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TEXAS HOUSE OF REPRESENTATIVES

Constitutional Amendment Election November 3, 2009

Proposition 1, HJR 132: City and County Bond Authority to Purchase Land around a Military Base

The Ballot will Read: "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: Proposition 1 would allow cities and counties to issue bonds to purchase land around a military base. It would also allow the city or county to raise real or personal property taxes to repay those bonds. The purchased land could be used to create a buffer zone, or to build infrastructure that will protect or promote the mission of the military installation.

Supporters Say: This proposal would protect military bases from encroachment and encourage safety and security for installation's operations and training. The infrastructure built through the additional bonds and taxes would likely pay for itself.

Opponents Say: This constitutional amendment would likely lead to higher property taxes. If cities or counties would like to purchase land around a military base, they should do so within their existing tax revenues.

Proposition 2, HJR 36-1: Limits to Home Appraisal Value Determination

The Ballot will Read: "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: Proposition 2 would provide that taxation of a residential homestead must be based only on the property's value as a home, whether or not the property could be used for other purposes.

Supporters Say: Proposition 2 would protect Texas homeowners from high appraisals because they live in an area that contains commercial development. "Highest and best use" gouges homeowners and can push people out of their homes. Proposition 2 would put an end to these unreasonably high appraisals.

Opponents Say: Proposition 2 would likely reduce property tax collections and thus reduce tax revenue for local entities.

Proposition 3, HJR 36-3: Uniform Standards for Property Appraisals

The Ballot will Read: "The constitutional amendment providing for uniform standards and procedures for the appraisal of property for ad valorem tax purposes."

Summary: Proposition 3 would give the legislature full discretion to prescribe the administration and enforcement of uniform standards and procedures for property appraisals.

Supporters Say: Currently, the appraisal standards are left up to individual counties and districts. This creates a confusing system for homeowners and reduces accountability. Uniform standards would empower the State to better enforce appraisal standards.

Opponents Say: No apparent opposition.

Proposition 4, HJR 14-2: National Research University Fund

The Ballot will Read: "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: Proposition 4 would establish the National Research University Fund, which would provide funds to emerging research universities so that they may obtain national research university status.

Supporters Say: Proposition 4 would pursue the goal of establishing more research level universities. This will help Texas become more globally competitive. Texas has only two tier-one universities. This fund will help more Texas universities assume tier-one status.

Opponents Say: Texas has limited resources. Especially given these economic times, Texas must be frugal and avoid new long-term financial stresses. Higher education dollars should focus on institutions that are very close to achieving tier-one status, and this can be done through existing appropriations. The proposed fund would not be an effective use of taxpayer dollars.

Proposition 5, HJR 36-2: Consolidated Appraisal Review Boards

The Ballot will Read: "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: Proposition 5 would allow rural counties to form consolidated appraisal review boards (ARB).

Supporters Say: Rural communities have trouble finding enough qualified members to sit on an appraisal board. Allowing these appraisal districts to consolidate their ARBs would ease this burden, and allow more timely property appraisals.

Opponents Say: No apparent opposition.

Proposition 6, HJR 116: Veterans' Land Board Bonds

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

Summary: Proposition 6, if approved, would allow the Veterans' Land Board (VLB) to issue bonds to continue to provide home mortgage loans to Texas veterans, without having to seek constitutional reauthorization every four years. The VLB would only be able to issue bonds in amounts equal or less to the amounts approved by voters in the last election cycle. Additionally, the amount of bonds allowed to be issued each year would be capped by federal law at \$250 Million each year.

Supporters Say: This amendment will allow the VLB to continue to provide its loan services without seeking constitutional reauthorization. The bonding authority would still be capped, and so this amendment would not result in excessive bonding authority.

Opponents Say: In order to maintain transparency and accountability when issuing taxpayer funded debt, the VLB should see voter approval each time.

Proposition 7, HJR 127: Repeal of the Texas State Guard Prohibition on Holding a Civil Office

The Ballot will Read: "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: Proposition 7 would include Texas State Guardsmen in the list of those military officers allowed to hold civil offices. Currently, all members of the armed forces except the Texas State Guard are allowed to hold civil office.

Supporters Say: This amendment would merely correct an unintentional oversight in the Constitution, allowing the Texas State Guard to hold civil office, just like other military members.

Opponents Say: No apparent opposition.

Proposition 8, HJR 7: A Veterans' Hospital in the Rio Grande Valley

The Ballot will Read: "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: Proposition 8 would require Texas to solicit federal establishment of a veterans' hospital in the Rio Grande Valley Region. The proposed hospital would be under federal jurisdiction, but the state would also contribute money for the establishment and operation of the hospital.

Supporters Say: Proposition 8 would give veterans another full-fledged Veterans Affairs (VA) Hospital. The closest VA hospital for Rio Grande-area veterans is now in San Antonio, which may be a long drive for some. Veterans have risked their lives for their country and deserve the best and most accessible care.

Opponents Say: The US Department of Veterans Affairs contracted with two Rio Grande Health Systems in February 2009 to provide inpatient, surgical, emergency, and mental health services to Rio Grande-Area veterans. These two systems are well equipped to provide the vital services in close proximity to the veterans. All veterans have the option to go to San Antonio for hospital treatment. There has not been significant evidence that another hospital is needed, and so the added expense through federal and state taxes is not justified.

Proposition 9, HJR 102: Texas Public Beaches

The Ballot will Read: "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: Proposition 9 would constitutionally establish the public's unrestricted right to access public beaches. Right now, this right is only present in Texas statute.

Supporters Say: This would strengthen the Open Beaches Act, and better ensure that developers do not block public access to Texas beaches located on the Gulf of Mexico.

Opponents Say: Putting the Open Beaches Act into the Constitution would make it harder for property owners to challenge abusive implementation. This statute gives the state power to require property owners whose houses are now located on public land following Hurricane Ike to remove their homes. The state already has an unreasonable amount of power not just to obstruct development, but to prevent homeowners from legitimately using their private property. If this measure becomes part of the Constitution, that power will become unchecked.

Proposition 10, HJR 85: Emergency Service District Board Term Limits

The Ballot will Read: "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: Proposition 10 would allow members of the governing board of an emergency services district to serve terms of four years rather than the current maximum of two years.

Supporters Say: Longer terms would promote stability on ESD boards and give the board members more time to gain experience and improve district emergency services.

Opponents Say: Longer terms would reduce accountability to the people, which is especially important given that ESD board members have the power to tax.

Proposition 11, HJR 14-1: Restriction on Eminent Domain Powers

The Ballot will Read: "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: Proposition 11 would only allow eminent domain in cases where the taking of the land is necessary for public purposes. The amendment specifically states that the land may not be taken for additional tax revenues or economic development.

Supporters Say: This amendment will allow greater protection for landowners and homeowners against unnecessary government land-takings. The amendment will send a strong message that private land should only be taken for very limited public purposes.

Opponents Say: This amendment does not clearly define what constitutes justified eminent domain proceedings. This vague language could lead to a various judicial interpretations, and thus subject taxpayers to court costs.