

SECOND REGULAR SESSION

HOUSE BILL NO. 1533

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LEMBKE (Sponsor), PORTWOOD, AVERY, HARRIS (110),
SATER, WELLS, CUNNINGHAM (86), MEADOWS, ROARK, McGHEE, WHORTON, BROWN (50),
SUTHERLAND, COOPER (155), EMERY, ERVIN, NIEVES, STEVENSON, SPRENG, RUCKER,
SCHAD AND JONES (Co-sponsors).

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4109L.01I

AN ACT

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

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 523.105, to read as follows:

**523.105. 1. Notwithstanding any other provision of law to the contrary, prior to
2 January 1, 2007, no condemnation procedures under this chapter or any exercise of any
3 eminent domain authority by the state or by any city, town, village, or other political
4 subdivision or any entity which has eminent domain authority shall be commenced which
5 involve property to be sold, transferred, possessed, or otherwise used by a private entity.**

**6 2. Notwithstanding the provisions of chapter 99, RSMo, to the contrary, prior to
7 January 1, 2007, no tax abatements shall be granted for any portion of property in a tax
8 increment financing project for which eminent domain has been utilized.**

**9 3. The provisions of subsections 1 and 2 of this section shall not apply to the
10 following:**

**11 (1) Where the particular property obtained by eminent domain is blighted and
12 renders it a significant hazard to public health and safety;**

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.

13 **(2) Where the particular property or property right obtained by eminent domain**
14 **is required to provide a private way of necessity as provided in section 28, article I,**
15 **Constitution of Missouri; or**

16 **(3) Where a property interest less than fee simple has been granted for the purpose**
17 **of providing products or services incidental to the function of a publicly owned facility.**

Section B. Because immediate action is necessary to prevent abuse of the power of
2 eminent domain pending further review by the general assembly, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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