

By: Lucio III

H.B. No. 4759

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Port of Harlingen Authority; authorizing the imposition of a tax.

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

SECTION 1. Chapter 5013, Special District Local Laws Code, as effective April 1, 2019, is amended by designating Sections 5013.001 through 5013.003 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Section 5013.001, Special District Local Laws Code, as effective April 1, 2019, is amended to read as follows:

Sec. 5013.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Authority" [~~"authority"~~] means the Port of Harlingen Authority.

(2) "Port commission" means the governing body of the authority.

(3) "Treasurer" means the treasurer of the authority.

SECTION 3. Chapter 5013, Special District Local Laws Code, as effective April 1, 2019, is amended by adding Subchapters B and C to read as follows:

SUBCHAPTER B. POWERS AND DUTIES

Sec. 5013.051. TREASURER. (a) The port commission:

(1) shall hire or appoint a treasurer; and

(2) may terminate or suspend the employment or

1 appointment of the treasurer.

2 (b) The treasurer has the power and duties of a treasurer
3 under Chapters 60 and 62, Water Code.

4 (c) Notwithstanding Section 62.152, Water Code, the
5 treasurer shall pay all authority expenses from authority funds.

6 Sec. 5013.052. SALES AND LEASES. (a) Except as provided by
7 this section, the provisions of Subchapter C, Chapter 60, Water
8 Code, apply to all sales and leases entered into by the authority.

9 (b) Notwithstanding Section 60.039, Water Code, the
10 authority may enter into a surface lease for a period of not more
11 than 99 years.

12 (c) Notwithstanding Section 60.040, Water Code, the
13 authority is not required to publish notice for a sale, easement, or
14 lease for a period of not more than 99 years.

15 (d) Sections 60.041 and 60.042, Water Code, do not apply to
16 a bid on real property to be sold by the authority.

17 SUBCHAPTER C. FINANCIAL PROVISIONS

18 Sec. 5013.101. MAINTENANCE AND OPERATION TAX; TAX RATE.

19 (a) The authority may impose an ad valorem tax at a rate not to
20 exceed 10 cents on each \$100 valuation of all taxable property in
21 the authority for the maintenance, operation, and upkeep of the
22 authority and the improvements constructed by the authority.

23 (b) The authority may change the rate or suspend collection
24 of the tax authorized by this section in the manner provided by law
25 for official action by the authority, subject to the limitation
26 prescribed by Subsection (a).

27 (c) Section 62.160, Water Code, does not apply to the

1 authority.

2 Sec. 5013.102. SELECTION OF DEPOSITORY. (a) Except as
3 provided by this section, the authority shall select a depository
4 for the authority in the manner provided by Section 60.271, Water
5 Code.

6 (b) The authority shall select a depository in a manner to
7 ensure that authority funds are fully insured by the Federal
8 Deposit Insurance Corporation or the National Credit Union Share
9 Insurance Fund.

10 (c) The authority may select more than one institution to
11 serve as a depository in order to comply with the requirement under
12 Subsection (b).

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 5. This Act takes effect September 1, 2019.