

By: Brimer

S.B. No. 1808

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, powers, and funding of the Metroplex Area  
3 Mobility Authority and to requiring the Dallas-Fort Worth Metroplex  
4 to be included in a single Texas Department of Transportation  
5 district; authorizing a tax.

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

7 SECTION 1. Section 201.105(b), Transportation Code, is  
8 amended to read as follows:

9 (b) In determining a district's boundaries, the commission  
10 shall:

11 (1) consider all costs and benefits, including highway  
12 activity in and the number of employees required for the proposed  
13 district; and

14 (2) include the following counties in a single  
15 district: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker,  
16 Rockwall, Tarrant, and Wise.

17 SECTION 2. Subtitle G, Title 6, Transportation Code, is  
18 amended by adding Chapter 371 to read as follows:

19 CHAPTER 371. METROPLEX AREA MOBILITY AUTHORITY

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 371.001. DEFINITIONS. In this chapter:

22 (1) "Authority" means the Metroplex Area Mobility  
23 Authority.

24 (2) "Board" means the board of directors of the

1 authority.

2 (3) "Director" means a member of the board.

3 Sec. 371.002. CREATION. The commission by order shall  
4 create the Metroplex Area Mobility Authority. The territory of the  
5 authority must consist of all the territory in Collin, Dallas,  
6 Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and  
7 Wise Counties.

8 Sec. 371.003. BOARD OF DIRECTORS; TERMS; COMPENSATION. (a)  
9 The governing body of the authority is a board consisting of 13  
10 directors.

11 (b) The commissioners courts of Dallas and Tarrant Counties  
12 shall each appoint three directors. The commissioners courts of  
13 Collin and Denton Counties shall each appoint two directors. The  
14 commissioners courts of Ellis, Johnson, Kaufman, Parker, Rockwall,  
15 and Wise Counties shall jointly select the remaining three  
16 directors. To be eligible for appointment as a director, a person  
17 must be a qualified voter of the applicable county.

18 (c) Directors serve two-year staggered terms.

19 (d) A director is entitled to:

20 (1) compensation for service on the board; and

21 (2) expenses actually incurred while serving on the  
22 board.

23 Sec. 371.004. HEADQUARTERS. The board shall locate and  
24 maintain the headquarters of the authority at the Dallas/Fort Worth  
25 International Airport.

26 Sec. 371.005. GENERAL POWERS. (a) The authority has all  
27 the powers of:

1           (1) a regional mobility authority created under:

2                   (A) Section 361.003, as enacted by Section 2,  
3 Chapter 1237, Acts of the 77th Legislature, Regular Session, 2001;

4                   (B) Chapter 370; or

5                   (C) another law of this state; and

6           (2) a regional transportation authority under Chapter  
7 452.

8           (b) For purposes of Subsection (a), all the provisions of  
9 Chapter 452 applicable to a regional transportation authority apply  
10 to the authority to the extent they can be made applicable. All  
11 references to an authority in that chapter mean the authority. All  
12 references to an executive committee in that chapter mean the board  
13 of directors of the authority.

14           (c) The authority may impose reasonable fees and other  
15 charges on a railroad company operating in the territory of the  
16 authority.

17           Sec. 371.006. POWERS RELATING TO AIRPORTS. (a) In addition  
18 to any other power, the authority may construct, maintain, manage,  
19 or operate one or more airports, as defined by Section 22.001,  
20 located in the territory of the authority.

21           (b) For purposes of Subsection (a), all the provisions of  
22 Chapter 22 applicable to a local government apply to the authority  
23 to the extent they can be made applicable. All references to a  
24 local government in that chapter mean the authority. All  
25 references to the governing body of a local government in that  
26 chapter mean the board.

27           [Sections 371.007-371.050 reserved for expansion]

SUBCHAPTER B. LOCAL FUEL SALES TAX

Sec. 371.051. DEFINITIONS. In this subchapter:

(1) "Dealer," "diesel fuel," "gasoline," "motor vehicle," "public highway," and "sale" have the meanings assigned by Section 162.001, Tax Code.

(2) "Jobber" means a person who:

(A) purchases tax-paid diesel fuel or gasoline from a person who holds a license under Chapter 162, Tax Code; and

(B) makes a sale with the tax included to a person who maintains storage facilities for motor fuel and uses all or part of the stored motor fuel to operate a motor vehicle.

Sec. 371.052. FUEL SALES TAX AUTHORIZED. (a) The authority, by order of the board, may impose a sales tax on gasoline and diesel fuel sold in the territory of the authority to propel a motor vehicle on the public highways of this state.

