

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NOS. 440 & 1160
103RD GENERAL ASSEMBLY

1325H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 137.016, 153.030, 153.034, 247.220, 319.015, 319.022, 319.024, 319.025, 319.026, 319.027, 319.030, 319.031, 319.035, and 523.010, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities, with penalty provisions.

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

Section A. Sections 137.016, 153.030, 153.034, 247.220, 319.015, 319.022, 319.024, 319.025, 319.026, 319.027, 319.030, 319.031, 319.035, and 523.010, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 137.016, 137.124, 153.030, 153.034, 247.220, 319.015, 319.019, 319.022, 319.024, 319.025, 319.026, 319.027, 319.030, 319.031, 319.034, 319.035, 393.1120, 393.2600, and 523.010, to read as follows:

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding,

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.

15 breeding and management of livestock which shall include breeding, showing, and boarding
16 of horses; to dairying, or to any other combination thereof; and buildings and structures
17 customarily associated with farming, agricultural, and horticultural uses. Agricultural and
18 horticultural property shall also include land devoted to and qualifying for payments or other
19 compensation under a soil conservation or agricultural assistance program under an
20 agreement with an agency of the federal government. Agricultural and horticultural property
21 shall further include any reliever airport. Real property classified as forest croplands shall not
22 be agricultural or horticultural property so long as it is classified as forest croplands and shall
23 be taxed in accordance with the laws enacted to implement Section 7 of Article X of the
24 Missouri Constitution. Agricultural and horticultural property shall also include any sawmill
25 or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification
26 (SIC) Manual under Industry Group 242 with the SIC number 2421. Agricultural and
27 horticultural property shall also include urban and community gardens. For the purposes of
28 this section, "urban and community gardens" shall include real property cultivated by
29 residents of a neighborhood or community for the purposes of providing agricultural
30 products, as defined in section 262.900, for the use of residents of the neighborhood or
31 community, and shall not include a garden intended for individual or personal use;

32 (3) "Utility, industrial, commercial, railroad and other real property", all real property
33 used directly or indirectly for any commercial, mining, industrial, manufacturing, trade,
34 professional, business, or similar purpose, including all property centrally assessed by the
35 state tax commission but shall not include floating docks, portions of which are separately
36 owned and the remainder of which is designated for common ownership and in which no one
37 person or business entity owns more than five individual units. All other real property not
38 included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the
39 Missouri Constitution, as such property is defined in this section, shall be deemed to be
40 included in the term "utility, industrial, commercial, railroad and other real property".

41 2. Pursuant to Article X of the state Constitution, any taxing district may adjust its
42 operating levy to recoup any loss of property tax revenue, except revenues from the surtax
43 imposed pursuant to Article X, Subsection 2 of Section 6 of the Constitution, as the result of
44 changing the classification of structures intended to be used for residential living by human
45 occupants which contain five or more dwelling units if such adjustment of the levy does not
46 exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this
47 section, loss in revenue shall include the difference between the revenue that would have been
48 collected on such property under its classification prior to enactment of this section and the
49 amount to be collected under its classification under this section. The county assessor of each
50 county or city not within a county shall provide information to each taxing district within its

51 boundaries regarding the difference in assessed valuation of such property as the result of
52 such change in classification.

53 3. All reclassification of property as the result of changing the classification of
54 structures intended to be used for residential living by human occupants which contain five or
55 more dwelling units shall apply to assessments made after December 31, 1994.

56 4. Where real property is used or held for use for more than one purpose and such
57 uses result in different classifications, the county assessor shall allocate to each classification
58 the percentage of the true value in money of the property devoted to each use; except that,
59 where agricultural and horticultural property, as defined in this section, also contains a
60 dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to
61 five acres immediately surrounding such farm dwelling shall be residential property, as
62 defined in this section, provided that the portion of property used or held for use as an urban
63 and community garden shall not be residential property. This subsection shall not apply to
64 any reliever airport. **The provisions of this subsection shall be construed to apply to any**
65 **portion of real property in subclass (2) used for the purpose of energy production**
66 **activities for resale to be proportionally calculated, assessed, and reclassified as subclass**
67 **(3) real property, except that the provisions shall not apply to agreements authorized**
68 **under chapter 100 or to solar photovoltaic energy systems, as described in subdivision**
69 **(46) of subsection 2 of section 144.030, that were constructed and producing solar energy**
70 **prior to August 9, 2022.**

71 5. All real property which is vacant, unused, or held for future use; which is used for a
72 private club, a not-for-profit or other nonexempt lodge, club, business, trade, service
73 organization, or similar entity; or for which a determination as to its classification cannot be
74 made under the definitions set out in subsection 1 of this section, shall be classified according
75 to its immediate most suitable economic use, which use shall be determined after
76 consideration of:

77 (1) Immediate prior use, if any, of such property;

78 (2) Location of such property;

79 (3) Zoning classification of such property; except that, such zoning classification
80 shall not be considered conclusive if, upon consideration of all factors, it is determined that
81 such zoning classification does not reflect the immediate most suitable economic use of the
82 property;

83 (4) Other legal restrictions on the use of such property;

84 (5) Availability of water, electricity, gas, sewers, street lighting, and other public
85 services for such property;

86 (6) Size of such property;

87 (7) Access of such property to public thoroughfares; and

88 (8) Any other factors relevant to a determination of the immediate most suitable
89 economic use of such property.

90 6. All lands classified as forest croplands shall not, for taxation purposes, be
91 classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are
92 prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this
93 section, but shall be taxed in accordance with the laws enacted to implement Section 7 of
94 Article X of the Missouri Constitution.

**137.124. 1. Beginning August 28, 2025, for purposes of assessing all real
2 property, excluding land, or tangible personal property associated with a project that
3 uses solar energy directly to generate electricity and that was built or was contracted to
4 sell power, the tax liability actually owed shall be equal to two thousand five hundred
5 dollars per megawatt of nameplate capacity.**

**6 2. Nothing in this section shall be construed to prohibit a project from engaging
7 in enhanced enterprise zone agreements under sections 135.950 to 135.973 or similar tax
8 abatement agreements with state or local officials or to affect any existing enhanced
9 enterprise zone agreements. Nothing in this section shall be construed to apply to
10 agreements authorized under chapter 100.**

**11 3. Beginning August 28, 2025, for the purposes of assessing land that is
12 associated with a project that uses solar energy directly to generate electricity in excess
13 of five megawatts, such real property may be classified as subclass (3) real property and
14 assessed as commercial property under this chapter.**

153.030. 1. All bridges over streams dividing this state from any other state owned,
2 used, leased or otherwise controlled by any person, corporation, railroad company or joint
3 stock company, and all bridges across or over navigable streams within this state, where the
4 charge is made for crossing the same, which are now constructed, which are in the course of
5 construction, or which shall hereafter be constructed, and all property, real and tangible
6 personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power
7 and light companies, electric transmission lines, pipeline companies and express companies
8 shall be subject to taxation for state, county, municipal and other local purposes to the same
9 extent as the property of private persons.

10 **2. [And] Taxes levied [thereon] under subsection 1 of this section shall be levied
11 and collected in the manner as is now or may hereafter be provided by law for the taxation of
12 railroad property in this state, and county commissions, county boards of equalization and the
13 state tax commission are hereby required to perform the same duties and are given the same
14 powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the
15 property set forth in this section as the county commissions and boards of equalization and
16 state tax commission have or may hereafter be empowered with, in assessing, equalizing, and**

17 adjusting the taxes on railroad property; and an authorized officer of any such bridge,
18 telegraph, telephone, electric power and light companies, electric transmission lines, pipeline
19 companies, or express company or the owner of any such toll bridge, is hereby required to
20 render reports of the property of such bridge, telegraph, telephone, electric power and light
21 companies, electric transmission lines, pipeline companies, or express companies in like
22 manner as the authorized officer of the railroad company is now or may hereafter be required
23 to render for the taxation of railroad property.

