

By: Guillen

H.B. No. 1449

Substitute the following for H.B. No. 1449:

By: Elkins

C.S.H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

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

SECTION 1. Section 34.002(a), Natural Resources Code, is amended to read as follows:

(a) The provisions of this chapter apply to:

(1) land owned by the ~~[Texas]~~ Parks and Wildlife Department, except as provided by Section 34.064(c); and

(2) land owned by the Texas Department of Criminal Justice.

SECTION 2. Section 34.064(c), Natural Resources Code, is amended to read as follows:

(c) The provisions of this section:

(1) do not apply to land owned by the Parks and Wildlife Department on which an easement may be granted under Section 11.301, Parks and Wildlife Code;

(2) do not apply to land owned by the state as a part of the penitentiary system; and

(3) do not repeal Section 496.004, Government Code [Chapter 166, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 6203d, Vernon's Texas Civil Statutes)].

SECTION 3. Chapter 11, Parks and Wildlife Code, is amended

1 by adding Subchapter L to read as follows:

2 SUBCHAPTER L. GRANT OR LEASE OF LAND

3 Sec. 11.301. EASEMENTS. (a) The commission may grant,
4 lease, or renew permanent or temporary right-of-way easements on
5 department land for:

6 (1) public highways, roads and streets, and ditches;

7 (2) electric lines and pipelines, including necessary
8 wires, pipes, poles, and other equipment used to transmit, convey,
9 or distribute water, electricity, gas, oil, or similar substances
10 or commodities;

11 (3) electrical substations;

12 (4) equipment stations, vaults, cabinets, poles,
13 power pedestals, and underground lines, circuits, and conduits, and
14 other equipment used in the provision of communication services; or

15 (5) the provision of utilities for the operation of
16 facilities of the department and roadways for access to facilities
17 of the department.

18 (b) Except as provided by this subsection, the commission
19 may not grant or lease an easement unless the commission receives
20 the fair market value as consideration for the grant or lease.

21 Consideration for an easement may include goods and services. The
22 commission may grant without consideration a state highway easement
23 to the Texas Department of Transportation, a roadway easement to a
24 county for connecting roads between state highways, easements to
25 utility providers for utilities to serve department facilities, and
26 roadway easements to a city or county to provide roadways for
27 department facilities.

1 (c) A grant or lease must contain a full reservation of
2 minerals in and under the land. The commission may impose other
3 fair and reasonable conditions, covenants, and provisions.

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