5-24-82

By: Wilson

S.J.R. No. 8

SENATE
A JOINT RESOLUTION

proposing a constitutional amendment exempting implements of husbandry from ad valorem taxation.

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

SECTION 1. That Article VIII of the Texas Constitution be amended by adding Section 19a to read as follows:

"Section 19a. Implements of husbandry that are used in the production of farm or ranch products are exempt from ad valorem taxation."

Insert House am. #2

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The constitutional amendment exempting implements of husbandry from ad valorem taxation."

COMMITTEE REPORT FORM

5-27-82 Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Finance to which was referred SJR B. No. 8 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Grant Jones

Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

S.J.R. No. 8
by Wilson

Senate Finance
Committee

Bill Analysis

Background:

The exemption provided in Section 11.161 of the Property Tax Code has been interpreted to apply to the same persons as the exemption provided in Article XVI, Section 49 of the Texas Constitution and Article 3836 V.T.C.S.

Purpose:

To provide a specific constitutional exemption from ad valorem taxation for implements of farming and ranching.

Section by Section Analysis:

Section 1. Adds Section 19a to Article VIII of the Texas Constitution to exempt implements of farming and ranching from ad valorem taxation.

Section 2. Provides for submission to the voters at an election to be held November 2, 1982.

AMENDMENT NO. 1 BY Sharp

Amend S.J.R. 8 by striking Section 2 in its entirety and substituting the following:

"Section 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The Constitutional amendment exempting implements of husbandry (agricultural machinery and equipment) from ad valorem taxation."

ADOPTED

MAY 26 1982

Betty Murray
Chief Clerk
House of Representatives

I certify that the attached is a true and correct copy of SJR 8 which was received from the Senate on MAY 27 1981 and referred to the Committee on Constitutional Amendments

Betty Murphy
Chief Clerk of the House

May 27 1982 Engrossed

Patsy Spaw
Engrossing Clerk

By: Wilson
(Sharp)

S.J.R. No. 8

SENATE JOINT RESOLUTION

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SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The constitutional amendment exempting implements of husbandry from ad valorem taxation."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 26, 1982

Honorable Grant Jones, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 8
By: Wilson

Dear Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Joint Resolution No. 8 (proposing a constitutional amendment exempting implements of husbandry from ad valorem taxation) to be as follows:

The exemption from ad valorem property taxation of implements of farming and ranching in Section 11.161 of the Property Tax Code has been interpreted to apply to individuals but not to partnerships or corporations and is limited to $15,000 for single persons and $30,000 for families. This resolution, should it be finally adopted, would provide the exemption without monetary limits and without limiting the exemption to individuals. The exemption would become effective with the tax roll of January 1, 1983.

It is estimated that the additional reduction in tax revenues to local political subdivisions associated with the proposal would be as follows:

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1987	3,154,750

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication, estimated at $40,522 would be incurred. The appropriation to the Secretary of State for this purpose has an unexpended balance of $157,089 as of May 1, 1982. With legislative approval of a constitutional amendment in this Second Called Session, there would be four proposed amendments on the ballot November 1, 1982, at an estimated publication cost of $162,088 -- approximately $5,000 more than is currently available in that line item.

Thomas M. Heel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, LV

May 27 1982 Engrossed

Patsy Spaw

Engrossing Clerk

By: Wilson S.J.R. No. 8

SENATE JOINT RESOLUTION

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SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The constitutional amendment exempting implements of husbandry from ad valorem taxation."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 26, 1982

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Committee on Finance
Senate Chamber
Austin, Texas

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Thomas M. Heel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, LV

HOUSE COMMITTEE REPORT

1st. Printing

By: Wilson
(Sharp)

S.J.R. No. 8

SENATE JOINT RESOLUTION

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

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SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1982. The ballot shall provide for voting for or against the proposition: "The constitutional amendment exempting implements of husbandry from ad valorem taxation."

COMMITTEE REPORT

May 27, 1982
(date)

The Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred SJR-8 (measure), have had the same under consideration and beg to report back with the recommendation that it

(X) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no

An author's fiscal statement was requested. ( ) yes (X) no

An actuarial analysis was requested. ( ) yes (X) no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure ( ) proposes new law.
( ) amends existing law.
(X) Amends the Constitution

House Sponsor of Senate Measure Sharp.

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
McFarland, Ch.	✓			
Whaley, V.C.	✓			
Atkinson				✓
Barrientos	✓			
Delco	✓			
Elizondo	✓			
Schoolcraft	✓			
Sharp	✓			
Ware				✓

Total
7 aye
0 nay
0 present, not voting
2 absent

CHAIRMAN

Reynolds
COMMITTEE COORDINATOR

ANALYSIS

Background Information

The 1st Called Session of the 67th Legislature, 1981, amended the Property Tax Code by adding Section 11.161 which provides that an individual is entitled to an exemption from ad valorem taxation of implements of farming and ranching that he owns and uses in the production of farm or ranch products. The section is subject to the requirement in Article VIII, Texas Constitution, that requires all property to be taxed in an equal and uniform manner except as otherwise authorized by Article VIII or other provisions of the constitution. The attorney general has stated, in Opinion No. MW-451, that Section 11.161 is subject to the limitations imposed by Article 3836, Vernon's Texas Civil Statutes. That article limits personal property exemptions that may be claimed to $15,000 for single persons and $30,000 for families. In addition, the attorney general determined that the exemption may not be claimed by partnerships or corporations because Section 11.161 is limited by its terms to an "individual."

