

HOUSE BILL NO. 2980

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT.

6550H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 137.100, 153.030, 153.034, and 523.010, RSMo, and to enact in lieu thereof eight new sections relating to electric utilities, with an emergency clause for a certain section.

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

Section A. Sections 137.100, 153.030, 153.034, and 523.010, RSMo, are repealed
2 and eight new sections enacted in lieu thereof, to be known as sections 67.5350, 137.100,
3 137.124, 153.030, 153.034, 393.172, 393.1120, and 523.010, to read as follows:

67.5350. 1. As used in this section, the following terms shall mean:

2 **(1) "Material amendment", any amendment to a permit issued by a county**
3 **commission to construct a solar farm which:**

4 **(a) Changes the solar farm's generation type from one type of utility facility to**
5 **another;**

6 **(b) Increases the facility's nameplate capacity; or**

7 **(c) Changes the boundaries of the solar farm, unless the new boundaries of the**
8 **facility are completely within the previous boundaries of the facility or the facility**
9 **components outside of the previous boundary are underground;**

10 **(2) "Solar farm", a group of photovoltaic interconnected solar panels or arrays**
11 **that convert sunlight into electricity for the primary purpose of wholesale or retail sales**
12 **of generated electricity, including all on-site equipment and facilities necessary for the**
13 **proper operation of the facility, such as electrical collection and transmission lines,**
14 **battery storage systems, transformers, substations, and operations and maintenance**
15 **facilities within at least twenty continuous acres.**

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.

16 **2. Prior to obtaining a certificate of public convenience or necessity issued by the**
17 **Missouri public service commission, any person constructing a solar farm shall first**
18 **submit an application to the county commission in each county where the solar farm is**
19 **to be located.**

20 **3. The county commission of any county shall adopt an order or ordinance**
21 **requiring a permit to construct a solar farm within specified boundaries located in**
22 **whole or in part in an unincorporated area of a county. Such permit shall require the**
23 **following:**

24 **(1) Any construction to be at least one thousand linear feet from any church,**
25 **school, or city, town, or village limit, or any private residence or residential property,**
26 **including, but not limited to, a nursing home or a senior living facility;**

27 **(2) Any construction to be at least three hundred linear feet from any other**
28 **property line, not listed under subdivision (1) of this subsection; or**

29 **(3) Any construction to be at least two hundred and fifty linear feet from any**
30 **public road.**

31 **4. A permit under subsection 3 of this section shall require noise levels not to**
32 **exceed forty-five decibels at any property line.**

33 **5. Within ninety days of receiving an application to construct a solar farm, the**
34 **county commission shall hold a public meeting before the issuance of any such permit to**
35 **construct a solar farm. Notice shall be provided at least fourteen days prior to the**
36 **public meeting. At the public meeting, the applicant shall provide in writing the**
37 **following information:**

38 **(1) Maximum nameplate capacity of the solar farm;**

39 **(2) Safety measures to prevent any fire hazard on the solar farm;**

40 **(3) Geographical area and number of acres of the solar farm;**

41 **(4) Name, address, and telephone number of the owner or operator of the solar**
42 **farm;**

43 **(5) Notice that the county commission will accept written comments from the**
44 **public for a period of thirty days on the construction of the solar farm; and**

45 **(6) The address of the office of the county commission.**

46 **6. No later than ninety days after the public meeting, the county commission**
47 **shall:**

48 **(1) Issue a permit to the applicant accepting the construction proposal;**

49 **(2) Issue a permit to the applicant limiting the boundaries of the proposed solar**
50 **farm to a smaller geographic area, completely within the geographic area proposed by**
51 **the applicant; or**

52 **(3) Deny the permit and prohibit the construction of the solar farm by the**
53 **applicant.**

54 **7. Any applicant intending to make a material amendment once a permit is**
55 **issued shall submit a new application for a permit to the county commission.**

56 **8. The county commission shall require any applicant who is issued a permit to**
57 **obtain liability insurance in an amount sufficient to cover any damages which may arise**
58 **from the construction of the solar farm.**

59 **9. The Missouri public service commission shall not issue a certificate of public**
60 **convenience or necessity to any applicant who did not receive a permit to construct a**
61 **solar farm from the county commission in each county where the solar farm is to be**
62 **located.**

