

FILED FOR RECORD: 6-25- 1979 at 10:15 o'clock A M
DULY RECORDED: 6-26- 1979 at 9:05 o'clock A M
INSTRUMENT NO. _____ GRACE BOSTICK, TYLER CO. CLK.

Grace Bostick

TYLER COUNTY COMMISSIONER'S COURT
SPECIAL MEETING
JUNE 15, 1979--10:00 A.M.

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A Special Meeting of the Commissioner's Court, met on Friday June 15, 1979 at 10:00 A.M. All members being present. The meeting was opened with prayer by County Judge Allen Sturrock.

A motion was made by Commissioner Riley and seconded by Commissioner Lowe to advertise for Bids to mow the Tyler County Air-port one time. The Bids to be opened July 9, 1979 at 10:00 A.M. All who are interested may contact Commissioner Riley for specifications. All voted yes and none no.

Commissioner Riley made a motion which was seconded by Commissioner Fowler to pay Bills for the month of May, 1979 as submitted by County Auditor, Ann Fondren, plus a bill from Richard Electric Co., account Prec. #3 in amount \$234.00 and Tommy Parker account Prec. #3 in amount of \$58.00. All voted yes and none no. See attached.

A motion was made by Commissioner Lowe and seconded by Commissioner Odom to waive the use of productivity values for 1979 Tax Values, because it is impossible to implement the provisions of the H.B. 1060 Tax Relief Amendment, for the 1979 Tax year. All voted yes and none no.

A motion was made by Commissioner Odom and seconded by Commissioner Riley to reject any and all Bids concerning paving of Beaumont Hill HUD Road. All voted yes and none no. See Attached

A motion was made by Commissioner Riley and seconded by Commissioner Lowe for the County to pay 80% not to exceed \$700.00 on maternity benefits. All voted yes and none no.

There being no further business, the meeting adjourned.

SIGNED: Allen Sturrock Allen Sturrock, County Judge

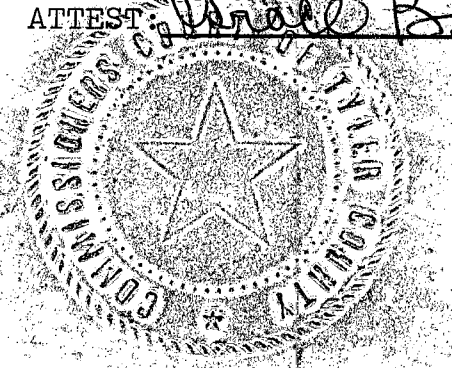
Maxie Riley Maxie Riley, Comm. Pct. #1

H.K. Lowe H.K. Lowe, Comm. Pct. #2

Leon Fowler Leon Fowler, Comm. Pct. #3

Benton Adner Benton Adner, Comm. Pct. #4

ATTEST: Grace Bostick Grace Bostick, County Clerk



CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, General FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
12826	Allisons Inc.	Minor Home Repairs-785.73 Janitors Supplies-5.70	\$ 791.43		
12906	B & K Variety	Ext-4.50, Janitors-8.03	12.53		
12811	Brookshire Bros.	Shades-J.P. # 1	14.46		
12912	Bobs Prescription Shop	Sheriff Dept.-Film & Flash	16.94		
12917	Continental Oil Co.	Sheriff-Car Wash-30.00 Gas & Oil-57.02,	87.02		
12927	Collins Paint & Decorating	Paint-Reparis to Bldg.	10.59		
12918	Deep East Texas Wrok Comp.	Wrok Comp-June	385.07		
12925	Exxon Co.	Sheriff Dept.-Gas	76.36		
12810	Eastex Communications	Sheriff-Maint for June	182.00		
12806	Mary Lee Foundation	Foster Child Care-G. & R.Broadus	2,396.00		
12805	Mr. Mrs. Green Williamson	Foster Child Care-I&R. Nash	341.00		
12804	Mr. & Mrs. R.A. Lee	Foster Child Care-L. Nix-170.50 Clothing-19.34	189.84		
12803	Mrs. Hazel Jackson	Foster Child Care-K. Cruse	170.50		
12802	Mr. & Mrs. Robert Odom	Foster Child Care-C. Perkins	137.50		
12801	J.B. Best Co.	20.18, I&R. Nash-27.00, CPerkins-50.64 Foster Children-Clothing-K. Cruse	97.82		
12800	S.L. Jones, DDS	Foster Child-Medical Care-R.Nash	20.00		
12799	Flamen Ball, Jr. M.D.	A Brown & B. Haynes Foster Children Medical Exp-	42.00		
12798	Jarrootts Pharmacy	Foster Child-RX-C. Perkins	6.44		
12831	Gulf States	Courthouse Utilities	427.07		
12881	Glo Construction Co.	2 Beacon Lights-Airport	113.00		
12829	John Q. Gilchrist, M.D.	Mini Bus Driver-Phyiscal-J.Barnes	10.00		
12923	Howard Jackson-Gulf Oil Products	Sheriff Dept.-Gas	979.80		

