

By: Watson

S.B. No. 2015

A BILL TO BE ENTITLED

AN ACT

relating to certain metropolitan rapid transit authorities.

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

SECTION 1. Section 451.061, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the ~~The~~ fares, tolls, charges, rents, and other compensation established by an authority in which the principal municipality has a population of less than 1.2 million may not take effect until approved by a majority vote of a committee composed of:

(1) five members of the governing body of the principal municipality, selected by that governing body;

(2) three members of the commissioners court of the county having the largest portion of the incorporated territory of the principal municipality, selected by that commissioners court; and

(3) three mayors of municipalities, other than the principal municipality, located in the authority, selected by:

(A) the mayors of all the municipalities, except the principal municipality, located in the authority; or

(B) the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than

1 300,000.

2 (d-1) The establishment of or a change to fares, tolls,  
3 charges, rents, and other compensation by an authority confirmed  
4 before July 1, 1985, in which the principal municipality has a  
5 population of less than 750,000, takes effect immediately on  
6 approval by a majority vote of the board, except that the  
7 establishment of or a change to a single-ride base fare takes effect  
8 on the 60th day after the date the board approves the fare or change  
9 to the fare, unless the policy board of the metropolitan planning  
10 organization that serves the area of the authority disapproves the  
11 fare or change to the fare by a majority vote.

12 SECTION 2. Section 451.071, Transportation Code, is amended  
13 by adding Subsection (g) to read as follows:

14 (g) This section does not require the authority to hold a  
15 referendum on a proposal to:

16 (1) enter into a contract to build, operate, or  
17 maintain a fixed rail transit system for another entity; or

18 (2) expand a system previously approved under this  
19 section if the proposed expansion:

20 (A) involves the addition of not more than one  
21 mile of track to the system; and

22 (B) improves the operational performance of the  
23 system.

24 SECTION 3. Subchapter J, Chapter 451, Transportation Code,  
25 is amended by adding Sections 451.458, 451.459, and 451.460 to read  
26 as follows:

27 Sec. 451.458. INTERNAL AUDITOR. (a) This section applies

1 only to an authority confirmed before July 1, 1985, in which the  
2 principal municipality has a population of less than 750,000.

3 (b) The board shall enter into a contract with a qualified  
4 individual to perform internal auditing services as specified in  
5 the contract. A contract entered into under this section may be  
6 renewed for subsequent fiscal years of the authority.

7 (c) The contract must require the auditor to report directly  
8 to the board.

9 Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed  
10 before July 1, 1985, in which the principal municipality has a  
11 population of less than 750,000 is subject to review under Chapter  
12 325, Government Code (Texas Sunset Act), as if it were a state  
13 agency but may not be abolished under that chapter. The review  
14 shall be conducted as if the authority were scheduled to be  
15 abolished September 1, 2011. In addition, another review shall be  
16 conducted as if the authority were scheduled to be abolished  
17 September 1, 2016.

18 (b) The authority shall pay the cost incurred by the Sunset  
19 Advisory Commission in performing a review of the authority under  
20 this section. The Sunset Advisory Commission shall determine the  
21 cost, and the authority shall pay the amount promptly on receipt of  
22 a statement from the Sunset Advisory Commission detailing the cost.

23 Sec. 451.460. REPORT TO PRINCIPAL MUNICIPALITY. (a) This  
24 section applies only to an authority confirmed before July 1, 1985,  
25 in which the principal municipality has a population of less than  
26 750,000.

27 (b) The authority annually shall provide an oral report to

1 the governing body of the principal municipality regarding the  
2 status of any financial obligation of the authority to the  
3 municipality.

4 SECTION 4. Section 451.5021, Transportation Code, is  
5 amended by amending Subsections (a), (b), and (d) and adding  
6 Subsections (b-1), (d-1), and (d-2) to read as follows:

7 (a) This section applies only to the board of an authority  
8 created before July 1, 1985, in which the principal municipality  
9 has a population of less than 750,000 [~~in which each member of the~~  
10 ~~governing body of the principal municipality is elected at large~~].

