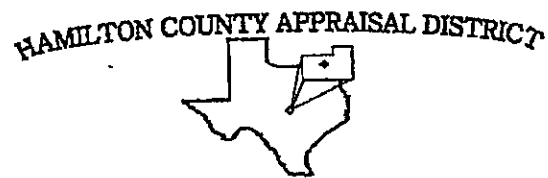


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Guidelines for Qualification and Appraisal of Agricultural & Wildlife Management Lands

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INTRODUCTION

In 1966 voters approved the first agricultural appraisal law for ad valorem (property) taxes in the State of Texas. This first law known as 1-D, intended to protect the family farm from being taxed out of existence as Texas became more urbanized and market prices of agricultural land steadily rose. Section 1-D is very restrictive as it applies only to land owned by families or individuals. Under 1-D, agriculture must be the owner's primary occupation and primary source of income. As Texas became more urbanized the number of agricultural producers began to drop, a new section was added to the Texas Constitution by voters in 1978. The law was amended to allow a second, more liberal appraisal law known as 1-D-1. Section 1-D-1 substantially expanded eligibility for productivity appraisal by individuals as well as corporations. Income and primary occupation do not apply under 1-D-1. In 1996 Wildlife Management Use was added as a subsection of 1-D-1 which allows the management of native species, using state guidelines, as qualification for productivity value.

The following is a set of guidelines to explain qualification for agricultural productivity valuation under 1-D-1 Agricultural Use for property under the jurisdiction of the Hamilton County Appraisal District (HCAD). Due to the variability of types of agriculture operations only the most common for the county will be discussed in these guidelines. Unique or other operations will be considered on a case by case basis.

QUALIFICATION OF LAND

The Texas Constitution permits special agricultural appraisal only if the land and its owner meet specific requirements defining farm and ranch use. Land does not qualify simply because it is rural and has some connection with agriculture. Neither will it qualify because it is open land that had no other possible use. The law does not guarantee a tax break for everyone who makes a living from the land. Causal use does not constitute agricultural use.

To qualify their land for agricultural appraisal, the property owner must show the chief appraiser that land meets the standard for the county. To do so, the property owner must apply for the appraisal. The owner must give the Chief Appraiser all the information he needs to determine whether the land qualifies or not. This may include receipts for feed bought, the sale of animals or crops and or fencing or other agricultural activities. The property owner must also inform the chief appraiser of any changes in the status of his land. Causal uses such as home vegetable gardens, or raising a steer, pig, goat or sheep for FFA and 4H projects do not constitute agricultural use for property tax purposes.

Land that qualified for 1-d-1 last year will continue to be eligible to qualify regardless of size, unless it was part of a larger tract that was split the previous year, a new residence was built leaving less than 10 acres in ag use, or changed ownership on or before January 1st. In Hamilton CAD, land that was part of a larger 1-d-1 tract the

previous year or changed ownership does not qualify if the agricultural use of acreage is less than 10 acres in size.

Agricultural appraisal applies ONLY to the land. Improvements such as buildings, barns, homes, silos, etc., are appraised separately at their market value. Minerals like oil, gas and hard minerals are appraised separately at market value. Agricultural products like livestock, fruit, vegetables, grains, etc in the hands of the producer are generally exempt from taxation due to other provisions of the Texas Constitution. Also, farm and ranch equipment designed and used primarily for agricultural (implements of husbandry) are exempt from taxes. Some man-made alterations of, or additions to, agricultural land (fences, canals, water wells, roads, stock tanks, etc.) are valued as part of the land and not separately appraised.

APPLICATION

A property owner must file an application for 1-D-1 (open space) agricultural appraisal between January 1st and April 30th of the tax year. The January 1 owner is responsible for the filing of the application. The application must be filed with the Chief Appraiser of the appraisal district where the property is located. Property owners may obtain an application from the appraisal district. If the property has changed ownership in the previous year the appraisal district will send out a new application to the new owner to be filled out and returned no later than the April 30th deadline. Unless more time is needed an extension to the deadline may be granted by the Chief Appraiser if the request is in writing, shows good cause for an extension and the request is received by May 1st. Late application may be submitted after the April 30th deadline and up until the appraisal district's certification of the property appraisal roll (typically July 20th). If the application was received by mail after the deadline the envelope should be attached to the application for verification. However, late applications which are approved will be assessed a 10% penalty for late filing. **If a person fails to file a valid application before certification of the property appraisal rolls, the land is ineligible for an agriculture appraisal in that year.** Once the application is submitted to the appraisal district and approved the land continues to receive agriculture appraisal until ownership of the land changes, the land's eligibility changes, or the Chief Appraiser requests a new application.

