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SB 41

Supplement to *MyBUSINESS* Magazine

Montana State Member Ballot

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PRESENTED BY:
Riley Johnson, NFIB/Montana
From NFIB Research Foundation
March 7, 2007
Before the House Judiciary Committee

2006 EDITION
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Please take a few minutes to vote.
The NFIB staff in the state capital uses your votes on the state ballot to argue your case in the legislature.

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Comments_____

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EMINENT DOMAIN

1. Should the government's power of eminent domain be restricted to prevent private property from being seized for private commercial enterprises for the purposes of economic development?

1 ☐ Yes 94%
2 ☐ No 4%
3 ☐ Undecided 2%

11

Background: "Eminent domain" refers to the government's power to take private property. The U.S. Constitution restricts eminent domain to "public uses," such as for roads, parks or public buildings, and sometimes for quasi-public uses, such as railroad tracks and utility lines. But the courts have steadily expanded the definition of "public use" to include economic redevelopment projects where private developers and large businesses benefit from eminent domain, in exchange for which the government expects higher tax revenues.

Proponents of restricting the government's eminent domain powers argue that acquiring private property on behalf of private parties gives rise to abuse, and it is generally unfair to those who lose their property. Small businesses and small property owners are disproportionately affected, and the benefits only go to a few people. If government can seize property because another owner could generate more taxes, then nobody's property is safe.

Opponents of restricting the government's eminent domain powers argue that economic development is in the public's interest. They contend that redevelopment is an essential tool for maintaining and reinvigorating economic growth, which benefits everyone. Without an expansive eminent domain power, government officials could not attract those large retailers and redevelopment projects that bring more jobs and more tax revenues for the community.

PERSONAL INFORMATION SECURITY

2. Should legislation be enacted in Montana to require those who store sensitive personal information (including government agencies, businesses and persons engaged in business activities) to notify state residents when such information has been or may have been accessed without authorization?

1 ☐ Yes 66%
2 ☐ No 23%
3 ☐ Undecided 11%

12

Background: Legislation may be proposed in Montana in the next session to enact a so-called "Notice of Security Breach Act." Such legislation would require any person, business or government agency that owns, maintains or licenses computerized data