

By: Ogden

S.J.R. No. 5

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing a uniform
2 statewide property tax for public education, abolishing school
3 district property taxes for maintenance purposes, and authorizing a
4 limited school district property tax for educational enrichment if
5 approved by the voters of the district.

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

7 SECTION 1. Section 1-e, Article VIII, Texas Constitution,
8 is amended to read as follows:

9 Sec. 1-e. Except as provided by Section 3-a, Article VII, of
10 this constitution, no [No] State ad valorem taxes shall be levied
11 upon any property within this State.

12 SECTION 2. Article VII, Texas Constitution, is amended by
13 adding Section 3-a to read as follows:

14 Sec. 3-a. (a) The legislature by general law may authorize
15 the state to impose a uniform ad valorem tax for elementary and
16 secondary public free school purposes on all taxable property at a
17 rate not to exceed \$1.00 for each \$100 of taxable value.

18 (b) During each regular legislative session, the
19 legislature by general law, including a provision in a general
20 appropriations act, shall establish the rate of the uniform state
21 ad valorem tax for the current tax year and for the following tax
22 year. The tax rate must be the same for each of those tax years.
23 For the two tax years for which the legislature establishes a tax
24 rate, the tax rate may not exceed the rate that when applied to the

1 taxable value of property subject to state ad valorem taxes for the
2 first of the two tax years, less new property value as defined by
3 general law, would levy for that tax year an amount of state ad
4 valorem taxes that exceeds 105 percent of the amount of state ad
5 valorem taxes levied for the tax year preceding the preceding tax
6 year.

7 (c) Notwithstanding Section 23, Article VIII, of this
8 constitution, the legislature may provide for the appraisal of
9 property subject to the uniform state ad valorem tax, for the
10 equalization of the taxable values of that property, and for the
11 collection of the state ad valorem taxes imposed on that property.

12 (c-1) The uniform state ad valorem tax shall be assessed on
13 the valuation of property subject to the tax as determined by the
14 appraisal officials in the county in which the property is located.
15 If an appraisal official uses generally accepted appraisal
16 standards and practices to appraise property subject to the uniform
17 state ad valorem tax and the valuation of the property subject to
18 that tax conforms to or is equalized by the local appraisal review
19 process to conform to the accepted standards and practices, the
20 assessment of a state ad valorem tax on that valuation is not
21 invalid. This subsection expires at the end of the 2006 ad valorem
22 tax year.

23 (d) Notwithstanding Subsection (a) of this section, the
24 legislature by general law may authorize the governing body of a
25 school district to use revenue of the district, including proceeds
26 from a uniform ad valorem tax imposed under Subsection (a), to
27 provide relief from the uniform ad valorem tax imposed on residence

1 homesteads in the school district.

2 (e) For the 2006 and 2007 tax years, the legislature by
3 general law may establish the rate of the uniform state ad valorem
4 tax at a rate not to exceed \$1.00 for each \$100 of taxable value.
5 This subsection expires January 1, 2008.

6 SECTION 3. Section 3, Article VII, Texas Constitution, is
7 amended by amending Subsection (e) and adding Subsections (f)
8 through (i) to read as follows:

9 (e) The Legislature shall be authorized to pass laws for the
10 assessment and collection of taxes in all school districts and for
11 the management and control of the public school or schools of such
12 districts, whether such districts are composed of territory wholly
13 within a county or in parts of two or more counties.

14 (f) A school district, as provided by general law, may
15 impose an ad valorem tax on taxable property in the district for the
16 purpose of providing an enriched educational program. The rate of
17 the enrichment tax may not exceed 15 cents for each \$100 of taxable
18 value. A school district may not impose a tax under this subsection
19 unless the tax is approved by the qualified voters of the district
20 voting at an election to be held for that purpose. An election held
21 before January 1, 2006, to authorize an ad valorem tax for the
22 maintenance of the public schools of a school district does not
23 authorize the imposition of an enrichment tax under this
24 subsection.

