

SECOND REGULAR SESSION

# HOUSE BILL NO. 2408

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES SCHLOTTACH (Sponsor) AND BIVINS (Co-sponsor).

5470L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel, with an emergency clause.

---

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.715, to read as follows:

**386.715. 1. The public counsel shall, prior to the beginning of each fiscal year, make available to the commission an estimate of the expenses to be incurred by the public counsel during such fiscal year, reasonably attributable to his or her responsibilities with respect to public utilities under sections 386.700 and 386.710 and shall also separately estimate the amount of such expenses directly attributable to such responsibilities with respect to each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies, telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.**

**2. The public counsel shall allocate to each such group of public utilities the estimated expenses directly attributable to his or her responsibilities under sections 386.700 to 386.710 with respect to such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the three preceding calendar years bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission during such calendar years. The commission shall then assess, on behalf of the public counsel, the amount so allocated to each group of public utilities, subject to**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 reduction as provided in this section, to the public utilities in such group in proportion to  
19 its respective gross intrastate operating revenues during the preceding calendar year. The  
20 total amount so assessed to all such public utilities shall not exceed two hundredths of one  
21 percent of the total gross intrastate operating revenues of all utilities subject to the  
22 jurisdiction of the commission. Nothing in this section shall authorize the commission to  
23 determine how the public counsel allocates the estimated expenses directly attributable to  
24 his or her responsibilities under sections 386.700 and 386.710 with respect to public utilities  
25 described in subsection 1 of this section or how the assessment imposed under this section  
26 is spent by the public counsel.

27         **3. On behalf of the public counsel, the commission shall render a statement of such**  
28 **assessment to each such public utility on or before July first and the amount so assessed**  
29 **to each such public utility shall be paid by it to the director of revenue in full on or before**  
30 **July fifteenth next following the rendition of such statement, except that any such public**  
31 **utility may at its election pay such assessment in four equal installments not later than the**  
32 **following dates next following the rendition of such statement, to wit: July fifteenth,**  
33 **October fifteenth, January fifteenth and April fifteenth. The director of revenue shall**  
34 **remit such payments to the state treasurer.**

35         **4. The state treasurer shall credit such payments to a special fund, which is hereby**  
36 **created, to be known as "The Public Counsel Fund", which fund, or its successor fund**  
37 **created under section 33.571, shall be devoted solely to the payment of expenditures**  
38 **actually incurred by the public counsel and attributable to his or her responsibilities under**  
39 **sections 386.700 to 386.710 with respect to such public utilities subject to the jurisdiction**  
40 **of the commission. Any amount remaining in such special fund or its successor fund at the**  
41 **end of any fiscal year shall not revert to the general revenue fund, but shall be applicable**  
42 **by appropriation of the general assembly to the payment of such expenditures of the public**  
43 **counsel in the succeeding fiscal year and shall be applied by the public counsel to the**  
44 **reduction of the amount to be assessed to such public utilities in such succeeding fiscal**  
45 **year, such reduction to be allocated to each group of public utilities in proportion to the**  
46 **respective gross intrastate operating revenues of the respective groups during the**  
47 **preceding calendar year.**

48         **5. In order to enable the public counsel to make the allocations and assessments**  
49 **provided for in this section, each public utility subject to the jurisdiction of the commission**  
50 **shall file with the commission on or before March thirty-first of each year, a statement**  
51 **under oath showing its gross intrastate operating revenues for the preceding calendar year,**  
52 **and if any public utility shall fail to file such statement within the time established in this**

53 **subsection, the commission shall estimate such revenue. Such estimate shall be binding on**  
54 **such public utility for the purpose of this section.**

Section B. Because immediate action is necessary to ensure adequate funding for public  
2 representation in matters related to public utilities, section A of this act is deemed necessary for  
3 the immediate preservation of the public health, welfare, peace, and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and section A of this act  
5 shall be in full force and effect upon its passage and approval.

✓