

By: Eiland

H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the management and control of certain port improvements  
3 and facilities.

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

5 SECTION 1. Section 54.053, Transportation Code, is amended  
6 by amending Subsection (b) and adding Subsections (c) and (d) to  
7 read as follows:

8 (b) A board may:

9 (1) manage, control, maintain, and operate each port  
10 improvement or facility constituting a port or harbor of the  
11 municipality;

12 (2) employ a general manager and any other officer,  
13 employee, or representative the board considers appropriate;

14 (3) notwithstanding any law or charter provision to  
15 the contrary:

16 (A) prepare and adopt a budget for the operation  
17 of a port or harbor of the municipality;

18 (B) set charges for a service or facility;

19 (C) authorize an expenditure; and

20 (D) manage and control the income and revenue of  
21 each port or harbor of the municipality;

22 (4) determine policies and adopt rules and procedures  
23 for the operation of each port or harbor of the municipality;

24 (5) acquire property or an interest in property for

1 any purpose set forth in Section 54.003 in the manner provided by  
2 this chapter and construct a port improvement or facility on the  
3 property;

4 (6) contract in its own name, but not in the name of  
5 the municipality;

6 (7) sue and be sued in its own name;

7 (8) adopt, use, and alter a corporate seal;

8 (9) establish a port security force, employ public  
9 security officers licensed by the Commission on Law Enforcement  
10 Officer Standards and Education, and commission employees of the  
11 force as peace officers;

12 (10) own, establish, construct, improve, equip,  
13 maintain, operate, regulate, protect, or police any transportation  
14 facility and any necessary appurtenance to that facility; ~~and~~

15 (11) construct, lease, improve, enlarge, extend,  
16 repair, maintain, replace, develop, or operate a port improvement  
17 or facility;

18 (12) exercise all powers of a municipality relating to  
19 the creation of an economic development program under Chapter 380,  
20 Local Government Code, for the purpose of making grants and loans;  
21 and

22 (13) exercise any additional power granted by the  
23 ordinance or charter.

24 (c) A board has the power to construct a port improvement or  
25 facility on land acquired by purchase, lease, or otherwise, and a  
26 board may convey by lease, sublease, or sale by installment or  
27 otherwise on the terms the board determines to be advantageous, the

1 land, interest in the land, or port improvement or facility.

2 (d) Each power provided by this section is a public and  
3 governmental function, is exercised for a public purpose, and is a  
4 matter of public necessity.

5 SECTION 2. Section 54.054(a), Transportation Code, is  
6 amended to read as follows:

7 (a) Except as otherwise provided by this chapter, the board  
8 may award a contract involving the expenditure of more than \$25,000  
9 [~~\$15,000~~] only by competitive bidding.

10 SECTION 3. Subchapter B, Chapter 54, Transportation Code,  
11 is amended by adding Section 54.056 to read as follows:

12 Sec. 54.056. BOARD ACT OR PROCEEDING PRESUMED VALID. (a) A  
13 governmental act or proceeding of a board is conclusively presumed,  
14 as of the date it occurred, to be valid and to have occurred in  
15 accordance with all applicable law if:

16 (1) the third anniversary of the effective date of the  
17 act or proceeding has expired; and

18 (2) a lawsuit to annul or invalidate the act or  
19 proceeding has not been filed on or before that third anniversary.

20 (b) This section does not apply to:

21 (1) an act or proceeding that was void at the time it  
22 occurred;

23 (2) an act or proceeding that, under a statute of this  
24 state or the United States, was a misdemeanor or felony at the time  
25 the act or proceeding occurred; or

26 (3) a matter that on the effective date of this  
27 section:

1                    (A) is involved in litigation if the litigation  
2 ultimately results in the matter being held invalid by a final  
3 judgment of a court; or

4                    (B) has been held invalid by a final judgment of a  
5 court.

6                    SECTION 4. This Act takes effect September 1, 2007.