

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 5016
1/31/19

1 CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY,
2 TEXAS
3 SUBCHAPTER A. GENERAL PROVISIONS
4 Sec. 5016.0001. DEFINITIONS 1
5 Sec. 5016.0002. FORMER NAME OF AUTHORITY 3
6 SUBCHAPTER B. PORT COMMISSION
7 Sec. 5016.0051. COMPOSITION OF PORT COMMISSION 4
8 Sec. 5016.0052. APPOINTMENT OF PORT COMMISSIONERS;
9 TERMS; ELIGIBILITY 4
10 Sec. 5016.0053. FILING OF FINANCIAL STATEMENT BY PORT
11 COMMISSIONERS 7
12 SUBCHAPTER C. POWERS AND DUTIES
13 Sec. 5016.0101. USE AND DISPOSITION OF NAVAL PROPERTY 8
14 Sec. 5016.0102. ELECTIONS 11
15 Sec. 5016.0103. SECURITY AND LAW ENFORCEMENT 12
16 Sec. 5016.0104. CONTRACTS FOR SECURITY AND LAW
17 ENFORCEMENT SERVICES 13

18 CHAPTER 5016. PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY,
19 TEXAS
20 SUBCHAPTER A. GENERAL PROVISIONS

21 Revised Law

22 Sec. 5016.0001. DEFINITIONS. In this chapter:
23 (1) "Adjacent property" means the approximately 433
24 acres that the authority owns in San Patricio County that is bounded
25 on the east by the western boundary of the former Naval Station
26 Ingleside, on the north by Farm-to-Market Road 1069, on the west by

1 the corporate limits of the City of Ingleside on the Bay, and on the
2 south by the corporate limits of the City of Ingleside on the Bay
3 and the north shoreline of Corpus Christi Bay. The term does not
4 include property:

5 (A) that the authority purchased from this state
6 under former Article 8225, Revised Statutes; or

7 (B) that was granted to the authority by this
8 state under any general or special law.

9 (2) "Authority" means the Port of Corpus Christi
10 Authority of Nueces County, Texas.

11 (3) "Naval property" means:

12 (A) the approximately 576.615 acres of land and
13 submerged land in San Patricio and Nueces Counties, improvements,
14 and personal property, if any, that reverted to the authority when
15 former Naval Station Ingleside closed, other than property that the
16 authority purchased from this state under former Article 8225,
17 Revised Statutes, or that was granted to the authority by this state
18 under any general or special law; and

19 (B) the adjacent property.

20 (4) "Port commission" means the authority's governing
21 body.

22 (5) "Port commissioner" means a member of the port
23 commission. (Acts 67th Leg., R.S., Ch. 165, Sec. 2; Acts 68th Leg.,
24 R.S., Ch. 397, Secs. 1, 1A as added Acts 81st Leg., R.S., Ch. 53.)

25 Source Law

26 [Acts 67th Leg., R.S., Ch. 165]

27 Sec. 2. The name of the board of navigation and
28 canal commissioners of the authority is changed to the
29 port commission and the title of each member is port
30 commissioner.

31 [Acts 68th Leg., R.S., Ch. 397]

32 Sec. 1. In this Act:

33 (1) "Adjacent property" means the
34 approximately 433 acres that the authority owns in San
35 Patricio County that is bounded on the east by the
36 western boundary of Naval Station Ingleside, on the
37 north by Farm-to-Market Road 1069, on the west by the
38 city limits of the City of Ingleside on the Bay, and on
39 the south by the city limits of the City of Ingleside
40 on the Bay and the north shoreline of Corpus Christi
41 Bay. The term does not include property that the

1 authority purchased from this state under Article
2 8225, Revised Statutes, or that was granted to the
3 authority by this state under any general or special
4 Act.

5 (2) "Authority" means the Port of Corpus
6 Christi Authority of Nueces County, Texas.

7 (3) "Naval property" means:

8 (A) the approximately 576.615 acres
9 of land and submerged land in San Patricio and Nueces
10 Counties, improvements, and personal property, if any,
11 that revert to the authority when Naval Station
12 Ingleside closes, other than property that the
13 authority purchased from this state under Article
14 8225, Revised Statutes, or that was granted to the
15 authority by this state under any general or special
16 Act; and

17 (B) the adjacent property.

