

1-1 By: Legler, et al. (Senate Sponsor - Williams) H.B. No. 1257
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Finance;
1-4 May 15, 2009, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; May 15, 2009, sent to printer.)

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

1-8 relating to the payment in installments of ad valorem taxes on
1-9 certain property owned by a business entity and located in a
1-10 disaster area.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 31.032, Tax Code, is amended by amending
1-13 Subsection (a) and adding Subsection (h) to read as follows:

1-14 (a) This section applies only to:

1-15 (1) real property that:

1-16 (A) is:

1-17 (i) the residence homestead of the owner or
1-18 consists of property that is used for residential purposes and that
1-19 has fewer than five living units; or

1-20 (ii) owned or leased by a business entity
1-21 that had not more than the amount calculated as provided by
1-22 Subsection (h) in gross receipts in the entity's most recent
1-23 federal tax year or state franchise tax annual period, according to
1-24 the applicable federal income tax return or state franchise tax
1-25 report of the entity;

1-26 (B) is located in a disaster area; and

1-27 (C) has been damaged as a direct result of the
1-28 disaster; ~~and~~

1-29 (2) tangible personal property that is owned or leased
1-30 by a business entity described by Subdivision (1)(A)(ii); and

1-31 (3) taxes that are imposed on the property by a taxing
1-32 unit before the first anniversary of the disaster.

1-33 (h) For the 2009 tax year, the limit on gross receipts under
1-34 Subsection (a)(1)(A)(ii) is \$5 million. For each subsequent tax
1-35 year, the comptroller shall adjust the limit to reflect inflation
1-36 by using the index that the comptroller considers to most
1-37 accurately report changes in the purchasing power of the dollar for
1-38 consumers in this state and shall publicize the adjusted limit.
1-39 Each collector shall use the adjusted limit as calculated by the
1-40 comptroller under this subsection to determine whether property is
1-41 owned or leased by a business entity described by Subsection
1-42 (a)(1)(A)(ii).

1-43 SECTION 2. This Act takes effect immediately if it receives
1-44 a vote of two-thirds of all the members elected to each house, as
1-45 provided by Section 39, Article III, Texas Constitution. If this
1-46 Act does not receive the vote necessary for immediate effect, this
1-47 Act takes effect September 1, 2009.

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