

1-1 By: Hughes S.B. No. 1187
 1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 28, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 28, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker			X	
1-14 Paxton	X			
1-15 West	X			

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

1-19 relating to the authority of the TexAmericas Center to provide
 1-20 services to and make investments in certain business enterprises
 1-21 and to create certain business organizations for purposes of the
 1-22 center.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 3503.101(b), Special District Local Laws
 1-25 Code, is amended to read as follows:

1-26 (b) The authority may exercise any power or duty necessary
 1-27 or appropriate to carry out a project described by Section
 1-28 3503.003(a)(3) and the purposes of this chapter, including the
 1-29 power to:

1-30 (1) sue and be sued, and plead and be impleaded, in its
 1-31 own name;

1-32 (2) adopt an official seal;

1-33 (3) adopt, enforce, and amend rules for the conduct of
 1-34 its affairs;

1-35 (4) acquire, hold, own, pledge, and dispose of its
 1-36 revenue, income, receipts, and money from any source;

1-37 (5) select its depository;

1-38 (6) acquire, own, rent, lease, accept, hold, or
 1-39 dispose of any property, or any interest in property, including
 1-40 rights or easements, in performing its duties and exercising its
 1-41 powers under this chapter, by purchase, exchange, gift, assignment,
 1-42 sale, lease, or other method;

1-43 (7) hold, manage, operate, or improve the property;

1-44 (8) sell, assign, lease, encumber, mortgage, or
 1-45 otherwise dispose of property, or any interest in property, and
 1-46 relinquish a property right, title, claim, lien, interest,
 1-47 easement, or demand, however acquired;

1-48 (9) perform an activity authorized by Subdivision (8)
 1-49 by public or private sale, with or without public bidding,
 1-50 notwithstanding any other law;

1-51 (10) lease or rent any land and building, structure,
 1-52 or facility from or to any person to carry out a chapter purpose;

1-53 (11) request and accept an appropriation, grant,
 1-54 allocation, subsidy, guarantee, aid, service, labor, material, or
 1-55 gift, from the federal government, the state, a public agency or
 1-56 political subdivision, or any other source;

1-57 (12) operate and maintain an office and appoint and
 1-58 determine the duties, tenure, qualifications, and compensation of
 1-59 officers, employees, agents, professional advisors and counselors,
 1-60 including financial consultants, accountants, attorneys,
 1-61 architects, engineers, appraisers, and financing experts, as

2-1 considered necessary or advisable by the board;

2-2 (13) borrow money and issue bonds, payable solely from

2-3 all or a portion of any authority revenue, by resolution or order of

2-4 the board and without the necessity of an election;

2-5 (14) set and collect rents, rates, fees, and charges

2-6 regarding the property and any services provided by the authority;

2-7 (15) exercise the powers Chapters 373 and 380, Local

2-8 Government Code, grant to a municipality for the development of

2-9 housing and expansion of economic development and commercial

2-10 activity;

2-11 (16) exercise the powers Chapter 49, Water Code,

2-12 grants to a general-law district;

2-13 (17) exercise the powers Chapter 54, Water Code,

2-14 grants to a municipal utility district;

2-15 (18) exercise the powers Chapter 552, Transportation

2-16 Code, grants to a road utility district;

2-17 (19) exercise the powers Subchapter C, Chapter 271,

2-18 Local Government Code, grants to a municipality or county;

2-19 (20) exercise the powers Chapter 552, Local Government

2-20 Code, grants to a municipality for the provision of municipal

2-21 utilities;

2-22 (21) contract and be contracted with, in the

2-23 authority's own name, another person in the performance of the

2-24 authority's powers or duties to carry out a project described by

2-25 Section 3503.003(a)(3), or to accomplish the purposes of this

2-26 chapter for a period of years, on the terms, and by competitive

2-27 bidding or by negotiated contract, all as the board considers

2-28 appropriate, desirable, and in the best interests of the authority

2-29 and the accomplishment of chapter purposes;

2-30 (22) acquire, hold, own, sell, assign, lease,

2-31 encumber, mortgage, or otherwise dispose of any real, personal, or

2-32 mixed property located outside the perimeter of the property

2-33 described by Section 3503.004 if the other property enhances or

2-34 facilitates the development, redevelopment, maintenance, or

2-35 expansion of new and existing businesses, industry, or commercial

2-36 activity on the property;

