services for state  
942 officers and employees. Municipal and county officers and  
943 municipal and county employees may also participate in the state  
944 travel agency contract and utilize these travel services for  
945 official municipal or county travel. However, the administrative  
946 head of each state institution of higher learning may, in his  
947 discretion, contract with a commercial travel agency to provide  
948 necessary travel services for all academic officials and staff of  
949 the university in lieu of participation in the state travel agency  
950 contract. Any such decision by a university to contract with a  
951 separate travel agency shall be approved by the Board of Trustees



952 of State Institutions of Higher Learning and the Executive  
953 Director of the Department of Finance and Administration.

954 (b) Before executing a contract with one or more travel  
955 agencies, the Department of Finance and Administration shall  
956 advertise for competitive bids or proposals once a week for two  
957 (2) consecutive weeks in a regular newspaper having a general  
958 circulation throughout the State of Mississippi. If the  
959 department determines that it should not contract with any of the  
960 bidders initially submitting proposals, the department may reject  
961 all those bids, advertise as provided in this paragraph and  
962 receive new proposals before executing the contract or contracts.  
963 The contract or contracts may be for a period not greater than  
964 three (3) years, with an option for the travel agency or agencies  
965 to renew the contract or contracts on a one-year basis on the same  
966 terms as the original contract or contracts, for a maximum of two  
967 (2) renewals. After the travel agency or agencies have renewed  
968 the contract twice or have declined to renew the contract for the  
969 maximum number of times, the Department of Finance and  
970 Administration shall advertise for bids in the manner required by  
971 this paragraph and execute a new contract or contracts.

972 (c) Whenever any state officer or employee travels in  
973 the performance of his official duties by airline or other public  
974 carrier, he may have his travel arrangements handled by that  
975 travel agency or agencies. The amount paid for airline  
976 transportation for any state officer or employee, whether the



977 travel was arranged by that travel agency or agencies or was  
978 arranged otherwise, shall not exceed the amount specified in the  
979 state contract established by the Department of Finance and  
980 Administration, Office of Purchasing and Travel, unless prior  
981 approval is obtained from the office.

982 (10) (a) For purposes of this subsection, the term "state  
983 agency" means any agency that is subject to oversight by the  
984 Bureau of Fleet Management of the Department of Finance and  
985 Administration under Section 25-1-77.

986 (b) Each state agency shall use a trip optimizer type  
987 system developed and administered by the Department of Finance and  
988 Administration in computing the optimum method and cost for travel  
989 by state officers and employees using a motor vehicle where the  
990 travel will exceed one hundred (100) miles per day and the officer  
991 or employee is not driving a state-owned or state-leased vehicle  
992 that has been dedicated or assigned to the officer or employee.

993 (c) The provisions of this subsection shall be used to  
994 determine the most cost-effective method of travel by motor  
995 vehicles, whether those vehicles are owned by the state agency,  
996 leased by the state agency, or owned by the officer or employee,  
997 and shall be applicable for purposes of determining the maximum  
998 authorized amount of any travel reimbursement for officers and  
999 employees of those agencies related to vehicle usage.

1000 (d) The maximum authorized amount of travel  
1001 reimbursement related to motor vehicle usage shall be the lowest





1002 cost option as determined by the trip optimizer type system. All  
1003 travel claims submitted for reimbursement shall include the  
1004 results of the trip optimizer type system indicating the lowest  
1005 cost option for travel by the state officer or employee.

1006 (e) In providing a calculation of rates, the trip  
1007 optimizer type system shall account for the distance that an  
1008 officer or employee must travel to pick up a rental or state fleet  
1009 vehicle, and shall account for the long-term rate discounts  
1010 offered through the state purchasing contract for vehicle rentals.

1011 (f) This subsection shall not apply to travel by state  
1012 officials in motor vehicles driven by the official or in vehicles  
1013 used for the transport of the official. The exemption in this  
1014 paragraph (f) applies only to the state official and not to the  
1015 staff or other employees of the state official. As used in this  
1016 paragraph (f), "state official" means statewide elected officials  
1017 and the \* \* \* appointed members of the Public Service Commission.

1018 (g) The provisions of this subsection shall not be  
1019 applicable to any state agency for the period beginning on April  
1020 8, 2022, through June 30, 2024.

