

By: Talton

H.B. No. 1813

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring that members of the governing board of
3 certain metropolitan rapid transit authorities be elected
4 officials.

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

6 SECTION 1. Section 451.502, Transportation Code, is amended
7 by amending Subsections (a) and (c) and adding Subsection (c-1) to
8 read as follows:

9 (a) The five board members under Section 451.501(a)(1) are
10 appointed by the governing body of the principal municipality,
11 except in an authority having a principal municipality with a
12 population of more than 1.2 million, the five board members are
13 elected by a majority of the qualified voters voting in a municipal
14 election held for that purpose [~~appointed by the mayor of the~~
15 ~~principal municipality and are subject to confirmation by the~~
16 ~~governing body of the principal municipality~~].

17 (c) In an authority in which the principal municipality has
18 a population of less than 1.2 million and having two additional
19 members, the additional members are appointed as follows:

20 (1) one member appointed by a panel composed of:

21 (A) the mayors of the municipalities in the
22 authority, excluding the mayor of the principal municipality; and

23 (B) the county judges of the counties having
24 unincorporated area in the authority, excluding the county judge of

1 the principal county; and

2 (2) one member appointed by the commissioners court of
3 the principal county.

4 (c-1) In an authority in which the principal municipality
5 has a population of more than 1.2 million and having two additional
6 members, the additional members shall be elected in a countywide
7 election on the date of the general election for state and county
8 officers.

9 SECTION 2. Section 451.504, Transportation Code, is amended
10 by amending Subsection (a) and adding Subsection (a-1) to read as
11 follows:

12 (a) In an authority in which the principal municipality has
13 a population of less than 1.2 million, a [A] vacancy on a board is
14 filled by the person or entity that appointed the member who was in
15 the position that is vacant. If confirmation of the previous
16 position was required, confirmation of the vacancy appointment is
17 required in the same manner.

18 (a-1) In an authority in which the principal municipality
19 has a population of more than 1.2 million, a vacancy on the board
20 shall be filled by appointment by the remaining board members until
21 the next board election.

22 SECTION 3. Sections 451.506(a) and (b), Transportation
23 Code, are amended to read as follows:

24 (a) A member of the board may be reappointed or reelected
25 except as provided by this section.

26 (b) An individual may not serve more than eight years on the
27 same board and may not be appointed or elected to a term for which

1 service to the completion of the term would exceed this limitation.
2 This subsection applies only to a board of an authority:

3 (1) in which the principal municipality has a
4 population of more than 1.2 million or less than 300,000; or

5 (2) created before 1980 and in which the principal
6 municipality has a population of less than 1.2 million.

7 SECTION 4. Sections 451.509(c) and (d), Transportation
8 Code, are amended to read as follows:

9 (c) In an authority in which the principal municipality has
10 a population of more than 750,000 and less than 1.2 million, a
11 member of the board may be removed for any ground described by
12 Section 451.510 by the person or entity that appointed the member.
13 If the person who appointed the member is the mayor of the principal
14 municipality, the removal is by recommendation of the mayor and
15 confirmation by the municipality's governing body. If the member
16 to be removed was appointed by the mayor of the principal
17 municipality, the statement required by Section 451.511(a) shall be
18 given by the mayor, and confirmation of removal by the governing
19 body of the municipality is necessary.

20 (d) In an authority in which the principal municipality has
21 a population of less than 750,000 [~~or more than 1.2 million~~], a
22 general manager who has knowledge that a potential ground for
23 removal applicable to a member of the authority's board exists
24 shall notify the presiding officer of the board of the ground, and
25 the presiding officer shall notify the person that appointed the
26 member against whom the potential ground applies of the ground.

27 SECTION 5. Section 451.510, Transportation Code, is amended

1 to read as follows:

2 Sec. 451.510. GROUND FOR REMOVAL FROM BOARD. The grounds
3 for removal of a member of a board are:

4 (1) inefficiency in office;

5 (2) nonfeasance or malfeasance in office;

6 (3) not having at the time of election or appointment
7 or not maintaining during service on the board the qualifications
8 for office described by Section 451.507;

9 (4) a violation of Chapter 171, Local Government Code,
10 or Section 451.112;

11 (5) the inability, because of illness or disability,
12 to discharge the member's duties of office during a substantial
13 part of the term for which the member is appointed; and

14 (6) absence, without having been excused by a majority
15 vote of the board, from more than one-half of the regularly
16 scheduled board meetings that the member is eligible to attend
17 during a calendar year.

18 SECTION 6. Section 451.513, Transportation Code, is amended
19 by amending Subsections (b), (d), and (e) and adding Subsection
20 (b-1) to read as follows:

21 (b) In an authority in which the principal municipality has
22 a population of less than 1.2 million, the [~~The~~] entity that
23 confirmed a board member, or if there is no confirmation, the entity
24 that appointed a board member, shall take action under this section
25 to remove the member or to reconfirm the member's appointment:

26 (1) on receipt of notice from the secretary of state
27 that a valid recall petition was presented to the entity; or

1 (2) if the secretary of state fails to notify the
2 entity as required by Subsection (d).

3 (b-1) In an authority in which the principal municipality
4 has a population of more than 1.2 million, the authority shall order
5 a recall election to remove the member or to reelect the member:

6 (1) on receipt of notice from the secretary of state
7 that a valid recall petition was presented to the authority; or

8 (2) if the secretary of state fails to notify the
9 authority as required by Subsection (d).

10 (d) After receiving a petition under this section the entity
11 or authority shall send it to the secretary of state. The secretary
12 of state shall, not later than the 10th day after the date the
13 petition is received, determine whether the petition is valid and
14 notify the entity of the determination.

15 (e) Not later than the 30th day after the date a member is
16 removed under this section, the vacancy shall be filled as
17 otherwise provided by this chapter, except that the individual
18 removed by recall may not be reappointed or reelected to fill the
19 vacancy. Beginning on the day after the date of the removal, the
20 individual removed may not be appointed or reelected to any other
21 position on the board for a period equal to the normal term of
22 office for a board member.

23 SECTION 7. Section 451.516, Transportation Code, is amended
24 to read as follows:

25 Sec. 451.516. INCREASE OF MEMBERSHIP: CONTINUITY. If the
26 membership of a board is increased under Section 451.501, the board
27 as constituted immediately before the increase may continue as the

1 board of the authority until the additional members are appointed,
2 or elected, and seated.

3 SECTION 8. (a) The change in law made by this Act regarding
4 the composition of the governing body of a metropolitan rapid
5 transit authority does not affect the entitlement of a member
6 serving on the governing body of an authority immediately before
7 the effective date of this Act to continue to serve and function as
8 a member of the governing body for the remainder of the member's
9 term.

10 (b) The change in law described by this section applies only
11 to the appointment or election of a member to the governing body of
12 a metropolitan rapid transit authority for a term that begins on or
13 after the effective date of this Act.

14 SECTION 9. This Act takes effect September 1, 2007.