

1-1 By: Hegar S.B. No. 564
1-2 (In the Senate - Filed February 9, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 19, 2007, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; March 19, 2007, sent to printer.)

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

1-8 relating to the name of The Calhoun County Navigation District.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1, Chapter 195, Acts of the 53rd
1-11 Legislature, Regular Session, 1953, is amended to read as follows:

1-12 Sec. 1. There is hereby created within the State of Texas,
1-13 in addition to the districts into which the State has heretofore
1-14 been divided, a Navigation District to be known as The Calhoun Port
1-15 Authority [~~County Navigation District~~], situated in Calhoun
1-16 County, Texas, consisting of all that part of Calhoun County,
1-17 including all land and water areas of said county, except that part
1-18 of said county now included within the metes and bounds of the West
1-19 Side Calhoun County Navigation District as described in Volume H,
1-20 pages 568-570 of the minutes of the Commissioners Court of Calhoun
1-21 County, Texas. Such port authority [~~district~~] is hereby declared
1-22 to be a Governmental Agency and body politic and corporate with the
1-23 powers of government and with the authority to exercise all of the
1-24 rights, privileges and functions of a Navigation District created
1-25 under the authority of Chapter 9, Title 128, Vernon's Civil
1-26 Statutes of Texas, as amended, including, but not limiting the
1-27 generalization of the foregoing, Chapter 11, Acts of the 43rd
1-28 Legislature, First Called Session of 1933, as amended; Chapter 27,
1-29 Acts of the 42nd Legislature, Third Called Session of 1932, as
1-30 amended; and Chapter 5, Acts of the 39th Legislature of 1945, as
1-31 amended, as codified respectively by Vernon's as Articles 8247a,
1-32 8263e and 8263h, except as hereinafter specifically restricted, and
1-33 the creation of such port authority [~~district~~] is hereby determined
1-34 to be essential to the accomplishments of the purposes of Section
1-35 59, of Article 16, of the Constitution of the State of Texas, to the
1-36 extent hereinafter authorized for the improvement of navigation and
1-37 the maintenance, development and extension and improvement of port
1-38 facilities, wharf and dock facilities, within the boundaries of
1-39 said port authority [~~district~~] hereby established, which is
1-40 declared to be essential to the general welfare of the State of
1-41 Texas, for the development of marine shipping, and all property,
1-42 real, personal, mixed or otherwise, in said port authority
1-43 [~~District~~] is hereby found to be benefited by the creation of this
1-44 port authority [~~District~~] by the improvements which the port
1-45 authority [~~District~~] will construct or otherwise acquire in the
1-46 carrying out of its purposes.

1-47 SECTION 2. Chapter 195, Acts of the 53rd Legislature,
1-48 Regular Session, 1953, is amended by adding Section 1a to read as
1-49 follows:

1-50 Sec. 1a. (a) The name of The Calhoun County Navigation
1-51 District is changed to "The Calhoun Port Authority."

1-52 (b) A reference in law to The Calhoun County Navigation
1-53 District means The Calhoun Port Authority.

1-54 SECTION 3. Subsections (a), (b), (c), (e), and (f), Section
1-55 2, Chapter 195, Acts of the 53rd Legislature, Regular Session,
1-56 1953, are amended to read as follows:

1-57 (a) The port authority [~~District~~] shall be governed by a
1-58 Board of six Navigation Commissioners, each of whom shall be
1-59 elected from a separate precinct by the voters of the precinct in
1-60 accordance with this section.

1-61 (b) The Board shall from time to time divide the port
1-62 authority [~~district~~] into six Navigation Commissioner precincts
1-63 that are:

1-64 (1) compact and contiguous; and

2-1 (2) as nearly as practicable, of equal population.

2-2 (c) The Board shall complete any division of the port
2-3 authority [~~district~~] into new precincts not later than the 90th day
2-4 before the election of commissioners from those precincts.

2-5 (e) At the first election after a division of the port
2-6 authority [~~district~~] into new precincts, six commissioners shall be
2-7 elected. The commissioners shall draw lots after election to
2-8 select three commissioners to serve two-year terms and three
2-9 commissioners to serve four-year terms. Successor commissioners
2-10 serve staggered four-year terms as provided by Subsection (g).

2-11 (f) It is found and determined by the Legislature of Texas
2-12 that it is to the best interest of public welfare, general benefit
2-13 and the assurance of proper development of marine shipping that the
2-14 Navigation Commissioners of this port authority [~~District~~] be
2-15 representatives of all areas of this port authority [~~District~~] and
2-16 that if any Navigation Commissioner hereafter elected removes his
2-17 residence out of the precinct of his election such office is hereby
2-18 declared vacant.

