

By: Zaffirini

S.B. No. 1963

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of land for appraisal for ad valorem tax
3 purposes as qualified open-space land.

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

5 SECTION 1. Section 23.51(2), Tax Code, is amended to read as
6 follows:

7 (2) "Agricultural use" includes but is not limited to
8 the following activities: cultivating the soil, producing crops
9 for human food, animal feed, or planting seed or for the production
10 of fibers; producing fruits and vegetables; floriculture,
11 viticulture, and horticulture; raising or keeping livestock;
12 raising or keeping exotic animals for the production of human food
13 or of fiber, leather, pelts, or other tangible products having a
14 commercial value; planting cover crops or leaving land idle for the
15 purpose of participating in a governmental program, provided the
16 land is not used for residential purposes or a purpose inconsistent
17 with agricultural use; and planting cover crops or leaving land
18 idle in conjunction with normal crop or livestock rotation
19 procedure. The term also includes the use of land to produce or
20 harvest logs and posts for the use in constructing or repairing
21 fences, pens, barns, or other agricultural improvements on adjacent
22 qualified open-space land having the same owner and devoted to a
23 different agricultural use. The term also includes the use of land
24 for wildlife management. The term also includes the use of land to

1 raise or keep bees for pollination or for the production of human
2 food or other tangible products having a commercial value, provided
3 that the land used is not less than 5 or more than 20 acres.

4 SECTION 2. Subchapter D, Chapter 23, Tax Code, is amended by
5 adding Section 23.5215 to read as follows:

6 Sec. 23.5215. GUIDELINES FOR DIFFERENT AGRICULTURAL USES.

7 (a) The comptroller, in consultation with the Texas A&M AgriLife
8 Extension Service, individuals selected by the comptroller who
9 represent appraisal districts, and individuals selected by the
10 comptroller who represent small-scale producers, shall develop
11 guidelines for determining:

12 (1) the degree of intensity generally accepted in an
13 area for different types of agricultural production methods; and

14 (2) under what conditions the cumulative effect of
15 multiple agricultural uses of a tract of land meets the degree of
16 intensity generally accepted in the area.

17 (b) The comptroller, in consultation with the Texas A&M
18 AgriLife Extension Service, individuals selected by the
19 comptroller who represent appraisal districts, and individuals
20 selected by the comptroller who represent small-scale producers,
21 shall develop guidelines for determining under what conditions land
22 under 10 acres in size used for the production of fruits,
23 vegetables, poultry, hogs, sheep, or goats qualifies for appraisal
24 under this subchapter. The guidelines must provide that land under
25 10 acres in size that qualifies for appraisal under this subchapter
26 solely on the basis of the guidelines developed under this section
27 may not subsequently qualify under Section 23.51(7) for appraisal

1 under this subchapter if the owner changes the use of the land to
2 wildlife management.

3 (c) The guidelines developed under this section may include
4 recordkeeping requirements consistent with normal practices of
5 agricultural operations.

6 (d) The comptroller in developing guidelines under this
7 section may consider the following factors:

8 (1) the financial investment of a producer in an
9 agricultural use of a tract of land;

10 (2) the degree of active management of a producer in
11 the agricultural use of a tract of land;

12 (3) the percentage of a tract of land used by a
13 producer for agricultural uses; and

14 (4) any other factor the comptroller considers
15 appropriate.

16 (e) The comptroller, in cooperation with appraisal
17 districts, shall provide educational resources to chief appraisers
18 to assist with the appraisal of land using the guidelines developed
19 under this section.

20 (f) The comptroller shall meet with persons described by
21 Subsections (a) and (b) at least once every 10 years to review the
22 guidelines developed under this section. The comptroller shall
23 update the guidelines as appropriate.

24 SECTION 3. Not later than September 1, 2020, the
25 comptroller shall distribute the guidelines required by Section
26 23.5215, Tax Code, as added by this Act, to each appraisal district.

27 SECTION 4. This Act applies only to the appraisal of land

S.B. No. 1963

1 for ad valorem tax purposes for a tax year that begins on or after
2 January 1, 2021.

3 SECTION 5. This Act takes effect September 1, 2019.