

Bill Summary
2nd Session of the 60th Legislature

Bill No.:	SB 2113
Version:	INT
Request No.	3080
Author:	Sen. Boren
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Bill Analysis

SB 2113 prohibits any condemning authority from initiating a condemnation proceeding unless it has adopted an express, written finding of necessity. Generalized conclusions or pretextual declarations shall not be sufficient to initiate such proceedings. The findings must identify specific statutory authority, state the reasons for the taking, demonstrate the taking is reasonably necessary, and demonstrate that the authority has considered reasonable alternatives. The measure authorizes the owner of the condemned property to file a written request for a necessity hearing to determine public use and necessity within 30 days of receiving notice of the condemnation. The measure establishes a 20-day time period the authority has to submit evidence and a 30-day time period for the owner to rebut such evidence. The court shall conduct an evidentiary necessity hearing promptly after the close of submissions. If evidentiary standards are not met, the court shall dismiss the condemnation action with prejudice.

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