

By: Solomons

H.B. No. 2702

A BILL TO BE ENTITLED

AN ACT

relating to the application of statutes that classify political subdivisions according to population.

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

SECTION 1. Section 147.003(a), Agriculture Code, is amended to read as follows:

(a) A person pursuing the business of selling mules, horses, jacks, or jennets in a county with a population of not less than 1.8 [~~1.4~~] million nor more than 1.9 [~~1.5~~] million is not subject to this chapter as a livestock auction commission merchant.

SECTION 2. Section 11.13(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies only to a license or permit held in connection with an establishment located in a county with a population of 1.8 [~~1.4~~] million or more for which a license or permit has been issued under Chapter 25 or 69 for the on-premises consumption of beer exclusively or beer and wine exclusively, other than a license or permit for an establishment holding a food and beverage certificate whose primary business being operated on the premises is food service.

SECTION 3. Section 11.321(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies only to an original or renewal application made in connection with an establishment located in a

1 county with a population of 1.8 [~~1.4~~] million or more.

2 SECTION 4. Sections 11.61(b-1) and (j), Alcoholic Beverage  
3 Code, are amended to read as follows:

4 (b-1) Notwithstanding Section 204.01 and any other  
5 provision of this code, a person applying for a license or permit  
6 under Chapter 25 or 69 for the on-premises consumption of beer  
7 exclusively or beer and wine exclusively, other than a license or  
8 permit for an establishment holding a food and beverage certificate  
9 whose primary business being operated on the premises is food  
10 service, must file with the commission a surety bond, in an amount  
11 to be determined by the commission, conditioned on the licensee's  
12 or permittee's conformance with the alcoholic beverage law. The  
13 bond is forfeited to the commission on the suspension of the license  
14 or permit for the first time under this section or Section  
15 61.71. Before the suspended license or permit may be reinstated,  
16 the licensee or permittee must furnish a second surety bond,  
17 similarly conditioned, in an amount greater than the initial surety  
18 bond, the amount to be determined by the commission. If the same  
19 license or permit is suspended under this section or Section 61.71 a  
20 second time, the bond is again forfeited to the commission. Before  
21 the suspended license or permit may be reinstated, the licensee or  
22 permittee shall furnish a third surety bond, similarly conditioned,  
23 in an amount greater than the second surety bond, the amount to be  
24 determined by the commission. If the same license or permit is  
25 suspended under this section or Section 61.71 a third time, the bond  
26 is again forfeited to the commission and the license or permit shall  
27 be canceled by the commission. This subsection applies only to a

1 license or permit held in connection with an establishment located  
2 in a county with a population of 1.8 [~~1.4~~] million or more.

3 (j) A hearing under Subsection (b) must be concluded not  
4 later than the 60th day after notice is provided under that  
5 subsection. Neither the permittee nor the commission may waive the  
6 provisions of this subsection. This subsection applies only to a  
7 hearing in connection with a wine and beer retailer's permit, other  
8 than a permit held with a food and beverage certificate, for  
9 premises located in a county with a population of 1.8 [~~1.4~~] million  
10 or more.

11 SECTION 5. Section 25.02(b), Alcoholic Beverage Code, is  
12 amended to read as follows:

13 (b) The annual state fee for a wine and beer retailer's  
14 permit in connection with an establishment located in a county with  
15 a population of 1.8 [~~1.4~~] million or more is \$750. The original  
16 application fee for a wine and beer retailer's permit in connection  
17 with an establishment located in a county with a population of 1.8  
18 [~~1.4~~] million or more is \$1,000.

19 SECTION 6. Section 61.52, Alcoholic Beverage Code, is  
20 amended to read as follows:

21 Sec. 61.52. ADMINISTRATIVE PENALTY IN CERTAIN COUNTIES.  
22 Section 11.321 applies to an original or renewal application for a  
23 retail dealer's on-premise license, other than a license with a  
24 food and beverage certificate, for an establishment located in a  
25 county with a population of 1.8 [~~1.4~~] million or more.

26 SECTION 7. Sections 61.71(k) and (l), Alcoholic Beverage  
27 Code, are amended to read as follows:

1 (k) A hearing under Subsection (a) must be concluded not  
2 later than the 60th day after the date notice is provided under that  
3 subsection. The provisions of this subsection may not be waived by  
4 the license holder or the commission. This subsection applies only  
5 to a hearing in connection with a retail dealer's on-premise  
6 license, other than a license held with a food and beverage  
7 certificate, for premises located in a county with a population of  
8 1.8 [~~1.4~~] million or more.

9 (l) Section 11.61(b-1) applies to a retail dealer's  
10 on-premise license, other than a license held with a food and  
11 beverage certificate, for premises located in a county with a  
12 population of 1.8 [~~1.4~~] million or more.

13 SECTION 8. Section 69.02(b), Alcoholic Beverage Code, is  
14 amended to read as follows:

15 (b) The annual state fee for a retail dealer's on-premise  
16 license in connection with an establishment located in a county  
17 with a population of 1.8 [~~1.4~~] million or more is \$750. The  
18 original application fee for a retail dealer's on-premise license  
19 in connection with an establishment located in a county with a  
20 population of 1.8 [~~1.4~~] million or more is \$1,000.

21 SECTION 9. Section 109.57(e), Alcoholic Beverage Code, is  
22 amended to read as follows:

23 (e) A municipality located in a county that has a population  
24 of 2.2 million or more and that is adjacent to a county with a  
25 population of more than 600,000 [~~400,000~~] or a municipality located  
26 in a county with a population of 600,000 [~~400,000~~] or more and that  
27 is adjacent to a county with a population of 2.2 million or more may

1 regulate, in a manner not otherwise prohibited by law, the location  
2 of an establishment issued a permit under Chapter 32 or 33 if:

3 (1) the establishment derives 35 percent or more of  
4 the establishment's gross revenue from the on-premises sale or  
5 service of alcoholic beverages and the premises of the  
6 establishment are located in a dry area; and

7 (2) the permit is not issued to a fraternal or veterans  
8 organization or the holder of a food and beverage certificate.

9 SECTION 10. Section 75.0021(c), Civil Practice and Remedies  
10 Code, is amended to read as follows:

11 (c) This section applies only to a public utility located  
12 in:

13 (1) a county with a population of 800,000 [~~600,000~~] or  
14 more and located on the international border; or

15 (2) a municipal management district located in a  
16 municipality with a population of more than 1.9 million.

17 SECTION 11. Section 152.006, Civil Practice and Remedies  
18 Code, is amended to read as follows:

19 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION  
20 CENTERS. An entity described by Section 152.002(b)(1) that  
21 provides services for the resolution of disputes in a county that  
22 borders the Gulf of Mexico with a population of 250,000 or more but  
23 less than 300,000 [~~290,000~~] may collect a reasonable fee in any  
24 amount set by the commissioners court from a person who receives the  
25 services. This section may not be construed to affect the  
26 collection of a fee by any other entity described by Section  
27 152.002(b)(1).

1 SECTION 12. Article 2.12, Code of Criminal Procedure, is  
2 amended to read as follows:

3 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
4 officers:

5 (1) sheriffs, their deputies, and those reserve  
6 deputies who hold a permanent peace officer license issued under  
7 Chapter 1701, Occupations Code;

8 (2) constables, deputy constables, and those reserve  
9 deputy constables who hold a permanent peace officer license issued  
10 under Chapter 1701, Occupations Code;

11 (3) marshals or police officers of an incorporated  
12 city, town, or village, and those reserve municipal police officers  
13 who hold a permanent peace officer license issued under Chapter  
14 1701, Occupations Code;

15 (4) rangers and officers commissioned by the Public  
16 Safety Commission and the Director of the Department of Public  
17 Safety;

18 (5) investigators of the district attorneys', criminal  
19 district attorneys', and county attorneys' offices;

20 (6) law enforcement agents of the Texas Alcoholic  
21 Beverage Commission;

22 (7) each member of an arson investigating unit  
23 commissioned by a city, a county, or the state;

24 (8) officers commissioned under Section 37.081,  
25 Education Code, or Subchapter E, Chapter 51, Education Code;

26 (9) officers commissioned by the General Services  
27 Commission;

1           (10) law enforcement officers commissioned by the  
2 Parks and Wildlife Commission;

3           (11) airport police officers commissioned by a city  
4 with a population of more than 1.18 million located primarily in a  
5 county with 2 million or more that operates an airport that serves  
6 commercial air carriers;

7           (12) airport security personnel commissioned as peace  
8 officers by the governing body of any political subdivision of this  
9 state, other than a city described by Subdivision (11), that  
10 operates an airport that serves commercial air carriers;

11           (13) municipal park and recreational patrolmen and  
12 security officers;

13           (14) security officers and investigators commissioned  
14 as peace officers by the comptroller;

15           (15) officers commissioned by a water control and  
16 improvement district under Section 49.216, Water Code;

17           (16) officers commissioned by a board of trustees  
18 under Chapter 54, Transportation Code;

19           (17) investigators commissioned by the Texas Medical  
20 Board;

21           (18) officers commissioned by the board of managers of  
22 the Dallas County Hospital District, the Tarrant County Hospital  
23 District, or the Bexar County Hospital District under Section  
24 281.057, Health and Safety Code;

25           (19) county park rangers commissioned under  
26 Subchapter E, Chapter 351, Local Government Code;

27           (20) investigators employed by the Texas Racing

1 Commission;

2 (21) officers commissioned under Chapter 554,  
3 Occupations Code;

4 (22) officers commissioned by the governing body of a  
5 metropolitan rapid transit authority under Section 451.108,  
6 Transportation Code, or by a regional transportation authority  
7 under Section 452.110, Transportation Code;

8 (23) investigators commissioned by the attorney  
9 general under Section 402.009, Government Code;

10 (24) security officers and investigators commissioned  
11 as peace officers under Chapter 466, Government Code;

12 (25) an officer employed by the Department of State  
13 Health Services under Section 431.2471, Health and Safety Code;

14 (26) officers appointed by an appellate court under  
15 Subchapter F, Chapter 53, Government Code;

16 (27) officers commissioned by the state fire marshal  
17 under Chapter 417, Government Code;

18 (28) an investigator commissioned by the commissioner  
19 of insurance under Section 701.104, Insurance Code;

20 (29) apprehension specialists and inspectors general  
21 commissioned by the Texas Youth Commission as officers under  
22 Sections 61.0451 and 61.0931, Human Resources Code;

23 (30) officers appointed by the inspector general of  
24 the Texas Department of Criminal Justice under Section 493.019,  
25 Government Code;

26 (31) investigators commissioned by the Commission on  
27 Law Enforcement Officer Standards and Education under Section



1 1701.160, Occupations Code;

2 (32) commission investigators commissioned by the  
3 Texas Private Security Board under Section 1702.061(f),  
4 Occupations Code;

5 (33) the fire marshal and any officers, inspectors, or  
6 investigators commissioned by an emergency services district under  
7 Chapter 775, Health and Safety Code;

8 (34) officers commissioned by the State Board of  
9 Dental Examiners under Section 254.013, Occupations Code, subject  
10 to the limitations imposed by that section;

11 (35) investigators commissioned by the Texas Juvenile  
12 Probation Commission as officers under Section 141.055, Human  
13 Resources Code; and

14 (36) the fire marshal and any related officers,  
15 inspectors, or investigators commissioned by a county under  
16 Subchapter B, Chapter 352, Local Government Code.

17 SECTION 13. Article 2.21(g), Code of Criminal Procedure, is  
18 amended to read as follows:

19 (g) A clerk in a county with a population of less than two  
20 [~~1.7~~] million must provide written notice by mail to the attorney  
21 representing the state in the case and the attorney representing  
22 the defendant before disposing of an eligible exhibit.

