

FIRST REGULAR SESSION

# HOUSE BILL NO. 567

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor) AND HARRIS (110) (Co-sponsor).

Read 1<sup>st</sup> time February 16, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1387L.011

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### AN ACT

To repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to condemnation proceedings.

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

Section A. Section 523.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.050, to read as follows:

23.050. 1. Upon the filing of such report of [said] **the** commissioners, the clerk of the court [wherein] **in which** the same is filed shall duly notify the party whose property is affected of the filing [thereof]; and the report of [said] **the** commissioners may be reviewed by the court in which the proceedings are had, on written exceptions, filed by either party in the clerk's office, within [ten] **thirty** days after the service of [the] **such** notice [aforesaid]; and the court shall make such order [therein] as right and justice may require, and may order a new appraisal, upon good cause shown.

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

3. If after ninety days after the award is paid into court no agreement has been filed and

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.

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 [therein] **in it** is entitled.