24 3. On or before the fifteenth day of April in the year 1946 and each year thereafter an
25 authorized officer of each such company shall furnish the state tax commission and county
26 clerks a report, duly subscribed and sworn to by such authorized officer, which is like in
27 nature and purpose to the reports required of railroads under chapter 151 showing the full
28 amount of all real and tangible personal property owned, used, leased or otherwise controlled
29 by each such company on January first of the year in which the report is due.

30 4. If any telephone company assessed pursuant to chapter 153 has a microwave relay
31 station or stations in a county in which it has no wire mileage but has wire mileage in another
32 county, then, for purposes of apportioning the assessed value of the distributable property of
33 such companies, the straight line distance between such microwave relay stations shall
34 constitute miles of wire. In the event that any public utility company assessed pursuant to this
35 chapter has no distributable property which physically traverses the counties in which it
36 operates, then the assessed value of the distributable property of such company shall be
37 apportioned to the physical location of the distributable property.

38 5. (1) Notwithstanding any provision of law to the contrary, beginning January 1,
39 2019, a telephone company shall make a one-time election within the tax year to be assessed:

40 (a) Using the methodology for property tax purposes as provided under this section;
41 or

42 (b) Using the methodology for property tax purposes as provided under this section
43 for property consisting of land and buildings and be assessed for all other property
44 exclusively using the methodology utilized under section 137.122.

45

46 If a telephone company begins operations, including a merger of multiple telephone
47 companies, after August 28, 2018, it shall make its one-time election to be assessed using the
48 methodology for property tax purposes as described under paragraph (b) of subdivision (1) of
49 this subsection within the year in which the telephone company begins its operations. A
50 telephone company that fails to make a timely election shall be deemed to have elected to be
51 assessed using the methodology for property tax purposes as provided under subsections 1 to
52 4 of this section.

53 (2) The provisions of this subsection shall not be construed to change the original
54 assessment jurisdiction of the state tax commission.

55 (3) Nothing in subdivision (1) of this subsection shall be construed as applying to any
56 other utility.

57 (4) (a) The provisions of this subdivision shall ensure that school districts may avoid
58 any fiscal impact as a result of a telephone company being assessed under the provisions of
59 paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy
60 is below the greater of its most recent voter-approved tax rate or the most recent voter-
61 approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall
62 comply with section 137.073.

63 (b) Beginning January 1, 2019, any school district currently operating at a tax rate
64 equal to the greater of the most recent voter-approved tax rate or the most recent voter-
65 approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that
66 receives less tax revenue from a specific telephone company under this subsection, on or
67 before January thirty-first of the year following the tax year in which the school district
68 received less revenue from a specific telephone company, may by resolution of the school
69 board impose a fee, as determined under this subsection, in order to obtain such revenue. The
70 resolution shall include all facts that support the imposition of the fee. If the school district
71 receives voter approval to raise its tax rate, the district shall no longer impose the fee
72 authorized in this paragraph.

73 (c) Any fee imposed under paragraph (b) of this subdivision shall be determined by
74 taking the difference between the tax revenue the telephone company paid in the tax year in
75 question and the tax revenue the telephone company would have paid in such year had it not
76 made an election under subdivision (1) of this subsection, which shall be calculated by taking
77 the telephone company valuations in the tax year in question, as determined by the state tax
78 commission under paragraph (d) of this subdivision, and applying such valuations to the
79 apportionment process in subsection 2 of section 151.150. The school district shall issue a
80 billing, as provided in this subdivision, to any such telephone company. A telephone
81 company shall have forty-five days after receipt of a billing to remit its payment of its portion
82 of the fees to the school district. Notwithstanding any other provision of law, the issuance or
83 receipt of such fee shall not be used:

84 a. In determining the amount of state aid that a school district receives under section
85 163.031;

86 b. In determining the amount that may be collected under a property tax levy by such
87 district; or

88 c. For any other purpose.

89

90 For the purposes of accounting, a telephone company that issues a payment to a school
91 district under this subsection shall treat such payment as a tax.

92 (d) When establishing the valuation of a telephone company assessed under
93 paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also
94 determine the difference between the assessed value of a telephone company if:

- 95 a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
96 b. Assessed exclusively under subsections 1 to 4 of this section.

97

98 The state tax commission shall then apportion such amount to each county and provide such
99 information to any school district making a request for such information.

100 (e) This subsection shall expire when no school district is eligible for a fee.

101 6. (1) If any public utility company assessed pursuant to this chapter has ownership
102 of any real or personal property associated with a project which uses **solar or** wind energy
103 directly to generate electricity, such **solar or** wind energy project property shall be valued and
104 taxed by any local authorities having jurisdiction under the provisions of chapter 137 and
105 other relevant provisions of the law.

106 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020,
107 for any public utility company assessed pursuant to this chapter which has a wind energy
108 project, such wind energy project shall be assessed using the methodology for real and
109 personal property as provided in this subsection:

110 (a) Any wind energy property of such company shall be assessed upon the county
111 assessor's local tax rolls; and

112 (b) All other real property, excluding land, or personal property related to the wind
113 energy project shall be assessed using the methodology provided under section 137.123.

114 **(3) Notwithstanding any other provision of law to the contrary, beginning**
115 **January 1, 2026, for any public utility company assessed under this chapter that has a**
116 **solar energy project, such solar energy project shall be assessed using the methodology**
117 **for real and personal property as provided in this subdivision:**

118 (a) Any solar energy property of such company shall be assessed upon the
119 county assessor's local tax rolls; and

120 (b) All other real property, excluding land, or personal property related to the
121 solar energy project shall be assessed using the methodology provided under section
122 **137.124.**

123

124 **Nothing in this subdivision shall be construed to apply to agreements authorized under**
125 **chapter 100.**

126 7. (1) If any public utility company assessed pursuant to this chapter has ownership
127 of any real or personal property associated with a generation project which was originally
128 constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the
129 transfer of ownership of such property to the public utility company such property shall be
130 valued and taxed by any local authorities having jurisdiction under the provisions of chapter
131 137 and other relevant provisions of law.

132 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022,
133 for any public utility company assessed pursuant to this chapter which has ownership of any
134 real or personal property associated with a generation project which was originally
135 constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the
136 transfer of ownership of such property to the public utility company such property shall be
137 assessed as follows:

138 (a) Any property associated with a generation project which was originally
139 constructed utilizing financing authorized pursuant to chapter 100 for construction shall be
140 assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility
141 company for cost information of the generation portion of the property as found in the public
142 utility company's Federal Energy Regulatory Commission Financial Report Form Number
143 One at the time of transfer of ownership, and depreciate the costs provided in a manner
144 similar to other commercial and industrial property;

145 (b) Any property consisting of land and buildings related to the generation property
146 associated with a generation project which was originally constructed utilizing financing
147 pursuant to chapter 100 for construction shall be assessed under chapter 137; and

148 (c) All other business or personal property related to a generation project which was
149 originally constructed utilizing financing pursuant to chapter 100 for construction shall be
150 assessed using the methodology provided under section 137.122.

153.034. 1. The term "distributable property" of an electric company shall include all
2 the real or tangible personal property which is used directly in the generation and distribution
3 of electric power, but not property used as a collateral facility nor property held for purposes
4 other than generation and distribution of electricity. Such distributable property includes, but
5 is not limited to:

- 6 (1) Boiler plant equipment, turbogenerator units and generators;
- 7 (2) Station equipment;
- 8 (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- 9 (4) Substation equipment and fences;
- 10 (5) Rights-of-way;
- 11 (6) Reactor, reactor plant equipment, and cooling towers;

12 (7) Communication equipment used for control of generation and distribution of
13 power;

14 (8) Land associated with such distributable property.

15 2. The term "local property" of an electric company shall include all real and tangible
16 personal property owned, used, leased or otherwise controlled by the electric company not
17 used directly in the generation and distribution of power and not defined in subsection 1 of
18 this section as distributable property. Such local property includes, but is not limited to:

19 (1) Motor vehicles;

20 (2) Construction work in progress;

21 (3) Materials and supplies;

22 (4) Office furniture, office equipment, and office fixtures;

23 (5) Coal piles and nuclear fuel;

24 (6) Land held for future use;

25 (7) Workshops, warehouses, office buildings and generating plant structures;

26 (8) Communication equipment not used for control of generation and distribution of
27 power;

28 (9) Roads, railroads, and bridges;

29 (10) Reservoirs, dams, and waterways;

30 (11) Land associated with other locally assessed property and all generating plant
31 land.