1021 **SECTION 16.** Section 77-1-25, Mississippi Code of 1972, is  
1022 amended as follows:

1023 77-1-25. No member of the staff of the commission, or any  
1024 other person, shall use uniforms, material, or equipment of the  
1025 commission for private or political purposes. Members of the  
1026 staff of the commission may be candidates for political office but



1027 must take a leave of absence to do so. Members of the staff of  
1028 the commission may take part in political campaigns \* \* \* but may  
1029 not solicit or receive campaign contributions from regulated  
1030 utilities. Anyone violating the provisions of this section shall  
1031 be guilty of a misdemeanor and, upon conviction, shall be punished  
1032 as provided by law and shall be dismissed from the staff of the  
1033 commission.

1034         **SECTION 17.** Section 77-3-3, Mississippi Code of 1972, is  
1035 amended as follows:

1036             77-3-3. As used in this chapter:

1037                 (a) The term "corporation" includes a private or public  
1038 corporation, a municipality, an association, a joint-stock  
1039 association or a business trust.

1040                 (b) The term "person" includes a natural person, a  
1041 partnership of two (2) or more persons having a joint or common  
1042 interest, a cooperative, nonprofit, limited dividend or mutual  
1043 association, a corporation, or any other legal entity.

1044                 (c) The term "municipality" includes any incorporated  
1045 city, town or village.

1046                 (d) The term "public utility" includes persons and  
1047 corporations, or their lessees, trustees and receivers now or  
1048 hereafter owning or operating in this state equipment or  
1049 facilities for:

1050                         (i) The generation, manufacture, transmission,  
1051 distribution, provision, or furnishing of electricity to or for



1052 the public, whether an individual person or an entity or a  
1053 collection of persons or entities, for compensation;

1054 (ii) The transmission, sale, sale for resale, or  
1055 distribution of natural, artificial, or mixed natural and  
1056 artificial gas to the public for compensation by means of  
1057 transportation, transmission, or distribution facilities and  
1058 equipment located within this state; however, the term shall not  
1059 include the production and gathering of natural gas, the sale of  
1060 natural gas in or within the vicinity of the field where produced,  
1061 or the distribution or sale of liquefied petroleum gas or the sale  
1062 to the ultimate consumer of natural gas for use as a motor vehicle  
1063 fuel;

1064 (iii) The transmission, conveyance or reception of  
1065 any message over wire, of writing, signs, signals, pictures and  
1066 sounds of all kinds by or for the public, where such service is  
1067 offered to the public for compensation, and the furnishing, or the  
1068 furnishing and maintenance, of equipment or facilities to the  
1069 public, for compensation, for use as a private communications  
1070 system or part thereof; however, no person or corporation not  
1071 otherwise a public utility within the meaning of this chapter  
1072 shall be deemed such solely because of engaging in this state in  
1073 the furnishing, for private use as last aforementioned, and  
1074 moreover, nothing in this chapter shall be construed to apply to  
1075 television stations, radio stations, community television antenna  
1076 services, video services, Voice over Internet Protocol services



1077 ("VoIP"), any wireless services, including commercial mobile  
1078 services, Internet Protocol ("IP") - enabled services or broadband  
1079 services; and

1080 (iv) The transmission, distribution, sale or  
1081 resale of water to the public for compensation, or the collection,  
1082 transmission, treatment or disposal of sewage, or otherwise  
1083 operating a sewage disposal service, to or for the public for  
1084 compensation.

1085 The term "public utility" shall not include any person not  
1086 otherwise a public utility, who provides or furnishes the services  
1087 or commodity described in this paragraph only to himself, his  
1088 employees or tenants as an incident of such employee service or  
1089 tenancy, if such services are not sold or resold to such tenants  
1090 or employees on a metered or consumption basis other than the  
1091 submetering authorized under Section 77-3-97.

1092 The term "public utility" shall not include any person not  
1093 otherwise a public utility, who purchases electricity on a metered  
1094 retail basis from the electric public utility that holds a  
1095 certificate of public convenience and necessity for the area in  
1096 which the person is located, and provides or furnishes a portion  
1097 of that electricity, but not electricity from any other source, to  
1098 the public for compensation directly and exclusively to charge  
1099 battery-powered electric vehicles and plug-in hybrid electric  
1100 vehicles. Any such person described in this paragraph is an



1101 end-use customer, whether or not such person receives compensation  
1102 for battery or vehicle charging.

1103 A public utility's business other than of the character  
1104 defined in subparagraphs (i) through (iv) of this paragraph is not  
1105 subject to the provisions of this chapter.

