

JOURNAL OF THE HOUSE

Second Regular Session, 101st GENERAL ASSEMBLY

SIXTIETH DAY, WEDNESDAY, APRIL 27, 2022

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself: I am the Lord. (Leviticus 19:18)

O Creator, whose will it is that we do justly, love mercy, and walk humbly with You, forgive our crazy ways, our foolishness and our pride while the world suffers around us.

Remove from our hearts the spirit of mistrust, suspicion and ill will. Let our criticism of other representatives be as kindly as our criticism of ourselves and our relationship to others be as good as our relationship to ourselves lest bitterness blight our lives and in our hatred we destroy ourselves. Lead us in the paths of unity, peace and accord for Your name's sake and for the welfare of our show me state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jack Michael Powers.

The Journal of the fifty-ninth day was approved as printed by the following vote:

AYES: 138

Adams	Anderson	Andrews	Appelbaum	Atchison
Aune	Bailey	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Collins	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Dinkins	Dogan
Doll	Eggleston	Ellebracht	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 51	Gregory 96	Griffith	Gunby	Haden
Haffner	Haley	Hardwick	Henderson	Houx
Hovis	Hudson	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew

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McCreery	McDaniel	McGaugh	McGill	Merideth
Morse	Mosley	Murphy	O'Donnell	Owen
Perkins	Person	Phifer	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Quade	Railsback
Richey	Riggs	Riley	Roberts	Rogers
Rone	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Smith 163
Smith 45	Smith 67	Stacy	Stephens 128	Stevens 46
Tate	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker
Van Schoiack	Walsh 50	Weber	West	Wiemann
Wright	Young	Mr. Speaker		

NOES: 000

PRESENT: 002

Aldridge Nurrenbern

ABSENT WITH LEAVE: 016

Bland Manlove	Bosley	DeGroot	Derges	Grier
Hicks	Patterson	Pietzman	Pike	Price IV
Proudie	Reedy	Roden	Veit	Walsh Moore 93
Windham				

VACANCIES: 007

HOUSE RESOLUTIONS

HR 3886, relating to Gary Pinkel, was taken up by Representative Gregory (51).

Representative Gregory (51) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Resolution No. 3886, Page 2, Line 31, by deleting the number "17" and inserting in lieu thereof the number "7"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gregory (51), **House Amendment No. 1** was adopted.

On motion of Representative Gregory (51), **HR 3886, as amended**, was adopted by the following vote:

AYES: 142

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Baker	Bangert
Baringer	Barnes	Basye	Billington	Black 7
Boggs	Bosley	Bromley	Brown 16	Brown 27
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Christofanelli	Clemens	Coleman 32	Coleman 97

Collins	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Doll	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Houx	Hovis
Hudson	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery
McDaniel	McGaugh	McGill	Merideth	Morse
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Perkins	Person	Phifer	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Price IV	Quade	Railsback	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone
Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Smith 67	Stacy	Stephens 128	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh 50
Weber	West	Wiemann	Windham	Wright
Young	Mr. Speaker			

NOES: 000

PRESENT: 001

Bland Manlove

ABSENT WITH LEAVE: 013

Black 137	Brown 70	Chipman	Derges	Eggleston
Grier	Hicks	Pietzman	Proudie	Reedy
Stevens 46	Trent	Walsh Moore 93		

VACANCIES: 007

On motion of Representative Plocher, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Vescovo.

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 056

Anderson	Atchison	Basye	Billington	Black 7
Brown 16	Brown 27	Busick	Cook	Cupps
Davidson	Davis	DeGroot	Doll	Francis
Haden	Haffner	Haley	Hardwick	Hicks

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Kalberloh	Kelley 127	Kelly 141	Kidd	Lewis 6
Lovasco	McDaniel	McGaugh	McGill	Morse
Murphy	Nurrenbern	Person	Pietzman	Pollock 123
Richey	Riggs	Roberts	Rogers	Sander
Sassmann	Schnelting	Seitz	Sharp 36	Sharpe 4
Shields	Smith 67	Taylor 139	Thompson	Toalson Reisch
Turnbaugh	Van Schoiack	Veit	Walsh 50	Wright
Young				

NOES: 001

Mackey

PRESENT: 067

Adams	Andrews	Aune	Baringer	Black 137
Bosley	Bromley	Buchheit-Courtway	Burger	Burnett
Butz	Christofanelli	Coleman 97	Copeland	Deaton
Dinkins	Dogan	Eggleston	Falkner	Fishel
Fitzwater	Fogle	Gregory 51	Gregory 96	Griffith
Gunby	Henderson	Houx	Hovis	Hudson
Hurlbert	Ingle	Johnson	Knight	Lewis 25
Mayhew	McCreery	O'Donnell	Perkins	Phifer
Pike	Plocher	Pollitt 52	Porter	Pouche
Proudie	Quade	Railsback	Riley	Roden
Sauls	Schroer	Schwadron	Shaul	Smith 163
Smith 45	Tate	Taylor 48	Terry	Thomas
Trent	Unsicker	Walsh Moore 93	Weber	West
Wiemann	Mr. Speaker			

ABSENT WITH LEAVE: 032

Aldridge	Appelbaum	Bailey	Baker	Bangert
Barnes	Bland Manlove	Boggs	Brown 70	Burton
Chipman	Clemens	Coleman 32	Collins	Derges
Ellebracht	Evans	Gray	Grier	Merideth
Mosley	Owen	Patterson	Price IV	Reedy
Rone	Simmons	Smith 155	Stacy	Stephens 128
Stevens 46	Windham			

VACANCIES: 007

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HCS HB 2627, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Chipman, Fitzwater, Fogle, Richey and Walsh (50)

Noes (1): Eggleston

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SJR 46**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Chipman, Eggleston, Fitzwater, Fogle, Richey and Walsh (50)

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 681 & 662**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Chipman, Eggleston, Fitzwater, Fogle, Richey and Walsh (50)

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 834**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Chipman, Eggleston, Fitzwater, Fogle and Richey

Noes (1): Walsh (50)

Absent (0)

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HB 3002, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022 and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3002** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Speaker Pro Tem Wiemann assumed the Chair.

Representative Smith (163) again moved that the House refuse to adopt **SS SCS HCS HB 3002** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3003, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3003** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Speaker Vescovo resumed the Chair.

Representative Smith (163) again moved that the House refuse to adopt **SS SCS HCS HB 3003** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3004, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3004** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3005, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3005** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3006, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof, and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2022 and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3006** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3007, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022 and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3007** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3008, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3008** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3009, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3009** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3010, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022 and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3010** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3011, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3011** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3012, to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2022 and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 3012** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3013, to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2022, and ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3013** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3015, to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2022, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3015** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

HCS SB 820, relating to renewable energy, was taken up by Representative Haffner.

Representative Haffner moved that the title of **HCS SB 820** be agreed to.

Representative O'Donnell offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, In the Title, Line 3, by deleting the phrase "renewable energy" and inserting in lieu thereof the word "utilities"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative O'Donnell, **House Amendment No. 1** was adopted.

Representative Murphy offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by inserting after said section and line the following:

"67.288. 1. For purposes of this section, the following terms mean:

(1) "Electric vehicle", any vehicle that operates, either partially or exclusively, on electrical energy from the grid or an off-board source that is stored onboard for a motive purpose;

(2) "Electric vehicle charging station", a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

2. Notwithstanding any other provision of law, any political subdivision that adopts an ordinance, resolution, regulation, code, or policy that requires installation of electric vehicle charging stations or infrastructure for future installation at any business shall pay all costs associated with the installation, maintenance, and operation of the electric vehicle charging stations.

3. This condition shall not apply to any grant agreements between businesses and political subdivisions that include requirements for charging stations, and those businesses enter into the agreements voluntarily.

4. Nothing in this section shall prohibit private business or property owners from paying for the installation, maintenance, and operation of electric vehicle charging stations."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Andrews	Atchison	Bailey	Baker	Basye
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Dinkins
Eggleston	Falkner	Fishel	Fitzwater	Francis
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Trent	Van Schoiack	Veit
West	Wiemann	Wright	Mr. Speaker	

NOES: 040

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 70	Butz
Clemens	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Kidd	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Proudie	Rogers	Sauls	Sharp 36	Smith 45
Smith 67	Stevens 46	Terry	Turnbaugh	Unsicker
Walsh 50	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 022

Aldridge	Billington	Bland Manlove	Brown 27	Burnett
Burton	Collins	Derges	Dogan	Doll
Evans	Gregory 51	McDaniel	Phifer	Price IV
Quade	Reedy	Rone	Schnelting	Stacy
Stephens 128	Toalson Reisch			

VACANCIES: 007

On motion of Representative Murphy, **House Amendment No. 2** was adopted.

Representative Haffner offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 820, Page 9, Section 442.404, Line 40, by inserting after all of said section and line the following:

"523.010. 1. In case land, or other property, is sought to be appropriated by any road, railroad, street railway, telephone, telegraph or any electrical corporation organized for the manufacture or transmission of electric current for light, heat or power, including the construction, when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and including the erection, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations or any oil, pipeline or gas corporation engaged in the business of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid underneath the surface of the ground, or other corporation created under the laws of this state for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the state, such corporation may apply to the circuit court of the county of this state where such land or any part thereof lies by petition setting forth the general directions in which it is desired to construct its road, railroad, street railway, telephone, or telegraph line or electric line, including, when that is the case, the construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and tailraces and, when that is the case, the appropriation of land submerged by the construction of such dam, and including the erection and maintenance, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such lands, a description of the real estate, or other property, which the company seeks to acquire; the names of the owners thereof, if known; or if unknown, a pertinent description of the property whose owners are unknown and praying the appointment of three disinterested residents of the county, as commissioners, or a jury, to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, street railway, telephone, telegraph line, or electrical line including damages from the construction and maintenance of necessary dams and the condemnation of land submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and

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

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

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

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

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

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

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

8. For purposes of this chapter, the authority for an electrical corporation as defined in 386.020 to condemn property shall not extend to the construction of merchant transmission lines with Federal Energy Regulatory Commission negotiated rate authority that provide less than fifty percent of their electrical load to end user electrical customers in this state and less than fifty percent of the cost of the merchant transmission line is paid for by Missouri ratepayers. For purposes of this subsection, the term "merchant transmission line" means a high-voltage direct current electrical transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such electrical corporation.

