



February 6, 2006

The Honorable Maurice Villeneuve
New Hampshire House of Representatives
Concord, NH 03301

Dear Representative Villeneuve:

On behalf of the more than 2,500 members of the National Taxpayers Union (NTU) in New Hampshire, I write to offer our strong support for your legislation, House Bill 1129, which would protect property owners by clarifying the definition of public use and prohibiting states and localities from exercising the power of eminent domain for the purpose of economic development. Narrowing the definition of public use to exclude economic development would help stem eminent domain abuse by placing necessary limits on the ability of state and local governments to condemn properties under the broad powers found by the Supreme Court in *Kelo v. New London*.

In June of 2005, the nation's highest court held that the city of New London, Connecticut was justified in seizing the property of Susette Kelo and her fellow homeowners on behalf of another private party. The city claimed it needed more tax revenues and, as such, needed to take land occupied by homeowners and small businesses to make way for a larger development project. Despite the U.S. Constitution's prohibition against taking private property for public use without just compensation, the Supreme Court's 5-4 decision in *Kelo* permits the use of eminent domain for private to private transfers as long as government officials have a "plan" and believe there will be some economic benefit from the taking.

Taxpayers have a major stake in the battle over eminent domain policy. After all, private property is the foundation upon which our society is based. In the aftermath of the *Kelo* decision, we are now dependent on state legislatures to individually pass protections against eminent domain abuse. Thankfully, on the heels of the nationwide outcry against eminent domain abuse, a number of legislators introduced bills in the New Hampshire General Court that would protect New Hampshire residents from improper uses of eminent domain by prohibiting its use for economic development. However, not all eminent domain "reform" bills provide the needed safeguards for property owners facing the threat of improper eminent domain takings. We believe that House Bill 1129 provides the best and fairest protections for property owners.

Thank you for helping defend the American Dream by working for genuine eminent domain reform. NTU and our members in New Hampshire look forward to helping you and your colleagues enact genuine eminent domain reforms.

Sincerely,

Kristina Rasmussen
Government Affairs Manager