

By: Wentworth

S.B. No. 1455

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of regional habitat conservation
3 plans by political subdivisions of this state.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (d), Section 83.013, Parks and
6 Wildlife Code, is amended to read as follows:

7 (d) A plan participant may accept ~~apply for~~ a federal
8 permit in conjunction with a regional habitat conservation plan
9 only if the qualified voters of a plan participant have authorized
10 the issuance of bonds or other debt financing in an amount equal to
11 the estimated cost of acquiring all land for habitat preserves
12 within the time required by this subchapter or the plan participant
13 has demonstrated that adequate sources of funding exist to acquire
14 all land for habitat preserves within the time required by this
15 subchapter.

16 SECTION 2. Section 83.015, Parks and Wildlife Code, is
17 amended by amending Subsections (a) and (b) and adding Subsections
18 (e) and (f) to read as follows:

19 (a) Except as provided by Subsection (f), a [A] regional
20 habitat conservation plan, including any mitigation fee, shall be
21 based on the amount of harm to each endangered species to be
22 protected under the regional habitat conservation plan.

23 (b) Except as provided by Subsection (f), the [The] size of
24 proposed habitat preserves shall be based solely on the amount of

1 harm to the endangered species to be protected in the regional
2 habitat conservation plan.

3 (e) For purposes of this section, "recovery criteria" means
4 the criteria developed under a recovery plan in accordance with the
5 federal act.

6 (f) After notice and hearing by the plan participants, the
7 following may be based partly on any recovery criteria applicable
8 to each endangered species to be protected under the plan:

9 (1) a regional habitat conservation plan, including
10 any mitigation fee; or

11 (2) the size of proposed habitat preserves.

12 SECTION 3. Subsection (c), Section 83.017, Parks and
13 Wildlife Code, is amended to read as follows:

14 (c) Not later than the 60th day after the plan participants'
15 initial identification of the proposed habitat preserve system for
16 the federal permit, the plan participants shall notify in writing
17 each owner of land identified by the plan participants as habitat
18 preserve or potential habitat preserve. The plan participants
19 shall use the county tax rolls to identify the owners of land
20 identified as habitat preserve or potential habitat preserve. The
21 written notice must include at least the following information:

22 (1) the tax identification and parcel numbers;

23 (2) the owner's name and address;

24 (3) an explanation of the designation or possible
25 designation of the tract as habitat preserve or potential habitat
26 preserve under the regional habitat conservation plan;

27 (4) identification of the citizens advisory committee

1 members, including telephone numbers, addresses, and the group that
2 each committee member represents;

3 (5) identification of employees or agents of plan
4 participants who can provide information about the regional habitat
5 conservation plan;

6 (6) the date of the next citizens advisory committee
7 meeting or plan participant meeting regarding the regional habitat
8 conservation plan; and

9 (7) a description of the status of the regional
10 habitat conservation plan.

11 SECTION 4. Section 83.018, Parks and Wildlife Code, is
12 amended by amending Subsection (c) and adding Subsections (d) and
13 (e) to read as follows:

14 (c) Except as provided by Subsection (d), the ~~[The]~~ plan
15 participants shall make offers based on fair market value to the
16 landowners for the acquisition of fee simple or other interest in
17 land designated in the regional habitat conservation plan as
18 proposed habitat preserve not later than four ~~[two]~~ years after the
19 issuance of the federal permit or six ~~[three]~~ years after the
20 initial application for the federal permit, whichever is later
21 ~~[earlier]~~. Except as provided by Subsection (e), acquisition
22 ~~[Acquisition]~~ of all habitat preserves designated as proposed
23 habitat preserves in the regional habitat conservation plan must be
24 completed not later than the sixth ~~[fourth]~~ anniversary of the date
25 on which the federal permit was issued. A plan participant subject
26 to this subsection who does not meet an applicable deadline shall
27 file an application to amend the federal permit to remove the

1 nonacquired habitat preserve land from the regional habitat
2 conservation plan as a habitat preserve not later than the 60th day
3 after the expiration of the applicable deadline [~~fourth anniversary~~
4 ~~of the date on which the federal permit was issued~~].

5 (d) If plan participants have not designated a landowner's
6 land as proposed habitat preserve in a regional habitat
7 conservation plan before the date on which the federal permit is
8 issued but designate the land as proposed habitat preserve in a
9 regional habitat conservation plan on or after that date, plan
10 participants shall make an offer to the landowner based on fair
11 market value for the acquisition of fee simple or other interest in
12 the land not later than the fourth anniversary of the date on which
13 the land is identified or designated as proposed habitat preserve.

14 (e) Plan participants must complete acquisition of land
15 subject to Subsection (d) as habitat preserves not later than the
16 fifth anniversary of the date on which the plan participants
17 identified or designated the land as proposed habitat preserves.

18 SECTION 5. Subsection (d), Section 83.020, Parks and
19 Wildlife Code, is amended to read as follows:

20 (d) If the commission approves the grievance, the
21 commission shall instruct the plan participant or participants to
22 amend the plan so that it will comply with this subchapter. [~~The~~
23 ~~plan participant may not submit an application for a federal permit~~
24 ~~until the commission is satisfied that its instructions to amend~~
25 ~~the plan to comply with this subchapter have been carried out.~~]

26 SECTION 6. Subsection (e), Section 83.020, Parks and
27 Wildlife Code, is repealed.

1 SECTION 7. (a) The changes in law affecting purchase
2 offers for and acquisitions of habitat preserves under Section
3 83.018, Parks and Wildlife Code, as amended by this Act, apply only
4 to land included in a regional habitat conservation plan under a
5 federal permit applied for on or after the effective date of this
6 Act. Land included in a regional habitat conservation plan under a
7 federal permit applied for before the effective date of this Act is
8 subject to the law related to offers and acquisitions in effect
9 immediately before the effective date of this Act and that law is
10 continued in effect for that purpose.

11 (b) Section 83.020, Parks and Wildlife Code, as amended by
12 this Act, applies only to a grievance filed with the Parks and
13 Wildlife Commission on or after the effective date of this Act. A
14 grievance filed before the effective date of this Act is governed by
15 the law in effect on the date the grievance was filed and that law is
16 continued in effect for that purpose.

17 SECTION 8. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.