

AN ACT

relating to the funding of port security, facility projects, and port studies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 55.001(5), Transportation Code, is amended to read as follows:

(5) "Port security, transportation, or facility project" means 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. Sections 55.002(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) From money in the fund, the department shall fund:

(1) port security, transportation, or facility projects; and

(2) maritime port studies.

(b) The commission by rule may establish matching fund requirements for receiving money from the fund ~~[department may not fund 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]~~.

(c) Port security, transportation, or facility projects

1 eligible for funding under this chapter include:

2 (1) construction or improvement of transportation  
3 facilities within the jurisdiction of a maritime port;

4 (2) the dredging or deepening of channels, turning  
5 basins, or harbors;

6 (3) the construction or improvement of wharves, docks,  
7 structures, jetties, piers, storage facilities, cruise terminals,  
8 or any facilities necessary or useful in connection with maritime  
9 port transportation or economic development;

10 (4) the construction or improvement of facilities  
11 necessary or useful in providing maritime port security;

12 (5) the acquisition of container cranes or other  
13 mechanized equipment used in the movement of cargo or passengers in  
14 international commerce;

15 (6) the acquisition of land to be used for maritime  
16 port purposes;

17 (7) the acquisition, improvement, enlargement, or  
18 extension of existing maritime port facilities; and

19 (8) environmental protection projects that:

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

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

24 or

25 (C) result from the undertaking of eligible  
26 projects.

27 SECTION 3. Section 55.005(c), Transportation Code, is

1 amended to read as follows:

2 (c) Money in the fund may be appropriated only to the  
3 department to perform the department's powers and duties concerning  
4 maritime port transportation and economic development under this  
5 chapter and to pay the department's expenses incurred under this  
6 chapter.

7 SECTION 4. Section 55.006(a), Transportation Code, is  
8 amended to read as follows:

9 (a) The committee consists of seven members appointed by the  
10 commission. The members shall be appointed as follows:

11 (1) one member from the Port of Houston Authority;

12 (2) three members who represent maritime ports on the  
13 upper Texas coast; and

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

16 SECTION 5. Section 55.007, Transportation Code, is amended  
17 to read as follows:

18 Sec. 55.007. DUTIES OF COMMITTEE. (a) The committee shall:

19 (1) prepare a maritime port mission plan;

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

23 (3) every two years [~~maintain trade data information~~  
24 ~~that will assist ports in this state and international trade,~~

25 [~~(4) annually~~] prepare a report on Texas maritime  
26 ports, with a list of projects that have been recommended by the  
27 committee, including:

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

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

5 (4) [~~5~~] advise the commission and the department on  
6 matters relating to port authorities.

7 (b) The committee shall update the report on Texas maritime  
8 ports and shall submit the report not later than December 1 of each  
9 even-numbered year to the commission for distribution to:

10 (1) the governor;

11 (2) the lieutenant governor; and

12 (3) the speaker of the house of representatives.

13 SECTION 6. Section 55.008, Transportation Code, is amended  
14 to read as follows:

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

21 (1) the construction of transportation facilities  
22 connecting any maritime port to another transportation mode; and

23 (2) the efficient, cost-effective development of  
24 transportation facilities or maritime port facilities for the  
25 purpose of:

26 (A) enhancing international trade;

27 (B) enhancing security;

- 1 (C) promoting cargo flow;
- 2 (D) increasing cruise passenger movements;
- 3 (E) increasing maritime port revenues; and
- 4 (F) providing economic benefits to the state.

5 (b) The committee shall update the port capital program  
6 [~~annually~~] and shall submit the capital program not later than  
7 December [~~February~~] 1 of each even-numbered year to:

- 8 (1) the governor;
- 9 (2) the lieutenant governor;
- 10 (3) the speaker of the house of representatives; and
- 11 (4) the commission.

12 SECTION 7. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 699 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 699 on May 16, 2011, by the following vote: Yeas 143, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 699 was passed by the Senate, with amendments, on May 5, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor