

SECOND REGULAR SESSION

# HOUSE BILL NO. 2762

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BANDERMAN.

6405H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 137.016, 153.030, 153.034, 247.220, and 523.010, RSMo, and to enact in lieu thereof eight new sections relating to utilities, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 137.016, 153.030, 153.034, 247.220, and 523.010, RSMo, are  
2 repealed and eight new sections enacted in lieu thereof, to be known as sections 137.016,  
3 137.124, 153.030, 153.034, 247.220, 393.1120, 393.2600, and 523.010, to read as follows:

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the  
2 following terms mean:

3 (1) "Residential property", all real property improved by a structure which is used or  
4 intended to be used for residential living by human occupants, vacant land in connection with  
5 an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in  
6 which the owner resides and uses as a primary residence with six or fewer rooms for rent, and  
7 time-share units as defined in section 407.600, except to the extent such units are actually  
8 rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but  
9 residential property shall not include other similar facilities used primarily for transient  
10 housing. For the purposes of this section, "transient housing" means all rooms available for  
11 rent or lease for which the receipts from the rent or lease of such rooms are subject to state  
12 sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

13 (2) "Agricultural and horticultural property", all real property used for agricultural  
14 purposes and devoted primarily to the raising and harvesting of crops; to the feeding,  
15 breeding and management of livestock which shall include breeding, showing, and boarding  
16 of horses; to dairying, or to any other combination thereof; and buildings and structures

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 customarily associated with farming, agricultural, and horticultural uses. Agricultural and  
18 horticultural property shall also include land devoted to and qualifying for payments or other  
19 compensation under a soil conservation or agricultural assistance program under an  
20 agreement with an agency of the federal government. Agricultural and horticultural property  
21 shall further include any reliever airport. Real property classified as forest croplands shall not  
22 be agricultural or horticultural property so long as it is classified as forest croplands and shall  
23 be taxed in accordance with the laws enacted to implement Section 7 of Article X of the  
24 Missouri Constitution. Agricultural and horticultural property shall also include any sawmill  
25 or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification  
26 (SIC) Manual under Industry Group 242 with the SIC number 2421. Agricultural and  
27 horticultural property shall also include urban and community gardens. For the purposes of  
28 this section, "urban and community gardens" shall include real property cultivated by  
29 residents of a neighborhood or community for the purposes of providing agricultural  
30 products, as defined in section 262.900, for the use of residents of the neighborhood or  
31 community, and shall not include a garden intended for individual or personal use;

32 (3) "Utility, industrial, commercial, railroad and other real property", all real property  
33 used directly or indirectly for any commercial, mining, industrial, manufacturing, trade,  
34 professional, business, or similar purpose, including all property centrally assessed by the  
35 state tax commission but shall not include floating docks, portions of which are separately  
36 owned and the remainder of which is designated for common ownership and in which no one  
37 person or business entity owns more than five individual units. All other real property not  
38 included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the  
39 Missouri Constitution, as such property is defined in this section, shall be deemed to be  
40 included in the term "utility, industrial, commercial, railroad and other real property".

41 2. Pursuant to Article X of the state Constitution, any taxing district may adjust its  
42 operating levy to recoup any loss of property tax revenue, except revenues from the surtax  
43 imposed pursuant to Article X, Subsection 2 of Section 6 of the Constitution, as the result of  
44 changing the classification of structures intended to be used for residential living by human  
45 occupants which contain five or more dwelling units if such adjustment of the levy does not  
46 exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this  
47 section, loss in revenue shall include the difference between the revenue that would have been  
48 collected on such property under its classification prior to enactment of this section and the  
49 amount to be collected under its classification under this section. The county assessor of each  
50 county or city not within a county shall provide information to each taxing district within its  
51 boundaries regarding the difference in assessed valuation of such property as the result of  
52 such change in classification.

53       3. All reclassification of property as the result of changing the classification of  
54 structures intended to be used for residential living by human occupants which contain five or  
55 more dwelling units shall apply to assessments made after December 31, 1994.

56       4. Where real property is used or held for use for more than one purpose and such  
57 uses result in different classifications, the county assessor shall allocate to each classification  
58 the percentage of the true value in money of the property devoted to each use; except that,  
59 where agricultural and horticultural property, as defined in this section, also contains a  
60 dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to  
61 five acres immediately surrounding such farm dwelling shall be residential property, as  
62 defined in this section, provided that the portion of property used or held for use as an urban  
63 and community garden shall not be residential property. This subsection shall not apply to  
64 any reliever airport. **The provisions of this subsection shall be construed to apply to any**  
65 **portion of real property in subclass (2) used for the purpose of energy production**  
66 **activities for resale to be proportionally calculated, assessed, and reclassified as subclass**  
67 **(3) real property, except that the provisions shall not apply to agreements authorized**  
68 **under chapter 100 or to solar photovoltaic energy systems, as described in subdivision**  
69 **(46) of subsection 2 of section 144.030, that were constructed and producing solar energy**  
70 **prior to August 9, 2022.**

71       5. All real property which is vacant, unused, or held for future use; which is used for a  
72 private club, a not-for-profit or other nonexempt lodge, club, business, trade, service  
73 organization, or similar entity; or for which a determination as to its classification cannot be  
74 made under the definitions set out in subsection 1 of this section, shall be classified according  
75 to its immediate most suitable economic use, which use shall be determined after  
76 consideration of:

- 77           (1) Immediate prior use, if any, of such property;
- 78           (2) Location of such property;
- 79           (3) Zoning classification of such property; except that, such zoning classification  
80 shall not be considered conclusive if, upon consideration of all factors, it is determined that  
81 such zoning classification does not reflect the immediate most suitable economic use of the  
82 property;
- 83           (4) Other legal restrictions on the use of such property;
- 84           (5) Availability of water, electricity, gas, sewers, street lighting, and other public  
85 services for such property;
- 86           (6) Size of such property;
- 87           (7) Access of such property to public thoroughfares; and
- 88           (8) Any other factors relevant to a determination of the immediate most suitable  
89 economic use of such property.

90       6. All lands classified as forest croplands shall not, for taxation purposes, be  
91 classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are  
92 prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this  
93 section, but shall be taxed in accordance with the laws enacted to implement Section 7 of  
94 Article X of the Missouri Constitution.

137.124. 1. **Beginning August 28, 2026, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses solar energy directly to generate electricity and that was built or was contracted to sell power, the tax liability actually owed shall be equal to two thousand five hundred dollars per megawatt of nameplate capacity.**

2. **Nothing in this section shall be construed to prohibit a project from engaging in enhanced enterprise zone agreements under sections 135.950 to 135.973 or similar tax abatement agreements with state or local officials or to affect any existing enhanced enterprise zone agreements. Nothing in this section shall be construed to apply to agreements authorized under chapter 100.**

3. **Beginning August 28, 2026, for the purposes of assessing land that is associated with a project that uses solar energy directly to generate electricity in excess of five megawatts, such real property may be classified as subclass (3) real property and assessed as commercial property under this chapter.**

153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. **[And] Taxes levied [thereon] under subsection 1 of this section shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline**

19 companies, or express company or the owner of any such toll bridge, is hereby required to  
20 render reports of the property of such bridge, telegraph, telephone, electric power and light  
21 companies, electric transmission lines, pipeline companies, or express companies in like  
22 manner as the authorized officer of the railroad company is now or may hereafter be required  
23 to render for the taxation of railroad property.

24 3. On or before the fifteenth day of April in the year 1946 and each year thereafter an  
25 authorized officer of each such company shall furnish the state tax commission and county  
26 clerks a report, duly subscribed and sworn to by such authorized officer, which is like in  
27 nature and purpose to the reports required of railroads under chapter 151 showing the full  
28 amount of all real and tangible personal property owned, used, leased or otherwise controlled  
29 by each such company on January first of the year in which the report is due.

30 4. If any telephone company assessed pursuant to chapter 153 has a microwave relay  
31 station or stations in a county in which it has no wire mileage but has wire mileage in another  
32 county, then, for purposes of apportioning the assessed value of the distributable property of  
33 such companies, the straight line distance between such microwave relay stations shall  
34 constitute miles of wire. In the event that any public utility company assessed pursuant to this  
35 chapter has no distributable property which physically traverses the counties in which it  
36 operates, then the assessed value of the distributable property of such company shall be  
37 apportioned to the physical location of the distributable property.

38 5. (1) Notwithstanding any provision of law to the contrary, beginning January 1,  
39 2019, a telephone company shall make a one-time election within the tax year to be assessed:

40 (a) Using the methodology for property tax purposes as provided under this section;  
41 or

42 (b) Using the methodology for property tax purposes as provided under this section  
43 for property consisting of land and buildings and be assessed for all other property  
44 exclusively using the methodology utilized under section 137.122.

45

46 If a telephone company begins operations, including a merger of multiple telephone  
47 companies, after August 28, 2018, it shall make its one-time election to be assessed using the  
48 methodology for property tax purposes as described under paragraph (b) of subdivision (1) of  
49 this subsection within the year in which the telephone company begins its operations. A  
50 telephone company that fails to make a timely election shall be deemed to have elected to be  
51 assessed using the methodology for property tax purposes as provided under subsections 1 to  
52 4 of this section.

53 (2) The provisions of this subsection shall not be construed to change the original  
54 assessment jurisdiction of the state tax commission.

55 (3) Nothing in subdivision (1) of this subsection shall be construed as applying to any  
56 other utility.

57 (4) (a) The provisions of this subdivision shall ensure that school districts may avoid  
58 any fiscal impact as a result of a telephone company being assessed under the provisions of  
59 paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy  
60 is below the greater of its most recent voter-approved tax rate or the most recent voter-  
61 approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall  
62 comply with section 137.073.

63 (b) Beginning January 1, 2019, any school district currently operating at a tax rate  
64 equal to the greater of the most recent voter-approved tax rate or the most recent voter-  
65 approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that  
66 receives less tax revenue from a specific telephone company under this subsection, on or  
67 before January thirty-first of the year following the tax year in which the school district  
68 received less revenue from a specific telephone company, may by resolution of the school  
69 board impose a fee, as determined under this subsection, in order to obtain such revenue. The  
70 resolution shall include all facts that support the imposition of the fee. If the school district  
71 receives voter approval to raise its tax rate, the district shall no longer impose the fee  
72 authorized in this paragraph.

73 (c) Any fee imposed under paragraph (b) of this subdivision shall be determined by  
74 taking the difference between the tax revenue the telephone company paid in the tax year in  
75 question and the tax revenue the telephone company would have paid in such year had it not  
76 made an election under subdivision (1) of this subsection, which shall be calculated by taking  
77 the telephone company valuations in the tax year in question, as determined by the state tax  
78 commission under paragraph (d) of this subdivision, and applying such valuations to the  
79 apportionment process in subsection 2 of section 151.150. The school district shall issue a  
80 billing, as provided in this subdivision, to any such telephone company. A telephone  
81 company shall have forty-five days after receipt of a billing to remit its payment of its portion  
82 of the fees to the school district. Notwithstanding any other provision of law, the issuance or  
83 receipt of such fee shall not be used:

84 a. In determining the amount of state aid that a school district receives under section  
85 163.031;

86 b. In determining the amount that may be collected under a property tax levy by such  
87 district; or

88 c. For any other purpose.

89

90 For the purposes of accounting, a telephone company that issues a payment to a school  
91 district under this subsection shall treat such payment as a tax.

92 (d) When establishing the valuation of a telephone company assessed under  
93 paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also  
94 determine the difference between the assessed value of a telephone company if:

95 a. Assessed under paragraph (b) of subdivision (1) of this subsection; and  
96 b. Assessed exclusively under subsections 1 to 4 of this section.

97

98 The state tax commission shall then apportion such amount to each county and provide such  
99 information to any school district making a request for such information.

100 (e) This subsection shall expire when no school district is eligible for a fee.

101 6. (1) If any public utility company assessed pursuant to this chapter has ownership  
102 of any real or personal property associated with a project which uses **solar or** wind energy  
103 directly to generate electricity, such **solar or** wind energy project property shall be valued and  
104 taxed by any local authorities having jurisdiction under the provisions of chapter 137 and  
105 other relevant provisions of the law.

106 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020,  
107 for any public utility company assessed pursuant to this chapter which has a wind energy  
108 project, such wind energy project shall be assessed using the methodology for real and  
109 personal property as provided in this subsection:

110 (a) Any wind energy property of such company shall be assessed upon the county  
111 assessor's local tax rolls; and

112 (b) All other real property, excluding land, or personal property related to the wind  
113 energy project shall be assessed using the methodology provided under section 137.123.

