

1-1 By: Watson S.B. No. 2015
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 1, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 1, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2015 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain metropolitan rapid transit authorities.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 451.061, Transportation Code, is amended
1-13 by amending Subsection (d) and adding Subsection (d-1) to read as
1-14 follows:
1-15 (d) Except as provided by Subsection (d-1), the [The] fares,
1-16 tolls, charges, rents, and other compensation established by an
1-17 authority in which the principal municipality has a population of
1-18 less than 1.2 million may not take effect until approved by a
1-19 majority vote of a committee composed of:
1-20 (1) five members of the governing body of the
1-21 principal municipality, selected by that governing body;
1-22 (2) three members of the commissioners court of the
1-23 county having the largest portion of the incorporated territory of
1-24 the principal municipality, selected by that commissioners court;
1-25 and
1-26 (3) three mayors of municipalities, other than the
1-27 principal municipality, located in the authority, selected by:
1-28 (A) the mayors of all the municipalities, except
1-29 the principal municipality, located in the authority; or
1-30 (B) the mayor of the most populous municipality,
1-31 other than the principal municipality, in the case of an authority
1-32 in which the principal municipality has a population of less than
1-33 300,000.
1-34 (d-1) The establishment of or a change to fares, tolls,
1-35 charges, rents, and other compensation by an authority confirmed
1-36 before July 1, 1985, in which the principal municipality has a
1-37 population of less than 750,000, takes effect immediately on
1-38 approval by a majority vote of the board, except that the
1-39 establishment of or a change to a single-ride base fare takes effect
1-40 on the 60th day after the date the board approves the fare or change
1-41 to the fare, unless the policy board of the metropolitan planning
1-42 organization that serves the area of the authority disapproves the
1-43 fare or change to the fare by a majority vote.
1-44 SECTION 2. Section 451.071, Transportation Code, is amended
1-45 by adding Subsection (g) to read as follows:
1-46 (g) This section does not require the authority to hold a
1-47 referendum on a proposal to:
1-48 (1) enter into a contract to build, operate, or
1-49 maintain a fixed rail transit system for another entity; or
1-50 (2) expand a system previously approved under this
1-51 section if the proposed expansion:
1-52 (A) involves the addition of not more than one
1-53 mile of track to the system; and
1-54 (B) improves the operational performance of the
1-55 system.
1-56 SECTION 3. Subchapter J, Chapter 451, Transportation Code,
1-57 is amended by adding Sections 451.458, 451.459, and 451.460 to read
1-58 as follows:
1-59 Sec. 451.458. INTERNAL AUDITOR. (a) This section applies
1-60 only to an authority confirmed before July 1, 1985, in which the
1-61 principal municipality has a population of less than 750,000.
1-62 (b) The board shall enter into a contract with a qualified
1-63 individual to perform internal auditing services as specified in

2-1 the contract. A contract entered into under this section may be
 2-2 renewed for subsequent fiscal years of the authority.

2-3 (c) The contract must require the auditor to report directly
 2-4 to the board.

2-5 Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed
 2-6 before July 1, 1985, in which the principal municipality has a
 2-7 population of less than 750,000 is subject to review under Chapter
 2-8 325, Government Code (Texas Sunset Act), as if it were a state
 2-9 agency but may not be abolished under that chapter. The review
 2-10 shall be conducted as if the authority were scheduled to be
 2-11 abolished September 1, 2011. In addition, another review shall be
 2-12 conducted as if the authority were scheduled to be abolished
 2-13 September 1, 2016.

2-14 (b) The authority shall pay the cost incurred by the Sunset
 2-15 Advisory Commission in performing a review of the authority under
 2-16 this section. The Sunset Advisory Commission shall determine the
 2-17 cost, and the authority shall pay the amount promptly on receipt of
 2-18 a statement from the Sunset Advisory Commission detailing the cost.

2-19 Sec. 451.460. REPORT TO PRINCIPAL MUNICIPALITY. (a) This
 2-20 section applies only to an authority confirmed before July 1, 1985,
 2-21 in which the principal municipality has a population of less than
 2-22 750,000.

2-23 (b) The authority annually shall provide an oral report to
 2-24 the governing body of the principal municipality regarding the
 2-25 status of any financial obligation of the authority to the
 2-26 municipality.

2-27 SECTION 4. Section 451.5021, Transportation Code, is
 2-28 amended by amending Subsections (a), (b), and (d) and adding
 2-29 Subsections (b-1), (d-1), and (d-2) to read as follows:

2-30 (a) This section applies only to the board of an authority
 2-31 created before July 1, 1985, in which the principal municipality
 2-32 has a population of less than 750,000 [in which each member of the
 2-33 governing body of the principal municipality is elected at large].

