

By: Lucio

S.B. No. 635

A BILL TO BE ENTITLED

AN ACT

relating to the terms and qualifications of the members of the port commission of, and the powers, duties, and territory 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, 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 2. 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 3. Subchapter A, Chapter 5013, Special District Local Laws Code, as added by this Act, is amended by adding Section 5013.0025 to read as follows:

Sec. 5013.0025. AUTHORITY TERRITORY. The authority is composed of the original territory of the district, as it may have

1 been amended by Subchapter H, Chapter 62, Water Code, or other law,  
2 except the territory does not include any portion of Willacy  
3 County.

4 SECTION 4. Chapter 5013, Special District Local Laws Code,  
5 is amended by adding Subchapter B, and a heading is added to that  
6 subchapter to read as follows:

7 SUBCHAPTER B. PORT COMMISSION

8 SECTION 5. Section 5013.003, Special District Local Laws  
9 Code, is transferred to Subchapter B, Chapter 5013, Special  
10 District Local Laws Code, as added by this Act, redesignated as  
11 Section 5013.051, and amended to read as follows:

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

15 (b) The port commissioners shall be elected by the voters of  
16 the district at large to positions numbered one through five.

17 (c) Port commissioners serve staggered four-year terms,  
18 with port commissioners elected in odd-numbered years.

19 SECTION 6. Chapter 5013, Special District Local Laws Code,  
20 is amended by adding Subchapters C and D to read as follows:

21 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

14 SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

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

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

26 Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as  
27 provided by this section, the authority shall select a depository

1 for the authority in the manner provided by Section 60.271, Water  
2 Code.

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

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

10 SECTION 7. (a) In this section, "authority," "port  
11 commission," and "port commissioner" have the meanings assigned by  
12 Section 5013.001, Special District Local Laws Code, as amended by  
13 this Act.

14 (b) A port commissioner of the authority who is serving on  
15 the day before the effective date of this Act shall serve until a  
16 successor qualifies following an election under Subsection (c) of  
17 this section.

18 (c) On the uniform election date in November 2021, the port  
19 commission shall hold an election to elect two port commissioners,  
20 numbered four and five.

21 (d) The three port commissioners serving on the effective  
22 date of this Act shall draw lots to assign port commissioner numbers  
23 one through three and determine which two port commissioners shall  
24 serve a term expiring December 1, 2023, and which port commissioner  
25 shall serve a term expiring December 1, 2025.

26 (e) On the uniform election date in November 2023, the port  
27 commission shall hold an election to elect two port commissioners

1 to terms of four years.

2 (f) On the uniform election date in 2025, the port  
3 commission shall hold an election to elect three port commissioners  
4 to terms of four years.

5 SECTION 8. (a) The legal notice of the intention to  
6 introduce this Act, setting forth the general substance of this  
7 Act, has been published as provided by law, and the notice and a  
8 copy of this Act have been furnished to all persons, agencies,  
9 officials, or entities to which they are required to be furnished  
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11 Government Code.

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

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

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

23 SECTION 9. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2021.