

By: Rose

H.B. No. 1585

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, emergency medical services volunteers, and individuals serving as foster parents.

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

1 remuneration; and

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

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

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

10 (1) is a volunteer firefighter, an emergency medical
11 services volunteer, or an individual serving as a foster parent;
12 and

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

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

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

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

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

27 (3) the total dollar amount of any exemptions granted

1 before May 31, 1993, within a reinvestment zone under agreements
2 authorized by Chapter 312, Tax Code;

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

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

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

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

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

1 district would have paid into the tax increment fund if the district
2 levied taxes at the rate the district levied in 2005;

3 (6) the total dollar amount of any captured appraised
4 value of property that:

5 (A) is within a reinvestment zone:

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

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

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

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

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

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

25 (9) the portion of the appraised value of residence
26 homesteads of individuals who receive a tax limitation under
27 Section 11.26, Tax Code, on which school district taxes are not

1 imposed in the year that is the subject of the study, calculated as
2 if the residence homesteads were appraised at the full value
3 required by law;

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

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

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

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

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

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

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

1 that section.

2 SECTION 5. This Act applies only to ad valorem taxes imposed
3 for a tax year beginning on or after the effective date of this Act.

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