

0874S.02C



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SCS HB 355 _____ entitled:

AN ACT

To repeal sections 386.020, 386.510, and 386.515, RSMo, and to enact in lieu thereof four new sections relating to matters within the scope of the public service commission.

With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse

Adriane D. Crouse
Secretary of the Senate

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MAY 17 2019
CHIEF CLERK

SENATE AMENDMENT NO. 1

Offered by Asipat - 8 of _____

Amend SCS/House Bill No. 355, Page 4, Section 386.020, Lines 92-99,

2 by striking said lines and inserting in lieu thereof the
3 following:

4 "(c) Persons or corporations not otherwise engaged in the
5 production or sale of electricity at wholesale or retail that
6 sell, lease, own, control, operate, or manage one or more
7 electric vehicle charging stations;"; and further amend said
8 section by renumbering the remaining subdivisions accordingly;
9 and

10 Further amend said bill, Page 12, Section 386.805, line 4,
11 by striking "the" and inserting in lieu thereof the following:
12 "their".

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Adopted "

SENATE AMENDMENT NO. 2Offered by Cunningham of 33rdAmend SCS/House Bill No. 355, Page 13, Section 386.805, Line 8,

2 by inserting after all of said line the following:

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

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

23 (1) Every electric supplier that operates electric
 24 transmission or distribution lines shall have the authority to

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1 maintain the same by trimming, removing, and controlling trees
2 and other vegetation posing a hazard to the continued safe and
3 reliable operation thereof;

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

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

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

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

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

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

25 b. Any required clearance distance adopted by either the
26 Federal Energy Regulatory Commission or an Electric Reliability
27 Organization authorized by the Energy Policy Act of 2005, 16
28 U.S.C. Section 824o. Such exercise shall be considered
29 reasonable and necessary for the proper and reliable operation of

1 electric service and shall create a rebuttable presumption, in
2 claims for property damage, that the electric supplier acted with
3 reasonable care, operated within its rights regarding the
4 operation and maintenance of its electricity lines, and has not
5 committed a trespass;

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

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

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

23 (6) Prior to the removal of any tree under the provisions
24 of subdivision (5) of this subsection, an electric supplier shall
25 notify the owner or occupier of land, if available, at least
26 fourteen days prior to such removal unless either the electric
27 supplier deems the removal to be immediately necessary to
28 continue the safe and reliable operation of its electricity
29 lines, or the electric supplier is trimming or removing trees and

1 other vegetation following a major weather event or other
2 emergency situation;

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

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

12 3. For purposes of this section, the term "electric
13 supplier" means any rural electric cooperative that is subject to
14 the provisions of chapter 394[, and]; any electrical corporation
15 which is required by its bylaws to operate on the not-for-profit
16 cooperative business plan, with its consumers who receive service
17 as the stockholders of such corporation, and which holds a
18 certificate of public convenience and necessity to serve a
19 majority of its customer-owners in counties of the third
20 classification as of August 28, 2003; any municipally owned or
21 operated electric power system that is subject to the provisions
22 of chapter 91; and any municipally owned utility whose service
23 area is set by state statute, service agreement, or other
24 authority to include areas which are not incorporated into city
25 limits."; and

26 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3Offered by Romine of 3rdAmend SCS/House Bill No. 355, Page 11, Section 386.020, Line 352,

2 by inserting immediately after said line the following:

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

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

15 3. The commission shall only [hire technical] establish
 16 technical advisory staff and personal advisor positions pursuant
 17 to subsections 1 and 2 of this section if there is a
 18 corresponding elimination in comparable staff positions for
 19 commission staff to offset the hiring of such technical advisory
 20 staff and personal advisors on a cost-neutral basis. [Such
 21 technical advisory staff shall be hired on or before July 1,
 22 2005.]

23 4. It shall be the duty of the technical advisory staff and
 24 personal advisors to render advice and assistance to the

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1 commissioners and the commission's administrative law judges on
2 technical matters within their respective areas of expertise that
3 may arise during the course of proceedings before the commission.
4 Communications with the technical advisory staff or the personal
5 advisors regarding deliberations by the commission or matters
6 that may arise during the course of proceedings before the
7 commission shall be deemed privileged and protected from
8 disclosure.

