

SECOND REGULAR SESSION

# HOUSE BILL NO. 1944

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), JETTON, MYERS, MOORE, LEMBKE, ICET, ROBB, DETHROW, BEHNEN, BLACK, FARES, LAGER, SUTHERLAND, MAY, SATER, PHILLIPS, LOEHNER, RECTOR, FISHER, WRIGHT (159), GUEST, RICHARD, PEARCE, CUNNINGHAM (145), ERVIN, FLOOK, ST. ONGE, WELLS, MUNZLINGER, HARRIS (110), POLLOCK, SCHARNHORST, JACKSON, COOPER (155), PARSON, SANDER, WILSON (119), WOOD, NANCE, FRANZ, SMITH (118), WHORTON, DEMPSEY, SMITH (14), SELF, BEARDEN, WASSON, BRUNS, PAGE, COOPER (120), CHINN, SCHLOTTACH, LIPKE, DUSENBERG, BIVINS, SCHAAF, MUSCHANY, SILVEY, WETER, McGHEE, DAVIS, SMITH (150), NOLTE, STEVENSON, SCHAD, MEADOWS, PORTWOOD, THRELKELD, LAMPE, STORCH AND DIXON (Co-sponsors).

Read 1st time March 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4100L.04I

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### AN ACT

To repeal sections 99.120, 99.460, 100.420, 353.130, 392.080, 523.040, 523.050, 523.055, 523.200, and 523.205, RSMo, and to enact in lieu thereof twenty new sections relating to eminent domain.

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

Section A. Sections 99.120, 99.460, 100.420, 353.130, 392.080, 523.040, 523.050, 2 523.055, 523.200, and 523.205, RSMo, are repealed and twenty new sections enacted in lieu 3 thereof, to be known as sections 353.130, 392.080, 523.040, 523.050, 523.055, 523.200, 4 523.205, 523.250, 523.253, 523.256, 523.259, 523.262, 523.265, 523.271, 523.274, 523.277, 5 523.283, 1, 2, and 3, to read as follows:

353.130. [1.] An urban redevelopment corporation may acquire real property or secure 2 options in its own name or, in the name of nominees, it may acquire real property by gift, grant, 3 lease, purchase, or otherwise.

[2. An urban redevelopment corporation shall have the right to acquire by the exercise 4 of the power of eminent domain any real property in fee simple or other estate which is necessary 5

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.

6 to accomplish the purpose of this chapter, under such conditions and only when so empowered  
7 by the legislative authority of the cities affected by this chapter.

8         3. An urban redevelopment corporation may exercise the power of eminent domain in  
9 the manner provided for corporations in chapter 523, RSMo; or it may exercise the power of  
10 eminent domain in the manner provided by any other applicable statutory provision for the  
11 exercise of the power of eminent domain. Property already devoted to a public use may be  
12 acquired in like manner, provided that no real property belonging to any city, county, or the state,  
13 or any political subdivision thereof may be acquired without its consent.]

392.080. 1. Companies organized under the provisions of sections 392.010 to 392.170,  
2 for the purpose of constructing and maintaining telephone or magnetic telegraph lines are  
3 authorized to set their poles, piers, abutments, wires, and other fixtures along, across or under  
4 any of the public roads, streets and waters of this state, in such manner as not to incommode the  
5 public in the use of such roads, streets and waters; provided, any telegraph or telephone company  
6 desiring to place their wires, poles, and other fixtures in any city, they shall first obtain consent  
7 from said city through the municipal authorities thereof[; and provided, further, that the  
8 acceptance, use, or continued use of this right shall create a real property public easement in the  
9 public roads, streets and waters in favor of the accepting telephone or magnetic telegraph  
10 company so long as it is used for public utility purposes, subject only to public use and the rights  
11 of the cities as set out above and such easement shall not terminate or be extinguished by any  
12 vacation, abandonment or subsequent sale by the state or any agency or commission thereof;  
13 however, nothing contained herein shall alter the authority of the state highways and  
14 transportation commission to require the alteration or removal of such facilities pursuant to  
15 section 227.240, RSMo, nor entitle the owner of the facilities to reimbursement for the cost of  
16 altering or removing such facilities pursuant to an order of state highways and transportation  
17 commission under section 227.240, RSMo].

