

BILL ANALYSIS

Senate Research Center
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S.B. 992
By: Armbrister
Natural Resources
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DIGEST AND PURPOSE

As proposed, S.B. 992 establishes a program to provide grants to make voluntary purchases of development rights in real property. This bill also creates the Texas Legacy Council; creates a new GR Account; provides grants to be used for the purchase of developmental rights, defined as a conservation easement; and requires the value of a purchase of development rights to be determined by a specific site-specific appraisal.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Legacy Council in SECTION 3 (Section 183.064, Natural Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 183, Natural Resources Code, by designating Sections 183.001-183.005, Natural Resources Code, as Chapter 183A, Natural Resources Code, and by adding a heading for that subchapter to read as follows:

SUBCHAPTER A. CONSERVATION EASEMENTS GENERALLY

SECTION 2. Amends Section 183.001, Natural Resources Code, by adding Subdivisions (5) and (6), as follows:

(5) Defines "agriculture."

(6) Defines "agricultural use."

SECTION 3. Amends Chapter 183, Natural Resources Code, by adding Subchapter B, as follows:

SUBCHAPTER B. PURCHASE OF DEVELOPMENT RIGHTS GRANT PROGRAM

Sec. 183.051. PURPOSE. Provides that the purpose of the purchase of development rights grant program under this subchapter is to encourage private landowners to conserve all or part of their land. Provides that the program assists certain governmental entities and conservation organizations in purchasing the development rights in the land so that the land may be used only for certain conservation purposes. Provides that landowners participate in the program only on a voluntary basis. Prohibits the Texas Legacy Council (council) from acquiring land or the development rights in land by eminent domain for the program.

Sec. 183.052. DEFINITIONS. Defines "account," "council," "department," "program," "project costs," "purchase of development rights," and "transaction costs."

Sec. 183.053. TEXAS LEGACY COUNCIL. (a) Provides that the council consists of 11 members, nine of whom are appointed and two of whom are ex officio.

(b) Provides that the appointed members are certain officials.

(c) Provides that the ex officio members are certain officials.

(d) Authorizes the governor, in making appointments from a list under Subsection (b)(2) or (3), to reject the candidates on the list and request a new list of candidates.

(e) Provides that the ex officio members have full voting powers.

Sec. 183.054. TERMS; CONSIDERATIONS IN MAKING APPOINTMENTS. (a) Provides that appointed members of the council serve staggered terms of six years, with one-third of the appointed members' terms expiring February 1 of each odd-numbered year.

(b) Requires appointments to the council to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 183.055. OFFICERS; COMPENSATION. (a) Requires the governor to designate a member of the council as the presiding officer of the council to serve in that capacity at the will of the governor. Authorizes the council to choose from its members other officers as the council considers necessary.

(b) Provides that an appointed member of the council is not entitled to compensation but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the council, as provided by the General Appropriations Act. Provides that an ex officio member of the council is not entitled to additional compensation for service on the council, and service on the council is considered a duty of the member's underlying state office or employment for purposes of receiving reimbursement for expenses related to service on the council.

Sec. 183.056. PUBLIC MEMBERS OF COUNCIL. Prohibits a person from being a council member appointed under Section 183.053(b)(1), (2), or (4) if the person or the person's spouse meets certain conditions.

Sec. 183.057. CONFLICTS OF INTEREST. (a) Defines "Texas trade association."

(b) Prohibits a person from being an appointed member of the council if the person meets certain requirements.

(c) Prohibits a person from being a member of the council or acting as the general counsel to the council if the person is required to register as a lobbyist under Chapter 305, Government Code (Registration of Lobbyists), because of the person's activities for compensation on behalf of an occupation or profession with an interest in land conservation that is related to that occupation or profession.

Sec. 183.058. GROUNDS FOR REMOVAL. (a) Provides that it is grounds for removal from the council that an appointed member meet certain requirements or takes certain actions.

(b) Provides that the validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists.

(c) Requires the presiding officer, if the presiding officer has knowledge that a potential ground for removal exists, to notify the governor and the attorney general that a potential ground for removal exists.

Sec. 183.059. INFORMATION REGARDING REQUIREMENTS FOR OFFICE.

Requires the presiding officer or the presiding officer's designee to provide to members of the council, as often as necessary, information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.

Sec. 183.060. TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of the council from voting, deliberating, or being counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section.

(b) Requires the training program to provide the person with certain information.

(c) Provides that a person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 183.061. PUBLIC INPUT. Requires the council to develop and implement policies that provide the public with a reasonable opportunity to appear before the council and to speak on any issue under the jurisdiction of the council.

Sec. 183.062. COMPLAINTS. (a) Requires the council to maintain a file on each written complaint filed with the council. Requires the file to include certain information.

(b) Requires the council to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's policies and procedures relating to complaint investigation and resolution.

(c) Requires the council, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Sec. 183.063. PURCHASE OF DEVELOPMENT RIGHTS ACCOUNT. (a) Provides that the purchase of development rights account is an account in the general revenue fund that is authorized to be appropriated to the council only for the purpose of implementing this subchapter. Provides that the account consists of money from certain sources.

(b) Authorizes money in the account to be used only for certain purposes.

(c) Prohibits the council from using more than five percent of the money in the account for administrative costs.

Sec. 183.064. PURCHASE OF DEVELOPMENT RIGHTS GRANT PROGRAM. (a) Requires the council to develop, maintain, and administer a program to provide grants to be used for the purchase of development rights.

(b) Requires the council, in consultation with the Department of Agriculture, to adopt rules for administering the program, including certain criteria and procedures.

(c) Provides that information submitted to the council in the application is confidential and not subject to disclosure under Chapter 552, Government Code (Public Information).

(d) Requires the Department of Agriculture to assist the council in carrying out its duties under this subchapter.

Sec. 183.065. MATCHING FUNDS. Prohibits a grant under the program from constituting more than 50 percent of the project costs. Requires a prospective purchaser

of development rights, to qualify for a grant under the program, to provide proof to the council that the prospective purchaser will obtain matching funds for the remainder of the project costs. Authorizes a landowner to donate money to assist the prospective purchaser in paying the purchaser's share of the project costs. Provides that the amount donated by the landowner is credited against the purchaser's share of the project costs.

Sec. 183.066. APPRAISAL REQUIRED. Requires the value of a purchase of development rights to be determined by a site-specific appraisal prepared by an appraiser certified or licensed by the Texas Appraiser Licensing and Certification Board. Prohibits the appraiser from being a member of the council.

Sec. 183.067. ADVISORY COMMITTEE. (a) Authorizes the council to establish an advisory committee to advise the council about the council's functions.

(b) Provides that an advisory committee is subject to Chapter 2110, Government Code (State Agency Advisory Committees), except that Section 2110.002 (Composition of Advisory Committees) does not apply.

Sec. 183.068. SUNSET PROVISION. Continues the Texas Legacy Council for the standard twelve year period until September 1, 2015.

Sec. 183.069. REPORT. Requires the council, not later than January 1 of each odd-numbered year, to report to the legislature on the council's progress in accomplishing the objectives of this subchapter.

SECTION 4. Requires the governor and lieutenant governor, in appointing the initial members of the Texas Legacy Council, to each appoint a certain number of members to serve specific terms.

SECTION 5. Provides that the prohibition related to training imposed by Section 183.060, Natural Resources Code, as added by this Act, does not apply to an initial appointed member of the Texas Legacy Council until January 1, 2005.

SECTION 6. Effective date: September 1, 2003.