

1-1 By: Nelson S.B. No. 948
 1-2 (In the Senate - Filed February 28, 2013; March 12, 2013,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 26, 2013, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 26, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to management of a coordinated county transportation
 1-20 authority.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subdivision (3), Section 431.003,
 1-23 Transportation Code, is amended to read as follows:

1-24 (3) "Local government" means:

1-25 (A) a municipality;

1-26 (B) a county; or

1-27 (C) for purposes of Subchapter D:

1-28 (i) ~~[-]~~ a navigation district, hospital
 1-29 district, or hospital authority;

1-30 (ii) ~~[-or]~~ a regional transportation
 1-31 authority governed by Chapter 452; or

1-32 (iii) a coordinated county transportation
 1-33 authority governed by Chapter 460 ~~[as described by Section~~
 1-34 ~~452.001]~~.

1-35 SECTION 2. Subsection (b), Section 460.054, Transportation
 1-36 Code, is amended to read as follows:

1-37 (b) The interim executive committee is composed of:

1-38 (1) one member appointed by the governing body of each
 1-39 municipality with a population of 12,000 or more that is located in
 1-40 the county;

1-41 (2) three members appointed by the commissioners
 1-42 court, two of whom must reside in the unincorporated area of the
 1-43 county; ~~[and]~~

1-44 (3) three members to be designated by the remaining
 1-45 municipalities with a population of more than 500 but less than
 1-46 12,000 located in the county; and

1-47 (4) one member appointed by the governing body of each
 1-48 municipality in the county with a population of more than 500 but
 1-49 less than 12,000 that:

1-50 (A) designates a public transportation financing
 1-51 area under Section 460.603; and

1-52 (B) enters into an agreement with the authority
 1-53 to provide public transportation services in the public
 1-54 transportation financing area under Subchapter I.

1-55 SECTION 3. Section 460.105, Transportation Code, is amended
 1-56 by adding Subsection (c) to read as follows:

1-57 (c) A private operator who contracts with an authority under
 1-58 this chapter is not a public entity for purposes of any law of this
 1-59 state except that an independent contractor of the authority that
 1-60 performs a function of the authority is liable for damages only to
 1-61 the extent that the authority would be liable if the authority or

2-1 entity itself were performing the function.

2-2 SECTION 4. Subsection (a), Section 460.1092,
2-3 Transportation Code, is amended to read as follows:

2-4 (a) An authority may employ or contract for persons to serve
2-5 as fare enforcement officers to enforce the payment of fares for use
2-6 of the public transportation system by:

2-7 (1) requesting and inspecting evidence showing
2-8 payment of the appropriate fare from a person using the public
2-9 transportation system; and

2-10 (2) issuing a citation to a person described by
2-11 Section 460.1091(d).

2-12 SECTION 5. Subsection (a), Section 460.2015,
2-13 Transportation Code, is amended to read as follows:

2-14 (a) The board of directors of an authority confirmed under
2-15 Subchapter B may increase the population amount stated by Section
2-16 460.054(b)(1) in increments of up to 5,000. If the board increases
2-17 that population amount, the board shall also increase each
2-18 population amount stated by Sections 460.054(b)(3), (b)(4), and (c)
2-19 [460.054(e)] by the same amount.

2-20 SECTION 6. Subsection (c), Section 460.406, Transportation
2-21 Code, is amended to read as follows:

2-22 (c) The board of directors may authorize the negotiation of
2-23 a contract without competitive sealed bids or proposals if:

2-24 (1) the aggregate amount involved in the contract is
2-25 \$50,000 or less;

2-26 (2) the contract is for construction for which not
2-27 more than one bid or proposal is received;

2-28 (3) the contract is for services or property for which
2-29 there is only one source or for which it is otherwise impracticable
2-30 to obtain competition;

2-31 (4) the contract is to respond to an emergency for
2-32 which the public exigency does not permit the delay incident to the
2-33 competitive process;

2-34 (5) the contract is for personal or professional
2-35 services or services for which competitive bidding is precluded by
2-36 law;

2-37 (6) the contract, without regard to form and which may
2-38 include bonds, notes, loan agreements, or other obligations, is for
2-39 the purpose of borrowing money or is a part of a transaction
2-40 relating to the borrowing of money, including:

2-41 (A) a credit support agreement, such as a line or
2-42 letter of credit or other debt guaranty;

2-43 (B) a bond, note, debt sale or purchase, trustee,
2-44 paying agent, remarketing agent, indexing agent, or similar
2-45 agreement;

2-46 (C) an agreement with a securities dealer,
2-47 broker, or underwriter; and

2-48 (D) any other contract or agreement considered by
2-49 the board of directors to be appropriate or necessary in support of
2-50 the authority's financing activities;

2-51 (7) the contract is for work that is performed and paid
2-52 for by the day as the work progresses;

2-53 (8) the contract is for the lease or purchase of an
2-54 interest in land ~~[or a right-of-way]~~;

2-55 (9) the contract is for the purchase of personal
2-56 property sold:

2-57 (A) at an auction by a state licensed auctioneer;

2-58 (B) at a going out of business sale held in
2-59 compliance with Subchapter F, Chapter 17, Business & Commerce Code;
2-60 or

2-61 (C) by a political subdivision of this state, a
2-62 state agency, or an entity of the federal government;

2-63 (10) the contract is for services performed by blind
2-64 or severely disabled persons;

2-65 (11) the contract is for the purchase of electricity;
2-66 ~~[or]~~

2-67 (12) the contract is one for an authority project and
2-68 awarded for alternate project delivery using the procedures under
2-69 Subchapters E, F, ~~[and]~~ G, and I, Chapter 2267, Government Code, as

3-1 added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,
3-2 Regular Session, 2011; or
3-3 (13) the contract is for fare enforcement officer
3-4 services under Section 460.1092.

3-5 SECTION 7. Subsection (c), Section 460.105, Transportation
3-6 Code, as added by this Act, applies only to a cause of action that
3-7 accrues on or after the effective date of this Act. A cause of
3-8 action that accrues before the effective date of this Act is
3-9 governed by the law in effect immediately before that date, and that
3-10 law is continued in effect for that purpose.

3-11 SECTION 8. This Act takes effect September 1, 2013.

3-12 * * * * *