

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 respond to and fight a fire, explosion, or 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, Water Code, is amended by adding Subsection (e) to read as follows:

(e) A district may acquire, purchase, lease, maintain, repair, and operate facilities and equipment for the purposes of protecting life and property by detecting, responding to, and fighting fires, explosions, and hazardous materials incidents described by Section 60.0726.

SECTION 3. Section 60.103, Water Code, is amended to read as follows:

Sec. 60.103. PRESCRIBING FEES AND CHARGES. The district [~~commission~~] shall prescribe fees and charges to be collected for the use of the land, improvements, and facilities of the district

1 and for the use of any land, improvements, or facilities acquired  
2 under the provisions of this subchapter. The fees and charges shall  
3 be reasonable, equitable, and sufficient to produce revenue  
4 necessary to exercise the powers described by Section 60.101 and  
5 adequate to pay the expenses described by ~~[mentioned in]~~ Section  
6 60.105 ~~[of this code]~~.

7 SECTION 4. Subchapter Q, Chapter 60, Water Code, is amended  
8 by adding Section 60.502 to read as follows:

9 Sec. 60.502. IMPLIED CONTRACTS. (a) A schedule of rates,  
10 fees, charges, rules, and ordinances, including a limitation of  
11 liability for cargo loss or damage, that relates to receiving,  
12 delivering, handling, or storing property at a district facility  
13 and that is made available to the public on the district's Internet  
14 website is enforceable by an appropriate court as an implied  
15 contract between the district and a person using the district's  
16 facilities or waterways without proof of actual knowledge of the  
17 schedule's provisions.

18 (b) A rate, fee, charge, rule, or ordinance is only  
19 enforceable under this section if the rate, fee, charge, rule, or  
20 ordinance is authorized by:

- 21 (1) a section of this code other than this section; or  
22 (2) 33 U.S.C. Section 2236.

23 (c) In the event of a conflict or inconsistency between an  
24 implied contract under this section and an express contract between  
25 the district and the person using the district's facilities or  
26 waterways, the terms of the express contract govern and control.

27 SECTION 5. Sections 62.123(b) and (d), Water Code, are

1 amended to read as follows:

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

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

10 SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2021.