32 3. (1) Any real or tangible personal property associated with a project which uses
33 **solar or** wind energy directly to generate electricity shall be valued and taxed by local
34 authorities having jurisdiction under the provisions of chapter 137 and any other relevant
35 provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and
36 subsection 1 of this section shall not apply to such property.

37 (2) The real or tangible personal property referenced in subdivision (1) of this
38 subsection shall include all equipment whose sole purpose is to support the integration of a
39 wind generation asset into an existing system. Examples of such property may include, but
40 are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated
41 electrical equipment such as inverters, pad mount transformers, power lines, storage
42 equipment directly associated with wind generation assets, and substations.

43 **(3) The real or tangible personal property referenced in subdivision (1) of this**
44 **subsection shall also include all equipment whose sole purpose is to support the**
45 **integration of a solar generation asset into an existing system. Examples of such**
46 **property may include, but are not limited to, solar panels, solar panel mounting racks,**
47 **and associated electrical equipment such as inverters, battery packs, power meters,**
48 **power lines, storage equipment directly associated with solar generation assets, and**

49 **substations. Nothing in this subdivision shall be construed to apply to agreements**
50 **authorized under chapter 100 or to solar photovoltaic energy systems, as described in**
51 **subdivision (46) of subsection 2 of section 144.030, that were constructed and producing**
52 **solar energy prior to August 9, 2022.**

53 4. For any real or tangible personal property associated with a generation project
54 which was originally constructed utilizing financing authorized under chapter 100 for
55 construction, upon the transfer of ownership of such property to a public utility, such property
56 shall be valued and taxed by local authorities having jurisdiction under the provisions of
57 chapter 137 and any other relevant provisions of law. The method of taxation prescribed in
58 subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such
59 property.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be
2 substantially the same as proceedings for the formation of such a district, as follows: A
3 petition describing the boundaries of the district sought to be dissolved shall be filed with the
4 clerk of the circuit court of the county wherein the subject district is situate, or with the clerk
5 of the circuit court of the county having the largest acreage within the boundaries of the
6 subject district, in the event that the subject district embraces lands in more than one county.
7 Such petition, in addition to such boundary description, shall allege that further operation of
8 the subject district is inimicable to the best interests of the inhabitants of the district, that the
9 district should, in the interest of the public welfare and safety, be dissolved, that an alternative
10 water supplier is available and better able to supply water to the inhabitants of the district, and
11 such other information as may be useful to the court in determining whether the petition
12 should be granted and a decree of dissolution entered. Such petition shall also include a
13 detailed plan for payment of all debt and obligations of the district at the time of dissolution.
14 Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the
15 costs of the proceeding and the petition shall be signed by not less than one-fifth of the
16 registered voters from each subdistrict, or fifty registered voters from each subdistrict,
17 whichever is less, within the subject district. The petition shall be verified by at least one of
18 the signers thereof and shall be served upon the board of directors of the district as provided
19 by law. The district shall be a party, and if the board of directors in its discretion determines
20 that such dissolution is not in the public interest, the district shall oppose such petition and
21 pay all cost and expense thereof.

22 2. Upon the filing of the petition, the same shall be presented to the circuit court, and
23 such court shall fix a date for a hearing on such petition, as provided in this section.
24 Thereupon, the clerk of the court shall give notice of the filing of the petition in some
25 newspaper of general circulation in the county in which the proceedings are pending, and if
26 the district extends into any other county or counties, such notice shall also be published in

27 some newspaper of general circulation in such other county or counties. The notice shall
28 contain a description of the subject boundary lines of the district and the general purposes of
29 the petition, and shall set forth the date fixed for the hearing on the petition, which shall not
30 be less than seven nor more than twenty-one days after the date of the last publication of the
31 notice and shall be on some regular judicial day of the court wherein the petition is pending.
32 Such notice shall be signed by the clerk of the circuit court and shall be published in three
33 successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

34 3. The court, for good cause shown, may continue the case or the hearing thereon
35 from time to time until final disposition thereof.

36 4. Exceptions to the dissolution of a district may be made by any voter or landowner
37 of the district, and by the district as herein provided; such exceptions shall be filed not less
38 than five days prior to the date set for the hearing on the petition. Such exceptions shall
39 specify the grounds upon which the exceptions are filed and the court shall take them into
40 consideration in passing upon the petition and shall also consider the evidence in support of
41 the petition and in support of the exceptions made. Unless petitioners prove that all debts and
42 financial obligations of the district can be paid in full upon dissolution, the petition shall be
43 dismissed at the cost of the petitioners.

44 5. Should the court find that it would not be to the public interest to dissolve a district,
45 the petition shall be dismissed at the costs of the petitioners. If, however, the court should
46 find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution
47 which decree shall provide for the submission of the question to the voters of the district in
48 substantially the following form:

49 Shall _____ Public Water Supply District be dissolved?

50 6. The decree of dissolution shall not become final and conclusive until it shall have
51 been submitted to the voters residing within the boundaries described in such decree and until
52 it shall have been assented to by a majority of ~~[two-thirds]~~ **four-sevenths** of the voters of the
53 district voting on the proposition. The decree shall provide for the submission of the question
54 and shall fix the date thereof. The returns shall be certified by the election authority to the
55 circuit court having jurisdiction in the case and the court shall thereupon enter its order
56 canvassing the returns and declaring the result of such election.

57 7. If, upon canvass and declaration, it is found and determined that the question shall
58 have been assented to by a majority of ~~[two-thirds]~~ **four-sevenths** of the voters of the district
59 voting on such proposition then the court shall, in such order declaring the result of the
60 election, enter a further order declaring the decree of dissolution to be final and conclusive.
61 In the event, however, that the court should find that the question had not been assented to by
62 the majority required, the court shall enter a further order declaring such decree of dissolution
63 to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event

64 that the court declares the decree of dissolution to be final, as provided in this section, the
65 clerk of the circuit court shall file certified copies of such decree of dissolution and of such
66 final order with the secretary of state of the state of Missouri, and with the recorder of deeds
67 of the county or counties in which the district is situate and with the clerk of the county
68 commission of the county or counties in which the district is situate.

69 8. Notwithstanding anything in this section to the contrary, no district shall be
70 dissolved until after all of its debts shall have been paid, and the court, in its decree of
71 dissolution, shall provide for the disposition of the property of the district.

319.015. For the purposes of sections 319.010 to 319.050, the following terms mean:

2 (1) "Approximate location", a strip of land not wider than the width of the
3 underground facility plus two feet on either side thereof. In situations where reinforced
4 concrete, multiplicity of adjacent facilities or other unusual specified conditions interfere with
5 location attempts, the owner or operator shall designate to the best of his ~~[or]~~, her, **or its**
6 ability an approximate location of greater width;

7 (2) **"Best practices", the damage prevention recommended standard for**
8 **protecting vital underground facilities issued by the Common Ground Alliance,**
9 **sponsored by the Department of Transportation as described in 49 U.S.C. Section 6105**
10 **(a), as amended. The Common Ground Alliance Best Practices shall be read in**
11 **conjunction with Missouri law; in any instance in which such best practices conflict with**
12 **state law, state law shall control;**

13 (3) **"Careful and prudent", conducting excavation using best practices;**

14 (4) "Design request", a request from any person for facility location information for
15 design purposes only;

16 (5) **"Detectible underground location device", any device that is installed**
17 **underground and that is capable of being detected from above ground with an electronic**
18 **locating device, including a locator strip or locator wire;**

19 (6) **"Electronic white lining", the process in which an excavator identifies where**
20 **a proposed excavation will occur by drawing a polygon shape on a GIS map,**
21 **transmitted in a manner that may then be delivered by the notification center to its**
22 **member operator;**