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
12902	Hartgraphics	Co. Clerk-Supplies	\$ 69.07		
12832	Hodges Electronic & Const.	Repairs to NCR Posting Machine	200.00		
12828	Hensarling Auto Service	Gas & Oil-Mini Bus	50.62		
12907	Jarrots Pharmacy	Sheriff-36.36 Supplies-C. Jud-9.15, Aud-2.99	48.50		
12914	JO-Be Equip. Co.	Repairs to Sheriff Vehicles	6.00		
12915	Jack Lane Ford	Sheriff -Repairs to Vehicles	92.26		
12827	Jo-Be Equip co.	Reparisto Mini Bus	120.28		
12888	Lufkin Typewriter	Supplies-Tax Office	2.00		
12817	Moses Gun & Locksmith	DistClerk -Repair Comb.on Vault	177.50		
12904	3M business Products	Co. clerk-Supplies	48.90		
12897	Marshall T Cappell, Sheriff	Sadie & Edward Perkins Cit & Pet re Foster Children-	12.64		
12916	Mobil Oil Credit Corp.	Sheriff-Gas-25.86, Wash-53.00	78.86		
12830	Office Supply Center	Supplies-Age-10.28,Hous-1.76	12.04		
12818	Rogers Office Supply	Tax A/c-5.05, C.Cl-65.80, Treas-2.85 D.Cl-11.88, JPI-9.10, Ext-7.20, Sheriff-124.05	225.93		
12926	Share Corp.	Sheriff-Supplies-Detective Special	89.66		
12913	Sirchie Finger Print Lab	Sheriff-Supplies for finger printing	115.19		
12808	Southwestern Bell Telephone	Age-17.09; C. Atty-23.70; Ext-101.48, JPI-52:44; D: Jud-23.99; D: Cl-45.16, Aud-22.82, DPS-137.31, Sheriff-245.13, Hous-118.84(2mos), Vet-10.71, TEC-11.48, Prob-71.47, Airport-31.12, JP3-32:22; JP2-11.03; Tax A/C-79.21, Treas-33.49, C Cl.-31.98, Prob-64.50	1,165.17		
12932	Sam Houston Electric Co-Op	Utilities-Airport	72.64		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, General FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
12931	Sullivans Hdwe	Janitors-69.89, Sheriff-11.27	\$ 81.16		
12887	Story-Wright	Tax Office-Supplies	79.87		
12889	Leslie Silva	Mileage-Tax Assessor-Appraisal	67.60		
12835	Shirley D. Powers, Court Reprinter	Mileage-Court Reporter	73.08		
12903	Stafford-Lowdon Co.	Co Clerk-Supplies	45.47		
12894	Shepherd Laundries Co.	Janitors Uniforms	24.00		
12924	Texaco INC.	Gas-Sheriff Dept.(2mos)	111.11		
12911	Tyco feed Co.	Sheriff-Weight Tickets	4.00		
12895	Tyler Co. Civil Defense	Dist Atty Furniture	70.00		
12930	Tyler Co. Booster	Advertising on Bids	11.90		
12809	Texas Dist & Co. Attys Assoc.	Co. Atty-Penal Code Summaries	20.00		
12901	Woodville Big Star	Supplies-Co. Clerk	3.18		
12900	Standard Office Equip. Co.	Co. Clerk-Supplies	11.30		
12815	Walraven	Supplies-D. Cl-254.45, C.Cl.-49.60	304.05		
12899	Hart Office Products	Co. Clerk-Supplies	7.89		
12898	West Publishing Co.	Tex Family Code-Co. Clerk	8.50		
12928	Woodville Big Star	Janitors Supplies	92.52		
12825	Woodville Auto Parts	Reparis to Mini bus	143.28		
12814	Xerox Corp.	DistClerk-Copy Machine	230.00		
12905	Xerox Corp.	Co. Clerk-Copy Machine-Sup & Use	1,140.34		
12812	McClure Furniture Co.	Carpet Installed in JPI Office	199.95		