The schedules for new applications required by the Chief Appraiser are on a 5 year rotating basis.

TESTS FOR AGRICULTURAL USE

In addition to having qualified land to receive agricultural valuation, the agricultural operation must pass four separate tests. These include primary use, current use, intensity and time period tests. All tests must be passed to qualify for agricultural valuation and each test is described below.

Primary Use Test

According to the statute, land must be devoted principally to an agricultural use. If the land is used for more than one purpose, the most important or primary use must be agriculture. This is often easy to determine on large tracts of land with livestock present and no other uses noted or tracts of land plowed, planted, and harvested from property line to property line. However, small tracts of land with residences on the tract can be more difficult to determine which use is primary. For example, pleasure gardening isn't the principal use of residential land. Other uses do not prevent land from qualifying if the primary use is agricultural. For example, land used to graze cattle could also be leased for hunting. Leasing land for hunting is compatible with a primary use of land for cattle grazing. The Chief Appraiser will determine which use is primary. If another use replaces agriculture as primary use of the land, then the land is no longer principally devoted to agriculture use and cannot qualify for agricultural appraisal.

Current Use Test

The land must be in agricultural use as of January 1 of the tax year. In the event that agricultural use is not evident on January 1, the chief appraiser should grant agricultural use only if the owner shows they intend to put the land into agricultural use and that agricultural use will be the primary use other land for the bulk of the calendar year covered by the application. One of these two situations must be true for the land to pass this test and received agriculture use valuation.

Intensity of Use Test

The degree of intensity test measures whether the land is being farmed or ranches to the extent typical for agricultural operations. To receive a productivity appraisal the land must be used to the degree of intensity typical in the area. The appraisal district used a typical stocking rate of one animal unit per 15 acres per year. Information the Chief Appraiser looks for:

- Stocking rate typical for the area
- Cultivated similarly to the typical cultivation of the area
- Two crops planted in a year
- One crop with grazing
- Orchards planted in typical configuration

The land must be ranches or farmed to the degree of intensity for the area. Drought and weather conditions always apply in determining degree of intensity.

For tracts of land that are a minimum of 10 acres the animal stocking rate and the types of animals allowed are different. These tracts of land that stand alone and are not used in conjunction with other pieces of property will only be allowed to have goats or sheep to qualify for the agricultural valuation. The stocking rate is one animal unit per

acre. Anything less than 10 acres that stands alone will not be considered for the agricultural valuation.

Time Period Test

According to the statute, land must have been used principally for an agricultural use for any of the preceding five to seven years. If an owner shows the required five-year history through previous applications and supporting documentation (receipts of feed, sales of animals or crops) they would be eligible for agricultural valuation on January 1 of the sixth year. If the land has not been used in the preceding years the owner must make application between January 1 and April 30 of the first year to begin qualifying.

Site Visit

Knowledge of the property listed on the agriculture application is necessary to make an appropriate determination on the application. A very good way to gain knowledge is to visit the property to understand what is there as far as land and agricultural use. The property listed on the application needs to be visited by an appraiser to verify adequate agricultural use. This site inspection usually is a drive by or a drive through inspection.

The appraiser is looking for signs of agricultural use and the proper degree of intensity utilized for the property. Such as:

- Livestock grazing
- Fecal matter from livestock
- Grazing pressure on vegetation
- Fields plowed, disked or growing crops
- Hay fields either growing, cut or bales of hay
- Fields not full of young brush or weeds
- Orchards showing signs of trees planted, pruned and general maintenance

Approval of Application

If the property meets the guidelines for agriculture use then the acreage on the application is verified by site inspection and aerial photography. The information is then entered into or verified in the appraisal software.

Non- Approval of Application

If additional information is needed to determine agricultural use of a property, the appraisal district will contact the property owner by way of telephone or letter. The information is then due back at the appraisal district within 15 days of contact.

If the appraiser is not satisfied that the property meets the agricultural use guidelines then a denial letter is sent to the land owner by certified mail. The denial letter states why the application was denied and actions the applicant can take.

