

By: Watson

S.B. No. 2015

Substitute the following for S.B. No. 2015:

By: Pickett

C.S.S.B. No. 2015

A BILL TO BE ENTITLED

AN ACT

relating to certain metropolitan rapid transit authorities.

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

SECTION 1. Section 451.061, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the ~~The~~ fares, tolls, charges, rents, and other compensation established by an authority in which the principal municipality has a population of less than 1.2 million may not take effect until approved by a majority vote of a committee composed of:

(1) five members of the governing body of the principal municipality, selected by that governing body;

(2) three members of the commissioners court of the county having the largest portion of the incorporated territory of the principal municipality, selected by that commissioners court; and

(3) three mayors of municipalities, other than the principal municipality, located in the authority, selected by:

(A) the mayors of all the municipalities, except the principal municipality, located in the authority; or

(B) the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than

1 300,000.

2 (d-1) The establishment of or a change to fares, tolls,
3 charges, rents, and other compensation by an authority confirmed
4 before July 1, 1985, in which the principal municipality has a
5 population of less than 750,000, takes effect immediately on
6 approval by a majority vote of the board, except that the
7 establishment of or a change to a single-ride base fare takes effect
8 on the 60th day after the date the board approves the fare or change
9 to the fare, unless the policy board of the metropolitan planning
10 organization that serves the area of the authority disapproves the
11 fare or change to the fare by a majority vote.

12 SECTION 2. Section 451.071, Transportation Code, is amended
13 by adding Subsections (b-1) and (g) to read as follows:

14 (b-1) The ballot may not permit the fixed rail transit
15 system, or a proposal to expand a system, and the method of funding
16 for the system or expansion of the system to be voted on as separate
17 options. All fixed rail transit systems, proposals to expand a
18 system, and methods of funding included on a ballot must be approved
19 or rejected as a group.

20 (g) This section does not require the authority to hold a
21 referendum on a proposal to:

22 (1) enter into a contract to build, operate, or
23 maintain a fixed rail transit system for another entity;

24 (2) expand a system previously approved under this
25 section if the proposed expansion involves the addition of not more
26 than one mile of track to the system; or

27 (3) enter into an interlocal agreement to build,

1 operate, or maintain a system previously approved under this
2 section.

3 SECTION 3. Subchapter J, Chapter 451, Transportation Code,
4 is amended by adding Sections 451.458, 451.459, and 451.460 to read
5 as follows:

6 Sec. 451.458. INTERNAL AUDITOR. (a) This section applies
7 only to an authority confirmed before July 1, 1985, in which the
8 principal municipality has a population of less than 750,000.

9 (b) The board shall enter into a contract with a qualified
10 individual to perform internal auditing services as specified in
11 the contract. A contract entered into under this section may be
12 renewed for subsequent fiscal years of the authority but may not be
13 renewed for more than three consecutive fiscal years.

14 (c) The contract must require the auditor to report directly
15 to the board.

16 Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed
17 before July 1, 1985, in which the principal municipality has a
18 population of less than 750,000 is subject to review under Chapter
19 325, Government Code (Texas Sunset Act), as if it were a state
20 agency but may not be abolished under that chapter. The review
21 shall be conducted as if the authority were scheduled to be
22 abolished September 1, 2011. In addition, another review shall be
23 conducted as if the authority were scheduled to be abolished
24 September 1, 2016. The reviews conducted under this section must
25 include an assessment of the governance, management, and operating
26 structure of the authority and the authority's compliance with the
27 duties and requirements placed on it by the legislature.

1 (b) The authority shall pay the cost incurred by the Sunset
2 Advisory Commission in performing a review of the authority under
3 this section. The Sunset Advisory Commission shall determine the
4 cost, and the authority shall pay the amount promptly on receipt of
5 a statement from the Sunset Advisory Commission detailing the cost.

6 Sec. 451.460. REPORT TO PRINCIPAL MUNICIPALITY. (a) This
7 section applies only to an authority confirmed before July 1, 1985,
8 in which the principal municipality has a population of less than
9 750,000.

10 (b) The authority annually shall provide a report to each
11 governing body of a municipality or county in the authority
12 regarding the status of any financial obligation of the authority
13 to the municipality.

14 SECTION 4. Section 451.5021, Transportation Code, is
15 amended by amending Subsections (a), (b), and (d) and adding
16 Subsections (b-1), (d-1), (d-2), and (d-3) to read as follows:

17 (a) This section applies only to the board of an authority
18 created before July 1, 1985, in which the principal municipality
19 has a population of less than 750,000 [~~in which each member of the~~
20 ~~governing body of the principal municipality is elected at large~~].

