

BILL ANALYSIS

Senate Research Center

S.B. 2059
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Intergovernmental Relations
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2059 is a good governance bill that will enhance board stability and punctuate regionalism at Houston METRO. More importantly, the bill will provide for an orderly transition of board members and initiate continuity from year to year. Currently, Sections 451.501, 451.504, 451.505, and 451.506, Transportation Code, provide for the appointment, composition, terms, and term limitations of the members of the METRO Board of Directors.

When METRO was created in 1978, the enabling legislation stated that METRO's board of directors should grow along with the region's population. In 1979, METRO started with seven board members. In 1982, METRO's board increased to nine members. METRO's board of directors is made up of five City of Houston appointees, two Harris County appointees, and two multi-city appointees.

The proposed legislation will accelerate an existing provision in the initial enabling legislation to increase the number of METRO board members from nine to 11, by adding an appointee from Harris County and providing for the selection of the chairman of the board by the ten appointed board members.

The proposed legislation would also allow for staggered odd-year / even-year appointments of each represented governmental body and for the chairman of the board to be appointed to a two-year term beginning on October 1, 2015. Staggered terms will minimize turnover and improve continuity from year to year.

Finally, the bill creates consequences for failure to timely appoint or reappoint board members. The bill established a deadline of 45 days for appointments. After 45 days, an alternative agency would be able to appoint an individual to fill the vacant board seat.

There is no fiscal impact with this bill.

As proposed, S.B. 2059 amends current law relating to the composition of the governing body of certain metropolitan rapid transit authorities.

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 Section 451.501, Transportation Code, by amending Subsections (a), (c), (d), and (f) and adding Subsection (e-1), as follows:

(a) Adds Subsection (e-1) to a list of exceptions regarding board composition and makes nonsubstantive changes.

(c) Provides that, notwithstanding Subsection (e-1), if less than 50 percent of the population of the principal county, excluding the population of the principal municipality, reside in the authority, the board has two additional members.

(d) Provides that, notwithstanding Subsection (e-1), if 50 percent or more but less than 75 percent of the population of the principal county, excluding the population of the principal municipality, reside in the authority, the board has four additional members.

(e-1) Provides that, if the population of the principal county is greater than four million, the board has six additional members.

(f) Defines, in this section and Sections 451.502 (Appointment of Members) and 451.504 (Board Vacancies), "principal county."

SECTION 2. Amends Section 451.504, Transportation Code, by amending Subsection (a) and adding Subsections (d), (d-1), and (d-2), as follows:

(a) Provides that, except as provided by Subsections (d) and (d-1), a vacancy on a board is filled by the person or entity that appointed the member who was in the position that is vacant. Provides that, if confirmation of the previous position was required, confirmation of the vacancy appointment is required in the same manner.

(d) Requires an appointment to the position to be made by a substitute appointing entity if the appropriate appointing entity under Section 451.502 fails to make an appointment to fill a vacancy in certain board positions on or before 45 days after the date the vacancy was created, as follows:

(1) for a board position under Section 451.502(a) (relating to the number of board members for a municipality with a population exceeding 1.9 million), the board member is appointed by the commissioners court of the principal county;

(2) for a board position under Section 451.502(e)(1) (relating to an authority with six additional members), the board member is appointed by the mayor of the principal municipality and subject to confirmation by the governing body of the principal municipality; and

(3) for a board position appointed under Section 451.502(e)(2) (relating to three members appointed by the commissioners court), the board member is appointed by a panel composed of the mayors of the municipalities in the authority, excluding the mayor of the principal municipality, and the county judges of the counties having unincorporated area in the authority, excluding the county judge of the principal county.

(d-1) Requires that, if a substitute appointing entity fails to make an appointment required under Subsection (d) on or before 90 days after the date on which the vacancy was created, appointment to the position be made by the governor, with the advice and consent of the senate.

(d-2) Provides that Subsections (d) and (d-1) apply only to an authority described by Section 451.501(e) (providing that if 75 percent or more of the population of the principal county, excluding the population of the principal municipality, reside in the authority, the board has six additional members) or (e-1).

SECTION 3. Amends Section 451.505, Transportation Code, by adding Subsection (c), as follows:

(c) Provides that board members of an authority described by Section 451.501(e) or (e-1) serve staggered two-year terms. Provides that in such an authority:

(1) of the five board members appointed under Section 451.502(a) (relating to the appointment process for five board members), three members serve terms expiring October 1 of each odd-numbered year and two members serve terms expiring October 1 of each even-numbered year;

(2) of the two board members appointed under Section 451.502(e)(1), one member serves a term expiring October 1 of each odd-numbered year and one member serves a term expiring October 1 of each even-numbered year;

(3) of the three board members appointed under Section 451.502(e)(2), two members serve terms expiring October 1 of each odd-numbered year and one member serves a term expiring October 1 of each even-numbered year; and

(4) the board member appointed as presiding officer under Section 451.502(e)(3) (relating to one member, who serves as presiding officer, being appointed by a majority of the board) serves a term expiring October 1 of each odd-numbered year.

SECTION 4. Amends Section 451.506, Transportation Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Prohibits an individual from serving more than eight years on the same board and being appointed to a term for which service to the completion of the term would exceed this limitation. Provides that this subsection applies only to a board of an authority:

(1) and (2) Makes nonsubstantive changes;

(3) described by Section 451.501(e) or (e-1).

(e) Prohibits holdover service by a board member of an authority described by Section 451.501(e) or (e-1) from exceeding 45 days. Provides that, if a qualified successor is not appointed during the 45-day holdover period, the position is vacated and subject to appointment under Section 451.504(d). Provides that a holdover board member who is not reappointed during the 45-day holdover period is ineligible for appointment to the position.

SECTION 5. (a) Provides that this section applies only to the governing body of a metropolitan rapid transit authority described by Section 451.501(e), Transportation Code, or Section 451.501(e-1), Transportation Code, as added by this Act.

(b) Provides that, notwithstanding any contrary provision of Subchapter K (Boards), Chapter 451, Transportation Code:

(1) a member of a governing body who is serving on the effective date of this Act, other than a member serving as a holdover pending appointment of a successor, is, except as provided by Subdivision (2) of this subsection, reappointed to the member's position as follows:

(A) except as provided by Paragraph (B) of this subdivision, a member whose term ends in an even-numbered year is reappointed to a term expiring October 1, 2016, and a member whose term ends in an odd-numbered year is reappointed to a term expiring October 1, 2017; and

(B) a member serving as presiding officer of the body is reappointed to a term expiring October 1, 2017; and

(2) a member of a governing body, including a presiding officer, who has served eight years or more on the body before the effective date of this Act is ineligible to serve on the body on or after that date, and any such member's position is vacated.

SECTION 6. Provides that the change in law made by this Act applies to a member of a metropolitan rapid transit authority appointed before, on, or after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2015.