

By: Berman

H.J.R. No. 26

A JOINT RESOLUTION

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

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 less than the tax rate for those purposes applicable to
6 that homestead for the preceding tax year, the limitation provided
7 by this subsection on the total amount of ad valorem taxes that may
8 be imposed for those purposes on the homestead is reduced for the
9 current and subsequent tax years in proportion to the reduction in
10 the tax rate. The legislature, by general law, may provide for the
11 transfer of all or a proportionate amount of a limitation provided
12 by this subsection for a person who qualifies for the limitation and
13 establishes a different residence homestead. However, taxes
14 otherwise limited by this subsection may be increased to the extent
15 the value of the homestead is increased by improvements other than
16 repairs or improvements made to comply with governmental
17 requirements and except as may be consistent with the transfer of a
18 limitation under this subsection. For a residence homestead
19 subject to the limitation provided by this subsection in the 1996
20 tax year or an earlier tax year, the legislature shall provide for a
21 reduction in the amount of the limitation for the 1997 tax year and
22 subsequent tax years in an amount equal to \$10,000 multiplied by the
23 1997 tax rate for general elementary and secondary public school
24 purposes 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

1 to the constitutional amendment proposed by the 79th Legislature,
2 3rd Called Session, 2006, to reduce the total amount of ad valorem
3 taxes that may be imposed for public school purposes on the
4 residence homestead of an elderly or disabled person in proportion
5 to any reduction in the rate of the tax imposed for those purposes
6 and expires January 1, 2008.

7 (b) The amendment to Section 1-b(d), Article VIII, of this
8 constitution takes effect January 1, 2007, and applies only to a tax
9 year that begins on or after that date.

10 SECTION 3. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 7, 2006.
12 The ballot shall be printed to permit voting for or against the
13 proposition: "The constitutional amendment to reduce the total
14 amount of ad valorem taxes that may be imposed for public school
15 purposes on the residence homestead of an elderly or disabled
16 person in proportion to any reduction in the rate of the tax imposed
17 for those purposes."