

By: Gallego

H.B. No. 3272

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a port of entry authority by certain counties; authorizing a tax and the issuance of bonds.

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

SECTION 1. Subtitle B, Title 12, Local Government Code, is amended by adding Chapter 388 to read as follows:

CHAPTER 388. COUNTY PORT OF ENTRY AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 388.001. DEFINITIONS. In this chapter:

(1) "Authority" means the board of entry authority created under this chapter.

(2) "Board" means the board of directors of the authority.

(3) "Commissioners court" means the commissioners court of the county that created the authority.

Sec. 388.002. CREATION OF AUTHORITY. The commissioners court of a county with a population of less than 15,000 that is adjacent to an international boundary and contains a class A port of entry may create a port of entry authority.

Sec. 388.003. JURISDICTION. The jurisdiction of the authority is coextensive with the jurisdiction of the county creating the authority.

[Sections 388.004-388.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

1 Sec. 388.051. GOVERNING BODY. An authority is governed by
2 a board of five directors.

3 Sec. 388.052. QUALIFICATIONS; APPOINTMENT. (a) A director
4 shall reside in the county that created the authority.

5 (b) The commissioners court shall appoint the directors as
6 follows:

7 (1) one director who represents United States customs
8 brokers;

9 (2) one director who represents freight forwarders;

10 (3) one director who represents the transportation
11 industry;

12 (4) one director who is an international banker; and

13 (5) one director who represents the public.

14 (c) In appointing the initial board, the commissioners
15 court shall appoint two directors to serve until February 1 of the
16 year following the year the authority is created.

17 Sec. 388.053. TERMS. Directors serve staggered two-year
18 terms, with the terms of three directors expiring February 1 of each
19 odd-numbered year and the terms of two directors expiring February
20 1 of each even-numbered year.

21 Sec. 388.054. VACANCY; REMOVAL. (a) The commissioners
22 court shall promptly fill a vacancy that occurs more than 60 days
23 before the expiration of a term by appointing a person who has the
24 qualifications of the director creating the vacancy for the
25 remainder of the unexpired term.

26 (b) The commissioners court may remove a director for cause,
27 after a hearing, by two-thirds vote.

1 Sec. 388.055. OFFICERS. The board shall select from among
2 the directors a presiding officer, assistant presiding officer,
3 treasurer, and other officers that the board considers appropriate.

4 Sec. 388.056. COMPENSATION. A director may not receive
5 compensation for services as a director but is entitled to
6 reimbursement for the necessary expenses in the discharge of duties
7 as a director.

8 [Sections 388.057-388.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 388.101. FEES. The authority shall establish and
11 collect rental, tolls, and other appropriate fees from operators of
12 commercial vehicles for entering the authority by an international
13 bridge and for using any other facility designated by the county.

14 Sec. 388.102. INFRASTRUCTURE; INTERNATIONAL TRADE. The
15 authority shall use the money collected under this chapter, as the
16 board determines appropriate, to develop and promote
17 infrastructure and international trade.

18 Sec. 388.103. EMPLOYEES. The authority may employ persons
19 necessary to perform an authority function.

20 Sec. 388.104. APPROVAL OF COMMISSIONERS COURT
21 REQUIRED. (a) The authority must obtain the approval of the
22 commissioners court before any expenditure of money.

23 (b) Not later than the 15th day after the date on which the
24 authority or board acts, the commissioners court may approve or
25 disapprove the action. If the commissioners court disapproves the
26 action, the action is ineffective. Otherwise, the action becomes
27 effective on the date that the commissioners court approves the

1 action or on the 15th day after the date on which the authority or
2 board acted, whichever is first.

3 [Sections 388.105-388.150 reserved for expansion]

4 SUBCHAPTER D. FINANCIAL PROVISIONS

5 Sec. 388.151. AD VALOREM TAX; BONDS; COUNTY TAX ASSESSOR.

6 (a) If approved at an election held in the authority for that
7 purpose, the authority may impose an ad valorem tax on property in
8 the district and issue bonds payable from the proceeds of the tax.

9 (b) The county tax assessor-collector shall assess and
10 collect taxes for the authority.

11 Sec. 388.152. MANAGEMENT OF MONEY. The authority's
12 treasurer shall deposit money collected by the authority in a
13 separate account in a bank or trust company. The money may be paid
14 out on the warrant or other order of the presiding officer of the
15 board or another person designated by the authority.

16 Sec. 388.153. AUDIT. (a) At least once a year the
17 authority shall hire a certified public accountant to conduct an
18 audit of its books, accounts, and records. The authority shall
19 deliver a copy of the audit to the commissioners court.

20 (b) If the audit does not occur as required under Subsection
21 (a), a person designated by the commissioners court may examine, at
22 the expense of the authority, the accounts and books of the
23 authority, including its receipts, disbursements, contracts,
24 leases, investments, and other matters relating to its finances,
25 operation, and affairs.

26 [Sections 388.154-388.200 reserved for expansion]

27 SUBCHAPTER E. DISSOLUTION

1 Sec. 388.201. DISSOLUTION. (a) Except as provided by
2 Subsection (b), the commissioners court may dissolve an authority
3 at any time.

4 (b) An authority may not be dissolved if the authority has
5 outstanding bonded indebtedness.

6 (c) On dissolution of the authority, the county shall resume
7 the assets and liabilities of the authority.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2003.