

By: Creighton, et al.  
(Canales)

S.B. No. 1642

Substitute the following for S.B. No. 1642:

By: Martinez

C.S.S.B. No. 1642

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 Subsections (a-1) and (e) 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 SECTION 3. Section 60.103, Water Code, is amended to read as  
4 follows:

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

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

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

21 (c) Notice published by the commission under this section  
22 shall:

23 (1) include a statement of the amount and purpose of  
24 the proposed indebtedness;

25 (2) inform all persons of the time and place of  
26 hearing; and

27 (3) inform all persons of their right to express their

1 views [~~appear~~] at the hearing, orally or in writing, and contend for  
2 or protest the creation of the indebtedness.

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

6 (1) once in a newspaper of general circulation in the  
7 district's territory that is available to residents of the  
8 district; and

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

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

16 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~  
17 ~~PROPOSALS~~].

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

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

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

25 (d-1) If a two-step process is used, the district may not  
26 request prices in the first step. In the second step, the district  
27 may request that [~~five or fewer~~] offerors, selected solely on the

1 basis of qualifications, provide additional information, including  
2 proposed prices.

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

5 Sec. 60.502. IMPLIED CONTRACTS. A schedule of rates, fees,  
6 charges, rules, and ordinances that have been adopted in accordance  
7 with applicable law or the district's rules, including a limitation  
8 of liability for cargo loss or damage, that relates to receiving,  
9 delivering, handling, or storing property at a district facility  
10 and that is made available to the public on the district's Internet  
11 website is enforceable by an appropriate court as an implied  
12 contract between the district and a person using the district's  
13 facilities without proof of actual knowledge of the schedule's  
14 provisions.

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

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

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

25 SECTION 10. Section 60.172(e), Water Code, is repealed.

26 SECTION 11. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

C.S.S.B. No. 1642

1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2021.