

By: Creighton, Hagenbuch

S.B. No. 1746

A BILL TO BE ENTITLED

AN ACT

relating to the relocation or removal of dredged spoils or materials by a navigation district.

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

SECTION 1. Subchapter E, Chapter 60, Water Code, is amended by adding Section 60.1021 to read as follows:

Sec. 60.1021. RELOCATION OR REMOVAL OF DREDGED SPOILS OR MATERIALS. (a) In this section:

(1) "Dredged material placement area" means a federally authorized disposal site for dredged spoils or materials.

(2) "Sole expense" means the actual cost of or an in-kind contribution for the relocation or removal after deducting the net salvage value derived from the dredged spoils or materials.

(b) If, in an exercise of the district's powers under this subchapter, the district's power of eminent domain, or the district's police power, a district requires the relocation or removal of dredged spoils or materials from a dredged material placement area owned, operated, managed, or established by another district, the district that requires the relocation or removal shall:

(1) comply with all requirements imposed by the United States Army Corps of Engineers related to the dredged material placement area; and

(2) either:

1 (A) pay at the district's sole expense the cost
2 of relocating or removing dredged spoils or materials; or

3 (B) relocate or remove the dredged spoils or
4 materials.

5 (c) If the relocation or removal of dredged spoils or
6 materials under Subsection (b) results in the reduction of another
7 district's rights to capacity in the dredged material placement
8 area, the district that required the relocation or removal shall be
9 obligated to:

10 (1) replace the affected district's lost capacity and
11 provide rights to the replaced lost capacity in an alternative
12 dredged material placement area; and

13 (2) pay the affected district's increased costs, if
14 any, to transport the dredged spoils or materials associated with
15 the lost capacity to the alternative dredged material placement
16 area described by Subdivision (1).

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.