

A BILL TO BE ENTITLED

AN ACT

relating to local options regarding mobility improvement projects in certain counties and municipalities; providing authority to impose a tax, issue bonds, and impose penalties.

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

SECTION 1. Subtitle B, Title 14, Local Government Code, is amended by adding Chapter 446 to read as follows:

CHAPTER 446. LOCAL OPTIONS FOR TRANSPORTATION PROJECTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 446.001. SHORT TITLE. This chapter may be cited as the Texas Local Option Transportation Act.

Sec. 446.002. DEFINITIONS. In this chapter:

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

(2) "Department" means the Texas Department of Transportation.

(3) "Intermodal hub" and "transit system" have the meanings assigned by Section 370.003, Transportation Code.

(4) "Metropolitan planning organization" has the meaning assigned by Section 472.031, Transportation Code.

(5) "Mobility improvement project" means a capital improvement or set of related capital improvements within a geographic area, including maintenance and operation of such

1 improvements, that is designed to relieve traffic congestion,
2 increase mobility and the movement of traffic or individuals,
3 expand transportation capacity, promote traffic or pedestrian
4 safety, or improve air quality, including passenger rail systems
5 and related infrastructure; freight rail systems; transit systems;
6 intermodal hubs; pedestrian facilities; streets, roadways,
7 highways, and additional roadway or highway lanes, including
8 turning lanes and managed or high occupancy vehicle lanes; and
9 bridges, tunnels, interchanges, overpasses and underpasses,
10 service roads, ramps, entrance plazas, parking areas or structures,
11 and traffic signal systems.

12 (6) "Transit authority" or "transportation authority"
13 means an authority operating under Chapter 370, 451, 452, or 460,
14 Transportation Code.

15 Sec. 446.003. REDUCTION PROHIBITED. (a) A county,
16 municipality, or metropolitan planning organization may not be
17 penalized with a reduction in state or federal transportation
18 funding, including funding from the state highway fund, the Texas
19 mobility fund, the Texas highway beautification fund, general
20 obligation bonds, or any other method of state or federal
21 transportation financing, because of the imposition of a method of
22 local option funding under this chapter.

23 (b) The department may not reduce any allocation of state or
24 federal transportation funding to a department district because the
25 district contains a county that imposes a method of local option
26 funding under this chapter.

27 (c) A county, municipality, or other entity funding

1 transportation in a county may not reduce traditional
2 transportation funding because the county imposes a method of local
3 option funding under this chapter. This subsection does not apply
4 to a county to which Subchapter C applies.

5 Sec. 446.004. APPLICABILITY OF PROVISIONS. The provisions
6 of this subchapter and Subchapter B only apply to a county to which
7 another subchapter of this chapter applies.

8 Sec. 446.005. RESTRICTIONS ON LOBBYING. A county that
9 imposes a method of local option funding under this chapter may not
10 use the funds to pay a person or entity that is required to register
11 with the Texas Ethics Commission under Chapter 305, Government
12 Code.

13 Sec. 446.006. LIBERAL CONSTRUCTION. This chapter shall be
14 liberally construed to effect its purposes.

15 Sec. 446.007. EXPIRATION OF CHAPTER. (a) This chapter
16 expires January 1, 2019. The expiration of this chapter precludes
17 the holding of elections and the imposition of any method of local
18 option funding not authorized under this chapter before its
19 expiration.

20 (b) The expiration of this chapter does not affect:

21 (1) the enforcement of bonds, obligations, covenants,
22 or other legal instrument issued or executed under this chapter
23 before its expiration;

24 (2) the continued imposition and collection of any
25 fees or methods of local option funding authorized at an election
26 held under this chapter before its expiration;

27 (3) the performance of any mobility improvement

1 project, including maintenance and operation of a project; or

2 (4) the administration of a local option
3 transportation fund established under Section 446.110 or a similar
4 fund created by a county for money raised by a method of local
5 option funding under this chapter.

6 [Sections 446.008-446.050 reserved for expansion]

7 SUBCHAPTER B. LOCAL OPTION FUNDING

8 Sec. 446.051. METHODS OF LOCAL OPTION FUNDING. (a) A
9 county may include on a ballot proposition under this chapter any
10 combination of the following methods of local option funding:

11 (1) a tax on the retail sale of gasoline or diesel fuel
12 in the county as described by Section 446.055;

13 (2) a mobility improvement fee, in an amount not less
14 than \$1 or more than \$60, imposed on a person registering a motor
15 vehicle in the county at the time of registration, except that the
16 fee is not imposed on a person registering a motor vehicle in the
17 manner provided by Section 501.0234, Transportation Code;

18 (3) a parking management fee, in an amount not to
19 exceed \$2 per day per vehicle use of a parking space, for paid
20 parking facilities owned by the county or a municipality in the
21 county that are available to the general public, excluding metered
22 parking and parking at an international airport located partially
23 in two separate counties each with a population above one million or
24 at a municipally-owned airport located in a municipality with a
25 population of less than 1.5 million in a county with a population
26 greater than two million;

27 (4) an annual motor vehicle emissions fee on vehicles

1 registered in the county as described by Section 446.056;

2 (5) a fee for the renewal of a driver's license issued
3 to a county resident as described by Section 446.057; and

4 (6) a Texas new resident roadway impact fee, in an
5 amount not less than \$1 or more than \$250, imposed on each person
6 registering a motor vehicle previously registered in another state
7 or country, to be collected at the time of registration.

8 (b) The mobility improvement fee authorized by Subsection
9 (a)(2) and the Texas new resident roadway impact fee authorized by
10 Subsection (a)(6) are not automobile registration fees and may not
11 be construed as automobile registration fees for any legal or
12 constitutional purpose.

13 (c) Chapter 395 does not apply to the Texas new resident
14 roadway impact fee authorized by Subsection (a)(6).

15 (d) Except as otherwise provided by this subchapter, a
16 county shall adopt rules and prescribe forms for the collection of a
17 tax or fee authorized by this section. A person required to collect
18 a tax or fee authorized by this section shall report and send the
19 tax or fee to the county as provided by the county.

20 (e) A county imposing a tax or fee under this section may
21 prescribe monetary penalties, including interest charges, for
22 failure to keep records required by rules adopted under this
23 section, failure to report when required, or failure to pay the tax
24 when due.

25 (f) A county attorney, criminal district attorney, or
26 district attorney may bring suit against a person to enforce the
27 provisions of this section.

1 Sec. 446.052. COUNTY AUTHORITY TO IMPOSE METHOD OF FUNDING.

2 (a) A county may impose and collect a method of local option
3 funding approved by a majority of the voters of the county voting at
4 an election held under this chapter and may enter into a contract or
5 interlocal agreement as provided by Section 446.058 to implement
6 the imposition or collection.

7 (b) A method of local option funding implemented under this
8 chapter:

9 (1) may not be used to raise funds in excess of the
10 amount required to fund approved mobility improvement projects; and

11 (2) must expire when the approved mobility improvement
12 projects are accepted by the governmental entity that contracted
13 for the projects or when the bonds are paid off, whichever is later,
14 unless continued funding for maintenance and operation of a
15 project, including the impact to an existing system as specified by
16 an interlocal agreement, was authorized at an election held under
17 this chapter.

18 Sec. 446.053. LOW-INCOME RELIEF. (a) For each method of
19 local option funding implemented by a county under this chapter,
20 except a motor fuel tax or parking management fee, the county
21 commissioners court shall, by an order issued before January 10,
22 2010, establish an exemption, waiver, or partial reduction for
23 individuals of low or moderate income who demonstrate significant
24 financial hardship, based on income guidelines adopted by the Texas
25 Commission on Environmental Quality under Section 382.210, Health
26 and Safety Code. Before issuing an order under this section, the
27 commissioners court must hold a public hearing regarding the

1 proposed exemption, waiver, or partial reduction.

2 (b) The commissioners court shall qualify for the
3 exemption, waiver, or partial reduction established under this
4 section any person who is eligible to participate in the income
5 vehicle repair assistance, retrofit, and accelerated vehicle
6 retirement program authorized under Chapter 382, Health and Safety
7 Code.

8 Sec. 446.054. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING.

9 (a) If a majority of the votes cast in an election held in a county
10 under this chapter approve any method or combination of methods of
11 local option funding, the commissioners court of the county by
12 order shall, except in regard to a motor fuel tax, impose and begin
13 the collection of the approved method or methods of funding before
14 the 91st day after the election date.

15 (b) At a minimum, the order imposing the method or methods
16 of local option funding must specify:

17 (1) the rate or amount of the method or methods
18 approved at the election; and

19 (2) the manner in which each method will be
20 administered, collected, and enforced.

21 (c) Sections 502.102, 502.1025, and 502.108, Transportation
22 Code, do not apply to money collected under this chapter.

23 Sec. 446.055. IMPOSITION OF COUNTY MOTOR FUEL TAX. (a) A
24 county to which this chapter applies may, if approved in accordance
25 with other provisions of this chapter, impose a tax at a rate of 2,
26 4, 6, 8, or 10 cents per gallon on the sale of gasoline and diesel
27 fuel that is sold in the county by a person, including a dealer,

1 distributor, supplier, or permissive supplier, engaged in the sale
2 of motor fuels used to propel a motor vehicle on the public highways
3 of the state. The tax is added to the selling price of the gasoline
4 or diesel fuel and is part of the gasoline or diesel fuel price, is a
5 debt owed to the seller, and is recoverable at law in the same
6 manner as the fuel charge for gasoline or diesel fuel.

7 (b) The tax authorized by this section is in addition to the
8 tax imposed by Chapter 162, Tax Code, and shall be collected in
9 conjunction with that tax when gasoline or diesel fuel is removed
10 from a terminal using the terminal rack, other than by bulk
11 transfer, to be sold or delivered into a county that has imposed the
12 tax authorized by this section.

13 (c) The comptroller shall administer, collect, and enforce
14 any tax imposed upon the sale of gasoline or diesel fuel approved in
15 accordance with the provisions of this chapter. The tax shall be
16 exclusively administered, collected, and enforced in conformance
17 with the provisions of Chapter 162, Tax Code, governing the tax
18 assessed on the sale of gasoline and diesel fuel. References found
19 in Chapter 162, Tax Code, to taxes imposed under that chapter shall
20 also include taxes imposed under this section.

