

HOUSE BILL NO. 3454

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYKO.

7385H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to public utilities employees' whistleblower protections.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be
2 known as section 386.1150, to read as follows:

386.1150. 1. For purposes of this section, the following terms mean:
2 **(1) "Commission", the Missouri public service commission;**
3 **(2) "Public counsel", the Missouri office of the public counsel;**
4 **(3) "Public utility", the same as defined in section 386.020;**
5 **(4) "Protected person", an employee of a public utility who has reported to the**
6 **proper authorities an unlawful act, serious misconduct that violates public policy, or any**
7 **other violation promulgated by a statute, rule, regulation, or any other provision of law**
8 **by a public utility; or an employee of a public utility who refused to carry out a directive**
9 **by the public utility that if completed would be a violation of a law, rule, or regulation of**
10 **the commission. "Protected person" includes any person serving on a board of**
11 **directors; any person serving in leadership roles, such as an executive, manager,**
12 **supervisor, or any employee, applicant, former employee, or contractor subject to the**
13 **authority of the commission.**

14 **2. The commission and public counsel shall each designate counsel to stand as**
15 **ombudsman who shall accept any complaint or information provided by a protected**
16 **person as to any act or omission by a public utility that violates current law or any rule**
17 **or regulation promulgated by the commission under this chapter.**

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 **3. Any information provided to the ombudsman under this section pertaining to**
19 **the identity of the protected person shall be kept confidential and a closed record under**
20 **chapter 610.**

21 **4. Any information provided to the ombudsman pertaining to a rate case shall be**
22 **placed in an official rate case file, but any information pertaining to the identity of the**
23 **protected person under this section shall be redacted.**

24 **5. The commission and public counsel shall each have the power to investigate or**
25 **make an inquiry as to any act or omission by a public utility based on a complaint or**
26 **information provided by a protected person under this section.**

27 **6. After receiving the complaint or information from a protected person, the**
28 **commission and public counsel shall:**

29 **(1) Both confirm receipt of the complaint or information to the protected**
30 **person;**

31 **(2) Provide an opportunity for the protected person to meet with an investigator**
32 **investigating or making an inquiry as to any act or omission by the public utility under**
33 **subsection 5 of this section;**

34 **(3) Provide an opportunity for the protected person to rebut any denial by the**
35 **public utility pertaining to any act or omission by the public utility that is being**
36 **investigated; and**

37 **(4) Provide an opportunity for the protected person to comment on a**
38 **preliminary investigative report pertaining to any act or omission by the public utility, if**
39 **any, that has been investigated under subsection 5 of this section.**

40 **7. Any rebuttal, denial, or any comments under subsection 6 of this section shall**
41 **be included in the record of the complaint.**

42 **8. The commission and public counsel shall both send notification to the**
43 **protected person of the final result of the investigation pertaining to any act or omission**
44 **by the public utility under this section.**

45 **9. A protected person under this section shall have the same remedies as a**
46 **protected person under section 285.575.**

47 **10. The commission shall promulgate rules to enforce the provisions of this**
48 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
49 **created under the authority delegated in this section shall become effective only if it**
50 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
51 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
52 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
53 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**

54 **then the grant of rulemaking authority and any rule proposed or adopted after August**
55 **28, 2026, shall be invalid and void.**

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