

**SUBJECT:** Expanding eligibility for certain surviving spouse homestead exemptions

**COMMITTEE:** Ways and Means — favorable, without amendment

**VOTE:** 9 ayes — Meyer, Thierry, Button, Cole, Guerra, Murphy, Noble,  
Rodriguez, Shine

0 nays

2 absent — Martinez Fischer, Sanford

**SENATE VOTE:** On final passage, April 8 — 29-1 (Johnson)

**WITNESSES:** For — (*Registered, but did not testify*: Mitch Fuller, Department of Texas,  
Veterans of Foreign Wars; J.D. Hale, Texas Association of Builders)

Against — None

On — (*Registered, but did not testify*: Korry Castillo, Comptroller of  
Public Accounts)

**BACKGROUND:** Texas Constitution Art. 8, sec. 1-b(m) allows the Legislature by law to provide that the surviving spouse of a member of the U.S. armed services who was killed in action is entitled to an exemption from property taxes of all or part of the market value of the spouse's residence homestead if the spouse has not remarried.

Tax Code sec. 11.133 codifies the property tax exemption on the total appraised value of a surviving spouse's residence homestead.

**DIGEST:** SJR 35 would amend the Texas Constitution to expand eligibility for the residence homestead tax exemption provided to the surviving spouse of a member of the U.S. armed services. The spouse would be entitled to the exemption if the member was killed or fatally injured in the line of duty, rather than killed in action.

The constitutional amendment would take effect January 1, 2022, and apply only to a tax year beginning after that date.

The ballot proposal would be presented to voters at an election on November 2, 2021, and would read: "The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty."

**SUPPORTERS  
SAY:**

SJR 35 and its enabling legislation, SB 611 by Campbell (Lopez), would correct an oversight in current law by providing the residence homestead tax exemption to all surviving spouses of members of the U.S. armed services killed in the line of duty. Currently, the exemption is provided to spouses of members killed in action, which does not include incidents such as accidental vehicle crashes and other non-hostile events or terrorism. This means that surviving spouses of members who died in accidents or events that were not combat-related are not eligible for the property tax exemption on the total value of their residence homestead for which other surviving spouses are eligible. By expanding the eligibility to include surviving spouses of members who were killed or fatally injured in the line of duty, rather than just those killed in action, the legislation would allow all surviving spouses to receive this exemption.

The bill and joint resolution would apply to fewer than 10 individuals per year according to federal data, so there would not be a large impact to taxing units. Those who have been killed in tragic accidents have given their lives for their country, and their sacrifice is equally deserving of the exemption as those who were killed in active combat. This measure would ensure they were treated the same.

**CRITICS  
SAY:**

SJR 35, in combination with SB 611, would expand a property tax exemption provided to one group of people, increasing the tax burden on other property owners. The Legislature should instead work to lower the tax burden on all Texans.

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NOTES: According to the Legislative Budget Board, any fiscal implication of the resolution would be attributable to the corresponding enabling legislation. The cost to the state for publication of the resolution would be \$178,333.

SB 611 by Campbell (Lopez), the enabling legislation for SJR 35, was passed on second reading by the House on May 20.