

HOUSE BILL 1167

By Forgety

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 55; Title 13; Title 29, Chapter 17 and Title 29, Chapter 16, relative to eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-17-102(2), is amended by deleting the following language:

(E) The acquisition of property by a county, city, or town for an industrial park, as authorized by title 13, chapter 16, part 2.

SECTION 2. Tennessee Code Annotated, Section 13-16-203(1), is amended by deleting the following language:

Acquire land and rights and easements therein by gift, purchase, or eminent domain, and develop the land into industrial parks within or without the municipality or partially within and partially without the municipality, and maintain and operate such industrial parks; provided, that the power of eminent domain shall not be extended to or exercised with respect to property owned or held by a corporation which is subject to regulation by the Tennessee regulatory authority

and substituting instead the following:

Acquire land and rights and easements therein by gift, purchase, or eminent domain, and develop the land into industrial parks within or without the municipality or partially within and partially without the municipality, and maintain and operate such industrial parks; provided, that the power of eminent domain shall be exercised only for public use, as defined in § 29-17-102, and shall not be extended to or exercised with

respect to property owned or held by a corporation which is subject to regulation by the Tennessee regulatory authority

SECTION 3. Tennessee Code Annotated, Section 29-16-203, is amended by adding the following as a new subsection:

Notwithstanding this chapter or chapter 17 of this title to the contrary, for purposes of determining just compensation or damages, valuation of property shall be calculated as the highest and best use of the property.

SECTION 4. Tennessee Code Annotated, Section 29-16-203(c)(1), is amended by deleting the language "fair market" wherever it appears.

SECTION 5. Tennessee Code Annotated, Section 29-17-910, is amended by deleting the language "fair cash market value" and substituting instead the language "value".

SECTION 6. Tennessee Code Annotated, Section 29-17-106(b), is amended by deleting the following language:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state, the court shall award the respondents a sum that will reimburse them for their reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the action, only if the costs are taxed to the condemner pursuant to subdivision (a)(1)(B) or (a)(1)(C). The court shall not award this sum if the costs are taxed to the condemner pursuant to subdivision (a)(1)(A).

and substituting instead the following:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state, the court shall award the respondents a sum that will reimburse them for their reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the action. The court shall not award reasonable attorney fees if the costs are taxed to the condemner pursuant to subdivision (a)(1)(A).

SECTION 7. Tennessee Code Annotated, Section 29-17-912(b), is amended by deleting the following language:

Notwithstanding subsection (a), the state court having jurisdiction of a proceeding initiated by any person, agency or other entity to acquire real property by condemnation shall tax the bill of costs prepared by the clerk against the condemner and shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for the owner's reasonable disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred because of condemnation proceedings, only if:

and substituting instead the following:

Notwithstanding subsection (a), the state court having jurisdiction of a proceeding initiated by any person, agency, or other entity to acquire real property by condemnation shall tax the bill of costs prepared by the clerk against the condemner and shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for the owner's reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of condemnation proceedings; provided, that reasonable attorney fees shall be awarded only if:

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to takings or condemnation actions initiated on or after such date.