23 ~~[(3)]~~ (7) "Emergency", a sudden, unexpected occurrence, presenting a clear and
24 imminent danger demanding immediate action to prevent or mitigate loss or damage to life,
25 health, property, or essential public services. "Unexpected occurrence" includes, but is not
26 limited to, thunderstorms, high winds, ice or snow storms, fires, floods, earthquakes, or other
27 soil or geologic movements, riots, accidents, water or wastewater pipe breaks, vandalism, or
28 sabotage;

29 ~~[(4)]~~ (8) "Excavation", any operation in which earth, rock or other material in or on
30 the ground is moved, removed or otherwise displaced by means of any tools, equipment or
31 explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching,
32 pulling material from a ditch ~~[but not including]~~ **not in conjunction with** routine road
33 maintenance, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe
34 plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures~~[-except that,].~~
35 **Exemptions to this definition include: routine road maintenance**, the use of mechanized
36 tools and equipment to break and remove pavement and masonry down only to the depth of
37 such pavement or masonry on roads dedicated to the public use for vehicular traffic, the
38 tilling of soil for agricultural purposes when such excavation does not exceed sixteen inches
39 in depth, the installation of marking flags and stakes, and the use of pressurized air to
40 disintegrate and suction to remove earth, rock, or other materials for the location of
41 underground facilities ~~[shall not be deemed excavation]~~. Backfilling or moving earth on the
42 ground in connection with other excavation operations at the same site shall not be deemed
43 separate instances of excavation. For railroads regulated by the Federal Railroad
44 Administration, "excavation" shall not include any excavating done by a railroad when
45 such excavating is done entirely on land that the railroad owns or on which the railroad
46 operates, or in the event of an emergency, excavating done by a railroad on adjacent land;
47 ~~[(5)]~~ (9) "Excavator", any person making one or more excavations who is required to
48 make notices of excavation under the requirements of sections 319.010 to 319.050;
49 ~~[(6)]~~ (10) "Locate status", the underground facility owner's designation of the status
50 of the locate request to the notification center which then makes that information available to
51 the person making the locate request through electronic or other means;
52 (11) **"Locator strip", a type of detectible underground location device that**
53 **consists of a plastic or other durable material ribbon containing a material capable of**
54 **being detected from above ground with an electronic locating device and color coded by**
55 **type of underground facility;**
56 (12) **"Locator wire", a type of detectible underground location device that**
57 **consists of a copper wire or metallic, conductive, noncorrosive trace wire capable of**
58 **being detected from above ground with an electronic locating device;**
59 ~~[(7)]~~ (13) "Marking", the use of paint, flags, stakes, or other clearly identifiable
60 materials to show the field location of underground facilities, or the area of proposed
61 excavation, in accordance with the marking standards for underground facilities as designated
62 by the Common Ground Alliance Best Practices ~~[Version 10.0]~~ except that "approximate
63 location" shall comply with the requirements as set forth in subdivision (1) of this section;

64 ~~[(8)]~~ **(14)** "Notification center", a statewide organization operating twenty-four hours
65 a day, three hundred sixty-five days a year on a not-for-profit basis, supported by a majority
66 of the underground facility owners in the state of Missouri;

67 ~~[(9)]~~ **(15)** "Notification center participant", an underground facility owner who is a
68 member and participant in the notification center;

69 ~~[(10)]~~ **(16)** "Permitted project", a project for which a permit for the work to be
70 performed is required to be issued by a local, state or federal agency and, as a prerequisite to
71 receiving such permit, the applicant is required to notify all underground facility owners in
72 the area of the work for purposes of identifying the location of existing underground facilities;

73 ~~[(11)]~~ **(17)** "Person", any individual, firm, joint venture, partnership, corporation,
74 association, cooperative, municipality, political subdivision, governmental unit, department or
75 agency and shall include a notification center and any trustee, receiver, assignee or personal
76 representative thereof;

77 ~~[(12)]~~ **(18)** "Pipeline facility" includes all parts of a facility through which a
78 hazardous liquid or gas moves in transportation including, but not limited to, pipe, valves and
79 other appurtenances connected to pipe, pumping units, fabricated assemblies associated with
80 pumping units, metering and delivery stations and fabricated assemblies therein, and breakout
81 tanks;

82 **(19) "Reasonable care", includes compliance with Common Ground Alliance**
83 **Best Practices;**

84 **(20) "Start date of work", the date provided by the excavator on the notice of**
85 **intent to excavate that identifies the date of intention to begin excavation;**

86 ~~[(13)]~~ **(21)** "State plane coordinates", a system of locating a point on a flat plane
87 developed by the National Oceanic and Atmospheric Administration and utilized by state
88 agencies, local governments, and other persons to designate the site of a construction project;

89 ~~[(14)]~~ **(22)** "Trenchless excavation", horizontal excavation parallel to the surface of
90 the earth which does not use trenching or vertical digging as the primary means of excavation,
91 including but not limited to directional boring, tunneling, or augering;

92 ~~[(15)]~~ **(23)** "Underground facility", any item of personal property which shall be
93 buried or placed below ground for use in connection with the storage or conveyance of water,
94 storm drainage, sewage, telecommunications **service, broadband** service, cable television
95 service, electricity, oil, gas, hazardous liquids or other substances, and shall include but not be
96 limited to pipes, sewers, conduits, cables, valves, vaults, **fiber optic or other** lines, wires,
97 manholes, attachments, or appurtenances, and those portions of pylons or other supports
98 below ground that are within any public or private street, road or alley, right-of-way dedicated
99 to the public use or utility easement of record, or prescriptive easement. If gas distribution
100 lines or electric lines, telecommunications **or broadband** facilities, cable television facilities,

101 water service lines, water system, storm drainage or sewer system lines, other than those used
102 for vehicular traffic control, lighting of streets and highways and communications for
103 emergency response, are located on private property and are owned solely by the owner or
104 owners of such private property, such lines or facilities receiving service shall not be
105 considered underground facilities for purposes of this chapter, except at locations where they
106 cross or lie within an easement or right-of-way dedicated to public use or owned by a person
107 other than the owner of the private property. Water and sanitary sewer lines providing service
108 to private property that are owned solely by the owner of such property shall not be
109 considered underground facilities at any location. A structure that transports only storm water
110 drainage under roadways, driveways, or railways shall not be considered an underground
111 facility;

112 ~~[(16)]~~ (24) "Underground facility owner", any person who owns or operates
113 underground facilities;

114 ~~[(17)]~~ (25) "Working day", every day, except Saturday, Sunday or a legally declared
115 state or federal holiday.

**319.019. The underground facility owner shall ensure that all new and active
2 underground facilities installed on any real property after August 28, 2025, with the
3 exception of storm sewers and sanitary sewer mains and laterals installed at depths
4 more than six feet, shall be installed with a detectible underground location device
5 unless the facility is capable of being detected from above ground with an electronic
6 locating device.**

319.022. 1. Any person, except a railroad regulated by the Federal Railroad
2 Administration, who installs or otherwise owns or operates an underground facility shall
3 become a participant in a notification center upon first acquiring or owning or operating such
4 underground facility. All underground facility owners within the state shall maintain
5 participation in a notification center for the duration of owning and operating such
6 underground facility.

7 **2. Such notification center shall be governed by a board of directors elected by the**
8 **membership and composed of representatives from the general membership group, plus four**
9 **voting directors from other damage-prevention stakeholders within the construction**
10 **industry, three of whom shall be from a heavy civil, site grading, road or highway**
11 **contractor and one of whom shall be from a utility or underground contractor;**
12 **provided, however, that none of the directors appointed shall work for a contractor that**
13 **owns or operates an underground facility. The appointed directors shall be subject to**
14 **the bylaws and policies of the notification center.**

15 ~~[2-]~~ 3. The notification center shall maintain in its offices and make available to any
16 notification center participant or excavator upon request a current list of the names and

17 addresses of each notification center participant, including the county or counties wherein
18 each participant has underground facilities. The notification center may charge a reasonable
19 fee to notification center participants or excavators requesting such list as is necessary to
20 recover the actual costs of printing and mailing.

