

1-1 By: Nelson S.B. No. 1066
 1-2 (In the Senate - Filed February 25, 2019; March 7, 2019,
 1-3 read first time and referred to Committee on Transportation;
 1-4 April 1, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 1, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1066 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain coordinated county transportation authorities.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 460.201(c), Transportation Code, is
 1-24 amended to read as follows:
 1-25 (c) Except as provided by Sections ~~Section~~ 460.2015 and
 1-26 460.257, a vacancy on the board of directors is filled in the same
 1-27 manner as the original appointment to the interim executive
 1-28 committee.
 1-29 SECTION 2. Section 460.2015, Transportation Code, is
 1-30 amended by adding Subsection (d) to read as follows:
 1-31 (d) This section does not apply to an authority described by
 1-32 Section 460.252.
 1-33 SECTION 3. Section 460.205, Transportation Code, is amended
 1-34 by adding Subsection (c) to read as follows:
 1-35 (c) This section does not apply to an authority described by
 1-36 Section 460.252.
 1-37 SECTION 4. Chapter 460, Transportation Code, is amended by
 1-38 adding Subchapter D-1 to read as follows:
 1-39 SUBCHAPTER D-1. BOARD OF DIRECTORS: CERTAIN AUTHORITIES
 1-40 Sec. 460.251. DEFINITIONS. In this subchapter:
 1-41 (1) "Board" means the board of directors of an
 1-42 authority described by Section 460.252.
 1-43 (2) "Founding municipality" means a municipality in
 1-44 which an election was held before December 31, 2003, authorizing an
 1-45 authority's sales and use tax levy.
 1-46 Sec. 460.252. APPLICABILITY. (a) This subchapter applies
 1-47 only to an authority confirmed under this chapter before December
 1-48 31, 2003.
 1-49 (b) Section 460.054 does not apply to an authority described
 1-50 by Subsection (a).
 1-51 Sec. 460.253. COMPOSITION. The board is composed of:
 1-52 (1) one member appointed by the governing body of each
 1-53 founding municipality;
 1-54 (2) two members appointed by the commissioners court
 1-55 who reside in:
 1-56 (A) an unincorporated area of the county; or
 1-57 (B) a municipality in the authority that is not
 1-58 authorized to appoint a member to the board under Subdivision (1) or
 1-59 Section 460.254;
 1-60 (3) each member appointed under Section 460.254, if

2-1 applicable; and

2-2 (4) each nonvoting member appointed under Section
2-3 460.255.

2-4 Sec. 460.254. APPOINTMENT OF BOARD MEMBER BY CERTAIN
2-5 MUNICIPALITIES. (a) The board may authorize the governing body of
2-6 a municipality to appoint one member to the board if:

2-7 (1) the municipality:

2-8 (A) designates a public transportation financing
2-9 area for the benefit of the authority under Subchapter I and enters
2-10 into an agreement with the authority under Section 460.602; or

2-11 (B) authorizes the authority's sales and use tax
2-12 levy at the rate of one-half of one percent; and

2-13 (2) the appointment is approved by an affirmative vote
2-14 of at least three-fifths of the members described by either Section
2-15 460.253(1) or (3) and at least one member appointed by the
2-16 commissioners court.

2-17 (b) The board shall adopt rules and bylaws governing the
2-18 appointment of a member under this section.

2-19 Sec. 460.255. NONVOTING BOARD MEMBERS. (a) A nonvoting
2-20 member shall be appointed to the board to represent a municipality
2-21 in the authority that is not otherwise authorized to appoint a
2-22 member to the board under this subchapter.

2-23 (b) A nonvoting member appointed under this section may not
2-24 be counted for purposes of establishing a quorum of the board.

2-25 (c) The board shall adopt rules and bylaws governing the
2-26 appointment, number, authority, and duties of nonvoting members
2-27 appointed under this section.

2-28 Sec. 460.256. ELIGIBILITY OF ELECTED OFFICER TO SERVE ON
2-29 BOARD; COMPENSATION AND REIMBURSEMENT. (a) An elected officer of
2-30 a political subdivision of this state who is not prohibited by the
2-31 Texas Constitution from serving on the board is eligible, as an
2-32 additional duty of office, to serve on the board.

2-33 (b) An elected officer of a political subdivision of this
2-34 state who is a board member is not entitled to receive compensation
2-35 for serving on the board but is entitled to reimbursement for
2-36 reasonable expenses incurred in performing the member's duties.

2-37 Sec. 460.257. VACANCY. A vacancy on the board of directors
2-38 is filled in the same manner as the original appointment to the
2-39 board under this subchapter.

2-40 Sec. 460.258. VOTING REQUIREMENTS. Except as provided by
2-41 Sections 460.254(a) and 460.602(b), an action of the board of
2-42 directors requires a vote of a majority of the members present,
2-43 other than members described by Section 460.253(4), unless the
2-44 bylaws require a larger number for a specific action.

