

1 BY Duncan
2 Jamison
3 Connally

H. J. R. NO. 79

*amended to
make*

7 A JOINT RESOLUTION

8
9 PROPOSING an amendment to Article VIII, Constitution of the
10 State of Texas, by adding Section 1-d to provide that
11 all land designated for agricultural use shall be
12 assessed for all tax purposes on the consideration of
13 only those factors relative to such agricultural use.

14
15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

16
17 Section 1. That Article VIII, Constitution of the State of Texas, be
18 amended by adding Section 1-d to read as follows:

19 "Section 1-d. (a) All land which is designated for agricultural use
20 in accordance with the provisions of this Section shall be assessed for
21 all tax purposes on the consideration of only those factors relative to
22 such agricultural use. 'Agricultural use' means the raising of livestock
23 or the growing of crops, fruit, flowers, and other products of the soil
24 under natural conditions as a business venture for profit.

25 (b) For each assessment year the owner wishes to qualify his land
26 under the provisions of this Section as designated for agricultural use
27 he shall file with the local tax assessor a sworn statement in writing
28 describing the use to which the land is devoted.

29 (c) Upon receipt of the sworn statement in writing the local tax
30 assessor shall determine whether or not such land qualifies for the
31 designation as to agricultural use as defined herein and in the event it
32 so qualifies he shall designate such land as being for agricultural use
33 and assess the land accordingly.

34 (d) No land may qualify for the designation provided for in this Act
35 unless for at least two (2) successive years immediately preceding the
36 assessment date the land has been devoted exclusively for agricultural
37 use, or unless the land has been continuously developed for agriculture
38 during such time. An owner, lessee, or tenant may reside on land so
39 designated under the provisions of this Section.

40 (e) Each year during which the land is designated for agricultural
41 use, the local tax assessor shall note on his records the valuation which
42 would have been made had the land not qualified for such designation
43 under this Section. If designated land is subsequently diverted to a
44 purpose other than that of agricultural use, the land shall be subject to
45 an additional tax. The additional tax shall equal the difference between
46 taxes paid or payable, hereunder, and the amount of tax payable for the
47 preceding seven years had the land been otherwise assessed. Until
48 paid, there shall be a lien for additional taxes and interest on land
49 assessed under the provisions of this Section.

50 (f) The valuation and assessment of any minerals or subsurface
51 rights to minerals shall not come within the provisions of this Section. "

52 Sec. 2. The foregoing constitutional amendment shall be submitted
53 to a vote of the qualified electors of this state at an election to be held
54 on the first Tuesday after the first Monday in November, 1966, at
55 which election all ballots shall have printed on them the following:

56 "FOR the constitutional amendment to provide that all land design-
57 nated for agricultural use shall be assessed for all tax purposes on the
58 consideration of only those factors relative to such agricultural use.

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~~"AGAINST the constitutional amendment to provide that all land designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use."
Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this amendment shall be published in the manner and for the length of time as required by the constitution and laws of this state.~~

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 4-5-65

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments to whom was referred H. J. R. [redacted] No. 79, have had the same under consideration

and beg to report back with recommendation ~~that it do pass~~, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.


Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

(11)

Substituted

Amendment No. _____

James
B. Sullivan

Amend Committee Amendment No. 1 to
H.R. 79 by placing a comma after the
word profit on line 24 of the printed bill,
and striking the words "by a resident
owner," on line 25 of the printed bill.

APR 20 1966

DATE _____

READ AND ADOPTED

Stanley H. ...
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.m.

(2)

Quillian

Amendment No. _____

Amend Committee Amendment No. 1 to H. J. R. 79 by striking all of sub-section (a) of Section 1-d and substituting in lieu thereof the following:

(a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this Section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. 'Agricultural use' means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit.

DATE APR 20 1965
READ AND ADOPTED, *as substituted*
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

(3)

Amendment No. _____

Amend Committee Amendment No. 1 to H. J. R. 79 by striking all of sub-section (f) of Section 1-d and substituting in lieu thereof the following:

" (f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.

Insert
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M C Elhany

APR 20 1965

DATE _____

READ AND ADOPTED

Joseph Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.g.
m.m.

(4)

COMMITTEE AMENDMENT

SUBSTITUTE COMMITTEE AMENDMENT NO. NO. 1 BY Eckhardt

Amend H. J. R. No. 79 by striking all below the enacting clause and substituting the following:

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

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-d to read as follows:

"Section 1-d. (a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this Section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. 'Agricultural use' means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, ~~by a resident owner~~ which business is the primary occupation and source of income of the owner.

" (b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

" (c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

" (d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

" (e) No land may qualify for the designation provided for in this Act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time. ~~Provided the owner live upon a portion of the lands designated as lands under agri-~~

DATE APR 20 1965

READ AND ADOPTED, *as amended*
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

m.g.
m.m.

~~199 cultural use by this article, other lands operated by him in a single agricultural business venture for profit may be occupied by lessee or tenant.~~

Insert
(2)

~~(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable hereunder, and the amount of tax payable had the land been otherwise assessed, but not to exceed the sale price. If there be an excess above the sale price, the same shall run as an obligation against the land. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.~~

" (g) The valuation and assessment of any minerals or subsurface rights to minerals shall not come within the provisions of this Section."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment to provide that all land designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use.

owned by natural persons

"AGAINST the Constitutional Amendment to provide that all land designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use."

owned by natural persons

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the constitution and laws of this state.

By: Dungan, et al

H. J. R. No. 79

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-d to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use.

