

105TH CONGRESS  
2D SESSION

# S. 1687

To provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1998

Mr. THOMPSON introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. NOTIFICATION TO PROPERTY OWNERS OF CER-**  
4       **TAIN EXERCISES OF EMINENT DOMAIN.**

5       (a) DEFINITION.—In this section the term “eminent  
6       domain authorization statute” means any Federal statute  
7       that authorizes a private nongovernmental entity to exer-  
8       cise the right of eminent domain to acquire property if—

1           (1) such an entity holds a certificate, license,  
2           permit, or other form of authorization from a Fed-  
3           eral agency relating to public necessity, benefit, or  
4           convenience; and

5           (2) such an entity is unable to acquire such  
6           property by contract.

7           (b) NOTIFICATION.—On the date that a private non-  
8           governmental entity files an application for a certificate,  
9           license, permit, or other authorization under an eminent  
10          domain authorization statute, the entity shall make a good  
11          faith effort to provide notice by certified mail to any per-  
12          son who is the owner of record of any interest in property  
13          which may be subject to the exercise of eminent domain  
14          under such statute.

15          (c) CONTENT OF NOTICE.—Notice under this section  
16          shall include—

17               (1) a specific and conspicuous statement that  
18               the private nongovernmental entity is seeking au-  
19               thorization to possibly acquire the property of such  
20               owner or a portion or interest thereof through the  
21               exercise of eminent domain;

22               (2) a specific and conspicuous description of  
23               any right such owner may have to participate in any  
24               proceeding relating to the granting of authorization

1 to a private nongovernmental entity under the emi-  
2 nent domain authorization statute; and

3 (3) a specific and conspicuous statement of the  
4 manner in which the owner may contact any appro-  
5 priate Federal agency relating to the proceeding.

6 (d) APPLICATION TO OTHER STATUTES.—Nothing in  
7 this section shall be construed to modify or supersede any  
8 law that requires actual notice by certified mail to be time-  
9 ly provided to any affected owner (including any notice  
10 required under section 9(b) of the Federal Power Act (16  
11 U.S.C. 802(b))).

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