

## HJR 53 -- Eminent Domain

Sponsor: Lembke

This proposed constitutional amendment restricts, upon voter approval, the power of eminent domain. In its main provisions, the amendment:

- (1) Specifies that the power of eminent domain will only be vested in the state or political subdivisions of the state whose officials are directly responsible to elected officials;
- (2) Specifies that private property cannot be taken or damaged unless it is necessary for a public use and just compensation is provided;
- (3) Prohibits private property from being taken for private use or private ownership without the consent of the owner;
- (4) Specifies that the original owner has a right of reversion after five years if the use of the property taken by eminent domain is not earnestly or substantially pursued;
- (5) Allows any property to be taken for transportation or utility facilities or transmission systems used by railroads, regulated utility, or rural electric cooperatives while keeping ownership of the property with the original owner; and
- (6) Specifies that the rights in property taken by eminent domain cannot be sold, transferred, leased, or otherwise made available for use by a private entity within 20 years of the taking by eminent domain unless the original owner has been offered the first opportunity to purchase the property back at a price no greater than the amount paid at the time the property was taken.

The amendment becomes effective November 8, 2006.