

AN ACT

relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

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

SECTION 1. Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.132 to read as follows:

Sec. 11.132. RESIDENCE HOMESTEAD OF SURVIVING SPOUSE OF MEMBER OF ARMED SERVICES KILLED IN ACTION. (a) In this section:

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

(2) "Surviving spouse" means the individual who was married to a member of the armed services of the United States at the time of the member's death.

(b) The surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

(c) A surviving spouse who receives an exemption under Subsection (b) for a residence homestead is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption

1 from taxation of the first property for which the surviving spouse
2 received the exemption under Subsection (b) in the last year in
3 which the surviving spouse received that exemption if the surviving
4 spouse has not remarried since the death of the member of the armed
5 services. The surviving spouse is entitled to receive from the
6 chief appraiser of the appraisal district in which the first
7 property for which the surviving spouse claimed the exemption was
8 located a written certificate providing the information necessary
9 to determine the amount of the exemption to which the surviving
10 spouse is entitled on the subsequently qualified homestead.

11 SECTION 2. Subsection (c), Section 11.42, Tax Code, is
12 amended to read as follows:

13 (c) An exemption authorized by Section 11.13(c) or (d) or
14 11.132 is effective as of January 1 of the tax year in which the
15 person qualifies for the exemption and applies to the entire tax
16 year.

17 SECTION 3. Subsection (c), Section 11.43, Tax Code, is
18 amended to read as follows:

19 (c) An exemption provided by Section 11.13, 11.131, 11.132,
20 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22,
21 11.23(h), (j), or (j-1), 11.231, 11.254, 11.29, 11.30, or 11.31,
22 once allowed, need not be claimed in subsequent years, and except as
23 otherwise provided by Subsection (e), the exemption applies to the
24 property until it changes ownership or the person's qualification
25 for the exemption changes. However, the chief appraiser may
26 require a person allowed one of the exemptions in a prior year to
27 file a new application to confirm the person's current

1 qualification for the exemption by delivering a written notice that
2 a new application is required, accompanied by an appropriate
3 application form, to the person previously allowed the exemption.

4 SECTION 4. Subsection (a), Section 11.431, Tax Code, is
5 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 for the residence homestead of a
9 disabled veteran or the surviving spouse of a disabled veteran or an
10 exemption under Section 11.132 for the residence homestead of the
11 surviving spouse of a member of the armed services of the United
12 States who is killed in action, after the deadline for filing it has
13 passed if it is filed not later than one year after the delinquency
14 date for the taxes on the homestead.

15 SECTION 5. Subsection (b), Section 26.10, Tax Code, is
16 amended to read as follows:

17 (b) If the appraisal roll shows that a residence homestead
18 exemption under Section 11.13(c) or (d) or 11.132 [~~for an~~
19 ~~individual 65 years of age or older or a residence homestead~~
20 ~~exemption for a disabled individual~~] applicable to a property on
21 January 1 of a year terminated during the year and if the owner of
22 the property qualifies a different property for one of those
23 residence homestead exemptions during the same year, the tax due
24 against the former residence homestead is calculated by:

25 (1) subtracting:

26 (A) the amount of the taxes that otherwise would
27 be imposed on the former residence homestead for the entire year had

1 the owner [~~individual~~] qualified for the residence homestead
2 exemption for the entire year; from

3 (B) the amount of the taxes that otherwise would
4 be imposed on the former residence homestead for the entire year had
5 the owner [~~individual~~] not qualified for the residence homestead
6 exemption during the year;

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

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

13 SECTION 6. Section 26.112, Tax Code, is amended to read as
14 follows:

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

23 (b) If an individual [~~a person~~] qualifies for an exemption
24 under Section 11.13(c) or (d) or 11.132 with respect to the property
25 after the amount of the tax due on the property is calculated and
26 the effect of the qualification is to reduce the amount of the tax
27 due on the property, the assessor for each taxing unit shall

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

9 SECTION 7. Subsection (d-1), Section 403.302, Government
10 Code, is amended to read as follows:

11 (d-1) For purposes of Subsection (d), a residence homestead
12 that receives an exemption under Section 11.131 or 11.132, Tax
13 Code, in the year that is the subject of the study is not considered
14 to be taxable property.

15 SECTION 8. Section 11.132, Tax Code, as added by this Act,
16 applies only to a tax year beginning on or after January 1, 2014.

17 SECTION 9. This Act takes effect January 1, 2014, but only
18 if the constitutional amendment proposed by the 83rd Legislature,
19 Regular Session, 2013, authorizing the legislature to provide for
20 an exemption from ad valorem taxation of all or part of the market
21 value of the residence homestead of the surviving spouse of a member
22 of the armed services of the United States who is killed in action
23 is approved by the voters. If that amendment is not approved by the
24 voters, this Act has no effect.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 163 passed the Senate on May 1, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 163 passed the House, with amendment, on May 21, 2013, by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor