

By: Estes  
(Keffer)

S.B. No. 408

Substitute the following for S.B. No. 408:

By: Keffer

C.S.S.B. No. 408

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to inspection of and the operation of watercraft on the  
3 John Graves Scenic Riverway; providing for the imposition of a  
4 criminal penalty.

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

6 SECTION 1. Subsection (b), Section 26.555, Water Code, is  
7 amended to read as follows:

8 (b) A [The] visual inspection from an aircraft flying over  
9 the John Graves Scenic Riverway [inspections and the drawing of  
10 water samples] must be conducted at least once in a winter month and  
11 at least once in a summer month. A [The] visual inspection and the  
12 drawing of water samples for testing [inspections] must be  
13 conducted [~~both~~] from the surface of the [~~John Graves Scenic~~  
14 ~~Riverway and from an aircraft flying over the~~] riverway at least  
15 once in a spring month and at least once in a fall month.

16 SECTION 2. Subchapter M, Chapter 26, Water Code, is amended  
17 by adding Section 26.563 to read as follows:

18 Sec. 26.563. CERTAIN CRAFT PROHIBITED. (a) The commission  
19 by rule shall prohibit the commercial or recreational use of the  
20 following craft on the waters of the John Graves Scenic Riverway:

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

23 (2) hovercraft.

24 (b) A rule adopted under this section must allow for the

1 operation of craft described by Subsection (a) for:

2 (1) a visual inspection conducted under Section  
3 26.555; or

4 (2) law enforcement purposes.

5 (c) A person who operates a hovercraft or watercraft in  
6 violation of a rule adopted under this section commits an offense.  
7 An offense under this section is a Class C misdemeanor. Any peace  
8 officer, including a law enforcement officer commissioned by the  
9 Parks and Wildlife Commission, may enforce this section.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2011.