

## **BILL ANALYSIS**

Senate Research Center  
79R4292 SGA-F

S.B. 947  
By: Armbrister  
Natural Resources  
4/4/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, there is no specific law that applies to government sponsored dredging and placement of materials as a government function. In order to ensure that Texas waterways are navigable, dredging of encroaching sediments is necessary. The dredging is usually conducted by the United States Corps of Engineers, but they must have a local sponsor, which is required to be a governmental entity and must provide placement areas for dredged sediments. Local government sponsors are concerned about their liability for the placement of the dredged sediments. Port authorities need clarification that their actions in sponsoring the dredging and facilitating the placement of sediments are within the exemption for political subdivisions.

As proposed, S.B. 947 clarifies that Texas ports will not incur liability by virtue of conducting their governmental functions by accepting dredge material as required to keep waterways open for interstate commerce.

### **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 361.025, Health and Safety Code, by adding Subsection (c), as follows:

(c) Provides that activities of a political subdivision created under Section 59, Article XVI, or Section 52, Article III, Texas Constitution, performed in connection with the construction and maintenance of waterways to facilitate navigation in waters in the jurisdiction the political subdivision are exempt from regulation under this chapter. Provides that exempt activities include those associated with dredging materials from navigable waters in the jurisdiction of the political subdivision and the placement of those materials.

SECTION 2. Amends Section 361.271, Health and Safety Code, by adding Subsection (g), as follows:

(g) Provides that a political subdivision created under Section 59, Article XVI, or Section 52, Article III, Texas Constitution, is not a person responsible under this chapter for solid waste released or threatened to be released in connection with dredged materials from navigable waters, placement or storage of dredged materials on land or submerged land, or the construction, operation, or maintenance of a placement area.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.