

SECOND REGULAR SESSION

SENATE BILL NO. 1107

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time February 29, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6686S.011

AN ACT

To repeal section 523.262, RSMo, and to enact in lieu thereof one new section relating to eminent domain powers of utilities.

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

Section A. Section 523.262, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 523.262, to read as follows:

523.262. 1. Except as set forth in subsection 2 of this section, the power
2 of eminent domain shall only be vested in governmental bodies or agencies whose
3 governing body is elected or whose governing body is appointed by elected officials
4 or in an urban redevelopment corporation operating pursuant to a redevelopment
5 agreement with the municipality for a particular redevelopment area, which
6 agreement was executed prior to or on December 31, 2006.

7 2. A private utility company, public utility, rural electric cooperative,
8 municipally owned utility, pipeline, railroad or common carrier shall have the
9 power of eminent domain as may be granted pursuant to the provisions of other
10 sections of the revised statutes of Missouri. For the purposes of this section, the
11 term "common carrier" shall not include motor carriers, contract carriers, or
12 express companies. Where a condemnation by such an entity results in a
13 displaced person, as defined in section 523.200, the provisions of subsections 3
14 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject
15 to the relocation assistance provisions of the federal Uniform Relocation
16 Assistance Act.

17 3. Any entity with the power of eminent domain and pursuing the
18 acquisition of property for the purpose of constructing a power generation facility
19 after December 31, 2006, after providing notice in a newspaper of general
20 circulation in the county where the facility is to be constructed, shall conduct a

21 public meeting disclosing the purpose of the proposed facility prior to making any
22 offer to purchase property in pursuit thereof or, alternatively, shall provide the
23 property owner with notification of the identity of the condemning authority and
24 the proposed purpose for which the condemned property shall be used at the time
25 of making the initial offer.

26 **4. Notwithstanding any other provision of law to the contrary,**
27 **the power of eminent domain shall not be exercised for any electric**
28 **transmission line project if any of the following apply:**

29 (1) Such project is proposed and built outside a regulated
30 regional transmission planning process;

31 (2) Such project is not eligible for recovery of costs under a
32 regional transmission operator or independent system operator tariff
33 for transmission service it provides;

34 (3) Such project is constructed entirely with private funds and
35 users of the line pay for the transmission line;

36 (4) Such project primarily involves construction of a high-voltage
37 direct current transmission line.

38 **5. Subsection 4 of this section shall not apply to a transmission**
39 **line, wire, or cable that primarily provides electricity through**
40 **alternating current and is used by:**

41 (1) Electrical corporations, municipal electric utilities, or rural
42 electric cooperatives; or

43 (2) Electric transmission owners to provide electric service, for
44 compensation, to the public or any entity described under subdivision
45 (1) of this subsection.

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