21 (d) Words used in this section and defined by Chapter 162,
22 Tax Code, have the meanings assigned by that chapter.

23 (e) The exemptions provided by Sections 162.104 and
24 162.204, Tax Code, apply to the tax authorized by this section.

25 (f) The comptroller may adopt reasonable rules and
26 prescribe forms that are consistent with this chapter and Chapter
27 162, Tax Code, for the administration, collection, reporting, and

1 enforcement of this section.

2 (g) Before sending any money to a county under this section,
3 the comptroller shall deduct any costs incurred by the comptroller
4 related to the comptroller's preparations to administer, collect,
5 and enforce a tax upon the sale of gasoline or diesel fuel approved
6 in accordance with this chapter. Each county which approves the
7 imposition of a tax on the sale of gasoline or diesel fuel shall be
8 charged a pro-rata amount for the comptroller's costs in preparing
9 to administer, collect, and enforce the tax. If only one county
10 elects to approve the imposition of a tax on the sale of gasoline or
11 diesel fuel within its jurisdiction, that county shall bear all of
12 the costs incurred by the comptroller but may recover pro-rata
13 shares of this cost from other counties which approve the
14 imposition of the tax. The comptroller shall also deduct two
15 percent of the amount of taxes collected under this section during
16 the period for which a distribution is made as the state's charge
17 for its services under this section and shall credit the money
18 deducted to the general revenue fund. At least twice during each
19 state fiscal year, and at other times as often as feasible, the
20 comptroller shall send to the county treasurer payable to the
21 county the county's share of the taxes collected by the comptroller
22 under this section.

23 (h) Except as provided by Subsection (i), the tax authorized
24 by this section takes effect on the first day of the first calendar
25 quarter following the expiration of the first complete quarter
26 occurring after the date of election authorizing the order imposing
27 the tax under Section 446.054.

1 (i) If the comptroller determines that the time of effect
2 required by Subsection (h) will occur before the comptroller can
3 reasonably take the action required to begin collecting the tax,
4 the comptroller may delay the time of effect until the first day of
5 the first calendar quarter following the date the comptroller
6 declares that it is ready to begin collecting the tax.

7 Sec. 446.056. IMPOSITION OF ANNUAL MOTOR VEHICLE EMISSIONS
8 FEE. (a) A county to which this chapter applies may, if approved
9 in accordance with other provisions of this chapter, impose on the
10 owner of a vehicle registered in the county an annual motor vehicle
11 emissions fee in an amount not less than \$1 or more than \$15,
12 assessed on each vehicle tested under the vehicle emissions
13 inspection and maintenance program described by Section 382.202,
14 Health and Safety Code. A fee imposed under this section shall be
15 collected:

16 (1) directly by the county through a program the
17 county develops to bill and collect the fee; or

18 (2) by each emissions inspection station conducting
19 emissions testing under Section 382.202, Health and Safety Code,
20 which fee the inspection station shall remit to the county.

21 (b) An emissions inspection station may be required to
22 collect the motor vehicle emissions fee under Subsection (a)(2)
23 only if:

24 (1) the Texas Commission on Environmental Quality,
25 under its authority to adopt standards and specifications for motor
26 vehicle emissions testing equipment under Section 382.205(b),
27 Health and Safety Code, has adopted specifications necessary to

1 enable collection of the emissions fee as part of the vehicle
2 emissions inspection and maintenance program; or

3 (2) a county imposing an emissions fee under this
4 chapter requires the emissions inspection station to assess and
5 collect the fee separately from billing created by the motor
6 vehicle emissions testing equipment.

7 (c) A county that implements an annual motor vehicle
8 emissions fee under this chapter shall reimburse the Texas
9 Commission on Environmental Quality for any expenses incurred by
10 the commission that are related to the county emissions fee.

11 Sec. 446.057. IMPOSITION OF COUNTY DRIVER'S LICENSE FEE.

12 (a) In this section, "driver's license" and "license" have the
13 meanings assigned by Section 521.001, Transportation Code.

14 (b) A county to which this chapter applies may, if approved
15 in accordance with other provisions of this chapter, impose a fee on
16 the renewal by a county resident of a license under Chapter 521,
17 Transportation Code, in an amount not less than \$1 or more than the
18 license renewal fee under Section 521.421, Transportation Code. A
19 fee imposed under this section is in addition to the fee imposed
20 under Section 521.421, Transportation Code.

21 (c) A fee imposed by a county under this section shall be
22 collected by the Department of Public Safety and deposited in trust
23 in the separate suspense account of the county from which the fees
24 were collected for allocation to the county as provided by this
25 section.

26 (d) Each month, the comptroller shall send to the county
27 treasurer or to the person who performs the office of the county

1 treasurer the county's share of the fees payable to a municipality
2 within the county collected by the Department of Public Safety
3 under this section.

4 (e) The comptroller may retain in the suspense account of a
5 county a portion of the municipality's share of the fees collected
6 for the municipality under this section, not to exceed two percent
7 of the amount remitted to the county. If the county has abolished
8 the fee, the amount that may be retained may not exceed two percent
9 of the final remittance to the county at the time of the termination
10 of the collection of the fee.

11 (f) From the amounts retained in a county's suspense
12 account, the comptroller may redeem dishonored checks and drafts
13 deposited to the credit of the account.

14 (g) Before the expiration of one year after the effective
15 date of the abolition of a county driver's license fee imposed under
16 this section, the comptroller shall send to the county the
17 remainder of the money in the county's suspense account and shall
18 close the account.

19 (h) Interest earned on all deposits made under this section,
20 including interest earned from retained suspense accounts, shall be
21 credited to the county's trust account and allocated to the county
22 as described by this section.

23 Sec. 446.058. INTERLOCAL CONTRACTING AUTHORITY. (a) A
24 political subdivision may contract or agree with another political
25 subdivision to perform governmental functions and services in
26 accordance with this chapter.

27 (b) A party to an interlocal contract may contract with an

1 agency, as that term is defined by Section 771.002, Government
2 Code.

3 (c) In this section, "interlocal contract" has the meaning
4 assigned by Section 791.003, Government Code.

5 Sec. 446.059. ANNUAL REPORT AND AUDIT. (a) On or before
6 the 90th day following the end of the fiscal year of a county that
7 imposes a method of local option funding under this chapter, the
8 county commissioners court must submit a report to the executive
9 director of the department and to the state auditor. The report
10 must include:

11 (1) the amount and source of local option revenue
12 collected in the county;

13 (2) the amount and purpose of expenditures related to
14 mobility improvement projects; and

15 (3) a description of the progress made toward
16 completion of mobility improvement projects.

17 (b) The county must publish the report required under
18 Subsection (a) on the county's Internet website at the time the
19 report is submitted to the department.

20 (c) Based on a risk assessment process in accordance with
21 Chapter 321, Government Code, the financial transactions of a
22 county regarding methods of local option funding implemented under
23 this chapter and related mobility improvement projects are subject
24 to audit by the state auditor. A county audited under this
25 subsection shall reimburse the state auditor for the expense of the
26 audit.

27 [Sections 446.060-446.100 reserved for expansion]

1 SUBCHAPTER C. NORTH TEXAS REGION

2 Sec. 446.101. APPLICABILITY OF SUBCHAPTER. This subchapter
3 applies only to a county that is located in a region served by a
4 metropolitan planning organization that serves two adjacent
5 counties that each have a population of one million or more.

6 Sec. 446.102. PROJECT SELECTION AND BALLOT COMMITTEES.

7 (a) Not later than October 1, 2009, the county commissioners of
8 each county to which this subchapter applies shall jointly
9 establish with the municipalities in the county a project selection
10 and ballot committee to prepare a ballot proposition and related
11 plans and information as required under this chapter. A county's
12 project selection and ballot committee must be established before
13 any local option election under this subchapter may be held in the
14 county. If a county commissioners court does not wish to initiate
15 the election process in the county, it shall, by an order issued not
16 later than October 1, 2009, decline to establish a project
17 selection and ballot committee.

18 (b) If a county commissioners court declines to establish a
19 project selection and ballot committee for the county, the
20 governing bodies of two or more cities that contain at least 60
21 percent of the county's total population may, by a joint resolution
22 passed not later than November 1, 2009, establish a joint project
23 selection and ballot committee.

24 Sec. 446.103. COMMITTEE MEMBERSHIP. (a) Except as
25 provided by Subsection (a-1), in a county with a population greater
26 than 400,000, the project selection and ballot committee is
27 composed of 11 members as follows:

1 (1) two members who are elected county officials,
2 appointed by the county commissioners court;

3 (2) one member who is a member of the governing body of
4 a municipality not otherwise entitled to a seat under Subdivision
5 (4) or (5) with a population of 25,000 or less located in the
6 county, appointed by the county commissioners court;

7 (3) one member who is a member of the governing body of
8 a municipality not otherwise entitled to a seat under Subdivision
9 (4) or (5) with a population greater than 25,000 but less than
10 95,000 located in the county, appointed by the county commissioners
11 court;

12 (4) two members who are elected officials of the most
13 populous municipality located in the county, appointed by the
14 governing body of the municipality;

15 (5) four members who are elected officials of the next
16 four most populous municipalities located in the county, one each
17 appointed by the governing body of each municipality; and

18 (6) one member who is a member of the governing board
19 of the transit or transportation authority with the largest service
20 area in the county, appointed by the governing body of the
21 authority.

