

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 13, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Bless the Lord, O my soul, and do not forget all His benefit” (Psalms 103:2)

Lord, You give to us what we need, strength to do our work, wisdom to lead and courage to face the day’s challenges. But we also ask that You grant us the favor to lead us down the paths that we need to walk and work to reach the goal You have set before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 244, regarding Adam Long, which was adopted.

Senator Beck offered Senate Resolution No. 245, regarding Robert P. Smith, Barnhart, which was adopted.

Senator Beck offered Senate Resolution No. 246, regarding Hannah Beaudean, which was adopted.

Senator Beck offered Senate Resolution No. 247, regarding SERVPRO, Affton/Webster Groves, which was adopted.

Senator Beck offered Senate Resolution No. 248, regarding Woodard Cleaning and Restoration, which was adopted.

Senator Beck offered Senate Resolution No. 249, regarding John Krebs, which was adopted.

Senator Beck offered Senate Resolution No. 250, regarding Luther Ray Crites, which was adopted.

Senator Beck offered Senate Resolution No. 251, regarding Nathan Williams, St. Charles, which was adopted.

Senator Beck offered Senate Resolution No. 252, regarding Michelle “Mesha” Scheipeter, which was adopted.

Senator Beck offered Senate Resolution No. 253, regarding Maureen Reed, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 254, regarding Myron A. Koehn, Crestwood, which was adopted.

Senator Beck offered Senate Resolution No. 255, regarding Laura Frank, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 256, regarding 9 Mile Garden, which was adopted.

Senator Beck offered Senate Resolution No. 257, regarding the Affton Fire Protection District, which was adopted.

Senator Beck offered Senate Resolution No. 258, regarding Excel Sports and Physical Therapy, Affton, which was adopted.

Senator Beck offered Senate Resolution No. 259, regarding Salem Lutheran School, Affton, which was adopted.

Senator Beck offered Senate Resolution No. 260, regarding Smoothie King, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 261, regarding Cynthia Tiefenbrunn, St. Louis, which was adopted.

Senator Riddle offered Senate Resolution No. 262, regarding Lieutenant Detective Bryant K. Morris, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SS for **SCS** for **SB 126**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS** for **SCS** for **SB 57** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 430** and **SS** for **SCS** for **HCS** for **HB 429**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Eigel, Chairman of the Committee on General Laws, Senator Rehder submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 39**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O'Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 349**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Crawford, **SB 287** was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 282**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cierpiot, **SB 202**, with **SCS**, was placed on the Informal Calendar.

Senator White moved that **SB 44** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 44**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 44

An Act to repeal section 393.358, RSMo, and to enact in lieu thereof five new sections relating to water and sewer infrastructure.

Senator White moved that **SS** for **SB 44** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 44, Page 1, In the Title, Lines 3-4, by striking “water and sewer infrastructure” and inserting in lieu thereof the following: “utilities”; and

Further amend said bill, page 11, Section 393.1509, line 154, by inserting after all of said line the following:

“394.120. 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person, or if the bylaws so provide, participating electronically or by mail, shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, by electronic means, by mail, or any combination thereof. If the bylaws provide for voting by proxy, by electronic means, or by mail, they shall also prescribe the conditions under which proxy, electronic, or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board of directors shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement provided in this section may be

satisfied through virtual means. The provisions of this subsection shall expire on August 28, 2022.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question[, and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district’s costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict’s advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within

the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 44, Page 1, In the Title, Lines 3-4, by striking “water and sewer infrastructure” and inserting in lieu thereof the following: “utilities”; and

Further amend said bill and page, Section A, line 4, by inserting after all of said line the following:

“137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) “Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, **capitalized overhead expenses**, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; **and** attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation or storage of [liquid and gaseous products, including, but not limited to, petroleum products, natural gas,] propane or LP gas equipment[, water, and sewage];

(5) “Reliever airport”, any land and improvements, exclusive of structures, on privately owned airports

that qualify as reliever airports under the National Plan of Integrated Airport Systems that may receive federal airport improvement project funds through the Federal Aviation Administration;

(6) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place. **Stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas that is not propane or LP gas, water, and sewage shall be considered tangible personal property.**

137.122. 1. As used in this section, the following terms mean:

(1) “Business personal property”, tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, property assessed under section 137.078, the property of rural electric cooperatives under chapter 394, or property assessed by the state tax commission under chapters 151, 153, and 155, section 137.022, and sections 137.1000 to 137.1030;

