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Eminent domain bill would provide transparency

Legislative Update: Delegate Richard “Dickie” Bell

RICHMOND — Eminent domain, in the simplest of terms, allows governments to take private land and use it for public good. I have introduced House Bill 1696 as a way to provide greater transparency and oversight when private land is taken through eminent domain.

This is a common sense measure that will help ensure the taking of private property through eminent domain authority remain as open and transparent as possible. No person, government, or business should have the right to repurpose private land without scrutiny.

The use of eminent domain is a government function the General Assembly has given to private utility companies by way of legislation passed in 2004. The 2004 legislation granted eminent domain rights to utility companies, but failed to require the same level of transparency government entities have to follow.

I first became aware of this discrepancy while studying the Dominion pipeline. What I realized was that the utility companies have gotten all the benefit of eminent domain authority without any of the oversight or public scrutiny.

This is not the first time citizens have questioned eminent domain. In 2012, Virginia voters went to the polls and overwhelmingly voted to amend the Virginia constitution to require additional protections against eminent domain abuse in the commonwealth. Public utility companies, however, have largely been excluded from many limitations regarding eminent domain. This is one reason that I filed House Bill 1696 during the 2015 General Assembly session.

If passed, House Bill 1696 would make public service corporations subject to the public records provisions of the Freedom of Information Act, with respect to any project or activity for which it may exercise the power of eminent domain.

I believe our citizens have a right to know what the government or utility companies are doing with their property. Without subjecting utility companies to FOIA, Virginia landowners are put at a disadvantage in defending themselves from potential abuse of eminent domain. It seems only appropriate that we keep the process as open as possible, and that utility companies that have been given eminent domain authority be subject to the same transparency requirements as government entities.

While this legislation doesn’t prevent the utility companies or government entities from utilizing eminent domain, it is a step to ensure the process is more transparent.

I put forth this bill as an accountability check on utility companies who exercise their power of eminent domain. I want Virginia to be a leader in public accountability and transparency, and I believe this bill is a huge step forward for private property rights in the commonwealth.

Del. Dickie Bell, R-Staunton, represents the 20th District in the House of Delegates.