

By: Lucio

S.B. No. 1402

A BILL TO BE ENTITLED

AN ACT

relating to management of the Gulf 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 property for dredge material disposal
11 ~~[acquire property, before September 1, 2005, for use as a disposal~~
12 ~~site for dredged material from the Laguna Madre if the property, on~~
13 ~~October 1, 1997, was subject to a habitat conservation plan].~~

14 SECTION 3. Chapter 51, Transportation Code, is amended by
15 adding Sections 51.012, 21.013, and 51.014 to read as follows:

16 Sec. 51.012. CONTRACTS WITH LANDOWNERS. The commission may
17 contract with a landowner for the use of land as a disposal site for
18 dredged material.

19 Sec. 51.013. OPEN BAY DISPOSAL. (a) In this section,
20 "geotube" means a fabric tube filled with sand used in open bay
21 disposal to prevent the erosion of dredged material.

22 (b) Open bay disposal of dredged material may take place
23 only during the months of November, December, and January, unless
24 an emergency caused by severe weather or other natural event
25 necessitates disposal in a different month.

26 (c) In disposing of dredged material under this section, the
27 department shall provide for the even distribution of material

1 among seagrass beds.

2 (d) This section does not apply to the use of geotubes.

3 Sec. 51.014. FEES. The commission by rule may set a fee per
4 ton on barges using the Gulf Intracoastal Waterway.

5 SECTION 4. Section 51.005(d), Transportation Code, is
6 repealed.

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