

By: Canales

H.B. No. 3027

Substitute the following for H.B. No. 3027:

By: Martinez

C.S.H.B. No. 3027

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), and (d), Water Code,
17 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
10 district; and

11 (2) once 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 SECTION 5. The heading to Section 60.405, Water Code, is
17 amended to read as follows:

18 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~
19 ~~PROPOSALS~~].

20 SECTION 6. Subchapter Q, Chapter 60, Water Code, is amended
21 by adding Section 60.502 to read as follows:

22 Sec. 60.502. IMPLIED CONTRACTS. A schedule of rates, fees,
23 charges, rules, and ordinances that have been adopted in accordance
24 with applicable law or the district's rules, including a limitation
25 of liability for cargo loss or damage, that relates to receiving,
26 delivering, handling, or storing property at a district facility
27 and that is made available to the public on the district's Internet

1 website is enforceable by an appropriate court as an implied
2 contract between the district and a person using the district's
3 facilities without proof of actual knowledge of the schedule's
4 provisions.

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

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

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

15 SECTION 8. Section 60.172(e), Water Code, is repealed.

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