

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 355**  
**100TH GENERAL ASSEMBLY**

0874S.02T

2019

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**AN ACT**

To repeal sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, and 537.340, RSMo, and to enact in lieu thereof nine new sections relating to utilities, with penalty provisions.

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

Section A. Sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, and 537.340, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 88.770, 327.401, 386.020, 386.135, 386.510, 386.515, 386.805, 537.340, and 569.086, to read as follows:

88.770. 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and

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

14 the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric  
15 wires under or above the grounds, and erecting posts and poles and such other apparatus and  
16 appliances as may be necessary for the efficient operation of such works. The board of aldermen  
17 may, in its discretion, grant the right to any person, persons or corporation, to erect such works  
18 and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances  
19 therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for  
20 a longer time than twenty years, but may be renewed for another period or periods not to exceed  
21 twenty years per period. Every initial grant shall be approved by a majority of the voters of the  
22 municipality voting on the question, and each renewal or extension of such rights shall be subject  
23 to voter approval of the majority of the voters voting on the question, pursuant to the provisions  
24 of section 88.251. Nothing herein contained shall be so construed as to prevent the board of  
25 aldermen from contracting with any person, persons or corporation for furnishing the city with  
26 gas or electric lights in cities where franchises have already been granted, and where gas or  
27 electric light plants already exist, without a vote of the people, except that the board of aldermen  
28 may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by  
29 the city including electric light systems, electric distribution systems or transmission lines, or any  
30 part of the electric light systems, electric or other heat systems, electric or other power systems,  
31 electric or other railways, gas plants, telephone systems, telegraph systems, transportation  
32 systems of any kind, waterworks, equipments and all public utilities not herein enumerated and  
33 everything acquired therefor, after first having passed an ordinance setting forth the terms of the  
34 sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the  
35 question, except for the sale of a water or wastewater system, or the sale of a gas plant, which  
36 shall be authorized by a simple majority vote of the voters voting on the question. In the event  
37 of the proposed sale of a water or wastewater system, or a gas plant, the board of alderman shall  
38 hold a public meeting on such proposed sale at least thirty days prior to the vote. The  
39 municipality in question shall notify its customers of the informational meeting through radio,  
40 television, newspaper, regular mail, electronic mail, or any combination of notification methods  
41 to most effectively notify customers at least fifteen days prior to the informational meeting. **In**  
42 **advance of putting a proposed sale of a water or wastewater system, or a gas plant before**  
43 **the voters, the board of aldermen may seek an appraisal as set forth in subsections 3 and**  
44 **4 of section 393.320. The board may also seek and provide additional reasonable analyses**  
45 **to inform voters of such sale, including but not limited to, the impact of such sale on all city**  
46 **funds and revenues, other city services, and annexation. Nothing in this section shall be**  
47 **so construed as to discourage the board of aldermen from seeking multiple bids when**  
48 **considering the disposal of a water or wastewater system or a gas plant by sale.**

49           2. The board of aldermen's determination of the fair market value of a water or  
50 wastewater system or a gas plant for the purposes of this section shall not be dispositive of  
51 the price of a water or wastewater system, or a gas plant, which may be subject to  
52 negotiation by the board of aldermen.

53           3. The board of aldermen may consider alternatives to disposing of a water or  
54 wastewater system, or a gas plant by sale, including entering into a finance agreement,  
55 purchase agreement, management agreement, or lease agreement with another entity.

56           4. The board of aldermen may make available on its internet site, if such internet  
57 site exists, at least forty-five days prior to submitting a proposal for election pursuant to  
58 this section, a copy of the appraisal or additional reasonable analyses under subsection 1  
59 of this section and the fair market value of a water or wastewater system or a gas plant.  
60 Such information may also be posted in the building where the board of aldermen has its  
61 monthly meetings.

62           5. The board of aldermen may make a good-faith effort to notify each property  
63 owner of the city and each ratepayer of a water or wastewater system or a gas plant of the  
64 proposal to dispose of the water or wastewater system, or a gas plant, by sale through  
65 radio, television, newspaper, regular mail, electronic mail, or any combination of such  
66 notification methods. Such notice may also include instructions for locating a summary  
67 of the proposal and a summary of any appraisal and analyses as under subsection 1 of this  
68 section on the board of aldermen's internet site, if such internet site exists. In the event the  
69 board of aldermen does not have an internet site, the notice may inform the recipient that  
70 written copies of such information may be made available at the building where the board  
71 of aldermen has its monthly meetings.

72           6. Nothing in this section shall be construed as a violation of section 115.646,  
73 relating to the use of public funds to advocate, support, or oppose the ballot measure  
74 prescribed in subsection 7 of this section.

75           7. The ballots shall be substantially in the following form and shall indicate the property,  
76 or portion thereof, and whether the same is to be sold, leased or encumbered:

77           Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution system,  
78 electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate whether sold, leased or  
79 encumbered.)?

327.401. 1. The right to practice as an architect or to practice as a professional engineer  
2 or to practice as a professional land surveyor or to practice as a professional landscape architect  
3 shall be deemed a personal right, based upon the qualifications of the individual, evidenced by  
4 such individual's professional license and shall not be transferable; but any architect or any  
5 professional engineer or any professional land surveyor or any professional landscape architect

6 may practice his or her profession through the medium of, or as a member or as an employee of,  
7 a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other  
8 like documents or instruments of the partnership or corporation are signed and stamped with the  
9 personal seal of the architect, professional engineer, professional land surveyor, or professional  
10 landscape architect by whom or under whose immediate personal supervision the same were  
11 prepared and provided that the architect or professional engineer or professional land surveyor  
12 or professional landscape architect who affixes his or her signature and personal seal to any such  
13 plans, specifications, estimates, plats, reports or other documents or instruments shall be  
14 personally and professionally responsible therefor.

15         2. Any domestic corporation formed under the corporation law of this state, or any  
16 foreign corporation, now or hereafter organized and having as one of its purposes the practicing  
17 of architecture or professional engineering or professional land surveying or professional  
18 landscape architecture and any existing corporation which amends its charter to propose to  
19 practice architecture or professional engineering or professional land surveying or professional  
20 landscape architecture shall obtain a certificate of authority for each profession named in the  
21 articles of incorporation or articles of organization from the board which shall be renewed in  
22 accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be,  
23 and from and after the date of such certificate of authority and while the authority or a renewal  
24 thereof is in effect, may offer and render architectural or professional engineering or professional  
25 land surveying or professional landscape architectural services in this state if:

26         (1) At all times during the authorization or any renewal thereof the directors of the  
27 corporation shall have assigned responsibility for the proper conduct of all its architectural or  
28 professional engineering or professional land surveying or professional landscape architectural  
29 activities in this state to an architect licensed and authorized to practice architecture in this state  
30 or to a professional engineer licensed and authorized to practice engineering in this state or to  
31 a professional land surveyor licensed and authorized to practice professional land surveying in  
32 this state, or to a professional landscape architect licensed and authorized to practice professional  
33 landscape architecture in this state, as the case may be; and

34         (2) The person or persons who is or are personally in charge and supervises or supervise  
35 the architectural or professional engineering or professional land surveying or professional  
36 landscape architectural activities, as the case may be, of any such corporation in this state shall  
37 be licensed and authorized to practice architecture or professional engineering or professional  
38 land surveying or professional landscape architecture, as the case may be, as provided in this  
39 chapter; and

40         (3) The corporation pays such fees for the certificate of authority, renewals or  
41 reinstatements thereof as are required.

42

43 **The provisions of this subsection requiring corporations to obtain a certificate of authority**  
44 **shall not apply to any rural electrical cooperative organized under the provisions of**  
45 **chapter 394 or to any corporation organized on a nonprofit or a cooperative basis as**  
46 **described in subsection 1 of section 394.200, or to any electrical corporation operating**  
47 **under cooperative business plan, as described in subsection 2 of section 393.110.**

386.020. As used in this chapter, the following words and phrases mean:

2 (1) "Alternative local exchange telecommunications company", a local exchange  
3 telecommunications company certified by the commission to provide basic or nonbasic local  
4 telecommunications service or switched exchange access service, or any combination of such  
5 services, in a specific geographic area subsequent to December 31, 1995;

6 (2) "Alternative operator services company", any certificated interexchange  
7 telecommunications company which receives more than forty percent of its annual Missouri  
8 intrastate telecommunications service revenues from the provision of operator services pursuant  
9 to operator services contracts with traffic aggregators;

10 (3) "Basic interexchange telecommunications service" includes, at a minimum, two-way  
11 switched voice service between points in different local calling scopes as determined by the  
12 commission and shall include other services as determined by the commission by rule upon  
13 periodic review and update;

14 (4) "Basic local telecommunications service", two-way switched voice service within  
15 a local calling scope as determined by the commission comprised of any of the following  
16 services and their recurring and nonrecurring charges:

17 (a) Multiparty, single line, including installation, touchtone dialing, and any applicable  
18 mileage or zone charges;

19 (b) Assistance programs for installation of, or access to, basic local telecommunications  
20 services for qualifying economically disadvantaged or disabled customers or both, including, but  
21 not limited to, lifeline services and link-up Missouri services for low-income customers or  
22 dual-party relay service for the hearing impaired and speech impaired;

23 (c) Access to local emergency services including, but not limited to, 911 service  
24 established by local authorities;

25 (d) Access to basic local operator services;

26 (e) Access to basic local directory assistance;

27 (f) Standard intercept service;

28 (g) Equal access to interexchange carriers consistent with rules and regulations of the  
29 Federal Communications Commission;

30 (h) One standard white pages directory listing.