23 SECTION 14. Article 18.05(e), Code of Criminal Procedure,  
24 is amended to read as follows:

25 (e) A search warrant may not be issued under this article to  
26 a code enforcement official of a county with a population of 3.3  
27 [~~2.4~~] million or more for the purpose of allowing the inspection of

1 specified premises to determine the presence of an unsafe building  
2 condition or a violation of a building regulation, statute, or  
3 ordinance.

4 SECTION 15. Section 11.0581(a), Education Code, is amended  
5 to read as follows:

6 (a) An election for trustees of an independent school  
7 district shall be held on the same date as:

8 (1) the election for the members of the governing body  
9 of a municipality located in the school district;

10 (2) the general election for state and county  
11 officers; or

12 (3) the election for the members of the governing body  
13 of a hospital district, if the school district:

14 (A) is wholly or partly located in a county with a  
15 population of less than 40,000 [~~30,000~~] that is adjacent to a county  
16 with a population of more than three million; and

17 (B) held its election for trustees jointly with  
18 the election for the members of the governing body of the hospital  
19 district before May 2007.

20 SECTION 16. Section 28.025(b-9), Education Code, is amended  
21 to read as follows:

22 (b-9) The agency shall establish a pilot program allowing a  
23 student attending school in a county with a population of more than  
24 one million and in which more than 75 [~~80~~] percent of the population  
25 resides in a single municipality to satisfy the fine arts credit  
26 required under Subsection (b-1)(3)(A) by participating in a fine  
27 arts program not provided by the school district in which the

1 student is enrolled. The fine arts program may be provided on or  
2 off a school campus and outside the regular school day. Not later  
3 than December 1, 2010, the agency shall provide to the legislature a  
4 report regarding the pilot program, including the feasibility of  
5 expanding the pilot program statewide.

6 SECTION 17. Section 45.105(e), Education Code, is amended  
7 to read as follows:

8 (e) The governing body of an independent school district  
9 that governs a junior college district under Subchapter B, Chapter  
10 130, in a county with a population of more than two [~~1.5~~] million  
11 may dedicate a specific percentage of the local tax levy to the use  
12 of the junior college district for facilities and equipment or for  
13 the maintenance and operating expenses of the junior college  
14 district. To be effective, the dedication must be made by the  
15 governing body on or before the date on which the governing body  
16 adopts its tax rate for a year. The amount of local tax funds  
17 derived from the percentage of the local tax levy dedicated to a  
18 junior college district from a tax levy may not exceed the amount  
19 that would be levied by five percent of the effective tax rate for  
20 the tax year calculated as provided by Section 26.04, Tax Code, on  
21 all property taxable by the school district. All real property  
22 purchased with these funds is the property of the school district,  
23 but is subject to the exclusive control of the governing body of the  
24 junior college district for as long as the junior college district  
25 uses the property for educational purposes.

26 SECTION 18. Section 51.214(a), Education Code, is amended  
27 to read as follows:

1           (a) In any municipality with a population of 1.18 million or  
2 more located primarily in a county with 2 million or more, the  
3 governing board of a private, nonprofit medical corporation, or of  
4 the parent corporation of such medical corporation, that provides  
5 police or security services for an institution of higher education  
6 or a private postsecondary educational institution located within  
7 one of the medical corporation's or parent corporation's medical  
8 complexes, or that provides police or security services for another  
9 medical complex legally affiliated with or owned, leased, managed,  
10 or controlled by the medical corporation or parent corporation, may  
11 employ and commission police or security personnel to enforce the  
12 law of this state within the jurisdiction designated by Subsection  
13 (c).

14           SECTION 19. Section 53A.49(a), Education Code, is amended  
15 to read as follows:

16           (a) In the same manner that a corporation may issue bonds  
17 under this chapter for an institution of higher education, a  
18 corporation created under Section 53A.35(b) may issue bonds to  
19 finance or refinance educational facilities to be used by a school  
20 that:

21                   (1) is located in a county with a population of more  
22 than two million [~~1,800,000~~];

23                   (2) is located within three miles of an area  
24 designated as an enterprise zone under Chapter 2303, Government  
25 Code;

26                   (3) provides primary and secondary education to at  
27 least 1,000 students;

1           (4) is accredited by an organization approved by the  
2 Texas Education Agency for private school accreditation; and

3           (5) is owned and operated by a corporation created  
4 under the Texas Non-Profit Corporation Act (Article 1396-1.01 et  
5 seq., Vernon's Texas Civil Statutes).

6           SECTION 20. Section 130.082(i), Education Code, is amended  
7 to read as follows:

8           (i) The election of trustees of a countywide junior or  
9 community college district that contains a city with a population  
10 of more than 1.18 million located primarily in a county with 2  
11 million or more shall be held on the first Saturday in April of each  
12 even-numbered year. When a runoff election is necessary, the board  
13 may order the election for a date to coincide with the date of the  
14 runoff election for city officials, if the city is holding a runoff  
15 election; otherwise, the board shall set the date of the runoff  
16 election for not later than three weeks following the regular  
17 election.

18           SECTION 21. Section 143.005(e), Election Code, is amended  
19 to read as follows:

20           (e) If the city charter of a home-rule city with a  
21 population of more than 1.18 million located primarily in a county  
22 with 2 million or more that holds nonpartisan elections for its  
23 offices requires both a petition and a \$50 fee to be filed for a  
24 candidate's name to be placed on the ballot, those requirements  
25 supersede this section.

26           SECTION 22. Section 172.021(e), Election Code, is amended  
27 to read as follows:

1 (e) A candidate for an office specified by Section  
 2 172.024(a)(8), (10), or (12), or for justice of the peace in a  
 3 county with a population of more than 1.5 million [~~850,000~~], who  
 4 chooses to pay the filing fee must also accompany the application  
 5 with a petition for a place on the primary ballot as a candidate for  
 6 judicial office that complies with the requirements prescribed for  
 7 the petition authorized by Subsection (b), except that the minimum  
 8 number of signatures that must appear on the petition required by  
 9 this subsection is 250. If the candidate chooses to file the  
 10 petition authorized by Subsection (b) in lieu of the filing fee, the  
 11 minimum number of signatures required for that petition is  
 12 increased by 250. Signatures on a petition filed under this  
 13 subsection or Subsection (b) by a candidate covered by this  
 14 subsection may not be obtained on the grounds of a county courthouse  
 15 or courthouse annex.

16 SECTION 23. Section 172.024(a), Election Code, is amended  
 17 to read as follows:

18 (a) The filing fee for a candidate for nomination in the  
 19 general primary election is as follows:

- 20 (1) United States senator . . . . . \$5,000
- 21 (2) office elected statewide, except United States  
 22 senator . . . . . 3,750
- 23 (3) United States representative . . . . . 3,125
- 24 (4) state senator . . . . . 1,250
- 25 (5) state representative . . . . . 750
- 26 (6) member, State Board of Education . . . . . 300
- 27 (7) chief justice or justice, court of appeals, other

- 1 than a justice specified by Subdivision (8) . . . . .1,875
- 2           (8) chief justice or justice of a court of appeals that
- 3 serves a court of appeals district in which a county with a
- 4 population of more than one million [~~750,000~~] is wholly or partly
- 5 situated . . . . .2,500
- 6           (9) district judge or judge specified by Section
- 7 52.092(d) for which this schedule does not otherwise prescribe a
- 8 fee . . . . .1,500
- 9           (10) district or criminal district judge of a court in
- 10 a judicial district wholly contained in a county with a population
- 11 of more than 1.5 million [~~850,000~~] . . . . .2,500
- 12           (11) judge, statutory county court, other than a judge
- 13 specified by Subdivision (12) . . . . .1,500
- 14           (12) judge of a statutory county court in a county with
- 15 a population of more than 1.5 million [~~850,000~~] . . . . .2,500
- 16           (13) district attorney, criminal district attorney,
- 17 or county attorney performing the duties of a
- 18 district attorney . . . . .1,250
- 19           (14) county commissioner, district clerk, county
- 20 clerk, sheriff, county tax assessor-collector, county treasurer,
- 21 or judge, constitutional county court:
- 22                   (A) county with a population of 200,000
- 23 or more . . . . .1,250
- 24                   (B) county with a population of
- 25 under 200,000 . . . . .750
- 26           (15) justice of the peace or constable:
- 27                   (A) county with a population of 200,000

1 or more . . . . . 1,000

2 (B) county with a population of

3 under 200,000 . . . . . 375

4 (16) county surveyor . . . . . 75

5 (17) office of the county government for which this

6 schedule does not otherwise prescribe a fee . . . . . 750

7 SECTION 24. Section 84.002(a), Family Code, is amended to

8 read as follows:

9 (a) On the request of the prosecuting attorney in a county

10 with a population of more than two [~~1.5~~] million or in a county in a

11 judicial district that is composed of more than one county, the

12 district court shall set the hearing on a date and time not later

13 than 20 days after the date the application is filed or 20 days

14 after the date a request is made to reschedule a hearing under

15 Section 84.003.

16 SECTION 25. Section 51.501(c), Government Code, is amended

17 to read as follows:

18 (c) The commissioners court of a county that has a

19 population of 5,800 [~~6,000~~] to 5,900 [~~6,125~~] shall determine

20 whether the county shall have a joint clerk but may not take action

21 to prevent a district clerk, county clerk, or joint clerk from

22 serving the full term of office to which the clerk was elected.

23 SECTION 26. Section 62.016(h), Government Code, is amended

24 to read as follows:

25 (h) In a county with a population of more than 1.5 million

26 [~~900,000~~], the district judges, by a majority vote, may authorize

27 the drawing of two general jury panels for the week, with one to be



1 used in the courts that have a criminal docket and the other to be  
2 used in the courts that have a civil docket.

3 SECTION 27. Section 62.021, Government Code, is amended to  
4 read as follows:

5 Sec. 62.021. DISMISSAL OF JUROR REMOVED FROM PANEL. In a  
6 county with a population of two [~~1.5~~] million or more, a prospective  
7 juror removed from a jury panel for cause, by peremptory challenge  
8 or for any other reason, must be dismissed from jury service. After  
9 dismissal, the person may not be placed on another jury panel until  
10 his name is returned to the jury wheel and drawn again for jury  
11 service.

12 SECTION 28. Section 803.0021, Government Code, is amended  
13 to read as follows:

14 Sec. 803.0021. APPLICATION OF CHAPTER. This chapter  
15 applies only to:

16 (1) a retirement system for general municipal  
17 employees in a municipality with a population of not less than  
18 750,000 [~~600,000~~] nor more than 850,000 [~~700,000~~];

19 (2) the Employees Retirement System of Texas, the  
20 Teacher Retirement System of Texas, the Judicial Retirement System  
21 of Texas Plan One, the Judicial Retirement System of Texas Plan Two,  
22 the Texas County and District Retirement System, and the Texas  
23 Municipal Retirement System; and

24 (3) a retirement system that makes an election under  
25 Section 803.101(f).

26 SECTION 29. The heading to Section 1331.051, Government  
27 Code, is amended to read as follows:

1           Sec. 1331.051. LIMITATION ON BONDED DEBT: MUNICIPALITY  
2 WITH POPULATION OF 750,000 [~~600,000~~] OR MORE.

3           SECTION 30. Section 1331.051(a), Government Code, is  
4 amended to read as follows:

5           (a) This section applies only to a municipality with a  
6 population of 750,000 [~~600,000~~] or more.

7           SECTION 31. Section 1371.059(c), Government Code, is  
8 amended to read as follows:

9           (c) An issuer in the proceedings to authorize obligations or  
10 a credit agreement, or in a credit agreement, may agree to waive  
11 sovereign immunity from suit or liability for the purpose of  
12 adjudicating a claim to enforce the credit agreement or obligation  
13 or for damages for breach of the credit agreement or  
14 obligation. This subsection does not apply to an issuer that is:

15           (1) a state agency, including a state institution of  
16 higher education; or

17           (2) a county with a population of 1.5 million  
18 [~~900,000~~] or more.

