

By: Ritter, Deshotel, Hamilton

H.B. No. 1818

Substitute the following for H.B. No. 1818:

By: Haggerty

C.S.H.B. No. 1818

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation and placement of facilities used to
3 anchor or moor barges or other marine vessels in, on, or adjacent to
4 coastal public lands.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 33, Natural Resources
7 Code, is amended by adding Section 33.137 to read as follows:

8 Sec. 33.137. FACILITIES USED TO SECURE BARGES AND OTHER
9 VESSELS LOCATED ON COASTAL PUBLIC LANDS. (a) In this section,
10 "water-based mooring facility" means a facility using buoys or
11 other flotation devices anchored into or located on coastal public
12 land to secure or anchor a barge or other marine vessel that
13 requires another vessel to propel it and that may be used to contain
14 or transport bulk products or materials.

15 (b) In determining whether to grant an easement for a
16 water-based mooring facility located on coastal public land, the
17 board shall consider, in addition to the policies stated in Section
18 33.001 and elsewhere in this code:

19 (1) comments received from state natural resource
20 agencies, representatives of local government, and interested
21 members of the public;

22 (2) the extent to which the proposed facility may
23 interfere with the use of coastal public land and associated
24 resources by the general public;

1 (3) impacts to coastal resources that may result from
2 releases of materials or products at or from the facility;

3 (4) impacts to coastal public land, other facilities
4 or structures, and the use of coastal public land by the general
5 public that may result from the presence or movement of barges or
6 other marine vessels using the proposed facility;

7 (5) the ability of emergency response personnel to
8 obtain access to the proposed facility in an emergency;

9 (6) the impact of the proposed facility on the
10 aesthetic value of the area in which it is to be located;

11 (7) comments from local governments, businesses, and
12 residents regarding the impact of the proposed facility on the
13 local economy;

14 (8) comments from state and federal agencies regarding
15 the proximity of the proposed facility to any area used for military
16 or domestic security purposes;

17 (9) whether the applicant has acquired all applicable
18 licenses, permits, or other authorizations required for the
19 construction and operation of the proposed facility; and

20 (10) any other factor the board considers relevant.

21 (c) Before granting an easement for a water-based mooring
22 facility, the board may hold a public hearing in Travis County or in
23 the county in which the proposed facility is to be located.

24 SECTION 2. (a) This Act takes effect September 1, 2003.

25 (b) The change in law made by this Act applies only to an
26 application for an easement for a water-based mooring facility that
27 is filed with the General Land Office on or after September 1, 2003.