

By: Powell

S.J.R. No. 13

A JOINT RESOLUTION

1 proposing a constitutional amendment to increase the amount of the  
2 exemption of residence homesteads from ad valorem taxation by a  
3 school district and to reduce the amount of the limitation on school  
4 district ad valorem taxes imposed on the residence homesteads of  
5 the elderly or disabled to reflect the increased exemption amount.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 1-b(c), Article VIII, Texas  
8 Constitution, is amended to read as follows:

9 (c) The amount of \$35,000 [~~\$25,000~~] of the market value of  
10 the residence homestead of a married or unmarried adult, including  
11 one living alone, is exempt from ad valorem taxation for general  
12 elementary and secondary public school purposes. The legislature  
13 by general law may provide that all or part of the exemption does  
14 not apply to a district or political subdivision that imposes ad  
15 valorem taxes for public education purposes but is not the  
16 principal school district providing general elementary and  
17 secondary public education throughout its territory. In addition  
18 to this exemption, the legislature by general law may exempt an  
19 amount not to exceed \$10,000 of the market value of the residence  
20 homestead of a person who is disabled as defined in Subsection (b)  
21 of this section and of a person 65 years of age or older from ad  
22 valorem taxation for general elementary and secondary public school  
23 purposes. The legislature by general law may base the amount of and  
24 condition eligibility for the additional exemption authorized by

1 this subsection for disabled persons and for persons 65 years of age  
2 or older on economic need. An eligible disabled person who is 65  
3 years of age or older may not receive both exemptions from a school  
4 district but may choose either. An eligible person is entitled to  
5 receive both the exemption required by this subsection for all  
6 residence homesteads and any exemption adopted pursuant to  
7 Subsection (b) of this section, but the legislature shall provide  
8 by general law whether an eligible disabled or elderly person may  
9 receive both the additional exemption for the elderly and disabled  
10 authorized by this subsection and any exemption for the elderly or  
11 disabled adopted pursuant to Subsection (b) of this section. Where  
12 ad valorem tax has previously been pledged for the payment of debt,  
13 the taxing officers of a school district may continue to levy and  
14 collect the tax against the value of homesteads exempted under this  
15 subsection until the debt is discharged if the cessation of the levy  
16 would impair the obligation of the contract by which the debt was  
17 created. The legislature shall provide for formulas to protect  
18 school districts against all or part of the revenue loss incurred by  
19 the implementation of this subsection, Subsection (d) of this  
20 section, and Section 1-d-1 of this article. The legislature by  
21 general law may define residence homestead for purposes of this  
22 section.

23 SECTION 2. (a) This section takes effect only if the  
24 constitutional amendment proposed by H.J.R. No. 125, 87th  
25 Legislature, Regular Session, 2021, is approved by the voters. If  
26 that amendment is not approved by the voters, this section has no  
27 effect.

1           (b) Section 1-b(d), Article VIII, Texas Constitution, is  
2 amended to read as follows:

3           (d) Except as otherwise provided by this subsection, if a  
4 person receives a residence homestead exemption prescribed by  
5 Subsection (c) of this section for homesteads of persons who are 65  
6 years of age or older or who are disabled, the total amount of ad  
7 valorem taxes imposed on that homestead for general elementary and  
8 secondary public school purposes may not be increased while it  
9 remains the residence homestead of that person or that person's  
10 spouse who receives the exemption. If a person who is 65 years of  
11 age or older or who is disabled dies in a year in which the person  
12 received the exemption, the total amount of ad valorem taxes  
13 imposed on the homestead for general elementary and secondary  
14 public school purposes may not be increased while it remains the  
15 residence homestead of that person's surviving spouse if the spouse  
16 is 55 years of age or older at the time of the person's death,  
17 subject to any exceptions provided by general law. The  
18 legislature, by general law, may provide for the transfer of all or  
19 a proportionate amount of a limitation provided by this subsection  
20 for a person who qualifies for the limitation and establishes a  
21 different residence homestead. However, taxes otherwise limited by  
22 this subsection may be increased to the extent the value of the  
23 homestead is increased by improvements other than repairs or  
24 improvements made to comply with governmental requirements and  
25 except as may be consistent with the transfer of a limitation under  
26 this subsection. For a residence homestead subject to the  
27 limitation provided by this subsection in the 1996 tax year or an

1 earlier tax year, the legislature shall provide for a reduction in  
2 the amount of the limitation for the 1997 tax year and subsequent  
3 tax years in an amount equal to \$10,000 multiplied by the 1997 tax  
4 rate for general elementary and secondary public school purposes  
5 applicable to the residence homestead. For a residence homestead  
6 subject to the limitation provided by this subsection in the 2014  
7 tax year or an earlier tax year, the legislature shall provide for a  
8 reduction in the amount of the limitation for the 2015 tax year and  
9 subsequent tax years in an amount equal to \$10,000 multiplied by the  
10 2015 tax rate for general elementary and secondary public school  
11 purposes applicable to the residence homestead. For a residence  
12 homestead subject to the limitation provided by this subsection in  
13 the 2022 tax year or an earlier tax year, the legislature shall  
14 provide for a reduction in the amount of the limitation for the 2023  
15 tax year in an amount equal to \$10,000 multiplied by the 2023 tax  
16 rate for general elementary and secondary public school purposes  
17 applicable to the residence homestead.

18 SECTION 3. (a) This section takes effect only if the  
19 constitutional amendment proposed by H.J.R. No. 125, 87th  
20 Legislature, Regular Session, 2021, is not approved by the voters.  
21 If that amendment is approved by the voters, this section has no  
22 effect.

23 (b) Section 1-b(d), Article VIII, Texas Constitution, is  
24 amended to read as follows:

25 (d) Except as otherwise provided by this subsection, if a  
26 person receives a residence homestead exemption prescribed by  
27 Subsection (c) of this section for homesteads of persons who are 65

1 years of age or older or who are disabled, the total amount of ad  
2 valorem taxes imposed on that homestead for general elementary and  
3 secondary public school purposes may not be increased while it  
4 remains the residence homestead of that person or that person's  
5 spouse who receives the exemption. If a person 65 years of age or  
6 older dies in a year in which the person received the exemption, the  
7 total amount of ad valorem taxes imposed on the homestead for  
8 general elementary and secondary public school purposes may not be  
9 increased while it remains the residence homestead of that person's  
10 surviving spouse if the spouse is 55 years of age or older at the  
11 time of the person's death, subject to any exceptions provided by  
12 general law. The legislature, by general law, may provide for the  
13 transfer of all or a proportionate amount of a limitation provided  
14 by this subsection for a person who qualifies for the limitation and  
15 establishes a different residence homestead. However, taxes  
16 otherwise limited by this subsection may be increased to the extent  
17 the value of the homestead is increased by improvements other than  
18 repairs or improvements made to comply with governmental  
19 requirements and except as may be consistent with the transfer of a  
20 limitation under this subsection. For a residence homestead  
21 subject to the limitation provided by this subsection in the 1996  
22 tax year or an earlier tax year, the legislature shall provide for a  
23 reduction in the amount of the limitation for the 1997 tax year and  
24 subsequent tax years in an amount equal to \$10,000 multiplied by the  
25 1997 tax rate for general elementary and secondary public school  
26 purposes applicable to the residence homestead. For a residence  
27 homestead subject to the limitation provided by this subsection in

1 the 2014 tax year or an earlier tax year, the legislature shall  
2 provide for a reduction in the amount of the limitation for the 2015  
3 tax year and subsequent tax years in an amount equal to \$10,000  
4 multiplied by the 2015 tax rate for general elementary and  
5 secondary public school purposes applicable to the residence  
6 homestead. For a residence homestead subject to the limitation  
7 provided by this subsection in the 2022 tax year or an earlier tax  
8 year, the legislature shall provide for a reduction in the amount of  
9 the limitation for the 2023 tax year in an amount equal to \$10,000  
10 multiplied by the 2023 tax rate for general elementary and  
11 secondary public school purposes applicable to the residence  
12 homestead.

13 SECTION 4. The following temporary provision is added to  
14 the Texas Constitution:

15 TEMPORARY PROVISION. (a) This temporary provision applies  
16 to the constitutional amendment proposed by the 87th Legislature,  
17 2nd Called Session, 2021, to increase the amount of the exemption of  
18 residence homesteads from ad valorem taxation by a school district  
19 and to reduce the amount of the limitation on school district ad  
20 valorem taxes imposed on the residence homesteads of the elderly or  
21 disabled to reflect the increased exemption amount.

22 (b) The amendments to Sections 1-b(c) and (d), Article VIII,  
23 of this constitution take effect for the tax year beginning January  
24 1, 2023.

25 (c) This temporary provision expires January 1, 2024.

26 SECTION 5. This proposed constitutional amendment shall be  
27 submitted to the voters at an election to be held November 8, 2022.

1 The ballot shall be printed to permit voting for or against the  
2 proposition: "The constitutional amendment to increase the amount  
3 of the exemption of residence homesteads from ad valorem taxation  
4 by a school district and to reduce the amount of the limitation on  
5 school district ad valorem taxes imposed on the residence  
6 homesteads of the elderly or disabled to reflect the increased  
7 exemption amount."