



Governor asks lawmakers to support property rights

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Capital Highlights
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AUSTIN - Gov. Rick Perry on Jan. 22 urged lawmakers to add an amendment to the state constitution to fortify property owners' rights against abuses of eminent domain.

In a speech to the Texas Public Policy Foundation, a conservative think tank based in Austin, Perry mentioned legislation already in effect that protects landowners.

"Through Senate Bill 7, we made it clear that Texans will not tolerate taking land for economic development or giving it to a private developer. Unless we take action on these protections, private property rights in Texas will begin to erode and undermine the very character of our state."

Texas lawmakers passed SB 7 in 2005 after a U.S. Supreme Court decision in *Kelo v. New London* (Conn.) ruled that government entities could use eminent domain authority for economic development projects rather than traditional public uses. The bill prohibits acquisition of land for non-public use, such as commercial development or private purposes.

The governor was joined by state Sen. Robert Duncan and Rep. Rob Orr who will propose legislation to fortify property rights, and Susette Kelo, plaintiff in the *Kelo v. New London* case.

Duncan plans to propose a constitutional amendment to prevent private property from being taken for economic or private development purposes. If passed by the Legislature, Texas voters would vote for or against the measure in a constitutional amendment election in November. A constitutional amendment is much harder to undo than a regular statute.

"Government shouldn't use eminent domain to take someone's land without trying to buy it from them first," Perry said. "It is wrong for any government to make a lowball offer, then respond to an owner's righteous refusal by taking the land. The government owes land owners a genuine good-faith negotiation, not a land grab."

In other matters, the governor is scheduled to deliver his State of the State Address to a joint session of the Legislature in the House Chamber on Jan. 27.

The Texas State Constitution compels the governor to "give to the Legislature information, by message, of the condition of the State" as well as to "recommend to the Legislature such measures as he may deem expedient" at the commencement of each session of the Texas Legislature.

Revised 'corridor' plan unveiled

At an annual transportation forum in early January, Amadeo Saenz, director of the Texas Department of Transportation, unveiled a report, "Innovative Connectivity in Texas / Vision 2009."

The report is available online at www.dot.state.tx.us. It lists revised guidelines for development of the "Trans-Texas Corridor" and describes the transformation of the original proposed project, a 4,000-mile network of nearly quarter-mile-wide corridors combining toll roads, railroad tracks and utility lines.

An excerpt from the report says the private firm Cintra Zachry is helping TxDOT on a master development plan that is "a living document that will be updated over the next 50 years as transportation needs change."

Cintra is a global company based in Madrid, Spain, and Zachry is based in San Antonio.

SBOE amends curriculum words

The State Board of Education voted unanimously Jan. 23 on science curriculum changes for public schools.

As a result of the vote, the current language "strengths and weaknesses" pertaining to scientific theories of evolution will be replaced with "analyzing and evaluating."

The term "strengths and weaknesses" has been criticized by the scientific community as a soft point for creationist views to be worked into the curriculum.

Samples of recently filed bills

Rep. Brandon Creighton, R-Conroe, filed HB 720 on Jan. 22, legislation he said would give more small businesses an exemption from the state business tax. Current law exempts businesses with revenue under \$300,000 and gives discounts to those who make up to \$900,000. Under Creighton's bill businesses that have under \$1 million in revenue would be exempt from the tax.

Stimulus idea evokes criticism

Texas stands to receive in the neighborhood of \$30 billion if Congress passes a proposed \$825 billion stimulus package backed by President Barack Obama.

But Gov. Perry and other officials have criticized the proposal, calling it bad policy.

However, if Texas gets the money, it would more than make up current projected shortfalls in the state budget for 2010-2011.

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