

House Amendments to Senate Bill No. 2283

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

19 **SECTION 1.** Section 77-1-51, Mississippi Code of 1972, is
20 amended as follows:

21 77-1-51. * * * This chapter shall stand repealed as of
22 December 31, * * * 2028.

23 **SECTION 2.** Section 77-1-55, Mississippi Code of 1972, is
24 amended as follows:

25 77-1-55. (1) The Public Service Commission, with the aid
26 and the assistance of the Public Utilities Staff, shall have the
27 power to monitor, investigate, and seek relief in any appropriate
28 federal forum from all existing or proposed interstate rates,
29 charges, allocations and classifications, and all rules and
30 practices in relation thereto promulgated and prescribed by or for
31 any public utility as defined in Section 77-3-3(d) (i).

32 (2) The Public Service Commission, with the aid and the
33 assistance of the Public Utilities Staff, may seek relief from any
34 proposed or final decision, order, regulation, rule or law that

35 has an impact on any existing or proposed interstate rate, charge,
36 allocation or classification.

37 (3) For the purpose of this section, the Public Service
38 Commission and the Executive Director of the Public Utilities
39 Staff may each enter into professional services contracts with one
40 or more attorneys or consultants from a competent, qualified and
41 independent firm as may be required by the commission or the
42 executive director. Costs associated with the professional
43 service contracts shall not exceed One Million Five Hundred
44 Thousand Dollars (\$1,500,000.00) for each agency with respect to
45 each rate regulated affected utility in any twelve-month period.
46 The consultants or counsel shall submit periodically, but no less
47 frequently than once each calendar quarter, to the executive
48 director or the commission, as applicable, for approval of
49 payment, itemized bills detailing the work performed. The
50 executive director or the chairman of the commission, as
51 applicable, shall requisition the applicable public utility to
52 make the requisite payments to such consultants. The commission
53 shall allow the utility to recover both the total costs the
54 utility incurred under this section and the carrying charges for
55 those costs through a rate rider established to recover the costs
56 incurred and carrying charges incurred. Such rider shall include
57 a true-up provision to ensure actual recovery of costs paid or
58 otherwise incurred by the utility.

59 * * *

60 **SECTION 3.** Section 77-1-1, Mississippi Code of 1972, is
61 brought forward as follows:

62 77-1-1. A public service commission, hereinafter referred to
63 in this chapter as the commission, is hereby created, consisting
64 of three (3) members, one (1) to be elected from each of the three
65 (3) Supreme Court districts by the qualified electors of such
66 district. Elections for such officers shall be held in the
67 general election in November 1959, and every four (4) years
68 thereafter, and the terms of office of the three (3) commissioners
69 elected at the general election in November 1959 shall expire on
70 December 31, 1963.

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

73 The commissioners shall each possess the qualifications
74 prescribed for the Secretary of State. The commissioners shall
75 not operate, own any stock in, or be in the employment of any
76 telephone company, gas or electric utility company, or any other
77 public utility that shall come under their jurisdiction or
78 supervision.

79 **SECTION 4.** Section 77-1-3, Mississippi Code of 1972, is
80 brought forward as follows:

81 77-1-3. The commission shall have a seal, having around the
82 margin the words "Mississippi Public Service Commission," and in
83 the center such device as it may select. The acts of the
84 commission shall be authenticated by its seal.

85 **SECTION 5.** Section 77-1-5, Mississippi Code of 1972, is
86 brought forward as follows:

87 77-1-5. The commission shall keep an office in the City of
88 Jackson, which shall be kept open Monday through Friday of each
89 week for eight (8) hours each day. The commission shall meet at
90 its office on the first Tuesday of each month and at such other
91 times and places as its duties may require. The commission may
92 sit from day to day and from time to time, and any meeting may be
93 pretermitted not exceeding two (2) in any year.

94 The members of the commission shall devote their entire time
95 to the performance of their official duties on every business day,
96 except on the legal holidays enumerated in Section 3-3-7,
97 Mississippi Code of 1972. However, official acts of the
98 commission done on legal holidays shall be valid.

99 The commission shall keep regular minutes of its proceedings,
100 which shall be a public record, and all orders, findings and acts
101 of the commission shall be entered on the minutes.

102 Two (2) members of the commission shall be a quorum.

103 **SECTION 6.** Section 77-1-6, Mississippi Code of 1972, is
104 amended as follows:

105 77-1-6. There is * * * established in the State Treasury a
106 special fund to be known as the "Public Service Commission
107 Regulation Fund." Such fund shall be the sole fund of the
108 commission for all monies collected and deposited to the credit of
109 or appropriated to the commission. The fund shall be administered

110 as provided in this title and shall be audited annually by the
111 State Auditor.

112 * * *

113 **SECTION 7.** Section 77-1-11, Mississippi Code of 1972, is
114 brought forward as follows:

115 77-1-11. (1) It shall be unlawful for any public service
116 commissioner, any candidate for public service commissioner, or
117 any employee of the Public Service Commission or Public Utilities
118 Staff to knowingly accept any gift, pass, money, campaign
119 contribution or any emolument or other pecuniary benefit
120 whatsoever, either directly or indirectly, from any person
121 interested as owner, agent or representative, or from any person
122 acting in any respect for such owner, agent or representative of
123 any telephone company, gas or electric utility company, or any
124 other public utility that shall come under the jurisdiction or
125 supervision of the Public Service Commission. Any person found
126 guilty of violating the provisions of this subsection shall
127 immediately forfeit his or her office or position and shall be
128 fined not less than Five Thousand Dollars (\$5,000.00), imprisoned
129 in the State Penitentiary for not less than one (1) year, or both.

