

FIRST REGULAR SESSION

# SENATE BILL NO. 508

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

2395S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 393.170 and 523.262, RSMo, and to enact in lieu thereof two new sections relating to the construction of electric transmission lines.

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

Section A. Sections 393.170 and 523.262, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 393.170 and 523.262, to read as follows:

393.170. 1. No gas corporation, electrical  
2 corporation, water corporation or sewer corporation shall  
3 begin construction of a gas plant, electric plant, water  
4 system or sewer system, other than an energy generation unit  
5 that has a capacity of one megawatt or less, without first  
6 having obtained the permission and approval of the  
7 commission.

8 2. No such corporation shall exercise any right or  
9 privilege under any franchise hereafter granted, or under  
10 any franchise heretofore granted but not heretofore actually  
11 exercised, or the exercise of which shall have been  
12 suspended for more than one year, without first having  
13 obtained the permission and approval of the commission.  
14 Before such certificate shall be issued a certified copy of  
15 the charter of such corporation shall be filed in the office  
16 of the commission, together with a verified statement of the  
17 president and secretary of the corporation, showing that it

18 has received the required consent of the proper municipal  
19 authorities.

20       3. (1) Before the commission shall issue an approval  
21 under subsection 1 of this section for a merchant line, the  
22 electrical corporation shall provide the commission a  
23 resolution of support passed by the county commission of  
24 each county through which the merchant line will be built.  
25 Any electrical corporation that begins construction on a  
26 merchant line after August 28, 2021, shall provide the  
27 required resolutions to the commission prior to  
28 construction, regardless of whether the commission has  
29 previously issued its approval.

30       (2) For the purposes of this subsection, the term  
31 "merchant line" shall mean a high-voltage direct current  
32 electric transmission line that does not provide for the  
33 erection of electric substations at intervals of less than  
34 fifty miles, which substations are necessary to accommodate  
35 both the purchase and sale to persons located in this state  
36 of electricity generated or transmitted by such entity.

37       4. The commission shall have the power to grant the  
38 permission and approval herein specified whenever it shall  
39 after due hearing determine that such construction or such  
40 exercise of the right, privilege or franchise is necessary  
41 or convenient for the public service. The commission may by  
42 its order impose such condition or conditions as it may deem  
43 reasonable and necessary. Unless exercised within a period  
44 of two years from the grant thereof, authority conferred by  
45 such certificate of convenience and necessity issued by the  
46 commission shall be null and void.

523.262. 1. Except as set forth in subsection 2 of  
2 this section, the power of eminent domain shall only be  
3 vested in governmental bodies or agencies whose governing

4 body is elected or whose governing body is appointed by  
5 elected officials or in an urban redevelopment corporation  
6 operating pursuant to a redevelopment agreement with the  
7 municipality for a particular redevelopment area, which  
8 agreement was executed prior to or on December 31, 2006.

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

22       3. Any entity with the power of eminent domain and  
23 pursuing the acquisition of property for the purpose of  
24 constructing a power generation facility after December 31,  
25 2006, after providing notice in a newspaper of general  
26 circulation in the county where the facility is to be  
27 constructed, shall conduct a public meeting disclosing the  
28 purpose of the proposed facility prior to making any offer  
29 to purchase property in pursuit thereof or, alternatively,  
30 shall provide the property owner with notification of the  
31 identity of the condemning authority and the proposed  
32 purpose for which the condemned property shall be used at  
33 the time of making the initial offer.

34       **4. (1) Notwithstanding the provisions of subsection 2**  
35 **of this section, no entity shall have the power of eminent**

36 domain under the provisions of this section for the purpose  
37 of constructing above-ground merchant lines.

38 (2) For the purpose of this subsection, the following  
39 terms mean:

40 (a) "Entity", a utility company that does not provide  
41 service to end-use customers or provide retail service in  
42 Missouri, or does not collect its costs to provide service  
43 under a regional transmission organization tariff,  
44 regardless of whether it has received a certificate of  
45 convenience and necessity from the public service commission  
46 under section 393.170;

47 (b) "Merchant line", a high-voltage direct current  
48 electric transmission line that does not provide for the  
49 erection of electric substations at intervals of less than  
50 fifty miles, which substations are necessary to accommodate  
51 both the purchase and sale to persons located in this state  
52 of electricity generated or transmitted by such entity.

53 (3) This subsection shall apply to any property or  
54 easement acquisition started on or after August 28, 2021.

55 (4) This subsection shall not apply to any rural  
56 electric cooperative organized or operating under the  
57 provisions of chapter 394, or to any corporation organized  
58 on a nonprofit or a cooperative basis as described in  
59 subsection 1 of section 394.200, or to any electrical  
60 corporation operating under a cooperative business plan as  
61 described in subsection 2 of section 393.110.

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