

BILL ANALYSIS

C.S.H.B. 3749
By: Phelan
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that issues with the fleeting or anchoring areas for barges have prompted the need for clarification as to what constitutes an authorized facility or structure on state land. C.S.H.B. 3749 seeks to address this issue by defining "facility or structure" as those terms relate to the prohibition against a person constructing or maintaining a facility or structure on state land or possessing certain state land without the proper authorization and the removal of a facility or structure on state land.

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

C.S.H.B. 3749 amends the Natural Resources Code to define "facility or structure" for purposes of provisions relating to the prohibition against a person constructing or maintaining a facility or structure on state land or possessing state land on or across which a facility or structure is located without the proper authorization and provisions relating to the removal of a facility or structure on state land by the commissioner of the General Land Office as any structure, work, fixture, or improvement constructed on, affixed to, or worked on land owned by the state, including coastal public land.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3749 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter G, Chapter 51, Natural Resources Code, is amended by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 51.302, Natural Resources Code, is amended by amending

85R 28074

17.123.456

Substitute Document Number: 85R 18744

adding Section 51.302(h) to read as follows:

(h) For the purposes of this section and Section 51.3021 of this code, "structure or facility" means any structure, work, fixture, or improvement constructed on, affixed to, or worked on state land or located in or on coastal waters, including, without limitation, fixed or floating piers, wharves, docks, ramps, weirs, jetties, groins, breakwaters, bulkheads, mooring or anchoring areas or structures, retaining walls, levees, pilings, permanently moored barges, cabins, houses, houseboats, shelters, roads, fences, posts, landfills, excavations, utility transmission lines, pipelines, and equipment for exploration, production, storage, or processing of oil, gas, or other minerals.

(See subsection (h) above.)

SECTION 2. This Act takes effect September 1, 2017.

Subsection (a) and adding Subsection (h) to read as follows:

(a) No person may construct or maintain any ~~structure or~~ facility or structure on land owned by the state, nor may any person who has not acquired a proper easement, lease, permit, or other instrument from the state as required by this chapter or Chapter 33 and who owns or possesses a facility or structure that is now located on or across state land continue in possession of the land unless the person [he] obtains from the commissioner or the board an easement, lease, permit, or other instrument required by this chapter or Chapter 33 for the land on which the facility or structure is to be constructed or is located.

(h) In this section, "facility or structure" means any structure, work, fixture, or improvement constructed on, affixed to, or worked on land owned by the state, including coastal public land as defined by Section 33.004, including fixed or floating piers, wharves, docks, jetties, groins, breakwaters, fences, posts, retaining walls, levees, ramps, cabins, houses, shelters, landfills, excavations, roads, houseboats, weirs, bulkheads, mooring or anchoring areas or structures, pilings, permanently moored barges, utility transmission lines, pipelines, and equipment for the exploration for or production, storage, or processing of oil, gas, or other minerals.

SECTION 2. Section 51.3021, Natural Resources Code, is amended by adding Subsection (l) to read as follows:

(l) In this section, "facility or structure" has the meaning assigned by Section 51.302.

SECTION 3. Same as introduced version.