

By: Smith of Harris

H.B. No. 3158

Substitute the following for H.B. No. 3158:

By: Heflin

C.S.H.B. No. 3158

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the name, powers, and board of directors of the Chambers
3 County-Cedar Bayou Navigation District.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1(a), Chapter 589, Acts of the 75th
6 Legislature, Regular Session, 1997, is amended to read as follows:

7 (a) The [~~There is created and established a~~] special
8 district [~~to be~~] known as the "Cedar" [~~"Chambers County-Cedar~~] Bayou
9 Navigation District" [~~that~~] is a governmental agency, a body
10 politic and corporate, and a political subdivision of the state.

11 SECTION 2. Section 2, Chapter 589, Acts of the 75th
12 Legislature, Regular Session, 1997, is amended to read as follows:

13 Sec. 2. DEFINITION. In this Act, "district" means the Cedar
14 [~~Chambers County-Cedar~~] Bayou Navigation District.

15 SECTION 3. Section 5, Chapter 589, Acts of the 75th
16 Legislature, Regular Session, 1997, is amended to read as follows:

17 Sec. 5. BOARD OF DIRECTORS. (a) The district is to be
18 governed by a board of seven [~~five (5)~~] directors.

19 (b) The five directors serving in director positions 1, 2,
20 3, 4, and 5 [~~Except for the initial directors, each director~~] shall
21 be appointed by the Commissioners Court of Chambers County from a
22 list of candidates recommended by the board in the manner provided
23 in Section 375.064, Local Government Code, or, if the commissioners
24 court is not satisfied with any of the recommended candidates, from

1 nominees submitted by members of the commissioners court. Said
2 directors shall serve staggered six (6) year terms with the terms of
3 the directors in positions 1 and 3 expiring May 1 of an odd-numbered
4 year, the directors in positions 2 and 4 expiring May 1 of another
5 odd-numbered year, and the director in position 5 expiring May 1 of
6 another odd-numbered year [~~either 2 directors or 1 director~~
7 ~~expiring on May 1 of each odd-numbered year as provided below~~].
8 Each director so appointed shall serve a term of office of six (6)
9 years, and until his or her successor is appointed and has
10 qualified. Appointments to fill an unexpired term shall be made by
11 the remaining directors.

12 (c) One director, who shall serve in director position 6,
13 shall be appointed by the mayor of the City of Baytown, and one
14 director, who shall serve in director position 7, shall be
15 appointed by the city council of the City of Baytown. The two
16 directors shall serve staggered six (6) year terms with the term of
17 the director in position 6 expiring May 1 of the odd-numbered year
18 in which the terms of positions 1 and 3 expire and with the term of
19 the director in position 7 expiring May 1 of the odd-numbered year
20 in which the terms of positions 2 and 4 expire. Each director
21 appointed to serve in position 6 or 7 shall serve a term of office of
22 six (6) years, and until his or her successor is appointed and has
23 qualified. Appointments to fill an unexpired term in position 6
24 shall be made by the mayor of the City of Baytown, and appointments
25 to fill an unexpired term in position 7 shall be made by the city
26 council of the City of Baytown. [~~At the time this Act takes effect,~~
27 ~~the following persons shall constitute the initial board of~~

1 ~~directors of the district and are hereby appointed for the terms~~
2 ~~prescribed by Subsection (d) of this section:~~

[Director Position	Name of Director
[1	Jim Molnar
[2	David Baker
[3	Johnnie Jennings
[4	Joseph S. Antoline
[5	Gordon Christman]

9 (d) Directors serving in director positions 1, 2, 3, 4, and
10 5 ~~[Of the initial directors, the directors appointed for director~~
11 ~~positions 1 and 3 shall serve until May 1, 1999; the directors~~
12 ~~appointed for director positions 2 and 4 shall serve until May 1,~~
13 ~~2001; and the director appointed for director position 5 shall~~
14 ~~serve until May 1, 2003.~~

15 ~~[(c) Each initial director and each subsequent director~~
16 ~~appointed]~~ for either a full or partial term shall meet the
17 following qualifications:

- (i) be at least eighteen (18) years of age; and
- (ii) be an owner of property in the district; or
- (iii) be an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district; or
- (iv) be an owner of a beneficial interest in a trust that owns property in the district; or
- (v) be an agent, employee or tenant of a person described in the foregoing Subdivisions (ii), (iii), or (iv).