(2) “Class life”, the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) “Economic or functional obsolescence”, a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) “Original cost”, the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed-in-service date shall be the date of acquisition by the entity being acquired;

(5) “Placed in service”, property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) “Recovery period”, the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation

schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Recovery Period in Years					
	3	5	7	10	15	20
1	75.00	85.00	89.29	92.50	95.00	96.25
2	37.50	59.50	70.16	78.62	85.50	89.03
3	12.50	41.65	55.13	66.83	76.95	82.35
4	5.00	24.99	42.88	56.81	69.25	76.18
5		10.00	30.63	48.07	62.32	70.46
6			18.38	39.33	56.09	65.18
7			10.00	30.59	50.19	60.29
8				21.85	44.29	55.77
9				15.00	38.38	51.31
10					32.48	46.85
11					26.57	42.38
12					20.67	37.92
13					15.00	33.46
14						29.00
15						24.54
16						20.08
17						20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved **by a taxpayer** by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006. Nothing in this section shall create a presumption as to the proper method of determining the assessed valuation of business personal property placed in service before January 2, 2006, **provided, however, that as of January 1, 2021, this section shall apply to all stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas**

that is not propane or LP gas, water, and sewage that was or will be placed in service at any time.

6. The provisions of this section are not intended to modify the definition of tangible personal property as defined in section 137.010.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Koenig offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 44, Page 2, Line 35, by striking the words “capitalized overhead expenses,”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that SA 3, as amended, be adopted, which motion prevailed.

Senator Brown offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 44, Page 11, Section 393.1509, Line 154, by inserting after all of said line the following:

“11. The provisions of sections 393.1500 to 393.1509 shall expire on December 31, 2031.”.

Senator Brown moved that the above amendment be adopted.

Senator Schupp offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Bill No. 44, Page 1, Line 4, by striking “2031” and inserting in lieu thereof the following: “2027”.

Senator Schupp moved that the above amendment be adopted and requested that a roll call vote be taken. She was joined in her request by Senators Bernskoetter, Mosley, Rizzo, and Williams.

SA 1 to SA 4 failed of adoption by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Luetkemeyer	May	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

NAYS—Senators

Bean	Beck	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **SA 4** be adopted, which motion prevailed.

Senator Riddle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall

be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

a. Assessed under paragraph (b) of subdivision (1) of this subsection; and

b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls;

(b) Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c) All other business or personal property related to the wind energy project shall be assessed using the methodology provided under section 137.122.

7. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be assessed as follows:

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as found in the public utility company's Federal Energy

Regulatory Commission Financial Report Form Number One at the time of transfer of ownership, and depreciate the costs provided in a manner similar to other commercial and industrial property.

(b) Any property consisting of land and buildings related to the generation property associated with a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed under chapter 137; and

(c) All other business or personal property related to a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed using the methodology provided under section 137.122.

153.034. 1. The term “distributable property” of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term “local property” of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;
- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;
- (11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“67.309. No political subdivision of this state shall adopt an ordinance, resolution, regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Nothing in this section shall limit the ability of a political subdivision to choose utility services for properties owned by such political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Schupp offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 44, Page 6, Section 393.1506, Line 45, by inserting after

“393.1006.” the following: **“In no event shall a customer be charged both an infrastructure system replacement surcharge as provided in sections 393.1000 to 393.1006 and a WSIRA.”**; and

Further amend said bill, page 8, section 393.1509, lines 53-55 by striking all of said lines and inserting in lieu thereof the following: **“excise tax rates, including any income tax deductions;”**; and

Further amend said bill and section, page 11, line 139, by inserting after “10.” the following: **“The commission may take into account any change in business risk to the water or sewer corporation resulting from implementation of the WSIRA in setting the corporation’s allowed return in a general rate proceeding in addition to any other changes in business risk experienced by the corporation.**

11.”

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator White moved that **SS** for **SB 44**, as amended, be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 44**, as amended, was declared perfected and ordered printed.

Senator Gannon moved that **SB 71**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 71**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 71

An Act to repeal sections 455.010, 455.032, 455.035, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof eight new sections relating to pet protective orders.

Was taken up.

Senator Gannon moved that **SCS** for **SB 71** be adopted.

