

SECOND REGULAR SESSION

# HOUSE BILL NO. 2092

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NEELY.

6063H.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Section 523.262, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.262, to read as follows: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 for rural electric cooperatives regulated under chapter 394, the power of eminent domain shall not be exercised for any electric transmission line project that consists of collector lines transmitting electricity for conversion to common voltages equal to or greater than three hundred forty-five thousand volts, and if such project makes use of steel monopole or lattice structures equal to or greater than ninety feet in height, and such project both originates and terminates in states other than this state, and is constructed within or across any portion of six or more counties of any classification located in this state.** For the purposes of this section, the term "common carrier" shall not include motor carriers, contract carriers, or express companies. Where a condemnation by such an entity results in a displaced

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 person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section  
19 523.205 shall apply unless the condemning entity is subject to the relocation assistance  
20 provisions of the federal Uniform Relocation Assistance Act.

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

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