

1-1 By: Deshotel (Senate Sponsor - Lucio) H.B. No. 699
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 4, 2011, read first time and referred to Committee on
1-4 International Relations and Trade; April 26, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; April 26, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 699 By: Rodriguez

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the funding of port security, facility projects, and
1-11 port studies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 55.001(5), Transportation Code, is
1-14 amended to read as follows:

1-15 (5) "Port security, transportation, or facility
1-16 project" means a project that is necessary or convenient for the
1-17 proper operation of a maritime port and that will improve the
1-18 security, movement, and intermodal transportation of cargo or
1-19 passengers in commerce and trade.

1-20 SECTION 2. Sections 55.002(a), (b), and (c), Transportation
1-21 Code, are amended to read as follows:

1-22 (a) From money in the fund, the department shall fund:

1-23 (1) port security, transportation, or facility
1-24 projects; and

1-25 (2) maritime port studies.

1-26 (b) The commission by rule may establish matching fund
1-27 requirements for receiving money from the fund [~~department may not~~
1-28 ~~fund a port security, transportation, or facility project unless an~~
1-29 ~~amount at least equal to the amount provided by the department is~~
1-30 ~~invested in the project by a port authority or navigation~~
1-31 ~~district~~].

1-32 (c) Port security, transportation, or facility projects
1-33 eligible for funding under this chapter include:

1-34 (1) construction or improvement of transportation
1-35 facilities within the jurisdiction of a maritime port;

1-36 (2) the dredging or deepening of channels, turning
1-37 basins, or harbors;

1-38 (3) the construction or improvement of wharves, docks,
1-39 structures, jetties, piers, storage facilities, cruise terminals,
1-40 or any facilities necessary or useful in connection with maritime
1-41 port transportation or economic development;

1-42 (4) the construction or improvement of facilities
1-43 necessary or useful in providing maritime port security;

1-44 (5) the acquisition of container cranes or other
1-45 mechanized equipment used in the movement of cargo or passengers in
1-46 international commerce;

1-47 (6) the acquisition of land to be used for maritime
1-48 port purposes;

1-49 (7) the acquisition, improvement, enlargement, or
1-50 extension of existing maritime port facilities; and

1-51 (8) environmental protection projects that:

1-52 (A) are required as a condition of a state,
1-53 federal, or local environmental permit or other form of approval;

1-54 (B) are necessary for the acquisition of spoil
1-55 disposal sites and improvements to existing and future spoil sites;
1-56 or

1-57 (C) result from the undertaking of eligible
1-58 projects.

1-59 SECTION 3. Section 55.005(c), Transportation Code, is
1-60 amended to read as follows:

1-61 (c) Money in the fund may be appropriated only to the
1-62 department to perform the department's powers and duties concerning
1-63 maritime port transportation and economic development under this

2-1 chapter and to pay the department's expenses incurred under this
2-2 chapter.

2-3 SECTION 4. Section 55.006(a), Transportation Code, is
2-4 amended to read as follows:

2-5 (a) The committee consists of seven members appointed by the
2-6 commission. The members shall be appointed as follows:

2-7 (1) one member from the Port of Houston Authority;

2-8 (2) three members who represent maritime ports on the
2-9 upper Texas coast; and

2-10 (3) three members who represent maritime ports on the
2-11 lower Texas coast.

2-12 SECTION 5. Section 55.007, Transportation Code, is amended
2-13 to read as follows:

2-14 Sec. 55.007. DUTIES OF COMMITTEE. (a) The committee
2-15 shall:

2-16 (1) prepare a maritime port mission plan;

2-17 (2) review each project eligible to be funded under
2-18 this chapter and make recommendations for approval or disapproval
2-19 to the department;

2-20 (3) every two years [~~maintain trade data information~~
2-21 ~~that will assist ports in this state and international trade,~~

2-22 [~~(4) annually~~] prepare a report on Texas maritime
2-23 ports, with a list of projects that have been recommended by the
2-24 committee, including:

2-25 (A) the recommended funding level for each
2-26 project; and

2-27 (B) if staged implementation of the project is
2-28 appropriate, the funding requirements for each stage; and

2-29 (4) [~~(5)~~] advise the commission and the department on
2-30 matters relating to port authorities.

2-31 (b) The committee shall update the report on Texas maritime
2-32 ports and shall submit the report not later than December 1 of each
2-33 even-numbered year to the commission for distribution to:

2-34 (1) the governor;

2-35 (2) the lieutenant governor; and

2-36 (3) the speaker of the house of representatives.

2-37 SECTION 6. Section 55.008, Transportation Code, is amended
2-38 to read as follows:

2-39 Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall
2-40 prepare a two-year port capital program defining the goals and
2-41 objectives of the committee concerning the development of maritime
2-42 port facilities and an intermodal transportation system. The port
2-43 capital program must include projects or studies submitted to the
2-44 committee by any maritime port and recommendations for:

2-45 (1) the construction of transportation facilities
2-46 connecting any maritime port to another transportation mode; and

2-47 (2) the efficient, cost-effective development of
2-48 transportation facilities or maritime port facilities for the
2-49 purpose of:

2-50 (A) enhancing international trade;

2-51 (B) enhancing security;

2-52 (C) promoting cargo flow;

2-53 (D) increasing cruise passenger movements;

2-54 (E) increasing maritime port revenues; and

2-55 (F) providing economic benefits to the state.

2-56 (b) The committee shall update the port capital program
2-57 [~~annually~~] and shall submit the capital program not later than
2-58 December [~~February~~] 1 of each even-numbered year to:

2-59 (1) the governor;

2-60 (2) the lieutenant governor;

2-61 (3) the speaker of the house of representatives; and

2-62 (4) the commission.

2-63 SECTION 7. This Act takes effect September 1, 2011.

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