(b) The authority may impose a tax under this subchapter only if the tax is approved at an election held under Section 371.054.

Sec. 371.053. RATE OF TAX. The tax authorized by this subchapter may be imposed in increments of one-eighth of one percent, not to exceed 6-1/4 percent, of the sales price of gasoline and diesel fuel sold in the authority and used to propel a motor vehicle on the public highways of this state.

Sec. 371.054. ADOPTION ELECTION PROCEDURE. (a) An election to adopt the tax authorized by this subchapter is called by an order of the board.

(b) At an election to adopt the tax, the ballot shall be

1 prepared to permit voting for or against the proposition: "The  
2 adoption of a local fuel sales tax in the Metroplex Area Mobility  
3 Authority at the rate of (insert proposed rate)."

4 Sec. 371.055. ELECTION TO ABOLISH TAX OR CHANGE RATE. (a)  
5 The board may order an election on the question of abolishing or  
6 changing the rate of the tax authorized by this subchapter.

7 (b) The board shall order an election on the question of  
8 abolishing or changing the rate of the tax if the board receives a  
9 petition requesting the election signed by a number of registered  
10 voters of the authority equal to at least five percent of the total  
11 vote received in the territory of the authority by all candidates  
12 for governor in the most recent gubernatorial general election.

13 (c) The ballot at an election to change the rate of the tax  
14 must be printed to permit voting for or against the proposition:  
15 "Authorizing the Metroplex Area Mobility Authority to impose a  
16 local fuel sales tax at the rate of (insert proposed rate)."

17 (d) The ballot at an election to abolish the tax must be  
18 printed to permit voting for or against the proposition:  
19 "Abolishing the local fuel sales tax in the Metroplex Area Mobility  
20 Authority."

21 Sec. 371.056. COMPUTATION OF TAX. (a) A person, including  
22 a dealer or jobber, who makes a sale of gasoline or diesel fuel in  
23 the authority to a person who uses the gasoline or diesel fuel to  
24 propel a motor vehicle on the public highways of this state shall  
25 collect the tax authorized by this subchapter for the benefit of the  
26 authority.

27 (b) The seller shall add the tax authorized by this

1 subchapter to the selling price of gasoline or diesel fuel, and the  
2 tax is a part of the gasoline or diesel fuel price, is a debt owed to  
3 the seller, and is recoverable at law in the same manner as the  
4 gasoline or diesel fuel charge.

5 (c) The tax authorized by this subchapter is in addition to  
6 the tax imposed by Chapter 162, Tax Code.

7 Sec. 371.057. EXEMPTIONS APPLICABLE. The exemptions  
8 provided by Sections 162.104 and 162.204, Tax Code, apply to the tax  
9 authorized by this subchapter.

10 Sec. 371.058. EFFECTIVE DATE OF TAX OR TAX CHANGE. The  
11 adoption or abolition of the tax authorized by this subchapter or a  
12 change in a tax rate takes effect on the date prescribed by the  
13 order imposing or abolishing the tax or changing the rate.

14 Sec. 371.059. COLLECTION AND ENFORCEMENT OF TAX. (a) A  
15 person required to collect the tax authorized by this subchapter  
16 shall report and send the taxes to the authority as provided by the  
17 authority.

18 (b) The board by order may prescribe monetary penalties,  
19 including interest charges, for failure to keep records required by  
20 this subchapter, to report when required, or to pay the tax when  
21 due.

22 (c) The board by order may permit a person who is required to  
23 collect the tax authorized by this subchapter to retain a  
24 percentage of the amount collected and required to be reported as  
25 reimbursement to the person for the costs of collecting the tax.  
26 The board may provide that the person may retain the amount only if  
27 the person pays the tax and files reports as required by the

1 authority.

2 (d) The attorney acting for the authority may bring suit  
3 against a person who violates this subchapter.

4 Sec. 371.060. REFUND. (a) A person who has paid the tax  
5 authorized by this subchapter on gasoline or diesel fuel used by the  
6 person for a purpose other than to propel a motor vehicle on the  
7 public highways of this state or for a use exempted under Section  
8 371.057 may file a claim for a refund.

9 (b) The authority shall prescribe the procedures a person  
10 must use to obtain a refund under this section.

11 Sec. 371.061. REQUIRED PERMIT. The board may require a  
12 dealer, jobber, or other person required to collect, report, and  
13 pay the tax authorized by this subchapter to obtain a permit from  
14 the authority.

