

					apply to the use of eminent domain by any municipality, housing authority, or other public entity based upon a finding of blight in an area covered by any redevelopment plan or urban renewal plan pursuant to Chapters 2 and 3 of Title 24, but just compensation, in all cases, shall continue to be first made to the owner."
AK	HB 318	Enacted 2006	Limits the use of eminent domain to public uses. Proscribes the use of eminent domain proceedings for private economic development purposes.		
AZ	HB 2675	Governor Vetoed 2006	Restricts the use of eminent domain as it relates to slum areas. Slum areas must be determined on a property by property basis instead of the current system, which declares area wide slums. Disallows eminent domain for economic development and defines public use. Also includes a section which would make eminent domain decisions judicial rather than legislative.	Constitution: Article II, sec. 17	Article II, § 17: "Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, paid into court for the owner, secured by bond as may be fixed by the court, or paid into the State treasury for the owner on such terms and conditions as the Legislature may provide, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public."
AR				Constitution: Article II, sec. 23	Article II, § 23: "The State's ancient right of eminent domain and of taxation, is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance and well being, but no further."
CA	SCA 1	In committee	Provides that private property may be taken or damaged only for a stated public use, and not without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner. The measure would also require that property acquired in eminent domain be owned and occupied by the condemnor, except as specified, and be used only for the public use stated at the time of the taking. If the property ceases to be used for the stated public use, the former owner would have the right to reacquire the property for its fair market value. Defines "just compensation" for purposes of condemnation and specifies the scope of review in an action challenging		

			the validity of a taking.		
CO	SB 78	Enacted 2006	Private companies may not use eminent domain proceedings to condemn private property in order to acquire rights of way for a private toll highway.	Constitution: Article II, sec. 14 Article II, sec. 15 H.B. 1203 (2004) Revises Statute: 31-25-105.5	Article II § 14: "Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes." Article II, § 15: "Private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public." "Acquisition of private property by eminent domain by authority for transfer to subsequent private party - restrictions - exceptions - right of civil action - damages."
CT	SB 167	Enacted 2007	Requires a two-thirds vote of the legislative body of a municipality to approve the acquisition of real property through eminent domain by a development agency. If the municipality decides not to use the property for the purpose for which it was acquired, it must offer to sell it back to the original owners or heirs at the original purchase price or fair market value, whichever is less. Increases the level of compensation for property acquired through eminent domain by a development agency to 125 percent of its average appraised value. Prohibits the acquisition of real property through eminent domain if the primary purpose is to increase tax revenue.	Constitution: Article First, sec. 11 Statute: Conn. Gen. Stat. 8-186	Article First, § 11: "The property of no person shall be taken for public use, without just compensation therefore." Conn. Gen. Stat. § 8-186: "It is found and declared that the economic welfare of the state depends upon the continued growth of industry and business within the state; that the acquisition and improvement of unified land and water areas and vacated commercial plants to meet the needs of industry and business should be in accordance with local, regional and state planning objectives; that such acquisition and improvement often cannot be accomplished through the ordinary operations of private enterprise at competitive rates of progress and economies of cost; that permitting and assisting municipalities to acquire and improve unified land and water areas and to acquire and improve or demolish vacated commercial plants for industrial and business purposes and, in distressed municipalities, to lend funds to businesses and industries within a project area in accordance with such planning objectives are public uses and purposes for which public moneys may be expended; and that the necessity in the public interest for the provisions of this chapter is hereby declared as a matter of legislative determination."
DE	SB 217	Enacted 2005	Eminent domain may only be used by the state or a political subdivision for a recognized public use.	Constitution: Article I, sec. 8 Statute: SB 217 (2005) Amends 29 Del. Code, sec. 9505 (14)	Article I, § 8: "No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offense twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of his or her representatives, and without compensation being made."

