

**House Bill 3777**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. Section 321.101(b), Tax Code, is amended to read as follows:</p> <p>(b) A municipality that is not disqualified may, by a majority vote of the qualified voters of the municipality voting at an election held for that purpose, adopt an additional sales and use tax for the benefit of the municipality in accordance with this chapter. A municipality is disqualified from adopting the additional sales and use tax if the municipality:</p> <p>(1) is included within the boundaries of a rapid transit authority created under Chapter 451, Transportation Code;</p> <p>(2) is included within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population of less than <u>1.1 million according to the most recent federal decennial census</u> <del>[800,000]</del>, unless the municipality has a population of 400,000 or more and is located in more than one county;</p> <p>(3) is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population in excess of <u>1.1 million according to the most recent federal decennial census</u> <del>[800,000]</del>, unless:</p> <p>(A) the municipality is a contiguous municipality; or</p> <p>(B) the municipality is not included within the boundaries of the authority and is located wholly or partly in a county in which fewer than 250 persons are residents of both the county and the authority according to the most recent federal census; or</p> <p>(C) the municipality is not and on January 1, 1993, was not included within the boundaries of the authority; or</p> <p>(4) imposes a tax authorized by Chapter 453, Transportation</p>	<p>SECTION 1. Same as House version.</p>	

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Code.

SECTION 2. Section 321.1025(a), Tax Code, is amended to read as follows:

(a) A municipality that is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population of more than 1.1 million according to the most recent federal decennial census ~~[800,000]~~ and that has adopted an additional sales and use tax for the benefit of the municipality may hold an election on the question of whether the municipality shall be annexed to the authority.

SECTION 2. Same as House version.

SECTION 3. Section 452.201(a), Transportation Code, is amended to read as follows:

(a) An authority consisting of one subregion governed by a subregional board created under Subchapter N or O may establish a program reasonably designed to increase the participation of minority and women-owned business enterprises in contracts awarded by the authority. If the program is established, the board shall provide a program outlining acceptable assistance to be given minority and women-owned business enterprises in the area served by the authority to achieve the purposes of the program.

No equivalent provision.

SECTION 4. Section 452.502(a), Transportation Code, is amended to read as follows:

(a) The executive committee of a regional transportation

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<p>authority confirmed in more than one subregion is composed of 11 members selected as follows:</p> <p>(1) seven members from the membership of the subregional board in the subregion <u>that has</u> <del>[containing]</del> a principal municipality <u>with</u> <del>[having]</del> a population of more than <u>1.1 million according to the most recent federal decennial census</u> <del>[800,000]</del>; and</p> <p>(2) four members from the membership of the subregional board in the subregion that has no principal municipality with a population of more than <u>1.1 million according to the most recent federal decennial census</u> <del>[800,000]</del>.</p>		
<p>SECTION 5. The heading to Subchapter N, Chapter 452, Transportation Code, is amended to read as follows:</p> <p>SUBCHAPTER N. SUBREGIONAL BOARD IN AUTHORITY HAVING NO MUNICIPALITY WITH POPULATION OF MORE THAN <u>1.1 MILLION</u> <del>[800,000]</del></p>	<p>SECTION 4. Same as House version.</p>	
<p>SECTION 6. Section 452.561, Transportation Code, is amended to read as follows:</p> <p>Sec. 452.561. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the board of a subregion that has no principal municipality with a population of more than <u>1.1 million according to the most recent federal decennial census</u> <del>[800,000]</del>.</p>	<p>SECTION 5. Same as House version.</p>	
<p>SECTION 7. Section 452.562, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (c-1) to read as follows:</p>	<p>SECTION 6. Sections 452.562(a), (b), and (c), Transportation Code, are amended to read as follows:</p>	

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- (a) A subregional board is composed of 11 [~~nine~~] members.
- (b) If the entire county of the principal municipality is included in the authority, the subregional board consists of:
- (1) five [~~four~~] members appointed by the governing body of the principal municipality;
- (2) five [~~four~~] members appointed by the commissioners court of the county of the principal municipality; and
- (3) one member appointed by the governing body of a municipality that is in the authority and has a population of more than 100,000.
- (c) If Subsection (b) does not apply, the subregional board shall be appointed as follows:
- (1) the commissioners court of the county of the principal municipality shall appoint at least three members [~~one member~~] to represent:
- (A) the unincorporated areas and municipalities in the county that are not otherwise represented on the subregional board; and
- (B) the municipalities that have entered into a contract with the authority to receive services; and
- (2) the remaining members shall be apportioned to the municipalities confirmed as all or part of the subregion according to the ratio that the population of each unit of election bears to the total population of the area confirmed as the subregion.
- (c-1) The voting members of the board shall appoint one or more members of the legislature who represent an area included in the authority to serve, consistent with the Texas Constitution, in advisory positions to the board. A member appointed under this subsection:
- (1) may not participate in a vote of the board; and
- (2) is not entitled to receive compensation for service with the

