

HJR 52 -- Eminent Domain

Sponsor: Harris

Upon voter approval, this proposed constitutional amendment changes the requirements for taking property by the power of eminent domain by the state or political subdivisions of the state including cities with a charter form of government. In its main provisions, the amendment:

- (1) Prohibits the use of eminent domain by any entity other than the state;
- (2) Prohibits private property from being taken or damaged unless it is necessary for a public use and just compensation is rendered;
- (3) Requires the admission of evidence involving the use of appraisals typical to the ordinary course of business for determining the value of the taken property;
- (4) Prohibits the taking of property for transfer to another private party;
- (5) Requires the state to accomplish its declared purpose for taking property within five years or, upon the request of the original owner, to relinquish the property back to its original owner for no more than the compensation paid;
- (6) Requires the state to offer the first opportunity to buy back property or rights in property to the original owner if the state decides to relinquish these rights within a 20-year period after the original taking; however, interests less than fee title may be conveyed to a privately owned business to provide products or services incidental to the function of a publicly owned facility; and
- (7) Requires public utilities, railroads, and rural electric cooperatives to allow owners and their successors to retain interests in property that is partially used for public purposes.