

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 664
100TH GENERAL ASSEMBLY

3691H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 67.453, 67.1461, 67.1842, 67.1846, 67.5122, 247.200, 249.422, 392.020, 393.1009, 393.1012, 393.1015, 407.1095, 407.1098, 407.1101, 407.1104, 442.404, 523.262, 620.2451, 620.2456, and 620.2459, RSMo, and to enact in lieu thereof twenty-five new sections relating to utilities, with penalty provisions.

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

Section A. Sections 67.453, 67.1461, 67.1842, 67.1846, 67.5122, 247.200, 249.422, 392.020, 393.1009, 393.1012, 393.1015, 407.1095, 407.1098, 407.1101, 407.1104, 442.404, 523.262, 620.2451, 620.2456, and 620.2459, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 67.309, 67.453, 67.1461, 67.1842, 67.1846, 67.5122, 247.200, 247.285, 249.422, 392.020, 393.1009, 393.1012, 393.1015, 407.1095, 407.1098, 407.1101, 407.1104, 407.1115, 442.404, 523.262, 620.2451, 620.2456, 620.2459, 1, and 2, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

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

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

34 (e) To improve waterworks systems;

35 (f) **To partner with a telecommunications company or broadband service provider**
36 **in order to construct or improve telecommunications facilities which shall be wholly owned**
37 **and operated by the telecommunications company or broadband service provider, as the**
38 **terms "telecommunications company" and "telecommunications facilities" are defined in**
39 **section 386.020 and subject to the provisions of section 392.410, that are in an unserved or**

40 **underserved area, as defined in section 620.2450. Before any facilities are improved or**
41 **constructed as a result of this section, the area shall be certified as unserved or**
42 **underserved by the director of broadband development within the department of economic**
43 **development;**

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

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

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

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

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

52 ~~[(k)]~~ (l) To improve property for off-street parking facilities including construction and
53 equipment of buildings thereon;

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

56 ~~[(m)]~~ (n) To improve public safety;

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

67.1461. 1. Each district shall have all the powers, except to the extent any such power
2 has been limited by the petition approved by the governing body of the municipality to establish
3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401
4 to 67.1571 including, but not limited to, the following:

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to 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, with public and private
9 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to
10 sections 67.1401 to 67.1571;

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

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

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

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

19 (8) To levy and collect special assessments and taxes as provided in sections 67.1401
20 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from
21 taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision
22 (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to
23 67.1571;

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

30 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
31 67.1401 to 67.1571;

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

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

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

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

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

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

41 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
42 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

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

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

49 (a) Pedestrian or shopping malls and plazas;

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

- 51 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
52 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
53 signs and signals, utilities, drainage, water, storm and sewer systems, and other site
54 improvements;
55 (e) Parking lots, garages, or other facilities;
56 (f) Lakes, dams, and waterways;
57 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
58 awnings, canopies, walls, and barriers;
59 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
60 kiosks;
61 (i) Paintings, murals, display cases, sculptures, and fountains;
62 (j) Music, news, and child-care facilities; and
63 (k) Any other useful, necessary, or desired improvement;
64 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
65 parks, and other real property and improvements located within its boundaries for public use;
66 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict
67 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
68 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
69 (19) Within its boundaries, to operate or to contract for the provision of music, news,
70 child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
71 (20) Within its boundaries, to lease space for sidewalk café tables and chairs;
72 (21) Within its boundaries, to provide or contract for the provision of security personnel,
73 equipment, or facilities for the protection of property and persons;
74 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other
75 services to public and private property;
76 (23) To produce and promote any tourism, recreational or cultural activity or special
77 event in the district by, but not limited to, advertising, decoration of any public place in the
78 district, promotion of such activity and special events, and furnishing music in any public place;
79 (24) To support business activity and economic development in the district including,
80 but not limited to, the promotion of business activity, development and retention, and the
81 recruitment of developers and businesses;
82 (25) To provide or support training programs for employees of businesses within the
83 district;
84 (26) To provide refuse collection and disposal services within the district;
85 (27) To contract for or conduct economic, planning, marketing or other studies;

