

1-1 By: Bettencourt S.B. No. 2059  
 1-2 (In the Senate - Filed April 17, 2015; April 20, 2015, read  
 1-3 first time and referred to Committee on Intergovernmental  
 1-4 Relations; April 30, 2015, reported favorably by the following  
 1-5 vote: Yeas 5, Nays 1; April 30, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell	X			
1-10 Garcia		X		
1-11 Menéndez	X			
1-12 Nichols			X	
1-13 Taylor of Galveston	X			
1-14				

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the composition of the governing body of certain  
 1-18 metropolitan rapid transit authorities.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 451.501, Transportation Code, is amended  
 1-21 by amending Subsections (a), (c), (d), and (f) and adding  
 1-22 Subsection (e-1) to read as follows:

1-23 (a) Except as provided by Subsection (b), a board is  
 1-24 composed of:

- 1-25 (1) five members; ~~and [plus]~~
- 1-26 (2) the number of additional members determined under

1-27 Subsection (c), (d), ~~[or] (e), or (e-1)~~.  
 1-28 (c) Notwithstanding Subsection (e-1), if ~~[if]~~ less than 50  
 1-29 percent of the population of the principal county, excluding the  
 1-30 population of the principal municipality, reside in the authority,  
 1-31 the board has two additional members.

1-32 (d) Notwithstanding Subsection (e-1), if ~~[if]~~ 50 percent or  
 1-33 more but less than 75 percent of the population of the principal  
 1-34 county, excluding the population of the principal municipality,  
 1-35 reside in the authority, the board has four additional members.

1-36 (e-1) If the population of the principal county is greater  
 1-37 than four million, the board has six additional members.

1-38 (f) In this section and Sections ~~[Section]~~ 451.502 and  
 1-39 451.504, "principal county" means the county in which not less than  
 1-40 51 percent of the territory of the principal municipality is  
 1-41 located.

1-42 SECTION 2. Section 451.504, Transportation Code, is amended  
 1-43 by amending Subsection (a) and adding Subsections (d), (d-1), and  
 1-44 (d-2) to read as follows:

1-45 (a) Except as provided by Subsections (d) and (d-1), a ~~[A]~~  
 1-46 vacancy on a board is filled by the person or entity that appointed  
 1-47 the member who was in the position that is vacant. If confirmation  
 1-48 of the previous position was required, confirmation of the vacancy  
 1-49 appointment is required in the same manner.

1-50 (d) If the appropriate appointing entity under Section  
 1-51 451.502 fails to make an appointment to fill a vacancy in certain  
 1-52 board positions on or before 45 days after the date the vacancy was  
 1-53 created, appointment to the position shall be made by a substitute  
 1-54 appointing entity as follows:

1-55 (1) for a board position under Section 451.502(a), the  
 1-56 board member is appointed by the commissioners court of the  
 1-57 principal county;

1-58 (2) for a board position under Section 451.502(e)(1),  
 1-59 the board member is appointed by the mayor of the principal  
 1-60 municipality and subject to confirmation by the governing body of  
 1-61 the principal municipality; and

2-1 (3) for a board position appointed under Section  
2-2 451.502(e)(2), the board member is appointed by a panel composed of  
2-3 the mayors of the municipalities in the authority, excluding the  
2-4 mayor of the principal municipality, and the county judges of the  
2-5 counties having unincorporated area in the authority, excluding the  
2-6 county judge of the principal county.

2-7 (d-1) If a substitute appointing entity fails to make an  
2-8 appointment required under Subsection (d) on or before 90 days  
2-9 after the date on which the vacancy was created, appointment to the  
2-10 position shall be made by the governor, with the advice and consent  
2-11 of the senate.

2-12 (d-2) Subsections (d) and (d-1) apply only to an authority  
2-13 described by Section 451.501(e) or (e-1).

2-14 SECTION 3. Section 451.505, Transportation Code, is amended  
2-15 by adding Subsection (c) to read as follows:

2-16 (c) Board members of an authority described by Section  
2-17 451.501(e) or (e-1) serve staggered two-year terms. In such an  
2-18 authority:

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

2-23 (2) of the two board members appointed under Section  
2-24 451.502(e)(1), one member serves a term expiring October 1 of each  
2-25 odd-numbered year and one member serves a term expiring October 1 of  
2-26 each even-numbered year;

2-27 (3) of the three board members appointed under Section  
2-28 451.502(e)(2), two members serve terms expiring October 1 of each  
2-29 odd-numbered year and one member serves a term expiring October 1 of  
2-30 each even-numbered year; and

2-31 (4) the board member appointed as presiding officer  
2-32 under Section 451.502(e)(3) serves a term expiring October 1 of  
2-33 each odd-numbered year.

2-34 SECTION 4. Section 451.506, Transportation Code, is amended  
2-35 by amending Subsection (b) and adding Subsection (e) to read as  
2-36 follows:

2-37 (b) An individual may not serve more than eight years on the  
2-38 same board and may not be appointed to a term for which service to  
2-39 the completion of the term would exceed this limitation. This  
2-40 subsection applies only to a board of an authority:

2-41 (1) in which the principal municipality has a  
2-42 population of more than 1.9 million or less than 320,000; [~~or~~]

2-43 (2) created before 1980 and in which the principal  
2-44 municipality has a population of less than 1.9 million; or

2-45 (3) described by Section 451.501(e) or (e-1).

2-46 (e) Holdover service by a board member of an authority  
2-47 described by Section 451.501(e) or (e-1) may not exceed 45 days. If  
2-48 a qualified successor is not appointed during the 45-day holdover  
2-49 period, the position is vacated and subject to appointment under  
2-50 Section 451.504(d). A holdover board member who is not reappointed  
2-51 during the 45-day holdover period is ineligible for appointment to  
2-52 the position.

2-53 SECTION 5. (a) This section applies only to the governing  
2-54 body of a metropolitan rapid transit authority described by Section  
2-55 451.501(e), Transportation Code, or Section 451.501(e-1),  
2-56 Transportation Code, as added by this Act.

2-57 (b) Notwithstanding any contrary provision of Subchapter K,  
2-58 Chapter 451, Transportation Code:

2-59 (1) a member of a governing body who is serving on the  
2-60 effective date of this Act, other than a member serving as a  
2-61 holdover pending appointment of a successor, is, except as provided  
2-62 by Subdivision (2) of this subsection, reappointed to the member's  
2-63 position as follows:

2-64 (A) except as provided by Paragraph (B) of this  
2-65 subdivision, a member whose term ends in an even-numbered year is  
2-66 reappointed to a term expiring October 1, 2016, and a member whose  
2-67 term ends in an odd-numbered year is reappointed to a term expiring  
2-68 October 1, 2017; and

2-69 (B) a member serving as presiding officer of the

3-1 body is reappointed to a term expiring October 1, 2017; and  
3-2 (2) a member of a governing body, including a  
3-3 presiding officer, who has served eight years or more on the body  
3-4 before the effective date of this Act is ineligible to serve on the  
3-5 body on or after that date, and any such member's position is  
3-6 vacated.

3-7 SECTION 6. The change in law made by this Act applies to a  
3-8 member of a metropolitan rapid transit authority appointed before,  
3-9 on, or after the effective date of this Act.

3-10 SECTION 7. This Act takes effect immediately if it receives  
3-11 a vote of two-thirds of all the members elected to each house, as  
3-12 provided by Section 39, Article III, Texas Constitution. If this  
3-13 Act does not receive the vote necessary for immediate effect, this  
3-14 Act takes effect September 1, 2015.

3-15

\* \* \* \* \*