

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:

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

5
6 Further amend said bill and section, Page 4, Line 90, by inserting after all of said section and line
7 the following:

8
9 "393.172. No later than December 31, 2024, the commission shall adopt rules applicable to
10 electrical corporations requiring the entity constructing an electric transmission line under
11 subsection 1 of section 393.170 to adhere to standards to be adopted by such rules relating to
12 construction activities occurring partially or wholly on privately owned agricultural land. Such
13 standards shall address, at a minimum, landowner communication expectations, agricultural
14 mitigation and restoration practices, and construction-related tree and brush clearing.

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

Action Taken _____ Date _____

1 consequence of the establishment, erection and maintenance of such road, railroad, street railway,
2 telephone, telegraph line, or electrical line including damages from the construction and
3 maintenance of necessary dams and the condemnation of land submerged thereby, and the
4 construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection
5 and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric
6 substations, or oil, pipeline, or gas line over or underneath the surface of such lands; to which
7 petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or
8 circuit may be made parties defendant by names if the names are known, and by the description of
9 the unknown owners of the land therein described if their names are unknown.

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

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

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

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

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

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

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

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

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

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

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

13 11. For purposes of this chapter, the authority for an electrical corporation as defined in
14 section 386.020, except for an electrical corporation operating under a cooperative business plan as
15 described in section 393.110, to condemn property for the purposes of constructing lines or
16 substations for the transmission of electric current for light, heat, or power, which lines or
17 substations have been approved by a regional transmission organization and for which a certificate
18 of convenience and necessity under subsection 1 of section 393.170 is required and has been sought
19 by January 1, 2028, shall only extend to electrical corporations that are rate-regulated by the public
20 service commission or affiliates of electrical corporations that are rate-regulated by the public
21 service commission that existed as of August 28, 2023. For purposes of this subsection, an affiliate
22 is an entity that directly or indirectly, through one or more intermediaries, controls, is controlled by,
23 or is under common control with the rate-regulated electrical corporation."; and
24

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