Revised March 2018

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TYPES OF AGRICULTURAL OPERATIONS

There are numerous types of agricultural operations in HCAD's jurisdiction. Some properties have more than one operation being run on the property. Agricultural activities include:

- Grazing
- Farming
- Orchards
- Vineyards
- Livestock breeding
- Hoofed exotic breeding
- Wildlife management

Each of these activities except wildlife management requires the same criteria for eligibility for agricultural appraisal. Wildlife management contains additional criteria, which is discussed in the Criteria for 1-D-1w (Wildlife Management Use) Appraisal Valuation. Variations of the above listed activities and "fad" ventures will be handled on a case by case basis.

Grazing activities in HCAD's jurisdiction must meet the criteria for the amount of land they own and equine farms must prove they are for breeding purposes and not pleasure.

Cow and Calf

This activity is the business of raising beef for sale to either processors or other breeding stock. These ventures can be with either purebred or commercial stock. Some small operations may lease or borrow a bull to help with breeding program rather than owning the bull themselves. One animal unit is one cow or one cow with young calf. A mature bull counts as 1.25 animal units.

Stocker and Feeder Calf

This activity is the business of raising beef for processors or feedlots. This venture involves acquiring calves at a certain weight from cow and calf operations or livestock auctions, and raising the calves until they grow to an acceptable size for the feedlots, slaughter or replacement heifers. Both heifers and steers are found in this type of venture. One animal unit is two calves.

Sheep

Sheep farming for the agricultural valuation qualifies if the farm is for breeding purposes in the business to produce wool and meat. Sheep farms can either be purebred or commercial. One animal unit is either five head of ewes, four rams or buck sheep, or eight lambs (weaned to one year).

Goats

Goat farms qualify if they are in the business of producing meat, mohair, and or milk. Typical mohair production is usually limited to angora goats, although there are also cashmere goats. Nubian goats are typically involved in milk producing. Most other breeds of goats (including Spanish and Boer) are in meat producing. Some owners of purebred farms provide replacement stock to other producers for breeding. Miniature and dwarf goats follow the same guidelines as regular goats, but the animal unit equivalency is different. One animal unit is either six nanny goats, five Billy goats, ten kid goats (weaned to one year), or six mature mutton goats.

Equine

All equine farms must be for breeding to be considered for agricultural use. A breeding venture involves having brood mares and either a stud on location or using artificial insemination for the breeding of the mares. The farm may include any breed of horses, donkeys or other equines. Supplemental feeding is a given fact of a breeding horse farm. Breeding associations have suggested that a minimum amount of acreage for a typical breeder is fifteen to twenty acres. A mature horse or donkey is 1.25 animal units.

Exotic Animals

Exotic Animal ventures involve the raising of non-native animals not listed in the preceding sections. Exotic animal producers raise the animals (including exotic deer, antelope and other hoofed animals) for production of meat or other commercially viable products such as leather or byproducts used in cosmetics or for medicinal purposes. Some exotic animal farms produce breeding stock for other exotic ventures. Proof of commercial use is required to qualify for agricultural use valuation with exotic animals. Hunting is not considered a commercial product for exotics: it is considered a recreational activity. Animal units for various species are shown on the attached Animal Equivalency Chart.

Cropland

Cropland farms can be classified as small grain crops, sorghum, improved pasture hay, and row crops. The most common type of cropland in HCAD's jurisdiction is for small grains and hay production. These two types of production are usually part of a

grazing farm, but not in all cases. Improved pastureland is usually improved with a permanent grass such as Coastal Bermuda or Klein grass. This type is usually baled in the spring and early summer. Small grain and sorghum will normally plant their fields on an annual basis and combine the grain or bale hay for at least one cutting. Row farming will typically include wheat, oats, milo, maize and corn. Typical crop production activities include tilling of the soil, supplemental fertilization, weed control, and insect control. Cropland should typically produce at least one harvest per typical year. A qualifying tract of crop land would include a minimum of 10 acres.

Orchard and Vineyards

Orchard and vineyards are in the business of cultivating trees or grapevines that produce nuts and fruits, such as pecans, peaches and grapes which are sold commercially. Typically, these ventures have a regular schedule of pruning, spraying and cultivation as well as keeping the area around the trees groomed. Native Pecan trees require at least 14 trees per acre, improved pecan trees require at least 35 trees per acre, peach trees require at least 100 trees per acre. Table and Wine grapes require at least 450-600 vines per acre. A qualifying orchard or vineyard would include a minimum of 10 acres.