Senator Gannon offered **SS** for **SCS** for **SB 71**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 71

An Act to repeal sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof eight new sections relating to protective orders.

Senator Gannon moved that **SS** for **SCS** for **SB 71** be adopted, which motion prevailed.

On motion of Senator Gannon, **SS** for **SCS** for **SB 71** was declared perfected and ordered printed.

Senator Hegeman moved that **SB 3** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 3**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 3

An Act to repeal sections 435.415, 516.120, 516.140, and 537.065, RSMo, and to enact in lieu thereof four new sections relating to civil actions.

Senator Hegeman moved that **SS** for **SB 3** be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 3, Page 1, Section 435.415, Line 8, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend line 9, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend lines 14-15, by striking “insurer has agreed in writing to the arbitration proceeding. Any arbitration award” and inserting in lieu thereof the following: “**insured has entered into an agreement pursuant to section 537.065 and complied with the requirements contained within section 537.065. Any arbitration award for personal injury, bodily injury, or death**”; and further amend line 16, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend lines 18-20, by striking all of said lines and inserting in lieu thereof the following: “**collection from any insurer unless the insured has entered into an agreement pursuant to section 537.065 and complied with the requirements contained in section 537.065. There shall be a rebuttable presumption that an insurer’s**”; and

Further amend said bill and section, page 2, line 22, by striking the word “shall” and inserting in lieu thereof the following: “**does**”; and further amend said line, by striking the following: “, nor be construed to be,”; and further amend said line 26, by inserting after all of said line the following:

“**3. Any arbitration proceeding under this section in which insurance coverage is at issue shall be conducted by a panel of arbitrators selected through a strike and rank process or another process agreed to by the parties.**”; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, page 5, section 537.065, line 67-68, by striking “tort-feasor shall provide his or her”; and further amend line 68, by inserting immediately after the word “insurers” the following: “**shall be provided**”; and

Further amend said bill and section, page 6, line 98, by striking the word “defendants” and inserting in lieu thereof the following: “**intervenors**”; and further amend lines 101-104, by striking all of said lines and inserting in lieu thereof the following: “**. No stipulations, scheduling orders, or**”; and further amend lines 108-109, by striking said lines and inserting in lieu thereof the following: “**assert any rights or raise any defenses related to its interest in the action.**”; and

Further amend said bill and section, page 7, lines 110-112, by striking all of said lines; and further amend line 134 by striking “In any such”; and further amend lines 135-139, by striking all of said lines and inserting in lieu thereof the following: “**There shall be a rebuttable presumption that the exercise of any rights under this section does not constitute bad faith.**”.

Senator Roberts moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Hegeman, **SS** for **SB 3** was withdrawn, rendering **SA 1** moot.

At the request of Senator Hegeman, **SB 3** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HB 345, introduced by Representative DeGroot, entitled:

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

Was taken up by Senator Luetkemeyer.

Senator Luetkemeyer offered **SS** for **HB 345**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 345**

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

Senator Luetkemeyer moved that **SS** for **HB 345** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **HB 345** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer
O’Laughlin	Onder	Rehder	Rowden	Schatz	White	Wieland—21

NAYS—Senators

Arthur	Beck	May	Moon	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

Absent—Senators

Hough	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HS** for **HB 297**, entitled:

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty new sections relating to institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Bean and Rehder offered Senate Resolution No. 263, regarding Sheryl “Ms. Sherry” Maxwell, Charleston, which was adopted.

INTRODUCTION OF GUESTS

Senator Roberts introduced to the Senate, Dr. Melissa Nasm, St. Louis.

Senator Gannon introduced to the Senate, Jaycee Foeller, J. Foeller, Amber Foeller, and John Brown, De Soto.

On motion of Senator Rowden, the Senate adjourned until 3:30 p.m., Wednesday, April 14, 2021.