15 Sec. 371.062. TRANSFER TO COMPTROLLER. (a) Not later than  
16 the last day of the first month following each calendar quarter, the  
17 custodian of the authority treasury shall send to the comptroller  
18 an amount equal to one-fourth of the taxes collected during that  
19 calendar quarter after payment of all refunds allowed by law and  
20 expenses of collection.

21 (b) The comptroller shall deposit money received under this  
22 section to the credit of the available school fund.

23 Sec. 371.063. USE OF TAX PROCEEDS. Except as provided by  
24 Section 371.062, the authority may use net tax revenue received  
25 under this subchapter only for a purpose authorized by Section 7-a,  
26 Article VIII, Texas Constitution.

27 [Sections 371.064-371.100 reserved for expansion]

1                   SUBCHAPTER C. SALES AND USE TAX

2                   Sec. 371.101. IMPOSITION, COMPUTATION, ADMINISTRATION, AND  
3 GOVERNANCE OF SALES TAX. (a) The authority, by order of the board,  
4 may impose a sales and use tax.

5                   (b) Chapter 323, Tax Code, to the extent not inconsistent  
6 with this subchapter, governs the imposition, computation,  
7 administration, and governance of the sales and use tax under this  
8 subchapter, except that Sections 323.101 and 323.105 and  
9 323.401-323.408, Tax Code, do not apply.

10                   (c) Chapter 323, Tax Code, does not apply to the use and  
11 allocation of revenue under this subchapter.

12                   (d) In applying the procedures under Chapter 323, Tax Code,  
13 to the authority, the authority's name is substituted for "the  
14 county," and "board of directors" is substituted for "commissioners  
15 court."

16                   Sec. 371.102. SALES AND USE TAX RATE. The rate of a sales  
17 and use tax imposed under this subchapter is one-fourth of one  
18 percent.

19                   Sec. 371.103. EFFECTIVE DATE OF SALES AND USE TAX. (a) The  
20 sales and use tax imposed under this subchapter takes effect on the  
21 first day of the first calendar quarter occurring after the  
22 expiration of the first complete calendar quarter occurring after  
23 the date on which the comptroller receives a notice of the board's  
24 order imposing the tax.

25                   (b) If the comptroller determines that an effective date  
26 provided by Subsection (a) will occur before the comptroller can  
27 reasonably take the action required to begin collecting the tax,



1 the comptroller may postpone the effective date until the first day  
2 of the next calendar quarter.

3 Sec. 371.104. IMPOSITION IN MUNICIPALITY OR COUNTY WITH  
4 OTHER TAXING AUTHORITY. (a) In this section, "taxing authority"  
5 means:

6 (1) a regional transportation authority created under  
7 Chapter 452;

8 (2) the Fort Worth Crime Control and Prevention  
9 District; or

10 (3) an industrial development corporation created  
11 under Section 4A or 4B, Development Corporation Act of 1979  
12 (Article 5190.6, Vernon's Texas Civil Statutes).

13 (b) If the authority is included within the boundaries of  
14 another taxing authority and the imposition of the tax under this  
15 subchapter would result in a combined tax rate of more than two  
16 percent in any location in the authority, the tax rate of the other  
17 taxing authority is automatically reduced to the highest rate that  
18 will not result in a combined tax rate of more than two percent in  
19 any location in the authority. If the authority is included within  
20 the boundaries of more than one taxing authority, the board shall  
21 choose which taxing authority's tax will be reduced.

22 (c) The rate of the tax imposed by the other taxing  
23 authority is increased without further action of the governing body  
24 or the voters of the other taxing authority on the date on which the  
25 tax imposed under this subchapter is abolished by the board, but  
26 only to the extent that any tax imposed by the other taxing  
27 authority was reduced under this section when the board ordered the

1 imposition of the tax under this subchapter.

2 (d) This section does not permit a taxing authority to  
3 impose taxes at differential tax rates within the territory of the  
4 authority.

5 Sec. 371.105. ABOLITION OF TAX. (a) The board by order may  
6 abolish a sales and use tax imposed under this subchapter.

7 (b) A sales and use tax imposed under this subchapter may  
8 not be collected after the last day of the first calendar quarter  
9 occurring after notification to the comptroller by the authority  
10 that the board has abolished the tax.

11 (c) The authority shall notify the comptroller of the  
12 abolition of the tax not later than the 30th day after the date the  
13 board adopts an order under Subsection (a).

