

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of real property interests by the Willacy County Navigation District.

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

SECTION 1. Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953, is amended by adding Section 11 to read as follows:

Sec. 11. (a) The District may sell, exchange, or lease real property or any interest in real property owned by it, whether the real property was acquired by gift or purchase, in settlement of any litigation, controversy, or claim in behalf of the District, or in any other manner, except that lands or flats heretofore purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, may be sold only to the State of Texas or exchanged with the State of Texas for other lands or exchanged for adjacent littoral land as authorized by Section 61.117, Water Code. The District may impose restrictions on the development, use, and transfer of any real property or interest in real property, other than lands or flats purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, in connection with its sale or exchange under this section.

(b) Except as provided by Subsection (d) of this section,

1 before the District may sell or exchange real property, the Board
2 shall determine by resolution that the land is no longer needed for
3 use by the District in connection with the development of a
4 navigation project.

5 (c) Except as provided by Subsection (d), (e), or (f) of
6 this section, a sale or exchange of real property shall be made as
7 provided by Sections 60.040-60.042, Water Code.

8 (d) The District may donate, exchange, convey, sell, or
9 lease land, improvements, easements, or any other interests in real
10 property to promote a public purpose related to the development of
11 the District. The District shall determine the terms and
12 conditions of the transaction so as to:

13 (1) achieve the public purpose; and

14 (2) be consistent with the requirements of Title 2,
15 Utilities Code.

16 (e) The District may donate, exchange, convey, sell, or
17 lease a real property interest under Subsection (d) of this section
18 for less than its fair market value and without complying with the
19 notice and bidding requirements of Sections 60.040-60.042, Water
20 Code.

21 (f) Narrow strips of real property resulting from boundary
22 or surveying conflicts or similar causes, or from insubstantial
23 encroachments by abutting real property owners, or real property of
24 larger configuration that has been subject to encroachments by
25 abutting real property owners for more than 25 years may be
26 abandoned, released, exchanged, or transferred to such abutting
27 owners on terms and conditions considered appropriate or

1 advantageous to the District. The District may convey real
2 property under this subsection for less than its fair market value
3 and without complying with the notice and bidding requirements of
4 Sections 60.040-60.042, Water Code.

5 (g) The District may grant easements over or on its real
6 property on terms and conditions the Board determines to be
7 advantageous to the District.

8 (h) The authority granted to the District by this section to
9 dispose of interests in real property is in addition to any
10 authority granted by Chapter 272, Local Government Code, and a
11 disposition of an interest in real property under this section is
12 exempt from the notice, bidding, and other requirements of Chapter
13 272, Local Government Code.

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

ADOPTED

MAY 21 2019

Henry Paul
Secretary of the Senate

By: Guillen/Lucio

H.B. No. 1053

Substitute the following for H.B. No. 1053:

By: *[Signature]*

C.S. H.B. No. 1053

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(b) Except as provided by Subsection (d) of this section,

1 before the District may sell or exchange real property, the Board
2 shall determine by resolution that the land is no longer needed for
3 use by the District in connection with the development of a
4 navigation project.

5 (c) Except as provided by Subsection (d), (e), or (f) of
6 this section, a sale or exchange of real property shall be made as
7 provided by Sections 60.040-60.042, Water Code.

8 (d) The District may donate, exchange, convey, sell, or
9 lease land, improvements, easements, or any other interests in real
10 property to promote a public purpose related to the development of
11 the District. The District shall determine the terms and
12 conditions of the transaction so as to achieve the public purpose.

13 (e) The District may donate, exchange, convey, sell, or
14 lease a real property interest under Subsection (d) of this section
15 for less than its fair market value and without complying with the
16 notice and bidding requirements of Sections 60.040-60.042, Water
17 Code.

18 (f) Narrow strips of real property resulting from boundary
19 or surveying conflicts or similar causes, or from insubstantial
20 encroachments by abutting real property owners, or real property of
21 larger configuration that has been subject to encroachments by
22 abutting real property owners for more than 25 years may be
23 abandoned, released, exchanged, or transferred to such abutting
24 owners on terms and conditions considered appropriate or
25 advantageous to the District. The District may convey real
26 property under this subsection for less than its fair market value
27 and without complying with the notice and bidding requirements of

1 Sections 60.040-60.042, Water Code.

2 (g) The District may grant easements over or on its real
3 property on terms and conditions the Board determines to be
4 advantageous to the District.

5 (h) The authority granted to the District by this section to
6 dispose of interests in real property is in addition to any
7 authority granted by Chapter 272, Local Government Code, and a
8 disposition of an interest in real property under this section is
9 exempt from the notice, bidding, and other requirements of Chapter
10 272, Local Government Code.

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

ADOPTED

MAY 21 2019

Letty Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Edie Lucio, Jr.

1 Amend C.S.H.B. No. 1053 (senate committee report) in SECTION
2 1 of the bill, by striking added Sections 11(d) and (e), Chapter
3 404, Acts of the 53rd Legislature, Regular Session, 1953 (page 1,
4 lines 51 through 60), and relettering subsequent subsections of
5 that section.

ADOPTED

MAY 21 2019

Henry Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Edna Lucio, Jr.*

Amend C.S.H.B. No. 1053 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 5013, Special District Local Laws Code, is amended by designating Sections 5013.001 and 5013.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION _____. Section 5013.001, Special District Local Laws Code, 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) "Port commissioner" means a member of the port commission.

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

SECTION _____. Chapter 5013, Special District Local Laws Code, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. PORT COMMISSION

SECTION _____. Section 5013.003, Special District Local Laws Code, is transferred to Subchapter B, Chapter 5013, Special District Local Laws Code, as added by this Act, redesignated as Section 5013.051, and amended to read as follows:

Sec. 5013.051 [~~5013.003~~]. GOVERNING BODY. (a) The navigation and canal commission of the authority is called the port commission and is composed of port commissioners.