Purpose and Synopsis

The purpose of this resolution is to amend Article VIII of the Texas Constitution by adding Section 19a to exempt implements of husbandry used to produce farm and ranch products from ad valorem taxation. Enactment of the proposed amendment would eliminate the restrictions of Article 3836 read into Section 11.161 by the attorney general in his opinion and would remove the restriction that the exemption extends only to individuals. It also provides for submission of the proposed constitutional amendment, in a prescribed ballot form, to the voters at an election to be held November 2, 1982.

Rulemaking Authority

It is the committee's opinion that this joint resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Pursuant to a suspension of the Rules, on May 27, 1982, the Committee on Constitutional Amendments met in a formal meeting to consider SJR 8. At that meeting the committee voted to report SJR 8 favorably to the House by a vote of 7 ayes and 0 nays.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

(REVISED)

May 27, 1982

Honorable Bob McFarland, Chairman
Committee on Constitutional Amendments
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 8, as engrossed
By: Wilson

Dear Sir:

In response to your request pursuant to House Rule 3.119, this office finds the fiscal implications of Senate Joint Resolution No. 8, as engrossed (proposing a constitutional amendment exempting implements of husbandry from ad valorem taxation) to be as follows:

No fiscal implication to state government is anticipated.

The exemption from ad valorem property taxation of implements of farming and ranching in Section 11.161 of the Property Tax Code has been interpreted to apply to individuals but not to partnerships or corporations and is limited to $15,000 for single persons and $30,000 for families. This resolution, should it be finally adopted, would provide the exemption without monetary limits and without limiting the exemption to individuals. The exemption would become effective with the tax roll of January 1, 1983.

It is estimated that the additional reduction in tax revenues to local political subdivisions associated with the proposal would be as follows:

Tax Roll January 1	Estimated Additional Reduction in Local Tax Revenue
1983	$2,154,000
1984	2,370,000
1985	2,607,000
1986	2,868,000
1987	3,154,750

Similar fiscal implications to local political subdivisions would continue.

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication, estimated at $40,522 would be incurred. The appropriation to the Secretary of State for this purpose has an unexpended balance of $157,089 as of May 1, 1982. With legislative approval of a constitutional amendment in this Second Called Session, there would be four proposed amendments on the ballot November 1, 1982, at an estimated publication cost of $162,088 -- approximately $5,000 more than is currently available in that line item.

Thomas M. Keel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

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Thomas M. Keel
Director

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 26, 1982

Honorable Grant Jones, Chairman
Committee on Finance
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 8
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Dear Sir:

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Thomas M. Keel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, LV

Enrolled May 28, 1982
Patsy Spaw
Enrolling Clerk

S.J.R. No. 8

SENATE JOINT RESOLUTION

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S.J.R. No. 8

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 8 was passed by the Senate on May 27, 1982, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on May 28, 1982, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 8 was passed, with amendment, by the House on May 28, 1982, by the following vote: Yeas 122, Nays 22, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

(REVISED)

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House of Representatives
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Thomas M. Keel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 26, 1982

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Senate Chamber
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Thomas M. Reel
Director

Source: State Property Tax Board; Legislative Budget Office: TK, HS, LV

S. J. R. No. 8 By Wilson

Proposing a constitutional amendment exempting implements of husbandry from ad valorem taxation.

5-24-82 Filed with the Secretary of the Senate

MAY 25 1982 Read, referred to Committee on FINANCE

MAY 27 1982 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 27 1982 Senate and Constitutional Rules to permit consideration suspended by unanimous consent. ~~yeas, nays.~~

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

MAY 27 1982 Read second time and ordered engrossed. ~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

MAY 27 1982 Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 1 nays to place bill on third reading and final passage.

MAY 27 1982 Read third time and passed by ~~a viva voce vote.~~ 29 yeas, 1 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

May 27, 1982 Engrossed
May 27, 1982 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

MAY 28 1982 MOTION TO SUSPEND ALL NECESSARY RULES IN ORDER TO TAKE UP AND CONSIDER AT THIS TIME _____ PREVAILED BY NON-RECORD VOTE.

MAY 27 1982 Received from the Senate

MAY 27 1982 Read first time and referred to Committee on Constitutional Amendments

MAY 27 1982 Reported favorably ~~amended~~, sent to Printer 6:20pm MAY 27 1982

MAY 27 1982 Printed and Distributed 10:21 pm

MAY 28 1982 Sent to Committee on Calendars 8:09 Am

MAY 28 1982 Read second time (amended) and finally adopted ~~failed adoption~~ by Record Vote of 122 yeas 22 nays 1 present not voting

Read third time (amended) and finally adopted failed adoption by a Record Vote of _____ yeas _____ nays _____ present not voting

Caption ordered amended to conform to body of resolution

MAY 28 1982 Returned to Senate.

Betty Murray
Chief Clerk of the House

MAY 28 1982 RETURNED FROM HOUSE with amendments

MAY 28 1982 Senate concurred in House amendments by the following vote: 30 yeas 0 nays