14 SECTION 3. Subchapter F, Chapter 162, Tax Code, is amended  
15 by adding Section 162.506 to read as follows:

16 Sec. 162.506. PAYMENT TO METROPLEX AREA MOBILITY AUTHORITY.  
17 On or before the 15th day of each month, the comptroller shall:

18 (1) using the best available sources of statistical  
19 data, determine the estimated average or actual consumption in the  
20 territory of the Metroplex Area Mobility Authority during the  
21 preceding month of gasoline, diesel fuel, and liquefied gas used to  
22 propel motor vehicles on public highways;

23 (2) from the number of gallons determined under  
24 Subdivision (1), determine the taxes collected under this chapter  
25 that were paid on that gasoline, diesel fuel, and liquefied gas; and

26 (3) from money deposited to the credit of the state  
27 highway fund, make a payment through the electronic funds transfer

1 system to the Metroplex Area Mobility Authority in an amount equal  
2 to 85 percent of the amount determined under Subdivision (2).

3 SECTION 4. As soon as practicable after the effective date  
4 of this Act, but not later than January 1, 2008, the Texas  
5 Transportation Commission shall conform the boundaries of the Texas  
6 Department of Transportation districts to conform to Section  
7 201.105(b), Transportation Code, as amended by this Act.

8 SECTION 5. (a) On the date that a majority of the initial  
9 board of directors of the Metroplex Area Mobility Authority has  
10 been appointed and has qualified for office:

11 (1) all assets, rights, and obligations of the Dallas  
12 Area Rapid Transit that pertain to or are associated with a light  
13 rail mass transit system are transferred to the Metroplex Area  
14 Mobility Authority;

15 (2) the Metroplex Area Mobility Authority shall  
16 succeed to all assets, rights, and other property of the Dallas Area  
17 Rapid Transit that pertain to or are associated with a light rail  
18 mass transit system, including rolling stock, fixed guideway rails,  
19 rights-of-way, administration buildings, and all other facilities,  
20 improvements, leaseholds, funds, accounts, and investments related  
21 to the light rail mass transit system;

22 (3) the Metroplex Area Mobility Authority shall assume  
23 and become liable for all duties and obligations of the Dallas Area  
24 Rapid Transit that relate to a light rail mass transit system or to  
25 the assets, rights, and properties transferred under Subdivision  
26 (2) of this subsection, including contracts and bonds secured by  
27 the revenues of the assets, and the Metroplex Area Mobility

1 Authority is obligated to comply with all the assumed obligations  
2 to the same extent as the Dallas Area Rapid Transit;

3 (4) all light rail mass transit system employees of  
4 the Dallas Area Rapid Transit become employees of the Metroplex  
5 Area Mobility Authority; and

6 (5) a rule or regulation adopted by the Dallas Area  
7 Rapid Transit relating to the operation of a light rail mass transit  
8 system before that date that is not inconsistent with this Act  
9 remains in effect as a rule or regulation of the Metroplex Area  
10 Mobility Authority until superseded by action of that entity.

11 (b) This subsection applies to any item described by  
12 Subsection (a) of this section that pertains to or is associated  
13 with the Trinity Railway Express. In addition to the transfer and  
14 other actions specified by Subsection (a) of this section, on the  
15 date specified by that subsection:

16 (1) all assets, rights, and obligations of the Fort  
17 Worth Transportation Authority that pertain to or are associated  
18 with the Trinity Railway Express are transferred to the Metroplex  
19 Area Mobility Authority;

20 (2) the Metroplex Area Mobility Authority shall  
21 succeed to all assets, rights, and other property of the Fort Worth  
22 Transportation Authority that pertain to or are associated with the  
23 Trinity Railway Express, including rolling stock, fixed guideway  
24 rails, rights-of-way, administration buildings, and all other  
25 facilities, improvements, leaseholds, funds, accounts, and  
26 investments related to the Trinity Railway Express;

27 (3) the Metroplex Area Mobility Authority shall assume

1 and become liable for all duties and obligations of the Fort Worth  
2 Transportation Authority that relate to the Trinity Railway Express  
3 or to the assets, rights, and properties transferred under  
4 Subdivision (2) of this subsection, including contracts and bonds  
5 secured by the revenues of the assets, and the Metroplex Area  
6 Mobility Authority is obligated to comply with all the assumed  
7 obligations to the same extent as the Fort Worth Transportation  
8 Authority;

9 (4) all Trinity Railway Express employees of the Fort  
10 Worth Transportation Authority become employees of the Metroplex  
11 Area Mobility Authority; and

12 (5) a rule or regulation adopted by the Dallas Area  
13 Rapid Transit or Fort Worth Transportation Authority relating to  
14 the operation of the Trinity Railway Express before that date that  
15 is not inconsistent with this Act remains in effect as a rule or  
16 regulation of the Metroplex Area Mobility Authority until  
17 superseded by action of that entity.

