

By: Roberts

H.B. No. 179

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from ad valorem taxation of the residence
3 homesteads of certain disabled first responders and their surviving
4 spouses.

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

6 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
7 adding Section 11.138 to read as follows:

8 Sec. 11.138. RESIDENCE HOMESTEAD OF CERTAIN DISABLED FIRST
9 RESPONDERS. (a) In this section:

10 (1) "First responder" means an individual listed under
11 Section 615.003, Government Code.

12 (2) "Qualifying disabled first responder" means a
13 first responder who, as a result of an injury occurring in the line
14 of duty, is entitled to receive lifetime income benefits under
15 Section 408.161, Labor Code.

16 (3) "Residence homestead" has the meaning assigned by
17 Section 11.13.

18 (4) "Surviving spouse" means the individual who was
19 married to a qualifying disabled first responder at the time of the
20 qualifying disabled first responder's death.

21 (b) A qualifying disabled first responder is entitled to an
22 exemption from taxation of the total appraised value of the
23 qualifying disabled first responder's residence homestead.

24 (c) The surviving spouse of a qualifying disabled first

1 responder who qualified for an exemption under Subsection (b) when
2 the qualifying disabled first responder died is entitled to an
3 exemption from taxation of the total appraised value of the same
4 property to which the qualifying disabled first responder's
5 exemption applied if:

6 (1) the surviving spouse has not remarried since the
7 death of the qualifying disabled first responder; and

8 (2) the property:

9 (A) was the residence homestead of the surviving
10 spouse when the qualifying disabled first responder died; and

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

13 (d) If a surviving spouse who qualifies for an exemption
14 under Subsection (c) subsequently qualifies a different property as
15 the surviving spouse's residence homestead, the surviving spouse is
16 entitled to an exemption from taxation of the subsequently
17 qualified homestead in an amount equal to the dollar amount of the
18 exemption from taxation of the former homestead under Subsection
19 (c) in the last year in which the surviving spouse received an
20 exemption under that subsection for that homestead if the surviving
21 spouse has not remarried since the death of the qualifying disabled
22 first responder. The surviving spouse is entitled to receive from
23 the chief appraiser of the appraisal district in which the former
24 residence homestead was located a written certificate providing the
25 information necessary to determine the amount of the exemption to
26 which the surviving spouse is entitled on the subsequently
27 qualified homestead.

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

3 (e) A person who qualifies for an exemption under Section
4 11.131 or 11.138 after January 1 of a tax year may receive the
5 exemption for the applicable portion of that tax year immediately
6 on qualification for the exemption.

7 SECTION 3. (a) This section takes effect only if the
8 constitutional amendment proposed by S.J.R. 1, 85th Legislature,
9 Regular Session, 2017, is approved by the voters.

10 (b) Section 11.43(c), Tax Code, as amended by H.B. 1101,
11 Acts of the 85th Legislature, Regular Session, 2017, effective
12 January 1, 2018, and S.B. 15, Acts of the 85th Legislature, Regular
13 Session, 2017, effective January 1, 2018, is amended to read as
14 follows:

15 (c) An exemption provided by Section 11.13, 11.131, 11.132,
16 11.133, 11.134, 11.138, 11.17, 11.18, 11.182, 11.1827, 11.183,
17 11.19, 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m),
18 11.231, 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, or 11.315, once
19 allowed, need not be claimed in subsequent years, and except as
20 otherwise provided by Subsection (e), the exemption applies to the
21 property until it changes ownership or the person's qualification
22 for the exemption changes. However, except as provided by
23 Subsection (r), the chief appraiser may require a person allowed
24 one of the exemptions in a prior year to file a new application to
25 confirm the person's current qualification for the exemption by
26 delivering a written notice that a new application is required,
27 accompanied by an appropriate application form, to the person

1 previously allowed the exemption. If the person previously allowed
2 the exemption is 65 years of age or older, the chief appraiser may
3 not cancel the exemption due to the person's failure to file the new
4 application unless the chief appraiser complies with the
5 requirements of Subsection (q), if applicable.

6 (c) Section 11.431(a), Tax Code, as amended by H.B. 626,
7 Acts of the 85th Legislature, Regular Session, 2017, effective
8 September 1, 2017, and S.B. 15, Acts of the 85th Legislature,
9 Regular Session, 2017, effective January 1, 2018, is amended to
10 read 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, an exemption under Section 11.133 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 Section 11.134 for the residence homestead of the
19 surviving spouse of a first responder who is killed or fatally
20 injured in the line of duty, or an exemption under Section 11.138
21 for the residence homestead of a qualifying disabled first
22 responder or the surviving spouse of a qualifying disabled first
23 responder, after the deadline for filing it has passed if it is
24 filed not later than two years after the delinquency date for the
25 taxes on the homestead.

