

1-1 By: Murphy, et al. (Senate Sponsor - Birdwell) H.B. No. 1481
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 12, 2015, read first time and referred to Subcommittee on
 1-4 Border Security; May 18, 2015, reported adversely, with favorable
 1-5 Committee Substitute to Committee on Veteran Affairs and Military
 1-6 Installations; May 22, 2015, reported adversely, with favorable
 1-7 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-8 May 22, 2015, sent to printer.)

1-9 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-10				
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1481 By: Birdwell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to prohibiting the operation of an unmanned aircraft over
 1-22 certain facilities; creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 423, Government Code, is amended by
 1-25 adding Section 423.0045 to read as follows:

1-26 Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
 1-27 CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

1-28 (1) "Critical infrastructure facility" means:

1-29 (A) one of the following, if completely enclosed
 1-30 by a fence or other physical barrier that is obviously designed to
 1-31 exclude intruders, or if clearly marked with a sign or signs that
 1-32 are posted on the property, are reasonably likely to come to the
 1-33 attention of intruders, and indicate that entry is forbidden:

1-34 (i) a petroleum or alumina refinery;

1-35 (ii) an electrical power generating
 1-36 facility, substation, switching station, or electrical control
 1-37 center;

1-38 (iii) a chemical, polymer, or rubber
 1-39 manufacturing facility;

1-40 (iv) a water intake structure, water
 1-41 treatment facility, wastewater treatment plant, or pump station;

1-42 (v) a natural gas compressor station;

1-43 (vi) a liquid natural gas terminal or
 1-44 storage facility;

1-45 (vii) a telecommunications central
 1-46 switching office;

1-47 (viii) a port, railroad switching yard,
 1-48 trucking terminal, or other freight transportation facility;

1-49 (ix) a gas processing plant, including a
 1-50 plant used in the processing, treatment, or fractionation of
 1-51 natural gas;

1-52 (x) a transmission facility used by a
 1-53 federally licensed radio or television station;

1-54 (xi) a steelmaking facility that uses an
 1-55 electric arc furnace to make steel; or

1-56 (xii) a dam that is classified as a high
 1-57 hazard by the Texas Commission on Environmental Quality; or

1-58 (B) any portion of an aboveground oil, gas, or
 1-59 chemical pipeline that is enclosed by a fence or other physical
 1-60 barrier that is obviously designed to exclude intruders.

2-1 (2) "Dam" means any barrier, including any appurtenant
2-2 structures, that is constructed for the purpose of permanently or
2-3 temporarily impounding water.

2-4 (b) A person commits an offense if the person intentionally
2-5 or knowingly:

2-6 (1) operates an unmanned aircraft over a critical
2-7 infrastructure facility and the unmanned aircraft is not higher
2-8 than 400 feet above ground level;

2-9 (2) allows an unmanned aircraft to make contact with a
2-10 critical infrastructure facility, including any person or object on
2-11 the premises of or within the facility; or

2-12 (3) allows an unmanned aircraft to come within a
2-13 distance of a critical infrastructure facility that is close enough
2-14 to interfere with the operations of or cause a disturbance to the
2-15 facility.

2-16 (c) This section does not apply to conduct described by
2-17 Subsection (b) that is committed by:

2-18 (1) the federal government, the state, or a
2-19 governmental entity;

2-20 (2) a person under contract with or otherwise acting
2-21 under the direction or on behalf of the federal government, the
2-22 state, or a governmental entity;

2-23 (3) a law enforcement agency;

2-24 (4) a person under contract with or otherwise acting
2-25 under the direction or on behalf of a law enforcement agency;

2-26 (5) an owner or operator of the critical
2-27 infrastructure facility;

2-28 (6) a person under contract with or otherwise acting
2-29 under the direction or on behalf of an owner or operator of the
2-30 critical infrastructure facility;

2-31 (7) a person who has the prior written consent of the
2-32 owner or operator of the critical infrastructure facility;

2-33 (8) the owner or occupant of the property on which the
2-34 critical infrastructure facility is located or a person authorized
2-35 by the owner or occupant of the property to be on that property; or

2-36 (9) an operator of an unmanned aircraft that is being
2-37 used for a commercial purpose, if the operator is authorized by the
2-38 Federal Aviation Administration to conduct operations over that
2-39 airspace.

2-40 (d) An offense under this section is a Class B misdemeanor,
2-41 except that the offense is a Class A misdemeanor if the actor has
2-42 previously been convicted under this section.

2-43 SECTION 2. This Act takes effect September 1, 2015.

2-44 * * * * *