

Chapter 1221

AN ACT

relating to certain mass transit entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (e) and (f), Section 451.0611, Transportation Code, are amended to read as follows:

(e) The notice required by Subsection (d)(2) may be included in a citation issued to the person under Article 14.06, Code of Criminal Procedure, or under Section 451.0612, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the public transportation system.

(f) An offense under Subsection (d) is:

(1) a Class C misdemeanor; and

(2) not a crime of moral turpitude.

SECTION 2. Subchapter B, Chapter 451, Transportation Code, is amended by adding Section 451.0612 to read as follows:

Sec. 451.0612. FARE ENFORCEMENT OFFICERS IN CERTAIN AUTHORITIES. (a) An authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 may employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:

(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and

1 (2) issuing a citation to a person described by
2 Section 451.0611(d)(1).

3 (b) Before commencing duties as a fare enforcement officer,
4 a person must complete a 40-hour training course approved by the
5 authority that is appropriate to the duties required of a fare
6 enforcement officer.

7 (c) While performing duties, a fare enforcement officer
8 shall:

9 (1) wear a distinctive uniform that identifies the
10 officer as a fare enforcement officer; and

11 (2) work under the direction of the authority's
12 manager of safety and security.

13 (d) A fare enforcement officer may:

14 (1) request evidence showing payment of the
15 appropriate fare from passengers of the public transportation
16 system;

17 (2) request personal identification from a passenger
18 who does not produce evidence showing payment of the appropriate
19 fare on request by the officer;

20 (3) request that a passenger leave the public
21 transportation system if the passenger does not possess evidence of
22 payment of the appropriate fare; and

23 (4) file a complaint in the appropriate court that
24 charges the person with an offense under Section 451.0611(d).

25 (e) A fare enforcement officer may not carry a weapon while
26 performing duties under this section.

27 (f) A fare enforcement officer is not a peace officer and

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1 has no authority to enforce a criminal law, other than the authority
2 possessed by any other person who is not a peace officer.

3 SECTION 3. Subsection (c), Section 451.108, Transportation
4 Code, is amended to read as follows:

5 (c) A peace officer commissioned under this section, except
6 as provided by Subsections (d) and (e), or a peace officer
7 contracted for employment by an authority confirmed before July 1,
8 1985, in which the principal municipality has a population of less
9 than 750,000, may:

10 (1) make an arrest in any county in which the transit
11 authority system is located as necessary to prevent or abate the
12 commission of an offense against the law of this state or a
13 political subdivision of this state if the offense or threatened
14 offense occurs on or involves the transit authority system;

15 (2) make an arrest for an offense involving injury or
16 detriment to the transit authority system;

17 (3) enforce traffic laws and investigate traffic
18 accidents that involve or occur in the transit authority system;
19 and

20 (4) provide emergency and public safety services to
21 the transit authority system or users of the transit authority
22 system.

23 SECTION 4. Section 451.061, Transportation Code, is amended
24 by amending Subsection (d) and adding Subsection (d-1) to read as
25 follows:

26 (d) Except as provided by Subsection (d-1), the [The] fares,
27 tolls, charges, rents, and other compensation established by an

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1 authority in which the principal municipality has a population of
2 less than 1.2 million may not take effect until approved by a
3 majority vote of a committee composed of:

4 (1) five members of the governing body of the
5 principal municipality, selected by that governing body;

6 (2) three members of the commissioners court of the
7 county having the largest portion of the incorporated territory of
8 the principal municipality, selected by that commissioners court;
9 and

10 (3) three mayors of municipalities, other than the
11 principal municipality, located in the authority, selected by:

12 (A) the mayors of all the municipalities, except
13 the principal municipality, located in the authority; or

14 (B) the mayor of the most populous municipality,
15 other than the principal municipality, in the case of an authority
16 in which the principal municipality has a population of less than
17 300,000.

