

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 618

AN ACT

To repeal sections 67.453, 67.1461, 67.1842, 67.1846, 67.5122, 153.030, 247.200, 393.1009, 393.1012, 393.1015, 393.1073, 442.404, 523.262, 610.021, 620.2451, and 620.2459, RSMo, and to enact in lieu thereof twenty-two new sections relating to utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 67.453, 67.1461, 67.1842, 67.1846,
2 67.5122, 153.030, 247.200, 393.1009, 393.1012, 393.1015,
3 393.1073, 442.404, 523.262, 610.021, 620.2451, and 620.2459,
4 RSMo, are repealed and twenty-two new sections enacted in lieu
5 thereof, to be known as sections 67.453, 67.1461, 67.1842,
6 67.1846, 67.5122, 137.123, 153.030, 247.200, 247.285, 393.1009,
7 393.1012, 393.1015, 442.404, 523.262, 610.021, 620.2451,
8 620.2459, 640.141, 640.142, 640.144, 640.145, and 701.200, to
9 read as follows:

10 67.453. Sections 67.453 to 67.475 are known and may be
11 cited as the "Neighborhood Improvement District Act", and the
12 following words and terms, as used in sections 67.453 to 67.475
13 mean:

1 (1) "Acquire", the acquisition of property or interests in
2 property by purchase, gift, condemnation or other lawful means
3 and may include the acquisition of existing property and
4 improvements already owned by the city or county;

5 (2) "Consultant", engineers, architects, planners,
6 attorneys, financial advisors, accountants, investment bankers
7 and other persons deemed competent to advise and assist the
8 governing body of the city or county in planning and making
9 improvements;

10 (3) "Cost", all costs incurred in connection with an
11 improvement, including, but not limited to, costs incurred for
12 the preparation of preliminary reports, the preparation of plans
13 and specifications, the preparation and publication of notices of
14 hearings, resolutions, ordinances and other proceedings, fees and
15 expenses of consultants, interest accrued on borrowed money
16 during the period of construction, underwriting costs and other
17 costs incurred in connection with the issuance of bonds or notes,
18 establishment of reasonably required reserve funds for bonds or
19 notes, the cost of land, materials, labor and other lawful
20 expenses incurred in planning, acquiring and doing any
21 improvement, reasonable construction contingencies, and work done
22 or services performed by the city or county in the administration
23 and supervision of the improvement;

24 (4) "Improve", to construct, reconstruct, maintain,
25 restore, replace, renew, repair, install, equip, extend, or to
26 otherwise perform any work which will provide a new public
27 facility or enhance, extend or restore the value or utility of an
28 existing public facility;

1 (5) "Improvement", any one or more public facilities or
2 improvements which confer a benefit on property within a
3 definable area and may include or consist of a reimprovement of a
4 prior improvement. Improvements include, but are not limited to,
5 the following activities:

6 (a) To acquire property or interests in property when
7 necessary or desirable for any purpose authorized by sections
8 67.453 to 67.475;

9 (b) To open, widen, extend and otherwise to improve
10 streets, paving and other surfacing, gutters, curbs, sidewalks,
11 crosswalks, driveway entrances and structures, drainage works
12 incidental thereto, and service connections from sewer, water,
13 gas and other utility mains, conduits or pipes;

14 (c) To improve main and lateral storm water drains and
15 sanitary sewer systems, and appurtenances thereto;

16 (d) To improve street lights and street lighting systems;

17 (e) To improve waterworks systems;

18 (f) To partner with a telecommunications company or
19 broadband service provider in order to construct or improve
20 telecommunications facilities which shall be wholly owned and
21 operated by the telecommunications company or broadband service
22 provider, as the terms "telecommunications company" and
23 "telecommunications facilities" are defined in section 386.020
24 and subject to the provisions of section 392.410, that are in an
25 unserved or underserved area, as defined in section 620.2450.
26 Before any facilities are improved or constructed as a result of
27 this section, the area shall be certified as unserved or
28 underserved by the director of broadband development within the

1 department of economic development;

2 (g) To improve parks, playgrounds and recreational
3 facilities;

4 [(g)] (h) To improve any street or other facility by
5 landscaping, planting of trees, shrubs, and other plants;

6 [(h)] (i) To improve dikes, levees and other flood control
7 works, gates, lift stations, bridges and streets appurtenant
8 thereto;

9 [(i)] (j) To improve vehicle and pedestrian bridges,
10 overpasses and tunnels;

11 [(j)] (k) To improve retaining walls and area walls on
12 public ways or land abutting thereon;

13 [(k)] (l) To improve property for off-street parking
14 facilities including construction and equipment of buildings
15 thereon;

16 [(l)] (m) To acquire or improve any other public facilities
17 or improvements deemed necessary by the governing body of the
18 city or county; and

19 [(m)] (n) To improve public safety;

20 (6) "Neighborhood improvement district", an area of a city
21 or county with defined limits and boundaries which is created by
22 vote or by petition under sections 67.453 to 67.475 and which is
23 benefitted by an improvement and subject to special assessments
24 against the real property therein for the cost of the
25 improvement.

26 67.1461. 1. Each district shall have all the powers,
27 except to the extent any such power has been limited by the
28 petition approved by the governing body of the municipality to

1 establish the district, necessary to carry out and effectuate the
2 purposes and provisions of sections 67.1401 to 67.1571 including,
3 but not limited to, the following:

4 (1) To adopt, amend, and repeal bylaws, not inconsistent
5 with sections 67.1401 to 67.1571, necessary or convenient to
6 carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

8 (3) To make and enter into contracts and other instruments,
9 with public and private entities, necessary or convenient to
10 exercise its powers and carry out its duties pursuant to sections
11 67.1401 to 67.1571;

12 (4) To accept grants, guarantees and donations of property,
13 labor, services, or other things of value from any public or
14 private source;

15 (5) To employ or contract for such managerial, engineering,
16 legal, technical, clerical, accounting, or other assistance as it
17 deems advisable;

18 (6) To acquire by purchase, lease, gift, grant, bequest,
19 devise, or otherwise, any real property within its boundaries,
20 personal property, or any interest in such property;

21 (7) To sell, lease, exchange, transfer, assign, mortgage,
22 pledge, hypothecate, or otherwise encumber or dispose of any real
23 or personal property or any interest in such property;

24 (8) To levy and collect special assessments and taxes as
25 provided in sections 67.1401 to 67.1571. However, no such
26 assessments or taxes shall be levied on any property exempt from
27 taxation pursuant to subdivision (5) of section 137.100. Those
28 exempt pursuant to subdivision (5) of section 137.100 may

1 voluntarily participate in the provisions of sections 67.1401 to
2 67.1571;

3 (9) If the district is a political subdivision, to levy
4 real property taxes and business license taxes in the county seat
5 of a county of the first classification containing a population
6 of at least two hundred thousand, as provided in sections 67.1401
7 to 67.1571. However, no such assessments or taxes shall be
8 levied on any property exempt from taxation pursuant to
9 subdivisions (2) and (5) of section 137.100. Those exempt
10 pursuant to subdivisions (2) and (5) of section 137.100 may
11 voluntarily participate in the provisions of sections 67.1401 to
12 67.1571;

13 (10) If the district is a political subdivision, to levy
14 sales taxes pursuant to sections 67.1401 to 67.1571;

15 (11) To fix, charge, and collect fees, rents, and other
16 charges for use of any of the following:

17 (a) The district's real property, except for public rights-
18 of-way for utilities;

19 (b) The district's personal property, except in a city not
20 within a county; or

21 (c) Any of the district's interests in such real or
22 personal property, except for public rights-of-way for utilities;

23 (12) To borrow money from any public or private source and
24 issue obligations and provide security for the repayment of the
25 same as provided in sections 67.1401 to 67.1571;