22 (a-1) In a county with a population greater than 400,000, if
23 the most populous municipality located in the county contains 45
24 percent or more of the county population, the county's project
25 selection and ballot committee is composed of 11 members as
26 follows:

27 (1) two members who are elected county officials,

1 appointed by the county commissioners court;

2 (2) one member who is a member of the governing body of
3 a municipality not otherwise entitled to a seat under Subdivision
4 (4) or (5) with a population of 25,000 or less located in the
5 county, appointed by the county commissioners court;

6 (3) one member who is a member of the governing body of
7 a municipality not otherwise entitled to a seat under Subdivision
8 (4) or (5) with a population greater than 25,000 but less than
9 95,000 located in the county, appointed by the county commissioners
10 court;

11 (4) three members who are elected officials of the
12 most populous municipality located in the county, appointed by the
13 governing body of the municipality;

14 (5) three members who are elected officials of the
15 next three most populous municipalities located in the county, one
16 each appointed by the governing body of each municipality; and

17 (6) one member who is a member of the governing board
18 of the transit or transportation authority with the largest service
19 area in the county, appointed by the governing body of the
20 authority.

21 (b) In a county with a population of 400,000 or less, the
22 project selection and ballot committee is composed of nine members
23 as follows:

24 (1) two members who are elected county officials,
25 appointed by the county commissioners court;

26 (2) two members who are elected officials of the most
27 populous municipality located in the county, appointed by the

1 governing body of the municipality;

2 (3) four members who are elected officials of the next
3 four most populous municipalities located in the county, one each
4 appointed by the governing body of each municipality; and

5 (4) one member:

6 (A) who is a member of the governing board of a
7 transit or transportation authority operating in the county,
8 appointed by the governing body of the authority; or

9 (B) if no transit or transportation authority
10 operates in the county, who is an elected official of the sixth most
11 populous municipality in the county, appointed by the governing
12 body of the municipality.

13 (c) If a county commissioners court fails to make a
14 committee appointment as provided under Subsection (a)(1),
15 (a-1)(1), or (b)(1) by the required date, the open seat shall remain
16 unfilled. If a county commissioners court fails to make a committee
17 appointment as provided under Subsection (a)(2) or (3) or
18 Subsection (a-1)(2) or (3) by the required date, the open seat shall
19 be filled by appointment made by the governing body of the largest
20 municipality in the county. In the case of an open seat provided
21 for by Subsection (a)(2) or (a-1)(2) the seat shall be filled from
22 among the members of the governing body of a municipality with a
23 population of 25,000 or less located in the county. In the case of
24 an open seat provided for by Subsection (a)(3) or (a-1)(3) the seat
25 shall be filled from among the members of the governing body of a
26 municipality with a population greater than 25,000 but less than
27 95,000 located in the county.

1 (d) Only the portion of a municipality's population that is
2 located within the county may be used to determine municipal
3 population for the purposes of Subsections (a)(5), (a-1)(5),
4 (b)(3), and (b)(4)(B). For the purposes of this subsection,
5 municipal population is based on the most recent estimate published
6 by the metropolitan planning organization of the region.

7 (e) A vacancy in a committee shall be filled by appointment
8 by the entity that appointed the vacating member.

9 (f) A committee member is not entitled to compensation for
10 servicing on the committee but is entitled to reimbursement for
11 actual and necessary expenses incurred in performing the official
12 duties of office.

13 (g) Appointments to a committee shall be made without regard
14 to the race, color, disability, sex, religion, age, or national
15 origin of the appointees.

16 (h) A committee must elect a chair from among its members
17 and may adopt rules for the conduct of its activities.

18 (i) At the discretion of the committee, employees of the
19 department, the county, or a municipality, regional metropolitan
20 planning organization, airport, or transit or transportation
21 authority located in the county may be asked to provide staff
22 support services to a committee.

23 (j) All meetings of a committee are open meetings. Notice
24 of committee meetings must be provided in accordance with Sections
25 551.041, 551.0411, 551.042, 551.043, and 551.049, Government Code,
26 as if the committee were a governmental body under that chapter.

27 (k) A project selection and ballot committee established

1 under this subchapter is abolished, and all the duties of the
2 committee expire, on the date the committee submits a final
3 recommended ballot under Section 446.106.

4 Sec. 446.104. SELECTION OF PROJECTS AND METHODS OF LOCAL
5 OPTION FUNDING. (a) A project selection and ballot committee, by
6 supermajority vote of not less than two-thirds of its membership,
7 shall:

8 (1) determine and propose each mobility improvement
9 project located in the county or benefiting the county;

10 (2) determine and propose one or more methods of local
11 option funding authorized by this chapter sufficient to fund each
12 mobility improvement project; and

13 (3) determine and propose an appropriate rate for each
14 proposed method of local option funding for the construction of
15 each mobility improvement project and a separate proposed rate for
16 each project's continued maintenance and operation, if applicable.

17 (b) A committee may propose, and money raised by a method of
18 local option funding under this chapter may finance, the
19 construction of new mobility improvement projects and related
20 maintenance and operations, the expansion, reconstruction, or
21 rehabilitation of existing mobility improvement projects, and
22 improvements in the maintenance and operation of existing mobility
23 improvement projects. A committee may only propose construction of
24 a new mobility improvement project that the committee determines is
25 consistent with the transportation plan adopted by the metropolitan
26 planning organization for the region in which the county is
27 located. A committee shall consider passenger rail corridors in

1 selecting projects to be included on a ballot.

2 (c) A committee may propose a mobility improvement project
3 located outside the county, including a project serving a regional
4 airport, only if the committee determines that the project benefits
5 the county.

6 (d) Before a committee may make the determinations required
7 by Subsections (a)-(c), the committee must:

8 (1) conduct at least three public hearings regarding
9 the proposed mobility improvement projects and proposed methods of
10 local option funding; and

11 (2) use its best efforts to meet with all affected
12 parties, including workforce populations served by passenger rail
13 systems and affected neighborhood groups.

14 Sec. 446.105. COMMITTEE COMMITMENT TO EQUITY. (a) A
15 committee must use its best efforts to ensure that mobility
16 improvement projects selected for inclusion on a ballot under this
17 subchapter benefit each municipality and unincorporated area in the
18 county in approximate proportion to the amount of revenue generated
19 within each of the municipalities and unincorporated areas.

20 (b)(1) Revenue from a method of local option funding imposed
21 under this subchapter and collected within any municipality having
22 territory located within a transit or transportation authority
23 funded by a dedicated sales tax and governed by a subregional board
24 under Subchapter O, Chapter 452, Transportation Code, shall be
25 maintained in a single segregated account for local option revenues
26 collected within the territory of the authority and which shall be
27 maintained separate from those local option revenues collected

1 elsewhere in the county.

2 (2) Revenue from a method of local option funding
3 collected within any municipality having territory located within a
4 transit or transportation authority funded by a dedicated sales tax
5 and governed by a subregional board under Subchapter O, Chapter
6 452, Transportation Code, may not be used outside of the boundaries
7 of the territory of that authority or the county unless the
8 governing bodies of each of those municipalities in the county with
9 territory located within the authority and the governing body of
10 the transit or transportation authority consent to such use.

11 (3) Revenue from a method of local option funding
12 collected in an area outside of the territory of a transit or
13 transportation authority funded by a dedicated sales tax and
14 governed by a subregional board under Subchapter O, Chapter 452,
15 Transportation Code, may not be used within the territory of that
16 authority or outside of the county unless the county commissioners
17 court of the county or the governing bodies of two or more cities
18 representing 60 percent or more of the population of the county
19 outside of the territory of the authority consent to such use.

20 (c) Prior to the final approval of the ballot for a local
21 option election authorized under this subchapter, the governing
22 body of any authority, county, or municipality required under this
23 section to provide their consent regarding the use of revenue from a
24 method of local option funding shall indicate by order, resolution,
25 or other formal action whether such consent is granted. Upon final
26 approval of the ballot, a governing body of a municipality or
27 authority may not rescind its consent if it has been given.

1 Sec. 446.106. FINAL RECOMMENDED BALLOT. Not later than
2 April 1, 2010, each project selection and ballot committee must
3 submit to the appropriate county commissioners court:

4 (1) a detailed final list of mobility improvement
5 projects and methods of local option funding, including proposed
6 rates for construction and separate proposed rates for maintenance
7 and operation, if applicable, determined by the committee under
8 Section 446.104; and

9 (2) a final recommended ballot that complies with the
10 requirements of Section 446.108.

11 Sec. 446.107. COUNTY OPTION TO CALL ELECTION; PETITION
12 PROCESS. (a) On receiving a proposed ballot from a project
13 selection and ballot committee under Section 446.106, the county
14 commissioners court, after holding at least two public hearings
15 regarding the ballot, may by majority vote at a regularly held
16 public meeting of the commissioners court:

17 (1) order an election to be held on the uniform
18 election date in November 2010 on the issue of authorizing the
19 ballot; or

20 (2) reject the ballot.

21 (b) If, by June 1, 2010, a county commissioners court has
22 not taken action under Subsection (a)(1) or (2) on a proposed ballot
23 submitted to the commissioners court, the commissioners court must
24 order an election to be held on the uniform election date in
25 November 2010 on the issue of authorizing the ballot.

26 (c) If a county commissioners court rejects a proposed
27 ballot under Subsection (a)(2), the commissioners court must

1 nonetheless call an election to be held on the uniform election date
2 in November 2010 on the issue of authorizing the ballot if before
3 August 1, 2010, the commissioners court receives:

4 (1) a resolution requesting that the election be
5 called on the ballot as submitted by the project selection and
6 ballot committee that has been adopted by the governing bodies of at
7 least two municipalities that:

8 (A) are located partially or wholly in the
9 county; and

10 (B) contain at least 60 percent of the county's
11 total population; or

12 (2) a petition requesting that the election be called
13 on the ballot as submitted by the project selection and ballot
14 committee that is signed by a number of registered voters in the
15 county equal to at least 10 percent of the total number of votes
16 cast in the county for all candidates for governor in the most
17 recent gubernatorial general election.

18 (d) A county commissioners court may not amend in any way
19 the list of mobility improvement projects or methods of local
20 option funding contained in a proposed ballot submitted to the
21 commissioners court by a project selection and ballot committee.

22 (e) Before calling an election under this section, a county
23 commissioners court must publish a financial plan for each mobility
24 improvement project proposed to be included on a ballot.

