



538902

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/16/2008 10:58 AM

Senator Saunders moved the following amendment:

Senate Amendment (with directory and title amendments)

Delete line(s) 1205-1256

and insert:

(14) (a) If a public utility, regional transmission organization, or natural gas company presents competent and substantial evidence that its use of nonsovereignty state-owned lands is reasonable based upon a consideration of economic and environmental factors, including an assessment of practicable alternative alignments and assurance that the lands will remain in their predominantly natural condition, the public utility, regional transmission organization, or natural gas company may be granted fee simple title, easements, or other interests in nonsovereignty state-owned lands title to which is vested in the board of trustees, a water management district, or any other agency in the state for:

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18       1. Electric transmission and distribution lines;

19       2. Natural gas pipelines; or

20       3. Other linear facilities for which the Public Service  
21 Commission has determined a need exists or the Federal Energy  
22 Regulatory Commission has issued a Certificate of Public  
23 Convenience and Necessity.

24       (b) In exchange for less than a fee simple interest acquired  
25 pursuant to this subsection, the grantee shall pay an amount  
26 equal to the fair market value of the interest acquired. In  
27 addition, for the initial grant of such interests only, the  
28 grantee shall also vest in the grantor a fee simple interest to  
29 other available land that is 1.5 times the size of the land  
30 acquired by the grantee. The grantor shall approve the property  
31 with a less than fee simple interest on its behalf based on the  
32 geographic location in relation to the land relinquished by the  
33 grantor agency and a determination that the economic, ecological,  
34 and recreational value is at least equivalent to that of the  
35 property transferred to the public utility, regional transmission  
36 organization, or natural gas company.

37       (c) In exchange for a fee simple interest acquired pursuant  
38 to this subsection, the grantee shall pay an amount equal to the  
39 fair market value of the interest acquired. In addition, for the  
40 initial grant of such interests only, the grantee shall also vest  
41 in the grantor a fee simple title to other available land that is  
42 2 times the size of the land acquired by the grantee. The grantor  
43 shall approve the land to be acquired on its behalf based on a  
44 determination that the economic and ecological or recreational  
45 value is at least equivalent to that of the property transferred  
46 to the public utility, regional transmission organization, or  
47 natural gas company.

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48       (d) As an alternative to the consideration provided for in  
49 paragraphs (b) and (c) above, the grantee may, subject to the  
50 grantor's approval, pay the fair market value of the state-owned  
51 land plus one-half of the cost differential between the cost of  
52 constructing the facility on state-owned land and the cost of  
53 avoiding state-owned lands, up to a maximum of twice the fair  
54 market value of the land acquired by the grantee. The grantor may  
55 use these moneys to acquire fee simple or less than fee simple  
56 interest in other available land.  
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