114 (3) **Notwithstanding any other provision of law to the contrary, beginning**  
115 **January 1, 2027, for any public utility company assessed under this chapter that has a**  
116 **solar energy project, such solar energy project shall be assessed using the methodology**  
117 **for real and personal property as provided in this subdivision:**

118 (a) **Any solar energy property of such company shall be assessed upon the**  
119 **county assessor's local tax rolls; and**

120 (b) **All other real property, excluding land, or personal property related to the**  
121 **solar energy project shall be assessed using the methodology provided under section**  
122 **137.124.**

123

124 **Nothing in this subdivision shall be construed to apply to agreements authorized under**  
125 **chapter 100.**

126 7. (1) If any public utility company assessed pursuant to this chapter has ownership  
127 of any real or personal property associated with a generation project which was originally  
128 constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the

129 transfer of ownership of such property to the public utility company such property shall be  
130 valued and taxed by any local authorities having jurisdiction under the provisions of chapter  
131 137 and other relevant provisions of law.

132 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022,  
133 for any public utility company assessed pursuant to this chapter which has ownership of any  
134 real or personal property associated with a generation project which was originally  
135 constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the  
136 transfer of ownership of such property to the public utility company such property shall be  
137 assessed as follows:

138 (a) Any property associated with a generation project which was originally  
139 constructed utilizing financing authorized pursuant to chapter 100 for construction shall be  
140 assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility  
141 company for cost information of the generation portion of the property as found in the public  
142 utility company's Federal Energy Regulatory Commission Financial Report Form Number  
143 One at the time of transfer of ownership, and depreciate the costs provided in a manner  
144 similar to other commercial and industrial property;

145 (b) Any property consisting of land and buildings related to the generation property  
146 associated with a generation project which was originally constructed utilizing financing  
147 pursuant to chapter 100 for construction shall be assessed under chapter 137; and

148 (c) All other business or personal property related to a generation project which was  
149 originally constructed utilizing financing pursuant to chapter 100 for construction shall be  
150 assessed using the methodology provided under section 137.122.

153.034. 1. The term "distributable property" of an electric company shall include all  
2 the real or tangible personal property which is used directly in the generation and distribution  
3 of electric power, but not property used as a collateral facility nor property held for purposes  
4 other than generation and distribution of electricity. Such distributable property includes, but  
5 is not limited to:

- 6 (1) Boiler plant equipment, turbogenerator units and generators;
- 7 (2) Station equipment;
- 8 (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- 9 (4) Substation equipment and fences;
- 10 (5) Rights-of-way;
- 11 (6) Reactor, reactor plant equipment, and cooling towers;
- 12 (7) Communication equipment used for control of generation and distribution of  
13 power;
- 14 (8) Land associated with such distributable property.

15       2. The term "local property" of an electric company shall include all real and tangible  
16 personal property owned, used, leased or otherwise controlled by the electric company not  
17 used directly in the generation and distribution of power and not defined in subsection 1 of  
18 this section as distributable property. Such local property includes, but is not limited to:

19       (1) Motor vehicles;  
20       (2) Construction work in progress;  
21       (3) Materials and supplies;  
22       (4) Office furniture, office equipment, and office fixtures;  
23       (5) Coal piles and nuclear fuel;  
24       (6) Land held for future use;  
25       (7) Workshops, warehouses, office buildings and generating plant structures;  
26       (8) Communication equipment not used for control of generation and distribution of  
27 power;  
28       (9) Roads, railroads, and bridges;  
29       (10) Reservoirs, dams, and waterways;  
30       (11) Land associated with other locally assessed property and all generating plant  
31 land.

32       3. (1) Any real or tangible personal property associated with a project which uses  
33 **solar or** wind energy directly to generate electricity shall be valued and taxed by local  
34 authorities having jurisdiction under the provisions of chapter 137 and any other relevant  
35 provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and  
36 subsection 1 of this section shall not apply to such property.

37       (2) The real or tangible personal property referenced in subdivision (1) of this  
38 subsection shall include all equipment whose sole purpose is to support the integration of a  
39 wind generation asset into an existing system. Examples of such property may include, but  
40 are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated  
41 electrical equipment such as inverters, pad mount transformers, power lines, storage  
42 equipment directly associated with wind generation assets, and substations.

