

1 HB459
2 181859-1
3 By Representatives Mooney, Williams (JW), Farley, Henry,
4 Hanes, Ledbetter, Ainsworth, Wingo, Holmes (M) and Moore (B)
5 RFD: Transportation, Utilities and Infrastructure
6 First Read: 04-APR-17

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8 SYNOPSIS: This bill would provide that where the
9 Department of Transportation files a condemnation
10 action to condemn property pursuant to eminent
11 domain and the final condemnation award, excluding
12 interest, exceeds the department's last written
13 offer to the condemnee by more than 20 percent, the
14 department must pay the condemnee's reasonable
15 attorney, appraisal, and engineering fees.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT
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21 To amend Section 18-1A-293 of the Code of Alabama
22 1975, relating to certain costs in eminent domain condemnation
23 proceedings; to provide that in a condemnation action filed by
24 the Department of Transportation, the department shall
25 reimburse the reasonable attorney, appraisal, and engineering
26 fees of a condemnee whose final probate or circuit
27 court-ordered compensation, excluding interest, exceeds the

1 department's last written offer to the condemnee by 20
2 percent.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 18-1A-293 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§18-1A-293.

7 "(a) The costs of the complaint and proceedings
8 thereunder up to and through the entry of final judgment,
9 including the compensation of commissioners, must be adjudged
10 and assessed against the plaintiff and its surety for costs
11 for which execution may issue. The commissioner's fees in
12 every case shall be set and determined by the probate judge
13 and entered by separate order by the probate judge.

14 "(b) Any other provision of law to the contrary
15 notwithstanding, in a condemnation action by the Department of
16 Transportation, if the probate or circuit court's award
17 exceeds the department's last written offer by 20 percent,
18 excluding interest, the department shall pay the condemnee's
19 reasonable attorney, appraisal, and engineering fees. The
20 condemnee shall submit a petition for an award of fees within
21 30 days of the court's final order. The court shall hold a
22 hearing to determine the award."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.