By:  Deshotel (Senate Sponsor - Creighton) H.B. No. 4695

(In the Senate - Received from the House May 7, 2019; May 10, 2019, read first time and referred to Committee on Transportation; May 10, 2019, rereferred to Select Committee on Texas Ports; May 14, 2019, reported favorably by the following vote: Yeas 5, Nays 0; May 14, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Creighton       X

Alvarado        X

Hinojosa        X

Kolkhorst       X

Lucio                     X

Nelson          X

Taylor                    X

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the Port of Port Arthur Navigation District of Jefferson County, including the authority to impose taxes.

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

SECTION 1.  Section 11, Chapter 197, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

Sec. 11.  Each commissioner shall receive for performing duties as a commissioner compensation and benefits set by the Board of Port Commissioners plus actual traveling expenses. The Board of Port Commissioners shall set the compensation and benefits of the secretary, general manager, attorneys, engineers, and all other employees, and said board shall set and determine the term and time of employment of all officers and employees of the district; provided that all officers and employees of the district, except the commissioners themselves, shall hold their offices subject to the will of the Board of Port Commissioners.

SECTION 2.  Section 23, Chapter 197, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

Sec. 23.  The [~~Commissioners Court of Jefferson County, Texas, shall, upon requisition of the~~] Board of Port Commissioners shall impose[~~, levy~~] taxes necessary to pay the interest on the bonded debt and to create a sinking fund to retire the principal thereof, as well as a maintenance tax for said district within the limitations prescribed by this Act. In all matters pertaining to the imposition [~~levying and assessing~~] of taxes[~~, the equalization thereof, and the collection of same,~~] and the duties of all officers in connection therewith, the laws of the State of Texas for the imposition [~~assessing, levying and collecting~~] of [~~state and county~~] taxes shall apply, and such duties shall be done and performed by the officers charged with imposing [~~the collection of state and county~~] taxes. Said taxes shall be deposited with the depository or depositories of said district at the times and in the manner provided by law for depositing county taxes in the county depository, and such officers shall furnish such bonds and receive such compensation for their services as is now being paid for like services, and said district shall have a lien upon all property against which taxes may be levied and assessed, enforceable under the same law and in the same manner as a lien securing state and county taxes. Limitation shall not run against the district as a bar to the collection of any taxes or other public charges of the district.

SECTION 3.  (a) The following actions of the Port of Port Arthur Navigation District are validated and confirmed in all respects as if the actions had been done as authorized by law:

(1)  all acts and proceedings of the district taken before the effective date of this Act; and

(2)  the issuance of any bonds or the imposition of taxes, including maintenance and operations taxes, in furtherance of any bonds issued by the district.

(b)  A governmental act or proceeding of the district occurring after an act or proceeding validated by this Act may not be held invalid on the ground that the prior act or proceeding, in the absence of this Act, was invalid.

(c)  This section does not apply to any matter that on the effective date of this Act:

(1)  is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2)  has been held invalid by a final judgment of a court of competent jurisdiction.

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

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

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

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

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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