

STATE REPRESENTATIVE
KYLE KACAL

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House Website: www.house.state.tx.us

COMMITTEES: Rules and Resolutions, Vice Chair • Environmental Regulations • Natural Resources
Texas Rural Health and Economic Development Advisory Council

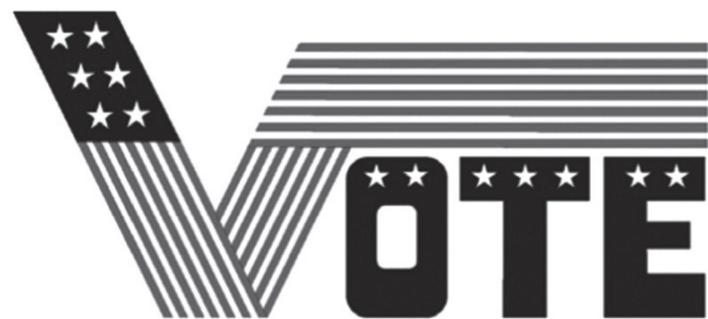
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State Representative
KYLE KACAL



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Election Day: Tuesday, November 3rd

in this issue
**Constitutional
Amendment
Voter's Guide**
cut out and take with you to the polls

Early Voting:
Monday, October 19
through
Friday, October 30

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DISTRICT 12

BRAZOS, FALLS, LIMESTONE, McLENNAN, ROBERTSON



84TH LEGISLATIVE SESSION & CONSTITUTIONAL AMENDMENT INFORMATION



TEXAS HOUSE OF REPRESENTATIVES
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Thank you for entrusting me with the future of our beloved Texas. It continues to be an honor and privilege to serve as your State Representative.

May God bless you and yours, and may God bless the great State of Texas.

Sincerely,

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The 84th Texas Legislature was a historic session for the protection and advancement of the rights of gun owners in the State of Texas. The Legislature passed House Bill 910 which will allow licensed hand gun owners to carry their firearm in a manner that is unconcealed, partially concealed, or to continue to carry concealed in all permitted areas. Furthermore, Senate Bill 11 authorizes a concealed handgun license holder to carry a concealed handgun while on a college campus. This legislation allows universities to establish their own rules and regulations regarding the storage of handguns in dorms/residential facilities owned or operated by the university. It is important to note that to be eligible for a concealed handgun license in the state of Texas, citizens must pass state and federal background checks, pass both an educational course and shooting proficiency test, and be over the age of 21.

