

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 992, Pages 2-3, Section 393.170, Lines
2 52-83, by deleting all of said lines and inserting in lieu thereof the following:

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4 "(3) For the purposes of this subsection, the following terms shall mean:"; and

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6 Further amend said bill and section, Page 4, Line 90, by inserting after all of said section and line
7 the following:

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

Action Taken _____ Date _____

petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or circuit may be made parties defendant by names if the names are known, and by the description of the unknown owners of the land therein described if their names are unknown.

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

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

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

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

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

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

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

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

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

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

3 10. Notwithstanding subsection 9 of this section, the authority of any corporation set forth in
4 subsection 1 of this section to condemn property shall extend to acquisition of rights needed to
5 construct, operate, and maintain collection lines, distribution lines, transmission lines,
6 communications lines, substations, switchyards, and other facilities needed to collect and deliver
7 energy manufactured by the facilities described in subsection 9 of this section to the distribution or
8 transmission grid.

9 11. For purposes of this chapter, the authority for an electrical corporation as defined in
10 section 386.020, except for an electrical corporation operating under a cooperative business plan as
11 described in section 393.110, to condemn property for the purposes of constructing lines or
12 substations for the transmission of electric current for light, heat, or power, which lines or
13 substations have been approved by a regional transmission organization and for which a certificate
14 of convenience and necessity under subsection 1 of section 393.170 is required, shall only extend to
15 electrical corporations that are rate-regulated by the public service commission or affiliates of
16 electrical corporations that are rate-regulated by the public service commission. For purposes of this
17 subsection, an affiliate is an entity that directly or indirectly, through one or more intermediaries,
18 controls, is controlled by, or is under common control with the rate-regulated electrical
19 corporation."; and

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