130 (2) It shall be unlawful for any person interested as owner,
131 agent or representative, or any person acting in any respect for
132 such owner, agent or representative of any telephone company, gas
133 or electric utility, or any other public utility that shall come
134 under the jurisdiction or supervision of the Public Service
135 Commission to offer any gift, pass, money, campaign contribution

136 or any emolument or other pecuniary benefit whatsoever to any
137 public service commissioner, any candidate for public service
138 commissioner or any employee of the Public Service Commission or
139 Public Utilities Staff. Any party found guilty of violating the
140 provisions of this subsection shall be fined not less than Five
141 Thousand Dollars (\$5,000.00), or imprisoned in the State
142 Penitentiary for not less than one (1) year, or both.

143 (3) For purposes of this section, the term "emolument" shall
144 include salary, donations, contributions, loans, stock tips,
145 vacations, trips, honorarium, directorships or consulting posts.
146 Expenses associated with social occasions afforded public servants
147 shall not be deemed a gift, emolument or other pecuniary benefit
148 as defined in Section 25-4-103(k), Mississippi Code of 1972.

149 (4) For purposes of this section, a person who is a member
150 of a water, gas, electric or other cooperative association
151 regulated by the Public Service Commission shall not, by virtue of
152 such membership, be deemed an owner, agent or representative of
153 such association unless such person is acting in any respect for
154 or as an owner, agent or representative of such association; nor
155 shall a person who owns less than one-half of one percent (1/2 of
156 1%) in stock, the value thereof not to exceed Ten Thousand Dollars
157 (\$10,000.00), of any public utility that is regulated by the
158 Public Service Commission, or of any holding company of such
159 public utility, by virtue of such ownership, be deemed an owner,
160 agent or representative of such public utility unless such person

161 is acting in any respect for or as an owner, agent or
162 representative of such public utility.

163 **SECTION 8.** Section 77-1-15, Mississippi Code of 1972, is
164 amended as follows:

165 77-1-15. (1) There shall be an executive secretary of the
166 commission, * * * referred to in this chapter as the secretary, to
167 be appointed by the commission, by and with the advice and consent
168 of the Senate, for the term of the commissioners. The secretary
169 must have the same qualifications as the commissioners and shall
170 be subject to the same disqualifications and to like penalties,
171 except that he shall not be liable to impeachment. He shall
172 receive a salary fixed by the Legislature. He shall take the oath
173 of office and shall be removable at the pleasure of the
174 commission, which may fill any vacancy until the Senate confirms a
175 successor. The secretary shall make bond as provided for other
176 state officers, in the sum of Ten Thousand Dollars (\$10,000.00),
177 conditioned upon the faithful performance of the duties of his
178 office.

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

182 (3) The secretary of the commission shall be the custodian
183 of all records, documents, and the seal of the commission. He
184 shall issue all citations, subpoenas and other rightful orders and
185 documents, and perform all other duties usually required of such
186 officer, and as required by the commission.

187 (4) It shall be the duty and responsibility of the secretary
188 to supervise and manage the offices and staff of the Public
189 Service Commission and formulate written policies and procedures
190 for the effective and efficient operation of the office and
191 present these policies and procedures to the board for
192 promulgation.

193 * * *

194 **SECTION 9.** Section 77-1-25, Mississippi Code of 1972, is
195 brought forward as follows:

196 77-1-25. No member of the staff of the commission, or any
197 other person, shall use uniforms, material, or equipment of the
198 commission for private or political purposes. Members of the
199 staff of the commission may be candidates for political office but
200 must take a leave of absence to do so. Members of the staff of
201 the commission may take part in political campaigns other than
202 campaigns for Public Service Commission but may not solicit or
203 receive campaign contributions from regulated utilities. Anyone
204 violating the provisions of this section shall be guilty of a
205 misdemeanor and, upon conviction, shall be punished as provided by
206 law and shall be dismissed from the staff of the commission.

207 **SECTION 10.** Section 77-1-27, Mississippi Code of 1972, is
208 brought forward as follows:

209 77-1-27. All commission employees provided for in this
210 chapter shall be paid out of the appropriations made to defray the
211 expenses of the commission, upon requisitions and warrants in the
212 same manner provided by law for the disbursements of

213 appropriations for the commission. An itemized account shall be
214 kept of all receipts and expenditures and shall be reported to the
215 Legislature by the commission.

216 **SECTION 11.** Section 77-1-29, Mississippi Code of 1972, is
217 amended as follows:

218 77-1-29. On or before the twentieth day of each calendar
219 month, the commission shall pay into the State Treasury to the
220 account of the "Public Service Commission Regulation Fund" all
221 monies collected by it during the preceding calendar month,
222 showing from whom collected, when collected and for what purposes
223 collected. All disbursements made by the commission or from the
224 regulation fund for any purposes, other than for salaries provided
225 by law, shall be supported by a detailed and itemized statement
226 approved by the commission for commission disbursements. The
227 commission shall not expend funds from the "Public Service
228 Commission Regulation Fund" to employ personnel whose services
229 would duplicate services provided by any employee of the Public
230 Utilities Staff.

231 * * *

232 **SECTION 12.** Section 77-1-31, Mississippi Code of 1972, is
233 brought forward as follows:

234 77-1-31. The commission shall keep a docket of petitions and
235 complaints, which shall be entered in regular order. The docket
236 shall be called at each regular meeting of the board, and the
237 cases thereon disposed of, or, if necessary, continued until the
238 next meeting.

