

Midland Daily News

Panelists: Property rights need protection

Tony Lascari, Midland Daily News

BAY CITY -- Protecting private property rights should be a concern for all landowners.

That was a clear message to more than 100 people who attended an event Tuesday in sponsored by the Mackinac Center for Public Policy.

Three panelists discussed taking private land for economic development reasons, taking land labeled as blight and regulatory issues including Midlander John Rapanos' U.S. Supreme Court case involving wetlands.

Russ Harding, panelist and senior environmental policy analyst for the Mackinac Center, said all residents should be concerned about state agencies that have too much power in deciding what laws mean.

While Michigan's Supreme Court has ruled that private property only can be taken for public use projects such as roads and airports, these agencies can regulate lands they label as wetlands. Harding said these definitions should have flexibility since the habitat changes over time.

Ernie Krygier, president of the Save our Shorelines group, said legislators need to get their decision-making powers back. He said voters should send a message to their state

legislators to get tough on property rights or expect to be voted out.

"The only way you can get the power back is in the way you vote," he said.

Panelist Patrick Wright, senior legal analyst for the Mackinac Center, said Michigan voters can protect their rights by voting for a Constitutional amendment on this November's ballot. The amendment would prevent the taking of private property for transfer to a private entity for the purpose of economic development.

Nancy Kurdziel, panelist and president of Prime Housing Group Inc., spoke about an East Lansing neighborhood that includes her rental properties that was labeled as being blighted, despite having high rental rates, stable businesses and well-maintained properties.

"If it can happen to us, it can happen to you," she said.

Max and Jean Brown of Bay City attended the event because of concerns about their beachfront property. The water has receded hundreds of feet and the state has told the Browns it is protected wetlands.

Jean Brown said the forum was informative, but she had hoped for more out of the event. "It seems like there's not any solutions," she said. "There's a lot of ideas, but no solutions."

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Our View: Still no answers on property rights

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An area resident attending a meeting this week voiced frustration over options available to property owners.

"It seems like there's not any solutions. There's lots of ideas, but no solutions," she said.

That's a fairly accurate description of where the state and nation are in terms of property rights. The U.S. Supreme Court recently placed the wetlands aspect of the issue into the hands of lawmakers. And a state ballot proposal in November looks to prevent government from taking private property for transfer to a private entity for the purpose of economic development.

But in terms of solutions today, none exists.

Laws must be changed, which means citizen research and involvement becomes very important. Lawmakers need to hear from citizens about government abuses of wetlands and condemnation laws. Citizens need to let lawmakers know that they are fed up with how current laws have been interpreted by courts and government bureaucracies and that if changes are not made, those lawmakers will not be in office for another term.

What's needed is a grass-roots effort that makes the property rights issue a top priority for lawmakers. Absent that, citizens likely will see little progress toward solutions in the area of property rights and government abuses of power will continue.

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