FINAL BILL REPORT
HB 1491

C 49 L 21
Synopsis as Enacted

Brief Description: Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

Sponsors: Representatives Orcutt, Fitzgibbon and Lekanoff; by request of Department of Natural Resources.

House Committee on Rural Development, Agriculture & Natural Resources
Senate Committee on Agriculture, Water, Natural Resources & Parks

Background:

A person engaged in certain natural resources industries who seeks a right-of-way across lands managed by the Department of Natural Resources (DNR) must file a written application with the DNR. Upon receipt of such an application, the DNR must first appraise any damages or diminution to the value of land caused by the use of such right-of-way, including the value of any timber affected by the right-of-way, and must then notify the applicant of that appraisal. Once the applicant has paid the appraised value identified by the DNR, the DNR is required to issue a right-of-way certificate to the applicant that describes the terms and conditions upon which the right-of-way is granted.

Summary:

The obligation of the Department of Natural Resources (DNR) to issue a right-of-way certificate does not apply to an application for a right-of-way over land in which the federal government claims the exclusive right to grant an easement or right-of-way to third parties over such land. This exception does not apply where the DNR disputes the claim by the federal government. This exception may not be deemed an acknowledgement that the federal government holds any such exclusive granting rights.

Votes on Final Passage:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

House   96   1
Senate   49   0

Effective: July 25, 2021