19           SECTION 32. Section 1473.101(b), Government Code, is  
20 amended to read as follows:

21           (b) The commissioners court of a county that has a  
22 population of more than 1.5 million [~~900,000~~] may:

23           (1) issue bonds to pay for the construction and  
24 equipment of a courthouse or county branch office building,  
25 including the acquisition of a site for the courthouse or branch  
26 office building; and

27           (2) impose a tax to pay for the bonds.

1 SECTION 33. Section 1473.191, Government Code, is amended  
2 to read as follows:

3 Sec. 1473.191. APPLICABILITY OF SUBCHAPTER. This  
4 subchapter applies only to a county with a population of more than  
5 1.5 million [~~900,000~~].

6 SECTION 34. Section 1473.231, Government Code, is amended  
7 to read as follows:

8 Sec. 1473.231. APPLICABILITY OF SUBCHAPTER. This  
9 subchapter applies only to a county with a population of more than  
10 1.5 million [~~900,000~~].

11 SECTION 35. The heading to Chapter 1476, Government Code,  
12 is amended to read as follows:

13 CHAPTER 1476. CERTIFICATES OF INDEBTEDNESS IN COUNTIES WITH  
14 POPULATION OF MORE THAN TWO [~~1.5~~] MILLION

15 SECTION 36. Section 1476.001(a), Government Code, is  
16 amended to read as follows:

17 (a) This chapter applies only to a county with a population  
18 of more than two [~~1.5~~] million.

19 SECTION 37. Section 1502.070(a), Government Code, is  
20 amended to read as follows:

21 (a) Management and control of a utility system may be vested  
22 in:

23 (1) the municipality's governing body; or

24 (2) a board of trustees named in the proceedings  
25 adopted by the municipality and consisting of not more than:

26 (A) five members, one of whom must be the mayor of  
27 the municipality; or

1 (B) seven members, one of whom must be the mayor  
2 of the municipality, if the municipality is located in a county:

3 (i) with a population of at least 800,000  
4 [~~600,000~~]; and

5 (ii) that is located on an international  
6 border.

7 SECTION 38. Section 1506.101, Government Code, is amended  
8 to read as follows:

9 Sec. 1506.101. APPLICABILITY OF SUBCHAPTER. This  
10 subchapter applies only to a municipality that:

11 (1) is located on the Gulf of Mexico or on a channel,  
12 canal, bay, or inlet connected to the Gulf of Mexico; and

13 (2) has a population of:

14 (A) more than 47,500 [~~56,000~~] and less than  
15 73,000 [~~67,000~~]; or

16 (B) more than 117,000 [~~113,000~~] and less than  
17 160,000 [~~150,000~~].

18 SECTION 39. Section 1509.002(b), Government Code, is  
19 amended to read as follows:

20 (b) This section applies only to a municipality that:

21 (1) has a population of more than 17,000 [~~15,000~~] but  
22 less than 18,000 [~~16,000~~]; and

23 (2) is located in two counties with populations of  
24 550,000 [~~325,000~~] or more but less than 4.2 [~~3.5~~] million.

25 SECTION 40. Section 2303.004(b), Health and Safety Code, is  
26 amended to read as follows:

27 (b) Notwithstanding Subsection (a), the governing body of a

1 county with a population of one million [~~750,000~~] or more may  
2 nominate for designation as an enterprise project a project or  
3 activity of a qualified business that is located within the  
4 jurisdiction of a municipality located in the county. For purposes  
5 of this subsection, a county during any biennium may not use in any  
6 one municipality more than three of the maximum number of  
7 designations the county is permitted under Section 2303.406(d)(2).

8 SECTION 41. Section 168.010(a), Health and Safety Code, is  
9 amended to read as follows:

10 (a) This section applies only to a school district located  
11 in a county that:

12 (1) has a population of less than 780,000 [~~600,000~~];

13 and

14 (2) is located on the international border.

15 SECTION 42. Section 281.021(b), Health and Safety Code, is  
16 amended to read as follows:

17 (b) The commissioners court of a county with a population of  
18 more than 1.8 [~~1.4~~] million but less than 1.9 [~~1.5~~] million in which  
19 a district is created under this chapter shall appoint a board  
20 composed of not less than five or more than 15 members.

21 SECTION 43. Section 281.056(b-1), Health and Safety Code,  
22 is amended to read as follows:

23 (b-1) The county attorney, district attorney, or criminal  
24 district attorney, as appropriate, with the duty to represent the  
25 county in civil matters shall, in all legal matters, represent a  
26 district located in:

27 (1) a county with a population of 800,000 [~~650,000~~] or

1 more that borders the United Mexican States;

2 (2) a county with a population of 3.4 million or more;

3 or

4 (3) a county with a population of more than 800,000  
5 that was not included in the boundaries of a hospital district  
6 before September 1, 2003.

7 SECTION 44. Section 285.002, Health and Safety Code, is  
8 amended to read as follows:

9 Sec. 285.002. APPLICABILITY OF SUBCHAPTER. This subchapter  
10 applies only to a county having:

11 (1) a population of at least 800,000 [~~650,000~~]; and

12 (2) a countywide hospital district that:

13 (A) has taxes imposed and collected by the  
14 commissioners court of the county; and

15 (B) has teaching hospital facilities affiliated  
16 with a state-owned or private medical school.

17 SECTION 45. Section 285.022(a), Health and Safety Code, is  
18 amended to read as follows:

19 (a) A hospital district located in a county with a  
20 population of more than 1.5 million [~~900,000~~] may construct,  
21 enlarge, furnish, equip, operate, or lease a parking station near a  
22 hospital in the district on the determination by the commissioners  
23 court of the county that the action is in the best interest of the  
24 hospital district and the residents of the district.

25 SECTION 46. The heading to Chapter 289, Health and Safety  
26 Code, is amended to read as follows:

1           CHAPTER 289. COUNTY HEALTH CARE FUNDING DISTRICTS  
2           IN CERTAIN COUNTIES LOCATED ON TEXAS-MEXICO BORDER THAT  
3           HAVE POPULATION OF LESS THAN 300,000 [~~200,000~~]

4           SECTION 47. Section 289.002, Health and Safety Code, is  
5 amended to read as follows:

6           Sec. 289.002. CREATION OF DISTRICT. A district is created  
7 in each county located on the Texas-Mexico border that has a  
8 population of less than 300,000 [~~200,000~~] and contains one or more  
9 municipalities with a population of 200,000 [~~100,000~~] or more.

10          SECTION 48. The heading to Chapter 290, Health and Safety  
11 Code, is amended to read as follows:

12           CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTS  
13           IN CERTAIN COUNTIES WITH POPULATION OF  
14           1.8 [~~1.4~~] MILLION OR LESS

15          SECTION 49. Section 290.002, Health and Safety Code, is  
16 amended to read as follows:

17          Sec. 290.002. CREATION OF DISTRICT. A district is created  
18 in each county that has a population of 1.8 [~~1.4~~] million or less  
19 and in which a municipality with a population of 1.1 million or more  
20 is predominantly located.

21          SECTION 50. Section 301.001(1), Health and Safety Code, is  
22 amended to read as follows:

23           (1) "Eligible institution" means an entity engaged in  
24 health-related pursuits that, except for cooperative associations,  
25 is exempt from federal income tax and includes only:

- 26                   (A) a municipality;  
27                   (B) a political subdivision of the state;

1 (C) a state-supported health-related  
2 institution, including:

- 3 (i) The Texas A&M University System;  
4 (ii) The University of Texas System; and  
5 (iii) Texas Woman's University;

6 (D) a nonprofit health-related institution; or

7 (E) a cooperative association created under  
8 Subchapter B, a unit of which is located in a county with a  
9 population of more than 3.3 [~~2.5~~] million.

10 SECTION 51. Section 361.271(c), Health and Safety Code, is  
11 amended to read as follows:

12 (c) A political subdivision that is in a county with a  
13 population of 3.3 [~~2.4~~] million or more or is in a county adjacent  
14 to a county with a population of 3.3 [~~2.4~~] million or more and that  
15 builds or installs a drainage project on a site of a solid waste  
16 facility is not a person responsible for solid waste released or  
17 threatened to be released from the facility or at a site of the  
18 facility if:

19 (1) the political subdivision acquired ownership or  
20 control of the facility or site through bankruptcy, tax  
21 delinquency, abandonment, or other circumstances in which the  
22 subdivision involuntarily acquired title to the facility or site by  
23 virtue of the subdivision's function as sovereign; and

24 (2) the plans for the drainage project have been  
25 submitted to and reviewed by the commission.

26 SECTION 52. Section 382.056(r), Health and Safety Code, is  
27 amended to read as follows:



1 (r) This section does not apply to:

2 (1) the relocation or change of location of a portable  
3 facility to a site where a portable facility has been located at the  
4 proposed site at any time during the previous two years;

5 (2) a facility located temporarily in the  
6 right-of-way, or contiguous to the right-of-way, of a public works  
7 project; or

8 (3) a facility described by Section 382.065(c), unless  
9 that facility is in a county with a population of 3.3 [~~2.4~~] million  
10 or more or in a county adjacent to such a county.

11 SECTION 53. Section 382.065(d), Health and Safety Code, is  
12 amended to read as follows:

13 (d) Notwithstanding Subsection (c), Subsection (a) applies  
14 to a concrete crushing facility in a county with a population of 3.3  
15 [~~2.4~~] million or more or in a county adjacent to such a county.

16 SECTION 54. Section 382.218(a), Health and Safety Code, is  
17 amended to read as follows:

18 (a) This section applies only to a county with a population  
19 of 800,000 [~~650,000~~] or more that borders the United Mexican  
20 States.

21 SECTION 55. Section 462.0731(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) This section applies to a chemically dependent patient  
24 who is a resident of a county with a population of more than 3.3  
25 [~~2.4~~] million, according to the most recent federal decennial  
26 census, and whose inpatient commitment is modified to an outpatient  
27 commitment, who is furloughed from an inpatient facility, or who is

1 committed to treatment on an outpatient basis.

2 SECTION 56. Sections 711.008(d) and (k), Health and Safety  
3 Code, are amended to read as follows:

4 (d) Subsection (a) does not apply to a cemetery established  
5 and operating before September 1, 1995, in a county with a  
6 population of more than 285,000 [~~250,000~~] and less than 300,000  
7 [~~251,000~~] that borders the Gulf of Mexico.

8 (k) This subsection applies only to a municipality with a  
9 population of 115,000 [~~110,000~~] or more that is located in a county  
10 with a population of less than 132,000 [~~127,000~~]. Not later than  
11 September 1, 1994, a person may file a written application with the  
12 governing body of the municipality to establish or use a cemetery  
13 located inside the boundaries of the municipality. The  
14 municipality by ordinance shall prescribe the information to be  
15 included in the application. The governing body by ordinance may  
16 authorize the establishment or use of a cemetery located inside the  
17 boundaries of the municipality if the municipality determines and  
18 states in the ordinance that the establishment or use of the  
19 cemetery does not adversely affect public health, safety, and  
20 welfare.

21 SECTION 57. Section 771.0751(a), Health and Safety Code, as  
22 added by Chapter 258 (H.B. 1771), Acts of the 78th Legislature,  
23 Regular Session, 2003, is amended to read as follows:

24 (a) This section applies only to the use of fees and  
25 surcharges collected under this subchapter in a county subject to  
26 this subchapter with a population of at least one million  
27 [~~700,000~~].

1 SECTION 58. Section 772.204, Health and Safety Code, is  
2 amended to read as follows:

3 Sec. 772.204. APPLICATION OF SUBCHAPTER. This subchapter  
4 applies to a county with a population of more than 1.5 million  
5 [~~860,000~~] in which an emergency communication district was created  
6 under Chapter 7, Acts of the 68th Legislature, 2nd Called Session,  
7 1984, before January 1, 1988.