26 (13) To loan money as provided in sections 67.1401 to
27 67.1571;

28 (14) To make expenditures, create reserve funds, and use

1 its revenues as necessary to carry out its powers or duties and
2 the provisions and purposes of sections 67.1401 to 67.1571;

3 (15) To enter into one or more agreements with the
4 municipality for the purpose of abating any public nuisance
5 within the boundaries of the district including, but not limited
6 to, the stabilization, repair or maintenance or demolition and
7 removal of buildings or structures, provided that the
8 municipality has declared the existence of a public nuisance;

9 (16) Within its boundaries, to provide assistance to or to
10 construct, reconstruct, install, repair, maintain, and equip any
11 of the following public improvements:

12 (a) Pedestrian or shopping malls and plazas;

13 (b) Parks, lawns, trees, and any other landscape;

14 (c) Convention centers, arenas, aquariums, aviaries, and
15 meeting facilities;

16 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels,
17 overpasses and underpasses, traffic signs and signals, utilities,
18 drainage, water, storm and sewer systems, and other site
19 improvements;

20 (e) Parking lots, garages, or other facilities;

21 (f) Lakes, dams, and waterways;

22 (g) Streetscape, lighting, benches or other seating
23 furniture, trash receptacles, marquees, awnings, canopies, walls,
24 and barriers;

25 (h) Telephone and information booths, bus stop and other
26 shelters, rest rooms, and kiosks;

27 (i) Paintings, murals, display cases, sculptures, and
28 fountains;

1 (j) Music, news, and child-care facilities; and

2 (k) Any other useful, necessary, or desired improvement;

3 (17) To dedicate to the municipality, with the
4 municipality's consent, streets, sidewalks, parks, and other real
5 property and improvements located within its boundaries for
6 public use;

7 (18) Within its boundaries and with the municipality's
8 consent, to prohibit or restrict vehicular and pedestrian traffic
9 and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
10 and tunnels and to provide the means for access by emergency
11 vehicles to or in such areas;

12 (19) Within its boundaries, to operate or to contract for
13 the provision of music, news, child-care, or parking facilities,
14 and buses, minibuses, or other modes of transportation;

15 (20) Within its boundaries, to lease space for sidewalk
16 café tables and chairs;

17 (21) Within its boundaries, to provide or contract for the
18 provision of security personnel, equipment, or facilities for the
19 protection of property and persons;

20 (22) Within its boundaries, to provide or contract for
21 cleaning, maintenance, and other services to public and private
22 property;

23 (23) To produce and promote any tourism, recreational or
24 cultural activity or special event in the district by, but not
25 limited to, advertising, decoration of any public place in the
26 district, promotion of such activity and special events, and
27 furnishing music in any public place;

28 (24) To support business activity and economic development

1 in the district including, but not limited to, the promotion of
2 business activity, development and retention, and the recruitment
3 of developers and businesses;

4 (25) To provide or support training programs for employees
5 of businesses within the district;

6 (26) To provide refuse collection and disposal services
7 within the district;

8 (27) To contract for or conduct economic, planning,
9 marketing or other studies;

10 (28) To repair, restore, or maintain any abandoned cemetery
11 on public or private land within the district; and

12 (29) To partner with a telecommunications company or
13 broadband service provider in order to construct or improve
14 telecommunications facilities which shall be wholly owned and
15 operated by the telecommunications company or broadband service
16 provider, as the terms "telecommunications company" and
17 "telecommunications facilities" are defined in section 386.020
18 and subject to the provisions of section 392.410, that are in an
19 unserved or underserved area, as defined in section 620.2450.
20 Before any facilities are improved or constructed as a result of
21 this section, the area shall be certified as unserved or
22 underserved by the director of broadband development within the
23 department of economic development;

24 (30) To carry out any other powers set forth in sections
25 67.1401 to 67.1571.

26 2. Each district which is located in a blighted area or
27 which includes a blighted area shall have the following
28 additional powers:

1 (1) Within its blighted area, to contract with any private
2 property owner to demolish and remove, renovate, reconstruct, or
3 rehabilitate any building or structure owned by such private
4 property owner; and

5 (2) To expend its revenues or loan its revenues pursuant to
6 a contract entered into pursuant to this subsection, provided
7 that the governing body of the municipality has determined that
8 the action to be taken pursuant to such contract is reasonably
9 anticipated to remediate the blighting conditions and will serve
10 a public purpose.

11 3. Each district shall annually reimburse the municipality
12 for the reasonable and actual expenses incurred by the
13 municipality to establish such district and review annual budgets
14 and reports of such district required to be submitted to the
15 municipality; provided that, such annual reimbursement shall not
16 exceed one and one-half percent of the revenues collected by the
17 district in such year.

18 4. Nothing in sections 67.1401 to 67.1571 shall be
19 construed to delegate to any district any sovereign right of
20 municipalities to promote order, safety, health, morals, and
21 general welfare of the public, except those such police powers,
22 if any, expressly delegated pursuant to sections 67.1401 to
23 67.1571.

24 5. The governing body of the municipality establishing the
25 district shall not decrease the level of publicly funded services
26 in the district existing prior to the creation of the district or
27 transfer the financial burden of providing the services to the
28 district unless the services at the same time are decreased

1 throughout the municipality, nor shall the governing body
2 discriminate in the provision of the publicly funded services
3 between areas included in such district and areas not so
4 included.

5 67.1842. 1. In managing the public right-of-way and in
6 imposing fees pursuant to sections 67.1830 to 67.1846, no
7 political subdivision shall:

8 (1) Unlawfully discriminate among public utility right-of-
9 way users;

10 (2) Grant a preference to any public utility right-of-way
11 user;

12 (3) Create or erect any unreasonable requirement for entry
13 to the public right-of-way by public utility right-of-way users;

14 (4) Require a telecommunications company to obtain a
15 franchise or written agreement, other than a permit, or require a
16 public utility right-of-way user to pay for the use of the public
17 right-of-way, except as provided in sections 67.1830 to 67.1846;

18 (5) Enter into a contract or any other agreement for
19 providing for an exclusive use, occupancy or access to any public
20 right-of-way; or

21 (6) Require any public utility that has legally been
22 granted access to the political subdivision's right-of-way to
23 enter into an agreement or obtain a permit for general access to
24 or the right to remain in the right-of-way of the political
25 subdivision.

26 2. A public utility right-of-way user shall not be required
27 to apply for or obtain right-of-way permits for projects
28 commenced prior to August 28, 2001, requiring excavation within

1 the public right-of-way, for which the user has obtained the
2 required consent of the political subdivision, or that are
3 otherwise lawfully occupying or performing work within the public
4 right-of-way. The public utility right-of-way user may be
5 required to obtain right-of-way permits prior to any excavation
6 work performed within the public right-of-way after August 28,
7 2001.

8 3. A political subdivision shall not collect a fee imposed
9 pursuant to section 67.1840 through the provision of in-kind
10 services by a public utility right-of-way user, nor require the
11 provision of in-kind services as a condition of consent to use
12 the political subdivision's public right-of-way; however, nothing
13 in this subsection shall preclude requiring services of a cable
14 television operator, open video system provider or other video
15 programming provider as permitted by federal law.

