

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 820

AN ACT

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

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

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144.030, 386.890, 442.404, 2 523.010, 523.039, 523.040, 523.256, 610.021, 620.2450, 3 620.2451, and 620.2453, RSMo, are repealed and nineteen new 4 sections enacted in lieu thereof, to be known as sections 1.513, 5 8.055, 8.475, 44.032, 144.030, 386.885, 386.890, 442.404, 6 523.010,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

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

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

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

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

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

8 8.475. 1. This section shall be known and may be
9 cited as the "Vertical Real Estate Act".

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

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

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

20 (3) "Vertical real estate", any communication or
21 broadcast tower or other structure or installation mounted
22 on a rooftop or other prominent place, along with any
23 facilities associated with that structure, that is suitable
24 for mounting communications equipment upon and any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94 (6) Repairing and restoring public infrastructure;

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

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

99 (9) Quelling riots and civil disturbances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59 3. A retail electric supplier shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

✓

Eric Burlison

Mike Haffner