

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1366
(Reference to printed bill)

1 Page 3, line 21, strike "BENEFIT MORE" insert "ARE NOT DAMAGED OR BURDENED"

2 Line 22, after the first "PROJECT" insert "MORE"

3 Page 4, line 19, strike "HUMAN" insert "ECONOMIC"

4 Page 5, between lines 2 and 3, insert:

5 "Sec. 5. Section 12-1122, Arizona Revised Statutes, is amended to
6 read:

7 12-1122. Ascertainment and assessment of value, damages and
8 benefits

9 A. The court or jury shall ascertain and assess:

10 1. The value of the property sought to be condemned and all
11 improvements on the property pertaining to the realty, and of each and every
12 separate estate or interest in the property, and if it consists of different
13 parcels, the value of each parcel and each estate or interest in the parcel
14 separately.

15 2. If the property sought to be condemned constitutes only a part of a
16 larger parcel, the damages that will accrue to the portion not sought to be
17 condemned by reason of its severance from the portion sought to be condemned,
18 and the construction of the improvement in the manner proposed by the
19 plaintiff.

20 ~~3. How much the portion not sought to be condemned and each estate or~~
21 ~~interest in the portion will be benefited separately, if at all, by~~
22 ~~construction of the improvement proposed by the plaintiff. If the benefit is~~
23 ~~equal to the damages assessed under paragraph 2 of this subsection, the owner~~
24 ~~of the parcel shall be allowed no compensation except for the value of the~~
25 ~~portion taken, but if the benefit is less than the damages so assessed, the~~

1 ~~benefit shall be deducted from the damages, and the remainder shall be the~~
2 ~~only damages allowed in addition to the value.~~

3 4. 3. If the property sought to be condemned is for a railroad, the
4 cost of good and sufficient fences along the line of the railroad, and the
5 cost of cattle guards where fences may cross the line of the railroad.

6 B. As far as practicable, compensation shall be assessed for each
7 source of damage separately.

8 C. Value shall be determined by ascertaining the most probable price
9 estimated in terms of cash in United States dollars or comparable market
10 financial arrangements that the property would bring if exposed for sale in
11 the open market, with reasonable time allowed in which to find a purchaser,
12 buying with knowledge of all of the uses and purposes to which it was adapted
13 and for which it was capable.

14 D. For the purpose of assessing compensation and damages with respect
15 to property sought to be condemned by this state for transportation purposes,
16 in addition to subsections A and B of this section, the court or a jury shall
17 assess compensation and damages pursuant to sections 28-7091 and 28-7097."

18 Renumber to conform

19 Amend title to conform

CHUCK GRAY

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