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

523.039. **1.** In all condemnation proceedings filed after December 31, 2006, just compensation for condemned property shall be determined under one of the three following subdivisions, whichever yields the highest compensation, as applicable to the particular type of property and taking:

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

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

2. For condemnation of any agricultural or horticultural property by an electrical corporation as defined in section 386.020, except for an electrical corporation operating under a cooperative business plan as described in section 393.110, just compensation shall be an amount equivalent to fair market value multiplied by one hundred fifty percent, as determined by the court.

523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated, and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least one of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed; and the clerk shall file one copy of said report in his office and record the same in the order book of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed; and on making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section; and upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

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

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

4. In any condemnation proceeding involving agricultural or horticultural property, at least one of the disinterested commissioners appointed by the court shall be a farmer who has been engaged in farming, as defined in section 350.010, for a minimum of ten years in the county where such property is situated.

523.060. 1. Any plaintiff or defendant, individual or corporate, shall have the right of trial by jury of twelve persons, if either party file exceptions to the award of commissioners in any condemnation case.

2. Such jury shall use the definition of fair market value provided for in subdivision (1) of section 523.001.

3. In any condemnation proceeding commenced by an electrical corporation as defined in section 386.020, except for an electrical corporation operating under a cooperative business plan as described in section 393.110, if the amount awarded is greater than the offer made by the condemning authority pursuant to section 523.253, the court may award attorney's fees to the property owner."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Walsh (50) offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Bill No. 820, Page 1, Line 1, by inserting after the number "820," the following:

"Page 1, Section A, Line 3, by inserting after all of the said section and line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

- (1) Motor fuel, seventeen cents per gallon;
- (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;
- (3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;
- (4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;
- (5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;
- (6) Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per gallon from January 1, 2020, until December 31, 2024, and then seventeen cents per gallon thereafter. All applicable provisions contained in this chapter governing administration, collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane gas including, but not limited to, licensing, reporting, penalties, and interest;
- (7) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, liquefied natural gas, electricity, or propane used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

3. (1) In addition to any tax collected under subdivision (1) of subsection 1 of this section, the following tax is levied and imposed on all motor fuel used or consumed in this state, subject to the exemption on tax liability set forth in section 142.822: from October 1, 2021, to June 30, 2022, two and a half cents per gallon; from July 1, 2022, to June 30, 2023, five cents per gallon; from July 1, 2023, to June 30, 2024, seven and a half cents per gallon; from July 1, 2024, to June 30, 2025, ten cents per gallon; and on and after July 1, 2025, twelve and a half cents per gallon.

(2) (a) **Beginning on the effective date of this section, if the price per gallon of gasoline is three dollars and fifty cents or more during any month in the previous fiscal year, the tax under subdivision (1) of this subsection shall not be levied and imposed for a period of two years beginning on August first of the fiscal year following the fiscal year in which any month's price per gasoline exceeded such amount.**

(b) **For the purposes of this section, price per gallon of gasoline shall be the average price of the regular-grade, mid-grade, and premium-grade gasoline in the state for an entire month. In order to determine the average price per gallon of gasoline, the department of revenue shall calculate the average price of all gasoline grades in the state or shall select the state, regional, or national level data provided by the United States Bureau of Labor Statistics that most accurately reflects the average price of all gasoline grades in this state.**

(c) **The department of revenue shall publish the average price per gallon of gasoline not later than fifteen days after the end of each month.**"; and

Further amend said bill,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Haden raised a point of order that **House Amendment No. 1 to House Amendment No. 3** is not germane.

The Chair ruled the point of order not timely.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Burger	Busick	Chipman	Christofanelli	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
DeGroot	Dinkins	Dogan	Eggleston	Falkner
Fishel	Fitzwater	Francis	Gregory 96	Grier
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Houx	Hovis	Hudson	Hurlbert
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
McDaniel	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pouche	Richey	Riggs	Riley
Roberts	Roden	Rone	Sassmann	Schnelting
Schroer	Schwadron	Seitz	Sharpe 4	Shaul
Shields	Simmons	Smith 155	Smith 163	Stephens 128
Tate	Taylor 48	Thompson	Trent	Van Schoiack
Veit	West	Wiemann	Wright	Mr. Speaker

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NOES: 053

Adams	Aldridge	Anderson	Appelbaum	Aune
Bailey	Bangert	Baringer	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Kidd	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Phifer	Pietzman	Pollock 123	Price IV	Proudie
Quade	Rogers	Sander	Sauls	Sharp 36
Smith 45	Smith 67	Stevens 46	Taylor 139	Terry
Toalson Reisch	Turnbaugh	Unsicker	Walsh 50	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 018

Barnes	Bland Manlove	Buchheit-Courtway	Coleman 32	Deaton
Derges	Evans	Gregory 51	Hicks	Kalberloh
Mayhew	Person	Pollitt 52	Porter	Railsback
Reedy	Stacy	Thomas		

VACANCIES: 007

Representative Walsh (50) moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Taylor (139):

AYES: 055

Bailey	Baker	Barnes	Boggs	Brown 16
Brown 27	Chipman	Christofanelli	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	DeGroot
Eggleston	Fitzwater	Grier	Haley	Hardwick
Hudson	Kelley 127	Kelly 141	Kidd	Lovasco
McDaniel	Merideth	Murphy	Perkins	Pietzman
Pollock 123	Pouche	Richey	Riley	Roden
Rone	Sander	Sauls	Schnelting	Schroer
Schwadron	Seitz	Shaul	Simmons	Smith 163
Smith 45	Tate	Taylor 139	Thomas	Toalson Reisch
Trent	Walsh 50	West	Wiemann	Mr. Speaker

NOES: 061

Anderson	Andrews	Atchison	Bangert	Baringer
Basye	Billington	Black 137	Black 7	Bromley
Brown 70	Burger	Burnett	Burton	Busick
Butz	Dogan	Falkner	Fishel	Francis
Gray	Griffith	Haden	Haffner	Henderson
Hicks	Houx	Hovis	Hurlbert	Ingle
Knight	Lewis 6	McGauth	McGirl	Morse
Mosley	Nurrenbern	O'Donnell	Owen	Patterson
Person	Pike	Plocher	Pollitt 52	Price IV

Riggs	Roberts	Rogers	Sassmann	Sharp 36
Sharpe 4	Shields	Smith 155	Stephens 128	Taylor 48
Terry	Thompson	Van Schoiack	Veit	Windham
Wright				

PRESENT: 026

Adams	Aldridge	Appelbaum	Aune	Bland Manlove
Bosley	Clemens	Collins	Dinkins	Doll
Fogle	Gunby	Johnson	Lewis 25	Mackey
McCreery	Phifer	Proudie	Quade	Smith 67
Stevens 46	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Young				

ABSENT WITH LEAVE: 014

Buchheit-Courtway	Coleman 32	Deaton	Derges	Ellebracht
Evans	Gregory 51	Gregory 96	Kalberloh	Mayhew
Porter	Railsback	Reedy	Stacy	

VACANCIES: 007

On motion of Representative Haffner, **House Amendment No. 3** was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 098

Aldridge	Andrews	Atchison	Baker	Barnes
Basye	Billington	Black 137	Black 7	Boggs
Bromley	Brown 16	Brown 27	Buchheit-Courtway	Burger
Chipman	Collins	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Dinkins
Dogan	Falkner	Fishel	Fitzwater	Francis
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Knight	Lewis 6	Lovasco	McDaniel	McGaugh
McGirl	Morse	Murphy	O'Donnell	Owen
Perkins	Pietzman	Pike	Plocher	Pollitt 52
Porter	Pouche	Proudie	Railsback	Richey
Riggs	Riley	Roberts	Roden	Rone
Sander	Sassmann	Schnelting	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 67	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Van Schoiack	Veit	Walsh 50	West	Wiemann
Windham	Wright	Mr. Speaker		

NOES: 039

Anderson	Appelbaum	Aune	Bangert	Baringer
Bland Manlove	Bosley	Brown 70	Burnett	Burton
Butz	Clemens	Coleman 97	Doll	Ellebracht
Fogle	Gray	Gunby	Ingle	Johnson
Kidd	Lewis 25	McCreery	Merideth	Mosley
Nurrenbern	Phifer	Price IV	Quade	Sauls
Sharp 36	Smith 45	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Young	

PRESENT: 002

Bailey Person

ABSENT WITH LEAVE: 017

Adams	Busick	Christofanelli	Coleman 32	Derges
Eggleston	Evans	Gregory 51	Houx	Mackey
Mayhew	Patterson	Pollock 123	Reedy	Rogers
Stacy	Trent			

VACANCIES: 007

Representative Schroer offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by inserting after all of the said section and line the following:

"324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the "Missouri Statewide Mechanical Contractor Licensing Act".

2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Division", the division of professional registration within the department of commerce and insurance;**
- (2) "Field employee", any person who is an employee of a mechanical contractor and is engaged in mechanical work at a jobsite within Missouri;**
- (3) "License holder", any person who is granted a statewide mechanical contractor license by the division;**
- (4) "Local license", a valid business or occupational license issued by a Missouri political subdivision;**
- (5) "Mechanical contractor", a company engaged in mechanical contracting work per the International Code Council (ICC) and National Fire Protection Association (NFPA).
 - (a) Such contracting work shall include the design, installation, maintenance, construction, alteration, repair, and inspection of any:
 - a. HVAC system;**
 - b. HVAC duct system;**
 - c. Exhaust systems;**
 - d. Combustion air or make up air;**
 - e. Chimneys and vents;**
 - f. Hydronic piping systems that are part of an HVAC system;**
 - g. Boilers, water heaters, and pressure vessels;**
 - h. Process piping systems;**
 - i. Fuel gas distribution piping;**
 - j. Fuel gas-fired, fuel, and oil-fired appliances;**
 - k. Fuel oil piping and storage vessels;**
 - l. Fuel gas-fired and fuel oil-fired appliance venting systems;**
 - m. Equipment and appliances intended to utilize solar energy for spa heating or cooling;**
 - n. Domestic hot water heating, swimming pool heating, or process heating;**
 - o. Refrigeration systems, including all equipment and components thereof;**
 - p. Backflow preventers;**
 - q. Medical gas piping;**
 - r. Air, oxygen, and vacuum piping; and**
 - s. Chillers and cooling towers.******

- (b) For purposes of this subdivision, the term "mechanical contractor work" shall not include the design, installation, maintenance, construction, alteration, repair, or inspection of any:
- a. Solid-fuel or gas-fueled hearth appliance, such as wood stoves and fireplaces, including manufacturer-specified venting systems, fireplace chimneys, outdoor cooking appliances with manufacturer specified venting systems, outdoor fireplaces, and outdoor firepits;
 - b. Propane-related equipment for which certification is required by any regulation adopted pursuant to subdivision (3) of subsection 13 of section 323.025; or
 - c. Fire sprinkler or suppression system.

