

BILL ANALYSIS

C.S.H.B. 1492
By: Herrero
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding state law governing the administration of navigation districts. It has been suggested that because laws providing for these districts were codified roughly fifty years ago, they are in need of various updates, such as the explicit authorization for navigation districts to effectively respond to certain emergencies like fires, explosions, or hazardous materials incidents. C.S.H.B. 1492 seeks to provide for clarity and efficiency in navigation district operations and address fire safety concerns by authorizing these districts to respond to and fight fires and other emergencies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1492 amends the Water Code to authorize a navigation district to do the following:

- respond to and fight a fire, explosion, or a hazardous material incident that occurs on or adjacent to a waterway, channel, or turning basin that is located in the district's territory, regardless of whether the waterway, channel, or basin is located in the corporate limits of a municipality; and
- acquire, purchase, lease, maintain, repair, and operate facilities and equipment for the purposes of protecting life and property by detecting, responding to, and fighting those fires, explosions, and hazardous materials incidents.

C.S.H.B. 1492 makes a schedule of rates, fees, charges, rules, and ordinances, including a limitation of liability for cargo loss or damage, that relates to receiving, delivering, handling, or storing property at a district facility and that is made available to the public on the district's website enforceable by an appropriate court as an implied contract between the district and a person using the district's facilities or waterways without proof of actual knowledge of the schedule's provisions. The bill changes the circumstances required for the granting of a franchise in a navigation district from the affirmative vote of a majority of the navigation and canal commissioners present at three separate commission meetings held at least one week apart to such a vote at one commission meeting.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1492 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute authorizes a navigation district to respond to and fight an applicable fire, explosion, or hazardous material incident, whereas the original authorized a district to prevent, detect, and fight such a fire or explosion and prevent, detect, and address such a hazardous material incident.

The substitute changes the authorization in the original for a district to purchase, construct, enlarge, extend, repair, maintain, operate, develop, sell, and lease facilities and equipment necessary to exercise the district's powers with regard to fires, explosions, and hazardous materials incidents to an authorization for the district to acquire, purchase, lease, maintain, repair, and operate facilities and equipment for the purposes of protecting life and property during an emergency by detecting, responding to, and fighting the applicable fires, explosions, and hazardous material incidents.