

**SUBJECT:** Allowing navigation districts to respond to certain emergencies

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 11 ayes — E. Thompson, Ashby, Bucy, Harris, Landgraf, Lozano, Martinez, Ortega, Perez, Rogers, Smithee

0 nays

2 absent — Canales, Davis

**WITNESSES:** For — Sean Strawbridge, Port of Corpus Christi Authority; (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter, Sierra Club; Mario Martinez, Port of Brownsville; Hugo Berlanga, Port of Corpus Christi; Thure Cannon, Texas Pipeline Association; Phyllis Saathoff, Texas Ports Association; Susana Carranza; Samantha Chang; Idona Griffith; Linda Guy; Gregg Vunderink)

Against — None

On — (*Registered, but did not testify*: Jay Brown, Valero Energy Corporation)

**BACKGROUND:** Some have suggested updating the laws governing the administration of navigation districts to explicitly allow districts to effectively respond to certain emergencies and to clarify district operations.

**DIGEST:** CSHB 1492 would allow a navigation district to respond to and fight a fire, explosion, or hazardous material incident that occurred on or adjacent to a waterway, channel, or turning basin located in the district's territory, regardless of whether it was in the corporate limits of a municipality. A district could acquire and operate facilities and equipment for the purposes of protecting life and property by responding to such an incident.

Under the bill, a schedule of rates, fees, charges, rules, and ordinances, including a limitation of liability for cargo loss or damage, that related to

receiving, delivering, handling, or storing property at a district facility and that was made available on the district's website would be enforceable by an appropriate court as an implied contract between the district and a person using the facilities or waterways without proof of actual knowledge of the schedule's provisions.

CSHB 1492 would allow a district to grant a franchise on the affirmative vote of the commissioners at one meeting, rather than at three separate meetings.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.