

Date: February 19, 2008
Initiative No.: 07-0099

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

EMINENT DOMAIN. TAKING PROPERTY FOR PRIVATE OWNERSHIP. STATUTE.

Changes procedures for condemning property if property will not be owned and permanently used by the acquiring public entity. Requires government to prove by clear and convincing evidence that property is needed for public use and condemnation will benefit a significant segment of public with no disproportionate benefit to private person or group. Eliminates presumption in favor of government and requires issues regarding use and compensation be decided by jury. Limits condemnation to needed part of property and allows property owners who successfully defend against condemnation to recover litigation expenses. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably no significant net fiscal impact on state and local governments.

(Initiative 07-0099.)