



State of Tennessee

PUBLIC CHAPTER NO. 422

SENATE BILL NO. 1184

By Niceley, Bowling, Gresham

Substituted for: House Bill No. 1167

By Forgety, Farmer

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 29-17-106(b), is amended by deleting the following language:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state,

and substituting instead the language:

Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state in which interest in the property is being acquired for a public utility or for a road, highway, bridge, or other structure, facility, or project used for public transportation,

SECTION 4. Tennessee Code Annotated, Section 29-17-106(b), is further amended by redesignating the current subsection as subdivision (b)(1) and adding the following new subdivision:

(2) Notwithstanding any law to the contrary, in any condemnation proceeding initiated in this state in which interest in the property is not being acquired for a public utility or for a road, highway, bridge, or other structure, facility, or project used for public transportation, 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 5. Tennessee Code Annotated, Section 29-17-912(b), is amended by deleting the language "to acquire real property" and substituting instead the language:

to acquire real property for the purpose of a public utility or for a road, highway, bridge, or other structure, facility, or project used for public transportation

SECTION 6. Tennessee Code Annotated, Section 29-17-912(b), is further amended by redesignating the subsection as subdivision (b)(1) and adding the following subdivision:

(2) Notwithstanding subsection (a), the state court having jurisdiction of a proceeding initiated by any person, agency, or other entity to acquire real property, which is not being acquired for a public utility or for a road, highway, bridge, or other structure, facility, or project used for public transportation, 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:

(A) The final judgment is that the acquiring party cannot acquire the real property by condemnation; or

(B) The proceeding is abandoned by the acquiring party.

SECTION 7. 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.

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PASSED: May 8, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2017


BILL HASLAM, GOVERNOR