

SENATE BILL NO. 879

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

5122S.02I

KRISTINA MARTIN, Secretary

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
2 523.010, RSMo, are repealed and eight new sections enacted in
3 lieu thereof, to be known as sections 67.5350, 137.100, 137.124,
4 153.030, 153.034, 393.172, 393.1120, and 523.010, to read as
5 follows:

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

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

6 (a) Changes the solar farm's generation type from one
7 type of utility facility to another;

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

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

13 (2) "Solar farm", a group of photovoltaic
14 interconnected solar panels or arrays that convert sunlight

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 into electricity for the primary purpose of wholesale or
16 retail sales of generated electricity, including all on-site
17 equipment and facilities necessary for the proper operation
18 of the facility, such as electrical collection and
19 transmission lines, battery storage systems, transformers,
20 substations, and operations and maintenance facilities
21 within at least twenty continuous acres.

22 2. Prior to obtaining a certificate of public
23 convenience or necessity issued by the Missouri public
24 service commission, any person constructing a solar farm
25 shall first submit an application to the county commission
26 in each county where the solar farm is to be located.

27 3. The county commission of any county shall adopt an
28 order or ordinance requiring a permit to construct a solar
29 farm within specified boundaries located in whole or in part
30 in an unincorporated area of a county. Such permit shall
31 require the following:

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

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

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

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

45 5. Within ninety days of receiving an application to
46 construct a solar farm, the county commission shall hold a

47 public meeting before the issuance of any such permit to
48 construct a solar farm. Notice shall be provided at least
49 fourteen days prior to the public meeting. At the public
50 meeting, the applicant shall provide in writing the
51 following information:

- 52 (1) Maximum nameplate capacity of the solar farm;
- 53 (2) Safety measures to prevent any fire hazard on the
54 solar farm;
- 55 (3) Geographical area and number of acres of the solar
56 farm;
- 57 (4) Name, address, and telephone number of the owner
58 or operator of the solar farm;
- 59 (5) Notice that the county commission will accept
60 written comments from the public for a period of thirty days
61 on the construction of the solar farm; and

62 (6) The address of the office of the county commission.
63 6. No later than ninety days after the public meeting,
64 the county commission shall:

- 65 (1) Issue a permit to the applicant accepting the
66 construction proposal;
- 67 (2) Issue a permit to the applicant limiting the
68 boundaries of the proposed solar farm to a smaller
69 geographic area, completely within the geographic area
70 proposed by the applicant; or
- 71 (3) Deny the permit and prohibit the construction of
72 the solar farm by the applicant.

73 7. Any applicant intending to make a material
74 amendment once a permit is issued shall submit a new
75 application for a permit to the county commission.

76 8. The county commission shall require any applicant
77 who is issued a permit to obtain liability insurance in an

78 amount sufficient to cover any damages which may arise from
79 the construction of the solar farm.

80 9. The Missouri public service commission shall not
81 issue a certificate of public convenience or necessity to
82 any applicant who did not receive a permit to construct a
83 solar farm from the county commission in each county where
84 the solar farm is to be located.

85 10. The county commission of any county where a solar
86 farm is proposed to be constructed shall require a
87 decommissioning plan that includes removal of the solar farm
88 equipment within twelve months after cessation of
89 operations. The decommissioning plan shall be submitted to
90 the county commission by an owner or operator of the
91 proposed solar farm before construction begins.
92 Decommissioning costs shall be calculated by an engineer
93 licensed in the state. As part of the decommissioning plan,
94 an owner or an operator shall post a bond in an amount of
95 one hundred and twenty-five percent of the estimated
96 decommissioning costs. The decommissioning plan shall be
97 updated every five years by the owner or operator and
98 submitted to the county commission.

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

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

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

15 (5) All property, real and personal, actually and
16 regularly used exclusively for religious worship, for
17 schools and colleges, or for purposes purely charitable and
18 not held for private or corporate profit, except that the
19 exemption herein granted does not include real property not
20 actually used or occupied for the purpose of the
21 organization but held or used as investment even though the
22 income or rentals received therefrom is used wholly for
23 religious, educational or charitable purposes;

24 (6) Household goods, furniture, wearing apparel and
25 articles of personal use and adornment, as defined by the
26 state tax commission, owned and used by a person in [his]
27 **such person's** home or dwelling place;

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

35 (8) Real or personal property leased or otherwise
36 transferred by an interstate compact agency created pursuant
37 to sections 70.370 to 70.430 or sections 238.010 to 238.100
38 to another for which or whom such property is not exempt
39 when immediately after the lease or transfer, the interstate
40 compact agency enters into a leaseback or other agreement
41 that directly or indirectly gives such interstate compact
42 agency a right to use, control, and possess the property;

provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

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

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

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

(9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended[; (10) Solar energy systems not held for resale].