8 SECTION 59. Section 772.402, Health and Safety Code, is  
9 amended to read as follows:

10 Sec. 772.402. APPLICATION OF SUBCHAPTER. This subchapter  
11 applies only to a county having a population of more than two [~~1.5~~]  
12 million in which a communication district has not been created  
13 under Subchapter B.

14 SECTION 60. Sections 775.014(g) and (h), Health and Safety  
15 Code, are amended to read as follows:

16 (g) This section does not apply if the proposed district  
17 contains territory in the unincorporated area of a county with a  
18 population of 3.3 [~~2.4~~] million or more.

19 (h) The governing body of a municipality with a population  
20 of more than one million may negotiate with the commissioners court  
21 of a county with a population of less than 1.8 [~~1.4~~] million that is  
22 the county in which the majority of the territory inside the  
23 municipality's corporate boundaries is located conditions under  
24 which the municipality will grant its consent to the inclusion of  
25 its extraterritorial jurisdiction in the district. The negotiated  
26 conditions may:

27 (1) limit the district's ability to incur debt;

1           (2) require the district to ensure that its equipment  
2 is compatible with the municipality's equipment; and

3           (3) require the district to enter into mutual aid  
4 agreements.

5           SECTION 61. Section 775.017(a), Health and Safety Code, is  
6 amended to read as follows:

7           (a) If after the hearing the commissioners court finds that  
8 creation of the district is feasible and will promote the public  
9 safety, welfare, health, and convenience of persons residing in the  
10 proposed district, the commissioners court shall grant the  
11 petition, fix the district's boundaries, and impose any conditions  
12 negotiated under Section 775.014(h). If the proposed district,  
13 according to its boundaries stated in the petition, is located  
14 wholly in a county with a population of more than 3.3 [~~2.4~~] million,  
15 the commissioners court may amend the petition to change the  
16 boundaries of the proposed district if the commissioners court  
17 finds the change is necessary or desirable. For the purposes of  
18 this provision, the population of the county is determined  
19 according to the most recent federal decennial census available at  
20 the time the petition is filed.

21           SECTION 62. Section 775.031(b), Health and Safety Code, is  
22 amended to read as follows:

23           (b) A district located wholly within a county with a  
24 population of more than 3.3 [~~2.4~~] million may not provide fire  
25 prevention or fire-fighting services unless the district:

26           (1) was originally a rural fire prevention district  
27 and was converted to an emergency services district under this

1 chapter or former Section 794.100; or

2 (2) is created after September 1, 2003.

3 SECTION 63. Section 101.028(a), Human Resources Code, is  
4 amended to read as follows:

5 (a) This section applies only to counties having a  
6 population of not less than 22,140 [~~23,750~~] and not more than 22,340  
7 [~~24,000~~] and to cities and towns within those counties.

8 SECTION 64. Section 1575.163, Insurance Code, is amended to  
9 read as follows:

10 Sec. 1575.163. LIMITATIONS. The Teacher Retirement System  
11 of Texas, as trustee, may not contract for or provide a health  
12 benefit plan that excludes from participation in the network a  
13 general hospital that:

14 (1) is located in [~~within~~] the geographical service  
15 area or areas of the health coverage plan that includes a county  
16 that:

17 (A) has a population of at least 100,000 and not  
18 more than 210,000 [~~175,000~~]; and

19 (B) is located in the Texas-Louisiana border  
20 region, as that term is defined in Section 2056.002(e), Government  
21 Code; and

22 (2) agrees to provide medical and health care services  
23 under the plan subject to the same terms and conditions as other  
24 hospital providers under the plan.

25 SECTION 65. Section 1579.108, Insurance Code, is amended to  
26 read as follows:

27 Sec. 1579.108. LIMITATIONS. The trustee may not contract

1 for or provide a health coverage plan that excludes from  
2 participation in the network a general hospital that:

3 (1) is located in the geographical service area or  
4 areas of the health coverage plan that includes a county that:

5 (A) has a population of at least 100,000 and not  
6 more than 210,000 [~~175,000~~]; and

7 (B) is located in the Texas-Louisiana border  
8 region, as that term is defined in Section 2056.002(e), Government  
9 Code; and

10 (2) agrees to provide medical and health care services  
11 under the plan subject to the same terms as other hospital providers  
12 under the plan.

13 SECTION 66. Section 92.013(b), Labor Code, is amended to  
14 read as follows:

15 (b) A municipality with a population greater than one  
16 million [~~750,000~~] may establish municipal licensing requirements  
17 that impose stricter standards than those imposed under Subchapter  
18 C.

19 SECTION 67. Section 201.070, Labor Code, is amended to read  
20 as follows:

21 Sec. 201.070. SERVICE AS PRODUCT DEMONSTRATOR; SALESMAN.  
22 In this subtitle, "employment" does not include:

23 (1) service by an individual as a product demonstrator  
24 if:

25 (A) the service is performed under a written  
26 contract between the individual performing the service and a person  
27 whose principal business is obtaining the service of a demonstrator

1 for a third person for product demonstration purposes; and

2 (B) in contract and in fact the individual:

3 (i) is not treated as an employee with  
4 respect to that service for federal unemployment tax purposes;

5 (ii) is compensated for each demonstration  
6 or is compensated based on factors that relate to the work  
7 performed;

8 (iii) determines the method of performing  
9 the service;

10 (iv) provides each vehicle used to perform  
11 the service;

12 (v) is responsible for the completion of a  
13 specific job and is liable for failure to complete the job;

14 (vi) may accept or reject a job from a  
15 product demonstrator business;

16 (vii) is free from control by the principal  
17 business as to where the individual works;

18 (viii) controls solely opportunity for  
19 profit or loss; and

20 (ix) pays all expenses and operating costs,  
21 including fuel, repairs, supplies, and motor vehicle insurance;

22 (2) service by an individual as a direct seller if:

23 (A) the individual is engaged in the business of:

24 (i) in-person sales of consumer products to  
25 a buyer on a buy-sell basis, a deposit-commission basis, or a  
26 similar basis for resale in a home or in a place other than, and not  
27 affiliated with, a permanent retail establishment; or

1                   (ii) sales of consumer products in a home or  
2 in a place other than, and not affiliated with, a permanent retail  
3 establishment;

4                   (B) substantially all remuneration for the  
5 service, whether in cash or other form of payment, is directly  
6 related to sales or other output, including the performance of the  
7 service, and not to the number of hours worked; and

8                   (C) the service is performed under a written  
9 contract between the individual and the person for whom the service  
10 is performed, and the contract provides that the individual is not  
11 treated as an employee with respect to the service for federal tax  
12 purposes; or

13                   (3) service performed by an individual at a trade  
14 market for a wholesaler or sales representative of a wholesaler or  
15 manufacturer of consumer goods under a written contract, or as a  
16 salesman for a wholesaler of consumer goods, if the wholesaler or  
17 sales representative maintains a regular or seasonal place of  
18 business at a trade market facility in a municipality with a  
19 population of more than one million [~~750,000~~].

20           SECTION 68. Section 43.034, Local Government Code, is  
21 amended to read as follows:

22           Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX  
23 AREA; CERTAIN MUNICIPALITIES. A general-law municipality may  
24 annex adjacent territory without the consent of any of the  
25 residents or voters of the area and without the consent of any of  
26 the owners of land in the area if:

27                   (1) the municipality has a population of 1,762-1,770



1 [1,000-1,300], part of whose boundary is part of the shoreline of a  
2 lake whose normal surface area is 75,000 acres or greater and which  
3 is located completely within the State of Texas;

4 (2) the procedural rules prescribed by this chapter  
5 are met;

6 (3) the service plan requires that police and fire  
7 protection at a level consistent with protection provided within  
8 the municipality must be provided to the area within 10 days after  
9 the effective date of the annexation; and

10 (4) the municipality and the affected landowners have  
11 not entered an agreement to not annex the area for a certain period.

12 SECTION 69. Section 43.0751(n), Local Government Code, is  
13 amended to read as follows:

14 (n) This subsection applies only to a municipality any  
15 portion of which is located in a county that has a population of not  
16 less than 285,000 and not more than 300,000 [~~250,000~~] and that  
17 borders the Gulf of Mexico and is adjacent to a county with a  
18 population of more than 3.3 million. A municipality may impose  
19 within the boundaries of a district a municipal sales and use tax  
20 authorized by Chapter 321, Tax Code, or a municipal hotel occupancy  
21 tax authorized by Chapter 351, Tax Code, that is imposed in the  
22 municipality if:

23 (1) the municipality has annexed the district for  
24 limited purposes under this section; or

25 (2) following two public hearings on the matter, the  
26 municipality and the district enter a written agreement providing  
27 for the imposition of the tax or taxes.

1 SECTION 70. Section 43.1025(a), Local Government Code, is  
2 amended to read as follows:

3 (a) This section applies only to a home-rule municipality  
4 that has a population of less than 11,000 [~~10,000~~] and is located  
5 primarily in a county with a population of more than 3.3 million.

6 SECTION 71. Section 43.105(a), Local Government Code, is  
7 amended to read as follows:

8 (a) A general-law municipality that has a population of  
9 1,066-1,067 [~~1096-1100~~] and is located in a county with a  
10 population of 85,000 or more that is not adjacent to a county with a  
11 population of 2 million or more, or that has a population of  
12 6,000-6,025 [~~5,240-5,280~~] may annex, by ordinance and without the  
13 consent of any person, a public street, highway, road, or alley  
14 adjacent to the municipality.

15 SECTION 72. The heading to Section 81.028, Local Government  
16 Code, is amended to read as follows:

17 Sec. 81.028. DELEGATION OF DUTIES OF A COUNTY JUDGE IN  
18 COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION [~~1,000,000~~].

19 SECTION 73. Section 81.028(a), Local Government Code, is  
20 amended to read as follows:

21 (a) This section applies exclusively to a county judge in a  
22 county with a population of more than 1.5 million [~~1,000,000~~].

23 SECTION 74. Section 81.029(a), Local Government Code, is  
24 amended to read as follows:

25 (a) This section applies only to a county judge in a county  
26 that has a population of more than 800,000 [~~600,000~~] and is located  
27 on the international border.

1 SECTION 75. Section 115.044(a), Local Government Code, is  
2 amended to read as follows:

3 (a) A county with a population of 312,000 [~~239,000~~] to  
4 330,000 [~~242,000~~] shall conduct a biennial independent audit of all  
5 books, records, and accounts of each district, county, and precinct  
6 officer, agent, or employee, including those of the regular county  
7 auditor, and of all governmental units of the county hospitals,  
8 farms, and other institutions. The audit must cover all matters  
9 relating to the fiscal affairs of the county. The audit shall be  
10 conducted in each even-numbered year and must be completed before  
11 December 31 of the year.

12 SECTION 76. Section 143.0052(a), Local Government Code, is  
13 amended to read as follows:

14 (a) This section applies only to a municipality that:

15 (1) has a population of more than 220,000 [~~200,000~~]  
16 and less than 250,000;

17 (2) is located in a county in which another  
18 municipality that has a population of more than one million is  
19 predominately located; and

20 (3) whose emergency medical services are administered  
21 by a fire department.

22 SECTION 77. Section 152.017, Local Government Code, is  
23 amended to read as follows:

24 Sec. 152.017. EXCEPTIONS. This subchapter does not apply  
25 to:

26 (1) a judge of a court of record;

27 (2) a presiding judge of a commissioners court in a

1 county with a population of 3.3 [~~2.5~~] million or more;

2 (3) a district attorney paid wholly by state funds or  
3 the district attorney's assistants, investigators, or other  
4 employees;

5 (4) a county auditor, county purchasing agent, or the  
6 auditor's or purchasing agent's assistants or other employees; or

7 (5) a person employed under Section 10, Article 42.12,  
8 Code of Criminal Procedure.

