

By: Hinojosa

S.B. No. 1761

A BILL TO BE ENTITLED

AN ACT

relating to the name, organization, and powers of the Port of Corpus Christi Authority of Nueces County, Texas.

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

SECTION 1. Section 1, Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, is amended by amending Subdivision (2) and adding Subdivision (5) to read as follows:

(2) "Authority" means the Port of Corpus Christi Authority ~~[of Nueces County, Texas]~~.

(5) "Port commissioner" means a member of the port commission.

SECTION 2. Section 1A, Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, as added by Chapter 498, Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 1A. NAME OF AUTHORITY. The name of the Port of Corpus Christi Authority of Nueces County, Texas, is changed to the Port of Corpus Christi Authority. ~~[COMPOSITION OF PORT COMMISSION. The port commission is composed of seven members.]~~

SECTION 3. Section 2, Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

Sec. 2. COMPOSITION ~~[APPOINTMENT]~~ OF PORT COMMISSION ~~[COMMISSIONERS]~~; ELIGIBILITY. (a) The port commission is composed of seven members appointed as follows:

1           (1) the [The] Commissioners Court of Nueces County  
2 shall appoint three [four] members to the port commission;

3           (2) [~~and~~] the City Council of Corpus Christi shall  
4 appoint three members to the port commission; and

5           (3) the Commissioners Court of San Patricio County  
6 shall appoint one member to the port commission.

7           (b) To be eligible for appointment to the port commission, a  
8 [A] person must have been a resident of the political subdivision  
9 the governing body of which makes the appointment [Nueces County]  
10 for at least six months [~~to be eligible for appointment to the port~~  
11 ~~commission].~~

12           SECTION 4. Chapter 397, Acts of the 68th Legislature,  
13 Regular Session, 1983, is amended by adding Section 4D to read as  
14 follows:

15           Sec. 4D. LEASE OF LAND AND BUILDINGS. (a) The authority  
16 may lease any real property owned by the authority, other than real  
17 property acquired by condemnation, to an individual, private  
18 corporation, or other private entity for any purpose the port  
19 commission considers necessary or convenient for the industrial or  
20 commercial development of the authority's property.

21           (b) The authority may lease property as authorized by this  
22 section for any number of years and on any terms to which the port  
23 commission and lessee agree. The authority may enter into any other  
24 agreements concerning the lease that the port commission considers  
25 appropriate.

26           (c) The authority may construct buildings and other  
27 improvements on real property owned by the authority, other than on

1 real property acquired by condemnation, for the purpose of leasing  
2 the real property, buildings, or other improvements to an  
3 individual, private corporation, or other private entity for any  
4 purpose the authority considers necessary or convenient for the  
5 industrial or commercial development of the authority's property.

6 (d) The authority may not acquire real property by gift and  
7 then lease it back to the donor if the donor's leasehold interest in  
8 the real property would be exempt from ad valorem taxes, unless the  
9 commissioners court of the county in which the real property is  
10 located approves the lease.

11 (e) The powers granted to the authority in this section are  
12 in addition to, and do not limit, any power the authority has under  
13 general law.

14 (f) This section does not limit the powers related to zoning  
15 or taxation of a municipality in which the authority is located. In  
16 the event of a conflict between this section and the powers related  
17 to zoning or taxation of a municipality in which any part of the  
18 authority is located, the powers of the municipality prevail.

19 SECTION 5. The following laws are repealed:

20 (1) Chapter 1334, Acts of the 78th Legislature,  
21 Regular Session, 2003;

22 (2) Section 1A, Chapter 397, Acts of the 68th  
23 Legislature, Regular Session, 1983, as added by Chapter 53, Acts of  
24 the 81st Legislature, Regular Session, 2009; and

25 (3) Section 4, Chapter 397, Acts of the 68th  
26 Legislature, Regular Session, 1983.

27 SECTION 6. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

7 (b) The governor, one of the required recipients, has  
8 submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18 SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2011.