COMMISSIONERS COURT OF TITUS COUNTY PUBLIC HEARING DECEMBER 21, 2007

Public and County Officials Attending:

Sam W. Russell, County Judge Bob Fitch, Commissioner Pct 1 Phillip Hinton, Commissioner Pct 3 Carl Johnson, County Auditor Ron Staggs, Environmental Investigator Ronny Babcock Tony Douglas Brett Thomas Dale McGongagill

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Teresa Price, County Clerk Mike Fields, Commissioner Pct 2 Thomas Hockaday, Commissioner Pct 4 Woody Hughes, Sheriff's Department Paula Dyke, JP 2 Kenny Rollins Linda Ferrell Gary McGongagill Joyce Simpson, Assistant to Judge

Judge Sam Russell called the Public Hearing on Taxation to order at 9:03 stating that for the record, notice had been posted 72 hours prior to today's Public Hearing according to the Open Meetings Act.

Judge Sam Russell introduced Ronny Babcock from the Titus County Appraisal District to talk to the court about the Taxation of Personal Property in Transit and the impact it would have on Titus County. Mr. Babcock stated he did not know what kind of impact it would have but that it would essentially reduce taxes paid to the county to some extent. The County now gives Freedom Exemption to some companies. House Bill 621 would extend this exemption to a larger and wider area thus reducing taxes paid to the County and taxpayers would not like to see the county reduce exemptions anymore than it does now. The bill would allow for this new exemption to automatically go into effect unless the county adopts an order to continue taxing the property. Judge Russell asked Mr. Babcock if this bill was what was referred to as the Super Freeport Exemption and Mr. Babcock answered that it was. The bill would still leave the County the exemptions they have been giving all along. If the County does not act today, it will automatically go into effect and there will be nothing the County can do about it.

Commissioner Thomas Hockaday asked if this was supposed to be renewed every seven (7) years and was told by Mr. Babcock that he doesn't think that is the case. Judge Russell stated that when the legislature passed this bill, they did not realize the burden it would put on the County because the appraisal district would have to go in and determine the value of property in storage. Until we have a better feel of what it is going to cost the County, Judge Russell did not feel that it should be passed. We can always come back later and pass it if the court chooses.

Judge Russell stated that he had received calls wanting to know if this applied to personal property such as boats, campers and trailers and stated that it did not. It would cover businesses that lease storage for parts, merchandise, equipment, machinery, materials and other components to claim the exemption.

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Phillip Hinton to continue the current taxation and exemption as it is now and to adopt an order to tax Tangible Personal Property in Transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Motion carried unanimously.

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Judge Russell closed the public hearing at this time in order to begin the Special Meeting of the Commissioners Court.

TITUS COUNTY COMMISSIONERS' COURT TITUS COUNTY COURTHOUSE MOUNT PLEASANT, TEXAS 75455

AN ORDER OF TITUS COUNTY TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253

WHEREAS, the 80th Texas Legislature in Regular Session enacted House Bill 621, effective January 1, 2008, which added Tex. Tax Code § 11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

WHEREAS, Tex. Tax Code § 11.253(j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and

WHEREAS, the Commissioners Court of Titus County, having conducted a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution, is of the opinion that it is in the best interests of the county to continue to tax such goods-in-transit.

NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF TITUS COUNTY THAT: All goods-in-transit, as defined Tex. Tax Code 11.253 shall remain subject to taxation by Titus County, Texas.

Dated this 2/3C day of DECEMBER, 200 ine

Titus County Judge

Attest:

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Dated this 2/3C day of DECEMBER.

Titus County Judge

Attest:

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NOTICE OF PUBLIC HEARING ON TAXATION OF PERSONAL PROPERTY IN TRANSIT TITUS COUNTY, TEXAS Friday - December 21, 2007 - 9:00 O'clock A.M. Room 205, Titus County Courthouse 100 West First Street, Mt. Pleasant, Texas 75455

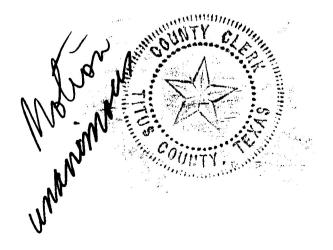
Notice is hereby given in compliance with Subchapter B, Chapter 11, Section 11.253, Texas Tax Code, and Article VIII. Section 1-n(d). Texas Constitution, that the Commissioners' Court of Titus County, Texas, at its meeting at the above-named time, date and location, will conduct a Public Hearing on the adoption of an Order to tax tangible personal property in transit which would otherwise be exempt pursuant to Section 11.253, Texas Tax Code. This action relates to whether certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) shall remain subject to taxation by Titus County.

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County Judge

I, the undersigned County Clerk of Titus County, Texas, do hereby certify that the above Notice of Public Hearing on Taxation of Personal Property in Transit is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board and doors of the Titus County Courthouse and Annex, places readily accessible to the general public at all times, prior to 9:00 o'clock A.M., on the 18th day of December, 2007, and remained so posted for at least 72 hours preceding the scheduled time of said hearing.

