

1-1 By: Watson, Jackson S.B. No. 1044  
1-2 (In the Senate - Filed March 1, 2011; March 16, 2011, read  
1-3 first time and referred to Committee on Agriculture and Rural  
1-4 Affairs; April 5, 2011, reported favorably by the following vote:  
1-5 Yeas 4, Nays 0; April 5, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to authorizing counties to finance the acquisition of  
1-9 conservation easements.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-11 SECTION 1. Subchapter A, Chapter 183, Natural Resources  
1-12 Code, is amended by adding Section 183.006 to read as follows:

1-13 Sec. 183.006. COUNTY FINANCING FOR ACQUISITION OF  
1-14 CONSERVATION EASEMENT. (a) In addition to other methods of  
1-15 financing, including the use of the county's general fund, a county  
1-16 may finance the acquisition of a conservation easement under this  
1-17 chapter in the same manner as permitted for that county under:

1-18 (1) Section 331.004, Local Government Code, for the  
1-19 acquisition or improvement of land, buildings, or historically  
1-20 significant objects for park purposes or for historic or  
1-21 prehistoric preservation purposes; or

1-22 (2) Section 271.045, Local Government Code, for land  
1-23 and rights-of-way.

1-24 (b) A conservation easement financed under this section:

1-25 (1) may not be acquired by eminent domain; and

1-26 (2) is not subject to Section 331.007, Local  
1-27 Government Code.

1-28 SECTION 2. Subdivision (8), Section 183.052, Natural  
1-29 Resources Code, is amended to read as follows:

1-30 (8) "Qualified easement holder" means a holder that  
1-31 is:

1-32 (A) a state agency, a county, or a municipality;  
1-33 or

1-34 (B) an organization that is exempt from federal  
1-35 income taxation under Section 501(a), Internal Revenue Code of  
1-36 1986, as an organization described by Section 501(c)(3) of that  
1-37 code and that is organized for the purpose of preserving  
1-38 agriculture, open space, or natural resources.

1-39 SECTION 3. Subsection (b), Section 183.059, Natural  
1-40 Resources Code, is amended to read as follows:

1-41 (b) To receive a grant from the fund under this subchapter,  
1-42 an applicant who is qualified to be an easement holder under this  
1-43 subchapter must submit an application to the council. The  
1-44 application must:

1-45 (1) set out the parties' clear conservation goals  
1-46 consistent with the program;

1-47 (2) include a site-specific estimate-of-value  
1-48 appraisal by a licensed appraiser qualified to determine the market  
1-49 value of the easement; and

1-50 ~~(3) [demonstrate that the applicant is able to match~~  
1-51 ~~50 percent of the amount of the grant being sought, considering that~~  
1-52 ~~the council may choose to allow a donation of part of the appraised~~  
1-53 ~~value of the easement to be considered as in-kind matching funds,~~  
1-54 ~~and~~

1-55 ~~[(4)]~~ include a memorandum of understanding signed by  
1-56 the landowner and the applicant indicating intent to sell an  
1-57 agricultural conservation easement and containing the terms of the  
1-58 contract for the sale of the easement.

1-59 SECTION 4. This Act takes effect immediately if it receives  
1-60 a vote of two-thirds of all the members elected to each house, as  
1-61 provided by Section 39, Article III, Texas Constitution. If this  
1-62 Act does not receive the vote necessary for immediate effect, this  
1-63 Act takes effect September 1, 2011.

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