16 67.1846. 1. Nothing in sections 67.1830 to 67.1846
17 relieves the political subdivision of any obligations under an
18 existing franchise agreement in effect on May 1, 2001. Nothing
19 in sections 67.1830 to 67.1846 will apply to that portion of any
20 ordinance passed prior to May 1, 2001, which establishes a street
21 degradation fee. Nothing in sections 67.1830 to 67.1846 shall be
22 construed as limiting the authority of county highway engineers
23 or relieving public utility right-of-way users from any
24 obligations set forth in chapters 229 to 231. Nothing in
25 sections 67.1830 to 67.1846 shall be deemed to relieve a public
26 utility right-of-way user of the provisions of an existing
27 franchise, franchise fees, license or other agreement or permit
28 in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846

1 shall prohibit a political subdivision or public utility right-
2 of-way user from renewing or entering into a new or existing
3 franchise, as long as all other public utility right-of-way users
4 have use of the public right-of-way on a nondiscriminatory basis.
5 Nothing in sections 67.1830 to 67.1846 shall prevent a
6 grandfathered political subdivision from enacting new ordinances,
7 including amendments of existing ordinances, charging a public
8 utility right-of-way user a fair and reasonable linear foot fee
9 or antenna fee or from enforcing or renewing existing linear foot
10 ordinances for use of the right-of-way, provided that the public
11 utility right-of-way user either:

12 (1) Is entitled under the ordinance to a credit for any
13 amounts paid as business license taxes, payments in lieu of
14 taxes, or gross receipts taxes; or

15 (2) Is not required by the political subdivision to pay the
16 linear foot fee or antenna fee if the public utility right-of-way
17 user is paying gross receipts taxes, business license fees, or
18 business license taxes that are not nominal and that are imposed
19 specifically on communications-related revenue, services, or
20 equipment.

21
22 For purposes of this section, a "grandfathered political
23 subdivision" is any political subdivision which has, prior to May
24 1, 2001, enacted one or more ordinances reflecting a policy of
25 imposing any linear foot fees on any public utility right-of-way
26 user, including ordinances which were specific to particular
27 public right-of-way users. Any existing ordinance or new
28 ordinance passed by a grandfathered political subdivision

1 providing for payment of the greater of a linear foot fee or a
2 gross receipts tax shall be enforceable only with respect to the
3 linear foot fee.

4 2. A grandfathered political subdivision shall not charge a
5 linear foot fee for use of its right-of-way to a qualified small
6 local exchange telecommunications company as of December 31,
7 2019, as defined in section 386.020; provided that the small
8 local exchange telecommunications company is providing internet
9 access to customers within the rural areas of the state.

10 3. Nothing in sections 67.1830 to 67.1846 shall prohibit a
11 political subdivision from enacting, renewing or enforcing
12 provisions of an ordinance to require a business license tax,
13 sales tax, occupation tax, franchise tax or franchise fee,
14 property tax or other similar tax, to the extent consistent with
15 federal law. Nothing in sections 67.1830 to 67.1846 shall
16 prohibit a political subdivision from enacting, enforcing or
17 renewing provisions of an ordinance to require a gross receipts
18 tax pursuant to chapter 66, chapter 92, or chapter 94. For
19 purposes of this subsection, the term "franchise fee" shall mean
20 "franchise tax".

21 67.5122. Sections 67.5110 to 67.5122 shall expire on
22 January 1, [2021] 2025, except that for small wireless facilities
23 already permitted or collocated on authority poles prior to such
24 date, the rate set forth in section 67.5116 for collocation of
25 small wireless facilities on authority poles shall remain
26 effective for the duration of the permit authorizing the
27 collocation.

28 137.123. Beginning January 1, 2021, for purposes of

1 assessing all real property, excluding land, or tangible personal
2 property associated with a project that uses wind energy directly
3 to generate electricity, the following depreciation tables shall
4 be used to determine the true value in money of such property.
5 The first year shown in the table shall be the year immediately
6 following the year of construction of the property. The original
7 costs shall reflect either:

8 (1) The actual and documented original property cost to the
9 taxpayer, as shall be provided by the taxpayer to the assessor;
10 or

11 (2) In the absence of actual and documented original
12 property cost to the taxpayer, the estimated cost of the property
13 by the assessor, using an authoritative cost guide.

14
15 For purposes of this section, and to estimate the value of all
16 real property, excluding land, or tangible personal property
17 associated with a project that uses wind energy directly to
18 generate electricity, each assessor shall apply the percentage
19 shown to the original cost for the first year following the year
20 of construction of the property, and the percentage shown for
21 each succeeding year shall be the percentage of the original cost
22 used for January first of the respective succeeding year as
23 follows:

<u>Year</u>	<u>Percentage</u>
<u>1</u>	<u>40%</u>
<u>2</u>	<u>40%</u>
<u>3</u>	<u>37%</u>

1 4 37%

2 5 35%

3

4 Any real property, excluding land, or tangible personal property
5 associated with a project that uses wind energy directly to
6 generate electricity shall continue in subsequent years to have
7 the depreciation percentage last listed in the appropriate column
8 in the table.

9 153.030. 1. All bridges over streams dividing this state
10 from any other state owned, used, leased or otherwise controlled
11 by any person, corporation, railroad company or joint stock
12 company, and all bridges across or over navigable streams within
13 this state, where the charge is made for crossing the same, which
14 are now constructed, which are in the course of construction, or
15 which shall hereafter be constructed, and all property, real and
16 tangible personal, owned, used, leased or otherwise controlled by
17 telegraph, telephone, electric power and light companies,
18 electric transmission lines, pipeline companies and express
19 companies shall be subject to taxation for state, county,
20 municipal and other local purposes to the same extent as the
21 property of private persons.

22 2. And taxes levied thereon shall be levied and collected
23 in the manner as is now or may hereafter be provided by law for
24 the taxation of railroad property in this state, and county
25 commissions, county boards of equalization and the state tax
26 commission are hereby required to perform the same duties and are
27 given the same powers, including punitive powers, in assessing,
28 equalizing and adjusting the taxes on the property set forth in

1 this section as the county commissions and boards of equalization
2 and state tax commission have or may hereafter be empowered with,
3 in assessing, equalizing, and adjusting the taxes on railroad
4 property; and an authorized officer of any such bridge,
5 telegraph, telephone, electric power and light companies,
6 electric transmission lines, pipeline companies, or express
7 company or the owner of any such toll bridge, is hereby required
8 to render reports of the property of such bridge, telegraph,
9 telephone, electric power and light companies, electric
10 transmission lines, pipeline companies, or express companies in
11 like manner as the authorized officer of the railroad company is
12 now or may hereafter be required to render for the taxation of
13 railroad property.

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

23 4. If any telephone company assessed pursuant to chapter
24 153 has a microwave relay station or stations in a county in
25 which it has no wire mileage but has wire mileage in another
26 county, then, for purposes of apportioning the assessed value of
27 the distributable property of such companies, the straight line
28 distance between such microwave relay stations shall constitute

1 miles of wire. In the event that any public utility company
2 assessed pursuant to this chapter has no distributable property
3 which physically traverses the counties in which it operates,
4 then the assessed value of the distributable property of such
5 company shall be apportioned to the physical location of the
6 distributable property.

7 5. (1) Notwithstanding any provision of law to the
8 contrary, beginning January 1, 2019, a telephone company shall
9 make a one-time election within the tax year to be assessed:

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

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

16
17 If a telephone company begins operations, including a merger of
18 multiple telephone companies, after August 28, 2018, it shall
19 make its one-time election to be assessed using the methodology
20 for property tax purposes as described under paragraph (b) of
21 subdivision (1) of this subsection within the year in which the
22 telephone company begins its operations. A telephone company
23 that fails to make a timely election shall be deemed to have
24 elected to be assessed using the methodology for property tax
25 purposes as provided under subsections 1 to 4 of this section.

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

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

3 (4) (a) The provisions of this subdivision shall ensure
4 that school districts may avoid any fiscal impact as a result of
5 a telephone company being assessed under the provisions of
6 paragraph (b) of subdivision (1) of this subsection. If a school
7 district's current operating levy is below the greater of its
8 most recent voter-approved tax rate or the most recent voter-
9 approved tax rate as adjusted under subdivision (2) of subsection
10 5 of section 137.073, it shall comply with section 137.073.

