

SECOND REGULAR SESSION

HOUSE BILL NO. 2253

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FAITH.

5239L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 226.952, 226.957, and 226.971, RSMo, and to enact in lieu thereof three new sections relating to highway corridors.

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

Section A. Sections 226.952, 226.957, and 226.971, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 226.952, 226.957, and 226.971, to read as follows:

226.952. 1. Whenever the commission has approved the location of the highway corridor of a new or relocated state highway it [may] **shall** file a certified copy of a corridor map with each regulatory authority having jurisdiction over any portion of the property contained within the highway corridor, and with the recorder of deeds in every county in which a portion of the highway corridor is located.

2. The commission shall not file or record a corridor map in any county or city without first advertising and conducting a public hearing to learn of any objections that the residents and any appropriate regulatory authorities may have to the proposed location of the highway corridor. The commission shall consult with all regulatory authorities having jurisdiction over the property contained within the proposed highway corridor regarding the appropriate location of such highway corridor. In areas within the boundaries of a metropolitan planning organization, as designated under 23 U.S.C. 134, the location of a proposed highway corridor shall be selected by the commission in cooperation with the metropolitan planning organization for the area. At least thirty days prior to holding this hearing, the commission shall send a notice of the hearing by certified mail, addressed to the owner of record of each parcel crossed by or within the highway corridor, at the address shown for such owner on the county tax records.

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.

226.957. 1. Sections 226.952 to 226.957 shall not apply to, and the commission shall not attempt to file or record corridor maps in those areas of the state having no regulatory authority.

2. [Sections 226.952 to 226.957 shall not apply to, and the commission shall not file or record a corridor map for a highway corridor of a new or relocated state highway project funded with state funds and without any federal funds.

3.] In order to compensate a regulatory authority for the activities required under sections 226.950 to 226.973, the commission shall pay a filing fee in the sum of two hundred and fifty dollars to the regulatory authority when a corridor map or a revised corridor map is filed with the regulatory authority.

[4. Sections 226.952 to 226.957 shall not apply to, and the commission shall not file or record a corridor map for, a highway corridor for a new or relocated state highway to be located within an area which is already developed at or near its maximum use with commercial, industrial or residential structures.]

226.971. 1. The commission [may] **shall** institute any action [it deems] necessary in the circuit courts of this state to prevent a violation of any provision of sections 226.950 to 226.973, or to undo any action taken in violation of sections 226.950 to 226.973. The commission [may] **shall immediately** obtain a court order to stop any construction in violation of sections 226.950 to 226.973. [If] **When** the commission acquires the property upon which development has occurred in violation of sections 226.950 to 226.973, the court shall order the property returned to its original condition prior to the commencement of the construction at the property owner's expense and without charge or cost to the commission.

2. **The state auditor shall annually audit and investigate any failure to comply with subsection 1 of this section by the commission or employees under their supervision. If the state auditor finds any violations of the above, knowingly made by the commission or employees under their supervision, and causing a loss of state road fund moneys, the commission shall freeze the existing salaries of those employees involved with the violations, for the following fiscal year pay period.**

3. Any action taken by a regulatory authority or recorder of deeds in violation of sections 226.950 to 226.973 shall be void and unenforceable.

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