239 **SECTION 13.** Section 77-1-33, Mississippi Code of 1972, is
240 brought forward as follows:

241 77-1-33. In any matter of inquiry pending before the
242 commission or any member thereof, subpoenas for witnesses, and
243 subpoenas duces tecum, may be issued by the secretary, under seal,
244 or by any member without the seal, and shall be executed and
245 returned by any sheriff, constable, or marshal, under the like
246 penalties of law for failure to execute and return the process of
247 the circuit court. If any person duly summoned to appear and
248 testify before the commission, or before any one or more of the
249 commissioners, shall fail or refuse to appear and testify, or to
250 bring and produce, as commanded, any book, paper, or document,
251 without a lawful excuse, or shall refuse to answer any proper
252 question propounded to him by the commission or any of the
253 commissioners, or if any person shall obstruct the commission, or
254 one or more of the commissioners in the discharge of duty, or
255 shall conduct himself in a rude, disrespectful, or disorderly
256 manner before the commission deliberating in the discharge of
257 duty, such witness or person shall be guilty of a misdemeanor,
258 and, upon conviction, shall be fined not more than One Thousand
259 Dollars (\$1,000.00), or be imprisoned in the county jail for a
260 period not exceeding six (6) months, or both.

261 **SECTION 14.** Section 77-1-35, Mississippi Code of 1972, is
262 brought forward as follows:

263 77-1-35. The several members of the commission and the
264 secretary may, in the discharge of their duties, administer oaths

265 and take affidavits. The commission and each member thereof may
266 examine witnesses under oath in all matters coming before them.
267 If any person shall testify falsely, or make any false affidavit
268 or oath before the commission, or before any of the commissioners,
269 or before any officer, to any matter coming before the commission,
270 he shall be guilty of perjury, and, upon conviction, shall be
271 punished according to law.

272 **SECTION 15.** Section 77-1-37, Mississippi Code of 1972, is
273 brought forward as follows:

274 77-1-37. Witnesses summoned to appear before the commission
275 shall be entitled to the same per diem and mileage as witnesses
276 attending the circuit court. Witnesses summoned by the commission
277 on its behalf shall be paid as are other expenditures of the
278 commission, upon the certificate of the commission showing the
279 amount to which such witness may be entitled. Witnesses summoned
280 for any carrier shall be paid by it.

281 **SECTION 16.** Section 77-1-39, Mississippi Code of 1972, is
282 brought forward as follows:

283 77-1-39. In all cases where the testimony of witnesses is
284 given orally before the commission any interested party or the
285 commission shall have the right to have said testimony taken down
286 and transcribed by a stenographer or court reporter, who is not an
287 employee of the commission, to be agreed upon by the parties or
288 appointed by the commission. The stenographer or court reporter
289 so employed shall be duly sworn and his or her certificate that
290 the transcript of such evidence is correct together with the

291 official certificate of any one (1) of the commissioners that he
292 has read the same and that it is in his opinion correct shall
293 entitle such transcript or a certified copy thereof to be received
294 in evidence on any appeal or in any court in this state subject
295 only to any objection that the same is not relevant or material.
296 The stenographer or court reporter shall be paid in accordance
297 with the provisions of Section 9-13-33. The commission shall have
298 the right to require any party demanding an official stenographer
299 to guarantee or prepay the costs thereof in all proper cases.

300 **SECTION 17.** Section 77-1-41, Mississippi Code of 1972, is
301 brought forward as follows:

302 77-1-41. All findings of the commission and the
303 determination of every matter by it shall be made in writing and
304 placed upon its minutes. Proof thereof shall be made by a copy of
305 the same duly certified by the secretary under the seal of the
306 commission. Whenever any matter has been determined by the
307 commission, in the course of any proceeding before it the fact of
308 such determination, duly certified, shall be received in all
309 courts and by every officer in civil cases as prima facie evidence
310 that such determination was right and proper. The record of the
311 proceedings of the commission shall be deemed a public record, and
312 shall at all reasonable times be subject to the inspection of the
313 public.

314 **SECTION 18.** Section 77-1-43, Mississippi Code of 1972, is
315 brought forward as follows:

316 77-1-43. The commission may apply to the circuit or chancery
317 court, by proper proceeding, for aid in the enforcement of
318 obedience to its process, and to compel compliance with Title 77,
319 Mississippi Code of 1972, and its lawful rules, regulations,
320 orders, decisions, and determinations. Said courts shall have
321 jurisdiction to grant aid and relief in such cases, subject to the
322 right of appeal to the Supreme Court by the party aggrieved. The
323 commission itself may, by order after notice and hearing,
324 institute such proceedings or, at the request of the commission by
325 order after notice and hearing, the Attorney General, or district
326 attorney in his district, shall institute such proceedings in the
327 name of the commission.

328 **SECTION 19.** Section 77-1-47, Mississippi Code of 1972, is
329 brought forward as follows:

330 77-1-47. Appeals from any final finding, order or judgment
331 of the commission shall be taken and perfected by the filing of a
332 bond in the sum of Five Hundred Dollars (\$500.00) with two (2)
333 sureties, or with a surety company qualified to do business in
334 Mississippi as the surety, conditioned to pay the cost of such
335 appeal. Said bond shall be approved by the chairman or secretary
336 of the commission, or by the judge of the court to which such
337 appeal is taken in case the chairman or secretary of the
338 commission refuses to approve a proper bond tendered to them
339 within the time limited for taking appeals. The commission may
340 grant a supersedeas bond on any appeal, in such penalty and with
341 such surety thereon as it may deem sufficient, and may, during the

342 pendency of any appeal, at any time, require the increase of any
343 such supersedeas bond or additional securities thereon. The judge
344 of the Circuit Court of Hinds County may on petition therefor by
345 any party entitled to an appeal, presented to him within six (6)
346 months of the date of the final finding, order, or judgment of the
347 commission appealed from, award a writ of supersedeas to any such
348 final finding, order, or judgment of the commission, upon the
349 filing of a supersedeas bond in an amount to be fixed by said
350 judge. All appeal bonds for the payment of costs, and all
351 supersedeas bonds, shall be made payable to the state and may be
352 enforced in the name of the state by motion or other legal
353 proceedings or remedy in any circuit court of this state having
354 jurisdiction of a motion or action on such bond, and the process
355 and proceedings thereon shall be as provided by law upon bonds of
356 like character required and taken by any court of this state.
357 Such circuit court may render and enter like judgments upon such
358 bonds as may, by law, be rendered and entered upon bonds of like
359 character, and process of execution shall issue upon such
360 judgments, and may be levied and executed as provided by law in
361 other cases.

