

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1837
By: Menéndez
Transportation
4/29/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1837 seeks to require certain metropolitan rapid transit authorities to hold a referendum before spending any money for a fixed rail transit system.

Currently, the metropolitan rapid transit authorities may acquire, construct, operate, or maintain any form of a fixed rail without a referendum requiring voter approval. S.B. 1837 seeks to amend Subchapter B, Chapter 451 (Metropolitan Rapid Transit Authorities), Transportation Code, by adding Section 451.073 for the purpose of requiring a referendum, providing voters an opportunity to become informed, and vote on any proposed fixed rail system, and any subsequent maintenance of an approved fixed rail system before rapid transit authorities spend any money.

S.B. 1837 seeks to define the information that must be included on the ballot, providing the proposed location of the rail system and the name of the rapid transit system.

S.B. 1837 applies only to an authority created before 1980 in which the principal municipality has a population of less than 1.9 million.

S.B. 1837 seeks to define the frequency of a referendum on a proposed fixed rail system, allowing the proposal to take place not more than once per year following a previous election.

C.S.S.B. 1837 amends current law relating to requiring certain metropolitan rapid transit authorities to hold a referendum before spending any money for a fixed rail transit system. (Original Author's / Sponsor's Statement of Intent)

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 451, Transportation Code, by adding Section 451.073, as follows:

Sec. 451.073. REFERENDUM FOR RAIL PLAN; CERTAIN AUTHORITIES. (a) Provides that this section applies only to an authority created before 1980 in which the principal municipality has a population of less than 1.9 million.

(b) Requires the rapid transit authority (authority), before the authority may spend any funds to purchase, acquire, construct, operate, or maintain any form of a fixed rail transit system, to hold a referendum on whether the authority may operate a fixed rail transit system. Requires that the ballots at the election be printed to permit voting for or against the following proposition: "The operation of a fixed rail system by (name of authority)."

(c) Requires that the notice of an election called under this section include a general description of the form of the fixed rail transit system, including the general location of any proposed routes.

(d) Authorizes the authority, if a majority of the votes cast are in favor of the proposition, to build and operate the system as provided in the notice for the election. Prohibits the authority, if less than a majority of the votes cast are in favor of the proposition, from expending funds of the authority to purchase, acquire, construct, operate, or maintain any form of a fixed rail transit system unless the system is approved by a majority of the votes cast at a referendum held by the authority for that purpose.

(e) Provides that a subsequent referendum under Subsection (d):

(1) may be held more than once;

(2) is held in the same manner as the initial referendum; and

(3) may not be held before the first anniversary of an election previously held under this section.

(f) Provides that approval of a fixed rail transit system at an election called under this section preempts any requirement in a municipal charter that, for the system approved, requires a municipal election to be held before the municipality is authorized to:

(1) grant permission to alter or damage any public way of the municipality for the construction of the system; or

(2) appropriate funds or authorize bonds or notes to be issued or sold for the purpose of the design, construction, or operation of the system.

SECTION 2. Effective date: upon passage or September 1, 2015.