

SECOND REGULAR SESSION

SENATE BILL NO. 990

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS HOWARD AND CHILDERS.

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TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 523, RSMo, by adding thereto one new section relating to regulatory taking.

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 known as section 523.103, to read as follows:

523.103. 1. For purposes of this section, "regulatory taking" shall mean implementation of any regulatory program including, but not limited to, land use requirements, zoning, growth moratoriums, aesthetic requirements and tree ordinances by the state, city or county resulting in the reduction by at least twenty percent the fair market value of real property for the uses permitted at the time the owner of such property acquired title to the property.

2. In the event that the owner of any property is deprived of at least twenty percent of the fair market value of the property as a result of regulatory taking such owner may request compensation from the state, city or county for the difference between the fair market value prior to the regulatory taking and current value.

3. If the property owner and the state, city or county imposing the regulatory taking cannot agree on the amount of compensation to be paid, then the property owner may file an action in the circuit court of jurisdiction in the county containing the property to resolve the matter. If it is found that a regulatory taking has occurred, the court shall award the plaintiff the difference between the fair market value before and after the taking and the court may award costs as it seems just.

4. No compensation shall be made in cases where such regulatory taking is executed in the interest of the demonstrable safety, health and welfare of the public.

5. The state, city or county may not require any applicant for a permit or license to waive the provisions of this section as a condition of issuing any permit or

license.

6. If the state, city or county is unable or unwilling to pay the costs awarded pursuant to the provision of this section, it may instead reverse the regulatory program which was deemed a regulatory taking.

7. If the state, city or county acts to reverse the regulation rather than pay any compensation due the owner of the property, then the city or county is liable to the owner of such real property for all reasonable and necessary economic losses resulting from the regulatory taking for the period of time the regulation was in effect.

8. The provisions of this section shall not be deemed to affect any remedy which is constitutionally required or any "takings analysis" and remedy provided in chapter 536, RSMo.

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