

63G-10-401 Condemnation, inverse condemnation settlements involving the Department of Transportation.

- (1) Notwithstanding the provisions of this chapter, the Department of Transportation need not obtain the approval of the governor or the Legislature for financial or action settlement agreements that resolve condemnation or inverse condemnation cases.
- (2) Financial settlement agreements involving condemnation or inverse condemnation cases for \$1,000,000 to \$2,000,000 over the Department of Transportation's original appraisal shall be presented to the Transportation Commission for approval or rejection.
- (3)
 - (a) Financial settlement agreements involving condemnation or inverse condemnation cases for more than \$2,000,000 over the Department of Transportation's original appraisal and all action settlement agreements that resolve condemnation or inverse condemnation cases shall be presented:
 - (i) to the Transportation Commission for approval or rejection; and
 - (ii) if the financial or action settlement agreement is approved by the Transportation Commission, to the Legislative Management Committee.
 - (b) The Legislative Management Committee may recommend approval or rejection of the financial or action settlement agreement.
- (4)
 - (a) The Department of Transportation may not enter into a financial settlement agreement that resolves a condemnation or inverse condemnation case and requires payment of \$1,000,000 to \$2,000,000 over the Department of Transportation's original appraisal until the Transportation Commission has approved the agreement.
 - (b) The Department of Transportation may not enter into a financial settlement agreement that resolves a condemnation or inverse condemnation case and requires payment of more than \$2,000,000 over the Department of Transportation's original appraisal or enter into an action settlement agreement that resolves a condemnation or inverse condemnation case until:
 - (i) the Transportation Commission has approved the agreement; and
 - (ii) the Legislative Management Committee has reviewed the agreement.

Renumbered and Amended by Chapter 382, 2008 General Session