

By: Guillen

H.J.R. No. 205

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit the imposition of
2 school district maintenance and operations ad valorem taxes on
3 residence homesteads, to increase the rates of state sales and use
4 taxes and dedicate the revenue attributable to that increase for
5 public education, and to establish and prescribe the permissible
6 uses of the homeowner protection fund.

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

8 SECTION 1. Section 3, Article VII, Texas Constitution, is
9 amended by adding Subsection (f) to read as follows:

10 (f) Notwithstanding any other provision of this
11 constitution or general law, a school district, other than a junior
12 college district, may not impose an ad valorem tax for maintenance
13 and operations purposes on a person's residence homestead.

14 SECTION 2. Article VIII, Texas Constitution, is amended by
15 adding Sections 1-c, 27, and 28 to read as follows:

16 Sec. 1-c. (a) The homeowner protection fund is established
17 as a fund in the state treasury.

18 (b) The homeowner protection fund may consist of:

19 (1) money transferred or appropriated to the fund at
20 the direction of the legislature;

21 (2) money that the legislature by statute dedicates
22 for deposit to the credit of the fund; and

23 (3) investment earnings and interest earned on amounts
24 in the fund.

1 (c) The legislature may appropriate money from the
2 homeowner protection fund only in the event that sufficient revenue
3 is not available to provide for the support and maintenance of an
4 efficient system of public free schools.

5 (d) Notwithstanding Subsection (c) of this section, the
6 legislature by general law may provide for a procedure by which
7 money in the homeowner protection fund is transferred to the
8 general revenue fund if the balance of the homeowner protection
9 fund exceeds an amount determined by the legislature. The amount
10 determined by the legislature may not be less than \$20 billion. The
11 comptroller of public accounts shall comply with a general law
12 enacted by the legislature under this subsection.

13 (e) An appropriation or transfer of money from the homeowner
14 protection fund for a purpose described by Subsection (c) or (d) of
15 this section is not an appropriation of state tax revenues for
16 purposes of Section 22 of this article.

17 (f) On January 1, 2024, \$20 billion of the unobligated and
18 otherwise unappropriated balance of the general revenue fund is
19 appropriated to the homeowner protection fund established under
20 this section. The appropriation required by this subsection is not
21 an appropriation of state tax revenues for purposes of Section 22
22 of this article. This subsection expires December 31, 2024.

23 SECTION 4. The following temporary provision is added to
24 the Texas Constitution:

25 TEMPORARY PROVISION. (a) This temporary provision applies
26 to the constitutional amendment proposed by the 88th Legislature,
27 Regular Session, 2023, to prohibit the imposition of school

1 district maintenance and operations ad valorem taxes on residence
2 homesteads, to increase the rates of state sales and use taxes and
3 dedicate the revenue attributable to that increase for public
4 education, to impose a tax on the transfer of residential real
5 estate, and to establish and prescribe the permissible uses of the
6 homeowner protection fund.

7 (b) The amendment takes effect January 1, 2024.

8 (c) This temporary provision expires January 1, 2025.

9 SECTION 5. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 7, 2023.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment to prohibit the
13 imposition of school district maintenance and operations ad valorem
14 taxes on residence homesteads, to increase the rates of state sales
15 and use taxes and dedicate the revenue attributable to that
16 increase for public education, to impose a tax on the transfer of
17 residential real estate, and to establish and prescribe the
18 permissible uses of the homeowner protection fund."