87R1454 BRG-F

By:  Herrero H.B. No. 1492

A BILL TO BE ENTITLED

AN ACT

relating to the administration of navigation districts.

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

SECTION 1.  Subchapter D, Chapter 60, Water Code, is amended by adding Section 60.0726 to read as follows:

Sec. 60.0726.  FIRES, EXPLOSIONS, AND HAZARDOUS MATERIALS INCIDENTS. A district may act to prevent, detect, and fight a fire or explosion, and to prevent, detect, and address 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 turning basin is located in the corporate limits of a municipality.

SECTION 2.  Section 60.101(a), Water Code, is amended to read as follows:

(a)  Any district may acquire land or interests in land by purchase, lease, or otherwise, may convey the land or interest in the land by lease, installment sale, or otherwise, and may purchase, construct, enlarge, extend, repair, maintain, operate, develop, sell by installment sale, or otherwise, and lease as lessor or as lessee:

(1)  wharves and docks;

(2)  warehouses, grain elevators, other storage facilities, and bunkering facilities;

(3)  port-related railroads and bridges;

(4)  floating plants and facilities;

(5)  lightering, cargo-handling, and towing facilities;

(6)  everything appurtenant to these facilities;

(7)  facilities and equipment necessary to exercise the district's powers under Section 60.0726; and

(8) [~~(7)~~]  all other facilities or aids incidental to or useful in the operation or development of the district's ports and waterways or in aid of navigation and navigation-related commerce in the ports and on the waterways.

SECTION 3.  Subchapter Q, Chapter 60, Water Code, is amended by adding Section 60.502 to read as follows:

Sec. 60.502.  IMPLIED CONTRACTS. 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 Internet website is 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.

SECTION 4.  Sections 62.123(b) and (d), Water Code, are amended to read as follows:

(b)  No franchise shall be granted for longer than 50 years nor shall a franchise be granted except on the affirmative vote of a majority of the commissioners present at a meeting [~~three separate meetings~~] of the commission [~~which meetings may not be closer together than one week~~].

(d)  The franchise shall require the grantee to file the grantee's written acceptance of the franchise within 30 days after the franchise is granted [~~finally approved~~] by the commission.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.