

By: King of Taylor

H.B. No. 2838

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the governing body of a taxing unit to
3 provide an additional exemption from ad valorem taxation of the
4 residence homesteads of certain surviving spouses of peace officers
5 and firefighters killed in the line of duty.

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

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

9 Sec. 11.134. RESIDENCE HOMESTEAD OF SURVIVING SPOUSES OF
10 CERTAIN PEACE OFFICERS AND FIREFIGHTERS. (a) In this section:

11 (1) "Controlled substance" has the meaning assigned by
12 Section 481.002, Health and Safety Code.

13 (2) "Dangerous drug" has the meaning assigned by
14 Section 483.001, Health and Safety Code.

15 (3) "Firefighter" means:

16 (A) an individual employed by this state or by a
17 political or legal subdivision of this state who is subject to
18 certification by the Texas Commission on Fire Protection; or

19 (B) a member of an organized volunteer
20 fire-fighting unit that:

21 (i) renders fire-fighting services without
22 remuneration; and

23 (ii) conducts a minimum of two drills each
24 month, each at least two hours long.

1 (4) "Peace officer" means an individual described by
2 Article 2.12, Code of Criminal Procedure, who is elected,
3 appointed, or employed as a peace officer by this state, a political
4 subdivision of this state, or another entity listed in that
5 article.

6 (5) "Residence homestead" has the meaning assigned by
7 Section 11.13.

8 (b) The surviving spouse of a peace officer or firefighter
9 who has not remarried is entitled to an exemption from taxation by a
10 taxing unit of all or part of the appraised value of the surviving
11 spouse's residence homestead if:

12 (1) the exemption is adopted by the governing body of
13 the taxing unit in the manner required by law for official action by
14 the governing body;

15 (2) the property was the residence homestead of the
16 surviving spouse on the date the peace officer or firefighter died
17 or qualified as the residence homestead of the surviving spouse
18 before the second anniversary of the date the peace officer or
19 firefighter died;

20 (3) the peace officer or firefighter was killed, or
21 died as a result of an injury incurred, while in the performance of
22 official duties as a peace officer or firefighter; and

23 (4) the death of the peace officer or firefighter was
24 not the result of the peace officer's or firefighter's own wilful
25 misconduct or abuse of alcohol, a controlled substance, a dangerous
26 drug, or a combination of two or more of those substances.

27 (c) The governing body of a taxing unit may adopt the

1 exemption provided by Subsection (b) as a specified dollar amount
2 or as a percentage of the appraised value of the property.

3 (d) If a surviving spouse who receives an exemption under
4 Subsection (b) subsequently qualifies a different property in the
5 same taxing unit as the surviving spouse's residence homestead, the
6 surviving spouse is entitled to an exemption adopted by the
7 governing body of the taxing unit under Subsection (b) on the
8 subsequently qualified residence homestead.

9 (e) The assessor and collector for a taxing unit may
10 disregard the exemption authorized by Subsection (b) and assess and
11 collect a tax pledged for the payment of debt without giving effect
12 to the exemption if:

13 (1) prior to the adoption of the exemption, the taxing
14 unit pledged the taxes for the payment of a debt; and

15 (2) granting the exemption would impair the obligation
16 of the contract creating the debt.

17 SECTION 2. Section 11.42(c), Tax Code, is amended to read as
18 follows:

19 (c) An exemption authorized by Section 11.13(c) or (d), ~~[or]~~
20 11.132, or 11.134 is effective as of January 1 of the tax year in
21 which the person qualifies for the exemption and applies to the
22 entire tax year.

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

25 (c) An exemption provided by Section 11.13, 11.131, 11.132,
26 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21,
27 11.22, 11.23(h), (j), or (j-1), 11.231, 11.254, 11.271, 11.29,

1 11.30, 11.31, or 11.315, once allowed, need not be claimed in
2 subsequent years, and except as otherwise provided by Subsection
3 (e), the exemption applies to the property until it changes
4 ownership or the person's qualification for the exemption changes.
5 However, the chief appraiser may require a person allowed one of the
6 exemptions in a prior year to file a new application to confirm the
7 person's current qualification for the exemption by delivering a
8 written notice that a new application is required, accompanied by
9 an appropriate application form, to the person previously allowed
10 the exemption.

