

By: Creighton, Hinojosa, Nichols

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 MATERIAL 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, Water Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) 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;

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

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

15 (e) A lease that requires the lessee to construct
16 improvements on land owned by the district is not a public work
17 contract for purposes of Chapter 2253, Government Code.

18 SECTION 3. Section 60.103, Water Code, is amended to read as
19 follows:

20 Sec. 60.103. PRESCRIBING FEES AND CHARGES. The district
21 [~~commission~~] shall prescribe fees and charges to be collected for
22 the use of the land, improvements, and facilities of the district
23 and for the use of any land, improvements, or facilities acquired
24 under the provisions of this subchapter. The fees and charges shall
25 be reasonable, equitable, and sufficient to produce revenue
26 necessary to exercise the powers described by Section 60.101 and
27 adequate to pay the expenses described by [~~mentioned in~~] Section

1 60.105 [~~of this code~~].

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

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

9 (c) Notice published by the commission under this section
10 shall:

11 (1) include a statement of the amount and purpose of
12 the proposed indebtedness;

13 (2) inform all persons of the time and place of
14 hearing; and

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

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

21 (1) in a newspaper of general circulation in the
22 district's territory that is available to residents of the
23 district; or

24 (2) on the district's Internet website, in an area of
25 that website used to inform district residents about events such as
26 public meetings [~~three public places in the district and at the door~~
27 ~~of each county courthouse located in the district~~].

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

3 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~
4 ~~PROPOSALS~~].

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

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

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

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

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

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

27 SECTION 9. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2021.