

A BILL TO BE ENTITLED

AN ACT

relating to the composition of 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), (c), (d), 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).

(c) Notwithstanding Subsection (e-1), if ~~if~~ less than 50 percent of the population of the principal county, excluding the population of the principal municipality, reside in the authority, the board has two additional members.

(d) Notwithstanding Subsection (e-1), if ~~if~~ 50 percent or more but less than 75 percent of the population of the principal county, excluding the population of the principal municipality, reside in the authority, the board has four additional members.

(e-1) 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

1 51 percent of the territory of the principal municipality is
2 located.

3 SECTION 2. Section 451.502(e), Transportation Code, is
4 amended to read as follows:

5 (e) In an authority having six additional members, the
6 additional members are appointed as follows:

7 (1) two members appointed by a panel composed of:

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

10 (B) the county judges of the counties having
11 unincorporated area in the authority, excluding the county judge of
12 the principal county;

13 (2) three members appointed by the commissioners court
14 of the principal county; and

15 (3) one member, who serves as presiding officer of the
16 board, appointed by a majority of the board from its then-current
17 membership.

18 SECTION 3. Section 451.504, Transportation Code, is amended
19 by amending Subsection (a) and adding Subsections (d), (e), (f),
20 and (g) to read as follows:

21 (a) Except as provided by Subsections (d) and (e), a [A]
22 vacancy on a board is filled by the person or entity that appointed
23 the member who was in the position that is vacant. If confirmation
24 of the previous position was required, confirmation of the vacancy
25 appointment is required in the same manner.

26 (d) If the appropriate appointing entity under Section
27 451.502 fails to make an appointment to fill a vacancy in certain

1 board positions on or before the 45th day after the date the vacancy
2 was created, appointment to the position shall be made by a
3 substitute appointing entity as follows:

4 (1) for a board position under Section 451.502(a), the
5 board member is appointed by the commissioners court of the
6 principal county;

7 (2) for a board position under Section 451.502(e)(1),
8 the board member is appointed by the mayor of the principal
9 municipality and subject to confirmation by the governing body of
10 the principal municipality;

11 (3) for a board position appointed under Section
12 451.502(e)(2), the board member is appointed by a panel composed of
13 the mayors of the municipalities in the authority, excluding the
14 mayor of the principal municipality, and the county judges of the
15 counties having unincorporated area in the authority, excluding the
16 county judge of the principal county; and

17 (4) for the board position appointed under Section
18 451.502(e)(3), the board member is appointed jointly by the mayor
19 of the principal municipality and the county judge of the principal
20 county.

21 (e) If a substitute appointing entity fails to make an
22 appointment required under Subsection (d) on or before the 90th day
23 after the date on which the vacancy was created, the mayor of the
24 principal municipality and the county judge of the principal county
25 shall jointly appoint a person to the position.

26 (f) A substitute appointing entity acting individually or
27 the mayor of the principal municipality and the county judge of the

1 principal county acting jointly may not appoint a person to a
2 position under Subsection (d) or (e), as appropriate, in which the
3 person was serving immediately before the vacancy.

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

6 SECTION 4. Section 451.505, Transportation Code, is amended
7 by adding Subsection (c) to read as follows:

8 (c) Board members of an authority described by Section
9 451.501(e) or (e-1) serve staggered two-year terms. In such an
10 authority:

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

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

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

26 SECTION 5. Section 451.506, Transportation Code, is amended
27 by amending Subsection (b) and adding Subsection (e) to read as

1 follows:

2 (b) An individual may not serve more than 12 [~~eight~~] years
3 on the [~~same~~] board and may not be appointed to a term for which
4 service to the completion of the term would exceed this limitation.
5 This subsection applies only to a board of an authority:

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

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

10 (3) described by Section 451.501(e) or (e-1).

11 (e) Holdover service by a board member of an authority
12 described by Section 451.501(e) or (e-1) may not exceed 45 days. If
13 a qualified successor is not appointed during the 45-day holdover
14 period, the position is vacated and subject to appointment under
15 Section 451.504(d). A holdover board member who is not reappointed
16 during the 45-day holdover period is ineligible for appointment to
17 the position.

18 SECTION 6. (a) This section applies only to the governing
19 body of a metropolitan rapid transit authority described by Section
20 451.501(e), Transportation Code, or Section 451.501(e-1),
21 Transportation Code, as added by this Act.

22 (b) Notwithstanding any contrary provision of Subchapter K,
23 Chapter 451, Transportation Code:

24 (1) a member of a governing body who is serving on the
25 effective date of this Act, other than a member serving as a
26 holdover pending appointment of a successor, is, except as provided
27 by Subdivision (2) of this subsection, reappointed to the member's

1 position as follows:

2 (A) except as provided by Paragraph (B) of this
3 subdivision, a member whose term ends in an even-numbered year is
4 reappointed to a term expiring April 1, 2016, and a member whose
5 term ends in an odd-numbered year is reappointed to a term expiring
6 April 1, 2017; and

7 (B) a member serving as presiding officer of the
8 body is reappointed to a term expiring April 1, 2018; and

9 (2) a member of a governing body, including a
10 presiding officer, who has served 12 years or more on the body
11 before the effective date of this Act is ineligible to serve on the
12 body on or after that date, and any such member's position is
13 vacated.

14 SECTION 7. The change in law made by this Act applies to a
15 member of a metropolitan rapid transit authority appointed before,
16 on, or after the effective date of this Act.

17 SECTION 8. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.