18 (4) "Port commission" means the governing
19 body of the authority.

20 Sec. 1A. In this Act:

21 (1) "Authority" means the Port of Corpus
22 Christi Authority of Nueces County, Texas.

23 (2) "Port commission" means the governing
24 body of the Port of Corpus Christi Authority of Nueces
25 County, Texas.

26 (3) "Port commissioner" means a member of
27 the port commission.

28 Revisor's Note

29 (1) Sections 1(1) and (3), Chapter 397, Acts of
30 the 68th Legislature, Regular Session, 1983, refer to
31 "Naval Station Ingleside." Because Naval Station
32 Ingleside closed on April 30, 2010, the revised law
33 adds "former" to references to "Naval Station
34 Ingleside."

35 (2) Sections 1(1) and (3), Chapter 397, Acts of
36 the 68th Legislature, Regular Session, 1983, refer to
37 property purchased by the authority under "Article
38 8225, Revised Statutes." The revised law retains the
39 reference to Article 8225, Revised Statutes, because
40 that was the law in effect at the time the authority
41 purchased the property but adds "former" to the
42 references to that article because it was codified in
43 1971 as Sections 61.115, 61.116, and 61.117, Water
44 Code.

45 Revised Law

46 Sec. 5016.0002. FORMER NAME OF AUTHORITY. Before May 20,
47 1981, the authority was known as the Nueces County Navigation

1 District No. 1. (Acts 67th Leg., R.S., Ch. 165, Sec. 1; New.)

2 Source Law

3 Sec. 1. The name of Nueces County Navigation
4 District No. 1 is changed to the Port of Corpus Christi
5 Authority of Nueces County, Texas.

6 Revisor's Note

7 Section 1, Chapter 165, Acts of the 67th
8 Legislature, Regular Session, 1981, which took effect
9 on May 20, 1981, renamed the Nueces County Navigation
10 District No. 1 as the Port of Corpus Christi Authority
11 of Nueces County, Texas. The revised law retains the
12 reference to the authority's former name to clarify a
13 reference to the former name in another law and adds a
14 reference to the effective date for the reader's
15 convenience.

16 SUBCHAPTER B. PORT COMMISSION

17 Revised Law

18 Sec. 5016.0051. COMPOSITION OF PORT COMMISSION. The port
19 commission is composed of seven port commissioners. (Acts 68th
20 Leg., R.S., Ch. 397, Sec. 1A as added Acts 81st Leg., R.S., Ch. 498;
21 Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

22 Source Law

23 [Acts 68th Leg., R.S., Ch. 397]
24 Sec. 1A. The port commission is composed of
25 seven members.

26 [Acts 78th Leg., R.S., Ch. 1334]
27 Sec. 3. [If the annexation of San Patricio
28 County is approved at an election held under Section 2
29 of this Act:]

30 (1) the port commission is composed of
31 seven members;
32 . . .

33 Revised Law

34 Sec. 5016.0052. APPOINTMENT OF PORT COMMISSIONERS; TERMS;
35 ELIGIBILITY. (a) Port commissioners are appointed as follows:

36 (1) the Commissioners Court of Nueces County shall
37 appoint three port commissioners;

38 (2) the city council of the City of Corpus Christi
39 shall appoint three port commissioners; and

1 (3) the Commissioners Court of San Patricio County
2 shall appoint one port commissioner.

3 (b) Port commissioners serve staggered three-year terms
4 that expire in January.

5 (c) A port commissioner may not serve more than four full
6 terms.

7 (d) A person must have been a resident of Nueces County for
8 at least six months to be eligible for appointment to the port
9 commission by the Commissioners Court of Nueces County or the city
10 council of the City of Corpus Christi.

11 (e) Subsections (c) and (d) do not apply to a person serving
12 as a port commissioner on June 9, 1995. (Acts 68th Leg., R.S., Ch.
13 397, Secs. 2, 3, 4(c), (d); Acts 74th Leg., R.S., Ch. 469, Sec. 2;
14 Acts 78th Leg., R.S., Ch. 1334, Sec. 3 (part).)

