

## **BILL ANALYSIS**

Senate Research Center  
88R23767 MP-D

H.B. 1688  
By: Murr (Flores)  
Water, Agriculture & Rural Affairs  
5/8/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 79th Legislature passed S.B. 1354, which created a pilot program that established specific permitting and enforcement regulations for a certain designated portion of the Brazos River. The pilot program created specific regulations for individual or general permits for quarries, depending on their proximity to the area designated as the John Graves Scenic Riverway. Including the Coke Stevenson Scenic Riverway in the pilot program would help to protect the beds, bottoms, and banks of a stretch of the South Llano River from mining and quarrying activities. H.B. 1688 seeks to address this issue by including this scenic riverway in the pilot program.

H.B. 1688 amends the Water Code to include the Coke Stevenson Scenic Riverway, defined by the bill as the South Llano River in Kimble County, located upstream of the river's confluence with the North Llano River at the city of Junction, in the Texas Commission on Environmental Quality's pilot program for water quality protection areas. The bill postpones the pilot program's end, and the expiration of provisions governing the program, from September 1, 2025, to September 1, 2027. The bill reenacts provisions relating to the reclamation and restoration fund account.

H.B. 1688 amends current law relating to water quality protection areas.

[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**

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 26.551, Water Code, by adding Subdivision (1-a) to define "Coke Stevenson Scenic Riverway."

SECTION 2. Amends Section 26.552(b), Water Code, as follows:

(b) Requires the Texas Natural Resource Conservation Commission (TNRCC), for the period of September 1, 2005, to September 1, 2027, rather than 2025, to apply Subchapter M (Water Quality Protection Areas) only as a pilot program in:

(1) creates this subdivision from existing text; and

(2) the Coke Stevenson Scenic Riverway.

SECTION 3. Amends Section 26.555, Water Code, as follows:

Sec. 26.555. New heading: INSPECTIONS OF AND SAMPLING OF WATER IN PILOT PROGRAM AREAS. (a) Requires TNRCC, the Brazos River Authority or the

Lower Colorado River Authority, as appropriate, and the Texas Parks and Wildlife Department, to detect potential violations of this subchapter in the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway, to coordinate efforts to conduct each calendar year:

(1) visual inspections of the riverways, rather than the riverway; and

(2) testing of water samples drawn from the Brazos River, the South Llano River, and their respective tributaries, rather than its tributaries in the John Graves Scenic Riverway.

(b) Requires that the visual inspections be conducted both from the surfaces of the John Graves Scenic Riverway and the Coke Stevenson Scenic Riverway, rather than the surface of the John Graves Scenic Riverway, and from an aircraft flying over the riverways. Makes a conforming change.

SECTION 4. Reenacts Section 26.559, Water Code, and makes no further changes.

SECTION 5. Amends Section 26.562, Water Code, as follows:

Sec. 26.562. EXPIRATION. Provides that this subchapter expires September 1, 2027, rather than 2025.

SECTION 6. Effective date: September 1, 2023.