86R147 CJC-D

By:  Pacheco H.J.R. No. 77

A JOINT RESOLUTION

proposing a constitutional amendment establishing a limitation on the total amount of ad valorem taxes that political subdivisions may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.

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

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

(d)  Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are 65 years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead by a political subdivision [~~for general elementary and secondary public school purposes~~] may not be increased while the homestead [~~it~~] remains the residence homestead of that person or that person's spouse who receives the exemption.  If a person who is 65 years of age or older or is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead by a political subdivision [~~for general elementary and secondary public school purposes~~] may not be increased while the homestead [~~it~~] remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older or disabled at the time of the person's death, subject to any exceptions provided by general law.  The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead.  However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation on the total amount of ad valorem taxes imposed on the residence homestead for general elementary and secondary public school purposes for the 1997 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.  For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation on the total amount of ad valorem taxes imposed on the residence homestead for general elementary and secondary public school purposes for the 2015 tax year and subsequent tax years in an amount equal to $10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

SECTION 2.  Section 1-b(h), Article VIII, Texas Constitution, is repealed.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, establishing a limitation on the total amount of ad valorem taxes that political subdivisions may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.

(b)  The amendments to Section 1-b(d), Article VIII, of this constitution and the repeal of Section 1-b(h), Article VIII, of this constitution take effect January 1, 2020. The limitations provided by Section 1-b(d), as amended, apply beginning with taxes imposed for the 2020 tax year.

(c)  This temporary provision expires January 1, 2021.

SECTION 4.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing a limitation on the total amount of ad valorem taxes that political subdivisions may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses."