

By: Eiland

H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b) A board may:

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

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

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

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

(B) set charges for a service or facility;

(C) authorize an expenditure; and

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

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

(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.