

BILL ANALYSIS

H.B. 4436
By: Cyrier
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns about the interpretation of a prohibition against the operation of a motor vehicle in or on a protected freshwater area due to the definition of "motor vehicle" as any wheeled or tracked vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used to transport a person or thing. It has been suggested that the prohibition was not intended to deny access to riverbeds by an aircraft and that the use of aircraft should be allowed in or on a protected freshwater area so long as the operator reasonably avoids destruction of the natural habitat. H.B. 4436 seeks to provide for access to protected freshwater areas by airplanes and certain other aircraft if accessed in a manner that avoids that destruction, to the extent reasonably possible.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 4436 amends the Parks and Wildlife Code to authorize a person to operate an aircraft in or on a protected freshwater area but to require the person to do so in a manner that avoids, to the extent reasonably possible, harming or disturbing vegetation, wildlife, or wildlife habitat within the area. The bill defines "aircraft" for this purpose as a device that can be used for flight in the air, including an airplane, ultralight airplane, or helicopter.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.