

By: Watson

S.B. No. 2015

A BILL TO BE ENTITLED

AN ACT

relating to certain transit authorities.

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

SECTION 1. Subchapter B, Section 451.061, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not apply to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000.

SECTION 2. Subchapter B, Chapter 451, Transportation Code, is amended by adding Section 451.0612 to read as follows:

Sec. 451.0612. FARES AND OTHER CHARGES: CERTAIN AUTHORITIES. (a) This section applies to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000.

(b) An authority shall impose reasonable and nondiscriminatory fares, tolls, charges, rents, and other compensation for the use of the transit authority system sufficient to produce revenue, together with tax revenue received by the authority, in an amount adequate to:

(1) pay all the expenses necessary to operate and maintain the transit authority system;

(2) pay when due the principal of and interest on, and sinking fund and reserve fund payments agreed to be made with respect to, all bonds that are issued by the authority and payable

1 in whole or part from the revenue; and

2 (3) fulfill the terms of any other agreement with the
3 holders of bonds described by Subdivision (2) or with a person
4 acting on behalf of the bondholders.

5 (c) It is intended by this chapter that the compensation
6 imposed under Subsection (a) and taxes imposed by the authority not
7 exceed the amounts necessary to produce revenue sufficient to meet
8 the obligations of the authority under this chapter.

9 (d) Fares for passenger transportation may be set according
10 to a zone system or other classification that the authority
11 determines to be reasonable.

12 (e) The fares, tolls, charges, rents, and other
13 compensation imposed by the authority under Subsection (b), and any
14 changes to such fares, tolls, charges, rents, or other
15 compensation, must be approved by a majority vote of the board, and
16 shall take effect immediately upon such approval, except that:

17 (1) the single-ride base fare established by the board
18 under Subsection (b) shall take effect 60 days after such board
19 approval unless, within 60 days of such board approval, the
20 metropolitan planning organization designated by the governor that
21 serves the area of the authority shall vote to invalidate such
22 single-ride base fare; and

23 (2) any change to the single-ride base fare
24 established by the board under Subsection (b) shall take effect 60
25 days after such board approval unless, within 60 days of such board
26 approval, the metropolitan planning organization designated by the
27 governor that serves the area of the authority shall vote to

1 invalidate such change to the single-ride base fare.

2 SECTION 3. Subchapter B, Section 451.071(e),
3 Transportation Code, is amended to read as follows:

4 (e) A subsequent referendum under Subsection (d):

5 (1) may be held more than once;

6 (2) is held in the same manner as the initial
7 referendum; and

8 (3) may be held on any date specified in Section
9 41.001, Election Code provided that the referendum is held no
10 earlier than the 62nd day after the date of the order [~~must be held~~
11 ~~at the general election in November of an even-numbered year~~].

12 SECTION 4. Subchapter B, Section 451.071, Transportation
13 Code, is amended by adding Subsections (g), (h), and (i) to read as
14 follows:

15 (g) If any increase to the revenue of the authority or of any
16 governmental entity that will be used to finance any portion of the
17 purchase, acquisition, construction, operation, or maintenance of
18 a fixed rail transit system by the authority, including the
19 issuance by an authority of short-term debt under Section 451.362
20 or bonds secured by the revenue of the authority, was previously
21 approved at a referendum, no additional referendum on whether the
22 authority may operate a fixed rail transit system is required under
23 this section.

24 (h) No referendum is required under this section on a
25 proposal to expand a system if:

26 (1) the proposed expansion involves the addition of
27 not more than 1 mile of track to the system; and

1 (2) the proposed expansion does not involve an
2 increase to the authority's sales and use tax rate.

3 (i) No referendum is required under this section on a
4 proposal for an authority to operate an existing fixed rail transit
5 system that was constructed by any person or entity other than the
6 authority or if an entity contracts with the authority to build the
7 facility.

8 SECTION 5. Subchapter K, Section 451.5021, Transportation
9 Code, is amended to read as follows:

10 Sec. 451.5021. BOARD COMPOSITION AND APPOINTMENTS; CERTAIN
11 AUTHORITIES. (a) This section applies only to the board of an
12 authority created before 1985 in which the principal municipality
13 has a population of less than 750,000.

14 (b) The board is composed of seven members.

15 (c) Board members serve staggered three-years terms that
16 shall expire on June 1 with no more than three terms expiring
17 regularly in one calendar year.

18 (d) If less than 65 percent of the population of the
19 principal county, excluding the population of the principal
20 municipality, reside in the authority, the board has two additional
21 members appointed by the metropolitan planning organization
22 designated by the governor that serves the area of the authority.

