

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** Senate Bill 1096

**PRINTER'S NO.** 1846

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

September 27, 2013

**PRIME SPONSOR**

Senator White

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 1096 amends Title 26 (Eminent Domain) to clarify language in section 710 relating to the limited reimbursement of appraisal, attorney and engineering fees.

Under current law, the owner of any right, title or interest in real property acquired or injured by an acquiring agency (e.g. municipal authority) may be reimbursed in an amount not to exceed \$4,000 as a payment toward reasonable expenses actually incurred for appraisal, attorney and engineering fees. As presently interpreted, reimbursement for these costs is made per owner instead of per property. As a result, if more than one owner is listed on the title to the property (e.g. a married couple), reimbursement for eligible fees can exceed \$4,000. Senate Bill 1096 limits reimbursement to \$4,000 per property, which is intended as a clarification of the original intent of the law.

Senate Bill 1096 further amends section 710 of Title 26 by limiting reimbursement to \$1,000 in instances where the taking through eminent domain is for an easement related to underground piping for water or sewer infrastructure.

The act shall take effect in 60 days.

**FISCAL IMPACT:**

Senate Bill 1096 will have no adverse fiscal impact on Commonwealth or local funds.

The legislation may result in lower reimbursement fees being paid by municipal authorities where there is a taking through eminent domain. Lower fees should make it more feasible to implement necessary infrastructure improvements and expansions. Higher fees lead to increased project costs, which may ultimately lead to higher rates for customers in instances where the project affects public infrastructure such as drinking water systems, storm water management and sewage projects.