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## Anti-Tax Groups Oppose Amendments to Texas Constitution

by Susannah Jacob | 10/26/2011

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KEYWORDS: El Paso Population Demographics, Permanent School Fund, Texas Constitution, Texas Property Taxes



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Texas voters started going to the polls this week to decide whether to add 10 amendments to the state's lengthy constitution, potentially taking the total number of amendments to 477.

In recent weeks, anti-tax groups have focused criticism on three of those proposed amendments, which they say will allow state and local governments to continually take on debt without seeking voter approval. Groups like Texans Uniting for Reform and Freedom and former Texas Republican gubernatorial

candidate Debra Medina's We Texans have focused on Propositions 2, 3 and 4.

If past is prologue, though, critics could have a steep hill to climb in gathering enough opposition to stop the amendments. In 2009, all 11 proposed amendments on the ballot passed, many by a wide margin.

If passed, Prop 2 would allow the Texas Water Development Board to issue bonds so that they can give loans to local governments for water and wastewater projects. Co-sponsored by state Sen. Juan "Chuy" Hinojosa, D-McAllen, and state Rep. Allan Ritter, R-Nederland, the proposal would increase the water board's outstanding bond limit from \$2 billion to \$6 billion. Environmental groups are backing the proposed amendment. Proponents say the water board needs additional bonding authority to meet the state's needs for the two-year budget period and to meet federal funding match levels, according to the nonpartisan House Research Organization.

Opponents, however, worry that the measure will allow the water board to assume much more debt than the \$6 billion limit indicates. Once the board retires some of its debt, it could take on new debt, as long as the total outstanding does not surpass \$6 billion. That means, the cumulative debt could rise much higher than advertised. Medina said the proposition would force taxpayers to fund government debt, and that the water board already has bonding authority.

State Sen. Kel Seliger, R-Amarillo, said the recent drought and wildfires make funding for water infrastructure a top priority. In an email supporting Prop 2, Seliger wrote: "The fact of the matter is, if cities do not have the option to apply for monies from the Board, communities throughout the state will be forced to raise money on their own to support these essential water projects."

Proposition 3 would allow the the Texas Higher Education Coordinating Board to issue bonds to finance loans for college students without seeking voter approval every four to six years. Right now, the board must ask voters before increasing its bonding capacity. Under this proposal, the board would be able to continue issuing bonds without seeking renewed voter approval as long as the amount doesn't exceed \$125 million.

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As with Prop 2, critics of this measure worry that state debt will compound without voter input. "Those two issues ask the voters to give up their right to approve future bonding authority as long as outstanding bonds stay under a cap," said Talmadge Heflin, director of the Texas Public Policy Foundation's Center for Fiscal Policy. "We think when an entity needs to borrow money, the citizens should approve that, rather than putting it on automatic pilot."

Prop 4 would give counties the authority to issue bonds to fund so-called reinvestment zones. That would allow counties to take out bonds for projects in a particular area, then use property taxes from that area to repay the bond. Cities already have authority to issue those types of bonds, but counties do not. Although the proposed amendment would not authorize a tax rate increase, critics of the proposal, according to the House Research Organization, argue that the measure would create an incentive for counties to increase property tax rates.

"We're not in favor [of Prop 4] because it's an overuse of property taxes," Heflin said. "Additionally, we believe giving more authority to the counties is not prudent. If you want more regulatory authority, move to a city. One of the advantages of living in a county is having more freedom with your property."

Here, we provide a list of the other amendments, and here is the entire HRO report on the constitutional amendments.

Proposition 1 would exempt the surviving spouses of totally disabled veterans from some or all property taxes.

Proposition 5 aims to increase the efficiency of interlocal contracts between cities and counties by easing tax assessment requirements currently in place.

Proposition 6 would increase Texas school's revenue by allowing the General Land Office to distribute revenue from the Permanent School Fund and increase that fund's market value.

Proposition 7 would authorize El Paso County to issue bonds to fund development and maintenance of parks and recreational facilities.

Proposition 8 would create an open-space tax exemption for water stewardship purposes and, proponents hope, an incentive for individuals to conserve state water, much of which flows through privately owned land.

Proposition 9 would authorize the governor to grant a pardon to a person who successfully completes a term of deferred adjudication. Under current Texas law, the governor may pardon only convicted individuals.

Proposition 10 would require certain elected officials after announcing their candidacy for another office to resign if their current term does not expire within one year and 30 days.

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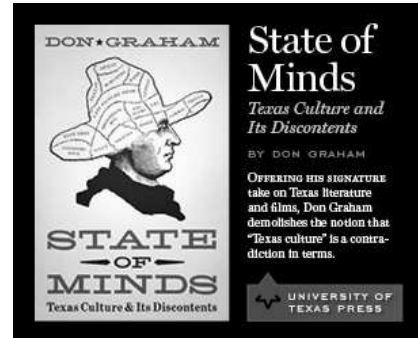
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