

By: Carona

S.B. No. 1159

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from ad valorem taxation of the residence
3 homesteads of certain totally disabled veterans and to continuing
4 the exemption on the same property for the surviving spouse or
5 children of such a veteran, and to the amount of the exemption from
6 ad valorem taxation to which a disabled veteran is entitled based on
7 disability rating.

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

9 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
10 adding Section 11.131 to read as follows:

11 Sec. 11.131. RESIDENCE HOMESTEAD OF 100 PERCENT OR TOTALLY
12 DISABLED VETERAN. (a) In this section:

13 (1) "Disabled veteran" has the meaning assigned by
14 Section 11.22.

15 (2) "Residence homestead" has the meaning assigned by
16 Section 11.13.

17 (3) "Child" and "surviving spouse" have the meanings
18 assigned by Section 11.22.

19 (b) A disabled veteran who receives from the United States
20 Department of Veterans Affairs or its successor 100 percent
21 disability compensation due to a service-connected disability and a
22 rating of 100 percent disabled or of individual unemployability is
23 entitled to an exemption from taxation of the total appraised value
24 of the veteran's residence homestead.

1 (c) The surviving spouse of a 100 percent or totally
2 disabled veteran who qualified for an exemption under Subsection
3 (b) is entitled to an exemption from taxation of the total appraised
4 value of the same property to which the disabled veteran's
5 exemption applied if:

6 (1) the surviving spouse has not remarried; and

7 (2) the property:

8 (A) was the residence homestead of the surviving
9 spouse when the disabled veteran died; and

10 (B) remains the residence homestead of the
11 surviving spouse.

12 (d) If a 100 percent or totally disabled veteran who
13 qualifies for an exemption under Subsection (b) dies while
14 unmarried, the disabled veteran's surviving children, if any, are
15 entitled to an exemption from taxation of the total appraised value
16 of the same property to which the disabled veteran's exemption
17 applied if:

18 (1) one or more of the surviving children are younger
19 than 18 years of age and unmarried; and

20 (2) the property:

21 (A) was the principal residence of one or more of
22 the surviving children described by Subdivision (1) when the
23 disabled veteran died; and

24 (B) remains the principal residence of one or
25 more of those surviving children who are younger than 18 years of
26 age and unmarried.

27 SECTION 2. Section 11.22(a), Tax Code, is amended to read as

1 follows:

2 (a) A disabled veteran is entitled to an exemption from
3 taxation of a portion of the assessed value of a property the
4 veteran owns and designates as provided by Subsection (f) [~~of this~~
5 ~~section~~] in accordance with the following schedule:

		for a disability rating of	
7 an exemption of			
8 up to:	at least:	but <u>less</u> [not greater] than:	
9 \$5,000 of the	10%		30%
10 assessed value			
11 7,500	<u>30</u> [31]		50
12 10,000	<u>50</u> [51]		70
13 12,000	<u>70</u> [71] and over		

14 SECTION 3. Section 11.43(c), Tax Code, is amended to read as
15 follows:

16 (c) An exemption provided by Section 11.13, 11.131, 11.17,
17 11.18, 11.182, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(h), (j),
18 or (j-1), 11.29, 11.30, or 11.31, once allowed, need not be claimed
19 in subsequent years, and except as otherwise provided by Subsection
20 (e), the exemption applies to the property until it changes
21 ownership or the person's qualification for the exemption changes.
22 However, the chief appraiser may require a person allowed one of the
23 exemptions in a prior year to file a new application to confirm the
24 person's current qualification for the exemption by delivering a
25 written notice that a new application is required, accompanied by
26 an appropriate application form, to the person previously allowed
27 the exemption.

1 SECTION 4. Section 11.431(a), Tax Code, is amended to read
2 as follows:

3 (a) The chief appraiser shall accept and approve or deny an
4 application for a residence homestead exemption, including a
5 disabled veteran residence homestead exemption or an exemption
6 under Section 11.131 for the principal place of residence of the
7 surviving child of a disabled veteran, after the deadline for
8 filing it has passed if it is filed not later than one year after the
9 delinquency date for the taxes on the homestead.

10 SECTION 5. Section 403.302, Government Code, is amended by
11 adding Subsection (d-1) to read as follows:

12 (d-1) For purposes of Subsection (d), a residence homestead
13 that receives an exemption under Section 11.131, Tax Code, in the
14 year that is the subject of the study is not considered to be
15 taxable property.

16 SECTION 6. Sections 11.131(a)(3), (c), and (d), Tax Code,
17 as added by this Act, take effect January 1, 2010, but only if the
18 constitutional amendment proposed by the 81st Legislature, Regular
19 Session, 2009, authorizing the legislature to exempt from ad
20 valorem taxation the residence homestead of the surviving spouse of
21 a 100 percent or totally disabled veteran or the principal place of
22 residence of the surviving minor children of such a disabled
23 veteran in an amount equal to the amount of the residence homestead
24 exemption to which the disabled veteran was entitled on the same
25 property is approved by the voters. If that amendment is not
26 approved by the voters, those provisions have no effect.

27 SECTION 7. Sections 11.131(a)(1) and (2) and (b), Tax Code,

1 as added by this Act, apply to a tax year beginning on or after
2 January 1, 2009.

3 SECTION 8. Except as otherwise provided by this Act, this
4 Act takes effect immediately if it receives a vote of two-thirds of
5 all the members elected to each house, as provided by Section 39,
6 Article III, Texas Constitution. If this Act does not receive the
7 vote necessary for immediate effect, this Act takes effect
8 September 1, 2009.