

HB 1903 -- INFRASTRUCTURE DEVELOPMENT

SPONSOR: Walker (3)

This bill provides that no gas corporation, electrical corporation, water corporation, or sewer corporation shall seek a certificate of necessity and convenience from the Public Service Commission required for operation in Missouri before providing at least 120 days notice to all affected property owners. Before any certificate may be approved, the requesting corporation shall provide evidence to the commission of the approval of each affected county commission.

The bill also modifies the amounts of just compensation for specified kinds of condemnation proceedings. For any upgrade or addition to an existing easement, the just compensation shall be mutually agreed upon by the property owner or such owner's agent.

Currently, the taking of land owned within the same family for 50 or more years is only entitled to the sum of the fair market value and heritage value if the taking prevents the owner from utilizing the property in substantially the same manner as it was used on the day the taking occurred. This bill removes the condition, and presumes that the just compensation for such a taking is the sum of the fair market value and heritage value.

The just compensation for any century property shall be the sum of the fair market value and century value.

The bill extends the written notice requirement before proceeding with condemnation from 60 to 120 days, and bars private utilities from using eminent domain for the construction of electrical lines or infrastructure.

The bill also establishes the Electrical Corporation Condemnation Act. Accordingly, several restrictions are placed on the ability of electrical corporations to seek eminent domain authority. An electrical corporation's condemnation proposal may be rejected if an alternative route through state-owned land is possible. If an easement already exists along a proposed condemnation route then the electrical corporation shall either upgrade the existing structure in the easement and duly compensate the landowner, or collocate with an entity in the event that the electrical corporation does not own the easement. If there is no easement along a proposed route, then the condemnation of land shall follow along section or boundary lines, unless otherwise negotiated with the landowner. If no easement route can be agreed upon then it shall be deemed abandoned, and the electrical corporation may reapply again no sooner than five years later. An electrical

corporation seeking to condemn land shall also obtain a written easement agreement signed by at least 60% of all impacted property owners or respective agents.