

BILL ANALYSIS

C.S.H.B. 3634
By: Deshotel
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Jefferson County Waterway and Navigation District was created by special legislation in 2001. The District is working extensively with the U.S. Army Corps of Engineers (USACE) 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, Jefferson County and other political subdivisions in Jefferson County are currently working with private energy companies on the development of two liquefied natural gas (LNG) 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

CSHB 3634 would rename the The Jefferson County Waterway and Navigation District to the Sabine-Neches Navigation District of Jefferson County, Texas and grant the authority provide security and establish fees, charges and tolls to the extent allowed by law for vessels to offset the cost of security.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Amends Chapter 1472, Acts of the 77th Legislature, Regular Session 2001, by adding Section 1A to change the name of the Jefferson County Waterway and Navigation District to the Sabine-Neches Navigation District of Jefferson County.

SECTION 2: Amends Section 2, Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001 to add a definition of Commission and changes the definition of District to conform with the name change.

SECTION 3: Amends Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 6A allowing the commission to adopt, amend, repeal and enforce ordinances, rules or police regulation necessary to protect, secure, defend, and promote the health safety and wellbeing of the people using the ship channels and waterways. The ordinances, rules or policies must also comply with federal law, regulation, directive or standard. In enforcing these ordinances, rules or policies, a sheriff, constable, or other peace officer employed or appointed by the commission may perform any service or duty that may be performed by any sheriff,

C.S.H.B. 3634 80(R)

constable, or other duly constituted peace officer of this state in enforcing other laws of this state. The district may enter into an interlocal agreement to jointly provide, and share the costs of, security for the ship channels and waterways. The district may contract with a qualified party, for law enforcement services for a fee. The district may establish fees, charges, and tolls to offset the cost of law enforcement services provided. The district may not however, impose such fees, charges, and tolls on an oceangoing vessel docking at a public dock at either the Port Beaumont Navigation District of Jefferson County, Texas or the Port of Port Arthur Navigation District of Jefferson County, Texas unless approved by the board of the navigation district at which the vessel docks.

SECTION 4: Provides the effective date of this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary two-thirds vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 3634 amends Section 3 by adding that the district may not however, impose fees, charges, and tolls on an oceangoing vessel docking at a public dock at either the Port Beaumont Navigation District of Jefferson County, Texas or the Port of Port Arthur Navigation District of Jefferson County, Texas unless approved by the board of the navigation district at which the vessel docks.