		Tot.	11,823. ⁸³		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, Road & Bridge I FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid-by Check No.
12849	Allisons Inc.	Nails	\$ 21.10		
12850	A-Z Discount Auto Parts	Parts	47.59		
12852	Collins Paint & Decorating Center	Supplies	5.15		
12848	Davis Food Market	Gas	5.00		
12885	Jack Lane Ford	Parts	13.33		
12882	Gulf States	Co Barn Utilities	18.52		
12851	J.E. Gardner Oil Co.	Fuel	1,442.57		
12908	Jarrots Pharmacy	Film for Flood Disaster Pictures	13.58		
12883	Jo-Be Equip.	Parts	6.74		
12855	South Magnolia Drive Inn Gro.	Ice	20.47		
12856	Southwestern Bell Telephone	Pro-Rata Share of 2Mos. Telephone	12.80		
12853	Seneca Water Supply	Utilities-Co. Barn	6.00		
12884	Woodville Exxon	Tire Repair & tubes-83.90, Gas-6.50	90.40		
12854	Woodville Auto Parts	Repairs to Equip.	587.11		
12918	Deep East Tex Wrok Comp	work Comp for June	150.15		
		<i>Tot</i>	<i>2,440.51</i>		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, Road & Bridge II FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid-by Check No.
12856	Southwestern Bell Telephone	Pro-Rata Share of 2 mos Telephone	\$ 12.80		
12918	Deep East Texas Wrok Comp.	Work Comp. for June	183.54		
12843	Allen Machinery, Co. INC.	Parts	68.03		
12841	Birdwells Welding & Machine Shop	Repairs to Equip.	12.00		
12842	Chester Water Supply	Utilities-Co. Barn	7.50		
12837	Freeman Hdwe & Bldg Supply	Culvert	50.70		
12838	J.E. Gardner Oil Co.	Fuel	559.80		
12839	Hickman Exxon	Tire Repair-17.00, Bulbs-9.01, Gas-35.45	61.46		
12910	Jarrotts Pharmacy	Film for flood Disaster Pictures	6.79		
12845	Jo-Be Equip.	Tires	57.38		
12840	Jacksons Industrial Supplies	Grader Blades	232.50		
12844	Sam Houston Electric	Utilities-Co. Barn	3.17		
12846	Thornton Hdwe	Misc Supplies	45.22		
12836	This Old House	Ice	20.70		
12847	Woodville Auto Parts	Reparis to Equip.	142.05		
		<i>Tot</i>	1,463.64		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, Road & Bridge III FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
12918	Deep East Texas Wrok Comp.	Work Comp for June	\$ 217.06		
12856	Southwestern Bell Telephone	Pro-Rata Share of 2 mos Telephone	12.80		
12879	A-Z Discount Auto Parts	Cable Clamps	8.00		
12875	Birdwells Welding	Welding on Equip.	8.00		
12870	City of Colmesneil	Co. Barn-Utilities	23.86		
12869	Colmesneil Motor Co.	Parts	73.15		
12880	Gulf Welding Supply Co.	Oxygen	24.15		
12874	J.E. Gardner Oil Co.	Fuel	1,429.30		
12873	Gulf States	Co. Barn-Utilities	35.47		
12877	Hensarlings Auto Serv.	Tire Repair & Tube	28.95		
12909	Jarrots Drug	Film for Flood Disaster Pictures	20.37		
12878	Jack Lane Ford	Parts	2.85		
12876	Jimmys Auto Parts	Parts	200.77		
12890	Jasper Creosoting Co.	Creosoted Posts	519.36		
12868	S & S Welding Serv.	Welding	6.00		
12872	Woodville Auto Parts	Parts	719.72		
		Tot	3,327.81		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, Fed. Rev. Shar. FUND TYLER COUNTY, TEXAS