Bees

Please see amendment One.

Government Programs

Currently the only program that has qualified for 1-D-1 productivity appraisal, in our county, on its own is the Conservation Reserve Program (CRP). Section 23.51(2) of the Tax Code states that agricultural use includes land left idle for the purpose of participating in a government program. Brush or Cedar control or crop subsidies are normal and prudent ranch management practices and those programs will not necessarily qualify for the agricultural valuation on their own.

LAND LEASES

Leases are an acceptable use for the owner of the property, provided the lessee is using the land to the standards of agricultural use for HCAD, and the lessee has enough contiguous land (either owned or leased) to suffice the minimum standards of size. An owner applying for agricultural appraisal using a lease agreement needs to include with the application a copy of the lease if a written lease is used. If there is an oral agreement in place, then the lessee should provide a letter stating the kind of agricultural use, the number of livestock run on the property, or acres planted and duration of the lease.

APPRAISAL OF QUALIFIED LAND

After the land is inspected, and qualifies as agricultural land, it will have to be appraised at the correct value. Agricultural appraised value reflects a lower price per acre because of the agricultural use. Land should be categorized and calculated to arrive at the agricultural value.

STOCKING RATE

Stocking rates are measured in terms of animal units. An animal unit is equal to 1000 pounds of live animal weight. The amount of land required to support one animal unit depends on the lands ability to produce flora for the livestock to utilize. Typically in Hamilton County one animal unit requires 15 to twenty acres of native range during years of normal rainfall. A prudent manager would typically tock their land to the animal unit capacity to maximize their production.

Animal Unit Equivalency Chart

<u>Animal Types</u>	<u>Animal Units</u>
Cow or Cow/Calf pair	1.00
Mature Bull	1.25
Weaned Calf	0.60
Steer (one year old)	0.70
Steer (two years old)	0.90
Brood Mare	1.25
5 Ewes	1.00
4 Rams or Buck Sheep	1.00
8 Lambs (weaned to one year)	1.00
6 Nanny goats or does	1.00
5 Billy goats or bucks	1.00
10 Kid goats (weaned to one year)	1.00
6 Mature mutton goats	1.00
Elk	0.60
5 Axis, Aoudad, Fallow, or Mouflon	1.00
7 Sika Deer	1.00
2.5 Red Deer	1.00
Eland	1.00
3 Emus	1.00
2 Ostriches	1.00
7 White Tailed Deer	1.00
10 Black Buck Antelope	1.00
3 Lamas	1.00

Administrative Procedures for 1-d-1 Ag Lands

Each January, Hamilton CAD will publish public notices in local newspapers notifying tax payers of their right to file for certain exemptions. With that notice, land owners will be notified of the availability of special valuation for qualifying agricultural lands. Applications will be available at the appraisal district office or online from the Texas Comptroller website. Property owners desiring Ag valuation should file a completed application between January 1 and April 30 of the tax year. A taxpayer owning multiple parcels of contiguous land may submit a single application form identifying all of the parcels to be considered with the application. The April 30 deadline may be extended up to sixty days provided the owner submits a written request for extension before May 1 showing good cause as to why an extension is needed. **Applications received after the deadline will still be accepted and considered, but if the application is approved there will be a late filing penalty imposed in the amount of 10% of the difference between the tax imposed on the property and the amount that would have been imposed at market value.**

When a completed application is received at Hamilton CAD, it will be immediately date stamped then image scanned into the computer system under the Property Identification account(s) for the parcel(s) identified on the application. The application form will then be forwarded to the Chief Appraiser's designated Ag land appraiser who will examine the applications for completeness. All timely filed applications will be approved or denied before May 15 or as soon thereafter as practical. If the appraiser determines that he does not have enough information to approve the application, he may return it to the owner requesting additional information. The owner will then have an additional 30 days in which to respond. After the appraiser has a complete application with all the information needed, he will evaluate the subject land using the four tests described above: the primary use test, the current use test, the degree of intensity test, and the time period test. Evaluation of the application may involve a field inspection of the land, examination of aerial photographs, and/or an interview with the property owner. If the land meets the criteria for all four tests, the appraiser will approve the application and will complete the required data entry to Hamilton CAD's computer system and note the approval of the application in the appraiser info tab under the comments section. If the appraiser determines that the land does not meet one or more of the tests, the application will be denied, and the appraiser will notify the property owner of the denial by certified mail, detailing the reason(s) the application was not approved. If the application is denied, the property owner has the right to file a protest and have his case heard before the Appraisal Review Board. When a parcel of land has been approved for Ag valuation the property owner need not reapply every year unless there is a change in ownership, a change of use, or the Chief Appraiser requests a new application.

