

By: Parker

H.B. No. 2319

A BILL TO BE ENTITLED

AN ACT

relating to certain coordinated county transportation authorities.

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

SECTION 1. Section 460.201(c), Transportation Code, is amended to read as follows:

(c) Except as provided by Sections ~~[Section]~~ 460.2015 and 460.257, a vacancy on the board of directors is filled in the same manner as the original appointment to the interim executive committee.

SECTION 2. Section 460.2015, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not apply to an authority described by Section 460.252.

SECTION 3. Section 460.205, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to an authority described by Section 460.252.

SECTION 4. Chapter 460, Transportation Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. BOARD OF DIRECTORS: CERTAIN AUTHORITIES

Sec. 460.251. DEFINITIONS. In this subchapter:

(1) "Board" means the board of directors of an authority described by Section 460.252.

(2) "Founding municipality" means a municipality in

which an election was held before December 31, 2003, authorizing an authority's sales and use tax levy.

Sec. 460.252. APPLICABILITY. (a) This subchapter applies only to an authority confirmed under this chapter before December 31, 2003.

(b) Section 460.054 does not apply to an authority described by Subsection (a).

Sec. 460.253. COMPOSITION. The board is composed of:

(1) one member appointed by the governing body of each founding municipality;

(2) two members appointed by the commissioners court who reside in:

(A) an unincorporated area of the county; or

(B) a municipality in the authority that is not authorized to appoint a member to the board under Subdivision (1) or Section 460.254;

(3) each member appointed under Section 460.254, if applicable; and

(4) each nonvoting member appointed under Section 460.255.

Sec. 460.254. APPOINTMENT OF BOARD MEMBER BY CERTAIN MUNICIPALITIES. (a) The board may authorize the governing body of a municipality to appoint one member to the board if:

(1) the municipality:

(A) designates a public transportation financing area for the benefit of the authority under Subchapter I and enters into an agreement with the authority under Section 460.602; or

1 (B) authorizes the authority's sales and use tax
2 levy at the rate of one-half of one percent; and

3 (2) the appointment is approved by an affirmative vote
4 of at least three-fifths of the members described by either Section
5 460.253(1) or (3) and at least one member appointed by the
6 commissioners court.

7 (b) The board shall adopt rules and bylaws governing the
8 appointment of a member under this section.

9 Sec. 460.255. NONVOTING BOARD MEMBERS. (a) A nonvoting
10 member may be appointed to the board to represent a municipality in
11 the authority that is not otherwise authorized to appoint a member
12 to the board under this subchapter.

13 (b) A nonvoting member appointed under this section may not
14 be counted for purposes of establishing a quorum of the board.

15 (c) The board shall adopt rules and bylaws governing the
16 appointment, number, authority, and duties of a nonvoting member
17 appointed under this section.

18 Sec. 460.256. ELIGIBILITY OF ELECTED OFFICER TO SERVE ON
19 BOARD; COMPENSATION AND REIMBURSEMENT. (a) An elected officer of a
20 political subdivision of this state who is not prohibited by the
21 Texas Constitution from serving on the board is eligible, as an
22 additional duty of office, to serve on the board.

23 (b) An elected officer of a political subdivision of this
24 state who is a board member is not entitled to receive compensation
25 for serving on the board but is entitled to reimbursement for
26 reasonable expenses incurred in performing the member's duties.

27 Sec. 460.257. VACANCY. A vacancy on the board of directors

1 is filled in the same manner as the original appointment to the
2 board under this subchapter.

3 Sec. 460.258. VOTING REQUIREMENTS. Except as provided by
4 Sections 460.254(a) and 460.602(b), an action of the board of
5 directors requires a vote of a majority of the members present,
6 other than members described by Section 460.253(4), unless the
7 bylaws require a larger number for a specific action.

