

By: Ortiz, Jr.

H.B. No. 3722

A BILL TO BE ENTITLED

AN ACT

relating to the Port of Corpus Christi Authority of Nueces County,
Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Sec. 1A. DEFINITIONS. In this Act:

(1) "Authority" means the Port of Corpus Christi
Authority of Nueces County, Texas.

(2) "Port commission" means the governing body of the
Port of Corpus Christi Authority of Nueces County, Texas.

(3) "Port commissioner" means a member of the port
commission.

Sec. 2. APPOINTMENT OF PORT COMMISSIONERS; ELIGIBILITY.

(a) The port commission is composed of seven members appointed as
follows:

(1) the [The] Commissioners Court of Nueces County
shall appoint three [~~four~~] members to the port commission;

(2) [~~and~~] the City Council of Corpus Christi shall
appoint three members to the port commission; and

(3) the Commissioners Court of San Patricio County
shall appoint one member to the port commission.

(b) To be eligible for appointment to the port commission, a

1 [A] person must have been a resident for at least six months of the
2 political subdivision the governing body of which makes the
3 appointment [~~Nueces County for at least six months to be eligible~~
4 ~~for appointment to the port commission~~].

5 Sec. 4B. ELECTIONS. An election relating to the authority
6 shall be held in the authority as a whole, and not on a
7 county-by-county basis.

8 Sec. 4C. SECURITY AND LAW ENFORCEMENT. (a) The port
9 commission may adopt, amend, repeal, and enforce an ordinance,
10 rule, or police regulation necessary to:

11 (1) protect, secure, and defend the ship channels and
12 waterways in the jurisdiction of the authority and facilities
13 served by those ship channels and waterways;

14 (2) promote the health, safety, and general welfare of
15 any person using the ship channels and waterways in the
16 jurisdiction of the authority; or

17 (3) comply with a federal law or regulation or
18 implement a directive or standard of the federal government,
19 including the United States Department of Homeland Security and the
20 United States Coast Guard, relating to securing ship channels and
21 waterways and facilities served by ship channels and waterways and
22 preventing terrorist attacks on ship channels, waterways,
23 associated maritime facilities, and other facilities served by ship
24 channels and waterways.

25 (b) In the enforcement of an authority ordinance, rule, or
26 police regulation, a sheriff, constable, or other duly constituted
27 peace officer of this state or a peace officer employed or appointed

1 by the port commission may make arrests, serve criminal warrants,
2 subpoenas, or writs, and perform any other service or duty that may
3 be performed by any sheriff, constable, or other duly constituted
4 peace officer of this state in enforcing other laws of this state.

5 (c) In adopting an ordinance, rule, or police regulation
6 under Subsection (a) of this section, the port commission shall
7 comply with the procedures provided by Sections 60.074 and 60.075,
8 Water Code.

9 (d) The authority may enter into an interlocal agreement
10 with this state or a county, municipality, or other political
11 subdivision of this state to jointly provide, and share the costs
12 of, security for the ship channels and waterways in the
13 jurisdiction of the authority.

14 (e) To protect the public interest, the authority may
15 contract with a qualified party, including the federal government,
16 Nueces County, or San Patricio County, for the provision of law
17 enforcement services in all or part of the jurisdiction of the
18 authority for a fee. The authority may establish fees, charges, and
19 tolls to offset the cost of law enforcement services provided under
20 a contract.

21 (f) To cover the costs incurred by the authority in
22 providing security for the ship channels and waterways in the
23 jurisdiction of the authority, the authority may:

24 (1) impose fees, charges, and tolls for the use of
25 those channels and waterways; or

26 (2) use other revenues or funds of the authority.

27 SECTION 2. Section 2(b), Chapter 397, Acts of the 68th

1 Legislature, Regular Session, 1983, as amended by this Act, applies
2 only to the qualifications of a person appointed to serve as a port
3 commissioner for the Port of Corpus Christi Authority of Nueces
4 County, Texas, on or after the effective date of this Act. An
5 appointment to serve as port commissioner before that date is
6 subject to the law in effect on the date of the appointment and that
7 law is continued in effect for that purpose.

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 3722

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.