9 5. The technical advisory staff shall also update the
10 commission and the commission's administrative law judges
11 periodically on developments and trends in public utility
12 regulation, including updates comparing the use, nature, and
13 effect of various regulatory practices and procedures as employed
14 by the commission and public utility commissions in other
15 jurisdictions.

16 6. Each member of the technical advisory staff and the
17 personal advisors shall be subject to any applicable ex parte or
18 conflict of interest requirements in the same manner and to the
19 same degree as any commissioner[, provided that neither any
20 person regulated by, appearing before, or employed by the
21 commission shall be permitted to offer such member a different
22 appointment or position during that member's tenure on the
23 technical advisory staff.

24 7. No employee of a company or corporation regulated by the
25 public service commission, no employee of the office of public
26 counsel or the public counsel, and no staff members of either the
27 utility operations division or utility services division who were
28 an employee or staff member on, during the two years immediately
29 preceding, or anytime after August 28, 2003, may be a member of

1 the commission's technical advisory staff for two years following
2 the termination of their employment with the corporation, office
3 of public counsel or commission staff member]. All technical
4 advisory staff members and the personal advisors who were
5 previously employees of entities regulated by or appearing before
6 the commission shall be precluded from advising the commission on
7 cases in which the technical advisory staff member or personal
8 advisor participated while employed by the entity.

9 [8.] 7. The technical advisory staff and personal advisors
10 shall never be a party to any case before the commission."; and

11 Further amend the title and enacting clause accordingly.
12

SENATE AMENDMENT NO. 4

Offered by Hoyt of Gene -30th

Amend SCS/House Bill No. 355, Page 13, Section 386.805, Line 8,

2 by inserting after all of said line the following:

3 "569.086. 1. As used in this section, "critical
4 infrastructure facility" means any of the following facilities
5 that are under construction or operational: a petroleum or
6 alumina refinery; critical electric infrastructure, as defined in
7 18 CFR Section 118.113(c) (3) including, but not limited to, an
8 electrical power generating facility, substation, switching
9 station, electrical control center, or electric power lines and
10 associated equipment infrastructure; a chemical, polymer, or
11 rubber manufacturing facility; a water intake structure, water
12 storage facility, water treatment facility, wastewater treatment
13 plant, wastewater pumping facility, or pump station; a natural
14 gas compressor station; a liquid natural gas terminal or storage
15 facility; a telecommunications central switching office; wireless
16 telecommunications infrastructure, including cell towers,
17 telephone poles and lines, including fiber optic lines; a port,
18 railroad switching yard, railroad tracks, trucking terminal, or
19 other freight transportation facility; a gas processing plant,
20 including a plant used in the processing, treatment, or
21 fractionation of natural gas or natural gas liquids; a
22 transmission facility used by a federally licensed radio or
23 television station; a steelmaking facility that uses an electric
24 arc furnace to make steel; a facility identified and regulated by

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1 the United States Department of Homeland Security Chemical
2 Facility Anti-Terrorism Standards (CFATS) program; a dam that is
3 regulated by the state or federal government; a natural gas
4 distribution utility facility including, but not limited to,
5 natural gas distribution and transmission mains and services,
6 pipeline interconnections, a city gate or town border station,
7 metering station, aboveground piping, a regulator station, and a
8 natural gas storage facility; a crude oil or refined products
9 storage and distribution facility including, but not limited to,
10 valve sites, pipeline interconnection, pump station, metering
11 station, below or aboveground pipeline or piping and truck
12 loading or offloading facility, a grain mill or processing
13 facility; a generation, transmission, or distribution system of
14 broadband internet access; or any aboveground portion of an oil,
15 gas, hazardous liquid or chemical pipeline, tank, railroad
16 facility, or other storage facility that is enclosed by a fence,
17 other physical barrier, or is clearly marked with signs
18 prohibiting trespassing, that are obviously designed to exclude
19 intruders.

20 2. A person commits the offense of trespass on a critical
21 infrastructure facility if he or she purposely trespasses or
22 enters property containing a critical infrastructure facility
23 without the permission of the owner of the property or lawful
24 occupant thereof. The offense of trespass on a critical
25 infrastructure facility is a class B misdemeanor. If it is
26 determined that the intent of the trespasser is to damage,
27 destroy, or tamper with equipment, or impede or inhibit
28 operations of the facility, the person shall be guilty of a class
29 A misdemeanor.