26 (d) Section 403.302(d-1), Government Code, as amended by
27 S.B. 15, Acts of the 85th Legislature, Regular Session, 2017,

1 effective January 1, 2018, is amended to read as follows:

2 (d-1) For purposes of Subsection (d), a residence homestead
3 that receives an exemption under Section 11.131, 11.133, ~~[or]~~
4 11.134, or 11.138, Tax Code, in the year that is the subject of the
5 study is not considered to be taxable property.

6 SECTION 4. (a) This section takes effect only if the
7 constitutional amendment proposed by S.J.R. 1, 85th Legislature,
8 Regular Session, 2017, is not approved by the voters.

9 (b) Section 11.43(c), Tax Code, as amended by H.B. 1101,
10 Acts of the 85th Legislature, Regular Session, 2017, effective
11 January 1, 2018, is amended to read as follows:

12 (c) An exemption provided by Section 11.13, 11.131, 11.132,
13 11.133, 11.138, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19,
14 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231,
15 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, or 11.315, once
16 allowed, need not be claimed in subsequent years, and except as
17 otherwise provided by Subsection (e), the exemption applies to the
18 property until it changes ownership or the person's qualification
19 for the exemption changes. However, except as provided by
20 Subsection (r), the chief appraiser may require a person allowed
21 one of the exemptions in a prior year to file a new application to
22 confirm the person's current qualification for the exemption by
23 delivering a written notice that a new application is required,
24 accompanied by an appropriate application form, to the person
25 previously allowed the exemption. If the person previously allowed
26 the exemption is 65 years of age or older, the chief appraiser may
27 not cancel the exemption due to the person's failure to file the new

1 application unless the chief appraiser complies with the
2 requirements of Subsection (q), if applicable.

3 (c) Section 11.431(a), Tax Code, as amended by H.B. 626,
4 Acts of the 85th Legislature, Regular Session, 2017, effective
5 September 1, 2017, is amended to read as follows:

6 (a) The chief appraiser shall accept and approve or deny an
7 application for a residence homestead exemption, including an
8 exemption under Section 11.131 or 11.132 for the residence
9 homestead of a disabled veteran or the surviving spouse of a
10 disabled veteran, ~~or~~ an exemption under Section 11.133 for the
11 residence homestead of the surviving spouse of a member of the armed
12 services of the United States who is killed in action, or an
13 exemption under Section 11.138 for the residence homestead of a
14 qualifying disabled first responder or the surviving spouse of a
15 qualifying disabled first responder, after the deadline for filing
16 it has passed if it is filed not later than two years after the
17 delinquency date for the taxes on the homestead.

18 (d) Section 403.302(d-1), Government Code, is amended to
19 read as follows:

20 (d-1) For purposes of Subsection (d), a residence homestead
21 that receives an exemption under Section 11.131, ~~or~~ 11.133, or
22 11.138, Tax Code, in the year that is the subject of the study is not
23 considered to be taxable property.

24 SECTION 5. Section 26.10(c), Tax Code, is amended to read as
25 follows:

26 (c) If the appraisal roll shows that a residence homestead
27 exemption under Section 11.131 or 11.138 applicable to a property

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

9 SECTION 6. Section 26.1125, Tax Code, is amended to read as
10 follows:

11 Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD
12 OF 100 PERCENT OR TOTALLY DISABLED VETERAN OR QUALIFYING DISABLED
13 FIRST RESPONDER. (a) If a person qualifies for an exemption under
14 Section 11.131 or 11.138 after the beginning of a tax year, the
15 amount of the taxes on the residence homestead of the person for the
16 tax year is calculated by multiplying the amount of the taxes that
17 otherwise would be imposed on the residence homestead for the
18 entire year had the person not qualified for the applicable
19 exemption [~~under Section 11.131~~] by a fraction, the denominator of
20 which is 365 and the numerator of which is the number of days that
21 elapsed before the date the person qualified for the applicable
22 exemption [~~under Section 11.131~~].

23 (b) If a person qualifies for an exemption under Section
24 11.131 or 11.138 with respect to the property after the amount of
25 the tax due on the property is calculated and the effect of the
26 qualification is to reduce the amount of the tax due on the
27 property, the assessor for each taxing unit shall recalculate the

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

8 SECTION 7. Section 11.138, Tax Code, as added by this Act,
9 applies only to ad valorem taxes imposed for a tax year beginning on
10 or after January 1, 2018.

11 SECTION 8. This Act takes effect January 1, 2018, but only
12 if the constitutional amendment proposed by the 85th Legislature,
13 1st Called Session, 2017, authorizing the legislature to provide
14 for an exemption from ad valorem taxation of all or part of the
15 market value of the residence homesteads of certain disabled first
16 responders and their surviving spouses is approved by the voters.
17 If that constitutional amendment is not approved by the voters,
18 this Act has no effect.