

A JOINT RESOLUTION

1 proposing constitutional amendments limiting the public taking of  
2 private property, establishing the national research university  
3 fund to fund emerging research universities, and eliminating the  
4 higher education fund.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1.

7 SECTION 1.01. Section 17, Article I, Texas Constitution, is  
8 amended to read as follows:

9 Sec. 17. (a) No person's property shall be taken, damaged,  
10 or destroyed for or applied to public use without adequate  
11 compensation being made, unless by the consent of such person, and  
12 only if the taking, damage, or destruction is for:

13 (1) the ownership, use, and enjoyment of the property,  
14 notwithstanding an incidental use, by:

15 (A) the State, a political subdivision of the  
16 State, or the public at large; or

17 (B) an entity granted the power of eminent domain  
18 under law; or

19 (2) the elimination of urban blight on a particular  
20 parcel of property.

21 (b) In this section, "public use" does not include the  
22 taking of property under Subsection (a) of this section for  
23 transfer to a private entity for the primary purpose of economic  
24 development or enhancement of tax revenues.



1 by adding Section 20 to read as follows:

2 Sec. 20. (a) There is established the national research  
3 university fund for the purpose of providing a dedicated,  
4 independent, and equitable source of funding to enable emerging  
5 research universities in this state to achieve national prominence  
6 as major research universities.

7 (b) The fund consists of money transferred or deposited to  
8 the credit of the fund and any interest or other return on the  
9 investment assets of the fund. The legislature may dedicate state  
10 revenue to the credit of the fund.

11 (c) The legislature shall provide for administration of the  
12 fund, which shall be invested in the manner and according to the  
13 standards provided for investment of the permanent university fund.  
14 The expenses of managing the investments of the fund shall be paid  
15 from the fund.

16 (d) In each state fiscal biennium, the legislature may  
17 appropriate as provided by Subsection (f) of this section all or a  
18 portion of the total return on all investment assets of the fund to  
19 carry out the purposes for which the fund is established.

20 (e) The legislature biennially shall allocate the amounts  
21 appropriated under this section, or shall provide for a biennial  
22 allocation of those amounts, to eligible state universities to  
23 carry out the purposes of the fund. The money shall be allocated  
24 based on an equitable formula established by the legislature or an  
25 agency designated by the legislature. The legislature shall review  
26 and as appropriate adjust, or provide for a review and adjustment,  
27 of the allocation formula at the end of each state fiscal biennium.

1       (f) The portion of the total return on investment assets of  
2 the fund that is available for appropriation in a state fiscal  
3 biennium under this section is the portion determined by the  
4 legislature, or an agency designated by the legislature, as  
5 necessary to provide as nearly as practicable a stable and  
6 predictable stream of annual distributions to eligible state  
7 universities and to maintain over time the purchasing power of fund  
8 investment assets. If the purchasing power of fund investment  
9 assets for any rolling 10-year period is not preserved, the  
10 distributions may not be increased until the purchasing power of  
11 the fund investment assets is restored. The amount appropriated  
12 from the fund in any fiscal year may not exceed an amount equal to  
13 seven percent of the average net fair market value of the investment  
14 assets of the fund, as determined by law. Until the fund has been  
15 invested for a period of time sufficient to determine the  
16 purchasing power over a 10-year period, the legislature may provide  
17 by law for means of preserving the purchasing power of the fund.

18       (g) The legislature shall establish criteria by which a  
19 state university may become eligible to receive a portion of the  
20 distributions from the fund. A state university that becomes  
21 eligible to receive a portion of the distributions from the fund in  
22 a state fiscal biennium remains eligible to receive additional  
23 distributions from the fund in any subsequent state fiscal  
24 biennium. The University of Texas at Austin and Texas A&M  
25 University are not eligible to receive money from the fund.

26       (h) An eligible state university may use distributions from  
27 the fund only for the support and maintenance of educational and

1 general activities that promote increased research capacity at the  
2 university.

3 SECTION 2.02. Subsection (i), Section 17, Article VII,  
4 Texas Constitution, is repealed.

5 SECTION 2.03. The following temporary provision is added to  
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies  
8 to the constitutional amendment proposed by the 81st Legislature,  
9 Regular Session, 2009, establishing the national research  
10 university fund to enable emerging research universities in this  
11 state to achieve national prominence as major research universities  
12 and transferring the balance of the higher education fund to the  
13 national research university fund.

14 (b) The amendment to add Section 20 to Article VII of this  
15 constitution and to repeal Section 17(i), Article VII, of this  
16 constitution takes effect January 1, 2010.

17 (c) On January 1, 2010, any amount in or payable to the  
18 credit of the higher education fund established by Section 17(i),  
19 Article VII, Texas Constitution, shall be transferred to the credit  
20 of the national research university fund.

21 (d) This temporary provision expires January 1, 2011.

22 SECTION 2.04. The constitutional amendment proposed by this  
23 Article shall be submitted to the voters at an election to be held  
24 November 3, 2009. The ballot shall be printed to permit voting for  
25 or against the proposition: "The constitutional amendment  
26 establishing the national research university fund to enable  
27 emerging research universities in this state to achieve national

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1 prominence as major research universities and transferring the  
2 balance of the higher education fund to the national research  
3 university fund."

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 14 was passed by the House on May 11, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 14 on May 29, 2009, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 14 on May 31, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House adopted H.C.R. No. 285 authorizing certain corrections in H.J.R. No. 14 on June 1, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

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Chief Clerk of the House

H.J.R. No. 14

I certify that H.J.R. No. 14 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 14 on May 31, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 285 authorizing certain corrections in H.J.R. No. 14 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

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Secretary of State