2-19 SECTION 4. Section 3, Chapter 195, Acts of the 53rd
2-20 Legislature, Regular Session, 1953, is amended to read as follows:

2-21 Sec. 3. The Board of Navigation Commissioners shall have,
2-22 and the port authority [~~District~~] is hereby authorized to exercise,
2-23 all powers, duties, rights, privileges and functions conferred by
2-24 General Law, Chapter 9, Revised Civil Statutes of Texas, 1925, as
2-25 amended, of any Navigation District created pursuant to Section 59,
2-26 Article 16 of the Constitution of Texas, appropriate to the
2-27 accomplishment of the purposes set forth in Section 1 hereof. The
2-28 following powers, duties, and limitations, relating to the port
2-29 authority [~~District~~], are hereby expressly granted and imposed:

2-30 (a) The Commissioners Court shall levy and cause to be
2-31 collected taxes for the maintenance of the port authority
2-32 [~~District~~] and its properties and facilities, and for the payment
2-33 of the interest on and principal of all bonds and other indebtedness
2-34 issued by the port authority [~~District~~]; provided, however, that
2-35 the maximum taxes in any one (1) year for both maintenance and
2-36 indebtedness purposes shall not exceed an aggregate of fifteen
2-37 cents (15¢) on each One Hundred Dollars (\$100) of taxable property
2-38 within said port authority [~~District~~] whether real, personal,
2-39 mixed, or otherwise (the valuations of said taxable property to be
2-40 the same as the valuations shown on the tax rolls of the County for
2-41 such property, and such taxes to be assessed and collected by the
2-42 Calhoun County Tax Assessor-Collector); and provided, further,
2-43 that maintenance taxes may be levied and tax bonds of the port
2-44 authority [~~District~~] may be issued and taxes levied in payment
2-45 thereof after the same has been authorized by a majority vote of the
2-46 duly qualified resident tax paying voters of the port authority
2-47 [~~District~~], voting at an election called and held as is provided for
2-48 bond elections under the provisions of Chapter 5, Acts of the
2-49 Thirty-ninth Legislature of Texas, Regular Session, 1925, as
2-50 amended (codified as Article 8263h in Vernon's Texas Civil
2-51 Statutes).

2-52 (b) The Board of Navigation Commissioners shall not have the
2-53 power and shall not be authorized by a vote of its members to change
2-54 this port authority [~~District~~] from a Navigation District to any
2-55 other type of District authorized by General Law.

2-56 (c) Said port authority [~~District~~] shall not exercise the
2-57 right of eminent domain outside of Calhoun County in any area within
2-58 any other Navigation District without the agreement and consent of
2-59 such other Navigation District.

2-60 (d) The Board of Navigation Commissioners is hereby granted
2-61 the authority to adopt orders or resolutions designating and
2-62 defining areas of land in the port authority [~~District~~] fronting on
2-63 any navigable waters within the port authority [~~District~~] (no such
2-64 defined area to exceed one thousand (1,000) yards in depth as
2-65 measured from the shore line) outside the corporate limits of
2-66 incorporated cities or towns (including Home-Rule Cities), as
2-67 industrial areas and/or plant sites for the aid of navigation. A
2-68 certified copy of any such order or resolution shall be filed and
2-69 recorded in the Deed Records of Calhoun County, and after the same

3-1 has been so filed, no part of any such designated and defined area
3-2 shall thereafter be included within the boundaries of any
3-3 incorporated city or town (including Home-Rule Cities) or other
3-4 similar type of municipal corporation, whether by original
3-5 incorporation proceedings or by an extension or extensions of such
3-6 boundaries. The Board of Navigation Commissioners may adopt orders
3-7 or resolutions removing the whole or any part of any such designated
3-8 and defined area from such category if the said Board determines
3-9 (subsequent to the original designation) that the same is not
3-10 suitable for or being used as industrial areas and/or plant sites
3-11 and that the same will not be so suitable or used within a
3-12 reasonable time thereafter, and that such continued designation
3-13 will not constitute an aid to navigation. A certified copy of any
3-14 such order or resolution shall be filed and recorded in the Deed
3-15 Records as above provided, and after the same has been so filed,
3-16 then the restrictions imposed hereby shall be removed. It is
3-17 expressly found and determined by the Legislature that the powers
3-18 granted and restrictions imposed hereby are necessary for the
3-19 proper exercise by this port authority [~~District~~] of the powers
3-20 granted by Section 59 of Article XVI, Constitution of Texas, and by
3-21 this Act, as amended, and for the promotion and effectuation of the
3-22 navigation of the inland and coastal waters of the State.

3-23 SECTION 5. This Act takes effect immediately if it receives
3-24 a vote of two-thirds of all the members elected to each house, as
3-25 provided by Section 39, Article III, Texas Constitution. If this
3-26 Act does not receive the vote necessary for immediate effect, this
3-27 Act takes effect September 1, 2007.

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