

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 820

AN ACT

To repeal sections 44.032, 144.030, 386.890, 442.404, 523.010, 523.039, 523.040, 523.256, 610.021, 620.2450, 620.2451, and 620.2453, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities, with an effective date for a certain section.

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

Section A. Sections 44.032, 144.030, 386.890, 442.404, 2 523.010, 523.039, 523.040, 523.256, 610.021, 620.2450, 3 620.2451, and 620.2453, RSMo, are repealed and nineteen new 4 sections enacted in lieu thereof, to be known as sections 1.513, 5 8.055, 8.475, 44.032, 144.030, 386.885, 386.890, 442.404, 6 523.010, 523.025, 523.039, 523.040, 523.256, 610.021, 620.2450, 7 620.2451, 620.2453, 620.2465, and 620.2468, to read as follows:

1.513. 1. The state of Missouri is hereby authorized  
2 to seek the deposit of federal funds designated for  
3 broadband deployment in Missouri from broadband providers  
4 who default or otherwise fail to complete deployment as  
5 agreed upon with the federal government. Such federal funds  
6 shall be deposited into a fund that is under the supervision  
7 of the Missouri office of broadband development.

8 2. Any provider in Missouri who defaults or otherwise  
9 fails to deploy broadband after receiving federal funds or  
10 any moneys from any other state for broadband services shall  
11 disclose such default or failure to deploy broadband  
12 services on any application to receive any state moneys in

13 Missouri within seven days of such notice of default or  
14 failure to deploy broadband services. Any provider who has  
15 defaulted in this state or any other state shall be presumed  
16 incapable of fulfilling the provider's obligations to deploy  
17 broadband internet in Missouri. Such presumption shall be  
18 rebuttable.

19 3. The Missouri office of broadband development is  
20 hereby authorized to adjudicate any such findings under  
21 subsection 2 of this section in a manner consistent with  
22 Missouri law.

8.055. Beginning January 1, 2024, unified high speed  
2 Wi-Fi internet access shall be provided to the public within  
3 the capitol building and on capitol grounds. Such Wi-Fi  
4 access shall be of adequate bandwidth and connectivity to  
5 accommodate the number of users in the capitol building and  
6 on capitol grounds.

8.475. 1. This section shall be known and may be  
2 cited as the "Vertical Real Estate Act".

3 2. As used in this section, the following terms mean:

4 (1) "Ground facilities", any shed, building, server  
5 room, or other ancillary structure providing an essential  
6 service to a tower including, but not limited to,  
7 distributing power or providing communications backhaul;

8 (2) "Tower", a structure that hosts an antenna or  
9 other equipment used for the purpose of transmitting  
10 cellular or wireless signals for communications purposes,  
11 including telephonically, or for computing purposes,  
12 including all associated equipment;

13 (3) "Vertical real estate", any communication or  
14 broadcast tower or other structure or installation mounted  
15 on a rooftop or other prominent place, along with any  
16 facilities associated with that structure, that is suitable  
17 for mounting communications equipment upon and any

18 associated ground facilities necessary to accommodate the  
19 communications purpose or any real estate suitable for the  
20 installation of a telecommunications vertical asset.  
21 Nothing in this definition shall prohibit terrestrial,  
22 middle-mile, or last-mile broadband or high-speed internet  
23 wiring or facilities installation under section 67.1847.  
24 Classification as "vertical real estate" shall not prevent  
25 any utility installation including, but not limited to,  
26 water, electric, or sewer services.

27 3. Any political subdivision of the state of Missouri  
28 is hereby authorized to erect vertical real estate or towers  
29 on its property unless otherwise proscribed by law. Any  
30 such political subdivision is hereby authorized to enter  
31 into public-private partnerships in order to effectuate  
32 construction of vertical real estate or towers.

44.032. 1. (1) As used in this section, the term  
2 "rural electric cooperative" means any rural electric  
3 cooperative organized or operating under the provisions of  
4 chapter 394, any corporation organized on a nonprofit or a  
5 cooperative basis as described in subsection 1 of section  
6 394.200, or any electrical corporation operating under a  
7 cooperative business plan as described in subsection 2 of  
8 section 393.110.

9 (2) The general assembly recognizes the necessity for  
10 anticipating and making advance provisions to care for the  
11 unusual and extraordinary burdens imposed by disasters or  
12 emergencies on this state [and], its political subdivisions  
13 [by disasters or emergencies], and rural electric  
14 cooperatives. To meet such situations, it is the intention  
15 of the general assembly to confer emergency powers on the  
16 governor, acting through the director, and vesting the  
17 governor with adequate power and authority within the

18 limitation of available funds in the Missouri disaster fund  
19 to meet any such emergency or disaster.

20 2. There is hereby established a fund to be known as  
21 the "Missouri Disaster Fund", to which the general assembly  
22 may appropriate funds and from which funds may be  
23 appropriated annually to the state emergency management  
24 agency. The funds appropriated shall be expended during a  
25 state emergency at the direction of the governor and upon  
26 the issuance of an emergency declaration which shall set  
27 forth the emergency and shall state that it requires the  
28 expenditure of public funds to furnish immediate aid and  
29 relief. The director of the state emergency management  
30 agency shall administer the fund.

31 3. Expenditures may be made upon direction of the  
32 governor for emergency management, as defined in section  
33 44.010, or to implement the state disaster plans.  
34 Expenditures may also be made to meet the matching  
35 requirements of state and federal agencies for any  
36 applicable assistance programs.

37 4. Assistance may be provided from the Missouri  
38 disaster fund to political subdivisions of this state  
39 [which] and rural electric cooperatives that have suffered  
40 from a disaster to such an extent as to impose a severe  
41 financial burden exceeding the ordinary reserve capacity of  
42 the subdivision or rural electric cooperative affected.  
43 Applications for aid under this section shall be made to the  
44 state emergency management agency on such forms as may be  
45 prescribed and furnished by the agency, which forms shall  
46 require the furnishing of sufficient information to  
47 determine eligibility for aid and the extent of the  
48 financial burden incurred. The agency may call upon other  
49 agencies of the state in evaluating such applications. The  
50 director of the state emergency management agency shall

51 review each application for aid under the provisions of this  
52 section and recommend its approval or disapproval, in whole  
53 or in part, to the governor. If approved, the governor  
54 shall determine and certify to the director of the state  
55 emergency management agency the amount of aid to be  
56 furnished. The director of the state emergency management  
57 agency shall thereupon issue [his] the director's voucher to  
58 the commissioner of administration, who shall issue [his]  
59 the commissioner's warrants therefor to the applicant.

60 5. When a disaster or emergency has been proclaimed by  
61 the governor or there is a national emergency, the director  
62 of the state emergency management agency, upon order of the  
63 governor, shall have authority to expend funds for the  
64 following:

65 (1) The purposes of sections 44.010 to 44.130 and the  
66 responsibilities of the governor and the state emergency  
67 management agency as outlined in sections 44.010 to 44.130;

68 (2) Employing, for the duration of the response and  
69 recovery to emergency, additional personnel and contracting  
70 or otherwise procuring necessary appliances, supplies,  
71 equipment, and transport;

72 (3) Performing services for and furnishing materials  
73 and supplies to state government agencies, counties, [and]  
74 municipalities, and rural electric cooperatives with respect  
75 to performance of any duties enjoined by law upon such  
76 agencies, counties, [and] municipalities, and rural electric  
77 cooperatives which they are unable to perform because of  
78 extreme natural or man-made phenomena, and receiving  
79 reimbursement in whole or in part from such agencies,  
80 counties, [and] municipalities, and rural electric  
81 cooperatives able to pay therefor under such terms and  
82 conditions as may be agreed upon by the director of the

83 state emergency management agency and any such agency,  
84 county, [or] municipality, or rural electric cooperative;

85 (4) Performing services for and furnishing materials  
86 to any individual in connection with alleviating hardship  
87 and distress growing out of extreme natural or man-made  
88 phenomena, and receiving reimbursement in whole or in part  
89 from such individual under such terms as may be agreed upon  
90 by the director of the state emergency management agency and  
91 such individual;

92 (5) Providing services to counties and municipalities  
93 with respect to quelling riots and civil disturbances;

94 (6) Repairing and restoring public infrastructure;

95 (7) Furnishing transportation for supplies to  
96 alleviate suffering and distress;

97 (8) Furnishing medical services and supplies to  
98 prevent the spread of disease and epidemics;

99 (9) Quelling riots and civil disturbances;

100 (10) Training individuals or governmental agencies for  
101 the purpose of perfecting the performance of emergency  
102 assistance duties as defined in the state disaster plans;

103 (11) Procurement, storage, and transport of special  
104 emergency supplies or equipment determined by the director  
105 to be necessary to provide rapid response by state  
106 government to assist counties and municipalities in  
107 impending or actual emergencies;

108 (12) Clearing or removing from publicly or privately  
109 owned land or water, debris and wreckage which may threaten  
110 public health or safety;

111 (13) Reimbursement to any urban search and rescue task  
112 force for any reasonable and necessary expenditures incurred  
113 in the course of responding to any declared emergency under  
114 this section; and

115           (14) Such other measures as are customarily necessary  
116 to furnish adequate relief in cases of catastrophe or  
117 disaster.

118           6. The governor may receive such voluntary  
119 contributions as may be made from any source to aid in  
120 carrying out the purposes of this section and shall credit  
121 the same to the Missouri disaster fund.

122           7. All obligations and expenses incurred by the  
123 governor in the exercise of the powers and duties vested by  
124 the provisions of this section shall be paid by the state  
125 treasurer out of available funds in the Missouri disaster  
126 fund, and the commissioner of administration shall draw  
127 warrants upon the state treasurer for the payment of such  
128 sum, or so much thereof as may be required, upon receipt of  
129 proper vouchers provided by the director of the state  
130 emergency management agency.

131           8. The provisions of this section shall be liberally  
132 construed in order to accomplish the purposes of sections  
133 44.010 to 44.130 and to permit the governor to cope  
134 adequately with any emergency which may arise, and the  
135 powers vested in the governor by this section shall be  
136 construed as being in addition to all other powers presently  
137 vested in the governor and not in derogation of any existing  
138 powers.

139           9. Such funds as may be made available by the  
140 government of the United States for the purpose of  
141 alleviating distress from disasters may be accepted by the  
142 state treasurer and shall be credited to the Missouri  
143 disaster fund, unless otherwise specifically provided in the  
144 act of Congress making such funds available.

145           10. The foregoing provisions of this section  
146 notwithstanding, any expenditure or proposed series of  
147 expenditures which total in excess of one thousand dollars

148 per project shall be approved by the governor prior to the  
149 expenditure.

144.030. 1. There is hereby specifically exempted  
2 from the provisions of sections 144.010 to 144.525 and from  
3 the computation of the tax levied, assessed or payable  
4 pursuant to sections 144.010 to 144.525 such retail sales as  
5 may be made in commerce between this state and any other  
6 state of the United States, or between this state and any  
7 foreign country, and any retail sale which the state of  
8 Missouri is prohibited from taxing pursuant to the  
9 Constitution or laws of the United States of America, and  
10 such retail sales of tangible personal property which the  
11 general assembly of the state of Missouri is prohibited from  
12 taxing or further taxing by the constitution of this state.

