

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 23, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 2556, as Filed by Senator Brandon Creighton-relating to the modernization of the law governing the Port of Beaumont Navigation District of Jefferson County, Texas.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends the Special District Laws Code by adding new Chapter 5010 for the Port of Beaumont Navigation District (District) Of Jefferson County, Texas. The bill codifies the enabling District legislation, Acts of the 51st Legislature, Regular Session (1949), Chapter 147, into the new Chapter 5010, to provide for the General Provisions, District Administration, Powers and Duties, General Financial Provisions, and Bond Provisions for the District. The bill includes the authority to impose an ad valorem tax, approved by the voters at election, and authorizes the district to exercise the power of eminent domain under certain conditions. The addition of the new Chapter 5010 removes Section 1B and Sections 2-30 from the Acts of the 51st Legislature, Regular Session (1949).

Sincerely,


Kim Nygren, Director
Water Availability Division

cc: The Honorable Brandon Creighton, Chairman, Senate Committee on Texas Ports, Select Senator Brandon Creighton, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2556

Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/29/2019

Date transmitted to
Governor's Office



Lataj Shaw

Secretary of the Senate

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

May 8, 2019

Date transmitted to
Texas Commission on Environmental Quality



Greg Abbott

Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Heidi Roper
Texas Commission on Environmental Quality

By: Creighton

S.B. No. 2556

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the modernization of the law governing the Port of
3 Beaumont Navigation District of Jefferson County, Texas.

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

5 SECTION 1. Subtitle A, Title 5, Special District Local Laws
6 Code, is amended by adding Chapter 5010 to read as follows:

7 CHAPTER 5010. PORT OF BEAUMONT NAVIGATION DISTRICT OF JEFFERSON
8 COUNTY, TEXAS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 5010.0101. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of port commissioners of
12 the district.

13 (2) "Commissioner" means a member of the board.

14 (3) "District" means the Port of Beaumont Navigation
15 District of Jefferson County, Texas.

16 Sec. 5010.0102. NATURE AND PURPOSE OF DISTRICT. (a) The
17 district is a port district.

18 (b) To the extent authorized by this chapter, the district
19 is created to:

20 (1) improve navigation in the district;

21 (2) maintain, develop, extend, and improve port,
22 wharf, dock, and intermodal facilities inside or outside the
23 district; and

24 (3) develop the Port of Beaumont in the district.

1 Sec. 5010.0103. LEGISLATIVE FINDINGS. The creation of the
2 district:

3 (1) is essential to:

4 (A) accomplish the purposes of Section 59,
5 Article XVI, Texas Constitution; and

6 (B) the general welfare of this state for the
7 development of maritime shipping to and from the state's ports;

8 (2) is in the interest of national defense, the Port of
9 Beaumont being strategically located on the Gulf Coast with an
10 inland-protected harbor and in a rapidly developing industrial area
11 where wharves, docks, and intermodal facilities are located; and

12 (3) will result in:

13 (A) material benefits and improvements to
14 district territory;

15 (B) the increase of the taxable value of property
16 in the district; and

17 (C) material benefit to that part of the state in
18 which the district is located.

19 Sec. 5010.0104. DISTRICT TERRITORY. The district is
20 composed of the territory in Jefferson and Orange Counties
21 described by Sections 1 and 1A, Chapter 147, Acts of the 51st
22 Legislature, Regular Session, 1949, as that territory may have been
23 modified under:

24 (1) Section 3 or 3a, Chapter 103, Acts of the 41st
25 Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's
26 Texas Civil Statutes), before August 30, 1971;

27 (2) Subchapter H, Chapter 62, Water Code; or

1 (3) other law.

2 Sec. 5010.0105. LIBERAL CONSTRUCTION OF CHAPTER. This
3 chapter shall be construed liberally to effect its purposes.

4 SUBCHAPTER B. DISTRICT ADMINISTRATION

5 Sec. 5010.0201. BOARD OF PORT COMMISSIONERS; TERM;
6 ELECTION. (a) The management and control of the district is vested
7 in a board composed of six elected commissioners.

8 (b) Commissioners serve staggered six-year terms, with the
9 terms of two commissioners expiring every two years.

10 (c) The district shall hold an election in the district on
11 the uniform election date in May of each odd-numbered year to elect
12 the appropriate number of commissioners.

13 (d) Notice of an election held under this section must be:

14 (1) signed by the board's presiding officer or
15 secretary; and

16 (2) posted in accordance with Section 4.003(b),
17 Election Code.

