

By: Lucio

S.B. No. 1025

A BILL TO BE ENTITLED

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AN ACT

relating to the funding of port security, transportation, and facility projects and port studies and to the port authority advisory committee.

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

SECTION 1. The heading to Chapter 55, Transportation Code, is amended to read as follows:

CHAPTER 55. FUNDING OF PORT SECURITY, PROJECTS, AND STUDIES
~~[TEXAS PORT TRANSPORTATION AND ECONOMIC DEVELOPMENT FUNDING]~~

SECTION 2. Section 55.001, Transportation Code, is amended to read as follows:

Sec. 55.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Transportation Commission.

(2) "Committee" means the ~~[Texas]~~ Port Authority ~~[Transportation and Economic Development]~~ Advisory Committee.

(3) ~~[(2)]~~ "Department" means the Texas Department of Transportation ~~[Economic Development]~~.

(4) ~~[(3)]~~ "Fund" means the port access account fund.

(5) ~~[(4)]~~ "Port security, transportation, or facility project" means a project that is necessary or convenient for the proper operation of a port and that will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade.

1 SECTION 3. Section 55.002, Transportation Code, is amended
2 to read as follows:

3 Sec. 55.002. [~~TEXAS~~] PORT [~~TRANSPORTATION AND ECONOMIC~~]
4 DEVELOPMENT FUNDING. (a) From [~~Using only~~] money in the fund, the
5 department shall fund:

6 (1) port security, transportation, or facility
7 projects; and [~~or~~]

8 (2) port studies.

9 (b) The department may not fund a port security,
10 transportation, or facility project unless an amount at least equal
11 to the amount provided by the department is invested in the [~~a~~]
12 project by a port authority or navigation district.

13 (c) Port security, transportation, or facility projects
14 eligible for funding under this chapter include:

15 (1) construction or improvement of transportation
16 facilities within the jurisdiction of a port;

17 (2) the dredging or deepening of channels, turning
18 basins, or harbors;

19 (3) the construction or improvement of wharves, docks,
20 structures, jetties, piers, storage facilities, cruise terminals,
21 or any facilities necessary or useful in connection with port
22 transportation or economic development;

23 (4) the construction or improvement of facilities
24 necessary or useful in providing port security;

25 (5) the acquisition of container cranes or other
26 mechanized equipment used in the movement of cargo or passengers in
27 international commerce;

1 (6) [~~(5)~~] the acquisition of land to be used for port
2 purposes;

3 (7) [~~(6)~~] the acquisition, improvement, enlargement,
4 or extension of existing port facilities; and

5 (8) [~~(7)~~] environmental protection projects that:

6 (A) are required as a condition of a state,
7 federal, or local environmental permit or other form of [~~state~~]
8 approval;

9 (B) are necessary for the acquisition of spoil
10 disposal sites and improvements to existing and future spoil sites;
11 or

12 (C) [~~that~~] result from the undertaking of
13 eligible projects.

14 (d) The department, in consultation with the committee,
15 shall review the list of projects recommended by the committee to
16 evaluate the economic benefit of each project. The commission
17 [~~department~~], after receiving recommendations from [~~in~~
18 ~~consultation with~~] the committee and from the department, shall
19 approve projects or studies for funding based on its review.

20 SECTION 4. Section 55.004, Transportation Code, is amended
21 to read as follows:

22 Sec. 55.004. AUDIT. The department may subject a project
23 that receives money under this chapter to a final audit. [~~The~~
24 ~~department may adopt rules and perform other acts necessary or~~
25 ~~convenient to ensure that the final audits are conducted and that~~
26 ~~any deficiency or questioned costs noted by the audit are~~
27 ~~resolved.~~]

1 SECTION 5. Section 55.006, Transportation Code, is amended
2 to read as follows:

3 Sec. 55.006. [~~TEXAS~~] PORT AUTHORITY [~~TRANSPORTATION AND~~
4 ~~ECONOMIC DEVELOPMENT~~] ADVISORY COMMITTEE. (a) The committee
5 [~~Texas Port Transportation and Economic Development Advisory~~
6 ~~Committee~~] consists of seven members appointed by the commission.
7 The members shall be appointed as follows:

8 (1) one at large member [~~a member of the governing body~~
9 ~~of each of the ports that are members of the Texas Ports Association~~
10 ~~or their designees~~]; [~~and~~]

11 (2) three members who represent ports on the upper
12 Texas coast; and [~~as a nonvoting member, the executive director or~~
13 ~~the designee of the department~~]

14 (3) three members who represent ports on the lower
15 Texas coast.

