

By: Garcia

H.B. No. 3543

A BILL TO BE ENTITLED

AN ACT

relating to the name of the Calhoun County Navigation District.

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

SECTION 1. Section 1, Chapter 195, Acts of the 53rd Legislature, Regular Session, 1953, is amended to read as follows:

Sec. 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a Navigation District to be known as The Calhoun Port Authority [~~County Navigation District~~], situated in Calhoun County, Texas, consisting of all that part of Calhoun County, including all land and water areas of said county, except that part of said county now included within the metes and bounds of the West Side Calhoun County Navigation District as described in Volume H, pages 568-570 of the minutes of the Commissioners Court of Calhoun County, Texas. Such port authority [~~district~~] is hereby declared to be a Governmental Agency and body politic and corporate with the powers of government and with the authority to exercise all of the rights, privileges and functions of a Navigation District created under the authority of Chapter 9, Title 128, Vernon's Civil Statutes of Texas, as amended, including, but not limiting the generalization of the foregoing, Chapter 11, Acts of the 43rd Legislature, First Called Session of 1933, as amended; Chapter 27, Acts of the 42nd Legislature, Third Called Session of 1932, as amended; and Chapter 5, Acts of the 39th Legislature of 1945, as

1 amended, as codified respectively by Vernon's as Articles 8247a,
2 8263e and 8263h, except as hereinafter specifically restricted, and
3 the creation of such port authority [~~district~~] is hereby determined
4 to be essential to the accomplishments of the purposes of Section
5 59, of Article 16, of the Constitution of the State of Texas, to the
6 extent hereinafter authorized for the improvement of navigation and
7 the maintenance, development and extension and improvement of port
8 facilities, wharf and dock facilities, within the boundaries of
9 said port authority [~~district~~] hereby established, which is
10 declared to be essential to the general welfare of the State of
11 Texas, for the development of marine shipping, and all property,
12 real, personal, mixed or otherwise, in said port authority
13 [~~District~~] is hereby found to be benefited by the creation of this
14 port authority [~~District~~] by the improvements which the port
15 authority [~~District~~] will construct or otherwise acquire in the
16 carrying out of its purposes.

17 SECTION 2. Chapter 195, Acts of the 53rd Legislature,
18 Regular Session, 1953, is amended by adding Section 1a to read as
19 follows:

20 Sec. 1a. (a) The name of The Calhoun County Navigation
21 District is changed to "The Calhoun Port Authority."

22 (b) A reference in law to The Calhoun County Navigation
23 District means The Calhoun Port Authority.

24 SECTION 3. Sections 2(a), (b), (c), (e), and (f), Chapter
25 195, Acts of the 53rd Legislature, Regular Session, 1953, are
26 amended to read as follows:

27 (a) The port authority [~~District~~] shall be governed by a

1 Board of six Navigation Commissioners, each of whom shall be
2 elected from a separate precinct by the voters of the precinct in
3 accordance with this section.

4 (b) The Board shall from time to time divide the port
5 authority [~~district~~] into six Navigation Commissioner precincts
6 that are:

- 7 (1) compact and contiguous; and
8 (2) as nearly as practicable, of equal population.

9 (c) The Board shall complete any division of the port
10 authority [~~district~~] into new precincts not later than the 90th day
11 before the election of commissioners from those precincts.

12 (e) At the first election after a division of the port
13 authority [~~district~~] into new precincts, six commissioners shall be
14 elected. The commissioners shall draw lots after election to select
15 three commissioners to serve two-year terms and three commissioners
16 to serve four-year terms. Successor commissioners serve staggered
17 four-year terms as provided by Subsection (g).

18 (f) It is found and determined by the Legislature of Texas
19 that it is to the best interest of public welfare, general benefit
20 and the assurance of proper development of marine shipping that the
21 Navigation Commissioners of this port authority [~~District~~] be
22 representatives of all areas of this port authority [~~District~~] and
23 that if any Navigation Commissioner hereafter elected removes his
24 residence out of the precinct of his election such office is hereby
25 declared vacant.