21 ~~[3-]~~ 4. Excavators shall be informed of the availability of the list of notification center
22 participants.

23 ~~[4-]~~ 5. An annual audit or review of the notification center shall be performed by a
24 certified public accountant and a report of the findings submitted to the speaker of the house
25 of representatives and the president pro tem of the senate.

319.024. 1. Every person owning or operating an underground facility shall assist
2 excavators and the general public in determining the location of underground facilities before
3 excavation activities are begun or as may be required by subsection ~~[6]~~ 7 of section 319.026
4 or subsection 1 of section 319.030 after an excavation has commenced. Methods of
5 informing the public and excavators of the means of obtaining such information may, but
6 need not, include advertising, including advertising in periodicals of general circulation or
7 trade publications, information provided to professional or trade associations which routinely
8 provide information to excavators or design professionals, or sponsoring meetings of
9 excavators and design professionals for such purposes. Information provided by the
10 notification center on behalf of persons owning or operating an underground facility shall be
11 deemed in compliance with this section by such persons.

12 2. Every person owning or operating underground pipeline facilities shall, in addition
13 to the requirements of subsection 1 of this section:

14 (1) Identify on a current basis persons who normally engage in excavation activities
15 in the area in which the pipeline is located. Every such person who is a participant in a
16 notification center shall be deemed to comply with this subdivision if such notification center
17 maintains and updates a list of the names and addresses of all excavators who have given
18 notice of intent to excavate to such notification center during the previous year and provided
19 the notification center shall, not less frequently than annually, provide public notification and
20 actual notification to all excavators on such list of the existence and purpose of the
21 notification center, and procedures for obtaining information from the notification center;

22 (2) Either directly or through the notification center, notify excavators and the public
23 in the vicinity of his ~~[or]~~, her, **or its** underground pipeline facility of the availability of the
24 notification center by including the information set out in subsection 1 of section 319.025 in
25 notifications required by the safety rules of the Missouri public service commission relating
26 to its damage prevention program;

27 (3) Notify excavators annually who give notice of their intent to excavate of the type
28 of marking to be provided and how to identify the markings.

319.025. 1. Except as provided in subsection 4 of section 319.030 and in section 319.050, ~~[a person]~~ **an excavator** shall not make or begin any excavation in any public street, road or alley, right-of-way dedicated to the public use or utility easement of record or within any private street or private property ~~[without first giving]~~ **until such excavator gives** notice to the notification center and ~~[obtaining]~~ **obtains** information concerning the possible location of any underground facilities which may be affected by said excavation from underground facility owners whose names appear on the current list of participants in the notification center and who were communicated to the excavator as notification center participants who would be informed of the excavation notice. Notice to the notification center of proposed excavation shall be deemed notice to all owners and operators of underground facilities **and shall have an operational life ending at 11:59 p.m. twenty-one consecutive calendar days from the start date of work.** The notice referred to in this section shall comply with the provisions of section 319.026.

2. An excavator's notice to owners and operators of underground facilities participating in the notification center pursuant to section 319.022 is ineffective for purposes of subsection 1 of this section unless given to such notification center.

3. Notification center participants shall be relieved of the responsibility to respond to a notice of intent to excavate received directly from the person intending to commence an excavation, except for requests for clarification of markings through on-site meetings as provided in subsection 1 of section 319.030 and requests for locations at the time of an emergency as provided by section 319.050.

4. Notwithstanding the provisions of this section to the contrary, a person shall not make or begin any excavation in any state highway, or on the right-of-way of any state highway, without first obtaining a permit from the state highways and transportation commission pursuant to section 227.240, provided however, the provisions of this subsection shall not apply to railroad right-of-way owned or operated by a railroad.

319.026. 1. An excavator shall serve notice of intent to excavate to the notification center by toll-free telephone number operated on a twenty-four hour per-day, seven day per-week basis ~~[or by facsimile]~~ or by completing notice via the internet at least two working days, but not more than ten working days, before the expected date of commencing the excavation activity. The notification center receiving such notice shall inform the excavator of all notification center participants to whom such notice will be transmitted and shall promptly transmit all details of such notice provided under subsection 2 of this section to every notification center participant in the area of excavation.

2. Notices of intent to excavate given pursuant to this section shall contain the following information:

11 (1) The name and telephone number of the person filing the notice of excavation, if
12 the telephone number is different than that of the excavator, and the name, address, **and**
13 telephone number of the excavator [~~and whether the excavator's telephone is equipped with a~~
14 ~~recording device~~];

15 (2) The date the excavation activity is expected to commence, the depth of planned
16 excavation and, if applicable, that the use of explosives is anticipated on the excavation site,
17 and the type of excavation being planned, including whether the excavation involves
18 trenchless excavation;

19 (3) The [~~facsimile number,~~] email address[;] and cellular telephone number of the
20 excavator, if any;

21 (4) The name of the person primarily responsible for conducting the excavation or
22 managing the excavation process, and if any of the information stated in subdivision (1) or (3)
23 of this subsection is different for the person primarily responsible for the excavation, the
24 notice shall also state the same information for that person;

25 (5) A detailed description accepted by the notification center sufficient for the
26 location of the excavation by any one or more of the following means: by reference to a
27 specific street address, or by description of location in relation to the nearest numbered,
28 lettered, or named state or county road or city street for which a road sign is posted, or by
29 latitude and longitude including the appropriate description in degrees, minutes, and seconds,
30 or by state plane coordinates;

31 (6) A description of the site of excavation by approximate distance and direction from
32 the nearest state or county road or city street or intersection of such roads or streets unless
33 previously provided under subdivision (5) of this subsection, and the proximity of the site to
34 any prominent landmarks;

35 (7) A description of the location or locations of the excavation at the site described by
36 direction and approximate distance in relation to prominent features of the site, such as
37 existing buildings or roadways;

38 (8) Directions as to how to reach the site of the excavation from the nearest such road,
39 if the excavation is not on or near a posted numbered, lettered, or named state or county road
40 or city street.

41 **3. When the location of the planned excavation cannot be clearly identified solely**
42 **by the means described in subdivision (5) of subsection 2 of this section, the excavator**
43 **may also designate the planned excavation route or area to be excavated by physical**
44 **white lining using white paint, stakes, whiskers, or other similar markings on and along**
45 **the area to be excavated, or by electronic white lining when available through the**
46 **notification center. Such information may be provided to the notification center prior to**

47 **or with the notification required under this section. Nothing in this section shall conflict**
48 **with section 319.024, 319.025, or 319.030.**

49 **4.** The notification center receiving such notice shall solicit all information required
50 by subsection 2 of this section and shall require the excavator to provide all such information
51 before notice by the excavator is deemed to be completed pursuant to sections 319.015 to
52 319.050. The notification center shall transmit all details of such notice as required by this
53 section.

54 ~~[4:]~~ **5.** A record of each notice of intent to excavate shall be maintained by the
55 notification center for a period of five years. The record shall include the date the notice was
56 received and all information required by subsection 2 of this section which was provided by
57 the excavator and a record of the underground facility owners notified by the notification
58 center. If the notification center creates a record of the notice by telephonic recording, such
59 record of the original notice shall be maintained for one year from the date of receipt.
60 Records of notices to excavate maintained by the notification center in electronic form shall
61 be deemed to be records under this subsection. Persons holding records of notices of intent to
62 excavate and records of information provided to the excavator by the notification center or
63 owner or operator of the facility shall make copies of such records available for a reasonable
64 copying fee upon the request of the owner or operator of the underground facilities or the
65 excavator filing the notice.

66 ~~[5:]~~ **6.** If in the course of excavation the person responsible for the excavation
67 operations discovers that the owner or operator of the underground facility who is a
68 participant in a notification center has incorrectly located the underground facility, **or**
69 **discovers an underground facility that is not marked**, he or she shall notify the notification
70 center which shall inform the underground facility owner. The underground facility owner
71 shall respond to the incorrect locate notification within two hours of receipt of the notification
72 by contacting the person responsible for the excavation or by correctly locating their
73 underground facility. The person responsible for maintaining records of the location of
74 underground facilities for the notification center participant shall correct such records to show
75 the actual location of such facilities, if current records are incorrect.

