



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2298		DATE: 2/25/2026
COMMITTEE: Special Committee on Rural Issues		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ANDERSON EKARD		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. AC "HONEST ABE" DIENOFF		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: BRENT HADEN		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MARK FIEGENBAUM		PHONE NUMBER: 573-690-8580
REPRESENTING: MISSOURI FARM BUREAU		TITLE:
ADDRESS: 701 S COUNTRY CLUB DRIVE		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ABIGAIL HERNDON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/25/2026 12:04 PM
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This will give corporations the power to take away homeowners and land owners property away from them, for the corporate interests. This protects and helps corporations, not the people and steals from them. This also for how they are going to continue sneaking in data centers past the public and get away with it.



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MATTHEW SMITH		PHONE NUMBER: 573-634-2246
REPRESENTING: ASSOCIATED INDUSTRIES OF MISSOURI		TITLE:
ADDRESS: 3234 W. TRUMAN BLVD.		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH BERRY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 10:14 AM

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I respectfully oppose HB 2298 because it creates a condemnor-based compensation regime that is constitutionally unstable under both the Missouri and United States Constitutions.

I. Just Compensation Cannot Turn on Who the Condemnor Is

Article I, § 26 of the Missouri Constitution requires that private property not be taken for public use without just compensation.

The constitutional inquiry focuses on the property interest taken, not the regulatory identity of the entity acquiring it.

HB 2298 mandates 150% of fair market value when agricultural or horticultural property is condemned by certain electrical corporations — including cooperatives — but not in other comparable takings.

Two landowners with identical property interests, suffering identical takings for identical infrastructure, may receive different compensation solely because the condemning utility falls within or outside a statutory classification.

That is not property-based compensation.
 It is condemnor-based penalization.

II. Equal Protection Vulnerability

The Fourteenth Amendment requires that similarly situated parties be treated alike unless a rational and legitimate governmental basis supports disparate treatment.

HB 2298 creates a classification that:

- Targets specific electric utilities,
- Applies only to agricultural/horticultural property,
- Mandates a fixed 150% multiplier without individualized findings,
- Does not apply uniformly across all eminent domain actors.

The bill does not articulate a constitutionally sufficient distinction justifying why:

**A taking by Utility A requires 150% compensation,
While an otherwise identical taking by Utility B does not.**

Absent a clear and defensible rationale tied to the nature of the taking itself, this differential treatment invites equal protection challenge.

III. Legislative Multipliers Cannot Function as Economic Penalties

The Constitution allows legislatures to define statutory compensation formulas.

It does not permit eminent domain compensation to function as a targeted economic penalty against selected industries.

By imposing a mandatory 150% multiplier on certain utilities — rather than across all condemners — the statute risks being characterized as:

**Punitive rather than compensatory,
Arbitrary rather than remedial,
Industry-targeted rather than property-centered.
Courts examine whether compensation enhancements are genuinely designed to make landowners whole or instead operate as a deterrent mechanism against specific actors.**

HB 2298 reads as the latter.

IV. Structural Instability in Condemnation Law Eminent domain frameworks require predictability.

Project financing, rate-setting, and infrastructure planning depend on stable compensation standards.

**Selective statutory multipliers create:
Market distortion,
Uneven infrastructure costs,
Incentives for strategic restructuring of utility models,
Litigation over classification boundaries.**

Condemnation law must be neutral, consistent, and property-focused.

HB 2298 is none of those.

Legislative Notice:

**If enacted, HB 2298 will face foreseeable constitutional challenge under:
Missouri Constitution Art. I, § 26 (Just Compensation),
U.S. Const. amend. XIV (Equal Protection),
Judicial scrutiny of arbitrary or industry-targeted classifications in eminent domain law.**

**This bill shifts compensation analysis from “What was taken?” to “Who took it?”
That shift is constitutionally vulnerable.**



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MIKE SUTHERLAND		PHONE NUMBER: 636-297-5577
REPRESENTING: MISSOURI ELECTRIC COOPERATIVES		TITLE:
ADDRESS: 2722 EAST MCCARTY ST.		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
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