

## **BILL ANALYSIS**

Senate Research Center

S.B. 408  
By: Estes  
Natural Resources  
3/7/2011  
As Filed

### **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.

As proposed, S.B. 408 amends current law relating to inspection of the John Graves Scenic Riverway.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **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 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.

SECTION 2. Effective date: upon passage or September 1, 2011.