31 Basic local telecommunications service does not include optional toll-free calling outside a local  
32 calling scope but within a community of interest, available for an additional monthly fee or the  
33 offering or provision of basic local telecommunications service at private shared-tenant service  
34 locations;

35 (5) "Cable television service", the one-way transmission to subscribers of video  
36 programming or other programming service and the subscriber interaction, if any, which is  
37 required for the selection of such video programming or other programming service;

38 (6) "Carrier of last resort", any telecommunications company which is obligated to offer  
39 basic local telecommunications service to all customers who request service in a geographic area  
40 defined by the commission and cannot abandon this obligation without approval from the  
41 commission;

42 (7) "Commission", the "Public Service Commission" hereby created;

43 (8) "Commissioner", one of the members of the commission;

44 (9) "Competitive telecommunications company", a telecommunications company which  
45 has been classified as such by the commission pursuant to section 392.245 or 392.361;

46 (10) "Competitive telecommunications service", a telecommunications service which  
47 has been classified as such by the commission pursuant to section 392.245 or to section 392.361,  
48 or which has become a competitive telecommunications service pursuant to section 392.370;

49 (11) "Corporation" includes a corporation, company, association and joint stock  
50 association or company;

51 (12) "Customer-owned pay telephone", a privately owned telecommunications device  
52 that is not owned, leased or otherwise controlled by a local exchange telecommunications  
53 company and which provides telecommunications services for a use fee to the general public;

54 (13) "Effective competition" shall be determined by the commission based on:

55 (a) The extent to which services are available from alternative providers in the relevant  
56 market;

57 (b) The extent to which the services of alternative providers are functionally equivalent  
58 or substitutable at comparable rates, terms and conditions;

59 (c) The extent to which the purposes and policies of chapter 392, including the  
60 reasonableness of rates, as set out in section 392.185, are being advanced;

61 (d) Existing economic or regulatory barriers to entry; and

62 (e) Any other factors deemed relevant by the commission and necessary to implement  
63 the purposes and policies of chapter 392;

64 (14) "Electric plant" includes all real estate, fixtures and personal property operated,  
65 controlled, owned, used or to be used for or in connection with or to facilitate the generation,  
66 transmission, distribution, sale or furnishing of electricity for light, heat or power; and any

67 conduits, ducts or other devices, materials, apparatus or property for containing, holding or  
68 carrying conductors used or to be used for the transmission of electricity for light, heat or power;

69 (15) "Electrical corporation" includes every corporation, company, association, joint  
70 stock company or association, partnership and person, their lessees, trustees or receivers  
71 appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation  
72 generating electricity solely for railroad, light rail or street railroad purposes or for the use of its  
73 tenants and not for sale to others, owning, operating, controlling or managing any electric plant  
74 except where electricity is generated or distributed by the producer solely on or through private  
75 property for railroad, light rail or street railroad purposes or for its own use or the use of its  
76 tenants and not for sale to others. **The term "electrical corporation" shall not include:**

77 **(a) Municipally owned electric utilities operating under chapter 91;**

78 **(b) Rural electric cooperatives operating under chapter 394;**

79 **(c) Persons or corporations not otherwise engaged in the production or sale of**  
80 **electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or**  
81 **more electric vehicle charging stations;**

82 (16) "Exchange", a geographical area for the administration of telecommunications  
83 services, established and described by the tariff of a telecommunications company providing  
84 basic local telecommunications service;

85 (17) "Exchange access service", a service provided by a local exchange  
86 telecommunications company which enables a telecommunications company or other customer  
87 to enter and exit the local exchange telecommunications network in order to originate or  
88 terminate interexchange telecommunications service;

89 (18) "Gas corporation" includes every corporation, company, association, joint stock  
90 company or association, partnership and person, their lessees, trustees or receivers appointed by  
91 any court whatsoever, owning, operating, controlling or managing any gas plant operating for  
92 public use under privilege, license or franchise now or hereafter granted by the state or any  
93 political subdivision, county or municipality thereof;

94 (19) "Gas plant" includes all real estate, fixtures and personal property owned, operated,  
95 controlled, used or to be used for or in connection with or to facilitate the manufacture,  
96 distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

97 (20) "Heating company" includes every corporation, company, association, joint stock  
98 company or association, partnership and person, their lessees, trustees or receivers, appointed by  
99 any court whatsoever, owning, operating, managing or controlling any plant or property for  
100 manufacturing and distributing and selling, for distribution, or distributing hot or cold water,  
101 steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or  
102 service, in any city, town or village in this state; provided, that no agency or authority created by

103 or operated pursuant to an interstate compact established pursuant to section 70.370 shall be a  
104 heating company or subject to regulation by the commission;

105 (21) "High-cost area", a geographic area, which shall follow exchange boundaries and  
106 be no smaller than an exchange nor larger than a local calling scope, where the cost of providing  
107 basic local telecommunications service as determined by the commission, giving due regard to  
108 recovery of an appropriate share of joint and common costs as well as those costs related to  
109 carrier of last resort obligations, exceeds the rate for basic local telecommunications service  
110 found reasonable by the commission;

111 (22) "Incumbent local exchange telecommunications company", a local exchange  
112 telecommunications company authorized to provide basic local telecommunications service in  
113 a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

114 (23) "Interconnected voice over internet protocol service", service that:

115 (a) Enables real-time, two-way voice communications;

116 (b) Requires a broadband connection from the user's location;

117 (c) Requires internet protocol-compatible customer premises equipment; and

118 (d) Permits users generally to receive calls that originate on the public switched  
119 telephone network and to terminate calls to the public switched telephone network;

120 (24) "Interexchange telecommunications company", any company engaged in the  
121 provision of interexchange telecommunications service;

122 (25) "Interexchange telecommunications service", telecommunications service between  
123 points in two or more exchanges;

124 (26) "InterLATA", interexchange telecommunications service between points in different  
125 local access and transportation areas;

126 (27) "IntraLATA", interexchange telecommunications service between points within the  
127 same local access and transportation area;

128 (28) "Light rail" includes every rail transportation system in which one or more rail  
129 vehicles are propelled electrically by overhead catenary wire upon tracks located substantially  
130 within an urban area and are operated exclusively in the transportation of passengers and their  
131 baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in  
132 connection with the operation of light rail;

133 (29) "Line" includes route;

134 (30) "Local access and transportation area" or "LATA", contiguous geographic area  
135 approved by the U.S. District Court for the District of Columbia in *United States v. Western*  
136 *Electric*, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell  
137 Operating companies;



138 (31) "Local exchange telecommunications company", any company engaged in the  
139 provision of local exchange telecommunications service. A local exchange telecommunications  
140 company shall be considered a "large local exchange telecommunications company" if it has at  
141 least one hundred thousand access lines in Missouri and a "small local exchange  
142 telecommunications company" if it has less than one hundred thousand access lines in Missouri;

143 (32) "Local exchange telecommunications service", telecommunications service between  
144 points within an exchange;

145 (33) "Long-run incremental cost", the change in total costs of the company of producing  
146 an increment of output in the long run when the company uses least cost technology, and  
147 excluding any costs that, in the long run, are not brought into existence as a direct result of the  
148 increment of output. The relevant increment of output shall be the level of output necessary to  
149 satisfy total current demand levels for the service in question, or, for new services, demand levels  
150 that can be demonstrably anticipated;

151 (34) "Municipality" includes a city, village or town;

152 (35) "Nonbasic telecommunications services" shall be all regulated telecommunications  
153 services other than basic local and exchange access telecommunications services, and shall  
154 include the services identified in paragraphs (d) and (e) of subdivision (4) of this section. Any  
155 retail telecommunications service offered for the first time after August 28, 1996, shall be  
156 classified as a nonbasic telecommunications service, including any new service which does not  
157 replace an existing service;

158 (36) "Noncompetitive telecommunications company", a telecommunications company  
159 other than a competitive telecommunications company or a transitionally competitive  
160 telecommunications company;

161 (37) "Noncompetitive telecommunications service", a telecommunications service other  
162 than a competitive or transitionally competitive telecommunications service;

163 (38) "Operator services", operator-assisted interexchange telecommunications service  
164 by means of either human or automated call intervention and includes, but is not limited to,  
165 billing or completion of calling card, collect, person-to-person, station-to-station or third number  
166 billed calls;

167 (39) "Operator services contract", any agreement between a traffic aggregator and a  
168 certificated interexchange telecommunications company to provide operator services at a traffic  
169 aggregator location;

170 (40) "Person" includes an individual, and a firm or copartnership;

171 (41) "Private shared tenant services" includes the provision of telecommunications and  
172 information management services and equipment within a user group located in discrete private  
173 premises as authorized by the commission by a commercial-shared services provider or by a user

174 association, through privately owned customer premises equipment and associated data  
175 processing and information management services and includes the provision of connections to  
176 the facilities of local exchange telecommunications companies and to interexchange  
177 telecommunications companies;

178 (42) "Private telecommunications system", a telecommunications system controlled by  
179 a person or corporation for the sole and exclusive use of such person, corporation or legal or  
180 corporate affiliate thereof;

181 (43) "Public utility" includes every pipeline corporation, gas corporation, electrical  
182 corporation, telecommunications company, water corporation, ~~heat~~ **heating company** or  
183 refrigerating corporation, and sewer corporation, as these terms are defined in this section, and  
184 each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control  
185 and regulation of the commission and to the provisions of this chapter;

186 (44) "Railroad" includes every railroad and railway, other than street railroad or light rail,  
187 by whatsoever power operated for public use in the conveyance of persons or property for  
188 compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real  
189 estate and terminal facilities of every kind used, operated, controlled or owned by or in  
190 connection with any such railroad;

191 (45) "Railroad corporation" includes every corporation, company, association, joint stock  
192 company or association, partnership and person, their lessees, trustees or receivers appointed by  
193 any court whatsoever, owning, holding, operating, controlling or managing any railroad ~~or~~  
194 ~~railway~~] as defined in this section, or any cars or other equipment used thereon or in connection  
195 therewith;

196 (46) "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge,  
197 switching charge, rental or other compensation of any corporation, person or public utility, or any  
198 two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching  
199 charges, rentals or other compensations of any corporation, person or public utility or any  
200 schedule or tariff thereof;

