

**National Governors' Association
National Conference of State Legislatures
Council of State Governments
National Association of Counties
National League of Cities
United States Conference of Mayors
International City/County Management Association**

September 18, 2000

The Honorable Zell Miller
United States Senate
Hart Senate Office Building
Washington, DC 20510-1106

Dear Senator Miller:

On behalf of the nation's governors, state legislators, mayors, county commissioners and city and town council members and officials, we are writing to express our strong opposition to S. 1028, the "Citizens Access to Justice Act of 1999." This bill is substantially the same as S. 2271, which we also opposed in a July 10, 1998 letter to you. We believe the bill fundamentally interferes with and preempts traditional state and local zoning and land use authority, imposes unfunded federal mandates on states and localities, and evidences an unfounded distrust of our state courts.

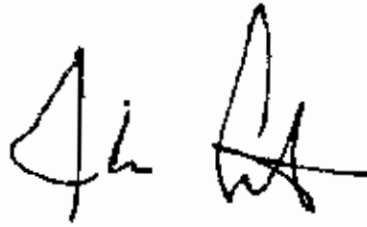
State and local elected officials are not only as deeply committed to protecting private property rights as are members of Congress, but also are directly accountable to our citizens. We have in place statutes and land use processes to balance private property rights and the protection of the public's interests in safety, public health, and environmental protection. If passed, S. 1028 would undermine those laws by permitting developers to take their grievances directly to the federal courts circumventing local administrative and state court remedies.

S. 1028 puts the federal courts in the position of having to rule prematurely on matters of purely local concern. Because state and local procedures are sidestepped under the bill, a federal judge would have to decide controversial local issues with only an incomplete factual record as a basis. States and communities will be deprived of a full and fair opportunity to resolve land use and public safety disputes in a manner consistent with recent U.S. Supreme Court decisions.

In addition, many small communities simply do not have the resources to litigate takings cases in distant and often expensive federal courts. For them, the bill is a significant unfunded federal mandate. Lastly, the bill encourages developers to "forum shop" between state and federal courts, thereby putting states and localities at a distinct disadvantage.

It is unthinkable that our founding fathers intended for federal courts to be the first resort in resolving community disputes between private parties and their elected officials. We urge you to oppose S. 1028.

Sincerely,



Governor Parris N. Glendening
Chairman
National Governors' Association

Senator Jim Costa
California
President, National Conference of State Legislatures



Jane Hague
Council Member
King County, Washington
President, National Association of Counties



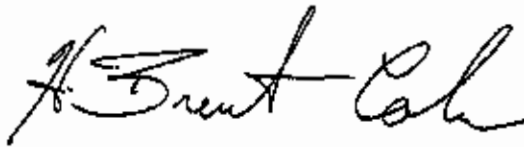
Bob Knight
Mayor, Wichita, Kansas
National League of Cities



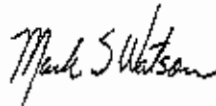
Governor Paul Patton
Kentucky
President, Council of State Governments



Representative Tom Ryder
Illinois
Chairman, Council of State Governments



H. Brent Coles
Mayor, Boise, Idaho
President, U.S. Conference of Mayors



Mark Watson
President
International City/County Management Association