18         **2. Such easements that are acquired on or after August 28, 2006, which are not used**  
19 **or are no longer used for the purpose for which they were acquired, or have not been used**  
20 **by the easement holder for ten years continuously shall be deemed abandoned or vacated.**  
21 **Vacation or abandonment of such easements shall result in the reversion of the easement**  
22 **to the current owner of record, unless such owner waives in writing the right of reversion.**  
23 **However, the holder of the easement shall have the right to petition the circuit court of the**  
24 **county in which the easement is located for an extension of the ten-year period and the**  
25 **circuit court shall grant any such extension that is reasonably necessary in order to address**  
26 **delays to the use of the easement caused by construction delays, environmental impact**  
27 **assessments, or other circumstances that have not been caused by the easement holder and**  
28 **that have prevented the easement holder from using the easement within the original ten-**

29 **year period. The affected property owners shall be a party to any such action and any**  
30 **costs of such action shall be paid by the easement holder.**

523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice  
2 of the pendency of the petition has been given, shall appoint three disinterested commissioners,  
3 who shall be residents of the county in which the real estate or a part thereof is situated, to assess  
4 the damages which the owners may severally sustain by reason of such appropriation, who,  
5 **within forty-five days after appointment by the court, after considering such factors as**  
6 **comparable sales in the area, appraisal value of like property taken by condemnation, term**  
7 **of ownership of the property by the current property owner, current use of the property,**  
8 **availability of comparable property in the area, anticipated profits of the acquiring entity**  
9 **that results from the acquisition, in whole or in part, and any other relevant factors** after  
10 having viewed the property, shall return to the clerk of such court, under oath, their report in  
11 duplicate, of such assessment of damages, setting forth the amount of damages allowed to the  
12 person or persons named as owning or claiming the tract of land condemned, and should more  
13 than one tract be condemned in the petition, then the damages allowed to the owner, owners,  
14 claimant or claimants of each tract, respectively, shall be stated separately, together with a  
15 specific description of the tracts for which such damages are assessed; and the clerk shall file one  
16 copy of said report in his office and record the same in the order book of the court, and he shall  
17 deliver the other copy, duly certified by him, to the recorder of deeds of the county where the  
18 land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall  
19 record the same in his office, and index each tract separately as provided in section 59.440,  
20 RSMo, and the fee for so recording shall be taxed by the clerk as costs in the proceedings; and  
21 thereupon such company shall pay to the clerk the amount thus assessed for the party in whose  
22 favor such damages have been assessed; and on making such payment it shall be lawful for such  
23 company to hold the interest in the property so appropriated for the uses prescribed in this  
24 section; and upon failure to pay the assessment, the court may, upon motion and notice by the  
25 party entitled to such damages, enforce the payment of the same by execution, unless the said  
26 company shall, within ten days from the return of such assessment, elect to abandon the proposed  
27 appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the  
28 clerk of the court, and entered on the minutes of the court, and as to so much as is thus  
29 abandoned, the assessment of damages shall be void.

30 **2. Prior to the issuance of any report under subsection 1 of this section,**  
31 **commissioners shall view the property, hear arguments, and review other relevant**  
32 **information that may be offered by the parties.**

523.050. 1. Upon the filing of such report of the commissioners, the clerk of the court  
2 in which the same is filed shall duly notify the party whose property is affected of the filing; and

3 the report of the commissioners may be reviewed by the court in which the proceedings are had,  
4 on written exceptions, filed by either party in the clerk's office **for a trial de novo as provided**  
5 **in sections 512.180 to 512.320, RSMo**, within thirty days after the service of such notice; and  
6 the court shall make such order as right and justice may require, and may order a new  
7 appraisal, upon good cause shown.

