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Property-rights advocates give ballot a new try

In 2005, the U.S. Supreme Court issued a decision that the public greeted with close to unanimous revulsion. *Kelo v. City of New London* allowed cities to seize property by eminent domain for the sole purpose of reselling it to private developers whose projects would boost tax revenue.

Since then, 42 states have put new restrictions on eminent domain to curb abuses. California, sad to say, is not one of them. The Legislature has deadlocked two years running, and an overreaching ballot initiative, Proposition 90, narrowly failed in 2006.

But the voters will have their say on another attempt to shore up property rights next summer with the "California Property Owners and Farmland Protection Act." Proponents -- including Assemblyman Doug LaMalfa, R-Richvale -- filed more than 1 million signatures this week to put the initiative on the June ballot.

On its face, the new measure should stand a better chance of passage. Proposition 90 included a controversial section that would require government compensation for "regulatory takings" -- i.e., any law that reduced anyone's property value. Even some avid property-rights supporters thought that opened a door to paralyzing litigation about almost any government decision.

The new initiative is simpler, largely focused on eminent domain.

Unfortunately, it looks like it won't be the only eminent-domain measure on the ballot. The California League of Cities is promoting a separate initiative that would protect owner-occupied homes, but otherwise is a pretty weak brew. Critics call it a false reform that tries to go just far enough to ease the clamor for change, without seriously stalling aggressive redevelopment.

With dueling measures on the ballot, the one that wins the most votes will take effect. That means the political smoke will blow twice as thick, but for anyone wary of eroding property rights, the June election will hold a clear favorite.



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