13 2. There are also specifically exempted from the  
14 provisions of the local sales tax law as defined in section  
15 32.085, section 238.235, and sections 144.010 to 144.525 and  
16 144.600 to 144.761 and from the computation of the tax  
17 levied, assessed or payable pursuant to the local sales tax  
18 law as defined in section 32.085, section 238.235, and  
19 sections 144.010 to 144.525 and 144.600 to 144.745:

20 (1) Motor fuel or special fuel subject to an excise  
21 tax of this state, unless all or part of such excise tax is  
22 refunded pursuant to section 142.824; or upon the sale at  
23 retail of fuel to be consumed in manufacturing or creating  
24 gas, power, steam, electrical current or in furnishing water  
25 to be sold ultimately at retail; or feed for livestock or  
26 poultry; or grain to be converted into foodstuffs which are  
27 to be sold ultimately in processed form at retail; or seed,  
28 limestone or fertilizer which is to be used for seeding,  
29 liming or fertilizing crops which when harvested will be  
30 sold at retail or will be fed to livestock or poultry to be  
31 sold ultimately in processed form at retail; economic



32 poisons registered pursuant to the provisions of the  
33 Missouri pesticide registration law, sections 281.220 to  
34 281.310, which are to be used in connection with the growth  
35 or production of crops, fruit trees or orchards applied  
36 before, during, or after planting, the crop of which when  
37 harvested will be sold at retail or will be converted into  
38 foodstuffs which are to be sold ultimately in processed form  
39 at retail;

40 (2) Materials, manufactured goods, machinery and parts  
41 which when used in manufacturing, processing, compounding,  
42 mining, producing or fabricating become a component part or  
43 ingredient of the new personal property resulting from such  
44 manufacturing, processing, compounding, mining, producing or  
45 fabricating and which new personal property is intended to  
46 be sold ultimately for final use or consumption; and  
47 materials, including without limitation, gases and  
48 manufactured goods, including without limitation slagging  
49 materials and firebrick, which are ultimately consumed in  
50 the manufacturing process by blending, reacting or  
51 interacting with or by becoming, in whole or in part,  
52 component parts or ingredients of steel products intended to  
53 be sold ultimately for final use or consumption;

54 (3) Materials, replacement parts and equipment  
55 purchased for use directly upon, and for the repair and  
56 maintenance or manufacture of, motor vehicles, watercraft,  
57 railroad rolling stock or aircraft engaged as common  
58 carriers of persons or property;

59 (4) Replacement machinery, equipment, and parts and  
60 the materials and supplies solely required for the  
61 installation or construction of such replacement machinery,  
62 equipment, and parts, used directly in manufacturing,  
63 mining, fabricating or producing a product which is intended  
64 to be sold ultimately for final use or consumption; and

65 machinery and equipment, and the materials and supplies  
66 required solely for the operation, installation or  
67 construction of such machinery and equipment, purchased and  
68 used to establish new, or to replace or expand existing,  
69 material recovery processing plants in this state. For the  
70 purposes of this subdivision, a "material recovery  
71 processing plant" means a facility that has as its primary  
72 purpose the recovery of materials into a usable product or a  
73 different form which is used in producing a new product and  
74 shall include a facility or equipment which are used  
75 exclusively for the collection of recovered materials for  
76 delivery to a material recovery processing plant but shall  
77 not include motor vehicles used on highways. For purposes  
78 of this section, the terms motor vehicle and highway shall  
79 have the same meaning pursuant to section 301.010. For the  
80 purposes of this subdivision, subdivision (5) of this  
81 subsection, and section 144.054, as well as the definition  
82 in subdivision (9) of subsection 1 of section 144.010, the  
83 term "product" includes telecommunications services and the  
84 term "manufacturing" shall include the production, or  
85 production and transmission, of telecommunications  
86 services. The preceding sentence does not make a  
87 substantive change in the law and is intended to clarify  
88 that the term "manufacturing" has included and continues to  
89 include the production and transmission of  
90 "telecommunications services", as enacted in this  
91 subdivision and subdivision (5) of this subsection, as well  
92 as the definition in subdivision (9) of subsection 1 of  
93 section 144.010. The preceding two sentences reaffirm  
94 legislative intent consistent with the interpretation of  
95 this subdivision and subdivision (5) of this subsection in  
96 *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d  
97 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v.*

98 Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), and  
99 accordingly abrogates the Missouri supreme court's  
100 interpretation of those exemptions in IBM Corporation v.  
101 Director of Revenue, 491 S.W.3d 535 (Mo. banc 2016) to the  
102 extent inconsistent with this section and Southwestern Bell  
103 Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc  
104 2002) and Southwestern Bell Tel. Co. v. Director of Revenue,  
105 182 S.W.3d 226 (Mo. banc 2005). The construction and  
106 application of this subdivision as expressed by the Missouri  
107 supreme court in DST Systems, Inc. v. Director of Revenue,  
108 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v.  
109 Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and  
110 Southwestern Bell Tel. Co. v. Director of Revenue, 182  
111 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material  
112 recovery is not the reuse of materials within a  
113 manufacturing process or the use of a product previously  
114 recovered. The material recovery processing plant shall  
115 qualify under the provisions of this section regardless of  
116 ownership of the material being recovered;

117 (5) Machinery and equipment, and parts and the  
118 materials and supplies solely required for the installation  
119 or construction of such machinery and equipment, purchased  
120 and used to establish new or to expand existing  
121 manufacturing, mining or fabricating plants in the state if  
122 such machinery and equipment is used directly in  
123 manufacturing, mining or fabricating a product which is  
124 intended to be sold ultimately for final use or  
125 consumption. The construction and application of this  
126 subdivision as expressed by the Missouri supreme court in  
127 DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo.  
128 banc 2001); Southwestern Bell Tel. Co. v. Director of  
129 Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern

130 Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo.  
131 banc 2005), is hereby affirmed;

132 (6) Tangible personal property which is used  
133 exclusively in the manufacturing, processing, modification  
134 or assembling of products sold to the United States  
135 government or to any agency of the United States government;

136 (7) Animals or poultry used for breeding or feeding  
137 purposes, or captive wildlife;

138 (8) Newsprint, ink, computers, photosensitive paper  
139 and film, toner, printing plates and other machinery,  
140 equipment, replacement parts and supplies used in producing  
141 newspapers published for dissemination of news to the  
142 general public;

143 (9) The rentals of films, records or any type of sound  
144 or picture transcriptions for public commercial display;

145 (10) Pumping machinery and equipment used to propel  
146 products delivered by pipelines engaged as common carriers;

147 (11) Railroad rolling stock for use in transporting  
148 persons or property in interstate commerce and motor  
149 vehicles licensed for a gross weight of twenty-four thousand  
150 pounds or more or trailers used by common carriers, as  
151 defined in section 390.020, in the transportation of persons  
152 or property;

153 (12) Electrical energy used in the actual primary  
154 manufacture, processing, compounding, mining or producing of  
155 a product, or electrical energy used in the actual secondary  
156 processing or fabricating of the product, or a material  
157 recovery processing plant as defined in subdivision (4) of  
158 this subsection, in facilities owned or leased by the  
159 taxpayer, if the total cost of electrical energy so used  
160 exceeds ten percent of the total cost of production, either  
161 primary or secondary, exclusive of the cost of electrical  
162 energy so used or if the raw materials used in such

163 processing contain at least twenty-five percent recovered  
164 materials as defined in section 260.200. There shall be a  
165 rebuttable presumption that the raw materials used in the  
166 primary manufacture of automobiles contain at least twenty-  
167 five percent recovered materials. For purposes of this  
168 subdivision, "processing" means any mode of treatment, act  
169 or series of acts performed upon materials to transform and  
170 reduce them to a different state or thing, including  
171 treatment necessary to maintain or preserve such processing  
172 by the producer at the production facility;

173 (13) Anodes which are used or consumed in  
174 manufacturing, processing, compounding, mining, producing or  
175 fabricating and which have a useful life of less than one  
176 year;

177 (14) Machinery, equipment, appliances and devices  
178 purchased or leased and used solely for the purpose of  
179 preventing, abating or monitoring air pollution, and  
180 materials and supplies solely required for the installation,  
181 construction or reconstruction of such machinery, equipment,  
182 appliances and devices;

183 (15) Machinery, equipment, appliances and devices  
184 purchased or leased and used solely for the purpose of  
185 preventing, abating or monitoring water pollution, and  
186 materials and supplies solely required for the installation,  
187 construction or reconstruction of such machinery, equipment,  
188 appliances and devices;

189 (16) Tangible personal property purchased by a rural  
190 water district;

191 (17) All amounts paid or charged for admission or  
192 participation or other fees paid by or other charges to  
193 individuals in or for any place of amusement, entertainment  
194 or recreation, games or athletic events, including museums,  
195 fairs, zoos and planetariums, owned or operated by a

196 municipality or other political subdivision where all the  
197 proceeds derived therefrom benefit the municipality or other  
198 political subdivision and do not inure to any private  
199 person, firm, or corporation, provided, however, that a  
200 municipality or other political subdivision may enter into  
201 revenue-sharing agreements with private persons, firms, or  
202 corporations providing goods or services, including  
203 management services, in or for the place of amusement,  
204 entertainment or recreation, games or athletic events, and  
205 provided further that nothing in this subdivision shall  
206 exempt from tax any amounts retained by any private person,  
207 firm, or corporation under such revenue-sharing agreement;

208 (18) All sales of insulin, and all sales, rentals,  
209 repairs, and parts of durable medical equipment, prosthetic  
210 devices, and orthopedic devices as defined on January 1,  
211 1980, by the federal Medicare program pursuant to Title  
212 XVIII of the Social Security Act of 1965, including the  
213 items specified in Section 1862(a)(12) of that act, and also  
214 specifically including hearing aids and hearing aid supplies  
215 and all sales of drugs which may be legally dispensed by a  
216 licensed pharmacist only upon a lawful prescription of a  
217 practitioner licensed to administer those items, including  
218 samples and materials used to manufacture samples which may  
219 be dispensed by a practitioner authorized to dispense such  
220 samples and all sales or rental of medical oxygen, home  
221 respiratory equipment and accessories including parts, and  
222 hospital beds and accessories and ambulatory aids including  
223 parts, and all sales or rental of manual and powered  
224 wheelchairs including parts, and stairway lifts, Braille  
225 writers, electronic Braille equipment and, if purchased or  
226 rented by or on behalf of a person with one or more physical  
227 or mental disabilities to enable them to function more  
228 independently, all sales or rental of scooters including

229 parts, and reading machines, electronic print enlargers and  
230 magnifiers, electronic alternative and augmentative  
231 communication devices, and items used solely to modify motor  
232 vehicles to permit the use of such motor vehicles by  
233 individuals with disabilities or sales of over-the-counter  
234 or nonprescription drugs to individuals with disabilities,  
235 and drugs required by the Food and Drug Administration to  
236 meet the over-the-counter drug product labeling requirements  
237 in 21 CFR 201.66, or its successor, as prescribed by a  
238 health care practitioner licensed to prescribe;

239 (19) All sales made by or to religious and charitable  
240 organizations and institutions in their religious,  
241 charitable or educational functions and activities and all  
242 sales made by or to all elementary and secondary schools  
243 operated at public expense in their educational functions  
244 and activities;