25 Sec. 446.108. REQUIRED BALLOT LANGUAGE; ELECTION. (a) An
26 order under Section 446.107 calling an election must:

27 (1) specify each proposed method of local option

1 funding authorized by this chapter that the county intends to use to
2 fund each proposed mobility improvement project or portion thereof;

3 (2) for each specified method of funding, list the
4 proposed rate or amount to be used to fund capital construction of
5 mobility improvement projects and, if applicable, a separate and
6 corresponding proposed rate or amount for maintenance and operation
7 of the projects;

8 (3) list and generally describe the nature and scope
9 of the proposed mobility improvement projects to be constructed
10 with each specified method of local option funding; and

11 (4) list the estimated cost, or portion thereof, and
12 the estimated completion date for the capital construction of each
13 proposed mobility improvement project.

14 (b) The ballot at an election held under this subchapter
15 must be printed to permit voting for or against the proposition:
16 "Authorizing _____ (insert name of county) to undertake the
17 following mobility improvement projects funded by the following
18 sources of revenue in amounts and rates as shown:_____ (insert a
19 general and brief description of each mobility improvement project
20 proposed by the committee, an estimated total cost of each project,
21 a description of each method of funding proposed, including a rate
22 for capital construction and, if applicable, a separate rate for
23 maintenance and operation, the estimated date of expiration of any
24 bonds, and the estimated date the project will be operational to the
25 public)."

26 (c) The estimated cost of construction of a mobility
27 improvement project listed on a ballot is not a legally binding

1 restriction on the actual and ultimate cost of financing the
2 project.

3 (d) A ballot may not permit individual mobility improvement
4 projects or methods of local option funding to be voted on as
5 separate options. All mobility improvement projects and methods of
6 local option funding included on a ballot must be approved or
7 rejected as a group.

8 (e) In addition to other applicable ballot requirements, a
9 ballot proposed in a county primarily served by a transit authority
10 subject to Subchapter O, Chapter 452, Transportation Code, that
11 proposes to use funds collected within the jurisdiction of the
12 authority to finance the construction of a mobility improvement
13 project related to a rail project located outside of the
14 jurisdiction of the authority must specify, in regard to each such
15 proposed project:

16 (1) a general description of the proposed rail-related
17 project;

18 (2) a list of estimated costs of the proposed project,
19 including maintenance and operating costs;

20 (3) an estimate of any increased cost of service
21 within the jurisdiction of the authority resulting from the
22 proposed project; and

23 (4) a limit on the amount of revenue raised through
24 local option funding under this chapter that may be spent on the
25 project.

26 (f) Section 334.025 applies to an election called under this
27 subchapter.

1 (g) An election called under Section 446.107 must be held on
2 a uniform election date in November.

3 Sec. 446.109. SUBSEQUENT ELECTIONS. (a) After initial
4 mobility improvement projects and methods of local option funding
5 are determined and an initial election is called in a county under
6 Sections 446.104-446.108, the county commissioners court may
7 jointly establish with the municipalities in the county a
8 subsequent project selection and ballot committee to determine and
9 propose additional projects and funding, and additional elections
10 may be called, using the procedures described by this subchapter.

11 (b) Notwithstanding Section 446.107, the commissioners
12 court of a county may not call an election under that section before
13 the second anniversary of an election previously called under that
14 section.

15 Sec. 446.110. LOCAL OPTION TRANSPORTATION FUND. (a) The
16 county commissioners court of each county which implements a method
17 of local option funding under this chapter shall, by order,
18 establish a local option transportation fund separate and apart
19 from the county's general fund account.

20 (b) The county shall deposit in the fund the proceeds of any
21 method of local option funding implemented by the county under this
22 chapter and any other money required by law to be deposited in the
23 fund.

24 (c) The county shall establish segregated accounts in the
25 fund:

26 (1) for each approved mobility improvement project or
27 portion thereof;

1 (2) for money to fund maintenance and operation of
2 passenger rail projects or transit projects; and

3 (3) for funds collected in the jurisdiction of a
4 transit or transportation authority that is funded through a
5 dedicated sales tax and that operates under Subchapter O, Chapter
6 452, or Chapter 460, Transportation Code.

7 (d) Money in the fund, including any interest earned, is the
8 property of the county depositing the money and may be spent only on
9 mobility improvement projects located in the county.

10 Sec. 446.111. USE OF MONEY IN FUND; ISSUANCE OF BONDS.

11 (a) A county may use money in its local option transportation fund
12 to:

13 (1) reimburse or pay, without issuing bonds or other
14 obligations or otherwise creating debt, the costs of planning,
15 acquiring, establishing, developing, constructing, or renovating
16 mobility improvement projects in the county that were approved at
17 an election under this subchapter;

18 (2) pay the principal of, interest on, or other costs
19 relating to bonds or other obligations the county issues for the
20 purpose of financing mobility improvement projects in the county
21 that were approved at an election under this subchapter;

22 (3) pay amounts due and owing to a transit or
23 transportation authority under a contract or interlocal agreement
24 between the county and the authority under which the authority
25 agrees to provide, develop, construct, install, and operate
26 passenger rail facilities and services inside and outside the
27 county and to issue bonds and other obligations that are secured by

1 and payable from the amounts due from the county under the contract
2 or interlocal agreement for the purpose of financing the capital
3 costs of the facilities, if a method of local option funding was
4 approved for such purpose at an election under this subchapter;

5 (4) pay amounts due and owing to a municipality under a
6 contract or interlocal agreement between the county and the
7 municipality under which the municipality agrees to provide,
8 develop, or construct mobility improvement projects located inside
9 the municipality; and

10 (5) reimburse or pay the actual and customary costs of
11 financial administration of the fund.

12 (b) A contract or interlocal agreement entered into between
13 a county and a transit or transportation authority for the purposes
14 described by Subsection (a)(3) may have such terms and provisions,
15 and may impose and contain requirements, grants, and limitations,
16 as the county and the transit or transportation authority may
17 mutually agree, including the power of the transit or
18 transportation authority to pledge as security for its bonds all
19 amounts, less agreed costs of collection, deposited to the county's
20 local option transportation fund, if such a pledge was approved at
21 an election under this subchapter.

22 (c) Bonds or other obligations issued by a county under this
23 section may be made payable from money in the county's local option
24 transportation fund, subject to any limitations contained in a
25 contract or interlocal agreement between the county and a transit
26 or transportation authority, and from any other sources of revenue
27 of the county that are lawfully available. Bonds or other

1 obligations issued by a transit or transportation authority under a
2 contract or interlocal agreement shall be payable from and secured
3 by the money in the county's local option transportation fund and
4 the revenue received from the operation of the passenger rail
5 services financed by the bonds or other obligations and may not
6 include any revenue the transit or transportation authority
7 receives from a dedicated sales tax or the operation of any other
8 passenger rail or bus system or related services.

9 (d) Bonds or other obligations issued by a county under this
10 section or by a transit or transportation authority under a
11 contract or interlocal agreement may mature serially or otherwise
12 not more than 30 years after the date of issuance.

13 (e) Any bonds or other obligations issued by a county or by a
14 transit or transportation authority under this section, and the
15 proceedings authorizing the bonds or other obligations, must be
16 submitted to the attorney general for review and approval under
17 Chapter 1202, Government Code.

18 (f) A county, in expending money in its local option
19 transportation fund, must comply with the provisions of Section
20 446.105. A county may not:

21 (1) use money in the fund to finance the construction
22 of a mobility improvement project not approved by the voters in an
23 election under this subchapter; or

24 (2) use funds approved for a particular mobility
25 improvement project to fund a different project.

26 Sec. 446.112. USE OF SALES TAX BY TRANSPORTATION AUTHORITY.
27 A subregion of a transportation authority governed by a subregional

1 board described by Subchapter O, Chapter 452, Transportation Code,
2 may not use any proceeds from a sales and use tax imposed under that
3 chapter, or any other revenue of the authority under that chapter,
4 for a mobility improvement project under this subchapter without
5 the favorable vote of four-fifths of the members of the subregional
6 board.

7 Sec. 446.113. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES
8 NOT AUTHORIZED. (a) A county acting under this subchapter may not
9 directly operate or provide passenger rail services or any service
10 expressly reserved by a transit or transportation authority that
11 serves the county.

12 (b) A method of local option funding implemented by a county
13 under this subchapter may not be used to establish or fund services
14 of a transit or transportation authority created on or after
15 January 1, 2009.

16 (c) This subchapter does not authorize the creation of a
17 transit or transportation authority.

18 [Sections 446.114-446.150 reserved for expansion]

19 SUBCHAPTER D. ALAMO REGION

20 Sec. 446.151. APPLICABILITY OF SUBCHAPTER. This subchapter
21 applies only to a county for which an advanced transportation
22 district has been created under Subchapter O, Chapter 451,
23 Transportation Code, and:

24 (1) for which no contiguous county has a population of
25 more than 200,000; and

26 (2) in which the principal municipality has a
27 population of more than 1.1 million.

1 Sec. 446.152. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING
2 BY VOTER APPROVAL. (a) A county to which this subchapter applies
3 may impose one or more methods of local option funding authorized by
4 this subchapter if:

5 (1) the county receives a resolution requesting that
6 an election be called on the issue of imposing one or more methods
7 of local option funding authorized by this subchapter that has been
8 adopted by the governing body of an advanced transportation
9 district, as defined by Subchapter O, Chapter 451, Transportation
10 Code, that is located wholly or partially in the county, or a
11 successor to such district;

12 (2) the county by order calls an election to be held in
13 the county for the purpose of approving the proposed methods of
14 funding; and

15 (3) the imposition of the proposed methods of funding
16 is approved by a majority of the voters of the county voting at the
17 election.

18 (b) The governing body of an advanced transportation
19 district described by Subsection (a)(1) may adopt a resolution
20 requesting an election be called under this section only after:

21 (1) consulting with:

22 (A) the entities described by Section 446.155(b)
23 located in the county;

24 (B) the metropolitan planning organization for
25 the region in which the county is located; and

26 (C) the oversight committee of the advanced
27 transportation district; and

1 (2) holding a public hearing regarding imposition of
2 the proposed methods of local option funding.

