

BILL ANALYSIS

C.S.H.B. 1818

By: Ritter

Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Unlike land-based facilities, water-based mooring structures (structures that utilize mooring buoys or other anchored flotation devices to permanently secure barges in a waterway) can present unique challenges because of the absence of land access and potential interference with public access to coastal resources. Emergency response personnel may find these structures more difficult to access or secure in the event of a release or other emergency. Numerous barges may also be placed in such a manner that public access or use of a resource is impeded or eliminated. Although water-based mooring structures must receive a lease from the School Land Board, current law contains no specific standards for the siting and operation of these types of structures.

C.S.H.B. 1818 establishes standards for the location and operation of barge mooring structures located on inland and coastal waterways.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 33, Natural Resources Code, by adding Section 33.137 as follows:

Defines “water-based mooring facility” (structure using buoys or other flotation devices anchored into or located on coastal public land to secure or anchor a barge or other marine vessel that requires another vessel to propel it and that may be used to contain or transport bulk products or materials).

List the following factors that should be considered by the School Land Board when determining whether to grant an easement for water-based mooring facilities located on coastal public lands:

Input from state agencies, local governments, and members of the public.

The degree to which the proposed structure interferes with public uses.

Potential impacts of releases of materials at the proposed structure.

Potential impacts arising from presence or movement of barges at the proposed structure.

Ability of emergency response personnel to access the proposed structure.

The impact of the proposed structure upon the aesthetic value of an area.

Potential economic impact of the proposed structure from the perspective of local governments and local businesses.

Input from state and federal agencies regarding the proximity of a facility to any area used for military or domestic security purposes.

Whether the applicant has acquired necessary permits, etc.

Any other factor deemed relevant by the School Land Board.

Authorizes the School Land Board to hold a public hearing prior to granting an easement.

SECTION 2. Effective date.

Act prospective.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1818 does not contain the provisions found in Sections 33.137(b) and (c) of the H.B. 1818 (regarding rules and permits issued by the General Land Office for the placement and operation of water-based barge-mooring structures).

C.S.H.B. 1818 adds the following factors that should be considered by the School Land Board when determining whether to grant an easement:

Input from state and federal agencies regarding the proximity of a facility to any area used for military or domestic security purposes.

Whether the applicant has acquired necessary permits, etc.

C.S.H.B. 1818 authorizes the School Land Board to hold a public hearing prior to granting an easement.