

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1062**  
**100TH GENERAL ASSEMBLY**

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 8, 2019, with recommendation that the Senate Committee Substitute do pass.

2274S.04C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

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

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*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Section A. Section 523.262, RSMo, is repealed and one new section  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. (1) Private entities shall not have the power of eminent**  
27 **domain under the provisions of this section for the purpose of**  
28 **constructing above-ground merchant lines.**

29 **(2) For the purpose of this subsection, the following terms mean:**

30 **(a) "Merchant line", a high-voltage direct current electric**  
31 **transmission line which does not provide for the erection of electric**  
32 **substations at intervals of less than fifty miles, which substations are**  
33 **necessary to accommodate both the purchase and sale to persons**  
34 **located in this state of electricity generated or transmitted by the**  
35 **private entity; and**

36 **(b) "Private entity", a utility company that does not provide**  
37 **service to end-use customers or provide retail service in Missouri, or**  
38 **does not collect its costs to provide service under a regional**  
39 **transmission organization tariff, regardless of whether it has received**  
40 **a certificate of convenience and necessity from the public service**  
41 **commission under section 393.170.**

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