

HCS HB 447 -- EMINENT DOMAIN

SPONSOR: Townley

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 10 to 6.

This substitute prohibits political subdivisions and other entities with the power of eminent domain from condemning farmland without holding a public hearing at least 60 days before initiating proceedings. Entities must declare a specific intended use for the land, consider reasonable alternatives, and notify landowners of their legal rights. Farmland cannot be condemned if reasonable alternatives are available. If land is taken, landowners have five years to negotiate claims for damages from construction not confirmed at the time of the original taking.

Farmland previously acquired by eminent domain but no longer needed cannot be resold or transferred to any private entity. Acquired land will be returned to the original landowners or their successors or assignees upon repayment of the original purchase price adjusted for inflation. If the original purchase price cannot be documented, the original landowners or their successors or assignees will have the first option to purchase the property at fair market value. Easements will be removed by quitclaim deed. The entity that originally acquired the land or easement by eminent domain will remain financially liable for 10 years for environmental damage caused by the entity's use of the property.

FISCAL NOTE: Estimated Net Cost to Road Fund of Unknown in FY 2004, FY 2005, and FY 2006. Expected to exceed \$100,000.

PROPOSERS: Supporters say that current law on eminent domain does not include sufficient protection for landowners with regard to project justification, reasonable alternatives, land value, moving expenses, and social impacts. The bill provides landowners with reasonable private property rights.

Testifying for the bill were Representative Townley; Concerned Citizens for Family Farms and Heritage; Missouri Farm Bureau; Missouri First; Missouri Family Network; Missouri Eagle Forum; Sierra Club; Riley Godfrey; Robert Woods; Claudia Baker; Dennis Bax; Carolyn Koenigsfeld; Alvin Drennen; Jill Drennen; Rick LePage; Claire Kramer; Mary Lois Arbes; Lydia Samson; Bernard Samson; Patricia Redel; Edward Redel; Ellen Ellis; Herbert Kramer; Jeanette Kramer; Francis Platt; Donna Hackman; Raymond Hackman; and Larry May.

OPPONENTS: Those who oppose the bill say that current eminent domain procedures are balanced and include landowner rights. The bill will make the siting of power lines, roads, and other public facilities more difficult and expensive.

Testifying against the bill were Burlington Northern Sante Fe Railroad; Show Me Power Electric Cooperative; Association of Missouri Electric Cooperatives; Missouri Municipal League; Missouri Public Utility Alliance; Missouri Association of Municipal Utilities; Ameren UE; Empire District Electric Company; and Kansas City Power and Light.

Terry Finger, Senior Legislative Analyst