

## **BILL ANALYSIS**

C.S.S.B. 1184  
By: Huffines  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Regional mobility authorities, interested parties note, are political subdivisions formed by one or more counties to finance, acquire, design, construct, operate, maintain, expand, or extend transportation projects, which may be tolled. At the time of their creation, the parties report, it was envisioned that these authorities would provide more local control and investment in significant regional projects. The parties suggest that, given the broad powers of a regional mobility authority, such as the power to issue bonds, collect tolls, and condemn private property, lawmakers and Texans deserve a full understanding of how funds have been used by the existing authorities and whether those funds are being used effectively and efficiently.

In addition, the parties suggest that it would be beneficial to the operations of regional mobility authorities if commissioners courts of the counties of an authority could establish a board of directors for an authority to be composed exclusively of county commissioners, as an alternative to the way a board of directors is currently formed under the Regional Mobility Authority Act. C.S.S.B. 1184 seeks to provide a means of gaining a better understanding of the use of funds of regional mobility authorities and to provide for the establishment of an alternative means of governance of regional mobility authorities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 1184 amends the Transportation Code to authorize the commissioners courts of counties and governing bodies of municipalities, as applicable, that participate in a regional mobility authority, to request, by a resolution approved by a majority of the members of each of the commissioners courts or governing bodies, an audit of the authority by the state auditor.

C.S.S.B. 1184 authorizes the commissioners courts of the counties of a regional mobility authority to establish, by a resolution approved by at least two-thirds of the members of each of the commissioners courts, a board of directors for the authority that is composed exclusively of county commissioners appointed by each of the commissioners courts as an alternative to the board composition established under the Regional Mobility Authority Act. The bill makes provisions of that act relating to the board of directors of an authority applicable to the directors of the alternatively established board, except for a provision making an elected official ineligible to serve as director, and requires the county commissioner directors, for such an alternatively

established board, to choose a director among the directors to serve as the presiding officer of the board in lieu of the governor's appointee. The bill makes inapplicable to an alternatively established board certain provisions of the act relating to the following: a board composition proposal by a turnpike authority; prohibited conduct for directors and employees; the filing of a financial statement by a director; the applicability of conflicts of interest law to directors; applicability of nepotism laws; surety bonds; the removal of a director; and the compensation of a director.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1184 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Section 370.182, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An authority is subject to audit by the state auditor in accordance with Chapter 321, Government Code. The state auditor shall consider risk assessment information relating to the performance of authorities in developing the annual audit plan required under Chapter 321, Government Code.

No equivalent provision. (*But see SECTION 1 above.*)

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (*But see SECTION 1 below.*)

SECTION 1. Section 370.182, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners courts of counties and governing bodies of municipalities, as applicable, that participate in an authority may, by a resolution approved by a majority of the members of each of the commissioners courts or governing bodies, request an audit of the authority by the state auditor.

SECTION 2. Subchapter F, Chapter 370, Transportation Code, is amended by adding Section 370.2516 to read as follows:

Sec. 370.2516. ALTERNATIVE BOARD COMPOSITION: COUNTY COMMISSIONERS. As an alternative to the board composition under Section 370.251(a), the commissioners courts of

the counties of an authority may, by a resolution approved by at least two-thirds of the members of each of the commissioners courts, establish a board of directors for the authority that is composed exclusively of county commissioners appointed by each of the commissioners courts. If a board is established under this section:

(1) except as provided by Subdivision (2), the provisions of Section 370.251, other than Section 370.251(g)(1), apply to the directors;

(2) the county commissioner directors shall choose a director from among the directors to serve as the presiding officer in lieu of the governor's appointee; and

(3) Sections 370.2515, 370.252, 370.2521, 370.2522, 370.2523, 370.253, 370.254, and 370.255 do not apply to the board.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 3. Same as engrossed version.