Additional certification may be required by the division for a particular scope of mechanical work;

- (6) "Office", the office of mechanical contractors within the division of professional registration;
- (7) "Person", an individual, corporation, partnership, association, or other legal entity;
- (8) "Statewide mechanical contractor license", a valid license issued by the division that allows the mechanical contractor and any of its employees or manufacturers' representatives or subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements.

324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

2. For the purpose of sections 324.950 to 324.983, the division shall:

- (1) Establish all applicable fees, set at an amount that shall not substantially exceed the cost of administering sections 324.950 to 324.983; and
- (2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund.

3. Nothing in sections 324.950 to 324.983 shall apply to any certification required by regulation adopted under subdivision (3) of subsection 13 of section 323.025.

324.956. There is hereby created the "Office of Mechanical Contractors" to be housed within the division of professional registration. The division shall:

- (1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out the provisions of sections 324.950 to 324.983, including both administrative and professional staff and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division on technical matters related to mechanical contracting;
- (2) Exercise all budgeting, purchasing, reporting, and related management functions;
- (3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and
- (4) File suit in its own name on behalf of the office to enforce the provisions of sections 324.950 to 324.983.

324.959. 1. The applicant for a statewide mechanical contractor license shall satisfy the following requirements:

- (1) Be at least twenty-one years of age;
- (2) Provide proof of liability insurance in the amount of one million dollars and post bond with each political subdivision in which he or she will perform work as required by that political subdivision. If a political subdivision requires any license holder to be named on a document including, but not limited to, the bond, the license holder of the mechanical contractor shall be allowed to provide services in the political subdivision;
- (3) Pass:
 - (a) A standardized mechanical assessment test nationally offered by:

- a. The International Code Council;
- b. Prometric; or
- c. The International Association of Plumbing and Mechanical Officials (IAPMO); or

(b) A test similar to any test described in paragraph (a) of this subdivision that is administered by an independent professional testing agency not affiliated with any political subdivision or the state of Missouri and that is approved by the division;

(4) Pay for all costs associated with the tests described in subdivision (3) of this subsection;

(5) Complete the application form provided by the division and pay any applicable application fees; and

(6) Have completed seven thousand five hundred hours of verifiable field experience in mechanical contracting work or a bachelor's or further advanced degree in mechanical or civil engineering from an accredited college or university with a minimum of three years of verifiable experience directing and supervising at least one field employee.

2. Any applicant for licensure who holds a local license or other license authorizing him or her to engage in mechanical contracting, who has seven thousand five hundred hours of verifiable field experience in mechanical contracting work, and who is otherwise eligible for licensure shall be issued a statewide mechanical contractor license. The provisions of this subsection shall apply only to licenses issued by a political subdivision with the legal authority to issue such licenses.

3. If a corporation, firm, institution, organization, company, or representative thereof desires to engage in mechanical contracting under sections 324.950 to 324.983, it shall have in its employ at least one statewide license holder in accordance with sections 324.950 to 324.983. A statewide mechanical contractor license holder shall represent only one corporation, firm, institution, organization, or company at one time. A mechanical contractor shall have one license holder responsible for offering Missouri-based field employees eight contact hours of industry training per year, and such mechanical contractor shall be responsible for providing proof of training to the division upon request. In the event of a loss of a license holder, a mechanical contractor shall remain in good standing with the division for six months after notifying the division of the change in status. Within the six-month period, a new license holder shall be registered with the division. If no license holder is registered within such six-month period, the division shall declare the mechanical contractor inactive.

4. The division may issue a statewide mechanical contractor license to any person who holds a current and active license to engage in the practice of a mechanical contractor or as a master pipefitter or master plumber issued by any other state, the District of Columbia, or any territory of the United States that requires standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.950 to 324.983.

5. Where the contact information of a mechanical contractor's employees is required to fulfill the obligations of a license, such contact information shall be considered a trade secret and therefore not a public record under chapter 610.

324.962. 1. Political subdivisions shall not be prohibited from establishing their own local mechanical contractor's license but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the employees of a statewide licensed mechanical contractor or its subcontractors' or manufacturers' representatives to obtain journeyman licenses, apprentice licenses, or occupation licenses that require passing any examination or any special requirements to assess proficiency or mastery of the mechanical trade. The workforce of a statewide licensee shall be deemed eligible to perform mechanical contracting work and to obtain permits to perform such work from any political subdivision within the state of Missouri.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, a statewide mechanical contractor licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with this section. If after thirty days the political subdivision still does not recognize a statewide license, the division shall notify the director of the department of revenue, who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director has received notice from the division that the political subdivision is in compliance

with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue, who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any technical code or law contained in this section;
- (2) Requiring a business license to perform mechanical contracting work;
- (3) Issuing mechanical contracting permits;
- (4) Enforcing technical codes of the political subdivision; or
- (5) Inspecting the work of a statewide mechanical contractor.

4. Political subdivisions that do not have the authority to issue or require mechanical contractor licenses prior to August 28, 2022, shall not be granted such authority under the provisions of this section.

324.965. There is hereby created in the state treasury the "Missouri Mechanical Contractor Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.968. 1. Licenses shall expire on a renewal date established by the division. The term of licensure shall be twenty-four months. The division shall mail a renewal notice to the last known address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure to provide the division with the information required for renewal or to pay the required fee after such notice shall result in the license being declared inactive. The licensee shall not practice until he or she applies for reinstatement and pays the required fees. The license shall be restored if the application for reinstatement is received within two years of the renewal date.

2. In addition to other requirements provided by sections 324.950 to 324.983 and established by the division, in order to renew such license under this section, the person shall have at least sixteen contact hours of industry-related training.

324.971. Any person operating as a mechanical contractor in a political subdivision that does not require the mechanical contractor to hold a local license, or who operates as a mechanical contractor in a political subdivision that requires a local license possessed by that person, shall not be required to possess a statewide license under sections 324.950 to 324.983 to operate as a mechanical contractor in such political subdivision.

324.977. The statewide mechanical contractor license shall be regulated by the division of professional registration and not a state-appointed licensing board.

324.980. 1. The division may refuse to issue a statewide mechanical contractor license for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any license holder or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 324.950 to 324.983;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether a sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any license issued under sections 324.950 to 324.983 or in obtaining permission to take any examination given or required under sections 324.950 to 324.983;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 324.950 to 324.983;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

(7) Impersonation of any person holding a statewide mechanical contractor license or allowing any person to use his or her license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.950 to 324.983 who is not licensed and currently eligible to practice thereunder in the particular jurisdiction;

(11) Issuance of a license based upon a material mistake of fact;

(12) Failure to maintain liability coverage as required for initial licensure;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation that is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(15) Failure to post bond as required by any local jurisdiction.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any license issued under sections 324.950 to 324.983.

4. An individual whose license has been revoked shall wait three years from the date of revocation to apply for any license under sections 324.950 to 324.983. Any license shall be issued at the discretion of the division after compliance with all the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the applicant for the first time.

5. The division may file suit to enforce compliance and shall have the authority to seek injunctions and restraining orders to enjoin any person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required upon a showing that such acts or practices were performed or offered to be performed without a license;

(2) Engaging in the practice of business authorized by a license issued under a building trades contractor law upon a showing that the license holder presents a substantial probability of serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real property within this state; or

(3) Refusing to recognize a statewide license as a valid license within any political subdivision, requiring journeymen or apprentices to be individually licensed, or requiring subcontractors' and manufacturers' representatives or other members of the contractor's workforce to be licensed.

6. The division may assess fines for violations of any of the provisions of sections 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or administrative finding of violation of law.

7. The division may compel the production of documents, things, or persons by subpoena.

8. The division may refer any violations of the provisions of any state law or local ordinance relating to the work performed by a licensee to the appropriate state or local official.

324.983. 1. Any person who knowingly violates any provision of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

2. Any officer or agent of a corporation or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of sections 324.950 to 324.983."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schroer moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative O'Donnell:

AYES: 053

Atchison	Baker	Basye	Boggs	Chipman
Christofanelli	Coleman 97	Cook	Copeland	Cupps
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Fitzwater	Grier	Hardwick	Hovis
Hudson	Hurlbert	Kelley 127	Kelly 141	Lewis 6
Lovasco	Mayhew	McDaniel	McGill	Murphy
Perkins	Pietzman	Plocher	Pollock 123	Pouche
Richey	Riggs	Riley	Sander	Schnelting
Schroer	Schwadron	Seitz	Shaul	Simmons
Smith 155	Smith 163	Tate	Taylor 139	Toalson Reisch
West	Wiemann	Mr. Speaker		

NOES: 085

Adams	Aldridge	Anderson	Andrews	Appelbaum
Aune	Bangert	Baringer	Barnes	Black 137
Bland Manlove	Bromley	Brown 27	Brown 70	Buchheit-Courtway
Burger	Burnett	Burton	Butz	Clemens
Collins	Davidson	Doll	Ellebracht	Falkner
Fishel	Fogle	Francis	Gray	Griffith
Gunby	Haden	Haffner	Haley	Henderson
Hicks	Ingle	Johnson	Kalberloh	Kidd
Knight	Lewis 25	McCreery	Merideth	Morse
Mosley	Nurrenbern	O'Donnell	Owen	Patterson
Person	Phifer	Pike	Pollitt 52	Porter
Price IV	Proudie	Quade	Railsback	Roberts
Roden	Rogers	Rone	Sassmann	Sauls
Sharpe 4	Shields	Smith 45	Smith 67	Stephens 128
Stevens 46	Taylor 48	Terry	Thomas	Thompson
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh 50
Walsh Moore 93	Weber	Windham	Wright	Young

PRESENT: 000

ABSENT WITH LEAVE: 018

Bailey	Billington	Black 7	Bosley	Brown 16
Busick	Coleman 32	Derges	Evans	Gregory 51
Gregory 96	Houx	Mackey	McGaugh	Reedy
Sharp 36	Stacy	Trent		

VACANCIES: 007

Representative Fitzwater assumed the Chair.

