By:  Creighton S.B. No. 2223

(In the Senate - Filed March 8, 2019; March 21, 2019, read first time and referred to Select Committee on Texas Ports; April 15, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 15, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Creighton       X

Alvarado        X

Hinojosa        X

Kolkhorst                 X

Lucio           X

Nelson          X

Taylor          X

COMMITTEE SUBSTITUTE FOR S.B. No. 2223 By:  Creighton

A BILL TO BE ENTITLED

AN ACT

relating to the safe and efficient provision of pilot services by 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 66.017, Transportation Code, is amended to read as follows:

Sec. 66.017.  DUTIES. The board shall:

(1)  establish the number of pilots necessary to provide adequate pilot services for each Harris County port;

(2)  accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;

(3)  submit to the governor lists of applicants the board finds to be qualified for appointment as pilots;

(4)  establish pilotage rates;

(5)  approve the locations for pilot stations;

(6)  establish times during which pilot services will be available;

(7)  hear and determine complaints relating to the conduct of pilots;

(8)  recommend to the governor each pilot whose license or certificate should not be renewed or should be revoked;

(9)  adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services, including minimizing the interference of two-way routes;

(10)  institute investigations or hearings or both to consider casualties, accidents, or other actions that violate this chapter; and

(11)  provide penalties to be imposed on a person who is not a pilot for a Harris County port who pilots a vessel into or out of the port if a pilot offered those services to the vessel.

SECTION 3.  Subchapter B, Chapter 66, Transportation Code, is amended by adding Section 66.0171 to read as follows:

Sec. 66.0171.  ONE-WAY TRAFFIC. (a)  In this section:

(1)  "One-way traffic" means a limitation on an area imposed by the board where the meeting, turnaround, and overtaking of ships are prohibited.

(2)  "Port authority" means the Port of Houston Authority of Harris County, Texas.

(b)  The board may not impose one-way traffic for more than one vessel per week.

(c)  A vessel for which one-way traffic is imposed:

(1)  may not call and depart from a port authority terminal on the same day; and

(2)  must be capable of turning around within the turning basin serving the applicable port authority terminal.

(d)  The executive director of the port authority is authorized to take any action necessary, including the execution and delivery of documents, to carry out this section.

(e)  The limitation in Subsection (b) does not apply to one-way traffic governed by an authorization issued by the United States Coast Guard for a dredging vessel or vessel operated by military forces personnel.

(f)  This section expires August 31, 2021.

SECTION 4.  Subchapter B, Chapter 66, Transportation Code, is amended by adding Section 66.0172 to read as follows:

Sec. 66.0172.  EFFICIENT PILOT SERVICE; MAXIMUM VESSEL LENGTH. (a)  In this section:

(1)  "Two-way route" means a directional route within defined limits inside which two-way traffic is established, and which is intended to improve safety in waters where navigation is difficult.

(2)  "Two-way traffic" means that traffic flow by all vessels is permitted in opposing directions.

(b)  Except as provided by Subsection (c), in order to ensure safe and efficient pilot services, the maximum overall length of a vessel, including the bulbous bow, that may be piloted within the board's jurisdiction is 1,100 feet.

(c)  The board may adopt rules authorizing the piloting of vessels with a maximum overall length that exceeds the length provided for in Subsection (b) if the board determines, upon recommendation from not less than 80 percent of the pilots authorized to operate under the board's jurisdiction, that two-way routes may safely and efficiently be maintained and that two-way traffic may safely and efficiently be conducted.

(d)  Any rules adopted under Subsection (c) must establish the maximum overall vessel length that may be piloted in a manner that maintains safe and efficient two-way routes and safe and efficient two-way traffic as recommended by not less than 80 percent of the pilots authorized to operate under the board's jurisdiction.

(e)  Before adopting any rules under Subsection (c), the board must conduct at least two public hearings.

SECTION 5.  (a)  Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b)  Sections 1, 2, and 4 of this Act take effect September 1, 2021.

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