245 (20) All sales of aircraft to common carriers for  
246 storage or for use in interstate commerce and all sales made  
247 by or to not-for-profit civic, social, service or fraternal  
248 organizations, including fraternal organizations which have  
249 been declared tax-exempt organizations pursuant to Section  
250 501(c) (8) or (10) of the 1986 Internal Revenue Code, as  
251 amended, in their civic or charitable functions and  
252 activities and all sales made to eleemosynary and penal  
253 institutions and industries of the state, and all sales made  
254 to any private not-for-profit institution of higher  
255 education not otherwise excluded pursuant to subdivision  
256 (19) of this subsection or any institution of higher  
257 education supported by public funds, and all sales made to a  
258 state relief agency in the exercise of relief functions and  
259 activities;

260 (21) All ticket sales made by benevolent, scientific  
261 and educational associations which are formed to foster,

262 encourage, and promote progress and improvement in the  
263 science of agriculture and in the raising and breeding of  
264 animals, and by nonprofit summer theater organizations if  
265 such organizations are exempt from federal tax pursuant to  
266 the provisions of the Internal Revenue Code and all  
267 admission charges and entry fees to the Missouri state fair  
268 or any fair conducted by a county agricultural and  
269 mechanical society organized and operated pursuant to  
270 sections 262.290 to 262.530;

271 (22) All sales made to any private not-for-profit  
272 elementary or secondary school, all sales of feed additives,  
273 medications or vaccines administered to livestock or poultry  
274 in the production of food or fiber, all sales of pesticides  
275 used in the production of crops, livestock or poultry for  
276 food or fiber, all sales of bedding used in the production  
277 of livestock or poultry for food or fiber, all sales of  
278 propane or natural gas, electricity or diesel fuel used  
279 exclusively for drying agricultural crops, natural gas used  
280 in the primary manufacture or processing of fuel ethanol as  
281 defined in section 142.028, natural gas, propane, and  
282 electricity used by an eligible new generation cooperative  
283 or an eligible new generation processing entity as defined  
284 in section 348.432, and all sales of farm machinery and  
285 equipment, other than airplanes, motor vehicles and  
286 trailers, and any freight charges on any exempt item. As  
287 used in this subdivision, the term "feed additives" means  
288 tangible personal property which, when mixed with feed for  
289 livestock or poultry, is to be used in the feeding of  
290 livestock or poultry. As used in this subdivision, the term  
291 "pesticides" includes adjuvants such as crop oils,  
292 surfactants, wetting agents and other assorted pesticide  
293 carriers used to improve or enhance the effect of a  
294 pesticide and the foam used to mark the application of



295 pesticides and herbicides for the production of crops,  
296 livestock or poultry. As used in this subdivision, the term  
297 "farm machinery and equipment" means new or used farm  
298 tractors and such other new or used farm machinery and  
299 equipment and repair or replacement parts thereon and any  
300 accessories for and upgrades to such farm machinery and  
301 equipment, rotary mowers used exclusively for agricultural  
302 purposes, and supplies and lubricants used exclusively,  
303 solely, and directly for producing crops, raising and  
304 feeding livestock, fish, poultry, pheasants, chukar, quail,  
305 or for producing milk for ultimate sale at retail, including  
306 field drain tile, and one-half of each purchaser's purchase  
307 of diesel fuel therefor which is:

- 308 (a) Used exclusively for agricultural purposes;
- 309 (b) Used on land owned or leased for the purpose of  
310 producing farm products; and
- 311 (c) Used directly in producing farm products to be  
312 sold ultimately in processed form or otherwise at retail or  
313 in producing farm products to be fed to livestock or poultry  
314 to be sold ultimately in processed form at retail;

315 (23) Except as otherwise provided in section 144.032,  
316 all sales of metered water service, electricity, electrical  
317 current, natural, artificial or propane gas, wood, coal or  
318 home heating oil for domestic use and in any city not within  
319 a county, all sales of metered or unmetered water service  
320 for domestic use:

- 321 (a) "Domestic use" means that portion of metered water  
322 service, electricity, electrical current, natural,  
323 artificial or propane gas, wood, coal or home heating oil,  
324 and in any city not within a county, metered or unmetered  
325 water service, which an individual occupant of a residential  
326 premises uses for nonbusiness, noncommercial or  
327 nonindustrial purposes. Utility service through a single or

328 master meter for residential apartments or condominiums,  
329 including service for common areas and facilities and vacant  
330 units, shall be deemed to be for domestic use. Each seller  
331 shall establish and maintain a system whereby individual  
332 purchases are determined as exempt or nonexempt;

333 (b) Regulated utility sellers shall determine whether  
334 individual purchases are exempt or nonexempt based upon the  
335 seller's utility service rate classifications as contained  
336 in tariffs on file with and approved by the Missouri public  
337 service commission. Sales and purchases made pursuant to  
338 the rate classification "residential" and sales to and  
339 purchases made by or on behalf of the occupants of  
340 residential apartments or condominiums through a single or  
341 master meter, including service for common areas and  
342 facilities and vacant units, shall be considered as sales  
343 made for domestic use and such sales shall be exempt from  
344 sales tax. Sellers shall charge sales tax upon the entire  
345 amount of purchases classified as nondomestic use. The  
346 seller's utility service rate classification and the  
347 provision of service thereunder shall be conclusive as to  
348 whether or not the utility must charge sales tax;

349 (c) Each person making domestic use purchases of  
350 services or property and who uses any portion of the  
351 services or property so purchased for a nondomestic use  
352 shall, by the fifteenth day of the fourth month following  
353 the year of purchase, and without assessment, notice or  
354 demand, file a return and pay sales tax on that portion of  
355 nondomestic purchases. Each person making nondomestic  
356 purchases of services or property and who uses any portion  
357 of the services or property so purchased for domestic use,  
358 and each person making domestic purchases on behalf of  
359 occupants of residential apartments or condominiums through  
360 a single or master meter, including service for common areas

361 and facilities and vacant units, under a nonresidential  
362 utility service rate classification may, between the first  
363 day of the first month and the fifteenth day of the fourth  
364 month following the year of purchase, apply for credit or  
365 refund to the director of revenue and the director shall  
366 give credit or make refund for taxes paid on the domestic  
367 use portion of the purchase. The person making such  
368 purchases on behalf of occupants of residential apartments  
369 or condominiums shall have standing to apply to the director  
370 of revenue for such credit or refund;

371 (24) All sales of handicraft items made by the seller  
372 or the seller's spouse if the seller or the seller's spouse  
373 is at least sixty-five years of age, and if the total gross  
374 proceeds from such sales do not constitute a majority of the  
375 annual gross income of the seller;

376 (25) Excise taxes, collected on sales at retail,  
377 imposed by Sections 4041, 4071, 4081, 4091, 4161, 4181,  
378 4251, 4261 and 4271 of Title 26, United States Code. The  
379 director of revenue shall promulgate rules pursuant to  
380 chapter 536 to eliminate all state and local sales taxes on  
381 such excise taxes;

382 (26) Sales of fuel consumed or used in the operation  
383 of ships, barges, or waterborne vessels which are used  
384 primarily in or for the transportation of property or cargo,  
385 or the conveyance of persons for hire, on navigable rivers  
386 bordering on or located in part in this state, if such fuel  
387 is delivered by the seller to the purchaser's barge, ship,  
388 or waterborne vessel while it is afloat upon such river;

389 (27) All sales made to an interstate compact agency  
390 created pursuant to sections 70.370 to 70.441 or sections  
391 238.010 to 238.100 in the exercise of the functions and  
392 activities of such agency as provided pursuant to the  
393 compact;

394           (28) Computers, computer software and computer  
395 security systems purchased for use by architectural or  
396 engineering firms headquartered in this state. For the  
397 purposes of this subdivision, "headquartered in this state"  
398 means the office for the administrative management of at  
399 least four integrated facilities operated by the taxpayer is  
400 located in the state of Missouri;

401           (29) All livestock sales when either the seller is  
402 engaged in the growing, producing or feeding of such  
403 livestock, or the seller is engaged in the business of  
404 buying and selling, bartering or leasing of such livestock;

405           (30) All sales of barges which are to be used  
406 primarily in the transportation of property or cargo on  
407 interstate waterways;

408           (31) Electrical energy or gas, whether natural,  
409 artificial or propane, water, or other utilities which are  
410 ultimately consumed in connection with the manufacturing of  
411 cellular glass products or in any material recovery  
412 processing plant as defined in subdivision (4) of this  
413 subsection;

414           (32) Notwithstanding other provisions of law to the  
415 contrary, all sales of pesticides or herbicides used in the  
416 production of crops, aquaculture, livestock or poultry;

417           (33) Tangible personal property and utilities  
418 purchased for use or consumption directly or exclusively in  
419 the research and development of agricultural/biotechnology  
420 and plant genomics products and prescription pharmaceuticals  
421 consumed by humans or animals;

422           (34) All sales of grain bins for storage of grain for  
423 resale;

424           (35) All sales of feed which are developed for and  
425 used in the feeding of pets owned by a commercial breeder  
426 when such sales are made to a commercial breeder, as defined

427 in section 273.325, and licensed pursuant to sections  
428 273.325 to 273.357;

429 (36) All purchases by a contractor on behalf of an  
430 entity located in another state, provided that the entity is  
431 authorized to issue a certificate of exemption for purchases  
432 to a contractor under the provisions of that state's laws.  
433 For purposes of this subdivision, the term "certificate of  
434 exemption" shall mean any document evidencing that the  
435 entity is exempt from sales and use taxes on purchases  
436 pursuant to the laws of the state in which the entity is  
437 located. Any contractor making purchases on behalf of such  
438 entity shall maintain a copy of the entity's exemption  
439 certificate as evidence of the exemption. If the exemption  
440 certificate issued by the exempt entity to the contractor is  
441 later determined by the director of revenue to be invalid  
442 for any reason and the contractor has accepted the  
443 certificate in good faith, neither the contractor or the  
444 exempt entity shall be liable for the payment of any taxes,  
445 interest and penalty due as the result of use of the invalid  
446 exemption certificate. Materials shall be exempt from all  
447 state and local sales and use taxes when purchased by a  
448 contractor for the purpose of fabricating tangible personal  
449 property which is used in fulfilling a contract for the  
450 purpose of constructing, repairing or remodeling facilities  
451 for the following:

452 (a) An exempt entity located in this state, if the  
453 entity is one of those entities able to issue project  
454 exemption certificates in accordance with the provisions of  
455 section 144.062; or

456 (b) An exempt entity located outside the state if the  
457 exempt entity is authorized to issue an exemption  
458 certificate to contractors in accordance with the provisions

459 of that state's law and the applicable provisions of this  
460 section;

461 (37) All sales or other transfers of tangible personal  
462 property to a lessor who leases the property under a lease  
463 of one year or longer executed or in effect at the time of  
464 the sale or other transfer to an interstate compact agency  
465 created pursuant to sections 70.370 to 70.441 or sections  
466 238.010 to 238.100;

467 (38) Sales of tickets to any collegiate athletic  
468 championship event that is held in a facility owned or  
469 operated by a governmental authority or commission, a quasi-  
470 governmental agency, a state university or college or by the  
471 state or any political subdivision thereof, including a  
472 municipality, and that is played on a neutral site and may  
473 reasonably be played at a site located outside the state of  
474 Missouri. For purposes of this subdivision, "neutral site"  
475 means any site that is not located on the campus of a  
476 conference member institution participating in the event;

