

By: Bohac

H.J.R. No. 17

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to establish a three percent limit on annual increases in the
3 appraised value for ad valorem tax purposes of residential real
4 property.

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

6 SECTION 1. Section 1(i), Article VIII, Texas Constitution,
7 is amended to read as follows:

8 (i) Notwithstanding Subsections (a) and (b) of this
9 section, the Legislature by general law may limit the maximum
10 average annual percentage increase in the appraised value [~~of~~
11 ~~residence homesteads~~] for ad valorem tax purposes of residential
12 real property, as defined by the Legislature, to three [10]
13 percent, or a greater percentage, for each year since the most
14 recent tax appraisal. A limitation on appraisal increases for
15 residential real property authorized by this subsection:

16 (1) takes effect in the tax year following the first
17 tax year in which the owner owns the property on January 1 or, if the
18 property qualifies for an exemption as the [to a] residence
19 homestead of the owner under Section 1-b of this article in the tax
20 year in which the owner acquires the property, in [on the later of
21 ~~the effective date of the law imposing the limitation or January 1~~
22 ~~of]~~ the tax year following the [~~first~~] tax year in which the owner
23 acquires [qualifies] the property [for an exemption under Section
24 ~~1-b of this article]; and~~

1 (2) expires on January 1 of the [~~first~~] tax year
2 following the tax year in which [~~that neither~~] the owner of the
3 property when the limitation took effect ceases to own the
4 property, except that the Legislature by general law may provide
5 for the limitation to continue during ownership of the property by
6 [~~nor~~] the owner's spouse or surviving spouse who qualifies the
7 property for an exemption under Section 1-b of this article.

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

10 TEMPORARY PROVISION. (a) This temporary provision applies
11 to the constitutional amendment proposed by the 78th Legislature,
12 4th Called Session, 2004, to authorize the legislature to limit the
13 maximum average annual increase in the appraised value for ad
14 valorem tax purposes of residential real property and expires
15 January 1, 2006.

16 (b) The amendment to Section 1(i), Article VIII, of this
17 constitution takes effect January 1, 2005, and applies only to a tax
18 year that begins on or after that date.

19 SECTION 3. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 2, 2004.
21 The ballot shall be printed to permit voting for or against the
22 proposition: "The constitutional amendment authorizing a three
23 percent limitation on annual increases in the appraised value for
24 ad valorem tax purposes of residential real property."