

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Anna Braun, Counsel
Meeting Dates:	4/16, 4/21

WHAT THE MEASURE DOES: Changes the way attorney fees are awarded in condemnation proceedings. Requires the government to pay attorney fees and costs if the judgment exceeds the highest offer instead of the initial offer. Insures the property owner will receive attorney fees and costs incurred on or before the offer of compromise if the owner accepts the offer of compromise, or the owner rejects the offer and does not achieve a better result.

ISSUES DISCUSSED:

- Product of compromise between Oregonians in Action and governmental entities
- Need for technical clean up in the second chamber

EFFECT OF COMMITTEE AMENDMENT: Insures the property owner will receive attorney fees and costs incurred on or before the offer of compromise if the owner accepts the offer of compromise, or the owner rejects the offer and does not achieve a better result.

BACKGROUND: Ballot Measure 39 passed in 2006. Part of that measure changed the way attorney fees and costs were awarded in condemnation proceedings. The measure required the government to pay the attorney fees and costs of a property owner if the owner received more than the initial offer of the government. Proponents argue that using initial offer has increased costs.

Under SB 794A if the owner achieves a judgment higher than the offer, the owner will get costs and attorney fees incurred before and after the date of the offer, if the owner does not achieve a higher award than the highest pre-suit offer, the owner will not receive any costs or attorney fees incurred after the offer of compromise was rejected.