

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2541, Page 5, Section 393.1400, Line
2 148, by inserting after all of said section and line the following:

3
4 "523.010. 1. In case land, or other property, is sought to be appropriated by any road,
5 railroad, street railway, telephone, telegraph or any electrical corporation organized for the
6 manufacture or transmission of electric current for light, heat or power, including the construction,
7 when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and
8 including the erection, when that is the case, of necessary electric steam powerhouses, hydroelectric
9 powerhouses and electric substations or any oil, pipeline or gas corporation engaged in the business
10 of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid
11 underneath the surface of the ground, or other corporation created under the laws of this state for
12 public use, and such corporation and the owners cannot agree upon the proper compensation to be
13 paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the
14 state, such corporation may apply to the circuit court of the county of this state where such land or
15 any part thereof lies by petition setting forth the general directions in which it is desired to construct
16 its road, railroad, street railway, telephone, or telegraph line or electric line, including, when that is
17 the case, the construction and maintenance of necessary dams and appurtenant canals, tunnels,
18 flumes and tailraces and, when that is the case, the appropriation of land submerged by the
19 construction of such dam, and including the erection and maintenance, when that is the case, of
20 necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil,
21 pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such lands, a
22 description of the real estate, or other property, which the company seeks to acquire; the names of
23 the owners thereof, if known; or if unknown, a pertinent description of the property whose owners
24 are unknown and praying the appointment of three disinterested residents of the county, as
25 commissioners, or a jury, to assess the damages which such owners may severally sustain in
26 consequence of the establishment, erection and maintenance of such road, railroad, street railway,
27 telephone, telegraph line, or electrical line including damages from the construction and
28 maintenance of necessary dams and the condemnation of land submerged thereby, and the
29 construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection
30 and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric

Action Taken _____ Date _____

1 substations, or oil, pipeline, or gas line over or underneath the surface of such lands; to which
2 petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or
3 circuit may be made parties defendant by names if the names are known, and by the description of
4 the unknown owners of the land therein described if their names are unknown.

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

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

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

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

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

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

35 8. For purposes of this chapter, the authority for an electrical corporation as defined in
36 section 386.020, except for an electrical corporation operating under a cooperative business plan as
37 described in section 393.110, to condemn property for purposes of constructing an electric plant
38 subject to a certificate of public convenience and necessity under subsection 1 of section 393.170
39 shall not extend to the construction of a merchant transmission line with Federal Energy Regulatory

1 Commission negotiated rate authority unless such line has a substation or converter station located
2 in Missouri which is capable of delivering an amount of its electrical capacity to electrical
3 customers in this state that is greater than or equal to the proportionate number of miles of the line
4 that passes through the state. The provisions of this subsection shall not apply to applications filed
5 pursuant to section 393.170 prior to August 28, 2022.

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

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

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

12 10. Subject to subsection 8 of this section, but notwithstanding subsection 9 of this section,
13 the authority of any corporation set forth in subsection 1 of this section to condemn property shall
14 extend to acquisition of rights needed to construct, operate, and maintain collection lines,
15 distribution lines, transmission lines, communications lines, substations, switchyards, and other
16 facilities needed to collect and deliver energy generated or manufactured by the facilities described
17 in subsection 9 of this section to the distribution or transmission grid."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.