

BILL ANALYSIS

C.S.S.B. 408
By: Estes
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that the John Graves Scenic Riverway is subject to visual inspections through the coordinated efforts of the Texas Commission on Environmental Quality, the Brazos River Authority, and the Parks and Wildlife Department and water samples drawn from the Brazos River and its tributaries are tested. Those parties further observe that the visual inspections and the drawing of water samples are to be conducted at least once in a winter month and at least once in a summer month. However, interested parties contend that the winter airboat monitoring runs expose boats to damage and endanger employees because water levels are low during that period. The parties contend that it would be preferable to conduct flyover inspections during the summer and winter months when the tree canopy provides for better visual inspection, to conduct airboat runs during the wetter fall and spring months, and to prohibit certain craft from the riverway.

C.S.S.B. 408 seeks to address these issues by establishing certain provisions relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway and providing for the imposition of a criminal penalty.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 408 amends the Water Code, in provisions relating to inspections of and sampling of water in the John Graves Scenic Riverway, to remove language requiring the visual inspections and the drawing of water samples to be conducted at least once in a winter month and at least once in a summer month and requiring the visual inspections to be conducted both from the surface of the riverway and from an aircraft flying over the riverway. The bill instead requires a visual inspection from an aircraft flying over the riverway to be conducted at least once in a winter month and at least once in a summer month and requires a visual inspection and the drawing of water samples for testing to be conducted from the surface of the riverway at least once in a spring month and at least once in a fall month.

C.S.S.B. 408 requires the Texas Commission on Environmental Quality by rule to prohibit the commercial or recreational use of the following craft on the waters of the riverway: airboats, fanboats, and similar shallow draft watercraft that use an aircraft-type propeller for propulsion and hovercraft. The bill requires such an adopted rule to allow for the operation of such crafts for an applicable visual inspection or for law enforcement purposes. The bill makes it a Class C misdemeanor offense to operate a hovercraft or watercraft in violation of such an adopted rule and authorizes any peace officer, including a law enforcement officer commissioned by the Parks and Wildlife Commission, to enforce these provisions relating to the prohibition of certain craft.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 408 contains provisions not included in the original making it a Class C misdemeanor offense to operate a hovercraft or watercraft in violation of a rule adopted by the Texas Commission on Environmental Quality relating to the prohibition of certain craft on the waters of the John Graves Scenic Riverway and authorizing any peace officer, including a law enforcement officer commissioned by the Parks and Wildlife Commission, to enforce the bill's provisions relating to the prohibition of certain craft.