

1-1 By: Creighton S.B. No. 2222
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Select Committee on Texas Ports;
 1-4 April 15, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 15, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2222 By: Creighton

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the board of pilot commissioners for Harris County
 1-20 ports.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 5007.209(b), Special District Local Laws
 1-23 Code, is amended to read as follows:

1-24 (b) The training program must provide the person with
 1-25 information regarding:

1-26 (1) the legislation that created the authority;

1-27 (2) the programs, functions, policies, rules, and
 1-28 budget of the authority;

1-29 (3) the results of the most recent formal audit of the
 1-30 authority;

1-31 (4) ~~[the duties of the port commission as the board of~~
 1-32 ~~pilot commissioners for Harris County ports under Chapter 66,~~
 1-33 ~~Transportation Code,~~

1-34 ~~[(5)]~~ the requirements of laws relating to open
 1-35 meetings, public information, administrative procedure, financial
 1-36 disclosure, and conflicts of interest; and

1-37 (5) ~~[(6)]~~ any applicable ethics policies adopted by
 1-38 the port commission or the Texas Ethics Commission.

1-39 SECTION 2. Section 66.002, Transportation Code, is amended
 1-40 by adding Subdivision (5-a) and amending Subdivision (6) to read as
 1-41 follows:

1-42 (5-a) "Pilot commissioner" means a member of the
 1-43 board.

1-44 (6) "Pilot services" means acts of a pilot in
 1-45 conducting a vessel through the navigable water in this state and
 1-46 the ports in which the pilot is licensed or certified as a pilot,
 1-47 and includes the adoption and implementation of ship movement
 1-48 strategies, such as navigation safety guidelines, for use by pilots
 1-49 in the navigable water in this state.

1-50 SECTION 3. Section 66.011, Transportation Code, is amended
 1-51 to read as follows:

1-52 Sec. 66.011. BOARD. The board of pilot commissioners for
 1-53 the ports of Harris County is composed of nine pilot commissioners
 1-54 appointed as follows:

1-55 (1) two pilot commissioners appointed by a majority of
 1-56 the city council of the City of Houston;

1-57 (2) two pilot commissioners appointed by a majority of
 1-58 the Harris County Commissioners Court;

1-59 (3) one pilot commissioner appointed by the city
 1-60 council of the City of Pasadena, who must reside in the city of

2-1 Pasadena;
 2-2 (4) one pilot commissioner appointed by a majority of
 2-3 the Harris County Mayors' and Councils' Association, who must be a
 2-4 resident of a municipality in Harris County that is located
 2-5 adjacent to the Houston Ship Channel and has a population of less
 2-6 than 100,000;
 2-7 (5) two pilot commissioners appointed by the governor;
 2-8 and
 2-9 (6) the chair of the board, appointed as described by
 2-10 Section 66.0116 [~~the port commissioners of the Port of Houston~~
 2-11 Authority of Harris County, Texas].

2-12 SECTION 4. Subchapter B, Chapter 66, Transportation Code,
 2-13 is amended by adding Sections 66.0115 and 66.0116 to read as
 2-14 follows:

2-15 Sec. 66.0115. QUALIFICATIONS; VACANCY. (a) Except as
 2-16 otherwise provided by Sections 66.011 and 66.0116, each pilot
 2-17 commissioner must be a property tax payer and a qualified voter in
 2-18 Harris County.

2-19 (b) A person is not eligible for appointment to the board if
 2-20 the person:

2-21 (1) has previously served the equivalent of at least
 2-22 12 full years on the board; or

2-23 (2) is currently serving or has previously served as a
 2-24 port commissioner for the Port of Houston Authority of Harris
 2-25 County, Texas.

2-26 (c) Not later than the 45th day after the date on which a
 2-27 term expires or on which a vacancy on the board begins, the
 2-28 appointing entity must appoint a new pilot commissioner. If the
 2-29 appointing entity fails to make the appointment before the 45th
 2-30 day, the office is considered an open position and the person
 2-31 -serving in that position is ineligible for reappointment to fill
 2-32 the position, and:

2-33 (1) if the appointing entity is the city council of the
 2-34 City of Houston, the city council of the City of Pasadena, or the
 2-35 Harris County Mayors' and Councils' Association, the Harris County
 2-36 Commissioners Court shall appoint a pilot commissioner to fill the
 2-37 position; or

2-38 (2) if the appointing entity is the Harris County
 2-39 Commissioners Court, the city council of the City of Houston shall
 2-40 appoint a pilot commissioner to fill the position.

2-41 (d) If a second appointing entity under Subsection (c)(1) or
 2-42 (2) fails to make an appointment before the 90th day after the date
 2-43 on which the term expires or the vacancy begins:

2-44 (1) the office is considered an open position and the
 2-45 person serving in that position is ineligible for reappointment to
 2-46 fill the position; and

2-47 (2) the governor shall appoint a pilot commissioner to
 2-48 fill the position with the advice and consent of the senate.