18 (d-1) The establishment of or a change to fares, tolls,
19 charges, rents, and other compensation by an authority confirmed
20 before July 1, 1985, in which the principal municipality has a
21 population of less than 750,000, takes effect immediately on
22 approval by a majority vote of the board, except that the
23 establishment of or a change to a single-ride base fare takes effect
24 on the 60th day after the date the board approves the fare or change
25 to the fare, unless the policy board of the metropolitan planning
26 organization that serves the area of the authority disapproves the
27 fare or change to the fare by a majority vote.

1 SECTION 5. Section 451.071, Transportation Code, is amended
2 by adding Subsections (g) and (h) to read as follows:

3 (g) This section does not require the authority to hold a
4 referendum on a proposal to enter into a contract or interlocal
5 agreement to build, operate, or maintain a fixed rail transit
6 system for another entity. Notwithstanding Subsection (d), the
7 authority may spend funds of the authority to enter into a contract
8 and operate under that contract to build, operate, or maintain a
9 fixed rail transit system if the other entity will reimburse the
10 authority for the funds.

11 (h) A referendum held by a political subdivision, the
12 authority, or an entity other than the authority at which funding is
13 approved for a fixed rail transit system is considered to meet the
14 requirements of Subsections (d) and (e) and Section 451.3625 if the
15 notice for the election called by the political subdivision, the
16 authority, or other entity contains the description required by
17 Subsection (c). The referendum may allow for financial
18 participation of more than one political subdivision or entity.
19 The authority may only spend funds of the authority if the
20 referendum authorizes that expenditure.

21 SECTION 6. Subchapter J, Chapter 451, Transportation Code,
22 is amended by adding Sections 451.458, 451.459, and 451.460 to read
23 as follows:

24 Sec. 451.458. INTERNAL AUDITOR. (a) This section applies
25 only to an authority confirmed before July 1, 1985, in which the
26 principal municipality has a population of less than 750,000.

27 (b) The board shall appoint a qualified individual to

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1 perform internal auditing services for a term of five years. The
2 board may remove the auditor only on the affirmative vote of at
3 least three-fourths of the members of the board.

4 (c) The auditor shall report directly to the board.

5 Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed
6 before July 1, 1985, in which the principal municipality has a
7 population of less than 750,000 is subject to review under Chapter
8 325, Government Code (Texas Sunset Act), as if it were a state
9 agency but may not be abolished under that chapter. The review
10 shall be conducted as if the authority were scheduled to be
11 abolished September 1, 2011. In addition, another review shall be
12 conducted as if the authority were scheduled to be abolished
13 September 1, 2017. The reviews conducted under this section must
14 include an assessment of the governance, management, and operating
15 structure of the authority and the authority's compliance with the
16 duties and requirements placed on it by the legislature.

17 (b) The authority shall pay the cost incurred by the Sunset
18 Advisory Commission in performing a review of the authority under
19 this section. The Sunset Advisory Commission shall determine the
20 cost, and the authority shall pay the amount promptly on receipt of
21 a statement from the Sunset Advisory Commission detailing the cost.

22 Sec. 451.460. ANNUAL REPORT. (a) This section applies
23 only to an authority confirmed before July 1, 1985, in which the
24 principal municipality has a population of less than 750,000.

25 (b) The authority shall provide an annual report to each
26 governing body of a municipality or county in the authority
27 regarding the status of any financial obligation of the authority

1 to the municipality or county.

2 SECTION 7. Section 451.5021, Transportation Code, is
3 amended by amending Subsections (a), (b), (d), and (e) and adding
4 Subsections (b-1), (d-1), (d-2), and (d-3) to read as follows:

5 (a) This section applies only to the board of an authority
6 created before July 1, 1985, in which the principal municipality
7 has a population of less than 750,000 [~~in which each member of the~~
8 ~~governing body of the principal municipality is elected at large~~].

