

By: Smith of Harris

H.B. No. 4209

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain barge terminal facilities by certain municipalities.

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

SECTION 1. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.905 to read as follows:

Sec. 212.905. BARGE TERMINAL FACILITIES IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that:

(1) has a population of 65,000 or more;

(2) is located in a county with a population of 3.3 million or more; and

(3) is adjacent to the Gulf of Mexico or an adjacent bay of the Gulf of Mexico.

(b) Notwithstanding any other law, a municipality may prohibit the development of a private or commercial barge terminal or barge terminal facility at a distance of 500 feet or less from a municipal park or public boat ramp in the boundaries or the extraterritorial jurisdiction of the municipality if:

(1) the municipality has publicly opposed the development of the proposed barge terminal or facility;

(2) the proposed barge terminal or facility has not received all of the permits necessary for the construction and operation of the terminal or facility; and

1 (3) the construction of the proposed barge terminal or
2 facility has not been completed as required by the necessary
3 permits.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.