76 ~~[6:]~~ **7.** When markings have been provided in response to a notice of intent to
77 excavate, excavators may commence or continue to work within the area described in the
78 notice ~~[for so]~~ **until the notice of intent to excavate expiration date** as long as the markings
79 are visible. If an excavator is unable to begin the excavation within ten working days as
80 described in the request, the excavator shall make a relocate request before beginning the
81 excavation. If markings become unusable due to weather, construction or other cause, the
82 excavator shall contact the notification center to request remarking. Such notice shall be
83 given in the same manner as original notice of intent to excavate, and the owner or operator

84 shall remark the site in the same manner, within the same time, as required in response to an
85 original notice of intent to excavate. Each excavator shall exercise reasonable care not to
86 unnecessarily disturb or obliterate markings provided for location of underground facilities.
87 If remarking is required due to the excavator's failure to exercise reasonable care, or if
88 repeated unnecessary requests for remarking are made by an excavator even though the
89 markings are visible and usable, the excavator may be liable to the owner or operator for the
90 reasonable cost of such remarking. Nothing in this section shall allow any person other than
91 the facility owner or their representative to mark or relocate any underground facility.

92 [7-] 8. Before commencing excavation, the excavator shall determine best practices
93 for confirming the horizontal and vertical location of facilities at the site of excavation
94 considering conditions at the site including geology, access to the site, and the presence of
95 paved surfaces. Hand digging or soft digging shall be used as a best practice when possible.

96 [8-] 9. In the event of any damage, dislocation, or disturbance of any underground
97 facility in connection with any excavation, the person responsible for the excavation
98 operations shall notify the notification center. This subsection shall be deemed to require
99 reporting of any damage, dislocation, or disturbance to trace wires, encasements, cathode
100 protection, permanent above-ground stakes, or other such items utilized for protection of the
101 underground facility. The excavator shall immediately contact 911 when any damage or
102 contact with a pipeline results in a release from the pipeline of hazardous liquid or gas to
103 occur.

104 [9-] 10. In the event of any damage, dislocation, or disturbance to any underground
105 facility or any protective devices required to be reported by the excavator under subsection
106 [8] 9 of this section in advance of or during the excavation work, the person responsible for
107 the excavation operations shall not conceal or attempt to conceal such damage, dislocation, or
108 disturbance, nor shall that person attempt to make repairs to the facility unless authorized by
109 the underground facility owner. In the case of sewer lines or facilities, emergency temporary
110 repairs may be made by the excavator after notification without the owners' or operators'
111 authorization to prevent further damage to the facilities. Such emergency repairs shall not
112 relieve the excavator of responsibility to make notification as required by subsection [8] 9 of
113 this section.

114 [10-] 11. No later than ~~[April 1, 2015, and each year thereafter]~~ **the date determined**
115 **annually by Common Ground Alliance, or any successor organization**, each underground
116 facility owner who owns or operates electric, gas, or pipeline facilities shall submit to a
117 central repository designated by the notification center a report of damages experienced by its
118 facilities for the prior calendar year. The notification center shall determine the minimum
119 information to be reported. All data submitted shall be aggregated and anonymous.
120 Information provided by the underground facility owner specific to damage data submitted

121 shall be accessible only to the underground facility owner unless otherwise designated by the
122 underground facility owner.

319.027. 1. Any person may make design requests by contacting the notification
2 center. Such design requests shall include all information deemed necessary by the
3 notification center to complete the notice, including the identification of the person and a
4 description of the location of the project being designed and other information similar to that
5 required of excavators under section 319.026.

6 2. Design requests shall be made to the notification center at least five working days[
7 ~~but not more than ten working days,~~] before the date the person has requested receiving the
8 information from the underground facility owner. Upon receipt of a design request, the
9 notification center shall inform the person of the name of all notification center participants to
10 whom the notice will be transmitted and shall promptly transmit such notice to the
11 appropriate underground facility owners.

12 3. Every underground facility owner who receives a design request shall mark the
13 location of the facility, or contact the person making the request, within five working days
14 after the date the notice was received from the notification center. If the person making the
15 request was contacted as an alternative to marking location, the person and the underground
16 facility owner shall mutually agree on a schedule and method for providing the information,
17 provided that the facility shall be marked within five working days if the facility owner and
18 the person making the request are unable to agree.

19 4. No excavation may be commenced based upon information received through a
20 design request. Obtaining information through a design request shall not excuse any person
21 commencing an excavation from making notice and obtaining information under sections
22 319.025 and 319.026 concerning the possible location of any underground facilities which
23 may be affected.

319.030. 1. Every person owning or operating an underground facility to whom
2 notice of intent to excavate is required to be given shall, upon receipt of such notice as
3 provided in this section from a person intending to commence an excavation, inform the
4 excavator as promptly as practical, but not in excess of two working days, unless the
5 excavator agrees to extend the start date and time provided in the locate request through
6 methods established by the notification center, of the approximate location of underground
7 facilities in or near the area of the excavation so as to enable the person engaged in the
8 excavation work to locate the facilities in advance of and during the excavation work,
9 provided that no excavation shall begin earlier than the scheduled excavation date provided
10 on the locate request unless the excavator has confirmed that all underground facilities have
11 been located. The two working days provided for notice in this subsection and subsection 1
12 of section 319.026 shall begin at 12:00 a.m. following the receipt of the request by the

13 notification center. Each underground facility owner receiving notifications from the
14 notification center by use of the internet shall, after December 31, 2014, use the locate status
15 system provided by the notification center. Those underground facility owners that do not
16 receive notifications by use of the internet shall, no later than January 1, 2016, provide locate
17 status to the notification center by an alternate method provided by the notification center. If
18 the excavator states in the notice of intent to excavate that the excavation will involve
19 trenchless technology, the owner or operator shall inform the excavator of the depth, to the
20 best of his ~~[or]~~, her, **or its** knowledge or ability, of the facility according to the records of the
21 owner or operator. The owner or operator shall provide the approximate location of
22 underground facilities by use of markings as designated in section 319.015. Persons
23 representing the excavator and the owner or operator shall meet on the site of excavation
24 within two working days of a request by either person for such meeting for the purpose of
25 clarifying markings, or upon agreement of the excavator and owner or operator, such meeting
26 may be an alternate means of providing the location of facilities by originally marking the
27 approximate location of the facility at the time of the meeting. If upon receipt of a notice of
28 intent to excavate, an owner or operator determines that he or she neither owns or operates
29 underground facilities in or near the area of excavation, the owner or operator shall within
30 two working days after receipt of the notice, inform the excavator that the owner or operator
31 has no facilities located in the area of the proposed excavation. The owner or operator of the
32 underground facility shall make notice to the excavator that no facilities are located in the
33 area of excavation by contacting the excavator by any of the following methods:

34 (1) By calling the primary number of the excavator or by calling the telephone
35 number of the responsible person as provided by the excavator under subdivision (4) of
36 subsection 2 of section 319.026;

37 (2) By leaving a message on the recording device for such numbers;

38 (3) By calling the cellular telephone number of the excavator or responsible person;

39 (4) By notifying the excavator by ~~[facsimile or]~~ electronic mail at ~~[numbers or]~~
40 addresses stated by the excavator in the notice of excavation made under subsection 2 of
41 section 319.026;

42 (5) By marking "clear" or "OK" at the site of excavation;

43 (6) By verbally informing the excavator in person.

44

45 If the only means of contacting the excavator is one or more telephone numbers provided by
46 the excavator in the notice of excavation under section 319.026, then two attempts by the
47 underground facility owner to contact the excavator at one of the telephone numbers provided
48 shall constitute compliance with this subsection; or

49 (7) By use of a locate status system.