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Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
985-a	Deep East Tex. Work. Comp.	Solid Waste Work Comp-June	\$ 70.90		
981-a	Freeman Hdwe & Bldg. Supplies	Culverts- Pct. I	558.00		
982-a	Freeman Hdwe & Bldg Supplies	Culverts- Pct. 3	2,527.61		
979-a	J.E. Gardner Oil Co.	Solid Waste-Fuel	.13.65		
980-a	Ogden Chev.	Parts-Pct. 3	1,160.83		
978-a	Plains Machinery Co.	Grader Blades-Pct. I	125.04		
984-a	Woodville Auto Parts	Solid Waste-Parts	2.64		
		Tot.	4,458.67		

CLAIM REGISTER AND MINUTES OF ACCOUNTS ALLOWED, HUD-77 FUND TYLER COUNTY, TEXAS

Claim Number	NAME OF CLAIMANT	NATURE OF CLAIM	Amount of Claim	Date Allowed	Paid by Check No.
123-77	Freeman Hdwe & Bldg Supplies	Culverts	\$ 2,887.20		
124-77	Tyler County Booster	Advertising on Street Paving	117.60		
		<i>Tot.</i>	<i>3,004.80</i>		

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BID FOR UNIT PRICE CONTRACTS

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Place Tyler County

Date 4-30-1979

Project No. B-77-DN-48-0060

Proposal of E.M. Fortenberry, Const. Co. (hereinafter called "Bidder") a corporation, organized and existing under the laws of the State of TEXAS, a partnership, or an individual doing business as Contractor

To the _____ (hereinafter called "Owner")

Gentlemen:

The Bidder, in compliance with your invitation for bids for the construction of a Tyler County Road Project

having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the project in accordance with the contract documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the contract documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 60 Day consecutive calendar days thereafter as stipulated in the specifications. Bidder further agrees to pay as liquidated damages, the sum of \$ 50.00 for each consecutive calendar day thereafter as hereinafter provided in Paragraph 19 of the General Conditions.

Bidder acknowledges receipt of the following addendum:

* Insert corporation, partnership or individual as applicable.

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Bidder agrees to perform all the Two Course Surface Treatment work described in the specifications and shown on the plans, for the following prices:

Price per Liner Foot of Completed Two Course Surface Treatment:

\$ 4 85
Dollars & Cents

(Amounts are to be shown in both words and figures. In case of discrepancy, the amount shown in words will govern.)

The above unit prices shall include all labor, materials, bailing, shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 calendar days after the scheduled closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by Paragraph 29 of the General Conditions. The bid security attached in the sum of One Thousand Six Hundred Dollars and No Cents (\$ 1600.00) is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused by thereby.

Respectfully submitted:

By E. J. Testenberg
(Title)

(SEAL - if bid is by a corporation)

Rt 1 Box 45 Woodville, Tex.
(Business Address and Zip Code) 75979

H. B. 1060 - IMPLEMENTATION
OF THE
"TAX RELIEF" AMENDMENT

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HB-1060 as passed on May 28, 1979, implements the provisions of the Constitutional Amendment approved in November of 1978. Several of the provisions of HB-1060 require immediate action on the part of the school districts and other jurisdictions. Below is a section-by-section summary of the bill that includes comments on which jurisdictions are effected, when the provisions take effect, and comments on actions required by the jurisdiction.

Article 1 - "Appraisal of Agricultural Land" - Applies to all jurisdictions

This Article defines which lands will qualify for agricultural use valuation, how such valuation shall be made, roll back penalties, and application procedures.

Qualified open-space land is land currently devoted principally to agricultural use and with a history of such use for at least 5 of the preceding 7 years. Agricultural use includes any raising of livestock, crops, orchards, etc., and also includes land left idle as part of normal crop or livestock rotation or to participate in a government program.

Article 1 requires the local tax assessor-collector to determine the categories of agricultural use existing within the jurisdiction, and to determine the average annual net income for each category which a person using prudent management would have earned over the preceding five-year period. The assessor is required to determine this "net to land" for each category by using owner operator budgets if such information is available or lease (cash, share, etc.) information if that is all that is available.

Once net to land is determined for each category of land the assessor will calculate the agricultural value by capitalizing the net to land figure by a rate of 10% or the Federal Land Bank interest rate plus 2½%, whichever is greater (this would currently be 11%).

Article 1 provides that the STAPB shall prepare and distribute appraisal manuals setting forth the method of determining agricultural use value, and that all jurisdictions shall follow the procedures outlined in that manual in developing their agricultural use values. STAPB is also required to develop application forms which shall be used by all taxpayers applying for agricultural valuations.

To be valid an application for agriculture use valuation must be filed during the jurisdiction's rendition period. However, in 1979, HB-1060 provides that an application is considered timely if it is filed within 45 days from the time the Governor signs the act into law.

Article 1 also provides that the assessor for each jurisdiction shall prepare and submit to the Board of Equalization both the agriculture use value and the regular market value appraisal. If land which has qualified for agricultural valuation is later diverted to a use other than agriculture, a roll back tax is levied on the land. The roll back tax will equal the difference between the taxes paid and the amount they would have been if the land had not qualified for agricultural valuation. The roll back is for the preceding five years and includes 7% interest from the time the taxes would have been paid if the land had not qualified for agriculture valuation. It is important to note that this roll back is not triggered by a sale of the land but only by a change in its use to some non-agricultural purpose.

Land located within the city limits of any incorporated city is treated similarly to all other land except that it must have been used for agricultural purposes continuously for the preceding five years.