8         2. Such new appraisal shall, at the request of either party, be made by a jury, under  
9 the supervision of the court, as in ordinary cases of inquiry of damages; but notwithstanding such  
10 exceptions, such company may proceed to erect such telephone or telegraph line, or construct  
11 such road or railroad; and any subsequent proceedings shall only affect the amount of  
12 compensation to be allowed. In all cases arising under the provisions of this chapter, the report  
13 of commissioners, when signed by a majority of them, shall be taken and considered as the report  
14 of all.

15         3. If after ninety days after the award is paid into court no agreement has been filed and  
16 no party having an interest in the award has filed a distribution motion, the court shall determine  
17 the percentage of the award to which each party having an interest in it is entitled.

523.055. In any action to condemn lands under the power of eminent domain, where the  
2 condemnor has paid into the office of the clerk of the circuit court the amount of damages  
3 assessed by commissioners pursuant to law, the circuit clerk shall give the owners or those in  
4 possession written notice of such fact within five days. If the owners or those in possession do  
5 not deliver possession of the property condemned [within ten days after the receipt of notice of  
6 the payment of the award] **to the condemnor within one hundred days of the award or within**  
7 **ninety days of receipt of the notice required by subdivision 4 of subsection 5 of section**  
8 **523.205**, then on the request of the condemnor the court shall issue a writ of possession directing  
9 the sheriff to deliver the possession of such property to the condemnor forthwith; except that the  
10 court may upon the motion of said owners grant them such extension of time **under exigent**  
11 **circumstances**, not to exceed ninety days, as the court finds to be reasonable under all the  
12 circumstances. The writ of possession shall be executed in the manner provided by law for the  
13 execution of writs of possession in ejectment suits for the recovery of land. If a writ of  
14 possession is issued or a motion filed asking for an extension by said owners, then all costs  
15 accrued in executing the writ and in the hearing of the motion may be assessed against the said  
16 owners.

523.200. As used in sections 523.200 to 523.215, the following words mean:

2         (1) "Displaced person", any person that moves from the real property or moves his  
3 personal property from the real property permanently and voluntarily as a direct result of the  
4 acquisition, rehabilitation or demolition of, or the written notice of intent to acquire such real  
5 property, in whole or in part, for a public purpose;

6 (2) "Public agency", the state of Missouri or any political subdivision or any branch,  
7 bureau or department thereof, **any public school district**, and any quasi-public corporation  
8 created or existing by law which are authorized to acquire real property for public purpose and  
9 which acquire any such property either partly or wholly with aid or reimbursement from federal  
10 funds;

11 (3) "Urban redevelopment corporation", as defined in section 353.020, RSMo.

523.205. 1. Any public agency as defined in section 523.200 which is required, as a  
2 condition to the receipt of federal funds, to give relocation assistance to any displaced person is  
3 hereby authorized and directed to give similar relocation assistance to displaced persons when  
4 the property involved is being acquired for the same public purpose through the same procedures,  
5 and is being purchased solely through expenditure of state or local funds.

6 2. The governing body of any city, or agency thereof, prior to approval of a plan, project  
7 or area for redevelopment under the operation of chapter 99, RSMo, chapter 100, RSMo, or  
8 chapter 353, RSMo, **or any other political subdivision or governmental entity initiating**  
9 **condemnation proceedings**, which proposes or includes within its provisions or necessitates  
10 displacement of persons, when such displacement is not subject to the provisions of the Federal  
11 Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections  
12 4601 to 4655, as amended) or subsection 1 of this section, shall establish by ordinance or rule  
13 a relocation policy which shall include, but not be limited to, the provisions and requirements  
14 of subsections 2 to 15 of this section, or in lieu thereof, such relocation policy shall contain  
15 provisions and requirements which are equivalent to the requirements of the Federal Uniform  
16 Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections  
17 4601 to 4655, as amended).

