

SENATE BILL 1983

By Niceley

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 1, is amended by adding the following as a new section:

(a) A condemner bears the burden of proving by a preponderance of the evidence that:

(1) The land, real estate, premises, or other property the condemner seeks to acquire is required for a public use;

(2) The condemner has a plan that reflects a reasonable schedule to complete the public use after the condemner takes ownership of the property;

(3) The condemner has access to funding to complete the public use;

and

(4) The public use cannot be accomplished by using or acquiring other property with the consent of the owner of the other property without an unreasonable increase in cost or delay.

(b) When a condemner approves the use of eminent domain, the property owner has a right to have a court of competent jurisdiction determine if the taking is necessary to accomplish the public use. The property owner may raise this section's required determination of necessity as a defense in an answer filed under § 29-17-104(a)(2) or in a separate cause of action notwithstanding § 29-17-104(a)(2), subject to the statute of limitations pursuant to § 29-16-124.

(c) This section does not apply to condemnation actions for projects or uses regarding streets, highways, roads, bridges, transportation, utilities, utility water, public water projects, sewer, and electricity.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.