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

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

8 annually based on the Consumer Price Index for All Urban
9 Consumers in the Midwest Region, as recorded by the United
10 Bureau of Labor Statistics.

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

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

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

15 2. **[And]** Taxes levied **[thereon]** under subsection 1 of
16 **this section** shall be levied and collected in the manner as
17 is now or may hereafter be provided by law for the taxation
18 of railroad property in this state, and county commissions,
19 county boards of equalization and the state tax commission

are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such

52 companies, the straight line distance between such microwave
53 relay stations shall constitute miles of wire. In the event
54 that any public utility company assessed pursuant to this
55 chapter has no distributable property which physically
56 traverses the counties in which it operates, then the
57 assessed value of the distributable property of such company
58 shall be apportioned to the physical location of the
59 distributable property.

60 5. (1) Notwithstanding any provision of law to the
61 contrary, beginning January 1, 2019, a telephone company
62 shall make a one-time election within the tax year to be
63 assessed:

64 (a) Using the methodology for property tax purposes as
65 provided under this section; or

66 (b) Using the methodology for property tax purposes as
67 provided under this section for property consisting of land
68 and buildings and be assessed for all other property
69 exclusively using the methodology utilized under section
70 137.122.

71 If a telephone company begins operations, including a merger
72 of multiple telephone companies, after August 28, 2018, it
73 shall make its one-time election to be assessed using the
74 methodology for property tax purposes as described under
75 paragraph (b) of subdivision (1) of this subsection within
76 the year in which the telephone company begins its
77 operations. A telephone company that fails to make a timely
78 election shall be deemed to have elected to be assessed
79 using the methodology for property tax purposes as provided
80 under subsections 1 to 4 of this section.

81 (2) The provisions of this subsection shall not be
82 construed to change the original assessment jurisdiction of
83 the state tax commission.

84 (3) Nothing in subdivision (1) of this subsection
85 shall be construed as applying to any other utility.

86 (4) (a) The provisions of this subdivision shall
87 ensure that school districts may avoid any fiscal impact as
88 a result of a telephone company being assessed under the
89 provisions of paragraph (b) of subdivision (1) of this
90 subsection. If a school district's current operating levy
91 is below the greater of its most recent voter-approved tax
92 rate or the most recent voter-approved tax rate as adjusted
93 under subdivision (2) of subsection 5 of section 137.073, it
94 shall comply with section 137.073.

95 (b) Beginning January 1, 2019, any school district
96 currently operating at a tax rate equal to the greater of
97 the most recent voter-approved tax rate or the most recent
98 voter-approved tax rate as adjusted under subdivision (2) of
99 subsection 5 of section 137.073 that receives less tax
100 revenue from a specific telephone company under this
101 subsection, on or before January thirty-first of the year
102 following the tax year in which the school district received
103 less revenue from a specific telephone company, may by
104 resolution of the school board impose a fee, as determined
105 under this subsection, in order to obtain such revenue. The
106 resolution shall include all facts that support the
107 imposition of the fee. If the school district receives
108 voter approval to raise its tax rate, the district shall no
109 longer impose the fee authorized in this paragraph.

110 (c) Any fee imposed under paragraph (b) of this
111 subdivision shall be determined by taking the difference
112 between the tax revenue the telephone company paid in the

tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

a. Assessed under paragraph (b) of subdivision (1) of this subsection; and

b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses **solar or** wind energy directly to generate electricity, such **solar or** wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls; and

(b) All other real property, excluding land, or personal property related to the wind energy project shall be assessed using the methodology provided under section 137.123.

(3) Notwithstanding any other provision of law to the contrary, beginning January 1, 2027, for any public utility company assessed under this chapter which has a solar energy project, such solar energy project shall be assessed using

the methodology for real and personal property as provided in this subsection:

(a) Any solar energy property of such company shall be assessed upon the county assessor's local tax rolls; and

(b) All other real property, excluding land, or personal property related to the solar energy project shall be assessed using the methodology provided under section 137.124.

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

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

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as

206 found in the public utility company's Federal Energy
207 Regulatory Commission Financial Report Form Number One at
208 the time of transfer of ownership, and depreciate the costs
209 provided in a manner similar to other commercial and
210 industrial property;

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

216 (c) All other business or personal property related to
217 a generation project which was originally constructed
218 utilizing financing pursuant to chapter 100 for construction
219 shall be assessed using the methodology provided under
220 section 137.122.

