

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 1617

"TO LIMIT THE USE OF EMINENT DOMAIN BY DEFINING "PUBLIC USE" AND TO
ABOLISH A LOCAL GOVERNMENT'S RIGHT OF EMINENT DOMAIN TO CONDEMN
PRIVATE PROPERTY FOR COMMUNITY REDEVELOPMENT."

Amendment No. 1 to House Bill No. 1617.

Amend House Bill No. 1617 as originally introduced:

Page 2, delete lines 18 through 36, and substitute the following:

118-15-103. Eminent domain limited to public use.

(a) As used in this section:

(1)(A) "Public use" means to exercise eminent domain for the
acquisition of property for:

(i) The possession, occupation, and enjoyment of
real property by the general public or by a public agency; or

(ii) The creation or functioning of a public utility
or common carrier.

(B) "Public use" does not include:

(i) The use of eminent domain for the sole purpose of
private ownership or control, including without limitation, economic
development, an increase in tax base, tax revenue, employment, or general
economic health; or

(ii) The creation of a redevelopment district under §
14-168-301 et seq.

(2) "Public purpose" means to exercise eminent domain for the
acquisition of property for the protection of public health or safety if a
court finds that eminent domain is the only remedy that will eliminate a
current condition of a property that:

(A) Presents a direct threat to public health or safety;

(B) Presents a public nuisance; or

(C) Contains a structure on the property is beyond repair
or unfit for human habitation.

(3) "Private ownership or control" includes the use of long-term
leases, options to purchase, and other mechanisms intended to defeat the
purpose of this section to limit the acquisition of property by eminent
domain if it is for the benefit and use of private entities.

(b)(1) The state, a political subdivision of the state, or any other
condemning entity shall not use eminent domain unless it is reasonably



necessary for the public use.

(c) This section is a limitation on the exercise of the power of eminent domain, and is not an independent grant of authority to exercise the power of eminent domain.

AND

Page 3, delete lines 1 through 11

The Amendment was read _____

By: Representative Woods

LMG/KSW - 02-28-2007 12:35

LMG162

Chief Clerk