

By: Canales

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) ~~[(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 (4-a) to read as follows:

24 (4-a) "Pilot commissioner" means a member of the board.

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

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

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

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

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

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

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

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

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

1 (b) A person is not eligible for appointment to the pilot
2 commission if the person has previously served the equivalent of at
3 least 12 full years on the pilot commission.

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

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

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

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

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

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

27 (e) If a vacancy occurs through death, resignation, or other

1 reason, the vacancy shall be filled in the manner provided for
2 making the original appointment and in accordance with Subsections
3 (c) and (d).

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

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

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

22 (c) The person appointed as the chair of the pilot
23 commission must comply with the qualifications described by Section
24 61.160, Water Code.

25 (d) On the second Monday of January in each odd-numbered
26 year, the City of Houston mayor and city council, the Harris County
27 Commissioners Court, and the Harris County judge shall hold a joint

1 meeting to appoint the chair of the pilot commission at the
2 headquarters of the authority.

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

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

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

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

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

21 (1) the office of the chair of the pilot commission is
22 considered an open position and the person serving as the chair is
23 not eligible for reappointment to fill the position; and

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

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

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

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

17 SECTION 7. This Act takes effect September 1, 2019.