15 Source Law

16 [Acts 68th Leg., R.S., Ch. 397]

17 Sec. 2. (a) The Commissioners Court of Nueces
18 County shall appoint four members to the port
19 commission, and the City Council of Corpus Christi
20 shall appoint three members to the port commission.

21 (b) A person must have been a resident of Nueces
22 County for at least six months to be eligible for
23 appointment to the port commission.

24 Sec. 3. (a) The port commissioners shall serve
25 staggered three-year terms.

26 (b) A person may not serve more than four full
27 terms as port commissioner.

28 [Sec. 4]

29 (c) In making its initial appointments to the
30 port commission, the Commissioners Court of Nueces
31 County shall appoint:

32 (1) one port commissioner to a term that
33 expires in January, 1986;

34 (2) one port commissioner to a term that
35 expires in January, 1987; and

36 (3) two port commissioners to terms that
37 expire in January, 1988.

38 (d) In making its initial appointments to the
39 port commission, the City Council of Corpus Christi
40 shall appoint:

41 (1) one port commissioner to a term that
42 expires in January, 1986;

43 (2) one port commissioner to a term that
44 expires in January, 1987; and

45 (3) one port commissioner to a term that
46 expires in January, 1988.

47 [Acts 74th Leg., R.S., Ch. 469]

48 Sec. 2. The change in law made by this Act does
49 not affect the eligibility of a person who, on the
50 effective date of this Act, is a member of the port

1 commission of the Port of Corpus Christi Authority of
2 Nueces County.

3 [Acts 78th Leg., R.S., Ch. 1334]

4 Sec. 3. [If the annexation of San Patricio
5 County is approved at an election held under Section 2
6 of this Act:]

7 . . .
8 (2) notwithstanding Section 2, Chapter
9 397, Acts of the 68th Legislature, Regular Session,
10 1983:

11 (A) the Commissioners Court of Nueces
12 County shall appoint three members to the port
13 commission;

14 (B) the City Council of Corpus
15 Christi shall appoint three members to the port
16 commission; and

17 (C) the Commissioners Court of San
18 Patricio County shall appoint one member to the port
19 commission;

20 . . .

21 Revisor's Note

22 (1) Section 2, Chapter 397, Acts of the 68th
23 Legislature, Regular Session, 1983, provides the
24 manner of appointment of and eligibility requirements
25 for port commissioners. Section 3, Chapter 1334, Acts
26 of the 78th Legislature, Regular Session, 2003,
27 provides that if the annexation of San Patricio County
28 is approved at a confirmation election, Section 3
29 governs the appointment of port commissioners. The
30 revised law omits the provisions of Section 2 of
31 Chapter 397 that relate to the appointment of port
32 commissioners as superseded by Section 3 of Chapter
33 1334 because the annexation of San Patricio County was
34 approved at a confirmation election and the authority
35 has annexed San Patricio County, as stated in Revisor's
36 Note (2) at the end of this chapter. The revised law
37 adds "by the Commissioners Court of Nueces County or
38 the city council of the City of Corpus Christi" to the
39 provision requiring a person to have been a resident of
40 Nueces County for at least six months to be eligible
41 for appointment to the port commission in order to
42 clarify that the residency requirement applies only to
43 persons appointed to the port commission by the

1 Commissioners Court of Nueces County or the city
2 council of Corpus Christi and not to persons appointed
3 by the Commissioners Court of San Patricio County.

4 (2) Sections 4(c) and (d), Chapter 397, Acts of
5 the 68th Legislature, Regular Session, 1983, prescribe
6 the procedure for staggering the terms of the port
7 commissioners first appointed under that act. The
8 revised law revises the establishment of staggered
9 terms expiring in January but omits the provisions
10 relating to the date the initial terms expire as
11 executed.

12 (3) Section 2, Chapter 469, Acts of the 74th
13 Legislature, Regular Session, 1995, provides that the
14 changes in law made by Chapter 469 do not affect the
15 eligibility of a person serving as a port commissioner
16 on "the effective date of this Act." Chapter 469 added
17 a residency requirement for service on the port
18 commission and imposed term limits on port
19 commissioners. The revised law substitutes "June 9,
20 1995" for the quoted language because that is the date
21 on which Chapter 469 took effect.

