

BILL ANALYSIS

C.S.S.B. 948
By: Nelson
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Denton County Transportation Authority is a coordinated county transportation authority that serves what is reported to be one of the fastest growing counties in the nation, and interested parties assert that the authority requires statutory flexibility to meet the needs of its community. C.S.S.B. 948 seeks to provide this flexibility by refining and updating the provisions governing this authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 948 amends the Transportation Code to redefine "local government," for purposes of the Texas Transportation Corporation Act, to include a coordinated county transportation authority. The bill expands the membership of the interim executive committee of a coordinated county transportation authority to include one member appointed by the governing body of each municipality in the county with a population of more than 500 but less than 12,000 that designates a public transportation financing area; enters into an agreement with the authority to provide public transportation services in the public transportation financing area; and did not approve the designation of any member designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county. The bill establishes that a private operator who contracts with an authority is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function. The bill authorizes an authority to contract for persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system.

C.S.S.B. 948 expands the eligibility requirements for appointment to the board of directors of a coordinated county transportation authority to require residence either in the territory of the authority or, if outside that territory, in a municipality that is located partly in the authority's territory. The bill revises the circumstances in which such a board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals to make those provisions applicable to such negotiation of a contract that is for the lease or purchase of an interest in land, rather than to a contract just for the purchase of land or a right-of-way; a contract that is for an authority project and awarded for alternate project delivery using the job order contracts method as well as contracts awarded for alternate project delivery using the construction manager-agent method, the construction manager-at-risk method, and the building using design-build method; and also to a contract that is for fare enforcement officer services.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 948 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subdivision (3), Section 431.003, Transportation Code, is amended.

SECTION 2. Subsection (b), Section 460.054, Transportation Code, is amended to read as follows:

(b) The interim executive committee is composed of:

(1) one member appointed by the governing body of each municipality with a population of 12,000 or more that is located in the county;

(2) three members appointed by the commissioners court, two of whom must reside in the unincorporated area of the county; ~~and~~

(3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county; and

(4) one member appointed by the governing body of each municipality in the county with a population of more than 500 but less than 12,000 that:

(A) designates a public transportation financing area under Section 460.603; and

(B) enters into an agreement with the authority to provide public transportation services in the public transportation financing area under Subchapter I.

SECTION 3. Section 460.105, Transportation Code, is amended.

SECTION 4. Subsection (a), Section 460.1092, Transportation Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version except for recitation.

SECTION 2. Section 460.054(b), Transportation Code, is amended to read as follows:

(b) The interim executive committee is composed of:

(1) one member appointed by the governing body of each municipality with a population of 12,000 or more that is located in the county;

(2) three members appointed by the commissioners court, two of whom must reside in the unincorporated area of the county; ~~and~~

(3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county; and

(4) one member appointed by the governing body of each municipality in the county with a population of more than 500 but less than 12,000 that:

(A) designates a public transportation financing area under Section 460.603;

(B) enters into an agreement with the authority to provide public transportation services in the public transportation financing area under Subchapter I; and

(C) did not approve the designation of any member designated under Subdivision (3).

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version except for recitation.

SECTION 5. Subsection (a), Section 460.2015, Transportation Code, is amended.

SECTION 5. Same as engrossed version except for recitation.

No equivalent provision.

SECTION 6. Section 460.202, Transportation Code, is amended to read as follows:

Sec. 460.202. ELIGIBILITY. To be eligible for appointment to the board of directors, a person must:

(1) have professional experience in the field of transportation, business, government, engineering, or law; and

(2) reside:

(A) in the territory of the authority; or

(B) outside the territory of the authority in a municipality that is located partly in the territory of the authority.

SECTION 6. Subsection (c), Section 460.406, Transportation Code, is amended.

SECTION 7. Same as engrossed version except for recitation.

SECTION 7. Subsection (c), Section 460.105, Transportation Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 8. Same as engrossed version except for recitation.

SECTION 8. This Act takes effect September 1, 2013.

SECTION 9. Same as engrossed version.