

SECOND REGULAR SESSION

SENATE BILL NO. 705

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed December 9, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3860S.011

AN ACT

To repeal sections 393.275 and 660.122, RSMo, and to enact in lieu thereof two new sections relating to utilities.

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

Section A. Sections 393.275 and 660.122, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 393.275 and 660.122, to
3 read as follows:

393.275. 1. The commission shall notify the governing body of each city
2 or county imposing a business license tax pursuant to section 66.300, 92.045,
3 94.110, 94.270 or 94.360, RSMo, or a similar tax adopted pursuant to charter
4 provisions in any constitutional charter city with a population of at least three
5 hundred fifty thousand inhabitants which is located in more than one county, on
6 gross receipts of any gas corporation, electric corporation, water corporation or
7 sewer corporation of any tariff increases authorized for such firm doing business
8 in that city or county if the approved increase exceeds seven percent. The
9 commission shall include with such notice to any city or county the percentage
10 increase approved for the utility, together with an estimate of the annual increase
11 in gross receipts resulting from the tariff increase on customers residing in that
12 city or county. The provisions of this subsection shall not apply to rate
13 adjustments in the purchase price of natural gas which are approved by the
14 commission.

15 2. The governing body of each city or county notified of a tariff increase
16 as provided in subsection 1 of this section shall reduce the tax rate of its business
17 license tax on the gross receipts of utility corporations. Within sixty days of the
18 effective date of the tariff increase, the tax rate shall be reduced to the extent

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

19 necessary so that revenue for the ensuing twelve months will be approximately
20 equal to the revenue received during the preceding twelve months plus a growth
21 factor. The growth factor shall be equal to the average of the additional revenue
22 received in each of the preceding three years. However, a city or county may
23 maintain the tax rate of its business license tax on the gross receipts of utility
24 corporations without reduction if an ordinance to maintain the tax rate is enacted
25 by the governing body of the city or an order to maintain the tax rate is issued
26 by the governing body of the county after September 28, 1985. The provisions of
27 this subsection shall not apply to rate adjustments in the purchase price of
28 natural gas which are approved by the commission **and such purchased gas**
29 **adjustment rates shall include the gas cost portion of net write-offs**
30 **incurred by the gas corporation in providing service to system sales**
31 **customers upon the filing and approval of new rate schedules**
32 **applicable to such customers. Such rate schedules shall be designed to**
33 **simultaneously decrease the gas corporation's base rates and increase**
34 **its purchased gas adjustment rates by like amounts so as to reasonably**
35 **ensure that the gas cost portion of the net write-offs applicable to such**
36 **customers, as such portion is determined by the commission, is only**
37 **being recovered once through the gas corporation's purchased gas**
38 **adjustment rates. Increases and decreases in the gas cost portion of net**
39 **write-offs shall thereafter be reflected in the gas corporation's**
40 **purchased gas adjustment rates under tariff provisions approved by the**
41 **commission provided, however, that such tariff provisions shall:**

42 (1) **Limit increases or decreases in the gas cost portion of net**
43 **write-offs as reflected in purchased gas adjustment rates to once each**
44 **year;**

45 (2) **Require a true-up of the gas cost portion of net write-offs as**
46 **reflected in purchased gas adjustment rates once each year; and**

47 (3) **Require commission review of the gas cost portion of net**
48 **write-offs as reflected in purchased gas adjustment rates once each**
49 **year to insure that the gas corporation is prudently pursuing collection**
50 **of amounts owed by its customers.**

660.122. Funds appropriated under the authority of sections 660.100 to
2 660.136 may be used to pay the expenses of reconnecting or maintaining service
3 to **eligible** households [that have had their primary or secondary heating or
4 cooling source disconnected or service discontinued because of their failure to pay

5 their bill]. **Eligible households which have paid or attempted to pay**
6 **their utility bills shall not be precluded from receiving such**
7 **assistance.** Any qualified household or other household which has as its head
8 a person who is elderly or disabled, as defined in section 660.100, shall be eligible
9 for assistance under this section if the income for the household is no more than
10 one hundred fifty percent of the current federal poverty level or sixty percent of
11 the state median income and if moneys have been appropriated by the general
12 assembly to the utilicare stabilization fund established pursuant to section
13 660.136. Payments under this section shall be made directly to the primary or
14 secondary heating or cooling source supplier. Any primary or secondary heating
15 or cooling source supplier subject to the supervision and regulation of the public
16 service commission shall, at any time during the period of the cold weather rule
17 specified in the cold weather rule as established and as amended by the public
18 service commission, reconnect and provide services to each household eligible for
19 assistance under this section in compliance with the terms of such cold weather
20 rule, **provided that such suppliers shall permit customers who have not**
21 **yet been disconnected and who incurred an arrearage during the cold**
22 **weather rule period to retain service by paying during each of the**
23 **three months following the cold weather rule period an amount equal**
24 **to one-third of the customer's arrearage, plus the customer's current**
25 **bill.** All home energy suppliers receiving funds under this section shall provide
26 service to eligible households consistent with their contractual agreements with
27 the department of social services **and sections 660.100 to 660.136.**

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