

## **BILL ANALYSIS**

Senate Research Center

H.B. 3158  
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Natural Resources  
5/7/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

When the Chambers County-Cedar Bayou Navigation District (district) was formed, the area was not as developed as it is today. The district was created with the primary purpose to deepen and widen the bayou so that barges could transfer goods throughout the area. At that time the board of directors (board) consisted only of people from Chambers County and local industry personnel. In recent years the area has experienced a great deal of residential development and the bayou has become a recreational treasure. Passage of H.B. 3158 will enable those living in Baytown and Harris County to have a voice in the in the beneficial use of this area as they are directly affected by its future.

H.B. 3158 preserves the recreational value of the bayou, while maintaining its unique balance with the industry and economy by adding two representatives from Baytown to the board of the Chambers County-Cedar Bayou Navigation District and changing the name of the district to more accurately reflect the board's composition.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1(a), Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, by renaming the "Chambers County-Cedar Bayou Navigation District" as the "Cedar Bayou Navigation District" (district).

SECTION 2. Amends Section 2, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, to redefine "district."

SECTION 3. Amends Section 5, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, as follows:

(a) Provides that the district is governed by a board of seven, rather than five, directors.

(b) Requires the five directors serving in director positions 1, 2, 3, 4, and 5 to be appointed by the Commissioners Court of Chambers County from a list of candidates recommended by the board of directors (board) in the manner provided in Section 375.064 (Recommendations for Succeeding Board), Local Government Code, rather than Government Code, or from nominees submitted by members of the commissioners court, if the commissioners court is not satisfied with any of the recommended candidates. Requires said directors to serve staggered six-year terms with the terms of the directors in positions 1 and 3 expiring May 1 of an odd-numbered year, and the directors in positions 2 and 4 expiring May 1 of another odd-numbered year, and the director in position 5 expiring May 1 of another odd-numbered year, rather than either 2 directors or 1 director expiring on May 1 of each odd-numbered year as provided below. Deletes existing text relating to an exception for the initial directors.

(b-1) Requires the directors serving in director positions 1 and 2 to be representatives of a company or business in the district that has the highest and second highest taxable value of real and personal property located in the district, as certified by the Chambers County

Appraisal District. Requires the directors serving in director positions 3 and 4 to be representatives of a company or business in the district that owns real or personal property that has a taxable value of at least \$25,000,000 but less than \$250,000,000, as certified by the Chambers County Appraisal District. Requires the director serving in director position 5 to be a representative of a company or business that owns real or personal property in the district that has a taxable value of at least \$5,000,000 but less than \$25,000,000, as certified by the Chambers County Appraisal District.

(b-2) Requires the directors to elect a chairperson from the directors. Provides that the person elected serves a term of four years as chairperson. Requires the chairperson, beginning September 1, 2007, to be elected by the directors from among the directors in positions 1, 2, 3, 4, and 5. Requires the chairperson, at the conclusion of the term of the initial chairperson elected under this subsection, to be elected by the directors from among the directors in positions 6 and 7. Requires the group of directors from which the chairperson is elected to continue to alternate between the directors in positions 1, 2, 3, 4, and 5, and the directors in positions 6 and 7.

(c) Requires one director, who is required to serve in director position 6, to be appointed by the mayor of the City of Baytown, and one director, who is required to serve in director position 7, to be appointed by the city council of the City of Baytown. Requires the two directors to serve staggered six-year terms with the term of the director in position 6 expiring May 1 of the odd-numbered year in which the terms of positions 1 and 3 expire and with the term of the director in position 7 expiring May 1 of the odd-numbered year in which the terms of positions 2 and 4 expire. Requires each director appointed to serve in position 6 or 7 to serve a term of office of six years, and until his or her successor is appointed and has qualified. Requires appointments to fill an unexpired term in position 6 to be made by the mayor of the City of Baytown, and appointments to fill an unexpired term in position 7 to be made by the city council of the City of Baytown. Deletes existing text relating to the terms of the initial board of directors.

(d) Requires the directors serving in director positions 1, 2, 3, 4, and 5 for either a full or partial term to meet certain qualifications. Deletes existing text regarding the expiration of the initial directors terms.

(e) Requires directors serving in director positions 6 and 7 to meet certain qualifications.

(f) Provides that no person may be appointed as a director or continue to serve as a director unless the person satisfies the requirements prescribed by this section. Makes a nonsubstantive change.

Redesignates existing Subsections (f) and (g) as Subsections (g) and (h).

(i) Expands the board, on September 1, 2007, from five members to seven members by adding director positions 6 and 7 as provided by Subsections (c) and (e) of this section. Provides that regardless of the length of the term prescribed by Subsection (c), the initial term of the director serving in position 6 begins September 1, 2007, and expires May 1, 2011, and the initial term of the director serving in position 7 begins September 1, 2007, and expires May 1, 2013.

SECTION 4. Amends Section 6, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, by adding Subsections (a-1) and (e), as follows:

(a-1) Authorizes the district to develop navigation and improve bayous, bays, creeks, and streams inside or adjacent to the district; construct and maintain harbors, basins, and waterways to permit or aid navigation; and purchase or otherwise acquire, establish, construct, own, maintain, operate, develop, and regulate wharves, piers, docks, fleeting areas, land, roadways, and other structures and facilities incident to or accommodating of commerce or navigation.

(e) Provides that the rights, powers, privileges, and authority conferred on the district by this Act do not supersede or diminish the rights, powers, privileges, and authority of the

Port of Houston Authority of Harris County, Texas, the United States Army Corps of Engineers, or any state agency or other federal agency. Prohibits the district from exercising its powers inside the boundaries of another navigation district without that district's agreement.

SECTION 5. Amends Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, by adding Section 6A, as follows:

Sec. 6A. CONTRACT WITH ANOTHER DISTRICT. Authorizes the district to make a contract with another navigation district created under Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds) of Article III or Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts) of Article XVI, Texas Constitution, or both, for the performance of any service that is authorized to be provided by the districts. Authorizes any payments due under the contract to be made from and secured by ad valorem taxes or other revenues of the districts or by a combination of revenues. Requires an election, if the constitution of this state requires an election to permit the payment and security, to be held substantially in accordance with the requirements of Subchapter F (Bond Provisions), Chapter 62, Water Code.

SECTION 6. Effective date: upon passage or September 1, 2007.