

July 5, 1995

COMMITTEE ON LAND AND ~~NATURAL RESOURCES~~

REPORT NO. 4: ARTICLE XIII, EMINENT DOMAIN

PERSONAL RIGHTS -

Adopted by COW 7/6/95
Passed 1st Reading 7/6/95

The Committee met on Wednesday, July 5, 1995 to consider Article XIII: Eminent Domain.

Article XIII: Eminent Domain now reads:

Section 1: Eminent Domain Power.

The Commonwealth may exercise the power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2: Limitations.

Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

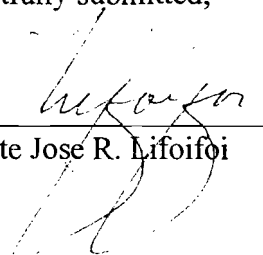
Article XIII was prepared by the 1976 Constitutional Convention and has remained unchanged since that time.

Article XIII provides significant protections to the property owner. The government can use the eminent domain power only as necessary to accomplish a public purpose and only if there is no public land that can be used. In the event of a taking, just compensation must be paid. If there is a dispute between the government and the land owner about the amount of compensation, that will be resolved by a court.


Article XIII is not used at present because the government has available public land and because land exchanges generally meet the government's need. If the need arose in the future to use Article XIII, the Committee believes the current provision is adequate.

The Committee recommends no changes to Article XIII.

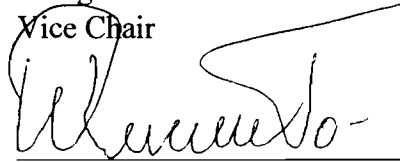
Respectfully submitted,




Delegate Jose R. Lifoifoi
Chair



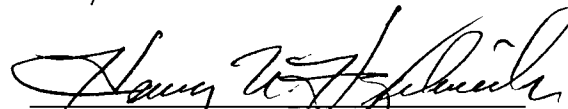
Delegate Marian Aldan-Pierce
Vice Chair




Delegate Dr. Carlos S. Camacho



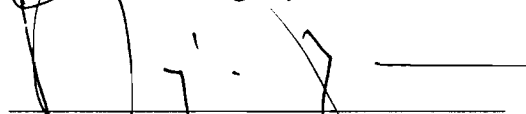
Delegate John O. DLR. Gonzales



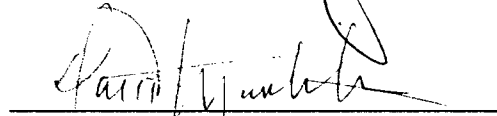
Delegate Henry U. Hofschneider




Delegate David L. Igitol



Delegate Benjamin T. Manglona




Delegate David Q. Maratita

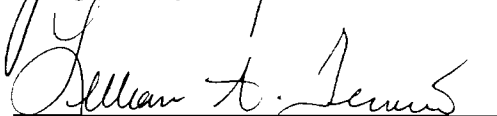


Delegate Donald B. Mendiola

Delegate Justo S. Quitugua



Delegate Joey P. San Nicolas



Delegate Lillian A. Tenorio