9 SECTION 78. Sections 152.032(b), (d), and (e), Local  
10 Government Code, are amended to read as follows:

11 (b) This subsection applies only to a county that employs an  
12 arena venue project manager hired as of March 7, 2001, and that has  
13 a population of less than 1.7 [~~1.4~~] million in which a municipality  
14 with a population of more than one million is located. The amount  
15 of the compensation and allowances of a county auditor in a county  
16 subject to this subsection may not exceed the amount of the  
17 compensation and allowances received from all sources by the county  
18 budget officer. If the county hires a county budget officer at a  
19 salary lower than the salary of the previous county budget officer,  
20 the county auditor's salary may not be reduced on that basis.

21 (d) The amount of the compensation and allowances of a  
22 county auditor in a county subject to this subsection may be set in  
23 an amount that exceeds the limit established by Subsection (a) if  
24 the compensation and allowances are approved by the commissioners  
25 court of the county. This subsection applies only to:

26 (1) a county with a population of more than 108,000  
27 [~~77,000~~] and less than 110,000 [~~80,000~~];

1           (2) a county with a population of 120,000 or more,  
2 excluding a county subject to Subsection (b);

3           (3) a county with a population of more than 1,000 and  
4 less than 23,000 [~~21,000~~] that borders the Gulf of Mexico; and

5           (4) a county that borders a county subject to  
6 Subsection (b) and that has a population of more than 108,000  
7 [~~50,000~~] and less than 110,000 [~~85,000~~].

8           (e) This subsection applies only to a county with a  
9 population of more than one million [~~800,000~~] that uses an  
10 automated system to enhance internal controls of county finances  
11 through the use of automated edit checks of its automated  
12 purchasing system and its comprehensive automated payroll system.  
13 The amount of the compensation and allowances of a county auditor in  
14 a county governed by this subsection may exceed the limit imposed by  
15 Subsection (a) if the compensation and allowances are approved by  
16 the commissioners court. If a county is governed by this subsection  
17 and Subsection (b), the amount of compensation and allowances  
18 received by the county auditor may not exceed the limit imposed by  
19 Subsection (b).

20           SECTION 79. Section 152.904(c), Government Code, is amended  
21 to read as follows:

22           (c) The commissioners court of a county with a population of  
23 285,000 [~~250,000~~] to 300,000 [~~251,000~~] shall set the annual salary  
24 of the county judge at an amount equal to or greater than 90 percent  
25 of the salary, including supplements, of any district judge in  
26 Galveston County. However, the salary may not be set at an amount  
27 less than the salary paid the county judge on May 2, 1962.

1 SECTION 80. Section 158.008(e), Local Government Code, is  
2 amended to read as follows:

3 (e) A member of the commissioners court of a county with a  
4 population of two [~~1.8~~] million or more is not prohibited from being  
5 appointed to the civil service commission.

6 SECTION 81. Section 160.002, Local Government Code, is  
7 amended to read as follows:

8 Sec. 160.002. COUNTIES AND EMPLOYEES AFFECTED. This  
9 chapter applies only to a county with a population of more than 3.3  
10 [~~2.4~~] million and its employees, including but not limited to the  
11 employees of road and bridge districts, flood control districts,  
12 and juvenile probation departments in the county. However, this  
13 chapter does not apply to the employees of a sheriff's department.

14 SECTION 82. Section 161.001, Local Government Code, is  
15 amended to read as follows:

16 Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter  
17 applies only to a county that:

- 18 (1) has a population of 800,000 [~~650,000~~] or more;
- 19 (2) is located on the international border; and
- 20 (3) before September 1, 2009, had a county ethics  
21 board appointed by the commissioners court.

22 SECTION 83. Section 176.009(b), Local Government Code, is  
23 amended to read as follows:

24 (b) This subsection applies only to a county with a  
25 population of one million [~~800,000~~] or more or a municipality with a  
26 population of 500,000 or more. A county or municipality shall  
27 provide, on the Internet website maintained by the county or

1 municipality, access to each report of political contributions and  
2 expenditures filed under Chapter 254, Election Code, by a member of  
3 the commissioners court of the county or the governing body of the  
4 municipality in relation to that office as soon as practicable  
5 after the officer files the report.

6 SECTION 84. Section 180.003(a), Local Government Code, is  
7 amended to read as follows:

8 (a) In a county with a population of 312,000 [~~239,000~~] to  
9 330,000 [~~242,000~~], a sheriff, deputy, constable, or other peace  
10 officer of the county or a municipality located in the county may  
11 not be required to be on duty more than 48 hours a week unless the  
12 peace officer is called on by a superior officer to serve during an  
13 emergency as determined by the superior officer.

14 SECTION 85. Section 212.0155(a), Local Government Code, is  
15 amended to read as follows:

16 (a) This section applies to land located wholly or partly in  
17 the corporate boundaries of a municipality if the municipality:

18 (1) has a population of more than 50,000; and

19 (2) is located wholly or partly in:

20 (A) a county with a population of more than three  
21 million;

22 (B) a county with a population of more than  
23 400,000 [~~275,000~~] that is adjacent to a county with a population of  
24 more than three million; or

25 (C) a county with a population of more than 1.4  
26 million:

27 (i) in which two or more municipalities

1 with a population of 300,000 or more are located; and

2 (ii) that is adjacent to a county with a  
3 population of more than two million.

4 SECTION 86. Section 214.161, Local Government Code, is  
5 amended to read as follows:

6 Sec. 214.161. MUNICIPALITY COVERED BY SUBCHAPTER. This  
7 subchapter applies only to a municipality with a population of more  
8 than 1.18 million located primarily in a county with 2 million or  
9 more.

10 SECTION 87. Section 214.233(a), Local Government Code, is  
11 amended to read as follows:

12 (a) A municipality located in a county with a population of  
13 two [~~1.5~~] million or more may adopt an ordinance requiring owners of  
14 vacant buildings to register their buildings by filing a  
15 registration form with a designated municipal official.

16 SECTION 88. Section 229.003(a), Local Government Code, is  
17 amended to read as follows:

18 (a) This section applies only to a municipality located  
19 wholly or partly in a county:

20 (1) with a population of 750,000 [~~450,000~~] or more;

21 (2) in which all or part of a municipality with a  
22 population of one million or more is located; and

23 (3) that is located adjacent to a county with a  
24 population of two million or more.

25 SECTION 89. Section 233.001(a), Local Government Code, is  
26 amended to read as follows:

27 (a) If the commissioners court of a county that borders the



1 Gulf of Mexico and is adjacent to a county with a population of more  
2 than 3.3 [~~2.5~~] million finds that a bulkhead or other method of  
3 shoreline protection, hereafter called "structure," in an  
4 unincorporated area of the county is likely to endanger persons or  
5 property, the commissioners may:

6 (1) order the owner of the structure, the owner's  
7 agent, or the owner or occupant of the property on which the  
8 structure is located to repair, remove, or demolish the structure  
9 or the part of the structure within a specified time; or

10 (2) repair, remove, or demolish the structure or the  
11 part of the structure at the expense of the county on behalf of the  
12 owner of the structure or the owner of the property on which the  
13 structure is located and assess the repair, removal, or demolition  
14 expenses on the property on which the structure was located.

15 SECTION 90. Section 240.042(a), Local Government Code, is  
16 amended to read as follows:

17 (a) The commissioners court of a county with a population of  
18 1.8 [~~1.4~~] million or more by order may regulate the placement of  
19 private water wells in the unincorporated area of the county to  
20 prevent:

21 (1) the contamination of a well from an on-site sewage  
22 disposal system;

23 (2) rendering an on-site sewage disposal system that  
24 was in place before the well was drilled out of compliance with  
25 applicable law because of the placement of the well; and

26 (3) drilling of a domestic well into a contaminated  
27 groundwater plume or aquifer.

1 SECTION 91. Section 240.082(a), Local Government Code, is  
2 amended to read as follows:

3 (a) This subchapter applies only to real property that is  
4 located in the unincorporated area of a county with a population of  
5 1.8 [~~1.4~~] million or more.

6 SECTION 92. Section 262.036(a), Local Government Code, is  
7 amended to read as follows:

8 (a) Notwithstanding any other provision in this chapter, a  
9 county with a population of one million [~~800,000~~] or more may select  
10 an appropriately licensed insurance agent as the sole broker of  
11 record to obtain proposals and coverages for insurance that  
12 provides necessary coverage and adequate limits of coverage in all  
13 areas of risk, including public official liability, property,  
14 casualty, workers' compensation, and specific and aggregate  
15 stop-loss coverage for self-funded health care.

16 SECTION 93. Section 270.005(a), Local Government Code, is  
17 amended to read as follows:

18 (a) The commissioners court of a county with a population of  
19 251,000 to 275,000 [~~280,000~~] may contract with the United States  
20 government or a federal agency for:

21 (1) the joint construction or improvement of roads,  
22 bridges, or other county improvements; or

23 (2) the maintenance of a project constructed under  
24 this section.

25 SECTION 94. Section 292.001(d), Local Government Code, is  
26 amended to read as follows:

27 (d) A justice of the peace court may not be housed or

1 conducted in a building located outside the court's precinct except  
2 as provided by Section 27.051(f), Government Code, or unless the  
3 justice of the peace court is situated in the county courthouse in a  
4 county with a population of at least 275,000 [~~242,000~~] persons but  
5 no more than 285,000 [~~248,000~~] persons.

6 SECTION 95. Section 292.023(a), Local Government Code, is  
7 amended to read as follows:

8 (a) This section applies only to a county with a population  
9 of:

10 (1) 35,500 to 36,000; or

11 (2) 85,000 [~~76,500~~] to 86,500 [~~77,000~~].

12 SECTION 96. Section 292.025(a), Local Government Code, is  
13 amended to read as follows:

14 (a) This section applies only to a county with a population  
15 of 35,050 [~~32,250~~] to 35,090 [~~32,350~~].

16 SECTION 97. Section 292.027(a), Local Government Code, is  
17 amended to read as follows:

18 (a) This section applies only to a county with a population  
19 of 57,000 [~~54,000~~] to 59,000 [~~57,000~~].

20 SECTION 98. Sections 335.035(a) and (f), Local Government  
21 Code, are amended to read as follows:

22 (a) This section applies only to the board of a district  
23 located in whole or in part in a county with a population of 3.3  
24 [~~2.4~~] million or more.

25 (f) Section 335.031(b) does not apply to a district located  
26 in a county with a population of 3.3 [~~2.4~~] million or more.

27 SECTION 99. Section 335.0711(b), Local Government Code, is

1 amended to read as follows:

2 (b) This section applies only to a district located in a  
3 county with a population of 3.3 [~~2.4~~] million or more.

4 SECTION 100. Section 335.102, Local Government Code, is  
5 amended to read as follows:

6 Sec. 335.102. APPLICABILITY OF SUBCHAPTER. This subchapter  
7 applies only to a district located in a county with a population of  
8 3.3 [~~2.4~~] million or more.

9 SECTION 101. Section 341.904(b), Local Government Code, is  
10 amended to read as follows:

11 (b) In a municipality with a population of 1.18 million or  
12 more located primarily in a county with 2 million or more, a person  
13 commits an offense if the person intentionally or knowingly:

14 (1) uses, possesses, or wears:

15 (A) a police identification item of the municipal  
16 police department;

17 (B) an item bearing the insignia or design  
18 prescribed by the police chief of the municipality for officers and  
19 employees of the municipal police department to use while engaged  
20 in official activities; or

21 (C) within the municipal police department's  
22 jurisdiction, an item that is deceptively similar to a police  
23 identification item of the department;

24 (2) uses, within the municipal police department's  
25 jurisdiction, the name of the department in connection with an  
26 object to create the appearance that the object belongs to or is  
27 used by the department; or

1           (3) uses, possesses, or operates, within the municipal  
2 police department's jurisdiction, a marked patrol vehicle that is  
3 deceptively similar to a department patrol vehicle.

4           SECTION 102. Section 361.042(a), Local Government Code, is  
5 amended to read as follows:

6           (a) Instead of providing and maintaining its own jail, the  
7 commissioners court of a county with a population of 110,000  
8 [~~102,000~~] to 113,000 [~~104,300~~] may provide safe and suitable jail  
9 facilities for the county by contracting for the facilities with  
10 the governing body of the municipality that is the county seat of  
11 the county.

12          SECTION 103. Section 373A.003(a), Local Government Code, is  
13 amended to read as follows:

14          (a) This chapter applies to a municipality with a population  
15 of more than 750,000 [~~650,000~~] that is located in a uniform state  
16 service region with fewer than 550,000 occupied housing units as  
17 determined by the most recent United States decennial census.

18          SECTION 104. Section 381.001(c), Local Government Code, is  
19 amended to read as follows:

20          (c) In a county with a population of 14,600 [~~13,000~~] to  
21 14,800 [~~13,040~~], or 16,615 [~~15,900~~] to 16,715 [~~16,100~~], or 17,800  
22 [~~18,570~~] to 18,000 [~~18,600~~], or 24,600 [~~24,000~~] to 24,800 [~~25,000~~],  
23 a person appointed to the commission also must be serving or must  
24 have served on an industrial foundation committee, commissioners  
25 court, municipality's governing body, or school board. In  
26 addition, in those counties information obtained by the commission  
27 shall be available to the commissioners court.

1 SECTION 105. Section 382.002, Local Government Code, is  
2 amended to read as follows:

3 Sec. 382.002. APPLICABILITY. This chapter applies only to:

4 (1) a county with a population of 1.5 million  
5 [~~825,000~~] or more, other than a county that:

6 (A) borders on the Gulf of Mexico or a bay or  
7 inlet of the gulf; or

8 (B) has two municipalities located wholly or  
9 partly in its boundaries each having a population of 300,000 or  
10 more; or

11 (2) a county with a population of 70,000 or more that  
12 is adjacent to a county described by Subdivision (1) in which a  
13 municipality with a population of 35,000 or more is primarily  
14 situated and includes all or a part of the extraterritorial  
15 jurisdiction of a municipality with a population of 1.1 million or  
16 more.

17 SECTION 106. Section 386.031(a), Local Government Code, is  
18 amended to read as follows:

19 (a) To be created as a development zone, an area must:

20 (1) have a continuous boundary;

21 (2) be at least 10 square miles but not larger than an  
22 area that is equal to five percent of the area, excluding lakes,  
23 waterways, and transportation arteries, of the municipality,  
24 county, or combination of municipalities and the county nominating  
25 the area as a development zone;

26 (3) be an area of pervasive poverty, unemployment, or  
27 economic distress;

1           (4) be located in a county with a population of 3.3  
2 [~~2.5~~] million or more;

3           (5) be adjacent to major transportation nodes and  
4 thoroughfares that may be used for exporting products to major  
5 airports, railways, and ports; and

6           (6) be designated as a development zone by an  
7 ordinance or order adopted by each creating body.

8           SECTION 107. Section 551.002(c), Local Government Code, is  
9 amended to read as follows:

10           (c) The authority granted by this section may be exercised  
11 inside the municipality's boundaries or inside the municipality's  
12 extraterritorial jurisdiction or outside the municipality's  
13 extraterritorial jurisdiction only if required to meet other state  
14 or federal requirements. The authority granted by this section for  
15 the protection of recharge, recharge areas, or recharge features of  
16 groundwater aquifers may be exercised outside the municipality's  
17 boundaries and within the extraterritorial jurisdiction provided  
18 the municipality exercising such authority has a population greater  
19 than 1.3 million [~~750,000~~] and the groundwater constitutes more  
20 than 75 percent of the municipality's source of water supply.

21           SECTION 108. Section 552.044(1)(B), Local Government Code,  
22 is amended to read as follows:

23           (B) "Benefitted property," in a municipality  
24 with a population of more than 1.18 million located primarily in a  
25 county with 2 million or more which is operating a drainage utility  
26 system under this chapter, means a lot or tract, but does not  
27 include land appraised for agricultural use, to which drainage

1 service is made available under this subchapter and which  
2 discharges into a creek, river, slough, culvert, or other channel  
3 that is part of the municipality's drainage utility  
4 system. Sections 552.053(c)(2) and (c)(3) do not apply to a  
5 municipality described in this subdivision.

6 SECTION 109. Section 561.007(a), Local Government Code, is  
7 amended to read as follows:

8 (a) This section applies only to a county that:

9 (1) has a population of 190,000 or more, is adjacent to  
10 a county with a population of 3.3 million [~~2,400,000~~] or more, and  
11 borders the Gulf of Mexico; and

12 (2) operates a road department system under Subchapter  
13 D, Chapter 252, Transportation Code.

14 SECTION 110. Section 615.002(a), Local Government Code, is  
15 amended to read as follows:

16 (a) This section applies to a county with a population of:

17 (1) 14,050 [~~14,350~~] to 14,250 [~~14,450~~];

18 (2) 19,700 [~~19,000~~] to 19,800 [~~19,200~~];

19 (3) 21,850 [~~20,100~~] to 22,000 [~~20,300~~];

20 (4) 54,000 [~~47,150~~] to 54,500 [~~47,350~~];

21 (5) 36,500 [~~37,900~~] to 36,800 [~~38,500~~]; or

22 (6) 234,000 [~~210,000 to 220,000; or~~

23 [~~(7) 235,000~~] or more.

24 SECTION 111. Section 615.011(b), Local Government Code, is  
25 amended to read as follows:

26 (b) A county with a population of 41,500 [~~36,650~~] to 42,500  
27 [~~37,650~~] may authorize the use of county equipment, machinery, and



1 employees to construct, establish, and maintain a public airstrip  
2 in the county.

3 SECTION 112. Section 615.022, Local Government Code, is  
4 amended to read as follows:

5 Sec. 615.022. TRANSPORTATION EXPENSES OF CERTAIN COUNTIES  
6 FOR SENIOR CITIZENS. The commissioners court of a county with a  
7 population of 3.3 [~~2.4~~] million or more may pay out of the county  
8 general funds costs and expenses for the transportation of senior  
9 citizens for civic, community, educational, and recreational  
10 activities within and outside the county.

11 SECTION 113. Section 61.018(a-1), Natural Resources Code,  
12 is amended to read as follows:

13 (a-1) A county attorney, district attorney, or criminal  
14 district attorney or the attorney general may not file a suit under  
15 Subsection (a) to obtain a temporary or permanent court order or  
16 injunction, either prohibitory or mandatory, to remove a house from  
17 a public beach if:

18 (1) the line of vegetation establishing the boundary  
19 of the public beach moved as a result of a meteorological event that  
20 occurred before January 1, 2009;

21 (2) the house was located landward of the natural line  
22 of vegetation before the meteorological event;

23 (3) a portion of the house continues to be located  
24 landward of the line of vegetation; and

25 (4) the house is located on a peninsula in a county  
26 with a population of more than 285,000 [~~250,000~~] and less than  
27 300,000 [~~251,000~~] that borders the Gulf of Mexico.

1 SECTION 114. Section 133.091, Natural Resources Code, is  
2 amended to read as follows:

3 Sec. 133.091. COUNTY AUTHORITY TO REGULATE. A county with a  
4 population of 3.3 [~~2.4~~] million or more may adopt regulations  
5 requiring the placement of signs or barriers on aggregate quarries  
6 and pits.

7 SECTION 115. Section 2308.209(b), Occupations Code, is  
8 amended to read as follows:

9 (b) This section applies only to the unincorporated area of  
10 a county:

11 (1) with a population of 550,000 [~~300,000~~] or more  
12 that is adjacent to a county with a population of 3.3 [~~2.3~~] million  
13 or more;

14 (2) with a population of less than 10,000 that is  
15 located in a national forest; or [~~and~~]

16 (3) adjacent to a county described by Subdivision (2)  
17 that has a population of less than 75,000.

18 SECTION 116. Section 201.001(a), Property Code, is amended  
19 to read as follows:

20 (a) This chapter applies to a residential real estate  
21 subdivision that is located in whole or in part:

22 (1) within a city that has a population of more than  
23 100,000, or within the extraterritorial jurisdiction of such a  
24 city;

25 (2) in the unincorporated area of:

26 (A) a county having a population of 3.3 million  
27 [~~2,400,000~~] or more; or

1 (B) a county having a population of 40,000  
2 [~~30,000~~] or more that is adjacent to a county having a population of  
3 3.3 million [~~2,400,000~~] or more; or

4 (3) in the incorporated area of a county having a  
5 population of 40,000 [~~30,000~~] or more that is adjacent to a county  
6 having a population of 3.3 million [~~2,400,000~~] or more.

7 SECTION 117. Section 204.002(a), Property Code, is amended  
8 to read as follows:

9 (a) This chapter applies only to a residential real estate  
10 subdivision, excluding a condominium development governed by Title  
11 7, Property Code, that is located in whole or in part:

12 (1) in a county with a population of 3.3 [~~2.8~~] million  
13 or more;

14 (2) in a county with a population of not less than  
15 285,000 and not [~~250,000 or~~] more than 300,000 that is adjacent to  
16 the Gulf of Mexico and that is adjacent to a county having a  
17 population of 3.3 [~~2.8~~] million or more; or

18 (3) in a county with a population of 275,000 or more  
19 that:

20 (A) is adjacent to a county with a population of  
21 3.3 million or more; and

22 (B) contains part of a national forest.

23 SECTION 118. Section 210.002, Property Code, is amended to  
24 read as follows:

25 Sec. 210.002. APPLICABILITY OF CHAPTER. This chapter  
26 applies to a residential real estate subdivision that is located in  
27 a county with a population of:

1           (1) more than 200,000 [~~170,000~~] and less than 220,000  
2 [~~175,000~~]; or

3           (2) more than 45,000 and less than 80,000 [~~75,000~~]  
4 that is adjacent to a county with a population of more than 200,000  
5 [~~170,000~~] and less than 220,000 [~~175,000~~].

6           SECTION 119. Section 6.41(d-1), Tax Code, is amended to  
7 read as follows:

8           (d-1) In a county with a population of 3.3 million or more or  
9 a county with a population of 550,000 [~~350,000~~] or more that is  
10 adjacent to a county with a population of 3.3 million or more the  
11 members of the board are appointed by the local administrative  
12 district judge in the county in which the appraisal district is  
13 established.

14           SECTION 120. Section 11.18(p), Tax Code, as added by  
15 Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular  
16 Session, 2009, is amended to read as follows:

17           (p) The exemption authorized by Subsection (d)(23) applies  
18 only to improvements that:

19           (1) are owned by a charitable organization that has  
20 been in existence for at least 10 years;

21           (2) are used to provide housing and related services  
22 to individuals described by that subsection; and

23           (3) are located on a single campus owned by a  
24 municipality with a population of more than 750,000 [~~600,000~~] and  
25 less than 850,000 [~~700,000~~].

26           SECTION 121. Sections 11.1825(s) and (v), Tax Code, are  
27 amended to read as follows:

1 (s) Unless otherwise provided by the governing body of a  
2 taxing unit any part of which is located in a county with a  
3 population of at least 1.8 [~~1.4~~] million under Subsection (x), for  
4 property described by Subsection (f)(1), the amount of the  
5 exemption under this section from taxation is 50 percent of the  
6 appraised value of the property.

7 (v) Notwithstanding any other provision of this section, an  
8 organization may not receive an exemption from taxation of property  
9 described by Subsection (f)(1) by a taxing unit any part of which is  
10 located in a county with a population of at least 1.8 [~~1.4~~] million  
11 unless the exemption is approved by the governing body of the taxing  
12 unit in the manner provided by law for official action.