11 (b) Beginning January 1, 2019, any school district
12 currently operating at a tax rate equal to the greater of the
13 most recent voter-approved tax rate or the most recent voter-
14 approved tax rate as adjusted under subdivision (2) of subsection
15 5 of section 137.073 that receives less tax revenue from a
16 specific telephone company under this subsection, on or before
17 January thirty-first of the year following the tax year in which
18 the school district received less revenue from a specific
19 telephone company, may by resolution of the school board impose a
20 fee, as determined under this subsection, in order to obtain such
21 revenue. The resolution shall include all facts that support the
22 imposition of the fee. If the school district receives voter
23 approval to raise its tax rate, the district shall no longer
24 impose the fee authorized in this paragraph.

25 (c) Any fee imposed under paragraph (b) of this subdivision
26 shall be determined by taking the difference between the tax
27 revenue the telephone company paid in the tax year in question
28 and the tax revenue the telephone company would have paid in such

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

- 12 a. In determining the amount of state aid that a school
13 district receives under section 163.031;
- 14 b. In determining the amount that may be collected under a
15 property tax levy by such district; or
- 16 c. For any other purpose.

17
18 For the purposes of accounting, a telephone company that issues a
19 payment to a school district under this subsection shall treat
20 such payment as a tax.

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

- 25 a. Assessed under paragraph (b) of subdivision (1) of this
26 subsection; and
- 27 b. Assessed exclusively under subsections 1 to 4 of this
28 section.

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

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

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

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

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

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

24 (c)] All other [business] real property, excluding land, or
25 personal property related to the wind energy project shall be
26 assessed using the methodology provided under section [137.122]
27 137.123.

28 247.200. 1. The district shall have the right to lay its

1 mains in public highways, roads, streets and alleys included in
2 the district, but the same shall be done under reasonable rules
3 and regulations of governmental bodies having jurisdiction of
4 such public places. This shall apply to maintenance and repair
5 jobs. In the construction of ditches, laying of mains, filling
6 of ditches after mains are laid, connection of service pipes and
7 repairing of lines, due regard must be taken of the rights of the
8 public in its use of thoroughfares and the equal rights of other
9 utilities thereto.

10 2. No district shall require a secondary deposit from
11 commercial property owners. For the purposes of this subsection,
12 a commercial property is a property that is zoned for commercial
13 use by the zoning authority that has jurisdiction over the
14 property.

15 3. If a water meter has been removed from a property or if
16 services to a property have been discontinued, no future charges
17 may be made to the customer for service to that property. Any
18 charges made after service is discontinued or the water meter is
19 removed shall be credited to the customer and applied toward any
20 future charges to such customer by the district.

21 247.285. 1. No metropolitan water supply district shall
22 require a secondary deposit from commercial property owners. For
23 the purposes of this subsection, a commercial property is a
24 property that is zoned for commercial use by the zoning authority
25 that has jurisdiction over the property.

26 2. If a water meter has been removed from a property or if
27 services to a property have been discontinued, no future charges
28 shall be made to the customer for service to that property. Any

1 charges made after service is discontinued or the water meter is
2 removed shall be credited to the customer and applied toward any
3 future charges to such customer by the metropolitan water supply
4 district.

5 393.1009. As used in sections 393.1009 to 393.1015, the
6 following terms mean:

7 (1) "Appropriate pretax revenues", the revenues necessary
8 to produce net operating income equal to:

9 (a) The gas corporation's weighted cost of capital
10 multiplied by the net original cost of eligible infrastructure
11 system replacements, including recognition of accumulated
12 deferred income taxes and accumulated depreciation associated
13 with eligible infrastructure system replacements which are
14 included in a currently effective ISRS; and

15 (b) Recover state, federal, and local income or excise
16 taxes applicable to such income; and

17 (c) Recover all other ISRS costs;

18 (2) "Commission", the Missouri public service commission;

19 (3) "Eligible infrastructure system replacements", gas
20 utility plant projects that:

21 (a) Do not increase revenues by directly connecting the
22 infrastructure replacement to new customers;

23 (b) Are in service and used and useful;

24 (c) Were not included in the gas corporation's rate base in
25 its most recent general rate case; and

26 (d) Replace or extend the useful life of an existing
27 infrastructure;

28 (4) "Gas corporation", every corporation, company,

1 association, joint stock company or association, partnership and
2 person, their lessees, trustees or receivers appointed by any
3 court whatsoever, owning, operating, controlling, or managing any
4 gas plant operating for public use under privilege, license, or
5 franchise now or hereafter granted by the state or any political
6 subdivision, county, or municipality thereof as defined in
7 section 386.020;

8 (5) "Gas utility plant projects" [may] shall consist only
9 of the following:

10 (a) Mains, valves, service lines, regulator stations,
11 vaults, and other pipeline system components installed to comply
12 with state or federal safety requirements as replacements for
13 existing facilities that have worn out or are in deteriorated
14 condition or that can no longer be installed under currently
15 applicable safety requirements or any cast iron or steel
16 facilities including any connected or associated facilities that,
17 regardless of their material, age, or condition, are replaced as
18 part of a qualifying replacement project in a manner that adds no
19 incremental cost to a project compared to tying into or reusing
20 existing facilities;

21 (b) Main relining projects, service line insertion
22 projects, joint encapsulation projects, and other similar
23 projects extending the useful life or enhancing the integrity of
24 pipeline system components undertaken to comply with state or
25 federal safety requirements; and

26 (c) Facilities relocations required due to construction or
27 improvement of a highway, road, street, public way, or other
28 public work by or on behalf of the United States, this state, a

1 political subdivision of this state, or another entity having the
2 power of eminent domain provided that the costs related to such
3 projects have not been reimbursed to the gas corporation;

4 (6) "ISRS", infrastructure system replacement surcharge;

5 (7) "ISRS costs", depreciation expense and property taxes
6 that will be due within twelve months of the ISRS filing
7 associated with eligible system replacements less annual
8 depreciation expenses and property taxes associated with any
9 related facility retirements;

10 (8) "ISRS revenues", revenues produced through an ISRS
11 exclusive of revenues from all other rates and charges.

12 393.1012. 1. Notwithstanding any provisions of chapter 386
13 and this chapter to the contrary, beginning August 28, 2003, a
14 gas corporation providing gas service may file a petition and
15 proposed rate schedules with the commission to establish or
16 change ISRS rate schedules that will allow for the adjustment of
17 the gas corporation's rates and charges to provide for the
18 recovery of costs for eligible infrastructure system
19 replacements. The commission may not approve an ISRS to the
20 extent it would produce total annualized ISRS revenues below the
21 lesser of one million dollars or one-half of one percent of the
22 gas corporation's base revenue level approved by the commission
23 in the gas corporation's most recent general rate proceeding.
24 The commission may not approve an ISRS to the extent it would
25 produce total annualized ISRS revenues exceeding ten percent of
26 the gas corporation's base revenue level approved by the
27 commission in the gas corporation's most recent general rate
28 proceeding. An ISRS and any future changes thereto shall be

1 calculated and implemented in accordance with the provisions of
2 sections 393.1009 to 393.1015. ISRS revenues shall be subject to
3 a refund based upon a finding and order of the commission to the
4 extent provided in subsections 5 and 8 of section [393.1009]
5 393.1015.

6 2. The commission shall not approve an ISRS for any gas
7 corporation that has not had a general rate proceeding decided or
8 dismissed by issuance of a commission order within the past three
9 years, unless the gas corporation has filed for or is the subject
10 of a new general rate proceeding.

