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:

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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.

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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
Secretary of the Senate

RECEIVED
MAY 17 2019
CHIEF CLERK
SENATE AMENDMENT NO.  

Amend SCS/House Bill No. 355, Page 4, Section 386.020, Lines 92-99, by striking said lines and inserting in lieu thereof the following:

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

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

Offered 5/16/19
Adopted "1"
by inserting after all of said line the following:

"537.340. 1. If any person shall cut down, injure or
destroy or carry away any tree placed or growing for use, shade
or ornament, or any timber, rails or wood standing, being or
growing on the land of any other person, including any
governmental entity, or shall dig up, quarry or carry away any
stones, ore or mineral, gravel, clay or mold, or any ice or other
substance or material being a part of the realty, or any roots,
fruits or plants, or cut down or carry away grass, grain, corn,
flax or hemp in which such person has no interest or right,
standing, lying or being on land not such person's own, or shall
knowingly break the glass or any part of it in any building not
such person's own, the person so offending shall pay to the party
injured treble the value of 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.

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

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

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

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

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

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

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

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

   b. Any required clearance distance adopted by either the Federal Energy Regulatory Commission or an Electric Reliability Organization authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o. Such exercise shall be considered reasonable and necessary for the proper and reliable operation of
electric service and shall create a rebuttable presumption, in
claims for property damage, that the electric supplier acted with
reasonable care, operated within its rights regarding the
operation and maintenance of its electricity lines, and has not
committed a trespass;

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.
by inserting immediately after said line the following:

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

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

3. The commission shall only [hire technical] establish
technical advisory staff and personal advisor positions pursuant
to subsections 1 and 2 of this section if there is a

4. It shall be the duty of the technical advisory staff and

personal advisors to render advice and assistance to the
commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission. Communications with the technical advisory staff or the personal advisors regarding deliberations by the commission or matters that may arise during the course of proceedings before the commission shall be deemed privileged and protected from disclosure.

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

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

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of
the commission's technical advisory staff for two years following
the termination of their employment with the corporation, office
of public counsel or commission staff member]. All technical
advisory staff members and the personal advisors who were
previously employees of entities regulated by or appearing before
the commission shall be precluded from advising the commission on
cases in which the technical advisory staff member or personal
advisor participated while employed by the entity.

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

Further amend the title and enacting clause accordingly.
by inserting after all of said line the following:

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

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.
3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.

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

Further amend the title and enacting clause accordingly.
SENATE AMENDMENT NO. 5

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

by striking "matters within the scope of the public service commission" and inserting in lieu thereof the following:

"utilities"; and

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

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

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

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

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

5. The board of aldermen may make a good-faith effort to
notify each property owner of the city and each ratepayer of a
water or wastewater system or a gas plant of the proposal to
dispose of the water or wastewater system, or a gas plant, by
sale through radio, television, newspaper, regular mail,
electronic mail, or any combination of such notification methods.
Such notice may also include instructions for locating a summary
of the proposal and a summary of any appraisal and analyses as
under subsection 1 of this section on the board of aldermen's
internet site, if such internet site exists. In the event the
board of aldermen does not have an internet site, the notice may
inform the recipient that written copies of such information may
be made available at the building where the board of aldermen has
its monthly meetings.
6. Nothing in this section shall be construed as a violation of section 115.646, relating to the use of public funds to advocate, support, or oppose the ballot measure prescribed in subsection 7 of this section.

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

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

    Further amend the title and enacting clause accordingly.
by inserting after all of said line the following:

"327.401. 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

Offered 5/16/19
Adopted
2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or professional land surveying or professional landscape architecture and any existing corporation which amends its charter to propose to practice architecture or professional engineering or professional land surveying or professional landscape architecture shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or professional land surveying or professional landscape architectural services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or professional land surveying or professional landscape architectural activities in this state to an architect licensed and authorized to practice architecture in this state or to a professional engineer licensed and authorized to practice engineering in this state or to a professional land surveyor licensed and authorized to practice professional land surveying in this state, or to a professional landscape architect licensed and authorized to practice professional landscape architecture in this state, as the case may be; and
(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

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

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

Further amend the title and enacting clause accordingly.