2-49 (e) If a vacancy occurs through death, resignation, or other
 2-50 reason, the vacancy shall be filled in the manner provided for
 2-51 making the original appointment and in accordance with Subsections
 2-52 (c) and (d).

2-53 (f) The governor may appoint a pilot commissioner under
 2-54 Subsection (d) only if the appointing entity under Subsection (c)
 2-55 fails to make an appointment within the period described by this
 2-56 section, and any subsequent appointment must be made by the
 2-57 appropriate appointing entity.

2-58 Sec. 66.0116. APPOINTMENT OF CHAIR; TERM. (a) The City of
 2-59 Houston mayor and city council and the Harris County Commissioners
 2-60 Court shall jointly appoint the chair of the board in January of
 2-61 odd-numbered years. The term of the chair expires on February 1 of
 2-62 each odd-numbered year.

2-63 (b) If the mayor, city council, and commissioners court do
 2-64 not make an appointment within the period specified by this
 2-65 section, the governor shall appoint the chair of the board with the
 2-66 advice and consent of the senate. The governor may appoint the
 2-67 chair only if the original appointing entities fail to make an
 2-68 appointment within the period described by this section, and any
 2-69 subsequent appointment must be made by the appointing entities.

3-1 (c) The person appointed as the chair of the board must
3-2 comply with the qualifications described by Section 61.160, Water
3-3 Code.

3-4 (d) On the second Monday of January in each odd-numbered
3-5 year, the City of Houston mayor and city council, the Harris County
3-6 Commissioners Court, and the Harris County judge shall hold a joint
3-7 meeting to appoint the chair of the board.

3-8 (e) In the meeting held under Subsection (d):

3-9 (1) each city council member and the mayor shall have
3-10 one vote; and

3-11 (2) each county commissioner and the county judge
3-12 shall have the mixed-fraction number of votes equal to the sum of
3-13 the number of city council members plus the mayor divided by the sum
3-14 of the number of county commissioners plus the county judge.

3-15 (f) The presence of individuals with a majority of the total
3-16 potential votes is required to establish a quorum at the meeting. A
3-17 separate quorum from each group, representing the city and the
3-18 county, is not required. The chair must be appointed by at least a
3-19 majority of the total potential votes, in any combination.

3-20 (g) In the event of a tie, the city council, mayor, county
3-21 commissioners, and county judge have three calendar days to
3-22 deliberate, convene a meeting, and revote. The period may be
3-23 extended to allow for compliance with Chapter 551, Government Code,
3-24 as it applies to the notice requirement for an open meeting. If a
3-25 second vote results in a tie:

3-26 (1) the office of the chair of the board is considered
3-27 an open position and the person serving as the chair is not eligible
3-28 for reappointment to fill the position; and

3-29 (2) the governor shall appoint the chair as provided
3-30 by Subsection (b).

3-31 SECTION 5. Section 66.014, Transportation Code, is amended
3-32 to read as follows:

3-33 Sec. 66.014. TERM OF OFFICE. Pilot commissioners other
3-34 than the chair staggered terms of two years that expire on
3-35 February 1. [A board member serves a term of office that coincides
3-36 with the member's term as a port commissioner.]

3-37 SECTION 6. Section 66.015, Transportation Code, is amended
3-38 to read as follows:

3-39 Sec. 66.015. JURISDICTION. The board has exclusive
3-40 jurisdiction over the regulation of pilots who provide pilot
3-41 services [piloting of vessels] in Harris County ports, including
3-42 intermediate stops and landing places for vessels on navigable
3-43 streams wholly or partially located in the board's jurisdiction.

3-44 SECTION 7. Section 66.016, Transportation Code, is amended
3-45 by adding Subsection (c) to read as follows:

3-46 (c) Rules under this chapter involving the adoption and
3-47 implementation of ship movement strategies, including navigation
3-48 safety guidelines, for use by pilots in the navigable water in this
3-49 state may be made by the board only on recommendation from not less
3-50 than 80 percent of the pilots authorized to operate under the
3-51 board's jurisdiction.

3-52 SECTION 8. Of the two pilot commissioners of the board of
3-53 pilot commissioners for the ports of Harris County appointed under
3-54 Sections 66.011(1), (2), and (5), Transportation Code, as amended
3-55 by this Act, one pilot commissioner appointed under each
3-56 subdivision serves a term expiring in an even-numbered year and one
3-57 serves a term expiring in an odd-numbered year. The pilot
3-58 commissioner of the board of pilot commissioners for the ports of
3-59 Harris County appointed under Section 66.011(3), Transportation
3-60 Code, as amended by this Act, serves a term expiring in an
3-61 odd-numbered year. The pilot commissioner of the board of pilot
3-62 commissioners for the ports of Harris County appointed under
3-63 Section 66.011(4), Transportation Code, as amended by this Act,
3-64 serves a term expiring in an even-numbered year.

3-65 SECTION 9. This Act takes effect September 1, 2019.

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