

By: Ellis

S.J.R. No. 44

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 organized and operated primarily for the purpose of  
4 engaging in educational functions.

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

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

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

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

1 in this Section shall be null and void.

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

4 TEMPORARY PROVISION. (a) This temporary provision applies  
5 to the constitutional amendment proposed by the 83rd Legislature,  
6 Regular Session, 2013, authorizing the legislature to exempt from  
7 ad valorem taxation real property leased to certain schools  
8 organized and operated primarily for the purpose of engaging in  
9 educational functions.

10 (b) The amendment to Section 2(a), Article VIII, of this  
11 constitution takes effect beginning with the tax year that begins  
12 January 1, 2014.

13 (c) This temporary provision expires January 1, 2015.

14 SECTION 3. This proposed constitutional amendment shall be  
15 submitted to the voters at an election to be held November 5, 2013.  
16 The ballot shall be printed to permit voting for or against the  
17 proposition: "The constitutional amendment authorizing the  
18 legislature to exempt from ad valorem taxation real property leased  
19 to certain schools organized and operated primarily for the purpose  
20 of engaging in educational functions."