

1-1 By: Williams S.B. No. 1578  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 4, 2011, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; April 4, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the addition of a county to a freight rail district.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. The heading to Subchapter B, Chapter 171,  
1-11 Transportation Code, is amended to read as follows:

1-12 SUBCHAPTER B. CREATION; ADDITION OF COUNTY TO DISTRICT

1-13 SECTION 2. Section 171.054, Transportation Code, is amended  
1-14 to read as follows:

1-15 Sec. 171.054. DISTRICT TERRITORY. The district consists of  
1-16 the territory of:

1-17 (1) each county that created the district;

1-18 (2) each county added to the district under Section  
1-19 171.055; and

1-20 (3) the territory of the most populous municipality in  
1-21 the most populous county if that municipality's territory is  
1-22 located in more than one county.

1-23 SECTION 3. Subchapter B, Chapter 171, Transportation Code,  
1-24 is amended by adding Section 171.055 to read as follows:

1-25 Sec. 171.055. ADDITION OF COUNTY TO DISTRICT. (a) A  
1-26 county may be added to a district if:

1-27 (1) the county is adjacent to a county with a  
1-28 population of 3.3 million or more that created the district; or

1-29 (2) the county:

1-30 (A) is adjacent to a county that is added to the  
1-31 district under Subdivision (1); and

1-32 (B) contains a navigation district.

1-33 (b) The following governing bodies must by joint resolution  
1-34 approve the addition of the county to the district:

1-35 (1) the commissioners court of the county to be added  
1-36 to the district;

1-37 (2) the commissioners court of each county in the  
1-38 district; and

1-39 (3) the governing body of the most populous  
1-40 municipality in the most populous county in the district.

1-41 (c) The resolution must include the number of directors the  
1-42 new county will have on the board.

1-43 (d) On adoption of the resolution by each commissioners  
1-44 court and the governing body of the municipality, the county is  
1-45 added to the district.

1-46 SECTION 4. Section 171.101, Transportation Code, is amended  
1-47 to read as follows:

1-48 Sec. 171.101. COMPOSITION OF BOARD; PRESIDING OFFICER.

1-49 (a) The board consists of directors, including a presiding  
1-50 officer, as provided in the order or ordinance creating the  
1-51 district under Section 171.052(b).

1-52 (b) The board shall add directors for each county added to  
1-53 the district as provided in the joint resolution adding the county  
1-54 under Section 171.055.

1-55 SECTION 5. Section 171.152, Transportation Code, is amended  
1-56 to read as follows:

1-57 Sec. 171.152. GENERAL CONTRACT POWERS. A district may  
1-58 contract with any person, including:

1-59 (1) a county or municipality, including a county or  
1-60 municipality that is a member of [created] the district;

1-61 (2) this state or any political subdivision of this  
1-62 state;

1-63 (3) the United States; or

1-64 (4) a railroad.

2-1 SECTION 6. Subsection (a), Section 171.301, Transportation  
2-2 Code, is amended to read as follows:

2-3 (a) A county or municipality that is a member of ~~[created]~~  
2-4 the district may petition the board for approval to withdraw from  
2-5 the district. The board may approve the petition only if:

2-6 (1) the district has no outstanding bonds; or

2-7 (2) the district has debt other than bonds and the  
2-8 board finds that the withdrawal of the county or municipality will  
2-9 not materially affect the ability of the district to repay the debt.

2-10 SECTION 7. This Act takes effect immediately if it receives  
2-11 a vote of two-thirds of all the members elected to each house, as  
2-12 provided by Section 39, Article III, Texas Constitution. If this  
2-13 Act does not receive the vote necessary for immediate effect, this  
2-14 Act takes effect September 1, 2011.

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