

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

1 AN ACT

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

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

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

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

9 (1) the legislation that created the authority;

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

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

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

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

20 (5) (5) ~~[(6)]~~ any applicable ethics policies adopted by
21 the port commission or the Texas Ethics Commission.

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

1 (5-a) "Pilot commissioner" means a member of the
2 board.

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

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

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

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

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

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

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

26 (5) the chair of the board, appointed as described by
27 Section 66.0116 [~~the port commissioners of the Port of Houston~~

1 ~~Authority of Harris County, Texas]~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) If the mayor, city council, and commissioners court do
27 not make an appointment within the period specified by this

1 section, the governor shall appoint the chair of the board with the
2 advice and consent of the senate. The governor may appoint the
3 chair only if the original appointing entities fail to make an
4 appointment within the period described by this section, and any
5 subsequent appointment must be made by the appointing entities.

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

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

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

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

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

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

25 (g) In the event of a tie, the city council, mayor, county
26 commissioners, and county judge have three calendar days to
27 deliberate, convene a meeting, and revote. The period may be

1 extended to allow for compliance with Chapter 551, Government Code,
2 as it applies to the notice requirement for an open meeting. If a
3 second vote results in a tie:

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

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

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

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

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

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

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

24 (c) Rules under this chapter involving the adoption and
25 implementation of ship movement strategies, including navigation
26 safety guidelines, for use by pilots in the navigable water in this
27 state may be made by the board only on recommendation from not less

1 than 80 percent of the pilots authorized to operate under the
2 board's jurisdiction.

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

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