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AN ACT

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relating to management of the Gulf Coast Intracoastal Waterway.

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

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SECTION 1. Section 51.003, Transportation Code, is amended to read as follows:

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Sec. 51.003. PURPOSE. In recognition of the economic benefit to the state of the Gulf Coast Intracoastal Waterway, this

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~~[This]~~ state shall act as the nonfederal sponsor of the main channel of the Gulf Coast Intracoastal Waterway from the Sabine River to the Brownsville Ship Channel in order to:

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(1) support the marine commerce and economy of this state by providing for the shallow draft navigation of the state's coastal waters in an environmentally sound manner;

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(2) prevent waste of publicly and privately owned natural resources;

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(3) prevent or minimize adverse impacts on the environment; and

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(4) maintain, preserve, and enhance wildlife and fisheries.

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SECTION 2. Sections 51.005(a) and (b), Transportation Code, are amended to read as follows:

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(a) The commission may acquire by gift, purchase, or condemnation property or an interest in property that the commission considers necessary to enable it to meet its

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1 responsibilities under this chapter, including, except as provided
 2 by Subsection (b)(3), easements and rights-of-way for dredge
 3 material disposal sites or channel alteration.

4 (b) The commission may not:

5 (1) acquire oil, gas, sulphur, or other minerals that
 6 may be recovered without using the surface of land acquired by the
 7 commission for exploration, drilling, or mining purposes;

8 (2) condemn any submerged public land under the
 9 jurisdiction of the School Land Board; or

10 (3) condemn private [acquire] property along Reach 1,
 11 Reach 2, Reach 4, Reach 5, and Reach 6 of the Gulf Coast
 12 Intracoastal Waterway as defined by the Draft Laguna Madre GIWW
 13 Dredged Material Management Plan prepared by the Army Corps of
 14 Engineers and the Interagency Coordination Team dated October 11,
 15 2002, [before September 1, 2005,] for use as a disposal site for
 16 dredged material from the Laguna Madre unless the commission
 17 determines that:

18 (A) there is no state or federal land available
 19 that can be used for that purpose; and

20 (B) the state's failure to acquire the property
 21 will result in the closure of any segment of the Gulf Coast
 22 Intracoastal Waterway located in this state [if the property, on
 23 October 1, 1997, was subject to a habitat conservation plan].

24 SECTION 3. Chapter 51, Transportation Code, is amended by
 25 adding Sections 51.012, 51.013, and 51.014 to read as follows:

26 Sec. 51.012. CONTRACTS WITH LANDOWNERS. The commission may
 27 contract with a landowner for the use of land as a disposal site for

1 dredged material.

2 Sec. 51.013. DREDGED MATERIAL DISPOSAL. The department
3 shall condemn land for disposal of dredged material for the Laguna
4 Madre section of the Gulf Coast Intracoastal Waterway only in
5 accordance with the Draft Laguna Madre GIWW Dredged Material
6 Management Plan prepared by the Army Corps of Engineers and the
7 Interagency Coordination Team dated October 11, 2002.

8 Sec. 51.014. SUBSTANTIVE CHANGES TO DREDGED MATERIAL
9 DISPOSAL PLAN. The department shall seek approval of the
10 legislature for any substantive changes to dredged material
11 disposal management made in the final Laguna Madre GIWW Dredged
12 Material Management Plan once the plan is published.

13 SECTION 4. Section 51.005(d), Transportation Code, is
14 repealed.

15 SECTION 5. This Act takes effect September 1, 2003.

David Dewhurst
President of the Senate

Tom Collins
Speaker of the House

I certify that H.B. No. 1231 was passed by the House on April 3, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1231 was passed by the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spind
Secretary of the Senate

APPROVED: 2 JUNE . 03
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:35pm O'CLOCK
JUN 02 2003
Ann Shea
Secretary of State