

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 31, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR14** by Corte (proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund. ), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated,** other than the cost of publication.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose an amendment to Article I of the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for: the ownership, use, and enjoyment of the state, a political subdivision of the state, the public at large, or an entity granted the power of eminent domain under the law; or the elimination of urban blight on a particular parcel of property.

The definition of term "public use" would be modified to not include the taking of property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. On or after January 1, 2010, the legislature would be allowed to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

Additionally, the resolution propose an amendment to Article VII of the Texas Constitution to create a new source of funding to enhance research capacity at certain public general academic institutions using the investment earnings of an existing but rededicated fund corpus (i.e., the Permanent Higher Education Fund, which would become the corpus for the National Research University Fund).

The proposed constitutional amendment would be submitted to the voters at an election to be held November 3, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, KJG, SD, KK, MN, SZ, RT, TG, JM, JAW