

1-1 By: Lucio S.B. No. 815
1-2 (In the Senate - Filed February 21, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 14, 2011, rereferred to Committee on
1-5 International Relations and Trade; March 28, 2011, reported
1-6 favorably by the following vote: Yeas 6, Nays 0; March 28, 2011,
1-7 sent to printer.)

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. Subdivision (5), Section 55.001, Transportation
1-14 Code, is 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. Subsections (a), (b), and (c), Section 55.002,
1-21 Transportation 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. Subsection (c), Section 55.005, Transportation
1-60 Code, is 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
1-64 chapter and to pay the department's expenses incurred under this

2-1 chapter.

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

2-4 (a) The committee consists of seven members appointed by the
2-5 commission. The members shall be appointed as follows:

2-6 (1) one member from the Port of Houston Authority;

2-7 (2) three members who represent maritime ports on the
2-8 upper Texas coast; and

2-9 (3) three members who represent maritime ports on the
2-10 lower Texas coast.

2-11 SECTION 5. Section 55.007, Transportation Code, is amended
2-12 to read as follows:

2-13 Sec. 55.007. DUTIES OF COMMITTEE. (a) The committee
2-14 shall:

2-15 (1) prepare a maritime port mission plan;

2-16 (2) review each project eligible to be funded under
2-17 this chapter and make recommendations for approval or disapproval
2-18 to the department;

2-19 (3) every two years [~~maintain trade data information~~
2-20 ~~that will assist ports in this state and international trade,~~

2-21 [~~(4) annually~~] prepare a report on Texas maritime
2-22 ports, with a list of projects that have been recommended by the
2-23 committee, including:

2-24 (A) the recommended funding level for each
2-25 project; and

2-26 (B) if staged implementation of the project is
2-27 appropriate, the funding requirements for each stage; and

2-28 (4) [~~(5)~~] advise the commission and the department on
2-29 matters relating to port authorities.

2-30 (b) The committee shall update the report on Texas maritime
2-31 ports and shall submit the report not later than December 1 of each
2-32 even-numbered year to the commission for distribution to:

2-33 (1) the governor;

2-34 (2) the lieutenant governor; and

2-35 (3) the speaker of the house of representatives.

2-36 SECTION 6. Section 55.008, Transportation Code, is amended
2-37 to read as follows:

2-38 Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall
2-39 prepare a two-year port capital program defining the goals and
2-40 objectives of the committee concerning the development of maritime
2-41 port facilities and an intermodal transportation system. The port
2-42 capital program must include projects or studies submitted to the
2-43 committee by any maritime port and recommendations for:

2-44 (1) the construction of transportation facilities
2-45 connecting any maritime port to another transportation mode; and

2-46 (2) the efficient, cost-effective development of
2-47 transportation facilities or maritime port facilities for the
2-48 purpose of:

2-49 (A) enhancing international trade;

2-50 (B) enhancing security;

2-51 (C) promoting cargo flow;

2-52 (D) increasing cruise passenger movements;

2-53 (E) increasing maritime port revenues; and

2-54 (F) providing economic benefits to the state.

2-55 (b) The committee shall update the port capital program
2-56 [~~annually~~] and shall submit the capital program not later than
2-57 December [~~February~~] 1 of each even-numbered year to:

2-58 (1) the governor;

2-59 (2) the lieutenant governor;

2-60 (3) the speaker of the house of representatives; and

2-61 (4) the commission.

2-62 SECTION 7. This Act takes effect September 1, 2011.

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