22 (4) Section 3, Chapter 1334, Acts of the 78th
23 Legislature, Regular Session, 2003, provides for the
24 appointment of port commissioners "notwithstanding
25 Section 2, Chapter 397, Acts of the 68th Legislature,
26 Regular Session, 1983." The revised law omits the
27 quoted language as unnecessary because the provisions
28 of Section 2 of Chapter 397 that relate to the
29 appointment of port commissioners are omitted from the
30 revised law for the reason stated in Revisor's Note (1)
31 to this section.

32 Revised Law

33 Sec. 5016.0053. FILING OF FINANCIAL STATEMENT BY PORT
34 COMMISSIONERS. (a) Not later than April 30 of each year, a port

1 commissioner shall file with the Texas Ethics Commission a
2 financial statement that complies with Sections 572.022-572.024,
3 Government Code.

4 (b) The filed statement is a public record. (Acts 68th
5 Leg., R.S., Ch. 397, Sec. 4A.)

6 Source Law

7 Sec. 4A. Not later than April 30 each year, a
8 port commissioner shall file with the Texas Ethics
9 Commission a financial statement that complies with
10 Sections 572.022-572.024, Government Code. A
11 statement filed under this section is a public record.

12 Revisor's Note
13 (End of Subchapter)

14 Sections 4(a), (b), and (e), Chapter 397, Acts of
15 the 68th Legislature, Regular Session, 1983, require
16 port commissioners serving on the effective date of
17 Chapter 397 to serve until their terms expire in
18 January 1985, provide for the appointment of the port
19 commissioners initially appointed under Section 4, and
20 provide for the appointment and terms of the
21 successors to those initial appointees. The revised
22 law omits those provisions as executed. The omitted
23 law reads:

24 Sec. 4. (a) The persons serving as
25 port commissioners on the effective date of
26 this Act remain in office and shall continue
27 to have the powers and perform the duties of
28 port commissioners until the expiration of
29 their terms in January, 1985.

30 (b) On the expiration of the terms of
31 the port commissioners serving on the
32 effective date of this Act, seven persons
33 must be appointed as provided by Section 2
34 of this Act to serve as the port
35 commissioners for the Port of Corpus
36 Christi Authority of Nueces County, Texas.

37 (e) Successors to the initial
38 appointees shall be appointed and shall
39 serve for three-year terms.

40 SUBCHAPTER C. POWERS AND DUTIES

41 Revised Law

42 Sec. 5016.0101. USE AND DISPOSITION OF NAVAL PROPERTY. (a)
43 The authority may use naval property in ways that replace and

1 enhance the economic benefits generated by the former Naval Station
2 Ingleside through diversified activities, including uses to
3 foster:

- 4 (1) job creation and retention;
- 5 (2) economic development;
- 6 (3) industry;
- 7 (4) commerce;
- 8 (5) manufacturing;
- 9 (6) housing;
- 10 (7) recreation; and
- 11 (8) infrastructure installation on naval property.

12 (b) The port commission may:

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

18 (c) Notwithstanding any other law and subject to the terms
19 of this subsection, the authority may sell or lease property
20 declared surplus under this section with or without public bidding.
21 The authority may not sell naval property declared surplus under
22 this section in a private sale for less than the property's fair
23 market value. The authority shall obtain an appraisal of the
24 surplus property, which is conclusive evidence of the surplus
25 property's fair market value.

26 (d) The authority may contract with another person for
27 assistance in accomplishing the purposes of this section by
28 competitive bidding or negotiated contract as the port commission
29 considers appropriate, desirable, and in the authority's best
30 interests. (Acts 68th Leg., R.S., Ch. 397, Secs. 4B(a), (b), (c),
31 (d) as added Acts 81st Leg., R.S., Ch. 498.)

