

1-1 By: Creighton, Hinojosa, Nichols S.B. No. 1642
 1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read
 1-3 first time and referred to Select Committee on Ports;
 1-4 April 13, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 13, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1642 By: Creighton

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the administration of navigation districts.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subchapter D, Chapter 60, Water Code, is amended
 1-22 by adding Section 60.0726 to read as follows:
 1-23 Sec. 60.0726. FIRES, EXPLOSIONS, AND HAZARDOUS MATERIALS
 1-24 INCIDENTS. A district may respond to and fight a fire, explosion,
 1-25 or hazardous material incident that occurs on or adjacent to a
 1-26 waterway, channel, or turning basin that is located in the
 1-27 district's territory, regardless of whether the waterway, channel,
 1-28 or turning basin is located in the corporate limits of a
 1-29 municipality.
 1-30 SECTION 2. Section 60.101, Water Code, is amended by adding
 1-31 Subsections (a-1) and (e) and amending Subsection (d) to read as
 1-32 follows:
 1-33 (a-1) A district may acquire, purchase, lease, maintain,
 1-34 repair, and operate facilities and equipment for the purposes of
 1-35 protecting life and property by detecting, responding to, and
 1-36 fighting fires, explosions, and hazardous materials incidents
 1-37 described by Section 60.0726.
 1-38 (d) A district may contract with a broker to sell or lease a
 1-39 tract of land in the same manner as the commissioners court of a
 1-40 county under Section 263.008, Local Government Code.
 1-41 (e) A lease that requires the lessee to construct
 1-42 improvements on land owned by the district is not a public work
 1-43 contract for purposes of Chapter 2253, Government Code.
 1-44 SECTION 3. Section 60.103, Water Code, is amended to read as
 1-45 follows:
 1-46 Sec. 60.103. PRESCRIBING FEES AND CHARGES. The district
 1-47 [commission] shall prescribe fees and charges to be collected for
 1-48 the use of the land, improvements, and facilities of the district
 1-49 and for the use of any land, improvements, or facilities acquired
 1-50 under the provisions of this subchapter. The fees and charges shall
 1-51 be reasonable, equitable, and sufficient to produce revenue
 1-52 necessary to exercise the powers described by Section 60.101 and
 1-53 adequate to pay the expenses described by [mentioned in] Section
 1-54 60.105 [of this code].
 1-55 SECTION 4. Sections 60.172(b), (c), and (d), Water Code,
 1-56 are amended to read as follows:
 1-57 (b) The commission shall fix a time and place at which a
 1-58 public hearing concerning the proposed indebtedness shall be held.
 1-59 The date of the hearing shall be not less than seven [15] days nor
 1-60 more than 30 days from the date of the resolution of the commission

2-1 giving ~~the~~ notice of the hearing date.

2-2 (c) Notice published by the commission under this section
2-3 shall:

2-4 (1) include a statement of the amount and purpose of
2-5 the proposed indebtedness;

2-6 (2) inform all persons of the time and place of
2-7 hearing; and

2-8 (3) inform all persons of their right to express their
2-9 views [appear] at the hearing, orally or in writing, and contend for
2-10 or protest the creation of the indebtedness.

2-11 (d) The secretary of the commission shall publish [post
2-12 copies of] the notice not earlier than the seventh day [for 10 days]
2-13 before the date [day] of the hearing:

2-14 (1) once in a newspaper of general circulation in the
2-15 district's territory that is available to residents of the
2-16 district; and

2-17 (2) on the district's Internet website, if the
2-18 district maintains a website, in an area of that website used to
2-19 inform district residents about events such as public meetings
2-20 [three public places in the district and at the door of each county
2-21 courthouse located in the district].

2-22 SECTION 5. The heading to Section 60.405, Water Code, is
2-23 amended to read as follows:

2-24 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~
2-25 ~~PROPOSALS~~].

2-26 SECTION 6. Subchapter Q, Chapter 60, Water Code, is amended
2-27 by adding Section 60.502 to read as follows:

2-28 Sec. 60.502. IMPLIED CONTRACTS. A schedule of rates, fees,
2-29 charges, rules, and ordinances that have been adopted in accordance
2-30 with applicable law or the district's rules, including a limitation
2-31 of liability for cargo loss or damage, that relates to receiving,
2-32 delivering, handling, or storing property at a district facility
2-33 and that is made available to the public on the district's Internet
2-34 website is enforceable by an appropriate court as an implied
2-35 contract between the district and a person using the district's
2-36 facilities without proof of actual knowledge of the schedule's
2-37 provisions.

2-38 SECTION 7. Sections 62.123(b) and (d), Water Code, are
2-39 amended to read as follows:

2-40 (b) No franchise shall be granted for longer than 50 years
2-41 nor shall a franchise be granted except on the affirmative vote of a
2-42 majority of the commissioners present at a meeting [~~three separate~~
2-43 ~~meetings] of the commission [which meetings may not be closer~~
2-44 ~~together than one week].~~

2-45 (d) The franchise shall require the grantee to file the
2-46 grantee's written acceptance of the franchise within 30 days after
2-47 the franchise is granted [finally approved] by the commission.

2-48 SECTION 8. Section 60.172(e), Water Code, is repealed.

2-49 SECTION 9. This Act takes effect immediately if it receives
2-50 a vote of two-thirds of all the members elected to each house, as
2-51 provided by Section 39, Article III, Texas Constitution. If this
2-52 Act does not receive the vote necessary for immediate effect, this
2-53 Act takes effect September 1, 2021.

2-54 * * * * *