26 SECTION 4. Section 3, Chapter 195, Acts of the 53rd
27 Legislature, Regular Session, 1953, is amended to read as follows:

1 Sec. 3. The Board of Navigation Commissioners shall have,
2 and the port authority [~~District~~] is hereby authorized to exercise,
3 all powers, duties, rights, privileges and functions conferred by
4 General Law, Chapter 9, Revised Civil Statutes of Texas, 1925, as
5 amended, of any Navigation District created pursuant to Section 59,
6 Article 16 of the Constitution of Texas, appropriate to the
7 accomplishment of the purposes set forth in Section 1 hereof. The
8 following powers, duties, and limitations, relating to the port
9 authority [~~District~~], are hereby expressly granted and imposed:

10 (a) The Commissioners Court shall levy and cause to be
11 collected taxes for the maintenance of the port authority
12 [~~District~~] and its properties and facilities, and for the payment
13 of the interest on and principal of all bonds and other indebtedness
14 issued by the port authority [~~District~~]; provided, however, that
15 the maximum taxes in any one (1) year for both maintenance and
16 indebtedness purposes shall not exceed an aggregate of fifteen
17 cents (15¢) on each One Hundred Dollars (\$100) of taxable property
18 within said port authority [~~District~~] whether real, personal,
19 mixed, or otherwise (the valuations of said taxable property to be
20 the same as the valuations shown on the tax rolls of the County for
21 such property, and such taxes to be assessed and collected by the
22 Calhoun County Tax Assessor-Collector); and provided, further,
23 that maintenance taxes may be levied and tax bonds of the port
24 authority [~~District~~] may be issued and taxes levied in payment
25 thereof after the same has been authorized by a majority vote of the
26 duly qualified resident tax paying voters of the port authority
27 [~~District~~], voting at an election called and held as is provided for

1 bond elections under the provisions of Chapter 5, Acts of the
2 Thirty-ninth Legislature of Texas, Regular Session, 1925, as
3 amended (codified as Article 8263h in Vernon's Texas Civil
4 Statutes).

5 (b) The Board of Navigation Commissioners shall not have the
6 power and shall not be authorized by a vote of its members to change
7 this port authority [~~District~~] from a Navigation District to any
8 other type of District authorized by General Law.

9 (c) Said port authority [~~District~~] shall not exercise the
10 right of eminent domain outside of Calhoun County in any area within
11 any other Navigation District without the agreement and consent of
12 such other Navigation District.

13 (d) The Board of Navigation Commissioners is hereby granted
14 the authority to adopt orders or resolutions designating and
15 defining areas of land in the port authority [~~District~~] fronting on
16 any navigable waters within the port authority [~~District~~] (no such
17 defined area to exceed one thousand (1,000) yards in depth as
18 measured from the shore line) outside the corporate limits of
19 incorporated cities or towns (including Home-Rule Cities), as
20 industrial areas and/or plant sites for the aid of navigation. A
21 certified copy of any such order or resolution shall be filed and
22 recorded in the Deed Records of Calhoun County, and after the same
23 has been so filed, no part of any such designated and defined area
24 shall thereafter be included within the boundaries of any
25 incorporated city or town (including Home-Rule Cities) or other
26 similar type of municipal corporation, whether by original
27 incorporation proceedings or by an extension or extensions of such

1 boundaries. The Board of Navigation Commissioners may adopt orders
2 or resolutions removing the whole or any part of any such designated
3 and defined area from such category if the said Board determines
4 (subsequent to the original designation) that the same is not
5 suitable for or being used as industrial areas and/or plant sites
6 and that the same will not be so suitable or used within a
7 reasonable time thereafter, and that such continued designation
8 will not constitute an aid to navigation. A certified copy of any
9 such order or resolution shall be filed and recorded in the Deed
10 Records as above provided, and after the same has been so filed,
11 then the restrictions imposed hereby shall be removed. It is
12 expressly found and determined by the Legislature that the powers
13 granted and restrictions imposed hereby are necessary for the
14 proper exercise by this port authority [~~District~~] of the powers
15 granted by Section 59 of Article XVI, Constitution of Texas, and by
16 this Act, as amended, and for the promotion and effectuation of the
17 navigation of the inland and coastal waters of the State.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.