

By: Rodriguez

H.B. No. 1600

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. Section 23.51(1), Tax Code, is 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 three [~~five~~] of the preceding five [~~seven~~] years or land that is used principally as an ecological laboratory by a public or private college or university. In determining whether agricultural use meets the degree of intensity generally accepted in the area, a chief appraiser shall distinguish between land in an area that is incorporated and land in an area that is unincorporated. 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

1 accepted in the area qualifies for appraisal as qualified  
2 open-space land under this subchapter regardless of the manner in  
3 which the land was used in any preceding year.

4 SECTION 2. Section 23.54, Tax Code, is amended by amending  
5 Subsections (a) and (e) and adding Subsection (e-1) to read as  
6 follows:

7 (a) A person claiming that the person's ~~[his]~~ land is  
8 eligible for appraisal under this subchapter must file a valid  
9 application with the chief appraiser for each year the person  
10 claims the person's land is eligible.

11 (e) If a person fails to file a valid application on time in  
12 a given year, the land is ineligible for appraisal as provided by  
13 this subchapter for that year. ~~[Once an application is filed and~~  
14 ~~appraisal under this subchapter is allowed, the land is eligible~~  
15 ~~for appraisal under this subchapter in subsequent years without a~~  
16 ~~new application unless the ownership of the land changes or its~~  
17 ~~eligibility under this subchapter ends. However, the chief~~  
18 ~~appraiser if he has good cause to believe the land's eligibility~~  
19 ~~under this subchapter has ended, may require a person allowed~~  
20 ~~appraisal under this subchapter in a prior year to file a new~~  
21 ~~application to confirm that the land is currently eligible under~~  
22 ~~this subchapter by delivering a written notice that a new~~  
23 ~~application is required, accompanied by the application form, to~~  
24 ~~the person who filed the application that was previously allowed.]~~

25 (e-1) Before February 1 the chief appraiser shall deliver an  
26 application form to each person whose land was appraised as  
27 provided by this subchapter during the preceding year. The chief

1 appraiser shall include with the application a brief explanation of  
2 the requirements for obtaining the appraisal.

3 SECTION 3. Section 23.56, Tax Code, is amended to read as  
4 follows:

5 Sec. 23.56. LAND INELIGIBLE FOR APPRAISAL AS OPEN-SPACE  
6 LAND. Land is not eligible for appraisal as provided by this  
7 subchapter if:

8 (1) the land is located inside the corporate limits of  
9 an incorporated city or town, unless:

10 (A) the city or town is not providing the land  
11 with governmental and proprietary services substantially  
12 equivalent in standard and scope to those services it provides in  
13 other parts of the city or town with similar topography, land  
14 utilization, and population density;

15 (B) the land has been devoted principally to  
16 agricultural use continuously for the preceding three [~~five~~] years;  
17 or

18 (C) the land:

19 (i) has been devoted principally to  
20 agricultural use or to production of timber or forest products  
21 continuously for the preceding three [~~five~~] years; and

22 (ii) is used for wildlife management;

23 (2) the land is owned by an individual who is a  
24 nonresident alien or by a foreign government if that individual or  
25 government is required by federal law or by rule adopted pursuant to  
26 federal law to register the individual's or government's [~~his~~]  
27 ownership or acquisition of that property; or

1           (3) the land is owned by a corporation, partnership,  
2 trust, or other legal entity if the entity is required by federal  
3 law or by rule adopted pursuant to federal law to register its  
4 ownership or acquisition of that land and a nonresident alien or a  
5 foreign government or any combination of nonresident aliens and  
6 foreign governments own a majority interest in the entity.

7           SECTION 4. Section 31.01(d), Tax Code, is amended to read as  
8 follows:

9           (d) Each tax bill shall also state the amount of penalty, if  
10 any, imposed pursuant to Sections 23.431, [~~23.54,~~] 23.541, 23.75,  
11 23.751, 23.87, 23.97, and 23.9804.

12          SECTION 5. Sections 23.54(h), (i), and (j), Tax Code, are  
13 repealed.

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

17          SECTION 7. This Act takes effect January 1, 2012.