

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 854,
2 Page 51, Section 1, Line 2, by inserting after all of said section and line the following:

3
4 "Section 2. 1. Notwithstanding any other provision of law, any public utility, municipal
5 utility, or electrical cooperative regulated under chapter 394 seeking to exercise the power of
6 eminent domain shall, thirty days prior to the filing of a petition for condemnation under this
7 chapter, provide all owners of record to be named in the petition notice of an intent to condemn their
8 property by use of eminent domain. The notice shall contain in a legible, large font all of the
9 information required for a petition under section 523.010 and the following disclaimer:

10
11 "ATTENTION: You have the right to contact legal counsel for the purpose of determining whether
12 your property is being taken for a legitimate public use and to determine appropriate compensation
13 based on the laws of Missouri. The valuation of real property for purposes of eminent domain is a
14 complex process and you may receive better valuations for your property upon the consultation and
15 use of experts such as attorneys or economists. You have the right to attend any public hearings
16 required under chapter 523 regarding the use of eminent domain. You also have the right to a civil
17 jury trial to determine the value of your property. You will receive notice regarding any filed
18 petition for condemnation of your property as required under chapter 523."

19
20 2. If a public utility is regulated by the Missouri public service commission and the use of
21 the power of eminent domain is in any manner contingent upon the issuance of a new certificate of
22 convenience and necessity by the commission, the utility shall include in the disclaimer mandated by
23 this section an additional statement substantially similar to the following:

24
25 "ATTENTION: The(insert name of utility) is a public utility regulated by the Missouri Public
26 Service Commission. The commission may have power to issue or deny a certificate of convenience
27 and necessity to(insert name of utility) regarding the request for a taking of your property. You
28 have the right to contact the Missouri public service commission and appear at public hearings
29 regarding your property. You have the right to contact legal counsel to appear on your behalf before
30 the commission."

31
32 3. The violation of this section shall result in an additional award of not more than five
33 hundred dollars to any property owner whose property is actually taken by eminent domain under
34 chapter 523. The commission, or a court of competent jurisdiction, is authorized to impose such fine
35 upon a showing that it is more likely than not that this section was violated."; and
36

Action Taken _____ Date _____

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.