

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto House Bill No. 2006 as passed by the Eightieth Texas Legislature, Regular Session, because of the following objections:

House Bill No. 2006 contains two provisions that would vastly expand the cost to Texas taxpayers of public projects to the point where they grossly outweigh the bill's benefits.

It is important to balance the rights of Texas landowners whose land is acquired through eminent domain against the needs of the greater taxpaying public. However, two amendments were added in the 11th hour to House Bill No. 2006 that would send the cost of public projects spiraling beyond the amount Texas taxpayers should reasonably be required to pay. Estimates indicate the price tag would easily exceed \$1 billion above and beyond what is reasonable for state and local taxpayers.

In essence, the state and local government would be over-paying to acquire land through eminent domain in order to enrich a finite number of condemnation lawyers at the expense of Texas taxpayers.

I am greatly concerned that taxpayers will suffer and needed public projects will be dramatically delayed if we promote increased litigation by creating a new category of damages after a property has been condemned and property owners have already been paid fair market value for the land taken. Virtually every major city, county and high-growth area of the state asked me to veto this legislation because of the prohibitively high costs for future road construction and safety improvements and new schools that would be caused by these amendments.

Specifically, I find extremely problematic the provision that would expand damages a landowner can recover to include any diminished access to the roadway from remaining property when a portion of a landowner's property is condemned. Currently, a landowner is appropriately entitled to have reasonable access to their property maintained when a portion of their property is condemned. However, the provision contained in this bill would require large payments of taxpayer dollars for properties that continue to have reasonable access to the road but where that access has been only altered in some fashion. This is an unreasonable burden to place on taxpayers.

The second problematic provision would greatly increase the cost taxpayers would pay to compensate an owner for the land which is left after some of the property is acquired through eminent domain. It would allow the recovery of damages for factors such as changes in traffic patterns and visibility of the property from the road. Texas courts have long disallowed this practice because it would make public projects that benefit the greater population prohibitively expensive to build.

With plenty of time left in the legislative session, I asked the bill author in the House of Representatives and the bill sponsor in the Senate

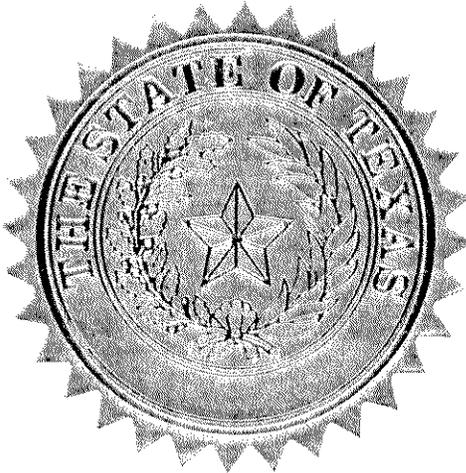
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office to address these concerns and find a compromise. The Senate sponsor agreed while the House author did not.

While I am firmly committed to ensuring increased fairness for Texas landowners, amendments added to an otherwise good bill very late in the process were done to enrich condemnation lawyers and place a disproportionate burden on Texas taxpayers who pay the bill in condemnation cases. Taxpayers should not have to bear the burden of legislation designed so that condemnation lawyers can exploit a new category of damages for their own personal gain. I encourage the legislature to continue to work to strike a balance that allows Texas landowners to be treated with fairness and respect for their property rights while simultaneously asking their neighbors to pay only so much in taxes as is reasonable and necessary. I pledge to work with the legislature toward this goal.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State to
be affixed hereto at Austin, this
15th day of June, 2007.

Rick Perry
RICK PERRY
Governor of Texas

ATTESTED BY:

Roger Williams
ROGER WILLIAMS
Secretary of State

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