

- SUBJECT:** Adding wildlife management to the definition of an agricultural operation
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 6 ayes — Hardcastle, Anderson, B. Brown, Burnam, Farrar, Herrero
0 nays
1 absent — Olivo
- WITNESSES:** For — Kirby Brown, Texas Wildlife Association; Howard "Butch" Johnson
Against — None
On — Dana Price, Texas Parks & Wildlife Department, Wildlife Diversity Branch
- BACKGROUND:** The 67th Legislature in 1981 enacted the Protection and Preservation of Agricultural Operations Act, better known as the Right to Farm Act, which defined an agricultural operation and was intended to represent what constitutes agriculture for purposes of immunity from certain nuisance actions and local governmental regulations.
- Agriculture Code, sec. 251.002(1) says an agricultural operation includes the following activities: cultivating the soil; producing crops for human food, animal feed, planting seed, or fiber; floriculture; viticulture; horticulture; raising or keeping livestock or poultry; and planting cover crops or leaving land idle as part of a government program or a crop or livestock rotation procedure.
- In 1995, Texas Constitution Art. 8, sec. 1-d-1 and Tax Code, sec. 23.51.(2) were revised to include "wildlife management," along with farm and ranch, among the purposes for how land qualifies to be valued as open-space land for ad valorem taxation based on productive capacity.
- DIGEST:** HB 1568 would add "wildlife management " to the definition of agricultural operation under Agriculture Code, sec. 251.002.

HB 1568 also would delete language indicating that the definition of agriculture was not limited to what was specified in the statute.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 1568 is necessary because of the changes made during the last 20 years in agriculture operations. Wildlife management already is in the Texas Constitution and Tax Code for open-space valuation purposes, and since 1995, every broad definition of agriculture has included wildlife management. The bill simply would harmonize the Agriculture Code with recent definitions of and decisions regarding agriculture operations.

Without wildlife management included in the definition of an agricultural operation, landowners who participated in wildlife management would not have the same rights as other agriculture producers under the current Agriculture Code. Under the bill, when someone was engaged in wildlife management and their land subsequently was annexed by a municipality, they would have the same protections afforded other agriculture producers and still would have a right to participate in wildlife management.

**OPPONENTS
SAY:**

No apparent opposition.