

By: Farias

H.B. No. 1271

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from ad valorem taxation of the total appraised value of the residence homestead of a veteran or current member of the armed services of the United States while the veteran or current service member participates in a veterans court program.

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

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.134 to read as follows:

Sec. 11.134. VETERAN OR MEMBER OF ARMED SERVICES PARTICIPATING IN VETERANS COURT PROGRAM. (a) In this section:

(1) "Residence homestead" has the meaning assigned by Section 11.13.

(2) "Veterans court program" means the program described by Chapter 124, Government Code, or a program designed to assist veterans and current members of the armed services of the United States in avoiding involvement in the criminal justice system that has eligibility and procedural requirements that are substantially equivalent to the requirements of that chapter.

(b) A veteran or current service member is entitled to an exemption from taxation of the total appraised value of the veteran's or current service member's residence homestead for the period prescribed by Subsection (c).

(c) A veteran or current service member is eligible to receive an exemption under this section only for the period during

1 which the veteran or current service member participates in a
2 veterans court program.

3 SECTION 2. Section 11.42(e), Tax Code, is amended to read as
4 follows:

5 (e) A person who qualifies for an exemption under Section
6 11.131 or 11.134 after January 1 of a tax year may receive the
7 exemption for the applicable portion of that tax year immediately
8 on qualification for the exemption.

9 SECTION 3. Section 11.431(a), Tax Code, is amended to read
10 as follows:

11 (a) The chief appraiser shall accept and approve or deny an
12 application for a residence homestead exemption, including an
13 exemption under Section 11.131 or 11.132 for the residence
14 homestead of a disabled veteran or the surviving spouse of a
15 disabled veteran, ~~or~~ an exemption under Section 11.132 for the
16 residence homestead of the surviving spouse of a member of the armed
17 services of the United States who is killed in action, or an
18 exemption under 11.134 for the residence homestead of a veteran or
19 current service member participating in a veterans court program,
20 after the deadline for filing it has passed if it is filed not later
21 than one year after the delinquency date for the taxes on the
22 homestead.

23 SECTION 4. Section 26.10(c), Tax Code, is amended to read as
24 follows:

25 (c) If the appraisal roll shows that a residence homestead
26 exemption under Section 11.131 or 11.134 applicable to a property
27 on January 1 of a year terminated during the year, the tax due

1 against the residence homestead is calculated by multiplying the
2 amount of the taxes that otherwise would be imposed on the residence
3 homestead for the entire year had the individual not qualified for
4 the residence homestead exemption [~~under Section 11.131~~] during the
5 year by a fraction, the denominator of which is 365 and the
6 numerator of which is the number of days that elapsed after the date
7 the exemption terminated.

8 SECTION 5. Section 26.1125, Tax Code, is amended to read as
9 follows:

10 Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD
11 OF 100 PERCENT OR TOTALLY DISABLED VETERAN OR PARTICIPANT IN
12 VETERANS COURT PROGRAM. (a) If a person qualifies for an exemption
13 under Section 11.131 or 11.134 after the beginning of a tax year,
14 the amount of the taxes on the residence homestead of the person for
15 the tax year is calculated by multiplying the amount of the taxes
16 that otherwise would be imposed on the residence homestead for the
17 entire year had the person not qualified for the applicable
18 exemption [~~under Section 11.131~~] by a fraction, the denominator of
19 which is 365 and the numerator of which is the number of days that
20 elapsed before the date the person qualified for the applicable
21 exemption [~~under Section 11.131~~].

22 (b) If a person qualifies for an exemption under Section
23 11.131 or 11.134 with respect to the property after the amount of
24 the tax due on the property is calculated and the effect of the
25 qualification is to reduce the amount of the tax due on the
26 property, the assessor for each taxing unit shall recalculate the
27 amount of the tax due on the property and correct the tax roll. If

1 the tax bill has been mailed and the tax on the property has not been
2 paid, the assessor shall mail a corrected tax bill to the person in
3 whose name the property is listed on the tax roll or to the person's
4 authorized agent. If the tax on the property has been paid, the tax
5 collector for the taxing unit shall refund to the person who paid
6 the tax the amount by which the payment exceeded the tax due.

7 SECTION 6. Section 403.302(d-1), Government Code, is
8 amended to read as follows:

9 (d-1) For purposes of Subsection (d), a residence homestead
10 that receives an exemption under Section 11.131, ~~[or]~~ 11.132, or
11 11.134, Tax Code, in the year that is the subject of the study is not
12 considered to be taxable property.

13 SECTION 7. Section 11.134, Tax Code, as added by this Act,
14 applies only to ad valorem taxes imposed for a tax year beginning on
15 or after the effective date of this Act.

16 SECTION 8. This Act takes effect January 1, 2016, but only
17 if the constitutional amendment proposed by the 84th Legislature,
18 Regular Session, 2015, authorizing the legislature to exempt from
19 ad valorem taxation the total assessed value of the residence
20 homestead of a veteran or current member of the armed services of
21 the United States while the veteran or current service member
22 participates in a veterans court program is approved by the voters.
23 If that constitutional amendment is not approved by the voters,
24 this Act has no effect.