

By: Patrick

S.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to the condemnation of conservation easements.

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

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0122 to read as follows:

Sec. 21.0122. CONSERVATION EASEMENT BY OPERATION OF LAW.

(a) Except as provided by Subsection (b), the application of any law, rule, policy, ordinance, or regulation promulgated under the Government Code, Local Government Code, Natural Resources Code, Transportation Code or Water Code that has the effect of requiring that more than 55 percent of the surface area of an owner's private real property remain in a natural or undeveloped state, exclusive of the 100-year floodplain as determined by an agency of the federal government is a conservation easement, the establishment and enforcement of which requires:

(1) the consent of the owner under Chapter 183, Natural Resources Code; or

(2) the exercise of the power of eminent domain under this chapter.

(b) Subsection (a) does not apply to:

(1) the lawful forfeiture or seizure of contraband, as defined by Article 59.01, Code of Criminal Procedure;

(2) the lawful seizure of property as evidence of a crime or violation of law;

1 (3) the authority of a municipality, a county, another
2 political subdivision, the state, or an agency of the state with
3 respect to the implementation or enforcement of an ordinance, rule,
4 or statutory standard adopted under:

5 (A) the Coastal Zone Management Act of 1972 (16
6 U.S.C. Section 1451 et seq.); or

7 (B) Subtitle E, Title 2, Natural Resources Code;

8 (4) a permit, order, rule, regulation, or other action
9 issued, adopted, or undertaken by a municipality, a county, another
10 political subdivision, the state, or an agency of the state in
11 connection with the laws described by Subdivisions (3)(A) and (B);

12 (5) the enforcement or implementation of Subchapter B,
13 Chapter 61, Natural Resources Code, as that subchapter existed on
14 September 1, 1995, or to the enforcement or implementation of any
15 rule or similar measure adopted under that subchapter and in
16 existence on September 1, 1995; or

17 (6) an action taken by a political subdivision to
18 ensure compliance with on-site sewage facility regulations adopted
19 by the Texas Commission on Environmental Quality.

20 (7) an action by a municipality whose extraterritorial
21 jurisdiction is immediately adjacent to or includes all or part of a
22 federal military installation in active use as of September 1,
23 2013.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2013.