18 3. As used in this section, the following terms shall mean:

19 (1) "Business", any lawful activity that is conducted:

20 (a) Primarily for the purchase, sale or use of personal or real property or for the  
21 manufacture, processing or marketing of products or commodities; or

22 (b) Primarily for the sale of services to the public;

23 (2) "Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and  
24 occupancy codes. The dwelling shall:

25 (a) Be structurally sound, weathertight and in good repair;

26 (b) Contain a safe electrical wiring system;

27 (c) Contain an adequate heating system;

28 (d) Be adequate in size with respect to the number of rooms needed to accommodate the  
29 displaced person; and

30 (e) For a handicapped person, be free of any barriers which would preclude reasonable  
31 ingress, egress or use of the dwelling;

32 (3) "Handicapped person", any person who is deaf, legally blind or orthopedically  
33 disabled to the extent that acquisition of another residence presents a greater burden than other  
34 persons would encounter or to the extent that modifications to the replacement residence would  
35 be necessary;

36 (4) "Initiation of negotiations", the delivery of the initial written offer of just  
37 compensation by the acquiring entity, to the owner of the real property, to purchase such real  
38 property for the project, or the notice to the person that he will be displaced by rehabilitation or  
39 demolition;

40 (5) "Person", any individual, family, partnership, corporation, or association.

41 4. Every urban redevelopment corporation acquiring property within a redevelopment  
42 area shall submit a relocation plan as part of the redevelopment plan.

43 5. Unless the property acquisition under the operation of chapter 99, RSMo, chapter 100,  
44 RSMo, or chapter 353, RSMo, is subject to federal relocation standards or subsection 1 of this  
45 section, the relocation plan shall provide for the following:

46 (1) Payments to all eligible displaced persons, as defined, who occupied the property to  
47 be acquired for not less than ninety days prior to the initiation of negotiations who are required  
48 to vacate the premises;

49 (2) A program for identifying special needs of displaced persons with specific  
50 consideration given to income, age, size of family, nature of business, availability of suitable  
51 replacement facilities and vacancy rates of affordable facilities;

52 (3) A program for referrals of displaced persons with provisions for a minimum of three  
53 decent, safe and sanitary housing referrals for residential persons or suitable referral sites for  
54 displaced businesses, a minimum of ninety days' notice of referral sites for handicapped  
55 displaced persons and sixty days' notice of referral sites for all other displaced persons prior to  
56 the date such displaced persons are required to vacate the premises, and arrangements for  
57 transportation to inspect referral sites; and

58 (4) Every displaced person shall be given a ninety-day notice to vacate, prior to the date  
59 such displaced person is required to vacate the premises.

60 6. All displaced residential persons eligible for payments shall be provided with  
61 relocation payments based upon one of the following, at the option of the person:

62 (1) A five-hundred-dollar fixed payment; or

63 (2) Actual reasonable costs of relocation including, **but not limited to**, actual moving  
64 costs, utility deposits, key deposits, storage of personal property up to one month, utility transfer  
65 and connection fees and other initial rehousing deposits including first and last month's rent and

66 security deposit. **Such costs of relocation shall not include the cost of a replacement**  
67 **property or any capital improvements thereto.**

68 7. All displaced businesses eligible for payments shall be provided with relocation  
69 payments based upon the following, at the option of the business:

70 (1) A one-thousand-five-hundred-dollar fixed payment; or

71 (2) Actual costs of moving including costs for packing, crating, disconnection,  
72 dismantling, reassembling and installing all personal equipment and costs for relettering similar  
73 signs and similar replacement stationery, **and other reasonable costs of moving.**

74 8. If a displaced person demonstrates the need for an advance relocation payment, in  
75 order to avoid or reduce a hardship, the developer or public agency shall issue the payment  
76 subject to such safeguards as are appropriate to ensure that the objective of the payment is  
77 accomplished. Payment for a satisfactory claim shall be made within thirty days following  
78 receipt of sufficient documentation to support the claim. All claims for relocation payment shall  
79 be filed with the displacing agency within six months after:

80 (1) For tenants, the date of displacement;

81 (2) For owners, the date of displacement or the final payment for the acquisition of the  
82 real property, whichever is later.