Representative Lovasco offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 820, Page 9, Section 442.404, Line 40, by inserting after all of said line the following:

"(4) No political subdivision shall require a resident non-corporate owner of a detached, single-family residence to obtain any business license, certification, or professional registration as a condition of applying for or utilizing a building permit for any part of the installation, replacement, or maintenance of solar panels provided all work is performed by the owner or other current resident. The provisions of this subsection shall not apply to any structure being rented, leased, sub-leased or otherwise occupied outside of the owner's principal residence. Nothing in this subsection shall be otherwise construed to prohibit the enforcement of any applicable building codes or relevant inspections as otherwise required by ordinance or law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Vescovo resumed the Chair.

Representative Coleman (97) offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 820, Page 1, Line 1, by inserting after the number "820," the following:

"Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"204.455. 1. Any user charges, connection fees, or other charges levied by the sewer district shall be due at such time or times as specified by the board of trustees, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon the land charged, upon the board of trustees filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The board of trustees shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

2. For purposes of this section, the term "board of trustees" shall include, but is not limited to, the board of trustees established in subsection 2 of section 204.300.

3. No sewer district shall refuse to connect service at a property following a transfer of ownership due to the previous owner's delinquent fees in charges, unless the sewer district has a lien on the property. A sewer district in violation of this subsection shall be subject to the property owner's attorney's fees."; and

Further amend said bill,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Chipman	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Dinkins	Dogan	Eggleston	Falkner
Fishel	Fitzwater	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Mayhew	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Richey	Riggs	Riley	Roberts	Roden
Rone	Sander	Sassmann	Schnelting	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Stephens 128	Tate	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	West	Wiemann	Wright	Mr. Speaker

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Baringer	Barnes	Bland Manlove	Brown 27	Brown 70
Burnett	Burton	Butz	Collins	Doll
Ellebracht	Fogle	Gray	Gunby	Johnson
Kidd	Lewis 25	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Price IV
Proudie	Quade	Rogers	Sauls	Schroer
Smith 45	Smith 67	Taylor 139	Terry	Turnbaugh
Unsicker	Walsh 50	Walsh Moore 93	Weber	Young

PRESENT: 000

ABSENT WITH LEAVE: 021

Bailey	Bangert	Bosley	Busick	Christofanelli
Clemens	DeGroot	Derges	Evans	Francis
Gregory 51	Houx	Ingle	McDaniel	McGaugh
Pietzman	Reedy	Sharp 36	Stacy	Stevens 46
Windham				

VACANCIES: 007

On motion of Representative Coleman (97), **House Amendment No. 1 to House Amendment No. 5** was adopted by the following vote, the ayes and noes having been demanded by Representative Coleman (97):

AYES: 103

Adams	Aldridge	Anderson	Appelbaum	Atchison
Aune	Baker	Baringer	Barnes	Basye
Billington	Black 7	Bland Manlove	Boggs	Bromley
Brown 27	Buchheit-Courtway	Burger	Burnett	Burton
Butz	Chipman	Christofanelli	Coleman 32	Coleman 97

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Collins	Cupps	Davidson	Davis	DeGroot
Dinkins	Dogan	Eggleston	Ellebracht	Fogle
Gray	Grier	Haley	Hardwick	Hicks
Hovis	Hudson	Hurlbert	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Lovasco	Mackey
Mayhew	McGill	Morse	Mosley	Murphy
Nurrenbern	Owen	Perkins	Person	Phifer
Pike	Pollock 123	Porter	Pouche	Price IV
Proudie	Richey	Riggs	Riley	Roden
Rogers	Rone	Sander	Sassmann	Sauls
Schnelting	Schroer	Schwadron	Seitz	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 67
Tate	Taylor 139	Taylor 48	Terry	Thomas
Toalson Reisch	Trent	Turnbaugh	Unsicker	Veit
Walsh 50	Walsh Moore 93	Weber	West	Wiemann
Windham	Young	Mr. Speaker		

NOES: 028

Andrews	Black 137	Brown 16	Cook	Copeland
Deaton	Doll	Falkner	Fishel	Griffith
Haden	Haffner	Henderson	Knight	Lewis 6
McCreery	McGaugh	O'Donnell	Patterson	Plocher
Pollitt 52	Railsback	Roberts	Sharpe 4	Stephens 128
Thompson	Van Schoiack	Wright		

PRESENT: 007

Brown 70	Gunby	Ingle	Lewis 25	Merideth
Quade	Smith 45			

ABSENT WITH LEAVE: 018

Bailey	Bangert	Bosley	Busick	Clemens
Derges	Evans	Fitzwater	Francis	Gregory 51
Gregory 96	Houx	McDaniel	Pietzman	Reedy
Sharp 36	Stacy	Stevens 46		

VACANCIES: 007

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Falkner	Fishel	Francis	Gregory 96
Grier	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Lovasco	Mayhew	McGaugh	McGill
Morse	Murphy	O'Donnell	Owen	Patterson

Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Proudie	Railsback	Richey
Riggs	Riley	Roberts	Roden	Rone
Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 043

Adams	Aldridge	Anderson	Appelbaum	Aune
Baringer	Barnes	Bland Manlove	Brown 27	Brown 70
Burnett	Burton	Butz	Collins	Doll
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Kidd	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Price IV
Quade	Rogers	Sauls	Schroer	Smith 45
Smith 67	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 017

Bailey	Bangert	Bosley	Busick	Clemens
Derges	Evans	Fitzwater	Gregory 51	Houx
McDaniel	Phifer	Pietzman	Reedy	Sharp 36
Stacy	Stevens 46			

VACANCIES: 007

On motion of Representative Lovasco, **House Amendment No. 5, as amended**, was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 133

Aldridge	Anderson	Andrews	Appelbaum	Atchison
Aune	Baker	Baringer	Barnes	Basye
Billington	Black 137	Black 7	Bland Manlove	Boggs
Bromley	Brown 16	Brown 27	Brown 70	Buchheit-Courtway
Burger	Burnett	Burton	Butz	Chipman
Christofanelli	Coleman 32	Coleman 97	Collins	Cook
Copeland	Cupps	Davidson	Davis	Deaton
DeGroot	Dinkins	Dogan	Eggleston	Ellebracht
Falkner	Fishel	Fogle	Francis	Gray
Gregory 96	Grier	Griffith	Gunby	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Hovis	Hudson	Hurlbert	Ingle	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mackey	Mayhew	McCreery	McGaugh
McGirl	Merideth	Morse	Mosley	Murphy
Nurrenbern	O'Donnell	Owen	Patterson	Perkins
Person	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price IV	Proudie

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Quade	Railsback	Richey	Riggs	Riley
Roberts	Roden	Rogers	Rone	Sander
Sassmann	Sauls	Schnelting	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 45	Smith 67	Stephens 128
Tate	Taylor 139	Taylor 48	Terry	Thompson
Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack
Veit	Walsh 50	Walsh Moore 93	Weber	West
Wiemann	Young	Mr. Speaker		

NOES: 005

Adams	Doll	Johnson	Thomas	Wright
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PRESENT: 002

Lewis 25	Stevens 46
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ABSENT WITH LEAVE: 016

Bailey	Bangert	Bosley	Busick	Clemens
Derges	Evans	Fitzwater	Gregory 51	Houx
McDaniel	Pietzman	Reedy	Sharp 36	Stacy
Windham				

VACANCIES: 007

Representative Davidson offered House Amendment No. 6.

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

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

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

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law, sections 281.220 to 281.310, which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

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

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

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

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

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

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

- (9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;
- (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;
- (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;
- (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;
- (13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;
- (14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;
- (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;
- (16) Tangible personal property purchased by a rural water district;
- (17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;
- (18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;
- (19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

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

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

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

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

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

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

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

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

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

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

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

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

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

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

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

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

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

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

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

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

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

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

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

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

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

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

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

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

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

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

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

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

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

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

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

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including

telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

- a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or
- b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

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

(46) All purchases by a Missouri company of solar photovoltaic energy equipment used to construct a solar photovoltaic energy system and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems:

- (a) Allow for energy storage;**
- (b) Include advanced or smart meter inverter capacity; or**
- (c) Are projects greater than twenty megawatts.**

For the purposes of this subdivision, the term "Missouri company" shall mean any corporation or other business organization that is registered with the secretary of state.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Riley offered **House Amendment No. 1 to House Amendment No. 6.**

House Amendment No. 1
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 820, Page 10, Line 31, by deleting the word "**Missouri**"; and

Further amend said amendment and page, Line 38, by deleting all of said line; and

Further amend said amendment, Page 11, Line 1, by deleting all of said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Andrews	Atchison	Baker	Billington	Black 137
Black 7	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Chipman	Christofanelli	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
DeGroot	Dinkins	Dogan	Eggleston	Falkner
Fishel	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Morse
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pollock 123	Porter	Pouche	Railsback
Richey	Riggs	Riley	Roberts	Roden
Rone	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 047

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Kidd	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Price IV	Proudie	Quade
Rogers	Sauls	Smith 45	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 023

Aldridge	Bailey	Basye	Busick	Coleman 32
Derges	Evans	Fitzwater	Francis	Gregory 51
Gregory 96	Henderson	Hicks	Houx	McDaniel
Murphy	Pietzman	Pollitt 52	Reedy	Schnelting
Schroer	Sharp 36	Stacy		

VACANCIES: 007

On motion of Representative Riley, **House Amendment No. 1 to House Amendment No. 6** was adopted.