3 (c) Before adopting an order calling an election under this
4 section, the commissioners court of the county must:

5 (1) prepare a report or contract with a private entity
6 for a report, specifying:

7 (A) the estimated cost of and completion date for
8 the capital construction of each proposed project;

9 (B) the date on which a county tax or fee imposed
10 under this chapter for the capital construction of a proposed
11 project is expected to expire; and

12 (C) if applicable, the estimated annual
13 maintenance and operation expenses for a proposed project that will
14 become an obligation of the county on completion of the project; and

15 (2) hold a public hearing on the proposed projects and
16 proposed methods of funding.

17 Sec. 446.153. CONTENTS OF ORDER; BALLOT PROPOSITION.

18 (a) An order calling an election on the issue of imposing one or
19 more methods of local option funding authorized by this subchapter
20 must include the ballot proposition to be used in the election. The
21 ballot proposition must, at a minimum:

22 (1) designate each proposed method of funding;

23 (2) specify for each proposed method of funding:

24 (A) the rate of the tax or amount the fee to be
25 imposed, as applicable;

26 (B) the effective date of the imposition of the
27 method of funding; and

1 (C) the manner in which the method of funding
2 will be administered, collected, and enforced; and

3 (3) permit voters to vote for or against each proposed
4 method of funding separately.

5 (b) The ballot proposition may:

6 (1) specify one or more mobility improvement projects
7 to which revenue from a proposed method of local option funding will
8 be dedicated; and

9 (2) provide that a method of local option funding
10 approved at the election will expire on completion of the mobility
11 improvement projects to which the funding is dedicated.

12 Sec. 446.1535. ELECTION DATE. An election called under
13 Section 446.153 must be held on a uniform election date in November
14 of an even-numbered year.

15 Sec. 446.154. ABOLITION OF METHOD OF FUNDING; CHANGE IN
16 RATE OR AMOUNT; CHANGE IN DEDICATION. (a) With regard to methods
17 of local option funding previously approved at an election held
18 under this subchapter, a county commissioners court by order may
19 call an election on the issue of:

20 (1) abolishing the methods of local option funding;

21 (2) increasing or decreasing the maximum rate or
22 amount of the methods of local option funding; or

23 (3) changing the dedication of the methods of local
24 option funding.

25 (b) A county commissioners court shall call an election
26 under Subsection (a) if the commissioners court receives a petition
27 requesting that the election be called that is signed by a number of

1 registered voters in the county equal to at least 10 percent of the
2 total number of votes cast in the county for all candidates for
3 governor in the most recent gubernatorial general election.

4 (c) Notwithstanding any other provision of this section, a
5 county may abolish, decrease the rate of, or change the dedication
6 of a method of local option funding only if the abolition, decrease,
7 or change will not violate, impair, or be inconsistent with a bond
8 resolution, trust agreement, or indenture governing the use of the
9 revenue attributable to the method of funding.

10 Sec. 446.155. USE OF REVENUE; USE BY OTHER TRANSPORTATION
11 ENTITY. (a) A county that imposes a tax or fee under this
12 subchapter shall establish a transportation project fund. The
13 county shall deposit to the credit of the fund:

14 (1) the proceeds of each tax or fee imposed by the
15 county under this subchapter;

16 (2) all revenue from the sale of bonds or other
17 obligations issued by the county under this subchapter; and

18 (3) any other money required by law to be deposited in
19 the fund.

20 (a-1) The county may also deposit to the credit of the
21 transportation project fund money received by the county from other
22 sources, including a concession agreement entered into with a third
23 party relating to a project and an interlocal agreement entered
24 into with another governmental entity relating to a project.

25 (a-2) Subject to constitutional restrictions, the county
26 may use money in the transportation project fund to:

27 (1) reimburse or pay the costs of planning, acquiring,

1 establishing, developing, constructing, or renovating one or more
2 approved transportation projects in the county;

3 (2) pay the principal of, interest on, and other costs
4 relating to bonds or other obligations issued by the county under
5 this chapter or to refund bonds, notes, or other obligations issued
6 by the county; and

7 (3) pay the costs of operating or maintaining one or
8 more projects.

9 (a-3) Money deposited to the credit of the transportation
10 project fund, including money deposited under Subsection (a-1), is
11 the property of the county that deposits the money.

12 (b) A county may use money raised by a method of local option
13 funding imposed under this subchapter to make payments due under a
14 contract entered into between the county and another governmental
15 entity for the construction, maintenance, or operation of mobility
16 improvement projects, including contracts entered into with:

17 (1) a regional mobility authority;

18 (2) a regional tollway authority;

19 (3) an advanced transportation district;

20 (4) a metropolitan rapid transit authority;

21 (5) a regional transportation authority; and

22 (6) any successor entity to an authority or district
23 described by Subdivisions (1)-(5).

24 (c) A county may contract with another governmental entity
25 under Subsection (b) only if the county finds that the primary
26 purpose of the contract is to promote a public purpose of the
27 county.

1 Sec. 446.1555. LOW-INCOME ASSISTANCE PROGRAM.

2 (a) Notwithstanding Section 446.053, a county shall adopt
3 guidelines and requirements to create a low-income assistance
4 program. The guidelines at a minimum must include:

5 (1) a minimum and maximum amount of assistance;

6 (2) criteria for determining eligibility, taking into
7 account:

8 (A) the individual's or family's income, which
9 may not exceed 300 percent of the federal poverty level; and

10 (B) any other relevant considerations; and

11 (3) safeguards for preventing fraud in the program.

12 (b) A county shall provide an electronic means for
13 distributing or crediting assistance funding after all program
14 criteria have been met.

15 Sec. 446.156. APPLICABILITY OF CERTAIN METHODS OF LOCAL
16 OPTION FUNDING; TAX AUTHORIZED. (a) Sections 446.051, 446.054,
17 446.055, 446.056, and 446.057 do not apply to a county to which this
18 subchapter applies.

19 (b) A county to which this subchapter applies may include on
20 a ballot proposition under this subchapter a county gasoline and
21 diesel fuel tax as described by Section 446.157.

22 Sec. 446.157. COUNTY GASOLINE AND DIESEL FUEL TAX. (a) In
23 this section:

24 (1) "Jobber" means a person who:

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

27 (B) makes a sale with the tax included to a person

1 who maintains storage facilities for gasoline or diesel fuel and
2 uses all or part of the stored gasoline or diesel fuel to operate a
3 motor vehicle.

4 (2) "Net gallon" has the meaning assigned by Section
5 162.001, Tax Code.

6 (b) A county to which this subchapter applies may, if
7 approved in accordance with other provisions of this subchapter,
8 impose a tax on the sale of gasoline or diesel fuel sold in the
9 county to propel a motor vehicle on the public highways of this
10 state.

11 (c) The tax authorized by this section may be imposed at a
12 rate of 2, 4, 6, 8, or 10 cents for each net gallon of gasoline or
13 diesel fuel sold in the county to propel a motor vehicle on the
14 public highways of this state.

15 (d) A person, including a dealer or jobber, who makes a sale
16 of gasoline or diesel fuel in the county to a person who uses the
17 gasoline or diesel fuel to propel a motor vehicle on the public
18 highways of this state shall collect the tax authorized by this
19 section for the benefit of the county. The seller shall add the
20 amount of the tax to the selling price of gasoline or diesel fuel,
21 and the tax is a part of the gasoline or diesel fuel price, is a debt
22 owed to the seller, and is recoverable at law in the same manner as
23 the fuel charge for gasoline or diesel fuel.

24 (e) The tax authorized by this section is in addition to the
25 tax imposed by Chapter 162, Tax Code.

26 (f) The exemptions provided by Sections 162.104 and
27 162.204, Tax Code, apply to the tax authorized by this section.

1 (g) A person, including a dealer or jobber, required to
2 collect the tax authorized by this section shall report and send the
3 taxes to the county as provided by the county.

4 (h) The county may prescribe monetary penalties, including
5 interest charges, for failure to keep records required by this
6 section, to report when required, or to pay the tax when due.

7 (i) The county may permit a person who is required to
8 collect the tax authorized by this section to retain a percentage of
9 the amount collected and required to be reported as reimbursement
10 to the person for the costs of collecting the tax. The county may
11 provide that the person may retain the amount only if the person
12 pays the tax and files reports as required by the county.

13 (j) The county attorney may bring suit against a person who
14 violates this section.

15 (k) A person who has paid the tax authorized by this section
16 on gasoline or diesel fuel used by the person for a purpose other
17 than to propel a motor vehicle on the public highways of this state
18 or for a use exempted under Subsection (f) may file a claim for a
19 refund.

20 (l) The county shall prescribe the procedures a person must
21 use to obtain a refund under this section.

22 (m) The county may require a dealer, jobber, or other person
23 required to collect, report, and pay the tax authorized by this
24 section to obtain a permit from the county.

25 [Sections 446.158-446.200 reserved for expansion]

26 SUBCHAPTER E. CAPITAL REGION

27 Sec. 446.201. APPLICABILITY OF SUBCHAPTER. (a) Except as

1 provided by Subsections (b) and (c), this subchapter applies only
2 to a county for which a regional mobility authority has been created
3 under Chapter 370, Transportation Code, and in which the principal
4 municipality:

5 (1) has a population of more than 650,000; and

6 (2) elects all members of its governing body at large.

7 (b) The county commissioners court of a county, except for
8 the second most populous county served by the regional mobility
9 authority described by Subsection (a), contiguous to a county
10 described by Subsection (a) and served by the same metropolitan
11 planning organization may, by resolution, order that this
12 subchapter applies to the county.

13 (c) This subchapter applies to:

14 (1) a county with a population greater than 200,000
15 and less than 230,000; and

16 (2) a county adjacent to a county described by
17 Subdivision (1) with a population greater than 70,000 and less than
18 100,000.

19 Sec. 446.202. DEFINITIONS. In this subchapter:

20 (1) "Mobility improvement project" includes:

21 (A) sidewalks; and

22 (B) paths, lanes, ways, and trails for bicycling
23 or hiking and facilities related to such paths, lanes, ways, and
24 trails.