362 **SECTION 20.** Section 77-1-49, Mississippi Code of 1972, is
363 brought forward as follows:

364 77-1-49. The commission shall make a report every year to
365 the Legislature of all its acts and doings for the preceding
366 fiscal year.

367 **SECTION 21.** Section 77-1-53, Mississippi Code of 1972, is
368 amended as follows:

369 77-1-53. (1) Whenever the commission, an employee of the
370 commission or any employee of the public utilities staff has
371 reason to believe that a willful and knowing violation of any
372 statute administered by the commission or any regulation or any
373 order of the commission has occurred, the commission may cause a
374 written complaint to be served upon the alleged violator or
375 violators. The complaint shall specify the provisions of such
376 statute, regulation or order alleged to be violated and the facts
377 alleged to constitute a violation thereof and shall require that
378 the alleged violator appear before the commission at a time and
379 place specified in the notice and answer the charges complained
380 of. The time of appearance before the commission shall not be
381 less than twenty (20) days from the date of the service of the
382 complaint, unless the commission finds that the public convenience
383 or necessity requires that such hearing be held at an earlier
384 date.

385 (2) The commission shall afford an opportunity for a fair
386 hearing to the alleged violator or violators at the time and place
387 specified in the complaint. On the basis of the evidence produced
388 at the hearing, the commission shall make findings of fact and
389 conclusions of law and enter its order, which in its opinion will
390 be in the best interests of the consuming public. Failure to
391 appear at any such hearing, without prior authorization to do so
392 from the commission, may result in the commission finding the

393 alleged violator guilty of the charges complained of by default,
394 and at such time an order may be entered, including the assessment
395 of a penalty. The commission shall give written notice of such
396 order to the alleged violator and to such other persons as shall
397 have appeared at the hearing or made written request for notice of
398 the order. The commission may assess such penalties as provided
399 in subsection (3) of this section.

400 (3) Any person found by the commission, pursuant to a
401 hearing or by default as provided in this section, violating any
402 statute administered by the commission, or any regulation or order
403 of the commission in pursuance thereof, shall be subject to a
404 civil penalty of not more than Five Thousand Dollars (\$5,000.00)
405 for each violation, to be assessed and collected by the
406 commission. Each day that a violation continues shall constitute
407 a separate violation. In lieu of, or in addition to, the monetary
408 penalty, the commission, for any violation by a certificate
409 holder, may impose a penalty in accordance with Section
410 77-3-21, * * * if it finds that the violator is not rendering
411 reasonably adequate service. Appeals from the imposition of the
412 civil penalty may be taken to the Circuit Court of the First
413 Judicial District of Hinds County in the same manner as appeals
414 from orders of the commission constituting judicial findings.

415 (4) All penalties collected by the commission under this
416 section shall be deposited in the Public Service Commission
417 Regulation Fund.

418 (5) No portion of any penalty or costs associated with an
419 administrative or court proceeding which results in the assessment
420 of a penalty against a public utility for violation of any statute
421 administered by the commission, or any regulation or order of the
422 commission shall be considered by the commission in fixing any
423 rates or charges of such public utility.

424 (6) This section shall be in addition to any other law which
425 provides for the imposition of penalties for the violation of any
426 statute administered by the commission or any regulation or order
427 of the commission.

428 * * *

429 **SECTION 22.** Section 27-104-205, Mississippi Code of 1972, is
430 amended as follows:

431 27-104-205. (1) From and after July 1, 2016, the expenses
432 of the following enumerated state agencies shall be defrayed by
433 appropriation of the Legislature from the State General Fund: the
434 State Fire Marshal, the State Fire Academy (not including the
435 State Fire Academy Workforce Program Fund), the Office of
436 Secretary of State (not including the Preneed Contracts Loss
437 Recovery Fund), * * * the Mississippi Department of Information
438 Technology Services, (not including the Mississippi Department of
439 Information Technology Services Revolving Fund), the State
440 Personnel Board, the Mississippi Department of Insurance (not
441 including the Municipal Fire Protection Fund, Section 83-1-37, the
442 County Volunteer Fire Department Fund, Section 83-1-39, and the
443 Mississippi Propane Education and Research Fund, Section

444 75-57-119), the Mississippi Law Enforcement Officers' Minimum
445 Standards Board, the Mississippi Gaming Commission, the Office of
446 the State Public Defender, the Mississippi Workers' Compensation
447 Commission (not including the Second Injury Trust Fund) and the
448 Office of Attorney General. Beginning July 1, 2016, any fees,
449 assessments or other revenues charged for the support of the
450 above-named state agencies shall be deposited into the State
451 General Fund, and any special fund or depository established
452 within the State Treasury for the deposit of such fees,
453 assessments or revenues shall be abolished and the balance
454 transferred to the State General Fund. Expenses heretofore drawn
455 from such special funds or other depositories shall be drawn from
456 the agencies' General Fund Account.

