

By: Coleman

H.B. No. 3228

A BILL TO BE ENTITLED

AN ACT

relating to the governing body of certain metropolitan rapid transit authorities.

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

SECTION 1. Section 451.501, Transportation Code, is amended by amending Subsections (a) and (f) and adding Subsection (e-1) to read as follows:

(a) Except as provided by Subsection (b), a board is composed of:

(1) five members; and ~~[plus]~~

(2) the number of additional members determined under Subsection (c), (d), ~~[or]~~ (e), or (e-1).

(e-1) Notwithstanding Subsection (c), (d), or (e), if the population of the principal county is greater than four million, the board has six additional members.

(f) In this section and Sections ~~[Section]~~ 451.502 and 451.504, "principal county" means the county in which not less than 51 percent of the territory of the principal municipality is located.

SECTION 2. Section 451.504, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d), (e), (f), and (g) to read as follows:

(a) Except as provided by Subsections (d) and (e), a ~~[A]~~ vacancy on a board is filled by the person or entity that appointed

1 the member who was in the position that is vacant. If confirmation
2 of the previous position was required, confirmation of the vacancy
3 appointment is required in the same manner.

4 (d) If the appropriate appointing entity under Section
5 451.502 does not make an appointment to fill a vacancy on or before
6 the 45th day after the date the vacancy was created, a substitute
7 appointing entity shall appoint a person to the position as
8 follows:

9 (1) for a board position under Section 451.502(a), the
10 board member is appointed by the commissioners court of the
11 principal county;

12 (2) for a board position under Section 451.502(e)(1),
13 the board member is appointed by the mayor of the principal
14 municipality and subject to confirmation by the governing body of
15 the principal municipality; and

16 (3) for a board position under Section 451.502(e)(2),
17 the board member is appointed by a panel composed of:

18 (A) the mayors of municipalities in the
19 authority, excluding the mayor of the principal municipality; and

20 (B) the county judges of the counties having
21 unincorporated area in the authority, excluding the county judge of
22 the principal county.

23 (e) If a substitute appointing entity does not make an
24 appointment required under Subsection (d) on or before the 90th day
25 after the date on which the vacancy was created, the governor shall
26 appoint a person to the position, with the advice and consent of the
27 senate.

1 (f) A substitute appointing entity and the governor may not
2 appoint a person to a position under Subsection (d) or (e), as
3 appropriate, in which the person was serving immediately before the
4 vacancy.

5 (g) Subsections (d), (e), and (f) apply only to an authority
6 described by Section 451.501(e-1).

7 SECTION 3. Section 451.505, Transportation Code, is amended
8 by adding Subsection (c) to read as follows:

9 (c) Board members of an authority described by Section
10 451.501(e-1) serve staggered two-year terms as follows:

11 (1) of the five board members appointed under Section
12 451.502(a), three members serve terms expiring October 1 of each
13 odd-numbered year and two members serve terms expiring October 1 of
14 each even-numbered year;

15 (2) of the two board members appointed under Section
16 451.502(e)(1), one member serves a term expiring October 1 of each
17 odd-numbered year and one member serves a term expiring October 1 of
18 each even-numbered year;

19 (3) of the three board members appointed under Section
20 451.502(e)(2), two members serve terms expiring October 1 of each
21 odd-numbered year and one member serves a term expiring October 1 of
22 each even-numbered year; and

23 (4) the board member appointed as presiding officer
24 under Section 451.502(e)(3) serves a term expiring October 1 of
25 each odd-numbered year.

26 SECTION 4. Section 451.506, Transportation Code, is amended
27 by amending Subsections (a) and (b) and adding Subsection (e) to

1 read as follows:

2 (a) A member of the board may be reappointed except as
3 provided by Section 451.504(f) and this section.

4 (b) An individual may not serve more than eight years on the
5 same board and may not be appointed to a term for which service to
6 the completion of the term would exceed this limitation. This
7 subsection applies only to a board of an authority:

8 (1) in which the principal municipality has a
9 population of more than 1.9 million or less than 320,000; ~~[or]~~

10 (2) created before 1980 and in which the principal
11 municipality has a population of less than 1.9 million; or

12 (3) described by Section 451.501(e-1).

13 (e) Holdover service by a board member of an authority
14 described by Section 451.501(e-1) may not exceed 45 days.

15 SECTION 5. (a) In this section, "board" means the governing
16 body of a rapid transit authority created under Chapter 451,
17 Transportation Code, or under former Chapter 141 (S.B. 642), Acts
18 of the 63rd Legislature, Regular Session, 1973 (Article 1118x,
19 Vernon's Texas Civil Statutes).

20 (b) On the effective date of this Act, a member of a board
21 described by Section 451.501(e-1), as added by this Act, other than
22 a holdover pending a reappointment of a successor, is reappointed
23 to the board for a new term as provided by this section unless
24 service to the completion of the term would cause the member to
25 violate the term limitation under Section 451.506(b),
26 Transportation Code, as amended by this Act. If so, the appropriate
27 appointing entity under Section 451.502, Transportation Code,

1 shall appoint a different person to the board.

2 (c) For reappointments and appointments to the board under
3 Subsection (b) of this section, the appropriate appointing entity
4 shall designate or appoint board members to serve terms expiring
5 October 1, 2015, or October 1, 2016, in accordance with Section
6 [451.505](#), Transportation Code, as amended by this Act.

7 SECTION 6. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section [39](#), Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.