

BILL ANALYSIS

H.B. 4126
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Upper Guadalupe River (the river) is a scenic and pristine waterway in the Hill Country. The river is an economic and recreational state resource recognized for its navigable rivers and streams, the quality and quantity of the precious and irreplaceable flowing water, and for being one of the best trout streams in the state. Therefore, it is important to protect the headwaters of the Upper Guadalupe River.

H.B. 4126 relates to a pilot program to provide additional protection to the headwaters of the Upper Guadalupe River to be implemented by the Upper Guadalupe River Authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4126 amends Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939 by adding Section 16A so that the district shall plan and implement a pilot program to provide an additional level of conservation and protection to a segment of the Upper Guadalupe River and adjacent land that is selected by the Upper Guadalupe River Authority (the district) as most deserving of that care because of the area's qualities including scenic beauty; water quality; flora, fauna, or geological characteristics; recreational potential; vulnerability to deterioration or damage by certain actions or omissions; and other factors the district considers essential. The district may designate an area of land extending a reasonable distance from each bank of the selected segment of the river as a buffer zone that is included in the area to be conserved and protected. The district, in conjunction with the Texas Commission on Environmental Quality and the Parks and Wildlife Department, shall develop and adopt a plan to conserve and protect the natural features that led to the selection of the area. Before adopting the plan, the district shall hold public meetings for suggestions and input on how best to achieve the purposes of the section. The plan must include a description of actions the district may take to protect the purity of the water of the Upper Guadalupe River and its tributaries; native animal species and their habitat; native trees, wildflowers, and other plants that require protection, provide habitat or are otherwise important to the scenic beauty of the area; natural geological formations of the area; respect the rights of private property owners; and preserve public access to the area in a manner that does not violate the protections adopted under Subdivisions (1)-(4) of Section 16A(d). The plan may recommend that the selected area be designated a wild, scenic, or recreational river under the federal Wild and Scenic Rivers Act; a state park under the Parks and Wildlife Department; or a local park under the authority of the district. The district shall provide a copy of the plan to the legislative committees with primary jurisdiction over river authorities or the conservation of natural or recreational resources not later than December 1, 2008, and a status report of the plan to be sent to the respective committees December 1 of each even-numbered year for the duration of the pilot program. A report of the district summarizing the results achieved under the pilot program; capital improvements, if any, and the costs; increased tourism and economic benefits or costs resulting from implementation of the pilot program; comments received related to the program; and recommendations concerning continuation of the pilot program or other related legislation is due no later than December 1, 2024. The district may pay for the cost of the pilot program with money received as revenue of the district, exclude money collected as ad valorem taxes on property in the district; donations to the district; grants obtained by private, state, or federal programs. Section 16A, the pilot program and provisions adopted by the section, expires September 30, 2025.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.