

By: Bettencourt

S.J.R. No. 57

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, providing for a reduction of the limitation on the  
4 total amount of ad valorem taxes that may be imposed for those  
5 purposes on the homestead of an elderly or disabled person to  
6 reflect the increased exemption amount, and extending the number of  
7 days that certain tangible personal property that is exempt from ad  
8 valorem taxation due to its temporary location in this state may  
9 remain located in this state before forfeiting the right to the  
10 exemption.

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

12 SECTION 1. Sections 1-b(c) and (d), Article VIII, Texas  
13 Constitution, are amended to read as follows:

14 (c) The amount of \$30,000 [~~Fifteen Thousand Dollars~~  
15 ~~(\$15,000)~~] of the market value of the residence homestead of a  
16 married or unmarried adult, including one living alone, is exempt  
17 from ad valorem taxation for general elementary and secondary  
18 public school purposes. The legislature by general law may provide  
19 that all or part of the exemption does not apply to a district or  
20 political subdivision that imposes ad valorem taxes for public  
21 education purposes but is not the principal school district  
22 providing general elementary and secondary public education  
23 throughout its territory. In addition to this exemption, the  
24 legislature by general law may exempt an amount not to exceed [~~Ten~~

1 ~~Thousand Dollars~~ ( ) \$10,000 ( + ) of the market value of the residence  
2 homestead of a person who is disabled as defined in Subsection (b)  
3 of this section and of a person [~~sixty-five~~ ( ) 65 ( + )] years of age or  
4 older from ad valorem taxation for general elementary and secondary  
5 public school purposes. The legislature by general law may base the  
6 amount of and condition eligibility for the additional exemption  
7 authorized by this subsection for disabled persons and for persons  
8 [~~sixty-five~~ ( ) 65 ( + )] years of age or older on economic need. An  
9 eligible disabled person who is [~~sixty-five~~ ( ) 65 ( + )] years of age or  
10 older may not receive both exemptions from a school district but may  
11 choose either. An eligible person is entitled to receive both the  
12 exemption required by this subsection for all residence homesteads  
13 and any exemption adopted pursuant to Subsection (b) of this  
14 section, but the legislature shall provide by general law whether  
15 an eligible disabled or elderly person may receive both the  
16 additional exemption for the elderly and disabled authorized by  
17 this subsection and any exemption for the elderly or disabled  
18 adopted pursuant to Subsection (b) of this section. Where ad  
19 valorem tax has previously been pledged for the payment of debt, the  
20 taxing officers of a school district may continue to levy and  
21 collect the tax against the value of homesteads exempted under this  
22 subsection until the debt is discharged if the cessation of the levy  
23 would impair the obligation of the contract by which the debt was  
24 created. The legislature shall provide for formulas to protect  
25 school districts against all or part of the revenue loss incurred by  
26 the implementation of this subsection, Subsection (d) of this  
27 section, and Section 1-d-1 of this article [~~Article VIII, Sections~~

1 ~~1-b(c), 1-b(d), and 1-d-1, of this constitution]~~. The legislature  
2 by general law may define residence homestead for purposes of this  
3 section.

4 (d) Except as otherwise provided by this subsection, if a  
5 person receives a residence homestead exemption prescribed by  
6 Subsection (c) of this section for homesteads of persons who are  
7 [~~sixty-five~~ ( ) 65(→)] years of age or older or who are disabled, the  
8 total amount of ad valorem taxes imposed on that homestead for  
9 general elementary and secondary public school purposes may not be  
10 increased while it remains the residence homestead of that person  
11 or that person's spouse who receives the exemption. If a person  
12 [~~sixty-five~~ ( ) 65(→)] years of age or older dies in a year in which  
13 the person received the exemption, the total amount of ad valorem  
14 taxes imposed on the homestead for general elementary and secondary  
15 public school purposes may not be increased while it remains the  
16 residence homestead of that person's surviving spouse if the spouse  
17 is [~~fifty-five~~ ( ) 55(→)] years of age or older at the time of the  
18 person's death, subject to any exceptions provided by general law.  
19 The legislature, by general law, may provide for the transfer of all  
20 or a proportionate amount of a limitation provided by this  
21 subsection for a person who qualifies for the limitation and  
22 establishes a different residence homestead. However, taxes  
23 otherwise limited by this subsection may be increased to the extent  
24 the value of the homestead is increased by improvements other than  
25 repairs or improvements made to comply with governmental  
26 requirements and except as may be consistent with the transfer of a  
27 limitation under this subsection. For a residence homestead

1 subject to the limitation provided by this subsection in the 1996  
2 tax year or an earlier tax year, the legislature shall provide for a  
3 reduction in the amount of the limitation for the 1997 tax year and  
4 subsequent tax years in an amount equal to \$10,000 multiplied by the  
5 1997 tax rate for general elementary and secondary public school  
6 purposes applicable to the residence homestead. For a residence  
7 homestead subject to the limitation provided by this subsection in  
8 the 2015 tax year or an earlier tax year, the legislature shall  
9 provide for a reduction in the amount of the limitation for the 2016  
10 tax year and subsequent tax years in an amount equal to \$15,000  
11 multiplied by the 2016 tax rate for general elementary and  
12 secondary public school purposes applicable to the residence  
13 homestead.

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

16 (a) To promote economic development in the State, goods,  
17 wares, merchandise, other tangible personal property, and ores,  
18 other than oil, natural gas, and other petroleum products, are  
19 exempt from ad valorem taxation by a political subdivision of this  
20 State if:

21 (1) the property is acquired in or imported into this  
22 State to be forwarded outside this State, whether or not the  
23 intention to forward the property outside this State is formed or  
24 the destination to which the property is forwarded is specified  
25 when the property is acquired in or imported into this State;

26 (2) the property is detained in this State for  
27 assembling, storing, manufacturing, processing, or fabricating

1 purposes by the person who acquired or imported the property; and

2 (3) the property is transported outside of this State  
3 not later than:

4 (A) 365 [~~175~~] days after the date the person  
5 acquired or imported the property in this State; or

6 (B) if applicable, a later date established by  
7 the governing body of the political subdivision under Subsection  
8 (d) of this section.

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

11 TEMPORARY PROVISION. (a) This temporary provision applies to  
12 the constitutional amendment proposed by the 84th Legislature,  
13 Regular Session, 2015, increasing the amount of the residence  
14 homestead exemption from ad valorem taxation for public school  
15 purposes, providing for a reduction of the limitation on the total  
16 amount of ad valorem taxes that may be imposed for those purposes on  
17 the homestead of an elderly or disabled person to reflect the  
18 increased exemption amount, and extending the number of days that  
19 certain tangible personal property that is exempt from ad valorem  
20 taxation due to its temporary location in this state may remain  
21 located in this state before forfeiting the right to the exemption.

22 (b) The amendments to Sections 1-b(c) and (d) and 1-j(a),  
23 Article VIII, of this constitution take effect January 1, 2016, and  
24 apply only to a tax year beginning on or after that date.

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

26 SECTION 4. This proposed constitutional amendment shall be  
27 submitted to the voters at an election to be held November 3, 2015.

1 The ballot shall be printed to permit voting for or against the  
2 proposition: "The constitutional amendment increasing the amount  
3 of the residence homestead exemption from ad valorem taxation for  
4 public school purposes from \$15,000 to \$30,000, providing for a  
5 reduction of the limitation on the total amount of ad valorem taxes  
6 that may be imposed for those purposes on the homestead of an  
7 elderly or disabled person to reflect the increased exemption  
8 amount, and extending the number of days that certain tangible  
9 personal property that is exempt from ad valorem taxation due to its  
10 temporary location in this state may remain located in this state  
11 before forfeiting the right to the exemption."