

1-1 By: Hamric, et al. (Senate Sponsor - Van de Putte) H.B. No. 216
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 22, 2003, read first time and referred to Committee on
1-4 Finance; May 23, 2003, reported favorably by the following vote:
1-5 Yeas 11, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the qualification of a disabled person for an exemption
1-9 from ad valorem taxation on the person's residence homestead.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 11.42(c), Tax Code, is amended to read as
1-12 follows:

1-13 (c) An exemption authorized by Section 11.13(c) or (d) [~~for~~
1-14 ~~an individual 65 years of age or older~~] is effective as of January 1
1-15 of the tax year in which the person qualifies for the exemption and
1-16 applies to the entire tax year.

1-17 SECTION 2. Section 11.43(k), Tax Code, is amended to read as
1-18 follows:

1-19 (k) A person who qualifies for an [~~the~~] exemption authorized
1-20 by Section 11.13(c) or (d) [~~for an individual 65 years of age or~~
1-21 ~~older~~] must apply for the exemption no later than the first
1-22 anniversary of the date the person qualified for the exemption.

1-23 SECTION 3. Section 26.10(b), Tax Code, is amended to read as
1-24 follows:

1-25 (b) If the appraisal roll shows that a residence homestead
1-26 exemption for an individual 65 years of age or older or a residence
1-27 homestead exemption for a disabled individual applicable to a
1-28 property on January 1 of a year terminated during the year and if
1-29 the owner qualifies a different property for one of those [~~a~~]
1-30 residence homestead exemptions [~~exemption~~] during the same year,
1-31 the tax due against the former residence homestead is calculated
1-32 by:

1-33 (1) subtracting:

1-34 (A) the amount of the taxes that otherwise would
1-35 be imposed on the former residence homestead for the entire year had
1-36 the individual qualified for the residence homestead exemption for
1-37 the entire year; from

1-38 (B) the amount of the taxes that otherwise would
1-39 be imposed on the former residence homestead for the entire year had
1-40 the individual not qualified for the residence homestead exemption
1-41 during the year;

1-42 (2) multiplying the remainder determined under
1-43 Subdivision (1) by a fraction, the denominator of which is 365 and
1-44 the numerator of which is the number of days that elapsed after the
1-45 date the exemption terminated; and

1-46 (3) adding the product determined under Subdivision
1-47 (2) and the amount described by Subdivision (1)(A).

1-48 SECTION 4. Section 26.112, Tax Code, is amended to read as
1-49 follows:

1-50 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
1-51 ELDERLY OR DISABLED PERSON. (a) Except as provided by Section
1-52 26.10(b), if at any time during a tax year property is owned by an
1-53 individual who qualifies for an exemption under Section 11.13(c) or
1-54 (d) [~~for an individual 65 years of age or older~~], the amount of the
1-55 tax due on the property for the tax year is calculated as if the
1-56 person qualified for the exemption on January 1 and continued to
1-57 qualify for the exemption for the remainder of the tax year.

1-58 (b) If a person qualifies for an exemption under Section
1-59 11.13(c) or (d) [~~for an individual 65 years of age or older~~] with
1-60 respect to the property after the amount of the tax due on the
1-61 property is calculated and the effect of the qualification is to
1-62 reduce the amount of the tax due on the property, the assessor for
1-63 each taxing unit shall recalculate the amount of the tax due on the
1-64 property and correct the tax roll. If the tax bill has been mailed

2-1 and the tax on the property has not been paid, the assessor shall
2-2 mail a corrected tax bill to the person in whose name the property
2-3 is listed on the tax roll or to the person's authorized agent. If
2-4 the tax on the property has been paid, the tax collector for the
2-5 taxing unit shall refund to the person who paid the tax the amount
2-6 by which the payment exceeded the tax due.

2-7 SECTION 5. This Act takes effect January 1, 2004, and
2-8 applies only to an ad valorem tax year that begins on or after that
2-9 date.

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