50 2. A record of the date and means of informing the excavator that no facilities were
51 located by the owner or operator shall be included in the written records of the underground
52 facility owner regarding each specific notice of excavation and shall be retained for a period
53 of five years.

54 3. If the owner or operator notifies the excavator that the area of excavation cannot be
55 determined from the description provided by the excavator through the notice required by this
56 section, the excavator shall provide clarification of the area of excavation by marking the area
57 with white flags or white paint, or by providing project plans to the owner or operator, or by
58 meeting on the site of the excavation with representatives of the owner or operator as
59 provided for in this section.

60 4. In the event that a person owning or operating an underground facility fails to
61 comply with the provisions of subsection 1 of this section after notice given by an excavator
62 in compliance with section 319.026, the excavator, prior to commencing the excavation, shall
63 give a second notice to the notification center as required by section 319.026 stating that there
64 has been no response to the original notice given under section 319.026. After the receipt of
65 the notice stating there has been "no response", the owner or operator of an underground
66 facility shall, within two hours of the receipt of such notice, mark its facilities or contact and
67 inform the excavator of when the facilities will be marked; provided, however, that for "no
68 response" notices made to the notification center by 2:00 p.m., the markings shall be
69 completed on the working day the notice is made to the notification center, and provided that
70 for "no response" notices made to the notification center after 2:00 p.m., the markings shall be
71 completed no later than 10:00 a.m. on the next working day. If an underground facility owner
72 fails to mark its facilities or contact the excavator as required by this subsection, the excavator
73 may commence the excavation. Nothing in this subsection shall excuse the excavator from
74 exercising the degree of care in making the excavation as is otherwise required by law.

75 5. For purposes of this section, a period of two working days begins at 12:00 a.m.
76 following when the request is made.

319.031. 1. In addition to the other requirements of section 319.030, the response to a
2 notice of intent to excavate received by a sewer system owner, when such owner has
3 underground facilities located in the area of excavation identified in the notice and when the
4 notice indicates that trenchless excavation methods will be used, shall include a determination
5 of whether sewer service connections exist in the area of the excavation.

6 2. If the sewer system owner determines that sewer service connections exist in the
7 area of the excavation identified in a notice of intent to excavate, the owner shall provide his
8 ~~or~~, her, or its best available information, or notice that the information does not exist,
9 regarding the location of such connections to the excavator by any of the following methods:

- 10 (1) Placing a triangular green mark at the approximate location of the sewer service
11 connection pointing in the direction of the customer structure serviced;
- 12 (2) Providing electronic copies of the information to the excavator;
- 13 (3) Delivering copies of the information to the excavator by ~~[facsimile or by]~~ other
14 agreed upon means; or
- 15 (4) Arranging to meet the excavator at the site of the excavation to provide the
16 information.
- 17 3. Providing the best available information, or notice that the information does not
18 exist, regarding the location of sewer service connections that exist in the area of excavation
19 identified in a notice of intent to excavate shall constitute full compliance with this section,
20 and a sewer system owner shall not be liable to any party for damages or injuries resulting
21 from an excavation if they are in compliance with this section.
- 22 4. Providing the best available information regarding the location of sewer service
23 connections that exist in the area of excavation identified in a notice of intent to excavate shall
24 not in and of itself constitute ownership, operation, control, or management of sewer service
25 lines by a sewer system owner.

319.034. For purposes of sections 319.010 to 319.050, the location of
2 **underground facilities provided by a facility owner or operator in accordance with**
3 **section 319.026 to any person engaging in scheduled excavating shall be accurate. If any**
4 **underground facility is damaged by an excavator due to the furnishing of incorrect**
5 **information by the facility owner or operator, the excavator shall not be subject to any**
6 **liability resulting from damage to the underground facility as a result of the excavating,**
7 **provided that such person engaging in scheduled excavating complies with the**
8 **requirements of sections 319.010 to 319.050 with respect to such excavation and there**
9 **is no evidence visible and obvious to the excavator of the presence of a mismarked**
10 **underground facility.**

- 319.035. 1. Obtaining information as required by sections 319.010 to 319.050 does
2 not excuse any person making any excavation from doing so in a careful and prudent manner.
- 3 2. Nothing in sections 319.010 to 319.050 shall relieve an excavator from the
4 obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from
5 liability for damage to underground facilities **except as provided in section 319.034.**
- 6 3. The failure of any excavator to give notice of proposed excavation activities as
7 required by this chapter shall be a rebuttable presumption of negligence on his or her part in
8 the event that such failure shall cause injury, loss, or damage. In addition to any penalties
9 provided herein, liability under common law may apply.
- 10 4. The failure of an underground facility owner **or a locator or other contractor**
11 **engaged by the facility owner** to mark ~~[his or her]~~ **the facility owner's** facilities that are

12 located in an area of excavation described in a notice of intent to excavate received by the
13 underground facility owner, as required by section 319.030, or the failure of an underground
14 facility owner to be a notification center participant, consistent with the provisions of section
15 319.022, shall be a rebuttable presumption of negligence on the part of such owner, **and of**
16 **the locator or other contractor engaged by the facility owner**, in the event that such failure
17 shall cause injury, loss, or damage. In addition to any penalties provided herein, liability
18 under common law may apply.

393.1120. 1. For all solar energy projects built on or after January 1, 2026, such
2 **project shall be subject to setback distances of at least two hundred feet from the nearest**
3 **occupied dwelling, church, or school in existence at the time of construction, as**
4 **measured from the nearest solar panel to the nearest occupied dwelling, church, or**
5 **school. Such distances shall not apply to a property owner who has entered into a**
6 **written agreement between the solar energy project and the property owner to waive or**
7 **reduce the setback requirements. This subsection shall not apply to solar energy**
8 **projects in possession of a certificate of convenience and necessity granted by the public**
9 **service commission or built and operating at capacity on or before December 31, 2025.**
10 **If a county utilizes planning and zoning, the local planning and zoning rules shall**
11 **supersede the provisions of this subsection, provided that the setback provisions are not**
12 **more restrictive than the provisions of this subsection.**

13 **2. A solar energy company shall secure, through purchase or contract, all**
14 **property rights or easements necessary for transmission and interconnection for the**
15 **solar energy project to connect to the electrical grid prior to beginning construction of**
16 **the solar energy project.**

17 **3. Nothing in this section shall be construed to apply to agreements authorized**
18 **under chapter 100.**

19 **4. The provisions of this section shall not apply to any solar energy project or**
20 **system that uses solar energy directly to generate five megawatts or less of energy.**

393.2600. 1. As used in this section, the following terms mean:

2 **(1) "Light-mitigating technology system", aircraft detection lighting or any**
3 **other comparable system capable of reducing the impact of facility obstruction lighting**
4 **while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding**
5 **collision with a wind energy conversion system;**

6 **(2) "Power offtake agreement", a long-term contract that provides for:**

7 **(a) The whole or any part of the available capacity or the sale or other disposal**
8 **of the whole or any part of the output of a wind energy conversion system; or**

9 **(b) A contract for differences or financial hedge ties to the output from the wind**
10 **energy conversion system;**

11 **(3) "Wind energy conversion system", an electric generation facility consisting**
12 **of five or more wind turbines that are fifty feet tall or taller in height and any accessory**
13 **structures and buildings, including substations, meteorological towers, electrical**
14 **infrastructure, transmission lines, and other appurtenant structures.**

15 **2. After August 28, 2025, no new wind energy conversion system shall begin**
16 **commercial operations in this state unless the developer, owner, or operator of the wind**
17 **energy conversion systems applies to the Federal Aviation Administration for**
18 **installation of a light-mitigating technology system that complies with 14 CFR 1.1, et**
19 **seq. If the installation is approved by the Federal Aviation Administration, the**
20 **developer, owner, or operator of such wind energy conversion system shall install the**
21 **light-mitigating technology system on approved turbines within twenty-four months of**
22 **receipt of approval.**

