

By: McClendon

H.J.R. No. 60

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit increases in ad
2 valorem taxes imposed by a political subdivision on the residence
3 homestead of an elderly person or the person's surviving spouse.

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

5 SECTION 1. Section 1-b(d), Article VIII, Texas
6 Constitution, is amended to read as follows:

7 (d) Except as otherwise provided by this subsection, if a
8 person receives any ~~[the]~~ residence homestead exemption prescribed
9 by ~~[Subsection (c) of]~~ this section for homesteads of persons
10 sixty-five (65) years of age or older, the total amount of ad
11 valorem taxes imposed on that homestead by a political subdivision
12 in any tax year following the first tax year in which the person
13 received the exemption ~~[for general elementary and secondary public~~
14 ~~school purposes]~~ may not be increased above the amount of taxes
15 imposed by that political subdivision in the preceding tax year
16 while the homestead ~~[it]~~ remains the residence homestead of that
17 person or that person's spouse who receives the exemption. If a
18 person sixty-five (65) years of age or older dies in a year in which
19 the person received the exemption, the total amount of ad valorem
20 taxes imposed on the homestead by a political subdivision in any tax
21 year following that tax year ~~[for general elementary and secondary~~
22 ~~public school purposes]~~ may not be increased above the amount of
23 taxes imposed by that political subdivision in the preceding tax
24 year while the homestead ~~[it]~~ remains the residence homestead of

1 that person's surviving spouse if the spouse is fifty-five (55)
2 years of age or older at the time of the person's death, subject to
3 any exceptions provided by general law. The legislature, by
4 general law, may provide for the transfer of all or a proportionate
5 amount of a limitation provided by this subsection for a person who
6 qualifies for the limitation and establishes a different residence
7 homestead. However, taxes otherwise limited by this subsection may
8 be increased to the extent the value of the homestead is increased
9 by improvements other than repairs or improvements made to comply
10 with governmental requirements and except as may be consistent with
11 the transfer of a limitation under this subsection. The
12 limitations provided by this subsection apply to taxes imposed on a
13 residence homestead by a school district whose boundaries are
14 changed to include the residence homestead as if the taxes imposed
15 on the residence homestead by the school district in which the
16 residence homestead was previously located had been imposed by the
17 school district whose boundaries include the residence homestead
18 after the boundary change. [~~For a residence homestead subject to~~
19 ~~the limitation provided by this subsection in the 1996 tax year or~~
20 ~~an earlier tax year, the legislature shall provide for a reduction~~
21 ~~in the amount of the limitation for the 1997 tax year and subsequent~~
22 ~~tax years in an amount equal to \$10,000 multiplied by the 1997 tax~~
23 ~~rate for general elementary and secondary public school purposes~~
24 ~~applicable to the residence homestead.]~~

25 SECTION 2. The following temporary provision is added to
26 the Texas Constitution:

27 TEMPORARY PROVISION. (a) This temporary provision applies to

1 the constitutional amendment proposed by the 78th Legislature,
2 Regular Session, 2003, to prohibit a political subdivision from
3 increasing ad valorem taxes on the residence homestead of an
4 elderly person or the surviving spouse of an elderly person. This
5 temporary provision expires January 1, 2005.

6 (b) The amendment to Section 1-b(d), Article VIII, of this
7 constitution takes effect January 1, 2004. The limitations
8 provided by Section 1-b(d), as amended, on ad valorem tax increases
9 by political subdivisions apply beginning with taxes imposed for
10 the 2004 tax year.

11 SECTION 3. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 4, 2003.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment to prohibit a political
15 subdivision from increasing ad valorem taxes on the residence
16 homestead of an elderly person or the surviving spouse of an elderly
17 person."