

BILL ANALYSIS

Senate Research Center
80R13917 SGA-D

H.B. 3634
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Natural Resources
5/7/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Jefferson County Waterway and Navigation District (district) was created by special legislation in 2001. The district is working extensively with the U.S. Army Corps of Engineers regarding expansion of the Sabine-Neches Waterway channel. The district seeks a name change to Sabine-Neches Navigation District of Jefferson County, Texas, to more directly reflect the purpose for the district and to avoid confusion in association with the project while maintaining the connection to Jefferson County.

The district and other political subdivisions in Jefferson County are currently working with private energy companies on the development of two liquefied natural gas terminals and major expansions of four large refineries in Jefferson County. Since September 11, 2001, the threat of terrorist attacks on petrochemical facilities has become a security issue and the United States Department of Homeland Security has designated the Sabine-Neches Waterway as critical infrastructure.

Under current law, it is unclear whether the district has the power to provide security or police forces in the Sabine-Neches Waterway channel. The district seeks clear authority to provide security for the channel and to contract with Jefferson County and other licensed law enforcement agencies as part of the cooperative effort to provide security for the facilities and vessels transporting product on the waterway. Such authority would include the ability to establish fees, charges and tolls to the extent allowed by law for vessels to offset the cost of security.

H.B. 3634 renames the district as the Sabine-Neches Navigation District of Jefferson County, Texas, and grants the authority to provide security and establish fees, charges, and tolls to the extent allowed by law for vessels to offset the cost of security.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 1A, as follows:

Sec. 1A. NAME OF DISTRICT. (a) Provides that the name of the Jefferson County Waterway and Navigation District is changed to the "Sabine-Neches Navigation District of Jefferson County, Texas" (district).

(b) Provides that a reference in law to the Jefferson County Waterway and Navigation District means the Sabine-Neches Navigation District of Jefferson County, Texas.

SECTION 2. Amends Section 2, Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, to define "commission," redefine "district," and make conforming changes.

SECTION 3. Amends Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 6A, as follows:

Sec. 6A. SECURITY AND LAW ENFORCEMENT. (a) Authorizes the navigation and canal commission of the district (commission) to adopt, amend, repeal, and enforce an ordinance, rule, or police regulation necessary to perform certain functions.

(b) Authorizes a sheriff, constable, or other duly constituted peace officer of this state or a peace officer employed or appointed by the commission in the enforcement of a district ordinance, rule, or police regulation, to make arrests, serve criminal warrants, subpoenas, or writs, and perform any other service or duty that is authorized to be performed by any sheriff, constable, or other duly constituted peace officer of this state in enforcing other laws of this state.

(c) Requires the commission, in adopting an ordinance, rule, or police regulation under Subsection (a) of this section, to comply with the procedures provided by Sections 60.074 (Style of Ordinances) and 60.075 (Publication of Ordinance, Rule, or Regulation; Proof of Publication), Water Code.

(d) Authorizes the district to enter into an interlocal agreement with this state or a county, municipality, or other political subdivision of this state to jointly provide, and share the costs of, security for the ship channels and waterways in the jurisdiction of the district.

(e) Authorizes the district, to protect the public interest, to contract with a qualified party, including the federal government or Jefferson County, for the provision of law enforcement services in all or part of the jurisdiction of the district for a fee. Authorizes the district to establish fees, charges, and tolls, to offset the cost of law enforcement services provided under a contract.

(f) Authorizes the district to take certain actions to cover the costs incurred by the district in providing security for the ship channels and waterways in the jurisdiction of the district.

(g) Prohibits the district from imposing a fee, charge, or toll under Subsection (f)(1) of this section on an oceangoing vessel docking at a public dock of either of the certain navigation districts unless approved by the board of port commissioners of the navigation district at which the vessel docks.

SECTION 4. Effective date: upon passage or September 1, 2007.