

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 836  
By: Hinojosa  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 1987, the Port of Corpus Christi Authority of Nueces County, Texas (authority) conveyed 576.615 acres of land to the United States Navy for the construction and operation of Naval Station Ingleside (NSI). The deed says that this property will revert to the authority when the property is no longer used for maritime purposes by the United States Department of Defense (DoD).

NSI became the Navy's "Mine Warfare Center of Excellence" and homeport to the Navy's Mine Warfare Force, including 14 Avenger Class mine countermeasures ships, 10 Osprey Class coastal mine hunters, and the Mine Countermeasures Command, Control and Support Ship USS Inchon.

In its 2005 Base Closure and Realignment Commission's (BRAC) recommendations, the DoD recommended the closure of NSI. Assuming no economic recovery, the DoD estimated that this recommendation, along with the recommended realignment of Naval Air Station Corpus Christi, could result in a potential reduction of 6,864 jobs (3,184 direct jobs and 3,680 indirect jobs). NSI will close in September 2010, if not sooner. With the closure of the naval station at Ingleside, the authority seeks additional statutory authority to provide for security in the channels and waterways under the authority's control.

As proposed, S.B. 836 authorizes the governing body of the authority to adopt, amend, repeal, and enforce security laws. The bill authorizes the authority to enter into interlocal agreements or contract with qualified parties for security.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the governing body of the Port of Corpus Christi Authority of Nueces County, Texas in SECTION 1 (Sec. 4C, Chapter 397, Acts of the 68th Legislature, Regular Session, 1983) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, by adding Sections 1A, 4B, and 4C and amending Section 2, as follows:

Sec. 1A. DEFINITIONS. Defines "authority," "port commission," and "port commissioner."

Sec 2. APPOINTMENT OF PORT COMMISSIONERS; ELIGIBILITY. (a) Provides that the port commission [the governing body of the Port of Corpus Christi Authority of Nueces County, Texas (authority)] is composed of seven members appointed as follows: requires the Commissioners Court of Nueces County to appoint three, rather than four, members to the port commission; requires the City Council of Corpus Christi to appoint three members to the port commission; and requires the Commissioners Court of San Patricio County to appoint one member to the port commission.

(b) Requires a person, to be eligible for appointment to the port commission, to have been a resident for at least six months of the political subdivision the governing body of which makes the appointment. Deletes existing test requiring

a person to have been a resident of Nueces County for at least six months to be eligible for appointment to the port commission.

Sec. 4B. ELECTIONS. Requires that an election relating to the authority be held in the authority as a whole, and not on a county-by-county basis.

Sec. 4C. SECURITY AND LAW ENFORCEMENT. (a) Authorizes the port 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 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.

(b) Authorizes a sheriff, constable, or other duly constituted peace officer of this state or a peace officer employed or appointed by the port commission, 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 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 port 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 authority 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 authority.

(e) 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 the law enforcement services in all or part of the jurisdiction of the authority for a fee. Authorizes the authority to establish fees, charges, and tolls to offset the cost of law enforcement services provided under a contract.

(f) Authorizes the authority, to cover the costs incurred by the authority in providing security for the ships channels and waterways in the jurisdiction of the authority, to impose fees, charges, and tolls for the use of those channels and waterways or use other revenues or funds of the authority.

SECTION 2. Makes application of Subsection 2(b), Chapter 397, Acts of the 68th Legislature, Regular Session, 1983, this Act prospective.

SECTION 3. (a) Provides the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice For Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. Effective date: upon passage or September 1, 2009.