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Perry talks up private property rights

By KELLEY SHANNON AP Political Writer

AUSTIN — Gov. Rick Perry, bracing for a fight over property rights in the 2010 Republican primary, said Thursday he wants to amend the state constitution to further protect private landowners from eminent domain abuses.

Invoking the names of Texas independence fighter Davy Crockett, Perry proclaimed his support for Texans who are "justifiably fiercely committed to land ownership." He said he wants to ensure fair property negotiations and a ban on the government seizing land for commercial development.

"Texas still has the best land," Perry said, paraphrasing Crockett. "We've got to fight to protect the rights of folks who own it."

The governor made the remarks with a group of lawmakers and property rights activists at a Texas Public Policy Foundation meeting in Austin. He said he wants to cement into the Texas constitution legislation passed in 2005 to protect against taking private land for economic development or private purposes.

Sen. Robert Duncan, a Lubbock Republican who joined Perry at a news conference, said there are too many legislative opportunities for loopholes if it's not placed in the constitution. The state law was passed after a U.S. Supreme Court decision that allowed property to be taken through eminent domain for economic development projects, not just for public uses like roads. The lead plaintiff in that lawsuit, Susette Kelo, joined Perry and the others Thursday.

In attempting to pass the amendment, legislators will debate how to define "public use," Duncan said. He said the legislation could affect land condemnation for sports stadiums.

Private property protection is almost sure to be a hot topic in the 2010 governor's race.

Perry's Republican rival, Sen. Kay Bailey Hutchison, told supporters in a fundraising letter that she's concerned state government is ignoring private property rights in a quest to cover the state with toll roads. She was alluding to Perry's massive toll road proposal once called the Trans-Texas Corridor.

The corridor project drew intense rebukes from rural landowners who said the highway network would take their long-held family farms and ranches. Perry's administration has since scaled down plans for the highway system and dropped the hot-button name "Trans-Texas Corridor." But major parts of the project are moving forward.

Hutchison spokesman Todd Olsen said he believes Perry is worried that Hutchison will make property rights an issue in their anticipated Republican primary showdown next year.

"It is a very big issue because of the way that the governor and the Texas Department of Transportation have allowed it to become," Olsen said. "They have repeatedly had trouble explaining what was clearly his biggest initiative."

Hutchison is soliciting money for a gubernatorial run and has transferred nearly \$8 million from her federal campaign account to a state campaign account. On Saturday, she is holding a private meeting in Austin with supporters from around the state to talk about strategy and issues important to them, Olsen said.

Another potential problem for Perry on the property rights front is his veto of a 2007 bill that rural property owners said would have protected them from eminent domain for private uses.

Perry said he rejected the bill because it was loaded up at the last minute with "personal interest legislation" and high costs for taxpayers. "I think I made the right decision then," he said.

At the time, he said one reason for his veto was the bill would have expanded damages a landowner could recover to include diminished access to property when part of a piece of property is condemned.

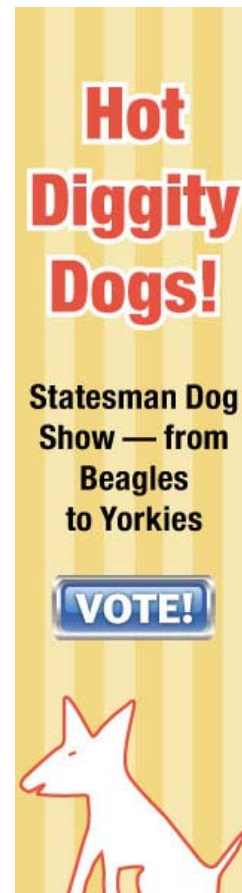
The Texas Farm Bureau wanted "diminished access" addressed and still does, said spokesman Gene Hall, though he praised Perry for appearing interested in a compromise during the current legislative session.

But if legislation passed this year doesn't deal with fair compensation for diminished access it won't go far enough, Hall said.

"We are pretty serious about diminished access being part of eminent domain reform," he said.

Perry said government shouldn't use eminent domain to take land without making a fair offer for property.

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"The government owes landowners a genuine good-faith negotiation, not a land grab," he said.

Lt. Gov. David Dewhurst in a separate meeting with news reporters Thursday said he has pledged to the Texas Farm Bureau to pass an eminent domain bill "that looks very similar or is similar to the one we passed out in 2007" that Perry vetoed. He said Perry wants to reach an agreement on the legislation.

Associated Press writer Jim Vertuno contributed to this report.

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