

By: Parker

H.B. No. 2339

A BILL TO BE ENTITLED

AN ACT

relating to management of a coordinated county transportation authority.

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

SECTION 1. Section 431.003(3), Transportation Code, is amended to read as follows:

(3) "Local government" means:

(A) a municipality;

(B) a county; or

(C) for purposes of Subchapter D:

(i) ~~[r]~~ a navigation district, hospital district, or hospital authority;

(ii) ~~[r—or]~~ a regional transportation authority governed by Chapter 452; or

(iii) a coordinated county transportation authority governed by Chapter 460 ~~[as described by Section 452.001].~~

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

1 court, two of whom must reside in the unincorporated area of the  
2 county; ~~and~~

3 (3) three members to be designated by the remaining  
4 municipalities with a population of more than 500 but less than  
5 12,000 located in the county; and

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

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

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

14 SECTION 3. Section 460.105, Transportation Code, is amended  
15 by adding Subsection (c) to read as follows:

16 (c) A private operator who contracts with an authority under  
17 this chapter is not a public entity for purposes of any law of this  
18 state except that an independent contractor of the authority that  
19 performs a function of the authority is liable for damages only to  
20 the extent that the authority would be liable if the authority or  
21 entity itself were performing the function.

22 SECTION 4. Section 460.1092(a), Transportation Code, is  
23 amended to read as follows:

24 (a) An authority may employ or contract for persons to serve  
25 as fare enforcement officers to enforce the payment of fares for use  
26 of the public transportation system by:

27 (1) requesting and inspecting evidence showing

1 payment of the appropriate fare from a person using the public  
2 transportation system; and

3 (2) issuing a citation to a person described by  
4 Section 460.1091(d).

5 SECTION 5. Section 460.2015(a), Transportation Code, is  
6 amended to read as follows:

7 (a) The board of directors of an authority confirmed under  
8 Subchapter B may increase the population amount stated by Section  
9 460.054(b)(1) in increments of up to 5,000. If the board increases  
10 that population amount, the board shall also increase each  
11 population amount stated by Sections 460.054(b)(3), (b)(4), and (c)  
12 [~~460.054(e)~~] by the same amount.

13 SECTION 6. Section 460.406(c), Transportation Code, is  
14 amended to read as follows:

15 (c) The board of directors may authorize the negotiation of  
16 a contract without competitive sealed bids or proposals if:

17 (1) the aggregate amount involved in the contract is  
18 \$50,000 or less;

19 (2) the contract is for construction for which not  
20 more than one bid or proposal is received;

21 (3) the contract is for services or property for which  
22 there is only one source or for which it is otherwise impracticable  
23 to obtain competition;

24 (4) the contract is to respond to an emergency for  
25 which the public exigency does not permit the delay incident to the  
26 competitive process;

27 (5) the contract is for personal or professional

1 services or services for which competitive bidding is precluded by  
2 law;

3 (6) the contract, without regard to form and which may  
4 include bonds, notes, loan agreements, or other obligations, is for  
5 the purpose of borrowing money or is a part of a transaction  
6 relating to the borrowing of money, including:

7 (A) a credit support agreement, such as a line or  
8 letter of credit or other debt guaranty;

9 (B) a bond, note, debt sale or purchase, trustee,  
10 paying agent, remarketing agent, indexing agent, or similar  
11 agreement;

12 (C) an agreement with a securities dealer,  
13 broker, or underwriter; and

14 (D) any other contract or agreement considered by  
15 the board of directors to be appropriate or necessary in support of  
16 the authority's financing activities;

17 (7) the contract is for work that is performed and paid  
18 for by the day as the work progresses;

19 (8) the contract is for the lease or purchase of an  
20 interest in land [~~or a right-of-way~~];

21 (9) the contract is for the purchase of personal  
22 property sold:

23 (A) at an auction by a state licensed auctioneer;

24 (B) at a going out of business sale held in  
25 compliance with Subchapter F, Chapter 17, Business & Commerce Code;  
26 or

27 (C) by a political subdivision of this state, a

1 state agency, or an entity of the federal government;

2 (10) the contract is for services performed by blind  
3 or severely disabled persons;

4 (11) the contract is for the purchase of electricity;  
5 [~~or~~]

6 (12) the contract is one for an authority project and  
7 awarded for alternate project delivery using the procedures under  
8 Subchapters E, F, [~~and~~] G, and I, Chapter 2267, Government Code, as  
9 added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,  
10 Regular Session, 2011; or

11 (13) the contract is for fare enforcement officer  
12 services under Section 460.1092.

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

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