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Governor opposes Prop. 90

Initiative would limit governmental powers of eminent domain.

By John Hill - Bee Capitol Bureau

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Gov. Arnold Schwarzenegger's campaign revealed Tuesday that he will oppose Proposition 90, an initiative on the Nov. 7 ballot that would restrict the use of eminent domain and require governments in some cases to pay for economic losses caused by laws and regulations.

The initiative in California and similar ones in several other states were spurred by a U.S. Supreme Court decision, *Kelo v. New London*, that allowed a Connecticut city to condemn homes as part of a neighborhood revitalization project.

"Governor Schwarzenegger strongly believes in defending individuals' property rights and was disappointed when the U.S. Supreme Court decided to allow governments to seize properties just to trade them out with other land uses," campaign spokesman Matt David said.

"But the governor does not support Proposition 90 because it is a poorly written initiative that could cost taxpayers billions of dollars and could prevent the most basic use of eminent domain laws for vital roads, schools and construction."

Proposition 90 is supported by some prominent members of Schwarzenegger's own party, including state Sen. Tom McClintock, R-Thousand Oaks, who is running for lieutenant governor. But it is opposed by business groups that have been some of the governor's closest political allies.

Schwarzenegger declined to take a position on the measure until Tuesday, one week before the election.

Yes on 90 campaign manager Dave Gilliard said he was disappointed that

Schwarzenegger "parroted" the arguments made by the opposition to the measure.

He said the initiative has widespread, bipartisan support among people and groups who believe governments have abused their powers of eminent domain.

The measure would bar governments from condemning property for use in private developments. They could still use eminent domain for the traditional purpose of obtaining land for a highway or a bridge. But even then, they would probably have to pay more than they do now, according to the nonpartisan Legislative Analyst's Office.

The most controversial provision of the law would require governments to compensate property owners if new rules and regulations resulted in "substantial" economic loss.

This would not apply to existing laws or those protecting public health and safety. But opponents say it could apply to a wide range of laws and regulations that benefit the public, from neighborhood zoning to environmental protection.

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