11 3. In no event shall a gas corporation collect an ISRS for
12 a period exceeding three years unless the gas corporation has
13 filed for or is the subject of a new general rate proceeding;
14 provided that the ISRS may be collected until the effective date
15 of new rate schedules established as a result of the new general
16 rate proceeding, or until the subject general rate proceeding is
17 otherwise decided or dismissed by issuance of a commission order
18 without new rates being established.

19 4. In order for a gas corporation to file a petition with
20 the commission to establish or change an ISRS, such corporation
21 shall, by July 1, 2021, develop and file with the commission a
22 pre-qualification process for contractors seeking to participate
23 in competitive bidding to install ISRS-eligible gas utility plant
24 projects. Under the pre-qualification process, the gas
25 corporation may specify certain eligibility requirements
26 typically accepted by the industry, including but not limited to,
27 experience, performance criteria, safety policies, and insurance
28 or indemnification requirements to be met by any contractor

1 seeking to participate in competitive bidding to install ISRS-
2 eligible gas utility plant projects. Contractors that meet the
3 pre-qualification criteria set by the gas corporation shall be
4 eligible to participate in the competitive bidding process for
5 installing ISRS-eligible gas utility plant projects, with the
6 winning bid awarded to the contractor making the overall lowest
7 and best bid, as defined in subsection 2 of section 34.010. The
8 gas corporation shall file, by January 1, 2022, a verified
9 statement with the commission confirming that it has in place a
10 pre-qualification process for the competitive bidding of ISRS-
11 eligible gas utility plant projects, and that such process
12 conforms with the requirements of this section. The commission
13 shall have the authority to verify the statement to ensure
14 compliance with this section. After January 1, 2022, the gas
15 corporation shall submit with each petition filing to establish
16 or change an ISRS a verified statement confirming that it is
17 using a competitive bidding process for no less than twenty-five
18 percent of the combined external installation expenditures made
19 by the gas corporation's operating units in Missouri for
20 installing ISRS-eligible gas utility plant projects, and that
21 such process conforms with the requirements set forth in this
22 section. The commission shall have the authority to verify the
23 statement to ensure compliance with this section. Nothing in
24 this section shall be construed as requiring any gas corporation
25 to use a pre-qualified contractor or competitive bidding process
26 in the case of an emergency project, or to terminate any existing
27 contract with a contractor prior to its expiration; provided
28 however, that the use of any preexisting contract for the

1 installation of ISRS-eligible gas utility plant projects shall
2 not qualify as fulfilling the twenty-five percent requirement set
3 forth in this section beyond December 31, 2022. For contractors
4 not qualifying through the competitive bid process, the gas
5 corporation, upon request from the contractor, shall provide
6 information from the process in which the contractor can be
7 informed as to how to be better positioned to qualify for such
8 bid opportunities in the future.

9 5. By December 31, 2023, and annually thereafter, the
10 commission shall submit a report to the general assembly on the
11 effects of subsection 4 of this section, including gas
12 corporation compliance, potential legislative action regarding
13 subsection 4 of this section, the costs of installing ISRS-
14 eligible gas utility plant projects prior to the implementation
15 of subsection 4 of this section compared to after the
16 implementation of subsection 4 of this section, and any other
17 information regarding the processes established under subsection
18 4 of this section that the commission deems necessary.

19 393.1015. 1. (1) At the time that a gas corporation files
20 a petition with the commission seeking to establish or change an
21 ISRS, it shall submit proposed ISRS rate schedules and its
22 supporting documentation regarding the calculation of the
23 proposed ISRS with the petition, and shall serve the office of
24 the public counsel with a copy of its petition, its proposed rate
25 schedules, and its supporting documentation.

26 (2) Upon the filing of a petition, and any associated rate
27 schedules, seeking to establish or change an ISRS, the commission
28 shall publish notice of the filing.

1 2. (1) When a petition, along with any associated proposed
2 rate schedules, is filed pursuant to the provisions of sections
3 393.1009 to 393.1015, the commission shall conduct an examination
4 of the proposed ISRS.

5 (2) The staff of the commission may examine information of
6 the gas corporation to confirm that the underlying costs are in
7 accordance with the provisions of sections 393.1009 to 393.1015,
8 and to confirm proper calculation of the proposed charge, and may
9 submit a report regarding its examination to the commission not
10 later than [~~sixty~~] ninety days after the petition is filed. No
11 other revenue requirement or ratemaking issues may be examined in
12 consideration of the petition or associated proposed rate
13 schedules filed pursuant to the provisions of sections 393.1009
14 to 393.1015.

15 (3) The commission may hold a hearing on the petition and
16 any associated rate schedules and shall issue an order to become
17 effective not later than one hundred [~~twenty~~] eighty days after
18 the petition is filed.

19 (4) If the commission finds that a petition complies with
20 the requirements of sections 393.1009 to 393.1015, the commission
21 shall enter an order authorizing the corporation to impose an
22 ISRS that is sufficient to recover appropriate pretax revenue, as
23 determined by the commission pursuant to the provisions of
24 sections 393.1009 to 393.1015.

25 3. A gas corporation may effectuate a change in its rate
26 pursuant to the provisions of this section no more often than two
27 times every twelve months.

28 4. In determining the appropriate pretax revenue, the

1 commission shall consider only the following factors:

2 (1) The current state, federal, and local income tax or
3 excise rates;

4 (2) The gas corporation's actual regulatory capital
5 structure as determined during the most recent general rate
6 proceeding of the gas corporation;

7 (3) The actual cost rates for the gas corporation's debt
8 and preferred stock as determined during the most recent general
9 rate proceeding of the gas corporation;

10 (4) The gas corporation's cost of common equity as
11 determined during the most recent general rate proceeding of the
12 gas corporation;

13 (5) The current property tax rate or rates applicable to
14 the eligible infrastructure system replacements;

15 (6) The current depreciation rates applicable to the
16 eligible infrastructure system replacements; and

17 (7) In the event information pursuant to subdivisions (2),
18 (3), and (4) of this subsection is unavailable and the commission
19 is not provided with such information on an agreed-upon basis,
20 the commission shall refer to the testimony submitted during the
21 most recent general rate proceeding of the gas corporation and
22 use, in lieu of any such unavailable information, the recommended
23 capital structure, recommended cost rates for debt and preferred
24 stock, and recommended cost of common equity that would produce
25 the average weighted cost of capital based upon the various
26 recommendations contained in such testimony.

27 5. (1) The monthly ISRS charge may be calculated based on
28 a reasonable estimate of billing units in the period in which the

1 charge will be in effect, which shall be conclusively established
2 by dividing the appropriate pretax revenues by the customer
3 numbers reported by the gas corporation in the annual report it
4 most recently filed with the commission pursuant to subdivision
5 (6) of section 393.140, and then further dividing this quotient
6 by twelve. Provided, however, that the monthly ISRS may vary
7 according to customer class and may be calculated based on
8 customer numbers as determined during the most recent general
9 rate proceeding of the gas corporation so long as the monthly
10 ISRS for each customer class maintains a proportional
11 relationship equivalent to the proportional relationship of the
12 monthly customer charge for each customer class.

13 (2) At the end of each twelve-month calendar period the
14 ISRS is in effect, the gas corporation shall reconcile the
15 differences between the revenues resulting from an ISRS and the
16 appropriate pretax revenues as found by the commission for that
17 period and shall submit the reconciliation and a proposed ISRS
18 adjustment to the commission for approval to recover or refund
19 the difference, as appropriate, through adjustments of an ISRS
20 charge.

21 6. (1) A gas corporation that has implemented an ISRS
22 pursuant to the provisions of sections 393.1009 to 393.1015 shall
23 file revised rate schedules to reset the ISRS to zero when new
24 base rates and charges become effective for the gas corporation
25 following a commission order establishing customer rates in a
26 general rate proceeding that incorporates in the utility's base
27 rates subject to subsections 8 and 9 of this section eligible
28 costs previously reflected in an ISRS.