32 Source Law

33 Sec. 4B. (a) The authority may use the naval
34 property in ways that replace and enhance the economic
35 benefits generated by Naval Station Ingleside through

1 diversified activities, including uses to foster:
2 (1) the creation and retention of new
3 jobs;
4 (2) economic development;
5 (3) industry;
6 (4) commerce;
7 (5) manufacturing;
8 (6) housing;
9 (7) recreation; and
10 (8) the installation of infrastructure on
11 the naval property.

12 (b) The authority may contract with another
13 person for assistance in accomplishing the purposes of
14 this section by competitive bidding or negotiated
15 contract as the port commission considers appropriate,
16 desirable, and in the best interests of the authority.

17 (c) The port commission may declare any portion
18 of the naval property not needed for a
19 navigation-related project surplus property and may
20 sell or lease the surplus property on terms the port
21 commission considers advisable to carry out the
22 purposes of this Act.

23 (d) Notwithstanding any other law, and subject
24 to the terms of this subsection, the authority may sell
25 or lease property declared surplus under this section
26 with or without public bidding. Naval property
27 declared surplus under this section may not be sold in
28 a private sale for less than its fair market value.
29 The authority shall obtain an appraisal of the surplus
30 property, and the appraisal is conclusive evidence of
31 the surplus property's fair market value.

32 Revisor's Note

33 (1) Section 4B(a), Chapter 397, Acts of the 68th
34 Legislature, Regular Session, 1983, as added by
35 Chapter 498, Acts of the 81st Legislature, Regular
36 Session, 2009, refers to "Naval Station Ingleside."
37 The revised law adds "former" to that reference for the
38 reason stated in Revisor's Note (1) to Section
39 5016.0001.

40 (2) Section 4B(e), Chapter 397, Acts of the 68th
41 Legislature, Regular Session, 1983, as added by
42 Chapter 498, Acts of the 81st Legislature, Regular
43 Session, 2009, provides that Section 4B is cumulative
44 of and in addition to other law applicable to or
45 affecting the authority. The revised law omits the
46 provision as unnecessary because an accepted general
47 principle of statutory construction requires that a
48 statute be given cumulative effect with other statutes
49 unless the statute provides otherwise or unless the

1 statute conflicts with another statute. In addition,
2 Section 4B(e) provides that Section 4B "does not limit
3 the power of the authority to use other law not in
4 conflict with" the act. The revised law omits the
5 provision as unnecessary because it is an accepted
6 general principle of statutory construction that a
7 grant of power does not act as a limitation. The
8 omitted law reads:

9 (e) This section is cumulative of and
10 in addition to other law applicable to or
11 affecting the authority. This section does
12 not limit the power of the authority to use
13 other law not in conflict with this Act to
14 the extent necessary or convenient to carry
15 out a power expressly or impliedly granted
16 by this section.

17 Revised Law

18 Sec. 5016.0102. ELECTIONS. An election relating to the
19 authority must be held in the authority as a whole and not on a
20 county-by-county basis. (Acts 68th Leg., R.S., Ch. 397, Sec. 4B as
21 added Acts 81st Leg., R.S., Ch. 53; Acts 78th Leg., R.S., Ch. 1334,
22 Sec. 4.)

23 Source Law

24 [Acts 68th Leg., R.S., Ch. 397]

25 Sec. 4B. An election relating to the authority
26 shall be held in the authority as a whole, and not on a
27 county-by-county basis.

28 [Acts 78th Leg., R.S., Ch. 1334]

29 Sec. 4. If the annexation of San Patricio County
30 is approved at an election held under Section 2 of this
31 Act, any subsequent election relating to the authority
32 shall be held in the authority as a whole, and not on a
33 county-by-county basis.

34 Revisor's Note

35 Section 4, Chapter 1334, Acts of the 78th
36 Legislature, Regular Session, 2003, provides the
37 manner of holding authority elections "[i]f the
38 annexation of San Patricio County is approved at an
39 election held under Section 2 of this Act." Section 4
40 also refers to "subsequent" elections to distinguish
41 between the initial confirmation election held under

1 Section 2 of Chapter 1334 and any subsequent election
2 held in the authority. Because the revised law omits
3 Section 2 of Chapter 1334 as executed (see Revisor's
4 Note (2) at the end of this chapter), the revised law
5 also omits the quoted provisions as unnecessary.

