

By: Ritter

H.J.R. No. 3

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to exempt from ad valorem taxation real property leased to certain
3 schools.

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

5 SECTION 1. Section 2(a), Article VIII, Texas Constitution,
6 is amended to read as follows:

7 (a) All occupation taxes shall be equal and uniform upon the
8 same class of subjects within the limits of the authority levying
9 the tax; but the legislature may, by general laws, exempt from
10 taxation public property used for public purposes; actual places of
11 religious worship, also any property owned by a church or by a
12 strictly religious society for the exclusive use as a dwelling
13 place for the ministry of such church or religious society, and
14 which yields no revenue whatever to such church or religious
15 society; provided that such exemption shall not extend to more
16 property than is reasonably necessary for a dwelling place and in no
17 event more than one acre of land; any property owned by a church or
18 by a strictly religious society that owns an actual place of
19 religious worship if the property is owned for the purpose of
20 expansion of the place of religious worship or construction of a new
21 place of religious worship and the property yields no revenue
22 whatever to the church or religious society, provided that the
23 legislature by general law may provide eligibility limitations for
24 the exemption and may impose sanctions related to the exemption in

1 furtherance of the taxation policy of this subsection; any property
2 that is owned by a church or by a strictly religious society and is
3 leased by that church or strictly religious society to a person for
4 use as a school, as defined by Section 11.21, Tax Code, or a
5 successor statute, for educational purposes; any real property that
6 is leased to a person for use as a school, as defined by Section
7 11.21, Tax Code, or a successor statute, for educational purposes;
8 places of burial not held for private or corporate profit; solar or
9 wind-powered energy devices; all buildings used exclusively and
10 owned by persons or associations of persons for school purposes and
11 the necessary furniture of all schools and property used
12 exclusively and reasonably necessary in conducting any association
13 engaged in promoting the religious, educational and physical
14 development of boys, girls, young men or young women operating
15 under a State or National organization of like character; also the
16 endowment funds of such institutions of learning and religion not
17 used with a view to profit; and when the same are invested in bonds
18 or mortgages, or in land or other property which has been and shall
19 hereafter be bought in by such institutions under foreclosure sales
20 made to satisfy or protect such bonds or mortgages, that such
21 exemption of such land and property shall continue only for two
22 years after the purchase of the same at such sale by such
23 institutions and no longer, and institutions engaged primarily in
24 public charitable functions, which may conduct auxiliary
25 activities to support those charitable functions; and all laws
26 exempting property from taxation other than the property mentioned
27 in this Section shall be null and void.

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

3 TEMPORARY PROVISION. (a) This temporary provision applies
4 to the constitutional amendment proposed by the 81st Legislature,
5 Regular Session, 2009, authorizing the legislature to exempt from
6 ad valorem taxation real property leased to certain schools
7 organized and operated primarily for the purpose of engaging in
8 educational functions.

9 (b) The amendment to Section 2(a), Article VIII, of this
10 constitution takes effect beginning with the tax year that begins
11 January 1, 2010.

12 (c) This temporary provision expires January 1, 2011.

13 SECTION 3. This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held November 3, 2009.
15 The ballot shall be printed to permit voting for or against the
16 proposition: "The constitutional amendment to authorize the
17 legislature to exempt from ad valorem taxation real property leased
18 to certain schools."