18 (e) The board shall declare the results of an election held
19 under this section.

20 Sec. 5010.0202. ELECTIONS; WARDS; QUALIFICATIONS. (a) Two
21 commissioners are elected by the voters of the district at large,
22 and each ward is represented on the board by a ward resident elected
23 as commissioner by the voters of the ward.

24 (b) The district is divided into four wards in accordance
25 with a redistricting plan consistent with the most recent decennial
26 census.

27 (c) The board may change the boundaries of the wards and may

1 designate the wards by reference to county commissioners court
2 precincts, except that:

3 (1) there must be four wards in the district at all
4 times;

5 (2) each ward must contain as nearly as possible the
6 same number of voters; and

7 (3) each ward must contain at least 20 percent of the
8 estimated population of the district.

9 (d) Each commissioner must:

10 (1) be a qualified voter of the district; and

11 (2) own taxable real property located in the district.

12 Sec. 5010.0203. PLACING CANDIDATE ON BALLOT. (a) An
13 application for a place on the ballot must be:

14 (1) filed with the secretary of the board or another
15 person designated by the board; and

16 (2) signed by:

17 (A) the candidate; or

18 (B) 10 or more qualified voters of the district.

19 (b) The filing period for an application for a place on the
20 ballot is the same as provided by Chapter 143, Election Code.

21 Sec. 5010.0204. COMMISSIONER'S OATH AND BOND. (a) Not
22 later than the 10th day after the date of the commissioner's
23 election, each commissioner shall:

24 (1) take and subscribe an oath of office with
25 conditions in the oath as provided by law for members of the
26 commissioners court of a county; and

27 (2) enter into a good and sufficient bond in the amount

1 of \$1,000 payable to the district, conditioned on the faithful
2 performance of the commissioner's duties as a commissioner.

3 (b) The bond of a commissioner must be approved by the
4 board.

5 Sec. 5010.0205. COMPENSATION OF COMMISSIONERS; EXPENSES.

6 (a) Except as provided by Subsection (b), a commissioner shall
7 receive \$500 per month for the commissioner's services.

8 (b) A commissioner serving as president of the board shall
9 receive \$550 per month.

10 (c) A commissioner shall receive actual traveling expenses.

11 Sec. 5010.0206. VACANCIES. (a) Except as provided by
12 Subsection (b), if a vacancy occurs in the office of commissioner,
13 the board shall appoint a commissioner for the remainder of the
14 unexpired term.

15 (b) If the number of commissioners is reduced to three, the
16 remaining commissioners shall call a special election to fill the
17 vacancies.

18 Sec. 5010.0207. OFFICERS AND EMPLOYEES. (a) As soon as
19 practicable after each election of commissioners, the board shall
20 elect a president, vice president, and secretary and treasurer.

21 (b) The president and vice president must be members of the
22 board.

23 (c) The office of secretary and treasurer:

24 (1) is one office; and

25 (2) may be filled by a person who is not a member of the
26 board.

27 (d) If a vacancy occurs in an office, the board shall

1 appoint a replacement for the unexpired term.

2 (e) Officers serve until successor officers have qualified.

3 (f) The board may:

4 (1) employ an executive director for the district and
5 give the executive director full authority to manage and operate
6 the affairs of the district, including the authority to employ
7 officers, agents, and employees, prescribe their duties, and set
8 their compensation, subject only to the orders of the board; and

9 (2) employ and set the fees of counsel to represent the
10 district in the preparation of any contract, to conduct any
11 proceeding in or out of court, and to be the legal advisor of the
12 board on matters as agreed to by the board.

13 (g) The board shall:

14 (1) set the compensation of the secretary and
15 treasurer and the executive director; and

16 (2) set the terms of office of all officers of the
17 district, including the executive director.

18 (h) All officers and the executive director of the district,
19 other than the commissioners, hold office subject to the will of the
20 board.

21 Sec. 5010.0208. DELEGATION. The board may authorize the
22 executive director or another person to perform any act on behalf of
23 the board.

24 Sec. 5010.0209. SURETY BOND. (a) Each officer, agent, or
25 employee of the district who is charged with the collection,
26 custody, or payment of district money shall give bond conditioned
27 on:

1 (1) the faithful performance of the person's duties;

2 and

3 (2) an accounting of all money and property of the
4 district coming into the person's possession.

5 (b) The bond must be in a form and manner and with a surety
6 approved by the board, and the surety on the bond must be a surety
7 company authorized to do business in this state.

