

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6149
BILL NUMBER: HB 1194

DATE PREPARED: Nov 1, 2001
BILL AMENDED:

SUBJECT: Eminent Domain.

FISCAL ANALYST: Valerie Ruda
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**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: No Fiscal Impact

Summary of Legislation: The bill provides that when a person brings an eminent domain proceeding against land that is already in public use, the court may determine which of the competing public uses has priority. It requires the court to dismiss the eminent domain proceeding if the court finds that the land already in public use has priority, and permits the court to limit the amount of land taken in an eminent domain proceeding against land already in public use to only that land reasonably necessary to accomplish the public use. The bill also permits the court to consider land already owned by the condemnor in determining how much land, if any, the condemnor requires for its public use. It provides that these provisions do not apply where the land that is the subject of the condemnation proceeding is to be used for the construction of a road or highway. This bill permits either party to appeal the court's ruling.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources: