

SENATE BILL 959

By McNally

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 17, relative to eminent domain.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, Part 10, is amended by adding the following as a new, appropriately designated section:

29-17-10___. In any case in which the state, its counties, or municipalities exercise the power of eminent domain under this chapter, Chapter 16 of this title or any other law, and the condemning entity determines the property condemned or taken by eminent domain is not used for the purpose or purposes for which it was condemned or for some other authorized public use, or if the condemning entity subsequently decides to sell it within ten (10) years of being condemned or taken, the property shall be first offered for sale to the person or persons from whom the property was condemned or taken. The person from whom the property was condemned or taken shall have thirty (30) days in which to sign an agreement to purchase the property. If the person is deceased, the property next shall be offered for sale to the person's ascertainable heirs or assigns who were living at the time the property was taken. The original condemnee or the condemnee's heirs or assigns may purchase the property for the same amount of compensation paid to them by the condemning entity. If the property is not purchased by the original condemnees or the condemnee's heirs and assigns within thirty (30) days the property shall be offered for sale in any commercially reasonable manner to the general public. The property shall be sold for an amount not less than the fair market value, together with costs. The good faith effort by the condemning entity to locate and

contact the original condemnee or heirs or assigns satisfies the requirements of this section and the sale shall be valid.

SECTION 2. Tennessee Code Annotated, Section 29-17-201, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) The county legislative body shall conduct a public hearing prior to a regularly scheduled meeting of the body on the necessity of condemning property for a county purpose and shall approve by a majority vote the exercise of eminent domain before any property is condemned and taken by the county or any county agency having authority to exercise the power of eminent domain.

SECTION 3. Tennessee Code Annotated, Section 29-17-301, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) The legislative body of any municipality shall conduct a public hearing prior to a regularly scheduled meeting of the body on the necessity of condemning property for a municipal purpose and shall approve by a majority vote the exercise of eminent domain before any property is condemned and taken by the municipality or any municipal agency having authority to exercise the power of eminent domain.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it, and Sections 2 and 3 shall apply only to eminent domain or condemnation proceedings initiated on or after July 1, 2013.