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

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

24 SECTION 5. Section 25.23(a), Tax Code, is amended to read as
25 follows:

26 (a) After submission of appraisal records, the chief
27 appraiser shall prepare supplemental appraisal records listing:

1 (1) each taxable property the chief appraiser
2 discovers that is not included in the records already submitted,
3 including property that was omitted from an appraisal roll in a
4 prior tax year;

5 (2) property on which the appraisal review board has
6 not determined a protest at the time of its approval of the
7 appraisal records; and

8 (3) property that qualifies for an exemption under
9 Section 11.13(n) or 11.134 that was adopted by the governing body of
10 a taxing unit after the date the appraisal records were submitted.

11 SECTION 6. Section 26.10(b), Tax Code, is amended to read as
12 follows:

13 (b) If the appraisal roll shows that a residence homestead
14 exemption under Section 11.13(c) or (d), ~~[or]~~ 11.132, or 11.134
15 applicable to a property on January 1 of a year terminated during
16 the year and if the owner of the property qualifies a different
17 property for one of those residence homestead exemptions during the
18 same year, the tax due against the former residence homestead is
19 calculated by:

20 (1) subtracting:

21 (A) the amount of the taxes that otherwise would
22 be imposed on the former residence homestead for the entire year had
23 the owner qualified for the residence homestead exemption for the
24 entire year; from

25 (B) the amount of the taxes that otherwise would
26 be imposed on the former residence homestead for the entire year had
27 the owner not qualified for the residence homestead exemption

1 during the year;

2 (2) multiplying the remainder determined under
3 Subdivision (1) by a fraction, the denominator of which is 365 and
4 the numerator of which is the number of days that elapsed after the
5 date the exemption terminated; and

6 (3) adding the product determined under Subdivision
7 (2) and the amount described by Subdivision (1)(A).

8 SECTION 7. Section 26.112, Tax Code, is amended to read as
9 follows:

10 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
11 CERTAIN PERSONS. (a) Except as provided by Section 26.10(b), if at
12 any time during a tax year property is owned by an individual who
13 qualifies for an exemption under Section 11.13(c) or (d), ~~[or]~~
14 11.132, or 11.134, the amount of the tax due on the property for the
15 tax year is calculated as if the individual qualified for the
16 exemption on January 1 and continued to qualify for the exemption
17 for the remainder of the tax year.

18 (b) If an individual qualifies for an exemption under
19 Section 11.13(c) or (d), ~~[or]~~ 11.132, or 11.134 with respect to the
20 property after the amount of the tax due on the property is
21 calculated and the effect of the qualification is to reduce the
22 amount of the tax due on the property, the assessor for each taxing
23 unit shall recalculate the amount of the tax due on the property and
24 correct the tax roll. If the tax bill has been mailed and the tax on
25 the property has not been paid, the assessor shall mail a corrected
26 tax bill to the person in whose name the property is listed on the
27 tax roll or to the person's authorized agent. If the tax on the

1 property has been paid, the tax collector for the taxing unit shall
2 refund to the person who paid the tax the amount by which the
3 payment exceeded the tax due.

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

6 (d-1) For purposes of Subsection (d):

7 (1) ~~[7]~~ a residence homestead that receives an
8 exemption under Section 11.131 or 11.132, Tax Code, in the year that
9 is the subject of the study is not considered to be taxable
10 property; and

11 (2) a residence homestead that receives an exemption
12 under Section 11.134, Tax Code, in the year that is the subject of
13 the study is considered to be taxable property.

14 SECTION 9. This Act applies only to an ad valorem tax year
15 that begins on or after the effective date of this Act.

16 SECTION 10. 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 governing body of a
19 political subdivision to provide an additional exemption from ad
20 valorem taxation of the residence homesteads of certain surviving
21 spouses of peace officers and firefighters killed in the line of
22 duty is approved by the voters. If that amendment is not approved
23 by the voters, this Act has no effect.