

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 5. TRANSPORTATION

SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES

CHAPTER 5003. CALHOUN PORT AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5003.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of navigation commissioners of the port authority.

(2) "Commissioner" means a board member.

(3) "Port authority" means the Calhoun Port Authority.  
Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04,  
eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.053,  
eff. September 1, 2009.

Sec. 5003.002. NATURE AND PURPOSE OF PORT AUTHORITY. The port authority is a navigation district. To the extent authorized by this chapter, the port authority is created to:

(1) improve navigation in the port authority; and

(2) maintain, develop, extend, and improve port facilities and wharf and dock facilities in the port authority.  
Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04,  
eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.054,  
eff. September 1, 2009.

Sec. 5003.003. LEGISLATIVE FINDINGS. (a) The creation of the port authority is essential:

(1) to accomplish the purposes of Section 59, Article XVI, Texas Constitution;

(2) to the general welfare of this state; and

(3) for the development of marine shipping.

(b) All property in the port authority benefits from the

creation of the port authority by the improvements to be constructed or acquired by the port authority in carrying out the port authority's purposes.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 21.055, eff. September 1, 2009.

Sec. 5003.004. PORT AUTHORITY TERRITORY. The port authority is composed of all the territory of Calhoun County, including all land and water areas of the county:

(1) except for territory included in the West Side Calhoun County Navigation District as described in Volume H, pages 568-570, of the minutes of the Commissioners Court of Calhoun County; and

(2) as that territory may have been modified under:

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

(B) Subchapter [H](#), Chapter [62](#), Water Code; or

(C) other law.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 21.056, eff. September 1, 2009.

#### SUBCHAPTER B. PORT AUTHORITY ADMINISTRATION

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1733](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 5003.051. BOARD OF NAVIGATION COMMISSIONERS. The port authority is governed by a board of six commissioners.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.04,

eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 21.058, eff. September 1, 2009.

Sec. 5003.052. NAVIGATION PRECINCTS. (a) The board shall from time to time divide the port authority into six navigation commissioner precincts that are:

(1) compact and contiguous; and

(2) as nearly as practicable, of equal population.

(b) The board shall complete any division of the port authority into new precincts not later than the 90th day before the date of the first election of commissioners from those precincts.

(c) The voters of each precinct, in accordance with this subchapter, shall elect one commissioner.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 21.059, eff. September 1, 2009.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [1733](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 5003.053. ELECTION; TERMS. (a) The six commissioners elected at the first election after a division of the port authority into new precincts under Section [5003.052](#) shall draw lots after the election to select three commissioners to serve two-year terms and three commissioners to serve four-year terms. Successor commissioners serve terms as provided by Subsection (b).

(b) Except as provided by Subsection (a), commissioners are elected for staggered four-year terms at elections held each odd-numbered year on the uniform election date in May.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.060, eff. September 1, 2009.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 1733, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 5003.054. PLACING CANDIDATE ON BALLOT; QUALIFICATIONS.

(a) A person qualified under this section to be a candidate for the office of commissioner may file an application with the board to have the person's name placed on the ballot. The application must be filed not later than 5 p.m. of the 45th day before the election date for that office.

(b) The application must include an affidavit made by the applicant under oath disclosing that the applicant is:

(1) a bona fide resident of the precinct that the person seeks to represent; and

(2) a qualified voter who owns real property in the area.

(c) If the application is timely filed in proper form, the board shall place the applicant's name on the official ballot.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Sec. 5003.055. VACANCY. (a) If a vacancy occurs on the board, a majority of the remaining commissioners shall appoint a successor to fill the vacancy for the remainder of the unexpired term.

(b) For purposes of this chapter, the successor commissioner is treated as an elected commissioner.

(c) The legislature finds that it is in the best interest of public welfare, general benefit, and the assurance of proper development of marine shipping that:

(1) the commissioners be representatives of all areas of the port authority; and

(2) if a commissioner no longer resides in the precinct from which elected, the commissioner's office is vacant.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.061, eff. September 1, 2009.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 5003.101. GENERAL NAVIGATION DISTRICT POWERS. The port authority and the board, except as specifically restricted by this chapter, have the powers of government and may exercise the rights, powers, duties, privileges, and functions conferred by Chapter 60, 61, 62, or 63, Water Code, on a navigation district created under Section 59, Article XVI, Texas Constitution, that are appropriate to the accomplishment of the purposes stated in Subchapter A.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.062, eff. September 1, 2009.

Sec. 5003.102. AD VALOREM TAXES; BOND ELECTION. (a) If authorized by a majority vote of the port authority voters voting at an election held in the manner provided for a bond election under Subchapter F, Chapter 62, Water Code, the Commissioners Court of Calhoun County may:

- (1) impose maintenance taxes; or
- (2) issue tax bonds and impose taxes to pay for the bonds.

- (b) The commissioners court shall impose the tax for:
  - (1) the maintenance of the port authority and its property, including facilities; and
  - (2) the payment of the principal of and interest on all bonds or other indebtedness issued by the port authority.

- (c) The maximum tax rate for both maintenance and

indebtedness purposes may not exceed a total of 15 cents on each \$100 of taxable property in the port authority.

(d) The Calhoun County tax assessor-collector shall assess and collect taxes imposed under this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.063, eff. September 1, 2009.

Sec. 5003.103. CHANGE OF PORT AUTHORITY NOT AUTHORIZED. The board may not by a vote change the port authority from a navigation district to any other type of district authorized by general law.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.064, eff. September 1, 2009.

Sec. 5003.104. LIMIT ON EMINENT DOMAIN POWER. The port authority may not exercise the power of eminent domain outside Calhoun County in an area in another navigation district without the consent of the other district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.065, eff. September 1, 2009.

Sec. 5003.105. AUTHORITY TO DESIGNATE INDUSTRIAL AREAS OR PLANT SITES; FINDINGS. (a) The board may adopt an order or resolution designating an area of land in the port authority that fronts on navigable water in the port authority as an industrial area or plant site for the aid of navigation. A defined area may not:

(1) be located in the corporate limits of a municipality; or

(2) exceed 1,000 yards in depth as measured from the shoreline.

(b) A certified copy of an order or resolution adopted under Subsection (a) shall be filed and recorded in the deed records of Calhoun County. After the copy is filed, a municipality may not include any part of the defined area in its boundaries.

(c) The board may adopt an order or resolution that removes all or part of a defined area from that designation if the board determines that:

(1) the area is not suitable for or being used as an industrial area or plant site;

(2) the area will not be suitable for or used as an industrial area or plant site within a reasonable time; and

(3) the continued designation does not aid navigation.

(d) A certified copy of an order or resolution adopted under Subsection (c) shall be filed and recorded in the deed records of Calhoun County. After the copy is filed, any restriction imposed under this section by the previous designation on the area is removed.

(e) The legislature finds that the powers granted and restrictions imposed by this section are necessary:

(1) for the proper exercise by the port authority of the powers granted by Section 59, Article XVI, Texas Constitution, and by this chapter; and

(2) to promote and effect the navigation of the inland and coastal waters of the state.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.04, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.066, eff. September 1, 2009.