

SECOND REGULAR SESSION

HOUSE BILL NO. 1774

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FITZPATRICK (Sponsor) AND LANT (Co-sponsor).

5870H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 523.262, RSMo, and to enact in lieu thereof one new section relating to the eminent domain power of utilities.

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

Section A. Section 523.262, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.262, to read as follows:

523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

2. A private utility company, public utility, rural electric cooperative, municipally owned utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be granted pursuant to the provisions of other sections of the revised statutes of Missouri, **except where any electric transmission line originates and terminates in a single state other than Missouri while traversing any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat or a county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants as the county seat.** For the purposes of this section, the term "common carrier"

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.

18 shall not include motor carriers, contract carriers, or express companies. Where a condemnation
19 by such an entity results in a displaced person, as defined in section 523.200, the provisions of
20 subsections 3 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject
21 to the relocation assistance provisions of the federal Uniform Relocation Assistance Act.

22 3. Any entity with the power of eminent domain and pursuing the acquisition of property
23 for the purpose of constructing a power generation facility after December 31, 2006, after
24 providing notice in a newspaper of general circulation in the county where the facility is to be
25 constructed, shall conduct a public meeting disclosing the purpose of the proposed facility prior
26 to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the
27 property owner with notification of the identity of the condemning authority and the proposed
28 purpose for which the condemned property shall be used at the time of making the initial offer.

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