

By: Lucio

S.B. No. 635

A BILL TO BE ENTITLED

AN ACT

relating to 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) "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 been amended by Subchapter H, Chapter 62, Water Code, or other law, except the territory does not include any portion of Willacy County.

1 SECTION 4. Chapter 5013, Special District Local Laws Code,
2 is amended by designating Section 5013.003 as Subchapter B and
3 adding a subchapter heading to read as follows:

4 SUBCHAPTER B. DISTRICT ADMINISTRATION

5 SECTION 5. Chapter 5013, Special District Local Laws Code,
6 is amended by adding Subchapters C and D to read as follows:

7 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

27 SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

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

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

12 Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as
13 provided by this section, the authority shall select a depository
14 for the authority in the manner provided by Section 60.271, Water
15 Code.

16 (b) The authority shall select a depository in a manner to
17 ensure that authority funds are fully insured by the Federal
18 Deposit Insurance Corporation or the National Credit Union Share
19 Insurance Fund.

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

23 SECTION 6. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

3 (b) The governor, one of the required recipients, has
4 submitted the notice and Act to the Texas Commission on
5 Environmental Quality.

6 (c) The Texas Commission on Environmental Quality has filed
7 its recommendations relating to this Act with the governor, the
8 lieutenant governor, and the speaker of the house of
9 representatives within the required time.

10 (d) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act are fulfilled
13 and accomplished.

14 SECTION 7. This Act takes effect September 1, 2021.