25 (g) The [~~and the~~] Legislature may authorize an additional
26 ad valorem tax to be levied and collected within all school
27 districts [~~for the further maintenance of public free schools, and~~]

1 for the erection and equipment of school buildings therein;
2 provided that a majority of the qualified voters of the district
3 voting at an election to be held for that purpose, shall approve the
4 tax.

5 (h) The Legislature may pass laws for the creation of junior
6 college districts, the management and control of those districts,
7 and the imposition of ad valorem taxes in those districts. A junior
8 college district may not impose a tax under this subsection unless
9 the tax is approved by a majority of the qualified voters of the
10 district voting at an election held for that purpose. A junior
11 college district is not a school district for purposes of this
12 section.

13 (i) An ad valorem tax approved by the voters of a junior
14 college district under this section before November 8, 2005, is not
15 affected by the amendment of this section approved by the voters at
16 an election held on November 8, 2005, and the junior college
17 district is not required to hold a new election to authorize the
18 existing tax. This subsection expires January 1, 2006.

19 SECTION 4. Section 3-b, Article VII, Texas Constitution, is
20 amended to read as follows:

21 Sec. 3-b. No tax for the enrichment [~~maintenance~~] of public
22 free schools voted in any independent school district and no tax for
23 the maintenance of a junior college voted by a junior college
24 district, nor any bonds voted in any such district, but unissued,
25 shall be abrogated, cancelled, or invalidated by change of any kind
26 in the boundaries thereof. After any change in boundaries, the
27 governing body of any such district, without the necessity of an

1 additional election, shall have the power to assess, levy, and
2 collect ad valorem taxes on all taxable property within the
3 boundaries of the district as changed, for the purposes of the
4 enrichment [~~maintenance~~] of public free schools or the maintenance
5 of a junior college, as the case may be, and the payment of
6 principal of and interest on all bonded indebtedness outstanding
7 against, or attributable, adjusted, or allocated to, such district
8 or any territory therein, in the amount, at the rate, or not to
9 exceed the rate, and in the manner authorized in the district prior
10 to the change in its boundaries, and further in accordance with the
11 laws under which all such bonds, respectively, were voted; and such
12 governing body also shall have the power, without the necessity of
13 an additional election, to sell and deliver any unissued bonds
14 voted in the district prior to any such change in boundaries, and to
15 assess, levy, and collect ad valorem taxes on all taxable property
16 in the district as changed, for the payment of principal of and
17 interest on such bonds in the manner permitted by the laws under
18 which such bonds were voted. In those instances where the
19 boundaries of any such independent school district are changed by
20 the annexation of, or consolidation with, one or more whole school
21 districts, the taxes to be levied for the purposes hereinabove
22 authorized may be in the amount or at not to exceed the rate
23 theretofore voted in the district having at the time of such change
24 the greatest scholastic population according to the latest
25 scholastic census and only the unissued bonds of such district
26 voted prior to such change, may be subsequently sold and delivered
27 and any voted, but unissued, bonds of other school districts

1 involved in such annexation or consolidation shall not thereafter
2 be issued.

3 SECTION 5. Section 1-j, Article VIII, Texas Constitution,
4 is amended by adding Subsections (d) and (e) to read as follows:

5 (d) Property described by Subsection (a) of this section is
6 not exempt from the uniform state ad valorem tax imposed for
7 elementary and secondary public free school purposes unless
8 expressly exempted by a general law enacted after January 1, 2005.

9 (e) Notwithstanding Subsection (d) of this section,
10 property described by Subsection (a) of this section that is held at
11 a location at which property described by that subsection was
12 exempt from taxation by a school district in the 2005 tax year is
13 exempt from the uniform state ad valorem tax imposed for elementary
14 and secondary public free school purposes.

15 SECTION 6. 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 authorizing a uniform
19 statewide property tax for public education, abolishing school
20 district property taxes for maintenance purposes, and authorizing a
21 limited school district property tax for educational enrichment if
22 approved by the voters of the district."