

SECOND REGULAR SESSION

# HOUSE BILL NO. 1426

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALKER.

4590H.011

D. ADAM CRUMBLISS, Chief Clerk

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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 for electric transmission line projects.

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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Section A. Section 523.262, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.262, to read as follows: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 of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the  
19 property owner with notification of the identity of the condemning authority and the proposed  
20 purpose for which the condemned property shall be used at the time of making the initial offer.

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

24 **(1) Such project is proposed to be built in a county of the third classification without**  
25 **a township form of government and with more than twenty-three thousand but fewer than**  
26 **twenty-six thousand inhabitants and with a city of the third classification with more than**  
27 **seventeen thousand but fewer than nineteen thousand inhabitants as the county seat, a**  
28 **county of the third classification without a township form of government and with more**  
29 **than four thousand but fewer than five thousand inhabitants and with a city of the fourth**  
30 **classification with more than one thousand fifty but fewer than one thousand two hundred**  
31 **inhabitants as the county seat, a county of the third classification without a township form**  
32 **of government and with more than twenty-six thousand but fewer than twenty-nine**  
33 **thousand inhabitants, and a county of the third classification without a township form of**  
34 **government and with more than four thousand but fewer than five thousand inhabitants**  
35 **and with a city of the fourth classification with more than seven hundred but fewer than**  
36 **eight hundred inhabitants as the county seat; or**

37 **(2) Such project is constructed entirely with private funds and users of the line pay**  
38 **for the transmission line.**

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40 **This subsection shall not apply to any rural electric cooperative or municipally owned**  
41 **utility.**

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