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

88 (29) **To partner with a telecommunications company or broadband service provider**
89 **in order to construct or improve telecommunications facilities which shall be wholly owned**
90 **and operated by the telecommunications company or broadband service provider, as the**
91 **terms "telecommunications company" and "telecommunications facilities" are defined in**
92 **section 386.020 and subject to the provisions of section 392.410, that are in an unserved or**
93 **underserved area, as defined in section 620.2450. Before any facilities are improved or**
94 **constructed as a result of this section, the area shall be certified as unserved or**
95 **underserved by the director of broadband development within the department of economic**
96 **development;**

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

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

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

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

107 3. Each district shall annually reimburse the municipality for the reasonable and actual
108 expenses incurred by the municipality to establish such district and review annual budgets and
109 reports of such district required to be submitted to the municipality; provided that, such annual
110 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
111 in such year.

112 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district
113 any sovereign right of municipalities to promote order, safety, health, morals, and general
114 welfare of the public, except those such police powers, if any, expressly delegated pursuant to
115 sections 67.1401 to 67.1571.

116 5. The governing body of the municipality establishing the district shall not decrease the
117 level of publicly funded services in the district existing prior to the creation of the district or
118 transfer the financial burden of providing the services to the district unless the services at the
119 same time are decreased throughout the municipality, nor shall the governing body discriminate
120 in the provision of the publicly funded services between areas included in such district and areas
121 not so included.

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

- (1) Unlawfully discriminate among public utility right-of-way users;
- (2) Grant a preference to any public utility right-of-way user;
- (3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;
- (4) Require a telecommunications company to obtain a franchise **or written agreement, other than a permit**, or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846;
- (5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; or
- (6) Require any public utility that has legally been granted access to the political subdivision's right-of-way to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

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

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

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

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

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

23

24 For purposes of this section, a "grandfathered political subdivision" is any political subdivision
25 which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing
26 any linear foot fees on any public utility right-of-way user, including ordinances which were
27 specific to particular public right-of-way users. Any existing ordinance or new ordinance passed
28 by a grandfathered political subdivision providing for payment of the greater of a linear foot fee
29 or a gross receipts tax shall be enforceable only with respect to the linear foot fee.

30 **2. A grandfathered political subdivision shall not charge a linear foot fee for use**
31 **of its right-of-way to a small local exchange telecommunications company that is qualified**
32 **as of December 31, 2019, as a small local exchange telecommunications company as defined**
33 **in section 386.020; provided that the small local exchange telecommunications company**
34 **is providing internet access to customers in a grandfathered political subdivision.**

35 **3.** Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from
36 enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales
37 tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent
38 consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political
39 subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross
40 receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection,
41 the term "franchise fee" shall mean "franchise tax".

67.5122. Sections 67.5110 to 67.5122 shall expire on January 1, ~~[2024]~~ **2025**, except that
2 for small wireless facilities already permitted or collocated on authority poles prior to such date,
3 the rate set forth in section 67.5116 for collocation of small wireless facilities on authority poles
4 shall remain effective for the duration of the permit authorizing the collocation.

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

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

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

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

2. **If a water meter has been removed from a property or if services to a property have been discontinued, no future charges shall be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the metropolitan water supply district.**

249.422. 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to Article VI, Section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its

14 proportionate share of any fee charged pursuant to this chapter~~[,—and]~~ . In addition, any
15 condominium unit shall, if determined to be responsible for and served by its own individual
16 lateral sewer line **and notified of the determination in writing each time a notification of**
17 **change of assessment is sent to the property owner under section 137.180**, be treated as an
18 individual residence regardless of the number of units in the development. It shall be the
19 responsibility of the condominium owner or condominium association who are of the opinion
20 that they are not properly classified as provided in this section to notify the county **or municipal**
21 office administering the program. Where an existing sewer lateral program was in effect prior
22 to August 28, 2003, condominium and apartment units not previously enrolled may be ineligible
23 for enrollment if it is determined that the sewer lateral serving the unit is defective.

24 2. The question shall be submitted in substantially the following form:

25 Shall a maximum charge not to exceed fifty dollars be assessed annually on residential
26 property for each lateral sewer service line serving six or less dwelling units on that property and
27 condominiums that have six or less condominium units per building and any condominium
28 responsible for its own individual lateral sewer line to provide funds to pay the cost of certain
29 repairs of those lateral sewer service lines which may be billed quarterly or annually?