1106 (e) The term "rate" means and includes every  
1107 compensation, charge, fare, toll, customer deposit, rental and  
1108 classification, or the formula or method by which such may be  
1109 determined, or any of them, demanded, observed, charged or  
1110 collected by any public utility for any service, product or  
1111 commodity described in this section, offered by it to the public,  
1112 and any rules, regulations, practices or contracts relating to any  
1113 such compensation, charge, fare, toll, rental or classification;  
1114 however, the term "rate" shall not include charges for electrical  
1115 current furnished, delivered or sold by one (1) public utility to  
1116 another for resale.

1117 (f) The word "commission" shall refer to the  
1118 consolidated Public Service Commission of the State of  
1119 Mississippi \* \* \* and Mississippi Public Utilities Staff, unless  
1120 otherwise indicated.

1121 (g) The term "affiliated interest" or "affiliate"  
1122 includes:

1123 (i) Any person or corporation owning or holding,  
1124 directly or indirectly, twenty-five percent (25%) or more of the  
1125 voting securities of a public utility;



1126 (ii) Any person or corporation in any chain of  
1127 successive ownership of twenty-five percent (25%) or more of the  
1128 voting securities of a public utility;

1129 (iii) Any corporation of which fifteen percent  
1130 (15%) or more of the voting securities is owned or controlled,  
1131 directly or indirectly, by a public utility;

1132 (iv) Any corporation of which twenty-five percent  
1133 (25%) or more of the voting securities is owned or controlled,  
1134 directly or indirectly, by any person or corporation that owns or  
1135 controls, directly or indirectly, twenty-five percent (25%) or  
1136 more of the voting securities of any public utility or by any  
1137 person or corporation in any chain of successive ownership of  
1138 twenty-five percent (25%) of such securities;

1139 (v) Any person who is an officer or director of a  
1140 public utility or of any corporation in any chain of successive  
1141 ownership of fifteen percent (15%) or more of voting securities of  
1142 a public utility; or

1143 (vi) Any person or corporation that the  
1144 commission, after notice and hearing, determines actually  
1145 exercises any substantial influence or control over the policies  
1146 and actions of a public utility, or over which a public utility  
1147 exercises such control, or that is under a common control with a  
1148 public utility, such control being the possession, directly or  
1149 indirectly, of the power to direct or cause the discretion of the  
1150 management and policies of another, whether such power is



1151 established through ownership of voting securities or by any other  
1152 direct or indirect means.

1153         However, the term "affiliated interest" or "affiliate" shall  
1154 not include a joint agency organized pursuant to Section 77-5-701  
1155 et seq., nor a member municipality thereof.

1156             (h) The term "facilities" includes all the plant and  
1157 equipment of a public utility, used or useful in furnishing public  
1158 utility service, including all real and personal property without  
1159 limitation, and any and all means and instrumentalities in any  
1160 manner owned, operated, leased, licensed, used, controlled,  
1161 furnished or supplied for, by or in connection with its public  
1162 utility business.

1163             (i) The term "cost of service" includes operating  
1164 expenses, taxes, depreciation, net revenue and operating revenue  
1165 requirement at a claimed rate of return from public utility  
1166 operations.

1167             (j) The term "lead-lag study" includes an analysis to  
1168 determine the amount of capital which investors in a public  
1169 utility, the rates of which are subject to regulation under the  
1170 provisions of this chapter, must provide to meet the day-to-day  
1171 operating costs of the public utility prior to the time such costs  
1172 are recovered from customers, and the measurement of (i) the lag  
1173 in collecting from the customer the cost of providing service, and  
1174 (ii) the lag in paying the cost of providing service by the public  
1175 utility.



1176           (k) The term "broadband services" means any service  
1177 that consists of or includes a high-speed access capability to  
1178 transmit at a rate that is not less than two hundred (200)  
1179 kilobits per second either in the upstream or downstream direction  
1180 and either:

1181                   (i) Is used to provide access to the internet, or  
1182                   (ii) Provides computer processing, information  
1183 storage, information content or protocol conversion, including any  
1184 service applications or information service provided over such  
1185 high-speed access service.

1186           (l) The term "video services" means video programming  
1187 services without regard to delivery technology, including Internet  
1188 Protocol technology ("Internet Protocol television or IPTV") and  
1189 video programming provided as a part of a service that enables  
1190 users to access content, information, email or other services  
1191 offered over the public internet. The term "video programming"  
1192 means any programming as defined in 47 USCS Section 522(20).

1193           (m) The term "Voice over Internet Protocol services" or  
1194 "VoIP services" means any service that: (i) enables real-time,  
1195 two-way voice communications that originate from or terminate to  
1196 the user's location in Internet Protocol or any successor  
1197 protocol; (ii) uses a broadband connection from the user's  
1198 location; and (iii) permits users generally to receive calls that  
1199 originate on the Public Switched Telephone Network and to  
1200 terminate calls to the Public Switched Telephone Network.





