

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

COMMITTEE: Transportation — favorable, without amendment

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

0 nays

1 absent — Flores

WITNESSES: None

BACKGROUND: Regional mobility authorities (RMAs) were created by SB 342 by Shapiro, enacted in 2001 by the 77th Legislature. Any county or set of counties may petition the Texas Transportation Commission (TTC) to form an RMA. These authorities 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 RMA board members. Board members are permitted to serve staggered six-year terms, with no more than two board members leaving in one year.

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

DIGEST: HJR 79 would amend the Texas Constitution to specify that the Legislature may permit RMA board members to serve staggered six-year terms with no more than one-third of the members to be appointed every two years.

The proposal would be presented to the voters at an election on Tuesday, November 8, 2005. The ballot proposal would read: “The constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.”

**SUPPORTERS
SAY:**

The current staggered term lengths of RMA board members were extended from two years to six years through the enactment last session of HB 3588 by Krusee. RMA board members currently are serving six-year terms, and HJR 79 simply would allow them to continue to serve their terms with the explicit approval of the Texas Constitution.

It is not clear whether the two-year term requirement in Art. 16, sec. 30(a) applies to RMA boards. If a court were to find the term lengths of RMA board members unconstitutional, vital transportation projects to improve mobility that currently are 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. This constitutional amendment would preserve the boards of RMAs by clarifying that RMA board member term lengths should be for six years.

Six-year term lengths provide consistency and stability for RMA boards of directors. Also, six-year term lengths provide private investors with more confidence in the board's leadership than two-year term lengths. 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:**

The Constitution should not be amended to allow RMA board members to serve six-year terms. Some existing members of RMA boards have been accused of having conflicts of interest with regard to their positions on the board, which would interfere with the ability of these members to serve the public interest. It is for just this reason that the Constitution limits most terms of office to two years, to assure that board members are accountable to the public on a regular basis and to guard against possible conflicts that can accompany long terms. RMA boards should be required to abide by the standard provided in the Texas Constitution that limits the terms of members of such boards to two years.

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NOTES: HB 2654 by Krusee, the enabling legislation for HJR 79, is on today's General State Calendar.