

SENATE AMENDMENTS

2nd Printing

By: Deshotel

H.B. No. 699

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Port Authority Advisory Committee and funding of
3 port security, transportation, and facility projects and port
4 studies.

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

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

8 (5) "Port security, transportation, or facility
9 project" means a project that is necessary or convenient for the
10 proper operation of a maritime port and that will improve the
11 security, movement, and intermodal transportation of cargo or
12 passengers in commerce and trade.

13 SECTION 2. Section 55.002(b), Transportation Code, is
14 amended to read as follows:

15 (b) The commission may by rule establish matching fund
16 requirements for receiving money from the fund [~~department may not~~
17 ~~fund a port security, transportation, or facility project unless an~~
18 ~~amount at least equal to the amount provided by the department is~~
19 ~~invested in the project by a port authority or navigation~~
20 ~~district~~].

21 SECTION 3. Section 55.006(a), Transportation Code, is
22 amended to read as follows:

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

- 1 (1) one member from the Port of Houston Authority;
- 2 (2) three members who represent maritime ports on the
- 3 upper Texas coast; and
- 4 (3) three members who represent maritime ports on the
- 5 lower Texas coast.

6 SECTION 4. Section 55.007, Transportation Code, is amended

7 to read as follows:

8 Sec. 55.007. DUTIES OF COMMITTEE. The committee shall:

- 9 (1) prepare a port mission plan;
- 10 (2) review each project eligible to be funded under
- 11 this chapter and make recommendations for approval or disapproval
- 12 to the department;
- 13 (3) not later than December 1 of each even-numbered
- 14 year, prepare and submit to the commission a report for
- 15 distribution to the governor, the lieutenant governor, and the
- 16 speaker of the house of representatives on the state of maritime
- 17 ports in this state, including:
- 18 (A) information regarding types of cargo passing
- 19 through maritime ports;
- 20 (B) information regarding employment at maritime
- 21 ports;
- 22 (C) information regarding tax revenues from
- 23 maritime port activities;
- 24 (D) any other information on the economic impact
- 25 of port activities that the committee considers relevant; and
- 26 (E) [maintain trade data information that will
- 27 assist ports in this state and international trade,

1 [~~(4) annually prepare~~] a list of projects that have
2 been recommended by the committee, including:

3 (i) [~~(A)~~] the recommended funding level
4 for each project; and

5 (ii) [~~(B)~~] if staged implementation of the
6 project is appropriate, the funding requirements for each stage;
7 and

8 (4) [~~(5)~~] advise the commission and the department on
9 matters relating to port authorities.

10 SECTION 5. Section 55.008, Transportation Code, is
11 repealed.

12 SECTION 6. This Act takes effect September 1, 2011.

ADOPTED

MAY 05 2011

Atty. Gen.
Secretary of the Senate

By: Lucio

H.B. No. 1099

Substitute the following for H.B. No. 1099:

By: Jose Rodriguez

C.S. H.B. No. 1099

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the funding of port security, facility projects, and
3 port studies.

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

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

7 (5) "Port security, transportation, or facility
8 project" means a project that is necessary or convenient for the
9 proper operation of a maritime port and that will improve the
10 security, movement, and intermodal transportation of cargo or
11 passengers in commerce and trade.

12 SECTION 2. Sections 55.002(a), (b), and (c), Transportation
13 Code, are amended to read as follows:

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

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

17 (2) maritime port studies.

18 (b) The commission by rule may establish matching fund
19 requirements for receiving money from the fund [~~department may not~~
20 ~~fund a port security, transportation, or facility project unless an~~
21 ~~amount at least equal to the amount provided by the department is~~
22 ~~invested in the project by a port authority or navigation~~
23 ~~district~~].

24 (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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB699 by Deshotel (Relating to the funding of port security, facility projects, and port studies.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 55 of the Transportation Code to authorize the Texas Transportation Commission, by rule, to establish matching fund requirements for receiving money from the port access account fund in place of the matching requirement specified under current law. The bill would require the Port Authority Advisory Committee (PAAC) to prepare a biennial report listing recommended port projects (rather than the annual report required under current law). The bill would require the PAAC to update the port capital program biennially rather than annually.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, SD, KM, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on International Relations & Trade

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB699** by Deshotel (Relating to the funding of port security, facility projects, and port studies.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 55 of the Transportation Code to authorize the Texas Transportation Commission, by rule, to establish matching fund requirements for receiving money from the port access account fund in place of the matching requirement specified under current law. The bill would require the Port Authority Advisory Committee (PAAC) to prepare a biennial report listing recommended port projects (rather than the annual report required under current law). The bill would require the PAAC to update the port capital program biennially rather than annually.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KM, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on International Relations & Trade

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB699 by Deshotel (Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Chapter 55 of the Transportation Code, relating to funding of certain port projects, to repeal the requirement that a port authority or navigation district contribute at least half of the funding for a port security, transportation, or facility project financed by the port access account fund and, instead, authorize the Texas Transportation Commission (TTC) to establish matching requirements by rule. The bill would repeal provisions requiring the Port Authority Advisory Committee (PAAC) to prepare and update annually the two-year port capital program and, instead, require the PAAC to prepare a report on the condition and economic impact of the state's ports by December 1 of even-numbered years and submit that report to the TTC for distribution to the Governor, Lieutenant Governor, and Speaker of the House.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KM, KJG, MW, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 27, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB699 by Deshotel (Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 55 of the Transportation Code, relating to funding of certain port projects, to repeal the requirement that a port authority or navigation district contribute at least half of the funding for a port security, transportation, or facility project financed by the port access account fund and, instead, authorize the Texas Transportation Commission (TTC) to establish matching requirements by rule. The bill would repeal provisions requiring the Port Authority Advisory Committee (PAAC) to prepare and update annually the two-year port capital program and, instead, require the PAAC to prepare a report on the condition and economic impact of the state's ports by December 1 of even-numbered years and submit that report to the TTC for distribution to the Governor, Lieutenant Governor, and Speaker of the House.

Based on the analysis of the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, MW, TG