1201 (n) The term "commercial mobile services" means any  
1202 services as defined in 47 USCS Section 332(d).

1203 (o) The term "Internet Protocol-enabled services" or  
1204 "IP-enabled services" means any service, capability,  
1205 functionality, or application provided using Internet Protocol, or  
1206 any successor protocol, that enables an end user to send or  
1207 receive a communication in Internet Protocol format, or any  
1208 successor format, regardless of whether the communications is  
1209 voice, data or video. Nothing contained in this paragraph shall  
1210 apply to retail services that are tariffed by the commission.

1211 (p) "Broadband service provider" means an entity that  
1212 provides broadband services to others on a wholesale basis or to  
1213 end-use customers on a retail basis.

1214 (q) "Broadband operator" means a broadband service  
1215 provider that uses the electric delivery system of any public  
1216 utility of the type as defined in paragraph (d)(i) of this section  
1217 with the public utility's consent to provide broadband services.

1218 (r) "Electric delivery system" means the poles, lines,  
1219 fiber, cables, broadband system, materials, equipment, easements  
1220 and other facilities or properties used by any public utility of  
1221 the type as defined in paragraph (d)(i) of this section to deliver  
1222 or facilitate the delivery, sale or use of electric energy.

1223 (s) "Eligible municipality" means any municipality with  
1224 a population of greater than One Hundred Thousand (100,000)  
1225 according to the latest decennial census which has been the



1226 subject of litigation by the United States Environmental  
1227 Protection Agency for violations of the Safe Drinking Water Act,  
1228 42 USC Section 300(f) et seq.

1229 (t) "Eligible homeowners association" means any  
1230 homeowners association created and governed by restrictive  
1231 covenants, if the subdivision subject to these covenants:

1232 (i) Was constructed prior to 1970 outside of  
1233 municipal boundaries;

1234 (ii) Was subsequently annexed by an eligible  
1235 municipality, irrespective of whether the municipality was an  
1236 eligible municipality at the time of annexation or subsequently  
1237 became eligible; and

1238 (iii) Is adjacent to which a ground water well  
1239 system originally designed to supply the subdivision which  
1240 continues to provide drinking water to a private user is located.

1241 **SECTION 18.** Section 77-3-91, Mississippi Code of 1972, is  
1242 amended as follows:

1243 77-3-91. The following terms when used in Sections 77-3-91  
1244 through 77-3-95 shall have the following meaning:

1245 (a) "Utility" means an entity as defined in Section  
1246 77-3-3(d) (i), Mississippi Code of 1972, and whose rates for retail  
1247 electric service are subject to regulation in this state.

1248 (b) "Commission" means the consolidated Mississippi  
1249 Public Service Commission and Mississippi Public Utilities Staff.



1250 (c) "Return" means before-tax return on common equity  
1251 capital of the utility.

1252 (d) "Nonutility generator" means an entity selling  
1253 electric capacity or energy at wholesale and which is not itself a  
1254 utility as defined in paragraph (a) of this section. Nonutility  
1255 generator shall not include any entity that is making the sale to  
1256 the purchasing utility pursuant to a holding company system  
1257 pooling agreement or a wholesale power sales agreement between or  
1258 among affiliates where the allocation of power is mandated by the  
1259 Federal Energy Regulatory Commission.

1260 (e) "Nonassociated source" means an entity which is not  
1261 an affiliate or a subsidiary of the utility.

1262 (f) "Capacity" means that portion of a wholesale  
1263 purchase which represents the availability of the generating unit  
1264 to produce the energy to be transmitted to the purchasing utility.

1265 (g) "Energy" means the electricity, as opposed to the  
1266 availability, received by the purchasing utility pursuant to the  
1267 sale.

1268 **SECTION 19.** Section 77-3-111, Mississippi Code of 1972, is  
1269 amended as follows:

1270 77-3-111. As used in Sections 77-3-111 through 77-3-127:

1271 (a) "Assignee" means any person or legal entity to  
1272 which an interest in security property is sold, assigned,  
1273 transferred or conveyed (other than as security) and any successor  
1274 to or subsequent assignee of such a person or legal entity.



1275 (b) "Bondholder" means any holder or owner of a rate  
1276 reduction bond.

1277 (c) "Commission" means the consolidated Mississippi  
1278 Public Service Commission and Mississippi Public Utilities Staff.