On motion of Representative Davidson, **House Amendment No. 6, as amended**, was adopted.

Representative Trent offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 820, Page 9, Section 443.404, Line 40, by inserting after all of the said section and line the following:

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

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

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

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

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

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

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

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

(8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Trent, **House Amendment No. 7** was adopted.

Representative Knight offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 820, Page 2, Section 386.885, Lines 51-54, by deleting all of said lines and inserting in lieu thereof the following:

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

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Knight, **House Amendment No. 8** was adopted.

Representative Haden offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 820, Page 8, Section 386.890, Line 198, by inserting after all of said section and line the following:

"393.1072. 1. There is hereby established the "Task Force on Fair, Nondiscriminatory Local Taxation Concerning Solar Energy Systems", which shall be composed of the following members:

(1) Three members of the house of representatives, with not more than two members from the same political party and each member to be appointed by the speaker of the house of representatives;

(2) Three members of the senate, with not more than two members from the same political party and each member to be appointed by the president pro tempore of the senate;

(3) Two currently elected county assessors from Missouri county governments, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate;

(4) Two representatives from the Missouri state tax commission to be appointed by the commissioners of the Missouri state tax commission;

(5) Two representatives from a state-wide agricultural organization, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate;

(6) Two representatives from the private sector with experience in utility-scale solar energy development and operation, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate; and

(7) One member from an organization that advocates for policy supporting solar energy appointed by the chair of the public service commission.

2. The task force shall conduct public hearings and research and compile a report for delivery to the general assembly before December 31, 2022. Such report shall include information on the following:

(1) The economic benefits and drawbacks of solar energy systems to local communities and the state;

(2) The fair, uniform, and standardized assessment and taxation of solar energy systems and their connected equipment owned by a retail or wholesale provider of electricity at the county level in all counties;

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

(4) Potential legislation that will provide a uniform assessment and taxation methodology for solar energy systems and their connected equipment owned by a retail or wholesale provider of electricity that will be used in every county of Missouri.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chair and vice chair, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. Meetings may be held by telephone or video conference at the discretion of the chair. The chair shall designate a person to keep the records of the task force. A majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

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

5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred by the task force, its members, and any staff assigned to the task force shall be reimbursed.

6. This section shall expire on December 31, 2022."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Haden, **House Amendment No. 9** was adopted.

Representative Riggs offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

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

(1) "Broadband" or "broadband service", any service providing advanced telecommunications capability with the same downstream data rate and upstream data rate as required to satisfy the definition of "broadband" by the Federal Communications Commission and that:

(a) Does not require the end user to dial up a connection;

(b) Has the capacity to always be on;

(c) Has transmission speeds that are based on regular available bandwidth rates, not sporadic or burstable rates, with latency suitable for real-time applications and services such as voice over internet protocol and video conferencing; and

(d) Has a monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas.

As the Federal Communications Commission updates the downstream data rate and the upstream data rate, the council shall publish the revised data rates within sixty days of the federal update;

(2) "Council", the broadband development council;

(3) "Digital navigation service", a person or entity that helps or teaches people to safely and effectively use the internet;

(4) "Downstream data rate", the transmission speed from the service provider source to the end user;

(5) "Internet protocol address" or "IP address", a unique string of numbers separated by periods that identifies each computer using the internet protocol to communicate over a network;

(6) "Unserved area", an area that has no access to broadband service;

(7) "Upstream data rate", the transmission speed from the end user to the service provider source.

2. There is hereby established the "Broadband Development Council". The office of broadband development of the department of economic development shall provide administrative, personnel, and technical support to the council as necessary.

3. The council shall consist of:

(1) The director of the department of economic development or his or her designee;

(2) The chief information officer within the office of administration or his or her designee;

(3) The commissioner of higher education or his or her designee;

(4) The commissioner of education or his or her designee;

(5) The director of the state office of broadband development or his or her designee;

(6) The following members of the public, appointed by and serving at the pleasure of the governor, with the advice and consent of the senate:

(a) Two members representing providers that deploy a large volume of broadband service, one of which shall provide service in a rural area;

(b) One member from each congressional district representing business users of this state; and

(c) One member from each congressional district representing residential users of this state.

Members appointed under this subdivision shall serve no more than two three-year terms. However, the terms shall be staggered with one-third of the inaugural members, chosen by lot, serving one additional year and another one-third of the inaugural members, chosen by lot, serving an additional two years. Members appointed under this subdivision shall be deemed part-time public officials and may have other employment. Any person employed by, owning an interest in, or otherwise associated with a broadband deployment project, project sponsor, or project participant is not disqualified from serving as a council member but shall recuse himself or herself from board actions if the member has a conflict of interest or would violate the rules of the Missouri ethics commission;

(7) Three senators appointed by the president pro tempore of the senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and

(8) Three members of the house of representatives appointed by the speaker of the house, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

4. (1) The council shall select a chair and vice chair from among its members. The director of the department of economic development shall chair the first meeting of the council until a chair is selected. Terms of the chair and vice chair shall be two years, and no member may serve more than two consecutive terms in either position. The council shall appoint a secretary-treasurer, who need not be a member of the council and who, among other tasks or functions designated by the council, shall keep records of its proceedings.

(2) Fifteen voting members of the council shall constitute a quorum, and a simple majority of the members present shall be sufficient for any action taken by vote of the council.

(3) The council may appoint committees or subcommittees for the purposes of investigations and recommendations. Members of these committees or subcommittees need not be members of the council.

(4) No member of the council who serves by virtue of his or her office shall receive compensation or reimbursement of expenses for serving as a member. Members appointed under subdivision (5) of subsection 3 of this section and the members of any committee or subcommittee are entitled to be reimbursed for actual and necessary expenses.

(5) No member shall be subject to antitrust or unfair competition liability based on membership or participation in the council. The council shall be deemed to provide an essential governmental function and shall have state-action immunity.

5. (1) The council shall:

(a) Explore any and all ways to expand access to broadband services including, but not limited to, middle mile, last mile, and wireless applications;

(b) Gather data regarding the various speeds provided to consumers and compare that data to the speeds the internet service provider advertises;

(c) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation, and alternative career training;

(d) Explore ways to encourage state and municipal agencies to expand the development and use of broadband services to better serve the public;

(e) Assist in expanding electronic instruction and distance education services, including digital navigation services;

(f) Advise and make recommendations to the general assembly regarding:

a. Strategies to make broadband service available to unserved and underserved areas;

b. Statutory changes that may enhance and expand broadband in the state; and

c. Strategies to increase adoption of the Affordable Connectivity Program or any successor program; and

(g) Submit a report to the general assembly and governor on or before January first each year. The report shall include a summary of the actions taken by the council during the previous year.

(2) In addition to other powers, the council is hereby granted the powers necessary and appropriate to carry out and effectuate the duties described under subdivision (1) of this subsection. The council shall have the power to:

(a) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

(b) Advise on the deployment of online government portals so that all public bodies and political subdivisions have websites, one-stop government access, and the ability to stream audio and video of public meetings;

(c) Make and execute contracts, commitments, and other agreements necessary or convenient to exercise its powers including, but not limited to, hiring consultants to assist in the mapping of the state and categorization of areas within the state; and

(d) Perform any other activities to further its purpose.

(3) The council may:

(a) Retain outside expert consultants to assist in the purposes of this section. Any retention and contracting of expert consultants shall be transparent, and the council shall make publicly available any contracts, retention agreements, payments, and invoicing for services; and

(b) Take action to increase awareness of issues concerning broadband services and to educate and inform the public.

6. (1) The council shall establish a mapping of broadband services in the state based on analysis of data, broadband demand, and other relevant information. The council shall publish an annual assessment and map of the status of broadband that shall specifically designate underserved and unserved areas of the state.

(2) The council shall establish a public map that is interactive and reflects estimated downstream data rates and upstream data rates in regions, counties, cities, communities, streets, or other areas. The public map shall not be so specific as to show data rates at a particular street address or physical location but may include data regarding capacity, based upon fiber count.

(3) The mapping shall be based on information collected or received by the council including, but not limited to, data collected from:

(a) State agencies, federal agencies, public institutions of higher education, and private entities that collect data on broadband services;

(b) Industry-provided information;

(c) Consumer data; and

(d) A voluntary data collection program that the council may establish. The program may include voluntarily submitted data from internet service providers and include any home or region data rate meters utilized by the provider and voluntarily submitted data from customers of an internet service provider, reflecting the person's data rate at a particular IP address, which may be based upon a web-based test or analysis program. Any data collected through a voluntary data collection program shall not be deemed public information and is not subject to public release or availability. Any voluntary data collection program established by the council shall:

a. Clearly state to the providers or customers submitting information that the data rate speed may become public, including references to the provider or customer's physical address;

b. Clearly state submission of information is voluntary and shall be deemed as consent to use and make public such information; and

c. Not include any customer's browsing history, search history, usage records, billing records, or otherwise publicly identify the customer by name, IP address, or physical address.

(4) The mapping and designations therein shall be revised on a continuing basis by the council.

(5) Any map of broadband services accessible to the public shall exclude:

(a) The location or identity of any critical infrastructure used by public or private entities to provide internet services;

(b) Any identifying information of users, including name and IP addresses; and

(c) Any information designated as confidential for public security reasons by the United States Department of Homeland Security or the department of public safety. However, it shall be the duty of the public and private entities to make the council aware of such confidential designation, and the actual or estimated upstream data rates and downstream data rates of an area or region of the state shall not be excluded from public or private maps unless the council determines good cause for the exclusion.

7. Any entity that has received or hereafter receives state or federal moneys to install infrastructure for broadband services shall furnish nonproprietary information to the council concerning the location, type, and extent of such infrastructure.

8. The council shall partner with a research organization, or contract with such an organization, to annually survey each county and school district in the state in order to assess the internet speeds available in such areas and identify areas with challenges to high-speed internet access.