| ★ CONSTITUTIONAL AMENDMENT VOTERS GUIDE ★ | | |
|---|--|---|
| PROPOSITION | SUPPORTERS SAY: | OPPONENTS SAY: |
| <p>Amendment No. 1 (S.J.R 1) Increasing the homestead exemption from \$15,000 to \$25,000 and provides for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount. The proposed amendment also authorizes the legislature to prohibit the governing body of a political subdivision that has adopted an exemption from ad valorem taxation of a percentage of the market value of a residence homestead from reducing the amount of or repealing the exemption. Finally, the proposed amendment prohibits the legislature from imposing a transfer tax on a transaction that conveys fee simple title to real property. The increase in the amount of the exemption to \$25,000 takes effect for the tax year beginning January 1, 2015.</p> | <p>The ad valorem tax on property is regarded by many as the most onerous tax. In areas with rapid economic growth where demand for housing is strong, homeowners, especially those living on fixed incomes, may be priced out of their homes by rising property taxes. The amount of the mandatory school district residence homestead exemption has not been updated since 1997. In the meantime, appraisals have continued to increase. The proposed amendment provides much-needed tax relief by increasing the amount of the mandatory school district residence homestead exemption, likely reducing the amount of taxes paid by a homeowner over the average lifetime of homeownership by thousands of dollars. The proposed amendment also promotes economic growth by allowing homeowners, who are more economically efficient agents than the government, to retain more of their money. At the same time, the enabling legislation for the proposed amendment makes up the revenue loss to school districts while allowing the state budget to remain within the constitutional spending limit, and, given the surplus in state tax revenue, the state should have sufficient revenue to continue to make up the revenue loss for the foreseeable future.</p> | <p>The increase in the mandatory school district residence homestead exemption will provide only nominal property tax relief for homeowners. The exemption will reduce property taxes for the average homeowner by about \$126 a year. Furthermore, the homestead exemption increase provides no benefit whatsoever for those who rent their homes. While the homestead exemption increase will provide only nominal property tax relief for any individual homeowner and no relief at all for those who do not own their own homes, it will cost the state \$1.24 billion every two years to make up the revenue loss for school districts. That is in addition to the \$8.4 billion a year the state already spends for tax relief provided in prior years that likewise never materialized because of rising appraisals and tax rates. Property taxes are a local matter. The best way to control local property taxes is for voters to hold local officials accountable. Furthermore, it is inappropriate for the legislature to mandate that a school district that has elected to offer such an exemption continue doing so if the legislature is not going to make up the revenue loss to the school district.</p> |
| <p>Amendment No. 2 (H.J.R. 75) Authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect.</p> | <p>Current law unintentionally and inequitably creates two classes of surviving spouses of 100 percent or totally disabled veterans: the surviving spouse of a 100 percent or totally disabled veteran who died on or after January 1, 2010, is eligible to receive an ad valorem tax exemption if that spouse meets certain qualifications, while the surviving spouse of a 100 percent or totally disabled veteran who died before January 1, 2010, is not eligible to receive that exemption. The proposed amendment corrects that problem and recognizes that the sacrifice made by a 100 percent or totally disabled veteran and the person's surviving spouse is the same regardless of the date on which the disabled veteran died.</p> | <p>By enlarging the number of surviving spouses of 100 percent or totally disabled veterans eligible to receive an exemption from ad valorem taxation of the surviving spouse's residence homestead, the proposed amendment would decrease tax revenue available to school districts, municipalities, counties, and other taxing units to provide essential services and would impose a burden on the state to the extent the state makes up the revenue loss to school districts.</p> |
| <p>Amendment No. 3 (S.J.R. 52) Repealing the requirement that state officers elected by voters statewide, including the comptroller of public accounts, commissioner of the General Land Office, attorney general, commissioner of agriculture, and railroad commissioners, reside in the state capital.</p> | <p>The proposed amendment would allow certain state officers elected by the voters statewide to maintain a residency at a location in this state other than Austin, the state capital, and reduce the burden the state capital residency requirement places on the officers and their families. The capital residency requirement was included in the 1876 Texas Constitution when state officers traveled to the state capital by horse and buggy and has not been amended since. Advances in transportation, communication, and technology have rendered the residency requirement obsolete and have provided the possibility of performing official duties from other locations. Finally, a majority of the other states in the United States do not require their state officers to reside at the seat of government.</p> | <p>The amendment would allow state officers, who are serving in full-time paid positions, to be physically present at the state capital infrequently and to possibly neglect their duties of office. Essentially, state officers serve as the chief operating officers for their respective state agencies, which have central offices in Austin, and the officers' duties require the officers to be available to the agency employees serving in Austin. State officers are often required to conduct statewide business at the seat of government, and residency in a location other than Austin would likely increase the state-reimbursed travel expenses of the officers.</p> |