30 ☐ YES ☐ NO

31 3. If a majority of the voters voting thereon approve the proposal provided for in
32 subsection 2 of this section, the governing body of the city, town, village or county may enact
33 an ordinance for the collection and administration of such fee in order to protect the public
34 health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be
35 deposited in a special account to be used solely for the purpose of paying for all or a portion of
36 the costs reasonably associated with and necessary to administer and carry out the defective
37 lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to
38 the special account established for the repair of lateral sewer service lines.

39 4. **Fee payments that are authorized by this section shall be exempt from the**
40 **requirements of section 139.031, and class action challenges are authorized, including**
41 **challenges under Article X, Sections 22 and 23 of the Constitution of Missouri, as well as**
42 **other measures approved by law.**

392.020. 1. The original articles of association shall be recorded in the office of the
2 recorder of deeds of the county in which the corporation is to be located, and then be filed in the
3 office of the secretary of state, who shall carefully preserve the same in his office, and thereupon
4 the subscribers and the persons who, from time to time, shall become stockholders in such
5 company, and their successors, shall be a body politic and corporate, by the name stated in such
6 articles of association, and shall have power to construct, own, operate and maintain lines of
7 telephone and magnetic telegraph between such points as they may from time to time determine,

8 and to make such reasonable charges for the use of the same as they may establish; and shall
9 have power to lease or attach to their lines other telephone or telegraph lines by lease or
10 purchase; and meetings of the stockholders or of the directors of such corporation may be held
11 for the transaction of business as well without as within this state.

12 2. A copy of the articles of association, certified by the secretary of state or his deputy,
13 under the seal of the state, shall be prima facie evidence of the incorporation of such company,
14 and of the facts stated therein. Any such company, through its board of directors, with the
15 consent of the persons holding the larger amount in value of the stock, shall have power to
16 reduce its capital stock to any amount not below the actual cost of construction, and in like
17 manner and with like consent to increase the capital stock from time to time as in their judgment
18 may be necessary, not exceeding an amount which, when fully paid up, shall be required for the
19 business of the company, which consent shall be obtained in the manner prescribed by law.

20 **3. Any corporation formed for the purpose of section 392.010, or operating under**
21 **the provisions of subsection 1 of section 351.030, may amend the articles of association to**
22 **include a statement referencing the corporation's operating designation as described in 26**
23 **U.S.C. Section 501(c)(12), as amended.**

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

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

4 (a) The gas corporation's weighted cost of capital multiplied by the net original cost of
5 eligible infrastructure system replacements, including recognition of accumulated deferred
6 income taxes and accumulated depreciation associated with eligible infrastructure system
7 replacements which are included in a currently effective ISRS, **less the net plant value of any**
8 **retired assets**; and

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

11 (c) Recover all other ISRS costs;

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

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

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

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

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

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

20 (4) "Gas corporation", every corporation, company, association, joint stock company or
21 association, partnership and person, their lessees, trustees or receivers appointed by any court
22 whatsoever, owning, operating, controlling, or managing any gas plant operating for public use
23 under privilege, license, or franchise now or hereafter granted by the state or any political
24 subdivision, county, or municipality thereof as defined in section 386.020;

25 (5) "Gas utility plant projects" may consist only of the following:

26 (a) Mains, valves, service lines, regulator stations, vaults, and other pipeline system
27 components installed to comply with state or federal safety requirements as replacements for
28 existing **cast iron, steel, or other** facilities that ~~[have worn out or are in deteriorated condition]~~
29 **can no longer be installed under currently applicable safety standards, including any**
30 **connected or associated facilities that, regardless of their material, age, or condition, are**
31 **replaced as part of a qualifying replacement project in a manner that adds no incremental**
32 **cost to a project compared to tying into or reusing existing facilities;**

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

36 (c) Facilities relocations required due to construction or improvement of a highway,
37 road, street, public way, or other public work by or on behalf of the United States, this state, a
38 political subdivision of this state, or another entity having the power of eminent domain provided
39 that the costs related to such projects have not been reimbursed to the gas corporation;

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

41 (7) "ISRS costs", depreciation expense and property taxes that will be due within twelve
42 months of the ISRS filing;

