

BILL ANALYSIS

H.B. 2654
By: Krusee
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Regional Mobility Authorities (RMAs) were initially authorized during the 77th Legislative session. House Bill 3588, passed during the 78th Legislative session, created the Regional Mobility Act (Chapter 370 of the Transportation code) governing the creation and operation of RMA's. Among the changes to RMA's enacted by House Bill 3588 was the expansion of the length of RMA Board of Director terms of office from 2 to 6 years. The purpose of lengthening the terms of office was to provide for consistency and stability in RMA leadership to make RMA transportation projects more attractive to investment from capital markets. However, questions have arisen over whether 6-year RMA board member terms are constitutional due to ambiguity contained in the language of Article XVI, Sections 30 and 30A of the Texas Constitution. House Bill 2654 authorizes 6-year board member terms for RMA's if such terms are constitutionally authorized, and, in the alternative, if such terms are not constitutionally authorized, provides that RMA board members will serve terms of 2 years.

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

Section 1. Amends Section 370.251 (c) and (d), Transportation Code by adding language in (c) that provides that if permitted by the Texas Constitution, then six-year staggered terms for RMA board members are allowed. The language further states that if six-year terms are not permitted under the constitution, directors must serve two year terms with the terms of not more than one-half of the directors expiring Feb 1 of each year. Section (d) allows for the same standards to apply to the director of the RMA.

Section 2. Governs the effective date of the bill.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act take effect September 1, 2005.