1279 (d) "Financing costs" means:

1280 (i) Any payment made on or before issuance of rate  
1281 reduction bonds and any amount required to fund any reserves or  
1282 other accounts established pursuant to the terms of any financing  
1283 order, indenture or other financing documents pertaining to rate  
1284 reduction bonds;

1285 (ii) Principal, interest and acquisition,  
1286 defeasance or redemption premiums and all other amounts that are  
1287 payable on rate reduction bonds;

1288 (iii) Any amount required to be paid under any  
1289 financing document;

1290 (iv) Any amount required to fund or replenish any  
1291 reserves or other accounts established pursuant to the terms of  
1292 any financing order, indenture, financing document or other  
1293 financing document pertaining to rate reduction bonds;

1294 (v) Any taxes, fees, franchise, transfer, profits,  
1295 license, excise, severance, customs, duties, assessments or other  
1296 charges imposed by any governmental or taxing authority on the  
1297 rate reduction bond charge revenue whether paid, payable or  
1298 accrued;



1299 (vi) Any other cost related to issuing,  
1300 supporting, repaying, servicing, retiring, refinancing or  
1301 refunding rate reduction bonds and all other required amounts  
1302 payable in connection therewith, including, but not limited to,  
1303 servicing fees and expenses, accounting and auditing fees and  
1304 expenses, legal fees and expenses, consulting fees and expenses,  
1305 security registration fees, trustee fees and expenses, insurance  
1306 premiums, administrative fees, placement and underwriting fees,  
1307 rating agency fees, stock exchange listing fees, compliance fees,  
1308 costs to create or amend financing documents, and costs to obtain  
1309 waivers, consents or approvals;

1310 (vii) Any costs and expenses associated with the  
1311 creation, operation, management and winding up of any special  
1312 purpose entity created by the electric public utility in  
1313 connection with the issuance of rate reduction bonds; and

1314 (viii) Any other costs deemed appropriate by the  
1315 commission.

1316 (e) "Financing document" or "financing documents" means  
1317 any bond, insurance policy, letter of credit, reserve account,  
1318 surety bond, swap agreement, hedging arrangement, liquidity or  
1319 credit support arrangement, trust indenture, security agreement,  
1320 pledge agreement, financing agreement, transfer or assignment  
1321 document, or other document or financial arrangement entered into  
1322 in connection with the issuance of rate reduction bonds.



1323 (f) "Financing party" shall include any and all of the  
1324 following:

1325 (i) Any trustee, collateral agent, or other person  
1326 acting on behalf or for the benefit of any bondholder under any  
1327 financing document; or

1328 (ii) Any party to a financing document, the rights  
1329 and obligations of which relate to or depend upon the existence of  
1330 security property, the enforcement and priority of a security  
1331 interest in security property, the timely collection and payment  
1332 of rate reduction bond charge revenues, or a combination of any of  
1333 the foregoing.

1334 (g) "Financing statement" shall have the same meaning  
1335 as that provided in Article 9 of the Uniform Commercial Code, as  
1336 same may be amended from time to time.

1337 (h) "Issuing entity" means any person or legal entity,  
1338 including, but not limited to, any corporation, limited liability  
1339 company, partnership, limited partnership, public authority or  
1340 trust, that issues rate reduction bonds pursuant to a financing  
1341 order issued pursuant to Sections 77-3-111 through 77-3-127.

1342 (i) "Nonbypassable" means, with respect to rate  
1343 reduction bond charges, that, so long as rate reduction bonds are  
1344 outstanding and the related financing costs have not been  
1345 recovered in full, such charges cannot be avoided by any retail  
1346 customer of the electric public utility, including special  
1347 contract customers, or any other person located within the



1348 electric public utility's certificated area that is directly or  
1349 indirectly connected to electric facilities of the electric public  
1350 utility or its successors or assignees and receiving retail  
1351 electric service pursuant to a commission approved rate, even if  
1352 such retail customer or other person elects to purchase  
1353 electricity from an alternative electricity supplier following a  
1354 fundamental change in regulation of electric public utilities in  
1355 this state.

1356 (j) "Qualifying facility" shall mean a generating  
1357 facility as the term is defined in Section 77-3-103:

1358 (i) That uses coal gasification or clean coal  
1359 technology with a coal fuel stock derived, in whole or in part,  
1360 from the State of Mississippi; and

1361 (ii) That is placed into commercial operation on  
1362 or before December 31, 2020.

