

SUBJECT: Six-year staggered terms for Regional Mobility Authority board members

COMMITTEE: Transportation —favorable, without amendment

VOTE: 8 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hamric, Hill,
West

0 nays

1 absent — Flores

WITNESSES: None

BACKGROUND: Regional mobility authorities (RMAs) were created by SB 342 during the 77th Legislature. Any county or set of counties may petition the Texas Transportation Commission (TTC) to form an RMA. RMAs construct and manage transportation projects with the goal of improving mobility in a region. RMAs have the power of eminent domain, may issue bonds, and may enter into contracts with private entities for transportation projects.

Transportation Code, sec. 370.251, sets term limits for Regional Mobility Authority (RMA) board members. RMA board members are permitted to serve staggered, six-year terms, with no more than two board members leaving in one year.

The Texas Constitution, Art. 16, sec. 30(a), states that the term limits for any office not specified in the Constitution cannot exceed two years.

DIGEST: HB 2654 would allow RMA board members to continue to serve six-year staggered terms, if allowed by the Texas Constitution. The bill would set term limits for RMA board members at two years, with not more than one-third of the members leaving every two years, if six-year terms were not allowed under the Constitution.

If allowed by the Constitution, HB 2654 would allow county commissioners courts to continue to appoint one board member to serve a term of two years and another to serve a term of four years on the first board of a new RMA. If six-year terms were allowed by the constitution,

one member would be appointed to serve a one year term and the other would be permitted to serve a term of two years.

The bill would take immediate effect if passed by a two-thirds majority in each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

The terms of RMA board members were extended from two to six years through enactment of HB 3588 by Krusee by the 78th Legislature in 2003. HB 2654 would not make any significant changes to the status quo but would clarify a law already approved by the Legislature. RMA board members currently are serving six-year terms, and HB 2654 simply would allow them to continue to serve their terms if allowed by the Constitution.

If a court were to find the term limits of RMA board members unconstitutional, vital transportation projects to improve mobility that are currently under construction or in the planning stages could be jeopardized. Such a court ruling could result in the simultaneous loss of a majority of board members of RMAs across the state. Experienced board members possess specialized knowledge that aids in the development of transportation plans for a particular region. HB 2654 would preserve the boards of RMA's by enabling an amendment to the Constitution to clarify that RMA board member term limits should be for six years.

Six-year terms provide consistency and stability for RMA boards of directors. Also, six-year terms provide private investors with more confidence in the board's leadership than two-year terms. High turnover rates could lead to uncertainty among investors. HB 2654 would promote public-private partnerships, which expedite the completion of transportation projects and save the state money.

**OPPONENTS
SAY:**

It is unconstitutional for members of RMA boards to serve six-year terms because the Texas Constitution could be interpreted to say that individuals serving on boards of regional entities could serve terms of a maximum of two years. Some existing members of RMA boards have been accused of having conflicts of interests with their positions on the board, which can prevent boards from making transportation planning decisions in the interests of the public. RMA boards should be required to abide by rules provided in the Texas Constitution that limit the terms of members of such boards to a maximum of two years.

NOTES: HB 2654 is the enabling legislation for HJR 79 by Krusee, a proposed constitutional amendment that would authorize six-year terms for RMA board members. HJR 79 is on today's Constitutional Amendments Calendar.