

IDAHO SECRETARY OF STATE
Elections, Campaign Disclosure and Lobbyists

Ben Ysursa, Secretary of State

IDAHO VOTERS' PAMPHLET
Ballot Propositions To Be Voted On at the General Election November 7, 2006

Argument IN FAVOR OF Proposition 2

Protect Private Property Rights -- Vote YES on Prop. 2

Friday, June 23, 2006 was the one-year anniversary of the now-infamous U.S. Supreme Court decision (*Kelo*) that stripped Americans of any meaningful federal constitutional protection for their private property.

What a difference a year brings. Since the *Kelo* decision, Americans across the nation have risen up to protect their traditional private property rights from government takings abuse.

Many citizens in states like Idaho are protecting their property using the initiative process.

The taking of private property can either be a total takings via eminent domain, or a partial takings with the passage of regulatory land use laws, like zoning ordinances.

Under current law, property owners can fight for "just compensation" when property is taken by eminent domain. However, when zoning ordinances or other land use laws diminish the value of private property there is no "just compensation."

Abusive regulatory takings are occurring in Blaine County, today. County commissioners are systematically down-zoning properties costing land owners millions of dollars.

Voting YES on Proposition 2 allows property owners to go to court and determine the amount of value that was taken by the land use law, and receive "just compensation." It is only fair.

Taking private property by eminent domain is quite proper for many public purposes. We rely on roads. Some parks are nice. We need electrical transmission lines to span great distances to power our homes, businesses and churches.

Unfortunately, over the years some government officials have used the power to take private property and transfer it to developers in order to construct projects giving the local government an even higher property tax base at the expense of the homeowner, business, or church. (Note: churches are most vulnerable since they pay no property taxes!)

The Institute for Justice (who fought in the *Kelo* case) attorney Bert Gall said, "The argument is always the same: bureaucrats and developers with big visions of how other people should live claim that the use of eminent domain is necessary for economic development. They promise glitzy development in the name of more taxes and jobs. There is a strong incentive for cities and developers to over-hype the benefits of private development projects involving eminent domain in order to garner political and public support. But it turns out that many of these projects are failures."

Consider this fact: in the five-years preceding the *Kelo* decision approximately 10,000 properties nationwide were threatened by or taken with eminent domain for private development. In the past year alone since *Kelo*, that number has ballooned to more than 5,700 properties.

Voting YES on Proposition 2 prevents using eminent domain for private economic development in Idaho.

Finally, just the threat of eminent domain or regulatory takings can force property owners to settle for less than what they could get on the open market.

Government takings can be by regulatory action or eminent domain. Voting Yes on Proposition 2 will prevent takings abuse and make government act like a good neighbor.

This House is MY Home

Rebuttal to Argument in Favor of Proposition 2

Proposition 2 is a Tax Trap

Under Proposition 2, Idaho property taxpayers would be forced to pay millions to opportunists and special interests. Oregon, which passed a similar law in 2004, now faces claims exceeding **\$4 billion**. If Proposition 2 passes, property tax revenue will be lining the pockets of special interests and you, the Taxpayer, will foot the bill.

Proposition 2 is Bad for Property Owners

Imagine someone wants to locate a junkyard or gravel pit next to your home. Under Proposition 2, you and your neighbors have no recourse: **either your property taxes pay the person NOT to do it or you watch the investment in your property disappear**. It doesn't matter how much the development would damage your property value. That's wrong.

Proposition 2 is a Bait-and-Switch

The devil is in the details. Proposition 2 copies eminent domain law that is already on the books in Idaho and **provides no additional protection to homeowners**. This initiative is not about eminent domain or the Kelo decision - it's about creating massive loopholes for irresponsible development.

Proposition 2 is Funded by Rich Out-of-State Interests

Don't let out-of-state special interests fool you. Proposition 2 allows opportunists and special interests to dodge basic community standards that the rest of us willingly follow to protect the investments in our homes, businesses, and farms.

VOTE NO on the Tax Trap.

VOTE NO on Special Treatment for Special Interests.

Protect Our Property Rights - VOTE NO on Proposition 2

Association of Idaho Cities and Idaho Association of Counties

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