

By: Watson, Jackson

S.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

relating to authorizing counties to finance the acquisition of conservation easements.

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

SECTION 1. Subchapter A, Chapter 183, Natural Resources Code, is amended by adding Section 183.006 to read as follows:

Sec. 183.006. COUNTY FINANCING FOR ACQUISITION OF CONSERVATION EASEMENT. (a) In addition to other methods of financing, including the use of the county's general fund, a county may finance the acquisition of a conservation easement under this chapter in the same manner as permitted for that county under:

(1) Section 331.004, Local Government Code, for the acquisition or improvement of land, buildings, or historically significant objects for park purposes or for historic or prehistoric preservation purposes; or

(2) Section 271.045, Local Government Code, for land and rights-of-way.

(b) A conservation easement financed under this section:

(1) may not be acquired by eminent domain; and

(2) is not subject to Section 331.007, Local Government Code.

SECTION 2. Subdivision (8), Section 183.052, Natural Resources Code, is amended to read as follows:

(8) "Qualified easement holder" means a holder that

1 is:

2 (A) a state agency, a county, or a municipality;

3 or

4 (B) an organization that is exempt from federal
5 income taxation under Section 501(a), Internal Revenue Code of
6 1986, as an organization described by Section 501(c)(3) of that
7 code and that is organized for the purpose of preserving
8 agriculture, open space, or natural resources.

9 SECTION 3. Subsection (b), Section 183.059, Natural
10 Resources Code, is amended to read as follows:

11 (b) To receive a grant from the fund under this subchapter,
12 an applicant who is qualified to be an easement holder under this
13 subchapter must submit an application to the council. The
14 application must:

15 (1) set out the parties' clear conservation goals
16 consistent with the program;

17 (2) include a site-specific estimate-of-value
18 appraisal by a licensed appraiser qualified to determine the market
19 value of the easement; and

20 (3) ~~[demonstrate that the applicant is able to match~~
21 ~~50 percent of the amount of the grant being sought, considering that~~
22 ~~the council may choose to allow a donation of part of the appraised~~
23 ~~value of the easement to be considered as in-kind matching funds,~~
24 ~~and~~

25 [~~4~~] include a memorandum of understanding signed by
26 the landowner and the applicant indicating intent to sell an
27 agricultural conservation easement and containing the terms of the

1 contract for the sale of the easement.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.