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MSU Issues Pamphlet on Eminent Domain

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A publication released by Montana State University deals with a topic that has come to the fore in Montana in recent controversy over condemnation law as it affects the state highway program.

The pamphlet, "An Analysis of Property Valuation Systems under Eminent Domain," was written by Dr. Willis P. Rokes of the MSU School of Business Administration faculty and issued by the MSU Bureau of Business and Economic Research.

Dr. Rokes points out that thousands of American property owners are affected as private property is taken in ever increasing amounts to meet the public need for highways, expansion of public utilities, new schools, urban redevelopment and other public uses. The new federal-aid highway program, for example, involves the acquisition of 41,000 miles of rights-of-way requiring the taking of 1 1/2 million additional acres of land.

The author notes that the relation of condemnation law and procedure to Montana's highway program is currently a matter of great public interest. As a recipient of federal aid, Montana can benefit greatly from the new system, he believes.

"It is important that this highway work be completed without delay and with fairness to the property owner and the condemning authority alike," he writes. "In recent weeks the Montana Automobile Association proposed legislation to change Montana condemnation law, which it criticizes as being cumbersome, time consuming and unduly expensive for the condemning authority."

(more)
The pamphlet points out the lack of uniformity in condemnation law throughout the nation. Existing weaknesses result in discriminatory treatment of landowners and excessive litigation and acquisition costs, according to Dr. Rokes.

Shortcomings in the process must be rectified for they are a serious public problem, Dr. Rokes says. In the publication, he analyzes present systems, calling attention to their strenghts and weaknesses, and recommends a possible solution to problems they present.

Montana residents may obtain free copies from the Bureau of Business and Economic Research, School of Business Administration, Montana State University, Missoula.