

By: Larson

H.B. No. 121

A BILL TO BE ENTITLED

AN ACT

relating to requiring that members of the governing board of certain metropolitan rapid transit authorities be elected.

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

SECTION 1. Section 451.502(f), Transportation Code, is amended to read as follows:

(f) This section does not apply to the board of an authority described by Section 451.5021(a) or 451.5022.

SECTION 2. Subchapter K, Chapter 451, Transportation Code, is amended by adding Section 451.5022 to read as follows:

Sec. 451.5022. ELECTION OF MEMBERS; CERTAIN AUTHORITIES.

(a) In an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, the board members are elected by a majority of the registered voters of the authority in an election for that purpose held on the uniform election date in November.

(b) Each board member serves a staggered term of two years.

SECTION 3. Section 451.504, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] vacancy on a board is filled by the person or entity that appointed the member who was in the position that is vacant. If confirmation of the previous position was required, confirmation of the vacancy

1 appointment is required in the same manner.

2 (a-1) A vacancy on a board elected under Section 451.5022 is  
3 filled by appointment of the remaining members.

4 SECTION 4. Sections 451.506(a) and (b), Transportation  
5 Code, are amended to read as follows:

6 (a) A member of the board may be reappointed or reelected  
7 except as provided by this section.

8 (b) An individual may not serve more than eight years on the  
9 same board and may not be appointed or elected to a term for which  
10 service to the completion of the term would exceed this  
11 limitation. This subsection applies only to a board of an  
12 authority:

13 (1) in which the principal municipality has a  
14 population of more than 1.9 million or less than 320,000; or

15 (2) created before 1980 and in which the principal  
16 municipality has a population of less than 1.9 million.

17 SECTION 5. Section 451.509, Transportation Code, is amended  
18 by amending Subsection (c) and adding Subsection (c-1) to read as  
19 follows:

20 (c) In an authority in which the principal municipality has  
21 a population of more than 850,000, a member of a [the] board that is  
22 exclusively appointed may be removed for any ground described by  
23 Section 451.510 by the person or entity that appointed the  
24 member. If the person who appointed the member is the mayor of the  
25 principal municipality, the removal is by recommendation of the  
26 mayor and confirmation by the municipality's governing body. If  
27 the member to be removed was appointed by the mayor of the principal

1 municipality, the statement required by Section 451.511(a) shall be  
2 given by the mayor, and confirmation of removal by the governing  
3 body of the municipality is necessary.

4 (c-1) In an authority in which the board is elected under  
5 Section 451.5022, a member of the board may be removed for any  
6 ground described by Section 451.510 by a majority of the board  
7 members. The member who is the subject of the removal vote is not  
8 eligible to participate in the vote.

9 SECTION 6. Section 451.510, Transportation Code, is amended  
10 to read as follows:

11 Sec. 451.510. GROUNDS FOR REMOVAL FROM BOARD. The grounds  
12 for removal of a member of a board are:

- 13 (1) inefficiency in office;
- 14 (2) nonfeasance or malfeasance in office;
- 15 (3) not having at the time of election or appointment  
16 or not maintaining during service on the board the qualifications  
17 for office described by Section 451.507;
- 18 (4) a violation of Chapter 171, Local Government Code,  
19 or Section 451.112;
- 20 (5) the inability, because of illness or disability,  
21 to discharge the member's duties of office during a substantial  
22 part of the term for which the member is appointed; and
- 23 (6) absence, without having been excused by a majority  
24 vote of the board, from more than one-half of the regularly  
25 scheduled board meetings that the member is eligible to attend  
26 during a calendar year.

27 SECTION 7. Section 451.513, Transportation Code, is amended

1 by amending Subsections (b), (d), and (e) and adding Subsection  
2 (b-1) to read as follows:

3 (b) In an authority in which members of the board are  
4 exclusively appointed, the [~~The~~] entity that confirmed a board  
5 member who was appointed, or if there is no confirmation, the entity  
6 that appointed a board member, shall take action under this section  
7 to remove the member or to reconfirm the member's appointment:

8 (1) on receipt of notice from the secretary of state  
9 that a valid recall petition was presented to the entity; or

10 (2) if the secretary of state fails to notify the  
11 entity as required by Subsection (d).

12 (b-1) In an authority in which the board is elected under  
13 Section 451.5022, the board, other than the member who is the  
14 subject of the recall, may take action to remove the member:

15 (1) on receipt of notice from the secretary of state  
16 that a valid recall petition was presented to the board; or

17 (2) if the secretary of state fails to notify the board  
18 as required by Subsection (d).

19 (d) After receiving a petition under this section the entity  
20 or board shall send it to the secretary of state. The secretary of  
21 state shall, not later than the 10th day after the date the petition  
22 is received, determine whether the petition is valid and notify the  
23 entity or board, as appropriate, of the determination.

24 (e) Not later than the 30th day after the date a member is  
25 removed under this section, the vacancy shall be filled as  
26 otherwise provided by this chapter, except that the individual  
27 removed by recall may not be appointed or reappointed to fill the

1 vacancy. Beginning on the day after the date of the removal, the  
2 individual removed may not be appointed or elected to any other  
3 position on the board for a period equal to the normal term of  
4 office for a board member.

5 SECTION 8. Section 451.516, Transportation Code, is amended  
6 to read as follows:

7 Sec. 451.516. INCREASE OF MEMBERSHIP: CONTINUITY. If the  
8 membership of a board is increased under Section 451.501, the board  
9 as constituted immediately before the increase may continue as the  
10 board of the authority until the additional members are appointed  
11 or elected and seated.

12 SECTION 9. Members of the governing board of a metropolitan  
13 rapid transit authority created before 1980 in which the principal  
14 municipality has a population of less than 1.9 million shall be  
15 elected pursuant to Section 451.5022, Transportation Code, as added  
16 by this Act, in November 2013. The terms of the members of the  
17 governing board elected in November 2013 shall commence on January  
18 2, 2014. The members elected shall draw lots for the appropriate  
19 number of one-year and two-year terms as needed to establish  
20 staggered terms as required by Section 451.5022(b), Transportation  
21 Code, as added by this Act.

22 SECTION 10. This Act takes effect September 1, 2013.