

By: Zwiener

H.B. No. 4573

A BILL TO BE ENTITLED

AN ACT

relating to best management practices for landowners regarding the exercise of power of eminent domain for landowners.

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

SECTION 1. CHAPTER 12. POWERS AND DUTIES CONCERNING WILDLIFE, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.025. TECHNICAL GUIDANCE TO LANDOWNERS. (a) The department may provide technical guidance to landowners who request information concerning fish, wildlife, nongame, and habitat management.

(b) In setting priorities for the provision of money to a landowner under this section, the department shall consider:

(1) the inventory developed under Section 11.103; and

(2) the priorities set under Section 11.105.

(c) The department shall support landowner education programs PARKS AND WILDLIFE CODE Statute text and cooperate with appropriate state agencies.

(d) The department shall provide notice of Section 12.0251 to a private landowner who requests technical assistance before entering the property to collect and record information about animal or plant life.

(e) The commission by rule shall adopt policies, including written guidelines for a method for providing notice under Subsection (d) and for departmental entry onto privately owned land

1 to collect information described by Section 12.0251(a). The
2 policies and guidelines must identify the maximum information that
3 the department may maintain under Section 12.0251.

4 (f) A review or update of a record or plan produced by the
5 department under Section 12.0251 and maintained by the landowner or
6 the landowner's agent may be requested by the landowner or the
7 department.

8 (g) The department shall provide guidance to landowners
9 undergoing the eminent domain process concerning fish, wildlife,
10 nongame, and habitat management including:

11 (1) Negotiating best management practices for land
12 restoration following construction of common infrastructure
13 projects that use eminent domain such as roads, rail lines,
14 pipelines, and power lines; and

15 (2) Recommendations on how to ensure an accurate
16 valuation of wildlife lands; and

17 (3) reasonable indemnification, including proof of
18 appropriate insurance coverages, sound risk management practice
19 policies, hold harmless agreements, and other provisions that
20 provide the property owner with reasonable liability protection
21 from any and all possible claims associated with the condemnation
22 process; and

23 (4) the maximum acceptable width of permanent
24 easements, resulting from condemnation; and

25 (5) liability for damages and losses caused by or
26 arising out of construction, maintenance, replacement, or
27 operations such as, but not limited to loss of livestock, wildlife,

1 exotic game, crops, fences, gates, trees, buildings, and other
2 improvements; and

3 (6) non-interference clauses with regard to other
4 operations on property, such as grazing, farming, hunting, oil and
5 gas operations, and other normal activities found on private
6 properties in Texas; and

7 (7) timetable requirements for completion of
8 constructions

9 (8) the responsibility of the condemning entity to
10 remove the infrastructure within a defined timeline; nonuse needs
11 to be clearly defined.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.