

FIRST REGULAR SESSION

SENATE BILL NO. 280

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

1186S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 386.370 and 620.010, RSMo, and to enact in lieu thereof two new sections relating to assessments against public utilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 386.370 and 620.010, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 386.370 and 620.010, to read as follows:

386.370. 1. The commission shall, prior to the
2 beginning of each fiscal year beginning with the fiscal year
3 commencing on July 1, 1947, make an estimate of the expenses
4 to be incurred by it during such fiscal year reasonably
5 attributable to the regulation of public utilities as
6 provided in chapters 386, 392 and 393 and shall also
7 separately estimate the amount of such expenses directly
8 attributable to such regulation of each of the following
9 groups of public utilities: Electrical corporations, gas
10 corporations, water corporations, heating companies and
11 telephone corporations, telegraph corporations, sewer
12 corporations, and any other public utility as defined in
13 section 386.020, as well as the amount of such expenses not
14 directly attributable to any such group. For purposes of
15 this section, water corporations and sewer corporations will
16 be combined and considered one group of public utilities.

17 2. The commission shall allocate to each such group of
18 public utilities the estimated expenses directly

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 attributable to the regulation of such group and an amount
20 equal to such proportion of the estimated expenses not
21 directly attributable to any group as the gross intrastate
22 operating revenues of such group during the preceding
23 calendar year bears to the total gross intrastate operating
24 revenues of all public utilities subject to the jurisdiction
25 of the commission, as aforesaid, during such calendar year.
26 The commission shall then assess the amount so allocated to
27 each group of public utilities, subject to reduction as
28 herein provided, to the public utilities in such group in
29 proportion to their respective gross intrastate operating
30 revenues during the preceding calendar year, except that the
31 total amount so assessed to all such public utilities shall
32 not exceed [one-fourth] **thirty-eight hundredths** of one
33 percent of the total gross intrastate operating revenues of
34 all utilities subject to the jurisdiction of the commission.

35 **3. The commission shall also assess against such**
36 **public utilities the funding of the office of the public**
37 **counsel. The assessment shall be in proportion to the**
38 **assessment defined in subsection 2 of this section less any**
39 **amount remaining in the public service commission fund as**
40 **defined in subsection 5 of this section. The office of**
41 **public counsel shall, prior to the beginning of each fiscal**
42 **year beginning with the fiscal year commencing on July 1,**
43 **2021, make an estimate of the expenses to be incurred by it**
44 **during such fiscal year as set out in subsection 1 of this**
45 **section, reasonably attributable to the performance of its**
46 **powers, duties, and functions pursuant to sections 386.700**
47 **and 386.710. The commission shall allocate to each such**
48 **group of public utilities the estimated expenses directly**
49 **attributable to such group and an amount equal to such**
50 **proportion of the estimated expenses not directly**

51 attributable to any group as the gross intrastate operating
52 revenues of such group during the preceding calendar year
53 bears to the total gross intrastate operating revenues of
54 all public utilities subject to the jurisdiction of the
55 commission, as aforesaid, during such calendar year. The
56 commission shall then assess the amount so allocated to each
57 group of public utilities, subject to reduction as herein
58 provided, to the public utilities in such group in
59 proportion to their respective gross intrastate operating
60 revenues during the preceding calendar year, except that the
61 total amount so assessed to all such public utilities shall
62 not exceed eight and one-half percent of the total
63 assessment defined in subsection 2 of this section less any
64 remaining amounts in the public service commission fund as
65 defined in subsection 5 of this section. The commission
66 shall render a statement of assessment to such public
67 utilities for the funding of the office of the public
68 counsel as described in subsection 4 of this section.

69 4. The commission shall render a statement of such
70 assessment to each such public utility on or before July
71 first and the amount so assessed to each such public utility
72 shall be paid by it to the director of revenue in full on or
73 before July fifteenth next following the rendition of such
74 statement, except that any such public utility may at its
75 election pay such assessment in four equal installments not
76 later than the following dates next following the rendition
77 of said statement, to wit: July fifteenth, October
78 fifteenth, January fifteenth and April fifteenth. The
79 director of revenue shall remit such payments to the state
80 treasurer.

81 [4.] 5. The state treasurer shall credit such payments
82 to a special fund, which is hereby created, to be known as

83 "The Public Service Commission Fund", which fund, or its
84 successor fund created pursuant to section 33.571, shall be
85 devoted solely to the payment of expenditures actually
86 incurred by the commission and attributable to the
87 regulation of such public utilities subject to the
88 jurisdiction of the commission **and the office of public**
89 **counsel**, as aforesaid. Any amount remaining in such special
90 fund or its successor fund at the end of any fiscal year
91 shall not revert to the general revenue fund, but shall be
92 applicable by appropriation of the general assembly to the
93 payment of such expenditures of the commission in the
94 succeeding fiscal year and shall be applied by the
95 commission to the reduction of the amount to be assessed to
96 such public utilities in such succeeding fiscal year, such
97 reduction to be allocated to each group of public utilities
98 in proportion to the respective gross intrastate operating
99 revenues of the respective groups during the preceding
100 calendar year.

