

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 1606, Page 22, Section 473.742, Line 113,

2 by inserting after all of said line the following:

3 "523.061. After the filing of the commissioners'  
 4 report pursuant to section 523.040, the circuit judge  
 5 presiding over the condemnation proceeding shall apply the  
 6 provisions of section 523.039 and shall determine whether a  
 7 homestead taking has occurred and shall determine whether  
 8 heritage value is payable and shall increase the  
 9 commissioners' award to provide for the additional  
 10 compensation due where a homestead taking occurs or where  
 11 heritage value applies, in accordance with the just  
 12 compensation provisions of section 523.039. If a jury trial  
 13 of exceptions occurs under section 523.060 and the circuit  
 14 judge presiding over the condemnation proceeding has  
 15 determined that a homestead taking has occurred or heritage  
 16 value is payable, the circuit judge presiding over the  
 17 condemnation proceeding shall apply the provisions of  
 18 section 523.039 [and shall determine whether a homestead  
 19 taking has occurred and shall determine whether heritage  
 20 value is payable] and shall increase the jury verdict to  
 21 provide for the additional compensation due where a  
 22 homestead taking occurs or where heritage value applies, in  
 23 accordance with the just compensation provisions of section  
 24 523.039. Notwithstanding any other provision of law in  
 25 sections 523.001 to 523.286 to the contrary, a circuit judge  
 26 who determines that heritage value is payable as provided in

27 this section shall not increase the commissioners' award or  
28 jury verdict to provide for the additional compensation due  
29 where heritage value applies if the plaintiff is a city,  
30 town, or village that is incorporated in accordance with the  
31 laws of this state and the plaintiff moves for exclusion of  
32 the heritage value and shows after an evidentiary hearing by  
33 a preponderance of the evidence that the property taken has  
34 been:

- 35       (1) Abandoned;  
36       (2) Declared a nuisance and been ordered to be vacated;  
37       (3) Demolished or repaired after notice and hearing; or  
38       (4) Materially and negatively contributed to a  
39 blighted area as that term is defined in section 99.805.";  
40 and  
41       Further amend the title and enacting clause accordingly.