

# Senate Study Bill 80

## Bill Text

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1 1 Section 1. Section [6B.33](#), Code 1997, is amended to read as  
1 2 follows:

1 3 6B.33 COSTS AND ATTORNEY FEES.

1 4 The applicant shall pay all costs of the assessment made by  
1 5 the commissioners and reasonable attorney fees and costs  
1 6 incurred by the condemnee as determined by the commissioners  
1 7 if the award of the commissioners exceeds one hundred ten  
1 8 percent of the final offer of the applicant prior to  
1 9 condemnation. The applicant shall file with the sheriff an  
1 10 affidavit setting forth the most recent offer made to the  
1 11 person whose property is sought to be condemned. Members of  
1 12 such commissions shall receive a per diem of

~~—fifty~~

~~— one hundred~~

1 13 dollars and actual and necessary expenses incurred in the  
1 14 performance of their official duties. The applicant shall  
1 15 also pay all costs occasioned by the appeal, including  
1 16 reasonable attorney fees to be taxed by the court, unless on  
1 17 the trial thereof the same or a less amount of damages is  
1 18 awarded than was allowed by the tribunal from which the appeal  
1 19 was taken.

1 20 Sec. 2. Section [331.655](#), subsection 1, paragraph e, Code  
1 21 1997, is amended to read as follows:

1 22 e. For summoning a

~~—jury~~

~~— compensation commission~~ to assess

1 23 the damages to the owners of lands taken for works of internal  
1 24 improvement, and attending them,

~~—sixty~~

~~— one hundred~~ dollars per

1 25 day, and necessary expenses incurred. If the service of a  
1 26 summons to a commissioner is made by personal service, the fee  
1 27 shall be fifteen dollars and mileage. This subsection does  
1 28 not allow a sheriff to make separate charges for different  
1 29 assessments which can be made by the same

~~—jury~~

~~— compensation~~

1 30 commission and completed in one day of ten hours.

1 31 Sec. 3. Notwithstanding chapter 25B, this Act does not  
1 32 create a state mandate and any increased costs resulting from  
1 33 this Act are the liability of the political subdivisions  
1 34 incurring the costs.

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### EXPLANATION

2 1 This bill increases the per diem paid to the sheriff from  
2 2 \$60 to \$100 for summoning and attending a compensation  
2 3 commission to assess damages in an eminent domain proceeding.  
2 4 If a personal service of a summons is made to a commissioner,  
2 5 a fee at the rate of \$15 and mileage shall be charged. The  
2 6 bill also increases from \$50 to \$100 the per diem of members  
2 7 of a compensation commission.

2 8 If the additional fees cost more than \$100,000 in one year  
2 9 or \$500,000 within five years, the costs do not constitute a

2 10 state mandate pursuant to section 25B.2, subsection 3. The  
2 11 costs are the liability of the political subdivisions which  
2 12 incur the costs.  
2 13 TLSB 1684SC 77  
2 14 tj/jw/5