

AN ACT

relating to management of the Gulf Coast Intracoastal Waterway.

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

SECTION 1. Section 51.003, Transportation Code, is amended to read as follows:

Sec. 51.003. PURPOSE. In recognition of the economic benefit to the state of the Gulf Coast Intracoastal Waterway, this ~~This~~ state shall act as the nonfederal sponsor of the main channel of the Gulf Coast Intracoastal Waterway from the Sabine River to the Brownsville Ship Channel in order to:

(1) support the marine commerce and economy of this state by providing for the shallow draft navigation of the state's coastal waters in an environmentally sound manner;

(2) prevent waste of publicly and privately owned natural resources;

(3) prevent or minimize adverse impacts on the environment; and

(4) maintain, preserve, and enhance wildlife and fisheries.

SECTION 2. Sections 51.005(a) and (b), Transportation Code, are amended to read as follows:

(a) The commission may acquire by gift, purchase, or condemnation property or an interest in property that the commission considers necessary to enable it to meet its

1 responsibilities under this chapter, including, except as provided  
2 by Subsection (b)(3), easements and rights-of-way for dredge  
3 material disposal sites or channel alteration.

4 (b) The commission may not:

5 (1) acquire oil, gas, sulphur, or other minerals that  
6 may be recovered without using the surface of land acquired by the  
7 commission for exploration, drilling, or mining purposes;

8 (2) condemn any submerged public land under the  
9 jurisdiction of the School Land Board; or

10 (3) condemn private [acquire] property along Reach 1,  
11 Reach 2, Reach 4, Reach 5, and Reach 6 of the Gulf Coast  
12 Intracoastal Waterway as defined by the Draft Laguna Madre GIWW  
13 Dredged Material Management Plan prepared by the Army Corps of  
14 Engineers and the Interagency Coordination Team dated October 11,  
15 2002, [before September 1, 2005,] for use as a disposal site for  
16 dredged material from the Laguna Madre unless the commission  
17 determines that:

18 (A) there is no state or federal land available  
19 that can be used for that purpose; and

20 (B) the state's failure to acquire the property  
21 will result in the closure of any segment of the Gulf Coast  
22 Intracoastal Waterway located in this state [if the property, on  
23 October 1, 1997, was subject to a habitat conservation plan].

24 SECTION 3. Chapter 51, Transportation Code, is amended by  
25 adding Sections 51.012, 51.013, and 51.014 to read as follows:

26 Sec. 51.012. CONTRACTS WITH LANDOWNERS. The commission may  
27 contract with a landowner for the use of land as a disposal site for

1 dredged material.

2 Sec. 51.013. DREDGED MATERIAL DISPOSAL. The department  
3 shall condemn land for disposal of dredged material for the Laguna  
4 Madre section of the Gulf Coast Intracoastal Waterway only in  
5 accordance with the Draft Laguna Madre GIWW Dredged Material  
6 Management Plan prepared by the Army Corps of Engineers and the  
7 Interagency Coordination Team dated October 11, 2002.

8 Sec. 51.014. SUBSTANTIVE CHANGES TO DREDGED MATERIAL  
9 DISPOSAL PLAN. The department shall seek approval of the  
10 legislature for any substantive changes to dredged material  
11 disposal management made in the final Laguna Madre GIWW Dredged  
12 Material Management Plan once the plan is published.

13 SECTION 4. Section 51.005(d), Transportation Code, is  
14 repealed.

15 SECTION 5. This Act takes effect September 1, 2003.

H.B. No. 1231

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1231 was passed by the House on April 3, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1231 was passed by the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor