

By: Bonnen

H.B. No. 959

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from ad valorem taxation of a portion of the appraised value of the residence homesteads of certain volunteer firefighters and emergency medical services volunteers.

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

SECTION 1. Section 11.13(i), Tax Code, is amended to read as follows:

(i) The assessor and collector for a taxing unit may disregard the exemptions authorized by Subsection (b), (c), (d), ~~(e)~~ (n), or (s) [of this section] and assess and collect a tax pledged for payment of debt without deducting the amount of the exemption if:

(1) prior to adoption of the exemption, the unit pledged the taxes for the payment of a debt; and

(2) granting the exemption would impair the obligation of the contract creating the debt.

SECTION 2. Section 11.13(m), Tax Code, is amended by adding Subdivisions (1-a) and (3) to read as follows:

(1-a) "Emergency medical services volunteer" has the meaning assigned by Section 773.003, Health and Safety Code.

(3) "Volunteer firefighter" means an individual who is a member of an organized volunteer firefighting unit that:

(A) renders firefighting services without remuneration; and

1                   (B) conducts a minimum of two drills each month,  
2 each not less than two hours long.

3           SECTION 3. Section 11.13, Tax Code, is amended by adding  
4 Subsection (s) to read as follows:

5           (s) In addition to any other exemptions provided by this  
6 section, an individual is entitled to an exemption from taxation by  
7 a taxing unit of \$5,000 of the appraised value of the individual's  
8 residence homestead if the individual:

9                   (1) is a volunteer firefighter or emergency medical  
10 services volunteer; and

11                   (2) has served in that capacity in this state for the  
12 preceding 365 days.

13           SECTION 4. Section 403.302(d), Government Code, is amended  
14 to read as follows:

15           (d) For the purposes of this section, "taxable value" means  
16 the market value of all taxable property less:

17                   (1) the total dollar amount of any residence homestead  
18 exemptions lawfully granted under Section 11.13(b), ~~[or]~~ (c), or  
19 (s), Tax Code, in the year that is the subject of the study for each  
20 school district;

21                   (2) one-half of the total dollar amount of any  
22 residence homestead exemptions granted under Section 11.13(n), Tax  
23 Code, in the year that is the subject of the study for each school  
24 district;

25                   (3) the total dollar amount of any exemptions granted  
26 before May 31, 1993, within a reinvestment zone under agreements  
27 authorized by Chapter 312, Tax Code;

1           (4) subject to Subsection (e), the total dollar amount  
2 of any captured appraised value of property that:

3           (A) is within a reinvestment zone created on or  
4 before May 31, 1999, or is proposed to be included within the  
5 boundaries of a reinvestment zone as the boundaries of the zone and  
6 the proposed portion of tax increment paid into the tax increment  
7 fund by a school district are described in a written notification  
8 provided by the municipality or the board of directors of the zone  
9 to the governing bodies of the other taxing units in the manner  
10 provided by Section 311.003(e), Tax Code, before May 31, 1999, and  
11 within the boundaries of the zone as those boundaries existed on  
12 September 1, 1999, including subsequent improvements to the  
13 property regardless of when made;

14           (B) generates taxes paid into a tax increment  
15 fund created under Chapter 311, Tax Code, under a reinvestment zone  
16 financing plan approved under Section 311.011(d), Tax Code, on or  
17 before September 1, 1999; and

18           (C) is eligible for tax increment financing under  
19 Chapter 311, Tax Code;

20           (5) for a school district for which a deduction from  
21 taxable value is made under Subdivision (4), an amount equal to the  
22 taxable value required to generate revenue when taxed at the school  
23 district's current tax rate in an amount that, when added to the  
24 taxes of the district paid into a tax increment fund as described by  
25 Subdivision (4)(B), is equal to the total amount of taxes the  
26 district would have paid into the tax increment fund if the district  
27 levied taxes at the rate the district levied in 2005;

1           (6) the total dollar amount of any captured appraised  
2 value of property that:

3                   (A) is within a reinvestment zone:

4                           (i) created on or before December 31, 2008,  
5 by a municipality with a population of less than 18,000; and

6                           (ii) the project plan for which includes  
7 the alteration, remodeling, repair, or reconstruction of a  
8 structure that is included on the National Register of Historic  
9 Places and requires that a portion of the tax increment of the zone  
10 be used for the improvement or construction of related facilities  
11 or for affordable housing;

12                   (B) generates school district taxes that are paid  
13 into a tax increment fund created under Chapter 311, Tax Code; and

14                   (C) is eligible for tax increment financing under  
15 Chapter 311, Tax Code;

16           (7) the total dollar amount of any exemptions granted  
17 under Section 11.251 or 11.253, Tax Code;

18           (8) the difference between the comptroller's estimate  
19 of the market value and the productivity value of land that  
20 qualifies for appraisal on the basis of its productive capacity,  
21 except that the productivity value estimated by the comptroller may  
22 not exceed the fair market value of the land;

23           (9) the portion of the appraised value of residence  
24 homesteads of individuals who receive a tax limitation under  
25 Section 11.26, Tax Code, on which school district taxes are not  
26 imposed in the year that is the subject of the study, calculated as  
27 if the residence homesteads were appraised at the full value

1 required by law;

2 (10) a portion of the market value of property not  
3 otherwise fully taxable by the district at market value because of:

4 (A) action required by statute or the  
5 constitution of this state that, if the tax rate adopted by the  
6 district is applied to it, produces an amount equal to the  
7 difference between the tax that the district would have imposed on  
8 the property if the property were fully taxable at market value and  
9 the tax that the district is actually authorized to impose on the  
10 property, if this subsection does not otherwise require that  
11 portion to be deducted; or

12 (B) action taken by the district under Subchapter  
13 B or C, Chapter 313, Tax Code;

14 (11) the market value of all tangible personal  
15 property, other than manufactured homes, owned by a family or  
16 individual and not held or used for the production of income;

17 (12) the appraised value of property the collection of  
18 delinquent taxes on which is deferred under Section 33.06, Tax  
19 Code;

20 (13) the portion of the appraised value of property  
21 the collection of delinquent taxes on which is deferred under  
22 Section 33.065, Tax Code; and

23 (14) the amount by which the market value of a  
24 residence homestead to which Section 23.23, Tax Code, applies  
25 exceeds the appraised value of that property as calculated under  
26 that section.

27 SECTION 5. This Act applies only to ad valorem taxes imposed

1 for a tax year beginning on or after the effective date of this Act.

2 SECTION 6. This Act takes effect January 1, 2010, but only  
3 if the constitutional amendment authorizing the legislature to  
4 exempt from ad valorem taxation a portion of the assessed value of  
5 the residence homesteads of volunteer firefighters and emergency  
6 medical services volunteers is approved by the voters. If that  
7 amendment is not approved by the voters, this Act has no effect.