9 (b) Members of the [The] board [~~is composed of seven members~~
10 ~~who~~] are appointed as follows:

11 (1) one member, who is an elected official, [~~two~~
12 ~~members representing the general public~~] appointed by the
13 metropolitan planning organization designated by the governor that
14 serves the area of the authority;

15 (2) two members, one who must be and one who may be an
16 elected official, [~~two members~~] appointed by the governing body of
17 the principal municipality;

18 (3) one member appointed by the commissioners court of
19 the principal county;

20 (4) one member appointed by the commissioners court of
21 the county, excluding the principal county, that has the largest
22 population of the counties in the authority [~~a panel composed of the~~
23 ~~mayors of all the municipalities in the authority located in the~~
24 ~~principal county of the authority, excluding the mayor of the~~
25 ~~principal municipality~~]; [and]

26 (5) one member, who is an elected official, appointed
27 by a panel composed of [+]

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1 ~~[(A)]~~ the mayors of all municipalities in the
2 authority ~~[located outside the principal county of the authority]~~,
3 excluding the mayor of the principal municipality;

4 (6) one member, who has at least 10 years of experience
5 as a financial or accounting professional, appointed by the
6 metropolitan planning organization that serves the area in which
7 the authority is located;

8 (7) one member, who has at least 10 years of experience
9 in an executive-level position in a public or private organization,
10 including a governmental entity, appointed by the metropolitan
11 planning organization that serves the area in which the authority
12 is located; and

13 (8) two members appointed by the metropolitan planning
14 organization that serves the area in which the authority is
15 located, if according to the most recent federal decennial census
16 more than 35 percent of the population in the territory of the
17 authority resides outside the principal municipality ~~[(B) the~~
18 ~~county judges of the counties having unincorporated area in the~~
19 ~~authority, excluding the county judge of the principal county, and~~

20 ~~[(C) the presiding officer of each municipal~~
21 ~~utility district that:~~

22 ~~[(i) has a majority of its territory~~
23 ~~located outside the principal county, and~~

24 ~~[(ii) is located wholly or partly in the~~
25 ~~authority].~~

26 (b-1) Notwithstanding Section 451.505, members of the board
27 serve staggered three-year terms, with the terms of two or three

1 members, as applicable, expiring June 1 of each year.

2 (d) A person appointed under Subsection (b)(1), (2)
3 [(b)(2), (3), (4)], or (5), except as provided by Subsection
4 (b)(2):

5 (1) must be a member of the governing body:

6 (A) of the political subdivision that is entitled
7 to make the appointment; or

8 (B) over which a member of the panel entitled to
9 make an appointment presides;

10 (2) vacates the office of board member if the person
11 ceases to be a member of the governing body described by Subdivision
12 (1);

13 (3) serves on the board as an additional duty of the
14 office held on the governing body described by Subdivision (1); and

15 (4) is not entitled to compensation for serving as a
16 member of the board.

17 (d-1) At least two members appointed under Subsections
18 (b)(1), (6), and (7) must be qualified voters residing in the
19 principal municipality.

20 (d-2) A person appointed under Subsection (b)(3) must:

21 (1) have the person's principal place of occupation or
22 employment in the portion of the authority's service area that is
23 located in the principal county; or

24 (2) be a qualified voter of the principal county.

25 (d-3) A person appointed under Subsection (b)(4) must:

26 (1) have the person's principal place of occupation or
27 employment in the portion of the authority's service area that is

1 located in the county, other than the principal county, that has the
2 largest population of the counties in the authority; or

3 (2) be a qualified voter of the county, other than the
4 principal county, that has the largest population of the counties
5 in the authority.

6 (e) A panel appointing a member under Subsection (b)(5)
7 [~~this section~~] operates in the manner prescribed by Section
8 451.503.

9 SECTION 8. Subsection (b), Section 451.505, Transportation
10 Code, is amended to read as follows:

11 (b) The terms of members of a board are staggered if the
12 authority was[+

13 [~~(1)~~] created before 1980 and has a principal
14 municipality with a population of less than 1.2 million[~~+ or~~

15 [~~(2) confirmed before July 1, 1985, and has a~~
16 ~~principal municipality with a population of less than 750,000].~~

17 SECTION 9. Subsections (g) and (h), Section 451.5021,
18 Transportation Code, are repealed.

19 SECTION 10. (a) This section applies only to a member of
20 the board of a metropolitan rapid transit authority created before
21 July 1, 1985, in which the principal municipality has a population
22 of 750,000 or less.