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

393.1012. 1. Notwithstanding any provisions of chapter 386 and this chapter to the
2 contrary, beginning August 28, 2003, a gas corporation providing gas service may file a petition
3 and proposed rate schedules with the commission to establish or change ISRS rate schedules that
4 will allow for the adjustment of the gas corporation's rates and charges to provide for the
5 recovery of costs for eligible infrastructure system replacements. The commission may not
6 approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser
7 of one million dollars or one-half of one percent of the gas corporation's base revenue level
8 approved by the commission in the gas corporation's most recent general rate proceeding. The
9 commission may not approve an ISRS to the extent it would produce total annualized ISRS
10 revenues exceeding ten percent of the gas corporation's base revenue level approved by the
11 commission in the gas corporation's most recent general rate proceeding. An ISRS and any

12 future changes thereto shall be calculated and implemented in accordance with the provisions
13 of sections 393.1009 to 393.1015. ISRS revenues shall be subject to a refund based upon a
14 finding and order of the commission to the extent provided in subsections 5 and 8 of section
15 ~~[393.1009]~~ **393.1015**.

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

20 3. In no event shall a gas corporation collect an ISRS for a period exceeding three years
21 unless the gas corporation has filed for or is the subject of a new general rate proceeding;
22 provided that the ISRS may be collected until the effective date of new rate schedules established
23 as a result of the new general rate proceeding, or until the subject general rate proceeding is
24 otherwise decided or dismissed by issuance of a commission order without new rates being
25 established.

26 4. **In order for a gas corporation to file a petition with the commission to establish**
27 **or change an ISRS, such corporation shall, by July 1, 2021, develop and file with the**
28 **commission a pre-qualification process for contractors seeking to participate in competitive**
29 **bidding to install ISRS-eligible gas utility plant projects. Under the pre-qualification**
30 **process, the gas corporation may specify certain eligibility requirements typically accepted**
31 **by the industry, including but not limited to, experience, performance criteria, safety**
32 **policies, and insurance or indemnification requirements to be met by any contractor**
33 **seeking to participate in competitive bidding to install ISRS-eligible gas utility plant**
34 **projects. Contractors that meet the pre-qualification criteria set by the gas corporation**
35 **shall be eligible to participate in the competitive bidding process for installing ISRS-**
36 **eligible gas utility plant projects, with the winning bid awarded to the contractor making**
37 **the overall lowest and best bid, as defined in subsection 2 of section 34.010. The gas**
38 **corporation shall file, by January 1, 2022, a verified statement with the commission**
39 **confirming that it has in place a pre-qualification process for the competitive bidding of**
40 **ISRS-eligible gas utility plant projects, and that such process conforms with the**
41 **requirements of this section. The commission shall have the authority to verify the**
42 **statement to ensure compliance with this section. After January 1, 2022, the gas**
43 **corporation shall submit with each petition filing to establish or change an ISRS a verified**
44 **statement confirming that it is using a competitive bidding process for no less than twenty-**
45 **five percent of the combined external installation expenditures made by the gas**
46 **corporation's operating units in Missouri for installing ISRS-eligible gas utility plant**
47 **projects, and that such process conforms with the requirements set forth in this section.**

48 **The commission shall have the authority to verify the statement to ensure compliance with**
49 **this section. Nothing in this section shall be construed as requiring any gas corporation to**
50 **use a pre-qualified contractor or competitive bidding process in the case of an emergency**
51 **project, or to terminate any existing contract with a contractor prior to its expiration;**
52 **provided however, that the use of any preexisting contract for the installation of ISRS-**
53 **eligible gas utility plant projects shall not qualify as fulfilling the twenty-five percent**
54 **requirement set forth in this section beyond December 31, 2022. For contractors not**
55 **qualifying through the competitive bid process, the gas corporation, upon request from the**
56 **contractor, shall provide information from the process in which the contractor can be**
57 **informed as to how to be better positioned to qualify for such bid opportunities in the**
58 **future.**

59 **5. By December 31, 2023, and annually thereafter, the commission shall submit a**
60 **report to the general assembly on the effects of subsection 4 of this section, including gas**
61 **corporation compliance, potential legislative action regarding subsection 4 of this section,**
62 **the costs of installing ISRS-eligible gas utility plant projects prior to the implementation**
63 **of subsection 4 of this section compared to after the implementation of subsection 4 of this**
64 **section, and any other information regarding the processes established under subsection**
65 **4 of this section that the commission deems necessary.**

393.1015. 1. (1) At the time that a gas corporation files a petition with the commission
2 seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its
3 supporting documentation regarding the calculation of the proposed ISRS with the petition, and
4 shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules,
5 and its supporting documentation.