Article 1 takes effect immediately and applies to taxes for the 1979 tax year unless, (1) the governing body prescribes by order, resolution or ordinance that the provisions do not apply to 1979 taxes, or (2) the tax roll has already been certified before the Governor signs the act into law. In other words, the provisions of Article 1 are automatically effective this year unless the governing body takes affirmative action to waive their applicability until the 1980 tax year. If a jurisdiction has not certified its roll prior to the Governor's signing of the act, the roll may not be certified prior to July 15.

Article 2 - "Appraisal of Timber Land" - Applies to all jurisdictions

The provisions of Article 2 relating to timber use valuation are very similar in application and effect to the provisions of Article 1 on agriculture use.

The main differences are found in the procedures set out for calculating "net to land," and in the provisions setting as a minimum value for timber land the value shown for that land on the 1978 tax roll.

Net to land for timber use valuations is determined by multiplying the land's potential average annual growth (in cords or board feet) by the average stumpage value. In defining categories for which net to land must be calculated, the assessor must consider soil types and timber types among other items.

If the timber use valuation results in a value lower than the value indicated by the 1978 tax roll then a minimum value equal to that of the 1978 tax roll must be used instead of the timber use value.

With regards to the capitalization rate, STAPB development of manuals and application forms, roll back penalties, qualification of land, implementation in 1979, and most other respects, the provisions of Article 2 are identical to those of Article 1.

Article 3 - "Exemption of Intangible Property" - Applies to all jurisdictions

Article 3 exempts from taxation all intangible personal property except, (1) that of common carriers, (2) bank stock, (3) that of mutual life insurance companies, (4) that of pension or profit sharing funds, (5) that of savings and loans, (6) that of insurance companies, or (7) that of contract motor carriers.

Article 3 is effective immediately and neither requires nor allows any action on the part of a jurisdiction.

Article 4 - "Exemption of Household Goods and Personal Effects" - Applies to all jurisdictions -

This Article exempts all household goods and personal effects that an individual owns and does not use to produce income. Household goods are defined as furniture, appliances, utensils etc., used primarily around a residence. Personal effects are defined as property normally worn or carried by an individual (personal effects specifically does not include boats, trailers, mobile homes or motor vehicles of any kind).

Article 4 is effective immediately and neither requires nor allows any action on the part of the jurisdiction.

Article 5 - "Exemption of Automobiles" - Applies to all jurisdictions

Article 5 exempts from all ad valorem taxation all automobiles owned by a family or individual and not used for producing income. However, any jurisdiction may continue to tax all automobiles if its governing body by resolution, order, or ordinance provides for such taxation to occur.

Article 5 is effective immediately and all automobiles covered by its provisions are automatically exempted unless the governing body takes affirmative action to waive the exemption.

Article 6 - "Definition of Residence Homestead" - Applies only to school districts

Article 6 defines a residence homestead as a structure or separately occupied portion of a structure used as a residence (together with land and improvements used in the residential occupancy of the structure). To qualify as a residence homestead, the property must be owned by one or more individuals, be designed or adapted for human residence, and be occupied as the principal residence by the person qualifying for an exemption.

Article 6 also provides that an owner is one who holds either record or equitable title, and that a homestead is not lost if the owner temporarily stops occupying it.

Article 6 is immediately effective and requires no action from the jurisdiction.

Article 7 - "Residential Homestead Exemptions" - Applies only to school districts

Article 7 applies only to school districts and provides that all individuals are entitled to an exemption of \$5,000 from the market value of their residential homestead. In addition, it provides that all persons 65 or older or disabled (under a disability for purposes of payment of disability benefits under Federal Old-Age, Survivors and Disability Insurance) are entitled to an additional exemption of \$10,000 from the market value of their residence homestead. A person who is over 65 and disabled may receive only one \$10,000 exemption, and only one such exemption may be received per family, per residence homestead.

IMPORTANT NOTE: Article 7 requires that each school district publish notice in a newspaper once a week for the 3 weeks preceding the date on which applications are due. The notice shall describe the persons eligible to file an application. (See sample notice on page 8)

This Article also provides that persons claiming these exemptions must file a valid application. To be valid the application must be made on a form prescribed by STAPB and filed during the rendition period. However, in 1979 an application is valid if filed within 45 days after the Governor signs the act into law. Also in 1979, STAPB will recognize and endorse any application form used by a school district which contains information indicating that the applicant qualifies for the exemption(s) being claimed. (See sample on page 8). This Article provides that if a valid application is not filed the exemption may not be granted.

Article 7 also provides that the \$5,000 and \$10,000 residence homestead exemptions are in addition to any homestead exemption granted by a school district pursuant to Article VIII, Section 1-b(b) of the Texas Constitution.

This Article also provides that any taxes pledged prior to the effective date of the Act to pay debts (bonds) may continue to be levied and collected against the value being exempted by the new residence homestead exemptions. For the purpose of this provision the effective date is the day the Governor signs the act into law.