(b) The port commission shall divide the territory of the

1 authority into four numbered single-member districts for electing
2 port commissioners.

3 (c) The port commission may revise the single-member
4 districts as necessary or appropriate.

5 (d) The port commission consists of five port
6 commissioners. One port commissioner is elected from each
7 single-member district, and one port commissioner is elected from
8 the authority at large.

9 (e) Port commissioners serve staggered four-year terms.

10 (f) The port commissioner elected from the authority at
11 large serves as the presiding officer of the port commission.

12 (g) The port commission shall hold an election to elect the
13 appropriate number of port commissioners on the uniform election
14 date in November of each odd-numbered year.

15 SECTION _____. Chapter 5013, Special District Local Laws
16 Code, is amended by adding Subchapters C and D to read as follows:

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 5013.101. TREASURER. (a) The port commission:

19 (1) shall hire or appoint a treasurer; and

20 (2) may terminate or suspend the employment or
21 appointment of the treasurer.

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

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

26 Sec. 5013.102. SALES AND LEASES. (a) Except as provided by
27 this section, the provisions of Subchapter C, Chapter 60, Water
28 Code, apply to all sales and leases entered into by the authority.

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

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

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

6 SUBCHAPTER D. FINANCIAL PROVISIONS

7 Sec. 5013.151. MAINTENANCE AND OPERATION TAX; TAX RATE.

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

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

16 (c) Section 62.160, Water Code, does not apply to the
17 authority.

18 Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as
19 provided by this section, the authority shall select a depository
20 for the authority in the manner provided by Section 60.271, Water
21 Code.

22 (b) The authority shall select a depository in a manner to
23 ensure that authority funds are fully insured by the Federal
24 Deposit Insurance Corporation or the National Credit Union Share
25 Insurance Fund.

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

29 SECTION _____. (a) In this section, "authority," "port
30 commission," and "port commissioner" have the meanings assigned by
31 Section 5013.001, Special District Local Laws Code, as amended by

1 this Act.

2 (b) Not later than June 1, 2021, the port commission shall
3 divide the territory of the authority into four numbered
4 single-member districts as required by Section 5013.051, Special
5 District Local Laws Code, as redesignated and amended by this Act.

6 (c) A port commissioner of the authority who is serving on
7 the day before the effective date of this Act shall serve until a
8 successor qualifies following an election under Subsection (d) of
9 this section.

10 (d) On the uniform election date in November 2021, the port
11 commission shall hold an election to elect one at-large port
12 commissioner and four port commissioners from single-member
13 districts.

14 (e) The five port commissioners elected under Subsection
15 (d) of this section shall draw lots to determine which two port
16 commissioners shall serve a term expiring December 1, 2023, and
17 which three port commissioners shall serve a term expiring December
18 1, 2025.

19 (f) On the uniform election date in November 2023, the port
20 commission shall hold an election to elect two port commissioners
21 to terms of four years.

22 (g) On the uniform election date in 2025, the port
23 commission shall hold an election to elect three port commissioners
24 to terms of four years.

25 SECTION _____. (a) The legal notice of the intention to
26 introduce a bill relating to the administration, powers, and duties
27 of the Port of Harlingen Authority, setting forth the general
28 substance of a bill relating to the administration, powers, and
29 duties of the Port of Harlingen Authority, has been published as
30 provided by law, and the notice and a copy of a bill relating to the
31 administration, powers, and duties of the Port of Harlingen

1 Authority have been furnished to all persons, agencies, officials,
2 or entities to which they are required to be furnished under Section
3 59, Article XVI, Texas Constitution, and Chapter 313, Government
4 Code.

5 (b) The governor, one of the required recipients, has
6 submitted the notice and a copy of a bill relating to the
7 administration, powers, and duties of the Port of Harlingen
8 Authority to the Texas Commission on Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to a bill relating to the
11 administration, powers, and duties of the Port of Harlingen
12 Authority with the governor, the lieutenant governor, and the
13 speaker of the house of representatives within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of a bill relating to the
17 administration, powers, and duties of the Port of Harlingen
18 Authority are fulfilled and accomplished.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1053 by Guillen (Relating to the disposition of real property interests by the Willacy County Navigation District.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Locals Laws Code and the Acts of the 53rd Legislature, Regular Session, 1953 to modify the provisions under which certain navigation districts and port authorities may dispose of real property and grant easements and to establish certain powers and duties for those districts.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1053 by Guillen (relating to the disposition of real property interests by the Willacy County Navigation District.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 53rd Legislature, Regular Session, 1953 to modify the provisions under which certain navigation districts and port authorities may dispose of real property and grant easements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1053 by Guillen (Relating to the disposition of real property interests by the Willacy County Navigation District.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 53rd Legislature, Regular Session, 1953 to modify the provisions under which certain navigation districts and port authorities may dispose of real property and grant easements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, JGA, SD, GP, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 22, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1053 by Guillen (relating to the disposition of real property interests by the Willacy County Navigation District.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 53rd Legislature, Regular Session, 1953 to modify the provisions under which certain navigation districts and port authorities may dispose of real property and grant easements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 12, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1053 by Guillen (Relating to the disposition of real property interests by navigation districts and port authorities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to modify the provisions under which navigation districts and port authorities may dispose of real property and grant easements.

Local Government Impact

According to the Port of Corpus Christi, the bill is not anticipated to have a fiscal impact on the port.

Source Agencies:

LBB Staff: WP, JGAn, SD, GP, SZ