

BILL ANALYSIS

Senate Research Center

H.B. 1705
By: Bonnen (Armbrister)
Natural Resources
5/4/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is not a specific law that applies to government-sponsored dredging and placement of materials as a government function. The waterways in Texas are vital to the economic interest of the state and are an integral system of the nation's trade and security programs. The dredging of encroaching sediments is typically conducted by the United States Corps of Engineers, provided they have a local sponsor. The local sponsor must be a governmental entity and provide placement areas for dredged sediments. Local government sponsors are concerned about their liability for the placement of the dredged sediments. The port authorities need clarification that their actions in sponsoring the dredging and facilitating the placement of sediments are within the exemption for political subdivisions.

H.B. 1705 establishes that dredging activities are a governmental function and that the governmental entity is not a generator of hazardous waste by its actions in dredging or placement of sediment.

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 Section 361.271, Health and Safety Code, by adding Subsections (g), (h), and (i) to read as follows:

(g) Provides that a port authority or navigation district created under Section 59, Article XVI, or Section 52, Article III, Texas Constitution, is not a person responsible under this chapter for the release or threatened release of hazardous waste from a facility or at a site solely for its activities related to construction or maintenance of waterways to facilitate navigation under certain conditions.

(h) Prohibits Subsection (g) from being construed to relieve a port authority or navigation district of liability if the port authority or navigation district causes or contributes to the generation of hazardous waste.

(i) Sets forth the activities related to construction or maintenance of waterways to facilitate navigation.

SECTION 2. Provides that the change in law made by this Act does not apply to an act or governmental proceeding of a port authority or navigation district created under Section 59, Article XVI, or Section 52, Article III, Texas Constitution, that is the subject of litigation pending on the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.