16 (b) A committee member serves at the pleasure of the
17 commission [~~The committee shall develop bylaws under which it~~
18 ~~operates. The bylaws must specify the procedure by which the~~
19 ~~presiding officer of the committee is elected. A majority of voting~~
20 ~~members constitutes a quorum sufficient to conduct meetings and~~
21 ~~business of the committee. A vote of the majority of the voting~~
22 ~~members present is sufficient for any action of the committee,~~
23 ~~unless the bylaws of the committee require a greater vote for a~~
24 ~~particular action].~~

25 (c) [~~The committee shall meet at the call of its presiding~~
26 ~~officer, at the request of a majority of its membership, or at times~~
27 ~~prescribed in its bylaws.] The committee must meet at least~~

1 semiannually.

2 (d) A member is not entitled to compensation for service on
3 the committee but is entitled to reimbursement for reasonable
4 expenses the member incurs in performing committee duties.

5 (e) Section [~~Sections~~] 2110.002 [~~and 2110.003~~], Government
6 Code, does [~~do~~] not apply to the committee.

7 SECTION 6. Section 55.007, Transportation Code, is amended
8 to read as follows:

9 Sec. 55.007. DUTIES OF COMMITTEE. The committee shall:

- 10 (1) prepare a port mission plan;
- 11 (2) review each project eligible to be funded under
12 this chapter and make recommendations for approval or disapproval
13 to the department;
- 14 (3) maintain trade data information that will assist
15 ports in this state and international trade;
- 16 (4) annually prepare a list of projects that have been
17 recommended by the committee, including:
 - 18 (A) the recommended funding level for each
19 project; and
 - 20 (B) if staged implementation of the project is
21 appropriate, the funding requirements for each stage; and
- 22 (5) advise the commission and the department on
23 matters relating to port authorities [~~adopt rules for evaluating~~
24 ~~projects that may be funded under this chapter, providing criteria~~
25 ~~for the evaluation of the economic benefit of the project, measured~~
26 ~~by the potential for the proposed project to increase.~~

27 [~~(A) cargo flow,~~

1 [~~(B)~~ cruise passenger movement,
2 [~~(C)~~ international commerce,
3 [~~(D)~~ port revenues; and
4 [~~(E)~~ the number of jobs for the port's local
5 community].

6 SECTION 7. Section 55.008, Transportation Code, is amended
7 to read as follows:

8 Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall
9 prepare a two-year port capital program defining the goals and
10 objectives of the committee concerning the development of port
11 facilities and an intermodal transportation system. The port
12 capital program must include projects or studies submitted to the
13 committee by any [~~each~~] port [~~that is a member of the committee~~] and
14 recommendations for:

15 (1) the construction of transportation facilities
16 connecting any port to another transportation mode; and

17 (2) the efficient, cost-effective development of
18 transportation facilities or port facilities for the purpose of:

- 19 (A) enhancing international trade;
- 20 (B) enhancing security;
- 21 (C) promoting cargo flow;
- 22 (D) [~~(C)~~] increasing cruise passenger movements;
- 23 (E) [~~(D)~~] increasing port revenues; and
- 24 (F) [~~(E)~~] providing economic benefits to the
25 state.

26 (b) The committee shall update the port capital program
27 annually and shall submit the capital program not later than

1 February 1 of each year to:

- 2 (1) the governor;
- 3 (2) the lieutenant governor;
- 4 (3) the speaker of the house of representatives; and
- 5 (4) the commission [~~department~~].

6 SECTION 8. Chapter 55, Transportation Code, is amended by
7 adding Section 55.009 to read as follows:

8 Sec. 55.009. RULES. The commission shall adopt rules to
9 implement this chapter.

10 SECTION 9. Chapter 53, Transportation Code, is repealed.

11 SECTION 10. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2003.