83 9. Any displaced person, who is also the owner of the premises, may waive relocation  
84 payments as part of the negotiations for acquisition of the interest held by such person. Such  
85 waiver shall be in writing, shall disclose the person's knowledge of the provisions of this section  
86 and his entitlement to payment and shall be filed with the acquiring public agency.

87 10. All persons eligible for relocation benefits shall be notified in writing of the  
88 availability of such relocation payments and assistance, with such notice to be given concurrently  
89 with the notice of referral sites as required in subdivision (3) of subsection 5 of this section.

90 11. Any urban redevelopment corporation, its assigns or transferees, which have been  
91 provided any assistance under the operation of chapter 99, RSMo, chapter 100, RSMo, chapter  
92 353, RSMo, or this chapter, with land acquisition by the local governing body, shall be required  
93 to make a report to the local governing body or appropriate public agency which shall include,  
94 but not be limited to, the addresses of all occupied residential buildings and structures within the  
95 redevelopment area and the names and addresses of persons displaced by the redeveloper and  
96 specific relocation benefits provided to each person, as well as a sample notice provided to each  
97 person.

98 12. An urban redevelopment corporation which fails to comply with the relocation  
99 requirements provided in this section shall not be eligible for tax abatement as provided for in  
100 chapter 353, RSMo.

101           13. The requirements set out in this section shall be considered minimum standards. In  
102 reviewing any proposed relocation plan under the operation of chapter 99, RSMo, chapter 100,  
103 RSMo, or chapter 353, RSMo, the local governing body or public agency shall determine the  
104 adequacy of the proposal and may require additional elements to be provided.

105           14. Relocation assistance shall not be provided to any person who purposely resides or  
106 locates his business in a redevelopment area solely for the purpose of obtaining relocation  
107 benefits.

108           15. The provisions of sections 523.200 and 523.205 shall apply to land acquisitions  
109 under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, **or any**  
110 **other political subdivision initiating condemnation proceedings**, filed for approval, approved  
111 or amended on or after August 31, 1991.

**523.250. 1. At least thirty days before initiating negotiations to acquire any interest**  
2 **in real property interest by condemnation or in lieu of condemnation, the condemning**  
3 **authority shall give written notice of its intent to acquire the property interest to the owner**  
4 **of record of the property to be condemned or acquired. Such notice shall be given by**  
5 **regular mail at the address of the owner of record as listed in the property tax rolls.**  
6 **However, this notice shall not be required prior to conducting discussions or informational**  
7 **meetings for the purpose of assessing and determining the actual route or location of**  
8 **property that may be taken by eminent domain, the support or opposition to the proposed**  
9 **project, ability to obtain necessary governmental approvals, or related matters.**

10           2. The notice shall, at a minimum, include:

11           (1) The legal description and commonly known location of the property interest to  
12 be acquired;

13           (2) The purpose or purposes for which the property is being condemned;

14           (3) That the property owner has the right to seek legal counsel with respect to the  
15 condemnation;

16           (4) That the property owner has the right to obtain his or her own appraisal of the  
17 property interest being condemned;

18           (5) That the property owner has the right to a judicial determination regarding the  
19 propriety of the condemnation and the amounts of the proposed compensation for the  
20 property;

21           (6) That the property owner has the right to have these issues decided by a jury of  
22 his or her peers;

23           (7) That the condemning authority shall pay the reasonable costs of an appraisal;  
24 and



25           **(8) That the property owner must notify the condemning authority to initiate any**  
26 **reversion of an easement due to vacation or abandonment of such easement.**

