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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 30, 2025

Subject: Bill Brief on SB 61

Senate Bill 61 requires an electric public utility to pay a landowner's attorney fees when a party appeals the appraisers' award and the jury renders a verdict that is greater than the appraisers' award in an eminent domain action.

The bill amends K.S.A. 26-509, the statute related to eminent domain procedure and attorney fees. Current law provides that when a plaintiff condemner appeals the award of the appraisers and the jury renders a verdict for the landowner in an amount greater than the appraisers, the court may award the landowner attorney fees.

This bill would create a special rule when the plaintiff condemner is an electric public utility and an appeal results in a verdict for the landowner in an amount greater than the appraisers' award, the court would be required to award the landowner attorney fees.