

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 9, 2003**

**TO:** Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1231** by Geren (Relating to management of the Gulf Coast Intracoastal Waterway.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to prohibit the Transportation Commission (TTC) from condemning private property along specific segments of the Gulf Coast Intracoastal Waterway (GIWW) for use as a disposal site for dredged material unless the TTC determines there is no state or federal land available that can be used for that purpose and the state's failure to acquire the property will result in the closure of any segment of the GIWW in the state. The bill would allow the TTC to contract with a landowner for the use of land as a disposal site for dredged material and would require the Texas Department of Transportation (TxDOT) to condemn land for the disposal of dredged material in the Laguna Madre section of the GIWW only in accordance the Draft Laguna Madre GIWW Material Management Plan specified in the bill. The bill would require TxDOT to seek legislative approval for substantive changes to dredged material disposal management in the final Laguna Madre GIWW Material Management Plan and would also repeal the section of current law requiring the definition of a "habitat conservation plan" to be applied to the GIWW in accordance with the Transportation Code.

No significant fiscal implication to the State is anticipated because TxDOT assumes the bill would not prohibit disposal methods currently used in areas specified in the bill; that upland disposal sites currently used in the area identified as Reach 3 in the Draft Laguna Madre GIWW Material Management Plan will be eligible to use for at least 30 years; and duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

This bill would take effect September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JK, CL, RR, RT, MW