

## **EXPLANATION OF PROPOSED AMENDMENTS**

The following is the list of propositions for the Constitutional Amendment Election that will be held on November 3rd, 2009. Early voting begins October 19th, 2009.

### **Proposition 1**

The constitutional amendment authorizing the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation.

**Summary:** This amendment would allow the legislature to authorize a municipality or county to issue bonds or notes to finance the acquisition of buffer areas or open spaces adjacent to a military installation.

**Recommendation:** Inform. Although it is important to protect our military zones from encroachment and this amendment does not *require* local taxes to be increased, it could serve as another reason to raise already high property taxes.

### **Proposition 2**

The constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead.

**Summary:** This amendment would authorize the legislature to provide for the taxation of a residence homestead solely on the basis of its value as a residence homestead, regardless of whether residential use by the owner is considered to be the highest and best use of the property.

**Recommendation:** Support. Evaluating a house as a house (instead of potential commercial property) will help keep property taxes down.

### **Proposition 3**

The constitutional amendment providing for uniform standards and procedures for the appraisal of property for ad valorem tax purposes.

**Summary:** The proposed amendment would remove the requirement that administrative and judicial enforcement of uniform standards and procedures for the appraisal of property for property tax purposes originate in the county where the tax is imposed. It would also remove the exception that the legislature may provide for political subdivisions with boundaries extending outside the county. It would instead give the legislature full discretion to prescribe the manner of the enforcement of uniform appraisal standards and procedures.

**Recommendation:** Support. This will ensure that properties across the state are appraised in a more uniform and equal manner in order to address inequities and inconsistencies in current property appraisals.

#### **Proposition 4**

The constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.

**Summary:** This amendment would create the national research university fund for the purpose of providing an independent source of funding to enable emerging state research universities in Texas to achieve national prominence as major research universities. The University of Texas at Austin and Texas A&M University would not be eligible to receive money from the fund.

**Recommendation:** Support. We need more Tier 1 schools in order to attract more federal research dollars, for a better educated population, and for the future prosperity of the state.

#### **Proposition 5**

The constitutional amendment authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.

**Summary:** This amendment would authorize a single board of equalization for two or more adjoining appraisal entities instead of a board for each entity.

**Recommendation:** Support. This will expand the pool of qualified people to serve on appraisal boards which could reduce the costs of litigation for both appraisal districts and taxpayers.

#### **Proposition 6**

The constitutional amendment authorizing the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized.

**Summary:** This amendment would authorize the VLB to provide for, issue, and sell general obligation bonds of the state for the purpose of selling land to Texas veterans or providing them home or land mortgage loans. The proposed amendment would remove the \$500 million cap on the principal amount of bonds outstanding at any one time and instead require that the principal amount of outstanding VLB bonds provided, issued, or sold for those purposes at all times be equal to or less than the aggregate principal amount of state general obligation bonds previously authorized for those purposes by prior constitutional amendments.

**Recommendation:** Support. This will help to ensure that the VLB can continue to provide financial assistance to veterans who have served our state and nation. Additionally, no fiscal impact to the state is anticipated.

## **Proposition 7**

The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

**Summary:** This amendment would exempt officers and enlisted members of the Texas State Guard and any other active militia or military force organized under Texas law from the prohibition against holding or exercising more than one civil office of emolument at the same time.

**Recommendation:** Support. This would correct the oversight of not including the Texas State Guard and other Texas military forces in the list of offices that civil officials can hold while holding another office.

## **Proposition 8**

The constitutional amendment authorizing the state to contribute money, property, and other resources for the establishment, maintenance, and operation of veterans hospitals in this state.

**Summary:** This amendment would authorize the state to contribute money, property, and other resources to establish, maintain, and operate veterans hospitals.

**Recommendation:** Support. Will improve access to medical care for Texas veterans.

## **Proposition 9**

The constitutional amendment to protect the right of the public, individually and collectively, to access and use the public beaches bordering the seaward shore of the Gulf of Mexico.

**Summary:** This amendment would establish that the public has an unrestricted right to access and use a public beach. "Public beach" would mean a state-owned beach bordering on the seaward shore of the Gulf of Mexico, extending from mean low tide to the landward boundary of state-owned submerged land to which the public has acquired a right of use or easement by prescription or dedication or has established and retained a right by virtue of continuous right in the public under Texas common law. The proposed amendment also would authorize the legislature to enact laws to protect that right and to protect the public beach easement from interference and encroachments. In addition, it would establish that its provisions do not create a private right of enforcement.

**Recommendation:** Inform. It is important to maintain open access to public beaches. On the other hand, recent action by state officials has indicated a willingness to use a well intentioned law to seize private property. There may be a better solution available that protects both public beaches and private property rights.

## **Proposition 10**

The constitutional amendment to provide that elected members of the governing boards of emergency services districts may serve terms not to exceed four years.

**Summary:** This amendment would authorize the legislature to provide that members of the governing board of an emergency services district may serve terms not to exceed four years, instead of the previous term limit of two years.

**Recommendation:** Support. Extending the limit of emergency service district boards from two to four years would allow the board members to be more experienced, stable, and effective.

## **Proposition 11**

The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes, and to limit the legislature's authority to grant the power of eminent domain to an entity.

**Summary:** This amendment would specify that the term "public use" does not include the taking of property for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues. Effective January 1, 2010, the proposed amendment would limit the legislature's ability to grant the power of eminent domain to an entity by requiring the grant to be approved by two-thirds of all the members elected to each house.

**Recommendation:** Support. This will more narrowly define the term "public use" which will strengthen the protection of private property rights while still allowing for the most necessary uses of eminent domain.