

By: Phelan

H.B. No. 3749

Substitute the following for H.B. No. 3749:

By: Herrero

C.S.H.B. No. 3749

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the law regarding the authority to construct or maintain a facility or structure on state land.

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

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

1 mooring or anchoring areas or structures, pilings, permanently
2 moored barges, utility transmission lines, pipelines, and
3 equipment for the exploration for or production, storage, or
4 processing of oil, gas, or other minerals.

5 SECTION 2. Section [51.3021](#), Natural Resources Code, is
6 amended by adding Subsection (1) to read as follows:

7 (1) In this section, "facility or structure" has the meaning
8 assigned by Section [51.302](#).

9 SECTION 3. This Act takes effect September 1, 2017.