

CCS HCS SB 820 -- UTILITIES

BROADBAND (Sections 1.513, 8.055, 8.475, 620.2450, 620.2451, 620.2453, 620.2465, and 620.2468, RSMo)

This bill authorizes the state to seek the return of broadband funding from any provider that defaults or breaches agreements to deploy broadband. The Missouri Office of Broadband Development may adjudicate such matters consistent with Missouri law. Providers who default in any state must provide notice to the Office on any application to received state money in Missouri and there will be a rebuttable presumption that the provider is incapable of fulfilling its obligations to deploy broadband internet in Missouri.

This bill requires unified high speed Wi-Fi Internet access with adequate bandwidth and connectivity to accommodate users in the Capitol building and grounds beginning on January 2, 2024.

The bill establishes the "Vertical Real Estate Act", which authorizes political subdivisions to erect towers and other broadband infrastructure as specified in the bill and to join or participate in public-private partnerships to effectuate the construction of vertical real estate and towers.

This bill requires applicants for the Broadband Grant Program, in addition to other required information, to provide a map or list of addresses showing the highest broadband speeds available within the applicant's area of service. The map or list must include enough detail for the Department of Economic Development to determine the speeds available at individual addresses, but public information will be aggregated and will not reveal individual names.

The bill modifies the provisions of the Grant Program to expand broadband Internet access in unserved and underserved areas of the state. It also adds a definition for "project" and modifies the definition of "underserved area", which is now defined as a project area without access to wireline or fixed wireless broadband Internet service of speeds of the higher of 100 Mbps download and 20 Mbps upload or the minimum speed established by the Federal Communications Commission.

The definition of "unserved area" is also modified to mean a project area without access to wireline or fixed wireless broadband Internet services of speeds of at least 25 Mbps download and 3 Mbps upload. Grants awarded under the program must prioritize projects providing speeds of the higher of 100 Mbps download and 100 Mbps upload that is scalable to higher speeds or the minimum acceptable speed established by the Federal Communications Commission.

The bill requires the Department to implement by rulemaking a program to increase high-speed Internet access in unserved and underserved areas. Discretion in implementation is authorized, but priority is placed on those with no Internet access whatsoever.

The bill allows the state Office of Broadband Development to engage in site inspections of broadband providers who receive grants or loans for projects. Inspection authority lasts until a project is complete and operational.

DISASTER RELIEF FUND (Section 44.032)

The bill adds rural electric cooperatives to the agencies and organizations that the Governor may expend funds from the Missouri Disaster Fund for in the event of an emergency or disaster.

SALES TAX EXEMPTION (Section 144.030)

This bill authorizes a sales tax exemption for purchases by a company of solar photovoltaic energy equipment used to construct a solar photovoltaic energy system and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems are sold or leased to an end user or are used to produce, collect, and transmit electricity for resale or retail.

NET METERING (Sections 386.885 and 386.890)

This establishes the "Task Force on Distributed Energy Resources and Net Metering", to conduct hearings and research information related to net metering as set forth in the bill. The membership of the Task Force shall include but not be limited to: two members of the Senate, with one being appointed by the President Pro Tem and one appointed by the Minority Floor Leader, two members of the House of Representatives, with one being appointed by the Speaker and one appointed by the Minority Floor Leader, and a representative from three segments of the retail electric energy industry, as specified in the bill. The Task Force will compile a report for the General Assembly by December 31, 2023, which shall include a distributed energy resources study to be conducted by an independent and objective expert.

For the purposes of the Net Metering and Easy Connection Act, the bill modifies the definitions of "department", which is changed from the Department of Economic Development to the Department of Natural Resources, and "retail electric supplier", which term now includes municipally owned utilities. The sale of qualified electric energy units to any customer-generator will be subject to provisions of law related to consumer protection.

RESTRICTIVE COVENANTS (Sections 442.404 and B)

This bill specifies that no deed restriction, covenant, or similar binding agreement running with the land will limit or prohibit the installation of solar panels or solar collectors, as defined in the bill, on the rooftop of any property or structure.

A homeowners' association may adopt reasonable rules regarding the placement of solar panels or solar collectors to the extent those rules do not prevent the installation of the device or adversely affect its functioning, use, cost, or efficiency.

These provisions will apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

EMINENT DOMAIN (Sections 523.010, 523.025, 523.039, 523.040, and 523.256)

Any electrical corporation, except for an electrical corporation operating under a cooperative business plan, that proposes building a transmission line must be capable of providing at minimum, an amount of its electrical load equal to the proportionate number of miles of the line that passes through the state to Missouri consumers to be considered a public service and to be allowed to condemn property to construct the transmission.

The bill also specifies that in condemnation proceedings, just compensation for agricultural or horticultural land must be 150% of fair market value, which will be determined by the court. In a condemnation proceeding for agricultural or horticultural land in which a court appoints three disinterested commissioners, at least one of the commissioners must be a farmer who has been farming in the county for at least 10 years. In any condemnation proceeding commenced by an electrical corporation for certain projects, if the offer made by the condemning authority was lower than the appraisal multiplied by 150%, the court may award attorneys' fees to the property owner.

If an electrical corporation, except for an electrical corporation operating under a cooperative business plan, acquires any involuntary easement in this state by means of eminent domain and does not obtain the financial commitments necessary to construct a project for which the involuntary easement in this state was needed within 7 years of the date that such easement rights are recorded with the appropriate county recorder of deeds, the corporation shall return possession of the easement to the fee simple title holder within 60 days and cause the dissolution of the easement to

be recorded with the county recorder of deeds. In the event of such return of the easement to the title holder, no reimbursement of any payment made by the corporation to the title holder shall be due.

SUNSHINE LAW (Section 610.021)

This bill adds individually identifiable customer usage and billing records for customers of municipally owned utilities to the list of records that are exempt from disclosure under the Sunshine Law, except that a municipally owned utility must make available the customer's name, billing address, location of service and dates of service for a commercial service account.