

SECOND REGULAR SESSION

SENATE BILL NO. 775

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR FLOTRON.

Read 1st time January 20, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3396.011

AN ACT

To repeal section 226.270, RSMo 1994, and section 226.967, RSMo Supp. 1997, relating to the department of transportation, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 226.270, RSMo 1994, and section 226.967, RSMo Supp. 1997, are repealed and two new sections enacted in lieu thereof, to be known as sections 226.270 and 226.967, to read as follows:

226.270. **1.** The [said state highways and transportation] department **of transportation** or other body designated by law to have charge of the state highways of the state of Missouri in case they desire to condemn the lands, property and plants described in sections 226.240 to 226.270 shall proceed in condemnation of said properties in accordance with the provisions of chapter 523, RSMo, so far as is applicable to said [state highways and transportation] department **of transportation.**

2. Notwithstanding any other provisions of law to the contrary, if the department of transportation acquires any real property pursuant to the authority of sections 226.240 to 226.270, for the purpose of any highway right-of-way including, but not limited to, access roads, exit ramps and outer roads, and the department attempts to divest itself of title, then any person who was the owner or joint owner of such property and who held title to the land immediately prior to the time the department acquired such property, or such person's heirs, shall have a right of first refusal to repurchase the property at a price not to exceed the amount which was paid to the

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

person by the department for such property. The provisions of this subsection shall be retroactive in their operation with respect to any real property the department holds title to on the effective date of this act which was acquired pursuant to the authority of sections 226.240 to 226.270.

226.967. From the date the commission gives notice of probable intent to acquire the whole or any part of the subject property which is within the highway corridor, or is deemed to have given such notice, the regulatory authority shall take no action to approve the property owner's application or request for a further period of one hundred twenty days. If the commission does not acquire, agree to acquire, or commence an action in circuit court to condemn the property within this one hundred twenty-day period, the regulatory authority shall then be free to act upon the pending application in such manner as may be provided by law. If the location of a corridor is changed after property is acquired by the commission, the person from whom the property was acquired, **or such person's heirs**, shall have [the] a right of first refusal to reacquire the property [at a cost of not more than the compensation paid by the commission to such person for the property] **pursuant to section 226.270.**

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Bill

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