

By: Laubenberg

H.J.R. No. 46

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 a corresponding adjustment of the
4 limitation on the amount of ad valorem taxes that may be imposed for
5 those purposes on the homesteads of certain persons.

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

7 SECTION 1. Section 1-b, Article VIII, Texas Constitution,
8 is amended by amending Subsections (c) and (d) and adding
9 Subsection (h-1) to read as follows:

10 (c) The amount of \$25,000 [~~Fifteen Thousand Dollars~~
11 ~~(\$15,000)~~] of the market value of the residence homestead of a
12 married or unmarried adult, including one living alone, is exempt
13 from ad valorem taxation for general elementary and secondary
14 public school purposes. The legislature by general law may provide
15 that all or part of the exemption does not apply to a district or
16 political subdivision that imposes ad valorem taxes for public
17 education purposes but is not the principal school district
18 providing general elementary and secondary public education
19 throughout its territory. In addition to this exemption, the
20 legislature by general law may exempt an amount not to exceed [~~Ten~~
21 ~~Thousand Dollars~~+] \$10,000[+] of the market value of the residence
22 homestead of a person who is disabled as defined in Subsection (b)
23 of this section and of a person sixty-five (65) years of age or
24 older from ad valorem taxation for general elementary and secondary

1 public school purposes. The legislature by general law may base the
2 amount of and condition eligibility for the additional exemption
3 authorized by this subsection for disabled persons and for persons
4 sixty-five (65) years of age or older on economic need. An eligible
5 disabled person who is sixty-five (65) years of age or older may not
6 receive both exemptions from a school district but may choose
7 either. An eligible person is entitled to receive both the
8 exemption required by this subsection for all residence homesteads
9 and any exemption adopted pursuant to Subsection (b) of this
10 section, but the legislature shall provide by general law whether
11 an eligible disabled or elderly person may receive both the
12 additional exemption for the elderly and disabled authorized by
13 this subsection and any exemption for the elderly or disabled
14 adopted pursuant to Subsection (b) of this section. Where ad
15 valorem tax has previously been pledged for the payment of debt, the
16 taxing officers of a school district may continue to levy and
17 collect the tax against the value of homesteads exempted under this
18 subsection until the debt is discharged if the cessation of the levy
19 would impair the obligation of the contract by which the debt was
20 created. The legislature shall provide for formulas to protect
21 school districts against all or part of the revenue loss incurred by
22 the implementation of Article VIII, Sections 1-b(c), 1-b(d), and
23 1-d-1, of this constitution. The legislature by general law may
24 define residence homestead for purposes of this section.

25 (d) Except as otherwise provided by this subsection, if a
26 person receives a residence homestead exemption prescribed by
27 Subsection (c) of this section for homesteads of persons who are

1 sixty-five (65) years of age or older or who are disabled, the total
2 amount of ad valorem taxes imposed on that homestead for general
3 elementary and secondary public school purposes may not be
4 increased while it remains the residence homestead of that person
5 or that person's spouse who receives the exemption. If a person
6 sixty-five (65) years of age or older dies in a year in which the
7 person received the exemption, the total amount of ad valorem taxes
8 imposed on the homestead for general elementary and secondary
9 public school purposes may not be increased while it remains the
10 residence homestead of that person's surviving spouse if the spouse
11 is fifty-five (55) years of age or older at the time of the person's
12 death, subject to any exceptions provided by general law. 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 reduce [~~provide for a~~
24 ~~reduction in~~] the amount of the limitation for the 2006 [~~1997~~] tax
25 year and subsequent tax years in an amount equal to the sum of
26 \$10,000 multiplied by the 1997 tax rate for general elementary and
27 secondary public school purposes applicable to the residence

1 homestead and \$10,000 multiplied by the 2006 tax rate for general
2 elementary and secondary public school purposes applicable to the
3 residence homestead. For a residence homestead subject to the
4 limitation provided by this subsection in the 2005 tax year or an
5 earlier tax year but not in the 1996 tax year or an earlier tax year,
6 the legislature shall reduce the amount of the limitation for the
7 2006 tax year and subsequent tax years in an amount equal to \$10,000
8 multiplied by the 2006 tax rate for general elementary and
9 secondary public school purposes applicable to the residence
10 homestead.

11 (h-1) TEMPORARY PROVISION. (a) This temporary provision
12 applies to the constitutional amendment proposed by the 79th
13 Legislature, Regular Session, 2005, increasing the amount of the
14 residence homestead exemption from ad valorem taxation for public
15 school purposes and providing for a corresponding adjustment of the
16 limitation on the amount of ad valorem taxes that may be imposed for
17 those purposes on the homesteads of certain persons and expires
18 January 1, 2007.

19 (b) The amendment to Section 1-b(c), Article VIII, of this
20 constitution takes effect January 1, 2006, and applies only to a tax
21 year beginning on or after that date.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 8, 2005.
24 The ballot shall be printed to permit voting for or against the
25 proposition: "The constitutional amendment increasing the amount
26 of the residence homestead exemption from ad valorem taxation for
27 public school purposes from \$15,000 to \$25,000 and providing for an

1 adjustment of the limitation on the amount of ad valorem taxes that
2 may be imposed for those purposes on the homestead of a disabled
3 person, an elderly person, or an elderly person's surviving spouse
4 to reflect the increased exemption amount."