201 (47) "Resale of telecommunications service", the offering or providing of  
202 telecommunications service primarily through the use of services or facilities owned or provided  
203 by a separate telecommunications company, but does not include the offering or providing of  
204 private shared tenant services;

205 (48) "Service" includes not only the use and accommodations afforded consumers or  
206 patrons, but also any product or commodity furnished by any corporation, person or public utility  
207 and the plant, equipment, apparatus, appliances, property and facilities employed by any  
208 corporation, person or public utility in performing any service or in furnishing any product or

209 commodity and devoted to the public purposes of such corporation, person or public utility, and  
210 to the use and accommodation of consumers or patrons;

211 (49) "Sewer corporation" includes every corporation, company, association, joint stock  
212 company or association, partnership or person, their lessees, trustees or receivers appointed by  
213 any court, owning, operating, controlling or managing any sewer system, plant or property, for  
214 the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain,  
215 except that the term shall not include sewer systems with fewer than twenty-five outlets;

216 (50) "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures and  
217 appliances, and all other real estate, fixtures and personal property, owned, operated, controlled  
218 or managed in connection with or to facilitate the collection, carriage, treatment and disposal of  
219 sewage for municipal, domestic or other beneficial or necessary purpose;

220 (51) "Street railroad" includes every railroad by whatsoever type of power operated, and  
221 all extensions and branches thereof and supplementary facilities thereto by whatsoever type of  
222 vehicle operated, for public use in the conveyance of persons or property for compensation,  
223 mainly providing local transportation service upon the streets, highways and public places in a  
224 municipality, or in and adjacent to a municipality, and including all cars, buses and other rolling  
225 stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels,  
226 stations, terminals and real estate of every kind used, operated or owned in connection therewith  
227 but this term shall not include light rail as defined in this section; and the term "street railroad"  
228 when used in this chapter shall also include all motor bus and trolley bus lines and routes and  
229 similar local transportation facilities, and the rolling stock and other equipment thereof and the  
230 appurtenances thereto, when operated as a part of a street railroad or trolley bus local  
231 transportation system, or in conjunction therewith or supplementary thereto, but such term shall  
232 not include a railroad constituting or used as part of a trunk line railroad system and any street  
233 railroad as defined above which shall be converted wholly to motor bus operation shall  
234 nevertheless continue to be included within the term street railroad as used herein;

235 (52) "Telecommunications company" includes telephone corporations as that term is  
236 used in the statutes of this state and every corporation, company, association, joint stock  
237 company or association, partnership and person, their lessees, trustees or receivers appointed by  
238 any court whatsoever, owning, operating, controlling or managing any facilities used to provide  
239 telecommunications service for hire, sale or resale within this state;

240 (53) "Telecommunications facilities" includes lines, conduits, ducts, poles, wires, cables,  
241 crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate,  
242 easements, apparatus, property and routes used, operated, controlled or owned by any  
243 telecommunications company to facilitate the provision of telecommunications service;

244 (54) "Telecommunications service", the transmission of information by wire, radio,  
245 optical cable, electronic impulses, or other similar means. As used in this definition,  
246 "information" means knowledge or intelligence represented by any form of writing, signs,  
247 signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

248 (a) The rent, sale, lease, or exchange for other value received of customer premises  
249 equipment except for customer premises equipment owned by a telephone company certificated  
250 or otherwise authorized to provide telephone service prior to September 28, 1987, and provided  
251 under tariff or in inventory on January 1, 1983, which must be detariffed no later than December  
252 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and  
253 except for customer premises equipment owned or provided by a telecommunications company  
254 and used for answering 911 or emergency calls;

255 (b) Answering services and paging services;

256 (c) The offering of radio communication services and facilities when such services and  
257 facilities are provided under a license granted by the Federal Communications Commission  
258 under the commercial mobile radio services rules and regulations;

259 (d) Services provided by a hospital, hotel, motel, or other similar business whose  
260 principal service is the provision of temporary lodging through the owning or operating of  
261 message switching or billing equipment solely for the purpose of providing at a charge  
262 telecommunications services to its temporary patients or guests;

263 (e) Services provided by a private telecommunications system;

264 (f) Cable television service;

265 (g) The installation and maintenance of inside wire within a customer's premises;

266 (h) Electronic publishing services;

267 (i) Services provided pursuant to a broadcast radio or television license issued by the  
268 Federal Communications Commission; or

269 (j) Interconnected voice over internet protocol service;

270 (55) "Telephone cooperative", every corporation defined as a telecommunications  
271 company in this section, in which at least ninety percent of those persons and corporations  
272 subscribing to receive local telecommunications service from the corporation own at least ninety  
273 percent of the corporation's outstanding and issued capital stock and in which no subscriber owns  
274 more than two shares of the corporation's outstanding and issued capital stock;

