



Wednesday, June 04, 2008

Proposition 98 advocates vow to continue fight against eminent domain

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A pitched battle between two ballot measure promising eminent domain reform - one of them backed by the California Farm Bureau - came to an end out Tuesday, with California voters choosing Proposition 99 as the favored approach to deal with government land seizures.

Proposition 99, backed by the League of California Cities and a broad coalition of homeowners groups, won with 62 percent of the vote, while Proposition 98, backed by Farm Bureau and the Howard Jarvis Taxpayers Association and the California Alliance to Protect Property Rights, was voted down by a 61 percent vote.

The Jarvis Association conceded the effort was over shortly after 9:30 p.m. Tuesday, when it became clear their ballot measure would lose.

Jon Coupal, the association's president, issued a statement on the outcome of the election, saying that since the U.S. Supreme Court's Kelo v. New London decision in 2005 more than 40 states have passed reforms that would prohibit government from profiting by seizing private property and giving it to politically connected developers.

"Proposition 98 was the only measure on the ballot that addressed the Kelo decision by providing comprehensive protections to all private property and would have phased out dated rental policies not practiced in 46 states," Coupal said.

A "poison pill" provision in Proposition 99 invalidates 98 if it receives fewer votes.

California Farm Bureau President Doug Mosebar said his organization will keep working for reform of government property seizures in a state which is one of eminent domain's biggest abusers.

"We're disappointed in the outcome but we're proud of Farm Bureau's role in co-sponsoring Proposition 98," Mosebar said in a written statement released Wednesday morning. "We supported it because our members expect us to protect family farms and ranches."

He said placing a second eminent domain measure on the ballot created confusion.

The Jarvis Association had accused Proposition 99 was filled with loopholes that didn't protect all homes, nor did it protect businesses, family farms or places of worship.

"Proposition 99 gives only the appearance of reform and does nothing to protect businesses, farms, churches or other property. We will continue to seek reforms that protect all property from abuse of eminent domain," Mosebar said.

At the same time, Proposition 98 was criticized for being a "landlords' scheme" because it prohibited rent control.

Coupal continued to question how Proposition 99 received funds from "an obscure public agency," reportedly controlled by the League of California Cities and the California State Association of Counties, which he said was illegal and sets a dangerous precedent.

If the Legislature doesn't fix some of Proposition 99's shortcomings, said Coupal, his group will consider qualifying another ballot measure.

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