6 Revised Law

7 Sec. 5016.0103. SECURITY AND LAW ENFORCEMENT. (a) The port
8 commission may adopt, amend, repeal, and enforce an ordinance,
9 rule, or police regulation necessary to:

10 (1) protect, secure, and defend the ship channels and
11 waterways in the authority's jurisdiction and facilities served by
12 those ship channels and waterways;

13 (2) promote the health, safety, and general welfare of
14 any person using the ship channels and waterways in the authority's
15 jurisdiction; or

16 (3) comply with a federal law or regulation or
17 implement a directive or standard of the federal government,
18 including the United States Department of Homeland Security and the
19 United States Coast Guard, relating to securing ship channels and
20 waterways and facilities served by ship channels and waterways and
21 preventing terrorist attacks on ship channels, waterways,
22 associated maritime facilities, and other facilities served by ship
23 channels and waterways.

24 (b) In the enforcement of an authority ordinance, rule, or
25 police regulation, a sheriff, constable, or other licensed peace
26 officer or a peace officer employed or appointed by the port
27 commission may make arrests, serve criminal warrants, subpoenas, or
28 writs, and perform any other service or duty that may be performed
29 by any sheriff, constable, or other licensed peace officer in
30 enforcing other laws of this state.

31 (c) In adopting an ordinance, rule, or police regulation
32 under Subsection (a) of this section, the port commission shall
33 comply with the procedures provided by Sections 60.074 and 60.075,
34 Water Code. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(a), (b), (c).)

1 Source Law

2 Sec. 4C. (a) The port commission may adopt,
3 amend, repeal, and enforce an ordinance, rule, or
4 police regulation necessary to:

5 (1) protect, secure, and defend the ship
6 channels and waterways in the jurisdiction of the
7 authority and facilities served by those ship channels
8 and waterways;

9 (2) promote the health, safety, and
10 general welfare of any person using the ship channels
11 and waterways in the jurisdiction of the authority; or

12 (3) comply with a federal law or
13 regulation or implement a directive or standard of the
14 federal government, including the United States
15 Department of Homeland Security and the United States
16 Coast Guard, relating to securing ship channels and
17 waterways and facilities served by ship channels and
18 waterways and preventing terrorist attacks on ship
19 channels, waterways, associated maritime facilities,
20 and other facilities served by ship channels and
21 waterways.

22 (b) In the enforcement of an authority
23 ordinance, rule, or police regulation, a sheriff,
24 constable, or other duly constituted peace officer of
25 this state or a peace officer employed or appointed by
26 the port commission may make arrests, serve criminal
27 warrants, subpoenas, or writs, and perform any other
28 service or duty that may be performed by any sheriff,
29 constable, or other duly constituted peace officer of
30 this state in enforcing other laws of this state.

31 (c) In adopting an ordinance, rule, or police
32 regulation under Subsection (a) of this section, the
33 port commission shall comply with the procedures
34 provided by Sections 60.074 and 60.075, Water Code.

35 Revisor's Note

36 Section 4C(b), Chapter 397, Acts of the 68th
37 Legislature, Regular Session, 1983, refers to a "duly
38 constituted peace officer." The revised law
39 substitutes "licensed" for "duly constituted" to
40 conform to the terminology used in Subchapter G,
41 Chapter 1701, Occupations Code, which regulates the
42 licensing of peace officers.

43 Revised Law

44 Sec. 5016.0104. CONTRACTS FOR SECURITY AND LAW ENFORCEMENT
45 SERVICES. (a) The authority may enter into an interlocal agreement
46 with this state or a county, municipality, or other political
47 subdivision of this state to jointly provide, and share the costs
48 of, security for the ship channels and waterways in the authority's
49 jurisdiction.

50 (b) To protect the public interest, the authority may

1 contract with a qualified party, including the federal government,
2 Nueces County, or San Patricio County, for the provision of law
3 enforcement services in all or part of the authority's
4 jurisdiction. (Acts 68th Leg., R.S., Ch. 397, Secs. 4C(d), (e).)