1 (2) Upon the inclusion in a gas corporation's base rates
2 subject to subsections 8 and 9 of this section of eligible costs
3 previously reflected in an ISRS, the gas corporation shall
4 immediately thereafter reconcile any previously unreconciled ISRS
5 revenues as necessary to ensure that revenues resulting from the
6 ISRS match as closely as possible the appropriate pretax revenues
7 as found by the commission for that period.

8 7. A gas corporation's filing of a petition or change to an
9 ISRS pursuant to the provisions of sections 393.1009 to 393.1015
10 shall not be considered a request for a general increase in the
11 gas corporation's base rates and charges.

12 8. Commission approval of a petition, and any associated
13 rate schedules, to establish or change an ISRS pursuant to the
14 provisions of sections 393.1009 to 393.1015 shall in no way be
15 binding upon the commission in determining the ratemaking
16 treatment to be applied to eligible infrastructure system
17 replacements during a subsequent general rate proceeding when the
18 commission may undertake to review the prudence of such costs.
19 In the event the commission disallows, during a subsequent
20 general rate proceeding, recovery of costs associated with
21 eligible infrastructure system replacements previously included
22 in an ISRS, the gas corporation shall offset its ISRS in the
23 future as necessary to recognize and account for any such
24 overcollections.

25 9. Nothing in this section shall be construed as limiting
26 the authority of the commission to review and consider
27 infrastructure system replacement costs along with other costs
28 during any general rate proceeding of any gas corporation.

1 10. Nothing contained in sections 393.1009 to 393.1015
2 shall be construed to impair in any way the authority of the
3 commission to review the reasonableness of the rates or charges
4 of a gas corporation, including review of the prudence of
5 eligible infrastructure system replacements made by a gas
6 corporation, pursuant to the provisions of section 386.390.

7 11. The commission shall have authority to promulgate rules
8 for the implementation of sections 393.1009 to 393.1015, but only
9 to the extent such rules are consistent with, and do not delay
10 the implementation of, the provisions of sections 393.1009 to
11 393.1015. Any rule or portion of a rule, as that term is defined
12 in section 536.010, that is created under the authority delegated
13 in this section shall become effective only if it complies with
14 and is subject to all of the provisions of chapter 536 and, if
15 applicable, section 536.028. This section and chapter 536 are
16 nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536 to review, to delay the
18 effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2003,
21 shall be invalid and void.

22 12. Any gas corporation whose ISRS is found by a court of
23 competent jurisdiction to include illegal and inappropriate
24 charges shall refund every current customer of the gas
25 corporation who paid such charges, before the gas corporation can
26 file for a new ISRS.

27 13. The provisions of sections 393.1009 to 393.1015 shall
28 expire on August 28, 2029.

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

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

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

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

22 2. (1) No deed restrictions, covenants, or similar binding
23 agreements running with the land shall prohibit or have the
24 effect of prohibiting the display of political signs.

25 [3.] (2) A homeowners' association has the authority to
26 adopt reasonable rules, subject to any applicable statutes or
27 ordinances, regarding the time, size, place, number, and manner
28 of display of political signs.

1 [4.] (3) A homeowners' association may remove a political
2 sign without liability if such sign is placed within the common
3 ground, threatens the public health or safety, violates an
4 applicable statute or ordinance, is accompanied by sound or
5 music, or if any other materials are attached to the political
6 sign. Subject to the foregoing, a homeowners' association shall
7 not remove a political sign from the property of a homeowner or
8 impose any fine or penalty upon the homeowner unless it has given
9 such homeowner three days after providing written notice to the
10 homeowner, which notice shall specifically identify the rule and
11 the nature of the violation.

12 3. (1) No deed restrictions, covenants, or similar binding
13 agreements running with the land shall limit or prohibit, or have
14 the effect of limiting or prohibiting, the installation of solar
15 panels or solar collectors on the rooftop of any property or
16 structure.

17 (2) A homeowners' association may adopt reasonable rules,
18 subject to any applicable statutes or ordinances, regarding the
19 placement of solar panels or solar collectors to the extent that
20 those rules do not prevent the installation of the device, impair
21 the functioning of the device, restrict the use of the device, or
22 adversely affect the cost or efficiency of the device.

23 (3) The provisions of this subsection shall apply only with
24 regard to rooftops that are owned, controlled, and maintained by
25 the owner of the property or structure.

26 523.262. 1. Except as set forth in subsection 2 of this
27 section, the power of eminent domain shall only be vested in
28 governmental bodies or agencies whose governing body is elected

1 or whose governing body is appointed by elected officials or in
2 an urban redevelopment corporation operating pursuant to a
3 redevelopment agreement with the municipality for a particular
4 redevelopment area, which agreement was executed prior to or on
5 December 31, 2006.

6 2. A private utility company, public utility, rural
7 electric cooperative, municipally owned utility, pipeline,
8 railroad or common carrier shall have the power of eminent domain
9 as may be granted pursuant to the provisions of other sections of
10 the revised statutes of Missouri. For the purposes of this
11 section, the term "common carrier" shall not include motor
12 carriers, contract carriers, or express companies. Where a
13 condemnation by such an entity results in a displaced person, as
14 defined in section 523.200, the provisions of subsections 3 and 6
15 to 10 of section 523.205 shall apply unless the condemning entity
16 is subject to the relocation assistance provisions of the federal
17 Uniform Relocation Assistance Act.

18 3. Any entity with the power of eminent domain and pursuing
19 the acquisition of property for the purpose of constructing a
20 power generation facility after December 31, 2006, after
21 providing notice in a newspaper of general circulation in the
22 county where the facility is to be constructed, shall conduct a
23 public meeting disclosing the purpose of the proposed facility
24 prior to making any offer to purchase property in pursuit thereof
25 or, alternatively, shall provide the property owner with
26 notification of the identity of the condemning authority and the
27 proposed purpose for which the condemned property shall be used
28 at the time of making the initial offer.

1 4. (1) Notwithstanding the provisions of subsection 2 of
2 this section, no entity shall have the power of eminent domain
3 under the provisions of this section for the purpose of
4 constructing above-ground merchant lines.

5 (2) For the purpose of this subsection, the following terms
6 mean:

7 (a) "Entity", a utility company that does not provide
8 service to end-use customers or provide retail service in
9 Missouri, or does not collect its costs to provide service under
10 a regional transmission organization tariff, regardless of
11 whether it has received a certificate of convenience and
12 necessity from the public service commission under section
13 393.170;

14 (b) "Merchant line", a high-voltage direct current electric
15 transmission line that does not provide for the erection of
16 electric substations at intervals of less than fifty miles, which
17 substations are necessary to accommodate both the purchase and
18 sale to persons located in this state of electricity generated or
19 transmitted by such entity.

20 (3) This subsection shall not apply to any rural electric
21 cooperative organized or operating under the provisions of
22 chapter 394, or to any corporation organized on a nonprofit or a
23 cooperative basis as described in subsection 1 of section
24 394.200, or to any electrical corporation operating under a
25 cooperative business plan as described in subsection 2 of section
26 393.110.