26 (e) Directors serving in director positions 6 and 7 shall
27 meet the following qualifications:

1 (1) be at least 18 years of age; and

2 (2) be a resident of the City of Baytown.

3 (f) No person may be appointed as a director or continue to
4 serve as a director unless they satisfy the [~~these~~] requirements
5 prescribed by this section. Each director shall qualify for office
6 as provided in Subchapter D, Chapter 375, Local Government Code.

7 (g) [~~(f)~~] The board shall be governed by the terms and
8 conditions set forth in Subchapter C, Chapter 63, Water Code, to the
9 extent such provisions do not conflict with the provisions of this
10 Act.

11 (h) [~~(g)~~] Directors shall be compensated in the manner
12 provided by Section 63.098, Water Code.

13 (i) On September 1, 2007, the board is expanded from five
14 members to seven members by adding director positions 6 and 7 as
15 provided by Subsections (c) and (e) of this section. Regardless of
16 the length of the term prescribed by Subsection (c), the initial
17 term of the director serving in position 6 begins September 1, 2007,
18 and expires May 1, 2011, and the initial term of the director
19 serving in position 7 begins September 1, 2007, and expires May 1,
20 2013.

21 SECTION 4. Section 6, Chapter 589, Acts of the 75th
22 Legislature, Regular Session, 1997, is amended by adding
23 Subsections (a-1) and (e) and amending Subsection (d) to read as
24 follows:

25 (a-1) The district may:

26 (1) develop navigation and improve bayous, bays,
27 creeks, and streams inside or adjacent to the district;

1 (2) construct and maintain harbors, basins, and
2 waterways to permit or aid navigation; and

3 (3) purchase or otherwise acquire, establish,
4 construct, own, maintain, operate, develop, and regulate wharves,
5 piers, docks, fleeting areas, land, roadways, and other structures
6 and facilities incident to or accommodating of commerce or
7 navigation.

8 (d) The district, in exercising any of the powers conferred
9 by this Act, requires a relocation, adjustment, raising, lowering,
10 rerouting, or changing the grade of or altering the construction of
11 any street, alley, highway, overpass, underpass, or road, any
12 railroad track, bridge, or other facilities or property, any
13 electric lines, conduits, or other facilities or property, any
14 telephone or telegraph lines, conduits, or other facilities or
15 property, any gas transmission or distribution pipes, pipelines,
16 mains, or other facilities or property, any cable television lines,
17 cable conduits, or other facilities or property or any other
18 pipelines and any facilities or properties relating to those
19 pipelines, those relocations, adjustments, raising, lowering,
20 rerouting, or changing of grade, or altering of construction must
21 be accomplished at the sole cost and expense of the district, and
22 damages that are suffered by the owners of the property or
23 facilities shall be borne by the district. This subsection does not
24 apply to any pipeline, conduit, or underground facility that passes
25 under or through a channel, bayou, creek, stream, or other waterway
26 within or adjacent to the district and that requires an adjustment
27 or relocation as part of any navigation improvement or maintenance

1 project involving the waterway.

2 (e) The rights, powers, privileges, and authority conferred
3 on the district by this Act do not supersede or diminish the rights,
4 powers, privileges, and authority of the Port of Houston Authority
5 of Harris County, Texas, the United States Army Corps of Engineers,
6 or any state agency or other federal agency. The district may not
7 exercise its powers inside the boundaries of another navigation
8 district without that district's agreement.

9 SECTION 5. Chapter 589, Acts of the 75th Legislature,
10 Regular Session, 1997, is amended by adding Section 6A to read as
11 follows:

12 Sec. 6A. CONTRACT WITH ANOTHER DISTRICT. The district may
13 make a contract with another navigation district created under
14 Section 52 of Article III or Section 59 of Article XVI, Texas
15 Constitution, or both, for the performance of any service that is
16 authorized to be provided by the districts. Any payments due under
17 the contract may be made from and secured by ad valorem taxes or
18 other revenues of the districts or by a combination of revenues. If
19 the constitution of this state requires an election to permit the
20 payment and security, an election shall be held substantially in
21 accordance with the requirements of Subchapter F, Chapter 62, Water
22 Code.

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.