

HB 795 -- CONDEMNATION

SPONSOR: Walker (3)

Currently, a public utility or rural cooperative may only condemn property for utility services if such power is necessary for the public purpose of utility services, and if the condemnation will not impair or interfere with the current land use. Alternative condemnation routes may also be proposed by a landowner within 30 days of receiving a condemnation notice when condemnation does not apply to an entire parcel of land. This bill repeals those provisions and establishes a new procedure for utility related condemnations.

If an existing easement for the same type of utility already exists that can cover most or part of the distance requested by the utility then the existing easement must be upgraded and offer mutually agreed-upon compensation for the landowner and if the requesting utility does not hold the easement, then the utility shall instead collocate with any entity holding the easement.

All routing for easements shall follow section and property boundary lines unless an alternative route is freely negotiated with the affected landowner.

Easements shall be limited to the initial structure type and use unless renegotiation with the landowner occurs. If a route cannot be agreed upon then the project shall be abandoned and the requesting utility may reapply for condemnation at least five years later.

Any utility seeking condemnation using the aforementioned steps must also obtain a written easement agreement from at least sixty percent of impacted landowners before taking action on an acquiring an easement.

The bill also requires mutually agreed-upon consideration for any upgrade or addition to an existing easement between a entity and a property owner.