43       **(3) The real or tangible personal property referenced in subdivision (1) of this**  
44 **subsection shall also include all equipment whose sole purpose is to support the**  
45 **integration of a solar generation asset into an existing system. Examples of such**  
46 **property may include, but are not limited to, solar panels, solar panel mounting racks,**  
47 **and associated electrical equipment such as inverters, battery packs, power meters,**  
48 **power lines, storage equipment directly associated with solar generation assets, and**  
49 **substations. Nothing in this subdivision shall be construed to apply to agreements**  
50 **authorized under chapter 100 or to solar photovoltaic energy systems, as described in**

51 **subdivision (46) of subsection 2 of section 144.030, that were constructed and producing**  
52 **solar energy prior to August 9, 2022.**

53       4. For any real or tangible personal property associated with a generation project  
54 which was originally constructed utilizing financing authorized under chapter 100 for  
55 construction, upon the transfer of ownership of such property to a public utility, such property  
56 shall be valued and taxed by local authorities having jurisdiction under the provisions of  
57 chapter 137 and any other relevant provisions of law. The method of taxation prescribed in  
58 subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such  
59 property.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be  
2 substantially the same as proceedings for the formation of such a district, as follows: A  
3 petition describing the boundaries of the district sought to be dissolved shall be filed with the  
4 clerk of the circuit court of the county wherein the subject district is situate, or with the clerk  
5 of the circuit court of the county having the largest acreage within the boundaries of the  
6 subject district, in the event that the subject district embraces lands in more than one county.  
7 Such petition, in addition to such boundary description, shall allege that further operation of  
8 the subject district is inimicable to the best interests of the inhabitants of the district, that the  
9 district should, in the interest of the public welfare and safety, be dissolved, that an alternative  
10 water supplier is available and better able to supply water to the inhabitants of the district, and  
11 such other information as may be useful to the court in determining whether the petition  
12 should be granted and a decree of dissolution entered. Such petition shall also include a  
13 detailed plan for payment of all debt and obligations of the district at the time of dissolution.  
14 Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the  
15 costs of the proceeding and the petition shall be signed by not less than one-fifth of the  
16 registered voters from each subdistrict, or fifty registered voters from each subdistrict,  
17 whichever is less, within the subject district. The petition shall be verified by at least one of  
18 the signers thereof and shall be served upon the board of directors of the district as provided  
19 by law. The district shall be a party, and if the board of directors in its discretion determines  
20 that such dissolution is not in the public interest, the district shall oppose such petition and  
21 pay all cost and expense thereof.

22       2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
23 such court shall fix a date for a hearing on such petition, as provided in this section.  
24 Thereupon, the clerk of the court shall give notice of the filing of the petition in some  
25 newspaper of general circulation in the county in which the proceedings are pending, and if  
26 the district extends into any other county or counties, such notice shall also be published in  
27 some newspaper of general circulation in such other county or counties. The notice shall  
28 contain a description of the subject boundary lines of the district and the general purposes of

29 the petition, and shall set forth the date fixed for the hearing on the petition, which shall not  
30 be less than seven nor more than twenty-one days after the date of the last publication of the  
31 notice and shall be on some regular judicial day of the court wherein the petition is pending.  
32 Such notice shall be signed by the clerk of the circuit court and shall be published in three  
33 successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

34 3. The court, for good cause shown, may continue the case or the hearing thereon  
35 from time to time until final disposition thereof.

36 4. Exceptions to the dissolution of a district may be made by any voter or landowner  
37 of the district, and by the district as herein provided; such exceptions shall be filed not less  
38 than five days prior to the date set for the hearing on the petition. Such exceptions shall  
39 specify the grounds upon which the exceptions are filed and the court shall take them into  
40 consideration in passing upon the petition and shall also consider the evidence in support of  
41 the petition and in support of the exceptions made. Unless petitioners prove that all debts and  
42 financial obligations of the district can be paid in full upon dissolution, the petition shall be  
43 dismissed at the cost of the petitioners.

44 5. Should the court find that it would not be to the public interest to dissolve a district,  
45 the petition shall be dismissed at the costs of the petitioners. If, however, the court should  
46 find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution  
47 which decree shall provide for the submission of the question to the voters of the district in  
48 substantially the following form:

49 Shall \_\_\_\_\_ Public Water Supply District be dissolved?

50 6. The decree of dissolution shall not become final and conclusive until it shall have  
51 been submitted to the voters residing within the boundaries described in such decree and until  
52 it shall have been assented to by a majority of ~~two-thirds~~ **four-sevenths** of the voters of the  
53 district voting on the proposition. The decree shall provide for the submission of the question  
54 and shall fix the date thereof. The returns shall be certified by the election authority to the  
55 circuit court having jurisdiction in the case and the court shall thereupon enter its order  
56 canvassing the returns and declaring the result of such election.

