



National Conference of State Legislatures

Eminent Domain Legislation:
Post-Kelo Update

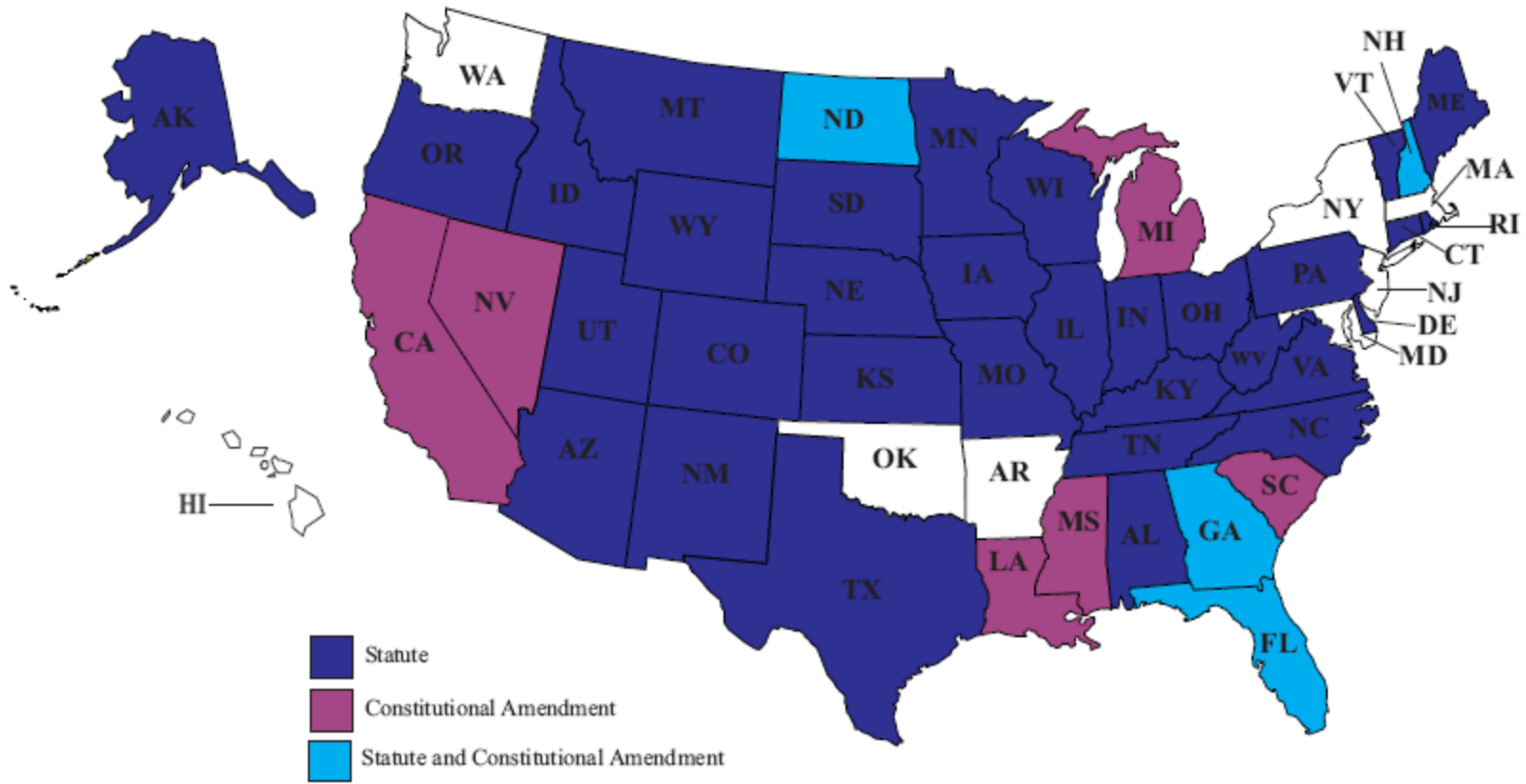
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National Conference of State Legislatures

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Legislative/Electoral Response to Kelo



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Categories of Legislation

- Prohibiting eminent domain for economic development, to increase tax revenue or employment, or to transfer property to another private entity.
- Defining "public use" to be possession, occupation or enjoyment of property by the public at large or public agencies.



Categories of Legislation

- Restricting its use to blighted properties and redefining blight to emphasize public health, safety and welfare considerations.
- Requiring greater public notice, more public hearings, negotiation in good faith and approval by elected governing bodies.
- Requiring compensation at greater than fair market value.



Legislative Comparison

Category	Number	States
Prohibition for Economic Development	23	AL, AK, AZ, CO, FL, GA, ID, IL, KS, LA, ME, MI, MO, NE, NH, NM, OR, SD, TN, TX, VT, WV, WI
Limitation to Public Use	12	AZ, DE, GA, IN, IA, MN, NV, NC, ND, SC, VA, WY
Blight	12	AL, FL, GA, IA, IL, IN, MT, NC, PA, SC, WV, WI



Legislative Comparison

Category	Number	States
Process	8	CT, GA, IA, MN, MO, RI, UT, WV
Compensation	5	CT, IN, KS, MI, RI



How Absolute the Limitations?

Many state laws restrict eminent domain:

- *Primarily* to enhance tax revenue.
- *Solely* to promote economic development.
- *Predominantly* for use by a private entity.

Who makes those determinations?



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