

1-1 By: Huffines, et al. S.B. No. 15
 1-2 (In the Senate - Filed November 22, 2016; January 24, 2017,
 1-3 read first time and referred to Committee on Finance;
 1-4 March 1, 2017, reported favorably by the following vote: Yeas 14,
 1-5 Nays 0; March 1, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Hinojosa	X			
1-9 Bettencourt	X			
1-10 Birdwell	X			
1-11 Hancock	X			
1-12 Huffman	X			
1-13 Kolthorst	X			
1-14 Nichols	X			
1-15 Schwertner	X			
1-16 Seliger	X			
1-17 Taylor of Galveston	X			
1-18 Uresti	X			
1-19 Watson	X			
1-20 West			X	
1-21 Whitmire	X			

1-23 A BILL TO BE ENTITLED
 1-24 AN ACT

1-25 relating to an exemption from ad valorem taxation of the residence
 1-26 homestead of the surviving spouse of a first responder who is killed
 1-27 or fatally injured in the line of duty.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by
 1-30 adding Section 11.134 to read as follows:

1-31 Sec. 11.134. RESIDENCE HOMESTEAD OF SURVIVING SPOUSE OF
 1-32 FIRST RESPONDER KILLED IN LINE OF DUTY. (a) In this section:

1-33 (1) "First responder" means an individual listed under
 1-34 Section 615.003, Government Code.

1-35 (2) "Residence homestead" has the meaning assigned by
 1-36 Section 11.13.

1-37 (3) "Surviving spouse" means the individual who was
 1-38 married to a first responder at the time of the first responder's
 1-39 death.

1-40 (b) The surviving spouse of a first responder who is killed
 1-41 or fatally injured in the line of duty is entitled to an exemption
 1-42 from taxation of the total appraised value of the surviving
 1-43 spouse's residence homestead if the surviving spouse has not
 1-44 remarried since the death of the first responder. The exemption
 1-45 provided by this section applies regardless of the date of the first
 1-46 responder's death if the surviving spouse otherwise meets the
 1-47 qualifications of this section.

1-48 (c) A surviving spouse who receives an exemption under
 1-49 Subsection (b) for a residence homestead is entitled to receive an
 1-50 exemption from taxation of a property that the surviving spouse
 1-51 subsequently qualifies as the surviving spouse's residence
 1-52 homestead in an amount equal to the dollar amount of the exemption
 1-53 from taxation of the first property for which the surviving spouse
 1-54 received the exemption under Subsection (b) in the last year in
 1-55 which the surviving spouse received that exemption if the surviving
 1-56 spouse has not remarried since the death of the first responder.
 1-57 The surviving spouse is entitled to receive from the chief
 1-58 appraiser of the appraisal district in which the first property for
 1-59 which the surviving spouse claimed the exemption was located a
 1-60 written certificate providing the information necessary to
 1-61 determine the amount of the exemption to which the surviving spouse

2-1 is entitled on the subsequently qualified homestead.

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

2-4 (c) An exemption authorized by Section 11.13(c) or (d),
2-5 11.132, ~~or~~ 11.133, or 11.134 is effective as of January 1 of the
2-6 tax year in which the person qualifies for the exemption and applies
2-7 to the entire tax year.

2-8 SECTION 3. Section 11.43(c), Tax Code, is amended to read as
2-9 follows:

2-10 (c) An exemption provided by Section 11.13, 11.131, 11.132,
2-11 11.133, 11.134, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19,
2-12 11.20, 11.21, 11.22, 11.23(a), (h), (j), (j-1), or (m), 11.231,
2-13 11.254, 11.27, 11.271, 11.29, 11.30, 11.31, or 11.315, once
2-14 allowed, need not be claimed in subsequent years, and except as
2-15 otherwise provided by Subsection (e), the exemption applies to the
2-16 property until it changes ownership or the person's qualification
2-17 for the exemption changes. However, the chief appraiser may
2-18 require a person allowed one of the exemptions in a prior year to
2-19 file a new application to confirm the person's current
2-20 qualification for the exemption by delivering a written notice that
2-21 a new application is required, accompanied by an appropriate
2-22 application form, to the person previously allowed the exemption.
2-23 If the person previously allowed the exemption is 65 years of age or
2-24 older, the chief appraiser may not cancel the exemption due to the
2-25 person's failure to file the new application unless the chief
2-26 appraiser complies with the requirements of Subsection (q), if
2-27 applicable.