25 (2) "Transit authority" or "transportation authority"
26 includes a county described by Section 446.201(a) and the county's
27 principal municipality.

1 (3) "Principal municipality" means the municipality
2 with the largest population in a county.

3 Sec. 446.203. CALLING OF ELECTION. (a) The commissioners
4 court of a county to which this subchapter applies by order may call
5 an election on the issue of imposing one or more methods of local
6 option funding authorized by this chapter to:

7 (1) acquire, construct, develop, own, operate, and
8 maintain mobility improvement projects;

9 (2) fund operations, maintenance, capital, and debt
10 service expenses for mobility improvement projects; or

11 (3) contract with a transportation authority or
12 transportation provider for a purpose described by Subdivision (1)
13 or (2).

14 (b) A county commissioners court and the principal
15 municipality of the county may, by orders containing identical
16 provisions, jointly call an election on the issue described by
17 Subsection (a). The cost of an election called under this
18 subsection is shared by the county and the principal municipality
19 on a pro rata basis.

20 (c) A county commissioners court by order shall call an
21 election on the issue described by Subsection (a) on receipt of a
22 resolution requesting that the election be called that has been
23 adopted by:

24 (1) the governing bodies of one or more municipalities
25 representing more than 60 percent of the total population of the
26 county; or

27 (2) the governing bodies of the principal municipality

1 and the second most populous municipality located in the county.

2 (d) A resolution under Subsection (c) must be adopted by the
3 governing body of each petitioning municipality by a vote of not
4 less than two-thirds of its membership.

5 (e) A county commissioners court may order an election under
6 this section on an issue described by Subsection (a) only after
7 holding a public hearing regarding the issue.

8 (f) The governing body of the principal municipality of a
9 county described by Section 446.201(a) may, by order adopted by a
10 majority vote of its membership, call an election within the
11 boundaries of the municipality on the issue described in Subsection
12 (a), the results of which only apply within the boundaries of the
13 municipality. The municipality may adopt the order only after
14 holding a public hearing regarding the issue.

15 (g) A principal municipality ordering an election within
16 the boundaries of the municipality under Subsection (f) has the
17 powers and responsibilities granted to a county under Subchapter B
18 within the boundaries of the municipality only.

19 (h) Before an election may be called under this section, the
20 metropolitan planning organization for the region in which the
21 county or municipality calling the election is located must certify
22 by majority vote that the list of proposed mobility improvement
23 projects included on the proposed ballot are consistent with the
24 organization's current long-range transportation plan. This
25 subsection does not apply in a county if the majority of the county
26 is not in the jurisdiction of a metropolitan planning organization.

27 (i) An election called under this section must be held on a

1 uniform election date in November of an even-numbered year.

2 (j) An election under this subchapter may be called not more
3 than 120 days prior to election day.

4 (k) Notwithstanding Subsections (a)-(f), if either the
5 county commissioners court or the governing body of the principal
6 municipality described by Subsection (f) calls for an election, the
7 other entity may not call for an election under this subchapter
8 until the next uniform election date.

9 (l) Notwithstanding Subsections (a)-(f) and (k), in the
10 event a county commissioners court and the governing body of the
11 principal municipality described by Subsection (f) call an election
12 under this subchapter not more than 120 days prior to election day
13 and not less than 110 days prior to election day:

14 (1) each election order is deemed invalid; and

15 (2) no additional election may be called under this
16 subchapter until the next uniform election date.

17 Sec. 446.204. CONTENTS OF ORDER; BALLOT PROPOSITION.

18 (a) An order calling an election under Section 446.203 must
19 include the ballot proposition to be used in the election. The
20 ballot proposition must:

21 (1) list each proposed mobility improvement project to
22 be funded;

23 (2) designate each proposed method of local option
24 funding and the proposed rate or amount to be used to fund capital
25 construction of each proposed mobility improvement project or group
26 of projects and, if applicable, designate a separate and
27 corresponding proposed rate or amount for the maintenance and

1 operation of each proposed project or group of projects;

2 (3) state the estimated date or dates on which each
3 proposed method of local option funding is expected to expire; and

4 (4) if applicable, list the estimated annual
5 maintenance and operation expenses for each proposed mobility
6 improvement project or group of projects for which a rate or amount
7 is proposed under Subdivision (2).

8 (b) The ballot proposition for an election ordered under
9 Section 446.203(c) must include the name of each municipality
10 petitioning under that subsection.

11 Sec. 446.205. PROJECT SELECTION ADVISORY COMMITTEE.

12 (a) Before a county or municipality may order an election under
13 Section 446.203 or a municipality may adopt a resolution under
14 Section 446.203(c), the county or municipality must establish a
15 project selection advisory committee to recommend mobility
16 improvement projects and related methods of local option funding
17 authorized by this chapter. The composition of an advisory
18 committee is determined by the county or municipality that
19 establishes the committee. A county and principal municipality
20 acting jointly under Section 446.203(b) may establish and compose a
21 joint committee. Two or more municipalities adopting a resolution
22 under Section 446.203(c) may establish and compose a joint
23 committee.

24 (b) Each project selection advisory committee shall:

25 (1) consult with, as applicable:

26 (A) the county or municipality that establishes
27 the committee;

1 (B) the metropolitan planning organization for
2 the region in which the county is located;

3 (C) the municipalities located in the county;

4 (D) a regional mobility authority operating
5 under Chapter 370, Transportation Code, that serves the county;

6 (E) a transit or transportation authority
7 created or operating under Subtitle K, Title 6, Transportation
8 Code, that serves the county; and

9 (F) a commuter rail district operating wholly or
10 partially in the county;

11 (2) give first consideration to mobility improvement
12 projects of regional significance that complement or supplement the
13 regional transportation system; and

14 (3) consider the geographic location of other
15 state-funded or federally funded transportation projects and
16 mobility improvement projects so as to foster geographic equity in
17 the planning and development of regional projects.

18 Sec. 446.206. SUBSEQUENT ELECTIONS. (a) After initial
19 mobility improvement projects and methods of local option funding
20 are determined and an initial election is called under Sections
21 446.203 and 446.204, a project selection advisory committee may
22 determine and propose additional projects and funding, and
23 additional elections may be called, using the procedures described
24 by those sections.

25 (b) Notwithstanding Section 446.203, the commissioners
26 court of a county or the governing body of a municipality may not
27 call an election under this subchapter before the 11th month

1 following an election previously called under this subchapter.

2 Sec. 446.207. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES
3 NOT AUTHORIZED. (a) A county acting under this subchapter may not
4 directly operate or provide passenger rail services or any service
5 expressly reserved by a transit authority created or operating
6 under Chapter 451, Transportation Code, that serves the county.

7 (b) This subchapter does not authorize the creation of a
8 transit or transportation authority.

9 [Sections 446.208-446.250 reserved for expansion]

10 SUBCHAPTER F. WEST TEXAS BORDER REGION

11 Sec. 446.251. APPLICABILITY OF SUBCHAPTER. This subchapter
12 applies only to a municipality that:

13 (1) has a population of more than 550,000;

14 (2) has created a regional mobility authority under
15 Chapter 370, Transportation Code; and

16 (3) is located in a county that is adjacent to an
17 international border.

18 Sec. 446.252. DEFINITIONS. In this subchapter:

19 (1) "Mobility improvement project" includes:

20 (A) sidewalks; and

21 (B) paths, lanes, ways, and trails for bicycling
22 or hiking and facilities related to such paths, lanes, ways, and
23 trails.

24 (2) "Transit authority" or "transportation authority"
25 includes a municipality to which this subchapter applies.

26 Sec. 446.253. CALLING OF ELECTION. (a) The governing body
27 of a municipality to which this subchapter applies may, by order

1 adopted by a majority vote of its membership, call an election on
2 the issue of imposing one or more methods of local option funding
3 authorized by this chapter to:

4 (1) acquire, construct, develop, own, operate, and
5 maintain mobility improvement projects;

6 (2) fund operations, maintenance, capital, and debt
7 service expenses for mobility improvement projects; or

8 (3) contract with a transportation authority or
9 transportation provider for a purpose described by Subdivision (1)
10 or (2).

11 (b) A municipality may order an election under this section
12 on an issue described by Subsection (a) only after holding a public
13 hearing regarding the issue.

14 (c) A municipality ordering an election under this section
15 has the powers and responsibilities granted to a county under
16 Subchapter B.

17 (d) Before an election may be called under this section, the
18 metropolitan planning organization for the region in which the
19 municipality calling the election is located must certify by
20 majority vote that the list of proposed mobility improvement
21 projects included on the proposed ballot are consistent with the
22 organization's current long-range transportation plan.

23 (e) An election called under this section may only be held
24 on a uniform election date in November or May.

25 Sec. 446.254. CONTENTS OF ORDER; BALLOT PROPOSITION. An
26 order calling an election under Section 446.253 must include the
27 ballot proposition to be used in the election. The ballot

1 proposition must:

2 (1) list each proposed mobility improvement project to
3 be funded;

4 (2) designate each proposed method of local option
5 funding and the proposed rate or amount to be used to fund capital
6 construction of each proposed mobility improvement project or group
7 of projects and, if applicable, designate a separate and
8 corresponding proposed rate or amount for the maintenance and
9 operation of each proposed project or group of projects;

10 (3) state the estimated date or dates on which each
11 proposed method of local option funding is expected to expire; and

12 (4) if applicable, list the estimated annual
13 maintenance and operation expenses for each proposed mobility
14 improvement project or group of projects for which a rate or amount
15 is proposed under Subdivision (2).

16 Sec. 446.255. PROJECT SELECTION ADVISORY COMMITTEE.

17 (a) Before a municipality may order an election under this
18 subchapter, the municipality must establish a project selection
19 advisory committee to recommend mobility improvement projects and
20 related methods of local option funding authorized by this chapter.
21 The composition of an advisory committee is determined by the
22 municipality.