8 (c) The district shall pay the premium on the bond and
9 charge the premium as an operating expense.

10 Sec. 5010.0210. DISTRICT OFFICE. A regular office shall be
11 established and maintained for conducting district business
12 either:

13 (1) in the district; or

14 (2) at any place in the city of Beaumont.

15 Sec. 5010.0211. MEETINGS; QUORUM. (a) The board shall hold
16 regular meetings at least once each month on the day and time
17 designated by the board.

18 (b) The board shall hold special meetings:

19 (1) at the call of the board president; or

20 (2) on the request of three commissioners.

21 (c) Four commissioners constitute a quorum of the board.

22 Sec. 5010.0212. CONFLICT OF INTEREST; PENALTY. (a) A
23 commissioner, officer, agent, or employee of the district may not
24 be directly or indirectly interested in a contract for the purchase
25 of any property or construction of any work by or for the district.

26 (b) A person who violates this section is subject to the
27 penalties provided by law for state and county officers under

1 similar circumstances.

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 5010.0301. GENERAL AND NAVIGATION DISTRICT POWERS.

4 (a) The district has:

5 (1) the powers of government and the authority to
6 exercise the rights, privileges, and functions specified by this
7 chapter; and

8 (2) all powers, rights, privileges, and functions
9 conferred by general law on any district created under Section 59,
10 Article XVI, Texas Constitution, appropriate to the accomplishment
11 of the purposes of this chapter, except as expressly limited by this
12 chapter.

13 (b) To the extent not inconsistent or in conflict with this
14 chapter, the district and the board have all of the rights, powers,
15 privileges, and functions granted or conferred by the provisions of
16 the general laws applicable to navigation districts including those
17 granted or conferred by Chapters 60 and 62, Water Code.

18 Sec. 5010.0302. POWERS REGARDING WHARVES, DOCKS, AND OTHER
19 FACILITIES; RESTRICTION. (a) This section does not apply to
20 facilities or aids of a type or kind used or engaged in competition
21 with tugs, barges, salvage operations, or shipbuilding or ship
22 repair operations.

23 (b) The district may:

24 (1) acquire, take over, construct, maintain, repair,
25 operate, develop, and regulate wharves, docks, warehouses, grain
26 elevators, dumping facilities, belt railways, lands, intermodal,
27 and other facilities or aids consistent with or necessary to the

1 operation or development of ports or waterways in the district; and
2 (2) construct, extend, improve, repair, maintain, and
3 reconstruct, cause to be constructed, extended, improved,
4 repaired, maintained, and reconstructed, and own, use, and operate
5 any facility of any kind necessary or convenient to the exercise of
6 the powers, rights, privileges, and functions granted by this
7 chapter.

8 (c) The district may issue bonds for a purpose described by
9 Subsection (b)(1) or to acquire necessary or proper lands,
10 rights-of-way, dumping grounds, extensions or improvements of belt
11 railway lines, or construction or improvements of wharves, docks,
12 or other facilities or aids to navigation. The district may secure
13 the obligations by liens on properties acquired, constructed, or
14 improved and may pledge available revenue as additional security.

15 Sec. 5010.0303. POWERS REGARDING WHARFAGE, CHARGES, AND
16 RATES FOR DISTRICT FACILITIES. The district has the power to:

17 (1) regulate wharfage and charges for all facilities
18 of or pertaining to the Port of Beaumont and the waterways in the
19 district;

20 (2) assess and collect charges for the use of all
21 district facilities;

22 (3) approve a pilotage rate charge imposed under
23 Chapter 69, Transportation Code; and

24 (4) approve a charge, fee, or assessment imposed by a
25 navigation district other than the district within the territory of
26 the district.

27 Sec. 5010.0304. LIMITATION ON CERTAIN POWERS. This chapter

1 may not be construed as granting the district or the board any power
2 over the appointment, operations, or conduct of:

3 (1) a branch pilot appointed under Section 69.037,
4 Transportation Code; or

5 (2) the board of pilot commissioners described by
6 Section 69.011, Transportation Code.

7 Sec. 5010.0305. POWERS CONCURRENT WITH THOSE OF
8 SABINE-NECHES NAVIGATION DISTRICT OF JEFFERSON COUNTY, TEXAS.
9 Except as provided by Section 5010.0303, the district's powers are
10 concurrent with, but do not supersede or interfere with, the
11 jurisdiction and powers of the Sabine-Neches Navigation District of
12 Jefferson County, Texas, created under Section 59, Article XVI,
13 Texas Constitution, over the common territory of the two districts.