2-45 SECTION 5. Section 460.602, Transportation Code, is amended
2-46 to read as follows:

2-47 Sec. 460.602. PARTICIPATION IN SERVICE PLAN; AGREEMENT WITH
2-48 MUNICIPALITY. (a) A service plan may be implemented in an area of
2-49 a municipality that has not authorized the authority's sales and
2-50 use tax levy if:

2-51 (1) the authorization by the municipality of the
2-52 authority's sales and use tax levy, when combined with the rates of
2-53 all sales and use taxes imposed by other political subdivisions in
2-54 the municipality, would exceed two percent in any location in the
2-55 municipality; and

2-56 (2) the municipality has entered into an agreement
2-57 with the authority to provide public transportation services in a
2-58 public transportation financing area designated under this
2-59 subchapter in exchange for all or a portion of the tax increment in
2-60 the area.

2-61 (b) An authority described by Section 460.252 may enter into
2-62 an agreement under Subsection (a)(2) only if the board of directors
2-63 of the authority approves the agreement by an affirmative vote of at
2-64 least three-fifths of the members described by either Section
2-65 460.253(1) or (3) and at least one member appointed by the
2-66 commissioners court.

2-67 SECTION 6. On the effective date of this Act, the
2-68 composition of the board of directors of a coordinated county
2-69 transportation authority described by Section 460.252,

3-1 Transportation Code, as added by this Act, is modified to conform to
3-2 Subchapter D-1, Chapter 460, Transportation Code, as added by this
3-3 Act, as follows:

3-4 (1) the currently serving members of the board
3-5 appointed by a founding municipality, as that term is defined by
3-6 Section 460.251, Transportation Code, as added by this Act, assume
3-7 the board positions described by Section 460.253(1),
3-8 Transportation Code, as added by this Act, and continue to serve as
3-9 members of the board for the remainder of their terms;

3-10 (2) as soon as practicable, the commissioners court of
3-11 a county located in the authority shall designate the currently
3-12 serving members of the board appointed by the commissioners court
3-13 who assume the board positions described by Section 460.253(2),
3-14 Transportation Code, as added by this Act, and those members
3-15 continue to serve as members of the board for the remainder of their
3-16 terms;

3-17 (3) the currently serving members of the board
3-18 appointed by a municipality with a population of 17,000 or more that
3-19 has not authorized the authority's sales and use tax levy assume the
3-20 nonvoting board positions described by Section 460.255,
3-21 Transportation Code, as added by this Act, and continue to serve as
3-22 nonvoting members of the board for the remainder of their terms;

3-23 (4) as soon as practicable, the commissioners court of
3-24 a county located in the authority shall designate the currently
3-25 serving members of the board appointed by a municipality in the
3-26 county with a population of more than 500 but less than 17,000 that
3-27 has not authorized the authority's sales and use tax levy who assume
3-28 the nonvoting board positions described by Section 460.255,
3-29 Transportation Code, as added by this Act, and the members continue
3-30 to serve as nonvoting members of the board for the remainder of
3-31 their terms;

3-32 (5) any alternate members serving on the board for
3-33 members described by Subdivisions (1)-(4) of this section continue
3-34 to serve in that capacity; and

3-35 (6) the terms of all other currently serving members
3-36 of the board expire.

3-37 SECTION 7. This Act does not prohibit a person who is a
3-38 member of the board of directors of a coordinated county
3-39 transportation authority described by Section 460.252,
3-40 Transportation Code, as added by this Act, whose term expires under
3-41 Section 6 of this Act from being reappointed to the board if the
3-42 person is eligible under Subchapter D-1, Chapter 460,
3-43 Transportation Code, as added by this Act.

3-44 SECTION 8. (a) A rule or bylaw adopted or other action
3-45 taken before the effective date of this Act by a coordinated county
3-46 transportation authority described by Section 460.252,
3-47 Transportation Code, as added by this Act, remains in effect as a
3-48 rule, bylaw, or action of the authority until superseded by action
3-49 of that authority.

3-50 (b) The change in law made by this Act to Section 460.602,
3-51 Transportation Code, applies to an agreement entered into on or
3-52 after the effective date of this Act. An agreement entered into
3-53 before the effective date of this Act is governed by the law as it
3-54 existed immediately before the effective date of this Act, and that
3-55 law is continued in effect for that purpose.

3-56 SECTION 9. This Act takes effect immediately if it receives
3-57 a vote of two-thirds of all the members elected to each house, as
3-58 provided by Section 39, Article III, Texas Constitution. If this
3-59 Act does not receive the vote necessary for immediate effect, this
3-60 Act takes effect September 1, 2019.

3-61 * * * * *