



MISSOURI SENATE

JEFFERSON CITY

CAPITOL BUILDING, ROOM 323
JEFFERSON CITY, MO 65101

Jason Crowell
27th Senate District

For Immediate Release:
April 26, 2006

Contact: Andrew Green
(573) 751-2459

Sen. Crowell Advances Legislation Protecting Property Owners From Eminent Domain Abuse

JEFFERSON CITY—Sen. Jason Crowell, R-Cape Girardeau, advanced legislation benefiting property owners in Missouri. As chairman of the Senate Pensions, Veterans' Affairs and General Laws committee, Crowell crafted a substitute version of House Bill 1944, which modifies the state's eminent domain laws.

"The original measure did not go far enough to stop eminent domain abuses, but my version that was approved today in committee is the strongest pro-property-owner legislation to come before the legislature this year," Crowell said.

The initial version of House Bill 1944 prohibited condemning authorities from taking private property "solely" for economic development purposes. Crowell's amended version changes the word "solely" to "predominantly."

"The word *solely* is problematic because developers could easily argue that their projects aren't completely or exclusively economic development projects. With this one change, we can now ensure that eminent domain is not used for projects in which the potential for an economic boost outweighs any other purposes," Crowell said. "This will prevent subdivisions from being bulldozed so a shopping center can be built, but it will still enable run-down abandoned buildings to be turned into a public library or school."

Crowell's substitute also changes the judicial process for private-property owners who contest the government's call for eminent domain. Current law allows courts to defer to the condemning authority if the issue is "fairly debatable." The new measure would require the condemning authority to prove their motivations are legitimate and in the best interest of the public, rather than based on economic development.

Crowell also added an amendment to more clearly define "just compensation." Before anyone is paid for the seized property, multiple factors will be taken into account, including fair market value, willingness of the

owner to sell the property, heritage value, and the costs of relocation and replacement. The measure also shields farmland from being labeled as “blighted.”

“Missouri homeowners, farmers and small businesses deserve a law that does more than provide a smokescreen for eminent domain abuse,” Crowell said. “We need to return the application of eminent domain laws to their original intent, and my new version does just that.”

-END-