

## **BILL ANALYSIS**

C.S.H.B. 3758  
By: Smith, Wayne  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the state has created a port development fund and program, but the fund has never been capitalized. An annual report, required by current law, has been developed depicting various potential projects and associated funding needs that could be implemented by the state's public ports.

The Port Authority Advisory Committee recommended several technical corrections and the removal of provisions that should be addressed in the administrative rules, rather than under state law. In addition, the committee recommended that the annual report be changed to a two-year frequency. These corrections will result in minor fiscal savings and will present a truer representation of the actions associated with the implementation of provisions.

C.S.H.B. 3758 requires members of the board of the Port Authority Advisory Committee to be from maritime ports. The bill requires reports from the port capital program to be submitted to coincide with legislative sessions. The bill removes the restriction on the Texas Department of Transportation funding priority security projects unless a local match level at least equal to department funding is provided by a port authority or navigation district.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3758 amends the Transportation Code to specify that the Port Authority Advisory Committee consists of members who represent maritime ports. The bill removes from the duties of the Port Authority Advisory Committee the requirement to maintain trade data information that will assist ports in Texas and international trade. The bill adds a biennial timeframe to the requirement that the committee prepare a list of projects that have been recommended by the committee. The bill specifies that the committee is required to update the port capital program not later than February 1 of each odd-numbered year, rather than annually, and requires the committee to submit the capital program to the Texas Transportation Commission for distribution to the governor and presiding officers of the legislature.

C.S.H.B. 3758 redefines "port security, transportation, or facility project" to specify that the port is a public maritime port and makes conforming changes.

C.S.H.B. 3758 repeals Section 55.002(b), Transportation Code, prohibiting the Texas Department of Transportation from funding a port security, transportation, or facility project unless an amount at least equal to the amount provided by the department is invested in the project by a port authority or navigation district.

**EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3758 adds a provision not in the original to add a timeframe to the requirement that the committee prepare a list of recommended projects. The substitute adds a provision not in the original requiring the committee to submit the updated port capital program to the Texas Transportation Commission for distribution as provided.