

FIRST REGULAR SESSION

# SENATE BILL NO. 505

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 17, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1709S.011

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## AN ACT

To repeal section 262.810, RSMo, and to enact in lieu thereof one new section relating to limiting the taking of farmland by eminent domain.

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

Section A. Section 262.810, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 262.810, to read as follows:

262.810. 1. Property subject to the farmland protection act shall not be taken in whole or in part by any political subdivision of this state by eminent domain except after a public hearing pursuant to chapter 610, RSMo.

**2. Any acquisition of farmland or easement thereto by eminent domain by the state, any political subdivision of this state, or any entity with the power of eminent domain shall be restricted as follows:**

(1) For any right-of-way expansion, the state, any political subdivision of this state, or any entity with the power of eminent domain shall consider all alternative routes and least intrusive routes, and shall disclose to the public and the affected landowners all such routes for which a right-of-way or right-of-way expansion is proposed. If reasonable alternatives to the taking of farmland or easements thereto are available, the farmland or easements thereto shall not be acquired by eminent domain;

(2) If the owner of farmland is an unwilling seller, such farmland or easement thereto shall not be acquired by eminent domain without a public hearing pursuant to chapter 610, RSMo;

(3) Farmland or easements thereto acquired by eminent domain by the state,

any political subdivision of this state, or any entity with the power of eminent domain shall not be resold or transferred to a private entity. If the state, any political subdivision of this state, or any entity with the power of eminent domain that acquired such farmland or easement thereto determines that it is no longer in the best interest of the state, political subdivision, or entity to retain ownership of such farmland or easement thereto, the ownership of the farmland or easement thereto shall revert to the original landowner from whom the farmland or easement thereto was taken or the heirs of such landowner;

(4) Any landowner whose farmland or easement thereto has been taken by eminent domain shall have five years from the time of the original taking of the farmland or easement thereto in which to negotiate claims for damages from construction and maintenance that may not have been confirmed at the time of the original taking; and

(5) If it is necessary for a municipality to condemn private property outside the incorporated limits of such municipality for an authorized purpose, the governing body of the municipality shall be required to obtain the approval of the governing body of the county in which such private property is located prior to taking such private property by eminent domain.

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