23 **3. Prior to August 28, 2030, any developer, owner, or operator of a wind energy**
24 **conversion system that has commenced commercial operations in the state without a**
25 **light-mitigating technology system shall apply to the Federal Aviation Administration**
26 **for installation and operation of a light-mitigating technology system that complies with**
27 **14 CFR 1.1, et seq. If the installation is approved by the Federal Aviation**
28 **Administration, the developer, owner, or operator of such wind energy conversion**
29 **system shall install the light-mitigating technology system on approved turbines within**
30 **twenty-four months of receipt of approval.**

31 **4. Any vendor that is selected for installation of light-mitigating technology**
32 **system on a wind energy conversion system under the provisions of this section and is**
33 **approved by the Federal Aviation Administration for such installation shall provide to**
34 **the Missouri department of natural resources, in the form and manner prescribed by**
35 **the department, notice of the progress of the installation of such light-mitigating**
36 **technology system.**

37 **5. If the installation of the light-mitigating technology system is delayed beyond**
38 **the twenty-four-month installation requirement established under this section, the**
39 **vendor shall provide notice to the Missouri department of natural resources no less than**
40 **once every three months with an update on the reasons for the delay and the current**
41 **status of installation. The department shall establish policies and procedures to**
42 **establish a uniform schedule for submitting notice as required under this subsection.**

43 **6. Any costs associated with the installation, implementation, operation, and**
44 **maintenance of a light-mitigating technology system shall be the responsibility of the**
45 **developer, owner, or operator of the wind energy conversion system.**

46 **7. Any developer, owner, or operator of a wind energy conversion system that is**
47 **approved to install light-mitigating technology but does not install such approved light-**

48 mitigating technology in the time frames established in subsections 3 and 5 of this
49 section shall be liable for a fine of five thousand dollars per day per wind turbine until
50 the developer, owner, or operator installs the light-mitigating technology as approved.

51 8. The director may promulgate all necessary rules and regulations for the
52 administration of this section. Any rule or portion of a rule, as that term is defined in
53 section 536.010, that is created under the authority delegated in this section shall
54 become effective only if it complies with and is subject to all of the provisions of chapter
55 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
56 and if any of the powers vested with the general assembly pursuant to chapter 536 to
57 review, to delay the effective date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
59 adopted after August 28, 2025, shall be invalid and void.

523.010. 1. In case land, or other property, is sought to be appropriated by any road,
2 railroad, street railway, telephone, telegraph or any electrical corporation organized for the
3 manufacture or transmission of electric current for light, heat or power, including the
4 construction, when that is the case, of necessary dams and appurtenant canals, flumes, tunnels
5 and tailraces and including the erection, when that is the case, of necessary electric steam
6 powerhouses, hydroelectric powerhouses and electric substations or any oil, pipeline or gas
7 corporation engaged in the business of transporting or carrying oil, liquid fertilizer solutions,
8 or gas by means of pipes or pipelines laid underneath the surface of the ground, or other
9 corporation created under the laws of this state for public use, and such corporation and the
10 owners cannot agree upon the proper compensation to be paid, or in the case the owner is
11 incapable of contracting, be unknown, or be a nonresident of the state, such corporation may
12 apply to the circuit court of the county of this state where such land or any part thereof lies by
13 petition setting forth the general directions in which it is desired to construct its road, railroad,
14 street railway, telephone, or telegraph line or electric line, including, when that is the case, the
15 construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and
16 tailraces and, when that is the case, the appropriation of land submerged by the construction
17 of such dam, and including the erection and maintenance, when that is the case, of necessary
18 electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil,
19 pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such
20 lands, a description of the real estate, or other property, which the company seeks to acquire;
21 the names of the owners thereof, if known; or if unknown, a pertinent description of the
22 property whose owners are unknown and praying the appointment of three disinterested
23 residents of the county, as commissioners, or a jury, to assess the damages which such owners
24 may severally sustain in consequence of the establishment, erection and maintenance of such
25 road, railroad, street railway, telephone, telegraph line, or electrical line including damages

26 from the construction and maintenance of necessary dams and the condemnation of land
27 submerged thereby, and the construction and maintenance of appurtenant canals, flumes,
28 tunnels and tailraces and the erection and maintenance of necessary electric steam
29 powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, or gas
30 line over or underneath the surface of such lands; to which petition the owners of any or all as
31 the plaintiff may elect of such parcels as lie within the county or circuit may be made parties
32 defendant by names if the names are known, and by the description of the unknown owners of
33 the land therein described if their names are unknown.

34 2. If the proceedings seek to affect the lands of persons under conservatorship, the
35 conservators must be made parties defendant. If the present owner of any land to be affected
36 has less estate than a fee, the person having the next vested estate in remainder may at the
37 option of the petitioners be made party defendant; but if such remaindermen are not made
38 parties, their interest shall not be bound by the proceedings.

39 3. It shall not be necessary to make any persons party defendants in respect to their
40 ownership unless they are either in actual possession of the premises to be affected claiming
41 title or having a title of the premises appearing of record upon the proper records of the
42 county.

43 4. Except as provided in subsection 5 of this section, nothing in this chapter shall be
44 construed to give a public utility, as defined in section 386.020, or a rural electric cooperative,
45 as provided in chapter 394, the power to condemn property which is currently used by another
46 provider of public utility service, including a municipality or a special purpose district, when
47 such property is used or useful in providing utility services, if the public utility or cooperative
48 seeking to condemn such property, directly or indirectly, will use or proposes to use the
49 property for the same purpose, or a purpose substantially similar to the purpose for which the
50 property is being used by the provider of the public utility service.

51 5. A public utility or a rural electric cooperative may only condemn the property of
52 another provider of public utility service, even if the property is used or useful in providing
53 utility services by such provider, if the condemnation is necessary for the public purpose of
54 acquiring a nonexclusive easement or right-of-way across the property of such provider and
55 only if the acquisition will not materially impair or interfere with the current use of such
56 property by the utility or cooperative and will not prevent or materially impair such provider
57 of public utility service from any future expansion of its facilities on such property.

58 6. If a public utility or rural electric cooperative seeks to condemn the property of
59 another provider of public utility service, and the conditions in subsection 4 of this section do
60 not apply, this section does not limit the condemnation powers otherwise possessed by such
61 public utility or rural electric cooperative.

62 7. Suits in inverse condemnation or involving dangerous conditions of public
63 property against a municipal corporation established under Article VI, Section 30(a) of the
64 Missouri Constitution shall be brought only in the county where such land or any part thereof
65 lies.

66 8. For purposes of this chapter, the authority for an electrical corporation as defined in
67 section 386.020, except for an electrical corporation operating under a cooperative business
68 plan as described in section 393.110, to condemn property for purposes of constructing an
69 electric plant subject to a certificate of public convenience and necessity under subsection 1
70 of section 393.170 shall not extend to the construction of a merchant transmission line with
71 Federal Energy Regulatory Commission negotiated rate authority unless such line has a
72 substation or converter station located in Missouri which is capable of delivering an amount
73 of its electrical capacity to electrical customers in this state that is greater than or equal to the
74 proportionate number of miles of the line that passes through the state. The provisions of this
75 subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28,
76 2022.

77 **9. For the purposes of this chapter, the authority of any corporation set forth in**
78 **subsection 1 of this section to condemn property shall not extend to:**

79 **(1) The construction or erection of any plant, tower, panel, or facility that**
80 **utilizes, captures, or converts wind or air currents to generate or manufacture**
81 **electricity; or**

82 **(2) The construction or erection of any plant, tower, panel, or facility that**
83 **utilizes, captures, or converts the light or heat generated by the sun to generate or**
84 **manufacture electricity.**

85 **10. Subject to subsection 8 of this section, but notwithstanding subsection 9 of**
86 **this section, the authority of any corporation set forth in subsection 1 of this section to**
87 **condemn property shall extend to acquisition of rights needed to construct, operate, and**
88 **maintain collection lines, distribution lines, transmission lines, communications lines,**
89 **substations, switchyards, and other facilities needed to collect and deliver energy**
90 **generated or manufactured by the facilities described in subsection 9 of this section to**
91 **the distribution or transmission grid.**

✓