1363 (k) "Qualifying facility cost" means any cost incurred  
1364 or expected to be incurred by an electric public utility related  
1365 to a qualifying facility, including, but not limited to,  
1366 preconstruction costs, construction costs, capitalized cost  
1367 relating to a regulatory asset, any amounts accrued as allowance  
1368 for funds used during construction and construction work in  
1369 progress.

1370 (l) "Rate reduction bonds" or "bonds" means those  
1371 debentures, notes, certificates of participation, certificates of  
1372 beneficial interest, certificates of ownership or other evidences



1373 of indebtedness or ownership that are issued by an issuing entity  
1374 under a financing order, the proceeds of which are used directly  
1375 or indirectly to recover, finance or refinance generation facility  
1376 costs and financing costs, and that are secured by or payable from  
1377 security property and which shall have a maturity date of no more  
1378 than twenty (20) years after the date of issuance.

1379 (m) "Rate reduction bond charge" means the  
1380 nonbypassable tariff, rate, charge, formula or mechanism  
1381 established in a financing order to fully recover financing costs,  
1382 which is to be imposed on, and as a part of, all retail customer  
1383 bills, including special contract customer bills, and collected by  
1384 an electric public utility or its successors or assignees, or a  
1385 collection agent, separate and apart from the base rates of the  
1386 electric public utility.

1387 (n) "Rate reduction bond charge revenue" means any and  
1388 all revenues, receipts, collections, claims, rights to payments,  
1389 payments, monies or other proceeds arising from the security  
1390 property and collected by an electric public utility or other  
1391 collection agent that is attributable to a rate reduction bond  
1392 charge.

1393 (o) "Secured party" means a financing party to which an  
1394 electric public utility, issuing entity or their respective  
1395 successors or assignees mortgages, negotiates, hypothecates,  
1396 grants, pledges, or creates a security interest or lien on all or  
1397 any portion of the rights in or to the security property.





1398 (p) "Security property" means all rights and interests  
1399 of an electric public utility established upon the issuance of a  
1400 financing order under Sections 77-3-111 through 77-3-127,  
1401 including, but not limited to:

1402 (i) The right to bill and to obtain periodic  
1403 true-up adjustments to the rate reduction bond charge as provided  
1404 in the financing order and Sections 77-3-111 through 77-3-127;

1405 (ii) The right to receive rate reduction bond  
1406 charge revenue, as periodically adjusted, imposed, billed,  
1407 collected and transferred; and

1408 (iii) All revenues, receipts, collections, claims,  
1409 rights to payments, payments, money or other proceeds arising from  
1410 the rights and interests described in subparagraphs (i) and (ii)  
1411 of this subsection, regardless of whether such collections,  
1412 claims, rights to payment, payments, money or proceeds are  
1413 imposed, billed, received, collected, or maintained together with  
1414 or commingled with other revenues, receipts, collections, rights  
1415 to payment, payments, money or other proceeds of an electric  
1416 public utility or collection agent.

1417 (q) "Uniform Commercial Code" shall have the same  
1418 meaning as provided in Title 75 of the Mississippi Code of 1972.

1419 **SECTION 20.** Section 77-11-305, Mississippi Code of 1972, is  
1420 amended as follows:



1421           77-11-305. For the purposes of this article, the following  
1422 words shall have the meaning ascribed herein unless the context  
1423 shall otherwise require:

1424           (a) "Corporation" shall mean a private or public  
1425 corporation, municipality, association, a joint stock association  
1426 or a business trust.

1427           (b) "Person" shall include a natural person, a  
1428 partnership of two (2) or more persons having a joint or common  
1429 interest, a cooperative, nonprofit, limited dividend, or mutual  
1430 association, a corporation or any other legal entity.

1431           (c) "Municipality" shall mean any incorporated city or  
1432 town or village.

1433           (d) "Intrastate gas pipeline" shall mean the entire  
1434 pipeline system owned by an entity carrying gas produced wholly  
1435 within this state, which is not a field gathering system,  
1436 including the primary gas pipeline and all lateral supply lines  
1437 and related facilities extending therefrom to the point of sale to  
1438 any industrial users, a public utility, or a public utility owned  
1439 or operated by a municipality.

1440           (e) "Public utility" as used in this article shall mean  
1441 any entity as defined by Section 77-3-3(d)(ii), Mississippi Code  
1442 of 1972.

1443           (f) "Commission" shall mean the consolidated  
1444 Mississippi Public Service Commission and Mississippi Public  
1445 Utilities Staff.



