



News Release

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For Immediate Release

OFFICIAL PORT OF GALVESTON RESPONSE TO SENATE APPROVAL OF SB 203

The Port of Galveston is disappointed that the Senate has passed SB 203 relating to fees charged for access to certain cruise ship terminals. The bill has very narrow application, and we believe that the only cruise terminals in Texas that will be affected are those operated at the Port of Galveston.

It appears that Senator Janek has chosen to single out the Port of Galveston solely to benefit the interests of a private business owner, and in so doing has limited the right of the Port to raise funds to help pay for necessary security measures and other infrastructure improvements relating to the operation of cruise ship terminals. That this measure impacts only the Port of Galveston is particularly distressing given the fact that this Port is the only public port in the State of Texas that is not supported by tax revenues.

Because of the narrow application of the Bill and the lack of any legitimate justification for disparate treatment of the Port of Galveston, we have serious concerns that SB 203 is an unconstitutional local or special law regulating the affairs of the City of Galveston. This statement is supported in part by past Texas Supreme Court rulings. In addition, we believe that federal laws, such as Title 46 of the Code of Federal Regulations relating to the charging of fees by marine terminal operators, have preempted the State Legislature's authority to enact laws such as SB 203.

At this point our hope is that the House of Representatives will agree that this Bill is unfair and improper, and that the House will refuse to approve SB 203 in its current form or in any form that would be unconstitutionally directed solely to the Port of Galveston, or otherwise subject to judicial challenge.

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