

By: Smith of Harris

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. Said directors shall
24 serve staggered six (6) year terms with the terms of directors in

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

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

7 (d) Directors serving in director positions 1, 2, 3, 4, and
8 5 [~~Of the initial directors, the directors appointed for director~~
9 ~~positions 1 and 3 shall serve until May 1, 1999; the directors~~
10 ~~appointed for director positions 2 and 4 shall serve until May 1,~~
11 ~~2001; and the director appointed for director position 5 shall~~
12 ~~serve until May 1, 2003.~~

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

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

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

- 26 (1) be at least 18 years of age; and
- 27 (2) be a resident of the City of Baytown.

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

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

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

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

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

22 (a-1) The district may:

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

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

27 (3) purchase or otherwise acquire, establish,

1 construct, own, maintain, operate, develop, and regulate wharves,
2 piers, docks, land, roadways, and other structures and facilities
3 incident to or accommodating of commerce or navigation; and

4 (4) control the operation of all vessels using a
5 harbor, basin, or navigable channel in the district.

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

27 SECTION 5. Chapter 589, Acts of the 75th Legislature,

1 Regular Session, 1997, is amended by adding Sections 6A and 8A to
2 read as follows:

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

14 Sec. 8A. ANNEXATION AGREEMENT MADE BY DISTRICTS.
15 Regardless of any other law to the contrary and without an election,
16 the district may annex and include within its boundaries territory
17 located in an adjacent navigation district, and the adjacent
18 navigation district may disannex and exclude from its boundaries
19 the same territory, as may be provided in an agreement between the
20 districts.

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