1446           **SECTION 21.** Section 77-13-3, Mississippi Code of 1972, is  
1447 amended as follows:

1448           77-13-3. The words defined in this section shall have the  
1449 following meanings when found in this chapter:

1450           (a) "Abandoned facility" means any underground utility  
1451 line or underground utility facilities no longer used in the  
1452 conduct of the owner/operator's business and are not intended to  
1453 be used in the future.

1454           (b) "Approximate location of underground utility lines  
1455 or underground facilities" means information about an operator's  
1456 underground utility lines or underground facilities which is  
1457 provided to a person by an operator and must be accurate within  
1458 eighteen (18) inches measured horizontally from the outside edge  
1459 of each side of such operator's facility, or a strip of land  
1460 eighteen (18) inches either side of the operator's field mark, or  
1461 the marked width of the facility or line plus eighteen (18) inches  
1462 on each side of the marked width of the facility or line.

1463           (c) "Board" means the Underground Facilities Damage  
1464 Prevention Board, created by Section 77-13-29.

1465           (d) "Calendar day" means a twenty-four-hour period.

1466           (e) "Commission" means the consolidated Mississippi  
1467 Public Service Commission and Mississippi Public Utilities Staff.

1468           (f) "Damage" means the substantial weakening of  
1469 structural or lateral support of underground utility lines and  
1470 underground facilities, penetration or destruction of any



1471 protective coating, housing or other protective devices of an  
1472 underground utility line or underground facility, and the partial  
1473 or complete severance of any underground utility line or  
1474 underground facility, but does not include any operator's  
1475 abandoned facility.

1476 (g) "Design Information Request" means a notification  
1477 made to Mississippi 811, Incorporated, by a person providing  
1478 professional services and making a request in preparation for  
1479 bidding, preconstruction engineering, or other advance planning  
1480 efforts that do not involve excavation. A design information  
1481 services request may not be used for excavation purposes.

1482 (h) "Emergency excavation" means excavation at times of  
1483 emergency involving imminent danger to life, health or property or  
1484 a customer service outage.

1485 (i) "Excavate or excavation" means any operation in  
1486 which earth, rock or other material or mass of material on or  
1487 below the ground is moved or otherwise displaced by any means,  
1488 except: (i) the tilling of the soil less than twenty-four (24)  
1489 inches in depth for agricultural purposes; or (ii) an operation in  
1490 which earth, rock or other material or mass of material on or  
1491 below the ground is moved or otherwise displaced to a depth of  
1492 less than twelve (12) inches on private property by the property  
1493 owner without the use of mechanical excavating equipment; or (iii)  
1494 an operation in which earth, rock or other material or mass of  
1495 material on or below the ground is moved or otherwise displaced



1496 without the use of mechanical excavating equipment to a depth of  
1497 less than twelve (12) inches on private property by an excavator  
1498 who is not the property owner, except when such excavation is in a  
1499 clearly marked underground facility right-of-way; or (iv) routine  
1500 railroad maintenance activities conducted within the track  
1501 structure, drainage ditches, or within the railroad right-of-way a  
1502 distance not to exceed thirty (30) feet from the outside rail of  
1503 the outermost track or tracks, provided this work is performed by  
1504 railroad employees or railroad contractors and is carried out with  
1505 reasonable care so as to protect any underground facilities  
1506 properly installed in the railroad right-of-way by agreement with  
1507 the railroad; or (v) routine activities of a cemetery, provided  
1508 that for any cemetery that begins or expands after July 1, 2015,  
1509 such activities occur only after initial notice is provided to  
1510 Mississippi 811, Incorporated, and all affected operators have  
1511 advised that there are no underground facilities within the  
1512 boundaries of the subject cemetery; or (vi) routine maintenance  
1513 activities carried out by or for those responsible for publicly  
1514 maintained roadways and rights-of-way, provided that the  
1515 activities occur entirely within the public right-of-way and do  
1516 not penetrate the earth to a depth of more than twelve (12) inches  
1517 and are carried out with reasonable care so as to protect any  
1518 underground facilities placed in the right-of-way. Routine  
1519 maintenance activities shall be more specifically described in the  
1520 rules and regulations adopted by the board; or (vii) the driving



1521 of wooden stakes by use of hand tools which do not penetrate the  
1522 earth to a depth of not more than six (6) inches. The term  
1523 "excavate" shall include, but not be limited to, the operations of  
1524 demolition, blasting, grading, land leveling, trenching, digging,  
1525 ditching, drilling, augering, tunneling, scraping, cable or pipe  
1526 plowing, driving, jacking, wrecking, razing, rending, moving or  
1527 removing any structure or other material or mass of material on or  
1528 below the ground.

