

House Joint Resolution 14
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 17, Article I, Texas Constitution, amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate and just compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by the public at large, by the State, or by a political subdivision of the State; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities[.] shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the

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SECTION 1. Section 17, Article I, Texas Constitution, is amended to read as follows:

Sec. 17. (a) No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person;

and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

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taking to:

- (1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or
- (2) operate a comparable farm, if the property taken is a farm.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, an entity providing utility service, an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, the public, the state, or a political subdivision, and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a

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(b) In this section, "public use" does not include the taking of property by the State or a political subdivision of the State for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

SECTION 2. The constitutional amendment proposed by this article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit the taking of property for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues."

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comparable property."

The following rows were presented as virtually identical to the language of the engrossed version of Senate Joint Resolution 35, proposing a 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.

No equivalent provision.

ARTICLE 2.
SECTION 2.01. Article VII, Texas Constitution, is amended by adding Section 20 to read as follows:
Sec. 20. (a) There is established the national research university fund for the purpose of providing a dedicated, independent, and equitable source of funding to enable emerging research universities in this state to achieve national prominence as major research universities.
(b) The fund consists of money transferred or deposited to the credit of the fund and any interest or other return on the investment assets of the fund. The legislature may dedicate state revenue to the credit of the fund.
(c) The legislature shall provide for administration of the fund, which shall be invested in the manner and according to the standards provided for investment of the permanent university fund. The expenses of managing the investments of the fund shall be paid from the fund.

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

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

(f) The portion of the total return on investment assets of the fund that is available for appropriation in a state fiscal biennium under this section is the portion determined by the legislature, or an agency designated by the legislature, as necessary to provide as nearly as practicable a stable and predictable stream of annual distributions to eligible state universities and to maintain over time the purchasing power of fund investment assets. If the purchasing power of fund investment assets for any rolling 10-year period is not preserved, the distributions may not be increased until the purchasing power of the fund investment assets is restored. The amount appropriated from the fund in any fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of

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the fund, as determined by law. Until the fund has been invested for a period of time sufficient to determine the purchasing power over a 10-year period, the legislature may provide by law for means of preserving the purchasing power of the fund.

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

(h) An eligible state university may use distributions from the fund only for the support and maintenance of educational and general activities that promote increased research capacity at the university.

No equivalent provision.

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

No equivalent provision.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research

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universities and transferring the balance of the higher education fund to the national research university fund.

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

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

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

No equivalent provision.

SECTION 2.04. This constitutional amendment proposed by this Article shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "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."