

By: Perez

H.B. No. 2194

Substitute the following for H.B. No. 2194:

By: Wilson

C.S.H.B. No. 2194

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 MATERIAL 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 Subsections (a-1), (e), and (f) and amending Subsection (d) to read as follows:

(a-1) 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.

(d) A district may contract with a broker to sell or lease a tract of land in the same manner as the commissioners court of a county under Section 263.008, Local Government Code.

(e) A lease that requires the lessee to construct

1 improvements on land owned by the district is not a public work  
2 contract for purposes of Chapter 2253, Government Code.

3 (f) A sale or lease of a tract of land by the district is  
4 subject to Section 60.038(d).

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

7 Sec. 60.103. PRESCRIBING FEES AND CHARGES. The district  
8 [~~commission~~] shall prescribe fees and charges to be collected for  
9 the use of the land, improvements, and facilities of the district  
10 and for the use of any land, improvements, or facilities acquired  
11 under the provisions of this subchapter. The fees and charges shall  
12 be reasonable, equitable, and sufficient to produce revenue  
13 necessary to exercise the powers described by Section 60.101 and  
14 adequate to pay the expenses described by [~~mentioned in~~] Section  
15 60.105 [~~of this code~~].

16 SECTION 4. Sections 60.172(b), (c), (d), and (e), Water  
17 Code, are amended to read as follows:

18 (b) The commission shall fix a time and place at which a  
19 public hearing concerning the proposed indebtedness shall be held.  
20 The date of the hearing shall be not less than seven [~~15~~] days nor  
21 more than 30 days from the date of the resolution of the commission  
22 giving [~~the~~] notice of the hearing date.

23 (c) Notice published by the commission under this section  
24 shall:

25 (1) include a statement of the amount and purpose of  
26 the proposed indebtedness;

27 (2) inform all persons of the time and place of

1 hearing; and

2 (3) inform all persons of their right to express their  
3 views [~~appear~~] at the hearing, orally or in writing, and contend for  
4 or protest the creation of the indebtedness.

5 (d) The secretary of the commission shall publish [~~post~~  
6 ~~copies of~~] the notice not earlier than the seventh day [~~for 10 days~~]  
7 before the date [~~day~~] of the hearing:

8 (1) in a newspaper of general circulation in the  
9 district's territory that is available to residents of the district  
10 as provided by Subsection (e); and

11 (2) on the district's Internet website, if the  
12 district maintains a website, in an area of that website used to  
13 inform district residents about events such as public meetings  
14 [~~three public places in the district and at the door of each county~~  
15 ~~courthouse located in the district~~].

16 (e) The notice by publication [~~also shall be published one~~  
17 ~~time not less than five days before the day of the hearing~~] in a  
18 newspaper of general circulation in the district shall be published  
19 once. If a newspaper is not published in the district, the notice  
20 shall be published in some newspaper published in any county  
21 situated in whole or in part within the district.

22 SECTION 5. The heading to Section 60.405, Water Code, is  
23 amended to read as follows:

24 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~  
25 ~~PROPOSALS~~].

26 SECTION 6. Section 60.405, Water Code, is amended by adding  
27 Subsection (a-1) to read as follows:

1        (a-1) Items that may be purchased under the procedure  
2 provided by this section include items required in connection with  
3 a navigation project entered into with the United States.

4        SECTION 7. Section 60.463(d-1), Water Code, is amended to  
5 read as follows:

6        (d-1) If a two-step process is used, the district may not  
7 request prices in the first step. In the second step, the district  
8 may request that [~~five or fewer~~] offerors, selected solely on the  
9 basis of qualifications, provide additional information, including  
10 proposed prices.

11        SECTION 8. 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 that have been adopted in accordance  
15 with applicable law or the district's rules, including a limitation  
16 of liability for cargo loss or damage, that relates to receiving,  
17 delivering, handling, or storing property at a district facility  
18 and that is made available to the public on the district's Internet  
19 website is enforceable by an appropriate court as an implied  
20 contract between the district and a person using the district's  
21 facilities without proof of actual knowledge of the schedule's  
22 provisions.

23        SECTION 9. Sections 62.123(b) and (d), Water Code, are  
24 amended to read as follows:

25        (b) No franchise shall be granted for longer than 50 years  
26 nor shall a franchise be granted except on the affirmative vote of a  
27 majority of the commissioners present at a meeting [~~three separate~~

1 ~~meetings~~] of the commission [~~which meetings may not be closer~~  
2 ~~together than one week~~].

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

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