

1-1 By: Jackson S.B. No. 1836
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 27, 2007, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; April 27, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the management and control of certain port improvements
1-9 and facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 54.053, Transportation Code, is amended
1-12 by amending Subsection (b) and adding Subsections (c) and (d) to
1-13 read as follows:

1-14 (b) A board may:

1-15 (1) manage, control, maintain, and operate each port
1-16 improvement or facility constituting a port or harbor of the
1-17 municipality;

1-18 (2) employ a general manager and any other officer,
1-19 employee, or representative the board considers appropriate;

1-20 (3) notwithstanding any law or charter provision to
1-21 the contrary:

1-22 (A) prepare and adopt a budget for the operation
1-23 of a port or harbor of the municipality;

1-24 (B) set charges for a service or facility;

1-25 (C) authorize an expenditure; and

1-26 (D) manage and control the income and revenue of
1-27 each port or harbor of the municipality;

1-28 (4) determine policies and adopt rules and procedures
1-29 for the operation of each port or harbor of the municipality;

1-30 (5) acquire property or an interest in property for
1-31 any purpose set forth in Section 54.003 in the manner provided by
1-32 this chapter and construct a port improvement or facility on the
1-33 property;

1-34 (6) contract in its own name, but not in the name of
1-35 the municipality;

1-36 (7) sue and be sued in its own name;

1-37 (8) adopt, use, and alter a corporate seal;

1-38 (9) establish a port security force, employ public
1-39 security officers licensed by the Commission on Law Enforcement
1-40 Officer Standards and Education, and commission employees of the
1-41 force as peace officers;

1-42 (10) own, establish, construct, improve, equip,
1-43 maintain, operate, regulate, protect, or police any transportation
1-44 facility and any necessary appurtenance to that facility; ~~and~~

1-45 (11) construct, lease, improve, enlarge, extend,
1-46 repair, maintain, replace, develop, or operate a port improvement
1-47 or facility;

1-48 (12) exercise all powers of a municipality relating to
1-49 the creation of an economic development program under Chapter 380,
1-50 Local Government Code, for the purpose of making grants and loans;
1-51 and

1-52 (13) exercise any additional power granted by the
1-53 ordinance or charter.

1-54 (c) A board has the power to construct a port improvement or
1-55 facility on land acquired by purchase, lease, or otherwise, and a
1-56 board may convey by lease, sublease, or sale by installment or
1-57 otherwise, on the terms the board determines to be advantageous,
1-58 the land, interest in the land, or port improvement or facility.

1-59 (d) Each power provided by this section is a public and
1-60 governmental function, is exercised for a public purpose, and is a
1-61 matter of public necessity.

1-62 SECTION 2. Subsection (a), Section 54.054, Transportation
1-63 Code, is amended to read as follows:

1-64 (a) Except as otherwise provided by this chapter, the board

2-1 may award a contract involving the expenditure of more than \$25,000
2-2 [~~\$15,000~~] only by competitive bidding.

2-3 SECTION 3. Subchapter B, Chapter 54, Transportation Code,
2-4 is amended by adding Section 54.056 to read as follows:

2-5 Sec. 54.056. BOARD ACT OR PROCEEDING PRESUMED VALID.

2-6 (a) A governmental act or proceeding of a board is conclusively
2-7 presumed, as of the date it occurred, to be valid and to have
2-8 occurred in accordance with all applicable law if:

2-9 (1) the third anniversary of the effective date of the
2-10 act or proceeding has expired; and

2-11 (2) a lawsuit to annul or invalidate the act or
2-12 proceeding has not been filed on or before that third anniversary.

2-13 (b) This section does not apply to:

2-14 (1) an act or proceeding that was void at the time it
2-15 occurred;

2-16 (2) an act or proceeding that, under a statute of this
2-17 state or the United States, was a misdemeanor or felony at the time
2-18 the act or proceeding occurred; or

2-19 (3) a matter that on the effective date of this
2-20 section:

2-21 (A) is involved in litigation if the litigation
2-22 ultimately results in the matter being held invalid by a final
2-23 judgment of a court; or

2-24 (B) has been held invalid by a final judgment of a
2-25 court.

2-26 SECTION 4. This Act takes effect September 1, 2007.

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