

SENATE BILL No. 61

By Committee on Judiciary

1-22

1 AN ACT concerning electric public utilities; relating to eminent domain;
2 requiring an electric public utility to pay a landowner's attorney fees
3 when a party appeals the award of the court appointed appraisers and
4 the landowner prevails; amending K.S.A. 26-509 and repealing the
5 existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 26-509 is hereby amended to read as follows: 26-
9 509. (a) In an action on appeal the court shall assign the case for trial to a
10 jury, or to a master in accordance with K.S.A. 60-253, ~~or acts amendatory~~
11 ~~thereof or supplemental~~ and amendments thereto. *Except as provided in*
12 *subsection (b), whenever the plaintiff condemner shall appeal the award of*
13 *court appointed appraisers; and the jury renders a verdict for the*
14 ~~landowners~~ *landowner* in an amount greater than ~~said~~ *such* appraisers'
15 award, the court may allow as court costs an amount to be paid to the
16 landowner's attorney as attorney fees.

17 (b) *If the plaintiff condemner is an electric public utility, whenever*
18 *such plaintiff condemner or landowner shall appeal the award of court*
19 *appointed appraisers and the jury or master renders a verdict for the*
20 *landowner in an amount greater than such appraisers' award, the court*
21 *shall allow as court costs an amount to be paid to the landowner's*
22 *attorney as attorney fees.*

23 Sec. 2. K.S.A. 26-509 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.