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- (a) A subregional board is composed of 11 [~~nine~~] members.
- (b) If the entire county of the principal municipality is included in the authority, the subregional board consists of:
- (1) five [~~four~~] members appointed by the governing body of the principal municipality;
- (2) five [~~four~~] members appointed by the commissioners court of the county of the principal municipality; and
- (3) one member appointed by the governing body of a municipality that is in the authority and has a population of more than 100,000.
- (c) If Subsection (b) does not apply, the subregional board shall be appointed as follows:
- (1) the commissioners court of the county of the principal municipality shall appoint at least three members [~~one member~~] to represent:
- (A) the unincorporated areas and municipalities in the county that are not otherwise represented on the subregional board; and
- (B) the municipalities that have entered into a contract with the authority to receive services; and
- (2) the remaining members shall be apportioned to the municipalities confirmed as all or part of the subregion according to the ratio that the population of each unit of election bears to the total population of the area confirmed as the subregion.

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board.

SECTION 8. The heading to Subchapter O, Chapter 452, Transportation Code, is amended to read as follows:  
SUBCHAPTER O. SUBREGIONAL BOARD IN  
SUBREGION HAVING PRINCIPAL MUNICIPALITY  
WITH POPULATION OF MORE THAN 1.1 MILLION  
[800,000]

SECTION 7. Same as House version.

SECTION 9. Section 452.571, Transportation Code, is amended to read as follows:  
Sec. 452.571. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the board of a subregion that has a principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000].

SECTION 8. Same as House version.

SECTION 10. Sections 452.605(a) and (b), Transportation Code, are amended to read as follows:  
(a) A municipality with [having] a population of at least 250,000 according to the most recent [preceding] federal decennial census and located in a county that has no principal municipality with a population of more than 1.1 million [800,000] according to the most recent [preceding] federal decennial census may join a separate authority by complying with this chapter.  
(b) If a municipality described by Subsection (a) joins a separate authority and another separate authority is subsequently established in a county that has no principal

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municipality with a ~~[of more than 800,000]~~ population of more than 1.1 million according to the most recent ~~[preceding]~~ federal decennial census, any municipality in that county that has voted to participate with any authority created under this chapter may at the time of the creation of the new authority:

- (1) remain in the authority that was created first;
- (2) join the new authority in the county in which the municipality is located; or
- (3) participate with both authorities.

SECTION 11. Section 452.657, Transportation Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) In a unit of election with a population of less than 10,000 according to the most recent federal decennial census that withdraws from an authority consisting of one subregion governed by a subregional board created under Subchapter N, title to all real estate in the unit of election owned or partially owned by the authority, including improvements made by the authority, except a right-of-way or an improvement to a right-of-way, shall immediately vest in the authority, and the authority may continue to use the real estate and improvements in the withdrawn unit of election as may be determined by the authority to be necessary:

- (1) for the continuation of service to other units of election;
- (2) to satisfy the authority's remaining federal grant obligation for the real estate and improvements; or
- (3) for the operation of a public transportation system as provided by Section 452.056(a).

(f) An authority is responsible for all operation and maintenance costs of the property and improvements located in the withdrawn unit of election that are owned or partially

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owned by the authority as described by Subsection (e).

SECTION 12. Section 452.659, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of this chapter, in determining the total financial obligation of a withdrawn unit of election to an authority consisting of one subregion governed by a subregional board created under Subchapter N, Subsection (a)(2) does not apply, and the amounts calculated under Subsection (a)(1) do not include any financial, contractual, or other obligations incurred by the authority between the date that an election to withdraw is ordered and the date of the canvass of the election. The executive committee shall determine the total financial obligation of the withdrawn unit of election not later than the 180th day after the date the election is called. This subsection:

- (1) applies to an election to withdraw that is ordered before, on, or after September 1, 2015; and
- (2) expires August 31, 2016.

SECTION 13. Section 452.710(b), Transportation Code, is amended to read as follows:

(b) The interim subregional board of a subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000] is composed of 11 [nine] members appointed as provided by Section 452.562(b).

SECTION 14. Section 452.712(d), Transportation Code, is

SECTION 11. Same as House version.

SECTION 12. Same as House version.

SECTION 13. Same as House version.

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amended to read as follows:  
(d) In a subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census ~~[800,000]~~, the tax rate must be approved by the commissioners court before the confirmation election.

SECTION 15. This Act takes effect September 1, 2015.

SECTION 14. Same as House version.