477 (39) All purchases by a sports complex authority  
478 created under section 64.920, and all sales of utilities by  
479 such authority at the authority's cost that are consumed in  
480 connection with the operation of a sports complex leased to  
481 a professional sports team;

482 (40) All materials, replacement parts, and equipment  
483 purchased for use directly upon, and for the modification,  
484 replacement, repair, and maintenance of aircraft, aircraft  
485 power plants, and aircraft accessories;

486 (41) Sales of sporting clays, wobble, skeet, and trap  
487 targets to any shooting range or similar places of business  
488 for use in the normal course of business and money received  
489 by a shooting range or similar places of business from  
490 patrons and held by a shooting range or similar place of

491 business for redistribution to patrons at the conclusion of  
492 a shooting event;

493 (42) All sales of motor fuel, as defined in section  
494 142.800, used in any watercraft, as defined in section  
495 306.010;

496 (43) Any new or used aircraft sold or delivered in  
497 this state to a person who is not a resident of this state  
498 or a corporation that is not incorporated in this state, and  
499 such aircraft is not to be based in this state and shall not  
500 remain in this state more than ten business days subsequent  
501 to the last to occur of:

502 (a) The transfer of title to the aircraft to a person  
503 who is not a resident of this state or a corporation that is  
504 not incorporated in this state; or

505 (b) The date of the return to service of the aircraft  
506 in accordance with 14 CFR 91.407 for any maintenance,  
507 preventive maintenance, rebuilding, alterations, repairs, or  
508 installations that are completed contemporaneously with the  
509 transfer of title to the aircraft to a person who is not a  
510 resident of this state or a corporation that is not  
511 incorporated in this state;

512 (44) Motor vehicles registered in excess of fifty-four  
513 thousand pounds, and the trailers pulled by such motor  
514 vehicles, that are actually used in the normal course of  
515 business to haul property on the public highways of the  
516 state, and that are capable of hauling loads commensurate  
517 with the motor vehicle's registered weight; and the  
518 materials, replacement parts, and equipment purchased for  
519 use directly upon, and for the repair and maintenance or  
520 manufacture of such vehicles. For purposes of this  
521 subdivision, "motor vehicle" and "public highway" shall have  
522 the meaning as ascribed in section 390.020;

523 (45) All internet access or the use of internet access  
524 regardless of whether the tax is imposed on a provider of  
525 internet access or a buyer of internet access. For purposes  
526 of this subdivision, the following terms shall mean:

527 (a) "Direct costs", costs incurred by a governmental  
528 authority solely because of an internet service provider's  
529 use of the public right-of-way. The term shall not include  
530 costs that the governmental authority would have incurred if  
531 the internet service provider did not make such use of the  
532 public right-of-way. Direct costs shall be determined in a  
533 manner consistent with generally accepted accounting  
534 principles;

535 (b) "Internet", computer and telecommunications  
536 facilities, including equipment and operating software, that  
537 comprises the interconnected worldwide network that employ  
538 the transmission control protocol or internet protocol, or  
539 any predecessor or successor protocols to that protocol, to  
540 communicate information of all kinds by wire or radio;

541 (c) "Internet access", a service that enables users to  
542 connect to the internet to access content, information, or  
543 other services without regard to whether the service is  
544 referred to as telecommunications, communications,  
545 transmission, or similar services, and without regard to  
546 whether a provider of the service is subject to regulation  
547 by the Federal Communications Commission as a common carrier  
548 under 47 U.S.C. Section 201, et seq. For purposes of this  
549 subdivision, internet access also includes: the purchase,  
550 use, or sale of communications services, including  
551 telecommunications services as defined in section 144.010,  
552 to the extent the communications services are purchased,  
553 used, or sold to provide the service described in this  
554 subdivision or to otherwise enable users to access content,  
555 information, or other services offered over the internet;



556 services that are incidental to the provision of a service  
557 described in this subdivision, when furnished to users as  
558 part of such service, including a home page, electronic  
559 mail, and instant messaging, including voice-capable and  
560 video-capable electronic mail and instant messaging, video  
561 clips, and personal electronic storage capacity; a home page  
562 electronic mail and instant messaging, including voice-  
563 capable and video-capable electronic mail and instant  
564 messaging, video clips, and personal electronic storage  
565 capacity that are provided independently or that are not  
566 packed with internet access. As used in this subdivision,  
567 internet access does not include voice, audio, and video  
568 programming or other products and services, except services  
569 described in this paragraph or this subdivision, that use  
570 internet protocol or any successor protocol and for which  
571 there is a charge, regardless of whether the charge is  
572 separately stated or aggregated with the charge for services  
573 described in this paragraph or this subdivision;

574 (d) "Tax", any charge imposed by the state or a  
575 political subdivision of the state for the purpose of  
576 generating revenues for governmental purposes and that is  
577 not a fee imposed for a specific privilege, service, or  
578 benefit conferred, except as described as otherwise under  
579 this subdivision, or any obligation imposed on a seller to  
580 collect and to remit to the state or a political subdivision  
581 of the state any gross retail tax, sales tax, or use tax  
582 imposed on a buyer by such a governmental entity. The term  
583 tax shall not include any franchise fee or similar fee  
584 imposed or authorized under section 67.1830 or 67.2689;  
585 Section 622 or 653 of the Communications Act of 1934, 47  
586 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other  
587 fee related to obligations of telecommunications carriers

588 under the Communications Act of 1934, 47 U.S.C. Section 151,  
589 et seq., except to the extent that:

590 a. The fee is not imposed for the purpose of  
591 recovering direct costs incurred by the franchising or other  
592 governmental authority from providing the specific  
593 privilege, service, or benefit conferred to the payer of the  
594 fee; or

595 b. The fee is imposed for the use of a public right-of-  
596 way based on a percentage of the service revenue, and the  
597 fee exceeds the incremental direct costs incurred by the  
598 governmental authority associated with the provision of that  
599 right-of-way to the provider of internet access service.

600 Nothing in this subdivision shall be interpreted as an  
601 exemption from taxes due on goods or services that were  
602 subject to tax on January 1, 2016;

603 (46) All purchases by a company of solar photovoltaic  
604 energy systems, components used to construct a solar  
605 photovoltaic energy system, and all purchases of materials  
606 and supplies used directly to construct or make improvements  
607 to such systems, provided that such systems:

608 (a) Are sold or leased to an end user; or

609 (b) Are used to produce, collect and transmit  
610 electricity for resale or retail.

611 3. Any ruling, agreement, or contract, whether written  
612 or oral, express or implied, between a person and this  
613 state's executive branch, or any other state agency or  
614 department, stating, agreeing, or ruling that such person is  
615 not required to collect sales and use tax in this state  
616 despite the presence of a warehouse, distribution center, or  
617 fulfillment center in this state that is owned or operated  
618 by the person or an affiliated person shall be null and void  
619 unless it is specifically approved by a majority vote of  
620 each of the houses of the general assembly. For purposes of

621 this subsection, an "affiliated person" means any person  
622 that is a member of the same controlled group of  
623 corporations as defined in Section 1563(a) of the Internal  
624 Revenue Code of 1986, as amended, as the vendor or any other  
625 entity that, notwithstanding its form of organization, bears  
626 the same ownership relationship to the vendor as a  
627 corporation that is a member of the same controlled group of  
628 corporations as defined in Section 1563(a) of the Internal  
629 Revenue Code, as amended.

386.885. 1. There is hereby established the "Task  
2 Force on Distributed Energy Resources and Net Metering",  
3 which shall be composed of the following members:

4 (1) Two members of the senate, with one appointed by  
5 the president pro tempore of the senate and one appointed by  
6 the minority floor leader of the senate;

7 (2) Two members of the house of representatives, with  
8 one appointed by the speaker of the house of representatives  
9 and one appointed by the minority floor leader of the house  
10 of representatives;

11 (3) The director of the division of energy, or his or  
12 her designee, to serve as a member and to provide technical  
13 assistance to the task force;

14 (4) The chair of the public service commission, or his  
15 or her designee, to serve as a member and to provide  
16 technical assistance;

17 (5) The director of the office of public counsel, or  
18 his or her designee, to serve as a member and to provide  
19 technical assistance;

20 (6) A representative from each of the three segments  
21 of the retail electric energy industry appointed by the  
22 president pro tempore of the senate from the respective  
23 nominees submitted by the statewide associations of the

24 investor-owned electric utilities, rural electric  
25 cooperatives, and municipally-owned electric utilities;

26 (7) One representative of the retail distributed  
27 energy resources industry appointed by the chair of the  
28 public service commission;

29 (8) One representative from an organization that  
30 advocates for policy supporting renewable energy development  
31 appointed by the chair of the public service commission; and

32 (9) One representative from an organization that  
33 advocates for the interests of low-income utility customers  
34 appointed by the chair of the public service commission.

35 2. The task force shall conduct public hearings and  
36 research, and shall compile a report for delivery to the  
37 general assembly by no later than December 31, 2023. Such  
38 report shall include information on the following:

39 (1) A distributed energy resources study, which shall  
40 include a value of solar study along with the practical and  
41 economic benefits, challenges, and drawbacks of increased  
42 distributed energy generation in the state;

43 (2) Potential legislation regarding community solar as  
44 operated by non-utility entities and the fair and equitable  
45 setting of rates between distributed generation and non-  
46 distributed generation consumers; and

47 (3) Potential legislation, including but not limited  
48 to changes to the net metering and easy connection act, if  
49 any, that would promote the overall public interest.

50 3. The task force shall meet within thirty days after  
51 its creation and shall organize by selecting a chairperson  
52 and vice chairperson, one of whom shall be a member of the  
53 senate and the other a member of the house of  
54 representatives. Thereafter, the task force may meet as  
55 often as necessary in order to accomplish the tasks assigned  
56 to it. A majority of the task force shall constitute a

57 quorum, and a majority vote of such quorum shall be required  
58 for any action.

59 4. The staff of house research and senate research  
60 shall provide necessary clerical, research, fiscal, and  
61 legal services to the task force, as the task force may  
62 request.

63 5. The division of energy shall oversee the  
64 distributed energy resources study to be selected and  
65 conducted by an independent and objective expert with input  
66 from the members of the task force. The cost of such study  
67 shall be paid for through funds available from federal and  
68 state grants applied for by the division of energy. The  
69 division of energy shall establish procedures for the  
70 submission and non-public disclosure of confidential and  
71 proprietary information.

72 6. The members of the task force shall serve without  
73 compensation but may be reimbursed for any actual and  
74 necessary expenses incurred in the performance of the task  
75 force's official duties.

76 7. This section shall expire on December 31, 2023, or  
77 at the conclusion of the task force's work, whichever is  
78 sooner.

386.890. 1. This section shall be known and may be  
2 cited as the "Net Metering and Easy Connection Act".

