

By: Huberty

H.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

relating to water quality protection areas.

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

SECTION 1. Section 26.551, Water Code, is amended by adding Subdivision (13) to read as follows:

(13) "West Fork of the San Jacinto River" means that portion of the West Fork of the San Jacinto River located downstream of the Conroe Dam on Lake Conroe in Walker and Montgomery Counties and extending to Lake Houston in Harris County.

SECTION 2. Section 26.552(b), Water Code, is amended to read as follows:

(b) For the period of September 1, 2005, to September 1, 2025, the commission shall apply this subchapter only as a pilot program in:

(1) the John Graves Scenic Riverway; and

(2) the West Fork of the San Jacinto River and its contributing watershed.

SECTION 3. Section 26.555, Water Code, is amended to read as follows:

Sec. 26.555. INSPECTIONS OF AND SAMPLING OF WATER IN PILOT PROGRAM AREAS [~~JOHN GRAVES SCENIC RIVERWAY~~]. (a) To detect potential violations of this subchapter in the John Graves Scenic Riverway and the contributing watershed of the West Fork of the San Jacinto River, the commission, the Brazos River Authority, the San

1 Jacinto River Authority, and the Parks and Wildlife Department
2 shall coordinate efforts to conduct each calendar year:

3 (1) visual inspections of the water body [~~riverway~~];
4 and

5 (2) testing of water samples drawn from the Brazos
6 River and the West Fork of the San Jacinto River and the [~~its~~]
7 tributaries of those rivers [~~in the riverway~~].

8 (b) The visual inspections and the drawing of water samples
9 must be conducted at least once in a winter month and at least once
10 in a summer month. The visual inspections must be conducted both
11 from the surface of the John Graves Scenic Riverway and the West
12 Fork of the San Jacinto River and from an aircraft flying over the
13 water bodies [~~riverway~~].

14 SECTION 4. Section 26.559, Water Code, is reenacted to read
15 as follows:

16 Sec. 26.559. RECLAMATION AND RESTORATION FUND ACCOUNT. (a)
17 Penalties and other money received by the commission as a result of
18 an enforcement action taken under this subchapter, and any gift or
19 grant the commission receives for the purposes of this subchapter,
20 shall be deposited into the reclamation and restoration fund
21 account in the general revenue fund. Money in the account may be
22 appropriated only to the commission for the reclamation and
23 restoration of the beds, bottoms, and banks of water bodies
24 affected by the unlawful discharges subject to this subchapter.

25 (b) At least 60 days before spending money from the
26 reclamation and restoration fund account, the commission shall
27 publish notice of its proposed plan and conduct a hearing for the

1 purpose of soliciting public comment, oral or written. The
2 commission shall fully consider all written and oral submissions on
3 the proposed plan.

4 (c) At least 30 days before the date of the public hearing,
5 the notice must be published in the Texas Register and in a
6 newspaper of general circulation in the county where the violation
7 resulting in the payment of the penalties or other money occurred.

8 (d) Interest and other income earned on money in the account
9 shall be credited to the account. The account is exempt from the
10 application of Section [403.095](#), Government Code.

11 SECTION 5. This Act takes effect September 1, 2019.