

BILL ANALYSIS

H.B. 1625
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that there is a growing problem with vessels being abandoned on the Texas coast and contend that the process by which the General Land Office currently removes these vessels is unduly burdensome and time consuming. H.B. 1625 seeks to address this issue by improving the removal process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1625 amends the Natural Resources Code to specify that the authority for the commissioner of the General Land Office (GLO) to remove a derelict vessel or structure under the Oil Spill Prevention and Response Act of 1991 without a hearing under certain conditions applies to the removal of such a vessel or structure without the commissioner first providing notice and an opportunity for a hearing. The bill further conditions that authority, in addition to other factors, on whether the vessel or structure creates an imminent and significant threat to life or property or creates a significant navigation hazard. The bill requires the commissioner's preliminary report regarding the removal or disposal of a derelict vessel or structure to include a determination of whether the vessel or structure is considered a vessel or structure subject to removal without first providing notice and an opportunity for a hearing and to include a recommendation for such removal or disposal on the basis of that determination. The bill conditions the requirement that notice of a preliminary report be given by posting a copy of the notice on a derelict vessel or structure that has been determined to have no intrinsic value on the vessel or structure not being a numbered vessel or structure, there being no identifiable markings on the vessel or structure for which the current owner can be reasonably identified for service, or the address of the person charged with the violation being unknown and includes publication of the notice on the GLO website for 10 consecutive days as an alternative method for the giving of the notice.

H.B. 1625 requires the commissioner, if a vessel or structure is removed without notice, to serve written notice of the removal to the person charged with the violation not later than the 10th day after the date on which the removal occurs. The bill requires the removal notice to include the information required to be in a preliminary report notice and provides for the manner by which the notice is required to be provided. The bill authorizes a person charged with a violation or a person claiming ownership of a facility, vessel, or structure to consent in writing to the preliminary report, including the commissioner's recommendations, or make a written request for

a hearing and sets out the deadlines after notice of such report or notice of a removal by which the person may do so.

H.B. 1625 expressly does not require the commissioner to provide notice of a decision to take a recommended action if certain notice of a preliminary report or notice of a removal was otherwise provided and the subject of the notice is a vessel or structure that was removed in the manner provided for derelict vessels and structures.

EFFECTIVE DATE

September 1, 2017.