

By: Bohac, Crabb, Talton

H.J.R. No. 35

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature
2 to limit the maximum average annual increase in the appraised value
3 of real property for ad valorem tax purposes to five percent or
4 more.

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 real
11 property [~~residence homesteads~~] for ad valorem tax purposes to five
12 [~~10~~] percent, or a greater percentage, for each year since the most
13 recent tax appraisal. A limitation on appraisal increases
14 authorized by this subsection:

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

24 (2) expires on January 1 of the first tax year

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

8 SECTION 2. This proposed constitutional amendment shall be
9 submitted to the voters at an election to be held November 8, 2005.
10 The ballot shall be printed to permit voting for or against the
11 proposition: "The constitutional amendment authorizing the
12 legislature to limit the maximum average annual increase in the
13 appraised value of real property for ad valorem tax purposes to five
14 percent or more."