

BILL ANALYSIS

Senate Research Center
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S.B. 815
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 55 (Funding of Port Security, Projects, and Studies), Transportation Code, provides funding for port security, facility projects, and port studies by the Texas Department of Transportation (TxDOT) from the Port Access Account Fund (fund). The statute specifies eligibility for receiving funding under the fund, such as matching requirements and the types of projects that could receive financial assistance. Additionally, Chapter 55 provides for the membership, duties, and responsibilities of the Port Authority Advisory Committee (committee), including the preparation of the Capital Program report. Under current law, the term "port" is broadly used throughout the statute, although the original legislative intent was to reference waterborne-related transportation and traffic. Subsequently, the term can relate to ports in the different modes of transportation: land, sea, and air.

S.B. 815 updates Chapter 55 to clarify that the term "port" in the chapter means a maritime port. It changes the make-up of the Port Authority Advisory Committee to be consistent with the maritime port delineation. Understanding the importance of maritime-related trade, S.B. 815 updates when the capital program needs to be submitted and provides for the preparation of a maritime port report.

As proposed, S.B. 815 amends current law relating to the funding of port security, facility projects, and port studies.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 2 (Section 55.002, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 55.001(5), Transportation Code, to redefine "port security, transportation, or facility project" to mean a project that is necessary or convenient for the proper operation of a maritime port and that will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade.

SECTION 2. Amends Sections 55.002(a), (b), and (c), Transportation Code, as follows:

- (a) Requires the Texas Department of Transportation (TxDOT), from money in the port access account fund (fund), to fund maritime port studies, rather than port studies.
- (b) Authorizes the Texas Transportation Commission (TTC) by rule to establish matching fund requirements for receiving money from the fund. Deletes existing Subsection (b) prohibiting TxDOT from funding a port security, transportation, or facility project unless an amount at least equal to the amount provided by TxDOT is invested in the project by a port authority or navigation district.
- (c) Makes conforming changes.

SECTION 3. Amends Section 55.005(c), Transportation Code, to make a conforming change.

SECTION 4. Amends Section 55.006(a), Transportation Code, to make conforming changes.

SECTION 5. Amends Section 55.007, Transportation Code, as follows:

Sec. 55.007. DUTIES OF COMMITTEE. (a) Creates this subsection from existing text. Requires the Port Authority Advisory Committee (committee) to:

- (1) prepare a maritime port mission plan;
- (2) review each project eligible to be funded under this chapter and make recommendations for approval or disapproval to TxDOT;
- (3) prepare every two years a report on Texas maritime ports, with a list of projects that have been recommended by the committee, including the recommended funding level for each project, and if staged implementation of the project is appropriate, the funding requirements for each stage; and
- (4) advise TTC and TxDOT on matters relating to port authorities.

(b) Requires the committee to update the report on Texas maritime ports and to submit the report not later than December 1 of each even-numbered year to TTC for distribution to the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 6. Amends Section 55.008, Transportation Code, as follows:

Sec. 55.008. CAPITAL PROGRAM. (a) Makes conforming changes.

(b) Requires the committee to update the port capital program and to submit the capital program not later than December 1 of each even-numbered year to the governor, the lieutenant governor, the speaker of the house of representatives, and TTC. Deletes existing text requiring the committee to update the port capital program annually and to submit the capital program not later than February 1 of each year to the governor, the lieutenant governor, the speaker of the house of representatives, and TTC.

SECTION 7. Effective date: September 1, 2011.