

By: Berman, Keffer of Eastland, Zedler,
Flynn, Edwards, et al.

H.J.R. No. 24

A JOINT RESOLUTION

1 proposing a constitutional amendment to reduce the total amount of
2 ad valorem taxes that may be imposed by a school district on the
3 residence homestead of an elderly or disabled person in proportion
4 to any reduction in the tax rate of the school district.

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

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

8 (d) Except as otherwise provided by this subsection, if a
9 person receives a residence homestead exemption prescribed by
10 Subsection (c) of this section for homesteads of persons who are
11 sixty-five (65) years of age or older or who are disabled, the total
12 amount of ad valorem taxes imposed on that homestead for general
13 elementary and secondary public school purposes may not be
14 increased while it remains the residence homestead of that person
15 or that person's spouse who receives the exemption. If a person
16 sixty-five (65) years of age or older dies in a year in which the
17 person received the exemption, the total amount of ad valorem taxes
18 imposed on the homestead for general elementary and secondary
19 public school purposes may not be increased while it remains the
20 residence homestead of that person's surviving spouse if the spouse
21 is fifty-five (55) years of age or older at the time of the person's
22 death, subject to any exceptions provided by general law. If a
23 person receives the limitation provided by this subsection for the
24 person's residence homestead and the person or the person's spouse

1 received the limitation in the preceding tax year for that
2 homestead and the tax rate for general elementary and secondary
3 public school purposes applicable to the homestead for the current
4 tax year is higher or lower than the tax rate for those purposes
5 applicable to that homestead for the preceding tax year, the
6 limitation provided by this subsection on the total amount of ad
7 valorem taxes that may be imposed for those purposes on the
8 homestead is increased or reduced, as applicable, in proportion to
9 the increase or reduction in the tax rate, except that the total
10 amount of ad valorem taxes that may be imposed for those purposes on
11 the homestead may not exceed the amount of taxes imposed for those
12 purposes for the tax year in which the limitation took effect. The
13 legislature, by general law, may provide for the transfer of all or
14 a proportionate amount of a limitation provided by this subsection
15 for a person who qualifies for the limitation and establishes a
16 different residence homestead. However, taxes otherwise limited by
17 this subsection may be increased to the extent the value of the
18 homestead is increased by improvements other than repairs or
19 improvements made to comply with governmental requirements and
20 except as may be consistent with the transfer of a limitation under
21 this subsection. For a residence homestead subject to the
22 limitation provided by this subsection in the 1996 tax year or an
23 earlier tax year, the legislature shall provide for a reduction in
24 the amount of the limitation for the 1997 tax year and subsequent
25 tax years in an amount equal to \$10,000 multiplied by the 1997 tax
26 rate for general elementary and secondary public school purposes
27 applicable to the residence homestead.

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

3 TEMPORARY PROVISION. (a) This temporary provision applies
4 to the constitutional amendment proposed by the 79th Legislature,
5 1st Called Session, 2005, to increase or reduce, as applicable, the
6 amount of the limitation on the ad valorem taxes imposed by a school
7 district on the residence homestead of an elderly or disabled
8 person in proportion to any increase or reduction in the tax rate of
9 the school district but not to exceed the amount of the limitation
10 for the tax year in which the limitation took effect and expires
11 January 1, 2007.

12 (b) The amendment to Section 1-b(d), Article VIII, of this
13 constitution takes effect January 1, 2006, and applies only to a tax
14 year that begins on or after that date.

15 SECTION 3. This proposed constitutional amendment shall be
16 submitted to the voters at an election to be held November 8, 2005.
17 The ballot shall be printed to permit voting for or against the
18 proposition: "The constitutional amendment to increase or reduce,
19 as applicable, the amount of the limitation on the total amount of
20 ad valorem taxes that may be imposed by a school district on the
21 residence homestead of an elderly or disabled person in proportion
22 to any increase or reduction in the tax rate of the school district
23 but not to exceed the amount of the limitation for the tax year in
24 which the limitation took effect."