27 610.021. Except to the extent disclosure is otherwise
28 required by law, a public governmental body is authorized to

1 close meetings, records and votes, to the extent they relate to
2 the following:

3 (1) Legal actions, causes of action or litigation involving
4 a public governmental body and any confidential or privileged
5 communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or
7 settlement agreement relating to legal actions, causes of action
8 or litigation involving a public governmental body or any agent
9 or entity representing its interests or acting on its behalf or
10 with its authority, including any insurance company acting on
11 behalf of a public government body as its insured, shall be made
12 public upon final disposition of the matter voted upon or upon
13 the signing by the parties of the settlement agreement, unless,
14 prior to final disposition, the settlement agreement is ordered
15 closed by a court after a written finding that the adverse impact
16 to a plaintiff or plaintiffs to the action clearly outweighs the
17 public policy considerations of section 610.011, however, the
18 amount of any moneys paid by, or on behalf of, the public
19 governmental body shall be disclosed; provided, however, in
20 matters involving the exercise of the power of eminent domain,
21 the vote shall be announced or become public immediately
22 following the action on the motion to authorize institution of
23 such a legal action. Legal work product shall be considered a
24 closed record;

25 (2) Leasing, purchase or sale of real estate by a public
26 governmental body where public knowledge of the transaction might
27 adversely affect the legal consideration therefor. However, any
28 minutes, vote or public record approving a contract relating to

1 the leasing, purchase or sale of real estate by a public
2 governmental body shall be made public upon execution of the
3 lease, purchase or sale of the real estate;

4 (3) Hiring, firing, disciplining or promoting of particular
5 employees by a public governmental body when personal information
6 about the employee is discussed or recorded. However, any vote
7 on a final decision, when taken by a public governmental body, to
8 hire, fire, promote or discipline an employee of a public
9 governmental body shall be made available with a record of how
10 each member voted to the public within seventy-two hours of the
11 close of the meeting where such action occurs; provided, however,
12 that any employee so affected shall be entitled to prompt notice
13 of such decision during the seventy-two-hour period before such
14 decision is made available to the public. As used in this
15 subdivision, the term "personal information" means information
16 relating to the performance or merit of individual employees;

17 (4) The state militia or national guard or any part
18 thereof;

19 (5) Nonjudicial mental or physical health proceedings
20 involving identifiable persons, including medical, psychiatric,
21 psychological, or alcoholism or drug dependency diagnosis or
22 treatment;

23 (6) Scholastic probation, expulsion, or graduation of
24 identifiable individuals, including records of individual test or
25 examination scores; however, personally identifiable student
26 records maintained by public educational institutions shall be
27 open for inspection by the parents, guardian or other custodian
28 of students under the age of eighteen years and by the parents,

1 guardian or other custodian and the student if the student is
2 over the age of eighteen years;

3 (7) Testing and examination materials, before the test or
4 examination is given or, if it is to be given again, before so
5 given again;

6 (8) Welfare cases of identifiable individuals;

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

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

12 (11) Specifications for competitive bidding, until either
13 the specifications are officially approved by the public
14 governmental body or the specifications are published for bid;

15 (12) Sealed bids and related documents, until the bids are
16 opened; and sealed proposals and related documents or any
17 documents related to a negotiated contract until a contract is
18 executed, or all proposals are rejected;

19 (13) Individually identifiable personnel records,
20 performance ratings or records pertaining to employees or
21 applicants for employment, except that this exemption shall not
22 apply to the names, positions, salaries and lengths of service of
23 officers and employees of public agencies once they are employed
24 as such, and the names of private sources donating or
25 contributing money to the salary of a chancellor or president at
26 all public colleges and universities in the state of Missouri and
27 the amount of money contributed by the source;

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

1 (15) Meetings and public records relating to scientific and
2 technological innovations in which the owner has a proprietary
3 interest;

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

6 (17) Confidential or privileged communications between a
7 public governmental body and its auditor, including all auditor
8 work product; however, all final audit reports issued by the
9 auditor are to be considered open records pursuant to this
10 chapter;

11 (18) Operational guidelines, policies and specific response
12 plans developed, adopted, or maintained by any public agency
13 responsible for law enforcement, public safety, first response,
14 or public health for use in responding to or preventing any
15 critical incident which is or appears to be terrorist in nature
16 and which has the potential to endanger individual or public
17 safety or health. Financial records related to the procurement
18 of or expenditures relating to operational guidelines, policies
19 or plans purchased with public funds shall be open. When seeking
20 to close information pursuant to this exception, the public
21 governmental body shall affirmatively state in writing that
22 disclosure would impair the public governmental body's ability to
23 protect the security or safety of persons or real property, and
24 shall in the same writing state that the public interest in
25 nondisclosure outweighs the public interest in disclosure of the
26 records;

27 (19) Existing or proposed security systems and structural
28 plans of real property owned or leased by a public governmental

1 body, and information that is voluntarily submitted by a
2 nonpublic entity owning or operating an infrastructure to any
3 public governmental body for use by that body to devise plans for
4 protection of that infrastructure, the public disclosure of which
5 would threaten public safety:

6 (a) Records related to the procurement of or expenditures
7 relating to security systems purchased with public funds shall be
8 open;

9 (b) When seeking to close information pursuant to this
10 exception, the public governmental body shall affirmatively state
11 in writing that disclosure would impair the public governmental
12 body's ability to protect the security or safety of persons or
13 real property, and shall in the same writing state that the
14 public interest in nondisclosure outweighs the public interest in
15 disclosure of the records;

16 (c) Records that are voluntarily submitted by a nonpublic
17 entity shall be reviewed by the receiving agency within ninety
18 days of submission to determine if retention of the document is
19 necessary in furtherance of a state security interest. If
20 retention is not necessary, the documents shall be returned to
21 the nonpublic governmental body or destroyed;

22 (20) The portion of a record that identifies security
23 systems or access codes or authorization codes for security
24 systems of real property;

25 (21) Records that identify the configuration of components
26 or the operation of a computer, computer system, computer
27 network, or telecommunications network, and would allow
28 unauthorized access to or unlawful disruption of a computer,

1 computer system, computer network, or telecommunications network
2 of a public governmental body. This exception shall not be used
3 to limit or deny access to otherwise public records in a file,
4 document, data file or database containing public records.

5 Records related to the procurement of or expenditures relating to
6 such computer, computer system, computer network, or
7 telecommunications network, including the amount of moneys paid
8 by, or on behalf of, a public governmental body for such
9 computer, computer system, computer network, or
10 telecommunications network shall be open;

11 (22) Credit card numbers, personal identification numbers,
12 digital certificates, physical and virtual keys, access codes or
13 authorization codes that are used to protect the security of
14 electronic transactions between a public governmental body and a
15 person or entity doing business with a public governmental body.
16 Nothing in this section shall be deemed to close the record of a
17 person or entity using a credit card held in the name of a public
18 governmental body or any record of a transaction made by a person
19 using a credit card or other method of payment for which
20 reimbursement is made by a public governmental body;

21 (23) Records submitted by an individual, corporation, or
22 other business entity to a public institution of higher education
23 in connection with a proposal to license intellectual property or
24 perform sponsored research and which contains sales projections
25 or other business plan information the disclosure of which may
26 endanger the competitiveness of a business; **[and]**

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

1 (25) Individually identifiable customer usage and billing
2 records for customers of a municipally owned utility, unless the
3 records are requested by the customer or authorized for release
4 by the customer, except that a municipally owned utility shall
5 make available to the public the customer's name, billing
6 address, location of service, and dates of service provided for
7 any commercial service account.

8 620.2451. Grants awarded under sections 620.2450 to
9 620.2458 shall fund the acquisition and installation of retail
10 broadband internet service at speeds of at least twenty-five
11 megabits per-second download and three megabits per-second
12 upload, but that is scalable to higher speeds. The department
13 shall maintain a record of all federal grants awarded to entities
14 for the purposes of providing, maintaining, and expanding rural
15 broadband in the state of Missouri. In cases in which funds have
16 been awarded by a federal agency but later retained, withheld, or
17 otherwise not distributed to the original grant recipient due to
18 failure to meet performance standards or other criteria, the
19 department shall seek to have the funds awarded to another
20 eligible, qualified Missouri broadband provider.