57 7. If, upon canvass and declaration, it is found and determined that the question shall  
58 have been assented to by a majority of ~~two-thirds~~ **four-sevenths** of the voters of the district  
59 voting on such proposition then the court shall, in such order declaring the result of the  
60 election, enter a further order declaring the decree of dissolution to be final and conclusive.  
61 In the event, however, that the court should find that the question had not been assented to by  
62 the majority required, the court shall enter a further order declaring such decree of dissolution  
63 to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event  
64 that the court declares the decree of dissolution to be final, as provided in this section, the  
65 clerk of the circuit court shall file certified copies of such decree of dissolution and of such

66 final order with the secretary of state of the state of Missouri, and with the recorder of deeds  
67 of the county or counties in which the district is situate and with the clerk of the county  
68 commission of the county or counties in which the district is situate.

69       8. Notwithstanding anything in this section to the contrary, no district shall be  
70 dissolved until after all of its debts shall have been paid, and the court, in its decree of  
71 dissolution, shall provide for the disposition of the property of the district.

393.1120. 1. **For all solar energy projects built on or after January 1, 2027, such**  
2 **project shall be subject to setback distances of at least two hundred feet from the nearest**  
3 **occupied dwelling, church, or school in existence at the time of construction, as**  
4 **measured from the nearest solar panel to the nearest occupied dwelling, church, or**  
5 **school. Such distances shall not apply to a property owner who has entered into a**  
6 **written agreement between the solar energy project and the property owner to waive or**  
7 **reduce the setback requirements. This subsection shall not apply to solar energy**  
8 **projects in possession of a certificate of convenience and necessity granted by the public**  
9 **service commission or built and operating at capacity on or before December 31, 2026.**  
10 **If a county utilizes planning and zoning, the local planning and zoning rules shall**  
11 **supersede the provisions of this subsection, provided that the setback provisions are not**  
12 **more restrictive than the provisions of this subsection.**

13       2. A solar energy company shall secure, through purchase or contract, all  
14 property rights or easements necessary for transmission and interconnection for the  
15 solar energy project to connect to the electrical grid prior to beginning construction of  
16 the solar energy project.

17       3. Nothing in this section shall be construed to apply to agreements authorized  
18 under chapter 100.

19       4. The provisions of this section shall not apply to any solar energy project or  
20 system that uses solar energy directly to generate five megawatts or less of energy.

393.2600. 1. As used in this section, the following terms mean:

2       (1) "Light-mitigating technology system", aircraft detection lighting or any  
3 other comparable system capable of reducing the impact of facility obstruction lighting  
4 while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding  
5 collision with a wind energy conversion system;

6       (2) "Power offtake agreement", a long-term contract that provides for:

7           (a) The whole or any part of the available capacity or the sale or other disposal  
8 of the whole or any part of the output of a wind energy conversion system; or

9           (b) A contract for differences or financial hedge ties to the output from the wind  
10 energy conversion system;

11        (3) "Wind energy conversion system", an electric generation facility consisting  
12 of five or more wind turbines that are fifty feet tall or taller in height and any accessory  
13 structures and buildings, including substations, meteorological towers, electrical  
14 infrastructure, transmission lines, and other appurtenant structures.

15        2. After August 28, 2026, no new wind energy conversion system shall begin  
16 commercial operations in this state unless the developer, owner, or operator of the wind  
17 energy conversion systems applies to the Federal Aviation Administration for  
18 installation of a light-mitigating technology system that complies with 14 CFR 1.1 et  
19 seq. If the installation is approved by the Federal Aviation Administration, the  
20 developer, owner, or operator of such wind energy conversion system shall install the  
21 light-mitigating technology system on approved turbines within twenty-four months of  
22 receipt of approval.

