

**TESTIMONY OF HOUSE REPUBLICAN LEADER
STATE REP. ROBERT M. WARD
BEFORE THE JUDICIARY COMMITTEE
MARCH 17, 2006**

Thank you to the two chairs of the Judiciary Committee as well as members. Happy St. Patrick's Day.

By my count, this is at least the eighth public hearing conducted to address legislation to reform our eminent domain statutes since the U.S. Supreme Court decision in Kelo was handed down 269 days ago. By any measure, it is clear that the public has asked that we restrict the government's ability to seize private property to give to private developers.

This week, Indiana's legislature became just the latest to make it virtually impossible to allow what happened to the property owners in New London to take place in their state. In Connecticut we have talked a lot but we have not yet acted.

Last July, leaders of the General Assembly wrote to every chief elected official in the state warning them that they pursued any eminent domain case at their own peril. "It is our intention that any legislation we enact will affect existing proceedings. We therefore strongly recommend that your municipality put any current or planned eminent domain proceeding on hold," the majority party leaders wrote.

Since then some have urged the legislature to go slow and not to act too quickly for fear of overreaching and impeding critical economic development. Keep in mind that the people who urge us to go slow are either a handful of Mayors or those in the business of running government agencies in the "economic development" industry. The overwhelming majority of citizens we represent want real change. Those that live within striking distance of the Long Island Sound know that they could fall victim to a development scheme. As the Wall Street Journal reported today, the U.S. House of Representative has voted to bar the use of Federal funds to improve any property taken for private economic development. John Conyers, liberal democrat from Michigan, testified that the NAACP, Operation Push and the Leadership Conference on Civil Rights all support reversing the Kelo decision because that decision, "makes the taking of private property too easy and it has historically been used to target the poor, people of color and the elderly"

Now is the time to act. We must repeal entirely the authority of Municipalities and Development Authorities to take private property for private development. In addition, several other steps should be taken.

The creation of the office of an eminent domain ombudsman also makes great sense for both sides in any taking. If that office had existed before New London and its agents acted more than five years ago, the property owners and the city may have been spared

the mess that was created in the name of “economic development.” Sadly, of course, that economic development continues to be a pipe dream.

We need to clarify and codify what we mean by the term “blight.” That clause should not be used to grab private property that would otherwise be protected from eminent domain. Property must truly pose a legitimate public safety or health risk to fall into this category and I think reasonable people can agree on such terms.

There are, of course, legitimate uses of eminent domain where it is clear that government must have the authority to acquire private property for public use, such as a school or the building of a road. But even then we must be mindful that the government not trample property owners’ rights under the guise of acting for the “good” of the public.

Ultimately, the market will determine the viability of any economic development project. At least two national financial institutions have recently said that they will not underwrite any developments where eminent domain has been used to acquire private property for private developers: BB&T Corp., based in North Carolina, the ninth largest bank in the country with an estimated \$109 billion in assets, and Montgomery Bank in Missouri. Montgomery’s Chief Operating Officer Troy Wilson said, “The sanctity of private property ownership is one of the hallmarks of our individual rights as private citizens. Eminent domain should only be used for public projects, not to benefit private developers.”

This issue is not just about the property owners of Fort Trumbull. It is about a small commercial shrimp fleet in Galveston, Texas that would be wiped off the shore in favor of a yacht basin. It is about long-time residents of a Florida coastline who could lose their homes because a developer wants to build expensive condominiums.

It is about a bed and breakfast owner in Illinois who fears her property is going to be taken because the leaders of her town of Lake Zurich are using the Kelo decision to move ahead with plans to build retail outlets and pricey homes.

Remember what the U.S. Supreme Court said: Just because states have the constitutional right to acquire private property, no matter how dubious the underlying factors, it doesn’t mean they should.

Thanks you, again, for the time to appear before this committee.