8 SECTION 5. Section 460.602, Transportation Code, is amended
9 to read as follows:

10 Sec. 460.602. PARTICIPATION IN SERVICE PLAN; AGREEMENT WITH
11 MUNICIPALITY. (a) A service plan may be implemented in an area of a
12 municipality that has not authorized the authority's sales and use
13 tax levy if:

14 (1) the authorization by the municipality of the
15 authority's sales and use tax levy, when combined with the rates of
16 all sales and use taxes imposed by other political subdivisions in
17 the municipality, would exceed two percent in any location in the
18 municipality; and

19 (2) the municipality has entered into an agreement
20 with the authority to provide public transportation services in a
21 public transportation financing area designated under this
22 subchapter in exchange for all or a portion of the tax increment in
23 the area.

24 (b) An authority described by Section 460.252 may enter into
25 an agreement under Subsection (a)(2) only if the board of directors
26 of the authority approves the agreement by an affirmative vote of at
27 least three-fifths of the members described by either Section

1 460.253(1) or (3) and at least one member appointed by the
2 commissioners court.

3 SECTION 6. On the effective date of this Act, the
4 composition of the board of directors of a coordinated county
5 transportation authority described by Section 460.252,
6 Transportation Code, as added by this Act, is modified to conform to
7 Subchapter D-1, Chapter 460, Transportation Code, as added by this
8 Act, as follows:

9 (1) the currently serving members of the board
10 appointed by a founding municipality, as that term is defined by
11 Section 460.251, Transportation Code, as added by this Act, assume
12 the board positions described by Section 460.253(1),
13 Transportation Code, as added by this Act, and continue to serve as
14 members of the board for the remainder of their terms;

15 (2) as soon as practicable, the commissioners court of
16 a county located in the authority shall designate the currently
17 serving members of the board appointed by the commissioners court
18 who assume the board positions described by Section 460.253(2),
19 Transportation Code, as added by this Act, and those members
20 continue to serve as members of the board for the remainder of their
21 terms;

22 (3) the currently serving members of the board
23 appointed by a municipality with a population of 17,000 or more that
24 has not authorized the authority's sales and use tax levy assume the
25 nonvoting board positions described by Section 460.255,
26 Transportation Code, as added by this Act, and continue to serve as
27 nonvoting members of the board for the remainder of their terms;

1 (4) as soon as practicable, the commissioners court of
2 a county located in the authority shall designate the currently
3 serving members of the board appointed by a municipality in the
4 county with a population of more than 500 but less than 17,000 that
5 has not authorized the authority's sales and use tax levy who assume
6 the nonvoting board positions described by Section 460.255,
7 Transportation Code, as added by this Act, and the members continue
8 to serve as nonvoting members of the board for the remainder of
9 their terms;

10 (5) any alternate members serving on the board for
11 members described by Subdivisions (1)-(4) of this section continue
12 to serve in that capacity; and

13 (6) the terms of all other currently serving members
14 of the board expire.

15 SECTION 7. This Act does not prohibit a person who is a
16 member of the board of directors of a coordinated county
17 transportation authority described by Section 460.252,
18 Transportation Code, as added by this Act, whose term expires under
19 Section 6 of this Act from being reappointed to the board if the
20 person is eligible under Subchapter D-1, Chapter 460,
21 Transportation Code, as added by this Act.

22 SECTION 8. (a) A rule or bylaw adopted or other action
23 taken before the effective date of this Act by a coordinated county
24 transportation authority described by Section 460.252,
25 Transportation Code, as added by this Act, remains in effect as a
26 rule, bylaw, or action of the authority until superseded by action
27 of that authority.

1 (b) The change in law made by this Act to Section 460.602,
2 Transportation Code, applies to an agreement entered into on or
3 after the effective date of this Act. An agreement entered into
4 before the effective date of this Act is governed by the law as it
5 existed immediately before the effective date of this Act, and that
6 law is continued in effect for that purpose.

7 SECTION 9. 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, 2019.