

## CHAPTER 124

## S.B. No. 154

## AN ACT

relating to the construction, reconstruction, and maintenance of improvements by certain mass transit authorities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 6, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by amending Subsection (u) and adding Subsections (x), (y), and (z) to read as follows:

(u) An authority may not act under Subsection (t) *or* (x) of this section in a municipality without:

- (1) the consent of the governing body of the municipality; or
- (2) a contract with the municipality that specifies the actions the authority may take in the municipality.

(x) *Except as provided by Subsection (u) of this section, an authority that was confirmed at a tax election under Section 5 of this Act before January 1, 1985, other than an authority that is authorized under Subsection (e) of Section 6C of this Act to include regional economic development facilities in its station or terminal complex, may, within the boundaries of the authority, construct, reconstruct, or maintain any sidewalk, hiking trail, or biking trail. An authority subject to this subsection also may install or maintain streetlights. In performing these activities, an authority may perform such drainage improvement or drainage-related maintenance activities as are reasonable and necessary for the effective use of the transportation facility being constructed, reconstructed, or maintained. An authority may exercise*

any portion of the powers granted by this subsection through contracts or other agreements with other governmental entities and, in particular, may enter into agreements under Chapter 791, Government Code, with state agencies enumerated in Section 771.002, Government Code.

(y) If after the effective date of this Act an authority does not have a currently updated disadvantaged business enterprise program, as defined in 49 C.F.R., Part 23, which facilitates the participation of minorities and women in contracts awarded, the legislature recommends the authority establish goals for such participation. In the absence of such a current program, the legislature recommends minimum goals for participation by women and minorities be adopted as follows: 17 percent for construction contracts, 11 percent for purchasing contracts, and 24 percent for professional services, or the weighted average equivalent of the three foregoing categories.

(z)(1) The total amount that an authority created before January 1, 1980, in which the principal city has a population greater than 1,200,000, as determined by the most recent federal census, may spend out of its sales tax revenue and interest income on all items described by Subsection (x) of this section in any five-year period may not exceed seven percent of the authority's total sales tax revenue and interest income for that period.

(2) For any fiscal year in which an authority created before January 1, 1980, in which the principal city has a population greater than 1,200,000, as determined by the most recent federal census, spends an amount which exceeds the limits in Subdivision (1) of this subsection, the qualified voters of the authority by petition may require that an election be held on the question of reducing or eliminating expenditures in any category of spending authorized under Subsection (x) of this section and not otherwise authorized under Subsection (t) of this section. A petition is valid if it is signed by qualified voters of the authority equal in number to at least 10 percent of the number of voters of the authority voting in the previous governor's election, if the signatures are collected within a period of 90 days before the date on which the petition is presented to the board of the authority and if it is presented to the board of the authority not later than the second anniversary of the last day of the fiscal year during which the expenditures of the authority exceeded the amount determined by Subdivision (1) of this subsection.

(3) After receiving a petition under this subsection, the board shall submit the petition to the secretary of state for validation. The secretary of state shall rule on the validity of the petition not later than the 30th day after the date the secretary of state receives the petition and shall notify the board of the ruling. If the secretary of state finds the petition valid or fails to act within the time allowed, the board shall call an election to be held on the next uniform election date no less than 60 days after the board orders the election. The authority shall pay any costs of determining the validity of a petition and of the election.

(4) At the election, the ballots shall be prepared to permit voting for or against the following proposition: "The reduction (or elimination) of expenditures for \_\_\_\_\_ (category of spending to be reduced or eliminated)." The reduction or elimination of expenditures is effective if it is approved by a majority of the votes cast by voters residing within the boundaries of the territory of the authority on the date of the election.

SECTION 2. Section 6E, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6E. LOCAL GOVERNMENT APPROVAL COMMITTEE. The rates, fares, tolls, charges, rents, and other compensation established by an authority in a metropolitan area whose principal city has a population of less than 1,200,000, according to the most recent federal census, may not take effect until they are approved by a majority vote of a committee composed of:

(a) five members of the city council of the principal city who are chosen for this committee by the members of that body;

(b) three members of the commissioners court of the county that includes the largest portion of the incorporated area of the principal city, who are chosen for this committee by the members of that court; and

(c) three mayors of incorporated municipalities, except the principal city, located within the authority who are chosen for this committee jointly by the mayors of all incorporated

municipalities, except the principal city, located within the authority, *except that for an authority in which the principal city has a population of less than 300,000, according to the most recent federal census, the three mayors serving on the committee shall be chosen by the mayor of the municipality of greatest population among such incorporated municipalities, except the principal city.*

SECTION 3. The limitations on expenditures and the potential consequences of exceeding those limitations provided by Subsection (z), Section 6, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), as added by this Act, apply only to expenditures in a fiscal year that begins on or after the effective date of this Act.

SECTION 4. Nothing in this Act shall be construed to validate any action taken by an authority prior to the effective date of this Act.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 15, 1993: Yeas 31, Nays 0; the Senate concurred in House amendments on May 4, 1993: Yeas 31, Nays 0; passed the House, with amendments, on April 30, 1993: Yeas 112, Nays 3, 10 present not voting.

Approved May 11, 1993.

Effective May 11, 1993.