

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;

- 1           (4) floating plants and facilities;
- 2           (5) lightering, cargo-handling, and towing
- 3 facilities;
- 4           (6) everything appurtenant to these facilities;
- 5           (7) facilities and equipment necessary to exercise the
- 6 district's powers under Section 60.0726; and
- 7           (8) [~~7~~] all other facilities or aids incidental to
- 8 or useful in the operation or development of the district's ports
- 9 and waterways or in aid of navigation and navigation-related
- 10 commerce in the ports and on the waterways.

11           SECTION 3. Subchapter Q, Chapter 60, Water Code, is amended

12 by adding Section 60.502 to read as follows:

13           Sec. 60.502. IMPLIED CONTRACTS. A schedule of rates, fees,

14 charges, rules, and ordinances, including a limitation of liability

15 for cargo loss or damage, that relates to receiving, delivering,

16 handling, or storing property at a district facility and that is

17 made available to the public on the district's Internet website is

18 enforceable by an appropriate court as an implied contract between

19 the district and a person using the district's facilities or

20 waterways without proof of actual knowledge of the schedule's

21 provisions.

22           SECTION 4. Sections 62.123(b) and (d), Water Code, are

23 amended to read as follows:

24           (b) No franchise shall be granted for longer than 50 years

25 nor shall a franchise be granted except on the affirmative vote of a

26 majority of the commissioners present at a meeting [~~three separate~~

27 ~~meetings~~] of the commission [~~which meetings may not be closer~~

1 ~~together than one week~~].

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

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