

CHAPTER 1042

S.B. No. 63

AN ACT

relating to the composition and appointment of the port commission and navigation board of the Port of Houston Authority of Harris County.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsection (a), Section 2, Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

(a) Effective and operative January 1, 1958, the *Port of Houston Authority* [~~Harris County Houston Ship Channel Navigation District~~] of Harris County, Texas, is hereby converted to a navigation district operating under the provisions of Section 59 of Article

XVI, Constitution of Texas, and after said date said *Authority* [District] will operate under Section 59 of Article XVI and this Section 2 of this Act; provided, that neither said Constitutional Provision nor this Section 2 shall apply to said *Authority* [District] until said effective date.

Said *Authority* [District] will thereafter be empowered and authorized to exercise, in addition to all powers conferred by this Act, all powers conferred upon said *Authority* [District] by the law or laws under which it was organized, and, in addition, shall have all of the powers and jurisdiction conferred upon Districts originally organized under Article XVI, Section 59, of the Constitution of the State of Texas, and particularly *Subchapters B, H, and K, Chapter 60, Water Code, and Sections 60.034 through 60.042, 61.075, 61.076, 61.082, 61.112, 61.115 through 61.117, 61.151 through 61.168, 61.172 through 61.174, and 61.176, Water Code, as amended, and Articles [8210, 8211, 8225, 8226, 8227, 8228, 8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239, 8240, 8241, 8242, 8243, 8245, 8247,] 8248, 8249, 8250, 8251, 8252, 8253, 8254, 8255, 8256, 8257, and 8258, Revised Civil Statutes of Texas, 1925, as amended, as well as Chapter 90, Acts, 1945, Forty-ninth Legislature, Regular Session, Page 130, as amended; Chapter 6, Acts, 1941, Forty-seventh Legislature, Page 8, as amended; [Chapter 280, Acts, 1949, Fifty-first Legislature, Page 507, as amended;] Chapter 176, Acts, 1955, Fifty-fourth Legislature, Page 554; Chapter 217, Acts, 1949, Fifty-first Legislature, Page 407; [Chapter 252, Acts, 1955, Fifty-fourth Legislature, Page 701, and Subsections (b) and (c) of Section 1, Chapter 134, Acts, 1935, Forty-fourth Legislature, Page 368, as amended;] provided, that if there is any conflict or inconsistency between said laws or any of them, and this Act, then to the extent of conflict or inconsistency, the provisions of this Act shall govern. The *Port Commission* [Board of Navigation and Canal Commissioners] of said *Authority* [District] shall [continue to] be a seven (7) [five (5)] commissioner board[, and the Commissioners shall continue to be selected and hold office as provided in Article 8235, Revised Civil Statutes of Texas, 1925]. Two (2) *Port Commissioners* shall be appointed by a majority of the city council of the City of Houston, and two (2) *Port Commissioners* shall be appointed by a majority of the Harris County Commissioners Court. One (1) *Port Commissioner* shall be appointed by a majority of the governing bodies of municipalities located adjacent to the Houston Ship Channel that have a population of 100,000 or more but less than 1,000,000 according to the most recent federal census. One (1) *Port Commissioner* shall be appointed by a majority of the Harris County Mayors' and Councils' Association. The *Port Commissioner* appointed by the Harris County Mayors' and Councils' Association must be a resident of a municipality in Harris County that is located adjacent to the Houston Ship Channel and has a population of less than 100,000 according to the most recent federal census. The chairman of the commission shall be appointed by the city council of the City of Houston and the Harris County Commissioners Court. The city council and the commissioners court shall each have five votes in the selection of the chairman of the commission. A majority of each governing body shall determine how the votes for that body will be cast. Except as specifically provided by this section, the *Port Commissioners* shall continue to be selected and shall hold office as provided by Sections 61.159 through 61.160, Water Code. Any act or thing authorized to be done by said *Port Commission* [Board of Navigation and Canal Commissioners] by provisions of this Act or by provision of any of the aforementioned laws and legislative acts may be done and performed by the General Manager of said *Authority* [District] (or other person authorized to act in his place and stead) when so authorized by general or special rule, regulation, order, resolution or other direction of the *Port Commission* [Board of Navigation and Canal Commissioners]. The Navigation Board of said *Authority* [District] is hereby defined and shall [continue to] be composed of the County Judge and County Commissioners of Harris County, Texas, [and] the Mayor and Council members [Councilmen] of the City of Houston, Texas, and the members of the Harris County Mayors' and Councils' Association.*

SECTION 2. (a) Within five days after the effective date of this Act, the Harris County Mayors' and Councils' Association shall appoint one person to serve as a port commissioner for the Port of Houston Authority, and a majority of the governing bodies of the municipalities adjacent to the Houston Ship Channel having a population of 100,000

or more but less than 1,000,000 according to the most recent federal census shall appoint a person to serve as a port commissioner.

(b) The initial appointees under this section shall draw lots to determine who shall serve until the next time for appointment of port commissioners and who shall serve until the time for appointment of port commissioners following the next time for appointment of port commissioners.

(c) The port commissioners serving on the effective date of this Act shall serve for the terms to which they were appointed.

**SECTION 3.** This Act does not affect the appointment or the terms of office of persons who are serving as port commissioners for the Port of Houston Authority on the effective date of this Act.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 16, 1987, by the following vote: Yeas 29, Nays 0.

Passed the House on May 25, 1987, by a non-record vote.

Approved June 16, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.