5 Source Law

6 (d) The authority may enter into an interlocal
7 agreement with this state or a county, municipality,
8 or other political subdivision of this state to
9 jointly provide, and share the costs of, security for
10 the ship channels and waterways in the jurisdiction of
11 the authority.

12 (e) To protect the public interest, the
13 authority may contract with a qualified party,
14 including the federal government, Nueces County, or
15 San Patricio County, for the provision of law
16 enforcement services in all or part of the
17 jurisdiction of the authority.

18 Revisor's Note
19 (End of Chapter)

20 (1) Section 5, Chapter 397, Acts of the 68th
21 Legislature, Regular Session, 1983, provides that the
22 act is severable. The revised law omits that provision
23 because the same result is produced by application of
24 Section 311.032, Government Code (Code Construction
25 Act), which provides that a provision of a statute is
26 severable from each other provision of the statute
27 that can be given effect. The omitted law reads:

28 Sec. 5. If a provision of this Act or
29 its application to any person or
30 circumstance is held invalid, the
31 invalidity does not affect other provisions
32 or applications of this Act that can be
33 given effect without the invalid provision
34 or application, and to this end, the
35 provisions of this Act are declared to be
36 severable.

37 (2) Sections 1, 2, and 3, Chapter 1334, Acts of
38 the 78th Legislature, Regular Session, 2003, provide
39 provisions relating to the annexation of San Patricio
40 County to the authority. Section 1 defines certain
41 terms for purposes of Chapter 1334. Section 2 requires
42 the holding of an election on the question of
43 annexation of San Patricio County and prescribes
44 certain actions to be taken in the event the vote is in

1 favor of or against annexation. Section 3 provides
2 transition provisions relating to the terms of office
3 of the port commissioners serving at the time of the
4 election and immediately following the election.
5 Because the election confirming the annexation of San
6 Patricio County has been held and the county has been
7 annexed to the authority, the revised law omits the
8 provisions as executed. The omitted law reads:

9 Sec. 1. In this Act:

10 (1) "Authority" means the Port
11 of Corpus Christi Authority of Nueces
12 County, Texas.

13 (2) "Commissioners court" means
14 the Commissioners Court of San Patricio
15 County.

16 (3) "Port commission" means the
17 port commission of the Port of Corpus
18 Christi Authority of Nueces County, Texas.

19 Sec. 2. (a) On a uniform election
20 date in 2003, the commissioners court shall
21 call and hold an election in San Patricio
22 County to allow for voting for or against
23 the proposition: "Annexation of San
24 Patricio County to the Port of Corpus
25 Christi Authority of Nueces County, Texas."

26 (b) The commissioners court shall
27 conduct the election as provided by
28 Sections 62.296 and 62.298, Water Code,
29 performing all the duties of the commission
30 of the annexing district provided by those
31 sections.

32 (c) The commissioners court shall
33 canvass the returns of the election and
34 certify the election result to the port
35 commission.

36 (d) If a majority of the voters
37 voting at the election favor the annexation
38 of San Patricio County, the port commission
39 shall enter and have recorded an order of
40 annexation as provided by Sections
41 62.299(c) and (d), Water Code.

42 (e) If the annexation of San Patricio
43 County is not approved at the election held
44 under Subsection (a) of this section,
45 another confirmation election may be held
46 not sooner than five years after the date of
47 the first confirmation election.
48 Confirmation elections may be held every
49 five years until the annexation of San
50 Patricio County is approved.

51 (f) Except as provided by this
52 section, a confirmation election must be
53 conducted as provided by the Election Code.

54 Sec. 3. If the annexation of San
55 Patricio County is approved at an election
56 held under Section 2 of this Act:

57 . . .
58 (3) the commissioners serving
59 at the time the annexation of San Patricio

1
2
3
4
5
6
7
8
9
10
11

County is approved continue to serve,
unless otherwise removed as provided by
law, until the expiration of their terms;
and

(4) following the annexation of
San Patricio County, the Commissioners
Court of San Patricio County shall appoint
one member to the port commission to fill
the first vacancy created by the expiration
of the term of a commissioner appointed by
the Commissioners Court of Nueces County.