9. (1) Notwithstanding the provisions of chapter 610, information provided to the council, its consultants, or its other agents that is identified as confidential information when submitted shall be exempt from disclosure and shall be secured and safeguarded. Such information may include, but not be limited to, physical plant locations, subscriber levels, market penetration data, and any other proprietary business information or any other information that constitutes a trade secret.

(2) Any person who makes any unauthorized disclosure of such confidential information or data shall be guilty of a class A misdemeanor.

10. This section shall not be construed to confer authority to regulate broadband, broadband services, broadband internet access services, broadband service providers, or internet service providers on the broadband development council, the office of broadband development within the department of economic development, or the department of economic development beyond the authority stated in this section.

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

2. Any provider in Missouri who defaults or otherwise fails to deploy broadband after receiving federal funds or any moneys from any other state for broadband services shall disclose such default or failure to deploy broadband services on any application to receive any state moneys in Missouri within seven days of such notice of default or failure to deploy broadband services. Any provider who has defaulted in this state or any other state shall be presumed incapable of fulfilling the provider's obligations to deploy broadband internet in Missouri. Such presumption shall be rebuttable.

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

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

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

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

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

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

(3) "Vertical real estate", any communication or broadcast tower or other structure or installation mounted on a rooftop or other prominent place, along with any facilities associated with that structure, that is suitable for mounting communications equipment upon and any associated ground facilities necessary to accommodate the communications purpose or any real estate suitable for the installation of a telecommunications vertical asset. Nothing in this definition shall prohibit terrestrial, middle-mile, or last-mile broadband or high-speed internet wiring or facilities installation under section 67.1847. Classification as "vertical real estate" shall not prevent any utility installation including, but not limited to, water, electric, or sewer services.

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

67.485. 1. Two or more political subdivisions may elect to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such political subdivisions. The authority under this section shall be in addition to the authority given to municipalities to form a broadband infrastructure improvement district under section 71.1000 or any other authority granted to political subdivisions to form a broadband infrastructure improvement district under Missouri law. The district shall be a body politic and corporate. The district shall give funding priority to unserved areas and underserved areas of the district. For purposes of this section, public universities and public school districts are included in the meaning of "political subdivision".

2. A political subdivision that elects to form or join a broadband infrastructure improvement district shall submit to the eligible voters of the political subdivision a proposition at a regular or special election, in substantially the following form:

Shall _____ (insert name of the political subdivision) enter into a
broadband infrastructure improvement district to be known as
_____?

If a majority of votes cast on the proposition are in favor of the proposition, the political subdivision shall form or join the broadband infrastructure improvement district with other political subdivisions that approve the proposition. If a majority of votes cast on the proposition oppose the proposition, the political subdivision shall not form or join a broadband infrastructure improvement district unless and until the proposition is resubmitted to voters and voters approve the proposition.

3. A broadband infrastructure improvement district shall have the power to:

(1) Contract with a publicly owned or private broadband internet service provider to provide broadband internet service to the residents of the district; and

(2) Finance the provision or expansion of broadband internet service through grants, loans, bonds, or user fees.

A district shall not have the power to levy, assess, apportion, or collect any tax upon property within the district nor upon any political subdivision that is part of the district.

4. (1) The district governing board shall be composed of at least one representative from each political subdivision, but in no case shall there be fewer than four representatives.

(2) Annually, on or before the last Monday in April, the governing body of each political subdivision that is part of a district shall appoint representatives to the district governing board for a one-year term. Each political subdivision shall appoint an equal number of representatives. A representative shall hold office until his or her successor is duly appointed or until the representative is recalled. The governing body of a political subdivision, by majority vote, may recall and replace its representative at any time. If a representative's position is vacated, the governing body of that representative's political subdivision shall fill the vacancy within thirty days by appointing a new representative who shall serve the remainder of the term. A representative may be reappointed to successive terms without limit.

(3) For the purpose of transacting business, the presence of representatives representing more than fifty percent of the political subdivisions that are part of the district shall constitute a quorum. Any action adopted by a majority of the votes cast at a meeting of the governing board at which a quorum is present shall be the action of the board. Each representative shall be entitled to cast one vote.

(4) Each district political subdivision may reimburse its representative for expenses as the political subdivision determines reasonable.

(5) (a) The officers of a district shall be the chair of the board, the vice chair of the board, the clerk of the district, and the treasurer of the district.

(b) The chair shall preside at all meetings of the board and shall make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office.

(c) During an absence or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair, and, when so acting, the vice chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chair.

(d) During an absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its representatives an acting vice chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the vice chair.

(e) Upon the death, disability, resignation, or removal of the chair or vice chair, the board shall elect a successor to such vacant office until the next term.

(6) The board shall adopt bylaws for the regulation of its affairs and the conduct of its business.

5. Additional political subdivisions may join a broadband infrastructure improvement district. The board may offer admission to additional political subdivisions upon such terms and conditions as the board deems fair, reasonable, and in the best interests of the district. The governing body of any political subdivision that desires to be admitted to the district shall apply for admission to the board. The board shall determine the financial, economic, governance, and operational effects that are likely to occur if such political subdivision is admitted and thereafter offer or deny admission to the applicant political subdivision. If the board offers admission, it shall specify any terms and conditions, including financial obligations, upon which the admission is predicated. Upon resolution of the board, the applicant political subdivision shall join the district.

6. A political subdivision may withdraw from a district in the same manner as a political subdivision joining a district under subsection 5 of this section.

7. (1) The board may authorize admitting one or more private partners in the broadband improvement district upon such terms and conditions as the board, in the board's sole discretion, deems to be fair, reasonable, and in the best interests of the district. A private partner desiring admission to the district shall apply for admission to the board. For purposes of this subsection, "private partner" includes, but is not limited to, an electric cooperative or public utility providing services within the state.

(2) The board shall determine the financial, economic, governance, and operational effects that are likely to occur if a private partner is admitted and thereafter either grant or deny authority for admission of the petitioning private partner. If the board grants such authority, the board shall also specify any terms and conditions, including financial obligations, upon which such admission is predicated. Upon resolution of the board, such applicant private partner shall become a district member.

(3) The board and the private partner shall by agreement specify the ownership and other financial determinants of the private partner's participation in the district. Such determinations shall be considered to be within the public purposes of the district, absent a judicial determination that such public purposes do not exist.

(4) A private partner admitted to a district under this subsection may finance the installation or expansion of broadband internet service through grants, loans, bonds, user fees, or any other financing methods that do not negatively impact the cost of service provided to the district's residents, customers, or rate-payers.

8. The dissolution of a broadband infrastructure improvement district shall follow the procedures established under sections 67.950 and 67.955.

9. Nothing in this section shall be construed to prohibit or limit the ability of a municipality or other political subdivision to enter into a contract or cooperative agreement as authorized by section 70.220 or by other legal means."; and

Further amend said bill, Page 8, Section 442.404, Line 40, by inserting after all of said section and line the following:

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

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

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

(2) "Underserved area", a project area without access to wireline or fixed wireless broadband internet service of speeds of ~~[at least twenty-five]~~ **the higher of:**

(a) **One hundred** megabits per-second download and ~~[three]~~ **one hundred** megabits per-second upload;
or

(b) **The minimum speed established by the Federal Communications Commission as authorized in 7 U.S.C. 950bb(e)(1) to (2);**

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

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

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

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

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

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

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

(1) A description of the project area;

- (2) A description of the kind and amount of broadband internet infrastructure that is proposed to be deployed;
- (3) Evidence demonstrating the unserved or underserved nature of the project area;
- (4) The number of households that would have new access to broadband internet service, or whose broadband internet service would be upgraded, as a result of the grant;
- (5) A list of significant community institutions that would benefit from the proposed grant;
- (6) The total cost of the proposal and the ~~[timeframe]~~ **time frame** in which it will be completed;
- (7) A list identifying sources of funding or in-kind contributions, including government funding, that would supplement any awarded grant; ~~and~~
- (8) **A map or list of addresses showing the highest broadband speeds available within the applicant's area of service in the same manner in which the applicant is specified to provide data to the Federal Communications Commission under the Broadband Deployment Accuracy and Technological Availability Act, 47 U.S.C. Section 641 et seq. Such map or list of addresses shall be utilized by the department of economic development to determine the speeds available to individual addresses and eligibility for grant funding. Any map made publicly available as a result of maps provided by broadband providers under this subdivision shall be aggregated and anonymized to show the highest broadband speeds available; and**
- (9) Any other information required by the department of economic development.

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

2. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

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

Section 1. 1. There is hereby established in the Missouri department of economic development the "Office of Broadband Development", for the purpose of furthering the goal of connecting Missouri with high-speed internet, creating a long-term plan on broadband access and adoption, and helping to fulfill the statutory mission of the broadband development council. The director of the office of broadband shall be selected by, and report directly to, the director of the department of economic development and will provide support and coordination to the broadband development council.

2. The office shall be administered by the director of the office of broadband development. The department of economic development shall provide administrative support and staff as deemed necessary to assist the office of broadband development and to fulfill the statutory mission of the broadband development council."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riggs, **House Amendment No. 10** was adopted.

Representative Black (137) offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 820, Page 8, Section 386.890, Line 198, by inserting after all of said section and line the following:

"393.135. **Except as provided in section 393.1250**, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction **work** in progress, **as that term is defined in section 393.1250**, upon any existing or new ~~facility of the~~ electrical corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any **such** property before it is fully operational and used for service, ~~is unjust and unreasonable, and~~ is prohibited.

393.1250. 1. This section shall be known and may be cited as the "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants or facilities that utilize renewable sources to produce energy. This section shall not apply to clean baseload electric generating plants or renewable source generating facilities that are in commercial operation before August 28, 2022.

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

(1) "Clean baseload generating plant", a new nuclear-fueled electric generating facility located in this state that is designed to be operated at a capacity factor exceeding seventy percent annually and is intended in whole or in part to serve retail customers of an electrical corporation in Missouri;

(2) "Construction work in progress", the electrical corporation's share of all capital costs associated with a clean baseload generating plant or renewable source generating facility, which have been incurred but have not been included in the electrical corporation's plant in service, and are recorded in the Federal Energy Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart Accounts, as construction work in progress for electric plants in 18 CFR Part 101, or any other account established in the Uniform System of Accounts for the recording of construction work in progress;

(3) "Renewable source generating facility", any electric generating facility powered by wind, hydropower, solar power, landfill methane, biomass, or any other renewable source of power that does not produce significant carbon emissions.

