

HB 1750 -- EMINENT DOMAIN FOR UTILITY PURPOSES

SPONSOR: Haffner

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 12 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

This bill prohibits the use of eminent domain by electrical corporations for the construction or erection of any plant, tower, panel, or facility that:

- (1) Uses, captures, or converts wind or air currents to generate or manufacture electricity; or
- (2) Uses, captures, or converts the light or heat generated by the sun to generate or manufacture electricity.

The bill specifies that the authority of any corporation to condemn property extends to the acquisition of rights needed for collection, distribution, and transmission lines and to other facilities needed to collect and deliver energy generated or manufactured by solar or wind facilities.

PROPOSERS: Supporters say that the Public Service Commission (PSC) has the power of eminent domain to take properties for the betterment of the state, but the PSC is abusing the authority. This is about property rights. Current statute defines a person to include an electrical corporation, and this allows the abuse of statute. A new marginalized society is being created, and that is the landowner whose land is being taken by eminent domain. It's very burdensome for these landowners to try to take this to trial, and they are told they are almost certainly not going to have a favorable outcome. Permitting the taking of private land for the purpose of constructing solar and wind power is unconscionable. Some checks and balances have to be made to eminent domain because there is no way a solo landowner can take on a billion dollar corporation to fight for their land. Eminent domain should be used only for local use, like local utilities and schools, not private utility companies trying to make money on private landowners' land.

Testifying in person for the bill were Representative Haffner; Catherine Vogelweid; Charles Greg Crawford; Susan Burns; Jason Zamkis, Missouri Corn Growers Association; Benita Embree; Dean Baker; Martha Baker; Rose E. Wright; Dr. Nirtana Susan Goodman; Patricia L. Stemme; Wiley Hibbard; Mo Cattlemen's Association; and Missouri Farm Bureau.

OPPONENTS: Those who oppose the bill say that this bill is of concern because the focus is only on solar and wind renewable energies. Climate change isn't being taken seriously and it is not just about the weather. Opponents say that the focus needs to be on all renewable energy sources, not just solar and wind, making sure we have the energy sources we need for the long term.

Testifying in person against the bill were Sierra Club Missouri Chapter; and Frances Klahr, Sierra Club.

OTHERS: Others testifying on the bill say the only viable form of renewable energy is nuclear. Texas had a blackout when they had subfreezing weather and they had no interconnect between their grid and other states' grids. Ameren tries very hard not to use eminent domain but sometimes does and they try to work with landowners to get a happy agreement. When wind and solar projects are produced for its customers, they will not fight it.

Testifying in person on the bill were Tom Weislouher; Ameren; Evergy; and Jon Stambaugh.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.