275 (56) "Traffic aggregator", any person, firm, partnership or corporation which furnishes  
276 a telephone for use by the public and includes, but is not limited to, telephones located in rooms,  
277 offices and similar locations in hotels, motels, hospitals, colleges, universities, airports and  
278 public or customer-owned pay telephone locations, whether or not coin operated;

279 (57) "Transitionally competitive telecommunications company", an interexchange  
280 telecommunications company which provides any noncompetitive or transitionally competitive  
281 telecommunications service, except for an interexchange telecommunications company which  
282 provides only noncompetitive telecommunications service;

283 (58) "Transitionally competitive telecommunications service", a telecommunications  
284 service offered by a noncompetitive or transitionally competitive telecommunications company  
285 and classified as transitionally competitive by the commission pursuant to section 392.361 or  
286 392.370;

287 (59) "Water corporation" includes every corporation, company, association, joint stock  
288 company or association, partnership and person, their lessees, trustees, or receivers appointed by  
289 any court whatsoever, owning, operating, controlling or managing any plant or property, dam or  
290 water supply, canal, or power station, distributing or selling for distribution, or selling or  
291 supplying for gain any water;

292 (60) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes, headgates,  
293 pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal  
294 property, owned, operated, controlled or managed in connection with or to facilitate the  
295 diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for  
296 municipal, domestic or other beneficial use.

386.135. 1. The commission ~~[shall have]~~ **may retain** an independent technical advisory  
2 staff of up to six full-time employees. The **technical** advisory staff shall have expertise in  
3 accounting, economics, finance, engineering/utility operations, law, or public policy.

4 2. In addition, each commissioner ~~[shall]~~ **may** also ~~[have the authority to]~~ retain one  
5 personal advisor~~[-, who shall be deemed a member of the technical advisory staff]~~. The personal  
6 advisors ~~[will]~~ **shall** serve at the pleasure of the individual commissioner whom they serve and  
7 shall possess expertise in one or more of the following fields: accounting, economics, finance,  
8 engineering/utility operations, law, or public policy.

9 3. The commission shall only ~~[hire technical]~~ **establish technical** advisory staff **and**  
10 **personal advisor positions** pursuant to subsections 1 and 2 of this section if there is a  
11 corresponding elimination in comparable staff positions for commission staff to offset the hiring  
12 of such technical advisory staff **and personal advisors** on a cost-neutral basis. ~~[Such technical~~  
13 ~~advisory staff shall be hired on or before July 1, 2005.]~~

14 4. It shall be the duty of the technical advisory staff **and personal advisors** to render  
15 advice and assistance to the commissioners and the commission's administrative law judges on  
16 technical matters within their respective areas of expertise that may arise during the course of  
17 proceedings before the commission. **Communications with the technical advisory staff or the**  
18 **personal advisors regarding deliberations by the commission or matters that may arise**

19 **during the course of proceedings before the commission shall be deemed privileged and**  
20 **protected from disclosure.**

21 5. The technical advisory staff shall also update the commission and the commission's  
22 administrative law judges periodically on developments and trends in public utility regulation,  
23 including updates comparing the use, nature, and effect of various regulatory practices and  
24 procedures as employed by the commission and public utility commissions in other jurisdictions.

25 6. Each member of the technical advisory staff **and the personal advisors** shall be  
26 subject to any applicable ex parte or conflict of interest requirements in the same manner and to  
27 the same degree as any commissioner~~]; provided that neither any person regulated by, appearing~~  
28 ~~before, or employed by the commission shall be permitted to offer such member a different~~  
29 ~~appointment or position during that member's tenure on the technical advisory staff.~~

30 ~~7. No employee of a company or corporation regulated by the public service commission;~~  
31 ~~no employee of the office of public counsel or the public counsel, and no staff members of either~~  
32 ~~the utility operations division or utility services division who were an employee or staff member~~  
33 ~~on, during the two years immediately preceding, or anytime after August 28, 2003, may be a~~  
34 ~~member of the commission's technical advisory staff for two years following the termination of~~  
35 ~~their employment with the corporation, office of public counsel or commission staff member].~~

36 **All technical advisory staff members and the personal advisors who were previously**  
37 **employees of entities regulated by or appearing before the commission shall be precluded**  
38 **from advising the commission on cases in which the technical advisory staff member or**  
39 **personal advisor participated while employed by the entity.**

40 [~~8.~~] 7. The technical advisory staff **and personal advisors** shall never be a party to any  
41 case before the commission.

