

By: Deshotel

H.B. No. 4695

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the administration of the Port of Port Arthur  
3 Navigation District of Jefferson County, including the authority to  
4 impose taxes.

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

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

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

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

20 Sec. 23. The [~~Commissioners Court of Jefferson County,~~  
21 ~~Texas, shall, upon requisition of the~~] Board of Port Commissioners  
22 shall impose[~~, levy~~] taxes necessary to pay the interest on the  
23 bonded debt and to create a sinking fund to retire the principal  
24 thereof, as well as a maintenance tax for said district within the

1 limitations prescribed by this Act. In all matters pertaining to  
2 the imposition [~~levying and assessing~~] of taxes[, ~~the equalization~~  
3 ~~thereof, and the collection of same,~~] and the duties of all officers  
4 in connection therewith, the laws of the State of Texas for the  
5 imposition [~~assessing, levying and collecting~~] of [~~state and~~  
6 ~~county~~] taxes shall apply, and such duties shall be done and  
7 performed by the officers charged with imposing [~~the collection of~~  
8 ~~state and county~~] taxes. Said taxes shall be deposited with the  
9 depository or depositories of said district at the times and in the  
10 manner provided by law for depositing county taxes in the county  
11 depository, and such officers shall furnish such bonds and receive  
12 such compensation for their services as is now being paid for like  
13 services, and said district shall have a lien upon all property  
14 against which taxes may be levied and assessed, enforceable under  
15 the same law and in the same manner as a lien securing state and  
16 county taxes. Limitation shall not run against the district as a  
17 bar to the collection of any taxes or other public charges of the  
18 district.

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

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

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

27 (b) A governmental act or proceeding of the district

1 occurring after an act or proceeding validated by this Act may not  
2 be held invalid on the ground that the prior act or proceeding, in  
3 the absence of this Act, was invalid.

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

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

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

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

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

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

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

1 and accomplished.

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