

By: Puente

H.B. No. 206

A BILL TO BE ENTITLED

AN ACT

relating to the protection of the natural condition of the beds and banks of state-owned watercourses; providing civil and criminal penalties.

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

SECTION 1. Title 11, Natural Resources Code, is amended by adding Chapter 212 to read as follows:

CHAPTER 212. PROTECTION OF NATURAL CONDITION OF BEDS AND BANKS
OF STATE-OWNED WATERCOURSES

Sec. 212.001. POWER TO ADOPT AND ENFORCE RULES. (a) A river authority may adopt and enforce rules to:

(1) limit or prohibit vehicular access to and use of the beds and banks of the state-owned watercourses within the authority's boundaries in order to protect the natural condition of the beds and banks against disturbance; and

(2) prohibit within the beds and banks of the state-owned watercourses within the authority's boundaries littering, destruction of aquatic habitat, pollution, and activities endangering the public safety.

(b) A river authority may not adopt rules under Subsection (a)(1) limiting or prohibiting vehicular access to and use of the beds and banks of state-owned watercourses by an owner of the adjacent uplands or an agent, employee, representative, or lessee of the owner for reasonable purposes related to usual and customary

1 agricultural operations if the vehicular access and use is limited
2 to those reaches of the watercourse adjacent to the owner's
3 property.

4 (c) Rules adopted under this section do not affect the use
5 of the beds and banks of state-owned watercourses for:

6 (1) emergency or rescue operations; or

7 (2) activities specifically authorized by the state or
8 a political subdivision of the state acting under state law.

9 Sec. 212.002. CIVIL PENALTY; INJUNCTIVE RELIEF. (a) A
10 person who violates a rule adopted by a river authority under
11 Section 212.001 is liable to the river authority for a civil penalty
12 of not less than \$50 or more than \$1,000 for each violation. Each
13 day a violation continues is considered a separate violation for
14 purposes of assessing the civil penalty. The river authority may
15 sue to collect the penalty.

16 (b) A river authority may sue to enjoin a violation or
17 threatened violation of a rule adopted under Section 212.001.

18 (c) A river authority may sue for injunctive relief and a
19 civil penalty in the same proceeding.

20 (d) A suit under this section must be brought in a district
21 court in the county in which the violation occurred or is
22 threatened.

23 Sec. 212.003. CRIMINAL PENALTY. (a) A person commits an
24 offense if the person violates a rule adopted under Section
25 212.001.

26 (b) An offense under this section is a Class B misdemeanor.

27 SECTION 2. This Act takes effect September 1, 2003.