1 3. A person commits the offense of damage of a critical
2 infrastructure if he or she purposely damages, destroys, or
3 tampers with equipment in a critical infrastructure facility.
4 The offense of damage of a critical infrastructure facility is a
5 class D felony.

6 4. This section shall not apply to conduct protected under
7 the Constitution of the United States, the Constitution of the
8 state of Missouri, or a state or federal law or rule."; and

9 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5

Offered by Emery of 31

Amend SCS/House Bill No. 355, Page 1, Section Title, Lines 3-4,

2 by striking "matters within the scope of the public service
3 commission" and inserting in lieu thereof the following:
4 "utilities"; and

5 Further amend said bill and page, Section A, line 3, by
6 inserting after all of said line the following:

7 "88.770. 1. The board of aldermen may provide for and
8 regulate the lighting of streets and the erection of lamp posts,
9 poles and lights therefor, and may make contracts with any
10 person, association or corporation, either private or municipal,
11 for the lighting of the streets and other public places of the
12 city with gas, electricity or otherwise, except that each initial
13 contract shall be ratified by a majority of the voters of the
14 city voting on the question and any renewal contract or extension
15 shall be subject to voter approval of the majority of the voters
16 voting on the question, pursuant to the provisions of section
17 88.251. The board of aldermen may erect, maintain and operate
18 gas works, electric light works, or light works of any other kind
19 or name, and to erect lamp posts, electric light poles, or any
20 other apparatus or appliances necessary to light the streets,
21 avenues, alleys or other public places, and to supply private
22 lights for the use of the inhabitants of the city and its
23 suburbs, and may regulate the same, and may prescribe and
24 regulate the rates to be paid by the consumers thereof, and may

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1 acquire by purchase, donation or condemnation suitable grounds
2 within or without the city upon which to erect such works and the
3 right-of-way to and from such works, and also the right-of-way
4 for laying gas pipes, electric wires under or above the grounds,
5 and erecting posts and poles and such other apparatus and
6 appliances as may be necessary for the efficient operation of
7 such works. The board of aldermen may, in its discretion, grant
8 the right to any person, persons or corporation, to erect such
9 works and lay the pipe, wires, and erect the posts, poles and
10 other necessary apparatus and appliances therefor, upon such
11 terms as may be prescribed by ordinance. Such rights shall not
12 extend for a longer time than twenty years, but may be renewed
13 for another period or periods not to exceed twenty years per
14 period. Every initial grant shall be approved by a majority of
15 the voters of the municipality voting on the question, and each
16 renewal or extension of such rights shall be subject to voter
17 approval of the majority of the voters voting on the question,
18 pursuant to the provisions of section 88.251. Nothing herein
19 contained shall be so construed as to prevent the board of
20 aldermen from contracting with any person, persons or corporation
21 for furnishing the city with gas or electric lights in cities
22 where franchises have already been granted, and where gas or
23 electric light plants already exist, without a vote of the
24 people, except that the board of aldermen may sell, convey,
25 encumber, lease, abolish or otherwise dispose of any public
26 utilities owned by the city including electric light systems,
27 electric distribution systems or transmission lines, or any part
28 of the electric light systems, electric or other heat systems,
29 electric or other power systems, electric or other railways, gas

1 plants, telephone systems, telegraph systems, transportation
2 systems of any kind, waterworks, equipments and all public
3 utilities not herein enumerated and everything acquired therefor,
4 after first having passed an ordinance setting forth the terms of
5 the sale, conveyance or encumbrance and when ratified by
6 two-thirds of the voters voting on the question, except for the
7 sale of a water or wastewater system, or the sale of a gas plant,
8 which shall be authorized by a simple majority vote of the voters
9 voting on the question. In the event of the proposed sale of a
10 water or wastewater system, or a gas plant, the board of alderman
11 shall hold a public meeting on such proposed sale at least thirty
12 days prior to the vote. The municipality in question shall
13 notify its customers of the informational meeting through radio,
14 television, newspaper, regular mail, electronic mail, or any
15 combination of notification methods to most effectively notify
16 customers at least fifteen days prior to the informational
17 meeting. In advance of putting a proposed sale of a water or
18 wastewater system, or a gas plant before the voters, the board of
19 aldermen may seek an appraisal as set forth in subsections 3 and
20 4 of section 393.320. The board may also seek and provide
21 additional reasonable analyses to inform voters of such sale,
22 including but not limited to, the impact of such sale on all city
23 funds and revenues, other city services, and annexation. Nothing
24 in this section shall be so construed as to discourage the board
25 of aldermen from seeking multiple bids when considering the
26 disposal of a water or wastewater system or a gas plant by sale.

