

BILL ANALYSIS

C.S.H.B. 4436
By: Canales
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that the Port of Houston Authority of Harris County, Texas, was created by the state legislature to serve as the local partner with the federal government to maintain and grow the Houston Ship Channel and to facilitate commerce for the benefit of the region and state. However, there are concerns that the two roles currently performed by members of the port commission of the authority may distract from their first and foremost mission to serve as the primary steward of the Houston Ship Channel. C.S.H.B. 4436 seeks to address this issue by removing members of the port commission of the authority from the composition of the board of pilot commissioners for Harris County ports and including appointed pilot commissioners instead.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4436 amends the Transportation Code to revise the membership of the board of pilot commissioners for the ports of Harris County by changing the composition of the board from the port commissioners of the Port of Houston Authority of Harris County, Texas, to pilot commissioners appointed as provided by the bill. The bill provides for:

- the appointment process for the pilot commissioners and the chair of the board, including qualifications for those positions;
- procedures relating to a vacancy on the board; and
- the terms of office for the pilot commissioners and chair.

The bill clarifies that the board has exclusive jurisdiction over the regulation of pilots who provide pilot services in Harris County ports and conditions rulemaking under the Houston Pilots Licensing and Regulatory Act involving the adoption and implementation of ship movement strategies for use by pilots in the navigable water in Texas on the recommendation of a minimum of 80 percent of the pilots authorized to operate under the board's jurisdiction. The bill defines "pilot commissioner" and revises the definition of "pilot services" to specify that the term includes the adoption and implementation of ship movement strategies, such as navigation safety guidelines, for use by pilots in the navigable water in Texas.

C.S.H.B. 4436 amends the Special District Local Laws Code to make a conforming change.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4436 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the definition of "pilot services" and includes a clarification regarding the exclusive jurisdiction of the board.

The substitute includes a restriction on rulemaking under the Houston Pilots Licensing and Regulatory Act and revises provisions relating to the qualification, appointment, and terms of pilot commissioners.