

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1412

5 By: Representative Ballinger  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE PROPERTY TAX EXEMPTION FOR  
9 DISABLED VETERANS, SURVIVING SPOUSES, AND MINOR  
10 DEPENDENT CHILDREN; TO PROVIDE FOR A PARTIAL PROPERTY  
11 TAX EXEMPTION FOR DISABLED VETERANS IN PROPORTION TO  
12 THE EXTENT OF THE DISABILITY OF THE VETERAN; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

16  
17 TO PROVIDE FOR A PARTIAL PROPERTY TAX  
18 EXEMPTION FOR DISABLED VETERANS IN  
19 PROPORTION TO THE EXTENT OF THE  
20 DISABILITY OF THE VETERAN.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 26-3-306(a)(1), concerning the property tax  
26 exemption for disabled veterans, surviving spouses, and minor dependent  
27 children, is amended to read as follows:

28 (a)(1)(A)(i) A disabled veteran who has been awarded special monthly  
29 compensation by the Department of Veterans Affairs for the loss of, or the  
30 loss of use of, one (1) or more limbs, for total blindness in one (1) or both  
31 eyes, or for service-connected ~~one hundred percent (100%) total and permanent~~  
32 disability shall be exempt from payment of ~~all~~ state taxes on the homestead  
33 and personal property owned by the disabled veteran in proportion to the  
34 extent of the disability of the veteran.

35 (ii) A disabled veteran who has lost or lost the use  
36 of one (1) or more limbs or has total blindness in one (1) or both eyes is



1 considered to be one hundred percent (100%) disabled.

2 ~~(ii)~~ (iii)(a) If a disabled veteran sells his or her  
3 home, the exemption shall be prorated to the date of sale so that the  
4 disabled veteran owes ~~no~~ tax only to the extent required under this  
5 subsection for the portion of the year he or she claimed the home as a  
6 homestead, and the purchaser is liable only for taxes relating to the balance  
7 of the year.

8 (b) If a disabled veteran purchases a home  
9 that qualifies as a homestead, the exemption shall be prorated to the date of  
10 sale so that the disabled veteran owes ~~no~~ tax only to the extent required  
11 under this subsection for the portion of the year he or she claimed the home  
12 as a homestead, and the seller is liable only for the taxes relating to the  
13 balance of the year.

14 (c) Upon request by the disabled veteran, the  
15 county collector shall make such record entries as may be necessary to effect  
16 the proration.

17 (B)(i) Upon the death of the disabled veteran, the  
18 surviving spouse and minor dependent children of the disabled veteran shall  
19 be ~~exempt from payment of all~~ eligible for the partial or total exemption  
20 provided under this section for state taxes on the homestead and personal  
21 property owned by the surviving spouse and minor dependent children of the  
22 deceased disabled veteran.

23 (ii) The surviving spouse and minor dependent  
24 children of a member of the United States Armed Forces who was killed while  
25 within the scope of his or her military duties, who died while within the  
26 scope of his or her military duties, or who is missing in action and the  
27 surviving spouse and minor dependent children of a veteran who died from  
28 service-connected causes, as certified by the department, shall also be  
29 ~~exempt from payment of all~~ eligible for the partial or total exemption  
30 provided under this section for state taxes on the homestead and personal  
31 property owned by the surviving spouse and minor dependent children.

32 (iii)(a) The surviving spouse shall be entitled to  
33 the partial or total exemption provided for in this section so long as the  
34 surviving spouse remains unmarried.

35 (b) The surviving spouse's partial or total  
36 exemptions provided for in this section are reinstated upon the termination

1 of the surviving spouse's subsequent marriage.

2 (iv) A surviving spouse of a member of the United  
3 States Armed Forces who died while on active duty shall be eligible for  
4 reinstatement of the partial or total homestead and personal property tax  
5 exemption upon termination of a subsequent marriage and until the surviving  
6 spouse remarries.

7 (v) The partial or total exemption provided in this  
8 section for surviving minor dependent children shall be available to the  
9 surviving children during their minority.

