

By: Bonnen

H.B. No. 1705

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release of a solid waste in connection with dredging  
3 and placement or storage of dredged material by a political  
4 subdivision.

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

6 SECTION 1. Section 361.025, Health and Safety Code, is  
7 amended by adding Subsection (c) to read as follows:

8 (c) Activities of a political subdivision created under  
9 Section 59, Article XVI, or Section 52, Article III, Texas  
10 Constitution, performed in connection with the construction and  
11 maintenance of waterways to facilitate navigation in waters in the  
12 jurisdiction of the political subdivision are exempt from  
13 regulation under this chapter. Exempt activities include  
14 activities associated with dredging materials from navigable  
15 waters in the jurisdiction of the political subdivision and the  
16 placement of those materials.

17 SECTION 2. Section 361.271, Health and Safety Code, is  
18 amended by adding Subsection (g) to read as follows:

19 (g) A political subdivision created under Section 59,  
20 Article XVI, or Section 52, Article III, Texas Constitution, is not  
21 a person responsible under this chapter for solid waste released or  
22 threatened to be released in connection with:

23 (1) the dredging of materials from navigable waters or  
24 the banks of navigable waters in the jurisdiction of the political

1 subdivision;

2 (2) the placement or storage of dredged materials on  
3 land or submerged land; or

4 (3) the construction, operation, or maintenance of a  
5 placement area for dredged material.

6 SECTION 3. The change in law made by this Act does not apply  
7 to an act or governmental proceeding of a political subdivision  
8 created under Section 59, Article XVI, or Section 52, Article III,  
9 Texas Constitution, that is the subject of litigation pending on  
10 the effective date of this Act.

11 SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2005.