Article 7 also places into effect a freeze on taxes paid on any residence homestead which receives the \$10,000 exemption. The article provides that such properties shall be valued and equalized, and taxes calculated just as on any other property, but that taxes shall never exceed the amount imposed in the first year in which the property received the \$10,000 exemption. If improvements (other than regular maintenance or repairs) are made to the property, the value of the improvements can be taxed at the then current tax rate and value, and the total amount of taxes imposed can be increased to reflect the new improvements. That new amount of taxes would then serve as the ceiling on taxes in following tax years.

Article 7 also includes a "Legislative Finding" which reads as follows; "The Legislature finds that a local taxing unit may reduce or repeal a previously adopted residence homestead exemption under Article VIII, Section 1-b(b), of the Texas Constitution."

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Article 7 is effective immediately upon the Governor's signature. Applicants for these exemptions have 45 days after that time to apply for either the \$5,000 or \$10,000 exemption (or both).

Article 8 - "State Payments to Replace School Taxes Lost Because of State Mandated Reduction of the Ad Valorem Tax Base"

- Applies only to school districts -

Article 8 provides for state replacement of revenue losses caused by the \$5,000 and \$10,000 homestead exemptions, and the losses due to reduced values caused by agriculture use and timber use valuations. The amount of payment is to be determined by multiplying the total value lost by the ratio of assessment and tax rate in effect for the tax year. The amount of value lost on the homestead exemptions is the sum of the \$5,000 and \$10,000 residence homesteads actually granted. The amount of value lost on agricultural timber land is the difference between the value as shown on the 1978 tax roll and the value as determined pursuant to the agricultural use and timber use provisions.

To receive such payments school districts will have to file an application on a form prescribed by STAPB. The application will have to be filed November 1 of each year. This Article requires STAPB to calculate the amount due each school district by January 1, of each year. These amounts will be adjusted by the Commissioner of Education to deduct any increases in state financial support caused by a reduction in a district's local fund assignment from what it would have been prior to the passage of SB-350 (the new school finance bill) and to deduct any increases in state financial aid caused by allotments for current operating expenses (M&O) above \$125 per ADA in 1979-80 and \$130 per ADA in 1980-81.

This Article also provides that TEA will audit each district's applications at least once during each two-year period. The Article also provides for school district appeals of any action by STAPB or TEA relevant to such audits or related to the amount of aid each district is to receive.

This Article is effective immediately upon the Governor signing the act into law. School districts will be required to file applications for state payments in the fall of this year. As a result, it is imperative that the districts maintain records which will support the value losses which will be reported on this application.

Article 9 - "Limit on Growth of Appropriations" - Applies only to State Legislature

This Article sets limits on the growth rate of State Appropriations. This Article has no direct or immediate effect on local jurisdictions.

Article 10 - Applies only to school districts

This Article states that a school district may issue tax bond indebtedness voted prior to August 31, 1979, notwithstanding the 10 percent tax bond indebtedness limitation imposed by Section 20.04(c), Texas Education Code.

Article 11 - Applies to all jurisdictions

This Article is simply a correcting amendment to make SB-621 conform to HB-1060.

Article 12 - Applies to all jurisdictions

This Article repeals Article 7150K and Section 11 of Article 7150, VTCS.

Article 13 - Applies to all jurisdictions

This Article states that it is the intention of the Legislature that all the provisions of the Act be implemented in 1979. However, this Article allows the governing body of any jurisdiction to delay implementation of the agriculture and timber use valuations until 1980 if it does so by resolution, order, or ordinance.

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This Article also provides that any applications required from persons applying for homestead exemptions, agriculture use, or timber use are considered timely if filed within 45 days after the Governor signs the Act into law.

This section also prohibits any jurisdiction from certifying its tax roll prior to July 15, 1979 unless the roll is certified prior to the time the Governor signs the act into law.

