

FIRST REGULAR SESSION

SENATE BILL NO. 379

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time February 13, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1957S.011

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Section A. Section 386.135, RSMo, is repealed and one new section
2 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
2 technical advisory staff of up to six full-time employees. The **technical** advisory
3 staff shall have expertise in accounting, economics, finance, engineering/utility
4 operations, law, or public policy.

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

11 3. The commission shall only [hire technical] **establish technical**
12 advisory staff **and personal advisor positions** pursuant to subsections 1 and
13 2 of this section if there is a corresponding elimination in comparable staff
14 positions for commission staff to offset the hiring of such technical advisory staff
15 **and personal advisors** on a cost-neutral basis. [Such technical advisory staff
16 shall be hired on or before July 1, 2005.]

17 4. It shall be the duty of the technical advisory staff **and personal**
18 **advisors** to render advice and assistance to the commissioners and the
19 commission's administrative law judges on technical matters within their

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

20 respective areas of expertise that may arise during the course of proceedings
21 before the commission. **Communications with the technical advisory staff**
22 **or the personal advisors regarding deliberations by the commission or**
23 **matters that may arise during the course of proceedings before the**
24 **commission shall be deemed privileged and protected from disclosure.**

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

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

36 7. No employee of a company or corporation regulated by the public
37 service commission, no employee of the office of public counsel or the public
38 counsel, and no staff members of either the utility operations division or utility
39 services division who were an employee or staff member on, during the two years
40 immediately preceding, or anytime after August 28, 2003, may be a member of the
41 commission's technical advisory staff for two years following the termination of
42 their employment with the corporation, office of public counsel or commission
43 staff member]. **All technical advisory staff members and the personal**
44 **advisors who were previously employees of entities regulated by or**
45 **appearing before the commission shall be precluded from advising the**
46 **commission on cases in which the technical advisory staff member or**
47 **personal advisor participated while employed by the entity.**

48 [8.] 7. The technical advisory staff **and personal advisors** shall never
49 be a party to any case before the commission.

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