

SECOND REGULAR SESSION

HOUSE BILL NO. 2209

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

5836H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 386.135, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

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

Section A. Section 386.135, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.135, to read as follows:

386.135. 1. The commission [shall] **may** [have] **retain** an independent technical advisory staff [of up to six full-time employees]. The **technical** advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner [shall] **may** also [have the authority to] retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. [Such technical advisory staff shall be hired on or before July 1, 2005.]

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

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.

17 5. The technical advisory staff shall also update the commission and the commission's
18 administrative law judges periodically on developments and trends in public utility regulation,
19 including updates comparing the use, nature, and effect of various regulatory practices and
20 procedures as employed by the commission and public utility commissions in other jurisdictions.

21 6. Each member of the technical advisory staff shall be subject to any applicable ex parte
22 or conflict of interest requirements in the same manner and to the same degree as any
23 commissioner[, provided that neither any person regulated by, appearing before, or employed by
24 the commission shall be permitted to offer such member a different appointment or position
25 during that member's tenure on the technical advisory staff.

26 7. No employee of a company or corporation regulated by the public service commission,
27 no employee of the office of public counsel or the public counsel, and no staff members of either
28 the utility operations division or utility services division who were an employee or staff member
29 on, during the two years immediately preceding, or anytime after August 28, 2003, may be a
30 member of the commission's technical advisory staff for two years following the termination of
31 their employment with the corporation, office of public counsel or commission staff member].
32 **All technical advisory staff members who were previously employees of entities regulated**
33 **by or appearing before the commission shall be precluded from advising the commission**
34 **on cases in which the technical advisory staff member participated while employed by the**
35 **previous entity.**

36 [8.] 7. The technical advisory staff shall never be a party to any case before the
37 commission.

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