S.J.R. No. 30

By: Taylor of Galveston (Murphy)

SENATE JOINT RESOLUTION

2 proposing a constitutional amendment authorizing the legislature 3 to exempt from ad valorem taxation real property leased to certain 4 schools organized and operated primarily for the purpose of 5 engaging in educational functions.

6

1

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

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

(a) All occupation taxes shall be equal and uniform upon the 9 10 same class of subjects within the limits of the authority levying 11 the tax; but the legislature may, by general laws, exempt from 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 17 society; provided that such exemption shall not extend to more 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 20 by a strictly religious society that owns an actual place of religious worship if the property is owned for the purpose of 21 22 expansion of the place of religious worship or construction of a new place of religious worship and the property yields no revenue 23 whatever to the church or religious society, provided that the 24

1

S.J.R. No. 30

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

2

S.J.R. No. 30

1 public charitable functions, which may conduct auxiliary 2 activities to support those charitable functions; and all laws 3 exempting property from taxation other than the property mentioned 4 in this Section shall be null and void.

5 SECTION 2. The following temporary provision is added to 6 the Texas Constitution:

7 <u>TEMPORARY PROVISION. (a)</u> This temporary provision applies 8 <u>to the constitutional amendment proposed by the 84th Legislature,</u> 9 <u>Regular Session, 2015, authorizing the legislature to exempt from</u> 10 <u>ad valorem taxation real property leased to certain schools</u> 11 <u>organized and operated primarily for the purpose of engaging in</u> 12 <u>educational functions.</u>

13 (b) The amendment to Section 2(a), Article VIII, of this 14 constitution takes effect beginning with the tax year that begins 15 January 1, 2016.

16

(c) This temporary provision expires January 1, 2017.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to exempt from ad valorem taxation real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions."

3