

SENATE BILL NO. 1018

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4935S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 523.061, RSMo, and to enact in lieu thereof one new section relating to condemnation proceedings.

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

Section A. Section 523.061, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 523.061,
3 to read as follows:

523.061. After the filing of the commissioners' report
2 pursuant to section 523.040, the circuit judge presiding
3 over the condemnation proceeding shall apply the provisions
4 of section 523.039 and shall determine whether a homestead
5 taking has occurred and shall determine whether heritage
6 value is payable and shall increase the commissioners' award
7 to provide for the additional compensation due where a
8 homestead taking occurs or where heritage value applies, in
9 accordance with the just compensation provisions of section
10 523.039. If a jury trial of exceptions occurs under section
11 523.060 **and the circuit judge presiding over the**
12 **condemnation proceeding has determined that a homestead**
13 **taking has occurred or heritage value is payable,** the
14 circuit judge presiding over the condemnation proceeding
15 shall apply the provisions of section 523.039 [and shall
16 determine whether a homestead taking has occurred and shall]
17 to determine whether heritage value is payable and shall
18 increase the jury verdict to provide for the additional

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

19 compensation due where a homestead taking occurs or where
20 heritage value applies, in accordance with the just
21 compensation provisions of section 523.039. **Notwithstanding**
22 **any other provision of law in sections 523.001 to 523.286 to**
23 **the contrary, a circuit judge who determines that heritage**
24 **value is payable as provided in this section shall not**
25 **increase the commissioners' award or jury verdict to provide**
26 **for the additional compensation due where heritage value**
27 **applies if the plaintiff moves for exclusion of the heritage**
28 **value and shows after an evidentiary hearing by a**
29 **preponderance of the evidence that the property taken has**
30 **been abandoned, declared a nuisance and been ordered to be**
31 **vacated, been demolished or repaired after notice and**
32 **hearing, or materially and negatively contributes to a**
33 **blighted area as that term is defined in section 99.805.**

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