

House Bill 1053
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(d) The District may donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to promote a public purpose related to the

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(b) Except as provided by Subsection (d) of this section, before the District may sell or exchange real property, the Board shall determine by resolution that the land is no longer needed for use by the District in connection with the development of a navigation project.

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

(d) [Deleted by FA1]

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development of the District. The District shall determine the terms and conditions of the transaction so as to:

(1) achieve the public purpose; and

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

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

(f) Narrow strips of real property resulting from boundary or surveying conflicts or similar causes, or from insubstantial encroachments by abutting real property owners, or real property of larger configuration that has been subject to encroachments by abutting real property owners for more than 25 years may be abandoned, released, exchanged, or transferred to such abutting owners on terms and conditions considered appropriate or advantageous to the District. The District may convey real property under this subsection for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040-60.042, Water Code.

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

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

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(e) [Deleted by FA1]

(f) Narrow strips of real property resulting from boundary or surveying conflicts or similar causes, or from insubstantial encroachments by abutting real property owners, or real property of larger configuration that has been subject to encroachments by abutting real property owners for more than 25 years may be abandoned, released, exchanged, or transferred to such abutting owners on terms and conditions considered appropriate or advantageous to the District. The District may convey real property under this subsection for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040-60.042, Water Code.

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

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

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SECTION 2. 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.

No equivalent provision.

No equivalent provision.

No equivalent provision.

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SECTION 2. Same as House version.

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 [FA2]

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. [FA2]

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 [FA2]

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No equivalent provision.

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

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

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

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

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

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

[FA2]

No equivalent provision.

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

SUBCHAPTER C. POWERS AND DUTIES

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

(1) shall hire or appoint a treasurer; and

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

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

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

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

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

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

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

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 5013.151. MAINTENANCE AND OPERATION TAX; TAX RATE. (a) The authority may impose an ad valorem tax at a rate not to exceed 10 cents on each \$100 valuation of all taxable property in the authority for the maintenance, operation, and upkeep of the authority and the improvements constructed by the authority.

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

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

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Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as provided by this section, the authority shall select a depository for the authority in the manner provided by Section 60.271, Water Code.
(b) The authority shall select a depository in a manner to ensure that authority funds are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.
(c) The authority may select more than one institution to serve as a depository in order to comply with the requirement under Subsection (b). [FA2]

SECTION __. (a) In this section, "authority," "port commission," and "port commissioner" have the meanings assigned by Section 5013.001, Special District Local Laws Code, as amended by this Act.
(b) Not later than June 1, 2021, the port commission shall divide the territory of the authority into four numbered single-member districts as required by Section 5013.051, Special District Local Laws Code, as redesignated and amended by this Act.
(c) A port commissioner of the authority who is serving on the day before the effective date of this Act shall serve until a successor qualifies following an election under Subsection (d) of this section.
(d) On the uniform election date in November 2021, the port commission shall hold an election to elect one at-large port commissioner and four port commissioners from single-member districts.
(e) The five port commissioners elected under Subsection (d) of this section shall draw lots to determine which two port

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commissioners shall serve a term expiring December 1, 2023, and which three port commissioners shall serve a term expiring December 1, 2025.

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

(g) On the uniform election date in 2025, the port commission shall hold an election to elect three port commissioners to terms of four years. [FA2]

SECTION __. (a) The legal notice of the intention to introduce a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, setting forth the general substance of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority, has been published as provided by law, and the notice and a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority 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 a copy of a bill relating to the administration, powers, and duties of the Port of Harlingen Authority to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to a bill relating to the administration, powers, and duties of the Port of Harlingen Authority with the governor, the lieutenant governor, and the

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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 a bill relating to the administration, powers, and duties of the Port of Harlingen Authority are fulfilled and accomplished. [FA2]