

AN ACT

relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway; providing for the imposition of a criminal penalty.

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

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

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

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

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

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

(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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 408 passed the Senate on March 15, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2011, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 408 passed the House, with amendment, on May 20, 2011, by the following vote: Yeas 148, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor