

By: Lucio

S.B. No. 1025

A BILL TO BE ENTITLED

AN ACT

relating to the funding of port security, transportation, and facility projects, including port studies.

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. TEXAS PORT SECURITY, TRANSPORTATION, AND ECONOMIC DEVELOPMENT FUNDING

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

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

SECTION 3. Subsections (a) and (b), Section 55.002, Transportation Code, are amended to read as follows:

(a) Using only money in the fund, the department shall fund:

(1) port security projects;

(2) port transportation or facility projects; or

(3) [~~(2)~~] port studies.

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

SECTION 4. Subsection (b), Section 55.005, Transportation Code, is amended to read as follows:

1 (b) The following money shall be credited to the fund:

2 (1) money appropriated by the legislature for the  
3 implementation of this chapter;

4 (2) money received from gifts, grants, and donations;  
5 and

6 (3) [~~2~~] interest earned on deposits and investments  
7 of the fund.

8 SECTION 5. Section 55.006, Transportation Code, is amended  
9 to read as follows:

10 Sec. 55.006. TEXAS PORT TRANSPORTATION AND ECONOMIC  
11 DEVELOPMENT ADVISORY COMMITTEE. (a) The Texas Port  
12 Transportation and Economic Development Advisory Committee  
13 consists of:

14 (1) one [a] member of the governing body of each of  
15 nine of the corporate member [the] ports [that are members] of the  
16 Texas Ports Association, under the rotation system of membership  
17 provided by Subsection (b) [or their designees]; and

18 (2) as a nonvoting member, the executive director or  
19 the designee of the department.

20 (b) Four of the nine voting committee positions will  
21 automatically change on January 1 of each year under an  
22 alphabetically based rotation system. Initially, the first nine  
23 Texas Ports Association ports in alphabetical order, beginning with  
24 Beaumont, will have positions on the committee. On January 1, 2005,  
25 and each January 1 thereafter, the next four ports in alphabetical  
26 order will rotate onto the committee and the four ports earliest in  
27 order of rotation then represented on the committee will rotate

1 off.

2 (c) The committee shall develop bylaws under which it  
3 operates. The bylaws must specify the procedure by which the  
4 presiding officer of the committee is elected. A majority of voting  
5 members constitutes a quorum sufficient to conduct meetings and  
6 business of the committee. A vote of the majority of the voting  
7 members present is sufficient for any action of the committee,  
8 unless the bylaws of the committee require a greater vote for a  
9 particular action.

10 (d) [~~(c)~~] The committee shall meet at the call of its  
11 presiding officer, at the request of a majority of its membership,  
12 or at times prescribed in its bylaws. The committee must meet at  
13 least semiannually.

14 (e) [~~(d)~~] A member is not entitled to compensation for  
15 service on the committee but is entitled to reimbursement for  
16 reasonable expenses the member incurs in performing committee  
17 duties.

18 (f) [~~(e)~~] Sections 2110.002 and 2110.008, Government Code,  
19 do not apply to the committee.

20 SECTION 6. Section 55.007, Transportation Code, is amended  
21 to read as follows:

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

23 (1) prepare a port mission plan;

24 (2) review each project eligible to be funded under  
25 this chapter and make recommendations for approval or disapproval  
26 to the department;

27 (3) maintain trade data information that will assist

1 ports in this state and international trade;

2 (4) annually prepare a list of projects that have been  
3 recommended by the committee, including:

4 (A) the recommended funding level for each  
5 project; and

6 (B) if staged implementation of the project is  
7 appropriate, the funding requirements for each stage; and

8 (5) adopt rules for evaluating projects that may be  
9 funded under this chapter, providing criteria for the evaluation of  
10 the economic benefit of the project, measured by the potential for  
11 the proposed project to increase:

12 (A) port security;

13 (B) cargo flow;

14 (C) [~~(B)~~] cruise passenger movement;

15 (D) [~~(C)~~] international commerce;

16 (E) [~~(D)~~] port revenues; and

17 (F) [~~(E)~~] the number of jobs for the port's local  
18 community.

19 SECTION 7. Subsection (a), Section 55.008, Transportation  
20 Code, is amended to read as follows:

21 (a) The committee shall prepare a two-year port capital  
22 program defining the goals and objectives of the committee  
23 concerning the development of port facilities and an intermodal  
24 transportation system. The port capital program must include  
25 projects or studies submitted by each port that is a member of the  
26 committee and recommendations for:

27 (1) the construction of transportation facilities

1 connecting any port to another transportation mode; and

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

4 (A) improving port security;

5 (B) enhancing international trade;

6 (C) [~~(B)~~] promoting cargo flow;

7 (D) [~~(C)~~] increasing cruise passenger movements;

8 (E) [~~(D)~~] increasing port revenues; and

9 (F) [~~(E)~~] providing economic benefits to the  
10 state.

11 SECTION 8. (a) The five voting positions on the Texas Port  
12 Transportation and Economic Development Advisory Committee not  
13 included in the initial formation of the committee as reorganized  
14 under Section 55.006, Transportation Code, as amended by this Act,  
15 are abolished on September 1, 2003.

16 (b) Before January 1, 2004, the Texas Department of  
17 Transportation shall convene the initial meeting of the Texas Port  
18 Transportation and Economic Development Advisory Committee, as  
19 reorganized under Section 55.006, Transportation Code, as amended  
20 by this Act.

21 SECTION 9. This Act takes effect September 1, 2003.