

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 86

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 1, 2004, and ordered printed.

Read 2nd time January 13, 2005, and referred to the Committee on Economic Development, Tourism and Local Government.

Reported from the Committee February 14, 2005, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 22, 2005. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0421S.01P

AN ACT

To repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

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

Section A. Section 523.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.050, to read as follows:

523.050. 1. Upon the filing of such report of said commissioners, the clerk of the court wherein the same is filed shall duly notify the party whose property is affected of the filing thereof; and the report of said commissioners may be reviewed by the court in which the proceedings are had, on written exceptions, filed by either party in the clerk's office, within **[ten]** **thirty** days after the service of the notice aforesaid; and the court shall make such order therein as right and justice may require, and may order a new appraisement, upon good cause shown.

2. Such new appraisement shall, at the request of either party, be made by a jury, under the supervision of the court, as in ordinary cases of inquiry of damages; but notwithstanding such exceptions, such company may proceed to erect said telephone or telegraph line, or construct said road or railroad; and any subsequent proceedings shall only affect the amount of compensation to be allowed. In all cases arising under the provisions of this chapter, the report of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

commissioners, when signed by a majority of them, shall be taken and considered as the report of all.

3. If after ninety days after the award is paid into court no agreement has been filed and no party having an interest in the award has filed a distribution motion, the court shall determine the percentage of the award to which each party having an interest therein is entitled.

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