

HCS HB 2005 -- EMINENT DOMAIN (Haffner)

COMMITTEE OF ORIGIN: Standing Committee on Judiciary

This bill specifies that, unless exercised within two years from the Public Service Commission's (PSC) granting permission to a gas, electrical, or water corporation to begin construction, any authority conferred by Section 393.170, RSMo, by the PSC is null and void. The bill also defines the term "public service", as used in the section.

Any electrical corporation, except for an electrical corporation operating under a cooperative business plan, that proposes building a transmission line must provide a minimum 50% of its electrical load to Missouri consumers to be considered a public service and to be allowed to condemn property to construct the transmission.

The bill also specifies that in condemnation 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. In any condemnation proceeding commenced by an electrical corporation, if the amount awarded is greater than the offer made by the condemning authority, the court may award attorneys' fees to the property owner.