

By: Huffines, et al.
(Fallon)

S.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

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. RESIDENCE HOMESTEAD OF SURVIVING SPOUSE OF FIRST RESPONDER KILLED IN LINE OF DUTY. (a) In this section:

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

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

(3) "Surviving spouse" means the individual who was married to a first responder at the time of the first responder's death.

(b) The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse:

(1) is an eligible survivor for purposes of Chapter 615, Government Code, as determined by the Employees Retirement System of Texas under that chapter; and

(2) has not remarried since the death of the first

1 responder.

2 (c) The exemption provided by this section applies
3 regardless of the date of the first responder's death if the
4 surviving spouse otherwise meets the qualifications of this
5 section.

6 (d) A surviving spouse who receives an exemption under
7 Subsection (b) for a residence homestead is entitled to receive an
8 exemption from taxation of a property that the surviving spouse
9 subsequently qualifies as the surviving spouse's residence
10 homestead in an amount equal to the dollar amount of the exemption
11 from taxation of the first property for which the surviving spouse
12 received the exemption under Subsection (b) in the last year in
13 which the surviving spouse received that exemption if the surviving
14 spouse has not remarried since the death of the first responder.
15 The surviving spouse is entitled to receive from the chief
16 appraiser of the appraisal district in which the first property for
17 which the surviving spouse claimed the exemption was located a
18 written certificate providing the information necessary to
19 determine the amount of the exemption to which the surviving spouse
20 is entitled on the subsequently qualified homestead.

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

23 (c) An exemption authorized by Section 11.13(c) or (d),
24 11.132, [~~or~~ 11.133], or 11.134 is effective as of January 1 of the
25 tax year in which the person qualifies for the exemption and applies
26 to the entire tax year.

27 SECTION 3. Section 11.43(c), Tax Code, is amended to read as

1 follows:

2 (c) An exemption provided by Section 11.13, 11.131, 11.132,
3 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19,
4 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231,
5 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, or 11.315, once
6 allowed, need not be claimed in subsequent years, and except as
7 otherwise provided by Subsection (e), the exemption applies to the
8 property until it changes ownership or the person's qualification
9 for the exemption changes. However, the chief appraiser may
10 require a person allowed one of the exemptions in a prior year to
11 file a new application to confirm the person's current
12 qualification for the exemption by delivering a written notice that
13 a new application is required, accompanied by an appropriate
14 application form, to the person previously allowed the exemption.
15 If the person previously allowed the exemption is 65 years of age or
16 older, the chief appraiser may not cancel the exemption due to the
17 person's failure to file the new application unless the chief
18 appraiser complies with the requirements of Subsection (q), if
19 applicable.

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

22 (a) The chief appraiser shall accept and approve or deny an
23 application for a residence homestead exemption, including an
24 exemption under Section 11.131 or 11.132 for the residence
25 homestead of a disabled veteran or the surviving spouse of a
26 disabled veteran, ~~or~~ an exemption under Section 11.133 for the
27 residence homestead of the surviving spouse of a member of the armed

1 services of the United States who is killed in action, or an
2 exemption under Section 11.134 for the residence homestead of the
3 surviving spouse of a first responder who is killed or fatally
4 injured in the line of duty, after the deadline for filing it has
5 passed if it is filed not later than one year after the delinquency
6 date for the taxes on the homestead.

7 SECTION 5. Section 26.10(b), Tax Code, is amended to read as
8 follows:

9 (b) If the appraisal roll shows that a residence homestead
10 exemption under Section 11.13(c) or (d), 11.132, [~~or~~] 11.133, or
11 11.134 applicable to a property on January 1 of a year terminated
12 during the year and if the owner of the property qualifies a
13 different property for one of those residence homestead exemptions
14 during the same year, the tax due against the former residence
15 homestead is calculated by:

16 (1) subtracting:

17 (A) the amount of the taxes that otherwise would
18 be imposed on the former residence homestead for the entire year had
19 the owner qualified for the residence homestead exemption for the
20 entire year; from

21 (B) the amount of the taxes that otherwise would
22 be imposed on the former residence homestead for the entire year had
23 the owner not qualified for the residence homestead exemption
24 during the year;

25 (2) multiplying the remainder determined under
26 Subdivision (1) by a fraction, the denominator of which is 365 and
27 the numerator of which is the number of days that elapsed after the

1 date the exemption terminated; and

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

4 SECTION 6. Section 26.112, Tax Code, is amended to read as
5 follows:

6 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
7 CERTAIN PERSONS. (a) Except as provided by Section 26.10(b), if
8 at any time during a tax year property is owned by an individual who
9 qualifies for an exemption under Section 11.13(c) or (d), ~~[or]~~
10 11.133, or 11.134, the amount of the tax due on the property for the
11 tax year is calculated as if the individual qualified for the
12 exemption on January 1 and continued to qualify for the exemption
13 for the remainder of the tax year.

14 (b) If an individual qualifies for an exemption under
15 Section 11.13(c) or (d), ~~[or]~~ 11.133, or 11.134 with respect to the
16 property after the amount of the tax due on the property is
17 calculated and the effect of the qualification is to reduce the
18 amount of the tax due on the property, the assessor for each taxing
19 unit shall recalculate the amount of the tax due on the property and
20 correct the tax roll. If the tax bill has been mailed and the tax on
21 the property has not been paid, the assessor shall mail a corrected
22 tax bill to the person in whose name the property is listed on the
23 tax roll or to the person's authorized agent. If the tax on the
24 property has been paid, the tax collector for the taxing unit shall
25 refund to the person who paid the tax the amount by which the
26 payment exceeded the tax due.

27 SECTION 7. Section 403.302(d-1), Government Code, is

1 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, [~~or~~] 11.133, or
4 11.134, Tax Code, in the year that is the subject of the study is not
5 considered to be taxable property.

6 SECTION 8. Section 11.134, Tax Code, as added by this Act,
7 applies only to a tax year beginning on or after January 1, 2018.

8 SECTION 9. This Act takes effect January 1, 2018, but only
9 if the constitutional amendment proposed by the 85th Legislature,
10 Regular Session, 2017, authorizing the legislature to provide for
11 an exemption from ad valorem taxation of all or part of the market
12 value of the residence homestead of the surviving spouse of a first
13 responder who is killed or fatally injured in the line of duty is
14 approved by the voters. If that amendment is not approved by the
15 voters, this Act has no effect.