386.510. With respect to commission orders or decisions issued on and after July 1,  
2 2011, within thirty days after the application for a rehearing is denied, or, if the application is  
3 granted, then within thirty days after the rendition of the decision on rehearing, the applicant may  
4 file a notice of appeal with ~~[the commission, which shall also be served on the parties to the~~  
5 ~~commission proceeding in accordance with section 386.515, and which the commission shall~~  
6 ~~forward to]~~ the appellate court with the territorial jurisdiction over the county where the hearing  
7 was held or in which the commission has its principal office for the purpose of having the  
8 reasonableness or lawfulness of the original order or decision or the order or decision on  
9 rehearing inquired into or determined, **which shall also be served on the commission and the**  
10 **parties to the commission proceeding in accordance with section 386.515.** Except with  
11 respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional  
12 evidence may be introduced in the appellate court but the cause shall be heard by the court  
13 without the intervention of a jury on the evidence and exhibits introduced before the commission

14 and certified to by it. The notice of appeal shall include the appellant's application for rehearing,  
15 a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of  
16 the issues being appealed, a full and complete list of the parties to the commission proceeding,  
17 **all necessary filing fees**, and any other information specified by the rules of the court. Unless  
18 otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing  
19 of the notice of appeal, certify its record in the case to the court of appeals. The commission and  
20 each party to the action or proceeding before the commission shall have the right to intervene and  
21 participate fully in the review proceedings. Upon the submission of the case to the court of  
22 appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole  
23 or in part, the order or decision of the commission under review. In case the order or decision  
24 is reversed by reason of the commission failing to receive testimony properly proffered, the court  
25 shall remand the cause to the commission, with instructions to receive the testimony so proffered  
26 and rejected, and enter a new order or render a new decision based upon the evidence theretofore  
27 taken, and such as it is directed to receive. The court may, in its discretion, remand any cause  
28 which is reversed by it to the commission for further action. No court in this state, except the  
29 supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse,  
30 correct or annul any order or decision of the commission or to suspend or delay the executing  
31 or operation thereof, or to enjoin, restrain or interfere with the commission in the performance  
32 of its official duties. The appellate courts of this state shall always be deemed open for the trial  
33 of suits brought to review the orders and decisions of the commission as provided in the public  
34 service commission law and the same shall where necessary be tried and determined as suits in  
35 equity.

386.515. With respect to commission orders or decisions issued on and after July 1,  
2 2011, an application for rehearing is required to be served on all parties and is a prerequisite to  
3 the filing of an appeal under section 386.510. The application for rehearing puts the parties to  
4 the proceeding before the commission on notice that an appeal can follow and any such review  
5 under the appeal may proceed provided that a copy of the notice of appeal is served on said  
6 parties. With respect to commission orders or decisions issued on and after July 1, 2011, the  
7 review procedure provided for in section 386.510 continues to be exclusive except that a copy  
8 of the notice of appeal required by section 386.510 shall be served on **the commission and** each  
9 party to the proceeding before the commission by the appellant according to the rules established  
10 by the court in which the appeal is filed.

**386.805. For purposes of sections 91.025, 386.800, 393.106, 394.080, and 394.315  
2 only, when municipally owned electric utilities or rural electric cooperatives are lawfully  
3 providing electric service to a structure outside of their respective service area boundaries,  
4 an electric vehicle charging station reasonably proximate to such structure served by such**

5 **municipally owned electric utility or rural electric cooperative shall be considered a**  
6 **contiguous or adjacent addition to or an expansion of an existing structure.**

2 537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed  
3 or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing  
4 on the land of any other person, including any governmental entity, or shall dig up, quarry or  
5 carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or  
6 material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass,  
7 grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being  
8 on land not such person's own, or shall knowingly break the glass or any part of it in any building  
9 not such person's own, the person so offending shall pay to the party injured treble the value of  
10 the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim  
for damages pursuant to this section need not prove negligence or intent.

11 2. Notwithstanding the provisions of subsection 1 of this section, the following rules  
12 shall apply to the trimming, removing, and controlling of trees and other vegetation by any  
13 electric supplier:

14 (1) Every electric supplier that operates electric transmission or distribution lines shall  
15 have the authority to maintain the same by trimming, removing, and controlling trees and other  
16 vegetation posing a hazard to the continued safe and reliable operation thereof;

17 (2) An electric supplier may exercise its authority under subdivision (1) of this  
18 subsection if the trees and other vegetation are within the legal description of any recorded  
19 easement or, in the absence of a recorded easement, the following:

20 (a) Within ten feet, plus one-half the length of any attached cross arm, of either side of  
21 the centerline of electricity lines potentially energized at or below 34.5 kilovolts measured line  
22 to line and located within the limits of any city; or

23 (b) Within thirty feet of either side of the centerline of electricity lines potentially  
24 energized at or below 34.5 kilovolts measured line to line and located outside the limits of any  
25 city; or

26 (c) Within fifty feet of either side of the centerline of electricity lines potentially  
27 energized between 34.5 and one hundred kilovolts measured line to line; or

28 (d) Within the greater of the following for any electricity lines potentially energized at  
29 one hundred kilovolts or more measured line to line:

30 a. Seventy-five feet to either side of the centerline; or

31 b. Any required clearance distance adopted by either the Federal Energy Regulatory  
32 Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005,  
33 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the  
34 proper and reliable operation of electric service and shall create a rebuttable presumption, in



35 claims for property damage, that the electric supplier acted with reasonable care, operated within  
36 its rights regarding the operation and maintenance of its electricity lines, and has not committed  
37 a trespass;

