

# 2009 Voters' Guide

## Constitutional Amendments

This non-partisan, educational voters' guide lists a short summary of the eleven amendments while presenting pros and cons to each in order to help you make a more informed vote. Extensive research and preparation went into this guide to provide you with the most dependable, complete information.

Election Day is Tuesday, November 3. To view the official ballot wording, please visit the [Texas Secretary of State website](#).

VOTING DATES	
<u>October 19-30</u>	<u>November 3</u>
Early Voting	Election Day

	SUMMARY	SUPPORTERS SAY...	OPPONENTS SAY...
<b>Prop. 1 HJR 132</b>	Authorizes city and county financing to buy buffer areas near military installations	<ul style="list-style-type: none"> <li>• Settles the question of whether cities and counties have the constitutional authority to issue such bonds.</li> <li>• Protects military installations from encroaching development that would hinder training and operational missions.</li> <li>• Lack of protection for military installations could cause them to close.</li> <li>• Facilitates the construction of infrastructure to protect or promote the mission of the military installation.</li> </ul>	<ul style="list-style-type: none"> <li>• Bonds issued to protect a military installation would result in a higher tax burden on already-burdened property owners.</li> <li>• Now is not the time to increase tax burdens.</li> </ul>
<b>Prop. 2 HJR 36 Article 1</b>	Requires the appraisal of residence homesteads to be based solely on their homestead value	<ul style="list-style-type: none"> <li>• Protects residence homesteads from large appraisal increases (which can double or quadruple) resulting in a dramatic change of the land's most profitable use.</li> <li>• Mirrors similar property tax restrictions on agricultural and open-space land.</li> </ul>	<ul style="list-style-type: none"> <li>• Moves the property appraisal process further away from a true valuation of a property's worth.</li> <li>• Could reduce aggregate values of taxable property, thus reducing local government tax revenue.</li> <li>• May reduce school districts' property values per student, resulting in need for additional state funding for these school districts.</li> </ul>
<b>Prop. 3 HJR 36 Article 3</b>	Allows state enforcement of uniform property appraisal standards and procedures	<ul style="list-style-type: none"> <li>• Creates a legal basis for direct oversight of appraisal districts by the state so that appraisal practices do not vary widely across the state.</li> <li>• Will help prevent inequitable and inconsistent appraisal standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Unnecessary because the state Comptroller's Office provides training for appraisers, and therefore, the procedures are standard.</li> <li>• The property value study provides enough enforcement for districts to accurately evaluate properties.</li> <li>• May lead to a loss of local control.</li> </ul>
<b>Prop. 4 HJR 14 Article 2</b>	Establishes the National Research University Fund for designated "emerging research institutions"	<ul style="list-style-type: none"> <li>• Creates a pathway for designated Texas "emerging research institutions" to become nationally recognized, tier-one schools.</li> <li>• Developing more tier-one schools (Texas has three) will help increase the number of highly educated people in the Texas workforce.</li> </ul>	<ul style="list-style-type: none"> <li>• Texas should focus its limited resources solely on the universities closest to attaining tier-one status.</li> <li>• Limits funds to a small number of universities; all other Texas universities are not eligible for these funds.</li> <li>• The strict criteria for funding could hinder rather than help the institutions that need it the most.</li> <li>• Discourages private funding, increases reliance on taxpayers.</li> </ul>
<b>Prop. 5 HJR 36 Article 2</b>	Allows consolidated boards of equalization (appraisal review board) for appraisal districts	<ul style="list-style-type: none"> <li>• Consolidating appraisal review boards for adjoining appraisal districts would increase efficiency and save money.</li> <li>• Could be particularly beneficial for rural appraisal districts with limited staff and resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Only local boards know their county markets and local economic realities.</li> <li>• Consolidated boards could result in loss of control over local issues.</li> </ul>

