

1-1 By: Creighton S.B. No. 1361  
1-2 (In the Senate - Filed March 6, 2017; March 16, 2017, read  
1-3 first time and referred to Committee on Agriculture, Water & Rural  
1-4 Affairs; April 6, 2017, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 6, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1361 By: Perry

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the powers and duties of the Sabine-Neches Navigation  
1-20 District of Jefferson County.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 5, Chapter 1472, Acts of the 77th  
1-23 Legislature, Regular Session, 2001, is amended to read as follows:

1-24 Sec. 5. GENERAL POWERS. The district has all of the rights,  
1-25 powers, privileges, authority, functions, and duties provided by  
1-26 the general law of this state, including Chapters 49, 60, and 62,  
1-27 Water Code, applicable to ~~navigation~~ districts created under  
1-28 Section 59, Article XVI, Texas Constitution. This Act prevails  
1-29 over any provision of general law that is in conflict or  
1-30 inconsistent with this Act except that a provision of general law  
1-31 that is in conflict or inconsistent with this Act prevails to the  
1-32 extent that the commission exercises a power under that general law  
1-33 provision and that exercise is authorized by an order or resolution  
1-34 expressly referring to that general law provision.

1-35 SECTION 2. Section 6A, Chapter 1472, Acts of the 77th  
1-36 Legislature, Regular Session, 2001, is amended by adding Subsection  
1-37 (a-1) to read as follows:

1-38 (a-1) The district may acquire, purchase, lease, maintain,  
1-39 repair, and operate facilities and equipment for preventing,  
1-40 detecting, controlling, and fighting fires on or adjacent to the  
1-41 Sabine-Neches Waterway and for the protection of life and property  
1-42 from damage by fire and explosion.

1-43 SECTION 3. Section 6B, Chapter 1472, Acts of the 77th  
1-44 Legislature, Regular Session, 2001, is amended by amending  
1-45 Subsection (f) and adding Subsections (i), (j), (k), (l), and (m) to  
1-46 read as follows:

1-47 (f) The district may provide that payments required by any  
1-48 of the district's contracts, agreements, or leases may be payable  
1-49 from the sale of notes, taxes, or bonds, or any combination of  
1-50 notes, taxes, or bonds, or may be secured by a lien on or a pledge of  
1-51 any available funds, including proceeds of the district's  
1-52 maintenance tax, and may be payable subject to annual appropriation  
1-53 by the district. The district may pledge to impose and may impose a  
1-54 maintenance tax in an amount sufficient to comply with the  
1-55 district's obligations under the district's contracts, leases, and  
1-56 agreements at a maximum aggregate rate not to exceed 10 cents for  
1-57 each \$100 valuation of taxable property in the district. Sections  
1-58 26.04, 26.05, 26.07, and 26.012, Tax Code, do not apply to  
1-59 maintenance taxes levied and collected for payments under a  
1-60 contract, agreement, lease, time warrant, or maintenance note

2-1 issued or executed under this section.  
2-2 (i) The district may:  
2-3 (1) request a person designated by the district to  
2-4 create a domestic entity under the Business Organizations Code; and  
2-5 (2) approve:  
2-6 (A) the provisions of the certificate of  
2-7 formation;  
2-8 (B) the provisions of the bylaws; and  
2-9 (C) the initial members of the governing body of  
2-10 the domestic entity.  
2-11 (j) The provisions of the certificate of formation and the  
2-12 bylaws under Subsection (i) may include provisions that:  
2-13 (1) provide that the certificate and the bylaws may  
2-14 not be amended without the consent of the district; and  
2-15 (2) require the approval of the district of all  
2-16 members of the governing body of the domestic entity.  
2-17 (k) The domestic entity created under Subsection (i) does  
2-18 not have the power of eminent domain.  
2-19 (l) The domestic entity created under Subsection (i) is  
2-20 created for the purpose of financing all or a portion of the  
2-21 improvement project with funds from any private, public, or  
2-22 governmental source, including the district.  
2-23 (m) The district may enter into a contract with the domestic  
2-24 entity to pay a portion of the amount to finance the improvement  
2-25 project. The district may pledge the proceeds of the district's  
2-26 maintenance tax to any contract with the domestic entity in the same  
2-27 manner as provided by Subsection (f).  
2-28 SECTION 4. (a) The legislature validates and confirms all  
2-29 acts and proceedings of the board of directors of the Sabine-Neches  
2-30 Navigation District of Jefferson County that were taken before the  
2-31 effective date of this Act and all claims against the district which  
2-32 are not pending on the effective date of this Act and which relate  
2-33 to any approved acts or proceedings of the board of directors of the  
2-34 district are barred by limitations.  
2-35 (b) Subsection (a) of this section does not apply to any  
2-36 matter that on the effective date of this Act:  
2-37 (1) is involved in litigation if the litigation  
2-38 ultimately results in the matter being held invalid by a final  
2-39 judgment of a court; or  
2-40 (2) has been held invalid by a final judgment of a  
2-41 court.  
2-42 SECTION 5. (a) The legal notice of the intention to  
2-43 introduce this Act, setting forth the general substance of this  
2-44 Act, has been published as provided by law, and the notice and a  
2-45 copy of this Act have been furnished to all persons, agencies,  
2-46 officials, or entities to which they are required to be furnished  
2-47 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-48 Government Code.  
2-49 (b) The governor, one of the required recipients, has  
2-50 submitted the notice and Act to the Texas Commission on  
2-51 Environmental Quality.  
2-52 (c) The Texas Commission on Environmental Quality has filed  
2-53 its recommendations relating to this Act with the governor, the  
2-54 lieutenant governor, and the speaker of the house of  
2-55 representatives within the required time.  
2-56 (d) All requirements of the constitution and laws of this  
2-57 state and the rules and procedures of the legislature with respect  
2-58 to the notice, introduction, and passage of this Act are fulfilled  
2-59 and accomplished.  
2-60 SECTION 6. This Act takes effect immediately if it receives  
2-61 a vote of two-thirds of all the members elected to each house, as  
2-62 provided by Section 39, Article III, Texas Constitution. If this  
2-63 Act does not receive the vote necessary for immediate effect, this  
2-64 Act takes effect September 1, 2017.

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