

SECOND REGULAR SESSION

HOUSE BILL NO. 1622

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

4490H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 523.039, RSMo, and to enact in lieu thereof one new section relating to just compensation for condemned property.

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

Section A. Section 523.039, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.039, to read as follows:

523.039. 1. In all eminent domain proceedings filed after December 31, 2006, just compensation for condemned property shall be determined under one of the three following subdivisions, whichever yields the highest compensation, as applicable to the particular type of property and taking:

(1) An amount equivalent to the fair market value of such property;

(2) For condemnations that result in a homestead taking, an amount equivalent to the fair market value of such property multiplied by one hundred twenty-five percent; ~~or~~

(3) For condemnations of property that result in any taking that prevents the owner from utilizing property in substantially the same manner as it was currently being utilized on the day of the taking and involving property owned within the same family for fifty or more years, an amount equivalent to the sum of the fair market value and heritage value. For the purposes of this subdivision, family ownership of property may be established through evidence of ownership by children, grandchildren, siblings, or nephews or nieces of the family member owning the property fifty years prior to the taking; and in addition, may be established through marriage or adoption by such family members. If any entity owns the real property, members of the family shall have an ownership interest in more than fifty percent of the entity in order to be within the family line of ownership for the purposes of this

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.

18 subdivision. The property owner shall have the burden of proving to the commissioners or
19 court that the property has been owned within the same family for fifty or more years; or

20 **(4) For condemnations of agricultural or horticultural property that result in**
21 **any taking that prevents the owner from utilizing property in substantially the same**
22 **manner as it was being utilized on the day of the taking, an amount equivalent to the fair**
23 **market value plus one additional percent for each year the property has been owned by**
24 **the same family.**

25 2. For eminent domain proceedings of any agricultural or horticultural property by an
26 electrical corporation as defined in section 386.020, except for an electrical corporation
27 operating under a cooperative business plan as described in section 393.110, for the purposes
28 of constructing an electric plant subject to a certificate of convenience and necessity under
29 subsection 1 of section 393.170, just compensation shall be an amount equivalent to fair
30 market value multiplied by one hundred fifty percent, as determined by the court; **however, if**
31 **the property has been within the same family for fifty-one or more years, just**
32 **compensation for the property shall be as provided under subdivision (4) of subsection 1**
33 **of this section.** The provisions of this subsection shall not apply to applications filed
34 pursuant to section 393.170 prior to August 28, 2022.

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