AN ACT

authorizing the navigation districts created for the development of deep water navigation containing municipalities of one hundred thousand population or more to acquire, purchase, take over, construct, maintain, operate, develop, and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towing facilities, and other facilities or aids incident to the operation and development of a port, ports, waterways and the navigation district, and to issue bonds bearing interest for such purposes, as herein or by existing laws are provided; prescribing the method of an election to provide such powers; providing for a hearing upon petition for said election; providing for notice of said election, the manner of conducting said election and the manner of making election returns and declaring the result of said election; prescribing qualifications of voters at said election; giving navigation districts the fullest powers consistent with the constitution of this State for the regulation of wharfage and other facilities pertaining to said district, including the right to assess and collect charges for the use of said facilities; granting navigation districts the right of eminent domain, and the right to take over, acquire, and lease facilities, railroads, lands, wharves, buildings and other improvements already constructed by any incorporated municipality, and lease or condemn unimproved lands,
upon terms and conditions herein set forth and limiting its
powers; prescribing the method of appointment of five Navigation
and Canal Commissioners to manage said district; providing their
term of office, qualification and duties; giving navigation dis-
tricts the power to grant franchises to persons or corporations
on property owned or controlled by navigation districts; pre-
scribing the method of granting said franchises; prescribing that
a referendum may be had upon said proposed franchises, and pre-
scribing the manner and method of initiating and holding such
referendum and the effect thereof; giving such districts
authority to employ the necessary help for the purposes of said
act; prescribing the method of letting contracts and handling
funds; prescribing personnel of navigation board; giving to
navigation district all power conferred by title 96 Revised
Statutes of Texas of 1911, providing that unconstitutionality of
part of law does not invalidate remainder; prescribing that all laws
or parts of laws in conflict herewith are repealed; that nothing
herein shall repeal or affect the "powers, ordinances or rights"
of Municipalities in Navigation Districts, nor inconsistent here-
with and declaring an emergency.

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

SEC. 1. Navigation Districts provided for in Title 96
of the Revised Statutes of the State of Texas, 1911,
which have been or may be created for the development of deep
water navigation, having a municipality containing or hereafter
containing one hundred thousand population or more as determined
by the last preceding census, are, hereby granted, in addition to
the powers already conferred by Title 96 of the Revised Statutes of Texas of 1911, the right, power and authority to acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towing facilities, and any and all other facilities or aids incident to or necessary to the operation or development of a port, ports, waterways, within the district and extending to the Gulf of Mexico; and to issue bonds at any time in the future, in payment thereof, upon compliance with the provisions hereinafter set forth, and as now prescribed in Title 96 of Revised Statutes of Texas, 1911; provided that not less than two-thirds of the qualified voters of said district voting at an election called therefor, in the manner provided in Title 96 of the Revised Statutes of Texas, 1911, must have voted in favor of the issuance of said bonds before the same shall be issued and before the same shall constitute a valid obligation of said district; provided, however, that the outstanding bonds and the additional bonds so ordered, said additional bonds to be issued in the manner now prescribed by Title 96 of Revised Statutes of Texas, 1911, shall not exceed in amount ten per cent of the assessed value of the real property in such district as shown by the last annual assessment thereof made for State and County. Provided that bonds so issued may bear interest at a rate not to exceed six per cent (6%) per annum.

SEC. 2. When in the opinion of the Navigation Board of a Navigation District coming within the provisions of this act, it shall be deemed advisable for said navigation district to avail itself of the rights, powers and authority provided herein, said navigation board shall so certify to the Commissioners' Court of the county wherein said district is situated, petitioning the holding of an election therefor, whereupon the Commissioners' Court shall set a day for public hearing for the consideration of said petition,
said hearing to be held at such place as may be designated by the said court, and to be held not less than thirty nor more than sixty days from the presentation of said petition.

SEC. 3. Upon the day set by said Commissioners' Court for the hearing of said petition any person who has taxable property within the proposed district or who may be affected thereby may appear before said navigation board and contest the necessity, advisability or practicability of said election, and may offer testimony in favor of or against said election.

