87R601 TJB-D

By:  Raymond H.J.R. No. 38

A JOINT RESOLUTION

proposing a constitutional amendment to provide for an exemption from ad valorem taxation by certain political subdivisions of a portion of the market value of the residence homestead of the parent or guardian of a person who is disabled and who resides with the parent or guardian.

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

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

(b)  The governing body of any county, city, town, school district, or other political subdivision of the State may exempt by its own action not less than [~~Three Thousand Dollars (~~]$3,000[~~)~~] of the market value of residence homesteads of persons[~~, married or unmarried, including those living alone,~~] who are under a disability for purposes of payment of disability insurance benefits under Federal Old-Age, Survivors, and Disability Insurance or its successor, who are the parent or guardian of a person who is under a disability as provided by this subsection and who resides with the parent or guardian, or who are [~~of married or unmarried persons sixty-five (~~]65[~~)~~] years of age or older[~~, including those living alone,~~] from all ad valorem taxes thereafter levied by the political subdivision. As an alternative, upon receipt of a petition signed by twenty percent [~~(20%)~~] of the voters who voted in the last preceding election held by the political subdivision, the governing body of the subdivision shall call an election to determine by majority vote whether an amount not less than [~~Three Thousand Dollars (~~]$3,000[~~)~~] as provided in the petition, of the market value of residence homesteads of persons who are disabled, who are the parent or guardian of a person who is disabled and who resides with the parent or guardian, [~~persons~~] or who are [~~of persons sixty-five (~~]65[~~)~~] years of age or over shall be exempt from ad valorem taxes thereafter levied by the political subdivision. A person who is [~~An~~] eligible for more than one exemption under this subsection [~~disabled person who is sixty-five (65) years of age or older~~] may [~~not~~] receive only one of the [~~both~~] exemptions from the same political subdivision in the same year and [~~but~~] may choose which exemption to receive provided that [~~either if~~] the subdivision has adopted that exemption [~~both~~]. Where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(c)  The amount of $25,000 of the market value of the residence homestead of an [~~a married or unmarried~~] adult[~~, including one living alone,~~] is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed $10,000 of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section, of a person who is the parent or guardian of a person who is disabled as defined in Subsection (b) of this section, and of a person 65 years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons, for parents or guardians of a person who is disabled and who resides with the parents or guardians, and for persons 65 years of age or older on economic need. A person who is [~~An~~] eligible for more than one exemption under this subsection as a disabled person, a parent or guardian of a person who is disabled, or a person who is 65 years of age or older may [~~not~~] receive only one of the [~~both~~] exemptions from a school district and [~~but~~] may choose which exemption to receive [~~either~~]. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled person, parent or guardian of a person who is disabled, or elderly person may receive both the additional exemption for the disabled, parent or guardian of a person who is disabled, and elderly [~~and disabled~~] authorized by this subsection and any exemption for the disabled, parent or guardian of a person who is disabled, or elderly [~~or disabled~~] adopted pursuant to Subsection (b) of this section.  Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created.  The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of this subsection, Subsection (d) of this section, and Section 1-d-1 of this article.  The legislature by general law may define residence homestead for purposes of this section.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, to provide for an exemption from ad valorem taxation by certain political subdivisions of a portion of the market value of the residence homestead of the parent or guardian of a person who is disabled and who resides with the parent or guardian.

(b)  The amendments to Sections 1-b(b) and (c), Article VIII, of this constitution take effect January 1, 2022, and apply only to a tax year beginning on or after that date.

(c)  This temporary provision expires January 1, 2023.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to provide for an exemption from ad valorem taxation by certain political subdivisions of a portion of the market value of the residence homestead of the parent or guardian of a person who is disabled and who resides with the parent or guardian."