

By: Eiland

H.B. No. 3456

A BILL TO BE ENTITLED

AN ACT

relating to the powers of a board of trustees of harbor and port facilities of certain municipalities.

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

SECTION 1. Chapter 54, Transportation Code, is amended by adding a SUBCHAPTER E., to read as follows:

SUBCHAPTER E. CONCESSION TRANSACTIONS

Sec. 54.201. DEFINITIONS. In this subchapter:

(1) "Concession agreement" means a written agreement between a municipality or board and a private entity providing for long term operation, management, and control of a port improvement or facility by the private entity.

Sec. 54.202. TRANSACTION AUTHORIZED; LIMITATION ON TERM.

(a) Notwithstanding any law or charter provision to the contrary, a municipality or board may enter into a concession agreement containing any provision the municipality or board determines advantageous, including a provision permitting the private entity to:

(1) fix and levy dockage or wharfage;

(2) establish and enforce rules and regulations in the operation of the port improvement or facility; or

(3) maintain and publish rates and charges relating to the operation of the port improvement or facility.

(b) The approval of a concession agreement by a municipality

1 or board is a public and governmental function, is exercised for a  
2 public purpose, and is a matter of public necessity.

3 (c) A concession agreement entered into by a board may be  
4 for a term longer than 75 years only if the governing body of the  
5 municipality by ordinance approves the longer term.

6 SECTION 2. This act takes effect September 1, 2011.