SEC. 4. After the hearing upon the petition as herein provided if the navigation board shall still be of the opinion said election should be held the Commissioners' Court of said county shall order an election, in which order provision shall be made for submitting to the qualified property tax paying voters resident in said district whether or not the said district should avail itself of the rights, powers and authority provided for herein, said order shall state the day upon which said election shall be held, said day to be at the earliest legal time. At said election there shall be submitted the following propositions:

"For the development of the port by the navigation district."

"Against the development of the port by the navigation district."

SEC. 5. Notice of such election stating the time and place of holding the same shall be given by the Clerk of the County Court by posting notices thereof in four public places in such proposed navigation district and one at the court house door of the county in which said district is situated for thirty days prior to the day set for the election, such notices shall contain the propositions to be voted upon as set forth in Section 4 (four) hereof, and shall also contain a copy of the order
of the court ordering the election.

SEC. 6. The manner of conducting said election shall be governed by the election laws of the State of Texas, except as herein otherwise provided. None but resident property tax payers who are qualified voters of said district shall be entitled to vote at such election. The County Commissioners' Court of the County in which said election is being held shall select and appoint judges and other necessary officers of the election and shall provide one and one-half times as many ballots as there are qualified resident property tax paying voters within such district, said ballots shall have printed thereon the words and none others: "For the development of the port by the navigation district." "Against the development of the port by the navigation district." The expense of said election shall be borne by the navigation district.

SEC. 7. Every person who offers to vote in any election held under the provisions of this act shall possess the qualifications hereinbefore set forth and shall take the oath as prescribed in Article 5966 of the Revised Statutes of Texas of 1911.

SEC. 8. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided for in elections for state and county officers and return the ballot boxes to the County Clerk who shall keep same in a safe place and deliver them together with the returns from the several polling places to the Commissioners' Court at its next regular session or special session called for the purpose of canvassing the votes, and the County Commissioners' shall at such session canvass the vote; and if it be found that two-thirds majority of the votes cast at said election shall have been cast in favor of the development of the port by the navigation district then the court shall declare the
result of said election to be in favor of the development of the port by the navigation district and enter same in the minutes of the court as follows:

"Commissioners' Court of .......... County, Texas, .......... Term A.D. .......... , in the matter of the petition of the Navigation Board of the .......... County .......... Navigation District, praying that the right, power and authority be granted said Navigation District to develop the port of .......... (here enter the name of said municipality of one hundred thousand population or more). BE IT KNOWN, that an election called for that purpose in said District, held on the .......... day of .......... A.D. .........., a two-thirds majority of the resident property tax payers voting thereon voted in favor of the development of said port by said navigation district.

"NOW THEREFORE, it is considered and ordered by the Court that said Navigation District be and is hereby authorized to proceed with the development of said port as authorized by law."

SEC. 9. If at said election two-thirds of the qualified property tax paying voters in said district and voting at said election shall have declared themselves in favor of: "The development of the port by the navigation district" said district shall thereafter have the right, power and authority, subject to the terms and provisions hereof, to acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towage facilities, and any and all other facilities or aids incident to or necessary to the operation or development of a port, ports, waterways, and the navigation district, and to issue bonds in payment thereof and to do any and all other acts and things herein provided.
SEC. 10. Navigation districts empowered as herein provided to develop ports, waterways and navigation aids, within the limits of such navigation districts shall in addition to the powers herein enumerated have the fullest powers consistent with the constitution of this state for the regulation of wharfage and of all facilities of or pertaining to the said port, waterways and navigation district, and shall have a right to assess and collect charges for the use of all facilities acquired or constructed in accordance with the provisions of this Act.

