

HOUSE BILL NO. 640

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER (3).

1424H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 523, RSMo, by adding thereto one new section relating to eminent domain.

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

Section A. Chapter 523, RSMo, is amended by adding thereto one new section, to be
2 known as section 523.300, to read as follows:

**523.300. 1. If a condemning authority seeks to acquire land or an interest therein
2 through eminent domain proceedings in, on, upon, along, over, through, across, or under
3 land devoted to agricultural purposes, such condemning authority shall be required to
4 select a route along or following sections or boundary lines.**

**5 2. Land devoted to agricultural purposes acquired through eminent domain shall
6 be subject to the following:**

**7 (1) Any and all actions taken by the condemning authority to survey, stake,
8 construct, erect, place, keep, operate, maintain, inspect, patrol, renew, add to, upgrade,
9 relocate, or colocate shall be done in such a manner that it does not exceed a burden of ten
10 pound-force per square inch (PSI) on the soil. If in question, proof of the PSI level shall
11 be measured by an independent contractor at the expense of the condemning authority.
12 Any vehicle or equipment with an axle load greater than ten thousand pounds per axle or
13 exerting more than ten PSI shall be run on temporary decking. Decking shall not exert
14 more than five PSI with the load required;**

**15 (2) Any and all actions taken by the condemning authority to survey, stake,
16 construct, erect, place, keep, operate, maintain, inspect, patrol, renew, add to, upgrade,
17 relocate, or colocate shall not restrict, impede, or limit in any way: current or potential
18 irrigation; the operation of agricultural machinery; range of livestock; drainage of land;**

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.

19 **current or potential aerial applications; or any other land use options by the property**
20 **owner, lease holder, manager, or executor; and**

21 **(3) Access routes to easements shall be chosen by the property owner, lease holder,**
22 **manager, or executor. Two weeks' written notice shall be given to a landowner before the**
23 **right to access the easement is exercised, excluding cases of emergency.**

✓