14 Sec. 5010.0306. BYLAWS AND RULES. The district may adopt
15 bylaws and rules for the management and regulation of the
16 district's affairs.

17 Sec. 5010.0307. ACQUISITION OF PROPERTY; EMINENT DOMAIN.

18 (a) In this section, "property" means property of any kind, except
19 that the term does not include a lighter, tug, barge, or other
20 floating equipment of any nature.

21 (b) If necessary or convenient to exercising a power, right,
22 privilege, or function conferred on the district by this chapter,
23 the district:

24 (1) by gift or purchase may acquire property or an
25 interest in property that is inside or outside the district
26 boundaries; or

27 (2) by exercising the power of eminent domain may

1 acquire property or an interest in property that is inside or
2 outside the district boundaries.

3 (c) The district must exercise the power of eminent domain
4 in the manner provided by Chapter 21, Property Code, except that the
5 district is not required to give bond for appeal or bond for costs
6 in any judicial proceeding.

7 (d) The district's authority under this section to exercise
8 the power of eminent domain expired on September 1, 2013, unless the
9 district submitted a letter to the comptroller in accordance with
10 Section 2206.101(b), Government Code, not later than December 31,
11 2012.

12 Sec. 5010.0308. MORTGAGE OR FORCED SALE OF CERTAIN DISTRICT
13 FACILITIES. The district may not mortgage or subject to forced sale
14 a facility in use by the district on March 7, 1957.

15 Sec. 5010.0309. GENERAL AUTHORITY TO MAKE CONTRACTS AND
16 EXECUTE INSTRUMENTS. The district may make a contract or execute an
17 instrument necessary or convenient to exercising a power, right,
18 privilege, or function conferred on the district by this chapter.

19 Sec. 5010.0310. AUTHORITY TO SUE AND BE SUED. The district
20 may sue and be sued in the district's corporate name.

21 Sec. 5010.0311. SEAL. The district may adopt and use a
22 corporate seal.

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 5010.0401. DEPOSITORY; DEPOSIT AND USE OF DISTRICT
25 MONEY; REPORT. (a) The board shall select a depository or
26 depositories for the district in the manner provided by law for the
27 selection of a county depository.

1 (b) The board in selecting a depository shall act in the
2 same capacity and perform the same duties as the county judge and
3 the commissioners court in selecting a county depository.

4 (c) A depository selected by the board:

5 (1) has the powers and duties provided by law for a
6 county depository; and

7 (2) shall execute a depository bond, or pledge
8 collateral in lieu of or in addition to a surety company bond, as
9 provided by law for a county depository.

10 (d) After the depository or depositories have given bond or
11 bonds as provided by law and the bond or bonds have been approved by
12 the board, all district money shall be deposited in the depository
13 or depositories by the officers or agents of the district appointed
14 by the board to collect and deposit district money.

15 (e) District money shall be deposited in the appropriate
16 account and kept separate. The accounts of the district are the:

17 (1) interest and sinking fund account;

18 (2) construction account; and

19 (3) maintenance and operations account.

20 (f) Money in the interest and sinking fund account may be
21 used only to pay the interest on and principal of the appropriate
22 indebtedness.

23 (g) Each district depository shall prepare a report of all
24 money received and all money paid out by the depository at the end
25 of each month and shall file the report, along with vouchers and
26 records of the district, with the secretary and treasurer of the
27 board.

1 Sec. 5010.0402. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
2 PUBLIC INSPECTION. (a) The board shall keep complete and accurate
3 accounts conforming to approved governmental accounting standards.

4 (b) The accounts and all contracts, documents, and records:
5 (1) shall be kept at the district's principal office;
6 and
7 (2) are public information under Chapter 552,
8 Government Code.

9 Sec. 5010.0403. FILING COPIES OF AUDIT REPORT. Copies of
10 the audit report prepared under Subchapter G, Chapter 49, Water
11 Code, as required by Section 60.002, Water Code, shall be certified
12 to by the accountant who performed the audit and filed:

13 (1) as required by Section 49.194, Water Code; and
14 (2) with the county clerk of Jefferson County.

15 Sec. 5010.0404. PROCEDURE FOR DISTRIBUTION OF MONEY.
16 District money may be distributed by wire transfer or other
17 electronic means authorized by the board, or by check, voucher,
18 draft, order, or other written instrument signed by at least two
19 persons authorized by board resolution to sign the instrument.

