

BILL ANALYSIS

Senate Research Center

H.B. 2859
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

The Coltex Refinery previously occupied several acres of land in Mitchell County. After the refinery closed, the acres were purchased by ATOFINA, a chemical company. Part of the land was offered to Colorado City, located in Mitchell County, and the remainder was given to the Texas Department of Criminal Justice (TDCJ). The Texas Natural Resource Conservation Commission (TNRCC) discovered that this area was contaminated by seepage from tanks left standing after the refinery was closed. As part of the remediation process and to implement a substantial Colorado River restoration plan, ATOFINA suggested that the area be turned into a wildlife habitat, an action which requires a conservation easement. However, the contaminated area includes land owned by TDCJ, which does not have the authority to give permission for a conservation easement. H.B. 2859 requires the Texas Board of Criminal Justice, which governs TDCJ, to grant a conservation easement to the Natural Area Preservation Association, Inc., which will have control of the wildlife preservation area.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires the Texas Board of Criminal Justice (TDCJ), not later than January 31, 2002, to grant to the Natural Area Preservation Association, Inc., a conservation easement covering the real property described by Subsection (e) of this section. Provides that if the Natural Area Preservation Association, Inc., is unable or refuses to accept the grant of the easement, the board is authorized to grant the easement to another suitable person.

(b) Authorizes consideration for the grant of an easement under Subsection (a) of this section to be in the form of an agreement between the parties that requires the easement holder to use the easement in a manner that primarily promotes a public purpose of the state. Provides that if the consideration for the transfer is in the form of an agreement described by this subsection certain conditions exist.

(c) Requires the TDCJ to grant the easement by an appropriate instrument of transfer. Requires the instrument of transfer, if the consideration for the easement is in the form of an agreement described by Subsection (b) of this section, to include a provision that requires and indicates to the provision holder certain criteria.

(d) Requires the Texas Natural Resource Conservation Commission, the Parks and Wildlife Department, and the General Land Office to enforce an easement granted under this Act.

(e) Provides the description of the real property to which Subsection (a) of this section refers.

SECTION 2. Effective date: upon passage or September 1, 2001.