					"This Act addresses various abuses and uncertainties relating to the exercise of the State's power of eminent domain and the protection of private property rights."
FL	HB 1567	Enacted 2006	Prohibits the transfer of private property acquired through eminent domain to another private entity with certain exceptions, including for use by common carriers, public transportation, public utilities, or where the private use is incidental to a public project. Prohibits the use of eminent domain to eliminate blight conditions or to generate additional tax revenue. Authorizes the use of eminent domain under the Community Redevelopment Act if it is necessary to remove a threat to the public health or safety.	Constitution: Article X, sec. 6(a)	Article X, § 6 (a): "No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner."
	HB 1569	Enacted 2006	Requires a three-fifths vote of both houses of the state legislature to approve the use of eminent domain to transfer private property to another private entity.		
GA	HB 1313	Enacted 2006	Defines public use for which eminent domain may be exercised to be the possession, occupation and enjoyment of property by the public, public agencies or public utilities, or for the removal of blight. Prohibits the use of eminent domain for economic development purposes, including enhancement of the tax base or tax revenue, increased employment or improvement in the general economic health when the property is to be transferred to another private entity. Redefines blighted areas to emphasize characteristics that are detrimental to the public health and safety. Requires approval of eminent domain actions by the governing body of a city or county and greater public notice before proceeding with condemnation authority.	Constitution: Article IX, Section II	Article IX, § 2: Each condemnation of privately held property for redevelopment purposes must be approved by vote of the elected governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. The power of eminent domain shall not be used for redevelopment purposes by any entity, except for public use, as defined by general law. The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose subject to any limitations on the exercise of such power as may be provided by general law. Notwithstanding the provisions of any local amendment to the Constitution continued in effect pursuant to Article XI, Section I, Paragraph IV or any existing general law, each exercise of eminent domain by a nonelected housing or development authority shall be first approved by the elected governing authority of the county or municipality within which the property is located."
	HR 1306	Enacted 2006	Requires approval by the elected governing body of a local government before eminent domain may be used for a redevelopment purpose.		
HI					
ID	HB 555	Enacted 2006	Creates limitations on eminent domain as it concerns private party transfers, urban renewal, and for economic development purposes. It also provides for judicial review in eminent domain cases.		
IL	SB 3086	Enacted	Eminent domain may not be used for the	Constitution:	Article I, § 15: "Private property shall not be taken or damaged

		2006	benefit of a private party. Includes a blight exemption.	Article I, sec. 15 Statute: I.L.C.S. 11-61-1	for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law." I.L.C.S. § 11-61-1: "The corporate authorities of each municipality may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes or public welfare including property in unincorporated areas outside of but adjacent and contiguous to the municipality where required for street or highway purposes by the municipality."
IN	HB 1010	Enacted 2006	Act includes a definition of public use to exclude economic development initiatives. Allows eminent domain for public utilities, agencies, and other public purposes. Blighted areas are redefined to focus on their negative effect on public health and safety. Private property owners who have their property condemned through eminent domain proceedings must receive 150 percent of fair value for said property. A legislative study committee will also be established to report back to the legislature by 1 November 2007.	Constitution: Article I, sec. 21	Article I, § 21: "No person's particular services shall be demanded, without just compensation. No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered."
IA	HF 2531	Enacted 2006	Defines public use for which eminent domain may be exercised to be the possession, occupation and enjoyment of the property by the general public or a public utility; where private use is only incidental to a public use; or to redevelop blighted areas where at least 75 percent of the properties in the area are blighted. States that public use does not include economic development activities that generate additional tax revenue or employment, or result in private residential, commercial or industrial development. Requires public notice before condemnation proceedings may begin. Includes a buy-back provision whereby the original owner of condemned property that is not put to a public use within five years may purchase it.		
KY	HB 508	Enacted 2006	Defines public use to be ownership, possession, occupation or enjoyment of the property by a governmental entity; removal of blighted properties; or for use by a public utility. Prohibits the transfer of private property to another private entity for economic development purposes, including enhancement of the tax base or tax revenue, increased employment or promoting the general economic health of the community.	Constitution: Section 13 Section 242	Section 13: "No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him." Section 242: "Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The

					General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of the common law."
LA	SB 1	Enacted 2006	Prohibits the taking of private property predominantly for use by a private entity or to transfer ownership of the property to another private entity. Stipulates that neither economic development nor enhancement of tax revenue shall be considered in determining whether the taking of property is for a public purpose.		
	HB 707	Enacted 2006	Prohibits the sale or lease of property, with certain exceptions, that has been taken through eminent domain and held for less than 30 years unless the property is first offered to the original owner or his or her successor at fair market value. Stipulates that within one year after completion of a project for which eminent domain has been used, any surplus property must be offered to the original owner or his or her successor at fair market value.		
ME	LD 1870	Enacted 2006	Prohibits the use of eminent domain to condemn land used for agriculture, fishing or forestry or land improved with residential, commercial or industrial buildings, for private retail, office, commercial, industrial or residential purposes; primarily to generate additional tax revenue; or to transfer private property to another private entity. Provides a blight exception and use of land by a public utility.		
MD					
MA				Constitution: Part the First, Art. X	Part the First, Art. X: "Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor."
MI	SJR E	Approve	Stipulates that if a person's principal residence is taken for public use, the amount		

