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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 23, 2021

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 2186, as Filed by Senator Juan Hinojosa-relating to the powers and duties of the Port of Corpus Christi Authority of Nueces County, Texas.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Senate Bill 2186 provides changes to the Port of Corpus Christi Authority (Authority) of Nueces County, Texas, by amending Special Districts Local Law Code Chapter 5016. The bill removes the adjacent and naval property definitions and defines Port Commission and Port Commissioner. The Authority accomplishes the purpose, powers, and serves a public use and benefits provided by Section 52-a, Article III, and Section 59, Article XVI, Texas Constitution. Specific identified Authority properties may be used or leased, or by competitive bidding or negotiated contract, for job creation and retention, economic development, industry, commerce, manufacturing, housing, recreation, infrastructure installation, development, construction, improvement, maintenance, equipping, and furnishing of buildings, equipment, facilities, or improvements on or to the property. The bill provides that the Authority may not issue bonds or other obligations payable from ad valorem taxes to finance an authorized project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Nygren".

Kim Nygren, Deputy Director
Water Availability Division

cc: The Honorable Brandon Creighton, Chairman, Senate Committee on Ports, Select
Senator Juan Hinojosa, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2186

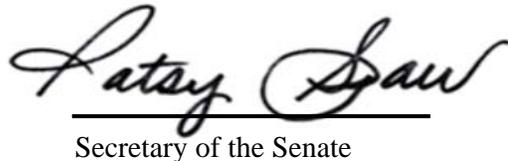
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/6/2021

Date transmitted to
Governor's Office


Secretary of the Senate

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

April 9, 2021

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

By: Hinojosa

S.B. No. 2186

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the Port of Corpus Christi
3 Authority of Nueces County, Texas.

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

5 SECTION 1. Section 5016.0001, Special District Local Laws
6 Code, as effective April 1, 2021, is amended to read as follows:

7 Sec. 5016.0001. DEFINITIONS. In this chapter:

8 (1) ~~["Adjacent property" means the approximately 433~~
9 ~~acres that the authority owns in San Patricio County that is bounded~~
10 ~~on the east by the western boundary of the former Naval Station~~
11 ~~Ingleside, on the north by Farm-to-Market Road 1069, on the west by~~
12 ~~the corporate limits of the City of Ingleside on the Bay, and on the~~
13 ~~south by the corporate limits of the City of Ingleside on the Bay~~
14 ~~and the north shoreline of Corpus Christi Bay. The term does not~~
15 ~~include property:~~

16 ~~[(A) that the authority purchased from this state~~
17 ~~under former Article 8225, Revised Statutes, or~~

18 ~~[(B) that was granted to the authority by this~~
19 ~~state under any general or special law.~~

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

22 [(3) "Naval property" means:

23 [(A) the approximately 576.615 acres of land and
24 submerged land in San Patricio and Nueces Counties, improvements,

1 ~~and personal property, if any, that reverted to the authority when~~
2 ~~former Naval Station Ingleside closed, other than property that the~~
3 ~~authority purchased from this state under former Article 8225,~~
4 ~~Revised Statutes, or that was granted to the authority by this state~~
5 ~~under any general or special law; and~~

6 ~~[(B) the adjacent property.]~~

7 (2) ~~[(4)]~~ "Port commission" means the authority's
8 governing body.

9 (3) ~~[(5)]~~ "Port commissioner" means a member of the
10 port commission.

11 SECTION 2. Subchapter A, Chapter 5016, Special District
12 Local Laws Code, as effective April 1, 2021, is amended by adding
13 Sections 5016.0003 and 5016.0004 to read as follows:

14 Sec. 5016.0003. PURPOSE; LEGISLATIVE FINDINGS. The
15 authority is essential to accomplish the purposes of Section 52-a,
16 Article III, and Section 59, Article XVI, Texas Constitution, and
17 other public purposes stated in this chapter. By granting the
18 authority powers under this chapter, the legislature has
19 established a program to accomplish the public purposes set out in
20 Section 52-a, Article III, Texas Constitution.

21 Sec. 5016.0004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

22 (a) The authority serves a public use and benefit.

23 (b) All land and other property included in the authority
24 will benefit from the improvements and services to be provided by
25 the authority under powers conferred by Section 52-a, Article III,
26 and Section 59, Article XVI, Texas Constitution, and other powers
27 granted under this chapter.

SECTION 3. Section 5016.0101, Special District Local Laws Code, as effective April 1, 2021, is amended to read as follows:

Sec. 5016.0101. USE ~~[AND DISPOSITION]~~ OF CERTAIN ~~[NAVAL]~~ PROPERTY. (a) This section applies only to:

(1) property owned by the authority that is located in:

(A) the unincorporated areas of Nueces County, other than lands or flats previously purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925; or

(B) the corporate limits of the City of Robstown;
or

(2) property owned by Nueces County:

(A) that is leased to the authority or that the authority has the right to develop or improve; and

(B) that is located in:
(i) the unincorporated areas of Nueces County; or

(ii) the corporate limits of the City of Robstown.