2-37 (23) exercise the powers Chapter 22, Transportation

2-38 Code, grants to a municipality or county;

2-39 (24) exercise the powers Chapter 379B, Local

2-40 Government Code, grants to a defense base development authority;

2-41 (25) exercise the powers of a municipality under

2-42 Chapters 211 and 212, Local Government Code, in the territory of the

2-43 authority, including an area of the authority that is in the

2-44 boundaries of a municipality's limited purpose jurisdiction and

2-45 extraterritorial jurisdiction. On annexation of an area of the

2-46 authority for full purposes by a municipality, the authority's

2-47 power to regulate the area under Chapters 211 and 212 expires. The

2-48 authority regains the power in an area if the municipality

2-49 disannexes the area;

2-50 (26) fund and carry out a project the board determines

2-51 will promote or support an active military base located in the same

2-52 county as the authority to prevent closure or realignment of the

2-53 base and attract new military missions to the base, including a

2-54 project to create jobs, retain jobs, grant or loan money to a

2-55 federal entity, make improvements to infrastructure, buildings, or

2-56 land, or acquire land; and

2-57 (27) for a fee, provide services, provide investment

2-58 capital, or operate facilities as an independent contractor inside

2-59 or outside the boundaries of the authority and this state to

2-60 promote, enhance, develop, or assist a person in the:

2-61 (A) creation and operation of a new business,

2-62 industry, ~~or~~ commercial activity, or manufacturing operation:

2-63 (i) inside ~~in~~ the boundaries of the

2-64 authority; or

2-65 (ii) on a military base located in the same

2-66 county as the authority; or

2-67 (B) expansion or relocation of an existing

2-68 business, industry, commercial activity, or manufacturing

2-69 operation:

3-1 (i) inside the boundaries of the authority;
3-2 or
3-3 (ii) on a military base located in the same
3-4 county as the authority.

3-5 SECTION 2. Section 3503.112, Special District Local Laws
3-6 Code, is amended to read as follows:

3-7 Sec. 3503.112. NONPROFIT CORPORATIONS AND LIMITED
3-8 LIABILITY COMPANIES [~~FOR SPECIAL PROJECTS~~]. (a) The authority may
3-9 authorize by resolution the creation of a nonprofit corporation
3-10 under the Business Organizations Code [~~solely~~] to undertake on
3-11 behalf of the authority a project described by Section 3503.003 or
3-12 carry out any other purpose described by that section on the
3-13 authority's behalf [~~3503.003(a)(3)~~].

3-14 (a-1) After the creation of a nonprofit corporation under
3-15 Subsection (a), the authority may authorize by resolution:

3-16 (1) the creation of a limited liability company under
3-17 the Business Organizations Code for the purposes described by
3-18 Subsection (a); and

3-19 (2) the designation of the nonprofit corporation
3-20 described by Subsection (a) to participate as a member of the
3-21 company.

3-22 (b) The board shall appoint the board of directors of each
3-23 nonprofit corporation or limited liability company created under
3-24 this section. A board member is not required to reside in the
3-25 authority.

3-26 (c) A board member or employee of the authority may
3-27 simultaneously serve as a member of the board of directors of a
3-28 nonprofit corporation or limited liability company created under
3-29 this section. A person serving as a board member of the authority
3-30 and of a nonprofit corporation or limited liability company created
3-31 under this section may participate in all votes relating to the
3-32 business of the authority, [~~or the~~] corporation, or company.

3-33 (d) A [~~The~~] nonprofit corporation or limited liability
3-34 company created under this section may not exercise the power of
3-35 eminent domain.

3-36 (e) A nonprofit corporation or limited liability company
3-37 created under this section is subject to Chapters 551 and 552,
3-38 Government Code.

3-39 SECTION 3. This Act takes effect immediately if it receives
3-40 a vote of two-thirds of all the members elected to each house, as
3-41 provided by Section 39, Article III, Texas Constitution. If this
3-42 Act does not receive the vote necessary for immediate effect, this
3-43 Act takes effect September 1, 2023.

3-44 * * * * *