		d on November 2006 ballot	of just compensation shall not be less than 125 percent of the property's fair market value; public use does not include transferring private property to another private entity for economic development or generating additional tax revenue.		
MN	SF 2750	Enacted 2006	Limits the use of eminent domain to a public use or public purpose, defined as the possession, occupation, ownership or enjoyment of the property by the general public or a public agency, or for the mitigation of blight. Stipulates that the public benefits of economic development do not, by themselves, constitute a public use or public purpose. Requires good faith negotiations with property owners and increases public notice and public hearing requirements.		
MS				Constitution: Section 17	Section 17: "Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public."
MO	HB 1944	Enacted 2006	Prohibits the use of eminent domain solely for an economic development purpose, which is defined to mean an increase in the tax base, tax revenue or employment in the area. Stipulates that eminent domain may only be used to take property in blighted areas or for a public use. Requires public notification of affected property owners before condemnation may begin, and negotiation in good faith with property owners. Establishes an Office of Ombudsman for property rights in the Office of Public Counsel in the Department of Economic Development to assist property owners in obtaining information about eminent domain.		
MT	SB 363	Enacted 2007	Limits the use of eminent domain for urban renewal purposes to property in blighted areas where the property is a detriment to the public health, safety or welfare, and prohibits its use if the primary purpose is to increase tax revenue.	Constitution: Article II, sec. 29 Statute: Montana Code sec. 70-30-101	Article II, § 29: "Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails." Montana Code § 70-30-101: "Eminent domain is the right of the state to take private property for public use."
NE	LB 924	Enacted 2006	Prohibits the use of eminent domain primarily for economic development purposes, which	Constitution: Article I, sec. 21	Article I, §21: "The property of no person shall be taken or damaged for public use without just compensation therefor."

			is defined to mean use by a commercial entity or to increase tax revenue, the tax base, employment or general economic conditions.		
NV	AB 102	Enacted 2007	Stipulates that public uses for which property may be acquired through eminent domain do not include transfer of the property to another private entity. Exceptions include where the private entity uses the property primarily to benefit a public purpose; the entity leases the property to a person that occupies an incidental part of a public facility; or the property taken was abandoned by the owner or the purpose was to abate a threat to the public health and safety.	Constitution: Article I, sec. 8, cl.6	Article I, § 8, cl. 6: "Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made."
	AJR 3	Enacted 2007	Stipulates that public uses for which property may be acquired through eminent domain do not include transfer of the property to another private entity. Exceptions include where the private entity uses the property primarily to benefit a public purpose; the entity leases the property to a person that occupies an incidental part of a public facility; or the property taken was abandoned by the owner or the purpose was to abate a threat to the public health and safety. (Note: AJR 3 must be adopted by the legislature again in 2009 and be passed by the electorate on the 2010 ballot before becoming effective.)		
NH	SB 287	Enacted 2006	Defines public use for which eminent domain may be exercised to be the possession, occupation and enjoyment of property by the public, public agencies or public utilities; the removal of properties that pose a threat to the public health and safety; or private uses that occupy an incidental area within a public project. Stipulates that public use does not include enhanced tax revenue and increased employment opportunities.	Constitution: Part First, Article 12th	Part First, Article 12th: Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.
NJ					
NM	HB 393	Enacted 2007	Prohibits the use of eminent domain by municipalities for redevelopment projects under the Metropolitan Redevelopment Code.		
NY					
NC	HB 1965	Enacted 2006	Stipulates that eminent domain may be used only for specified public purposes contained in the statutes, which do not include economic development projects. Restricts the use of eminent domain by a		

			redevelopment commission to blighted parcels only.		
ND	SB 2214	Enacted 2007	Prohibits the taking private property for use or ownership by another private entity, except for common carriers or public utilities. Stipulates that public use or public purpose does not include the public benefits of economic development, including an increase in tax base, tax revenue, employment or general economic health.		
OH	SB 7	Enacted 2007	Stipulates that public use for which eminent domain may be exercised does not include conveyance of property to a private commercial enterprise, for economic development purposes or solely to increase tax revenue. Increases from a majority to 70 percent the percentage of parcels that must be blighted before an area can be designated as a blighted area, and adds a detailed definition of what constitutes a blighted parcel. Prohibits a determination that a property could generate more tax revenue as the basis for designating a parcel as blighted. Requires an agency to adopt a comprehensive plan describing the need to take property in a blighted area before exercising eminent domain and requires local legislative approval.		
OK				Constitution: Article II, sec. 23 Article II, sec. 24	Article II, § 23: "No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law." Article II, § 24: "Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken, and in addition, any injury to any part of the property not taken."
OR					
PA	SB 881	Enacted 2006	Prohibits the use of eminent domain for private enterprise, except where the private enterprise occupies an incidental area within a public project. Does not affect the authority of the Pennsylvania Public Utility Commission, apply to the exercise of eminent domain where the property is blighted or taken pursuant to the urban redevelopment law or taken to provide low-income housing, among other considerations. Defines blight to emphasize characteristics that are detrimental to the		

