

By: Howard of Fort Bend

H.J.R. No. 121

A JOINT RESOLUTION

1 proposing a constitutional amendment to require that taxation be  
2 fair and equal and that the full cash value of property, calculated  
3 only when property is purchased, constructed, or exchanged, be used  
4 for purposes of ad valorem taxation.

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

6 SECTION 1. Section 1, Article VIII, Texas Constitution, is  
7 amended by amending Subsections (a) and (b) and adding Subsections  
8 (c-1) and (c-2) to read as follows:

9 (a) Taxation shall be fair and equal [~~and uniform~~].

10 (b) All real property and tangible personal property in this  
11 State, unless exempt as required or permitted by this Constitution,  
12 whether owned by natural persons or corporations, other than  
13 municipal, shall be taxed at the property's full cash [~~in~~  
14 ~~proportion to its~~] value, which shall be ascertained as may be  
15 provided by law.

16 (c-1) In this section:

17 (1) "Full cash value" means the valuation as shown on a  
18 2009 ad valorem tax bill for a property under "market value" or,  
19 thereafter, the appraised value of real property when purchased,  
20 when newly constructed, or at the time of a change in ownership  
21 after the 2009 assessment. Real property that is not assessed at  
22 the 2009 full cash value may be reassessed to reflect that  
23 valuation.

24 (2) "Newly constructed" does not include real property

1 that is reconstructed after a disaster, as declared by the  
2 governor, if the value of the real property for tax purposes, as  
3 reconstructed, is comparable to its value for tax purposes prior to  
4 the disaster.

5 (c-2) All references in the Constitution to market value  
6 mean full cash value.

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

9 TEMPORARY PROVISION. (a) This temporary provision applies  
10 to the constitutional amendment proposed by the 81st Legislature,  
11 Regular Session, 2009, to require that taxation be fair and equal  
12 and that the full cash value of property, calculated only when  
13 property is purchased, constructed, or exchanged, be used for  
14 purposes of ad valorem taxation.

15 (b) Sections 1(a), (b), (c-1), and (c-2), Article VIII of  
16 this constitution, take effect January 1, 2010, and apply only to a  
17 tax year that begins on or after that date.

18 (c) This temporary provision expires January 1, 2011.

19 SECTION 3. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held November 3, 2009.  
21 The ballot shall be printed to permit voting for or against the  
22 proposition: "The constitutional amendment to require that  
23 taxation be fair and equal and that the full cash value of property,  
24 calculated only when property is purchased, constructed, or  
25 exchanged, be used for purposes of ad valorem taxation."