



## MISSOURI SENATE

JEFFERSON CITY

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# Eminent Domain

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JEFFERSON CITY – A task force appointed by Governor Blunt to study eminent domain laws held its first meeting in Jefferson City this week. The panel will recommend ways to protect Missouri property owners in light of the recent U.S. Supreme Court decision giving local governments more power to seize private property to generate tax revenue.

In announcing his task force, the governor said eminent domain has a role, but it should not be used as a means to take property from responsible owners when no clear public interest exists.

The U.S. Supreme Court decision in *Kelo vs. City of New London* expands the scope of eminent domain from “public use,” which meant things like roads, bridges and schools, to “public purpose,” which could mean anything a local government deems is in the interest of the larger community. That basically means individual property rights are now inferior to the rights of private economic developers who secure local government approval. Residential areas, small businesses and farmers are all vulnerable to government takings under this misguided court decision.

However, the court did preserve the ability of states to enact more stringent guidelines regarding eminent domain. At least eight states already forbid the use of eminent domain for economic development unless it’s used to eliminate blight. Missouri should join these states by enacting protections for private property owners.

The eminent domain task force appointed by the governor will build upon the work of a House Interim Committee on Eminent Domain, which held public hearings around the state in the fall of 2003. That committee reviewed a five-year study of eminent domain practices across the country and found Missouri to have one of the worst records of abuse. The study found local governments in the state often condemned property for the benefit of private parties.

It is time to reassert the rights of individual property owners. The governor's task force on eminent domain must define what a legitimate "public use" or "purpose" is before private property can be taken. The panel also must restrict the definition of "blight" to reflect only those areas suffering from pervasive poverty and decay. Too often, communities cite "blight" as justification for using eminent domain.

The nine-member task force plans to meet several more times over the next three months to draft specific legislation for consideration by the Missouri General Assembly when it convenes in January.

If you have questions or comments about this or any other issue, please feel free to contact me at 573-751-8793 or by e-mail at: [delbertscott@senate.state.mo.us](mailto:delbertscott@senate.state.mo.us)

*Senator Delbert Scott represents the people of Barton, Benton, Cedar, Dallas, Henry, Hickory, Pettis, Polk and St. Clair counties in the Missouri Senate.*