

By: Vaught

H.B. No. 2934

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from ad valorem taxation of a portion of
3 the appraised value of the residence homesteads of certain military
4 servicemembers who have served in a hostile fire or imminent danger
5 pay zone or a combat zone.

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

7 SECTION 1. Section 11.13, Tax Code, is amended by adding
8 Subsections (s), (t), and (u) to read as follows:

9 (s) In addition to any other exemptions provided by this
10 section, an individual is entitled to an exemption from taxation by
11 a taxing unit in the amount computed under Subsection (t) of the
12 appraised value of the individual's residence homestead if the
13 individual:

14 (1) is a member or former member of:

15 (A) the armed forces of the United States;

16 (B) the Texas National Guard or the National
17 Guard of another state; or

18 (C) a reserve component of the armed forces of
19 the United States; and

20 (2) has served in:

21 (A) a hostile fire or imminent danger pay zone
22 designated by the secretary of state of the United States; or

23 (B) a combat zone designated by the president of
24 the United States.

1 (t) The total amount of the exemption to which an individual
2 is entitled under Subsection (s) is computed by:

3 (1) determining the total number of months or portions
4 of a month the individual served in the circumstances described by
5 Subsection (s)(2) during the preceding 10 years; and

6 (2) multiplying the amount determined under
7 Subdivision (1) by \$750.

8 (u) An individual may not claim an exemption in more than
9 one tax year for the same month or portion of a month of service
10 described by Subsection (s)(2) or claim more than one exemption in a
11 tax year for the same month or portion of a month of that service on
12 the ground that the individual served in more than one category of
13 service during that month or portion of a month.

14 SECTION 2. Section 11.43, Tax Code, is amended by adding
15 Subsection (c-1) to read as follows:

16 (c-1) To receive an exemption authorized by Section
17 11.13(s), a person must submit an application for the exemption
18 even if the person already receives another exemption under Section
19 11.13. The application required by this subsection must include an
20 affidavit and a copy of official documents evidencing the person's
21 service described by Subsection (s)(2) and the period of service.
22 An affidavit required by this subsection must be in substantially
23 the following form:

24 "I, _____, do hereby solemnly swear or affirm that I am a
25 member or former member of (___) the armed forces of the United
26 States, (___) the Texas National Guard or the National Guard of
27 another state, or (___) a reserve component of the armed forces of

1 the United States, during the preceding 10 years I have served a
2 total of () months in () a hostile fire pay zone designated by
3 the secretary of state of the United States, () an imminent
4 danger pay zone designated by the secretary of state of the United
5 States, or () a combat zone designated by the president of the
6 United States, and I have not previously claimed an exemption for
7 that period of service.

8 Subscribed to and sworn before me this _____ day of
9 _____, _____.

10 SEAL _____
11 Notary Public in and for
12 _____ County, Texas"

13 SECTION 3. 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), ~~(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 4. 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 5. This Act takes effect January 1, 2010, but only
3 if the constitutional amendment proposed by the 81st Legislature,
4 Regular Session, 2009, authorizing the legislature to exempt from
5 ad valorem taxation a portion of the assessed value of the residence
6 homesteads of certain military servicemembers who have served in a
7 hostile fire or imminent danger pay zone or a combat zone takes
8 effect. If that amendment is not approved by the voters, this Act
9 has no effect.