

- SUBJECT:** Lease of right-of-way easements on Parks and Wildlife Department land
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 6 ayes — Guillen, Elkins, Deshotel, Kuempel, Larson, T. Smith
0 nays
3 absent — Dukes, T. King, Price
- WITNESSES:** For — None
Against — None
On — Ann Bright, Texas Parks & Wildlife Department
- BACKGROUND:** Natural Resources Code, ch. 34 contains provisions that govern boards for lease with authority to lease land owned by the Texas Parks and Wildlife Department (TPWD). Sec. 34.064 governs the boards' authority to grant right-of-way easements on that land.
- DIGEST:** CSHB 1449 would add subch. L to ch. 11 of the Parks and Wildlife Code to allow the Parks and Wildlife Commission to grant, lease, or renew permanent or temporary right-of-way easements on TPWD land for certain uses, including public highways, electrical lines and pipelines, electrical substations, and the provision of utilities for the operation of TPWD facilities.
- Under CSHB 1449, the commission could not grant or lease easements unless it received fair market value as consideration for the transaction. The commission would have discretion to grant certain easements without consideration, including:
- state highway easements to the Texas Department of Transportation;
 - roadway easements to counties to connect roads between state highways;
 - easements to utility providers to serve TPWD facilities; and

- roadway easements to cities or counties to provide roadways to TPWD facilities.

The bill would require that grants or leases fully reserve minerals in or under the land. The commission could require other conditions, covenants, and provisions that were fair and reasonable.

CSHB 1449 would amend Natural Resources Code, ch. 34 to specify that provisions allowing for easements granted by boards for lease under sec. 34.064(c) did not apply to TPWD land that was eligible for an easement under the provisions added by the bill to the Parks and Wildlife Code.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

CSHB 1449 would create a clearer and more efficient process to grant easements across property owned by the Parks and Wildlife Department. The current process involves several steps between the board for lease and the department. By giving the commission authority to enter into agreements for easements directly, without involving the board for lease, the bill would reduce time and resources spent toward the goal of granting easements.

The bill would ensure that funds acquired from easement grants were allocated to Parks and Wildlife. Because of safeguards already in place in ch. 13 of the Parks and Wildlife Code, money received by the department as a result of an exchange of interest in land would be given back to the department.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The substitute differs from bill as filed by including equipment stations and other fixtures related to the provision of communication services to the purposes for which easements could be granted. The substitute replaced language describing consideration the commission would receive under the bill with “fair market value” instead of “fair and adequate consideration.”