Article 14 - Emergency clause

COMMONLY ASKED QUESTIONS AND ANSWERS

Agricultural and Timber Valuations - Article 1 & 2

1. Q. Do the provisions of HB-1060 in any way affect or supercede the provisions of the Article VIII, Section 1-d of the Texas Constitution which has been in effect for several years?
A. No. The provisions of Article VIII, Section 1-d, which have been in effect since 1967 are still in effect and unchanged by HB-1060. HB-1060 implements Article VIII, Section 1-d-1, a new section added to the Constitution last year. In essence, while the agriculture use valuations should be the same under both provisions, the taxpayer has a choice as to which he will apply for. The qualification standards are much stricter under the older Article VIII, 1-d, provisions, but the roll back penalties are less severe. As a result, a taxpayer who can meet the qualification tests of the old Art. VIII, 1-d, may want to do so with an eye toward reducing future roll back penalties.
2. Q. If our current tax roll values are below agriculture use values as developed under HB-1060 can we implement agriculture use and raise the values?
A. Agriculture use valuations can only be instituted upon receiving an application from a taxpayer. Land values, like the value of any other taxable property, should be raised only through reappraisals which apply to all properties and which are designed to bring all properties to their market value.
3. Q. Rather than going through all the steps in HB-1060 for determining agriculture use valuations can't I just take some percentage of my market values for land, say 50 percent, and call it agriculture use value?
A. No. Unless the procedures set out in HB-1060 are followed closely, your tax roll would be subject to attack in court as being arbitrary and invalid.
4. Q. When will STAPB make available the agriculture and timber use appraisal manuals and application forms which we are required to use?
A. By mid-June sample application forms will be made available. By late June the appraisal manuals will be made available. Training sessions on implementing agriculture and timber use valuations will be conducted starting in late June.
5. Q. It's very late in the year, can't we just ignore agriculture and timber use valuations this year and deal with them in 1980?
A. No! If your governing body feels that it would be impossible to implement such valuations in 1979 it must take affirmative action to prescribe that the provisions of Articles 1 and 2 of HB-1060 will not apply in 1979. If the governing body does not take action by resolution, ordinance, or order to waive these provisions, the tax assessor must grant agriculture or timber use valuations to any qualified persons who apply.

6. Q. In anticipation of HB-1060 becoming immediately effective we have already developed an application form for agriculture and timber use. We have already received numerous applications on our forms. Will we have to get everyone to reapply on forms approved by STAPB?
- A. No. In 1979 STAPB will recognize and endorse any application forms which contain the information necessary to show that the applicant qualifies for agricultural or timber use valuation. However, any persons whose applications are made on forms other than those which STAPB will soon distribute, need to be made aware that they are subject to the penalties set out in Section 37.10, Penal Code, for making or filing an application containing a false statement.

Exemption of Automobiles - Article 5

1. Q. Our jurisdiction has already prepared a vehicle tax roll; can we go ahead and tax cars this year?
- A. Yes. But only if your governing body prescribes by resolution, order, or ordinance that the exemption of all personal automobiles will not be granted in your jurisdiction.
2. Q. Will we be able to tax personal vehicles in 1980?
- A. Yes. But only if your governing body waives the application of the exemption by resolution, order, or ordinance for 1980.

Residential Homestead Exemptions - Articles 6 & 7

1. Q. Our school district was giving a homestead exemption to persons over-65 in 1978 of \$3,000 of assessed value and our assessment level was 50%. With the new exemptions added how much would the maximum exemption be this year for a person over-65?
- A. On January 1, 1979, when the "Tax Relief Amendment" took effect, your exemption of \$3,000 assessed value at 50% was automatically converted to an exemption of \$6,000 from the market value of the property. In addition, all persons having a homestead will receive a \$5,000 exemption from the market value of their homestead. And finally, as a result of HB-1060, any person who is over-65 or disabled will receive an additional \$10,000 exemption from the market value of his homestead. In this instance the total of the residence homestead exemptions would be \$21,000 from the market value of the homestead.
2. Q. Are we required to notify our taxpayers about the homestead exemptions?
- A. Yes! HB-1060 requires that notice about the availability of the exemptions be published once a week for 3 weeks before the date that applications are due. In 1979, applications must be accepted for at least 45 days after the governor signs HB-1060 into law. Therefore, the weekly notice should be initiated approximately 24 days after the Governor signs the act into law. (See the sample notice on page 8)
3. Q. Will mobile homes qualify for homestead exemptions?
- A. Yes.
4. Q. I have an elderly woman in my district who has deeded her property over to her children but retained the right to live in it until her death. Will she qualify for the homestead exemptions?
- A. Yes. She is considered to have a life estate and will qualify for the exemptions.
5. Q. Are we allowed to rescind the over-65 homestead exemption we have been granting in past years?

- A. According to Attorney General Opinion H-162, 1973, your jurisdiction does have such power. This is supported by Section 9 of Article 7 of HB-1060 which indicates that the Legislature finds that a local jurisdiction may reduce or repeal a previously adopted residence homestead exemption. However, it seems clear that if such an exemption were initiated by petition and referendum rather than action of the governing body it must be repealed or reduced in the same manner.
6. Q. Are we allowed to set a cut-off date for applications on the new \$5,000 and \$10,000 homestead exemptions?
- A. The provisions of HB-1060 require that an exemption be granted only upon receipt of a valid application. To be valid an application must be received within the rendition period except that for 1979 an application is valid if it's received within 45 days after the Governor signs HB-1060 into law.