21 (b) Members of the [~~The~~] board [~~is composed of seven members~~
22 ~~who~~] are appointed as follows:

23 (1) one member, who is an elected official, [~~two~~
24 ~~members representing the general public~~] appointed by the
25 metropolitan planning organization designated by the governor that
26 serves the area of the authority;

27 (2) one member, who is an elected official, [~~two~~

1 ~~members]~~ appointed by the governing body of the principal
2 municipality;

3 (3) one member jointly appointed by:

4 (A) the governing body of the principal
5 municipality; and

6 (B) the commissioners court of the principal
7 county;

8 (4) one member jointly appointed by:

9 (A) the governing body of the principal
10 municipality; and

11 (B) the commissioners court of the county,
12 excluding the principal county, that has the largest population of
13 the counties in the authority [a panel composed of the mayors of all
14 the municipalities in the authority located in the principal county
15 of the authority, excluding the mayor of the principal
16 municipality]; [and]

17 (5) one member, who is an elected official, appointed
18 by a panel composed of:

19 (A) the mayors of all municipalities in the
20 authority [~~located outside the principal county of the authority~~],
21 excluding the mayor of the principal municipality; and

22 (B) the county judges of the counties having
23 unincorporated area in the authority;

24 (6) one member, who has at least 10 years of experience
25 as a financial or accounting professional, appointed by the
26 metropolitan planning organization that serves the area in which
27 the authority is located;

1 (7) one member, who has at least 10 years of experience
2 in an executive-level position in a public or private organization,
3 including a governmental entity, appointed by the metropolitan
4 planning authority that serves the area in which the authority is
5 located; and

6 (8) two members appointed by the metropolitan planning
7 organization that serves the area in which the authority is
8 located, if according to the most recent federal decennial census
9 more than 35 percent of the population in the territory of the
10 authority resides outside the principal municipality~~[, excluding~~
11 ~~the county judge of the principal county; and~~

12 ~~[(C) the presiding officer of each municipal~~
13 ~~utility district that:~~

14 ~~[(i) has a majority of its territory~~
15 ~~located outside the principal county; and~~

16 ~~[(ii) is located wholly or partly in the~~
17 ~~authority].~~

18 (b-1) Members of the board serve staggered three-year
19 terms, with the terms of two or three members, as applicable,
20 expiring June 1 of each year.

21 (d) A person appointed under Subsection (b)(1), (2)
22 [~~(b)(2), (3), (4)~~], or (5):

23 (1) must be a member of the governing body:

24 (A) of the political subdivision that is entitled
25 to make the appointment; or

26 (B) over which a member of the panel entitled to
27 make an appointment presides;

1 (2) vacates the office of board member if the person
2 ceases to be a member of the governing body described by Subdivision
3 (1);

4 (3) serves on the board as an additional duty of the
5 office held on the governing body described by Subdivision (1); and

6 (4) is not entitled to compensation for serving as a
7 member of the board.

8 (d-1) At least two members appointed under Subsections
9 (b)(1), (6), and (7) must be qualified voters residing in the
10 principal municipality.

11 (d-2) A person appointed under Subsection (b)(3) must:

12 (1) have the person's principal place of occupation or
13 employment in:

14 (A) the principal municipality; or

15 (B) the portion of the authority's service area
16 that is located in the principal county; or

17 (2) be a qualified voter of:

18 (A) the principal municipality; or

19 (B) the portion of the authority's service area
20 that is located in the principal county.

21 (d-3) A person appointed under Subsection (b)(4) must:

22 (1) have the person's principal place of occupation or
23 employment in:

24 (A) the principal municipality; or

25 (B) the portion of the authority's service area
26 that is located in the county, other than the principal county, that
27 has the largest population of the counties in the authority; or

1 (2) be a qualified voter of:

2 (A) the principal municipality; or

3 (B) the portion of the authority's service area
4 that is located in the county, other than the principal county, that
5 has the largest population of the counties in the authority.

6 SECTION 5. Subsections (g) and (h), Section 451.5021,
7 Transportation Code, are repealed.

8 SECTION 6. (a) This section applies only to a member of the
9 board of a rapid transit authority confirmed before July 1, 1985, in
10 which the principal municipality has a population of 750,000 or
11 less.

12 (b) The term of a board member that is scheduled, under the
13 law as it existed before the effective date of this Act, to expire:

14 (1) after the effective date of this Act but before
15 January 1, 2010, is extended to December 31, 2009; and

16 (2) on or after January 1, 2010, expires June 1, 2010.

17 (c) As soon as practicable on or after the effective date of
18 this Act, but not later than December 31, 2009, the persons and
19 entities specified in Section 451.5021, Transportation Code, as
20 amended by this Act, shall appoint the members of the board in
21 compliance with that section, as amended, to serve terms that begin
22 January 1, 2010, or June 2, 2010, as applicable.

23 (d) A vacancy created because of the expiration of a term
24 under Subsection (a) of this section is filled in the manner
25 provided by Subsection (c) of this section.

26 (e) The members of the board appointed under Subsection (c)
27 of this section shall draw lots to determine which terms of three

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1 members expire June 1, 2011, which terms of three members expire
2 June 1, 2012, and which terms of three members expire June 1, 2013.

3 SECTION 7. This Act takes effect September 1, 2009.