

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 AGAINST Proposition 2

Protect Our Property Rights - VOTE NO on Proposition 2

The key ingredient in Proposition 2 is deception: the vast majority of Idahoans would see their property rights threatened as a result of this initiative. The initiative does not provide additional protection to homeowners from eminent domain, and would dismantle local planning efforts that protect our quality of life.

Eminent Domain Reform is Already Law

Proposition 2 tackles eminent domain reform long after the Legislature has already completed the job. The first part of the initiative merely copies portions of existing law (House Bill 555) enacted by the 2006 Idaho Legislature and signed into law by Governor Kempthorne. The Idaho Legislature has already acted to protect homeowners from eminent domain. Why would the initiative copy a law that's already on the books? Because the initiative is **not** about eminent domain.

Prop 2: A Losing Proposition for Idahoans

The eminent domain section is included only to distract attention from the initiative's real purpose: gutting local planning that protects our communities and property values and allowing opportunists to prey on Idaho property taxpayers.

For example, say a landowner wants to operate a junkyard next to your house. Under Proposition 2, if the city or county denied the permit, the landowner could file a lawsuit seeking compensation or repeal of the ordinance.

Either way, you lose: the city or county repeals the laws that protect your home and property values from the noise, smell and pollution of incompatible land uses, or as a property taxpayer, you get to foot the bill. Proposition 2 is a losing proposition for Idahoans.

Opportunists Win, Taxpayers Lose

Proposition 2 is poorly written and contains numerous conflicting provisions. Someone will have to pay for the courts to sort out the answers to all these problems - that someone is you, the Taxpayer.

State and Local Laws Should Protect and Balance Property Rights for All

Make no mistake: protection of property rights is essential for everyone! Proposition 2 would allow a few opportunists to threaten our quality of life and burden Idaho property taxpayers. This is directly contrary to the constructive efforts taking place around the state to create communities where every property owner's interests are respected by striving for compatibility and neighborhood stability.

Protect Our Property Rights - VOTE NO on Proposition 2

Association of Idaho Cities and Idaho Association of Counties

Rebuttal to Argument Against Proposition 2

The legislature almost protected private property rights, but fell short by over half. Assistant House Majority Leader Mike Moyle proposed legislation similar to Proposition 2 protecting owners from government takings abuse. He didn't even get a hearing.

Opponents are weak arguing that a junkyard moves next door or taxpayers pay. They want you to "feel" like government is the "protector." Balderdash! If a junkyard moves next door you can sue the junkyard for diminishing your property values. But what if it's a government junkyard?

Voting YES on Proposition 2 protects you from government takings abuse, both from eminent domain (stronger than the legislature passed) and from regulatory abuse, which couldn't get a hearing.

Voting YES on Proposition 2 protects us from government abusing its land use law powers to diminish values.

Property owners can go to court and determine the loss of value caused directly by government actions. If government doesn't diminish your property value, there is no problem.

Many government officials want to watch over our lives, direct our actions, and come running to them for "protection," as if they had parental responsibility over us. This is especially true when it comes to land use.

We know what we can do on our property when we buy it. We know our neighbors can sue us if we diminish their property values. Voting YES on Proposition 2 makes government a good neighbor and less likely to diminish our property values because Proposition 2 finally gives us access to the courts.

This House is MY Home

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[Previous Page](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

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