(b) The authority may use ~~[naval]~~ property to which this section applies for ~~[in ways that replace and enhance the economic benefits generated by the former Naval Station Ingleside through diversified activities, including uses to foster]~~:

(1) job creation and retention;

(2) economic development;

(3) industry;

- 1 (4) commerce;
- 2 (5) manufacturing;
- 3 (6) housing;
- 4 (7) recreation; ~~and~~
- 5 (8) infrastructure installation on the ~~naval~~
- 6 property; or
- 7 (9) any other activity essential to accomplish the
- 8 purposes of Section 52-a, Article III, Texas Constitution.

9 ~~[(b) The port commission may:~~

- 10 ~~[(1) declare any portion of naval property surplus if~~
- 11 ~~the property is not needed for a navigation-related project; and~~
- 12 ~~[(2) sell or lease the surplus property on terms the~~
- 13 ~~port commission considers advisable to carry out the purposes of~~
- 14 ~~this chapter.]~~

15 (c) For the purposes described by Subsection (b), the

16 authority may:

17 (1) develop, construct, improve, maintain, equip, and

18 furnish buildings, equipment, facilities, or improvements on or to

19 the property; and

20 (2) lease the property owned by the authority, on

21 terms as the port commission considers advisable, to allow for the

22 development, construction, improvement, maintenance, equipping,

23 and furnishing of buildings, equipment, facilities, or

24 improvements on or to the property ~~[Notwithstanding any other law~~

25 ~~and subject to the terms of this subsection, the authority may sell~~

26 ~~or lease property declared surplus under this section with or~~

27 ~~without public bidding. The authority may not sell naval property~~

1 ~~declared surplus under this section in a private sale for less than~~
2 ~~the property's fair market value. The authority shall obtain an~~
3 ~~appraisal of the surplus property, which is conclusive evidence of~~
4 ~~the surplus property's fair market value].~~

5 (d) The authority may contract with another person for
6 assistance in accomplishing the purposes of this section on terms
7 ~~[by competitive bidding or negotiated contract as]~~ the port
8 commission considers appropriate, desirable, and in the
9 authority's best interests.

10 (e) The authority may not issue bonds or other obligations
11 payable from ad valorem taxes to finance a project authorized under
12 this section.

13 SECTION 4. (a) The legal notice of the intention to
14 introduce this Act, setting forth the general substance of this
15 Act, has been published as provided by law, and the notice and a
16 copy of this Act have been furnished to all persons, agencies,
17 officials, or entities to which they are required to be furnished
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
19 Government Code.

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.

Caller Times

PART OF THE USA TODAY NETWORK

Certificate of
Publication

NUECES COUNTY JUDGE
901 LEOPARD ST ROOM 302.03 KRI

CORPUS CHRISTI, TX 78401

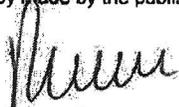
STATE OF WISCONSIN)

COUNTY OF BROWN)

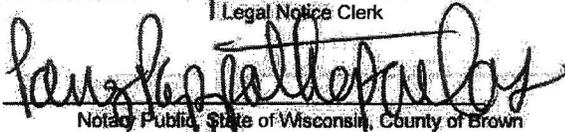
I, being first duly sworn, upon oath depose and say that I am a legal clerk and employee of the publisher, namely, the Corpus Christi Caller-Times, a daily newspaper published at Corpus Christi in said City and State, generally circulated in Aransas, Bee, Brooks, Duval, Jim Hogg, Jim Wells, Kleberg, Live Oak, Nueces, Refugio, and San Patricio, Counties, and that the publication of which the annexed is a true copy, was inserted in the Corpus Christi Caller-Times on the following dates:

02/28/2021

On this March 2, 2021, I certify that the attached document is a true and exact copy made by the publisher:



Legal Notice Clerk



Notary Public, State of Wisconsin, County of Brown

10/23/2023
Notary Expires

**NOTICE OF INTENT TO
INTRODUCE A LOCAL
BILL:**

Pursuant to the Constitution and the laws of the State of Texas, notice is hereby given that Nueces County, Texas, intends to apply to the 87th Legislature of the State of Texas, at its Regular Session, for the introduction of a Bill.

The substance of the contemplated Bill would authorize the Port of Corpus Christi Authority of Nueces County, Texas to use either (1) Port Authority owned land in the unincorporated areas of Nueces County, except submerged land patented to the Port Authority by the State of Texas; (2) Port Authority owned land inside the city limits of the City of Robstown; or (3) Nueces County owned land that is leased to the Port Authority or that the Port Authority has the right to develop or improve for the following purposes: job creation and retention, economic development, industry, commerce, manufacturing, housing, recreation, infrastructure, and any other activity essential to accomplish the purposes of Section 52-a, Article III, Texas Constitution.

All interested persons will, therefore take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and the laws of the State of Texas. Publication of this notice was paid for by Nueces County.

PANG PAPPATHOPOULOS
Notary Public
State of Wisconsin

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