

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 11, 2006      LR 272

SENATOR CUDABACK: Senator Chambers, your light is next, so you may continue.

SENATOR CHAMBERS: Thank you. Senator Landis, you followed our discussion. Okay, would you like to get into it?

SENATOR LANDIS: Let me give you my track on this. Senator Chambers, the power of the city to take the land doesn't emanate from this section of law. It's a stand-alone, independent power of eminent domain, and eminent domain for a city is not limited to only areas that are blighted and substandard. Eminent domain can occur when there is a public purpose. It's...you have to be able to invest a public purpose in it, take the land, give compensation, and make sure that a public purpose is achieved. So when Senator Connealy does this language, it is merely a financing tool, and it does not, on its face, authorize eminent domain or takings of any kind. TIF could be done after a city has condemned some land and then gotten (inaudible), or TIF could be used when there was simply a voluntary action that was taken. TIF is merely a financing tool. It does not have taking authority. What taking authority exists is done in other powers. And you are correct, in that this will not limit or cut back city taking power. It does not, also, extend city taking power. But the point that I think should be made is that this is separate and distinct from the taking power, which is a stand-alone authority elsewhere. Think of this as a financing tool. It's a tool that can be used in the context of eminent domain. It can be used in a context without eminent domain. Its current limitation is that it occurs in blighted and substandard, and as you just pointed out,...

SENATOR CHAMBERS: But we don't...

SENATOR LANDIS: ...that's a phony-baloney title that gets used.

SENATOR CHAMBERS: But even with this, that still...the city can still do what it's doing now, and proclaim something to be blighted which the ordinary person would not see as being blighted.