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

8 2. (1) When a petition, along with any associated proposed rate schedules, is filed
9 pursuant to the provisions of sections 393.1009 to 393.1015, the commission shall conduct an
10 examination of the proposed ISRS.

11 (2) The staff of the commission may examine information of the gas corporation to
12 confirm that the underlying costs are in accordance with the provisions of sections 393.1009 to
13 393.1015, and to confirm proper calculation of the proposed charge, and may submit a report
14 regarding its examination to the commission not later than sixty days after the petition is filed.
15 No other revenue requirement or ratemaking issues may be examined in consideration of the
16 petition or associated proposed rate schedules filed pursuant to the provisions of sections
17 393.1009 to 393.1015.

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

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

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

27 4. In determining the appropriate pretax revenue, the commission shall consider only the
28 following factors:

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

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

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

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

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

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

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

47 5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of
48 billing units in the period in which the charge will be in effect, which shall be conclusively
49 established by dividing the appropriate pretax revenues by the customer numbers reported by the
50 gas corporation in the annual report it most recently filed with the commission pursuant to
51 subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided,
52 however, that the monthly ISRS may vary according to customer class and may be calculated
53 based on customer numbers as determined during the most recent general rate proceeding of the

54 gas corporation so long as the monthly ISRS for each customer class maintains a proportional
55 relationship equivalent to the proportional relationship of the monthly customer charge for each
56 customer class.

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

62 6. (1) A gas corporation that has implemented an ISRS pursuant to the provisions of
63 sections 393.1009 to 393.1015 shall file revised rate schedules to reset the ISRS to zero when
64 new base rates and charges become effective for the gas corporation following a commission
65 order establishing customer rates in a general rate proceeding that incorporates in the utility's
66 base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an
67 ISRS.

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

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

76 8. Commission approval of a petition, and any associated rate schedules, to establish or
77 change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall in no way be
78 binding upon the commission in determining the ratemaking treatment to be applied to eligible
79 infrastructure system replacements during a subsequent general rate proceeding when the
80 commission may undertake to review the prudence of such costs. In the event the commission
81 disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible
82 infrastructure system replacements previously included in an ISRS, the gas corporation shall
83 offset its ISRS in the future as necessary to recognize and account for any such overcollections.

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

87 10. Nothing contained in sections 393.1009 to 393.1015 shall be construed to impair in
88 any way the authority of the commission to review the reasonableness of the rates or charges of

89 a gas corporation, including review of the prudence of eligible infrastructure system
90 replacements made by a gas corporation, pursuant to the provisions of section 386.390.

91 11. The commission shall have authority to promulgate rules for the implementation of
92 sections 393.1009 to 393.1015, but only to the extent such rules are consistent with, and do not
93 delay the implementation of, the provisions of sections 393.1009 to 393.1015. Any rule or
94 portion of a rule, as that term is defined in section 536.010, that is created under the authority
95 delegated in this section shall become effective only if it complies with and is subject to all of
96 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
97 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
98 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
99 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
100 August 28, 2003, shall be invalid and void.

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

407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases
2 mean:

3 (1) **"Business subscriber", a person or entity that, for business use, subscribed to**
4 **telephone service, wireless service, or other similar service;**

5 (2) **"Call spoofing", the practice by a calling party or any caller identification**
6 **service of knowingly transmitting misleading or inaccurate caller identification**
7 **information with the intent to defraud, cause harm, harass, or wrongfully obtain anything**
8 **of value;**

9 (3) **"Caller identification service", a type of telephone service which permits telephone**
10 **subscribers to see the telephone number of incoming telephone calls;**

11 ~~[(2)]~~ (4) **"Residential subscriber", a person who, for ~~[primarily]~~ personal and familial**
12 **use, has subscribed to residential telephone service, wireless service or similar service, or the**
13 **other persons living or residing with such person;**