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

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"(b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

"(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land

qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

"(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies._____

"(e) No land may qualify for the designation provided for in this Act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time._____

"(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section._____

"(g) The valuation and assessment of any minerals or sub-surface rights to minerals shall not come within the provisions of this Section."_____

H. J. R. No. 79

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"FOR the Constitutional Amendment to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. _____

"AGAINST the Constitutional Amendment to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use." _____

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the constitution and laws of this state. _____

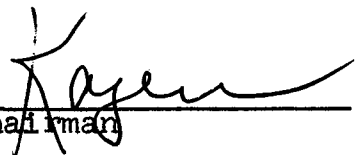
Austin, Texas

May 5 , 1965

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on Constitutional Amendments,
to which was referred HJR B. No. 79, 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.


Chairman

C.A.S.

ENROLLED

HOUSE JOINT RESOLUTION

proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-d to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use.

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

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"(b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

"(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land

qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

"(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

"(e) No land may qualify for the designation provided for in this act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time.

"(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.

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H. J. R. No. 79

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"FOR the Constitutional Amendment to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use.

"AGAINST the Constitutional Amendment to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the constitution and laws of this state.

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H. J. R. No. 79 was adopted by the House on April 27, 1965, by the following vote: Yeas 102, Nays 32.

Chief Clerk of the House

H. J. R. No. 79

I hereby certify that H. J. R. No. 79 was passed by the
Senate on May 10, 1965, by the following vote: Yeas 21, Nays 9.

Secretary of the Senate

APPROVED:

5-21-65

Date

signed

Governor

4:00

Crawford C. Martin

H. J. R. No. 79 By Dungan

A JOINT RESOLUTION

PROPOSING an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-d to provide that all land designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use.

APR 13 1965
*Post-poned to 4-20-65,
at 11:00 a.m.*

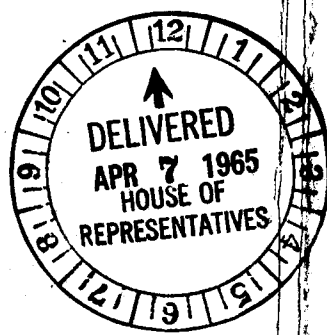
FILED MAR 11 1965
MAR 17 1965
READ 1st TIME
AND REFERRED TO COMMITTEE ON
Constitutional Amendments

APR 20 1965
MOTION TO RECONSIDER THE MOTION BY WHICH H. J. R. # 79 was engrossed and ADOPTED / PASSED AND TO TABLE THE MOTION CONSIDER PREVAILED PASSED BY A non-record vote
AYES AND Dorothy Hallman NAYES
CHIEF CLERK HOUSE OF REPRESENTATIVES

Dorothy Hallman
Chief Clerk, House of Representatives

APR 6 1965 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER

APR 20 1965 READ SECOND
TIME Amended AND
ORDERED _____ ENGROSSED, *by*
Vote of 94 ayes, 45 nays.



Dorothy Hallman
Chief Clerk, House of Representatives

APR 7 1965 RETURNED FROM PRINTER. SENT TO SPEAKER

APR 20 1965 SENT TO ENGROSSING CLERK

ENROLLED 5-10-65
M. Allen

By: Dungan, et al

H. J. R. No. 79

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HOUSE JOINT RESOLUTION

proposing an Amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-d to provide that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only these factors relative to such agricultural use.

3-11-65 Filed.

3-17-65 Read first time and referred to Committee on Constitutional Amendments.

4- 6-65 Reported favorably as amended, sent to printer.

4- 7-65 Returned from printer, sent to Speaker.

4-20-65 Read second time, amended and ordered engrossed by the following vote: Yeas 94, Nays 45.

Dorothy Hallman
Chief Clerk, H. of R.

4-20-65 Sent to Engrossing Clerk.

4-20-65 Engrossed.

Area Suggard
Engrossing Clerk, H. of R.

APR 28 1965

IN THE SENATE

Received from
the House.

APR 21 1965 RETURNED FROM ENGROSSING

APR 21 1965 SENT TO THE SPEAKER

MAY 3 - 1965 Read first time
and referred to Committee
on Constitutional Amendments

APR 27 1965 Read third time
and adopted
by following vote yeas 102
Nays 32
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 5 - 1965 Reported Favorably

MAY 6 - 1965

Regular order of business
suspended by vote of
20 yeas, 8 nays
to permit consideration.

APR 27 1965 MOTION TO RECONSIDER THE VOTE BY
WHICH H. J. R. # 79 was adopted
ADOPTED / PASSED AND TO TABLE THE MOTION TO CON-
SIDER PREVAILED ~~PASSED~~ BY A non-record VOTE
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 6 - 1965

READ SECOND TIME,
AND PASSED TO THIRD READING.

APR 27 1965

SENT TO THE SENATE

MAY 10 1965

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 10 1965 SENT TO ENROLLING CLERK

MAY 6 - 1965

Senate Rule 32 and Constitutional Rule (Sec. 32, Art. III) suspended by a vote of 19 yeas, 9 nays, to place bill on third reading and final passage.

failed to

MAY 10 1965

Regular order of business suspended by unanimous consent to permit consideration.

MAY 10 1965

READ THIRD TIME AND PASSED BY THE FOLLOWING VOTE:

Yeas 20 Nays 9

failed to

MAY 10 1965

Vote by which failed to pass was reconsidered by unanimous consent.

MAY 10 1965

~~READ THIRD TIME AND PASSED~~ BY THE FOLLOWING VOTE:

Yeas 21 Nays 9

Charles Schnabel

Secretary of the Senate

MAY 10 1965 SENT TO HOUSE