3. The provisions of section 393.135 shall not apply to a clean baseload generating plant or a renewable source generating facility if the plant or facility is rated at two hundred megawatts or more. Costs recovered by an electrical corporation under the provisions of this section are subject to inclusion or exclusion from rates in a ratemaking proceeding pursuant to the commission's authority to determine just and reasonable rates. In addition, the commission may authorize an electrical corporation to make or demand charges for service based in whole or in part on additional amortizations to maintain the electrical corporation's financial ratios that will, in the commission's judgment, better enable the electrical corporation to cost-effectively construct a clean baseload generating plant or a renewable source generating facility.

4. The commission may promulgate rules to assist in the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

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AYES: 087

Andrews	Atchison	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Buchheit-Courtway	Burger
Chipman	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Dinkins	Eggleston	Falkner	Fishel	Francis
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Lovasco	Mayhew	McGaugh	McGill
Morse	Murphy	O'Donnell	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Railsback	Richey	Riggs
Riley	Roberts	Rone	Sander	Sassmann
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Walsh 50	West
Wright	Mr. Speaker			

NOES: 047

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Doll	Ellebracht	Fogle
Gunby	Ingle	Johnson	Kidd	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Price IV	Proudie	Quade	Rogers
Sauls	Sharp 36	Smith 45	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 022

Bailey	Baker	Basye	Busick	DeGroot
Derges	Dogan	Evans	Fitzwater	Gray
Gregory 51	Hicks	Houx	McDaniel	Phifer
Pietzman	Reedy	Roden	Schnelting	Schroer
Stacy	Wiemann			

VACANCIES: 007

On motion of Representative Black (137), **House Amendment No. 11** was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 091

Andrews	Atchison	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Brown 27	Buchheit-Courtway
Burger	Chipman	Christofanelli	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	DeGroot	Dinkins	Eggleston	Falkner
Fishel	Francis	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127

Kelly 141	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGill	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Richey	Riggs	Riley	Roberts	Rogers
Rone	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Kidd	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Phifer	Price IV	Proudie	Quade	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 001

Person

ABSENT WITH LEAVE: 018

Bailey	Baker	Basye	Busick	Derges
Dogan	Evans	Fitzwater	Gregory 51	Hicks
Houx	McDaniel	Pietzman	Reedy	Roden
Schnelting	Schroer	Stacy		

VACANCIES: 007

Representative Knight offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by inserting after all of said section and line:

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

(2) The general assembly recognizes the necessity for anticipating and making advance provisions to care for the unusual and extraordinary burdens imposed **by disasters or emergencies** on this state ~~and~~, its political subdivisions ~~[by disasters or emergencies]~~, **and rural electric cooperatives.** To meet such situations, it is the intention of the general assembly to confer emergency powers on the governor, acting through the director, and vesting the governor with adequate power and authority within the limitation of available funds in the Missouri disaster fund to meet any such emergency or disaster.

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

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

4. Assistance may be provided from the Missouri disaster fund to political subdivisions of this state ~~which~~ **and rural electric cooperatives that** have suffered from a disaster to such an extent as to impose a severe financial burden exceeding the ordinary reserve capacity of the subdivision **or rural electric cooperative** affected. Applications for aid under this section shall be made to the state emergency management agency on such forms as may be prescribed and furnished by the agency, which forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The director of the state emergency management agency shall review each application for aid under the provisions of this section and recommend its approval or disapproval, in whole or in part, to the governor. If approved, the governor shall determine and certify to the director of the state emergency management agency the amount of aid to be furnished. The director of the state emergency management agency shall thereupon issue ~~his~~ **the director's** voucher to the commissioner of administration, who shall issue ~~his~~ **the commissioner's** warrants therefor to the applicant.

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

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

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

(3) Performing services for and furnishing materials and supplies to state government agencies, counties, ~~and~~ municipalities, **and rural electric cooperatives** with respect to performance of any duties enjoined by law upon such agencies, counties, ~~and~~ municipalities, **and rural electric cooperatives** which they are unable to perform because of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such agencies, counties, ~~and~~ municipalities, **and rural electric cooperatives** able to pay therefor under such terms and conditions as may be agreed upon by the director of the state emergency management agency and any such agency, county, ~~or~~ municipality, **or rural electric cooperative**;

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

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

(6) Repairing and restoring public infrastructure;

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

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

(9) Quelling riots and civil disturbances;

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

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

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

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

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

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

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

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

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

10. The foregoing provisions of this section notwithstanding, any expenditure or proposed series of expenditures which total in excess of one thousand dollars per project shall be approved by the governor prior to the expenditure."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McGaugh offered House Amendment No. 1 to House Amendment No. 12.

*House Amendment No. 1
to
House Amendment No. 12*

AMEND House Amendment No. 12 to House Committee Substitute for Senate Bill No. 820, Page 3, Line 13, by deleting said line and inserting in lieu thereof the following:

"the governor prior to the expenditure.

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

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

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

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;

- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;
- (11) Land associated with other locally assessed property and all generating plant land.

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

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

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

5. Notwithstanding the provisions of subsection 1 of this section to the contrary, the term "distributable property" shall not include any towers, poles, conduit transformers, converter stations, and substation equipment that carry high-voltage, direct current, electric transmission lines. Such towers, poles, conduit transformers, converter stations, and substations shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McGaugh, **House Amendment No. 1 to House Amendment No. 12** was adopted.

On motion of Representative Knight, **House Amendment No. 12, as amended**, was adopted.

On motion of Representative Haffner, **HCS SB 820, as amended**, was adopted.

On motion of Representative Haffner, **HCS SB 820, as amended**, was read the third time and passed by the following vote:

AYES: 091

Andrews	Atchison	Baker	Billington	Black 137
Black 7	Boggs	Bromley	Buchheit-Courtway	Burger
Chipman	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
DeGroot	Dinkins	Dogan	Eggleston	Falkner
Fishel	Francis	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Richey	Riggs	Riley	Roden	Rone

Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Kidd	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Phifer	Price IV	Quade	Rogers	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 002

Person	Proudie
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ABSENT WITH LEAVE: 017

Bailey	Basye	Brown 16	Busick	Collins
Derges	Evans	Fitzwater	Gregory 51	Hicks
Houx	McDaniel	Pietzman	Reedy	Roberts
Schroer	Stacy			

VACANCIES: 007

Speaker Vescovo declared the bill passed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 1559 - Fiscal Review
HCS HB 2638 - Fiscal Review

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Rone reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCR 31**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

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Ayes (12): Burger, Dinkins, Francis, Gregory (51), Haden, Haley, Knight, Rogers, Sharpe (4), Van Schoiack, Weber and Young

Noes (0)

Absent (5): Busick, Collins, McCreery, Rone and Thompson

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCR 33**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (12): Burger, Dinkins, Francis, Gregory (51), Haden, Haley, Knight, Rogers, Sharpe (4), Van Schoiack, Weber and Young

Noes (0)

Absent (5): Busick, Collins, McCreery, Rone and Thompson

Committee on Budget, Chairman Smith (163) reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2727**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (24): Aldridge, Black (137), Black (7), Boggs, Burnett, Deaton, Fishel, Fogle, Gregory (51), Kelly (141), Lewis (6), McGaugh, Merideth, Nurrenbern, Richey, Riggs, Riley, Roberts, Sander, Shields, Smith (163), Unsicker, West and Windham

Noes (0)

Absent (7): Bland Manlove, Bosley, Cupps, Evans, Gregory (96), Hudson and Mayhew

Committee on Crime Prevention, Chairman Roberts reporting:

Mr. Speaker: Your Committee on Crime Prevention, to which was referred **SCS SB 799**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (8): Aldridge, Copeland, Hovis, Kelley (127), Roberts, Sauls, Seitz and Sharp (36)

Noes (2): Davis and West

Absent (0)

Committee on Downsizing State Government, Chairman Baker reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **HB 2705**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Baker, Owen, Perkins, Railsback, Sander, Schnelting and Van Schoiack

Noes (3): Aune, Burton and Gray

Absent (5): Bailey, Bangert, Lovasco, Person and Taylor (139)

Committee on Economic Development, Chairman Grier reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **SS#3 SCS SB 758**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Baker, Barnes, Boggs, Deaton, Grier, Gunby, Johnson, Riggs and Smith (155)

Noes (0)

Absent (2): Cupps and Trent

Committee on General Laws, Chairman Trent reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 2649**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Boggs, Brown (16), Davidson, Hardwick, Hurlbert, Pollitt (52), Riley, Schnelting, Schroer and Trent

Noes (5): Ingle, Merideth, Rogers, Sharp (36) and Weber

Absent (1): Schwadron

Mr. Speaker: Your Committee on General Laws, to which was referred **SCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (8): Boggs, Brown (16), Hardwick, Pollitt (52), Riley, Schnelting, Schroer and Trent

Noes (7): Davidson, Hurlbert, Ingle, Merideth, Rogers, Sharp (36) and Weber

Absent (1): Schwadron

Committee on Utilities, Chairman Kidd reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 1488**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Atchison, Bromley, Brown (70), Ingle, Kidd, Lewis (6) and Simmons

Noes (0)

Absent (3): Black (137), Fitzwater and McCreery

Mr. Speaker: Your Committee on Utilities, to which was referred **SS#2 SCS SB 745**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (5): Atchison, Bromley, Kidd, Lewis (6) and Simmons

Noes (2): Brown (70) and Ingle

Absent (3): Black (137), Fitzwater and McCreery

ADJOURNMENT

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Thursday, April 28, 2022.

COMMITTEE HEARINGS

FISCAL REVIEW

Thursday, April 28, 2022, 9:45 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.
Pending bill referral.

