

By: Campbell

S.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

relating to enforcement of certain regulations by the acquisition of a conservation easement.

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 183.007 to read as follows:

Sec. 183.007. ENFORCEMENT OF CERTAIN REGULATIONS BY CONSERVATION EASEMENT. (a) Notwithstanding any other law, if the application of a provision of this code, the Government Code, the Local Government Code, or the Water Code, or of a rule, policy, or ordinance adopted under this code, the Government Code, the Local Government Code, or the Water Code, has the effect of requiring that more than 55 percent of the surface area of an owner's private real property, other than areas designated by the Federal Emergency Management Agency as being in the 100-year floodplain, remain in a natural or undeveloped state, the statute, rule, policy, or ordinance may not be enforced with respect to the property unless the enforcing entity acquires a conservation easement in accordance with this chapter that provides for the enforcement of the statute, rule, policy, or ordinance with respect to the property.

(b) If the enforcing entity has eminent domain authority that is broad enough to allow the entity to condemn a conservation easement described by this section, the entity may acquire the easement through the exercise of that authority.

1 (c) This section does not apply to:

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

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

6 (3) the authority of a municipality, county, or other
7 political subdivision, the state, or an agency of the state with
8 respect to the implementation or enforcement of a statutory
9 standard of or an ordinance or rule adopted under:

10 (A) the federal Coastal Zone Management Act of
11 1972 (16 U.S.C. Section 1451 et seq.); or

12 (B) Subtitle E, Title 2;

13 (4) a permit, order, rule, or other action issued,
14 adopted, or undertaken by a municipality, county, or other
15 political subdivision, the state, or an agency of the state in
16 connection with:

17 (A) the federal Coastal Zone Management Act of
18 1972 (16 U.S.C. Section 1451 et seq.); or

19 (B) Subtitle E, Title 2;

20 (5) the enforcement or implementation of Subchapter B,
21 Chapter 61, as it existed on September 1, 1995, or to the
22 enforcement or implementation of any rule or similar measure
23 adopted under that subchapter and in existence on September 1,
24 1995; or

25 (6) an action taken by a political subdivision to
26 ensure compliance with on-site sewage facility regulations
27 promulgated by the Texas Commission on Environmental Quality.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.