457 (2) Beginning with the fiscal year ending June 30, 2016, the
458 amount to be appropriated annually from the State General Fund for
459 the support of each of the above-named state agencies shall not
460 exceed the amount appropriated for such purpose in the preceding
461 fiscal year, plus any increases in or additional fees, assessments
462 or other charges authorized by act of the Legislature for the
463 succeeding fiscal year.

464 (3) The provisions of this section shall not apply to any
465 trust fund account that is maintained by any above-named agency.

466 (4) The provisions of this section shall not prohibit any of
467 the above-named agencies from maintaining clearing accounts in
468 approved depositories.

469 (5) The provisions of this section shall not apply to any
470 trust fund accounts maintained by the Public Employees' Retirement
471 System and protected under Section 272A of the Mississippi
472 Constitution of 1890.

473 **SECTION 23.** Section 77-3-8, Mississippi Code of 1972, is
474 amended as follows:

475 77-3-8. (1) There is established in the commission a Public
476 Service Commission staff, which staff shall be a unit, remain as a
477 unit therein, and be responsive to the commission. The Public
478 Service Commission staff shall consist of a sufficient number of
479 professional, administrative, technical, clerical and other
480 personnel as may be necessary for the staff to perform its duties
481 and responsibilities as * * * provided in this chapter. All such
482 personnel of the Public Service Commission staff shall be
483 recommended by the executive secretary and hired or rejected by
484 the commission. Personnel shall be dismissed only for cause in
485 accordance with the rules and regulations of the State Personnel
486 Board. The personnel of the Public Service Commission staff shall
487 be compensated and reimbursed for their actual and necessary
488 expenses, including food, lodging and travel, by the commission
489 from the Public Service Commission Regulation Fund established by
490 Section 77-1-6, and as authorized by Section 25-3-41. The Public
491 Service Commission staff shall be responsible for gathering and
492 analyzing information relating to all matters within the authority
493 of the commission.

494 (2) The State Personnel Board shall establish and maintain
495 entry-level salaries sufficiently competitive to attract
496 competent, qualified applicants for the specialized skills and
497 positions required by this section without regard to the salaries
498 paid the commissioners and notwithstanding any other provisions of
499 law to the contrary. The State Personnel Board shall authorize,
500 where necessary, a range of salaries within which salary
501 negotiations may be conducted for those positions for which
502 specific knowledge, skills and abilities are set forth herein.

503 (3) The Public Service Commission staff shall perform such
504 duties as are assigned to them by the commission.

505 * * *

506 **SECTION 24.** Section 77-3-87, Mississippi Code of 1972, is
507 amended as follows:

508 77-3-87. All reasonable and necessary expenses of the
509 administration of the duties imposed on the public utilities staff
510 and on the commission by Title 77, Mississippi Code of 1972,
511 excluding the reasonable and necessary expenses of the
512 administration and enforcement by the commission of the laws of
513 this state pursuant to Chapters 7 and 9, Title 77, Mississippi
514 Code of 1972, shall be provided as follows: There is * * * levied
515 a tax upon (a) all utilities, the rates of which are subject to
516 regulation by the provisions of this chapter, and upon (b) all
517 utilities not subject to such rate regulation which furnish to the
518 ultimate consumer utility services of the type described by
519 subparagraph (i) of paragraph (d) of Section 77-3-3 and otherwise

520 subject to regulation by the provisions of this chapter, such levy
521 to be effective on the first day of each year and to be calculated
522 as follows: The rate of the tax shall be one hundred sixty-four
523 thousandths of one percent (164/1000 of 1%) per year, of the gross
524 revenues from the intrastate operations of the utilities taxed
525 under this section. The rate of the tax for electric power
526 associations and rural electrification authorities shall be ninety
527 thousandths of one percent (90/1000 of 1%) per year of the gross
528 revenues from the intrastate operations of electric power
529 associations and rural electrification authorities taxed under
530 this section. * * * The sum of all taxes levied by this section
531 shall not exceed the total legislative appropriation of
532 monies * * * from the Public Utilities Staff Regulation Fund and
533 the Public Service Commission Regulation Fund for the ensuing
534 fiscal year. The commission and the executive director of the
535 Public Utilities Staff shall certify to the Department of Revenue
536 the amount of legislative appropriations of monies for the
537 regulation of utilities. The Department of Revenue shall adjust
538 the tax rates on a pro rata basis to generate the necessary
539 revenues established by such legislative appropriations. Each
540 utility which is subject to the tax levied by this section shall
541 file a statement of its gross revenue by April 1 of each year
542 showing the gross revenue for the preceding year's operation.
543 These statements of gross revenue shall be filed with the
544 Department of Revenue on forms prescribed and furnished by the
545 Department of Revenue. The Department of Revenue shall file a

546 copy of these statements of gross revenue with the Public
547 Utilities Staff and the commission. The Department of Revenue
548 shall calculate the amount of tax to be paid by each of the
549 utilities and shall submit a statement thereof to the respective
550 utilities, and the amount shown due in the statements to the
551 utilities shall be paid by them within thirty (30) days thereafter
552 to the Department of Revenue. The Department of Revenue shall
553 furnish the Public Utilities Staff and the commission with an
554 itemized list showing gross and net revenues, assessments, tax
555 collections and other related information for the respective
556 utilities. The Department of Revenue shall * * * pay these funds
557 into the * * * State Treasury on the same day collected to the
558 credit of the Public Utilities Staff Regulation Fund and to the
559 Public Service Commission Regulation Fund in the proportion that
560 the legislative appropriation of monies from each fund for the
561 regulation of utilities for the ensuing fiscal year bears to the
562 total legislative appropriation of monies from both funds for the
563 regulation of utilities for the ensuing fiscal year.

