

By: Eiland, et al.

H.B. No. 1283

A BILL TO BE ENTITLED

1 AN ACT

2 relating to installment payments of ad valorem taxes on property in
3 a disaster area.

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

5 SECTION 1. Section 31.032, Tax Code, is amended by amending
6 Subsections (a) and (c) and adding Subsection (h) to read as
7 follows:

8 (a) This section applies only to:

9 (1) real property that:

10 (A) ~~[is the residence homestead of the owner or~~
11 ~~consists of property that is used for residential purposes and that~~
12 ~~has fewer than five living units;~~

13 ~~[(B)]~~ is located in a disaster area; ~~[and]~~

14 (B) [(C)] has been damaged as a direct result of
15 the disaster; and

16 (C) if the property is owned or leased by a
17 business entity, is owned or leased by a business entity that had
18 not more than the amount provided by Subsection (h) in gross
19 receipts in the entity's most recent federal tax year or state
20 franchise tax annual period, according to the applicable federal
21 income tax return or state franchise tax report of the entity; and

22 (2) taxes that are imposed on the property by a taxing
23 unit before the first anniversary of the disaster.

24 (c) If the person fails to make a payment before the

1 applicable date provided by Subsection (b), the unpaid amount is
2 delinquent and incurs a penalty of six [~~12~~] percent and interest as
3 provided by Section 33.01(c).

4 (h) For the 2009 tax year, the limit on gross receipts under
5 Subsection (a)(1)(C) is \$5 million. For each subsequent tax year,
6 the comptroller shall adjust the limit to reflect inflation by
7 using the index that the comptroller considers to most accurately
8 report changes in the purchasing power of the dollar for consumers
9 in this state and shall publicize the adjusted limit. Each
10 collector shall use the adjusted limit as calculated by the
11 comptroller under this subsection to determine whether property is
12 owned or leased by a business entity described by Subsection
13 (a)(1)(C).

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