SENATE CALENDAR

FORTY-NINTH DAY – WEDNESDAY, APRIL 14, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 306

HCS for HB 1236

HCS for HB 744

HB 604-Gregory (51)

HJR 6-Schnelting

HB 678-Eggleston

HB 299-Wallingford

HCS for HB 1242

HB 167-Hardwick

HB 391-Griffith

HCS for HB 252

HB 563-Owen

HB 60-Schnelting

HB 661-Ruth

HB 991-Smith (163)

HB 911-Hill

HB 370-Christofanelli

HS for HB 297

THIRD READING OF SENATE BILLS

SS for SB 212-White (In Fiscal Oversight)
SB 5-Wieland

SS for SCS for SB 57-May (In Fiscal Oversight)
SS for SCS for SB 126-Brown

SENATE BILLS FOR PERFECTION

1. SB 254-Riddle, with SCS
2. SB 94-Onder
3. SB 206-Arthur
4. SB 138-Brattin, with SCS
5. SB 78-Beck
6. SB 74-Bean, with SCS
7. SB 343-Brown
8. SB 95-Onder, with SCS
9. SB 30-Cierpiot
10. SB 134-O'Laughlin and Cierpiot
11. SB 98-Hoskins, with SCS
12. SB 360-Wieland, with SCS
13. SB 45-Hough
14. SB 65-Rehder, with SCS
15. SB 253-Hegeman
16. SJR 12-Luetkemeyer
17. SB 131-Luetkemeyer
18. SB 291-Brown
19. SB 306-Bernskoetter, with SCS
20. SB 255-Riddle
21. SB 404-Riddle
22. SB 334-Bernskoetter
23. SB 96-Hoskins, with SCS
24. SB 183-O'Laughlin
25. SB 459-Brattin, with SCS
26. SB 198-Eigel, with SCS
27. SJR 7-Eigel
28. SB 114-Bernskoetter
29. SB 316-Hough
30. SB 372-Riddle

31. SB 195-Koenig
32. SB 295-Crawford, with SCS
33. SB 169-Burlison
34. SB 139-Bean
35. SB 204-Cierpiot, with SCS
36. SB 369-White
37. SB 105-Crawford, with SCS
38. SB 473-Brown
39. SB 168-Burlison
40. SB 434-Washington
41. SB 465-Hoskins, with SCS
42. SB 174-Hough, with SCS
43. SB 227-Arthur
44. SJR 4-Koenig
45. SB 318-May, with SCS
46. SB 408-Wieland
47. SB 399-Eigel
48. SB 547-Hoskins, with SCS
49. SB 236-Hough, with SCS
50. SJR 16-Eslinger
51. SB 182-O'Laughlin
52. SB 361-Wieland
53. SB 481-Hough, et al
54. SB 370-Brown
55. SB 54-O'Laughlin, with SCS
56. SB 390-Luetkemeyer
57. SB 400-Onder, with SCS
58. SB 437-Hoskins
59. SB 466-Hoskins, with SCS
60. SB 604-Koenig, with SCS

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| 61. SB 313-Eigel | 71. SB 132-O’Laughlin, with SCS |
| 62. SB 529-Cierpiot | 72. SB 561-Gannon |
| 63. SB 577-Riddle, with SCS | 73. SB 582-Eslinger |
| 64. SB 62-Williams, with SCS | 74. SB 375-Eigel |
| 65. SB 383-Moon | 75. SB 506-Bean |
| 66. SB 272-Mosley, with SCS | 76. SB 317-May |
| 67. SB 244-Onder | 77. SB 323-May |
| 68. SB 184-Bean, with SCS | 78. SB 218-Luetkemeyer, with SCS |
| 69. SB 92-Riddle, with SCS | 79. SB 39-Burlison and Brattin |
| 70. SB 562-Schupp | |

HOUSE BILLS ON THIRD READING

HCS for HB 349 (Koenig)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|---|--|
| SB 1-Hegeman | SB 137-Brattin |
| SB 3-Hegeman | SB 149-Onder |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 163-Cierpiot |
| SB 10-Schatz, with SS (pending) | SB 179-Luetkemeyer |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 202-Cierpiot, with SCS |
| SB 24-Eigel, with SS#2 (pending) | SB 282-Hegeman, with SCS |
| SB 36-Bernskoetter, with SS (pending) | SB 287-Crawford |
| SB 47-Hough | SB 301-Bernskoetter, with SCS & SA 1 (pending) |
| SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending) | SB 354-Hoskins, with SCS, SS for SCS, SA 1 &
point of order (pending) |
| SB 100-Koenig, with SCS | SJR 2-Onder, with SCS |
| SB 123-Hough, with SS & SA 2 (pending) | |

RESOLUTIONS

Reported from Committee

- | | |
|---------------------|---------------|
| SCR 6-Moon | SCR 16-Schatz |
| SCR 15-Bernskoetter | |

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