

FIRST REGULAR SESSION

HOUSE BILL NO. 481

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

1305H.011

DANA RADEMAN MILLER, 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Section A. Section 386.135, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.135, to read as follows: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 have]~~ **may retain** an independent technical advisory staff of up to ~~[six]~~ **ten** 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]~~ **shall** 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]~~ **establish** advisory staff **positions** 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. **Communications with the technical advisory staff or the personal advisors regarding deliberations by the commission or matters that may arise during the course of**

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 **proceedings before the commission shall be deemed privileged and protected from**
19 **disclosure.**

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

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

29 ~~7. No employee of a company or corporation regulated by the public service commission,~~
30 ~~no employee of the office of public counsel or the public counsel, and no staff members of either~~
31 ~~the utility operations division or utility services division who were an employee or staff member~~
32 ~~on, during the two years immediately preceding, or anytime after August 28, 2003, may be a~~
33 ~~member of the commission's technical advisory staff for two years following the termination of~~
34 ~~their employment with the corporation, office of public counsel or commission staff member].~~

35 **All technical advisory staff members and the personal advisors who were previously**
36 **employees of entities regulated by or appearing before the commission shall be precluded**
37 **from advising the commission on cases in which the technical advisory staff member or**
38 **personal advisor participated while employed by the entity.**

39 ~~[8-]~~ 7. The technical advisory staff **and personal advisors** shall never be a party to any
40 case before the commission.

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