

By: Herrero

H.B. No. 1492

Substitute the following for H.B. No. 1492:

By: Bucy

C.S.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. 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,

1 handling, or storing property at a district facility and that is  
2 made available to the public on the district's Internet website is  
3 enforceable by an appropriate court as an implied contract between  
4 the district and a person using the district's facilities or  
5 waterways without proof of actual knowledge of the schedule's  
6 provisions.

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

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

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

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