23 (b) The term of a board member that is scheduled, under the
24 law as it existed before the effective date of this Act, to expire:

25 (1) after the effective date of this Act but before
26 January 1, 2010, is extended to December 31, 2009; and

27 (2) on or after January 1, 2010, expires on the date

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1 the term was scheduled to expire under this law as it existed before
2 the effective date of this Act.

3 (c) As soon as practicable on or after the effective date of
4 this Act, but not later than December 31, 2009, the persons and
5 entities specified in Section 451.5021, Transportation Code, as
6 amended by this Act, shall appoint the members of the board in
7 compliance with that section, as amended, to serve terms that
8 begin, as applicable and as subject to Subsection (d) of this
9 section:

- 10 (1) January 1, 2010; or
- 11 (2) the day after a term expires under Subdivision
12 (2), Subsection (b) of this section.

13 (d) A vacancy created because of the expiration of a term
14 under Subsection (b) of this section is filled in the following
15 manner:

16 (1) for a member appointed under Subdivision (1),
17 Subsection (b), Section 451.5021, Transportation Code, under the
18 law as it existed before the effective date of this Act:

19 (A) one vacancy shall be filled by the appointing
20 person or entity specified by Subdivision (6), Subsection (b),
21 Section 451.5021, Transportation Code, as added by this Act; and

22 (B) one vacancy shall be filled by the appointing
23 person or entity specified by Subdivision (7), Subsection (b),
24 Section 451.5021, Transportation Code, as added by this Act;

25 (2) for a member appointed under Subdivision (2),
26 Subsection (b), Section 451.5021, Transportation Code, under the
27 law as it existed before the effective date of this Act:

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1 (A) one vacancy shall be filled by the appointing
2 person or entity specified by Subdivision (1), Subsection (b),
3 Section 451.5021, Transportation Code, as amended by this Act; and

4 (B) one vacancy shall be filled by the appointing
5 person or entity specified by Subdivision (2), Subsection (b),
6 Section 451.5021, Transportation Code, as amended by this Act;

7 (3) for a member appointed under Subdivision (3),
8 Subsection (b), Section 451.5021, Transportation Code, under the
9 law as it existed before the effective date of this Act, the vacancy
10 shall be filled by the appointing person or entity specified by
11 Subdivision (3), Subsection (b), Section 451.5021, Transportation
12 Code, as amended by this Act;

13 (4) for a member appointed under Subdivision (4),
14 Subsection (b), Section 451.5021, Transportation Code, under the
15 law as it existed before the effective date of this Act, the vacancy
16 shall be filled by the appointing person or entity specified by
17 Subdivision (5), Subsection (b), Section 451.5021, Transportation
18 Code, as amended by this Act; and

19 (5) for a member appointed under Subdivision (5),
20 Subsection (b), Section 451.5021, Transportation Code, under the
21 law as it existed before the effective date of this Act, the vacancy
22 shall be filled by the appointing person or entity specified by
23 Subdivision (4), Subsection (b), Section 451.5021, Transportation
24 Code, as amended by this Act.

25 (e) The members of the board appointed under Subsection (c)
26 of this section shall draw lots to determine which terms of two
27 members expire June 1, 2011, which terms of three members expire

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1 June 1, 2012, and which terms of three members expire June 1, 2013.

2 (f) As soon as practicable after the metropolitan planning
3 organization specified by Subdivision (8), Subsection (b), Section
4 451.5021, Transportation Code, as added by this Act, determines
5 that that subdivision applies to the metropolitan rapid transit
6 authority, the metropolitan planning organization shall appoint:

7 (1) one member of the board of the authority for a term
8 to expire June 1, 2011, or, if that date has passed, the following
9 six-year anniversary of that date; and

10 (2) one member of the board of the authority for a term
11 to expire June 1, 2013, or, if that date has passed, the following
12 six-year anniversary of that date.

13 SECTION 11. This Act takes effect September 1, 2009.

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David Newkumst
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 1263 passed the Senate on May 18, 2009, by the following vote: Yeas 31, Nays 0; May 30, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Daisy Law
Secretary of the Senate

I hereby certify that S.B. No. 1263 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 147, Nays 1, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 AM O'CLOCK
JUN 19 2009

Coly Hunter III