

By: Powell, et al.  
(Goldman)

S.B. No. 149

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of operation of an  
unmanned aircraft over certain facilities.

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

SECTION 1. Section 423.0045(a)(1-a), Government Code, is  
amended to read as follows:

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

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

(i) a petroleum or alumina refinery;

(ii) an electrical power generating  
facility, substation, switching station, or electrical control  
center;

(iii) a chemical, polymer, or rubber  
manufacturing facility;

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

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or  
storage facility;

(vii) a telecommunications central

1 switching office or any structure used as part of a system to  
2 provide wired or wireless telecommunications services;

3 (viii) a port, a public or private airport  
4 depicted in any current aeronautical chart published by the Federal  
5 Aviation Administration, a railroad switching yard, a trucking  
6 terminal, or any other freight transportation facility;

7 (ix) a gas processing plant, including a  
8 plant used in the processing, treatment, or fractionation of  
9 natural gas;

10 (x) a transmission facility used by a  
11 federally licensed radio or television station;

12 (xi) a steelmaking facility that uses an  
13 electric arc furnace to make steel;

14 (xii) a dam that is classified as a high  
15 hazard by the Texas Commission on Environmental Quality; ~~or~~

16 (xiii) a concentrated animal feeding  
17 operation, as defined by Section 26.048, Water Code; or

18 (xiv) a military installation owned or  
19 operated by or for the federal government, the state, or another  
20 governmental entity; or

21 (B) if enclosed by a fence or other physical  
22 barrier obviously designed to exclude intruders:

23 (i) any portion of an aboveground oil, gas,  
24 or chemical pipeline;

25 (ii) an oil or gas drilling site;

26 (iii) a group of tanks used to store crude  
27 oil, such as a tank battery;

1                   (iv) an oil, gas, or chemical production  
2 facility;

3                   (v) an oil or gas wellhead; or

4                   (vi) any oil and gas facility that has an  
5 active flare.

6           SECTION 2. The change in law made by this Act applies only  
7 to an offense committed on or after the effective date of this Act.  
8 An offense committed before the effective date of this Act is  
9 governed by the law in effect on the date the offense was committed,  
10 and the former law is continued in effect for that purpose. For  
11 purposes of this section, an offense was committed before the  
12 effective date of this Act if any element of the offense occurred  
13 before that date.

14           SECTION 3. This Act takes effect September 1, 2021.