2-28 SECTION 4. Section 11.431(a), Tax Code, is amended to read
2-29 as follows:

2-30 (a) The chief appraiser shall accept and approve or deny an
2-31 application for a residence homestead exemption, including an
2-32 exemption under Section 11.131 or 11.132 for the residence
2-33 homestead of a disabled veteran or the surviving spouse of a
2-34 disabled veteran, ~~or~~ an exemption under Section 11.133 for the
2-35 residence homestead of the surviving spouse of a member of the armed
2-36 services of the United States who is killed in action, or an
2-37 exemption under Section 11.134 for the residence homestead of the
2-38 surviving spouse of a first responder who is killed or fatally
2-39 injured in the line of duty, after the deadline for filing it has
2-40 passed if it is filed not later than one year after the delinquency
2-41 date for the taxes on the homestead.

2-42 SECTION 5. Section 26.10(b), Tax Code, is amended to read as
2-43 follows:

2-44 (b) If the appraisal roll shows that a residence homestead
2-45 exemption under Section 11.13(c) or (d), 11.132, ~~or~~ 11.133, or
2-46 11.134 applicable to a property on January 1 of a year terminated
2-47 during the year and if the owner of the property qualifies a
2-48 different property for one of those residence homestead exemptions
2-49 during the same year, the tax due against the former residence
2-50 homestead is calculated by:

2-51 (1) subtracting:

2-52 (A) the amount of the taxes that otherwise would
2-53 be imposed on the former residence homestead for the entire year had
2-54 the owner qualified for the residence homestead exemption for the
2-55 entire year; from

2-56 (B) the amount of the taxes that otherwise would
2-57 be imposed on the former residence homestead for the entire year had
2-58 the owner not qualified for the residence homestead exemption
2-59 during the year;

2-60 (2) multiplying the remainder determined under
2-61 Subdivision (1) by a fraction, the denominator of which is 365 and
2-62 the numerator of which is the number of days that elapsed after the
2-63 date the exemption terminated; and

2-64 (3) adding the product determined under Subdivision
2-65 (2) and the amount described by Subdivision (1)(A).

2-66 SECTION 6. Section 26.112, Tax Code, is amended to read as
2-67 follows:

2-68 Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF
2-69 CERTAIN PERSONS. (a) Except as provided by Section 26.10(b), if

3-1 at any time during a tax year property is owned by an individual who
3-2 qualifies for an exemption under Section 11.13(c) or (d), [~~or~~]
3-3 11.133, or 11.134, the amount of the tax due on the property for the
3-4 tax year is calculated as if the individual qualified for the
3-5 exemption on January 1 and continued to qualify for the exemption
3-6 for the remainder of the tax year.

3-7 (b) If an individual qualifies for an exemption under
3-8 Section 11.13(c) or (d), [~~or~~] 11.133, or 11.134 with respect to the
3-9 property after the amount of the tax due on the property is
3-10 calculated and the effect of the qualification is to reduce the
3-11 amount of the tax due on the property, the assessor for each taxing
3-12 unit shall recalculate the amount of the tax due on the property and
3-13 correct the tax roll. If the tax bill has been mailed and the tax on
3-14 the property has not been paid, the assessor shall mail a corrected
3-15 tax bill to the person in whose name the property is listed on the
3-16 tax roll or to the person's authorized agent. If the tax on the
3-17 property has been paid, the tax collector for the taxing unit shall
3-18 refund to the person who paid the tax the amount by which the
3-19 payment exceeded the tax due.

3-20 SECTION 7. Section 403.302(d-1), Government Code, is
3-21 amended to read as follows:

3-22 (d-1) For purposes of Subsection (d), a residence homestead
3-23 that receives an exemption under Section 11.131, [~~or~~] 11.133, or
3-24 11.134, Tax Code, in the year that is the subject of the study is not
3-25 considered to be taxable property.

3-26 SECTION 8. Section 11.134, Tax Code, as added by this Act,
3-27 applies only to a tax year beginning on or after January 1, 2018.

3-28 SECTION 9. This Act takes effect January 1, 2018, but only
3-29 if the constitutional amendment proposed by the 85th Legislature,
3-30 Regular Session, 2017, authorizing the legislature to provide for
3-31 an exemption from ad valorem taxation of all or part of the market
3-32 value of the residence homestead of the surviving spouse of a first
3-33 responder who is killed or fatally injured in the line of duty is
3-34 approved by the voters. If that amendment is not approved by the
3-35 voters, this Act has no effect.

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