Wildlife Management

In 1995, Article III, Section 1-d-1 of the Texas Constitution was amended to permit agricultural appraisal for land used to manage wildlife. H.B. 1358 implemented that amendment. In 2001, H.B. 3123 was passed requiring the Texas Parks and Wildlife Department to develop and the Texas Comptroller to adopt rules for the qualification of agricultural land in wildlife management use. These rules, "Guidelines for Qualification of Agricultural Land in Wildlife Management Use", are available at <http://comptroller.texas.gov/taxinfo/proptax/pdf/96-354.pdf>. Wildlife management is actually a type of 1-d-1 agricultural use, but there are a separate set of guidelines the landowner must meet in order to qualify. Section 23.51 (7) Tax Code defines wildlife management as:

Actively using land at the time wildlife management began was appraised as qualified open-space land under this subchapter in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

- (A) Habitat control;
- (B) Erosion control;
- (C) Predator control;
- (D) Providing supplemental supplies of water;
- (E) Providing supplemental supplies of food;
- (F) Providing shelters, and
- (G) Making census counts to determine population.

The land must be qualified for and appraised as 1-d-1 agricultural land in the tax year before the owner changes to wildlife management use. An owner who changes the use of his land from 1-d-1 agricultural activities to 1-d-1 wildlife management activities must submit a wildlife management plan to the Chief Appraiser. The plan must be completed on a Texas Parks and Wildlife (TPWD) form which is available at the Hamilton CAD office or on-line at the Texas Parks and Wildlife website. The plan must specify the wildlife species to be managed and must give details of how the land owner will actively pursue at least three of the seven management activities. The land owner may choose to contact TPWD for help in formulating a plan.

Land that qualified for 1-d-1 last year will qualify for wildlife management as long as the tract is 20 acres or larger. In Hamilton CAD, land that was part of a larger 1-d-1 tract the previous year does not qualify if it is less than 20 acres in size.

Once the Chief Appraiser receives the plan, signed by the owner or his agent, he must:

1. Inspect the property for compliance with the wildlife management plan.
2. Verify that wildlife management is the primary use of land.

3. He must also assure that the degree of intensity is met. Are at least three of the seven management activities being pursued? Are there practices which will encourage long-term maintenance of the target species population?
4. Verify the historical use requirement. Was the land under 1-d-1 appraisal last year?
5. If it was part of a larger tract last year, does it meet the minimum size requirements?

The Chief Appraiser or his designee will approve the plan when he has determined that the above requirements are met. Upon approval, the Hamilton CAD computer system will be updated to reflect wildlife management, but the appraised value will remain the same as it would have been if the land had continued in agricultural use.

The Chief Appraiser will require annual or periodic reports showing how the wildlife management plan has been implemented for any given year. Annual reports will be requested at least once out of every three years. This will be accomplished by reviewing the date of the last annual report submitted and requesting a new report for those older than 3 years. At the end of this three-year cycle, this process will be repeated. If a report is required it must be submitted on the form prescribed by TWPDP (PWD-888 available on their website or at the Appraisal District office) and signed by the property owner or his authorized agent.

Once the Chief Appraiser receives the annual report, signed by the owner or his agent, he must:

1. Inspect the property for compliance with the annual report.
2. Verify that wildlife management is the primary use of the land.
3. He must also assure that the degree of intensity test is met. Are at least three of the seven management activities being pursued? Are there practices which will encourage long-term maintenance of the target species population?

Failure of a property owner to comply with the annual report submission may result in the removal of the special valuation for wildlife management. If, as a result of the annual report, the Chief Appraiser determines that the wildlife management activity fails to meet the requirements for wildlife management valuation, the property owner will be required to reapply for the following appraisal year.

EXAMPLE OF PENALTY FOR LATE FILING

When a property owner files for agricultural valuation after the April 30th deadline, but before certification of the appraisal records then they are subject to a late filing penalty. If the late application is approved the owner must pay a penalty equal to ten percent of the difference in taxes between agricultural productivity value and market value.