2-34 (b) Members of the [The] board [is composed of seven members
 2-35 who] are appointed as follows:

2-36 (1) one member, who is an elected official, [two
 2-37 members representing the general public] appointed by the
 2-38 metropolitan planning organization designated by the governor that
 2-39 serves the area of the authority;

2-40 (2) one member, who is an elected official, [two
 2-41 members] appointed by the governing body of the principal
 2-42 municipality;

2-43 (3) one member jointly appointed by:
 2-44 (A) the governing body of the principal
 2-45 municipality; and

2-46 (B) the commissioners court of the principal
 2-47 county;

2-48 (4) one member jointly appointed by:
 2-49 (A) the governing body of the principal
 2-50 municipality; and

2-51 (B) the commissioners court of the county,
 2-52 excluding the principal county, that has the largest population of
 2-53 the counties in the authority [a panel composed of the mayors of all
 2-54 the municipalities in the authority located in the principal county
 2-55 of the authority, excluding the mayor of the principal
 2-56 municipality]; [and]

2-57 (5) one member, who is an elected official, appointed
 2-58 by a panel composed of:

2-59 (A) the mayors of all municipalities in the
 2-60 authority [located outside the principal county of the authority],
 2-61 excluding the mayor of the principal municipality; and

2-62 (B) each member of a commissioners court who
 2-63 represents a commissioner precinct that includes an [the county
 2-64 judges of the counties having] unincorporated area of the county in
 2-65 the authority;

2-66 (6) one member, who has at least 10 years of experience
 2-67 as a financial or accounting professional, appointed by the
 2-68 metropolitan planning organization that serves the area in which
 2-69 the authority is located;

3-1 (7) one member, who has at least 10 years of experience
3-2 in an executive-level position in a public or private organization,
3-3 including a governmental entity, appointed by the metropolitan
3-4 planning authority that serves the area in which the authority is
3-5 located; and

3-6 (8) two members appointed by the metropolitan planning
3-7 organization that serves the area in which the authority is
3-8 located, if according to the most recent federal decennial census
3-9 more than 35 percent of the population in the territory of the
3-10 authority resides outside the principal municipality~~[, excluding~~
3-11 ~~the county judge of the principal county; and~~

3-12 ~~[(C) the presiding officer of each municipal~~
3-13 ~~utility district that:~~

3-14 ~~[(i) has a majority of its territory~~
3-15 ~~located outside the principal county; and~~

3-16 ~~[(ii) is located wholly or partly in the~~
3-17 ~~authority].~~

3-18 (b-1) Members of the board serve staggered three-year
3-19 terms, with the terms of two or three members, as applicable,
3-20 expiring June 1 of each year.

3-21 (d) A person appointed under Subsection (b)(1), (2)
3-22 [~~(b)(2), (3), (4)~~], or (5):

3-23 (1) must be a member of the governing body:

3-24 (A) of the political subdivision that is entitled
3-25 to make the appointment; or

3-26 (B) over which a member of the panel entitled to
3-27 make an appointment presides;

3-28 (2) vacates the office of board member if the person
3-29 ceases to be a member of the governing body described by Subdivision
3-30 (1);

3-31 (3) serves on the board as an additional duty of the
3-32 office held on the governing body described by Subdivision (1); and

3-33 (4) is not entitled to compensation for serving as a
3-34 member of the board.

3-35 (d-1) At least two members appointed under Subsections
3-36 (b)(1), (6), and (7) must be qualified voters residing in the
3-37 principal municipality.

3-38 (d-2) A person appointed under Subsection (b)(3) or (4)
3-39 must:

3-40 (1) have the person's principal place of occupation or
3-41 employment in:

3-42 (A) the principal municipality; or

3-43 (B) a county commissioners precinct represented
3-44 by a member of the panel that appointed the person; or

3-45 (2) be a qualified voter of:

3-46 (A) the principal municipality; or

3-47 (B) a county commissioners precinct represented
3-48 by a member of the panel that appointed the person.

3-49 SECTION 5. Subsections (g) and (h), Section 451.5021,
3-50 Transportation Code, are repealed.

3-51 SECTION 6. (a) The term of a member of the board of a rapid
3-52 transit authority confirmed before July 1, 1985, in which the
3-53 principal municipality has a population of 750,000 or less expires
3-54 on November 1, 2009.

3-55 (b) As soon as practicable on or after the effective date of
3-56 this Act, but not later than November 1, 2009, the persons and
3-57 entities specified in Section 451.5021, Transportation Code, as
3-58 amended by this Act, shall appoint the members of the board of the
3-59 rapid transit authority in compliance with that section, as
3-60 amended, to serve terms that begin November 1, 2009.

3-61 (c) The members of the board of the rapid transit authority
3-62 appointed under Subsection (b) of this section shall draw lots to
3-63 determine which terms of three members expire June 1, 2010, which
3-64 terms of three members expire June 1, 2011, and which terms of three
3-65 members expire June 1, 2012.

3-66 SECTION 7. This Act takes effect September 1, 2009.