

By: Bettencourt

S.J.R. No. 2

A JOINT RESOLUTION

1 proposing a constitutional amendment to increase the amount of the  
2 exemption from ad valorem taxation by a school district applicable  
3 to residence homesteads, to adjust the amount of the limitation on  
4 school district ad valorem taxes imposed on the residence  
5 homesteads of the elderly or disabled to reflect increases in  
6 certain exemption amounts, and to except certain appropriations to  
7 pay for school district ad valorem tax relief from the  
8 constitutional limitation on the rate of growth of appropriations.

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

10 SECTION 1. Sections 1-b(c) and (d), Article VIII, Texas  
11 Constitution, are amended to read as follows:

12 (c) The amount of \$100,000 [~~\$40,000~~] of the market value of  
13 the residence homestead of a married or unmarried adult, including  
14 one living alone, is exempt from ad valorem taxation for general  
15 elementary and secondary public school purposes. The legislature  
16 by general law may provide that all or part of the exemption does  
17 not apply to a district or political subdivision that imposes ad  
18 valorem taxes for public education purposes but is not the  
19 principal school district providing general elementary and  
20 secondary public education throughout its territory. In addition  
21 to this exemption, the legislature by general law may exempt an  
22 amount not to exceed \$10,000 of the market value of the residence  
23 homestead of a person who is disabled as defined in Subsection (b)  
24 of this section and of a person 65 years of age or older from ad

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

26 (d) Except as otherwise provided by this subsection, if a  
27 person receives a residence homestead exemption prescribed by

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

1 applicable to the residence homestead. For a residence homestead  
2 subject to the limitation provided by this subsection in the 2014  
3 tax year or an earlier tax year, the legislature shall provide for a  
4 reduction in the amount of the limitation for the 2015 tax year and  
5 subsequent tax years in an amount equal to \$10,000 multiplied by the  
6 2015 tax rate for general elementary and secondary public school  
7 purposes applicable to the residence homestead. For a residence  
8 homestead subject to the limitation provided by this subsection in  
9 the 2021 tax year or an earlier tax year, the legislature shall  
10 provide for a reduction in the amount of the limitation for the 2023  
11 tax year and subsequent tax years in an amount equal to \$15,000  
12 multiplied by the 2022 tax rate for general elementary and  
13 secondary public school purposes applicable to the residence  
14 homestead. Beginning with the 2023 tax year, for any tax year in  
15 which the amount of the exemption provided by Subsection (c) of this  
16 section applicable to the residence homestead of a married or  
17 unmarried adult, including one living alone, or the amount of the  
18 exemption provided by Subsection (c) of this section applicable to  
19 the residence homestead of a person who is disabled as defined by  
20 Subsection (b) of this section and of a person 65 years of age or  
21 older is increased, the legislature shall provide for a reduction  
22 for that tax year and subsequent tax years in the amount of the  
23 limitation provided by this subsection applicable to a residence  
24 homestead that was subject to the limitation in the tax year  
25 preceding the tax year in which the amount of the exemption is  
26 increased in an amount equal to the amount by which the amount of  
27 the exemption is increased multiplied by the tax rate for general

1 elementary and secondary public school purposes applicable to the  
2 residence homestead for the tax year in which the amount of the  
3 exemption is increased.

4 SECTION 2. Section 22, Article VIII, Texas Constitution, is  
5 amended by adding Subsection (a-1) to read as follows:

6 (a-1) Appropriations from state tax revenues not dedicated  
7 by this constitution that are made for the purpose of paying for  
8 school district ad valorem tax relief as identified by the  
9 legislature by general law are not included as appropriations for  
10 purposes of determining whether the rate of growth of  
11 appropriations exceeds the limitation prescribed by Subsection (a)  
12 of this section.

13 SECTION 3. 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 88th Legislature,  
17 1st Called Session, 2023, to increase the amount of the exemption  
18 from ad valorem taxation by a school district applicable to  
19 residence homesteads, to adjust the amount of the limitation on  
20 school district ad valorem taxes imposed on the residence  
21 homesteads of the elderly or disabled to reflect increases in  
22 certain exemption amounts, and to except certain appropriations to  
23 pay for school district ad valorem tax relief from the  
24 constitutional limitation on the rate of growth of appropriations.

25 (b) The amendments to Sections 1-b(c) and (d), Article VIII,  
26 of this constitution take effect for the tax year beginning January  
27 1, 2023.

1       (c) The amendment to Section 22, Article VIII, of this  
2 constitution applies to appropriations made for the state fiscal  
3 biennium beginning September 1, 2023, and subsequent state fiscal  
4 bienniums.

5       (d) This temporary provision expires January 1, 2025.

6       SECTION 4. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 7, 2023.  
8 The ballot shall be printed to provide for voting for or against the  
9 proposition: "The constitutional amendment to increase the amount  
10 of the residence homestead exemption from ad valorem taxation for  
11 public school purposes from \$40,000 to \$100,000; to adjust the  
12 amount of the limitation on ad valorem taxes for public school  
13 purposes imposed on the residence homestead of a person who is  
14 disabled or is 65 years of age or older to reflect increases in  
15 certain exemption amounts; and to except certain appropriations to  
16 pay for school district ad valorem tax relief from the  
17 constitutional limitation on the rate of growth of appropriations."