

By: Deshotel

H.B. No. 2952

Substitute the following for H.B. No. 2952:

By: Frank

C.S.H.B. No. 2952

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the powers and duties of the Sabine-Neches Navigation
3 District of Jefferson County; providing clarification of existing
4 authority with regard to the imposition of maintenance taxes.

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

6 SECTION 1. Section 5, Chapter 1472, Acts of the 77th
7 Legislature, Regular Session, 2001, is amended to read as follows:

8 Sec. 5. GENERAL POWERS. The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 the general law of this state, including Chapters 49, 60, and 62,
11 Water Code, applicable to navigation districts created under
12 Section 59, Article XVI, Texas Constitution. This Act prevails
13 over any provision of general law that is in conflict or
14 inconsistent with this Act except that a provision of general law
15 that is in conflict or inconsistent with this Act prevails to the
16 extent that the commission exercises a power under that general law
17 provision and that exercise is authorized by an order or resolution
18 expressly referring to that general law provision.

19 SECTION 2. Section 6A, Chapter 1472, Acts of the 77th
20 Legislature, Regular Session, 2001, is amended by adding Subsection
21 (a-1) to read as follows:

22 (a-1) The district may acquire, purchase, lease, maintain,
23 repair, and operate facilities and equipment for preventing,
24 detecting, controlling, and fighting fires on or adjacent to the

1 Sabine-Neches Waterway and for the protection of life and property
2 from damage by fire and explosion.

3 SECTION 3. Section 6B, Chapter 1472, Acts of the 77th
4 Legislature, Regular Session, 2001, is amended by amending
5 Subsection (f) and adding Subsections (i), (j), (k), (l), and (m) to
6 read as follows:

7 (f) The district may provide that payments required by any
8 of the district's contracts, agreements, or leases may be payable
9 from the sale of notes, taxes, or bonds, or any combination of
10 notes, taxes, or bonds, or may be secured by a lien on or a pledge of
11 any available funds, including proceeds of the district's
12 maintenance tax, and may be payable subject to annual appropriation
13 by the district. The district may pledge to impose and may impose a
14 maintenance tax in an amount sufficient to comply with the
15 district's obligations under the district's contracts, leases, and
16 agreements at a maximum aggregate rate not to exceed 10 cents for
17 each \$100 valuation of taxable property in the district. Sections
18 26.04, 26.05, 26.07, and 26.012, Tax Code, do not apply to
19 maintenance taxes levied and collected for payments under a
20 contract, agreement, lease, time warrant, or maintenance note
21 issued or executed under this section.

22 (i) The district may:

23 (1) request a person designated by the district to
24 create a domestic entity under the Business Organizations Code; and

25 (2) approve:

26 (A) the provisions of the certificate of
27 formation;

1 (B) the provisions of the bylaws; and

2 (C) the initial members of the governing body of
3 the domestic entity.

4 (j) The provisions of the certificate of formation and the
5 bylaws under Subsection (i) may include provisions that:

6 (1) provide that the certificate and the bylaws may
7 not be amended without the consent of the district; and

8 (2) require the approval of the district of all
9 members of the governing body of the domestic entity.

10 (k) The domestic entity created under Subsection (i) does
11 not have the power of eminent domain.

12 (l) The domestic entity created under Subsection (i) is
13 created for the purpose of financing all or a portion of the
14 improvement project with funds from any private, public, or
15 governmental source, including the district.

16 (m) The district may enter into a contract with the domestic
17 entity to pay a portion of the amount to finance the improvement
18 project. The district may pledge the proceeds of the district's
19 maintenance tax to any contract with the domestic entity in the same
20 manner as provided by Subsection (f).

21 SECTION 4. (a) The legislature validates and confirms all
22 acts and proceedings of the board of directors of the Sabine-Neches
23 Navigation District of Jefferson County that were taken before the
24 effective date of this Act.

25 (b) Subsection (a) of this section does not apply to any
26 matter that on the effective date of this Act:

27 (1) is involved in litigation if the litigation

1 ultimately results in the matter being held invalid by a final
2 judgment of a court; or

3 (2) has been held invalid by a final judgment of a
4 court.

5 SECTION 5. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor, the
17 lieutenant governor, and the speaker of the house of
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

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, 2017.