27           **3. Upon receipt of the notice described in subsection 1 of this section, the property**  
28 **owner may employ an appraiser of his or her choosing within sixty days to appraise the**  
29 **property interest to be acquired by the condemning authority. Such appraisal shall be**  
30 **made using sound, fair, and recognized appraisal practices which are consistent with the**  
31 **law. A copy of the appraisal shall be provided to the condemnation authority.**

32           **4. The condemning authority, at or before the time when the notices required by**  
33 **subsection 1 of this section are sent, shall provide public notice, by means of public**  
34 **meeting, newspaper advertisement, or other similar means, of the general nature of the**  
35 **project and its proposed location.**

36           **5. The notice requirements set forth in subsection 4 of this section shall not apply**  
37 **to projects when:**

38           **(1) The property interests proposed to be condemned are for easements only; and**

39           **(2) Five or fewer parcels of property or properties containing less than fifty**  
40 **combined acres are involved in the proposed condemnation. When determining whether**  
41 **five or fewer parcels on the number of acres are involved, the entire proposed**  
42 **condemnation project shall be considered and shall not be divided for the purpose of**  
43 **utilizing this exemption.**

**523.253. A condemning authority shall present a written offer by giving written**  
2 **notice of such offer to all owners of record of the property at the address of the property**  
3 **and at the most recent mailing address for real estate tax bills in the records of the city or**  
4 **county collector of revenue. The offer must be made at least thirty days before filing a**  
5 **condemnation petition, and shall be held open for the thirty-day period.**

**523.256. Before a condemning authority may proceed with a petition for**  
2 **condemnation, the court shall make a preliminary determination that the condemning**  
3 **authority has:**

4           **(1) Given proper and timely notice to all landowners as required by this chapter;**

5           **(2) Made an initial offer no lower than the amount of the compensation to be paid**  
6 **for the taking as reflected in an appraisal performed by a licensed appraiser, provided an**  
7 **appraisal is required by the terms of this chapter; and**

8           **(3) Given the landowner an opportunity to obtain his or her own appraisal from**  
9 **a licensed appraiser of his or her choice at the condemning authority's reasonable expense.**

10

11 **No condemnation petition shall go forward until the court determines that the events in**  
12 **subdivisions (1), (2), and (3) have occurred.**

**523.259.** If any condemning authority abandons condemnation at any point prior to the final judgment of the court, the court may order the condemning authority to pay the landowner's legal fees and expenses, and may award damages resulting from the pendency of the condemnation if proven by the landowner. Ceasing proceedings by agreement or settlement shall not deem the property abandoned. Once an order approving the condemnation is entered by the proper court, the court may impose additional costs, including but not limited to attorney fees, expenses, or punitive damages, if it determines that a condemning authority has acted in bad faith by considering the condemning entity's negotiation tactics.

**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.

**2.** Private utility companies, public utilities, rural electric cooperatives, municipally owned utilities, pipelines, railroads and common carriers shall have the right of eminent domain as granted pursuant to the provisions of other statutes.

**523.265.** Within thirty days of receiving a written notice sent under section 523.250, the landowner may propose to the condemning authority in writing an alternative location for the property to be condemned, which alternative location shall be on the same parcel of the landowner's property as the property the condemning authority seeks to condemn. The proposal shall describe the alternative location in such detail that the alternative location is clearly defined for the condemning authority. The condemning authority shall consider all such alternative locations. This section shall not apply to total takings.

**523.271. 1.** No condemning authority shall acquire private property through the process of eminent domain for solely economic development purposes.

**2.** For purposes of this section, the term "economic development" shall mean a use of a specific piece of property or properties which would provide an increase in the tax base, tax revenues, employment, and general economic health.