27 2. The board of aldermen's determination of the fair market
28 value of a water or wastewater system or a gas plant for the
29 purposes of this section shall not be dispositive of the price of

1 a water or wastewater system, or a gas plant, which may be
2 subject to negotiation by the board of aldermen.

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

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

16 5. The board of aldermen may make a good-faith effort to
17 notify each property owner of the city and each ratepayer of a
18 water or wastewater system or a gas plant of the proposal to
19 dispose of the water or wastewater system, or a gas plant, by
20 sale through radio, television, newspaper, regular mail,
21 electronic mail, or any combination of such notification methods.
22 Such notice may also include instructions for locating a summary
23 of the proposal and a summary of any appraisal and analyses as
24 under subsection 1 of this section on the board of aldermen's
25 internet site, if such internet site exists. In the event the
26 board of aldermen does not have an internet site, the notice may
27 inform the recipient that written copies of such information may
28 be made available at the building where the board of aldermen has
29 its monthly meetings.

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

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

8 Shall _____ (Indicate the property by stating whether
9 electric distribution system, electric transmission lines or
10 waterworks, etc.) be _____ (Indicate whether sold, leased or
11 encumbered.)?"; and

12 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 6Offered by Hughof Gene - 80thAmend SCS/House Bill No. 355, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "327.401. 1. The right to practice as an architect or to
 4 practice as a professional engineer or to practice as a
 5 professional land surveyor or to practice as a professional
 6 landscape architect shall be deemed a personal right, based upon
 7 the qualifications of the individual, evidenced by such
 8 individual's professional license and shall not be transferable;
 9 but any architect or any professional engineer or any
 10 professional land surveyor or any professional landscape
 11 architect may practice his or her profession through the medium
 12 of, or as a member or as an employee of, a partnership or
 13 corporation if the plans, specifications, estimates, plats,
 14 reports, surveys or other like documents or instruments of the
 15 partnership or corporation are signed and stamped with the
 16 personal seal of the architect, professional engineer,
 17 professional land surveyor, or professional landscape architect
 18 by whom or under whose immediate personal supervision the same
 19 were prepared and provided that the architect or professional
 20 engineer or professional land surveyor or professional landscape
 21 architect who affixes his or her signature and personal seal to
 22 any such plans, specifications, estimates, plats, reports or
 23 other documents or instruments shall be personally and
 24 professionally responsible therefor.

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Adopted

1 2. Any domestic corporation formed under the corporation
2 law of this state, or any foreign corporation, now or hereafter
3 organized and having as one of its purposes the practicing of
4 architecture or professional engineering or professional land
5 surveying or professional landscape architecture and any existing
6 corporation which amends its charter to propose to practice
7 architecture or professional engineering or professional land
8 surveying or professional landscape architecture shall obtain a
9 certificate of authority for each profession named in the
10 articles of incorporation or articles of organization from the
11 board which shall be renewed in accordance with the provisions of
12 section 327.171 or 327.261 or 327.351, as the case may be, and
13 from and after the date of such certificate of authority and
14 while the authority or a renewal thereof is in effect, may offer
15 and render architectural or professional engineering or
16 professional land surveying or professional landscape
17 architectural services in this state if:

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

1 (2) The person or persons who is or are personally in
2 charge and supervises or supervise the architectural or
3 professional engineering or professional land surveying or
4 professional landscape architectural activities, as the case may
5 be, of any such corporation in this state shall be licensed and
6 authorized to practice architecture or professional engineering
7 or professional land surveying or professional landscape
8 architecture, as the case may be, as provided in this chapter;
9 and

10 (3) The corporation pays such fees for the certificate of
11 authority, renewals or reinstatements thereof as are required.
12

13 The provisions of this subsection requiring corporations to
14 obtain a certificate of authority shall not apply to any rural
15 electrical cooperative organized under the provisions of chapter
16 394 or to any corporation organized on a nonprofit or a
17 cooperative basis as described in subsection 1 of section
18 394.200, or to any electrical corporation operating under
19 cooperative business plan, as described in subsection 2 of
20 section 393.110."; and

21 Further amend the title and enacting clause accordingly.