



WEEKLY REPORT

State Senator Gary Nodler
District 32



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Need Blighted by Greed

When the U.S. Constitution was ratified in 1789, many contended that the way the document was drafted, citizens of the United States would fall under tyrannical rule of the central government. To counter the potential violations of civil liberties, 10 amendments spelling out the immunities of individual citizens were introduced and approved by the state legislatures in 1791. These amendments to the constitution are known as the "Bill of Rights," and each of these protects the freedoms on which this great nation was founded. The importance of these civil liberties has not paled over time, so when issues arise today that debatably impede those personal rights, it is up to the legislatures to step in.

The Fifth Amendment forbids that "private property be taken for public use, without just compensation." State constitutions administer this protection under eminent domain laws, which allow local governments to condemn and buy out private property for public use, which until now has traditionally meant building new bridges and highways or making improvements to public infrastructure. But the definition of "public use" has become contentious after the U.S. Supreme Court recently ruled that the rights of private developers trump those of individual landowners in the name of overall economic development. In other words, if developers think your neighborhood would be a great place to plant a superstore or a mini-mall complex, and their project would boost the area's economy; all they need to get the bulldozers moving is a majority vote by the local city council. It is no surprise that this broadening definition of "public use" has caused a rift between property-rights advocates and local governments.

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To protect the rights of private property owners and prevent further abuse of the eminent domain laws, Gov. Matt Blunt established earlier this year the Missouri Task Force on Eminent Domain to review federal and state eminent domain laws and come up with criteria that state and local governments must meet before they shift property from private to public use. The task force has been holding hearings at the Capitol and is expected to present a preliminary report to the governor by Oct. 1 and a final report by the end of the year.

Eminent domain laws do serve a purpose, such as spurring urban-renewal efforts by turning a dilapidated old building into a public library or a new school. But flattening a subdivision that houses hardworking Missouri families just so developers can build a potentially profitable strip mall is unfair, unethical and arguably unconstitutional. Proposals for a statewide vote on this issue have already been suggested in the Senate, where I will be working with my colleagues to use the task force's recommendations to balance public use and personal rights in Missouri's eminent domain laws. I assure you that the Missouri Legislature will do what it can to legislatively address the issue so that public need is not undermined by public greed.

If you would like to voice your own opinion, you can visit the Missouri Task Force on Eminent Domain's Web site: www.mo.gov/mo/eminentdomain.

*Senator Gary Nodler represents the people of Newton, Jasper
and Dade counties in the Missouri Senate.*

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