

House Bill 699
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) ~~The commission may by rule 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].~~

SENATE VERSION (CS)

SECTION 1. Same as House version.

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 eligible for funding under this chapter include:

- (1) construction or improvement of transportation facilities within the jurisdiction of a maritime port;
- (2) the dredging or deepening of channels, turning basins, or harbors;
- (3) the construction or improvement of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, or any facilities necessary or useful in connection with maritime port transportation or economic development;
- (4) the construction or improvement of facilities necessary or useful in providing maritime port security;
- (5) the acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in

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international commerce;
(6) the acquisition of land to be used for maritime port purposes;
(7) the acquisition, improvement, enlargement, or extension of existing maritime port facilities; and
(8) environmental protection projects that:
(A) are required as a condition of a state, federal, or local environmental permit or other form of approval;
(B) are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or
(C) result from the undertaking of eligible projects.

No equivalent provision.

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

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

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

- (a) The committee consists of seven members appointed by the commission. The members shall be appointed as follows:
- (1) one member from the Port of Houston Authority;
 - (2) three members who represent maritime ports on the upper Texas coast; and
 - (3) three members who represent maritime ports on the lower Texas coast.

SECTION 4. Same as House version.

SECTION 4. Section 55.007, Transportation Code, is amended to read as follows:

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

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

- (1) prepare a port mission plan;
- (2) review each project eligible to be funded under this chapter and make recommendations for approval or disapproval to the department;

(3) not later than December 1 of each even-numbered year, prepare and submit to the commission a report for distribution to the governor, the lieutenant governor, and the speaker of the house of representatives on the state of maritime ports in this state, including:

(A) information regarding types of cargo passing through maritime ports;

(B) information regarding employment at maritime ports;

(C) information regarding tax revenues from maritime port activities;

(D) any other information on the economic impact of port activities that the committee considers relevant; and

(E) [maintain trade data information that will assist ports in this state and international trade;

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

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

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

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

SENATE VERSION (CS)

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

- (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 the department;

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

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

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

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

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

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

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

- (1) the governor;
- (2) the lieutenant governor; and
- (3) the speaker of the house of representatives.

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

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

- (1) the construction of transportation facilities connecting any maritime port to another transportation mode; and
- (2) the efficient, cost-effective development of transportation facilities or maritime port facilities for the purpose of:
 - (A) enhancing international trade;
 - (B) enhancing security;
 - (C) promoting cargo flow;
 - (D) increasing cruise passenger movements;
 - (E) increasing maritime port revenues; and
 - (F) providing economic benefits to the state.

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

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

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

SECTION 7. Same as House version.