14 ~~[(3)]~~ (5) **"Seller", the same as defined in section 407.1070;**

15 (6) **"Telemarketer", the same as defined in section 407.1070;**

16 (7) **"Telephone solicitation", any voice, facsimile, short messaging service (SMS), or**
17 **multimedia messaging service (MMS), for the purpose of encouraging the purchase or rental of,**
18 **or investment in, property, goods or services, but does not include communications:**

19 (a) **To any business subscriber or residential subscriber with that subscriber's prior**
20 **express invitation or permission;**

21 (b) By or on behalf of any person or entity with whom a **business subscriber or**
22 residential subscriber has had a business contact within the past one hundred eighty days or a
23 current business or personal relationship;

24 (c) By or on behalf of an entity organized pursuant to Chapter 501 (c)(3) of the United
25 States Internal Revenue Code, while such entity is engaged in fund-raising to support the
26 charitable purpose for which the entity was established provided that a bona fide member of such
27 exempt organization makes the voice communication;

28 (d) By or on behalf of any entity over which a federal agency has regulatory authority
29 to the extent that:

30 a. Subject to such authority, the entity is required to maintain a license, permit or
31 certificate to sell or provide the merchandise being offered through telemarketing; and

32 b. The entity is required by law or rule to develop and maintain a no-call list;

33 (e) By a natural person responding to a referral, or working from his or her primary
34 residence, or a person licensed by the state of Missouri to carry out a trade, occupation or
35 profession who is setting or attempting to set an appointment for actions relating to that licensed
36 trade, occupation or profession within the state or counties contiguous to the state.

407.1098. No person or entity shall make or cause to be made any telephone solicitation,
2 **including via call spoofing**, to any **business subscriber or** residential subscriber in this state
3 who has given notice to the attorney general, in accordance with rules promulgated pursuant to
4 section 407.1101 of such subscriber's objection to receiving telephone solicitations.

407.1101. 1. The attorney general shall establish and provide for the operation of a
2 database to compile a list of telephone numbers of **business subscribers and** residential
3 subscribers who object to receiving telephone solicitations. ~~[Such list is not intended to include~~
4 ~~any telephone number primarily used for business or commercial purposes.]~~

5 2. The attorney general shall promulgate rules and regulations governing the
6 establishment of a state no-call database as he or she deems necessary and appropriate to fully
7 implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall
8 include those which:

9 (1) Specify the methods by which each **business subscriber or** residential subscriber
10 may give notice to the attorney general or its contractor of his or her objection to receiving such
11 solicitations or revocation of such notice. There shall be no cost to the subscriber for joining the
12 database;

13 (2) Specify the length of time for which a notice of objection shall be effective and the
14 effect of a change of telephone number on such notice;

15 (3) Specify the methods by which such objections and revocations shall be collected and
16 added to the database;

17 (4) **Specify that once a person gives notice of objection, the person shall not have**
18 **to renew his or her objection;**

19 (5) Specify the methods by which any person or entity desiring to make telephone
20 solicitations will obtain access to the database as required to avoid calling the telephone numbers
21 of **business subscribers** or residential subscribers included in the database, including the cost
22 assessed to that person or entity for access to the database;

23 ~~[(5)]~~ **and**

24 (6) Specify such other matters relating to the database that the attorney general deems
25 desirable.

26 3. If the Federal Communications Commission establishes a single national database of
27 telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47
28 U.S.C. Section 227(c)(3), the attorney general shall include that part of such single national
29 database that relates to Missouri in the database established pursuant to this section.

30 4. Information contained in the database established pursuant to this section shall be used
31 only for the purpose of compliance with section 407.1098 and this section or in a proceeding or
32 action pursuant to section 407.1107. Such information shall not be considered a public record
33 pursuant to chapter 610.

34 5. In April, July, October, and January of each year, the attorney general shall be
35 encouraged to obtain subscription listings of **business subscribers** and residential subscribers
36 in this state who have arranged to be included on any national do-not-call list and add those
37 telephone numbers to the state do-not-call list.

38 6. The attorney general may utilize moneys appropriated from general revenue and
39 moneys appropriated from the merchandising practices revolving fund established in section
40 407.140 for the purposes of establishing and operating the state no-call database.

