

AMENDMENTS TO THE TEXAS CONSTITUTION

On November 7, 2017 Texans will have the opportunity to vote For or Against 7 propositions that could become the next amendments to our constitution. The House Research Organization has posted arguments in Support and in Opposition on their website:

<http://www.hro.house.state.tx.us/pdf/focus/amend85.pdf>

The following are brief membership comments on those amendments.

Proposition 1 would amend Texas Constitution, Art. 8, sec. 1-b(1) to allow the Legislature to provide a partially disabled veteran a partial property tax exemption on a homestead that was donated at some cost to the veteran, in addition to those that were donated at no cost, as long as the homestead was donated for less than its market value.

This is another example of Government picking “winners & losers”!

It “fixes” the unintended consequence of giving a tax break to disabled veterans—but only to certain disabled veterans! If the disabled veteran is lucky enough to be given a free, or near-free, home then the state will give him a (free) tax exemption. But, if the veteran with the same disability received a less-than-half-price home discount or owned his home before his injury or actually paid for his home then he gets no (significant) tax break. So, good fortune goes to the already fortunate (financially speaking).

This unintended consequence should not have been unexpected! Surely, the unintended consequence of both propositions should have been anticipated. This proposition should be rejected and sent back to the legislature so that a fair & comprehensive remedy can be presented to the voters. If the State cannot afford to waive taxes for all disabled veterans then they should give equal exemptions to all similarly injured veterans. Better yet, the legislature should approve a consumption tax to replace the current unfair property tax. ---AGAINST

Proposition 2 would amend Texas Constitution, Art. 16, sec. 50 to revise the cap on fees that may be charged when making a home equity loan, allow the refinancing of home equity loans into non-home equity loans, revise a provision governing home equity lines of credit, and amend the list of the types of approved lenders.

This proposition would make many changes to fees, expenses and risks associated with home equity loans. In certain instances this would help home owners & some farmers. However, it also removes the protections that have reduced the risk of a home owner losing their home if they have difficulty paying back the loan. It would allow a foreclosure without a court order!---AGAINST

Proposition 3 would amend Texas Constitution, Art. 16, sec. 17 to create an exception to the requirement that state officers continue to perform their duties until their successors are duly qualified. The exception would apply to officers appointed by the governor with the advice and consent of the Senate who did not receive a salary. The period for which an appointed officeholder would be required to continue to perform duties would end on the last day of the first regular session of the Legislature that began after the officer's term expired.

This one is a "no-brainer"! Its intent is to end the practice of some officeholders (such as some in the TEC) of continuing to "show up for work" years after their term has expired. A clear **FOR!**

Proposition 4 would amend Texas Constitution, Art. 2, sec. 1, authorizing the Legislature to require courts to notify the attorney general when a party to litigation filed a petition, motion, or other pleading challenging the constitutionality of a state statute if the party notified the court of the challenge. The proposition also would authorize the Legislature to establish a period of up to 45 days after a court gave the required notice during which the court could not enter a judgment holding the statute unconstitutional.

As if Courts didn't already move slowly enough! This proposition requires Courts to delay even more before ruling on certain cases. This is a **NEUTRAL** although it's pretty close to an **AGAINST**.

Proposition 5 would amend Art. 3, sec. 47(d-1) to expand the number of professional sports team charitable foundations eligible to conduct charitable raffles. In addition to those currently allowed under the 2015 provisions from HB 975 by Geren, the proposed amendment would allow a number of other "sports related" groups to conduct charitable raffles:

This is another picking of Winners & Losers. Previous amendments allow specific major sports groups to hold raffles now. We can't keep adding groups here & there. The legislature needs to allow everybody to hold raffles or allow nobody to hold raffles! **AGAINST** this one.

Proposition 6 would amend Texas Constitution, Art. 8, sec. 1-b to allow the Legislature to give a partial or total homestead exemption to the surviving spouse of a first responder who was killed or fatally injured in the line of duty, provided that the spouse had not remarried since the first responder's death. If the surviving spouse moved to a new homestead after receiving an exemption, the Legislature could entitle the spouse to an exemption on the new homestead equal to the dollar amount of the exemption for the previous homestead in the last year in which it was received.

Still another "group" to be added to the list of those receiving special property tax exemptions. While First Responders and their spouses are surely deserving of financial assistance many other groups are as well. Despite the tendency to continue growing the list of those being given tax exemptions this practice cannot go on forever! Voters should vote **AGAINST** this proposal and force the legislature to "finally" pass a taxing method that is fair to all and does not perpetuate the practice of government picking Winners & Losers!

Proposition 7 would amend Art. 3, sec. 47 of the Texas Constitution to allow the Legislature to permit credit unions and other financial institutions to conduct promotional activities to encourage savings. Prizes could be awarded to one or more of the institution's depositors selected by lot.

Credit Unions and other financial institutions need to stick to their fundamental business of loaning, saving & managing clients money. Giving away toasters and other small appliances is just a gimmic. While there's nothing wrong with a free toaster it's a diversion that takes resources away from the main focus of the institutions. This could become a "mini state lottery" and deserves a vote **AGAINST**.