

BILL ANALYSIS

C.S.H.B. 3722
By: Ortiz, Jr.
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1987, the Port of Corpus Christi Authority of Nueces County, Texas, conveyed approximately 570 acres of land to the United States Navy for the construction and operation of Naval Station Ingleside (NSI). The deed states that this property will revert to the authority when the property is no longer used for maritime purposes by the Department of Defense.

NSI became the U.S. Navy's Mine Warfare Center of Excellence and homeport to the Navy's Mine Warfare Force, which included 14 Avenger-class mine countermeasures ships, 10 Osprey-class coastal mine hunters, and the Mine Countermeasures Command control and support ship, the USS Inchon.

In the 2005 Base Closure and Realignment Commission recommendations, the Department of Defense recommended the closure of NSI. Assuming no economic recovery, the Department of Defense estimated that this recommendation, along with the recommended realignment of Naval Air Station Corpus Christi, could result in a potential reduction of almost 7,000 jobs. NSI will close in September 2010, if not sooner. The Port of Corpus Christi seeks additional authority to provide for security in the channels and waterways under the port's control with the closure of the naval station at Ingleside.

C.S.H.B. 3722 authorizes the governing body of the Port of Corpus Christi Authority of Nueces County, Texas, to adopt, amend, repeal, and enforce an ordinance, rule, or police regulation to provide security for the ship channels and waterways in the jurisdiction of the authority. The bill authorizes the authority to enter into interlocal agreements or contracts with qualified parties for the provision of security services.

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

C.S.H.B. 3722 amends Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, to require an election relating to the Port of Corpus Christi Authority of Nueces County, Texas to be held in the authority as a whole, and not on a county-by-county basis. The bill defines "authority," "port commission," and "port commissioner."

C.S.H.B. 3722 authorizes the governing body of the authority 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 authority 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 authority; or 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.

C.S.H.B. 3722 authorizes a sheriff, constable, or other duly constituted peace officer of Texas or a peace officer employed or appointed by the governing body of the authority, in the enforcement of an authority ordinance, rule, or police regulation, to make arrests, serve criminal warrants, subpoenas, or writs, and perform any other service or duty that may be performed by any sheriff, constable, or other duly constituted peace officer of Texas in enforcing other laws of Texas. The bill requires the governing body of the authority, in adopting such an ordinance, rule, or police regulation, to comply with the procedures provided by the law relating to ordinances, rules, and regulations enacted by navigation districts. The bill authorizes the authority to enter into an interlocal agreement with Texas or a county, municipality, or other political subdivision of Texas to jointly provide, and share the costs of, security for the ship channels and waterways in the jurisdiction of the authority. The bill authorizes the authority, to protect the public interest, to contract with a qualified party, including the federal government, Nueces County, or San Patricio County, for the provision of law enforcement services in all or part of the jurisdiction of the authority.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3722 removes provisions from the original relating to the appointment of the members of the governing body of the Port of Corpus Christi Authority of Nueces County, Texas.

C.S.H.B. 3722 removes provisions from the original authorizing the authority to impose fees, charges, and tolls to offset the cost of law enforcement services and providing security for the ship channels and waterways in the jurisdiction of the authority.