564 All administrative provisions of the Mississippi Sales Tax
565 Law, including those which fix damages, penalties and interest for
566 nonpayment of taxes and for noncompliance with the provisions of
567 such chapter, and all other duties and requirements imposed upon
568 taxpayers, shall apply to all persons liable for taxes under the
569 provisions of this chapter, and the Commissioner of Revenue shall
570 exercise all the power and authority and perform all the duties
571 with respect to taxpayers under this chapter as are provided in

572 the Mississippi Sales Tax Law except where there is a conflict,
573 then the provisions of this chapter shall control. The term
574 "gross revenue" as used in this section is the total amount of all
575 revenue derived by each of the utilities from its intrastate
576 operations, which are subject to rate regulation under the
577 provisions of this chapter or which constitute utility services of
578 the type described by subparagraph (i) of paragraph (d) of Section
579 77-3-3 and which are regulated by this chapter and furnished to
580 ultimate consumers. The Department of Revenue is * * * authorized
581 to use all tax returns of any utilities available to it and to
582 make audits as may be deemed necessary of all records of utilities
583 in order to correctly determine the amount of such gross revenue.

584 All proceeds of the above-mentioned tax are * * * to be
585 allocated to the Public Utilities Staff and to the commission in
586 the manner provided in this section for the purpose of this
587 chapter.

588 Each utility subject to the provisions of this section shall
589 be allowed to recover, through the use of a rate adjustment clause
590 or rider, the total amount of taxes paid by the utility pursuant
591 to this section for the reasonable and necessary expenses of the
592 commission and the Public Utilities Staff.

593 * * *

594 **SECTION 25.** Section 77-3-89, Mississippi Code of 1972, is
595 amended as follows:

596 77-3-89. It shall be the duty of the State Auditor to advise
597 the commission of the amount of money on hand in the "Public

598 Service Commission Regulation Fund" from time to time. All
599 expenses of the commission authorized by this article, or any
600 other act of the Legislature, shall be paid by the State Treasurer
601 upon warrants issued by the State Fiscal Officer, which warrants
602 shall be issued upon requisition signed by the chairman of the
603 commission and countersigned by one (1) of the commissioners.

604 * * * The requisition shall show upon its face the purpose for
605 which the payment is being made by reference to the minute book in
606 which such payment was authorized. It shall be unlawful for any
607 person to withdraw any money from * * * the fund other than by
608 requisition issued as * * * herein provided in this section. A
609 record of all requisitions issued by the commission showing to
610 whom, for what purpose, and date issued, shall be placed upon the
611 minute books of the commission and shall become a part of the
612 official record of the commission.

613 The books and accounts of the commission shall be audited at
614 the end of each fiscal year, and at any other time deemed
615 necessary, by the State Auditor and a copy of such audits shall be
616 furnished to the Governor and the commission. The State Auditor
617 may prescribe such further accounting procedure as he deems
618 necessary for the withdrawal of funds by the commission from * * *
619 the special fund. All requisitions drawn in compliance with this
620 article shall be honored by the State Auditor and the funds
621 disbursed in accordance therewith. The commission shall file a
622 report at each regular session of the Legislature showing the
623 expenditure of all funds by the commission.

624 The "Public Utilities Staff Regulation Fund" shall be
625 administered in accordance with Section 77-2-19.

626 * * *

627 **SECTION 26.** Section 77-3-503, Mississippi Code of 1972, is
628 amended as follows:

629 77-3-503. The following terms and phrases, when used in this
630 article, shall have the following meaning ascribed to them, except
631 where the context clearly indicates a different meaning:

632 (a) "Deaf person" means an individual who is unable to
633 hear and understand oral communication, with or without the
634 assistance of amplification devices.

635 (b) "Dual party relay system" means a procedure whereby
636 a deaf, hearing or speech impaired TDD user can communicate with
637 an intermediary party, who then orally relays the first party's
638 message or request to a third party, or vice versa.

639 (c) "Exchange access facility" means the access from a
640 particular telephone subscriber's premise to the telephone system
641 of a local exchange telephone company. Exchange access facilities
642 include local exchange company provided access lines, private
643 branch exchange trunks and centrex network access registers, all
644 as defined by tariffs of telephone companies as approved by the
645 commission.

646 (d) "Hard of hearing person" means an individual who
647 has suffered a permanent hearing loss which is severe enough to
648 necessitate the use of amplification devices to hear oral
649 communication.

650 (e) "Hearing impaired person" means a person who is
651 deaf or hard of hearing.

652 (f) "Ring signaling device" means a mechanism such as a
653 flashing light which visually indicates that a communication is
654 being received through a telephone line. This phrase also means a
655 mechanism such as adjustable volume ringers and buzzers which
656 audibly and loudly indicate an incoming telephone communication.

657 (g) "Speech impaired person" means an individual who
658 has suffered a loss of oral communication ability which prohibits
659 normal usage of a standard telephone handset.

660 (h) "Telecommunications device" or "telecommunications
661 device for the deaf, hearing or speech impaired" or "TDD" means a
662 keyboard mechanism attached to or in place of a standard telephone
663 by some coupling device used to transmit or receive signals
664 through telephone lines.

665 (i) "Telephone company" means every corporation,
666 company, association, joint stock association, partnership, and
667 person and their lessees, trustees or receivers appointed by any
668 court whatsoever, and every city or town owning, operating or
669 managing any telephone line or part of a telephone line used in
670 the conduct of the business of affording telephonic communication
671 service for hire within this state.

