

HOUSE RESEARCH

Bill Summary

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Version: As introduced

Authors: Thissen and others

Subject: Eminent Domain Attorney Fees; Limits on Exercising Eminent Domain

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Section

- 1** **Attorney fees.** Adds a new subdivision to the eminent domain statute that deals with fees and expenses. Specifies that the landowner may receive attorney fees if the final judgment or award for damages exceeds by 20 percent or more the last written offer of compensation made by the condemning authority before the filing of the petition or the amount deposited with the court.
- 2** **Hearing; commissioners; order for taking.** If property proposed to be taken may be obtained without the power of eminent domain, prohibits the court from authorizing a taking unless the petitioner proves the taking is (1) reasonably necessary, (2) authorized by law, and (3) for a public, not private, purpose. If the petitioner fails to prove one of these, the landowner may recover costs, expenses, and attorney fees.

This provision does not apply to (1) public service corporations, public utilities, gas, electric, telephone, or cable communication companies, cooperatives, natural gas pipelines, and crude oil or petroleum products pipelines that have the right of eminent domain under state or federal law; or (2) municipal utilities acquiring property to be used exclusively for utility operations.

- 3** **Effective date.** Immediate.