20 Sec. 5010.0405. AUTHORITY TO BORROW MONEY, ACCEPT GRANTS,
21 AND ISSUE ASSOCIATED BONDS. The district may:

22 (1) borrow money for the district's corporate purposes
23 consistent with the constitution and general laws of this state;
24 (2) borrow money or accept a grant from the United
25 States, this state, or an agency or subdivision created or
26 designated by the United States or this state and, in connection
27 with the loan or grant, enter into any agreement the United States,

1 this state, or an agency or subdivision may require; and

2 (3) make and issue bonds for money borrowed, in the
3 manner and to the extent provided by this chapter.

4 Sec. 5010.0406. AUTHORITY TO BORROW MONEY FOR CURRENT
5 EXPENSES; EVIDENCE OF OBLIGATION. (a) The district may:

6 (1) borrow money for current expenses; and

7 (2) evidence the borrowed money by warrants.

8 (b) The amount of the warrants may not exceed the
9 anticipated revenue.

10 Sec. 5010.0407. AD VALOREM TAX FOR MAINTENANCE AND
11 OPERATIONS. The district may impose an annual ad valorem tax at a
12 rate not to exceed 10 cents on each \$100 valuation of taxable
13 property in the district for the maintenance, operation, and upkeep
14 of the district and the port facilities, properties, and
15 improvements constructed by the district.

16 Sec. 5010.0408. IMPOSITION OF DISTRICT TAX BY COMMISSIONERS
17 COURT. On request of the board, the Commissioners Court of
18 Jefferson County, Texas, shall impose taxes necessary to pay the
19 interest on the bonded debt and to create a sinking fund to retire
20 the principal of that debt.

21 Sec. 5010.0409. STATUTE OF LIMITATIONS INAPPLICABLE.
22 Collection of public charges of the district other than taxes is not
23 barred by the running of the limitations period.

24 SUBCHAPTER E. BONDS

25 Sec. 5010.0501. AUTHORITY TO ISSUE BONDS; ELECTION; TAXES
26 FOR BONDS. (a) The district may issue bonds when the board finds
27 that the bonds are necessary by an order entered of record in the

1 board's minutes. The district may issue bonds to obtain money for
2 any lawful purpose provided for in this chapter that the board
3 considers necessary.

4 (b) The board shall direct the district engineer to prepare
5 an estimate of the cost of necessary repairs, extensions, or
6 additional improvements, together with all expenses incident to
7 those repairs, extensions, or additional improvements, or the board
8 on the board's own motion may prepare such an estimate.

9 (c) The board shall order an election to be held to
10 determine whether district bonds shall be issued in an amount
11 sufficient to pay the costs and expenses contained in the estimate
12 prepared under Subsection (b). The election shall be held in
13 accordance with Chapter 1251, Government Code. The board shall
14 perform the duties and do all acts and things provided to be done by
15 the governing body of a municipality, as provided by that chapter.
16 The ballots at the election shall be printed as required by Chapter
17 1251, Government Code.

18 (d) If bonds have been voted, the board shall impose an
19 annual ad valorem tax on all taxable property in the district
20 sufficient to:

21 (1) pay the interest on the bonds;

22 (2) create a sinking fund to redeem and discharge the
23 bonds at maturity; and

24 (3) pay the expense of imposing the tax.

25 Sec. 5010.0502. FORM OF BONDS. All bonds issued under this
26 chapter must be:

27 (1) issued in the district's name;

1 (2) signed by the board president; and

2 (3) attested by the district secretary and treasurer.

3 Sec. 5010.0503. MATURITY. District bonds, including
4 refunding bonds, must mature not later than 40 years after the date
5 of issuance.

6 Sec. 5010.0504. REVENUE BONDS. (a) The district may pledge
7 all or part of the revenue derived from any source other than
8 taxation to the payment of revenue bonds issued by the district,
9 including:

10 (1) revenue derived from the operation of:

11 (A) existing facilities;

12 (B) facilities to be acquired wholly or partly
13 with the proceeds of the bonds; and

14 (C) other facilities to be acquired, regardless
15 of the source of financing;

16 (2) royalties and rentals from the lease of oil, gas,
17 or other mineral properties owned by the district; and

18 (3) revenue derived from property owned by the
19 district and leased to others.

