

SECOND REGULAR SESSION

HOUSE BILL NO. 1805

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAFFNER.

3655H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 393.170, RSMo, and to enact in lieu thereof one new section relating to electric transmission facilities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 393.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.170, to read as follows:

393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system, other than an energy generation unit that has a capacity of one megawatt or less, without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority

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 conferred by such certificate of convenience and necessity issued by the commission shall be
19 null and void.

20 **4. (1) The provisions of this subsection shall apply when the permission and**
21 **approval sought from the commission under subsection 1 of this section is for the**
22 **construction of electric transmission facilities. Regardless of whether the application**
23 **under section 1 of this section proposes collocation of the project, the commission can**
24 **consider collocation with, parallel to, or along existing rights of way in its review of the**
25 **application. In addition, to the extent such electric transmission facilities will be sited**
26 **with or along or will replace or upgrade existing above-ground electrical infrastructure**
27 **that is not owned by an entity seeking permission and approval pursuant to an**
28 **application filed under subsection 1 of this section or by its affiliate, the entity or entities**
29 **that will own the new electric transmission facilities subject to the application shall**
30 **obtain from the underlying fee owners independent real estate rights necessary to**
31 **accommodate the installation and operation thereof. Notwithstanding subsection 4 of**
32 **section 523.010 or any other provision of law, regulation, or judicial precedent to the**
33 **contrary, the commission shall have authority, under an application filed under**
34 **subsection 1 of this section, in granting the permission or approval sought to allow or**
35 **require, on a nondiscriminatory basis with just compensation and conditions, joint-use**
36 **or collocation of new transmission facilities on existing rights of way, including rights of**
37 **way involving joint use or collocation of new transmission facilities with existing or to-be**
38 **retired transmission facilities. Nothing in this subdivision shall relieve such entity or**
39 **entities of the obligations contained in section 523.039 or 523.256 for robust landowner**
40 **input and the obligations for land restoration and maintenance after any joint-use or**
41 **collocation. Nothing in this section is intended to require collocation with existing**
42 **facilities or upgrade of such facilities to the extent that such designation would prohibit**
43 **or limit a competitive solicitation process to determine the developer of new**
44 **transmission facilities approved by a regional transmission operator.**

45 **(2) Notwithstanding any other provision of law, regulation, or judicial precedent**
46 **to the contrary, including subsection 4 of section 523.010, an owner of any property or**
47 **property rights that are the subject of any electric transmission project shall be entitled**
48 **to just compensation under section 523.039 regardless of whether there is an existing**
49 **utility right of way when application is made under subsection 1 of this section.**
50 **Notwithstanding subsection 2 of section 523.039 to the contrary, for eminent domain**
51 **proceedings of any agricultural or horticultural property that is the subject of any**
52 **electric transmission project by any electrical corporation as defined in section**
53 **386.020, municipally owned electric utility, rural electric cooperative, or investor-owned**
54 **electrical utility, just compensation shall be an amount equivalent to fair market value**

55 multiplied by one hundred fifty percent, as determined by the court. The provisions of
56 this subsection shall not apply to applications filed under subsection 1 of this section
57 before August 28, 2024.

58 (3) For the purposes of this subsection, the following terms shall mean:

59 (a) "Electric transmission facilities", a transmission line that is designed and
60 constructed with the capability of being safely and reliably energized at one hundred
61 kilovolts or more and associated transmission facilities, including substations;

62 (b) "Regional transmission operator", a regional transmission organization,
63 independent system operator, or equivalent entity approved by the Federal Energy
64 Regulatory Commission or its successor agency that exercises functional control over
65 electric transmission facilities located within this state.

✓