

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 1449
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 2, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 11, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 11, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain right-of-way easements on land owned by the
1-9 Parks and Wildlife Department.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 34.002(a), Natural Resources Code, is
1-12 amended to read as follows:

1-13 (a) The provisions of this chapter apply to:

1-14 (1) land owned by the ~~[Texas]~~ Parks and Wildlife
1-15 Department, except as provided by Section 34.064(c); and

1-16 (2) land owned by the Texas Department of Criminal
1-17 Justice.

1-18 SECTION 2. Section 34.064(c), Natural Resources Code, is
1-19 amended to read as follows:

1-20 (c) The provisions of this section:

1-21 (1) do not apply to land owned by the Parks and
1-22 Wildlife Department on which an easement may be granted under
1-23 Section 11.301, Parks and Wildlife Code;

1-24 (2) do not apply to land owned by the state as a part of
1-25 the penitentiary system; and

1-26 (3) do not repeal Section 496.004, Government Code
1-27 [Chapter 166, General Laws, Acts of the 42nd Legislature, Regular
1-28 Session, 1931, as amended (Article 6203d, Vernon's Texas Civil
1-29 Statutes)].

1-30 SECTION 3. Chapter 11, Parks and Wildlife Code, is amended
1-31 by adding Subchapter L to read as follows:

1-32 SUBCHAPTER L. GRANT OR LEASE OF LAND

1-33 Sec. 11.301. EASEMENTS. (a) The commission may grant,
1-34 lease, or renew permanent or temporary right-of-way easements on
1-35 department land for:

1-36 (1) public highways, roads and streets, and ditches;

1-37 (2) electric lines and pipelines, including necessary
1-38 wires, pipes, poles, and other equipment used to transmit, convey,
1-39 or distribute water, electricity, gas, oil, or similar substances
1-40 or commodities;

1-41 (3) electrical substations;

1-42 (4) equipment stations, vaults, cabinets, poles,
1-43 power pedestals, and underground lines, circuits, and conduits, and
1-44 other equipment used in the provision of communication services; or

1-45 (5) the provision of utilities for the operation of
1-46 facilities of the department and roadways for access to facilities
1-47 of the department.

1-48 (b) Except as provided by this subsection, the commission
1-49 may not grant or lease an easement unless the commission receives
1-50 the fair market value as consideration for the grant or lease.
1-51 Consideration for an easement may include goods and services. The
1-52 commission may grant without consideration a state highway easement
1-53 to the Texas Department of Transportation, a roadway easement to a
1-54 county for connecting roads between state highways, easements to
1-55 utility providers for utilities to serve department facilities, and
1-56 roadway easements to a city or county to provide roadways for
1-57 department facilities.

1-58 (c) A grant or lease must contain a full reservation of
1-59 minerals in and under the land. The commission may impose other
1-60 fair and reasonable conditions, covenants, and provisions.

1-61 SECTION 4. This Act takes effect immediately if it receives
1-62 a vote of two-thirds of all the members elected to each house, as
1-63 provided by Section 39, Article III, Texas Constitution. If this
1-64 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2011.

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