| <p>Amendment No. 4 (H.J.R. 73) Authorizing the legislature to permit professional sports team charitable foundations to conduct charitable raffles.</p> | <p>The amendment would allow professional sports team charitable foundations in this state to highlight the team's philanthropic activities, bring awareness to community needs, encourage sports fans to contribute to worthy causes, and raise additional money for the foundation's charitable purposes. Under current law, nonprofit organizations may annually conduct not more than two charitable raffles. The proposed amendment merely increases the number of raffles the affected charitable foundations may conduct and authorizes cash payments. Several other states that are home to professional sports teams authorize the teams to conduct similar charitable raffles.</p> | <p>No comments opposing the proposed amendment were made during the house or senate committee hearings or floor debates.</p> |
| <p>Amendment No. 5 (S.J.R. 17) Increases the maximum population threshold of a county from 5,000 to 7,500 that may construct and maintain private roads if the county imposes a reasonable charge for the work.</p> | <p>Rural counties in Texas have grown in population in the 35 years since the adoption of this law and the constitution should be updated to reflect population growth in that time. The proposed amendment would give rural counties and private landowners in those counties more flexibility to update private roads that are poorly maintained. Poorly maintained roads create public safety hazards for citizens and emergency services. In the rural counties that would be covered by the proposed amendment, there are no private industries with which to compete, and counties should be allowed to deal with minor projects to maintain road safety. It would not be profitable for private companies to travel to rural counties for minor projects.</p> | <p>Instead of increasing the maximum population threshold for counties allowed to perform private road work, the population limit should be eliminated. All counties in the state should have the option to construct and maintain private roads in the county as long as private landowners agree and pay the county for the cost of the work.</p> |
| <p>Amendment No. 6 (S.J.R. 22) Recognizing the right of the people to hunt, fish, and harvest wildlife subject to laws that promote wildlife conservation. Proposed amendment does not affect laws or regulations that relate to trespass, property rights, eminent domain, or the municipal regulation of the discharge of a weapon in a populated area in the interest of public safety.</p> | <p>Animal rights groups and anti hunting activists may try to impose stricter limits on hunting and fishing in this state, and supporters therefore seek constitutional protection for those activities as a preventive measure to preserve the opportunity to hunt and fish for future generations. The proposed amendment does not affect laws or regulations that relate to trespass, property rights, eminent domain, or the municipal regulation of the discharge of a weapon in a populated area in the interest of public safety. Protecting hunting and fishing would also protect the economic benefit enjoyed by the state from revenue generated by those activities because the surrounding industry contributes to employment, investment, and tax revenue.</p> | <p>The amendment is unnecessary because there is no threat to hunting and fishing in this state. A constitutionally stated preference for the use of hunting and fishing to control and manage wildlife may force regulations to change in a way that would make it more difficult to achieve a balanced ecosystem.</p> |
| <p>Amendment No. 7 (S.J.R. 5) Dedicating certain sales and use tax revenue and motor vehicle sales, use, and rental tax revenue to the state highway fund to provide funding for nontolled roads and the reduction of certain transportation-related debt. Directs comptroller to annually deposit to the state highway fund, in each state fiscal year beginning with the 2018 state fiscal year, \$2.5 billion of state sales and use tax revenue that exceeds the first \$28 billion of those taxes collected during the fiscal year, and, in each state fiscal year beginning with the 2020 state fiscal year, 35 percent of the state motor vehicle sales, use, and rental tax revenue that exceeds the first \$5 billion of those taxes collected during the state fiscal year.</p> | <p>Provides a consistent and reliable source of funding for transportation projects in the state. The current method of funding transportation projects in this state is partially to blame for the state of the transportation system. The current practice of funding projects using biennial appropriations can lead to delays when an expected appropriation is not received or has to be spent for debt service. The state needs a predictable, dedicated revenue source that allows for future planning to address the state's infrastructure demands. Because the proposed amendment provides that the dedication of tax revenue ends in either 10 or 15 years, depending on the source of the revenue, the legislature will be required to periodically review whether the dedication of revenue is working as intended and should be extended as authorized by the proposed amendment.</p> | <p>Although funding transportation projects is an important state priority, the proposed amendment is not the best method by which to address transportation funding. The proposed amendment, which would constitutionally dedicate billions of dollars of state tax revenue each year only to transportation-related projects and the payment of transportation-related debt, would tie the hands of future legislatures during a time when the legislature has discretion over less than 20 percent of the state's budget. This could lead to the state being required to make substantial cuts in essential state services, such as public education and health and human services, in the event of a downturn in the state's economy. There are better alternatives for providing transportation funding that would not affect the state's ability to respond to future budget crises.</p> |



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CONSTITUTIONAL AMENDMENT VOTERS GUIDE



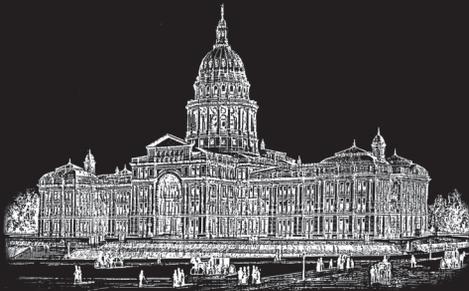
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| <p>Amendment No. 5 (S.J.R. 17) Increases the maximum population threshold of a county from 5,000 to 7,500 that may construct and maintain private roads if the county imposes a reasonable charge for the work.</p> | <p>Rural counties in Texas have grown in population in the 35 years since the adoption of this law and the constitution should be updated to reflect population growth in that time. The proposed amendment would give rural counties and private landowners in those counties more flexibility to update private roads that are poorly maintained. Poorly maintained roads create public safety hazards for citizens and emergency services. In the rural counties that would be covered by the proposed amendment, there are no private industries with which to compete, and counties should be allowed to deal with minor projects to maintain road safety. It would not be profitable for private companies to travel to rural counties for minor projects.</p> | <p>Instead of increasing the maximum population threshold for counties allowed to perform private road work, the population limit should be eliminated. All counties in the state should have the option to construct and maintain private roads in the county as long as private landowners agree and pay the county for the cost of the work.</p> |
| <p>Amendment No. 6 (S.J.R. 22) Recognizing the right of the people to hunt, fish, and harvest wildlife subject to laws that promote wildlife conservation. Proposed amendment does not affect laws or regulations that relate to trespass, property rights, eminent domain, or the municipal regulation of the discharge of a weapon in a populated area in the interest of public safety.</p> | <p>Animal rights groups and anti hunting activists may try to impose stricter limits on hunting and fishing in this state, and supporters therefore seek constitutional protection for those activities as a preventive measure to preserve the opportunity to hunt and fish for future generations. The proposed amendment does not affect laws or regulations that relate to trespass, property rights, eminent domain, or the municipal regulation of the discharge of a weapon in a populated area in the interest of public safety. Protecting hunting and fishing would also protect the economic benefit enjoyed by the state from revenue generated by those activities because the surrounding industry contributes to employment, investment, and tax revenue.</p> | <p>The amendment is unnecessary because there is no threat to hunting and fishing in this state. A constitutionally stated preference for the use of hunting and fishing to control and manage wildlife may force regulations to change in a way that would make it more difficult to achieve a balanced ecosystem.</p> |
| <p>Amendment No. 7 (S.J.R. 5) Dedicating certain sales and use tax revenue and motor vehicle sales, use, and rental tax revenue to the state highway fund to provide funding for nontolled roads and the reduction of certain transportation-related debt. Directs comptroller to annually deposit to the state highway fund, in each state fiscal year beginning with the 2018 state fiscal year, \$2.5 billion of state sales and use tax revenue that exceeds the first \$28 billion of those taxes collected during the fiscal year, and, in each state fiscal year beginning with the 2020 state fiscal year, 35 percent of the state motor vehicle sales, use, and rental tax revenue that exceeds the first \$5 billion of those taxes collected during the state fiscal year.</p> | <p>Provides a consistent and reliable source of funding for transportation projects in the state. The current method of funding transportation projects in this state is partially to blame for the state of the transportation system. The current practice of funding projects using biennial appropriations can lead to delays when an expected appropriation is not received or has to be spent for debt service. The state needs a predictable, dedicated revenue source that allows for future planning to address the state's infrastructure demands. Because the proposed amendment provides that the dedication of tax revenue ends in either 10 or 15 years, depending on the source of the revenue, the legislature will be required to periodically review whether the dedication of revenue is working as intended and should be extended as authorized by the proposed amendment.</p> | <p>Although funding transportation projects is an important state priority, the proposed amendment is not the best method by which to address transportation funding. The proposed amendment, which would constitutionally dedicate billions of dollars of state tax revenue each year only to transportation-related projects and the payment of transportation-related debt, would tie the hands of future legislatures during a time when the legislature has discretion over less than 20 percent of the state's budget. This could lead to the state being required to make substantial cuts in essential state services, such as public education and health and human services, in the event of a downturn in the state's economy. There are better alternatives for providing transportation funding that would not affect the state's ability to respond to future budget crises.</p> |

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Election Day: Tuesday, November 3rd

in this issue

Constitutional Amendment Voter's Guide

cut out and take with you to the polls

Early Voting:
Monday, October 19
through
Friday, October 30