

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 160, Page 1, Section A, Line 2, by inserting after
2 said section and line the following:

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4 "386.135. 1. The commission ~~[shall have]~~ may retain an independent technical advisory staff of up
5 to ~~[six]~~ ten full-time employees. The technical advisory staff shall have expertise in accounting, economics,
6 finance, engineering/utility operations, law, or public policy.

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

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

16 4. It shall be the duty of the ~~[technical]~~ advisory staff to render advice and assistance to the
17 commissioners and the commission's administrative law judges on technical matters within their respective
18 areas of expertise that may arise during the course of proceedings before the commission. Communications
19 with the technical advisory staff or the personal advisors regarding deliberations by the commission or
20 matters that may arise during the course of proceedings before the commission shall be deemed privileged
21 and protected from disclosure.

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

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

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

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

Action Taken _____ Date _____

commission."; and

Further amend said bill, Page 2, Section 386.264, Line 24, by adding after said section and line the following:

"640.142. 1. Within twelve months of the effective date of this section, each public water system shall create a plan that establishes policies and procedures for identifying and mitigating cyber risk. The plan shall include risk assessments and implementation of appropriate controls to mitigate identified cyber risks.

2. Public water systems that do not use an internet-connected control system are exempt from the provisions of this section.

3. The provisions of this section shall not apply to cities with a population over thirty thousand individuals, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, or a county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

640.144. 1. All public water systems shall be required to create a valve inspection program that includes:

(1) Inspection of all valves every ten years;

(2) Scheduled repair or replacement of broken valves; and

(3) Identification of each valve location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each valve.

2. All public water systems shall be required to create a hydrant inspection program that includes:

(1) Annual testing of every hydrant in the public water system ;

(2) Scheduled repair or replacement of broken hydrants;

(3) A plan to flush every hydrant and dead-end main;

(4) Maintenance of records of inspections, tests, and flushings for six years; and

(5) Identification of each hydrant location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each hydrant.

3. The provisions of this section shall not apply to cities with a population over thirty thousand individuals, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, or a county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

640.145. 1. Public water systems shall submit an annual report to the department of natural resources that shall certify compliance with all regulations regarding:

(1) Water quality sampling, testing, and reporting;

(2) Hydrant and valve inspections under section 640.144; and

(3) Cyber security plans and policies, if required under section 640.142.

2. The provisions of this section shall not apply to cities with a population over thirty thousand individuals, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, or a county with a charter form of government and with more than nine hundred fifty thousand inhabitants."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.