

## **BILL ANALYSIS**

Senate Research Center  
80R10639 SMH-F

H.B. 604  
By: Howard, Donna (Wentworth)  
Natural Resources  
4/18/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires county tax appraisers to consider the effect of a restriction (e.g., conservation easement) on the value of land. In at least one case, the property continues to receive a valuation higher than open-space land, even though a conservation easement has restricted the use of the land.

H.B. 604 allows property that is subject to a conservation easement to qualify for appraisal as open-space land regardless of the manner in which the land was used the previous year. Furthermore, this bill clarifies the statute to include as "wildlife-exempt" not only agricultural land managed for wildlife purposes, but any land granted by a county to fulfill its land management commitments as part of a federally authorized habitat conservation plan.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 23.51, Tax Code, by amending Subdivisions (1) and (7), and adding Subdivision (8), to redefine "qualified open-space land" and "wildlife management" and to define "endangered species," "federal permit," and "habitat preserve."

SECTION 2. Amends Section 23.521(b), Tax Code, as follows:

(b) Authorizes the standards adopted under Subsection (a) (relating to whether land qualifies as open-space land for appraisal purposes) to require that a tract of land be a specified minimum size to qualify under Section 23.51(7)(A), rather than Section 23.51(7), for appraisal under this subchapter, taking certain factors into consideration.

SECTION 3. Repealer: Section 23.225 (Appraisal of Land Included in Habitat Preserve and Subject to Conservation Easement), Tax Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: January 1, 2008.