

BILL ANALYSIS

Senate Research Center
80R13917 SGA-D

C.S.S.B. 1881
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Natural Resources
4/21/2007
Committee Report (Substituted)

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 of the district and to avoid confusion in association with the project while maintaining the connection to Jefferson County.

The district, Jefferson County, 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 Sabin-Neches Waterway channel. The district seeks the 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, including the ability to establish fees, charges, and tolls to the extent allowed by law for vessels to offset the cost of security.

C.S.S.B. 1881 renames the Jefferson County Waterway and Navigation District as the Sabine-Neches Navigation District of Jefferson County, Texas, and authorizes the district to provide security and establish certain fees, charges, and tolls to offset the cost of security.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any 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.

(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 (district).

SECTION 2. Amends Section 2, Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 2. DEFINITIONS. Defines "commission" and redefines "district."

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 protect, secure, and defend the ship channels and waterways in the jurisdiction of the district and facilities served by those ship channels and waterways; promote the health, safety, and general welfare of any person using the ship channels and waterways in the jurisdiction of the district; and comply with a federal law or regulation or implement a directive or standard of the federal government, including the United States Department of Homeland Security and the United States Coast Guard, relating to securing ship channels and waterways and facilities served by ship channels and waterways and preventing terrorist attacks on ship channels, waterways, associated maritime facilities, and other facilities served by ship channels and waterways.

(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 which any sheriff, constable, or other duly constituted peace officer the authorized to perform in enforcing other laws of this state.

(c) Requires the commission, in adopting an ordinance, rule, or police regulation, under Subsection (a), to comply with the procedures provided by Sections 60.074 (Style of Ordinance) 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 cover the costs incurred by the district in providing security for the ship channels and waterways in the jurisdiction of the district, to impose fees, charges, and tolls for the use of those channels and waterways, except as provided by Subsection (g) of this section, or use other revenues or funds 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 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.