13 SECTION 122. Section 31.03(d), Tax Code, is amended to read  
14 as follows:

15 (d) This subsection applies only to a taxing unit located in  
16 a county having a population of not less than 285,000 and not  
17 [~~250,000 or~~] more than 300,000 that borders a county having a  
18 population of 3.3 million or more and the Gulf of Mexico. The  
19 governing body of a taxing unit that has its taxes collected by  
20 another taxing unit that has adopted the split-payment option under  
21 Subsection (a) may provide, in the manner required by law for  
22 official action by the body, that the split-payment option does not  
23 apply to the taxing unit's taxes collected by the other taxing unit.

24 SECTION 123. Section 311.0091(a), Tax Code, is amended to  
25 read as follows:

26 (a) This section applies to a reinvestment zone designated  
27 by a municipality which is wholly or partially located in a county

1 with a population of less than 1.8 [~~1.4~~] million in which the  
2 principal municipality has a population of 1.1 million or more.

3 SECTION 124. Section 311.013(m), Tax Code, is amended to  
4 read as follows:

5 (m) The governing body of a municipality that is located in  
6 a county with a population of more than 1.8 [~~1.4~~] million but less  
7 than 1.9 [~~2.1~~] million or in a county with a population of 3.3  
8 million or more by ordinance may reduce the portion of the tax  
9 increment produced by the municipality that the municipality is  
10 required to pay into the tax increment fund for the zone. The  
11 municipality may not reduce under this subsection the portion of  
12 the tax increment produced by the municipality that the  
13 municipality is required to pay into the tax increment fund for the  
14 zone unless the municipality provides each county that has entered  
15 into an agreement with the municipality to pay all or a portion of  
16 the county's tax increment into the fund an opportunity to enter  
17 into an agreement with the municipality to reduce the portion of the  
18 tax increment produced by the county that the county is required to  
19 pay into the tax increment fund for the zone by the same proportion  
20 that the portion of the municipality's tax increment that the  
21 municipality is required to pay into the fund is reduced. The  
22 portion of the tax increment produced by a municipality that the  
23 municipality is required to pay into the tax increment fund for a  
24 reinvestment zone, as reduced by the ordinance adopted under this  
25 subsection, together with all other revenues required to be paid  
26 into the fund, must be sufficient to complete and pay for the  
27 estimated costs of projects listed in the reinvestment zone

1 financing plan and pay any tax increment bonds or notes issued for  
2 the zone, and any other obligations of the zone.

3 SECTION 125. Section 311.017(a-1), Tax Code, as added by  
4 Chapter 137 (S.B. 1105), Acts of the 81st Legislature, Regular  
5 Session, 2009, is amended to read as follows:

6 (a-1) This subsection applies only to a reinvestment zone  
7 created by a municipality that has a population of more than 220,000  
8 but less than 235,000 [~~195,000 or more~~] and is the county seat of a  
9 county that has a population of 280,000 [~~245,000~~] or less.  
10 Notwithstanding Subsection (a)(1), a municipality by ordinance  
11 adopted subsequent to the ordinance adopted by the municipality  
12 creating a reinvestment zone may designate a termination date for  
13 the zone that is later than the termination date designated in the  
14 ordinance creating the zone but not later than the 20th anniversary  
15 of that date. If a municipality adopts an ordinance extending the  
16 termination date for a reinvestment zone as authorized by this  
17 subsection, the zone terminates on the earlier of:

18 (1) the termination date designated in the ordinance;

19 or

20 (2) the date provided by Subsection (a)(2).

21 SECTION 126. Section 325.021(a), Tax Code, is amended to  
22 read as follows:

23 (a) A county having a population of 55,000 [~~48,000~~] or less  
24 that borders the Rio Grande containing a municipality with a  
25 population of more than 22,000 may adopt or abolish the sales and  
26 use tax authorized by this chapter at an election held in the  
27 county.

1 SECTION 127. Section 351.106(a), Tax Code, is amended to  
2 read as follows:

3 (a) A municipality that has a population of 1.18 million or  
4 more, is located predominantly in a county that has a total area of  
5 less than 1,000 square miles, and that has adopted a  
6 council-manager form of government shall use the amount of revenue  
7 from the tax that is derived from the application of the tax at a  
8 rate of more than four percent of the cost of a room as follows:

9 (1) no more than 55 percent to:

10 (A) constructing, improving, enlarging,  
11 equipping, and repairing the municipality's convention center  
12 complex; or

13 (B) pledging payment of revenue bonds and revenue  
14 refunding bonds issued under Subchapter A, Chapter 1504, Government  
15 Code, for the municipality's convention center complex; and

16 (2) at least 45 percent for the purposes provided by  
17 Section 351.101(a)(3).

18 SECTION 128. Section 22.053(a), Transportation Code, is  
19 amended to read as follows:

20 (a) The commissioners court of a county with a population of  
21 14,300 [~~15,000~~] to 14,500 [~~15,250~~] may issue time warrants to:

22 (1) condemn or purchase land to be used and maintained  
23 as provided by Sections 22.011, 22.020, and 22.024; and

24 (2) improve and equip the land for the use provided by  
25 Sections 22.011, 22.020, and 22.024.

26 SECTION 129. Section 284.002(a), Transportation Code, is  
27 amended to read as follows:



1 (a) Except as provided by Subsection (b), this chapter  
2 applies only to a county that:

3 (1) has a population of 50,000 or more and borders the  
4 Gulf of Mexico or a bay or inlet opening into the gulf;

5 (2) has a population of two [~~1.5~~] million or more;

6 (3) is adjacent to a county that has a population of  
7 two [~~1.5~~] million or more; or

8 (4) borders the United Mexican States.

9 SECTION 130. Section 284.007(a), Transportation Code, is  
10 amended to read as follows:

11 (a) A county with a population of more than 3.3 [~~2.4~~]  
12 million operating under this chapter shall set and make a good faith  
13 effort to meet or exceed goals for awarding contracts or  
14 subcontracts associated with a project it operates, maintains, or  
15 constructs to historically underutilized businesses.

16 SECTION 131. Section 362.055, Transportation Code, is  
17 amended to read as follows:

18 Sec. 362.055. EXCEPTION. This subchapter does not apply  
19 to:

20 (1) a county that has a population of more than two  
21 [~~1.5~~] million;

22 (2) a local government corporation created under  
23 Chapter 431 by a county that has a population of more than two [~~1.5~~]  
24 million; or

25 (3) a regional tollway authority created under Chapter  
26 366.

27 SECTION 132. Section 366.031(a), Transportation Code, is

1 amended to read as follows:

2 (a) Two or more counties, acting through their respective  
3 commissioners courts, may by order passed by each commissioners  
4 court create a regional tollway authority under this chapter if:

5 (1) one of the counties has a population of not less  
6 than 300,000;

7 (2) the counties form a contiguous territory; and

8 (3) unless one of the counties has a population of two  
9 [~~1.5~~] million or more, the commission approves the creation.

10 SECTION 133. Section 370.192, Transportation Code, is  
11 amended to read as follows:

12 Sec. 370.192. PROPERTY OF RAPID TRANSIT AUTHORITIES. An  
13 authority may not condemn or purchase real property of a rapid  
14 transit authority operating pursuant to Chapter 451 that was  
15 confirmed before July 1, 1985, and in which the principal  
16 municipality has a population of less than 850,000 [~~750,000~~],  
17 unless the authority has entered into a written agreement with the  
18 rapid transit authority specifying the terms and conditions under  
19 which the condemnation or the purchase of the real property will  
20 take place.

21 SECTION 134. Section 394.061, Transportation Code, is  
22 amended to read as follows:

23 Sec. 394.061. OFF-PREMISE PORTABLE SIGNS. (a) In a county  
24 with a population of 3.3 [~~2.4~~] million or more, the commissioners  
25 court of the county may:

26 (1) prohibit off-premise portable signs in the  
27 unincorporated area of the county; or

1           (2) regulate the location, height, size, and anchoring  
2 of, or any other matter relating to the use of, off-premise portable  
3 signs in the unincorporated area.

4           (b) A regulation imposed by or adopted under this chapter  
5 does not apply to an off-premise portable sign in the  
6 unincorporated area of a county with a population of 3.3 [~~2.4~~]  
7 million or more.

8           SECTION 135. Section 394.063(a), Transportation Code, is  
9 amended to read as follows:

10           (a) The commissioners court of a county with a population of  
11 more than 3.3 [~~2.4~~] million or of a county that borders a county  
12 with that population may regulate, in the unincorporated area of  
13 the county, the location, height, size, and anchoring of on-premise  
14 signs.

15           SECTION 136. Section 394.086(a), Transportation Code, is  
16 amended to read as follows:

17           (a) The commissioners court of a county with a population of  
18 more than 3.3 [~~2.4~~] million or of a county that borders a county  
19 with that population may authorize a county employee to issue a  
20 civil citation to enforce a regulation of the commissioners court  
21 adopted under Section 394.063. The commissioners court may  
22 designate the county employee as a county inspector.

23           SECTION 137. Section 431.109(a), Transportation Code, is  
24 amended to read as follows:

25           (a) This section applies only to a local government  
26 corporation serving a county with a population of more than 3.3  
27 [~~2.4~~] million.

1 SECTION 138. Sections 451.001(1) and (8), Transportation  
2 Code, are amended to read as follows:

3 (1) "Alternate municipality" means a municipality  
4 that:

5 (A) has a population of more than 60,000;

6 (B) is located in a metropolitan area the  
7 principal municipality of which has a population of more than 1.9  
8 [~~1.2~~] million; and

9 (C) is not part of the territory of another  
10 authority.

11 (8) "Transit authority system" means property:

12 (A) owned, rented, leased, controlled, operated,  
13 or held for mass transit purposes by an authority; and

14 (B) situated on property of the authority for  
15 mass transit purposes, including:

16 (i) for an authority created before 1980 in  
17 which the principal municipality has a population of less than 1.9  
18 [~~1.2~~] million, public parking areas and facilities; and

19 (ii) for an authority in which the  
20 principal municipality has a population of more than 1.9 [~~1.5~~]  
21 million, the area in boundaries in which service is provided or  
22 supported by a general sales and use tax.

23 SECTION 139. Section 451.054(b), Transportation Code, is  
24 amended to read as follows:

25 (b) An authority created by an alternate municipality has  
26 the powers and duties of an authority in which the principal  
27 municipality has a population of more than 1.9 [~~1.2~~] million.

1 SECTION 140. Section 451.056(c), Transportation Code, is  
2 amended to read as follows:

3 (c) An authority created by an alternate municipality and an  
4 authority in which the principal municipality has a population of  
5 more than 1.9 [~~1.2~~] million may contract for service outside each of  
6 their respective territories to provide access between the two  
7 authorities.

8 SECTION 141. Sections 451.061(d) and (d-1), Transportation  
9 Code, are amended to read as follows:

10 (d) Except as provided by Subsection (d-1), the fares,  
11 tolls, charges, rents, and other compensation established by an  
12 authority in which the principal municipality has a population of  
13 less than 1.9 [~~1.2~~] million may not take effect until approved by a  
14 majority vote of a committee composed of:

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

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

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

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

25 (B) the mayor of the most populous municipality,  
26 other than the principal municipality, in the case of an authority  
27 in which the principal municipality has a population of less than

1 320,000 [~~300,000~~].

2 (d-1) The establishment of or a change to fares, tolls,  
3 charges, rents, and other compensation by an authority confirmed  
4 before July 1, 1985, in which the principal municipality has a  
5 population of less than 850,000 [~~750,000~~], takes effect immediately  
6 on approval by a majority vote of the board, except that the  
7 establishment of or a change to a single-ride base fare takes effect  
8 on the 60th day after the date the board approves the fare or change  
9 to the fare, unless the policy board of the metropolitan planning  
10 organization that serves the area of the authority disapproves the  
11 fare or change to the fare by a majority vote.