41 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
42 under the authority delegated in sections 407.1095 to 407.1110 shall become effective only if it
43 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
44 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
46 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
47 and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

 407.1104. 1. Any person or entity who makes a telephone solicitation to any **business**
2 **subscriber** or residential subscriber in this state shall, at the beginning of such solicitation, state
3 clearly the identity of the person or entity initiating the solicitation.

4 2. No person or entity who makes a telephone solicitation to a **business subscriber or**
5 residential subscriber in this state shall knowingly use any method, **including call spoofing**, to
6 block or otherwise circumvent any subscriber's use of a caller identification service.

407.1115. 1. This section shall be known and may be cited as the "Caller ID Anti-
2 **Spoofing Act".**

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

4 (1) "Call", any telephone call, facsimile, or text message made using a public
5 switched telephone network, wireless cellular telephone service, or voice-over-internet
6 protocol (VoIP) service that has the capability of accessing users on the public switched
7 telephone network or a successor network;

8 (2) "Caller", a person or entity who places a call, facsimile, or text message,
9 whether by phone or computer;

10 (3) "Caller identification information", information provided by a caller
11 identification service regarding the telephone number or other origination information of
12 a call or facsimile transmission made using a telecommunications service or an
13 interconnected VoIP service or of a text message sent using a text-messaging service;

14 (4) "Caller identification service", any service or device designed to provide the
15 user of the service or device with the telephone number or other origination information
16 of a call or facsimile transmission made using a telecommunications service or an
17 interconnected VoIP service or of a text message sent using a text messaging service.
18 "Caller identification service" includes automatic number identification services.

19 3. A caller commits the offense of caller identification spoofing if the caller:

20 (1) Enters or causes to be entered false information into a caller identification
21 service with the intent to deceive, defraud, or mislead the recipient of a call; or

22 (2) Places a call knowing that false information was entered into the caller
23 identification service with the intent to deceive, defraud, or mislead the recipient of the call.

24 4. The offense of unlawful caller identification spoofing shall be a class E felony.

25 5. This section shall not apply to:

26 (1) The blocking of caller identification information;

27 (2) Any law enforcement agency of the federal, state, county, or municipal
28 government;

29 (3) Any intelligence or security agency of the federal government; or

30 (4) A communications service provider, including a telecommunications,
31 broadband, or voice-over-internet service provider that:

32 (a) Acts in the communications service provider's capacity as an intermediary for
33 the transmission of telephone service between the caller and the recipient;

- 34 **(b) Provides or configures a service or service feature as requested by the customer;**
35 **(c) Acts in a manner that is authorized or required by applicable law; or**
36 **(d) Engages in other conduct that is necessary to provide service.**

37 **6. The recipient of any call in which the caller uses false caller identification**
38 **information shall have standing to recover actual and punitive damages against the caller.**
39 **Punitive damages shall be in an amount determined by the court but not to exceed five**
40 **thousand dollars per call. Call recipients may bring action under this section as members**
41 **of a class. The attorney general may initiate legal proceedings or intervene in legal**
42 **proceedings on behalf of call recipients and, if the caller is found guilty, shall recover all**
43 **costs of the investigation and prosecution of the action.**

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

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

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

13 **(3) "Solar panel or solar collector", a device used to collect and convert solar**
14 **energy into electricity or thermal energy, including but not limited to photovoltaic cells or**
15 **panels, or solar thermal systems.**

16 2. **(1)** No deed restrictions, covenants, or similar binding agreements running with the
17 land shall prohibit or have the effect of prohibiting the display of political signs.

18 ~~[3-]~~ **(2)** A homeowners' association has the authority to adopt reasonable rules, subject
19 to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of
20 display of political signs.

21 ~~[4-]~~ **(3)** A homeowners' association may remove a political sign without liability if such
22 sign is placed within the common ground, threatens the public health or safety, violates an
23 applicable statute or ordinance, is accompanied by sound or music, or if any other materials are
24 attached to the political sign. Subject to the foregoing, a homeowners' association shall not
25 remove a political sign from the property of a homeowner or impose any fine or penalty upon

26 the homeowner unless it has given such homeowner three days after providing written notice to
27 the homeowner, which notice shall specifically identify the rule and the nature of the violation.

