

FIRST REGULAR SESSION

HOUSE BILL NO. 854

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALLINGFORD.

1847H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 386.370 and 620.010, RSMo, and to enact in lieu thereof two new sections relating to the public service commission fund.

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

Section A. Sections 386.370 and 620.010, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 386.370 and 620.010, to read as follows:

386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and 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. For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of 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 preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public

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 utilities in such group in proportion to their respective gross intrastate operating revenues during
19 the preceding calendar year, except that the total amount so assessed to all such public utilities
20 shall not exceed ~~[one-fourth]~~ **thirty-eight-hundredths** of one percent of the total gross intrastate
21 operating revenues of all utilities subject to the jurisdiction of the commission.

22 **3. The commission shall also assess against such public utilities the funding of the**
23 **office of the public counsel. The assessment shall be in proportion to the assessment**
24 **defined in subsection 2 of this section less any amount remaining in the public service**
25 **commission fund established in subsection 5 of this section. The office of public counsel**
26 **shall, prior to the beginning of each fiscal year, beginning with the fiscal year commencing**
27 **on July 1, 2022, make an estimate of the expenses to be incurred by it during such fiscal**
28 **year reasonably attributable to the performance of its powers, duties, and functions under**
29 **sections 386.700 and 386.710. The commission shall allocate to each group of public**
30 **utilities the estimated expenses directly attributable to such group and an amount equal**
31 **to such proportion of the estimated expenses not directly attributable to any group as the**
32 **gross intrastate operating revenues of such group during the preceding calendar year bears**
33 **to the total gross intrastate operating revenues of all public utilities subject to the**
34 **jurisdiction of the commission during such calendar year. The commission shall then**
35 **assess the amount so allocated to each group of public utilities, subject to reduction as**
36 **provided in this section, to the public utilities in such group in proportion to their**
37 **respective gross intrastate operating revenues during the preceding calendar year, except**
38 **that the total amount so assessed to all such public utilities shall not exceed eight and one-**
39 **half percent of the total assessment defined in subsection 2 of this section less any**
40 **remaining amounts in the public service commission fund. The commissioner shall render**
41 **a statement of assessment to such public utilities for the funding of the office of the public**
42 **counsel as described in subsection 4 of this section.**

43 **4. The commission shall render a statement of such assessment to each such public**
44 **utility on or before July first and the amount so assessed to each such public utility shall be paid**
45 **by it to the director of revenue in full on or before July fifteenth next following the rendition of**
46 **such statement, except that any such public utility may at its election pay such assessment in four**
47 **equal installments not later than the following dates next following the rendition of said**
48 **statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The**
49 **director of revenue shall remit such payments to the state treasurer.**

50 ~~[4-]~~ **5. The state treasurer shall credit such payments to a special fund, which is hereby**
51 **created, to be known as "The Public Service Commission Fund", which fund, or its successor**
52 **fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures**
53 **actually incurred by the commission and attributable to the regulation of such public utilities**

54 subject to the jurisdiction of the commission **and the office of public counsel**, as aforesaid. Any
55 amount remaining in such special fund or its successor fund at the end of any fiscal year shall
56 not revert to the general revenue fund, but shall be applicable by appropriation of the general
57 assembly to the payment of such expenditures of the commission in the succeeding fiscal year
58 and shall be applied by the commission to the reduction of the amount to be assessed to such
59 public utilities in such succeeding fiscal year, such reduction to be allocated to each group of
60 public utilities in proportion to the respective gross intrastate operating revenues of the respective
61 groups during the preceding calendar year.

62 ~~[5-]~~ 6. In order to enable the commission to make the allocations and assessments herein
63 provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall
64 file with the commission, within ten days after August 28, 1996, and thereafter on or before
65 March thirty-first of each year, a statement under oath showing its gross intrastate operating
66 revenues for the preceding calendar year, and if any public utility shall fail to file such statement
67 within the time aforesaid the commission shall estimate such revenue which estimate shall be
68 binding on such public utility for the purpose of this section.

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 2. The powers, duties and functions vested in the public service commission, chapters
7 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,
8 sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of
9 economic development. The director of the department is directed to provide and coordinate
10 staff and equipment services to these agencies in the interest of facilitating the work of the bodies
11 and achieving optimum efficiency in staff services common to all the bodies. Nothing in the
12 Reorganization Act of 1974 shall prevent the chairman of the public service commission from
13 presenting additional budget requests or from explaining or clarifying its budget requests to the
14 governor or general assembly.

15 3. The powers, duties and functions vested in the office of the public counsel are
16 transferred by type III transfer to the department of economic development. ~~[Funding for the
17 general counsel's office shall be by general revenue.]~~

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

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

24 6. All the powers, duties and functions of the department of community affairs, chapter
25 251 and others, not otherwise assigned, are transferred by type I transfer to the department of
26 economic development, and the department of community affairs is abolished. The director of
27 the department of economic development may assume all the duties of the director of community
28 affairs or may establish within the department such subunits and advisory committees as may be
29 required to administer the programs so transferred. The director of the department shall appoint
30 all members of such committees and heads of subunits.

31 7. The Missouri housing development commission, chapter 215, is assigned to the
32 department of economic development, but shall remain a governmental instrumentality of the
33 state of Missouri and shall constitute a body corporate and politic.

34 8. All the authority, powers, duties, functions, records, personnel, property, matters
35 pending and other pertinent vestiges of the division of manpower planning of the department of
36 social services are transferred by a type I transfer to the "Division of Workforce Development",
37 which is hereby created, within the department of economic development. The division of
38 manpower planning within the department of social services is abolished. The provisions of
39 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, **RSMo**, relating to the
40 manner and procedures for transfers of state agencies shall apply to the transfers provided in this
41 section.

42 9. All the authority, powers, functions, records, personnel, property, contracts, matters
43 pending and other pertinent vestiges of the division of employment security within the
44 department of labor and industrial relations related to job training and labor exchange that are
45 funded with or based upon Wagner-Peyser funds, and other federal and state workforce
46 development programs administered by the division of employment security are transferred by
47 a type I transfer to the division of workforce development within the department of economic
48 development.

49 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
50 created under the authority delegated in this section shall become effective only if it complies
51 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
52 This section and chapter 536 are nonseverable and if any of the powers vested with the general
53 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
54 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
55 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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