

By: Manuel

H.B. No. 4711

A BILL TO BE ENTITLED

AN ACT

relating to improvement projects of the Sabine-Neches Navigation District of Jefferson County, Texas.

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

SECTION 1. Sections 6B(b), (c), and (e), Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(b) The district is the project sponsor of the existing Sabine-Neches Waterway and any ~~[the]~~ improvement project authorized by the Water Resources Reform and Development Act of 2014 (Pub. L. No. 113-121) or any other federal development initiative to improve an existing facility of the district, ~~[and]~~ deepen the Sabine-Neches Waterway, or widen the Sabine-Neches Waterway. The district is also the nonfederal cost-sharing sponsor of an ~~[the]~~ improvement project under this section. The commission shall make a determination on matters that may be required or desirable as a project sponsor to implement an ~~[the]~~ improvement project under this section.

(c) In the district's capacity as the project sponsor of an ~~[the]~~ improvement project under this section, the district is authorized to enter into any contract, agreement, including an economic development agreement, or lease as necessary or convenient to carry out any of the district's powers granted under this section. A contract, agreement, or lease, including any amendments

1 to a contract, agreement, or lease, may provide any terms and
2 conditions, and be for any term of years, as the commission
3 determines are in the best interests of the district. The contract,
4 agreement, or lease may be entered into with any person, political
5 subdivision, or governmental agency, including the United States,
6 the secretary of the army or the secretary of the army's designees,
7 the Army Corps of Engineers, any local government, any county
8 government, any special district or authority, any local government
9 corporation, any transportation corporation, any tax increment
10 reinvestment zone, the State of Texas, any agency of the State of
11 Texas, and any other entity. The district is authorized to enter
12 into contracts with a private entity to develop or operate any part
13 of an [~~the~~] improvement project under Chapter 2267, Government
14 Code, and those contracts may provide that the private entity:

15 (1) perform all or any part of the district's
16 obligations under contracts or agreements with the United States;
17 and

18 (2) use revenue or other money from the improvement
19 project to prepay for duties or tariffs, including duties or
20 tariffs that may not be effective until the improvement project is
21 partially or wholly completed, which may be credited against future
22 duties or tariffs.

23 (e) The district is not required to obtain approval from the
24 Texas Commission on Environmental Quality for the district's
25 contracts or financing related to an [~~the~~] improvement project
26 under this section. Any contracts or agreements of the district may
27 be renewed or extended, and any time warrants or maintenance notes

1 may be refunded in the manner provided by general law.

2 SECTION 2. (a) The legislature validates and confirms all
3 governmental acts and proceedings of the Sabine-Neches Navigation
4 District of Jefferson County that were taken before the effective
5 date of this Act.

6 (b) This section does not apply to any matter that on the
7 effective date of this Act:

8 (1) is involved in litigation if the litigation
9 ultimately results in the matter being held invalid by a final court
10 judgment; or

11 (2) has been held invalid by a final court judgment.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.