

1-1 By: Smith of Harris (Senate Sponsor - Williams) H.B. No. 3158
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 May 1, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 11, 2007, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 11, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the name, powers, and board of directors of the Chambers
1-9 County-Cedar Bayou Navigation District.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1(a), Chapter 589, Acts of the 75th
1-12 Legislature, Regular Session, 1997, is amended to read as follows:

1-13 (a) The ~~[There is created and established a]~~ special
1-14 district ~~[to be]~~ known as the "Cedar" ~~["Chambers County-Cedar"]~~ Bayou
1-15 Navigation District" ~~[that]~~ is a governmental agency, a body
1-16 politic and corporate, and a political subdivision of the state.

1-17 SECTION 2. Section 2, Chapter 589, Acts of the 75th
1-18 Legislature, Regular Session, 1997, is amended to read as follows:

1-19 Sec. 2. DEFINITION. In this Act, "district" means the Cedar
1-20 ~~["Chambers County-Cedar"]~~ Bayou Navigation District.

1-21 SECTION 3. Section 5, Chapter 589, Acts of the 75th
1-22 Legislature, Regular Session, 1997, is amended to read as follows:

1-23 Sec. 5. BOARD OF DIRECTORS. (a) The district is to be
1-24 governed by a board of seven ~~[five (5)]~~ directors.

1-25 (b) The five directors serving in director positions 1, 2,
1-26 3, 4, and 5 ~~[Except for the initial directors, each director]~~ shall
1-27 be appointed by the Commissioners Court of Chambers County from a
1-28 list of candidates recommended by the board in the manner provided
1-29 in Section 375.064, Local Government Code, or, if the commissioners
1-30 court is not satisfied with any of the recommended candidates, from
1-31 nominees submitted by members of the commissioners court. Said
1-32 directors shall serve staggered six (6) year terms with the terms of
1-33 the directors in positions 1 and 3 expiring May 1 of an odd-numbered
1-34 year, the directors in positions 2 and 4 expiring May 1 of another
1-35 odd-numbered year, and the director in position 5 expiring May 1 of
1-36 another odd-numbered year ~~[either 2 directors or 1 director~~
1-37 ~~expiring on May 1 of each odd-numbered year as provided below].~~
1-38 Each director so appointed shall serve a term of office of six (6)
1-39 years, and until his or her successor is appointed and has
1-40 qualified. Appointments to fill an unexpired term shall be made by
1-41 the remaining directors.

1-42 (b-1) The directors serving in director positions 1 and 2
1-43 must be representatives of a company or business in the district
1-44 that has the highest and second highest taxable value of real and
1-45 personal property located in the district, as certified by the
1-46 Chambers County Appraisal District. The directors serving in
1-47 director positions 3 and 4 must be representatives of a company or
1-48 business in the district that owns real or personal property that
1-49 has a taxable value of at least \$25,000,000 but less than
1-50 \$250,000,000, as certified by the Chambers County Appraisal
1-51 District. The director serving in director position 5 must be a
1-52 representative of a company or business that owns real or personal
1-53 property in the district that has a taxable value of at least
1-54 \$5,000,000 but less than \$25,000,000, as certified by the Chambers
1-55 County Appraisal District.

1-56 (b-2) The directors shall elect a chairperson from the
1-57 directors. The person elected serves a term of four years as
1-58 chairperson. Beginning September 1, 2007, the chairperson shall be
1-59 elected by the directors from among the directors in positions 1, 2,
1-60 3, 4, and 5. At the conclusion of the term of the initial
1-61 chairperson elected under this subsection, the chairperson shall be
1-62 elected by the directors from among the directors in positions 6 and
1-63 7. The group of directors from which the chairperson is elected
1-64 shall continue to alternate between the directors in positions 1,

2, 3, 4, and 5, and the directors in positions 6 and 7.

(c) 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 (6) 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 (6) 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. [At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district and are hereby appointed for the terms prescribed by Subsection (d) of this section:

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

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

~~[(e) Each initial director and each subsequent director appointed]~~ for either a full or partial term shall meet the 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).

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

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

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

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

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

(i) On September 1, 2007, the board is expanded from five members to seven members by adding director positions 6 and 7 as provided by Subsections (c) and (e) of this section. Regardless of the length of the term prescribed by Subsection (c), 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.

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

(a-1) The district may:

- (1) develop navigation and improve bayous, bays,

3-1 creeks, and streams inside or adjacent to the district;
3-2 (2) construct and maintain harbors, basins, and
3-3 waterways to permit or aid navigation; and

3-4 (3) purchase or otherwise acquire, establish,
3-5 construct, own, maintain, operate, develop, and regulate wharves,
3-6 piers, docks, fleeting areas, land, roadways, and other structures
3-7 and facilities incident to or accommodating of commerce or
3-8 navigation.

3-9 (e) The rights, powers, privileges, and authority conferred
3-10 on the district by this Act do not supersede or diminish the rights,
3-11 powers, privileges, and authority of the Port of Houston Authority
3-12 of Harris County, Texas, the United States Army Corps of Engineers,
3-13 or any state agency or other federal agency. The district may not
3-14 exercise its powers inside the boundaries of another navigation
3-15 district without that district's agreement.

3-16 SECTION 5. Chapter 589, Acts of the 75th Legislature,
3-17 Regular Session, 1997, is amended by adding Section 6A to read as
3-18 follows:

3-19 Sec. 6A. CONTRACT WITH ANOTHER DISTRICT. The district may
3-20 make a contract with another navigation district created under
3-21 Section 52 of Article III or Section 59 of Article XVI, Texas
3-22 Constitution, or both, for the performance of any service that is
3-23 authorized to be provided by the districts. Any payments due under
3-24 the contract may be made from and secured by ad valorem taxes or
3-25 other revenues of the districts or by a combination of revenues. If
3-26 the constitution of this state requires an election to permit the
3-27 payment and security, an election shall be held substantially in
3-28 accordance with the requirements of Subchapter F, Chapter 62, Water
3-29 Code.

3-30 SECTION 6. This Act takes effect immediately if it receives
3-31 a vote of two-thirds of all the members elected to each house, as
3-32 provided by Section 39, Article III, Texas Constitution. If this
3-33 Act does not receive the vote necessary for immediate effect, this
3-34 Act takes effect September 1, 2007.

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