

By: Paxton

S.B. No. 2168

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 (2), 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. A chief appraiser shall distinguish between the degree of intensity required for various agricultural production methods, including organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems. 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 any preceding year.

(2) "Agricultural use" includes but is not limited to the following activities: cultivating the soil, producing crops for human food, animal feed, or planting seed or for the production of fibers; producing fruits and vegetables; floriculture, viticulture, and horticulture; raising or keeping livestock; raising or keeping exotic animals for the production of human food or of fiber, leather, pelts, or other tangible products having a commercial value; planting cover crops or leaving land idle for the purpose of participating in a governmental program, provided the land is not used for residential purposes or a purpose inconsistent with agricultural use; and planting cover crops or leaving land idle in conjunction with normal crop or livestock rotation procedure. The term also includes the use of land to produce or harvest logs and posts for the use in constructing or repairing fences, pens, barns, or other agricultural improvements on adjacent qualified open-space land having the same owner and devoted to a different agricultural use. The term also includes the use of land for wildlife management. The term also includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than 5 or more than 20 acres.

SECTION 2. Subchapter D, Chapter 23, Tax Code, is amended by

adding Section 23.5215 to read as follows:

Sec. 23.5215. GUIDELINES FOR UNCOMMON AGRICULTURAL USES.

(a) The comptroller, in consultation with the Texas A&M AgriLife Extension Service, individuals selected by the comptroller who represent appraisal districts, and individuals selected by the comptroller who represent affected producers, shall develop guidelines for determining under what conditions the cumulative effect of multiple agricultural uses of a tract of land meets the degree of intensity generally accepted in the area.

(b) The comptroller, in consultation with the Texas A&M AgriLife Extension Service, individuals selected by the comptroller who represent appraisal districts, and individuals selected by the comptroller who represent small-scale producers, shall develop guidelines for determining under what conditions land under 10 acres in size used for the production of fruits, vegetables, poultry, hogs, sheep, or goats qualifies for appraisal under this subchapter. The guidelines must provide that land under 10 acres in size that qualifies for appraisal under this subchapter solely on the basis of the guidelines developed under this section may not subsequently qualify under Section 23.51(7) for appraisal under this subchapter if the owner changes the use of the land to wildlife management.

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

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

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

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

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

7           (4) any other factor the comptroller considers  
8 appropriate.

9           (e) The comptroller, in cooperation with appraisal  
10 districts, shall provide educational resources to chief appraisers  
11 to assist with the appraisal of land using the guidelines developed  
12 under this section and of land using an uncommon production method,  
13 such as organic production, sustainable production, and pastured  
14 poultry.

15           SECTION 3. Not later than September 1, 2026, the  
16 comptroller shall distribute the guidelines required by Section  
17 23.5215, Tax Code, as added by this Act, to each appraisal district.

18           SECTION 4. This Act applies only to the appraisal of land  
19 for ad valorem tax purposes for a tax year that begins on or after  
20 January 1, 2027.

21           SECTION 5. This Act takes effect September 1, 2025.