State Payments to School Districts - Article 8

1. Q. If the market values shown on our 1978 roll were lower than the agriculture or timber use values and market values shown on our tax roll this year, will we receive any state payments to replace school taxes lost as a result of not taxing on the new market values?
- A. No. If your 1978 tax roll carried market values on land lower than the agriculture or timber use values derived under HB-1060 your district is entitled to no state payments. Your district will however, be entitled to payments for losses caused by the new homestead exemptions.
2. Q. When is the earliest we can expect to receive state payments as provided by Article 8 of HB-1060?
- A. January of 1980.
3. Q. Will our application for state payments under Article 8 be audited for accuracy?
- A. Yes. At least once during the next biennium the Texas Education Agency will audit each district's application. As a result, your district should keep complete files and records containing all applications for agriculture or timber use valuations and all applications for homestead exemptions.
4. Q. Does Article 8 of HB-1060 work to essentially replace our district's losses dollar-for-dollar?
- A. Yes and No. The entitlement to state payments as calculated under Article 8 is designed basically to return lost revenues dollar-for-dollar. However, before making such payments to school districts the Commissioner of Education must reduce each district's entitlement to reflect the increase in state financial support caused by, (1) a reduction in the district's local fund assignment from what it would have been prior to the passage of SB-350 (the new school finance bill), and (2) any increases caused by allotments for current operating expenses (M&O) above \$125 per ADA in 1979-80 and \$130 per ADA in 1980-81. Article 8 also provides that no district shall receive less than 45% of its actual loss.

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Sample Newspaper Notice of Homestead Exemptions for 1979
(Suggested format - not mandatory)

The _____ ISD hereby announces that all persons are entitled to receive an exemption of \$5,000 from the market value of their residence homestead for the purpose of school taxes. In addition, all persons who are 65 or older or under a disability for purposes of payment of disability benefits under Federal Old-Age, Survivors, and Disability Insurance are also entitled to an additional exemption of \$10,000 from the market value of their residence homesteads for the purpose of school taxes.

To qualify for these exemptions, an application must be filed with the school district tax office by July _____. Application forms are available at the school tax office located at: _____ (Address)

Sample Application Form for Homestead Exemptions
(Suggested format - not mandatory for 1979)

Residential Homestead Exemption Affidavit
For The Year 1979

_____ Independent School District

Owner _____

Property Description _____

Address _____

"I, _____, do solemnly swear and affirm that I was the owner of the above described property and it was my residential homestead on January 1, 1979. Further, that I have not claimed a residence homestead on any other property for this year. Finally, that I understand that any person who makes a false affidavit shall be subject to the perjury laws of the State of Texas as provided by Section 37.10, Penal Code.

I do swear and affirm that I was 65 years of age or older on January 1, 1979.

YES _____ NO _____

OR

I do swear and affirm that I was under a disability for purposes of payment of disability benefits under Federal Old-Age, Survivors, and Disability Insurance on January 1, 1979.

YES _____ NO _____

Signature _____

Date _____

NOTICE OF TIME AND PLACE OF MEETING

COMMISSIONERS COURT
TYLER COUNTY, TEXAS

THIS NOTICE POSTED IN ACCORDANCE WITH V. A. T. S. -- ART. 6252-17

NOTICE is hereby given that Commissioners Court will hold it's
Special meeting on FRIDAY, JUNE 15 1979 at 10:00 A.M.
in the Commissioners Courtroom, First Floor, Tyler County Courthouse.

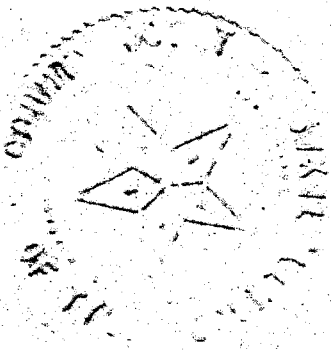
A G E N D A

1. APPROVE PAYING BILLS FROM AUDITOR'S OFFICE.
2. AIRPORT MOWING.
3. CITY OF COLMESNEIL EQUIPMENT CONTRACT.
4. COUNTY INSURANCE.
5. RESOLUTION CONCERNING HOUSE BILL 1060.

6. Consider Tabled Bid on Beaumont Hill HUD Project
6/13/79 JAM

Allen Sturrock

Allen Sturrock, County Judge
Tyler County, Texas



NO. _____ TIME: 8:30 AM

JUN 12 1979

GRACE BOSTICK, COUNTY CLERK
TYLER COUNTY, TEXAS

Grace Bostick