28 **3. (1) No deed restrictions, covenants, or similar binding agreements running with**
29 **the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation**
30 **of solar panels or solar collectors on the rooftop of any property or structure.**

31 **(2) A homeowners' association may adopt reasonable rules, subject to any**
32 **applicable statutes or ordinances, regarding the placement of solar panels or solar**
33 **collectors to the extent that those rules do not prevent the installation of the device, impair**
34 **the functioning of the device, restrict the use of the device, or adversely affect the cost or**
35 **efficiency of the device.**

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

523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent
2 domain shall only be vested in governmental bodies or agencies whose governing body is elected
3 or whose governing body is appointed by elected officials or in an urban redevelopment
4 corporation operating pursuant to a redevelopment agreement with the municipality for a
5 particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

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

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

21 **4. (1) Notwithstanding the provisions of subsection 2 of this section, no entity shall**
22 **have the power of eminent domain under the provisions of this section for the purpose of**
23 **constructing above-ground merchant lines.**

24 **(2) For the purpose of this subsection, the following terms mean:**

25 (a) "Merchant line", a high-voltage direct current electric transmission line that
26 does not provide for the erection of electric substations at intervals of less than fifty miles,
27 which substations are necessary to accommodate both the purchase and sale to persons
28 located in this state of electricity generated or transmitted by such entity; and

29 (b) "Entity", a utility company that does not provide service to end-use customers
30 or provide retail service in Missouri, or does not collect its costs to provide service under
31 a regional transmission organization tariff, regardless of whether it has received a
32 certificate of convenience and necessity from the public service commission under section
33 393.170.

34 (3) This subsection shall not apply to any rural electric cooperative organized or
35 operating under the provisions of chapter 394, or to any corporation organized on a
36 nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any
37 electrical corporation operating under a cooperative business plan as described in
38 subsection 2 of section 393.110.

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

620.2456. 1. The department of economic development shall not award any grant to an
2 otherwise eligible grant applicant where funding from the Connect America Fund has been
3 awarded, where high-cost support from the federal Universal Service Fund has been received by
4 rate of return carriers, or where any other federal funding has been awarded which did not require
5 any matching-fund component, for any portion of the proposed project area, nor shall any grant
6 money be used to serve any retail end user that already has access to wireline or fixed wireless
7 broadband internet service of speeds of at least twenty-five megabits per-second download and
8 three megabits per-second upload.

9 2. No grant awarded under sections 620.2450 to 620.2458, when combined with any
10 federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

11 3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose
12 cumulative total exceeds five million dollars.

13 4. The department of economic development shall endeavor to award grants under
14 sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

15 5. An award granted under sections 620.2450 to 620.2458 shall not:

16 (1) Require an open access network;

17 (2) Impose rates, terms, and conditions that differ from what a provider offers in other
18 areas of its service area;

19 (3) Impose any rate, service, or any other type of regulation beyond speed requirements
20 set forth in section 620.2451; or

21 (4) Impose an unreasonable time constraint on the time to build the service.

22 **6. If a grant recipient fails to establish the speed requirements set forth in section**
23 **620.2451, then the grant recipient shall return all grant moneys to the department.**

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

2 (1) The provisions of the ~~[new]~~ program authorized under sections 620.2450, 620.2451,
3 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset
4 ~~[automatically three years after August 28, 2018]~~ **on June 30, 2027**, unless reauthorized by an
5 act of the general assembly; and

6 (2) If such program is reauthorized, the program authorized under sections 620.2450,
7 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall
8 sunset automatically six years after the effective date of the reauthorization of sections 620.2450,
9 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

10 (3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456,
11 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately
12 following the calendar year in which the program authorized under sections 620.2450, 620.2451,
13 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

Section 1. The provisions of sections 393.1009 to 393.1015 shall expire on August
2 **28, 2024.**

Section 2. As part of the gas corporation's first general rate proceeding after June
2 **1, 2020, each gas corporation regulated by the public service commission shall submit an**
3 **evaluation, plan, or tariff regarding the utilization of renewable natural gas. Plans may**
4 **address any or all of the following: renewable natural gas opportunities, renewable**
5 **natural gas infrastructure, customer benefits, emission offsets, ratemaking mechanisms**
6 **and tariff design, renewable natural gas green attributes and market structure, and any**
7 **other items deemed relevant by the petitioning gas corporation.**

✓