

BILL ANALYSIS

Senate Research Center
87R1866 MP-D

H.B. 4436
By: Cyrier (Perry)
Water, Agriculture & Rural Affairs
5/11/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns about the interpretation of a prohibition against the operation of a motor vehicle in or on a protected freshwater area due to the definition of "motor vehicle" as any wheeled or tracked vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used to transport a person or thing. It has been suggested that the prohibition was not intended to deny access to riverbeds by an aircraft and that the use of aircraft should be allowed in or on a protected freshwater area so long as the operator reasonably avoids destruction of the natural habitat. H.B. 4436 seeks to provide for access to protected freshwater areas by airplanes and certain other aircraft if accessed in a manner that avoids that destruction, to the extent reasonably possible.

H.B. 4436 amends current law relating to the operation of aircraft in or on protected freshwater areas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 90, Parks and Wildlife Code, by adding Section 90.0035, as follows:

Sec. 90.0035. OPERATION OF AIRCRAFT IN OR ON PROTECTED FRESHWATER AREA. (a) Defines "aircraft."

(b) Authorizes a person, notwithstanding any other provision of Chapter 90 (Access to Protected Freshwater Areas), to operate an aircraft in or on a protected freshwater area.

(c) Requires a person who operates an aircraft in or on a protected freshwater area to do so in a manner that avoids, to the extent reasonably possible, harming or disturbing vegetation, wildlife, or wildlife habitat within the protected freshwater area.

SECTION 2. Effective date: upon passage or September 1, 2021.