672 (j) "Telephone line" includes conduits, ducts, poles,
673 wires, cables, crossarms, receivers, transmitters, instruments,
674 machines, appliances, instrumentalities and all devices, including
675 radio and other advancements of the art of telephony, real estate,

676 easements, apparatus, property and routes used and operated to
677 facilitate the business of affording telephonic communication
678 services to the public for hire within this state.

679 (k) "Trust fund" means the Dual Party Relay Service
680 Trust Fund, which is a specific trust to be created by the Public
681 Service Commission and to be established, invested, managed and
682 maintained for the exclusive purpose of fulfilling the provisions
683 of this article according to Public Service Commission rules and
684 regulations.

685 * * *

686 **SECTION 27.** Section 77-3-507, Mississippi Code of 1972, is
687 amended as follows:

688 77-3-507. (1) The Public Service Commission may impose upon
689 all local exchange telephone companies operating in the State of
690 Mississippi a monthly relay service fee in an amount to be
691 determined by the commission based upon the amount of funding
692 necessary to accomplish the purposes of this article and to
693 provide dual party telephone relay services on a continuous basis.
694 Such fees shall be paid by the local exchange companies to the
695 credit of the Dual Party Relay Service Trust Fund. The commission
696 may authorize local exchange companies to recover relay service
697 fees through a surcharge on their customers in the manner
698 prescribed by the commission. The relay service fees remitted by
699 the local exchange companies shall not be subject to any tax, fee
700 or assessment, nor shall it be considered revenue of the local
701 exchange companies. The Dual Party Relay Service Trust Fund shall

702 be credited with all interest income and earnings of the fund.
703 The fund shall be established, invested and managed for the
704 exclusive purpose of fulfilling the provisions of this article
705 according to rules and regulations established by the Public
706 Service Commission.

707 (2) Monies in the fund shall also include any appropriations
708 authorized by the Legislature, any available funds authorized by
709 the Public Service Commission, grants from other governmental or
710 private entities, and any contributions or donations received by
711 the Public Service Commission for the dual party relay service.
712 All monies in the Dual Party Relay Service Trust Fund shall be
713 used solely for the administration and operation of a statewide
714 program to provide telecommunications access to persons who are
715 speech and hearing impaired or similarly impaired.

716 (3) The users of the relay service shall be charged for
717 telephone services, without additional charges for the use of the
718 relay service other than any surcharge which may be imposed upon
719 them under this section. The calling or called party shall bear
720 an expense for making intrastate nonlocal calls considered and
721 approved by the Public Service Commission as being equitable in
722 comparison with non-TDD or DPR service customers.

723 * * *

724 **SECTION 28.** Section 77-3-509, Mississippi Code of 1972, is
725 amended as follows:

726 77-3-509. (1) On or before August 1, 1990, the Public
727 Service Commission shall appoint an advisory committee to monitor

728 the statewide telecommunications relay access service and advise
729 and make recommendations to the Public Service Commission in
730 pursuing services which meet the needs of the hearing or speech
731 impaired and others similarly impaired in communicating with other
732 users of telecommunications services.

733 (2) The advisory committee shall be composed of:

734 (a) One (1) deaf person recommended by the Mississippi
735 Association of the Deaf;

736 (b) One (1) speech or hearing impaired person
737 recommended by the Mississippi Association for Retired Persons;

738 (c) One (1) person recommended by the Coalition of
739 Citizens with Disabilities;

740 (d) One (1) representative of telecommunications
741 utilities chosen from a list of candidates provided by the
742 Mississippi/Alabama Telephone Association;

743 (e) One (1) representative of the Mississippi Speech
744 and Hearing Association;

745 (f) One (1) representative of the Veterans
746 Administration;

747 (g) One (1) representative from Vocational
748 Rehabilitation Deaf Services;

749 (h) One (1) hearing impaired representative of the
750 Mississippi School for the Deaf;

751 (i) Two (2) representatives chosen from the Public
752 Service Commission's staff and employees;

753 (j) One (1) person appointed by the Speaker of the
754 House of Representatives;

755 (k) One (1) person appointed by the Lieutenant Governor
756 of the Senate;

757 (l) One (1) representative from the provider of the DPR
758 service; and

759 (m) Three (3) "at-large" individuals who have
760 particular skills, knowledge, experience or ability but who are
761 not necessarily speech or hearing impaired or otherwise affiliated
762 with an organization serving the speech or hearing impaired.

763 The commission, in its discretion, may name a successor or
764 similar organization to be represented on the committee if an
765 organization or agency named in this subsection ceases to exist.

766 (3) The committee shall be appointed based on candidate
767 names submitted by the recommending agency or organization. Each
768 member of the advisory committee shall serve for a term of two (2)
769 years. A member whose term has expired shall continue to serve
770 until a qualified replacement is appointed. The members of the
771 advisory committee shall serve without compensation but shall be
772 entitled to reimbursement for travel and expenses incurred in the
773 performance of their official duties and per diem, which shall be
774 paid out of the trust fund on the same basis established for state
775 employees.