11 (b) Members of the [The] board [~~is composed of seven members~~  
12 ~~who~~] are appointed as follows:

13 (1) one member, who is an elected official, [~~two~~  
14 ~~members representing the general public~~] appointed by the  
15 metropolitan planning organization designated by the governor that  
16 serves the area of the authority;

17 (2) one member, who is an elected official, [~~two~~  
18 ~~members~~] appointed by the governing body of the principal  
19 municipality;

20 (3) one member jointly appointed by:

21 (A) the governing body of the principal  
22 municipality; and

23 (B) the commissioners court of the principal  
24 county;

25 (4) one member jointly appointed by:

26 (A) the governing body of the principal  
27 municipality; and

1           (B) the commissioners court of the county,  
2 excluding the principal county, that has the largest population of  
3 the counties in the authority [~~a panel composed of the mayors of all~~  
4 ~~the municipalities in the authority located in the principal county~~  
5 ~~of the authority, excluding the mayor of the principal~~  
6 ~~municipality~~]; [~~and~~]

7           (5) one member, who is an elected official, appointed  
8 by a panel composed of:

9           (A) the mayors of all municipalities in the  
10 authority [~~located outside the principal county of the authority~~],  
11 excluding the mayor of the principal municipality; and

12           (B) each member of a commissioners court who  
13 represents a commissioner precinct that includes an [~~the county~~  
14 ~~judges of the counties having~~] unincorporated area of the county in  
15 the authority;

16           (6) one member, who has at least 10 years of experience  
17 as a financial or accounting professional, appointed by the  
18 metropolitan planning organization that serves the area in which  
19 the authority is located;

20           (7) one member, who has at least 10 years of experience  
21 in an executive-level position in a public or private organization,  
22 including a governmental entity, appointed by the metropolitan  
23 planning authority that serves the area in which the authority is  
24 located; and

25           (8) two members appointed by the metropolitan planning  
26 organization that serves the area in which the authority is  
27 located, if according to the most recent federal decennial census

1 more than 35 percent of the population in the territory of the  
2 authority resides outside the principal municipality~~[, excluding~~  
3 ~~the county judge of the principal county; and~~

4 [~~(C) the presiding officer of each municipal~~  
5 ~~utility district that:~~

6 [~~(i) has a majority of its territory~~  
7 ~~located outside the principal county; and~~

8 [~~(ii) is located wholly or partly in the~~  
9 ~~authority]~~.

10 (b-1) Members of the board serve staggered three-year  
11 terms, with the terms of two or three members, as applicable,  
12 expiring June 1 of each year.

13 (d) A person appointed under Subsection (b)(1), (2)  
14 [~~(b)(2), (3), (4)~~], or (5):

15 (1) must be a member of the governing body:

16 (A) of the political subdivision that is entitled  
17 to make the appointment; or

18 (B) over which a member of the panel entitled to  
19 make an appointment presides;

20 (2) vacates the office of board member if the person  
21 ceases to be a member of the governing body described by Subdivision  
22 (1);

23 (3) serves on the board as an additional duty of the  
24 office held on the governing body described by Subdivision (1); and

25 (4) is not entitled to compensation for serving as a  
26 member of the board.

27 (d-1) At least two members appointed under Subsections

1 (b)(1), (6), and (7) must be qualified voters residing in the  
2 principal municipality.

3 (d-2) A person appointed under Subsection (b)(3) or (4)  
4 must:

5 (1) have the person's principal place of occupation or  
6 employment in:

7 (A) the principal municipality; or

8 (B) a county commissioners precinct represented  
9 by a member of the panel that appointed the person; or

10 (2) be a qualified voter of:

11 (A) the principal municipality; or

12 (B) a county commissioners precinct represented  
13 by a member of the panel that appointed the person.

14 SECTION 5. Subsections (g) and (h), Section 451.5021,  
15 Transportation Code, are repealed.

16 SECTION 6. (a) The term of a member of the board of a rapid  
17 transit authority confirmed before July 1, 1985, in which the  
18 principal municipality has a population of 750,000 or less expires  
19 on November 1, 2009.

20 (b) As soon as practicable on or after the effective date of  
21 this Act, but not later than November 1, 2009, the persons and  
22 entities specified in Section 451.5021, Transportation Code, as  
23 amended by this Act, shall appoint the members of the board of the  
24 rapid transit authority in compliance with that section, as  
25 amended, to serve terms that begin November 1, 2009.

26 (c) The members of the board of the rapid transit authority  
27 appointed under Subsection (b) of this section shall draw lots to

1 determine which terms of three members expire June 1, 2010, which  
2 terms of three members expire June 1, 2011, and which terms of three  
3 members expire June 1, 2012.

4 SECTION 7. This Act takes effect September 1, 2009.