

By: Berman

H.J.R. No. 13

A JOINT RESOLUTION

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

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

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

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

1 person's residence homestead and the person or the person's spouse
2 received the limitation in the preceding tax year for that
3 homestead and the tax rate for general elementary and secondary
4 public school purposes applicable to the homestead for the current
5 tax year is higher or lower than the tax rate for those purposes
6 applicable to that homestead for the preceding tax year, the
7 limitation provided by this subsection on the total amount of ad
8 valorem taxes that may be imposed for those purposes on the
9 homestead is increased or reduced, as applicable, in proportion to
10 the increase or reduction in the tax rate, except that the total
11 amount of ad valorem taxes that may be imposed for those purposes on
12 the homestead may not exceed the amount of taxes imposed for those
13 purposes for the later of the 2005 tax year or the tax year in which
14 the limitation took effect, as that limitation may have been
15 increased in subsequent tax years or may be increased for the
16 current tax year because of improvements as authorized by this
17 subsection. The legislature, by general law, may provide for the
18 transfer of all or a proportionate amount of a limitation provided
19 by this subsection for a person who qualifies for the limitation and
20 establishes a different residence homestead. However, taxes
21 otherwise limited by this subsection may be increased to the extent
22 the value of the homestead is increased by improvements other than
23 repairs or improvements made to comply with governmental
24 requirements and except as may be consistent with the transfer of a
25 limitation under this subsection. For a residence homestead
26 subject to the limitation provided by this subsection in the 1996
27 tax year or an earlier tax year, the legislature shall provide for a

1 reduction in the amount of the limitation for the 1997 tax year and
2 subsequent tax years in an amount equal to \$10,000 multiplied by the
3 1997 tax rate for general elementary and secondary public school
4 purposes applicable to the residence homestead.

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

7 TEMPORARY PROVISION. (a) This temporary provision applies
8 to the constitutional amendment proposed by the 79th Legislature,
9 2nd Called Session, 2005, to increase or reduce, as applicable, the
10 amount of the limitation on the total ad valorem taxes that may be
11 imposed by a school district on the residence homestead of an
12 elderly or disabled person in proportion to any increase or
13 reduction in the tax rate of the school district and expires January
14 1, 2007.

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

18 SECTION 3. This proposed constitutional amendment shall be
19 submitted to the voters at an election to be held November 8, 2005.
20 The ballot shall be printed to permit voting for or against the
21 proposition: "The constitutional amendment to increase or reduce,
22 as applicable, the amount of the limitation on the total amount of
23 ad valorem taxes that may be imposed by a school district on the
24 residence homestead of an elderly or disabled person in proportion
25 to any increase or reduction in the tax rate of the school district
26 but not to exceed the amount of the limitation for the later of the
27 2005 tax year or the tax year in which the limitation took effect,

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1 subject to increases for improvements."