

SB2683



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2683

Introduced 1/20/2006, by Sen. Steven J. Rauschenberger -
William E. Peterson - Chris Lauzen

SYNOPSIS AS INTRODUCED:

5 ILCS 70/10 new

Amends the Statute on Statutes. Prohibits the exercise of eminent domain powers for economic development purposes. Provides that the State, units of local government, and school districts may exercise eminent domain powers only for public purposes. Preempts home rule. Effective immediately.

LRB094 18979 JAM 54447 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Statute on Statutes is amended by adding
5 Section 10 as follows:

6 (5 ILCS 70/10 new)

7 Sec. 10. Property Owners' Defense Law. This Section may be
8 cited as the Property Owners' Defense Law. Notwithstanding any
9 other statute or law to the contrary, neither the State, a unit
10 of local government, nor a school district may take or damage
11 property by the exercise of the power of eminent domain for
12 economic development purposes. The power of eminent domain
13 shall be used by the State, units of local government, or
14 school districts only for public purposes. The authorization of
15 the use of eminent domain proceedings to take or damage
16 property is an exclusive power and function of the State.
17 Neither the State, a unit of local government, including a home
18 rule unit, nor a school district may exercise the power of
19 eminent domain otherwise than as provided in this Section. This
20 Section is a denial and limitation of home rule powers and
21 functions under subsection (h) of Section 6 of Article VII of
22 the Illinois Constitution.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.