

By: Keffer of Eastland

H.J.R. No. 12

A JOINT RESOLUTION

1 proposing a constitutional amendment increasing the amount of the
2 residence homestead exemption from ad valorem taxation for public
3 school purposes and providing for an adjustment of the limitation
4 on the total amount of ad valorem taxes that may be imposed for
5 those purposes on the homesteads of the elderly or disabled to
6 reflect the increased exemption amount and changes in school
7 district ad valorem tax rates.

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

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

11 (c) The amount of \$22,500 [~~Fifteen Thousand Dollars~~
12 ~~(\$15,000)~~] of the market value of the residence homestead of a
13 married or unmarried adult, including one living alone, is exempt
14 from ad valorem taxation for general elementary and secondary
15 public school purposes. The legislature by general law may provide
16 that all or part of the exemption does not apply to a district or
17 political subdivision that imposes ad valorem taxes for public
18 education purposes but is not the principal school district
19 providing general elementary and secondary public education
20 throughout its territory. In addition to this exemption, the
21 legislature by general law may exempt an amount not to exceed [~~Ten~~
22 ~~Thousand Dollars~~ (\rightarrow)\$10,000(\rightarrow)] 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 sixty-five (65) years of age or

1 older from ad valorem taxation for general elementary and secondary
2 public school purposes. The legislature by general law may base the
3 amount of and condition eligibility for the additional exemption
4 authorized by this subsection for disabled persons and for persons
5 sixty-five (65) years of age or older on economic need. An eligible
6 disabled person who is sixty-five (65) years of age or older may not
7 receive both exemptions from a school district but may choose
8 either. An eligible person is entitled to receive both the
9 exemption required by this subsection for all residence homesteads
10 and any exemption adopted pursuant to Subsection (b) of this
11 section, but the legislature shall provide by general law whether
12 an eligible disabled or elderly person may receive both the
13 additional exemption for the elderly and disabled authorized by
14 this subsection and any exemption for the elderly or disabled
15 adopted pursuant to Subsection (b) of this section. Where ad
16 valorem tax has previously been pledged for the payment of debt, the
17 taxing officers of a school district may continue to levy and
18 collect the tax against the value of homesteads exempted under this
19 subsection until the debt is discharged if the cessation of the levy
20 would impair the obligation of the contract by which the debt was
21 created. The legislature shall provide for formulas to protect
22 school districts against all or part of the revenue loss incurred by
23 the implementation of Article VIII, Sections 1-b(c), 1-b(d), and
24 1-d-1, of this constitution. The legislature by general law may
25 define residence homestead for purposes of this 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
2 sixty-five (65) years of age or older or who are disabled, the total
3 amount of ad valorem taxes imposed on that homestead for general
4 elementary and secondary public school purposes may not be
5 increased while it remains the residence homestead of that person
6 or that person's spouse who receives the exemption. If a person
7 sixty-five (65) years of age or older dies in a year in which the
8 person 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 fifty-five (55) years of age or older at the time of the person's
13 death, subject to any exceptions provided by general law. If a
14 person receives the limitation provided by this subsection for the
15 person's residence homestead and the person or the person's spouse
16 received the limitation in the preceding tax year for that
17 homestead and the tax rate for general elementary and secondary
18 public school purposes applicable to the homestead for the current
19 tax year is higher or lower than the tax rate for those purposes
20 applicable to that homestead for the preceding tax year, the
21 limitation provided by this subsection on the total amount of ad
22 valorem taxes that may be imposed for those purposes on the
23 homestead is increased or reduced, as applicable, in proportion to
24 the increase or reduction in the tax rate, except that the total
25 amount of ad valorem taxes that may be imposed for those purposes on
26 the homestead may not exceed the amount of taxes imposed for those
27 purposes for the later of the 2005 tax year or the tax year in which

1 the limitation took effect, as that limitation may have been
2 increased in subsequent tax years or may be increased for the
3 current tax year because of improvements as authorized by this
4 subsection. The legislature, by general law, may provide for the
5 transfer of all or a proportionate amount of a limitation provided
6 by this subsection for a person who qualifies for the limitation and
7 establishes a different residence homestead. However, taxes
8 otherwise limited by this subsection may be increased to the extent
9 the value of the homestead is increased by improvements other than
10 repairs or improvements made to comply with governmental
11 requirements and except as may be consistent with the transfer of a
12 limitation under this subsection. For a residence homestead
13 subject to the limitation provided by this subsection in the 2005
14 [1996] tax year or an earlier tax year, the legislature shall reduce
15 [provide for a reduction in] the amount of the limitation for the
16 2006 [1997] tax year and subsequent tax years in an amount equal to
17 \$7,500 [\$10,000] multiplied by the 2006 [1997] tax rate for general
18 elementary and secondary public school purposes applicable to the
19 residence homestead.

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

22 TEMPORARY PROVISION. (a) This temporary provision applies
23 to the constitutional amendment proposed by the 79th Legislature,
24 2nd Called Session, 2005, increasing the amount of the residence
25 homestead exemption from ad valorem taxation for public school
26 purposes and providing for an adjustment of the limitation on the
27 total amount of ad valorem taxes that may be imposed for those

1 purposes on the homesteads of the elderly or disabled to reflect the
2 increased exemption amount and changes in school district ad
3 valorem tax rates and expires January 1, 2007.

4 (b) The amendment to Sections 1-b(c) and (d), Article VIII,
5 of this constitution takes effect January 1, 2006, and applies only
6 to a tax year beginning on or after that date.

7 SECTION 3. This proposed constitutional amendment shall be
8 submitted to the voters at an election to be held November 8, 2005,
9 but only if House Bill No. 3, Acts of the 79th Legislature, 2nd
10 Called Session, 2005, is enacted and becomes law. If House Bill No.
11 3, Acts of the 79th Legislature, 2nd Called Session, 2005, does not
12 become law, this proposed constitutional amendment shall not be
13 submitted to the voters. If House Bill No. 3, Acts of the 79th
14 Legislature, 2nd Called Session, 2005, becomes law, the ballot for
15 the election shall be printed to permit voting for or against the
16 proposition: "The constitutional amendment increasing the amount
17 of the residence homestead exemption from ad valorem taxation for
18 public school purposes from \$15,000 to \$22,500, providing for an
19 adjustment of the limitation on the total amount of ad valorem taxes
20 that may be imposed for those purposes on the homestead of an
21 elderly or disabled person to reflect the increased exemption
22 amount, and increasing or reducing, as applicable, the amount of
23 the limitation on the total amount of ad valorem taxes that may be
24 imposed by a school district on the homestead of an elderly or
25 disabled person in proportion to any increase or reduction in the
26 tax rate of the school district but not to exceed the amount of the
27 limitation for the later of the 2005 tax year or the tax year in

1 which the limitation took effect, subject to increases for
2 improvements."