

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 2993-01  
BILL NO.: SB 529  
SUBJECT: Eminent Domain and Condemnation  
DATE: Original  
TYPE: December 30, 1999

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>(unknown)</b>	<b>(unknown)</b>	<b>(unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses  
This fiscal note contains 3 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

**Department of Transportation (DHT)** officials stated that fiscal impact would depend upon the number of condemnations abandoned and the amount of fees assessed. Officials stated they very rarely abandon an acquisition on a project and assume this proposal would have minimal fiscal impact.

**Oversight** assumes if DHT were to abandon a condemnation proceeding in a given year, any related costs would be absorbed with existing appropriations.

**Department of Conservation (MDC)** officials assume this proposal would have no fiscal impact on MDC funds since it is the Department's policy not to use condemnation.

**Office of Administration (OA) - Division of Design and Construction (D&C)** officials assume this proposal would have no fiscal impact to their division or state funds.

**Department of Natural Resources** officials assume this proposal would have no fiscal impact to their agency, since that agency has used eminent domain only once in the last fifteen years.

**Oversight** assumes this proposal could result in unknown costs to local governments in a given year. (Oversight also notes, however, that the chance of incurring costs could be reduced if condemnation proceedings were more thoroughly investigated and evaluated to determine the value of pursuing them before legal action is initiated.)

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003

**POLITICAL SUBDIVISIONS**

<u>Costs</u> - condemnation abandonment costs	(unknown)	(unknown)	(unknown)
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FISCAL IMPACT - Small Business

Small businesses involved in condemnation proceedings could be impacted by this proposal as it would provide additional protection when proceedings are abandoned.

DESCRIPTION

This proposal would require cities and other condemners who abandon condemnation proceedings to pay the land owner's costs, expenses, and reasonable attorney fees.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Transportation  
Missouri Department of Conservation  
Missouri Department of Natural Resources  
Office of Administration-Division of Design and Construction

**NOT RESPONDING: Kansas City, St. Louis City**



Jeanne Jarrett, CPA  
Director  
December 30, 1999