**523.274.** The condemning authority, after making a finding that each parcel of property in the area to be condemned meets the relevant statutory definition of blighted, shall file a condemnation petition regarding land deemed to be blighted within five years after the redevelopment plan is authorized. If no such petition is filed within the five-year period, or if any parcel of property in the area is determined not to meet the relevant statutory definition of blighted, the authority to acquire the property shall expire. Future acquisition of the property after the expiration of the five years shall require the reauthorization of such project by the condemning authority.

2           **523.277.** The governor's office of the general counsel shall create an office of  
3   **ombudsman by appointing a person to the position of ombudsman. The ombudsman shall**  
4   **assist citizens by providing free consultations to individuals seeking information regarding**  
5   **the condemnation process and procedures.**

6           **523.283. 1. Property interests acquired by private utility companies, public utilities,**  
7   **rural electric cooperatives, municipally owned utilities, or common carriers, by either**  
8   **formal eminent domain proceedings or by negotiations in lieu of eminent domain**  
9   **proceedings, are fixed and determined by the particular use for which the property was**  
10   **acquired as described in either the instrument of conveyance or in the condemnation**  
11   **petition. Expanded use of the property beyond that which is described in the instrument**  
12   **of conveyance or the condemnation petition shall require either an additional eminent**  
13   **domain proceeding in order to acquire the additional rights or by new negotiations for the**  
14   **expanded use of the property and appropriate consideration and damages to the current**  
15   **owner of the property for the expanded use.**

16           **2. For purposes of this section, the term "expanded use" shall mean:**

17           **(1) The exclusion of use by the current owner of the burdened property from an**  
18   **area greater than the area originally contemplated at the time of acquisition by the**  
19   **condemning authority;**

20           **(2) An increased footprint greater than the footprint originally contemplated at the**  
21   **time of acquisition by the condemning authority;**

22           **(3) An attempt to confer property rights of any nature whatsoever to another entity**  
23   **other than a successor-in-interest; or**

24           **(4) Any altered use which substantially changes the ability of the current owner of**  
25   **the burdened property to operate farm machinery in the area of the property interest**  
26   **originally acquired by the condemning authority.**

27           **As used in this subsection, the term "increased footprint" shall mean a different use or a**  
28   **use that has greater impact on the property, the landowner, or the activities being**  
29   **conducted on the property by the landowner.**

30           **3. The provisions of this section apply only to easements and like interests and not**  
31   **to total takings.**

32           **4. Any provision of this section that is determined by a court of competent**  
33   **jurisdiction to have not been the law at the time this section becomes effective shall apply**  
34   **only to those property interests acquired after the effective date of this section.**

35           **Section 1. 1. Private property may be taken through the use of the power of**  
36   **eminent domain only after making a determination of blight of the property or a**

3 determination that the taking is for a public use. Private property shall not be taken  
4 through the use of eminent domain without just compensation. For the purposes of this  
5 section, vacant land that has never been developed and farmland shall not be determined  
6 to be blighted.

7 2. As used in this section, the following terms mean:

8 (1) "Blighted", any area where dwellings predominate which, by reason of  
9 dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any  
10 combination of these factors are detrimental to public safety, health and morals. Under  
11 no condition shall a piece of property be determined to be blighted by the sole  
12 consideration of the tax enhancements of future economic development on or about the  
13 property;

14 (2) "Farmland", all real property classified as forest cropland or all real property  
15 used for agricultural purposes and devoted primarily to the raising and harvesting of  
16 crops; to the feeding, breeding, and management of livestock which shall include breeding  
17 and boarding of horses; to dairy operations, or to any combination thereof; and buildings  
18 and structures customarily associated with farming, agricultural, and horticultural uses.  
19 Farmland shall also include land devoted to and qualifying for payments or other  
20 compensation under a soil conservation or agricultural assistance program under an  
21 agreement with an agency of the federal government;

22 (3) "Just compensation", the amount determined by taking into consideration  
23 factors including, but not limited to, the fair market value of the property, the willingness  
24 of the owner to sell the property, the heritage or legacy value of the property, the highest  
25 and best reasonable use of the property, the availability of comparable property in the  
26 area, anticipated profits of the acquiring entity that results from the acquisition in whole  
27 or in part, any other relevant factors, and associated reasonable relocation and  
28 replacement costs;

29 (4) "Public use", use other than the public benefits of economic development,  
30 standing alone. Economic development includes an increase in the tax base, tax revenues,  
31 employment, and general economic health.

