

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 992, Pages 2-3, Section 393.170, Lines
2 22-83, by deleting all of said lines and inserting in lieu thereof the following:

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4 "construction of electric transmission facilities. Regardless of whether the application under
5 section 1 of this section proposes co-location of the project, the commission can consider co-
6 location with, parallel to, or along existing rights of way in its review of the application. In
7 addition, to the extent such electric transmission facilities will be sited with or along or will replace
8 or upgrade existing above-ground electrical infrastructure that is not owned by an entity seeking
9 permission and approval pursuant to an application filed under subsection 1 of this section or by its
10 affiliate, the entity or entities that will own the new electric transmission facilities subject to the
11 application shall obtain from the underlying fee owners independent real estate rights necessary to
12 accommodate the installation and operation thereof. Notwithstanding subsection 4 of section
13 523.010 or any other provision of law, regulation, or judicial precedent to the contrary, the
14 commission shall have authority, under an application filed under subsection 1 of this section, in
15 granting the permission or approval sought to allow or require, on a nondiscriminatory basis with
16 just compensation and conditions, joint-use or co-location of new transmission facilities on existing
17 rights of way, including rights of way involving joint use or co-location of new transmission
18 facilities with existing or to-be retired transmission facilities. Nothing in this subdivision shall
19 relieve such entity or entities of the obligations contained in sections 523.039 or 523.256 for robust
20 landowner input and the obligations for land restoration and maintenance after any joint-use or co-
21 location. Nothing in this section is intended to require co-location with existing facilities or upgrade
22 of such facilities to the extent that such designation would prohibit or limit a competitive solicitation
23 process to determine the developer of new transmission facilities approved by a regional
24 transmission operator.

25 (2) Notwithstanding any other provision of law, regulation, or judicial precedent to the
26 contrary, including subsection 4 of section 523.010, an owner of any property or property rights that
27 are the subject of any electric transmission project shall be entitled to just compensation under
28 section 523.039, regardless of whether there is an existing utility right of way when application is
29 made under subsection 1 of this section. Notwithstanding subsection 2 of section 523.039 to the
30 contrary, for eminent domain proceedings of any agricultural or horticultural property that is the
31 subject of any electronic transmission project by any electrical corporation as defined in section
32 386.020, municipally owned electric utility, rural electric cooperative, or investor-owned electrical
33 utility, just compensation shall be an amount equivalent to fair market value multiplied by one
34 hundred fifty percent, as determined by the court. The provisions of this subsection shall not apply
35 to applications filed under subsection 1 of this section before August 28, 2023.

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

Action Taken _____ Date _____

- 1
- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.