

# Smith, Turner & Reeves Legislative Report

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## Legislative Report 03-6

DATE: April 4, 2003

Note: This report is for filings and activity through March 29, 2003. This report applies to the review of bills referred to the Public Utility Committees of the House and Senate, and to the review of other bills as numerically filed through HB1666 and SB3029.

### Actions of the House of Representatives

#### **Bills referred to the Public Utilities Committee**

House Bill 289 – HB289 would transfer enforcement of existing telephone solicitation laws from the office of the attorney general to the Mississippi Public Service Commission.

*Status* – Died in Committee

House Bill 295 – HB295 would restrict the hours than an automated dialing machine may be operated, and specifies the amount of time an automated dialing device should disconnect after termination of the call.

*Status* – Passed in House, transmitted to Senate, died in Senate

House Bill 357 – HB357 would provide that state law will preempt any local ordinances regulating the use of cellular phones in automobiles.

*Status* - Died in Committee

House Bill 446 – HB446 would extend the automatic repealer of wireless emergency telephone services until July 1, 2007.

*Status* – Passed in House, passed in Senate, approved by Governor

House Bill 506 – HB506 would provide compensation to landowners of 10% of any sublease revenues for communications towers.

*Status* – Died in Committee

House Bill 616 – HB616 would authorize counties to establish and support an emergency telephone warning system (one that would warn residents of an emergency by making a telephone call to users) and provides for funding by use of excess 911 funds.

*Status* – Died in Committee

House Bill 676 – HB676 would create new code sections to prohibit unsolicited telephone sales calls to residential subscribers who have notified the PSC of their objection to such calls. It also would require the PSC to establish a database to collect such objections. It would require telephone solicitors to register with the PSC and provide for fees. This article is to be known and cited as the Mississippi Telephonic Solicitation Act.

*Status* – Died in Committee

House Bill 793 – B793 would amend the PSC rules by abolishing the requirement for notifying any interested party when a public utility petitions for a certificate of public convenience for uncertificated areas.

*Status* - Passed in House, transmitted to Senate, died in Senate

House Bill 794 – HB794 establishes a no-call list for telephone solicitation and provides for the attorney general to establish rules, maintenance and enforcement of provisions related to the list.

*Status* – Died in Committee

House Bill 843 – HB843 would prohibit a private firm from paying public safety and 911 telecommunicators who have not met minimum training standards.

*Status* – Passed in House, passed in Senate, approved by Governor

House Bill 875 – HB875 would establish a farm residential meter category for electric companies and provide for certain restrictions on the establishment of rates to be provided for on these meters.

*Status* – Died in Committee

House Bill 957 – HB957 would prohibit telephone solicitors making unsolicited calls from blocking consumer's use of caller identification services.

*Status* – Died in Committee

House Bill 1040 – HB1040 is an act to clarify that Mississippi customers have first priority to the use and/or benefit of facilities in a Mississippi public utility's rate base.

*Status* – Passed in House, passed in Senate, approved by Governor

House Bill 1182 – HB1182 would increase the number of meetings for with Public Utility District commissioners could be compensated for to thirty six.

*Status* – Died in Committee

House Bill 1216 – HB1216 would create new code sections to prohibit unsolicited telephone sales calls to residential subscribers who have notified the PSC of their objection to such calls. It also would require the PSC to establish a database to collect such objections. It would require telephone solicitors to register with the PSC and provide for fees. This article is to be known and cited as the Mississippi Telephonic Solicitation Act.

*Status* – Passed in House, transmitted to Senate, died in Senate

House Bill 1317 – HB1317 relates to inclusion of commissioners of Public Utility Districts as employees eligible for insurance coverage, and establishes residence requirements for eligibility for holding the office of Public Utility District commissioner.

*Status* – Died in Committee

House Bill 1425 – HB1425 would include cable television systems under the jurisdiction of the Public Service Commission.

*Status* – Died in Committee

### **Other Bills**

House Bill 183 – HB183 would exclude an individuals overtime earnings from the definition of taxable wages for income tax purposes.

*Status* – Died in Committee

House Bill 213 – HB213 would require Mississippi employers to provide wages no less than 15% above the Federal minimum wage.

*Status* - Died in Committee

House Bill 215 – HB215 is to be known as the “Good Faith Employment Act”. The Act would abolish employment at will and require that decisions to fire employees be made for good faith business reasons only. The bill defines good faith reasons and provides for a probationary period in which provisions of the act do not apply

*Status* - Died in Committee

House Bill 336 – HB336 would exempt inventories from ad valorem taxation.

*Status* - Died in Committee

House Bill 370 – HB370 would exempt delivery and freight charges from sales and use taxes.

*Status* - Died in Committee

House Bill 417 – HB417 would phase out state income taxes for corporations by the year 2007.

*Status* - Died in Committee

House Bill 492 – HB492 would prohibit the use of cellular phones while driving unless using a hands-free device.

*Status* - Died in Committee

House Bill 537 – HB537 similar to HB 492, would prohibit the use of cellular phones while driving unless using a hands-free device.