Jeresa Grico



County Clerk/Deputy Clerk



NOTICE OF PUBLIC HEARING ON TAXATION OF PERSONAL PROPERTY IN TRANSIT TITUS COUNTY, TEXAS Friday - December 21, 2007 – 9:00 O'clock A.M. Room 205, Titus County Courthouse 100 West First Street, Mt. Pleasant, Texas 75455

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County Judge

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Jeresa Price

County Clerk/Deputy Clerk



TITUS COUNTY COMMISSIONERS' COURT TITUS COUNTY COURTHOUSE MOUNT PLEASANT, TEXAS 75455

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NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF TITUS COUNTY THAT: All goods-in-transit, as defined Tex. Tax Code 11.253 shall remain subject to taxation by Titus County, Texas.

Dated this ______, 2007

Titus County Judge

Attest:

Titus County Clerk

Wednesday, December 19, 2007;

Commissioners plan public

thearing Friday Titus County Commission and Court will hold a public hearing on taxation of per-sonal property in transit he-ginning at 9 a.m., Friday, in room 205 of the Titus County Courthouse.

Joyce Simpson

 From:
 "Gene Terry" <genet@county.org>

 To:
 <joycesimpson@co.titus.tx.us>

 Sent:
 Monday, December 17, 2007 2:52 PM

 Subject:
 FW: [TAC-Judicial] Re: County Judges and Commissioners Association of Texas Legislative Update

Gene Terry Director of Operations Texas Association of Counties

From: Paul Sugg Sent: Monday, December 17, 2007 2:45 PM To: Gene Terry Subject: FW: [TAC-Judicial] Re: County Judges and Commissioners Association of Texas Legislative Update

----- Original Message -----From: <u>Andrea Beard</u> To: <u>TAC-Judicial</u> Sent: Tuesday, October 09, 2007 5:40 PM Subject: [TAC-Judicial] County Judges and Commissioners Association of Texas Legislative Update

Message from: secretary@allison-bass.com

Legislative Update

H.B. 621 – Another Business Property Tax Exemption

While state leaders accused counties of over-taxing homeowners, the legislature passed more legislation to shift additional tax burdens on homeowners by exempting certain property from taxation. H.B. 621 by Rep. Chavez and Senator Duncan would provide a "goods-in-transit" exemption for most tangible personal property stored off-site in a warehouse or other storage facility. However, it does provide an opportunity for the county to opt out of the exemption.

Efforts by commercial-interest lobbyists to gain exemptions for business personal property have led to several constitutional amendments. In 2001, the voters approved section 1-n to Article VIII, authorizing the legislature to exempt business personal property stored off the owner's premises with certain exemptions. Effective January 1, 2008, H.B. 621 will implement this exemption unless the taxing authority conducts a public hearing and adopts an order to continue taxing the property.

Since the legislation broadly defines tangible personal property held in storage, it is difficult to analyze the potential effect on the tax roll. It will certainly encourage businesses to lease storage for parts, merchandise, equipment, machinery, materials, and other components to claim the exemption. Determining the value of the goods and components will place an additional burden on the appraisal district.

Each taxing unit may determine whether to tax these "goods-in-transit" by taking action before January 1. The action may be reconsidered each year. If your county wishes to prevent the automatic implementation of this exemption, the Commissioners Court must: (1) give notice and conduct a hearing on whether to continue to tax this property; (2) adopt an Order to Continue Taxation and deliver a copy of the Order to the Appraisal District. I recommend that the Notice be published at least twice with the first publication at 10 days before the hearing. A sample Notice and Order are included below.

NOTICE OF PUBLIC HEARING ON TAXATION OF PERSONAL PROPERTY IN TRANSIT _____COUNTY, TEXAS _____(DAY), (DATE), (TIME) (LOCATION) _____COUNTY COURTHOUSE _____(CITY), TEXAS

Notice is hereby given in compliance with Subchapter B, Chapter 11, Section 11.253, of the Texas Tax Code and Article VIII, Sec. 1-n(d) of the Texas Constitution that the Commissioners Court of ______ County, Texas, at its meeting at the above-named time, date, and location, will conduct a Public Hearing on the adoption of an Order to tax tangible personal property in transit which would otherwise be exempt pursuant to Sec. 11.253 of the Texas Tax Code. This action relates to whether certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) shall remain subject to taxation by ______ County.

ORDER NO. _____ AN ORDER OF _____ COUNTY TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253

WHEREAS, the 80th Texas Legislature in Regular Session enacted House Bill 621, effective January 1, 2008, which added Tex. Tax Code § 11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

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Dated this _____ day of ______, 2007.

County Judge

Attest:

County Clerk

For more information, please call me at 1-800-733-0699

James P. Allison General Counsel County Judges & Commissioners Association of Texas 402 W. 12th Street Austin, Texas 78701 (800) 733-0699- toll free (512) 482-0701 - office (512) 480-0902 - fax j.allison@allison-bass.com

Send TAC-Judicial mailing list submissions to tac-jud@list.county.org

To subscribe via the World Wide Web, visit http://list.county.org/lists

To update your personal information or unsubscribe via the World Wide Web, visit http://list.county.org/ips-cp

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True Automation, Inc.

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