21 620.2459. Pursuant to section 23.253 of the Missouri sunset
22 act:

23 (1) The provisions of the new program authorized under
24 sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454,
25 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset
26 automatically three years after [August 28, 2018] June 30, 2027,
27 unless reauthorized by an act of the general assembly; and

28 (2) If such program is reauthorized, the program authorized

1 under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454,
2 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset
3 automatically six years after the effective date of the
4 reauthorization of sections 620.2450, 620.2451, 620.2452,
5 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458;
6 and

7 (3) Sections 620.2450, 620.2451, 620.2452, 620.2453,
8 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall
9 terminate on September first of the calendar year immediately
10 following the calendar year in which the program authorized under
11 sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454,
12 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

13 640.141. Sections 640.141 to 640.145 shall be known as the
14 "Water Safety and Security Act". For the purposes of these
15 sections, the term "community water system" shall mean a public
16 water system as defined in section 640.102 that serves at least
17 fifteen service connections and is operated on a year-round basis
18 or regularly serves at least twenty-five residents on a year-
19 round basis.

20 640.142. 1. Within twelve months of the effective date of
21 this section, each community water system shall create a plan
22 that establishes policies and procedures for identifying and
23 mitigating cyber risk. The plan shall include risk assessments
24 and implementation of appropriate controls to mitigate identified
25 cyber risks.

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

1 3. The provisions of this section shall not apply to any
2 state parks, cities with a population of more than thirty
3 thousand inhabitants, a county with a charter form of government
4 and with more than six hundred thousand but fewer than seven
5 hundred thousand inhabitants, a county with a charter form of
6 government and with more than nine hundred fifty thousand
7 inhabitants, or a public service commission regulated utility
8 with more than thirty thousand customers.

9 640.144. 1. All community water systems shall be required
10 to create a valve inspection program that includes:

11 (1) Inspection of all valves every ten years;

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

13 (3) Within five years of the effective date of this
14 section, identification of each shut off valve location using a
15 geographic information system or an alternative physical mapping
16 system that accurately identifies the location of each valve.

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

19 (1) Annual testing of every hydrant in the community water
20 system;

21 (2) Scheduled repair or replacement of broken hydrants;

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

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

25 (5) Within five years of the effective date of this
26 section, identification of each hydrant location using a
27 geographic information system or an alternative physical mapping
28 system that accurately identifies the location of each hydrant.

1 3. The provisions of this section shall not apply to any
2 state parks, cities with a population of more than thirty
3 thousand inhabitants, a county with a charter form of government
4 and with more than six hundred thousand but fewer than seven
5 hundred thousand inhabitants, a county with a charter form of
6 government and with more than nine hundred fifty thousand
7 inhabitants, or a public service commission regulated utility
8 with more than thirty thousand customers.

9 640.145. 1. Community water systems shall submit a report
10 upon request of the department of natural resources that shall
11 certify compliance with all regulations regarding:

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

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

14 and

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

17 2. The provisions of this section shall not apply to any
18 state parks, cities with a population of more than thirty
19 thousand inhabitants, a county with a charter form of government
20 and with more than six hundred thousand but fewer than seven
21 hundred thousand inhabitants, a county with a charter form of
22 government and with more than nine hundred fifty thousand
23 inhabitants, or a public service commission regulated utility
24 with more than thirty thousand customers.

25 701.200. 1. Subject to appropriations, each school
26 district, as such term is defined in section 160.011, may test a
27 sample of a source of potable water in a public school building
28 in that district serving students under first grade and

1 constructed before 1996 for lead contamination in accordance with
2 guidance provided by the department of health and senior
3 services. The school district may submit the samples to a
4 department-approved laboratory for analysis for lead and provide
5 the written sampling results to the department within seven days
6 of receipt.

7 2. The department shall develop guidance for schools in
8 collecting and testing first-draw samples of potable water. The
9 department shall develop and make publicly available a list of
10 approved laboratories for lead analysis.

11 3. If any of the samples exceed current standards for parts
12 per billion of lead established by the U.S. Environmental
13 Protection Agency, the school district shall promptly provide
14 individual notification of the sampling results, by written or
15 electronic communication, to the parents or legal guardians of
16 all enrolled students and include the following information: the
17 corresponding sampling location within the building and the U.S.
18 Environmental Protection Agency's website for information about
19 lead in drinking water. If any of the samples taken in the
20 building are at or below five parts per billion, notification may
21 be made as provided in this subsection or by posting on the
22 school's website.

23 4. The department may promulgate rules and regulations
24 necessary to implement the provisions of this section. Any rule
25 or portion of a rule, as that term is defined in section 536.010,
26 that is created under the authority delegated in this section
27 shall become effective only if it complies with and is subject to
28 all of the provisions of chapter 536 and, if applicable, section

1 536.028. This section and chapter 536 are nonseverable and if
2 any of the powers vested with the general assembly pursuant to
3 chapter 536 to review, to delay the effective date, or to
4 disapprove and annul a rule are subsequently held
5 unconstitutional, then the grant of rulemaking authority and any
6 rule proposed or adopted after August 28, 2020, shall be invalid
7 and void.

8 5. As used in this section, the term "source of potable
9 water" shall mean the point at which nonbottled water that may be
10 ingested by children or used for food preparation exits any tap,
11 faucet, drinking fountain, wash basin in a classroom occupied by
12 children or students under first grade, or similar point of use;
13 provided, that all bathroom sinks and wash basins used by
14 janitorial staff are excluded from this definition.

15 [393.1073. 1. There is hereby established the
16 "Task Force on Wind Energy", which shall be composed of
17 the following members:

18 (1) Three members of the house of
19 representatives, with two appointed by the speaker of
20 the house of representatives and one appointed by the
21 minority floor leader of the house of representatives;

22 (2) Three members of the senate, with two
23 appointed by the president pro tempore of the senate
24 and one appointed by the minority floor leader of the
25 senate; and

26 (3) Two representatives from Missouri county
27 governments with experience in wind energy valuations,
28 with one being a currently elected county assessor to
29 be appointed by the speaker of the house of
30 representatives, and one being a currently elected
31 county clerk to be appointed by the president pro
32 tempore of the senate.

33 2. The task force shall conduct public hearings
34 and research, and shall compile a report for delivery
35 to the general assembly by no later than December 31,
36 2019. Such report shall include information on the
37 following:

38 (1) The economic benefits and drawbacks of wind
39 turbines to local communities and the state;

40 (2) The fair, uniform, and standardized

1 assessment and taxation of wind turbines and their
2 connected equipment owned by a public utility company
3 at the county level in all counties;

4 (3) Compliance with existing federal and state
5 programs and regulations; and

6 (4) Potential legislation that will provide a
7 uniform assessment and taxation methodology for wind
8 turbines and their connected equipment owned by a
9 public utility company that will be used in every
10 county of Missouri.

11 3. The task force shall meet within thirty days
12 after its creation and shall organize by selecting a
13 chairperson and vice chairperson, one of whom shall be
14 a member of the senate and the other a member of the
15 house of representatives. Thereafter, the task force
16 may meet as often as necessary in order to accomplish
17 the tasks assigned to it. A majority of the task force
18 shall constitute a quorum, and a majority vote of such
19 quorum shall be required for any action.

20 4. The staff of house research and senate
21 research shall provide necessary clerical, research,
22 fiscal, and legal services to the task force, as the
23 task force may request.

24 5. The members of the task force shall serve
25 without compensation, but any actual and necessary
26 expenses incurred in the performance of the task
27 force's official duties by the task force, its members,
28 and any staff assigned to the task force shall be paid
29 from the joint contingent fund.

30 6. This section shall expire on December 31,
31 2019.]

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Wayne Wallingford

Bill Kidd