Hall of the House of Representatives

86th General Assembly - Regular Session, 2007 **Amendment Form**

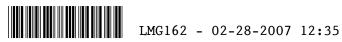
Subtitle of House Bill No. 1617

"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