

HB 1363 -- Eminent Domain

Sponsor: Cooper (158)

This bill changes the laws regarding eminent domain and condemnation proceedings. The bill:

(1) Requires the state or any political subdivision to develop a written description of the project that requires the use of eminent domain before proceeding with the condemnation of the property;

(2) Eliminates a political subdivision's power to exercise eminent domain until the governing body approves the proposed condemnation by a two-thirds majority vote;

(3) Requires the courts to determine if the condemning entity has the authority to exercise the power of eminent domain, the property to be condemned is subject to the exercise of eminent domain and is for a public use, and the condemning entity is properly exercising the power of eminent domain in the particular proceeding. The court must make this determination after the petition has been filed and prior to appointing condemnation commissioners. If the court finds that all the requirements have been met, an interlocutory order to this effect will be entered. If the court finds that the requirements have not been met, the petition will be dismissed;

(4) Instructs the Missouri Supreme Court to promulgate rules to establish uniform instructions for condemnation commissioners regarding their duties;

(5) Prohibits the state or any political subdivision from exercising the power of eminent domain for the purpose of economic development;

(6) Requires an entity with the power to condemn to provide the owner with a summary of his or her rights through certified mail;

(7) Requires a condemning entity before beginning the condemning process to give notice of intent to acquire property to anyone having an interest of record in the property involved, including a description of the property and a notice of the property owners' right to a hearing and that a decision may be appealed. Upon receipt of the notice, the owners may hire an appraiser of their choosing and submit an appraisal to the condemner. A condemning entity cannot make an offer to purchase property that is less than the fair market value established by the appraisal; and

(8) Requires a condemner to initiate construction, improvement, or utilization of the condemned property for the stated public use within 48 months of its acquisition or the former owner will have the right of first refusal to reacquire the property for the compensated amount or fair market value.

The bill becomes effective upon the passage of a constitutional amendment relating to eminent domain as specified in the bill.