

1-1 By: Lucio S.B. No. 635
 1-2 (In the Senate - Filed February 9, 2021; March 11, 2021,
 1-3 read first time and referred to Select Committee on Ports;
 1-4 April 13, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 13, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 635 By: Alvarado

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the terms and qualifications of the members of the port
 1-20 commission of, and the powers, duties, and territory of, the Port of
 1-21 Harlingen Authority; authorizing the imposition of a tax.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 5013, Special District Local Laws Code,
 1-24 is amended by designating Sections 5013.001 and 5013.002 as
 1-25 Subchapter A and adding a subchapter heading to read as follows:

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 SECTION 2. Section 5013.001, Special District Local Laws
 1-28 Code, is amended to read as follows:

1-29 Sec. 5013.001. DEFINITIONS [DEFINITION]. In this chapter:

1-30 (1) "Authority" [,"authority"] means the Port of
 1-31 Harlingen Authority.

1-32 (2) "Port commission" means the governing body of the
 1-33 authority.

1-34 (3) "Port commissioner" means a member of the port
 1-35 commission.

1-36 (4) "Treasurer" means the treasurer of the authority.

1-37 SECTION 3. Subchapter A, Chapter 5013, Special District
 1-38 Local Laws Code, as added by this Act, is amended by adding Section
 1-39 5013.0025 to read as follows:

1-40 Sec. 5013.0025. AUTHORITY TERRITORY. The authority is
 1-41 composed of the original territory of the district, as it may have
 1-42 been amended by Subchapter H, Chapter 62, Water Code, or other law,
 1-43 except the territory does not include any portion of Willacy
 1-44 County.

1-45 SECTION 4. Chapter 5013, Special District Local Laws Code,
 1-46 is amended by adding Subchapter B, and a heading is added to that
 1-47 subchapter to read as follows:

1-48 SUBCHAPTER B. PORT COMMISSION

1-49 SECTION 5. Section 5013.003, Special District Local Laws
 1-50 Code, is transferred to Subchapter B, Chapter 5013, Special
 1-51 District Local Laws Code, as added by this Act, redesignated as
 1-52 Section 5013.051, and amended to read as follows:

1-53 Sec. 5013.051 [~~5013.003~~]. GOVERNING BODY. (a) The
 1-54 navigation and canal commission of the authority is called the port
 1-55 commission and is composed of five port commissioners.

1-56 (b) The port commissioners shall be elected by the voters of
 1-57 the district at large to positions numbered one through five.

1-58 (c) Port commissioners serve staggered four-year terms,
 1-59 with port commissioners elected in odd-numbered years.

1-60 SECTION 6. Chapter 5013, Special District Local Laws Code,

2-1 is amended by adding Subchapters C and D to read as follows:

2-2 SUBCHAPTER C. POWERS AND DUTIES

2-3 Sec. 5013.101. TREASURER. (a) The port commission:

2-4 (1) shall hire or appoint a treasurer; and

2-5 (2) may terminate or suspend the employment or
2-6 appointment of the treasurer.

2-7 (b) The treasurer has the power and duties of a treasurer
2-8 under Chapters 60 and 62, Water Code.

2-9 (c) Notwithstanding Section 62.152, Water Code, the
2-10 treasurer shall pay all authority expenses from authority funds.

2-11 Sec. 5013.102. SALES AND LEASES. (a) Except as provided by
2-12 this section, the provisions of Subchapter C, Chapter 60, Water
2-13 Code, apply to all sales and leases entered into by the authority.

2-14 (b) Notwithstanding Section 60.039, Water Code, the
2-15 authority may enter into a surface lease for a period of not more
2-16 than 99 years.

2-17 (c) Notwithstanding Section 60.040, Water Code, the
2-18 authority is not required to publish notice for a sale, easement, or
2-19 lease for a period of not more than 99 years.

2-20 (d) Sections 60.041 and 60.042, Water Code, do not apply to
2-21 a bid on real property to be sold by the authority.

2-22 SUBCHAPTER D. FINANCIAL PROVISIONS

2-23 Sec. 5013.151. MAINTENANCE AND OPERATION TAX; TAX RATE.

2-24 (a) The authority may impose an ad valorem tax at a rate not to
2-25 exceed 10 cents on each \$100 valuation of all taxable property in
2-26 the authority for the maintenance, operation, and upkeep of the
2-27 authority and the improvements constructed by the authority.

2-28 (b) The authority may change the rate or suspend collection
2-29 of the tax authorized by this section in the manner provided by law
2-30 for official action by the authority, subject to the limitation
2-31 prescribed by Subsection (a).

2-32 (c) Section 62.160, Water Code, does not apply to the
2-33 authority.

2-34 Sec. 5013.152. SELECTION OF DEPOSITORY. (a) Except as
2-35 provided by this section, the authority shall select a depository
2-36 for the authority in the manner provided by Section 60.271, Water
2-37 Code.

2-38 (b) The authority shall select a depository in a manner to
2-39 ensure that authority funds are fully insured by the Federal
2-40 Deposit Insurance Corporation or the National Credit Union Share
2-41 Insurance Fund.

2-42 (c) The authority may select more than one institution to
2-43 serve as a depository in order to comply with the requirement under
2-44 Subsection (b).

2-45 SECTION 7. (a) In this section, "authority," "port
2-46 commission," and "port commissioner" have the meanings assigned by
2-47 Section 5013.001, Special District Local Laws Code, as amended by
2-48 this Act.

2-49 (b) A port commissioner of the authority who is serving on
2-50 the day before the effective date of this Act shall serve until a
2-51 successor qualifies following an election under Subsection (c) of
2-52 this section.

2-53 (c) On the uniform election date in November 2021, the port
2-54 commission shall hold an election to elect two port commissioners,
2-55 numbered four and five.

2-56 (d) The three port commissioners serving on the effective
2-57 date of this Act shall draw lots to assign port commissioner numbers
2-58 one through three and determine which two port commissioners shall
2-59 serve a term expiring December 1, 2023, and which port commissioner
2-60 shall serve a term expiring December 1, 2025.

2-61 (e) On the uniform election date in November 2023, the port
2-62 commission shall hold an election to elect two port commissioners
2-63 to terms of four years.

2-64 (f) On the uniform election date in 2025, the port
2-65 commission shall hold an election to elect three port commissioners
2-66 to terms of four years.

2-67 SECTION 8. (a) The legal notice of the intention to
2-68 introduce this Act, setting forth the general substance of this
2-69 Act, has been published as provided by law, and the notice and a

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

3-5 (b) The governor, one of the required recipients, has
3-6 submitted the notice and Act to the Texas Commission on
3-7 Environmental Quality.

3-8 (c) The Texas Commission on Environmental Quality has filed
3-9 its recommendations relating to this Act with the governor, the
3-10 lieutenant governor, and the speaker of the house of
3-11 representatives within the required time.

3-12 (d) All requirements of the constitution and laws of this
3-13 state and the rules and procedures of the legislature with respect
3-14 to the notice, introduction, and passage of this Act are fulfilled
3-15 and accomplished.

3-16 SECTION 9. This Act takes effect immediately if it receives
3-17 a vote of two-thirds of all the members elected to each house, as
3-18 provided by Section 39, Article III, Texas Constitution. If this
3-19 Act does not receive the vote necessary for immediate effect, this
3-20 Act takes effect September 1, 2021.

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