

By: Krusee

H.B. No. 3411

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of an intermunicipal commuter rail district.

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

SECTION 1. Section 3, Article 6550c-1, Revised Statutes, is amended by amending Subsections (b), (c), and (d), and by adding Subsections (d-1), (i), (j), (k), and (l) to read as follows:

(b) The board is composed of the following members:

(1) ~~[two public members appointed by the commission,~~
[~~(2)~~] one ~~[elected]~~ member appointed by ~~[of]~~ the governing body of each municipality ~~[political subdivision]~~ that has become a part of the district under Section 2(a) of this article;

(2) ~~[(3) one elected member appointed by the regional planning organization of which a creating municipality is a part,~~

~~[(4) one member appointed by each creating municipality to represent the business community of the municipality,~~

~~[(5) one member appointed by each authority created under Chapter 451, Transportation Code, that serves a creating municipality,~~

~~[(6)]~~ one member appointed by the commissioners court of each county in which a creating municipality is located ~~[to represent transportation providers that provide service to rural~~

1 ~~areas in the county];~~

2 (3) one additional member appointed by any creating
3 municipality that had an operating municipal commuter rail system
4 in existence at the time of formation of the intermunicipal
5 commuter rail district;

6 (4) three members appointed by the governor, one of
7 whom shall be named as the presiding officer of the board; and

8 (5) if necessary to maintain an odd number of members
9 on the board, one additional member appointed by the governor

10 ~~[(7) one member appointed by all other board members~~
11 ~~to represent all municipalities in the district that do not~~
12 ~~otherwise have representation on the board and who shall be an~~
13 ~~elected official of one of those municipalities].~~

14 (c) If a [A] vacancy occurs on the board, a successor shall
15 be appointed [is filled] in the same manner as the original
16 appointment to serve for the unexpired portion of the [Each member
17 serves a] term [of two years].

18 (d) Members serve staggered terms of six years with the
19 terms of as near as possible to one-third of the members expiring on
20 February 1 of each odd-numbered year. [The members of the board
21 shall elect one member as presiding officer. The presiding officer
22 may select another member to preside in the absence of the presiding
23 officer.]

24 (d-1) One member appointed to the initial board of a
25 district by the commissioners court of a county shall be designated
26 by the court to serve a term of two years and one member appointed to
27 the initial board shall be designated to serve a term of four years.

1 If one or more members are subsequently appointed to the board, the
2 members other than the subsequent appointees shall determine the
3 length of the appointees' terms, to comply with Subsection (d).

4 (i) All appointments to the board shall be made without
5 regard to disability, sex, religion, age, or national origin.

6 (j) The following individuals are ineligible to serve as a
7 member:

8 (1) an elected official;

9 (2) a person who is not a resident of a county within
10 the geographic area of the district;

11 (3) a department employee;

12 (4) an employee of any governmental entity located
13 wholly or partly within the geographic boundaries of the district;
14 and

15 (5) a person owning an interest in real property that
16 will be acquired for a district project, if it is known at the time
17 of the person's proposed appointment that the property will be
18 acquired for the district project.

19 (k) Each member has equal status and may vote.

20 (l) The vote of a majority attending a board meeting is
21 necessary for any action taken by the board. If a vacancy exists on
22 a board, the majority of members serving on the board is a quorum.

23 SECTION 2. Article 6550c-1, Revised Statutes, is amended by
24 adding Sections 3A and 3B to read as follows:

25 Sec. 3A. PROHIBITED CONDUCT FOR MEMBERS AND EMPLOYEES. (a)
26 A member of the board or an employee of a district may not:

27 (1) accept or solicit any gift, favor, or service that

1 might reasonably tend to influence the member or employee in the
2 discharge of official duties or that the member or employee knows or
3 should know is being offered with the intent to influence the
4 member's or employee's official conduct;

5 (2) accept other employment or engage in a business or
6 professional activity that the member or employee might reasonably
7 expect would require or induce the member or employee to disclose
8 confidential information acquired by reason of the official
9 position;

10 (3) accept other employment or compensation that could
11 reasonably be expected to impair the member's or employee's
12 independence of judgment in the performance of the member's or
13 employee's official duties;

14 (4) make personal investments that could reasonably be
15 expected to create a substantial conflict between the member's or
16 employee's private interest and the interest of the district;

17 (5) intentionally or knowingly solicit, accept, or
18 agree to accept any benefit for having exercised the member's or
19 employee's official powers or performed the member's or employee's
20 official duties in favor of another; or

21 (6) have a personal interest in an agreement executed
22 by the district.

23 (b) A person is not eligible to serve as a member of the
24 board or as chief administrative officer of a district if the person
25 or the person's spouse:

26 (1) is employed by or participates in the management
27 of a business entity or other organization, other than a

1 governmental entity, that is regulated by or receives funds from
2 the department;

3 (2) directly or indirectly owns or controls more than
4 a 10 percent interest in a business or other organization that is
5 regulated by or receives funds from the department;

6 (3) uses or receives a substantial amount of tangible
7 goods, services, or funds from the department; or

8 (4) is required to register as a lobbyist under
9 Chapter 305, Government Code, because of the person's activities
10 for compensation on behalf of a profession related to the operation
11 of the department.

12 (c) A person is not eligible to serve as a member of the
13 board or as chief administrative officer of a district if the person
14 is an officer, employee, or paid consultant of a Texas trade
15 association in the field of road construction or maintenance,
16 public transportation, or aviation, or if the person's spouse is an
17 officer, manager, or paid consultant of a Texas trade association
18 in the field of road construction or maintenance, public
19 transportation, or aviation.

20 (d) In this section, "Texas trade association" means a
21 nonprofit, cooperative, and voluntarily joined association of
22 business or professional competitors in this state designed to
23 assist its members and its industry or profession in dealing with
24 mutual business or professional problems and in promoting their
25 common interest.

26 (e) A person is eligible to serve as a member of the board or
27 as chief administrative officer of a district if the person has

1 received funds from the department for acquisition of highway
2 rights-of-way unless the acquisition was for a project of the
3 district.

4 Sec. 3B. SURETY BONDS. (a) Before beginning a term, each
5 member shall execute a surety bond in the amount of \$25,000, and the
6 secretary and treasurer shall execute a surety bond in the amount of
7 \$50,000.

8 (b) Each surety bond must be:

9 (1) conditioned on the faithful performance of the
10 duties of office;

11 (2) executed by a surety company authorized to
12 transact business in this state; and

13 (3) filed with the secretary of state's office.

14 (c) The district shall pay the expense of the bonds.

15 SECTION 3. (a) This Act takes effect September 1, 2003.

16 (b) This Act does not affect the term of a member of the
17 board of directors serving on the effective date of this Act.
18 Members appointed to fill vacancies occurring on or after the
19 effective date of this Act must be appointed in accordance with
20 Section 3, Article 6550c-1, Revised Statutes, as amended by this
21 Act.

22 SECTION 4. This Act does not prohibit a person who is a
23 member of an intermunicipal commuter rail district board before the
24 effective date of this Act from being appointed as a member of the
25 board under the new composition of the board of an intermunicipal
26 commuter rail district if the person has the qualifications
27 required for the position under Article 6550c-1, Revised Statutes,

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1 as amended by this Act.