

By: Villarreal

H.B. No. 2016

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the use of land appraised for ad valorem tax purposes as agricultural land.

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

SECTION 1. Section 251.002, Agriculture Code, is amended to read as follows:

Sec. 251.002. DEFINITIONS. In this chapter:

(1) "Agricultural improvement" means pens, barns, fences, and other improvements designed for the sheltering, restriction, or feeding of animal or aquatic life, for storage of produce or feed, or for storage or maintenance of implements.

(2) "Agricultural land" means land that qualifies for appraisal under Subchapter D, Chapter 23, Tax Code.

(3) [~~1~~] "Agricultural operation" means any operation conducted on agricultural land, and includes the following activities:

(A) cultivating the soil;

(B) producing crops for human food, animal feed, planting seed, or fiber;

(C) floriculture;

(D) viticulture;

(E) horticulture;

(F) silviculture;

(G) wildlife management;

1 (H) raising or keeping livestock or poultry; and

2 (I) planting cover crops or leaving land idle for
3 the purpose of participating in any governmental program or normal
4 crop or livestock rotation procedure.

5 (4) [~~2~~] "Governmental requirement" includes any
6 rule, regulation, ordinance, zoning, or other requirement or
7 restriction enacted or promulgated by a county, municipality
8 [~~city~~], or other municipal corporation that has the power to enact
9 or promulgate the requirement or restriction. The term does not
10 include a rule, regulation, ordinance, zoning, or other requirement
11 or restriction adopted under Chapter 212, 232, or 242, Local
12 Government Code.

13 SECTION 2. Chapter 251, Agriculture Code, is amended by
14 adding Sections 251.0021 and 251.007 to read as follows:

15 Sec. 251.0021. NOTICE OF PRESENCE OF AGRICULTURAL OPERATION
16 ON AGRICULTURAL LAND. A county, municipality, or other municipal
17 corporation may require the owner of agricultural land to file an
18 affidavit attesting to the land's use for an agricultural
19 operation, if the land is located:

20 (1) within the boundaries of the county, municipality,
21 or municipal corporation; or

22 (2) within the extraterritorial jurisdiction of the
23 municipality.

24 Sec. 251.007. CHANGE OF USE OF LAND. (a) If a county,
25 municipality, or municipal corporation with which an affidavit
26 under Section 251.0021 is filed determines that the use of land is
27 changed to a nonagricultural use, the county, municipality, or

1 municipal corporation may apply its governmental requirements to
2 the land for the five years preceding the date on which the use of
3 the land is determined to have changed. Any mitigation required by
4 governmental requirements applied under this section shall be
5 amortized using the straight line method, for a period not to exceed
6 five years.

7 (b) An affidavit required under Section 251.0021 must
8 include a statement as to the established date of operation. In
9 determining whether the use of land has changed to a
10 nonagricultural use, a county, municipality, or municipal
11 corporation shall evaluate the established date of operation
12 according to the statement. A period of time during which land is
13 owned by this state may not be considered in making the
14 determination.

15 (c) A county, municipality, or municipal corporation that
16 determines that land is no longer used for an agricultural use shall
17 deliver notice of that determination not later than the 20th day
18 after the date the determination is made. Notice under this section
19 must include:

- 20 (1) the land's established date of operation;
21 (2) the date on which the county, municipality, or
22 municipal corporation determined that the land's use is changed to
23 a nonagricultural use;
24 (3) a statement of each applicable governmental
25 requirement;
26 (4) a statement of each applicable fee and mitigation
27 option; and

1 (5) an explanation of the landowner's right to protest
2 the determination.

3 (d) The owner of land may file a protest of a determination
4 under this section not later than 30 days after the determination is
5 made. The county, municipality, or municipal corporation that
6 makes a determination under this section that use of the
7 agricultural land has changed to a nonagricultural use shall hear
8 and determine the landowner's protest not later than the 20th day
9 after the date that the protest was received.

10 (e) On a final determination that use of the agricultural
11 land has been changed to a nonagricultural use, the county,
12 municipality, or municipal corporation making the determination
13 shall attach a lien to the land to secure payment of all applicable
14 fees, mitigation options, or a combination of fees and mitigation
15 options.

16 SECTION 3. Section 251.006(c), Agriculture Code, is
17 repealed.

18 SECTION 4. The change in law made by this Act applies only
19 to land that is first approved for appraisal under Subchapter D,
20 Chapter 23, Tax Code, on or after the effective date of this Act.

21 SECTION 5. This Act takes effect September 1, 2009.