63 **10. The county commission of any county where a solar farm is proposed to be**
64 **constructed shall require a decommissioning plan that includes removal of the solar**
65 **farm equipment within twelve months after cessation of operations. The**
66 **decommissioning plan shall be submitted to the county commission by an owner or**
67 **operator of the proposed solar farm before construction begins. Decommissioning costs**
68 **shall be calculated by an engineer licensed in the state. As part of the decommissioning**
69 **plan, an owner or an operator shall post a bond in an amount of one hundred and**
70 **twenty-five percent of the estimated decommissioning costs. The decommissioning plan**
71 **shall be updated every five years by the owner or operator and submitted to the county**
72 **commission.**

 137.100. 1. The following subjects are exempt from taxation for state, county or local
2 purposes:

3 (1) Lands and other property belonging to this state;

4 (2) Lands and other property belonging to any city, county or other political
5 subdivision in this state, including market houses, town halls and other public structures, with
6 their furniture and equipments, and on public squares and lots kept open for health, use or
7 ornament;

8 (3) Nonprofit cemeteries;

9 (4) The real estate and tangible personal property which is used exclusively for
10 agricultural or horticultural societies organized in this state, including not-for-profit
11 agribusiness associations;

12 (5) All property, real and personal, actually and regularly used exclusively for
13 religious worship, for schools and colleges, or for purposes purely charitable and not held for
14 private or corporate profit, except that the exemption herein granted does not include real
15 property not actually used or occupied for the purpose of the organization but held or used as

16 investment even though the income or rentals received therefrom is used wholly for religious,
17 educational or charitable purposes;

18 (6) Household goods, furniture, wearing apparel and articles of personal use and
19 adornment, as defined by the state tax commission, owned and used by a person in ~~his~~ **such**
20 **person's** home or dwelling place;

21 (7) Motor vehicles leased for a period of at least one year to this state or to any city,
22 county, or political subdivision or to any religious, educational, or charitable organization
23 which has obtained an exemption from the payment of federal income taxes, provided the
24 motor vehicles are used exclusively for religious, educational, or charitable purposes;

25 (8) Real or personal property leased or otherwise transferred by an interstate compact
26 agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to
27 another for which or whom such property is not exempt when immediately after the lease or
28 transfer, the interstate compact agency enters into a leaseback or other agreement that directly
29 or indirectly gives such interstate compact agency a right to use, control, and possess the
30 property; provided, however, that in the event of a conveyance of such property, the interstate
31 compact agency must retain an option to purchase the property at a future date or, within the
32 limitations period for reverters, the property must revert back to the interstate compact
33 agency. Property will no longer be exempt under this subdivision in the event of a
34 conveyance as of the date, if any, when:

35 (a) The right of the interstate compact agency to use, control, and possess the property
36 is terminated;

37 (b) The interstate compact agency no longer has an option to purchase or otherwise
38 acquire the property; and

39 (c) There are no provisions for reverter of the property within the limitation period for
40 reverters; **and**

41 (9) All property, real and personal, belonging to veterans' organizations. As used in
42 this section, "veterans' organization" means any organization of veterans with a congressional
43 charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)
44 (19) of the Internal Revenue Code of 1986, as amended[;]

45 ~~(10) Solar energy systems not held for resale].~~

46 **2. Notwithstanding the provisions of subsection 1 of this section or any other**
47 **provision of law to the contrary, solar energy systems constructed for exclusive use of a**
48 **single property may be exempt at the discretion of the assessor.**

137.124. 1. Beginning January 1, 2027, for purposes of assessing all real
2 **property, excluding land, or tangible personal property associated with a project that**
3 **uses solar energy directly to generate electricity and that was built or was contracted to**
4 **sell power, the tax liability actually owed shall be equal to six thousand dollars per**

5 megawatt of nameplate capacity and shall be adjusted for inflation annually based on
6 the Consumer Price Index for All Urban Consumers in the Midwest Region, as recorded
7 by the United Bureau of Labor Statistics.

8 2. Nothing in this section shall be construed to prohibit a project from engaging
9 in enhanced enterprise zone agreements under sections 135.950 to 135.973 or similar tax
10 abatement agreements with state or local officials or to affect any existing enhanced
11 enterprise zone agreements.

