

By: Watson

S.B. No. 1263

A BILL TO BE ENTITLED

AN ACT

relating to certain mass transit entities.

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

SECTION 1. Section 2171.055, Government Code, is amended by adding Subsection (i) to read as follows:

(i) An officer or employee of a transportation or transit authority or department established under Chapter 451, 452, or 453, Transportation Code, who is engaged in official business of the authority or department may participate in the comptroller's contracts for travel services. The comptroller may charge a participating authority or department a fee not to exceed the costs incurred by the comptroller in providing services under this subsection. The comptroller shall periodically review fees and shall adjust them as needed to ensure recovery of costs incurred in providing services to authorities and departments under this subsection.

SECTION 2. Section 451.061, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the ~~The~~ fares, tolls, charges, rents, and other compensation established by an authority in which the principal municipality has a population of less than 1.2 million may not take effect until approved by a majority vote of a committee composed of:

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

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

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

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

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

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

25       SECTION 3. Subsections (e) and (f), Section 451.0611,  
26 Transportation Code, are amended to read as follows:

27       (e) The notice required by Subsection (d)(2) may be included

1 in a citation issued to the person under Article 14.06, Code of  
2 Criminal Procedure, or under Section 451.0612, in connection with  
3 an offense relating to the nonpayment of the appropriate fare or  
4 charge for the use of the public transportation system.

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

6 (1) a Class C misdemeanor; and

7 (2) not a crime of moral turpitude.

8 SECTION 4. Subchapter B, Chapter 451, Transportation Code,  
9 is amended by adding Section 451.0612 to read as follows:

10 Sec. 451.0612. FARE ENFORCEMENT OFFICERS IN CERTAIN  
11 AUTHORITIES. (a) An authority confirmed before July 1, 1985, in  
12 which the principal municipality has a population of less than  
13 750,000 may employ persons to serve as fare enforcement officers to  
14 enforce the payment of fares for use of the public transportation  
15 system by:

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

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

21 (b) Before commencing duties as a fare enforcement officer,  
22 a person must complete a 40-hour training course approved by the  
23 authority that is appropriate to the duties required of a fare  
24 enforcement officer.

25 (c) While performing duties, a fare enforcement officer  
26 shall:

27 (1) wear a distinctive uniform that identifies the

1 officer as a fare enforcement officer; and

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

4 (d) A fare enforcement officer may:

5 (1) request evidence showing payment of the  
6 appropriate fare from passengers of the public transportation  
7 system;

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

11 (3) request that a passenger leave the public  
12 transportation system if the passenger does not possess evidence of  
13 payment of the appropriate fare; and

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

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

18 (f) A fare enforcement officer is not a peace officer and  
19 has no authority to enforce a criminal law, other than the authority  
20 possessed by any other person who is not a peace officer.

21 SECTION 5. Section 451.071, Transportation Code, is amended  
22 by adding Subsections (b-1) and (g) to read as follows:

23 (b-1) The ballot may not permit the fixed rail transit  
24 system, or a proposal to expand a system, and the method of funding  
25 for the system or expansion of the system to be voted on as separate  
26 options. All fixed rail transit systems, proposals to expand a  
27 system, and methods of funding included on a ballot must be approved

1 or rejected as a group.

2 (g) This section does not require the authority to hold a  
3 referendum on a proposal to:

4 (1) enter into a contract to build, operate, or  
5 maintain a fixed rail transit system for another entity;

6 (2) expand a system previously approved under this  
7 section if the proposed expansion involves the addition of not more  
8 than one mile of track to the system; or

9 (3) enter into an interlocal agreement to build,  
10 operate, or maintain a system previously approved under this  
11 section.

12 SECTION 6. Subsection (c), Section 451.108, Transportation  
13 Code, is amended to read as follows:

14 (c) A peace officer commissioned under this section, except  
15 as provided by Subsections (d) and (e), or a peace officer  
16 contracted for employment by an authority confirmed before July 1,  
17 1985, in which the principal municipality has a population of less  
18 than 750,000, may:

19 (1) make an arrest in any county in which the transit  
20 authority system is located as necessary to prevent or abate the  
21 commission of an offense against the law of this state or a  
22 political subdivision of this state if the offense or threatened  
23 offense occurs on or involves the transit authority system;

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

26 (3) enforce traffic laws and investigate traffic  
27 accidents that involve or occur in the transit authority system;

1 and

2 (4) provide emergency and public safety services to  
3 the transit authority system or users of the transit authority  
4 system.

5 SECTION 7. Subchapter J, Chapter 451, Transportation Code,  
6 is amended by adding Sections 451.458, 451.459, and 451.460 to read  
7 as follows:

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

11 (b) The board shall enter into a contract with a qualified  
12 individual to perform internal auditing services as specified in  
13 the contract. A contract entered into under this section may be  
14 renewed for subsequent fiscal years of the authority but may not be  
15 renewed for more than three consecutive fiscal years.

16 (c) The contract must require the auditor to report directly  
17 to the board.

