

Amend HB 3540 on third reading by striking Section 370.352(a), Transportation Code, as added by Amendment No. 28 by Dukes and as amended by Amendment No. 31 by Davis and substituting the following:

(a) A county by order of the commissioners court, may impose a tax on the sale of gasoline sold in the county to propel a motor vehicle on the public highways of this state if:

(1) the county is included in an authority or is adjacent to such a county, provided that a county not included in the authority must be located in the same metropolitan planning organization as the county in the authority to which it is adjacent;

(2) the county is located in the boundaries of a metropolitan planning area that is served by a metropolitan planning organization; and

(3) imposition of the tax is approved at an election called for that purpose and held in each county located in that metropolitan planning area.

(a-1) This subchapter, including Subsection (a), does not apply to a county with a population of more than two million.