18 (c) On the date that a majority of the initial board of  
19 directors of the Metroplex Area Mobility Authority has been  
20 appointed and has qualified for office:

21 (1) all assets, rights, and obligations of the Denton  
22 County Transportation Authority that pertain to or are associated  
23 with a mass transit rail system are transferred to the Metroplex  
24 Area Mobility Authority;

25 (2) the Metroplex Area Mobility Authority shall  
26 succeed to all assets, rights, and other property of the Denton  
27 County Transportation Authority that pertain to or are associated

1 with a mass transit rail system, including rolling stock, fixed  
2 guideway rails, rights-of-way, administration buildings, and all  
3 other facilities, improvements, leaseholds, funds, accounts, and  
4 investments related to the mass transit rail system;

5 (3) the Metroplex Area Mobility Authority shall assume  
6 and become liable for all duties and obligations of the Denton  
7 County Transportation Authority that relate to a mass transit rail  
8 system or to the assets, rights, and properties transferred under  
9 Subdivision (2) of this subsection, including contracts and bonds  
10 secured by the revenues of the assets, and the Metroplex Area  
11 Mobility Authority is obligated to comply with all the assumed  
12 obligations to the same extent as the Denton County Transportation  
13 Authority;

14 (4) all mass transit rail system employees of the  
15 Denton County Transportation Authority become employees of the  
16 Metroplex Area Mobility Authority; and

17 (5) a rule or regulation adopted by the Denton County  
18 Transportation Authority relating to the operation of a mass  
19 transit rail system before that date that is not inconsistent with  
20 this Act remains in effect as a rule or regulation of the Metroplex  
21 Area Mobility Authority until superseded by action of that entity.

22 SECTION 6. (a) On the date agreed upon by the board of  
23 directors of the Metroplex Area Mobility Authority and the board of  
24 directors of the North Texas Tollway Authority, but not later than  
25 the second anniversary of the date that a majority of the initial  
26 board of directors of the Metroplex Area Mobility Authority has  
27 been appointed and has qualified for office:

1           (1) the North Texas Tollway Authority is abolished and  
2 all assets, rights, and obligations of the North Texas Tollway  
3 Authority are transferred to the Metroplex Area Mobility Authority;

4           (2) the Metroplex Area Mobility Authority shall  
5 succeed to all assets, rights, and other property of the North Texas  
6 Tollway Authority, including roadways, rights-of-way, toll  
7 projects and proposed extensions to those projects, administration  
8 buildings, and all other facilities, improvements, leaseholds,  
9 funds, accounts, and investments;

10           (3) the Metroplex Area Mobility Authority shall assume  
11 and become liable for all duties and obligations of the North Texas  
12 Tollway Authority related to the assets, rights, and properties  
13 transferred under Subdivision (2) of this subsection, including  
14 contracts and bonds secured by the revenues of the assets, and the  
15 Metroplex Area Mobility Authority is obligated to comply with all  
16 the assumed obligations to the same extent as the North Texas  
17 Tollway Authority;

18           (4) an employee of the North Texas Tollway Authority  
19 becomes an employee of the Metroplex Area Mobility Authority,  
20 subject to the employment openings and requirements of the  
21 Metroplex Area Mobility Authority; and

22           (5) a rule or regulation adopted by the North Texas  
23 Tollway Authority relating to the operation of a turnpike before  
24 that date that is not inconsistent with this Act remains in effect  
25 as a rule or regulation of the Metroplex Area Mobility Authority  
26 until superseded by action of that entity.

27           (b) The Metroplex Area Mobility Authority is a successor

1 agency to the North Texas Tollway Authority for all purposes,  
2 including for the purpose of Section 52-b, Article III, Texas  
3 Constitution, concerning all assets, rights, other property,  
4 duties, and obligations transferred to the Metroplex Area Mobility  
5 Authority under this Act.

6 (c) Any existing agreement by and between the North Texas  
7 Tollway Authority and this state, the Texas Transportation  
8 Commission, the Texas Department of Transportation, the Federal  
9 Highway Administration, the United States Department of  
10 Transportation, any other federal or state governmental entity, or  
11 any local governmental entity that pertains to an asset, right, or  
12 obligation transferred to the North Texas Tollway Authority under  
13 this Act is binding on, benefits, and is fully enforceable by and  
14 against the Metroplex Area Mobility Authority as successor to the  
15 North Texas Tollway Authority.

16 SECTION 7. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2007.