

BILL ANALYSIS

Senate Research Center

S.B. 408
By: Estes
Natural Resources
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Brazos River Authority (BRA), the Texas Commission on Environmental Quality (TCEQ), and the Texas Parks and Wildlife Department (TPWD) have been unable to conduct winter airboat monitoring runs of the John Graves Scenic Riverway (riverway) in accordance with the John Graves Act. Statute requires these agencies to run airboats and collect water samples when water levels are low, causing damage to the boats and danger to employees. S.B. 408 seeks to amend the John Graves Act with regard to when airboat runs are required to monitor the riverway.

Current statute requires that BRA, TCEQ, and TPWD coordinate efforts to conduct visual inspections of the riverway and test water samples. Statute specifically requires that the inspections and drawing of water samples be conducted at least once in a winter month and at least once in a summer month. The visual inspections must be conducted both from the surface of the riverway via airboat monitoring and from an aircraft flying over the riverway.

Under the provisions of S.B. 408, flyovers would continue in the summer and winter months when the tree canopy allows for better visual inspection. The airboat runs would be required in the wetter fall and spring months. This would allow for the same number of inspections, but would require that the inspections be conducted quarterly, rather than biannually.

S.B. 408 amends current law relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway, and provides for the imposition of a criminal penalty.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 26.563, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.555(b), Water Code, as follows:

(b) Requires that a visual inspection from an aircraft flying over the John Graves Scenic Riverway (riverway), rather than requires the visual inspections and the drawing of water samples, be conducted at least once in a winter month and at least once in a summer month. Requires that a visual inspection and the drawing of water samples for testing be conducted from the surface of the riverway at least once in a spring month and at least once in a fall month, rather than requires the visual inspections to be conducted both from the surface of the riverway and from an aircraft flying over the riverway.

SECTION 2. Amends Subchapter M, Chapter 26, Water Code, by adding Section 26.563, as follows:

Sec. 26.563. CERTAIN CRAFT PROHIBITED. (a) Requires the Texas Natural Resource Conservation Commission (TNRCC) by rule to prohibit the commercial or recreational use of the following craft on the waters of the riverway:

(1) airboats, fanboats, and similar shallow draft watercraft that use an aircraft-type propeller for propulsion; and

(2) hovercraft.

(b) Requires that a rule adopted under this section allow for the operation of craft described by Subsection (a) for:

(1) a visual inspection conducted under Section 26.555 (Inspections of and Sampling of Water in John Graves Scenic Riverway); or

(2) law enforcement purposes.

(c) Provides that a person who operates a hovercraft or watercraft in violation of a rule adopted under this section commits an offense. Provides that an offense under this section is a Class C misdemeanor. Authorizes any peace officer, including a law enforcement officer commissioned by the Parks and Wildlife Commission, to enforce this section.

SECTION 3. Effective date: upon passage or September 1, 2011.