3 2. As used in this section, the following terms shall  
4 mean:

5 (1) "Avoided fuel cost", the current average cost of  
6 fuel for the entity generating electricity, as defined by  
7 the governing body with jurisdiction over any municipal  
8 electric utility, rural electric cooperative as provided in  
9 chapter 394, or electrical corporation as provided in this  
10 chapter;

11 (2) "Commission", the public service commission of the  
12 state of Missouri;

13 (3) "Customer-generator", the owner or operator of a  
14 qualified electric energy generation unit which:

15 (a) Is powered by a renewable energy resource;

16 (b) Has an electrical generating system with a  
17 capacity of not more than one hundred kilowatts;

18 (c) Is located on a premises owned, operated, leased,  
19 or otherwise controlled by the customer-generator;

20 (d) Is interconnected and operates in parallel phase  
21 and synchronization with a retail electric supplier and has  
22 been approved by said retail electric supplier;

23 (e) Is intended primarily to offset part or all of the  
24 customer-generator's own electrical energy requirements;

25 (f) Meets all applicable safety, performance,  
26 interconnection, and reliability standards established by  
27 the National Electrical Code, the National Electrical Safety  
28 Code, the Institute of Electrical and Electronics Engineers,  
29 Underwriters Laboratories, the Federal Energy Regulatory  
30 Commission, and any local governing authorities; and

31 (g) Contains a mechanism that automatically disables  
32 the unit and interrupts the flow of electricity back onto  
33 the supplier's electricity lines in the event that service  
34 to the customer-generator is interrupted;

35 (4) "Department", the department of [economic  
36 development] natural resources;

37 (5) "Net metering", using metering equipment  
38 sufficient to measure the difference between the electrical  
39 energy supplied to a customer-generator by a retail electric  
40 supplier and the electrical energy supplied by the customer-  
41 generator to the retail electric supplier over the  
42 applicable billing period;

43           (6) "Renewable energy resources", electrical energy  
44 produced from wind, solar thermal sources, hydroelectric  
45 sources, photovoltaic cells and panels, fuel cells using  
46 hydrogen produced by one of the above-named electrical  
47 energy sources, and other sources of energy that become  
48 available after August 28, 2007, and are certified as  
49 renewable by the department;

50           (7) "Retail electric supplier" or "supplier", any  
51 [municipal] municipally owned electric utility operating  
52 under chapter 91, electrical corporation regulated by the  
53 commission under this chapter, or rural electric cooperative  
54 operating under chapter 394 that provides retail electric  
55 service in this state. An electrical corporation that  
56 operates under a cooperative business plan as described in  
57 subsection 2 of section 393.110 shall be deemed to be a  
58 rural electric cooperative for purposes of this section.

59           3. A retail electric supplier shall:

60           (1) Make net metering available to customer-generators  
61 on a first-come, first-served basis until the total rated  
62 generating capacity of net metering systems equals five  
63 percent of the [utility's] retail electric supplier's single-  
64 hour peak load during the previous year, after which the  
65 commission for [a public utility] an electrical corporation  
66 or the respective governing body [for] of other [electric  
67 utilities] retail electric suppliers may increase the total  
68 rated generating capacity of net metering systems to an  
69 amount above five percent. However, in a given calendar  
70 year, no retail electric supplier shall be required to  
71 approve any application for interconnection if the total  
72 rated generating capacity of all applications for  
73 interconnection already approved to date by said supplier in  
74 said calendar year equals or exceeds one percent of said

75 supplier's single-hour peak load for the previous calendar  
76 year;

77 (2) Offer to the customer-generator a tariff or  
78 contract that is identical in electrical energy rates, rate  
79 structure, and monthly charges to the contract or tariff  
80 that the customer would be assigned if the customer were not  
81 an eligible customer-generator but shall not charge the  
82 customer-generator any additional standby, capacity,  
83 interconnection, or other fee or charge that would not  
84 otherwise be charged if the customer were not an eligible  
85 customer-generator; and

86 (3) Disclose annually the availability of the net  
87 metering program to each of its customers with the method  
88 and manner of disclosure being at the discretion of the  
89 supplier.

90 4. A customer-generator's facility shall be equipped  
91 with sufficient metering equipment that can measure the net  
92 amount of electrical energy produced or consumed by the  
93 customer-generator. If the customer-generator's existing  
94 meter equipment does not meet these requirements or if it is  
95 necessary for the retail electric supplier to install  
96 additional distribution equipment to accommodate the  
97 customer-generator's facility, the customer-generator shall  
98 reimburse the retail electric supplier for the costs to  
99 purchase and install the necessary additional equipment. At  
100 the request of the customer-generator, such costs may be  
101 initially paid for by the retail electric supplier, and any  
102 amount up to the total costs and a reasonable interest  
103 charge may be recovered from the customer-generator over the  
104 course of up to twelve billing cycles. Any subsequent meter  
105 testing, maintenance or meter equipment change necessitated  
106 by the customer-generator shall be paid for by the customer-  
107 generator.



108           5. Consistent with the provisions in this section, the  
109 net electrical energy measurement shall be calculated in the  
110 following manner:

111           (1) For a customer-generator, a retail electric  
112 supplier shall measure the net electrical energy produced or  
113 consumed during the billing period in accordance with normal  
114 metering practices for customers in the same rate class,  
115 either by employing a single, bidirectional meter that  
116 measures the amount of electrical energy produced and  
117 consumed, or by employing multiple meters that separately  
118 measure the customer-generator's consumption and production  
119 of electricity;

120           (2) If the electricity supplied by the supplier  
121 exceeds the electricity generated by the customer-generator  
122 during a billing period, the customer-generator shall be  
123 billed for the net electricity supplied by the supplier in  
124 accordance with normal practices for customers in the same  
125 rate class;

126           (3) If the electricity generated by the customer-  
127 generator exceeds the electricity supplied by the supplier  
128 during a billing period, the customer-generator shall be  
129 billed for the appropriate customer charges for that billing  
130 period in accordance with subsection 3 of this section and  
131 shall be credited an amount at least equal to the avoided  
132 fuel cost of the excess kilowatt-hours generated during the  
133 billing period, with this credit applied to the following  
134 billing period;

135           (4) Any credits granted by this subsection shall  
136 expire without any compensation at the earlier of either  
137 twelve months after their issuance or when the customer-  
138 generator disconnects service or terminates the net metering  
139 relationship with the supplier;

140 (5) For any rural electric cooperative under chapter  
141 394, or **[municipal]** any municipally owned utility, upon  
142 agreement of the wholesale generator supplying electric  
143 energy to the retail electric supplier, at the option of the  
144 retail electric supplier, the credit to the customer-  
145 generator may be provided by the wholesale generator.

146 6. (1) Each qualified electric energy generation unit  
147 used by a customer-generator shall meet all applicable  
148 safety, performance, interconnection, and reliability  
149 standards established by any local code authorities, the  
150 National Electrical Code, the National Electrical Safety  
151 Code, the Institute of Electrical and Electronics Engineers,  
152 and Underwriters Laboratories for distributed generation.  
153 No supplier shall impose any fee, charge, or other  
154 requirement not specifically authorized by this section or  
155 the rules promulgated under subsection 9 of this section  
156 unless the fee, charge, or other requirement would apply to  
157 similarly situated customers who are not customer-  
158 generators, except that a retail electric supplier may  
159 require that a customer-generator's system contain a switch,  
160 circuit breaker, fuse, or other easily accessible device or  
161 feature located in immediate proximity to the customer-  
162 generator's metering equipment that would allow a utility  
163 worker the ability to manually and instantly disconnect the  
164 unit from the utility's electric distribution system.

165 (2) For systems of ten kilowatts or less, a customer-  
166 generator whose system meets the standards and rules under  
167 subdivision (1) of this subsection shall not be required to  
168 install additional controls, perform or pay for additional  
169 tests or distribution equipment, or purchase additional  
170 liability insurance beyond what is required under  
171 subdivision (1) of this subsection and subsection 4 of this  
172 section.

173 (3) For customer-generator systems of greater than ten  
174 kilowatts, the commission for [public utilities] electrical  
175 corporations and the respective governing body for other  
176 [utilities] retail electric suppliers shall, by rule or  
177 equivalent formal action by each respective governing body:

178 (a) Set forth safety, performance, and reliability  
179 standards and requirements; and

180 (b) Establish the qualifications for exemption from a  
181 requirement to install additional controls, perform or pay  
182 for additional tests or distribution equipment, or purchase  
183 additional liability insurance.

184 7. (1) Applications by a customer-generator for  
185 interconnection of a qualified electric energy generation  
186 unit meeting the requirements of subdivision (3) of  
187 subsection 2 of this section to the distribution system  
188 shall be accompanied by the plan for the customer-  
189 generator's electrical generating system, including but not  
190 limited to a wiring diagram and specifications for the  
191 generating unit, and shall be reviewed and responded to by  
192 the retail electric supplier within thirty days of receipt  
193 for systems ten kilowatts or less and within ninety days of  
194 receipt for all other systems. Prior to the interconnection  
195 of the qualified generation unit to the supplier's system,  
196 the customer-generator will furnish the retail electric  
197 supplier a certification from a qualified professional  
198 electrician or engineer that the installation meets the  
199 requirements of subdivision (1) of subsection 6 of this  
200 section. If the application for interconnection is approved  
201 by the retail electric supplier and the customer-generator  
202 does not complete the interconnection within one year after  
203 receipt of notice of the approval, the approval shall expire  
204 and the customer-generator shall be responsible for filing a  
205 new application.

206 (2) Upon the change in ownership of a qualified  
207 electric energy generation unit, the new customer-generator  
208 shall be responsible for filing a new application under  
209 subdivision (1) of this subsection.

210 8. Each [commission-regulated supplier] electrical  
211 corporation shall submit an annual net metering report to  
212 the commission, and all other [nonregulated] retail electric  
213 suppliers shall submit the same report to their respective  
214 governing body and make said report available to a consumer  
215 of the supplier upon request, including the following  
216 information for the previous calendar year:

- 217 (1) The total number of customer-generator facilities;
- 218 (2) The total estimated generating capacity of its net-  
219 metered customer-generators; and
- 220 (3) The total estimated net kilowatt-hours received  
221 from customer-generators.

222 9. The commission shall, within nine months of January  
223 1, 2008, promulgate initial rules necessary for the  
224 administration of this section for [public utilities]  
225 electrical corporations, which shall include regulations  
226 ensuring that simple contracts will be used for  
227 interconnection and net metering. For systems of ten  
228 kilowatts or less, the application process shall use an all-  
229 in-one document that includes a simple interconnection  
230 request, simple procedures, and a brief set of terms and  
231 conditions. Any rule or portion of a rule, as that term is  
232 defined in section 536.010, that is created under the  
233 authority delegated in this section shall become effective  
234 only if it complies with and is subject to all of the  
235 provisions of chapter 536 and, if applicable, section  
236 536.028. This section and chapter 536 are nonseverable and  
237 if any of the powers vested with the general assembly under  
238 chapter 536 to review, to delay the effective date, or to

239 disapprove and annul a rule are subsequently held  
240 unconstitutional, then the grant of rulemaking authority and  
241 any rule proposed or adopted after August 28, 2007, shall be  
242 invalid and void.

243 10. The governing body of a rural electric cooperative  
244 or municipal utility shall, within nine months of January 1,  
245 2008, adopt policies establishing a simple contract to be  
246 used for interconnection and net metering. For systems of  
247 ten kilowatts or less, the application process shall use an  
248 all-in-one document that includes a simple interconnection  
249 request, simple procedures, and a brief set of terms and  
250 conditions.

