



CONNECTICUT

TESTIMONY OF  
ANDY MARKOWSKI  
CONNECTICUT STATE DIRECTOR  
NATIONAL FEDERATION OF INDEPENDENT BUSINESS  
RE: SB-1446, AAC THE USE OF EMINENT DOMAIN FOR  
ECONOMIC DEVELOPMENT PURPOSES  
BEFORE THE JUDICIARY COMMITTEE  
MARCH 23, 2007

The National Federation of Independent Business (NFIB) thanks the Judiciary Committee for the opportunity to comment on SB-1446, An Act Concerning the Use of Eminent Domain for Economic Development Purposes, which would limit the use of eminent domain to acquire residential property consisting of four or fewer dwelling units for economic development purposes. While NFIB supports the *intent* of the bill, SB-1446 *does not go far enough* to restrict the use of eminent domain for economic development purposed. NFIB would like to see the bill *amended* to apply not just to residential property, but also to commercial property, especially property owned by small businesses. Protections granted against the government's use of eminent domain must extend beyond that of just owner occupied residential property.

As small business advocates with a presence in all 50 states and Washington, D.C., NFIB favors regulatory and legislative solutions to ease burdens on small businesses. NFIB recognizes and works with those lawmakers who are committed to providing relief to small business and promoting a pro-business environment. Ever since the 2005 U.S. Supreme Court ruling in *Kelo v. the City of New London*, NFIB has been on the forefront of the eminent domain issues, fighting alongside small-business owners and homeowners to prevent their property from wrongly being declared "blighted" or "deteriorating" and seized for private economic development. The NFIB Legal Foundation has filed several amicus briefs in eminent domain cases, and encourages members to talk to their legislators, the media, and other small-business owners about the injustice resulting from the *Kelo* decision.

Here in Connecticut, support for restricting the government's power of eminent domain resonates soundly. Results of NFIB's 2007 Connecticut State Member Ballot indicate close to 90% of members favor restricting eminent domain powers to prevent private property from being seized for private commercial enterprises for the purposes of economic development.

For some time, small businesses have been recognized as the engines of growth for the state's economy. In order to continue this growth, restrictions need to be placed on governments' ability to acquire private property on behalf of private developers. **These protections must extend to both residences AND businesses.** These kinds of takings can give rise to abuse and are generally unfair to those who lose their property. Small businesses



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and small-property owners are often disproportionately impacted and the benefits go to only a few people.

As small businesses, we provide a direct benefit to the economy. As entrepreneurs, we risk our capital and other resources to launch and grow our business and provide jobs to Connecticut citizens. While we applaud the committee's attempts to restrict the use of eminent domain, *SB-1446 does not go far enough to protect small business owners*. NFIB continues to support comprehensive restrictions on the government's power of eminent domain. Without such, lawmakers will be throwing up just one more potential roadblock that makes it difficult for some of Connecticut's small businesses to succeed.

Thank you for the opportunity to comment on and express our concerns with SB-1446. Should the Committee have any questions or comments, please feel free to contact NFIB Connecticut at either 203-626-5815 or 860-707-3620.