

By: Averitt

S.J.R. No. 13

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment authorizing the legislature
3 to provide for a reduction of the limitation on the total amount of
4 ad valorem taxes that may be imposed for public school purposes on
5 the residence homesteads of the elderly or disabled to reflect any
6 reduction in the rate of those taxes.

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

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

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

1 legislature by general law may provide for the reduction of the
2 amount of a limitation provided by this subsection to reflect any
3 reduction from the preceding year in the tax rate for general
4 elementary and secondary public school purposes applicable to a
5 residence homestead. A general law providing for the reduction of
6 the amount of a limitation provided by this subsection may, for
7 purposes of computing the amount of the limitation for the 2007 tax
8 year, also take into account any reduction in the tax rate for those
9 purposes from the 2005 tax year to the 2006 tax year if the
10 homestead was subject to the limitation in the 2006 tax year.
11 Except as otherwise provided by this subsection, if a limitation
12 provided by this subsection is reduced under a general law
13 providing for the reduction of the amount of the limitation, the
14 limitation as reduced continues to apply to the residence homestead
15 in subsequent tax years until the limitation expires. The
16 legislature, by general law, may provide for the transfer of all or
17 a proportionate amount of a limitation provided by this subsection
18 for a person who qualifies for the limitation and establishes a
19 different residence homestead. However, taxes otherwise limited by
20 this subsection may be increased to the extent the value of the
21 homestead is increased by improvements other than repairs or
22 improvements made to comply with governmental requirements and
23 except as may be consistent with the transfer of a limitation under
24 this subsection. For a residence homestead subject to the
25 limitation provided by this subsection in the 1996 tax year or an
26 earlier tax year, the legislature shall provide for a reduction in
27 the amount of the limitation for the 1997 tax year and subsequent

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

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

6 TEMPORARY PROVISION. (a) This temporary provision applies
7 to the constitutional amendment proposed by the 80th Legislature,
8 Regular Session, 2007, authorizing the legislature to provide for a
9 reduction of the limitation on the total amount of ad valorem taxes
10 that may be imposed for public school purposes on the residence
11 homesteads of the elderly or disabled to reflect any reduction in
12 the rate of those taxes. This temporary provision expires January
13 1, 2009.

14 (b) The amendment to Section 1-b(d), Article VIII, of this
15 constitution takes effect on the date of the official canvass of
16 returns showing adoption of the amendment and applies beginning
17 with the tax year that begins January 1, 2007. The legislature may
18 enact a general law authorized by the constitutional amendment that
19 applies to the entire 2007 tax year, notwithstanding that the
20 constitutional amendment was adopted after the beginning of that
21 tax year, and a general law applicable to the entire 2007 tax year
22 is not considered to be a retroactive law.

23 SECTION 3. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held May 12, 2007. The
25 ballot shall be printed to permit voting for or against the
26 proposition: "The constitutional amendment authorizing the
27 legislature to provide for a reduction of the limitation on the

1 total amount of ad valorem taxes that may be imposed for public
2 school purposes on the residence homesteads of the elderly or
3 disabled to reflect any reduction in the rate of those taxes."