251 11. For any cause of action relating to any damages to  
252 property or person caused by the qualified electric energy  
253 generation unit of a customer-generator or the  
254 interconnection thereof, the retail electric supplier shall  
255 have no liability absent clear and convincing evidence of  
256 fault on the part of the supplier.

257 12. The estimated generating capacity of all net  
258 metering systems operating under the provisions of this  
259 section shall count towards the respective retail electric  
260 supplier's accomplishment of any renewable energy portfolio  
261 target or mandate adopted by the Missouri general assembly.

262 13. The sale of qualified electric energy generation  
263 units to any customer-generator shall be subject to the  
264 provisions of sections 407.010 to 407.145 and sections  
265 407.700 to 407.720. The attorney general shall have the  
266 authority to promulgate in accordance with the provisions of  
267 chapter 536 rules regarding mandatory disclosures of  
268 information by sellers of qualified electric energy  
269 generation units. Any interested person who believes that  
270 the seller of any qualified electric energy generation unit  
271 is misrepresenting the safety or performance standards of

272 any such systems, or who believes that any electric energy  
273 generation unit poses a danger to any property or person,  
274 may report the same to the attorney general, who shall be  
275 authorized to investigate such claims and take any necessary  
276 and appropriate actions.

277 14. Any costs incurred under this act by a retail  
278 electric supplier shall be recoverable in that utility's  
279 rate structure.

280 15. No consumer shall connect or operate [an] a  
281 qualified electric energy generation unit in parallel phase  
282 and synchronization with any retail electric supplier  
283 without written approval by said supplier that all of the  
284 requirements under subdivision (1) of subsection 7 of this  
285 section have been met. For a consumer who violates this  
286 provision, a supplier may immediately and without notice  
287 disconnect the electric facilities of said consumer and  
288 terminate said consumer's electric service.

289 16. The manufacturer of any qualified electric energy  
290 generation unit used by a customer-generator may be held  
291 liable for any damages to property or person caused by a  
292 defect in the qualified electric energy generation unit of a  
293 customer-generator.

294 17. The seller, installer, or manufacturer of any  
295 qualified electric energy generation unit who knowingly  
296 misrepresents the safety aspects of [an] a qualified  
297 electric generation unit may be held liable for any damages  
298 to property or person caused by the qualified electric  
299 energy generation unit of a customer-generator.

442.404. 1. As used in this section, the following  
2 terms shall mean:

3 (1) "Homeowners' association", a nonprofit corporation  
4 or unincorporated association of homeowners created under a  
5 declaration to own and operate portions of a planned

6 community or other residential subdivision that has the  
7 power under the declaration to assess association members to  
8 pay the costs and expenses incurred in the performance of  
9 the association's obligations under the declaration or  
10 tenants-in-common with respect to the ownership of common  
11 ground or amenities of a planned community or other  
12 residential subdivision. This term shall not include a  
13 condominium unit owners' association as defined and provided  
14 for in subdivision (3) of section 448.1-103 or a residential  
15 cooperative;

16 (2) "Political signs", any fixed, ground-mounted  
17 display in support of or in opposition to a person seeking  
18 elected office or a ballot measure excluding any materials  
19 that may be attached;

20 (3) "Solar panel or solar collector", a device used to  
21 collect and convert solar energy into electricity or thermal  
22 energy, including but not limited to photovoltaic cells or  
23 panels, or solar thermal systems.

24 2. (1) No deed restrictions, covenants, or similar  
25 binding agreements running with the land shall prohibit or  
26 have the effect of prohibiting the display of political  
27 signs.

28 **[3.]** (2) A homeowners' association has the authority  
29 to adopt reasonable rules, subject to any applicable  
30 statutes or ordinances, regarding the time, size, place,  
31 number, and manner of display of political signs.

32 **[4.]** (3) A homeowners' association may remove a  
33 political sign without liability if such sign is placed  
34 within the common ground, threatens the public health or  
35 safety, violates an applicable statute or ordinance, is  
36 accompanied by sound or music, or if any other materials are  
37 attached to the political sign. Subject to the foregoing, a  
38 homeowners' association shall not remove a political sign

39 from the property of a homeowner or impose any fine or  
40 penalty upon the homeowner unless it has given such  
41 homeowner three days after providing written notice to the  
42 homeowner, which notice shall specifically identify the rule  
43 and the nature of the violation.

44 3. (1) No deed restrictions, covenants, or similar  
45 binding agreements running with the land shall limit or  
46 prohibit, or have the effect of limiting or prohibiting, the  
47 installation of solar panels or solar collectors on the  
48 rooftop of any property or structure.

49 (2) A homeowners' association may adopt reasonable  
50 rules, subject to any applicable statutes or ordinances,  
51 regarding the placement of solar panels or solar collectors  
52 to the extent that those rules do not prevent the  
53 installation of the device, impair the functioning of the  
54 device, restrict the use of the device, or adversely affect  
55 the cost or efficiency of the device.

56 (3) The provisions of this subsection shall apply only  
57 with regard to rooftops that are owned, controlled, and  
58 maintained by the owner of the individual property or  
59 structure.

523.010. 1. In case land, or other property, is  
2 sought to be appropriated by any road, railroad, street  
3 railway, telephone, telegraph or any electrical corporation  
4 organized for the manufacture or transmission of electric  
5 current for light, heat or power, including the  
6 construction, when that is the case, of necessary dams and  
7 appurtenant canals, flumes, tunnels and tailraces and  
8 including the erection, when that is the case, of necessary  
9 electric steam powerhouses, hydroelectric powerhouses and  
10 electric substations or any oil, pipeline or gas corporation  
11 engaged in the business of transporting or carrying oil,  
12 liquid fertilizer solutions, or gas by means of pipes or



13 pipelines laid underneath the surface of the ground, or  
14 other corporation created under the laws of this state for  
15 public use, and such corporation and the owners cannot agree  
16 upon the proper compensation to be paid, or in the case the  
17 owner is incapable of contracting, be unknown, or be a  
18 nonresident of the state, such corporation may apply to the  
19 circuit court of the county of this state where such land or  
20 any part thereof lies by petition setting forth the general  
21 directions in which it is desired to construct its road,  
22 railroad, street railway, telephone, or telegraph line or  
23 electric line, including, when that is the case, the  
24 construction and maintenance of necessary dams and  
25 appurtenant canals, tunnels, flumes and tailraces and, when  
26 that is the case, the appropriation of land submerged by the  
27 construction of such dam, and including the erection and  
28 maintenance, when that is the case, of necessary electric  
29 steam powerhouses, hydroelectric powerhouses and electric  
30 substations, or oil, pipeline, liquid fertilizer solution  
31 pipeline, or gas line over or underneath the surface of such  
32 lands, a description of the real estate, or other property,  
33 which the company seeks to acquire; the names of the owners  
34 thereof, if known; or if unknown, a pertinent description of  
35 the property whose owners are unknown and praying the  
36 appointment of three disinterested residents of the county,  
37 as commissioners, or a jury, to assess the damages which  
38 such owners may severally sustain in consequence of the  
39 establishment, erection and maintenance of such road,  
40 railroad, street railway, telephone, telegraph line, or  
41 electrical line including damages from the construction and  
42 maintenance of necessary dams and the condemnation of land  
43 submerged thereby, and the construction and maintenance of  
44 appurtenant canals, flumes, tunnels and tailraces and the  
45 erection and maintenance of necessary electric steam

46 powerhouses, hydroelectric powerhouses and electric  
47 substations, or oil, pipeline, or gas line over or  
48 underneath the surface of such lands; to which petition the  
49 owners of any or all as the plaintiff may elect of such  
50 parcels as lie within the county or circuit may be made  
51 parties defendant by names if the names are known, and by  
52 the description of the unknown owners of the land therein  
53 described if their names are unknown.

54         2. If the proceedings seek to affect the lands of  
55 persons under conservatorship, the conservators must be made  
56 parties defendant. If the present owner of any land to be  
57 affected has less estate than a fee, the person having the  
58 next vested estate in remainder may at the option of the  
59 petitioners be made party defendant; but if such  
60 remaindermen are not made parties, their interest shall not  
61 be bound by the proceedings.

62         3. It shall not be necessary to make any persons party  
63 defendants in respect to their ownership unless they are  
64 either in actual possession of the premises to be affected  
65 claiming title or having a title of the premises appearing  
66 of record upon the proper records of the county.

67         4. Except as provided in subsection 5 of this section,  
68 nothing in this chapter shall be construed to give a public  
69 utility, as defined in section 386.020, or a rural electric  
70 cooperative, as provided in chapter 394, the power to  
71 condemn property which is currently used by another provider  
72 of public utility service, including a municipality or a  
73 special purpose district, when such property is used or  
74 useful in providing utility services, if the public utility  
75 or cooperative seeking to condemn such property, directly or  
76 indirectly, will use or proposes to use the property for the  
77 same purpose, or a purpose substantially similar to the

78 purpose for which the property is being used by the provider  
79 of the public utility service.

80 5. A public utility or a rural electric cooperative  
81 may only condemn the property of another provider of public  
82 utility service, even if the property is used or useful in  
83 providing utility services by such provider, if the  
84 condemnation is necessary for the public purpose of  
85 acquiring a nonexclusive easement or right-of-way across the  
86 property of such provider and only if the acquisition will  
87 not materially impair or interfere with the current use of  
88 such property by the utility or cooperative and will not  
89 prevent or materially impair such provider of public utility  
90 service from any future expansion of its facilities on such  
91 property.

92 6. If a public utility or rural electric cooperative  
93 seeks to condemn the property of another provider of public  
94 utility service, and the conditions in subsection 4 of this  
95 section do not apply, this section does not limit the  
96 condemnation powers otherwise possessed by such public  
97 utility or rural electric cooperative.

98 7. Suits in inverse condemnation or involving  
99 dangerous conditions of public property against a municipal  
100 corporation established under Article VI, Section 30(a) of  
101 the Missouri Constitution shall be brought only in the  
102 county where such land or any part thereof lies.

103 8. For purposes of this chapter, the authority for an  
104 electrical corporation as defined in section 386.020, except  
105 for an electrical corporation operating under a cooperative  
106 business plan as described in section 393.110, to condemn  
107 property for purposes of constructing electric plant subject  
108 to a certificate of public convenience and necessity under  
109 subsection 1 of section 393.170 shall not extend to the  
110 construction of a merchant transmission line with Federal

111 Energy Regulatory Commission negotiated rate authority  
112 unless such line has a substation or converter station  
113 located in Missouri which is capable of delivering an amount  
114 of its electrical capacity to electrical customers in this  
115 state that is greater than or equal to the proportionate  
116 number of miles of the line that passes through the state.  
117 The provisions of this subsection shall not apply to  
118 applications filed pursuant to section 393.170 prior to  
119 August 28, 2022.

2 523.025. If an electrical corporation as defined in  
3 section 386.020, except for an electrical corporation  
4 operating under a cooperative business plan as described in  
5 section 393.110, acquires any involuntary easement in this  
6 state by means of eminent domain and does not obtain the  
7 financial commitments necessary to construct a project for  
8 which the involuntary easement in this state was needed  
9 within seven years of the date that such easement rights are  
10 recorded with the appropriate county recorder of deeds, the  
11 corporation shall return possession of the easement to the  
12 fee simple title holder within sixty days and cause the  
13 dissolution of the easement to be recorded with the county  
14 recorder of deeds. In the event of such return of the  
15 easement to the title holder, no reimbursement of any  
16 payment made by the corporation to the title holder shall be  
due.

