86R24329 SLB-D

By:  Canales, Cain H.B. No. 4436

Substitute the following for H.B. No. 4436:

By:  Thompson of Brazoria C.S.H.B. No. 4436

A BILL TO BE ENTITLED

AN ACT

relating to the board of pilot commissioners for Harris County ports.

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

SECTION 1.  Section 5007.209(b), Special District Local Laws Code, is amended to read as follows:

(b)  The training program must provide the person with information regarding:

(1)  the legislation that created the authority;

(2)  the programs, functions, policies, rules, and budget of the authority;

(3)  the results of the most recent formal audit of the authority;

(4)  [~~the duties of the port commission as the board of pilot commissioners for Harris County ports under Chapter 66, Transportation Code;~~

[~~(5)~~]  the requirements of laws relating to open meetings, public information, administrative procedure, financial disclosure, and conflicts of interest; and

(5) [~~(6)~~]  any applicable ethics policies adopted by the port commission or the Texas Ethics Commission.

SECTION 2.  Section 66.002, Transportation Code, is amended by adding Subdivision (5-a) and amending Subdivision (6) to read as follows:

(5-a)  "Pilot commissioner" means a member of the board.

(6)  "Pilot services" means acts of a pilot in conducting a vessel through the navigable water in this state and the ports in which the pilot is licensed or certified as a pilot, and includes the adoption and implementation of ship movement strategies, such as navigation safety guidelines, for use by pilots in the navigable water in this state.

SECTION 3.  Section 66.011, Transportation Code, is amended to read as follows:

Sec. 66.011.  BOARD. The board of pilot commissioners for the ports of Harris County is composed of seven pilot commissioners appointed as follows:

(1)  two pilot commissioners appointed by a majority of the city council of the City of Houston;

(2)  two pilot commissioners appointed by a majority of the Harris County Commissioners Court;

(3)  one pilot commissioner appointed by the city council of the City of Pasadena, who must reside in the city of Pasadena;

(4)  one pilot commissioner appointed by a majority of the Harris County Mayors' and Councils' Association, who must be a resident of a municipality in Harris County that is located adjacent to the Houston Ship Channel and has a population of less than 100,000; and

(5)  the chair of the board, appointed as described by Section 66.0116 [~~the port commissioners of the Port of Houston Authority of Harris County, Texas~~].

SECTION 4.  Subchapter B, Chapter 66, Transportation Code, is amended by adding Sections 66.0115 and 66.0116 to read as follows:

Sec. 66.0115.  QUALIFICATIONS; VACANCY. (a) Except as otherwise provided by Sections 66.011 and 66.0116, each pilot commissioner must be a property tax payer and a qualified voter in Harris County.

(b)  A person is not eligible for appointment to the board if the person:

(1)  has previously served the equivalent of at least 12 full years on the board; or

(2)  is currently serving or has previously served as a port commissioner for the Port of Houston Authority of Harris County, Texas.

(c)  Not later than the 45th day after the date on which a term expires or on which a vacancy on the board begins, the appointing entity must appoint a new pilot commissioner. If the appointing entity fails to make the appointment before the 45th day, the office is considered an open position and the person serving in that position is ineligible for reappointment to fill the position, and:

(1)  if the appointing entity is the city council of the City of Houston, the city council of the City of Pasadena, or the Harris County Mayors' and Councils' Association, the Harris County Commissioners Court shall appoint a pilot commissioner to fill the position; or

(2)  if the appointing entity is the Harris County Commissioners Court, the city council of the City of Houston shall appoint a pilot commissioner to fill the position.

(d)  If a second appointing entity under Subsection (c)(1) or (2) fails to make an appointment before the 90th day after the date on which the term expires or the vacancy begins:

(1)  the office is considered an open position and the person serving in that position is ineligible for reappointment to fill the position; and

(2)  the governor shall appoint a pilot commissioner to fill the position with the advice and consent of the senate.

