

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 992, Pages 2-3, Section 393.170, Lines 22-83, by
2 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 section
5 1 of this section proposes co-location of the project, the commission can consider co-location with, parallel
6 to, or along existing rights of way in its review of the application. In addition, to the extent such electric
7 transmission facilities will be sited with or along or will replace or upgrade existing above-ground electrical
8 infrastructure that is not owned by an entity seeking permission and approval pursuant to an application filed
9 under subsection 1 of this section or by its affiliate, the entity or entities that will own the new electric
10 transmission facilities subject to the application shall obtain from the underlying fee owners independent real
11 estate rights necessary to accommodate the installation and operation thereof. Notwithstanding subsection 4
12 of section 523.010 or any other provision of law, regulation, or judicial precedent to the contrary, the
13 commission shall have authority, under an application filed under subsection 1 of this section, in granting the
14 permission or approval sought to allow or require, on a nondiscriminatory basis with just compensation and
15 conditions, joint-use or co-location of new transmission facilities on existing rights of way, including rights of
16 way involving joint use or co-location of new transmission facilities with existing or to-be retired
17 transmission facilities. Nothing in this subdivision shall relieve such entity or entities of the obligations
18 contained in sections 523.039 or 523.256 for robust landowner input and the obligations for land restoration
19 and maintenance after any joint-use or co-location. Nothing in this section is intended to require co-location
20 with existing facilities or upgrade of such facilities to the extent that such designation would prohibit or limit
21 a competitive solicitation process to determine the developer of new transmission facilities approved by a
22 regional transmission operator.

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

33 (3) For the purposes of this subsection, the following terms shall mean:"; and
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35 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____