23 (e) The seven board members under Subsection (b) are
24 appointed as follows:

25 (1) one member, who shall at the time of appointment be
26 an elected official, appointed by the metropolitan planning
27 organization designated by the governor that serves the area of the

1 authority;

2 (2) one member, who shall have no less than ten years
3 experience working as a financial or accounting professional,
4 appointed by the metropolitan planning organization designated by
5 the governor that serves the area of the authority;

6 (3) one member, who shall have no less than ten years
7 experience in an executive-level role in a public or private
8 organization, including any governmental entity, appointed by the
9 metropolitan planning organization designated by the governor that
10 serves the area of the authority;

11 (4) one member appointed by the governing body of the
12 principal municipality;

13 (5) one member appointed by agreement of:

14 (A) the governing body of the principal
15 municipality; and

16 (B) the members of the commissioners court of the
17 principal county;

18 (6) one member appointed by agreement of:

19 (A) the governing body of the principal
20 municipality;

21 (B) the members of the commissioners court of the
22 county, other than the principal county, having the largest
23 population among the counties served by the authority; and

24 (7) one member appointed by a panel composed of:

25 (A) the mayors of the municipalities in the
26 authority, excluding the mayor of the principal municipality in the
27 authority; and

1 (B) the county commissioners representing
2 precincts having unincorporated area in the authority.

3 (f) At least two of the three persons appointed under
4 Subsections (e)(1), (e)(2), and (e)(3) must be qualified voters
5 residing in the principal municipality in the authority.

6 (g) A person appointed under Subsections (e)(5) and(e)(6)
7 must:

8 (1) work in either the principal municipality or
9 within the territory of the county or counties of which the members
10 of the commissioners court are entitled to vote on the appointment;
11 or

12 (2) be a qualified voter residing in either the
13 principal municipality or within the territory of the county or
14 counties of which the members of the commissioners court are
15 entitled to vote on the appointment.

16 ~~[in which each member of the governing body of the principal~~
17 ~~municipality is elected at large.~~

18 ~~[(b) The board is composed of seven members who are~~
19 ~~appointed as follows:~~

20 ~~[(1) two members representing the general public~~
21 ~~appointed by the metropolitan planning organization designated by~~
22 ~~the governor that serves the area of the authority,~~

23 ~~[(2) two members appointed by the governing body of~~
24 ~~the principal municipality,~~

25 ~~[(3) one member appointed by the commissioners court~~
26 ~~of the principal county,~~

27 ~~[(4) one member appointed by a panel composed of the~~

1 ~~mayors of all the municipalities in the authority located in the~~
2 ~~principal county of the authority, excluding the mayor of the~~
3 ~~principal municipality; and~~

4 ~~[(5) one member appointed by a panel composed of:~~

5 ~~[(A) the mayors of all municipalities in the~~
6 ~~authority located outside the principal county of the authority,~~
7 ~~excluding the mayor of the principal municipality;~~

8 ~~[(B) the county judges of the counties having~~
9 ~~unincorporated area in the authority, excluding the county judge of~~
10 ~~the principal county; and~~

11 ~~[(C) the presiding officer of each municipal~~
12 ~~utility district that:~~

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

15 ~~[(ii) is located wholly or partly in the~~
16 ~~authority.~~

17 ~~[(c) Only a member of a metropolitan planning organization~~
18 ~~who is an elected officer of a political subdivision in which a tax~~
19 ~~of the authority is collected is entitled to vote on an appointment~~
20 ~~under Subsection (b)(1).~~

21 ~~[(d) A person appointed under Subsection (b)(2), (3), (4),~~
22 ~~or (5):~~

23 ~~[(1) must be a member of the governing body:~~

24 ~~[(A) of the political subdivision that is~~
25 ~~entitled to make the appointment; or~~

26 ~~[(B) over which a member of the panel entitled to~~
27 ~~make an appointment presides;~~

1 ~~[(2) vacates the office of board member if the person~~
2 ~~ceases to be a member of the governing body described by Subdivision~~
3 ~~(1);~~

4 ~~[(3) serves on the board as an additional duty of the~~
5 ~~office held on the governing body described by Subdivision (1); and~~

6 ~~[(4) is not entitled to compensation for serving as a~~
7 ~~member of the board.~~

8 ~~[(c) A panel appointing a member under this section operates~~
9 ~~in the manner prescribed by Section 451.503.~~

10 ~~[(f) In this section, "principal county" has the meaning~~
11 ~~assigned by Section 451.501(f).~~

12 ~~[(g) This section continues to apply to a board the~~
13 ~~composition of which was determined under this section,~~
14 ~~notwithstanding a change in the method of electing the members of~~
15 ~~the governing body of the principal municipality.~~

16 ~~[(h) The principal municipality shall make its appointments~~
17 ~~to the board so that at least one of the appointees is designated to~~
18 ~~represent the interests of the transportation disadvantaged.]~~

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.