Section 2. In addition to the modifications to a taxpayer's federal adjusted gross  
2 income in section 143.121, RSMo, to calculate Missouri adjusted gross income there shall  
3 be subtracted from the taxpayer's federal adjusted gross income any gain recognized  
4 pursuant to section 1033 of the Internal Revenue Code of 1986, as amended, arising from  
5 compulsory or involuntary conversion of property as a result of condemnation or the  
6 imminence thereof.

**Section 3. Any easements that are acquired on or after August 28, 2006, which are  
 2 no longer used for the purpose for which they were acquired or which have not been used  
 3 by the easement holder for ten years continuously shall be deemed abandoned or vacated.  
 4 Abandonment or vacation of such easements shall result in the reversion of the easement  
 5 to the owner of record, unless such owner waives in writing the right of reversion.**

[99.120. An authority shall have the right to acquire by the exercise of the  
 2 power of eminent domain any real property in fee simple or other estate which  
 3 it may deem necessary for its purposes under sections 99.010 to 99.230 after the  
 4 adoption by it of a resolution declaring that the acquisition of the real property  
 5 described therein is necessary for such purposes. An authority may exercise the  
 6 power of eminent domain in the manner provided for corporations in chapter 523,  
 7 RSMo; or it may exercise the power of eminent domain in the manner provided  
 8 by any other applicable statutory provision for the exercise of the power of  
 9 eminent domain. Property already devoted to a public use may be acquired in  
 10 like manner, provided that no real property belonging to the city, the county, the  
 11 state or any political subdivision thereof may be acquired without its consent.]  
 12

[99.460. 1. An authority shall have the right to acquire by the exercise  
 2 of the power of eminent domain any real property which it may deem necessary  
 3 for a land clearance project or for its purposes under this law after the adoption  
 4 by it of a resolution declaring that the acquisition of the real property described  
 5 therein is necessary for such purposes. An authority may exercise the power of  
 6 eminent domain in the manner and under the procedure provided for corporations  
 7 in sections 523.010 to 523.070, inclusive, and 523.090 and 523.100, RSMo, and  
 8 acts amendatory thereof or supplementary thereto; or it may exercise the power  
 9 of eminent domain in the manner now or which may be hereafter provided by any  
 10 other statutory provision available to the community, and, as to an authority in  
 11 a constitutional charter city in the manner provided in the charter of said city for  
 12 the exercise of the power of eminent domain.

2. Property already devoted to a public use may be acquired in like  
 13 manner, provided that no real property belonging to the municipality, the county  
 14 or the state may be acquired without its consent.]  
 15  
 16

[100.420. 1. An authority shall have the right to acquire by the exercise  
 2 of the power of eminent domain any real property which it may deem necessary  
 3 for a project or for its purposes under this law after the adoption by it of a  
 4 resolution declaring that the acquisition of the real property described therein is  
 5 necessary for such purposes. Any authority may exercise the power of eminent  
 6 domain in the manner and under the procedure provided for corporations in  
 7 sections 523.010 to 523.070, inclusive, and 523.090 and 523.100, RSMo, and  
 8 acts amendatory thereof or supplementary thereto; or it may exercise the power  
 9 of eminent domain in the manner now or which may be hereafter provided by any

10 other statutory provision available to the city, and, as to an authority in a  
11 constitutional charter city, in the manner provided in the charter of said city for  
12 the exercise of the power of eminent domain.

13 2. Property already devoted to a public use may be acquired in like  
14 manner; provided that no real property belonging to the municipality, the county  
15 or the state may be acquired without its consent.]

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