

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 835, Page 2, Section 393.106, Line 53, by
2 inserting after all of said section and line the following:

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4 "393.170. 1. No gas corporation, electrical corporation, water corporation or sewer
5 corporation shall begin construction of a gas plant, electric plant, water system or sewer system,
6 other than an energy generation unit that has a capacity of one megawatt or less, without first having
7 obtained the permission and approval of the commission.

8 2. No such corporation shall exercise any right or privilege under any franchise hereafter
9 granted, or under any franchise heretofore granted but not heretofore actually exercised, or the
10 exercise of which shall have been suspended for more than one year, without first having obtained
11 the permission and approval of the commission. Before such certificate shall be issued a certified
12 copy of the charter of such corporation shall be filed in the office of the commission, together with a
13 verified statement of the president and secretary of the corporation, showing that it has received the
14 required consent of the proper municipal authorities.

15 3. (1) Before the commission shall issue an approval under subsection 1 of this section for a
16 merchant line, an entity shall provide the commission a resolution of support passed by the county
17 commission of each county through which the merchant line will be built. Any electrical
18 corporation that begins construction on a merchant line after August 28, 2021, shall provide the
19 required resolutions to the commission prior to construction, regardless of whether the commission
20 has previously issued its approval.

21 (2) For the purposes of this subsection, the following terms mean:

22 (a) "Entity", an electrical corporation that does not provide service to end-use customers or
23 provide retail service in Missouri or does not collect its costs to provide service under a regional
24 transmission organization tariff;

25 (b) "Merchant line", a high-voltage direct current electric transmission line that does not
26 provide for the erection of electric substations at intervals of less than fifty miles, which substations
27 are necessary to accommodate both the purchase and sale to persons located in this state of
28 electricity generated or transmitted by such entity.

29 4. The commission shall have the power to grant the permission and approval herein
30 specified whenever it shall after due hearing determine that such construction or such exercise of the
31 right, privilege or franchise is necessary or convenient for the public service. The commission may
32 by its order impose such condition or conditions as it may deem reasonable and necessary. Unless
33 exercised within a period of two years from the grant thereof, authority conferred by such certificate
34 of convenience and necessity issued by the commission shall be null and void.

35 523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain
36 shall only be vested in governmental bodies or agencies whose governing body is elected or whose

Action Taken _____ Date _____

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

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

4. (1) Notwithstanding the provisions of subsection 2 of this section, no entity shall have the power of eminent domain under the provisions of this section for the purpose of constructing above-ground merchant lines.

(2) For the purpose of this subsection, the following terms mean:

(a) "Entity", a utility company that does not provide service to end-use customers or provide retail service in Missouri, or does not collect its costs to provide service under a regional transmission organization tariff, regardless of whether it has received a certificate of convenience and necessity from the public service commission under section 393.170;

(b) "Merchant line", a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such entity.

(3) This subsection shall apply to any property or easement acquisition started on or after August 28, 2021.

(4) This subsection shall not apply to any rural electric cooperative organized or operating under the provisions of chapter 394, or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.