

BILL ANALYSIS

C.S.H.B. 1449
By: Guillen
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 1449 seeks to clarify the authority of the Parks and Wildlife Commission to issue right-of-way easements on Parks and Wildlife Department land.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1449 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to grant, lease, or renew permanent or temporary right-of-way easements on Parks and Wildlife Department (TPWD) land for public highways, roads and streets, and ditches; electric lines and pipelines, including necessary wires, pipes, poles, and other equipment used to transmit, convey, or distribute water, electricity, gas, oil, or similar substances or commodities; electrical substations; equipment stations, vaults, cabinets, poles, power pedestals, and underground lines, circuits, and conduits, and other equipment used in the provision of communication services; or the provision of utilities for the operation of facilities of TPWD and roadways for access to those facilities.

C.S.H.B. 1449 prohibits the commission from granting or leasing an easement unless the commission receives the fair market value as consideration for the grant or lease and provides that consideration for an easement may include goods and services. The bill, as an exception to the prohibition, authorizes the commission to grant without consideration a state highway easement to the Texas Department of Transportation, a roadway easement to a county for connecting roads between state highways, easements to utility providers for utilities to serve TPWD facilities, and roadway easements to a city or county to provide roadways for those facilities. The bill requires a grant or lease to contain a full reservation of minerals in and under the land and authorizes the commission to impose other fair and reasonable conditions, covenants, and provisions.

C.S.H.B. 1449 amends the Natural Resources Code to make provisions of law authorizing a board for lease to grant right-of-way easements on land owned by TPWD or the Texas Department of Criminal Justice inapplicable to land owned by TPWD on which an easement may be granted under the bill's provisions. The bill makes conforming and nonsubstantive changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1449 contains a provision not included in the original adding, in the purposes for which the Parks and Wildlife Commission is authorized to grant, lease, or renew permanent or temporary right-of-way easements on land owned by the Parks and Wildlife Department (TPWD), equipment stations, vaults, cabinets, poles, power pedestals, and underground lines, circuits, and conduits, and other equipment used in the provision of communication services. The substitute differs from the original by prohibiting the commission from granting or leasing an easement unless the commission receives the fair market value as consideration for the grant or lease, whereas the original prohibits the commission from granting or leasing an easement unless the commission receives fair and adequate consideration.

C.S.H.B. 1449 contains a provision not included in the original making provisions of law authorizing a board for lease to grant easements of rights-of-way on land owned by TPWD or the Texas Department of Criminal Justice inapplicable to land owned by TPWD on which an easement may be granted under the substitute's provisions. The substitute differs from the original in nonsubstantive ways.