

By: Martinez Fischer

H.B. No. 2016

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the operation of certain rapid transit authorities,  
3 including the power to repeal the local sales and use tax exemption  
4 for telecommunications services and the use of revenue from the  
5 tax.

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

7 SECTION 1. Section 322.109, Tax Code, is amended by  
8 amending Subsection (d) and adding Subsection (f) to read as  
9 follows:

10 (d) The governing board of a taxing entity created under  
11 Chapter 451, Transportation Code, may not repeal the application of  
12 the exemption provided by Subsection (a) unless the repeal is first  
13 approved by a majority of the members of the governing body of each  
14 municipality that created the taxing entity, except as authorized  
15 by Subsection (f). A reinstatement of the exemption must be  
16 approved in the same manner.

17 (f) The governing board of a taxing entity created before  
18 1980 in which the principal municipality has a population of less  
19 than 1.5 million may not repeal the application of the exemption  
20 provided by Subsection (a) unless the repeal is first approved by a  
21 majority vote of a committee created under Section 451.061(d),  
22 Transportation Code. A reinstatement of the exemption must be  
23 approved in the same manner. Revenue resulting from a repeal of the  
24 application of the exemption by a taxing entity to which this

1 subsection applies may be used only to provide transportation  
2 services to persons with disabilities as required by the federal  
3 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et  
4 seq.) or regulations adopted under that Act.

5 SECTION 2. Section 451.061(d), Transportation Code, is  
6 amended to read as follows:

7 (d) Except as provided by Subsection (d-1), the fares,  
8 tolls, charges, rents, and other compensation established by an  
9 authority in which the principal municipality has a population of  
10 less than 1.5 [~~1.2~~] million may not take effect until approved by a  
11 majority vote of a committee composed of:

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

14 (2) three members of the commissioners court of the  
15 county having the largest portion of the incorporated territory of  
16 the principal municipality, selected by that commissioners court;  
17 and

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

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

22 (B) the mayor of the most populous municipality,  
23 other than the principal municipality, in the case of an authority  
24 in which the principal municipality has a population of less than  
25 300,000.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2016

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.