

## **BILL ANALYSIS**

S.B. 182  
By: Barrientos  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, board members of the Austin-San Antonio Intermunicipal Commuter Rail District currently serve two-year terms, without a reference to staggered terms. The 14 board members of the Austin-San Antonio Intermunicipal Commuter Rail District were appointed at the same time and their terms expire simultaneously.

Because of the geographic diversity of the board, it is sometimes difficult to achieve a quorum. Other boards including the Board of Pardons and Paroles, Texas Board of Criminal Justice, and the Texas Higher Education Coordinating Board have specific statutes regarding teleconference and videoconference meetings, under current law.

As proposed, S.B. 182 provides a mechanism for staggered terms and specifies the manner by which the board may meet without a quorum being present in any one given physical location.

### **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 3(c), Article 6550c-1, Revised Statutes, as follows:

(c) Requires a successor on the board of directors of a rural rail transportation district (board) to be appointed or elected, rather than by appointment only, in the same manner as the original appointment or election. Sets forth new guidelines for the length of terms served by the board members. Sets forth the requirements regarding term lengths if one or more members are added to the board.

SECTION 2. Amends Article 6550c-1, Revised Statutes, by adding Section 3A, as follows:

Sec. 3A. BOARD MEETINGS BY TELEPHONE OR VIDEOCONFERENCE. (a) Provides that Chapter 551, Government Code, does not prohibit the board from holding an open or closed meeting by telephone conference call or videoconference.

(b) Provides that a meeting held by telephone conference call or videoconference does not need to have a quorum present at any one location.

(c) Provides that a telephone conference call or videoconference meeting is subject to the notice requirements applicable to other meetings.

(d) Sets forth notice requirements for telephone conference call or videoconference meeting regarding the location of a participating member of the board and the presiding officer of the board. Requires all locations to be open to the public during the open portion of the meeting.

(e) Sets forth the requirements regarding each part of a telephone conference call meeting that is required to be open to the public.

(f) Sets forth requirements regarding each part of a videoconference meeting that is required to be open to the public.

(g) Authorizes the board to allow a member of the public to testify at a meeting from a remote location by videoconference call, without regard to whether a member of the board is participating in a meeting from remote location by videoconference call. Requires the board to designate the location for public participation in the notice of the meeting.

SECTION 3. Provides that this Act does not effect the term of a member of the board of directors serving on the effective date of this Act. Requires that members appointed to fill vacancies occurring on or after the effective date of this Act be appointed in accordance with Section 3, Article 6550c-1, Revised Statutes, as amended by this Act. Requires initial members appointed or elected to the board on or after the effective date of this Act, by unanimous agreement or by lot, to assign the lengths of terms in accordance with Section 3, Article 6550c-1, Revised Statutes, as amended by the Act.

SECTION 4. Provides that this Act does not prohibit a person who is a member of an intermunicipal commuter rail district board, before the effective date of this act, from being appointed as a member of the board, under the new composition of the board of an intermunicipal commuter rail district, if the person has the qualifications required for the position under Article 6550c-1, Revised Statutes, as amended by this Act.

SECTION 5. Effective date: September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.