

SCS HB 355 -- UTILITIES

This bill changes the laws relating to utilities.

SALE OF MUNICIPALLY OWNED UTILITIES

This bill authorizes the board of aldermen of cities of the fourth classification to seek an appraisal and to conduct reasonable analyses before putting a proposed water or wastewater system for sale or a sale of a gas plant before the voters. The board may consider alternatives to a sale and the fair market value may be a matter of negotiation. Good faith notification efforts of any ballot measure may be made through a variety of media including Internet sites and should target voters and users of the utilities as specified in the bill (Section 88.770, RSMo).

LICENSURE

Currently, any corporation that practices architecture, professional engineering, professional land surveying, or professional landscape architecture must obtain a certificate of authority for each profession. The bill exempts rural electrical cooperatives, nonprofit corporations, or any electrical corporation operating under a cooperative business plan from this requirement (Section 327.401).

ELECTRIC VEHICLE CHARGING STATIONS

This bill exempts from the definition of "electrical corporation" municipally owned electric utilities, rural electric cooperatives, and any person or corporation that is not 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 as that term relates to the Public Service Commission. The bill also specifies that when municipally owned electric utilities or rural electric cooperatives are providing electric service to structures outside their service boundaries, an electric vehicle charging station reasonably close to the structure is considered a contiguous or adjacent addition (Sections 386.020 and 386.805).

PUBLIC SERVICE COMMISSION

Currently, the Public Service Commission is required to have an independent technical advisory staff of up to six employees and may retain a personal advisor. This bill modifies these requirements by no longer requiring, but allowing, the commission to retain an independent technical advisory staff and a personal advisor to each commissioner.

The bill also specifies that communications with advisory staff and advisors regarding deliberations by the commission or matters that arise during the course of commission proceedings are protected from disclosure. Any advisory staff member or personal advisor who previously worked for an entity regulated by or appearing before the commission may not advise the commission on pending cases in which the advisory staff member or personal advisor participated while employed by the entity.

Currently, an applicant may file the notice of appeal of a decision issued by the Public Service Commission with the commission, which must forward the appeal to the appellate court. This bill modifies the filing requirements so that the applicant files the appeal directly with the appellate court and pays all necessary filing fees and notice of the appeal is served on the commission (Sections 386.135, 386.510, and 386.515).

TRESPASS EXEMPTIONS TREE TRIMMING

This bill modifies the definition of "electric supplier" as it relates to the trespass rules for trimming, removing, and controlling trees to include municipally owned electric power systems and utilities (Section 537.340).

OFFENSES INVOLVING CRITICAL INFRASTRUCTURE FACILITIES

This bill creates new criminal offenses involving critical infrastructure facilities, as such term is defined in the bill. A person commits the offense of trespass on a critical infrastructure facility if he or she purposefully trespasses or enters property containing a critical infrastructure facility without permission. 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.

A person commits the offense of damage of a critical infrastructure facility if he or she 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.

The provisions of this bill do not apply to conduct protected under the Constitution of the United States, the Missouri Constitution, or any state or federal law or rule (Section 569.086).