20 (b) As considered necessary to ensure the marketability of
21 the obligations, a resolution or order authorizing the issuance of
22 revenue bonds may contain covenants with the holders of the
23 obligations as to:

24 (1) the development, management, and operation of the
25 district's improvements and facilities;

26 (2) the collection of fees and charges for the use of
27 the improvements and facilities;

- 1 (3) the disposition of the fees and charges;
2 (4) the issuance of future obligations and the
3 creation of future liens and encumbrances against the improvements
4 and facilities and the revenue of the improvements and facilities;
5 and
6 (5) other pertinent matters.

7 (c) Revenue bonds, if payable from a source other than
8 taxation, may be issued on a parity with other revenue bonds issued
9 under this chapter or other applicable law, and the revenue bonds
10 and parity revenue bonds may be payable from the same source.

11 Sec. 5010.0505. REFUNDING BONDS. (a) The board may issue
12 refunding bonds to refund like principal amounts of outstanding
13 bonds of the district.

14 (b) Refunding bonds shall be payable from the same source as
15 the bonds refunded except that bonds payable wholly or partly from
16 ad valorem taxes may be refunded into bonds payable solely from
17 district revenue other than ad valorem taxes, including revenue
18 derived from:

19 (1) the operation of a facility owned or used by the
20 district; or

21 (2) oil, gas, or other mineral properties or rights
22 owned by the district, including rentals.

23 (c) The district may combine into a single issue:

24 (1) refunding bonds payable solely from revenue other
25 than ad valorem taxes; and

26 (2) improvement bonds authorized under statutory
27 authority other than this section and similarly payable.

1 (d) Refunding bonds may be:

2 (1) delivered in exchange for a like amount of the
3 bonds to be refunded;

4 (2) sold, and the proceeds from the sale applied to the
5 payment of the bonds to be refunded; or

6 (3) exchanged in part and sold in part.

7 (e) If the bonds to be refunded have not matured or become
8 callable for redemption under the terms of the bonds, the proceeds
9 of the sale of the refunding bonds may be deposited with a paying
10 agent for the outstanding bonds. The paying agent shall apply the
11 proceeds to the payment of the outstanding bonds:

12 (1) at maturity or the first available redemption
13 date; or

14 (2) on earlier voluntary surrender by the bondholder.

15 (f) If refunding bond proceeds are deposited as provided by
16 Subsection (e):

17 (1) interest on the outstanding bonds to maturity or
18 the first available redemption date, together with any applicable
19 redemption premiums, shall be deposited with the proceeds; and

20 (2) the refunding bond proceeds may, at the direction
21 of the district, be invested by the paying agent in direct
22 obligations of the United States that mature not later than the date
23 on which the bonds to be refunded mature or the first available
24 redemption date of those bonds.

25 (g) The interest received on refunding bond proceeds
26 invested under Subsection (f)(2) shall be paid to the district to be
27 applied to the payment of the interest falling due on the refunding

1 bonds, and any surplus over the interest falling due may be used by
2 the district for the district's general purposes.

3 (h) Refunding bonds issued under this section shall be
4 authorized, secured, and issued in the manner provided by this
5 chapter or by pertinent general law for the issuance of other bonds
6 by the district.

7 SECTION 2. Section 1, Chapter 147, Acts of the 51st
8 Legislature, Regular Session, 1949, is amended to read as follows:

9 Section 1. ~~[There is hereby created within the State of~~
10 ~~Texas, in addition to the districts into which the State has~~
11 ~~heretofore been divided, a port district to be known as the Port of~~
12 ~~Beaumont Navigation District of Jefferson County, Texas, situated~~
13 ~~in Jefferson County, Texas, with boundaries as hereinafter set out~~
14 ~~(hereinafter called the district). Such district shall be and is~~
15 ~~hereby declared to be a governmental agency and body politic and~~
16 ~~corporate with the powers of government and with the authority to~~
17 ~~exercise the rights, privileges and functions hereinafter~~
18 ~~specified, and the creation of such district is hereby determined~~
19 ~~to be essential to the accomplishment of the purposes of Section 59,~~
20 ~~of Article 16, of the Constitution of the State of Texas, including~~
21 ~~(to the extent hereinafter authorized) the improvement of~~
22 ~~navigation and the maintenance, development, extension and~~
23 ~~improvement of port facilities, wharf and dock facilities, and the~~
24 ~~development of the port of Beaumont within the boundaries thereof~~
25 ~~as hereby established, which is declared to be essential to the~~
26 ~~general welfare of the State of Texas for the development of~~
27 ~~maritime shipping to and from its ports, and in the interest of~~

