

- SUBJECT:** Adding farm elk to the definition of livestock in the Agriculture Code
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 7 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Kleinschmidt, Swinford
- 0 nays
- 2 absent — Heflin, Rios Ybarra
- WITNESSES:** For — Marida Favia delCore Borromeo, Exotic Wildlife Association; (*Registered but did not testify:* J Richard Cain; Ken Hodges, Texas Farm Bureau; Karl Kinsel, Texas Deer Association; Joey Park, Texas Wildlife Association; Robert Zaiglin)
- Against — (*Registered but did not testify:* Susan Hendrix, Texas Humane Legislation Network; Jason Skaggs, Texas and Southwestern Cattle Raisers Association)
- On — (*Registered but did not testify:* Bill Powers, Texas Animal Health Commission)
- BACKGROUND:** Agriculture Code, ch. 1.003 defines livestock as cattle, horses, mules, asses, sheep, goats, llamas, alpacas, exotic livestock, and hogs, unless otherwise defined.
- Tax Code, ch. 23, subch. C contains a special valuation process for land designated for agricultural use. The appraised value of agricultural land is based on the land's ability to produce agricultural and timber products and usually is lower than market value. One of the eligible agricultural uses of land is the raising or keeping of livestock.
- DIGEST:** HB 375 would amend the Agriculture Code, ch. 1.003 by adding farm elk to the definition of livestock.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 375 would clarify the definition of livestock in the Agriculture Code by including farm elk. This addition is necessary because some appraisal districts have denied an agricultural valuation to farm elk breeders, as farm elk are not explicitly included in the Agriculture Code's definition of livestock.

Native Texas elk have been extinct since 1900. The elk herds currently in Texas stem from reintroduced stock. Farm elk are managed by breeders and are raised for their antlers. The antlers are removed and cut into segments for export. These segments are valued by practitioners of traditional East Asian medicine as aphrodisiacs. The animals are well fed and cared for because the quality and quantity of the antler is directly related to a bull elk's diet and general health.

HB 375 would cover only those elk herds that are farmed for antler production, as it would include only farm elk in the definition of livestock rather than elk generally. Including farm elk in the definition of livestock would direct property-tax appraisers to grant elk breeders an agricultural appraisal on their real property. Most appraisers already grant the agricultural appraisal to exotic animal breeders, and HB 375 simply would make elk breeders explicitly eligible for the agricultural appraisal.

Even if adding farm elk to the definition of livestock opened the door to raising the animals for hunting purposes, an agricultural exemption still would be appropriate as the hunted farm elk would be processed for food. Further, even if hunting became the primary purpose of elk production, not all agricultural valuation exemption is based around food production. For example, a great deal of corn is used not for consumption, but to make ethanol. Further, cutting horses qualify for the agricultural exemption. The primary purpose of farm elk is antler production. Including them in the definition of livestock would be consistent with these and other long standing property-tax valuation precedents.

**OPPONENTS
SAY:**

Extending an agricultural appraisal to elk breeders would not be appropriate because farm elk could be raised as game animals. Most of the income generated from farm elk could come from the sale of the right to hunt them. The primary purpose of an agricultural appraisal should be to promote the production of agricultural goods.

Adding farm elk is an example of the recent trend to enumerate exotic animals in the definition of livestock. If the Legislature continues to add specific animals every session, the definition eventually could become so broad it would be without meaning. This would undermine the original legislative intent of the agricultural value exemption, which was to protect the interests of farmers and ranchers to facilitate the production of livestock for foodstuffs and other tangible goods.

Adding farm elk to the definition of livestock would encourage allowing elk to be captured, bred, and slaughtered like cattle and also would allow for canned hunts, a cruel practice that should not be promoted by statute.