87R5581 SMT-D

By:  Ellzey H.J.R. No. 125

A JOINT RESOLUTION

proposing a constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

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 for general elementary and secondary public school purposes may not be increased while 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 who is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older 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 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 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.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) The changes to the law made by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, are validated.

(b)  An action taken by a tax official in reliance on Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, is validated.

(c)  A collector who collected school district ad valorem taxes from a surviving spouse who, under the law as amended by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, was entitled to receive a limitation on school district taxes on the spouse's residence homestead shall calculate the school district taxes that should have been imposed for the 2020 and 2021 tax years taking into account the change in law made by that Act and, if the taxes collected by the collector for those tax years exceed the taxes that should have been imposed as calculated under this subsection, the collector shall refund to the surviving spouse the difference between the taxes collected and the taxes that should have been imposed as calculated under this subsection.

(d)  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 provide for voting for or against the proposition: "The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death."