

BILL ANALYSIS

Senate Research Center
79R2572 DWS-D

S.B. 185
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Intl. Relations and Trade
2/28/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1999, the legislature established the office of the Border Commerce Coordinator (coordinator) in order to have a governor-appointed official pro-actively examining trade and transportation-related issues between the United States, Mexico, and Canada. Since the creation of the position, there has been a lack of continuity in the coordinator's office, due in part to having more than three individuals who officially and unofficially assume the role. As a result of this lack of continuity, legislative bodies with jurisdiction over trade and commerce have become concerned about the lack of focus, direction and historical non-responsiveness of the coordinator's office.

During the summer of 2004, requests made by the Senate Committee on International Relations and Trade (IRT) directing the coordinator to work with the appropriate local, state, and federal officials (from the United States and Mexico) and to study border truck inspections in order to afford the state the opportunity to develop innovative measures to mitigate congestion at Texas' ports-of-entry were overlooked. Understanding the importance of trade with Mexico, Texas' number one trading partner, and the role that NAFTA-related truck traffic plays in the state's economy, IRT passed two motions in its Laredo interim hearing addressing the lack of action by the coordinator's office.

S.B. 185 codifies those two motions and directs the coordinator to address border truck inspections and to study the issue of having some level of pre-clearance inspections on the Mexican side of the international border. As the coordinator is also charged with studying the flow of commerce at ports-at-entry between Texas and Mexico and has yet to issue a plan to assist the flow of this commerce and the movement of vehicles as stipulated in current statutes. Correspondingly, S.B. 185 provides increased reporting requirements and greater legislative direction to provide the coordinator with the needed focus to develop a comprehensive trade and commerce plan.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts and amends Section 772.010, Government Code, as added by Chapters 429 and 1339, Acts of the 76th Legislature, Regular Session, 1999, as follows:

Sec. 772.010. BORDER COMMERCE COORDINATOR. (a) Makes nonsubstantive changes to redesignate numerical headings.

(b) Makes no changes to the subsection.

(c) Requires the border commerce coordinator (coordinator) to work with local governments, metropolitan planning organizations, and other appropriate community organizations in the Texas Department of Transportation's Pharr, Laredo, and El Paso transportation districts, and with comparable entities in Mexican states bordering those districts, to address the unique planning and capacity needs of those areas. Requires the coordinator to assist those governments, organizations, and entities to identify and develop initiatives to address those needs. Requires the coordinator to, before January 1 of each year,

submit to the presiding officer of each house of the legislature a report of the coordinator's activities under this subsection during the preceding year.

(d) Sets forth certain functions the coordinator is required to perform.

SECTION 2. Amends Chapter 772, Government Code, by adding Sections 772.0101 and 772.0102, as follows:

Sec. 772.0101. BORDER INSPECTION, TRADE, AND TRANSPORTATION ADVISORY COMMITTEE. (a) Requires the border commerce coordinator to establish and appoint the members of the Border Inspection, Trade, and Transportation Advisory Committee (advisory committee). Provides that the members must include representatives of the Texas Department of Transportation, the Department of Public Safety, the Office of State-Federal Relations, the United States Department of Transportation, the Federal Motor Carrier Safety Administration, and other representatives of state and federal agencies involved in border crossing issues. Provides that Chapter 2110, (State Agency Advisory Committees), Government Code, does not apply to the size, composition, or duration of the advisory committee.

(b) Requires the coordinator to work with the advisory committee to identify certain problems and make recommendations for addressing those problems.

(c) Requires the coordinator to work with the advisory committee and appropriate agencies of Texas, the United States, and Mexico to develop initiatives to mitigate congestion at ports of entry at the Mexican border by conducting in Mexico inspections of trucks entering Texas. Requires the coordinator, in developing the initiatives, to give consideration to similar initiatives proposed or implemented at the border of the United States and Canada.

(d) Requires the coordinator to report quarterly to the presiding officer of each house of the legislature on the findings and recommendations of the advisory committee.

Sec. 772.0102. TRADE AND COMMERCE PLAN. (a) Requires the border commerce coordinator to develop, in conjunction with representatives of chambers of commerce and metropolitan planning organizations in the Texas and Mexico border region, a comprehensive trade and commerce plan for the region designed to perform certain functions.

(b) Requires the plan to cover five-year, 10-year, and 15-year periods.

(c) Requires the coordinator to work with industries and communities on both sides of the border to develop international industry cluster initiatives to capitalize on resources available in communities located adjacent to each other across the border.

(d) Requires the coordinator to conduct annual conferences of interested persons to accomplish certain goals.

SECTION 3. Effective date: upon passage or September 1, 2005.