153.034. 1. The term "distributable property" of an
2 electric company shall include all the real or tangible
3 personal property which is used directly in the generation
4 and distribution of electric power, but not property used as
5 a collateral facility nor property held for purposes other
6 than generation and distribution of electricity. Such
7 distributable property includes, but is not limited to:

8 (1) Boiler plant equipment, turbogenerator units and
9 generators;

10 (2) Station equipment;

11 (3) Towers, fixtures, poles, conductors, conduit
12 transformers, services and meters;

13 (4) Substation equipment and fences;

14 (5) Rights-of-way;

15 (6) Reactor, reactor plant equipment, and cooling
16 towers;

17 (7) Communication equipment used for control of
18 generation and distribution of power;

19 (8) Land associated with such distributable property.

20 2. The term "local property" of an electric company
21 shall include all real and tangible personal property owned,
22 used, leased or otherwise controlled by the electric company
23 not used directly in the generation and distribution of
24 power and not defined in subsection 1 of this section as
25 distributable property. Such local property includes, but
26 is not limited to:

27 (1) Motor vehicles;

28 (2) Construction work in progress;

29 (3) Materials and supplies;

30 (4) Office furniture, office equipment, and office
31 fixtures;

32 (5) Coal piles and nuclear fuel;

33 (6) Land held for future use;

34 (7) Workshops, warehouses, office buildings and
35 generating plant structures;

36 (8) Communication equipment not used for control of
37 generation and distribution of power;

38 (9) Roads, railroads, and bridges;

39 (10) Reservoirs, dams, and waterways;

40 (11) Land associated with other locally assessed
41 property and all generating plant land.

42 3. (1) Any real or tangible personal property
43 associated with a project which uses **solar or** wind energy
44 directly to generate electricity shall be valued and taxed
45 by local authorities having jurisdiction under the
46 provisions of chapter 137 and any other relevant provisions
47 of law. The method of taxation prescribed in subsection 2

of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

(3) The real or tangible personal property referenced in subdivision (1) of this subsection shall also include all equipment whose sole purpose is to support the integration of a solar generation asset into an existing system. Examples of such property may include, but are not limited to, solar panels, solar panel mounting racks, and associated electrical equipment such as inverters, battery packs, power meters, power lines, storage equipment directly associated with solar generation assets, and substations.

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

393.172. By March 31, 2027, the public service commission shall adopt rules applicable to electrical

corporations that require the entity constructing an electric transmission line under subsection 1 of section 393.170 for which permission is sought from the commission on or after the effective date of this section to adhere to standards to be adopted by such rules relating to construction activities occurring partially or wholly on privately owned agricultural land. Such standards shall address, at a minimum, landowner communication expectations, expectations with respect to transmission structure design and placement, wet weather construction and remediation practices, agricultural mitigation and restoration practices, construction-related tree and brush clearing, expectations concerning the use and restoration of field entrances and temporary roads, and best practices with respect to erosion prevention. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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

6 Agriculture Census of Agriculture, except as authorized
7 under this section.

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

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

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

27 5. A solar energy company shall secure, through
28 purchase or contract, all property rights or easements
29 necessary for transmission and interconnection for the solar
30 energy project to connect to the electrical grid prior to
31 beginning construction of the solar energy project.

523.010. 1. In case land, or other property, is
2 sought to be appropriated by any road, railroad, street
3 railway, telephone, telegraph or any electrical corporation
4 organized for the manufacture or transmission of electric
5 current for light, heat or power, including the
6 construction, when that is the case, of necessary dams and

7 appurtenant canals, flumes, tunnels and tailraces and
8 including the erection, when that is the case, of necessary
9 electric steam powerhouses, hydroelectric powerhouses and
10 electric substations or any oil, pipeline or gas corporation
11 engaged in the business of transporting or carrying oil,
12 liquid fertilizer solutions, or gas by means of pipes or
13 pipelines laid underneath the surface of the ground, or
14 other corporation created under the laws of this state for
15 public use, and such corporation and the owners cannot agree
16 upon the proper compensation to be paid, or in the case the
17 owner is incapable of contracting, be unknown, or be a
18 nonresident of the state, such corporation may apply to the
19 circuit court of the county of this state where such land or
20 any part thereof lies by petition setting forth the general
21 directions in which it is desired to construct its road,
22 railroad, street railway, telephone, or telegraph line or
23 electric line, including, when that is the case, the
24 construction and maintenance of necessary dams and
25 appurtenant canals, tunnels, flumes and tailraces and, when
26 that is the case, the appropriation of land submerged by the
27 construction of such dam, and including the erection and
28 maintenance, when that is the case, of necessary electric
29 steam powerhouses, hydroelectric powerhouses and electric
30 substations, or oil, pipeline, liquid fertilizer solution
31 pipeline, or gas line over or underneath the surface of such
32 lands, a description of the real estate, or other property,
33 which the company seeks to acquire; the names of the owners
34 thereof, if known; or if unknown, a pertinent description of
35 the property whose owners are unknown and praying the
36 appointment of three disinterested residents of the county,
37 as commissioners, or a jury, to assess the damages which
38 such owners may severally sustain in consequence of the

39 establishment, erection and maintenance of such road,
40 railroad, street railway, telephone, telegraph line, or
41 electrical line including damages from the construction and
42 maintenance of necessary dams and the condemnation of land
43 submerged thereby, and the construction and maintenance of
44 appurtenant canals, flumes, tunnels and tailraces and the
45 erection and maintenance of necessary electric steam
46 powerhouses, hydroelectric powerhouses and electric
47 substations, or oil, pipeline, or gas line over or
48 underneath the surface of such lands; to which petition the
49 owners of any or all as the plaintiff may elect of such
50 parcels as lie within the county or circuit may be made
51 parties defendant by names if the names are known, and by
52 the description of the unknown owners of the land therein
53 described if their names are unknown.

54 2. If the proceedings seek to affect the lands of
55 persons under conservatorship, the conservators must be made
56 parties defendant. If the present owner of any land to be
57 affected has less estate than a fee, the person having the
58 next vested estate in remainder may at the option of the
59 petitioners be made party defendant; but if such
60 remaindermen are not made parties, their interest shall not
61 be bound by the proceedings.

62 3. It shall not be necessary to make any persons party
63 defendants in respect to their ownership unless they are
64 either in actual possession of the premises to be affected
65 claiming title or having a title of the premises appearing
66 of record upon the proper records of the county.

67 4. Except as provided in subsection 5 of this section,
68 nothing in this chapter shall be construed to give a public
69 utility, as defined in section 386.020, or a rural electric
70 cooperative, as provided in chapter 394, the power to

condemn property which is currently used by another provider of public utility service, including a municipality or a special purpose district, when such property is used or useful in providing utility services, if the public utility or cooperative seeking to condemn such property, directly or indirectly, will use or proposes to use the property for the same purpose, or a purpose substantially similar to the purpose for which the property is being used by the provider of the public utility service.

5. A public utility or a rural electric cooperative may only condemn the property of another provider of public utility service, even if the property is used or useful in providing utility services by such provider, if the condemnation is necessary for the public purpose of acquiring a nonexclusive easement or right-of-way across the property of such provider and only if the acquisition will not materially impair or interfere with the current use of such property by the utility or cooperative and will not prevent or materially impair such provider of public utility service from any future expansion of its facilities on such property.

6. If a public utility or rural electric cooperative seeks to condemn the property of another provider of public utility service, and the conditions in subsection 4 of this section do not apply, this section does not limit the condemnation powers otherwise possessed by such public utility or rural electric cooperative.

7. Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under Article VI, Section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.

8. For purposes of this chapter, the authority for an electrical corporation as defined in section 386.020, except for an electrical corporation operating under a cooperative business plan as described in section 393.110, to condemn property for purposes of constructing an electric plant subject to a certificate of public convenience and necessity under subsection 1 of section 393.170 shall not extend to the construction of a merchant transmission line with Federal Energy Regulatory Commission negotiated rate authority unless such line has a substation or converter station located in Missouri which is capable of delivering an amount of its electrical capacity to electrical customers in this state that is greater than or equal to the proportionate number of miles of the line that passes through the state. The provisions of this subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28, 2022.

9. For the purposes of this chapter, the authority of any corporation set forth in subsection 1 of this section to condemn property shall not extend to:

(1) The construction or erection of any plant, tower, panel, or facility that utilizes, captures, or converts wind or air currents to generate or manufacture electricity; or

(2) The construction or erection of any plant, tower, panel, or facility that utilizes, captures, or converts the light or heat generated by the sun to generate or manufacture electricity.

10. Subject to the provisions of subsection 8 of this section, but notwithstanding the provisions of subsection 9 of this section to the contrary, the authority of any corporation set forth in subsection 1 of this section to condemn property shall extend to acquisition of rights

135 needed to construct, operate, and maintain collection lines,
136 distribution lines, transmission lines, communications
137 lines, substations, switchyards, and other facilities needed
138 to collect and deliver energy generated or manufactured by
139 the facilities described in subsection 9 of this section to
140 the distribution or transmission grid.

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

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