2 523.039. 1. In all [condemnation] eminent domain  
3 proceedings filed after December 31, 2006, just compensation  
4 for condemned property shall be determined under one of the  
5 three following subdivisions, whichever yields the highest  
6 compensation, as applicable to the particular type of  
7 property and taking:

7 (1) An amount equivalent to the fair market value of  
8 such property;

9           (2) For condemnations that result in a homestead  
10 taking, an amount equivalent to the fair market value of  
11 such property multiplied by one hundred twenty-five percent;  
12 or

13           (3) For condemnations of property that result in any  
14 taking that prevents the owner from utilizing property in  
15 substantially the same manner as it was currently being  
16 utilized on the day of the taking and involving property  
17 owned within the same family for fifty or more years, an  
18 amount equivalent to the sum of the fair market value and  
19 heritage value. For the purposes of this subdivision,  
20 family ownership of property may be established through  
21 evidence of ownership by children, grandchildren, siblings,  
22 or nephews or nieces of the family member owning the  
23 property fifty years prior to the taking; and in addition,  
24 may be established through marriage or adoption by such  
25 family members. If any entity owns the real property,  
26 members of the family shall have an ownership interest in  
27 more than fifty percent of the entity in order to be within  
28 the family line of ownership for the purposes of this  
29 subdivision. The property owner shall have the burden of  
30 proving to the commissioners or [jury] court that the  
31 property has been owned within the same family for fifty or  
32 more years.

33           2. For eminent domain proceedings of any agricultural  
34 or horticultural property by an electrical corporation as  
35 defined in section 386.020, except for an electrical  
36 corporation operating under a cooperative business plan as  
37 described in section 393.110, for the purposes of  
38 constructing electric plant subject to a certificate of  
39 convenience and necessity under subsection 1 of section  
40 393.170 just compensation shall be an amount equivalent to  
41 fair market value multiplied by one hundred fifty percent,

42 as determined by the court. The provisions of this  
43 subsection shall not apply to applications filed pursuant to  
44 section 393.170 prior to August 28, 2022.

523.040. 1. The court, or judge thereof in vacation,  
2 on being satisfied that due notice of the pendency of the  
3 petition has been given, shall appoint three disinterested  
4 commissioners, who shall be residents of the county in which  
5 the real estate or a part thereof is situated, and in any  
6 city not within a county, any county with a charter form of  
7 government and with more than one million inhabitants, or  
8 any county with a charter form of government and with more  
9 than six hundred thousand but fewer than seven hundred  
10 thousand inhabitants at least one of the commissioners shall  
11 be either a licensed real estate broker or a state-licensed  
12 or state-certified real estate appraiser, to assess the  
13 damages which the owners may severally sustain by reason of  
14 such appropriation, who, within forty-five days after  
15 appointment by the court, which forty-five days may be  
16 extended by the court to a date certain with good cause  
17 shown, after applying the definition of fair market value  
18 contained in subdivision (1) of section 523.001, and after  
19 having viewed the property, shall return to the clerk of  
20 such court, under oath, their report in duplicate of such  
21 assessment of damages, setting forth the amount of damages  
22 allowed to the person or persons named as owning or claiming  
23 the tract of land condemned, and should more than one tract  
24 be condemned in the petition, then the damages allowed to  
25 the owner, owners, claimant or claimants of each tract,  
26 respectively, shall be stated separately, together with a  
27 specific description of the tracts for which such damages  
28 are assessed; and the clerk shall file one copy of said  
29 report in his office and record the same in the order book  
30 of the court, and he shall deliver the other copy, duly

31 certified by him, to the recorder of deeds of the county  
32 where the land lies (or to the recorder of deeds of the city  
33 of St. Louis, if the land lies in said city) who shall  
34 record the same in his office, and index each tract  
35 separately as provided in section 59.440, and the fee for so  
36 recording shall be taxed by the clerk as costs in the  
37 proceedings; and thereupon such company shall pay to the  
38 clerk the amount thus assessed for the party in whose favor  
39 such damages have been assessed; and on making such payment  
40 it shall be lawful for such company to hold the interest in  
41 the property so appropriated for the uses prescribed in this  
42 section; and upon failure to pay the assessment, the court  
43 may, upon motion and notice by the party entitled to such  
44 damages, enforce the payment of the same by execution,  
45 unless the said company shall, within ten days from the  
46 return of such assessment, elect to abandon the proposed  
47 appropriation of any parcel of land, by an instrument in  
48 writing to that effect, to be filed with the clerk of the  
49 court, and entered on the minutes of the court, and as to so  
50 much as is thus abandoned, the assessment of damages shall  
51 be void.

52 2. Prior to the issuance of any report under  
53 subsection 1 of this section, a commissioner shall notify  
54 all parties named in the condemnation petition no less than  
55 ten days prior to the commissioners' viewing of the property  
56 of the named parties' opportunity to accompany the  
57 commissioners on the commissioners' viewing of the property  
58 and of the named parties' opportunity to present information  
59 to the commissioners.

60 3. The commissioners shall view the property, hear  
61 arguments, and review other relevant information that may be  
62 offered by the parties.

63           4. In any eminent domain proceeding involving  
64 agricultural or horticultural property, for purposes of  
65 constructing electric plant subject to a certificate of  
66 convenience and necessity under subsection 1 of section  
67 393.170 at least one of the disinterested commissioners  
68 appointed by the court shall be a farmer who has been  
69 engaged in farming, as defined in section 350.010, for a  
70 minimum of ten years in the county where such property is  
71 situated. The provisions of this subsection shall not apply  
72 to applications filed pursuant to section 393.170 prior to  
73 August 28, 2022.

          523.256. Before a court may enter an order of  
2 condemnation, the court shall find that the condemning  
3 authority engaged in good faith negotiations prior to filing  
4 the condemnation petition. A condemning authority shall be  
5 deemed to have engaged in good faith negotiations if:

6           (1) It has properly and timely given all notices to  
7 owners required by this chapter;

8           (2) Its offer under section 523.253 was no lower than  
9 the amount reflected in an appraisal performed by a state-  
10 licensed or state-certified appraiser for the condemning  
11 authority, provided an appraisal is given to the owner  
12 pursuant to subsection 2 of section 523.253 or, in other  
13 cases, the offer is no lower than the amount provided in the  
14 basis for its determination of the value of the property as  
15 provided to the owner under subsection 2 of section 523.253;

16           (3) For condemnation of any agricultural or  
17 horticultural property for the construction of an electrical  
18 transmission line designed to transmit electricity at three  
19 hundred forty-five kilovolts or greater, but not for  
20 condemnation of such property by an electrical corporation  
21 operating under a cooperative business plan as described in  
22 section 393.110, for the purposes of constructing electric



23 plant subject to a certificate of convenience and necessity  
24 under subsection 1 of section 393.170, the total  
25 compensation package offered was no lower than the amount  
26 reflected in an appraisal performed by a state-licensed or  
27 state-certified appraiser for the condemning authority  
28 multiplied by one hundred fifty percent. The provisions of  
29 this subdivision shall not apply to applications filed  
30 pursuant to section 393.170 prior to August 28, 2022;

31 (4) The owner has been given an opportunity to obtain  
32 his or her own appraisal from a state-licensed or state-  
33 certified appraiser of his or her choice; and

34 [(4)] (5) Where applicable, it has considered an  
35 alternate location suggested by the owner under section  
36 523.265.

37 If the court does not find that good faith negotiations have  
38 occurred, the court shall dismiss the condemnation petition,  
39 without prejudice, and shall order the condemning authority  
40 to reimburse the owner for his or her actual reasonable  
41 attorneys' fees and costs incurred with respect to the  
42 condemnation proceeding which has been dismissed.

610.021. Except to the extent disclosure is otherwise  
2 required by law, a public governmental body is authorized to  
3 close meetings, records and votes, to the extent they relate  
4 to the following:

5 (1) Legal actions, causes of action or litigation  
6 involving a public governmental body and any confidential or  
7 privileged communications between a public governmental body  
8 or its representatives and its attorneys. However, any  
9 minutes, vote or settlement agreement relating to legal  
10 actions, causes of action or litigation involving a public  
11 governmental body or any agent or entity representing its  
12 interests or acting on its behalf or with its authority,  
13 including any insurance company acting on behalf of a public

14 government body as its insured, shall be made public upon  
15 final disposition of the matter voted upon or upon the  
16 signing by the parties of the settlement agreement, unless,  
17 prior to final disposition, the settlement agreement is  
18 ordered closed by a court after a written finding that the  
19 adverse impact to a plaintiff or plaintiffs to the action  
20 clearly outweighs the public policy considerations of  
21 section 610.011, however, the amount of any moneys paid by,  
22 or on behalf of, the public governmental body shall be  
23 disclosed; provided, however, in matters involving the  
24 exercise of the power of eminent domain, the vote shall be  
25 announced or become public immediately following the action  
26 on the motion to authorize institution of such a legal  
27 action. Legal work product shall be considered a closed  
28 record;

29 (2) Leasing, purchase or sale of real estate by a  
30 public governmental body where public knowledge of the  
31 transaction might adversely affect the legal consideration  
32 therefor. However, any minutes, vote or public record  
33 approving a contract relating to the leasing, purchase or  
34 sale of real estate by a public governmental body shall be  
35 made public upon execution of the lease, purchase or sale of  
36 the real estate;

37 (3) Hiring, firing, disciplining or promoting of  
38 particular employees by a public governmental body when  
39 personal information about the employee is discussed or  
40 recorded. However, any vote on a final decision, when taken  
41 by a public governmental body, to hire, fire, promote or  
42 discipline an employee of a public governmental body shall  
43 be made available with a record of how each member voted to  
44 the public within seventy-two hours of the close of the  
45 meeting where such action occurs; provided, however, that  
46 any employee so affected shall be entitled to prompt notice

47 of such decision during the seventy-two-hour period before  
48 such decision is made available to the public. As used in  
49 this subdivision, the term "personal information" means  
50 information relating to the performance or merit of  
51 individual employees;

52 (4) The state militia or national guard or any part  
53 thereof;

54 (5) Nonjudicial mental or physical health proceedings  
55 involving identifiable persons, including medical,  
56 psychiatric, psychological, or alcoholism or drug dependency  
57 diagnosis or treatment;

58 (6) Scholastic probation, expulsion, or graduation of  
59 identifiable individuals, including records of individual  
60 test or examination scores; however, personally identifiable  
61 student records maintained by public educational  
62 institutions shall be open for inspection by the parents,  
63 guardian or other custodian of students under the age of  
64 eighteen years and by the parents, guardian or other  
65 custodian and the student if the student is over the age of  
66 eighteen years;

67 (7) Testing and examination materials, before the test  
68 or examination is given or, if it is to be given again,  
69 before so given again;

70 (8) Welfare cases of identifiable individuals;

71 (9) Preparation, including any discussions or work  
72 product, on behalf of a public governmental body or its  
73 representatives for negotiations with employee groups;

