

1-1 By: Darby (Senate Sponsor - Flores) H.B. No. 2805
 1-2 (In the Senate - Received from the House April 29, 2019;
 1-3 April 30, 2019, read first time and referred to Committee on Water
 1-4 & Rural Affairs; May 15, 2019, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to regulations for taking marl, sand, gravel, shell, or
 1-18 mudshell.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 86.003, Parks and Wildlife Code, is
 1-21 amended by adding Subsection (c) to read as follows:

1-22 (c) The commission shall prescribe a single application
 1-23 form for an individual or general permit. The form must require
 1-24 individual and general permit applicants to provide the same
 1-25 information, including information regarding:

1-26 (1) the publication of notice in:

1-27 (A) the daily or weekly newspaper with the
 1-28 greatest circulation in the county or counties affected by the
 1-29 issuance of the permit for three consecutive days, if daily; and

1-30 (B) one newspaper published for the community
 1-31 closest to the proposed area of disturbance, if any;

1-32 (2) proof that notice was sent by certified mail to
 1-33 alongshore property owners of property one river mile above and
 1-34 below the proposed area of disturbance described in the permit;

1-35 (3) a sedimentation impact assessment approved by the
 1-36 department; and

1-37 (4) any amendments to the permit, if the application
 1-38 is for the renewal of a permit.

1-39 SECTION 2. Section 86.006, Parks and Wildlife Code, is
 1-40 amended by adding Subsection (d) to read as follows:

1-41 (d) A general permit issued under this chapter has a maximum
 1-42 term length of one year.

1-43 SECTION 3. Chapter 86, Parks and Wildlife Code, is amended
 1-44 by adding Section 86.0105 to read as follows:

1-45 Sec. 86.0105. REMOVAL REPORT. A person holding a permit
 1-46 issued under this chapter shall deliver to the department a report
 1-47 stating how much marl, sand, gravel, shell, or mudshell was removed
 1-48 during the term of the permit. The commission shall adopt rules
 1-49 regarding the delivery and format of the report.

1-50 SECTION 4. Section 86.021, Parks and Wildlife Code, is
 1-51 amended by adding Subsection (b-1) to read as follows:

1-52 (b-1) In this subsection, "unconsolidated sedimentary
 1-53 material" means loose gravel, sand, or other sedimentary material
 1-54 that has been transported by the flow of the watercourse. The term
 1-55 does not include solid bedrock or earthen banks. A project results
 1-56 in an insignificant taking or disturbance of marl, sand, gravel,
 1-57 shell, or mudshell for purposes of Subsection (b)(1) if:

1-58 (1) the project is noncommercial;

1-59 (2) the project takes or disturbs less than 125 cubic
 1-60 yards of dry unconsolidated sedimentary material within a 12-month
 1-61 period;

2-1 (3) the project occurs within an on-channel
2-2 impoundment created by a dam originally constructed on or before
2-3 December 31, 1955, and the dam crest has not been increased in
2-4 height by more than six inches since initial construction; and

2-5 (4) the taking or disturbance of unconsolidated
2-6 sedimentary material does not occur outside of the impoundment in
2-7 areas above dam crest elevation.

2-8 SECTION 5. (a) Section 86.003(c), Parks and Wildlife Code,
2-9 as added by this Act, applies only to a permit application for the
2-10 taking of marl, sand, gravel, shell, or mudshell that is filed with
2-11 the Parks and Wildlife Department on or after the effective date of
2-12 this Act. A permit application for the taking of marl, sand,
2-13 gravel, shell, or mudshell filed before the effective date of this
2-14 Act is governed by the law in effect when the permit application was
2-15 filed, and the former law is continued in effect for that purpose.

2-16 (b) Sections 86.006(d) and 86.0105, Parks and Wildlife
2-17 Code, as added by this Act, apply only to a permit for the taking of
2-18 marl, sand, gravel, shell, or mudshell issued on or after the
2-19 effective date of this Act. A permit for the taking of marl, sand,
2-20 gravel, shell, or mudshell issued before the effective date of this
2-21 Act is governed by the law in effect when the permit was issued, and
2-22 the former law is continued in effect for that purpose.

2-23 SECTION 6. This Act takes effect September 1, 2019.

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