

EXHIBIT 12
DATE 03/22/13
HB SB 180

Madison County Board of Commissioners

Commissioners

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To: House Federal Relations, Energy and Telecommunications Committee

Mr. Chairman and Members of the Committee;

Because of an unavoidable scheduling conflict, I could not be available this afternoon to testify before your committee and have asked Commissioner Leonard Wortman to read this statement into the record on my behalf:

The right to freely own, beneficially use, and dispose of private property is the most fundamental right guaranteed under the US and Montana Constitutions, and has been the cornerstone of liberty for our republic for 226 years. With the **Kelo v. New London** decision we saw a significant erosion of those private property rights when the traditional concept of "public use" was expanded to include the ill-defined concept of "public purpose". Many states including Montana were alarmed when eminent domain powers were so broadly expanded and much legislation to limit the ability for government to pick private sector winners and losers has been enacted as a consequence. SB-180 is a sensible protection of private property rights and is intended to preserve those rights while allowing utility companies the ability to move forward with **reasonable** facilities siting procedures.

Madison County recognizes the need for reasonable utility siting procedures and supports free market processes with few reservations. This free market process must recognize the cornerstone freedom of private property and therefore we will always stand in support of private property as the most essential right of our republic.

Please pass SB-180 and thank you for protecting the interests of Montana's property owners first and foremost.

Respectfully submitted,

Dan A. Happel / Commissioner - Madison County District 2