74 (10) Software codes for electronic data processing and  
75 documentation thereof;

76 (11) Specifications for competitive bidding, until  
77 either the specifications are officially approved by the  
78 public governmental body or the specifications are published  
79 for bid;

80           (12) Sealed bids and related documents, until the bids  
81 are opened; and sealed proposals and related documents or  
82 any documents related to a negotiated contract until a  
83 contract is executed, or all proposals are rejected;

84           (13) Individually identifiable personnel records,  
85 performance ratings or records pertaining to employees or  
86 applicants for employment, except that this exemption shall  
87 not apply to the names, positions, salaries and lengths of  
88 service of officers and employees of public agencies once  
89 they are employed as such, and the names of private sources  
90 donating or contributing money to the salary of a chancellor  
91 or president at all public colleges and universities in the  
92 state of Missouri and the amount of money contributed by the  
93 source;

94           (14) Records which are protected from disclosure by  
95 law;

96           (15) Meetings and public records relating to  
97 scientific and technological innovations in which the owner  
98 has a proprietary interest;

99           (16) Records relating to municipal hotlines  
100 established for the reporting of abuse and wrongdoing;

101           (17) Confidential or privileged communications between  
102 a public governmental body and its auditor, including all  
103 auditor work product; however, all final audit reports  
104 issued by the auditor are to be considered open records  
105 pursuant to this chapter;

106           (18) Operational guidelines, policies and specific  
107 response plans developed, adopted, or maintained by any  
108 public agency responsible for law enforcement, public  
109 safety, first response, or public health for use in  
110 responding to or preventing any critical incident which is  
111 or appears to be terrorist in nature and which has the  
112 potential to endanger individual or public safety or

113 health. Financial records related to the procurement of or  
114 expenditures relating to operational guidelines, policies or  
115 plans purchased with public funds shall be open. When  
116 seeking to close information pursuant to this exception, the  
117 public governmental body shall affirmatively state in  
118 writing that disclosure would impair the public governmental  
119 body's ability to protect the security or safety of persons  
120 or real property, and shall in the same writing state that  
121 the public interest in nondisclosure outweighs the public  
122 interest in disclosure of the records;

123 (19) Existing or proposed security systems and  
124 structural plans of real property owned or leased by a  
125 public governmental body, and information that is  
126 voluntarily submitted by a nonpublic entity owning or  
127 operating an infrastructure to any public governmental body  
128 for use by that body to devise plans for protection of that  
129 infrastructure, the public disclosure of which would  
130 threaten public safety:

131 (a) Records related to the procurement of or  
132 expenditures relating to security systems purchased with  
133 public funds shall be open;

134 (b) When seeking to close information pursuant to this  
135 exception, the public governmental body shall affirmatively  
136 state in writing that disclosure would impair the public  
137 governmental body's ability to protect the security or  
138 safety of persons or real property, and shall in the same  
139 writing state that the public interest in nondisclosure  
140 outweighs the public interest in disclosure of the records;

141 (c) Records that are voluntarily submitted by a  
142 nonpublic entity shall be reviewed by the receiving agency  
143 within ninety days of submission to determine if retention  
144 of the document is necessary in furtherance of a state  
145 security interest. If retention is not necessary, the

146 documents shall be returned to the nonpublic governmental  
147 body or destroyed;

148 (20) The portion of a record that identifies security  
149 systems or access codes or authorization codes for security  
150 systems of real property;

151 (21) Records that identify the configuration of  
152 components or the operation of a computer, computer system,  
153 computer network, or telecommunications network, and would  
154 allow unauthorized access to or unlawful disruption of a  
155 computer, computer system, computer network, or  
156 telecommunications network of a public governmental body.  
157 This exception shall not be used to limit or deny access to  
158 otherwise public records in a file, document, data file or  
159 database containing public records. Records related to the  
160 procurement of or expenditures relating to such computer,  
161 computer system, computer network, or telecommunications  
162 network, including the amount of moneys paid by, or on  
163 behalf of, a public governmental body for such computer,  
164 computer system, computer network, or telecommunications  
165 network shall be open;

166 (22) Credit card numbers, personal identification  
167 numbers, digital certificates, physical and virtual keys,  
168 access codes or authorization codes that are used to protect  
169 the security of electronic transactions between a public  
170 governmental body and a person or entity doing business with  
171 a public governmental body. Nothing in this section shall  
172 be deemed to close the record of a person or entity using a  
173 credit card held in the name of a public governmental body  
174 or any record of a transaction made by a person using a  
175 credit card or other method of payment for which  
176 reimbursement is made by a public governmental body;

177 (23) Records submitted by an individual, corporation,  
178 or other business entity to a public institution of higher

179 education in connection with a proposal to license  
180 intellectual property or perform sponsored research and  
181 which contains sales projections or other business plan  
182 information the disclosure of which may endanger the  
183 competitiveness of a business; [and]

184 (24) Records relating to foster home or kinship  
185 placements of children in foster care under section 210.498;  
186 and

187 (25) Individually identifiable customer usage and  
188 billing records for customers of a municipally owned utility  
189 unless the records are requested by the customer or  
190 authorized for release by the customer, except that a  
191 municipally owned utility shall make available to the public  
192 the customer's name, billing address, location of service,  
193 and dates of service provided for any commercial service  
194 account.

620.2450. 1. A grant program is hereby established  
2 under sections 620.2450 to 620.2458 to award grants to  
3 applicants who seek to expand access to and improve the  
4 reliability of broadband internet service in unserved and  
5 underserved areas of the state. The department of economic  
6 development shall administer and act as the fiscal agent for  
7 the grant program and shall be responsible for receiving and  
8 reviewing grant applications and awarding grants under  
9 sections 620.2450 to 620.2458. Funding for the grant  
10 program established under this section shall be subject to  
11 appropriation by the general assembly.

12 2. As used in sections 620.2450 to 620.2458, the  
13 following terms shall mean:

14 (1) "Project", the acquisition and installation of  
15 retail broadband internet service in unserved and  
16 underserved areas of the state;

17           (2) "Underserved area", a project area without access  
18 to wireline or fixed wireless broadband internet service of  
19 speeds of at least [twenty-five] one hundred megabits per-  
20 second download and [three] twenty megabits per-second  
21 upload;

22           [(2)] (3) "Unserved area", a project area without  
23 access to wireline or fixed wireless broadband internet  
24 service of speeds of at least [ten] twenty-five megabits per-  
25 second download and [one megabit] three megabits per-second  
26 upload.

          620.2451. 1. Grants awarded under sections 620.2450  
2 to 620.2458 shall fund the acquisition and installation of  
3 retail broadband internet service [at], prioritizing  
4 projects providing speeds of at least [twenty-five] the  
5 higher of:

6           (1) One hundred megabits per-second download and  
7 [three] one hundred megabits per-second upload[, but] that  
8 is scalable to higher speeds; or

9           (2) The minimum acceptable speed established by the  
10 Federal Communications Commission as authorized in 7 U.S.C.  
11 950bb(e) (1) to (2). Any provider that is incapable of  
12 meeting the speed requirement under this subdivision shall  
13 be allowed to continue deploying broadband infrastructure at  
14 current speeds, provided that each provider quarterly  
15 updates the office of broadband development regarding the  
16 provider's maximum speed.

17           2. The department shall maintain a record of all  
18 federal grants awarded to entities for the purposes of  
19 providing, maintaining, and expanding rural broadband in the  
20 state of Missouri. In cases in which funds have been  
21 awarded by a federal agency but later retained, withheld, or  
22 otherwise not distributed to the original grant recipient  
23 due to failure to meet performance standards or other



24 criteria, the department shall seek to have the funds  
25 awarded to another eligible, qualified Missouri broadband  
26 provider.

27 3. The funds awarded by the department to an entity  
28 for the purposes of providing, maintaining, and expanding  
29 rural broadband in the state of Missouri shall require the  
30 entity to use the funds specifically for purposes set forth  
31 in the grant. If the entity uses the proceeds or funds for  
32 any other purposes or fails to comply with any requirement  
33 established by the department through the grant or funds  
34 awarded pursuant thereto, the entity shall return any  
35 remaining proceeds expended or the value of any incentives  
36 or services received by the entity to which a monetary value  
37 can be assigned, to be repaid to the department as required  
38 by the terms of the grant or contract.

620.2453. An eligible applicant shall submit an  
2 application to the department of economic development on a  
3 form prescribed by the department. An application for a  
4 grant under sections 620.2450 to 620.2458 shall include the  
5 following information:

- 6 (1) A description of the project area;
- 7 (2) A description of the kind and amount of broadband  
8 internet infrastructure that is proposed to be deployed;
- 9 (3) Evidence demonstrating the unserved or underserved  
10 nature of the project area;
- 11 (4) The number of households that would have new  
12 access to broadband internet service, or whose broadband  
13 internet service would be upgraded, as a result of the grant;
- 14 (5) A list of significant community institutions that  
15 would benefit from the proposed grant;
- 16 (6) The total cost of the proposal and the [timeframe]  
17 time frame in which it will be completed;

18 (7) A list identifying sources of funding or in-kind  
19 contributions, including government funding, that would  
20 supplement any awarded grant; [and]

21 (8) A map or list of addresses showing the highest  
22 broadband speeds available within the applicant's area of  
23 service in the same manner in which the applicant is  
24 specified to provide data to the Federal Communications  
25 Commission under the Broadband Deployment Accuracy and  
26 Technological Availability Act, 47 U.S.C. Section 641 et  
27 seq. Such map or list of addresses shall be utilized by the  
28 department of economic development to determine the speeds  
29 available to individual addresses and eligibility for grant  
30 funding. Any map made publicly available as a result of  
31 maps provided by broadband providers under this subdivision  
32 shall be aggregated and anonymized to show the highest  
33 broadband speeds available; and

34 (9) Any other information required by the department  
35 of economic development.

620.2465. 1. The department shall implement a program  
2 to increase high-speed internet access in unserved and  
3 underserved areas. The department may use its discretion in  
4 choosing the method of the program, but the program shall  
5 provide high-speed internet access to as many residents who  
6 do not have high-speed internet access as quickly as  
7 practicable, with preference given to residents who have no  
8 internet access.

9 2. The department may promulgate all necessary rules  
10 and regulations for the administration of this section. Any  
11 rule or portion of a rule, as that term is defined in  
12 section 536.010, that is created under the authority  
13 delegated in this section shall become effective only if it  
14 complies with and is subject to all of the provisions of  
15 chapter 536 and, if applicable, section 536.028. This

16 section and chapter 536 are nonseverable, and if any of the  
17 powers vested with the general assembly pursuant to chapter  
18 536 to review, to delay the effective date, or to disapprove  
19 and annul a rule are subsequently held unconstitutional,  
20 then the grant of rulemaking authority and any rule proposed  
21 or adopted after the effective date of this section shall be  
22 invalid and void.

620.2468. The state office of broadband development  
2 within the department of economic development shall have the  
3 authority to engage in site inspections of broadband  
4 providers that have received grants or loans for projects  
5 from the state office of broadband development. The  
6 authority to inspect shall last until the project is  
7 complete and operational.

Section B. The repeal and reenactment of section  
2 442.404 of this act shall be effective on January 1, 2023.

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Eric Burlison

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Mike Haffner