<p><b>Prop. 6 HJR 116</b></p>	<p>Renews Veterans' Land Board (VLB) bond authority for land and mortgage loans</p>	<ul style="list-style-type: none"> <li>• Secures uninterrupted bonding authority to the VLB, before the current fund is exhausted.</li> <li>• VLB would likely never again need to seek assistance to fund the Veterans' Housing Assistance and Veterans' Land programs, which would make funding more stable and efficient.</li> </ul>	<ul style="list-style-type: none"> <li>• Authorizing these state-backed bonds would expand state debt.</li> <li>• Only previously authorized bonds that have been retired as of this year should be applied to this prop.; bonds to be retired in the future should have to be approved by voters before they are reauthorized as state debt.</li> </ul>
<p><b>Prop. 7 HJR 127</b></p>	<p>Allows members of the Texas State Guard or any other state militia or state military force to hold other civil offices</p>	<ul style="list-style-type: none"> <li>• Corrects an oversight of the Texas Constitution.</li> <li>• No inherent conflict of interest between holding a civil office and becoming a member of the State Guard.</li> </ul>	<ul style="list-style-type: none"> <li>• Adding new exceptions to the constitutional prohibition would compound problems by requiring lengthy detail of exceptions.</li> <li>• Texas courts should determine exceptions on a case-by-case basis based on whether dual service in two offices creates conflicting loyalties.</li> </ul>
<p><b>Prop. 8 HJR 7</b></p>	<p>Authorizes the state to contribute resources to veterans' hospitals</p>	<ul style="list-style-type: none"> <li>• Grants clear constitutional authority for the state to contribute resources to veterans' hospitals.</li> <li>• Would encourage the U.S. Department of Veterans Affairs to partner with the state to care for these facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• The Constitution and a recent statute enacted this year provide for this need, therefore, the amendment is unnecessary.</li> <li>• Specifically authorizing state contributions for veterans' hospital facilities that previously have been funded exclusively by the federal government could lead to the expectation that the state would contribute a portion of the funding for future facilities.</li> </ul>
<p><b>Prop. 9 HJR 102</b></p>	<p>Establishes a constitutional right to use and access public beaches</p>	<ul style="list-style-type: none"> <li>• Strengthens the Open Beaches Act.</li> <li>• Would not change current beach practices, but would rather raise the level of protection for open beaches from any future legislative acts or judicial decisions.</li> <li>• Affirms the access to and use of public beaches as a fundamental right in the Texas Bill of Rights.</li> </ul>	<ul style="list-style-type: none"> <li>• Further restricts the right of beach landowners to enjoy their property.</li> <li>• Locks into the Constitution a law that has been the subject of numerous lawsuits and has allowed the state to force property owners to remove their homes (without compensation) that end up on the public beach when the vegetation line shifts due to weather events and erosion.</li> </ul>
<p><b>Prop. 10 HJR 85</b></p>	<p>Allows board members of emergency services districts (ESD) terms to be increased to four years</p>	<ul style="list-style-type: none"> <li>• Promotes stability and experience to those on the board and their communities.</li> <li>• Protects the board members from being politicized and constantly campaigning for office.</li> </ul>	<ul style="list-style-type: none"> <li>• Diminishes public oversight of ESD board members that currently exist under a two-year term.</li> <li>• Elections are non-partisan, and therefore, cannot be politicized.</li> <li>• ESD term should stay at two years, the same as our state House of Representatives term, since they have great powers and should be held accountable.</li> </ul>
<p><b>Prop. 11 HJR 14 Article 1</b></p>	<p>Restricts use of eminent domain to taking property for public purposes</p>	<ul style="list-style-type: none"> <li>• Places clear restrictions on using eminent domain for economic development or enhancement of tax revenues.</li> <li>• Protects private property by limiting eminent domain for limited purposes and only when it is absolutely necessary.</li> <li>• Resolves a problem with eminent domain power not addressed by existing law, which allows municipalities to condemn entire neighborhoods when only 50 percent of area is blighted.</li> </ul>	<ul style="list-style-type: none"> <li>• May create grey area for the use of eminent domain, providing an opportunity for further litigation and costs.</li> <li>• Provides a window for more entities to be granted authority to use eminent domain because of vague language.</li> <li>• Eminent domain reform already exists in current law and should be reviewed and clarified in Texas courts before placing such reform language in the Constitution.</li> <li>• Restricts municipality's ability to promote urban renewal.</li> </ul>

*\*Special thanks to the House Research Organization and the Texas Legislative Council for background information.*

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