

**Statement of the
Mississippi Farm Bureau, Mississippi Center for Public Policy,
Mississippi Loggers Association, Mississippi Forestry Association,
Mississippi Cattlemen's Association, Property Rights Alliance,
National Federation of Independent Business,
Southern Christian Leadership Conference, Americans for Tax Reform,
National Taxpayers Union, and the Institute for Justice
in support of H.B. 803**

Dear Governor,

We write to voice our support for H.B. 803, a much-needed eminent domain reform that will effectively protect Mississippi's home, small business, church and farm owners from having their private property taken by force and given to another private party. Mississippi is one of the few states that has yet to pass eminent domain reform in the wake of *Kelo v. City of New London*, one of the most universally reviled U.S. Supreme Court decisions in recent memory. **H.B. 803 directly addresses *Kelo* and is long overdue, and we urge you to sign this important legislation.**

Economic development occurs every day across the country without the use of eminent domain. There are countless examples of large-scale land aggregation and development projects through private negotiation, not government force. In fact, a recent study, "Doomsday? No Way: Economic Trends and Post-*Kelo* Eminent Domain Reform," found that eminent domain reform has no negative consequences on economic development. Using rigorous statistical methods, the study examined indicators closely related to economic development and revealed that post-*Kelo* reforms have provided greater protection to property owners without sacrificing economic health.

With no ill economic effects—and with the substantial benefits strong reform provides the rightful owners of property and society as a whole—legislators nationwide have been encouraged to pursue safeguards against eminent domain abuse. All told, 43 states have increased their protections against eminent domain abuse in the four years since the *Kelo* decision—but not Mississippi, where citizens are more vulnerable than ever to eminent domain abuse. But private property rights should not depend on where you live or whether your land could produce more tax revenue if put to a different use. Mississippians will not stand for less property protection than their neighbors to the north, east and west, which would indeed be the effect of a veto of H.B. 803.

Five other governors have vetoed eminent domain reform. The results speak for themselves:

- The Iowa Legislature passed a bill with overwhelming bipartisan support, and **overrode the Governor's veto for the first time in over 40 years.**
- The Governor of Delaware's veto was not overridden, but her Lieutenant Governor—who supported the veto—**could not even win his party's nomination** for Governor, losing to now-Gov. Jack Markell, who said he would sign the vetoed bill. Markell's opponent also **ran on an anti-eminent domain abuse platform.**
- Texas Governor Rick Perry vetoed a bill that was overwhelmingly passed by both houses. He is **now pushing for reform.**
- The Governor of Arizona vetoed a bill in 2006, **only to be "overridden" by a citizen initiative** with similar language that passed by a substantial margin.
- New Mexico Governor Bill Richardson vetoed a good reform bill in 2006. The following year, he **signed an even stronger piece of legislation** into law.

Mississippians disapprove of eminent domain abuse. Every poll taken after *Kelo* demonstrated that over 80% of the public disapproves of eminent domain for private gain. And the public isn't alone; the courts are rejecting the *Kelo* decision's rationale, too. The Ohio and Oklahoma Supreme Courts have used their state constitutions to invalidate and prohibit the taking of homes and businesses for private development. A number of other state supreme courts, including Rhode Island, Missouri, Maryland, and New Jersey, have cast doubt on the applicability of *Kelo* in their jurisdictions, ultimately finding in favor of property owners.

Eminent domain abuse is a problem in Mississippi, and H.B. 803 fixes it. For example, nine years ago, the Mississippi Major Economic Impact Authority (MMEIA) threatened to take the Archie family homestead in Canton as part of the 1400-acre Nissan plant project. Both Nissan and the former head of the MMEIA publicly admitted that the project didn't require the Archies' land, but they went ahead with condemnation anyway. After the case drew national support for the Archies from the likes of Martin Luther King III and the Southern Christian Leadership Conference, and then went to the state Supreme Court, the state stopped its condemnation attempts, allowing the Archies to stay in their homes.

H.B. 803 would not allow this abuse to happen. This bill specifically addresses the question in *Kelo* about whether private property can be condemned for economic development: under H.B. 803, it cannot.

Governor, you have a historic opportunity to sign into law a bill that will protect the rights of Mississippi's citizens and guarantee that they get to keep what they have worked so hard to own. **We ask you to join the other 43 states that have acted to restore the vision of our nation's Founders with regard to private property rights in the wake of the *Kelo* decision. It is within your power to provide this fundamental protection to the home, small business, church, forest and farm owners across this great state. We urge you to sign H.B. 803 or allow the bill to become law without your signature.**

Thank you.

National Federation of Independent Business

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