SEC. 11. Navigation Districts empowered as herein provided may exercise the right of eminent domain as heretofore granted or as may hereafter by law be granted Navigation Districts and may also acquire, and take over, by lease or rental agreements, the docks, wharves, buildings, railroads, lands, improvements and other facilities already provided, constructed or owned by any incorporated municipality situated within such District, for a period of not less than twenty-five (25) years; provided that such property or facilities owned, controlled or constructed by such incorporated municipality may be taken over, leased and operated by said Navigation District only with the consent of the lawful authorities of such municipality, and upon such terms as may be mutually agreed upon by the Navigation District and the said Municipality, provided further; that no agreement for the use, acquisition or operation of such property or facilities of such municipality by the Navigation District shall be for a lease or rental value thereof, which shall exceed the annual net revenues derived or to be derived by the Navigation District, after payment of the expenses of operation and maintenance of said property and facilities; provided still further; that the Navigation District shall have no supervision or control over such property or facilities owned, controlled or constructed by any municipality, until agreement for the lease and rental thereof by the
Navigation District has been reached and made in the manner herein provided.

SEC. 12. Navigation Districts acquiring, leasing and taking over unimproved lands owned or controlled by any such incorporated municipality, may pay for the use, rent and hire of such unimproved lands, a price or rental value to be fixed by the Navigation and Canal Commissioners; provided that should such Navigation and Canal Commissioners fail or be unable to agree upon terms and conditions for the use and rental of such unimproved lands, then the Navigation District, under its right of eminent domain, shall be and is authorized to condemn such lands or parts thereof, as in its discretion the interest of the Navigation District requires in manner and form as by law provided for other condemnation proceedings.

SEC. 13. After any navigation district has availed itself of the provisions of this act, and has by a two-thirds majority of the resident property tax paying voters voting at said election voted in favor of the development of the port, in the manner herein provided, it shall thereafter be managed, governed and controlled by five (5) Navigation and Canal Commissioners, who shall be appointed as follows: Two of said Commissioners shall be selected by a majority of the City Council of the municipality having a population of one hundred thousand or more situated in said district, which said commissioners shall serve for a term of one and two years respectively. At the expiration of the term of office of said commissioners the City Council shall select their successors annually to serve for two years. Two Navigation and Canal Commissioners and their successors, shall be selected by the Commissioners' Court of the county wherein the navigation district is situated, in like manner and for like terms. One Navigation and Canal Commissioner shall be selected by a majority vote of the City Council of said municipality and by the County Commissioners' Court of said county in joint session called by the County Judge of said County,
which Commissioner shall be Chairman and serve for two years and his or her successor shall be selected in the same manner and for a like term. Each and all of said Commissioners shall be free hold property tax-payers and legal voters in said Navigation District and shall give bond and take the oath required by Title 96 of the Revised Statutes of Texas of 1911 and shall serve until their successors are qualified. Their duties shall be as prescribed in Title 96 and as provided in this act, and they shall receive such compensation as may be fixed by the Navigation Board. A majority of said Commissioners shall have power to act. Said Navigation and Canal Commissioners may be removed for malfeasance, nonfeasance in office, inefficiency or other cause deemed sufficient by a majority of the City Council or a majority of the Commissioners' Court, as the case may be, the City Council having the right to so remove a Commissioner or Commissioners appointed by it, and the Commissioners' Court shall have the power to so remove a Commissioner or Commissioners that it has selected, and the City Council and Commissioners' Court shall have the right jointly to removal the Commissioner so appointed by them jointly. Should any vacancy occur through the death, resignation or otherwise of any Commissioner, the same shall be filled for the unexpired term by the City Council or Commissioners' Court as the case may be, the City Council having the authority hereunder to fill the vacancies of its appointees, and the Commissioners' Court of its appointees.

SEC. 14. The Navigation and Canal Commissioners of such Navigation District shall have full authority to employ such persons as they may deem necessary for the construction, maintenance, operation and development of the Navigation District, its business and facilities, prescribe their duties and to determine the amount of their compensation.
SEC. 15. The provisions heretofore provided for letting the contracts for Navigation Districts shall apply in all cases consistent with the provisions of this act; provided, that in case of emergency contracts may be let by Navigation and Canal Commissioners not exceeding One Thousand ($1,000.00) Dollars without advertisement for bids; provided further that in case of urgent necessity or present calamity, advertisement for bids may be waived.

