

SECOND REGULAR SESSION

HOUSE BILL NO. 2443

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

5125H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 523.061, RSMo, and to enact in lieu thereof one new section relating to condemnation proceedings.

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

Section A. Section 523.061, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.061, to read as follows:

523.061. After the filing of the commissioners' report pursuant to section 523.040, the circuit judge presiding over the condemnation proceeding shall apply the provisions of section 523.039 and shall determine whether a homestead taking has occurred and shall determine whether heritage value is payable and shall increase the commissioners' award to provide for the additional compensation due where a homestead taking occurs or where heritage value applies, in accordance with the just compensation provisions of section 523.039. If a jury trial of exceptions occurs under section 523.060 **and the circuit judge presiding over the condemnation proceeding has determined that a homestead taking has occurred or heritage value is payable**, the circuit judge presiding over the condemnation proceeding shall apply the provisions of section 523.039 ~~and shall determine whether a homestead taking has occurred and shall determine whether heritage value is payable~~ and shall increase the jury verdict to provide for the additional compensation due where a homestead taking occurs or where heritage value applies, in accordance with the just compensation provisions of section 523.039. **Notwithstanding any other provision of law in sections 523.001 to 523.286 to the contrary, a circuit judge who determines that heritage value is payable as provided in this section shall not increase the commissioners' award or jury verdict to provide for the additional compensation**

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 **due where heritage value applies if the plaintiff moves for exclusion of the heritage value**
19 **and shows after an evidentiary hearing by a preponderance of the evidence that the**
20 **property taken has been:**

21 **(1) Abandoned;**

22 **(2) Declared a nuisance and been ordered to be vacated;**

23 **(3) Demolished or repaired after notice and hearing; or**

24 **(4) Materially and negatively contributed to a blighted area as that term is**
25 **defined in section 99.805.**

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