

CHAPTER 23

S.B. No. 394

AN ACT

relating to the promotion of economic development in the state by improving the competitiveness of Texas public ports with ports outside of Texas by extending the authority of navigation districts to sell or lease certain property of such districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 60.039, Water Code, is amended to read as follows:

Sec. 60.039. SURFACE LEASE FOR NOT MORE THAN 10 [FIVE] YEARS. The commission may lease the surface of land for not more than 10 [~~five~~] years by the entry of an order on the minutes of the commission and the execution of a lease in the manner provided by the original order. The lease may not be extended beyond the 10-year [~~five-year~~] period by renewal, extension, or otherwise.

SECTION 2. Section 60.040, Water Code, is amended to read as follows:

Sec. 60.040. PUBLICATION OF NOTICE FOR SALES AND LEASES IN EXCESS OF 10 [FIVE] YEARS. Before making a sale or lease of land for more than 10 [five] years, the commission shall publish a notice in the manner provided in Section 60.035 of this subchapter.

SECTION 3. Section 60.041, Water Code, is amended to read as follows:

Sec. 60.041. SECURITY FOR BIDS ON LAND TO BE SOLD OR LEASED FOR MORE THAN 10 [FIVE] YEARS. Each bid submitted on land to be sold or leased for more than 10 [five] years shall be accompanied by a certified check, cashier's check, or bidder's bond with a responsible corporate surety authorized to do business in Texas. The check or bond shall be in an amount equal to the bid for the land or for the first rental payment under the lease and shall guarantee that the bidder will perform the terms of his bid if it is accepted by the commission.

SECTION 4. The heading of Section 60.042, Water Code, is amended to read as follows:

Sec. 60.042. AWARD AND EXECUTION OF DEED OR LEASE IN EXCESS OF 10 [FIVE] YEARS.

SECTION 5. This section does not apply to or affect litigation pending on the effective date of this Act in any court of competent jurisdiction in this state to which the authority is a party.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 11, 1993: Yeas 28, Nays 0; passed the House on March 30, 1993: Yeas 143, Nays 0, one present not voting.

Approved April 6, 1993.

Effective April 6, 1993.