SEC. 15. Navigation Districts empowered as herein provided shall have power, subject to the terms and provisions hereof, to grant franchises to persons or corporations on property owned or controlled by the Navigation Districts, provided said franchises are granted for purposes consistent with the provisions of this act, but no franchise shall be granted for a longer period than thirty years. No franchise shall be granted hereunder except upon the affirmative vote of at least three of the Navigation and Canal Commissioners at three separate meetings of said Navigation and Canal Commissioners, said meetings to be not closer together than one week, and no franchise shall be granted until after the same as finally proposed to be passed shall be published in full once a week for three consecutive weeks in some daily newspaper of general circulation published within said district, which publication shall be made at the expense of the applicant or person or persons desiring said grant and said franchise shall require the grantee therein to file his or their written acceptance thereof within thirty days from the time of the final passage of said franchise; provided that nothing herein contained shall be construed as preventing said Navigation District from granting revocable licenses or permits for the use of limited portions of water front or facilities for the purposes consistent with the provisions of this act.
SEC. 17. If in the opinion of the Navigation and Canal Commissioners any proposed franchise should be submitted to a vote of the people they shall so certify to the Commissioners' Court of the county in which said Navigation District is located, whereupon said court shall order an election thereon at the earliest legal time, and the same rules with regard to notice of election, holding of the election, etc., shall apply as prescribed heretofore in this act for the election on the proposition of the development of the port. At said election any resident of said district qualified under the constitution and laws of the State of Texas to vote for Governor in a general election shall be qualified to vote.

SEC. 18. The ballots used for voting upon such proposed franchise shall set forth the nature of said franchise sufficiently to identify it, and shall also set forth upon separate lines the words "For the franchise" and "Against the franchise". If at said election a majority of those voting shall vote in favor of the franchise, the same shall be granted; otherwise said franchise shall be of no force and effect.

SEC. 19. If prior to the date when any franchise shall have been granted by the Navigation and Canal Commissioners a petition signed by qualified voters of said District shall equal in number to ten per cent of the total vote cast at the last general election for state officers, shall be presented to the Commissioners' Court protesting against the enactment of said franchise it shall be suspended from taking effect and immediately upon the filing of such petition the Commissioners' Court shall order an election upon said proposed franchise, which said election shall be governed by the provisions of Sections 17 and 18 hereof.
SEC. 20. The funds of Navigation Districts empowered and operating as herein provided shall be handled in the same manner as heretofore provided for Navigation Districts by Titles 96 and 29. The Canal Commissioners shall provide for a depository for all of the funds of said District, by complying in all respects with the laws of the designation of the county depositories. When the depository shall have given bond and the same has been approved, the County Treasurer shall be required to give only such bond as may be required by the Navigation and Canal Commissioners.

SEC. 21. All acts of the Navigation and Canal Commissioners shall be subject to the supervision and control of the Navigation Board composed of the Mayor and City Council and the County Judge and County Commissioners of the County within which said District is located.

SEC. 22. Navigation Districts empowered in operating as herein provided shall have, in addition to powers herein conferred, all the authority heretofore vested in Navigation Districts as prescribed in Title 96 of the Revised Statutes of the State of Texas of 1911, or as provided in the general or special laws of this State, including right to issue bonds, save wherein same shall conflict with this Act.

SEC. 23. If any part of this Act shall be held to be unconstitutional or void, it shall not affect the other portions of this law.

SEC. 24. Nothing herein shall repeal or affect the police powers of any municipality within a Navigation District, or the laws, ordinances, or regulations now existing or hereafter adopted or enacted, authorizing and empowering such municipality to exercise such powers as to any navigable streams or aids to navigation and facilities therefor, in a Navigation District, not in conflict with this Act.
SEC. 25. All laws and parts of laws in conflict herewith are to the extent of such conflict hereby repealed.

SEC. 26. The fact that the present laws providing for navigation districts do not provide that said navigation districts may acquire, construct and operate terminal facilities for the development and aid of navigation creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is so suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

JNO. H. BAILEY,
President of the Senate Pro Tem

Chas. G. THOMAS
Speaker of the House

Approved: August 21, 1921