38 (3) An electric supplier may trim, remove, and control trees and other vegetation outside  
39 the provisions in subdivision (2) of this subsection if such actions are necessary to maintain the  
40 continued safe and reliable operation of its electric lines;

41 (4) An electric supplier may secure from the owner or occupier of land greater authority  
42 to trim, remove, and control trees and other vegetation than the provisions set forth in  
43 subdivision (2) of this subsection and may exercise any and all rights regarding the trimming,  
44 removing, and controlling of trees and other vegetation granted in any easement held by the  
45 electric supplier;

46 (5) An electric supplier may trim or remove any tree of sufficient height outside the  
47 provisions of subdivision (2) of this subsection when such tree, if it were to fall, would threaten  
48 the integrity and safety of any electric transmission or distribution line and would pose a hazard  
49 to the continued safe and reliable operation thereof;

50 (6) Prior to the removal of any tree under the provisions of subdivision (5) of this  
51 subsection, an electric supplier shall notify the owner or occupier of land, if available, at least  
52 fourteen days prior to such removal unless either the electric supplier deems the removal to be  
53 immediately necessary to continue the safe and reliable operation of its electricity lines, or the  
54 electric supplier is trimming or removing trees and other vegetation following a major weather  
55 event or other emergency situation;

56 (7) If any tree which is partially trimmed by an electric supplier dies within three months  
57 as a result of said trimming, the owner or occupier of land upon which the tree was trimmed may  
58 request in writing that the electric supplier remove said tree at the electric supplier's expense.  
59 The electric supplier shall respond to such request within ninety days;

60 (8) Nothing in this subsection shall be interpreted as requiring any electric supplier to  
61 fully exercise the authorities granted in this subsection.

62 3. For purposes of this section, the term "electric supplier" means any rural electric  
63 cooperative that is subject to the provisions of chapter 394~~[, and]~~ ; any electrical corporation  
64 which is required by its bylaws to operate on the not-for-profit cooperative business plan, with  
65 its consumers who receive service as the stockholders of such corporation, and which holds a  
66 certificate of public convenience and necessity to serve a majority of its customer-owners in  
67 counties of the third classification as of August 28, 2003; **any municipally owned or operated**  
68 **electric power system that is subject to the provisions of chapter 91; and any municipally**  
69 **owned utility whose service area is set by state statute, service agreement, or other**  
70 **authority to include areas which are not incorporated into city limits.**

2           **569.086. 1. As used in this section, "critical infrastructure facility" means any of**  
3 **the following facilities that are under construction or operational: a petroleum or alumina**  
4 **refinery; critical electric infrastructure, as defined in 18 CFR Section 118.113(c)(3)**  
5 **including, but not limited to, an electrical power generating facility, substation, switching**  
6 **infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake**  
7 **structure, water storage facility, water treatment facility, wastewater treatment plant,**  
8 **wastewater pumping facility, or pump station; a natural gas compressor station; a liquid**  
9 **natural gas terminal or storage facility; a telecommunications central switching office;**  
10 **wireless telecommunications infrastructure, including cell towers, telephone poles and**  
11 **lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking**  
12 **terminal, or other freight transportation facility; a gas processing plant, including a plant**  
13 **used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a**  
14 **transmission facility used by a federally licensed radio or television station; a steelmaking**  
15 **facility that uses an electric arc furnace to make steel; a facility identified and regulated**  
16 **by the United States Department of Homeland Security Chemical Facility Anti-Terrorism**  
17 **Standards (CFATS) program; a dam that is regulated by the state or federal government;**  
18 **a natural gas distribution utility facility including, but not limited to, natural gas**  
19 **distribution and transmission mains and services, pipeline interconnections, a city gate or**  
20 **town border station, metering station, aboveground piping, a regulator station, and a**  
21 **natural gas storage facility; a crude oil or refined products storage and distribution facility**  
22 **including, but not limited to, valve sites, pipeline interconnection, pump station, metering**  
23 **station, below or aboveground pipeline or piping and truck loading or offloading facility,**  
24 **a grain mill or processing facility; a generation, transmission, or distribution system of**  
25 **broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or**  
26 **chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a**  
27 **fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that**  
28 **are obviously designed to exclude intruders.**

29           **2. A person commits the offense of trespass on a critical infrastructure facility if he**  
30 **or she purposely trespasses or enters property containing a critical infrastructure facility**  
31 **without the permission of the owner of the property or lawful occupant thereof. The**  
32 **offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is**  
33 **determined that the intent of the trespasser is to damage, destroy, or tamper with**  
34 **equipment, or impede or inhibit operations of the facility, the person shall be guilty of a**  
35 **class A misdemeanor.**

36           **3. A person commits the offense of damage of a critical infrastructure if he or she**  
37 **purposely damages, destroys, or tampers with equipment in a critical infrastructure**  
38 **facility. The offense of damage of a critical infrastructure facility is a class D felony.**

39           **4. This section shall not apply to conduct protected under the Constitution of the**  
40 **United States, the Constitution of the state of Missouri, or a state or federal law or rule.**

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