776 * * *

777 **SECTION 29.** Section 77-11-201, Mississippi Code of 1972, is
778 amended as follows:

779 77-11-201. All reasonable and necessary operating expenses
780 of the administration of the duties imposed by law upon the Public
781 Service Commission, including the salaries of personnel, in its
782 regulation, inspection and supervision of municipally owned and/or
783 operated gas utilities operating within the State of Mississippi
784 shall be provided as follows: There is * * * levied a tax * * *
785 equal to the sum of Twenty-five Thousand Dollars (\$25,000.00) per
786 year, which shall be prorated by the * * * Department of Revenue
787 among the municipally owned and/or operated gas utilities * * *
788 that are subject to the tax levied by this section each year,
789 according to the gross revenue of each of such utilities from
790 their intrastate operation during the calendar year preceding the
791 assessment. Each utility which is subject to the tax levied by
792 this section shall file a statement of such gross revenue by April
793 1 of each year showing the gross revenue for the preceding year's
794 operation. These statements of gross revenue shall be filed with
795 the commission and a copy thereof filed with the * * * Department
796 of Revenue. The * * * Department of Revenue shall * * * calculate
797 the pro rata amount of tax to be paid by each of * * * the
798 utilities in order to provide the total amount * * * stated in
799 this section and shall * * * submit a statement * * * for the
800 amount due to the respective utilities * * * . The amount shown
801 due in such statements to the respective utilities shall be paid
802 by the respective utilities within thirty (30) days thereafter to
803 the * * * Department of Revenue. The * * * Department of Revenue
804 shall pay such funds into the State Treasury on the same day

805 collected to the credit of the "Municipality Owned and/or Operated
806 Gas Utilities Special Fund." All administrative provisions of the
807 Mississippi Sales Tax Law, including those which fix damages,
808 penalties and interest for nonpayment of taxes and for
809 noncompliance with the provisions of such chapter, and all other
810 duties and requirements imposed upon taxpayers, shall apply to all
811 persons liable for taxes under the provisions of this chapter, and
812 the * * * Commissioner of Revenue shall exercise all the power and
813 authority and perform all the duties with respect to taxpayers
814 under this chapter as are provided in the Mississippi Sales Tax
815 Law except where there is a conflict, then the provisions of this
816 chapter shall control. The term "gross revenue" as used in this
817 section shall be deemed to be the total amount of all revenue
818 derived by each of such utilities from its intrastate operations,
819 and the * * * Department of Revenue is * * * authorized to make
820 such audits as may be deemed necessary of any and all records of
821 such utilities in order to correctly determine the amount of such
822 gross revenue. It shall be the duty of the Department of Finance
823 and Administration to advise the commission of the amount of money
824 on hand from time to time. All expenses of the commission
825 authorized by this section or any other act of the Legislature
826 shall be paid by the State Treasurer upon warrants issued by the
827 Department of Finance and Administration, which warrants shall be
828 issued upon requisition signed by the chairman of the commission
829 and countersigned by one (1) of the commissioners, and * * * the
830 requisition shall show upon its face the purpose for which the

831 payment is being made by reference to the minute book in which
832 such payment was authorized. It shall be unlawful for any person
833 to withdraw any money from * * * the fund other than by
834 requisition issued as provided * * * in this section. A record of
835 all requisitions issued by the commission showing to whom, for
836 what purpose, and date issued shall be placed upon the minute
837 books of the commission and shall become a part of the official
838 records of the commission.

839 The books and accounts of the commission shall be audited at
840 the end of each fiscal year, and at any other time deemed
841 necessary, by the State Auditor, and a copy of such audits shall
842 be furnished to the Governor and the commission. The State
843 Auditor may prescribe such further accounting procedure as he
844 deems necessary for the withdrawal of funds by the commission
845 from * * * the special fund. All requisitions drawn in compliance
846 with this section shall be honored by the Department of Finance
847 and Administration and the funds disbursed in accordance
848 therewith. The commission shall file a report at each regular
849 session of the Legislature showing the expenditure of all funds by
850 the commission. All proceeds of the above-mentioned tax are * * *
851 to be allocated to the commission for the purpose of this section.
852 In the event the funds provided by * * * the tax exceed the amount
853 necessary for the purposes of this section at the end of any
854 fiscal year, the commission shall certify the amount which the
855 commission estimates will be necessary for the commission for each
856 fiscal year to the * * * Department of Revenue, and the * * *

857 Department of Revenue shall reduce the tax * * * imposed by this
858 section to such amount for the next fiscal year and shall collect
859 the proportionate amount thereof as * * * provided in this
860 section.

861 * * *

862 **SECTION 30.** This act shall take effect and be in force from
863 and after June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 77-1-51 AND 77-1-55, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF
3 LAW CREATING THE MISSISSIPPI PUBLIC SERVICE COMMISSION AND
4 PRESCRIBING ITS POWERS AND DUTIES; TO SPECIFY THE APPLICATION OF
5 THE REPEALER CONTAINED IN SECTION 77-1-51 TO THE ENTIRE
6 MISSISSIPPI PUBLIC SERVICE COMMISSION CHAPTER; TO BRING FORWARD
7 SECTIONS 77-1-1, 77-1-3, 77-1-5, 77-1-11, 77-1-25, 77-1-27,
8 77-1-31, 77-1-33, 77-1-35, 77-1-37, 77-1-39, 77-1-41, 77-1-43,
9 77-1-47 AND 77-1-49, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
10 POSSIBLE AMENDMENT; TO AMEND SECTIONS 77-1-6, 77-1-15, 77-1-29,
11 77-1-53, 27-104-205, 77-3-8, 77-3-87, 77-3-89, 77-3-503, 77-3-507,
12 77-3-509 AND 77-11-201, MISSISSIPPI CODE OF 1972, TO REMOVE THE
13 REQUIREMENT THAT THE MISSISSIPPI PUBLIC SERVICE COMMISSION BE
14 FUNDED BY APPROPRIATIONS FROM THE STATE GENERAL FUND; TO DELETE
15 CERTAIN PROVISIONS OF LAW REQUIRING CERTAIN EXPENSES TO BE
16 DEFRAYED BY APPROPRIATION FROM THE STATE GENERAL FUND; AND FOR
17 RELATED PURPOSES.

HR31\SB2283A.1J

Andrew Ketchings
Clerk of the House of Representatives