

Constitutional Amendment Election on November 3, 2009

Marilyn Davis, TFRW Vice President Legislation

On November 3, voters will make important decisions regarding possible amendments to our state's governing document. Enacted in 1876, the Texas State Constitution has been amended more than 400 times. Proposed constitutional amendments must pass by a two-thirds vote in both houses of the state legislature to be considered on the ballot.

These eleven amendments were approved for consideration by the 81st Legislature and require a majority vote to be amended to the constitution. The ballot order for these 11 proposed amendments to the Texas Constitution was determined in July 2009 through a random drawing by Secretary of State Hope Andrade.

Proposition 1, HJR 132

"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."

HJR 132 would amend the constitution to authorize the legislature to allow a municipality or a county to issue bonds and notes to finance the purchase of buffer areas or open spaces adjacent to military installations. The buffer areas would be used to prevent encroachment or to construct roadways utilities, or other infrastructure to protect or promote the mission of the military installation. The municipality or county may pledge increases in ad valorem tax revenues for repayment of the bonds or notes.

Proposition 2, HJR 36-1

"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."

HJR 36 would amend the constitution to authorize the legislature to provide for the taxation of a residence homestead solely on the basis of the property's value as a residence homestead, regardless of whether the property may have a higher value if it were used for other purposes.

Proposition 3, HRJ 36-3

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

HJR 36 would amend the constitution to require the legislature to provide for the administration and enforcement of uniform standards and procedures for appraisal of property for ad valorem tax purposes

Proposition 4, HJR 14-2

"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."

HJR 14 would amend the constitution to establish the national research university fund to provide a source of funding that will enable emerging research universities in this state to develop into major research universities. The amendment would require the legislature to dedicate state revenue to the fund and to transfer the balance of the existing higher education fund to the national research university fund. This amendment would further require the legislature to establish the criteria by which a state university may become eligible to receive and use distributions from the fund.

Proposition 5, HJR 36-2

"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."

HJR 36 would amend the constitution to authorize the legislature to allow for a single appraisal review board for two or more adjoining appraisal entities that elect to provide for consolidated reviews of tax appraisals.

Proposition 6, HJR 116

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

HJR 116 would amend the constitution to authorize the Veterans' Land Board to issue general obligation bonds, subject to certain constitutional limits, for the purpose of selling land and providing home or land mortgage loans to veterans of the state.

Proposition 7, HJR 127

"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."

HJR 127 would amend the constitution to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

Proposition 8, HJR 7

"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."

HJR 7 would amend the constitution to authorize the state to contribute money, property, and other resources for the establishment, maintenance, and operation of veterans' hospitals in this state.

Proposition 9, HJR 102

"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."

HJR 102 would define what is a state-owned public beach. The public, individually and collectively, would have an unrestricted right to use and a right of ingress to and egress from a public beach. The amendment would authorize the legislature to enact laws to protect these rights.

Proposition 10, HJR 85

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

HJR 85 would amend the constitution to authorize the legislature to provide that members of the governing board of an emergency services district may serve terms not to exceed four years.

Proposition 11, HJR 14-1

"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."

HJR 14 would amend the constitution to provide that the taking of private property for public use ("eminent domain") is authorized only if it is for the ownership, use, and enjoyment of the property by the State, its political subdivisions, the public at large, or by entities granted the power of eminent domain, or for the removal of urban blight. The amendment would prohibit the taking of private property for transfer to a private entity for the purpose of economic development or to increase tax revenues. The amendment would also limit the legislature's authority to grant the power of eminent domain in the future unless it is approved by a two-thirds vote of all the members elected to each house.

The last day to register to vote in this election is October 5, 2009.