

By: Luna

H.B. No. 3553

A BILL TO BE ENTITLED

AN ACT

relating to the boundaries of and prohibited acts in the Nine-Mile Hole State Scientific Area; providing a penalty.

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

SECTION 1. The heading to Chapter 82, Parks and Wildlife Code, is amended to read as follows:

CHAPTER 82. STATUTORY SANCTUARIES, SCIENTIFIC AREAS, AND PRESERVES

SECTION 2. Chapter 82, Parks and Wildlife Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. NINE-MILE HOLE STATE SCIENTIFIC AREA

Sec. 82.781. CREATION; BOUNDARIES. (a) The Nine-Mile Hole State Scientific Area, as described by Subsection (b), is a state scientific area established under Subchapter F, Chapter 81.

(b) The boundaries of Nine-Mile Hole State Scientific Area are:

(1) N 27 10.451; W 097 25.82 (North boundary of Nine-Mile Hole);

(2) N 27 04.587; W 097 25.28 (Padre Island National Seashore Boundary);

(3) N 27 06.109; W 097 25.21 (Padre Island National Seashore Boundary);

(4) N 27 08.835; W 097 26.29 (Roloff Channel Entrance);

1 (5) N 27 06.109; W 097 26.49 (201 Channel Entrance);

2 and

3 (6) N 27 05.132; W 097 25.90 (Nine-Mile Hole Channel

4 Entrance).

5 Sec. 82.782. PROHIBITED ACTS. (a) Except as provided by
6 Subsections (b) and (c), a person may not:

7 (1) operate an airboat, a jet-boat, or any
8 propeller-driven vessel in the Nine-Mile Hole State Scientific
9 Area; or

10 (2) move, remove, deface, alter, or destroy:

11 (A) an informational sign, including a depth
12 marker, placed by the department in the Nine-Mile Hole State
13 Scientific Area; or

14 (B) a boundary marker of the Nine-Mile Hole State
15 Scientific Area.

16 (b) A person in the Nine-Mile Hole State Scientific Area
17 may:

18 (1) operate a vessel propelled by an electric trolling
19 motor;

20 (2) operate an airboat, a jet-boat, or any
21 propeller-driven vessel in lanes of entrance and exit marked by the
22 department; or

23 (3) engage in an act prohibited by Subsection (a) if
24 the act:

25 (A) is necessary for law enforcement activities;

26 or

27 (B) complies with Section 81.504.

1 (c) Subsection (a) does not apply to a person in an
2 emergency threatening human health and safety that necessitates
3 immediate entrance to or exit from the Nine-Mile Hole State
4 Scientific Area.

5 Sec. 82.783. PENALTY. A person who violates Section 82.782
6 commits an offense that is a Class C Parks and Wildlife Code
7 misdemeanor, except that a person who violates Section 82.782 and
8 has previously been convicted of violating that section commits an
9 offense that is a Class B Parks and Wildlife Code misdemeanor.

10 Sec. 82.784. GIFTS, GRANTS, DONATIONS, AND OTHER
11 ASSISTANCE. The department may apply for, request, solicit,
12 contract for, and accept gifts, grants, donations, or other
13 assistance from any source to implement and enforce this
14 subchapter.

15 SECTION 3. This Act takes effect July 1, 2005, if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for effect on that
19 date, this Act takes effect September 1, 2005.