

By: Chavez

H.B. No. 106

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a local option exemption from ad valorem taxation of
3 property that is owned by certain child-care facilities and is used
4 for providing care for children.

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

6 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
7 adding Section 11.34 to read as follows:

8 Sec. 11.34. CHILD-CARE FACILITIES. (a) In this section,
9 "child-care facility," "day-care center," and "group day-care
10 home" have the meanings assigned by Section 42.002, Human Resources
11 Code.

12 (b) A child-care facility that qualifies as a day-care
13 center or a group day-care home is entitled to an exemption from
14 taxation by a taxing unit of the real and tangible personal property
15 the child-care facility owns that is used exclusively and is
16 reasonably necessary for providing care for children attending the
17 facility if the exemption is adopted by:

18 (1) the governing body of the taxing unit; or

19 (2) a favorable vote of a majority of the voters of the
20 taxing unit voting at an election called for that purpose by the
21 governing body of the taxing unit.

22 (c) The governing body of the taxing unit shall call an
23 election for purposes of Subsection (b)(2) on the petition of a
24 number of registered voters of the taxing unit equal to at least 20

1 percent of the number of voters who voted in the preceding election
2 of the taxing unit.

3 SECTION 2. Section 11.43(c), Tax Code, is amended to read as
4 follows:

5 (c) An exemption provided by Section 11.13, 11.17, 11.18,
6 11.182, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(j), 11.29, 11.30,
7 [~~or~~] 11.31, or 11.34, once allowed, need not be claimed in
8 subsequent years, and except as otherwise provided by Subsection
9 (e), the exemption applies to the property until it changes
10 ownership or the person's qualification for the exemption changes.
11 However, the chief appraiser may require a person allowed one of the
12 exemptions in a prior year to file a new application to confirm the
13 person's current qualification for the exemption by delivering a
14 written notice that a new application is required, accompanied by
15 an appropriate application form, to the person previously allowed
16 the exemption.

17 SECTION 3. This Act takes effect January 1, 2004, but only
18 if the constitutional amendment proposed by the 78th Legislature,
19 Regular Session, 2003, to authorize a local option exemption from
20 ad valorem taxation of property that is owned by a licensed
21 child-care facility and used exclusively for providing care for
22 children is approved by the voters. If that amendment is not
23 approved by the voters, this Act has no effect.