

This bill specifies that the authority for an electrical corporation, except for an electrical corporation operating under a cooperative business plan as described in Section 393.110, RSMo to condemn property for purposes of constructing an electrical plant subject to a certificate of public convenience and necessity under Section 393.170 shall not extend to the construction of a merchant transmission line with Federal Energy Regulatory Commission (FERC) negotiated rate authority unless the line has a substation or converter station located in Missouri that is capable of delivering an amount of its electrical capacity to electrical customers in the state that is greater than or equal to the proportionate number of miles in the state. These provisions will not apply to applications filed prior to August 28, 2022.

Additionally, if an electrical corporation, except for one operating under a cooperative business plan, acquires an involuntary easement in this state by means of eminent domain and does not obtain the financial commitments necessary to construct the project for which the easement was necessary within seven years of the date such easement rights were recorded, the corporation shall return the easement to the fee simple title holder within 60 days and cause the dissolution of the easement. If the easement is returned, no reimbursement of any payment made by the corporation to the title holder will be due.

The bill specifies that a condemning authority shall be deemed to have engaged in good faith negotiations if, for condemnation of any agricultural or horticultural property, for the construction of an electrical transmission line designed to transmit electricity at 345 kV or greater, but not for condemnation of the property by an electrical corporation operating under a cooperative business plan as described in Section 393.110 for the purposes of constructing an electric plant subject to a certificate of convenience and necessity, the total compensation package offered was no lower than the amount reflected in the appraisal multiplied by 150%. These provisions will not apply to applications filed prior to August 28, 2022.

The bill also specifies that, in eminent domain proceedings, just compensation for agricultural or horticultural land shall be 150% of fair market value, which will be determined by the court. In a condemnation proceeding for agricultural or horticultural land in which a court appoints three disinterested commissioners, at least one of the commissioners must be a farmer who has been farming in the county for at least 10 years.