

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1665
By: Lindsay
Natural Resources
5/2/1999
Committee Report (Substituted)

DIGEST

The Port of Houston Authority (PHA), a navigation district and political subdivision of the state, manages the public port facilities along the Houston Ship Channel. The Port of Galveston (POG) is a separate utility of the City of Galveston and operates the navigation and port facilities owned by that city. At certain times, there have been discussions about cooperative undertakings between PHA and POG, and in recent years PHA has leased from POG certain container facilities in Galveston. C.S.S.B. 1665 would authorize PHA to acquire additional facilities of POG on terms not otherwise authorized under current law.

PURPOSE

As proposed, C.S.S.B. 1665 regulates the authority of certain navigation districts to acquire land, equipment, or improvements and issue bonds.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 62D, Water Code, by adding Section 62.1071, as follows:

Sec. 62.1071. ACQUISITION OF LAND, EQUIPMENT, OR IMPROVEMENTS IN CERTAIN COUNTIES. Provides that this section applies only to a district that has a county of jurisdiction with a population of more than 2.8 million. Authorizes a district to acquire, by any means except condemnation, and own land, equipment, or improvements located in a county that is adjacent to the district's county of jurisdiction if the commission considers the land, equipment, or improvements to be necessary. Authorizes any public or private owner to dispose of land, equipment, or improvements on any terms to which the commission and the property owner agree. Sets forth certain provisions regarding the discontinued operations of a port. Authorizes the commissioners to change the names of the district in connection with the acquisition of a land equipment, or improvements under this section. Authorizes a district that acquires land, equipment, or improvements under this section to use or pledge to the payment of obligations of the district for the development of any district facility, regardless of the location of the facility, any revenue of the district, except as provided by Section 62.209. Provides that this Section 41.001(a), Election Code, does not apply to an election held under this section. Requires an election held under this section to be conducted as provided by the Election Code.

Sec. 62.1072. ADDITIONAL COMMISSIONERS FOR ACQUISITIONS FROM CERTAIN MUNICIPALITIES. Requires a district that acquires land, equipment, or an improvement under 62.1071 from a municipality that has a population of more than 35,000 that operates navigation and port facilities and that is located in a county adjacent to the county of jurisdiction may add positions for members of the commission, as determined by the commission. Provides that not more than two positions may be added to the commission under this section. Requires the governing body of the municipality in which the acquired land, equipment, or improvements are located to appoint the additional commissioners. Requires the additional commissioners to serve terms that are consistent with the law governing the terms of the other commissioners.

SECTION 2. Amends Chapter 62F, Water Code, by adding Section 62.209, as follows:

Sec. 62.209. USE OF BOND PROCEEDS FOR CERTAIN ACQUISITIONS OF CERTAIN

DISTRICTS. Prohibits a district to which Section 62.1071 applies from spending for the acquisition of land, equipment, or improvements under that section the proceeds of bonds authorized by the district's voters before the district undertakes the acquisition.

SECTION 3. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed changes to Section 62.107(a), Water Code, authorizing district to acquire land or improvements. Redesignates SECTION 2 as SECTION 1.

Adds new Section 62.1071, Water Code, regarding the acquisition of land, equipment, or improvements in certain counties. Renumbers existing sections accordingly.

Amends Section 62.1072, Water Code, to require a district to appoint certain members to the commission.

SECTION 2.

Adds new Section 62.209, Water Code, regarding the use of bond proceeds for certain acquisitions of certain districts. Deletes proposed Section 62.209, Water Code, regarding the use of bond proceeds to acquire land. Deletes proposed Section 62.210, Water Code, regarding the bond issuance annexation of territory.

Deletes proposed SECTIONS 4-7.