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PUBLIC LANDS: Takings bill expected to return for House vote this week

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House Majority Leader John Boehner (R-Ohio) intends to bring a property rights bill back to the House floor this week following its failure yesterday to secure enough of a majority to move it quickly under the suspension calendar.

The House voted 234-172 for the bill, H.R. 4772, falling short of the two-thirds majority support needed for passage under suspension of the rules.

Boehner said he would bring it back to the House under a regular rule later this week, which would allow for amendments and require a simple majority. A spokesman for the majority leader last night indicated the bill would definitely come up for consideration before members leave town at the end of this week, but he added the schedule is in flux, making the exact day uncertain.

The bill, from Rep. Steve Chabot (R-Ohio), would allow property owners to file Fifth Amendment takings cases in federal court rather than state court.

Environmental groups, state attorney generals, Democrats and Rep. Sherwood Boehlert (R-N.Y.) mounted an effort this week to derail the bill. They argued it would harm the ability of local governments to implement zoning laws and environmental regulations.

The measure has support from the Farm Bureau, National Association of Homebuilders and other groups, which claim it is needed to make sure landowners receive a fair trial if the government wants to use their property for another purposes.

A Boehlert spokesman yesterday said he expect a similar vote tally to yesterday's result, adding the measure would meet a blockade in the Senate.

Glenn Sugameli, an attorney with Earthjustice who opposes the bill, said the groups against it would gain momentum. He agreed it would not pass muster in the Senate, even if the House approves it. A similar measure in 1998 met a filibuster from Sen. Patrick Leahy (D-Vt.) and the late Sen. John Chafee (R-R.I.).

"This was definitely an attempt to get it out before anyone would know what was going on," Sugameli said. "Opposition is just going to continue to grow." Farmland preservation grants approved

While the House turned back the takings bill, it approved a slate of other suspension bills, including legislation that would establish new open space and farm land challenge grants.

The bill, H.R. 5313, passed by voice vote.

It would amend the Farm and Ranchland Protection Program to set aside 15 percent of its budget for cost-share grants to encourage purchase of conservation easements or other lands. It lowers the federal match to 25 percent, which supporters said would allow for more sign-ups in states where the local government or other groups have strong support for the program.

First created in 1996, the Farm and Ranchland Protection Program provides matching funds to farmers who want to buy easements for their land. The easements allow land to remain in agricultural or conservation use and stave off any future development.

Environmental groups have lauded the program as a useful tool to help keep farmers in business and slow down some suburban development.

Other bills that passed under suspension of the rules:

H.R. 5103 would convey a former Lutheran Girls School in Smyth County, Va., now owned by the Forest Service, back to the Lutheran church.

H.R. 4559 would convey two tracts of land, totalling almost 350 acres of National Forest Land to the town of Laona, Wis., for use as an industrial park.

H.R. 4377, from Rep. Butch Otter (R-Idaho), to extend the time required for construction of a hydroelectric project, and for other purposes.

S. 244, from Sen. Craig Thomas (R-Wyo.), to extend the deadline for commencement of construction of a hydroelectric project in Wyoming.

S. 176, from Sen. Lisa Murkowski (R-Alaska), which would extend the deadline for commencement of construction of a hydroelectric project in the state of Alaska.

H.R. 971, from Rep. Rob Simmons (R-Conn.), which would extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes.

H.R. 4417, from Rep. Alan Mollohan (D-W.Va.) would extend the license for Federal Energy Regulatory project 7307 until the end of next year.

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