Example: One acre of land has a market value of \$2,000 and an agricultural productivity value of \$72. The example rate is \$1.88 per \$100 of valuation.

Taxes for one acre of land at ag production value = $\$72. \times 1.88 / \$100 = \$1.36$

Taxes for one acre of land at market value = $\$2000 \times 1.88 / \$100 = 37.60$

Late penalty on one acre of land = $(\$37.60 - \$1.36) \times .10 = \$3.63$

EXAMPLE OF 1-D-1 ROLLBACK TAX PENALTY

According to Section 23.55 of the Texas Property Tax Code, landowners need to be aware that if land receiving an agricultural productivity valuation changes to a non-agricultural use then a rollback tax may be imposed. The rollback tax is a penalty for taking agricultural land out of production. Rollback taxes will be assessed for the previous 5 years, if the land received agricultural productivity values for all five years. The rollback tax is the difference in actual taxes paid based on productivity value and taxes that would have been paid on the market value. There is also a seven percent annual interest penalty added to each of the five years.

EXAMPLE: A 20 acre tract is removed from agricultural production in 2015. The agricultural productivity taxes remained at \$1.40 per acre for the previous five years. The market value taxes remained at \$26.25 per acre for the previous five years. Total taxes paid for the tract were \$28. per year based on productivity value. Market value taxes were \$525 per year for the tract.

Year	Tax Paid	Tax on Market Value	Difference	Interest	Total
2015	\$28	\$525	\$497	\$34.79	\$531.79
2014	\$28	\$525	\$497	\$69.58	\$566.58
2013	\$28	\$525	\$497	\$104.37	\$601.37
2012	\$28	\$525	\$497	\$139.16	\$636.16
2011	\$28	\$525	\$497	\$173.95	<u>\$670.65</u>
					\$3006.85

The total amount of the rollback tax would be \$3006.85

SUMMARY

These agricultural valuation guidelines have been written in accordance with the Ag Advisory Board of Hamilton County. If you have any questions, please contact the Hamilton County Appraisal District.

AMENDMENT ONE

BEES

Beekeeping is an agricultural use and shall qualify for agricultural use productivity valuation if used for pollination or for the production of human food or other tangible products having a commercial value. (Sec. 23.51(2) Tax Code)

Acreage requirement: the State of Texas has set a minimum of five (5) acres and a maximum of twenty (20) acres to qualify beekeeping as an agricultural use.

The property needs to have been previously in an agricultural process or the property owner needs to be able to show a five year history of Bee's or AG Use. Bees can be used to establish history with supporting documentation. Hives must be maintained and kept alive. Flowering plants must be planted to support hives IF the hives are in an area where there is limited vegetation that requires pollination.

Degree of Intensity: (first 5 acres 6 hives as per Section 131.001 Texas Agriculture Code's definition of an "Apiary"). "Apiary" means a place where six or more colonies of bees or nuclei of bees are kept. "Colony" means the hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood.

5 acres 6 active hives

7.5 acres 7 active hives

10 acres 8 active hives

12.5 acres 9 active hives

15 acres 10 active hives

17.5 acres 11 active hives

20 acres 12 active hives

The hives must be located on the property at least 7 months of the year. January 1st thru December 31st.

Hives must be active.

Production value used for Bee's will be the same as current land use category

Section 23.51 (2)

The term agricultural use 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 acres or more than 20.

Food or products **must** have commercial value, **not** commercial production. While human food and products **must** be produced, the law does **not** require that they be sold commercially.

1. The property needs to meet the same use requirements as for other agricultural uses.
2. The property needs to have been previously in agricultural use or the owner/taxpayer needs to show a 5-year history of bee's or another AG Use.

Use of Bee's:

Pollination: is the process by which pollen is transferred in the reproduction of plants, thereby enabling fertilization and sexual reproduction.

Production of Human Food: honey, bee pollen, honey candies, sweets

Production of Products: candles, beeswax, soaps

Legitimate beekeepers will have their bees in locations that provide food for their bees, pollinate various agricultural crops, food crops, and manage their bees in manner to keep them healthy, surviving and producing for the long term.

Hives must be active

Production value used for Bee's will be the same as the current land use category.

