

By: Zaffirini

S.B. No. 2427

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.

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

SECTION 1. Sections 23.51(1) and (7), Tax Code, are amended to read as follows:

(1) "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use or to production of timber or forest products for five of the preceding seven years or land that is used principally as an ecological laboratory by a public or private college or university and that has been used principally in that manner by a college or university for five of the preceding seven years. Qualified open-space land includes all appurtenances to the land. For the purposes of this subdivision, appurtenances to the land means private roads, dams, reservoirs, water wells, canals, ditches, terraces, and other reshaping of the soil, fences, and riparian water rights. Notwithstanding the other provisions of this subdivision, land that is currently devoted principally to wildlife management as defined by Subdivision (7)(B) or (C) to the degree of intensity generally accepted in the area qualifies for appraisal as qualified open-space land under this subchapter regardless of the manner in which the land was used in

1 any preceding year. In addition, notwithstanding the other  
2 provisions of this subdivision, land qualifies for appraisal as  
3 qualified open-space land under this subchapter if the land:

4 (A) is currently devoted principally to wildlife  
5 management as defined by Subdivision (7)(A) to the degree of  
6 intensity generally accepted in the area and has been devoted  
7 principally to agricultural use or to the production of timber or  
8 forest products for three of the preceding five years; or

9 (B) is currently devoted principally to raising  
10 or keeping bees for pollination or for the production of human food  
11 or other tangible products having a commercial value to the degree  
12 of intensity generally accepted in the area and has been devoted  
13 principally to agricultural use or to the production of timber or  
14 forest products for three of the preceding five years.

15 (7) "Wildlife management" means:

16 (A) actively using land [~~that at the time the~~  
17 ~~wildlife management use began was appraised as qualified~~  
18 ~~open-space land under this subchapter or as qualified timber land~~  
19 ~~under Subchapter E~~] in at least three of the following ways to  
20 propagate a sustaining breeding, migrating, or wintering  
21 population of indigenous wild animals for human use, including  
22 food, medicine, or recreation:

- 23 (i) habitat control;  
24 (ii) erosion control;  
25 (iii) predator control;  
26 (iv) providing supplemental supplies of  
27 water;

1 (v) providing supplemental supplies of  
2 food;

3 (vi) providing shelters; and

4 (vii) making of census counts to determine  
5 population;

6 (B) actively using land to protect federally  
7 listed endangered species under a federal permit if the land is:

8 (i) included in a habitat preserve and is  
9 subject to a conservation easement created under Chapter 183,  
10 Natural Resources Code; or

11 (ii) part of a conservation development  
12 under a federally approved habitat conservation plan that restricts  
13 the use of the land to protect federally listed endangered species;  
14 or

15 (C) actively using land for a conservation or  
16 restoration project to provide compensation for natural resource  
17 damages pursuant to the Comprehensive Environmental Response,  
18 Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et  
19 seq.), the Oil Pollution Act of 1990 (33 U.S.C. Section 2701 et  
20 seq.), the Federal Water Pollution Control Act (33 U.S.C. Section  
21 1251 et seq.), or Chapter 40, Natural Resources Code.

22 SECTION 2. Section 23.52(g), Tax Code, is amended to read as  
23 follows:

24 (g) The category of land that qualifies under Section  
25 23.51(7) is:

26 (1) the category of the land under this subchapter or  
27 Subchapter E, as applicable, before the wildlife-management use

1 began; or

2 (2) if Subdivision (1) does not apply, the native  
3 pasture category.

4 SECTION 3. This Act applies only to the appraisal of land  
5 for ad valorem tax purposes for a tax year that begins on or after  
6 the effective date of this Act.

7 SECTION 4. This Act takes effect January 1, 2024.