

41. EMINENT DOMAIN

We will seek legislation providing:

1. That a public hearing be held before any land could be optioned or purchased by a public body for any purpose.
2. That property owners' rights should be fully explained at the hearing.
3. That at least 60 days prior to the hearing, the public body proposing the acquisition send written notice of its intentions to property owners whose land would be taken or damaged.
4. For a cause of action and standing for nearby landowners in court cases involving eminent domain. This should allow landowners in the impacted area the opportunity to seek monetary damages when their property values are adversely affected by such acquisitions.
5. The elimination of eminent domain being used to acquire property for recreational uses.

We support:

1. Legislation to restrict the use of eminent domain to acquire property for wetlands mitigation, buffer zones, water diversion, or retention as part of a river flood management plan.
2. Restricting the use of eminent domain by a public utility for the installation of pipelines and other utilities.
3. Legislation in which fair market value compensation of private property taken as a part of an eminent domain proceeding receives an exemption from capital gains taxes.

We oppose:

1. The granting of quick-take powers to economic development authorities.
2. The use of eminent domain to acquire properties intended for future sale.
3. The use of eminent domain in the taking of private property for the purpose of economic development by private parties.
4. The use of eminent domain for the purposes of economic development when the project in question has not received approval for construction.