

Sen. Baucus Introduces Conservation Incentive Bill

China passes new law on property

China Unveils Landmark Private Property Law

Klamath Irrigation District Decision

D-MT and Sen. Charles Grassley, R-IA have pooled their intelligence to co-sponsor S 469, The Rural Heritage Conservation Extension Act of 2007. The bill makes permanent the conservation easement tax deduction law set to expire at the end of 2007. The current law, which the Senators wish to make permanent, extends the carry-forward period for tax deductions, created by placing conservation easements on private property, from 5 to 15 years and raises the cap on those deductions from 30 percent to 100 percent for qualifying farmers and ranchers. The Bush administration announced it not only supported the Senator's legislation, but that it will include the measure in the FY 2008 Budget. Last week Sen. Baucus and Montana's other Democrat Senator, Jon Testor, coaxed \$2 million from the Interior Department to buy conservation easements for hunting and fishing access along the Rocky Mountain Front. The "pork-barrel project" was dropped from last fall's FY 2007 Interior Department budget when Congress failed to pass the budget bill. Federal agencies were subsequently forced to operate under FY 2006 levels. "The news of this funding is a great reward for the grassroots effort by so many landowners to protect the Rocky Mountain Front's working ranches and wildlife habitat," said Jamie Williams, Montana Nature Conservancy head.

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China to Allow Private Property Rights

The National People's Congress of the Communist Chinese government passed a landmark private property law last week, by a 99.1% vote. China scholar Huang Jing of the Brookings Institution said the legislation reverses China's 60-year Communist goal to "wipe out private ownership. This is the first time [since 1949] that it's going to return to where it started, which turns Marxism upside down." A member of the Communist Party's Politburo, Vice Chairman Wang Zhaoguo said, "Enactment of the property law will serve to define and protect private ownership, condominium rights, and land contract rights." Weak property rights laws have allowed the government to seize businesses, houses and farmland, provoking protests from angry Chinese farmers and workers. "Social unrest is a deep problem for the Communist Party; there are anywhere from 70,000 to 80,000 protests a year," says Evan Medeiros, a Chinese scholar with the RAND Corporation research group. Ironically, the United States government is steadily marching toward the old Marxist goal of "abolition of private property"

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rights" with Kelo, the Endangered Species Act, and land grabs under the guise of conservation easements, while China adopts American-like tenets of private property.

Klamath Irrigators Lose Contract Claim

Since 1905, farmers and ranchers in the Klamath Basin depended on irrigation water provided through the Bureau of Land Management Klamath Irrigation Project. Through the years, landowners generally received as much water as they needed. In drought years they received a little less. That changed in 2001, when federal agencies decided that under the Endangered Species Act, they must withhold the lifeblood of the farmers to protect the coho salmon and two suckerfish. Their decision caused extreme financial hardship on local landowners. The irrigators sued in United States Court of Federal Claims, claiming their property rights (water) were taken. The court held that the plaintiff's interests in the use of Klamath Basin water were not entitled to compensation under the Fifth Amendment, but did indicate that there may have been a breach of contract. That decision came in 2005. The irrigators then filed a breach of contract suit, charging the Bureau of Reclamation failed to honor its obligation to provide irrigation water. On March 16, 2007, the court once again denied the irrigators' claim ruling that the "sovereign acts doctrine" precludes plaintiffs from recovering in these actions.

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