

ASSEMBLY BILL

No. 2226

Introduced by Assembly Member Morrell

February 20, 2014

An act to amend Section 1240.050 of the Code of Civil Procedure, relating to eminent domain.

LEGISLATIVE COUNSEL'S DIGEST

AB 2226, as introduced, Morrell. Eminent domain: local public entities.

The California Constitution permits private property to be taken or damaged for public use only when just compensation is paid. The Eminent Domain Law prescribes how that constitutionally authorized power may be exercised and permits that exercise only for a public use. The law permits a local public entity to acquire by eminent domain property within its territorial limits only, except if the power to acquire property outside its limits is expressly granted by statute or necessarily implied.

This bill would make a nonsubstantive, technical change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1240.050 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1240.050. A local public entity may acquire by eminent domain
- 4 only property within its territorial limits ~~except where~~ *if* the power

- 1 to acquire by eminent domain property outside its limits is
- 2 expressly granted by statute or necessarily implied as an incident
- 3 of one of its other statutory powers.

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