101 [5.] 6. In order to enable the commission to make the
102 allocations and assessments herein provided for, each public
103 utility subject to the jurisdiction of the commission as
104 aforesaid shall file with the commission, within ten days
105 after August 28, 1996, and thereafter on or before March
106 thirty-first of each year, a statement under oath showing
107 its gross intrastate operating revenues for the preceding
108 calendar year, and if any public utility shall fail to file
109 such statement within the time aforesaid the commission
110 shall estimate such revenue which estimate shall be binding
111 on such public utility for the purpose of this section.

620.010. 1. There is hereby created a "Department of
2 Economic Development" to be headed by a director appointed
3 by the governor, by and with the advice and consent of the

4 senate. All of the general provisions, definitions and
5 powers enumerated in section 1 of the Omnibus State
6 Reorganization Act of 1974 shall continue to apply to this
7 department and its divisions, agencies and personnel.

8 2. The powers, duties and functions vested in the
9 public service commission, chapters 386, 387, 388, 389, 390,
10 392, 393, and others, and the administrative hearing
11 commission, sections 621.015 to 621.198 and others, are
12 transferred by type III transfers to the department of
13 economic development. The director of the department is
14 directed to provide and coordinate staff and equipment
15 services to these agencies in the interest of facilitating
16 the work of the bodies and achieving optimum efficiency in
17 staff services common to all the bodies. Nothing in the
18 Reorganization Act of 1974 shall prevent the chairman of the
19 public service commission from presenting additional budget
20 requests or from explaining or clarifying its budget
21 requests to the governor or general assembly.

22 3. The powers, duties and functions vested in the
23 office of the public counsel are transferred by type III
24 transfer to the department of economic development.
25 [Funding for the general counsel's office shall be by
26 general revenue.]

27 4. The public service commission is authorized to
28 employ such staff as it deems necessary for the functions
29 performed by the general counsel other than those powers,
30 duties and functions relating to representation of the
31 public before the public service commission.

32 5. All the powers, duties and functions vested in the
33 tourism commission, chapter 258 and others, are transferred
34 to the "Division of Tourism", which is hereby created, by
35 type III transfer.

36 6. All the powers, duties and functions of the
37 department of community affairs, chapter 251 and others, not
38 otherwise assigned, are transferred by type I transfer to
39 the department of economic development, and the department
40 of community affairs is abolished. The director of the
41 department of economic development may assume all the duties
42 of the director of community affairs or may establish within
43 the department such subunits and advisory committees as may
44 be required to administer the programs so transferred. The
45 director of the department shall appoint all members of such
46 committees and heads of subunits.

47 7. The Missouri housing development commission,
48 chapter 215, is assigned to the department of economic
49 development, but shall remain a governmental instrumentality
50 of the state of Missouri and shall constitute a body
51 corporate and politic.

52 8. All the authority, powers, duties, functions,
53 records, personnel, property, matters pending and other
54 pertinent vestiges of the division of manpower planning of
55 the department of social services are transferred by a type
56 I transfer to the "Division of Workforce Development", which
57 is hereby created, within the department of economic
58 development. The division of manpower planning within the
59 department of social services is abolished. The provisions
60 of section 1 of the Omnibus State Reorganization Act of
61 1974, Appendix B, relating to the manner and procedures for
62 transfers of state agencies shall apply to the transfers
63 provided in this section.

64 9. All the authority, powers, functions, records,
65 personnel, property, contracts, matters pending and other
66 pertinent vestiges of the division of employment security
67 within the department of labor and industrial relations

68 related to job training and labor exchange that are funded
69 with or based upon Wagner-Peyser funds, and other federal
70 and state workforce development programs administered by the
71 division of employment security are transferred by a type I
72 transfer to the division of workforce development within the
73 department of economic development.

74 10. Any rule or portion of a rule, as that term is
75 defined in section 536.010, that is created under the
76 authority delegated in this section shall become effective
77 only if it complies with and is subject to all of the
78 provisions of chapter 536 and, if applicable, section
79 536.028. This section and chapter 536 are nonseverable and
80 if any of the powers vested with the general assembly
81 pursuant to chapter 536 to review, to delay the effective
82 date, or to disapprove and annul a rule are subsequently
83 held unconstitutional, then the grant of rulemaking
84 authority and any rule proposed or adopted after August 28,
85 2008, shall be invalid and void.

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