The intent of the law is for more people to raise bees (*Dennis Herbert*)

3 to 6 hives required on 5 acre the consensus of chief appraisers that met with the comptroller on June 21 2012. (*Dennis Herbert conservationist*)

Bees should have an abundance of food. A bee keeper must think big, bee's need sources of nectar and pollen throughout the growing season (April-September or March through October or longer in Hamilton County) Dennis Herbert.

Dennis Herbert assisted the legislature to help pass the law regarding bees. He has also worked with the comptroller's office to develop implementation standards/guidelines for the bee law.

Beehives/Apiary:

A **beehive** is an enclosed structure in which some honey bee species of the live and raise their young. Natural beehives are naturally occurring structures occupied by honeybee colonies, while domesticated honeybees live in manmade beehives, often in an apiary. These man-made structures are typically referred to as "beehives". Several species of *Apis* live in hives, but only the western honey bee and the eastern honey bee are domesticated by humans.

A natural beehive is comparable to a bird's nest built with a purpose to protect the dweller. The beehive's internal structure is a densely-packed matrix of hexagonal cells made of beeswax, called a honeycomb. The bees use the cells to store food (honey and pollen) and to house the "brood" (eggs, larvae, and pupae).

Artificial beehives serve two purposes: production of honey and pollination of nearby crops. Artificial hives are commonly transported so that bees can pollinate crops in other areas.

An **apiary** (also known as a bee yard) is a place where beehives of honey bees are kept. Traditionally beekeepers (also known as apiarists) paid land rent in honey for the use of small parcels. Some farmers will provide free apiary sites, because they need pollination, and farmers who need many hives often pay for them to be moved to the crops when they bloom.

Remember bees forage in a 3 mile radius from the hive. I would survey the areas around you to see what is available for them to forage on. You don't want to over saturate the area with bees as they will be competing with themselves.

Any review of Texas bee law must begin with a review of Chapter 131 of the Texas Agriculture Code. Section 131.001 begins with defining terms to be used in the statute. For example, an "apiary" is a place where six or more colonies of bees or nuclei of bees are kept. That means most backyard beekeepers are not covered by many of the regulations in Chapter 131. However, several of the regulations apply to all beekeepers. "Beekeeper" is defined as a person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use. "Bees" means any stage of the common honeybee, *Apis mellifera* species. A "colony" is the hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. Written by Donald Ray Burger, Attorney at Law

Texas Agriculture Code - Section 131.001. Definitions § 131.001.

DEFINITIONS. In this chapter:

- (1) "Abandoned apiary, equipment, or bees" means an apiary, equipment, or a colony of bees that is not regularly maintained or attended in accordance with this chapter or rules or quarantines adopted under this chapter.
- (2) "Apiary" means a place where six or more colonies of bees or nuclei of bees are kept.
- (3) "Beekeeper" means a person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.
- (4) "Bee" means any stage of the common honeybee, *Apis mellifera* species.
- (5) "Colony" means the hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood.
- (6) "Director" means the director of the Texas Agricultural Experiment Station.
- (7) "Disease" means American foulbrood, European foulbrood, any other contagious or infectious disease of honeybees, or parasites or pests that affect bees or brood.
- (8) "Equipment" means hives, supers, frames, veils, gloves, tools, machines, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including, storage or transporting containers for pollen, honey, or wax, or other apiary supplies used in the operation of an apiary or honey house.
- (9) "Inspector" means the chief apiary inspector.
- (10) "Label" as a noun, means written or printed material accompanying a product and furnishing identification or a description. The term includes material attached to a product or its immediate container and material inserted in an immediate container or other packaging of a product.
- (11) "Label" as a verb, means to attach or insert a label.
- (12) "Nucleus" means a small mass of bees and combs of brood used in forming a new colony.
- (13) "Pollen" means dust-like grains formed in the anthers of flowering plants in which the male elements or sperm are produced.
- (14) "Pure honey" means the nectar of plants that has been transformed by, and is the natural product of, bees and that is in the comb or has been taken from the comb and is packaged in a liquid, crystallized, or granular form.

(15) "Queen apiary" means an apiary in which queen bees are reared or kept for sale, barter, or exchange .

References/Sources:

State Property Tax Code Section 23.51 (2)

Dennis Herbert (conservationist worked with TX Legislature on Bee Law / Comptroller's Office on implementation standards/guidelines)

Texas Agriculture Code's. Section 131.001

Texas Beekeepers Association

Wikipedia

Harris County

Somervell County

Washington County

Waller County