

BILL ANALYSIS

C.S.H.B. 3158
By: Smith, Wayne
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When the Chambers County Cedar Bayou Navigation District was formed, the area was not as developed as it is today. The district was created with the primary purpose to deepen and widen the Bayou so that barges could transfer goods throughout the area. At that time the boards consisted only of people from Chambers County and local industry personnel. In recent years the area has experienced a great deal of residential development and the bayou has become a recreational treasure. Those living in Baytown and Harris County will now have a voice in the beneficial use of this area as they are directly affected by its future.

C.S.H.B. 3158 will preserve the recreational value of the bayou, while maintaining its unique balance with the industry and economy by adding two representatives from Baytown to the board of the Chambers County Cedar Bayou Navigation District and changing the name of the district to more accurately reflect the boards make up.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3158 changes the name of the Chambers County-Cedar Bayou Navigation District to the Cedar Bayou Navigation District. It also increases the number of members of the board of directors from five to seven. The five directors serving in director positions 1, 2, 3, 4, and 5 shall be appointed by the Commissioners Court of Chambers County from a list of candidates recommended by the board in the manner provided in Section 375.064, Local Government Code. If the Commissioners Court of Chambers County is not satisfied with any of the recommendations as may be submitted by the board, then they can choose from nominees submitted by members of the Commissioners Court of Chambers County. Those directors shall serve staggered six year terms with the terms of directors in positions 1 and 3 expiring May 1 of an odd-numbered year, the directors in positions 2 and 4 expiring May 1 of another odd-numbered year, and the director in position 5 expiring in another odd-numbered year.

One director, who shall serve in director position 6, shall be appointed by the mayor of the City of Baytown, and one director, who shall serve in director position 7, shall be appointed by the city council of the City of Baytown. The two directors shall serve staggered six year terms with the term of the director in position 6 expiring May 1 of the odd-numbered year in which the terms of positions 1 and 3 expire and with the term of the director in position 7 expiring May 1 of the odd-numbered year in which the terms of positions 2 and 4 expire. Each director appointed to serve in position 6 or 7 shall serve a term of office of six years, and until his or her successor is appointed and has qualified. Appointments to fill an unexpired term in position 6 shall be made by the mayor of the City of Baytown, and appointments to fill an unexpired term in position 7 shall be made by the city council of the City of Baytown.

The bill strikes language that described the initial creation of the district. It also strikes language describing the makeup of the initial board of directors and the initial election dates and terms of directors. Directors serving in director positions 6 and 7 shall be at least 18 years of age and be a resident of the City of Baytown.

On September 1, 2007, the board is expanded from five members to seven members by adding director positions 6 and 7. Regardless of the 6 year term described, the initial term of the director serving in position 6 begins September 1, 2007, and expires May 1, 2011, and the initial term of the director serving in position 7 begins September 1, 2007, and expires May 1, 2013.

The district may develop navigation and improve bayous, bays, creeks, and streams inside or adjacent to the district. The district may also construct and maintain harbors, basins, and waterways to permit or aid navigation, purchase or otherwise acquire, establish, construct, own, maintain, operate, develop, and regulate wharves, piers, docks, fleeting areas, land, roadways, and other structures and facilities incident to or accommodating of commerce or navigation.

The language in this bill does not apply to any pipeline, conduit, or underground facility that passes under or through a channel, bayou, creek, stream, or other waterway within or adjacent to the district and that requires an adjustment or relocation as part of any navigation improvement or maintenance project involving the waterway.

The rights, powers, privileges, and authority conferred upon the district by this Act shall not supersede nor diminish the rights, powers, privileges, and authority of the Port of Houston Authority, U.S. Army Corps of Engineers, or any other state or federal agency. The district shall not execute powers within the boundaries of another navigation district without the agreement of such other district.

The district may make a contract with another navigation district created under Section 52 of Article III or Section 59 of Article XVI, Texas Constitution, or both, for the performance of any service that is authorized to be provided by the districts. Any payments due under the contract may be made from and secured by ad valorem taxes or other revenues of the districts or by a combination of revenues. If the constitution of this state requires an election to permit the payment and security, an election shall be held substantially in accordance with the requirements of Subchapter F, Chapter 62, Water Code.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3158 provides that if the Commissioners Court of Chambers County is not satisfied with any of the recommendations as may be submitted by the board, then they can choose from nominees submitted by members of the Commissioners Court of Chambers County. The provision that the district can control the operation of all vessels using a harbor, basin or navigable channel, is replaced to say that the district has control over fleeting areas. Adds a provision stating that the rights, powers, privileges, and authority conferred upon the district by this Act shall not supersede nor diminish the rights, powers, privileges, and authority of the Port of Houston Authority, U.S. Army Corps of Engineers, or any other state or federal agency. The district shall not execute powers within the boundaries of another navigation district without the agreement of such other district. Strikes the section concerning annexation agreements between districts.