1 ~~national defense, the Port of Beaumont being strategically located~~
2 ~~on the Gulf Coast with an inland-protected harbor and in a rapidly~~
3 ~~developing industrial area wherein shipyards and ship-storing~~
4 ~~basins are located, and the creation of said port district will~~
5 ~~result in material benefits and improvements to the territory~~
6 ~~included therein and in the increase of taxable values of property~~
7 ~~included therein, and result in material benefit to that section of~~
8 ~~the State in which same is located.]~~

9 The initial boundaries of the Port of Beaumont Navigation
10 District of [~~said district in~~] Jefferson County, Texas, are as
11 follows:

12 BEGINNING at a point in the thread of the Neches River where
13 it is intersected by the East line of the J. S. Johnston Survey
14 extended northward to the Neches River;

15 THENCE in a southerly direction along the East line of the
16 J. S. Johnston Survey to its intersection with the West line of the
17 Kansas City Southern Railroad Company's right-of-way between
18 Beaumont and Port Arthur;

19 THENCE Northwesterly along the Southwesterly right-of-way
20 line of the Kansas City Southern Railroad Company's right-of-way to
21 its intersection with the East line of the P. Humphries Survey;

22 THENCE South along the East line of the P. Humphries Survey
23 to the Northeast corner of T. & N. O. Ry. Co. Survey No. 1;

24 THENCE West along the North line of T. & N. O. Ry. Co. Survey
25 No. 1 to its Northwest corner;

26 THENCE South along the West line of T. & N. O. Ry. Co. Survey
27 No. 1 to the North line of the W. N. Sigler Survey;

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1 THENCE West along the North line of the W. N. Sigler Survey to
2 the East line of the T. & N. O. Ry. Company's main line right-of-way
3 between Beaumont and Port Arthur;

4 THENCE Southeastward along the East line of T. & N. O. Ry.
5 Company's right-of-way to the center line of the old McFaddin
6 Canal;

7 THENCE Westward along the center line of the old McFaddin
8 Canal to John's Gully;

9 THENCE down the meanders of John's Gully Southward through
10 the E. D. Chenneth Survey and the William Murphy Survey, to the
11 South bank of Hillebrandt Bayou;

12 THENCE Westward and Northwestward along the meanders of the
13 West bank of Hillebrandt Bayou to the South bank of Bayou Din;

14 THENCE Northward, Westward, and Southwestward, along the
15 Southerly bank of Bayou Din to point where the West line of the S.
16 Corzine Survey, when extended through the M. Pivoto Survey,
17 intersects the Southerly bank of Bayou Din;

18 THENCE Northward through the M. Pivoto Survey along the
19 extended West line of the S. Corzine Survey, and continuing
20 Northward along the West line of the S. Corzine Survey, to the South
21 line of the S. Stivers League;

22 THENCE West along the South line of the S. Stivers League to
23 its Southwest corner;

24 THENCE Northward along the West line of the S. Stivers League
25 to the dividing line between H. T. & B. Rr. Co. Surveys Nos. 14 and
26 15;

27 THENCE West along the South line of H. T. & B. Rr. Co. Surveys

S.B. No. 2556

1 Nos. 14, 13 and 12, to the intersection of the West line of the A.
2 Savery Survey, extended Southward;

3 THENCE North along the extended West line of A. Savery
4 Survey, through N. T. & B. Rr. Co. Surveys Nos. 12 and 3, and
5 continuing Northward along the West line of the A. Savery Survey and
6 the A. Houston Survey, and still continuing along this line
7 extended Northward, through the E. Rains, and the S. Morris and the
8 Josiah Dyches Surveys, to the intersection of the thread of Pine
9 Island Bayou;

10 THENCE Eastward and Southeastward down the meanders of the
11 Thread of Pine Island Bayou and the Neches River, to the place of
12 beginning.

13 SECTION 3. Sections 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
14 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
15 and 30, Chapter 147, Acts of the 51st Legislature, Regular Session,
16 1949, are repealed.

17 SECTION 4. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

S.B. No. 2556

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 5. This Act takes effect September 1, 2019.

Publishers Affidavit

Acct #094409000 Job #203470301 Tear Sheet Attached
Name PORT OF BBAUMONT 3866239 B24285474

STATE OF TEXAS
COUNTY OF JEFFERSON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Victoria Bond
WHO BEING BY ME DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS A NEWSPAPER REPRESENTATIVE
FOR THE BRADMONT ENTERPRISE; THAT SAID NEWSPAPER REGULARLY PUBLISHED IN JEFFERSON COUNTY
CIRCULATED IN JEFFERSON, HARDIN, TYLER, NEWTON, ORANGE, JASPER, LIBERTY, SABINE, CHAMBERS,
SAN AUGUSTINE, ANGELINA AND GALVESTON COUNTY(COUNTIES), TEXAS; THAT THE ATTACHED NOTICE
IN SAID NEWSPAPER ON THE FOLLOWING DATE(S), TO WIT:
02-24-19

Victoria Bond
NEWSPAPER REPRESENTATIVE

SWORN AND SUBSCRIBED TO BEFORE ME, THIS 25TH DAY OF FEBRUARY 2019,
TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.