23 (b) Each project selection advisory committee shall:

24 (1) consult with:

25 (A) the municipality that establishes the
26 committee;

27 (B) the metropolitan planning organization for

1 the region in which the municipality is located;

2 (C) other municipalities located in the same
3 county as the municipality;

4 (D) a regional mobility authority operating
5 under Chapter 370, Transportation Code, that serves the
6 municipality;

7 (E) any transit or transportation authority
8 created or operating under Subtitle K, Title 6, Transportation
9 Code, that serves the municipality; and

10 (F) any commuter rail district operating wholly
11 or partially in the municipality;

12 (2) give first consideration to mobility improvement
13 projects of regional significance that complement or supplement the
14 regional transportation system; and

15 (3) consider the geographic location of other
16 state-funded or federally funded transportation projects and
17 mobility improvement projects so as to foster geographic equity in
18 the planning and development of regional projects.

19 Sec. 446.256. SUBSEQUENT ELECTIONS. (a) After initial
20 mobility improvement projects and methods of local option funding
21 are determined and an initial election is called under Sections
22 446.253 and 446.254, a project selection advisory committee may
23 determine and propose additional projects and funding, and
24 additional elections may be called, using the procedures described
25 by those sections.

26 (b) Notwithstanding Section 446.253, the governing body of
27 a municipality may not call an election under this subchapter

1 before the 11th month following an election previously called under
2 this subchapter.

3 Sec. 446.257. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES
4 NOT AUTHORIZED. (a) A municipality acting under this subchapter
5 may not directly operate or provide passenger rail services or any
6 service expressly reserved by a transit authority created or
7 operating under Chapter 451, Transportation Code, that serves the
8 municipality.

9 (b) This subchapter does not authorize the creation of a
10 transit or transportation authority.

11 SUBCHAPTER G. SOUTH TEXAS REGION

12 Sec. 446.301. APPLICABILITY OF SUBCHAPTER. This subchapter
13 applies only to a county that has a population of more than 325,000
14 and that is located adjacent to:

15 (1) an international border; and

16 (2) a county that has a population of more than
17 550,000.

18 Sec. 446.302. DEFINITION. In this subchapter, "mobility
19 improvement project" includes:

20 (1) sidewalks; and

21 (2) paths, lanes, ways, and trails for bicycling or
22 hiking and facilities related to such paths, lanes, ways, and
23 trails.

24 Sec. 446.303. PROJECT SELECTION AND BALLOT COMMITTEE. The
25 governing body of the regional mobility authority operating in a
26 county to which this subchapter applies shall establish a project
27 selection and ballot committee to prepare a ballot proposition and

1 related plans and information as required under this chapter. A
2 county's project selection and ballot committee must be established
3 before any local option election under this subchapter may be held
4 in the county.

5 Sec. 446.304. COMMITTEE MEMBERSHIP. (a) Each county
6 project selection and ballot committee is composed of 11 members
7 appointed by the governing body of the regional mobility authority
8 operating in the county as follows:

9 (1) two members who are elected county officials;

10 (2) two members who are elected officials of the most
11 populous municipality located in the county;

12 (3) six members who are elected officials of the next
13 six most populous municipalities located in the county; and

14 (4) one member who is a member of the governing board
15 of the transit or transportation authority with the largest service
16 area in the county.

17 (b) A vacancy in a committee shall be filled by appointment
18 by the regional mobility authority of an individual qualifying
19 under Subsection (a) in the same manner as the vacating member.

20 (c) A committee member is not entitled to compensation for
21 serving on the committee but is entitled to reimbursement for
22 actual and necessary expenses incurred in performing the official
23 duties of office.

24 (d) Appointments to a committee shall be made without regard
25 to the race, color, disability, sex, religion, age, or national
26 origin of the appointees.

27 (e) A committee must elect a chair from among its members

1 and may adopt rules for the conduct of its activities.

2 (f) At the discretion of the committee, employees of the
3 department, the county, or a municipality, regional metropolitan
4 planning organization, airport, or transit or transportation
5 authority located in the county may be asked to provide staff
6 support services to a committee.

7 (g) All meetings of a committee are open meetings. Notice
8 of committee meetings must be provided in accordance with Sections
9 551.041, 551.0411, 551.042, 551.043, and 551.049, Government Code,
10 as if the committee were a governmental body under that chapter.

11 (h) A project selection and ballot committee established
12 under this subchapter is abolished, and all the duties of the
13 committee expire, on the date the committee submits a final
14 recommended ballot under Section 446.307.

15 Sec. 446.305. SELECTION OF PROJECTS AND METHODS OF LOCAL
16 OPTION FUNDING. (a) A project selection and ballot committee, by
17 majority vote of its membership, shall:

18 (1) determine and propose each mobility improvement
19 project located in the county or benefiting the county;

20 (2) determine and propose one or more methods of local
21 option funding authorized by this chapter sufficient to fund each
22 mobility improvement project; and

23 (3) determine and propose an appropriate rate for each
24 proposed method of local option funding for the construction of
25 each mobility improvement project and a separate proposed rate for
26 each project's continued maintenance and operation, if applicable.

27 (b) In making the determinations required by Subsection

1 (a), the project selection and ballot committee must:

2 (1) consult with:

3 (A) the county;

4 (B) the metropolitan planning organization for
5 the region in which the county is located;

6 (C) the municipalities located in the county;

7 (D) the regional mobility authority created
8 under Chapter 370, Transportation Code, operating in the county;

9 (E) any transit or transportation authority
10 created or operating under Subtitle K, Title 6, Transportation
11 Code, that serves the county; and

12 (F) any commuter rail district operating wholly
13 or partially in the county;

14 (2) give first consideration to mobility improvement
15 projects of regional significance that complement or supplement the
16 regional transportation system; and

17 (3) consider the geographic location of other
18 state-funded or federally funded transportation projects and
19 mobility improvement projects so as to foster geographic equity in
20 the planning and development of regional projects.

21 Sec. 446.306. ADDITIONAL VEHICLE REGISTRATION FEE. (a) In
22 addition to the methods of local option funding authorized by
23 Subchapter B, a county project selection and ballot committee under
24 this subchapter may propose as a method of local option funding an
25 additional fee, not to exceed \$45, for registering a vehicle in the
26 county.

27 (b) Notwithstanding any other provision of this chapter,

1 the county commissioners court shall by order allocate money
2 collected from the additional fee authorized by this section among
3 county funds used by the county for deposit of money collected under
4 Sections 502.172 and 502.1725, Transportation Code.

5 (c) A vehicle that may be registered under Chapter 502 or
6 504, Transportation Code, without payment of a registration fee may
7 be registered in the county without payment of the additional fee.

8 (d) A fee authorized by this section may take effect only on
9 January 1 of a year. The county must notify the department not
10 later than September 1 of the year preceding the year in which the
11 fee takes effect.

12 (e) A fee authorized by this section may be abolished if the
13 county commissioners court orders an election held in the county on
14 that issue and the abolition of the fee is approved by a majority of
15 voters of the county voting at the election. Abolition of the fee
16 may take effect only on January 1 of a year. The county must notify
17 the department not later than September 1 of the year preceding the
18 year in which the abolition takes effect.

19 (f) The county assessor-collector of a county imposing a fee
20 authorized by this section shall collect the fee for a vehicle when
21 other fees imposed under Chapter 502 or 504, Transportation Code,
22 are collected.

23 (g) The department shall collect the additional fee on a
24 vehicle that is owned by a resident of the county and that, under
25 Chapter 502 or 504, Transportation Code, must be registered
26 directly with the department. The department shall send all fees
27 collected for a county under this section to the county for deposit

1 as described by Subsection (b).

2 (h) The department shall adopt rules and develop forms
3 necessary to administer registration by mail for a vehicle being
4 registered in the county or a vehicle that is owned by a resident of
5 the county.

6 Sec. 446.307. FINAL RECOMMENDED BALLOT. (a) Before an
7 election may be held in a county under this subchapter, the county's
8 project selection and ballot committee must submit a final
9 recommended ballot to the county commissioners court that contains
10 the information described by Subsection (b).

11 (b) The final recommended ballot must:

12 (1) list each proposed mobility improvement project to
13 be funded;

14 (2) designate each proposed method of local option
15 funding and the proposed rate or amount to be used to fund capital
16 construction of each proposed mobility improvement project or group
17 of projects and, if applicable, designate a separate and
18 corresponding proposed rate or amount for the maintenance and
19 operation of each proposed project or group of projects;

20 (3) state the estimated date or dates on which each
21 proposed method of local option funding is expected to expire; and

22 (4) if applicable, list the estimated annual
23 maintenance and operation expenses for each proposed mobility
24 improvement project or group of projects for which a rate or amount
25 is proposed under Subdivision (2).

26 Sec. 446.308. COUNTY OPTION TO CALL ELECTION; PETITION
27 PROCESS. (a) On receiving a proposed ballot from a project

1 selection and ballot committee under Section 446.307, the county
2 commissioners court, after holding at least two public hearings
3 regarding the ballot, may by majority vote at a regularly held
4 public meeting of the commissioners court:

5 (1) order an election to be held on the issue of
6 authorizing the ballot; or

7 (2) reject the ballot.

8 (b) If the county commissioners court has not taken action
9 under Subsection (a)(1) or (2) on a proposed ballot within three
10 months of receiving the ballot under Section 446.307, the
11 commissioners court must order an election to be held on the next
12 uniform election date in November or May on the issue of authorizing
13 the ballot.

14 (c) If a county commissioners court rejects a proposed
15 ballot under Subsection (a)(2), the commissioners court must
16 nonetheless call an election to be held on the next uniform election
17 date in November or May on the issue of authorizing the ballot if
18 the commissioners court receives:

19 (1) a resolution requesting that the election be
20 called on the ballot as submitted by the project selection and
21 ballot committee that has been adopted by the governing bodies of at
22 least two municipalities that:

23 (A) are located partially or wholly in the
24 county; and

25 (B) contain at least 60 percent of the county's
26 total population; or

27 (2) a petition requesting that the election be called

1 on the ballot as submitted by the project selection and ballot
2 committee that is signed by a number of registered voters in the
3 county equal to at least 10 percent of the total number of votes
4 cast in the county for all candidates for governor in the most
5 recent gubernatorial general election.

