

By: Creighton

S.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Sabine-Neches Navigation District of Jefferson County.

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

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

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

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

(a-1) The district may acquire, purchase, lease, maintain, repair, and operate facilities and equipment for preventing, detecting, controlling, and fighting fires on or adjacent to the Sabine-Neches Waterway and for the protection of life and property

1 from damage by fire and explosion.

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

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

21 (i) The district may:

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

24 (2) approve:

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

27 (B) the provisions of the bylaws; and

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

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

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

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

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

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

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

20 SECTION 4. (a) The legislature validates and confirms all
21 acts and proceedings of the board of directors of the Sabine-Neches
22 Navigation District of Jefferson County that were taken before the
23 effective date of this Act and all claims against the district which
24 are not pending on the effective date of this Act and which relate
25 to any approved acts or proceedings of the board of directors of the
26 district are barred by limitations.

27 (b) Subsection (a) of this section does not apply to any

1 matter that on the effective date of this Act:

2 (1) is involved in litigation if the litigation
3 ultimately results in the matter being held invalid by a final
4 judgment of a court; or

5 (2) has been held invalid by a final judgment of a
6 court.

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

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

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

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

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.