Charles E. Walichowski
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Charles E. Walichowski
PRINT OR TYPE NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES May 19, 2022



Legal Notices	Legal Notices	Legal Notices
<p>ACCOMMODATIONS: Newton County is committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 409-378-5991 to request assistance.</p> <p>NOTICE OF INTENT TO INTRODUCE A BILL Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 96th Legislature of the State of Texas at its Regular Session in Austin, Texas for the introduction of a Bill, the substance of the contemplated law being as follows: An Act relating to modernization of Chapter 147, Acts of the 51st Legislature of the State of Texas, Regular Session, 1948, the law governing the Port of</p>	<p>Beaumont Navigation District of Jefferson County, Texas (the "Port"). The Act will provide as follows: Section 1, Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapter 5010. CHAPTER 5010. PORT OF BEAUMONT NAVIGATION DISTRICT OF JEFFERSON COUNTY, TEXAS SUBCHAPTER A. GENERAL PROVISIONS SUBCHAPTER B. DISTRICT ADMINISTRATION SUBCHAPTER C. POWERS AND DUTIES SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS SUBCHAPTER E. BONDS Section 2. Specifies the initial boundaries of the Port. Section 3. Repeals Sections 19, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Chapter 147,</p>	<p>Acts of the 51st Legislature, Regular Session, 1948. Section 4. Provides for legal notice of the intention to introduce the Act as set forth herein and notes certain persons, agencies, officials or entities which are required to be furnished notice and copy of the Act under 866 Article XI, Texas Constitution and Chapter 313, Government Code. Section 5. States, if adopted, the Act takes effect on September 1, 2019. Port of Beaumont Navigation District of Jefferson County, Texas is located with the City of Beaumont, Texas and adjacent unincorporated areas within Jefferson County, Texas. All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.</p>

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 Tammy Warren at (409) 838-2814 or
 email tammy.warren@beaumontenterprise.com



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 Must Be Able to Communicate in English
 All Forms of Legal Work Authorization Accepted
 Post-Offer Drug Testing Required for
 Qualified Applicants
 Basic Orientation Plus and TWIC required



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NOT

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**NOTICE OF INTENT
TO INTRODUCE A BILL**

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 86th Legislature of the State of Texas at its Regular Session in Austin, Texas for the introduction of a Bill, the substance of the contemplated law being as follows:

An Act relating to modernization of Chapter 147, Acts of the 51st Legislature of the State of Texas, Regular Session, 1949, the law governing the Port of Beaumont Navigation District of Jefferson County, Texas (the "Port"). The Act will provide as follows:

Section 1. Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapter 5010.

**CHAPTER 5010. PORT OF BEAUMONT NAVIGATION DISTRICT OF
JEFFERSON COUNTY, TEXAS**

**SUBCHAPTER A. GENERAL PROVISIONS
SUBCHAPTER B. DISTRICT ADMINISTRATION
SUBCHAPTER C. POWERS AND DUTIES
SUBCHAPTER D. GENERAL FINANCIAL PROVISION
SUBCHAPTER E. BONDS**

Section 2. Specifies the initial boundaries of the Port.

Section 3. Repeals Sections 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Chapter 147, Acts of the 51st Legislature, Regular Session, 1949.

Section 4. Provides for legal notice of the intention to introduce the Act as set forth herein and notes certain persons, agencies, officials or entities which are required to be furnished notice and copy of the Act under §59, Article XI, Texas Constitution and Chapter 313, Government Code.

Section 5. States, if adopted, the Act takes effect on September 1, 2019.

Port of Beaumont Navigation District of Jefferson County, Texas is located with the City of Beaumont, Texas and adjacent unincorporated areas within Jefferson County, Texas. All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

PORT OF BEAUMONT
1225 MAIN STREET
BEAUMONT, TX 77701

Return to:

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Carolyn L. Guidry

Carolyn L. Guidry, County Clerk
Jefferson County, Texas

February 19, 2019 02:03:05 PM

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