12 3. Beginning January 1, 2027, for the purposes of assessing land that is
13 associated with a project that uses solar energy directly to generate electricity, such real
14 property shall be classified as subclass (3) real property and assessed as commercial
15 property under this chapter.

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

10 2. ~~And~~ Taxes levied ~~thereon~~ **under subsection 1 of this section** shall be levied
11 and collected in the manner as is now or may hereafter be provided by law for the taxation of
12 railroad property in this state, and county commissions, county boards of equalization and the
13 state tax commission are hereby required to perform the same duties and are given the same
14 powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the
15 property set forth in this section as the county commissions and boards of equalization and
16 state tax commission have or may hereafter be empowered with, in assessing, equalizing, and
17 adjusting the taxes on railroad property; and an authorized officer of any such bridge,
18 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 which 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 subsection:**

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 7. (1) If any public utility company assessed pursuant to this chapter has ownership
124 of any real or personal property associated with a generation project which was originally
125 constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the
126 transfer of ownership of such property to the public utility company such property shall be
127 valued and taxed by any local authorities having jurisdiction under the provisions of chapter
128 137 and other relevant provisions of law.

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

135 (a) Any property associated with a generation project which was originally
136 constructed utilizing financing authorized pursuant to chapter 100 for construction shall be

137 assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility
138 company for cost information of the generation portion of the property as found in the public
139 utility company's Federal Energy Regulatory Commission Financial Report Form Number
140 One at the time of transfer of ownership, and depreciate the costs provided in a manner
141 similar to other commercial and industrial property;

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

145 (c) All other business or personal property related to a generation project which was
146 originally constructed utilizing financing pursuant to chapter 100 for construction shall be
147 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.**

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

393.172. By March 31, 2027, the public service commission shall adopt rules
2 **applicable to electrical corporations that require the entity constructing an electric**
3 **transmission line under subsection 1 of section 393.170 for which permission is sought**
4 **from the commission on or after the effective date of this section to adhere to standards**
5 **to be adopted by such rules relating to construction activities occurring partially or**
6 **wholly on privately owned agricultural land. Such standards shall address, at a**

7 minimum, landowner communication expectations, expectations with respect to
8 transmission structure design and placement, wet weather construction and
9 remediation practices, agricultural mitigation and restoration practices, construction-
10 related tree and brush clearing, expectations concerning the use and restoration of field
11 entrances and temporary roads, and best practices with respect to erosion prevention.
12 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
13 under the authority delegated in this section shall become effective only if it complies
14 with and is subject to all of the provisions of chapter 536 and, if applicable, section
15 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
16 with the general assembly pursuant to chapter 536 to review, to delay the effective date,
17 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
18 of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall
19 be invalid and void.

393.1120. 1. The total amount of real property associated with all solar energy
2 projects that are established in any one county in this state shall not exceed an amount
3 greater than two percent of all cropland in such county, as determined by the most
4 recent U.S. Department of Agriculture Census of Agriculture, except as authorized
5 under this section.

6 2. The county commission or other authorized governing body may increase the
7 percentage of cropland under subsection 1 of this section by order, ordinance,
8 regulation, or a vote of the residents of the county.

9 3. Any resident of the county shall have standing to bring suit in a circuit court
10 of proper venue to enforce the provisions of subsection 1 of this section against a solar
11 energy project developer if he or she believes that the cap under subsection 1 of this
12 section has been met.

13 4. For all solar energy projects built on or after January 1, 2027, such project
14 shall be subject to setback distances of at least one thousand feet to the nearest property
15 boundary, including a residence, church, or school in existence at the time of
16 construction. Such distances shall not apply to homeowners who have received a
17 written agreement that has been signed by all affected property owners within the
18 setback distance. This subsection shall not apply to solar energy projects built and
19 operating at capacity on or before December 31, 2026.

20 5. A solar energy company shall secure, through purchase or contract, all
21 property rights or easements necessary for transmission and interconnection for the
22 solar energy project to connect to the electrical grid prior to beginning construction of
23 the solar energy project.

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

Section B. Because of the need to ensure that solar farms being currently constructed
2 do not cause disruption to adjoining properties, the enactment of section 67.5350 of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution,
5 and the enactment of section 67.5350 of this act shall be in full force and effect upon its
6 passage and approval.

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