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11 SECTION 2. Arkansas Code § 26-3-306(b) and (c), concerning the  
12 property tax exemption for disabled veterans, surviving spouses, and minor  
13 dependent children, are amended to read as follows:

14 (b)(1)(A) A disabled veteran eligible for ~~the~~ a partial or total  
15 exemption provided for in this section and desiring to claim ~~an~~ a partial or  
16 total exemption shall furnish to the county collector a letter from the  
17 department verifying the fact that the disabled veteran is in receipt of  
18 special monthly compensation for the loss of or the loss of use of one (1) or  
19 more limbs, total blindness in one (1) or both eyes, or for service-connected  
20 ~~one hundred percent (100%) total and permanent~~ disability.

21 (B)(i) A surviving spouse or minor dependent child of a  
22 deceased disabled veteran desiring to claim the partial or total exemption  
23 provided in this section shall furnish the county collector a letter from the  
24 department verifying the fact that the deceased disabled veteran was at the  
25 time of death entitled to receive a special monthly compensation for the loss  
26 of or the loss of use of one (1) or more limbs, total blindness in one (1) or  
27 both eyes, or for service-connected ~~one hundred percent (100%) total and~~  
28 ~~permanent~~ disability.

29 (ii) In addition to the requirements in subdivision  
30 (b)(1)(B)(i) of this section, the surviving spouse or minor dependent child  
31 of the deceased disabled veteran shall furnish the county collector with an  
32 affidavit signed by the surviving spouse or minor dependent child stating  
33 that the surviving spouse or minor dependent child is a surviving spouse or  
34 minor dependent child of the named deceased disabled veteran.

35 (2)(A) The surviving spouse or minor dependent children of a  
36 member of the United States Armed Forces who was killed while within the

1 scope of his or her military duties, who died while within the scope of his  
2 or her military duties, or who is missing in action, or a surviving spouse or  
3 minor dependent children of a veteran who died of service-connected causes,  
4 as certified by the department, desiring to claim the partial or total  
5 exemption provided in this section shall furnish the county collector a  
6 letter from the department certifying the fact that such a member of the  
7 United States Armed Forces is missing in action, was killed while within the  
8 scope of his or her military duties, or died while within the scope of his or  
9 her military duties or that the veteran died from service-connected causes  
10 and the surviving spouse is or would be entitled to department benefits in  
11 the form of death indemnity compensation if the surviving spouse were  
12 otherwise eligible to receive the department benefits.

13 (B) In addition, the surviving spouse or minor dependent  
14 child shall furnish the county collector with an affidavit signed by the  
15 surviving spouse or minor dependent child or the surviving spouse or minor  
16 dependent child's guardian stating that the surviving spouse or minor  
17 dependent child is a surviving spouse or minor dependent child of the member  
18 of the United States Armed Forces who is missing in action, who was killed  
19 while within the scope of his or her military duties, or who died while  
20 within the scope of his or her military duties or is the surviving spouse or  
21 minor dependent child of a veteran who died of service-connected causes as  
22 certified by the department.

23 (c) Only a disabled veteran and a surviving spouse and minor dependent  
24 child of a disabled veteran who are citizens and residents of the State of  
25 Arkansas shall be eligible for the partial or total exemption provided in  
26 this section.

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28 SECTION 3. Arkansas Code § 26-3-306(e) and (f), concerning the  
29 property tax exemption for disabled veterans, surviving spouses, and minor  
30 dependent children, are amended to read as follows:

31 (e) A person claiming the partial or total property tax exemption  
32 authorized by this section shall not be entitled to claim the property tax  
33 credit authorized in § 26-26-1118.

34 (f)(1) If a person has established eligibility for the partial or  
35 total property tax exemption created under this section, the person shall be  
36 exempt to the extent provided in subsection (a) of this section from the date

1 the person's eligibility is established regardless of the date the lien for  
2 the property taxes attached.

3 (2) After a person has established eligibility for the partial  
4 or total property tax exemption created under this section, the person is  
5 exempt from property taxes on his or her homestead to the extent provided in  
6 subsection (a) of this section regardless of where the homestead is located  
7 in the state.

8 (3) Upon request by a county in which a person eligible for the  
9 partial or total property tax exemption created under this section is  
10 claiming an exemption for his or her homestead, a county collector shall  
11 provide the information or documentation necessary to demonstrate that the  
12 person established eligibility for the partial or total exemption created  
13 under this section in a county in which the person previously claimed a  
14 homestead.

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16 SECTION 4. EFFECTIVE DATE. This act is effective for assessment years  
17 beginning on or after January 1, 2017.  
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