6 (d) A county commissioners court may not amend in any way
7 the list of mobility improvement projects or methods of local
8 option funding contained in a proposed ballot submitted to the
9 commissioners court by a project selection and ballot committee.

10 (e) Before an election may be called under this subchapter,
11 the metropolitan planning organization for the region in which the
12 county calling the election is located must certify by majority
13 vote that the proposed mobility improvement projects included on
14 the proposed ballot are consistent with the organization's current
15 long-range transportation plan.

16 (f) An election called under this subchapter may only be
17 held on a uniform election date in November or May.

18 (g) An election under this subchapter may be called not more
19 than 120 days prior to election day.

20 Sec. 446.309. SUBSEQUENT ELECTIONS. (a) After initial
21 mobility improvement projects and methods of local option funding
22 are determined and an initial election is called under Sections
23 446.303-446.308, a regional mobility authority may establish a new
24 project selection and ballot committee to prepare a ballot
25 proposition for additional projects and funding, and additional
26 elections may be called, using the procedures described by those
27 sections.

1 (b) Notwithstanding Section 446.308, the commissioners
2 court of a county may not call an election under this subchapter
3 before the 11th month following an election previously called under
4 this subchapter.

5 SUBCHAPTER H. COASTAL BEND REGION

6 Sec. 446.351. APPLICABILITY OF SUBCHAPTER. This subchapter
7 applies only to a county that has a population of more than 300,000
8 and in which the principal municipality:

- 9 (1) has a population of more than 250,000; and
10 (2) is located wholly or partly on a barrier island
11 which borders the Gulf of Mexico.

12 Sec. 446.352. DEFINITIONS. In this subchapter:

- 13 (1) "Mobility improvement project" includes:
14 (A) sidewalks; and
15 (B) paths, lanes, ways, and trails for bicycling
16 or hiking and facilities related to such paths, lanes, ways, and
17 trails.

18 (2) "Transit authority" or "transportation authority"
19 includes a county described by Section 446.351 and the county's
20 principal municipality.

21 (3) "Principal municipality" means the municipality
22 with the largest population in a county.

23 Sec. 446.353. CALLING OF ELECTION. (a) The commissioners
24 court of a county to which this subchapter applies by order may call
25 an election on the issue of imposing one or more methods of local
26 option funding authorized by this chapter to:

- 27 (1) acquire, construct, develop, own, operate, and

1 maintain mobility improvement projects;

2 (2) fund operations, maintenance, capital, and debt
3 service expenses for mobility improvement projects; or

4 (3) contract with a transportation authority or
5 transportation provider for a purpose described by Subdivision (1)
6 or (2).

7 (b) A county commissioners court and the principal
8 municipality of the county may, by orders containing identical
9 provisions, jointly call an election on the issue described by
10 Subsection (a). The cost of an election called under this
11 subsection is shared by the county and the principal municipality
12 on a pro rata basis.

13 (c) A county commissioners court by order shall call an
14 election on the issue described by Subsection (a) on receipt of a
15 resolution requesting that the election be called that has been
16 adopted by the governing bodies of the principal municipality and
17 the second most populous municipality located in the county.

18 (d) A resolution under Subsection (c) must be adopted by the
19 governing body of each petitioning municipality by a vote of not
20 less than two-thirds of its membership.

21 (e) A county commissioners court may order an election under
22 this section on an issue described by Subsection (a) only after
23 holding a public hearing regarding the issue.

24 (f) The governing body of the principal municipality of a
25 county described by Section 446.351 may, by order adopted by a
26 majority vote of its membership, call an election within the
27 boundaries of the municipality on the issue described in Subsection

1 (a), the results of which only apply within the boundaries of the
2 municipality. The municipality may adopt the order only after
3 holding a public hearing regarding the issue.

4 (g) A principal municipality ordering an election within
5 the boundaries of the municipality under Subsection (f) has the
6 powers and responsibilities granted to a county under Subchapter B
7 within the boundaries of the municipality only.

8 (h) Before an election may be called under this section, the
9 metropolitan planning organization for the region in which the
10 county or municipality calling the election is located must certify
11 by majority vote that the list of proposed mobility improvement
12 projects included on the proposed ballot are consistent with the
13 organization's current long-range transportation plan.

14 (i) An election under this subchapter:

15 (1) may only be held on a uniform election date in
16 November or May; and

17 (2) may be called not more than 120 days prior to
18 election day.

19 (j) Notwithstanding Subsections (a)-(f), if either the
20 county commissioners court or the governing body of the principal
21 municipality described by Subsection (f) calls for an election, the
22 other entity may not call for an election under this subchapter
23 until the next uniform election date.

24 (k) Notwithstanding Subsections (a)-(f) and (j), in the
25 event a county commissioners court and the governing body of the
26 principal municipality described by Subsection (f) call an election
27 under this subchapter not more than 120 days prior to election day

1 and not less than 110 days prior to election day:

2 (1) each election order is deemed invalid; and

3 (2) no additional election may be called under this
4 subchapter until the next uniform election date.

5 Sec. 446.354. CONTENTS OF ORDER; BALLOT PROPOSITION.

6 (a) An order calling an election under Section 446.353 must
7 include the ballot proposition to be used in the election. The
8 ballot proposition must:

9 (1) list each proposed mobility improvement project to
10 be funded;

11 (2) designate each proposed method of local option
12 funding and the proposed rate or amount to be used to fund capital
13 construction of each proposed mobility improvement project or group
14 of projects and, if applicable, designate a separate and
15 corresponding proposed rate or amount for the maintenance and
16 operation of each proposed project or group of projects;

17 (3) state the estimated date or dates on which each
18 proposed method of local option funding is expected to expire; and

19 (4) if applicable, list the estimated annual
20 maintenance and operation expenses for each proposed mobility
21 improvement project or group of projects for which a rate or amount
22 is proposed under Subdivision (2).

23 (b) The ballot proposition for an election ordered under
24 Section 446.353(c) must include the name of each municipality
25 petitioning under that subsection.

26 Sec. 446.355. PROJECT SELECTION ADVISORY COMMITTEE.

27 (a) Before a county or municipality may order an election under

1 Section 446.353 or a municipality may adopt a resolution under
2 Section 446.353(c), the county or municipality must establish a
3 project selection advisory committee to recommend mobility
4 improvement projects and related methods of local option funding
5 authorized by this chapter. The composition of an advisory
6 committee is determined by the county or municipality that
7 establishes the committee. A county and principal municipality
8 acting jointly under Section 446.353(b) may establish and compose a
9 joint committee. Municipalities adopting a resolution under
10 Section 446.353(c) may establish and compose a joint committee.

11 (b) Each project selection advisory committee shall:

12 (1) consult with:

13 (A) the county or municipality that establishes
14 the committee;

15 (B) the municipalities located in the county;

16 (C) any metropolitan planning organization for
17 the region in which the county is located;

18 (D) any regional mobility authority operating
19 under Chapter 370, Transportation Code, that serves the county;

20 (E) any transit or transportation authority
21 created or operating under Subtitle K, Title 6, Transportation
22 Code, that serves the county; and

23 (F) any commuter rail district operating wholly
24 or partially in the county;

25 (2) give first consideration to mobility improvement
26 projects of regional significance that complement or supplement the
27 regional transportation system; and

1 (3) consider the geographic location of other
2 state-funded or federally funded transportation projects and
3 mobility improvement projects so as to foster geographic equity in
4 the planning and development of regional projects.

5 Sec. 446.356. SUBSEQUENT ELECTIONS. (a) After initial
6 mobility improvement projects and methods of local option funding
7 are determined and an initial election is called under Sections
8 446.353 and 446.354, a project selection advisory committee may
9 recommend additional projects and funding, and additional
10 elections may be called, using the procedures described by those
11 sections.

12 (b) Notwithstanding Section 446.353, the commissioners
13 court of a county or the governing body of a municipality may not
14 call an election under this subchapter before the 11th month
15 following an election previously called under this subchapter.

16 Sec. 446.357. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES
17 NOT AUTHORIZED. (a) A county acting under this subchapter may not
18 directly operate or provide passenger rail services or any service
19 expressly reserved by a transit authority created or operating
20 under Chapter 451, Transportation Code, that serves the county.

21 (b) This subchapter does not authorize the creation of a
22 transit or transportation authority.

23 SECTION 2. Subsection (a), Section 502.003, Transportation
24 Code, is amended to read as follows:

25 (a) Except as provided by Subsection (b) and by Chapter 446,
26 Local Government Code, a political subdivision of this state may
27 not require an owner of a motor vehicle to:

- 1 (1) register the vehicle;
- 2 (2) pay a motor vehicle registration fee; or
- 3 (3) pay an occupation tax or license fee in connection
- 4 with a motor vehicle.

5 SECTION 3. (a) Unless otherwise authorized by the
6 constitution of this state, money collected from a county motor
7 fuel tax authorized by this Act may be used only for acquiring
8 rights-of-way, for constructing, maintaining, and policing public
9 roadways, and for administering laws related to the supervision of
10 traffic and safety on those roads.

11 (b) If the constitution of this state does not authorize the
12 use of money collected under the county motor fuel tax authorized by
13 this Act for transportation uses other than those described by
14 Subsection (a) of this section, the county shall deposit such money
15 into an account separate from the money collected under other
16 provisions of Chapter 446, Local Government Code, as added by this
17 Act, and may use the money only for the purposes described by
18 Subsection (a) of this section.

19 (c) If the constitution of this state requires that
20 one-fourth of the county motor fuel tax authorized by this Act be
21 allocated to the available school fund, the county shall deposit
22 such money into an account separate from the money collected under
23 other provisions of this Act and shall allocate the money to the
24 comptroller of public accounts for deposit in the state treasury
25 for the purpose required by the constitution.

26 SECTION 4. This Act takes effect only if the constitutional
27 amendment proposed by the 81st Legislature proposing a

S.B. No. 855

1 constitutional amendment limiting the purposes for which revenue
2 from taxes on motor fuels and lubricants may be used is approved by
3 the voters. If that amendment is not approved by the voters, this
4 Act has no effect.