

By: Geren

H.B. No. 1231

Substitute the following for H.B. No. 1231:

By: Phillips

C.S.H.B. No. 1231

A BILL TO BE ENTITLED

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

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

(b) The commission may not:

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

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

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

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

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

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

Sec. 51.012. CONTRACTS WITH LANDOWNERS. The commission may 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.