23       3. Prior to August 28, 2031, any developer, owner, or operator of a wind energy  
24 conversion system that has commenced commercial operations in the state without a  
25 light-mitigating technology system shall apply to the Federal Aviation Administration  
26 for installation and operation of a light-mitigating technology system that complies with  
27 14 CFR 1.1 et seq. If the installation is approved by the Federal Aviation  
28 Administration, the developer, owner, or operator of such wind energy conversion  
29 system shall install the light-mitigating technology system on approved turbines within  
30 twenty-four months of receipt of approval.

31       4. Any vendor that is selected for installation of light-mitigating technology  
32 system on a wind energy conversion system under the provisions of this section and is  
33 approved by the Federal Aviation Administration for such installation shall provide to  
34 the Missouri department of natural resources, in the form and manner prescribed by  
35 the department, notice of the progress of the installation of such light-mitigating  
36 technology system.

37       5. If the installation of the light-mitigating technology system is delayed beyond  
38 the twenty-four-month installation requirement established under this section, the  
39 vendor shall provide notice to the Missouri department of natural resources no less than  
40 once every three months with an update on the reasons for the delay and the current  
41 status of installation. The department shall establish policies and procedures to  
42 establish a uniform schedule for submitting notice as required under this subsection.

43        6. Any costs associated with the installation, implementation, operation, and  
44 maintenance of a light-mitigating technology system shall be the responsibility of the  
45 developer, owner, or operator of the wind energy conversion system.

46        7. Any developer, owner, or operator of a wind energy conversion system that is  
47 approved to install light-mitigating technology but does not install such approved light-

48 **mitigating technology in the time frames established in subsections 3 and 5 of this**  
49 **section shall be liable for a fine of five thousand dollars per day per wind turbine until**  
50 **the developer, owner, or operator installs the light-mitigating technology as approved.**

51 **8. The director may promulgate all necessary rules and regulations for the**  
52 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
53 **section 536.010, that is created under the authority delegated in this section shall**  
54 **become effective only if it complies with and is subject to all of the provisions of chapter**  
55 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
56 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
57 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
58 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
59 **adopted after August 28, 2026, shall be invalid and void.**

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

26 from the construction and maintenance of necessary dams and the condemnation of land  
27 submerged thereby, and the construction and maintenance of appurtenant canals, flumes,  
28 tunnels and tailraces and the erection and maintenance of necessary electric steam  
29 powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, or gas  
30 line over or underneath the surface of such lands; to which petition the owners of any or all as  
31 the plaintiff may elect of such parcels as lie within the county or circuit may be made parties  
32 defendant by names if the names are known, and by the description of the unknown owners of  
33 the land therein described if their names are unknown.

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

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

43 4. Except as provided in subsection 5 of this section, nothing in this chapter shall be  
44 construed to give a public utility, as defined in section 386.020, or a rural electric cooperative,  
45 as provided in chapter 394, the power to condemn property which is currently used by another  
46 provider of public utility service, including a municipality or a special purpose district, when  
47 such property is used or useful in providing utility services, if the public utility or cooperative  
48 seeking to condemn such property, directly or indirectly, will use or proposes to use the  
49 property for the same purpose, or a purpose substantially similar to the purpose for which the  
50 property is being used by the provider of the public utility service.

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

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

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

66        8. For purposes of this chapter, the authority for an electrical corporation as defined in  
67 section 386.020, except for an electrical corporation operating under a cooperative business  
68 plan as described in section 393.110, to condemn property for purposes of constructing an  
69 electric plant subject to a certificate of public convenience and necessity under subsection 1  
70 of section 393.170 shall not extend to the construction of a merchant transmission line with  
71 Federal Energy Regulatory Commission negotiated rate authority unless such line has a  
72 substation or converter station located in Missouri which is capable of delivering an amount  
73 of its electrical capacity to electrical customers in this state that is greater than or equal to the  
74 proportionate number of miles of the line that passes through the state. The provisions of this  
75 subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28,  
76 2022.

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

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

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

85        **10. Subject to subsection 8 of this section, but notwithstanding subsection 9 of  
86 this section, the authority of any corporation set forth in subsection 1 of this section to  
87 condemn property shall extend to acquisition of rights needed to construct, operate, and  
88 maintain collection lines, distribution lines, transmission lines, communications lines,  
89 substations, switchyards, and other facilities needed to collect and deliver energy  
90 generated or manufactured by the facilities described in subsection 9 of this section to  
91 the distribution or transmission grid.**