

By: Nichols

S.J.R. No. 10

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature
2 to limit the maximum appraised value of a residence homestead for ad
3 valorem tax purposes to 105 percent or less of the appraised value
4 of the property for the preceding tax year and to permit the voters
5 of a county to establish a higher limitation not to exceed 110
6 percent on the maximum appraised value of a residence homestead in
7 the county.

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

9 SECTION 1. Section 1, Article VIII, Texas Constitution, is
10 amended by amending Subsection (i) and adding Subsections (i-1) and
11 (i-2) to read as follows:

12 (i) Notwithstanding Subsections (a) and (b) of this
13 section, the Legislature by general law may limit the maximum
14 appraised value of a residence homestead for ad valorem tax
15 purposes in a tax year to the lesser of the most recent market value
16 of the residence homestead as determined by the appraisal entity or
17 105 [~~110~~] percent, or a lesser [~~greater~~] percentage, of the
18 appraised value of the residence homestead for the preceding tax
19 year. A limitation on appraised values authorized by this
20 subsection:

21 (1) takes effect as to a residence homestead on the
22 later of the effective date of the law imposing the limitation or
23 January 1 of the tax year following the first tax year the owner
24 qualifies the property for an exemption under Section 1-b of this

1 article; and

2 (2) expires on January 1 of the first tax year that
3 neither the owner of the property when the limitation took effect
4 nor the owner's spouse or surviving spouse qualifies for an
5 exemption under Section 1-b of this article.

6 (i-1) Notwithstanding Subsections (a) and (b) of this
7 section, if the Legislature establishes a limitation on the maximum
8 appraised value of a residence homestead as authorized by
9 Subsection (i) of this section, the commissioners court of a county
10 may call an election in the county to permit the voters to determine
11 by majority vote whether to establish for purposes of ad valorem
12 taxation by each political subdivision in the county a percentage
13 limitation on the maximum appraised value of a residence homestead
14 in the county that is greater than the percentage established by the
15 Legislature under Subsection (i) of this section but not more than
16 110 percent. The ballot proposition shall specify the proposed
17 percentage limitation on maximum appraised value. If approved by
18 the voters, the limitation applies beginning with the tax year
19 following the year in which the election is held. A limitation on
20 maximum appraised value established under this subsection takes
21 effect as to a residence homestead on the later of January 1 of the
22 tax year following the year in which the election is held or January
23 1 of the tax year following the first tax year the owner qualifies
24 the property for an exemption under Section 1-b of this article. As
25 to a residence homestead, the limitation expires on January 1 of the
26 first tax year that neither the owner of the property when the
27 limitation took effect nor the owner's spouse or surviving spouse

1 qualifies for an exemption under Section 1-b of this article. If
2 the voters of a county establish a limitation on maximum appraised
3 value under this subsection, the limitation remains in effect until
4 the tax year following a year in which the limitation is amended or
5 repealed by the voters of the county at a subsequent election called
6 by the commissioners court. The Legislature by general law may
7 limit the frequency with which elections authorized by this
8 subsection may be called in a county.

9 (i-2) The Legislature by general law may provide that a
10 limitation on the maximum appraised value of a residence homestead
11 established under Subsection (i) or (i-1) of this section does not
12 apply to a new improvement to the residence homestead.

13 SECTION 2. This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held November 3, 2009.
15 The ballot shall be printed to permit voting for or against the
16 proposition: "The constitutional amendment to authorize the
17 legislature to limit the maximum appraised value of a residence
18 homestead for ad valorem tax purposes to 105 percent or less of the
19 appraised value of the property for the preceding tax year and to
20 permit the voters of a county to establish a higher limitation not
21 to exceed 110 percent on the maximum appraised value of a residence
22 homestead in the county."