*Status* - Died in Committee

House Bill 608 – HB608 would increase from \$20,000 to \$30,000 the amount of average monthly sales tax liability a taxpayer must have before being required to prepay its June sales tax liability.

*Status* - Died in Committee

House Bill 627 – HB627 would provide an income tax credit for employers that incur costs for the promotion of employee’s physical fitness and well being.

*Status* - Died in Committee

House Bill 1324 – HB1324 would provide for minor changes in the methods of calculating estimated sales taxes required to be paid in advance for the June reporting month.

*Status* - Died in Committee

House Bill 1467 – HB1467 would authorize cities with populations greater than 25,000 to levy a local income tax.

*Status* - Died in Committee

House Bill 1470 – HB1470 would authorize counties to levy a 1% sales tax for services and sales within the county.

*Status* - Died in Committee

### **Actions of the Senate**

#### **Bills referred to the Public Utilities Committee**

Senate Bill 2077 – SB2077 would make it illegal to broadcast television advertisements at a higher decibel level than the level of the preceding program.

*Status* - Died in Committee

Senate Bill 2127 – SB2127 would prohibit telephone solicitors making unsolicited calls from blocking consumers use of caller identification services.

*Status* – Died in Committee

Senate Bill 2157 – SB2157 would require that telemarketers obtain a listing of consumers in the state that have arranged to be included on the national do not call list. Provides for penalties for telemarketers who make calls to consumers on the national list, and authorizes the PSC to investigate and enforce the provisions provided for in the bill. The bill also provides for notification of consumers to these requirements by carriers providing local exchange service to the customers.

*Status* – Died in Committee

Senate Bill 2171 - SB2171 would create new code sections to prohibit unsolicited telephone sales calls to residential subscribers who have notified the PSC of their objection to such calls. It also would require the PSC to establish a database to collect such objections. It would require telephone solicitors to register with the PSC and provide for fees. This article is to be known and cited as the Mississippi Telephonic Solicitation Act.

*Status* – Died in Committee

Senate Bill 2329 - SB2329 would create new code sections to prohibit unsolicited telephone sales calls to residential subscribers who have notified the PSC of their objection to such calls. It also would require the PSC to establish a database to collect such objections. It would require telephone solicitors to register with the PSC and provide for fees. This article is to be known and cited as the Mississippi Telephonic Solicitation Act. This bill is virtually the same as SB2171, with minor differences in volume of definitions.

*Status* – Died in Committee

Senate Bill 2359 – SB2359 would include cable television systems under the definition of public utilities for the purpose of regulation by the PSC.

*Status* – Died in Committee

Senate Bill 2443 – SB2443 would allow municipalities of greater than 20,000 to establish 911 service districts, including the provision for funding by levy of an amount on customers telephone bills

*Status* – Died in Committee

Senate Bill 2445 - SB2445 would create new code sections to prohibit unsolicited telephone sales calls to residential subscribers who have notified the PSC of their objection to such calls. It also would require the PSC to establish a database to collect such objections. It would require telephone solicitors to register with the PSC and provide for fees. This article is to be known and cited as the Mississippi Telephonic Solicitation Act. This bill is virtually the same as SB2171 and SB2329.

*Status* – Passed in Senate, transmitted to House, the House passed a version with a number of exemptions to the proposed law and returned to the Senate, the Senate declined to concur in the amendments and a conference committee was established to try and reach a compromise. The committee reached a compromise bill which was passed in both chambers and submitted to the Governor. The Governor's decision is expected April 19, 2003.

Senate Bill 2592 – SB2592 would amend current law related to notice requirements when the PSC is petitioned for a certificate of public convenience and necessity in an uncertificated area.

*Status* - Passed in Senate, passed in House, approved by Governor

Senate Bill 2643 – SB2643 would provide that interest required to be paid on customer deposits would be assessed at the prime rate on interest as published in the Wall Street Journal.

*Status* - Died in Committee

## **Other Bills**

Senate Bill 2282 – SB2282 would prohibit the use of cell phones while driving.

*Status* – Died in Committee

Senate Bill 2638 – SB2638 would prohibit the use of all except hands free cell phones while driving.

*Status* – Died in Committee

Senate Bill 2979 – SB2979 would establish the “Mississippi Broadband Technology Development Act”, which would provide for tax credits of the cost of equipment used in the deployment of broadband technologies. Credits would range from 5% to 15% dependent upon the location of the service provided.

*Status* – Passed in Senate, transferred to House, the house passed a version with additional incentives based on timing of additions of equipment and returned to the Senate, the Senate declined to concur in the amendments and a conference committee was established to try and reach a compromise. The committee reached a compromise bill which was passed in both chambers and submitted to the Governor. The Governor’s decision is expected April 19, 2003.

Senate Bill 3028 – SB3028 would allow Yazoo City to construct, own or acquire a telecommunications system and serve the present service area of the Yazoo City Public Service Commission.

*Status* – This was a late filed bill (March 28) and was assigned to the Local and Private Measures committee. The committee failed to take up the bill and as such, it died.