			public health and safety.		
RI				Constitution: Article I, sec. 16 Article VI, sec. 18	Article I, § 16: "Private property shall not be taken for public uses, without just compensation." Article VI, § 18: "The clearance, replanning, redevelopment, rehabilitation and improvement of blighted and substandard areas shall be a public use and purpose for which the power of eminent domain may be exercised, tax moneys and other public funds expended and public credit pledged. The general assembly may authorize cities, towns, or local redevelopment agencies to undertake and carry out projects approved by the local legislative body for such uses and purposes including the acquisition in such areas of such properties as the local legislative body may deem necessary or proper to effectuate any of the purposes of this article, although temporarily not required for such purposes, and the sale or other disposition of any such properties to private persons for private uses or to public bodies for public uses."
SC	SB 155	Enacted 2007	Prohibits the use of eminent domain for any use, including economic development, that is not a public use, and that authorizes the legislature to enact laws allowing eminent domain to be used to remedy blight with the property put to public or private use provided just compensation is paid.		
SD	HB 1080	Enacted 2006	Prohibits the use of eminent domain for transfer to any private person, nongovernmental entity, or other public-private business entity or for enhancement of tax revenue. Prohibits the transfer of fee interest in property acquired by the use or threat of eminent domain within seven years of acquisition without first offering to sell such fee interest back to the original landowner at current fair market value		
TN	SB 3296	Enacted 2006	Stipulates that public use for which eminent domain may be exercised does not include private use or benefit, or public benefit resulting indirectly from private economic development, including increased tax revenue and employment. Exceptions include use of eminent domain by public or private utilities, housing authorities or community development agencies to remove blight, private use that is merely incidental to public use, or the acquisition of property by a local government for an industrial park.		
TX	SB 7	Enacted 2005	Prohibits the taking of private property if it confers a private benefit on a particular private property or is for economic development purposes, unless that development is a secondary purpose resulting from municipal community development or urban renewal.		

UT	SB 117	Enacted 2006	Increases the scope of eminent domain to permit the taking of bicycle paths and sidewalks. Prohibits local governments from acquiring trails, paths, or other recreational walkways by means of eminent domain. Requires the governing body of a political subdivision to approve the taking of property by that subdivision. Requires that prior to approving such an action, the governing body must provide written notice of the meeting to the owner of the property at least 10 business days before the meeting.		
VT	SB 246	Enacted 2006	Prohibits the use of eminent domain if the taking of property confers a private benefit on a particular private party or is primarily for economic development. Exempts transportation projects, public utilities, public property and water/waste projects.		
VA	SB 781 SB 1296 HB 2954	Enacted 2007	Defines public use for which eminent domain may be exercised to be, among other uses, the possession, ownership, occupation and enjoyment of property by the public or a public corporation, or for the removal of blight where the property condemned is actually blighted. Stipulates that property may only be taken where the public interest dominates any private gain and the primary purpose is not for an increase in tax base, tax revenue or employment.		
WA				Constitution: Article I, sec. 16	Article I, § 16: "Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: Provided, that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use."
WV	HB 4048	Enacted 2006	Prohibits the use of eminent domain primarily for private economic development. Contains a blight exception and redefines blighted areas to emphasize properties that are detrimental to the public health and safety.		

			Requires greater public notice and negotiation in good faith with the property owner.		
WI	AB 657	Enacted 2006	Prohibits the use of eminent domain to condemn non-blighted properties to be transferred to another private entity. Redefines blight to emphasize properties that are detrimental to the public health and safety.		
WY	HB 124	Enacted 2007	Defines public purpose for which eminent domain may be exercised to be the possession, occupation and enjoyment of property by a public entity. Prohibits the transfer of private property to another private entity except to protect the public health and safety. Prohibits a municipality from delegating eminent domain authority to an urban renewal agency. Requires advance written notice and good faith negotiations with property owners before exercising eminent domain.		
DC					