18 Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed  
19 before July 1, 1985, in which the principal municipality has a  
20 population of less than 750,000 is subject to review under Chapter  
21 325, Government Code (Texas Sunset Act), as if it were a state  
22 agency but may not be abolished under that chapter. The review  
23 shall be conducted as if the authority were scheduled to be  
24 abolished September 1, 2011. In addition, another review shall be  
25 conducted as if the authority were scheduled to be abolished  
26 September 1, 2016. The reviews conducted under this section must  
27 include an assessment of the governance, management, and operating

1 structure of the authority and the authority's compliance with the  
2 duties and requirements placed on it by the legislature.

3 (b) The authority shall pay the cost incurred by the Sunset  
4 Advisory Commission in performing a review of the authority under  
5 this section. The Sunset Advisory Commission shall determine the  
6 cost, and the authority shall pay the amount promptly on receipt of  
7 a statement from the Sunset Advisory Commission detailing the cost.

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

11 (b) The authority annually shall provide a report to the  
12 governing body of each municipality or county in the authority to  
13 which the authority is financially obligated regarding the status  
14 of the financial obligation.

15 SECTION 8. Section 451.5021, Transportation Code, is  
16 amended by amending Subsections (a), (b), and (d) and adding  
17 Subsections (b-1), (d-1), (d-2), and (d-3) to read as follows:

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

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

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

1           (2) one member, who is an elected official, [~~two~~  
2 ~~members~~] appointed by the governing body of the principal  
3 municipality;

4           (3) one member jointly appointed by:

5                   (A) the governing body of the principal  
6 municipality; and

7                   (B) the commissioners court of the principal  
8 county;

9           (4) one member jointly appointed by:

10                   (A) the governing body of the principal  
11 municipality; and

12                   (B) the commissioners court of the county,  
13 excluding the principal county, that has the largest population of  
14 the counties in the authority [~~a panel composed of the mayors of all~~  
15 ~~the municipalities in the authority located in the principal county~~  
16 ~~of the authority, excluding the mayor of the principal~~  
17 ~~municipality]; [~~and~~]~~

18           (5) one member, who is an elected official, appointed  
19 by a panel composed of:

20                   (A) the mayors of all municipalities in the  
21 authority [~~located outside the principal county of the authority~~],  
22 excluding the mayor of the principal municipality; and

23                   (B) the county judges of the counties having  
24 unincorporated area in the authority;

25           (6) one member, who has at least 10 years of experience  
26 as a financial or accounting professional, appointed by the  
27 metropolitan planning organization that serves the area in which



1 the authority is located;

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

7 (8) two members appointed by the metropolitan planning  
8 organization that serves the area in which the authority is  
9 located, if according to the most recent federal decennial census  
10 more than 35 percent of the population in the territory of the  
11 authority resides outside the principal municipality~~[, excluding~~  
12 ~~the county judge of the principal county; and~~

13 ~~[(C) the presiding officer of each municipal~~  
14 ~~utility district that:~~

15 ~~[(i) has a majority of its territory~~  
16 ~~located outside the principal county; and~~

17 ~~[(ii) is located wholly or partly in the~~  
18 ~~authority].~~

19 (b-1) Notwithstanding Section 451.505, members of the board  
20 serve staggered three-year terms, with the terms of two or three  
21 members, as applicable, expiring June 1 of each year.

22 (d) A person appointed under Subsection (b)(1), (2)  
23 ~~[(b)(2), (3), (4)]~~, or (5):

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

25 (A) of the political subdivision that is entitled  
26 to make the appointment; or

27 (B) over which a member of the panel entitled to

1 make an appointment presides;

2 (2) vacates the office of board member if the person  
3 ceases to be a member of the governing body described by Subdivision  
4 (1);

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

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

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

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

13 (1) have the person's principal place of occupation or  
14 employment in:

15 (A) the principal municipality; or

16 (B) the portion of the authority's service area  
17 that is located in the principal county; or

18 (2) be a qualified voter of:

19 (A) the principal municipality; or

20 (B) the portion of the authority's service area  
21 that is located in the principal county.

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

23 (1) have the person's principal place of occupation or  
24 employment in:

25 (A) the principal municipality; or

26 (B) the portion of the authority's service area  
27 that is located in the county, other than the principal county, that

1 has the largest population of the counties in the authority; or

2 (2) be a qualified voter of:

3 (A) the principal municipality; or

4 (B) the portion of the authority's service area  
5 that is located in the county, other than the principal county, that  
6 has the largest population of the counties in the authority.

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

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

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

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

17 (2) on or after January 1, 2010, expires June 1, 2010.

18 (c) As soon as practicable on or after the effective date of  
19 this Act, but not later than December 31, 2009, the persons and  
20 entities specified in Section 451.5021, Transportation Code, as  
21 amended by this Act, shall appoint the members of the board in  
22 compliance with that section, as amended, to serve terms that begin  
23 January 1, 2010, or June 2, 2010, as applicable.

24 (d) A vacancy created because of the expiration of a term  
25 under Subsection (b) of this section is filled in the manner  
26 provided by Subsection (c) of this section.

27 (e) The members of the board appointed under Subsection (c)

1 of this section shall draw lots to determine which terms of three  
2 members expire June 1, 2011, which terms of three members expire  
3 June 1, 2012, and which terms of three members expire June 1, 2013.

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