

By: Smith

H.B. No. 3151

Substitute the following for H.B. No. 3151:

By: Pickett

C.S.H.B. No. 3151

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the board of pilot
commissioners for certain ports.

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

SECTION 1. Section 66.016(b), Transportation Code, is
amended to read as follows:

(b) The board may adopt rules to carry out this chapter,
including rules for conducting hearings.

SECTION 2. Subchapter B, Chapter 66, Transportation Code,
is amended by adding Section 66.0215 to read as follows:

Sec. 66.0215. SUBPOENAS. (a) The board may direct the
issuance of a subpoena commanding the person to whom it is directed
to produce and permit inspection and copying of designated
documents or tangible things in the possession, custody, or control
of that person.

(b) The board may file suit to enforce a subpoena issued
under this section, and an interested party may file suit for a
protective order or other relief in connection with the subpoena,
in a district court in Harris County or in a district court in the
county in which the subpoena is served.

(c) All subpoenas issued and suits filed under this section
shall be governed by the Texas Rules of Civil Procedure, including
Rules 176.1 through 176.8, and other law applicable to discovery in
civil litigation in the district courts of this state.

SECTION 3. Section 66.062(c), Transportation Code, is amended to read as follows:

(c) The board shall set a hearing date not later than the 45th day after the ~~[within two weeks of]~~ receipt of an application. The board shall begin ~~[hold]~~ the hearing not earlier than the 20th day and not later than the 60th ~~[40th]~~ day after the date the board sets the hearing date.

SECTION 4. The heading to Section 66.063, Transportation Code, is amended to read as follows:

Sec. 66.063. PILOT FINANCIAL REPORT; ADDITIONAL INFORMATION.

SECTION 5. Section 66.063, Transportation Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Not later than a date established by the board ~~[the 10th day before the date set for a pilotage rate hearing]~~, the pilots who are licensed or certified to serve the port for which the rates are being considered shall submit in writing to the board and to any party designated by the board complete accounts of:

(1) all amounts received from performing pilot services, organized by categories or classifications of rates, if rates are set in that manner;

(2) all earnings from capital assets devoted to providing pilot services;

(3) all expenses incurred in connection with activities for which amounts described by Subdivisions (1) and (2) were received and earned; and

(4) estimates of receipts and expenses anticipated to result from the requested changes in pilotage rates.

(a-1) The date established by the board under Subsection (a) may not be later than the 10th day before the date set for a pilotage rate hearing.

(d) The board may require from any person relevant additional information it considers necessary to determine a proper pilotage rate.

SECTION 6. Section 66.065, Transportation Code, is amended to read as follows:

Sec. 66.065. RATE DECISION. (a) Not later than the 60th ~~[10th]~~ day after the date of the completion of a hearing on an application for a change in pilotage rates, the board shall publicly issue a ~~[written]~~ decision that:

(1) grants or denies the application in whole or in part;

(2) states the reasons for the decision; ~~[and]~~

(3) states each new pilotage rate; and

(4) states the effective date for each new pilotage rate.

(b) Before the effective date of a new pilotage rate, the board may continue or reopen the hearing at which the rate was decided to reconsider the decision.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.