(e)  If a vacancy occurs through death, resignation, or other reason, the vacancy shall be filled in the manner provided for making the original appointment and in accordance with Subsections (c) and (d).

(f)  The governor may appoint a pilot commissioner under Subsection (d) only if the appointing entity under Subsection (c) fails to make an appointment within the period described by this section, and any subsequent appointment must be made by the appropriate appointing entity.

Sec. 66.0116.  APPOINTMENT OF CHAIR; TERM. (a) The City of Houston mayor and city council and the Harris County Commissioners Court shall jointly appoint the chair of the board in January of odd-numbered years. The term of the chair expires on February 1 of each odd-numbered year.

(b)  If the mayor, city council, and commissioners court do not make an appointment within the period specified by this section, the governor shall appoint the chair of the board with the advice and consent of the senate. The governor may appoint the chair only if the original appointing entities fail to make an appointment within the period described by this section, and any subsequent appointment must be made by the appointing entities.

(c)  The person appointed as the chair of the board must comply with the qualifications described by Section 61.160, Water Code.

(d)  On the second Monday of January in each odd-numbered year, the City of Houston mayor and city council, the Harris County Commissioners Court, and the Harris County judge shall hold a joint meeting to appoint the chair of the board.

(e)  In the meeting held under Subsection (d):

(1)  each city council member and the mayor shall have one vote; and

(2)  each county commissioner and the county judge shall have the mixed-fraction number of votes equal to the sum of the number of city council members plus the mayor divided by the sum of the number of county commissioners plus the county judge.

(f)  The presence of individuals with a majority of the total potential votes is required to establish a quorum at the meeting. A separate quorum from each group, representing the city and the county, is not required. The chair must be appointed by at least a majority of the total potential votes, in any combination.

(g)  In the event of a tie, the city council, mayor, county commissioners, and county judge have three calendar days to deliberate, convene a meeting, and revote. The period may be extended to allow for compliance with Chapter 551, Government Code, as it applies to the notice requirement for an open meeting. If a second vote results in a tie:

(1)  the office of the chair of the board is considered an open position and the person serving as the chair is not eligible for reappointment to fill the position; and

(2)  the governor shall appoint the chair as provided by Subsection (b).

SECTION 5.  Section 66.014, Transportation Code, is amended to read as follows:

Sec. 66.014.  TERM OF OFFICE. Pilot commissioners other than the chair serve staggered terms of two years that expire on February 1. [~~A board member serves a term of office that coincides with the member's term as a port commissioner.~~]

SECTION 6.  Section 66.015, Transportation Code, is amended to read as follows:

Sec. 66.015.  JURISDICTION. The board has exclusive jurisdiction over the regulation of pilots who provide pilot services [~~piloting of vessels~~] in Harris County ports, including intermediate stops and landing places for vessels on navigable streams wholly or partially located in the board's jurisdiction.

SECTION 7.  Section 66.016, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c)  Rules under this chapter involving the adoption and implementation of ship movement strategies, including navigation safety guidelines, for use by pilots in the navigable water in this state may be made by the board only on recommendation from not less than 80 percent of the pilots authorized to operate under the board's jurisdiction.

SECTION 8.  Of the two pilot commissioners of the board of pilot commissioners for the ports of Harris County appointed under Sections 66.011(1) and (2), Transportation Code, as amended by this Act, one pilot commissioner appointed under each subdivision serves a term expiring in an even-numbered year and one serves a term expiring in an odd-numbered year. The pilot commissioner of the board of pilot commissioners for the ports of Harris County appointed under Section 66.011(3), Transportation Code, as amended by this Act, serves a term expiring in an odd-numbered year. The pilot commissioner of the board of pilot commissioners for the ports of Harris County appointed under Section 66.011(4), Transportation Code, as amended by this Act, serves a term expiring in an even-numbered year.

SECTION 9.  This Act takes effect September 1, 2019.