

# HOUSE RESEARCH

## Bill Summary

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### Section

- 1 Attorney fees (takings for transportation purposes).** Allows awarding a landowner attorney fees in an eminent domain proceeding for the acquisition of property for transportation purposes if the final judgment or damage award exceeds by 20 percent or more the last written offer made by the condemning authority before filing the petition.
- 2 Court to appoint commissioners.** Breaks the section into subdivisions.

Requires, in subdivision 3, the acquiring authority to prove by preponderance of the evidence that the proposed taking is reasonably necessary and authorized by law, and is for a public not private purpose. Under current law, the court must appoint commissioners to determine damages if the proposed taking appears to be necessary and authorized by law. Permits a landowner to get attorney fees and other costs and expenses if the court denies the taking under this subdivision. Excludes utilities from the new standard, which are therefore governed by current law.
- 3 Effective date.** Immediate.