

Colorado Legislative Council Staff Fiscal Note
REVISED NO FISCAL IMPACT
 (replaces fiscal note dated April 1, 2008)

Drafting Number: LLS 08-0731	Date: April 17, 2008
Prime Sponsor(s): Rep. Summers; White Sen. Tochtrop	Bill Status: Senate Local Government Fiscal Analyst: Josh Abram (303-866-3561)

TITLE: CONCERNING THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY THE REGIONAL TRANSPORTATION DISTRICT.

Summary of Legislation

This **reengrossed** bill places restrictions on the transfer or sale of private property acquired through eminent domain by the Regional Transportation District (RTD). Beginning July 1, 2008, any property acquired without consent of the original owner, may not be transferred unless the RTD first:

- ▶ determines within 10 years of possession that the property is no longer necessary for the original acquisition purpose; and
- ▶ offers to sell the property to the original owner at a price not to exceed the original price per square foot.

The bill includes an effective date of July 1, 2008, and applies to condemnation actions commenced on and after this date.

Background

Section 38-1-101, C.R.S., prohibits the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue. Private property may otherwise be taken solely for the purpose of furthering a public use.

Assessment

Before the RTD transfers or sells unused property it acquired by a condemnation action, the original owner must first be offered the property at the original acquisition price. Since the bill addresses property the district has not developed for a public use, transfer to the original owner at the original acquisition price will have no effect on the district's revenue or expenditures. For this reason, the bill is assessed as having no fiscal impact.

Departments Contacted

Law	Judicial	Local Affairs
Transportation	RTD	