

1 SB295  
2 174505-1  
3 By Senator Ward  
4 RFD: Transportation and Energy  
5 First Read: 24-FEB-16

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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 court  
27 ordered compensation, excluding interest, exceeds the

1 department's last written offer to the condemnee by more than  
2 20 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, if the final compensation awarded, excluding  
16 interest, by the probate court or the circuit court to the  
17 condemnee in a condemnation action filed by the Department of  
18 Transportation exceeds the department's last written offer to  
19 the condemnee prior to the court's final compensation award by  
20 more than 20 percent, the department shall pay condemnee's  
21 reasonable attorney, appraisal, and engineering fees. The  
22 condemnee shall submit a petition for an award of fees within  
23 30 days of the final order. The court shall hold a hearing to  
24 determine the award."

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