HEALTH AND MENTAL HEALTH POLICY

Thursday, April 28, 2022, 9:00 AM, House Hearing Room 6.
Executive session will be held: SCR 35, SCR 27, SCR 29, HB 2680

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 2, 2022, 2:00 PM, Joint Hearing Room (117).
Some portions of the meeting may be closed pursuant to section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 28, 2022, 9:40 AM, Joint Hearing Room (117).
Executive Session to hear over the NCPER and MAPERS conference expenses.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, May 2, 2022, 1:00 PM, Joint Hearing Room (117).
Pending application(s) for memorial highway and bridge designations.
Pending application(s) for specialty license plates.

JUDICIARY

Thursday, April 28, 2022, 8:00 AM, House Hearing Room 1.
Public hearing will be held: SS SCS SB 683, SS#2 SCS SB 968
Executive session will be held: HB 2624

RULES - ADMINISTRATIVE OVERSIGHT

Thursday, April 28, 2022, 9:30 AM, House Hearing Room 4.
Executive session will be held: HCS SCS SB 982, HCS HB 2703
Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON PUBLIC POLICY

Thursday, April 28, 2022, 1:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Executive session will be held: HJR 138, HJR 81

Added HJR 81.

Time change.

AMENDED

HOUSE CALENDAR

SIXTY-FIRST DAY, THURSDAY, APRIL 28, 2022

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJRs 82 & 106 - Black (137)

HCS HJR 88 - McGirl

HJR 80 - Coleman (32)

HCS HJR 134 - Taylor (139)

HJR 137 - Eggleston

HJR 128 - O'Donnell

HJR 107 - Dinkins

HJR 125 - Christofanelli

HCS HJR 123 - Kidd

HOUSE BILLS FOR PERFECTION

HCS HBs 1593 & 1959 - Walsh (50)

HCS HB 2704 - Hicks

HCS HB 1546 - Richey

HB 1581 - Mayhew

HCS HB 1678 - Toalson Reisch

HCS HB 1997 - Haden

HB 2003 - Pouche

HB 2845 - Riley

HB 1616 - Van Schoiack

HCS HB 1833 - Basye

HB 2009 - Pollock (123)

HB 2474 - Hicks

HB 1762 - Sander

HB 1864 - Thomas

HCS HB 1875 - Haffner

HB 2095 - Kelly (141)

HB 2123 - Taylor (139)

HB 2169 - Trent

HCS HB 2246 - Copeland

HB 2515 - Perkins
HCS HB 1854 - Schroer
HCS HB 1747 - Basye
HB 2050 - Schroer
HB 1455 - Billington
HCS HB 1464 - Schnelting
HB 1478 - Dinkins
HCS HB 1716 - Riley

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HBs 1904 & 1575 - Murphy
HB 2085 - Cook
HB 2156 - Perkins
HCS HB 2208 - Christofanelli
HCS HB 2499 - Eggleston
HB 2590 - Evans
HB 1480 - Dinkins
HB 1563 - Griffith
HCS HB 1641 - Coleman (32)
HB 1721 - Shields
HCS HB 1905 - Shaul
HCS HBs 1972 & 2483 - Copeland
HB 2056 - Evans
HB 2164 - Buchheit-Courtway
HB 2165 - Buchheit-Courtway
HCS HB 2220 - Falkner
HB 2255 - Bailey
HB 2327 - Riggs
HB 2359 - Basye
HCS HB 2450 - Reedy
HB 1471 - Pike
HCS HB 1556 - Gregory (96)
HCS HB 1613 - Lovasco
HCS HB 1670 - Seitz
HCS HB 1918 - Hovis
HCS HB 2011 - Smith (155)
HCS HB 2052 - Riggs
HCS HB 2138 - Kelley (127)
HB 2290 - Andrews
HCS HB 2369 - Hurlbert
HCS HB 2389 - Cook
HB 2544 - Patterson
HB 2589 - Evans
HB 2615 - Coleman (32)
HB 2674 - Tate

HCS HB 2810 - Seitz
HCS HB 1553 - Hudson
HCS HB 1753 - Basye
HB 1960 - Murphy
HCS HB 2008 - Schwadron
HB 2209 - Hurlbert
HB 2487 - West
HCS HB 2605 - Gregory (51)
HB 2781 - Evans
HB 2798 - Reedy
HCS HB 2913 - Plocher
HCS HB 2564 - Riggs
HCS HB 2583 - Riggs
HB 2611 - Richey
HB 1547 - Veit
HCS HB 1550 - Veit
HB 1585 - Murphy
HCS HB 1595 - Hudson
HB 1601 - Chipman
HCS HB 1614 - Lovasco
HB 1680 - Sharp (36)
HB 1736 - Roberts
HCS HB 1740 - Dogan
HB 1804 - Veit
HCS#2 HB 1992 - Coleman (97)
HCS HB 2013 - Kelly (141)
HCS HB 2118 - Taylor (139)
HCS HB 2142 - Mayhew
HB 2145 - Murphy
HB 2172 - Francis
HB 2174 - Mayhew
HB 2293 - Knight
HCS HB 2363 - McGirl
HB 2371 - Smith (155)
HB 2391 - Buchheit-Courtway
HCS HB 2434 - Grier
HCS HB 2453 - McDaniel
HCS HB 2543 - O'Donnell
HB 2568 - Perkins
HB 2576 - Bromley
HB 2603 - Patterson
HCS HB 1974 - Murphy
HCS HB 2758 - Evans
HB 2782 - Young
HCS HB 1608 - Wiemann

HCS HB 1712 - Pollock (123)
HB 1741 - Dogan
HCS HB 1770 - Lewis (6)
HB 1956 - Richey
HB 1994 - Richey
HB 2397 - Aldridge
HCS HB 2510 - Simmons
HCS HB 2614 - DeGroot
HB 2731 - Shields
HB 2820 - Stephens (128)
HCS HB 2616 - Coleman (32)
HCS HB 1749 - Basye
HCS HB 1903 - Christofanelli
HCS HB 2093 - Wiemann
HB 2356 - McDaniel
HB 2010 - Smith (155)
HCS HB 2306 - Christofanelli
HCS HB 1619, as amended, with HA 2, pending - Van Schoiack
HCS HB 1695 - Gregory (51)
HB 1715 - Riley
HCS HB 1876 - Haffner
HB 1687 - Hardwick
HB 2308 - Atchison
HB 1627 - Morse
HB 1628 - Morse
HB 1652 - Bromley
HB 1672 - Taylor (48)
HB 1475 - Schroer
HB 1624 - Schroer
HB 1451 - Billington
HB 1594 - Walsh (50)
HB 1490 - Porter
HB 1579 - Mayhew
HB 1717 - Riley
HCS HB 1722 - Shields
HB 1863 - Thomas
HB 1881 - Black (7)
HCS HB 1908 - Shaul
HCS HB 1998 - Davidson
HB 2129 - Railsback
HCS HB 2206 - Trent
HB 2219 - O'Donnell
HCS HB 2447 - Hardwick
HCS HB 2652 - Haffner

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 57 - Chipman
HCR 71 - Riggs
HCR 58 - Copeland
HCR 72 - Francis

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 110, (Fiscal Review 4/21/22) - Christofanelli

HOUSE JOINT RESOLUTIONS FOR THIRD READING - INFORMAL

HJR 132 - Kidd
HJR 133 - Davidson

HOUSE BILLS FOR THIRD READING

HB 1564 - Griffith
HB 2439 - Hovis
HB 2160 - Dinkins
HB 1973 - Gregory (51)
HB 2660 - Veit
HCS HB 1559, (Fiscal Review 4/27/22) - Davidson
HCS HB 2638, (Fiscal Review 4/27/22) - Riggs
HCS HB 1489 - Porter
HCS HB 2136 - Kelley (127)
HS HB 2310 - McDaniel
HCS HB 2177 - Owen

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 2600 - Railsback
HCS HB 2140 - McGaugh
HCS HB 2452 - Cook

SENATE JOINT RESOLUTIONS FOR THIRD READING

SS#2 SJR 38 - Brown (16)
SJR 46 - Coleman (32)
SS SJR 33, (Fiscal Review 4/26/22) - Christofanelli

SENATE BILLS FOR THIRD READING

SS SB 678, E.C. - Brown (16)
HCS SS SCS SBs 681 & 662, E.C. - Basye
HCS SS SCS SBs 775, 751 & 640, (Fiscal Review 4/25/22) - Kelly (141)
HCS SS SCS SB 834 - DeGroot
HCS SCS SB 908, (Fiscal Review 4/26/22) - Baker

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 34 - Griffith
SCR 28 - Griffith

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 2162 - Deaton
SS SCS HCS HB 1552 - Richey
SS HB 1667, (Fiscal Review 4/25/22) - Christofanelli
SS SCS HCS HB 2627, as amended - Sharp (36)

BILLS CARRYING REQUEST MESSAGES

SS#2 HCS HB 2117, as amended (request Senate recede/grant conference), E.C. - Shaul
SS SCS HCS HB 1720, as amended (request Senate recede/grant conference), E.C. - Pollitt (52)
SS HB 2149, as amended (request Senate recede/grant conference), E.C. - Shields
SS SCS HCS HB 3002, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 3003, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3004, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3005, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3006, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3007, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 3008, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3009, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 3010, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 3011, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 3012, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3013, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3015, (request Senate recede/grant conference) - Smith (163)

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Smith (163)
CCS SS SCS HCS HB 2 - Smith (163)
CCS SS SCS HCS HB 3 - Smith (163)
CCS SS SCS HCS HB 4 - Smith (163)
CCS SCS HCS HB 5 - Smith (163)

CCS SCS HCS HB 6 - Smith (163)
CCS SCS HCS HB 7 - Smith (163)
CCS SCS HCS HB 8 - Smith (163)
CCS SCS HCS HB 9 - Smith (163)
CCS SS SCS HCS HB 10 - Smith (163)
CCS SS SCS HCS HB 11 - Smith (163)
CCS SCS HCS HB 12 - Smith (163)
SCS HCS HB 13 - Smith (163)
HCS HB 17 - Smith (163)
SCS HCS HB 18 - Smith (163)
SS SCS HCS HB 19 - Smith (163)
SS SCS HCS HB 3014 - Smith (163)

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