1529 (j) "Excavator" means any person who engages directly  
1530 in excavation.

1531 (k) "Mark" means the use of stakes, paint or other  
1532 clearly identifiable materials to show the field location of  
1533 underground facilities in accordance with the current color code  
1534 standard of the American Public Works Association, or the  
1535 uncovering or exposing of underground facilities so that the  
1536 excavator may readily see the location of same, or the pointing  
1537 out to the excavator of certain aboveground facilities such as,  
1538 but not limited to, manhole covers, valve boxes and pipe and cable  
1539 risers, which indicate the location of underground facilities.

1540 (l) "Mechanical excavating equipment" means all  
1541 equipment powered by any motor, engine, or hydraulic or pneumatic  
1542 device used for excavating and shall include, but not be limited  
1543 to, trenchers, bulldozers, backhoes, power shovels, scrapers,  
1544 draglines, clam shells, augers, drills, cable and pipe plows and  
1545 other plowing-in or pulling-in equipment.



1546 (m) "Mississippi 811, Incorporated," means a nonprofit  
1547 corporation organized under the laws of the State of Mississippi  
1548 that provides a service through which a person shall notify the  
1549 operator(s) of underground facilities of plans to excavate and  
1550 request marking of facilities.

1551 (n) "Mississippi One-Call System, Incorporated," means  
1552 "Mississippi 811, Incorporated." Whenever the term "Mississippi  
1553 One-Call System, Incorporated," appears in this chapter, the term  
1554 shall mean "Mississippi 811, Incorporated."

1555 (o) "Operator" means any person who owns or operates a  
1556 utility. However, the term "operator" shall not include any  
1557 railroad or the Mississippi Department of Transportation.

1558 (p) "Person" means any individual, firm, partnership,  
1559 association, trustee, receiver, assignee, corporation, entity,  
1560 limited liability company, utility, joint venture, municipality,  
1561 state governmental unit, subdivision or instrumentality of the  
1562 state, or any legal representative thereof.

1563 (q) "Pipeline Safety Division" means the Pipeline  
1564 Safety Division of the Public Service Commission.

1565 (r) "Positive Response Information System" or "PRIS"  
1566 means an automated information system operated and maintained by  
1567 Mississippi 811, Incorporated, that allows excavators, locators,  
1568 facility owners or operators, and other affected parties to enter  
1569 and/or determine the status of a locate request.



1570           (s) "Underground facility" means any underground  
1571 utility lines and other items which shall be buried or placed  
1572 below ground or submerged for use in connection with underground  
1573 utility lines and including, but not be limited to, pipes, sewers,  
1574 conduits, cables, valves, lines, wires, manholes, vaults,  
1575 attachments and those portions of poles below the ground.

1576           (t) "Underground utility lines" means underground or  
1577 buried cable, conduit pipes and related facilities for  
1578 transportation and delivery of electricity, telecommunications  
1579 (including fiber optics), water, sewage, gas, mixtures of gases,  
1580 petroleum, petroleum products or hazardous, flammable, toxic or  
1581 corrosive liquids.

1582           (u) "Utility" means any person who supplies,  
1583 distributes or transports by means of underground utility lines or  
1584 underground facilities any of the following materials or services:  
1585 gas, mixture of gases, petroleum, petroleum products or hazardous,  
1586 toxic, flammable or corrosive liquids, electricity,  
1587 telecommunications (including fiber optics), sewage, drainage,  
1588 water, steam or other substances.

1589           (v) "Working day" means a twenty-four-hour period  
1590 commencing from the time the locate request is processed or  
1591 entered into the system by Mississippi 811, Incorporated, in  
1592 accordance with this chapter, excluding Saturdays, Sundays and  
1593 legal holidays.





1594 (w) "Impending Emergency" means circumstances  
1595 potentially dangerous to life, health, property, or loss of  
1596 customer services, which would likely develop into an emergency,  
1597 as defined in Section 77-13-11, if excavation is not initiated  
1598 sooner than the normal notification requirements allow.

1599 **SECTION 22.** Section 77-1-51, Mississippi Code of 1972, is  
1600 amended as follows:

1601 77-1-51. Sections 77-1-1 through 77-1-49, Mississippi Code  
1602 of 1972, which create the Public Service Commission and prescribe  
1603 its powers and duties, shall stand repealed as of December  
1604 31, \* \* \* 2028.

1605 **SECTION 23.** This act shall take effect and be in force from  
1606 and after July 1, 2024.

