

1-1 By: Lucio S.B. No. 1025
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; May 1, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 1, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1025 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the funding of port security, transportation, and
1-11 facility projects and port studies and to the port authority
1-12 advisory committee.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Chapter 55, Transportation Code,
1-15 is amended to read as follows:

1-16 CHAPTER 55. FUNDING OF PORT SECURITY, PROJECTS, AND STUDIES

1-17 [~~TEXAS PORT TRANSPORTATION AND ECONOMIC DEVELOPMENT FUNDING~~]

1-18 SECTION 2. Section 55.001, Transportation Code, is amended
1-19 to read as follows:

1-20 Sec. 55.001. DEFINITIONS. In this chapter:

1-21 (1) "Commission" means the Texas Transportation
1-22 Commission.

1-23 (2) "Committee" means the [~~Texas~~] Port Authority
1-24 [~~Transportation and Economic Development~~] Advisory Committee.

1-25 (3) [~~(2)~~] "Department" means the Texas Department of
1-26 Transportation [~~Economic Development~~].

1-27 (4) [~~(3)~~] "Fund" means the port access account fund.

1-28 (5) [~~(4)~~] "Port security, transportation, or facility
1-29 project" means a project that is necessary or convenient for the
1-30 proper operation of a port and that will improve the security,
1-31 movement, and intermodal transportation of cargo or passengers in
1-32 commerce and trade.

1-33 SECTION 3. Section 55.002, Transportation Code, is amended
1-34 to read as follows:

1-35 Sec. 55.002. [~~TEXAS~~] PORT [~~TRANSPORTATION AND ECONOMIC~~]
1-36 DEVELOPMENT FUNDING. (a) From [~~Using only~~] money in the fund, the
1-37 department shall fund:

1-38 (1) port security, transportation, or facility
1-39 projects; and [~~or~~]

1-40 (2) port studies.

1-41 (b) The department may not fund a port security,
1-42 transportation, or facility project unless an amount at least equal
1-43 to the amount provided by the department is invested in the [~~a~~]
1-44 project by a port authority or navigation district.

1-45 (c) Port security, transportation, or facility projects
1-46 eligible for funding under this chapter include:

1-47 (1) construction or improvement of transportation
1-48 facilities within the jurisdiction of a port;

1-49 (2) the dredging or deepening of channels, turning
1-50 basins, or harbors;

1-51 (3) the construction or improvement of wharves, docks,
1-52 structures, jetties, piers, storage facilities, cruise terminals,
1-53 or any facilities necessary or useful in connection with port
1-54 transportation or economic development;

1-55 (4) the construction or improvement of facilities
1-56 necessary or useful in providing port security;

1-57 (5) the acquisition of container cranes or other
1-58 mechanized equipment used in the movement of cargo or passengers in
1-59 international commerce;

1-60 (6) [~~(5)~~] the acquisition of land to be used for port
1-61 purposes;

1-62 (7) [~~(6)~~] the acquisition, improvement, enlargement,
1-63 or extension of existing port facilities; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) prepare a port mission plan;

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

(3) maintain trade data information that will assist ports in this state and international trade;

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

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

3-1 (B) if staged implementation of the project is
3-2 appropriate, the funding requirements for each stage; and

3-3 (5) advise the commission and the department on
3-4 matters relating to port authorities [~~adopt rules for evaluating~~
3-5 ~~projects that may be funded under this chapter, providing criteria~~
3-6 ~~for the evaluation of the economic benefit of the project, measured~~
3-7 ~~by the potential for the proposed project to increase.~~

- 3-8 [~~(A) cargo flow;~~
- 3-9 [~~(B) cruise passenger movement;~~
- 3-10 [~~(C) international commerce;~~
- 3-11 [~~(D) port revenues; and~~
- 3-12 [~~(E) the number of jobs for the port's local~~
- 3-13 ~~community].~~

3-14 SECTION 7. Section 55.008, Transportation Code, is amended
3-15 to read as follows:

3-16 Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall
3-17 prepare a two-year port capital program defining the goals and
3-18 objectives of the committee concerning the development of port
3-19 facilities and an intermodal transportation system. The port
3-20 capital program must include projects or studies submitted to the
3-21 committee by any [~~each~~] port [~~that is a member of the committee~~] and
3-22 recommendations for:

3-23 (1) the construction of transportation facilities
3-24 connecting any port to another transportation mode; and

3-25 (2) the efficient, cost-effective development of
3-26 transportation facilities or port facilities for the purpose of:

- 3-27 (A) enhancing international trade;
- 3-28 (B) enhancing security;
- 3-29 (C) promoting cargo flow;
- 3-30 (D) [~~(C)~~] increasing cruise passenger movements;
- 3-31 (E) [~~(D)~~] increasing port revenues; and
- 3-32 (F) [~~(E)~~] providing economic benefits to the
- 3-33 state.

3-34 (b) The committee shall update the port capital program
3-35 annually and shall submit the capital program not later than
3-36 February 1 of each year to:

- 3-37 (1) the governor;
- 3-38 (2) the lieutenant governor;
- 3-39 (3) the speaker of the house of representatives; and
- 3-40 (4) the commission [~~department~~].

3-41 SECTION 8. Chapter 55, Transportation Code, is amended by
3-42 adding Section 55.009 to read as follows:

3-43 Sec. 55.009. RULES. The commission shall adopt rules to
3-44 implement this chapter.

3-45 SECTION 9. Chapter 53, Transportation Code, is repealed.

3-46 SECTION 10. This Act takes effect immediately if it
3-47 receives a vote of two-thirds of all the members elected to each
3-48 house, as provided by Section 39, Article III, Texas Constitution.
3-49 If this Act does not receive the vote necessary for immediate
3-50 effect, this Act takes effect September 1, 2003.

3-51 * * * * *