12 SECTION 142. Section 451.0611(g), Transportation Code, is  
13 amended to read as follows:

14 (g) An authority created before 1980 in which the principal  
15 municipality has a population of less than 1.9 [~~1.2~~] million may  
16 allow peace officers of another political subdivision serving under  
17 a contract with the authority to enforce a resolution passed by a  
18 board under this section.

19 SECTION 143. Section 451.0612(a), Transportation Code, is  
20 amended to read as follows:

21 (a) An authority confirmed before July 1, 1985, in which the  
22 principal municipality has a population of less than 850,000  
23 [~~750,000~~] may employ persons to serve as fare enforcement officers  
24 to enforce the payment of fares for use of the public transportation  
25 system by:

26 (1) requesting and inspecting evidence showing  
27 payment of the appropriate fare from a person using the public

1 transportation system; and

2 (2) issuing a citation to a person described by  
3 Section 451.0611(d)(1).

4 SECTION 144. Section 451.064(a), Transportation Code, is  
5 amended to read as follows:

6 (a) An authority created before 1980 in which the principal  
7 municipality has a population of less than 1.9 [~~1.2~~] million may,  
8 with the approval of the governing body of the principal  
9 municipality:

10 (1) establish, operate, and improve a public parking  
11 area or facility in the authority; and

12 (2) set and collect reasonable charges for the use of a  
13 parking area or facility.

14 SECTION 145. Section 451.065(f), Transportation Code, is  
15 amended to read as follows:

16 (f) This section does not apply to an authority created  
17 before 1980 in which the principal municipality has a population of  
18 less than 1.9 [~~1.2~~] million.

19 SECTION 146. Section 451.066(a), Transportation Code, is  
20 amended to read as follows:

21 (a) An authority confirmed before 1980 in which the  
22 principal municipality has a population of more than 1.9 [~~1.2~~]  
23 million may not spend, during any five-year period, more than seven  
24 percent of its revenue from sales and use taxes and interest income  
25 during that period for all items described by Section 451.065(b).

26 SECTION 147. Section 451.067, Transportation Code, is  
27 amended to read as follows:

1           Sec. 451.067. EMERGENCY MEDICAL SERVICES: CERTAIN  
2 AUTHORITIES. An authority in which the principal municipality has  
3 a population of less than 320,000 [~~300,000~~] may provide emergency  
4 medical services.

5           SECTION 148. Section 451.068(a), Transportation Code, is  
6 amended to read as follows:

7           (a) An authority confirmed before July 1, 1985, and in which  
8 the principal municipality has a population of less than 850,000  
9 [~~750,000~~] may, through the operation of a program, charge no fares.

10          SECTION 149. Section 451.071(a), Transportation Code, is  
11 amended to read as follows:

12          (a) This section applies only to an authority confirmed  
13 before July 1, 1985, in which the principal municipality has a  
14 population of less than 850,000 [~~750,000~~].

15          SECTION 150. Section 451.072(a), Transportation Code, is  
16 amended to read as follows:

17          (a) This section applies only to an authority in which the  
18 principal municipality has a population of more than 1.9 [~~1.2~~]  
19 million.

20          SECTION 151. Section 451.104, Transportation Code, is  
21 amended to read as follows:

22          Sec. 451.104. INVESTMENT POWERS: CERTAIN AUTHORITIES. An  
23 authority created before 1980 and in which the principal  
24 municipality has a population of less than 1.9 [~~1.2~~] million has the  
25 same investment powers as an entity under Subchapter A, Chapter  
26 2256, Government Code.

27          SECTION 152. Section 451.106(a), Transportation Code, is



1 amended to read as follows:

2 (a) The board of an authority in which the principal  
3 municipality has a population of less than 850,000 [~~750,000~~] or  
4 more than 1.9 [~~1.2~~] million shall employ a general manager to  
5 administer the daily operation of the authority. The general  
6 manager may, subject to the annual operating budget and to the  
7 personnel policies adopted by the board, employ persons to conduct  
8 the affairs of the authority and prescribe their duties and  
9 compensation.

10 SECTION 153. Sections 451.108(b), (c), (d), and (e),  
11 Transportation Code, are amended to read as follows:

12 (b) An authority created before 1980 in which the principal  
13 municipality has a population of less than 1.9 [~~1.2~~] million may  
14 establish a security force, employ security personnel, and  
15 commission security personnel as peace officers.

16 (c) A peace officer commissioned under this section, except  
17 as provided by Subsections (d) and (e), or a peace officer  
18 contracted for employment by an authority confirmed before July 1,  
19 1985, in which the principal municipality has a population of less  
20 than 850,000 [~~750,000~~], may:

21 (1) make an arrest in any county in which the transit  
22 authority system is located as necessary to prevent or abate the  
23 commission of an offense against the law of this state or a  
24 political subdivision of this state if the offense or threatened  
25 offense occurs on or involves the transit authority system;

26 (2) make an arrest for an offense involving injury or  
27 detriment to the transit authority system;

1           (3) enforce traffic laws and investigate traffic  
2 accidents that involve or occur in the transit authority system;  
3 and

4           (4) provide emergency and public safety services to  
5 the transit authority system or users of the transit authority  
6 system.

7           (d) A peace officer who holds a commission under this  
8 section from an authority in which the principal municipality has a  
9 population of more than 1.9 [~~1.5~~] million and who has filed with the  
10 authority the oath of a peace officer has all the powers,  
11 privileges, and immunities of peace officers in the counties in  
12 which the transit authority system is located, provides services,  
13 or is supported by a general sales and use tax.

14           (e) A peace officer who holds a commission under this  
15 section from an authority created before 1980 in which the  
16 principal municipality has a population of less than 1.9 [~~1.2~~]  
17 million and who has filed with the authority the oath of a peace  
18 officer has all the powers, privileges, and immunities of peace  
19 officers in the counties in which the transit authority system is  
20 located, provides services, or is supported by a general sales and  
21 use tax while the peace officer is on the transit authority system  
22 property or performing duties in connection with the transit  
23 authority system or its users.

24           SECTION 154. Section 451.109(d), Transportation Code, is  
25 amended to read as follows:

26           (d) This section does not apply to an authority in which the  
27 principal municipality has a population of 850,000 [~~750,000~~] or

1 more but not more than 1.9 [~~1.2~~] million.

2 SECTION 155. Section 451.112, Transportation Code, is  
3 amended to read as follows:

4 Sec. 451.112. CONFLICTS OF INTEREST: BOARD MEMBERS.  
5 Chapter 171, Local Government Code, applies to a board member of an  
6 authority, except that an authority created before 1980 in which  
7 the principal municipality has a population of less than 1.9 [~~1.2~~]  
8 million may not enter into a contract or agreement with a business  
9 entity in which a board member or the general manager owns five  
10 percent or more of the voting stock or shares of the entity or  
11 receives funds from the entity exceeding five percent of the  
12 member's or general manager's gross income. A contract executed by  
13 an authority in violation of this section is voidable.

14 SECTION 156. Section 451.154(b), Transportation Code, is  
15 amended to read as follows:

16 (b) Notwithstanding Subsection (a), an authority created  
17 before 1980 in which the principal municipality has a population of  
18 less than 1.9 [~~1.2~~] million may acquire, including through the use  
19 of eminent domain, an interest in real property for facilities if  
20 the property:

21 (1) is 2,500 feet or less from the center point of the  
22 station or terminal complex; or

23 (2) is included in a master development plan adopted  
24 by the board.

25 SECTION 157. Section 451.202, Transportation Code, is  
26 amended to read as follows:

27 Sec. 451.202. APPLICATION OF SUBCHAPTER LIMITED TO CERTAIN

1 AUTHORITIES. This subchapter applies only to an authority created  
2 before 1980 in which the principal municipality has a population of  
3 less than 1.9 [~~1.2~~] million.

4 SECTION 158. Section 451.252(b), Transportation Code, is  
5 amended to read as follows:

6 (b) This section does not apply to an authority created  
7 before 1980 in which the principal municipality has a population of  
8 less than 1.9 [~~1.2~~] million.

9 SECTION 159. Section 451.254(c), Transportation Code, is  
10 amended to read as follows:

11 (c) This section does not apply to an authority created  
12 before 1980 in which the principal municipality has a population of  
13 less than 1.9 [~~1.2~~] million.

14 SECTION 160. Section 451.362(d), Transportation Code, is  
15 amended to read as follows:

16 (d) In an authority created before 1980 in which the  
17 principal municipality has a population of less than 1.9 [~~1.2~~]  
18 million, bonds may have a term of not more than 10 years. The bonds  
19 are payable only from fee revenue received on or after the date the  
20 bonds are issued.

21 SECTION 161. Section 451.3625(a), Transportation Code, is  
22 amended to read as follows:

23 (a) This section applies only to an authority confirmed  
24 before July 1, 1985, in which the principal municipality has a  
25 population of less than 850,000 [~~750,000~~].

26 SECTION 162. Section 451.452(d), Transportation Code, is  
27 amended to read as follows:

1 (d) This section applies only to an authority in which the  
2 principal municipality has a population of more than 1.9 [~~1.2~~]  
3 million or less than 850,000 [~~750,000~~], except that Subsections  
4 (a)(5) and (6) do not apply to an authority in which the principal  
5 municipality has a population of more than 1.9 [~~1.2~~] million.

6 SECTION 163. Section 451.454(a), Transportation Code, is  
7 amended to read as follows:

8 (a) The board of an authority in which the principal  
9 municipality has a population of more than 1.9 [~~1.2~~] million or less  
10 than 850,000 [~~750,000~~] shall contract at least once every four  
11 years for a performance audit of the authority to be conducted by a  
12 firm that has experience in reviewing the performance of transit  
13 agencies.

14 SECTION 164. Section 451.458(a), Transportation Code, is  
15 amended to read as follows:

16 (a) This section applies only to an authority confirmed  
17 before July 1, 1985, in which the principal municipality has a  
18 population of less than 850,000 [~~750,000~~].

19 SECTION 165. Section 451.459(a), Transportation Code, is  
20 amended to read as follows:

21 (a) An authority confirmed before July 1, 1985, in which the  
22 principal municipality has a population of less than 850,000  
23 [~~750,000~~] is subject to review under Chapter 325, Government Code  
24 (Texas Sunset Act), as if it were a state agency but may not be  
25 abolished under that chapter. The review shall be conducted as if  
26 the authority were scheduled to be abolished September 1, 2011. In  
27 addition, another review shall be conducted as if the authority

1 were scheduled to be abolished September 1, 2017. The reviews  
2 conducted under this section must include an assessment of the  
3 governance, management, and operating structure of the authority  
4 and the authority's compliance with the duties and requirements  
5 placed on it by the legislature.

6 SECTION 166. Section 451.460(a), Transportation Code, is  
7 amended to read as follows:

8 (a) This section applies only to an authority confirmed  
9 before July 1, 1985, in which the principal municipality has a  
10 population of less than 850,000 [~~750,000~~].

11 SECTION 167. Section 451.502(a), Transportation Code, is  
12 amended to read as follows:

13 (a) The five board members under Section 451.501(a)(1) are  
14 appointed by the governing body of the principal municipality,  
15 except in an authority having a principal municipality with a  
16 population of more than 1.9 [~~1.2~~] million, the five board members  
17 are appointed by the mayor of the principal municipality and are  
18 subject to confirmation by the governing body of the principal  
19 municipality.

20 SECTION 168. Section 451.5021(a), Transportation Code, is  
21 amended to read as follows:

22 (a) This section applies only to the board of an authority  
23 created before July 1, 1985, in which the principal municipality  
24 has a population of less than 850,000 [~~750,000~~].

25 SECTION 169. Section 451.5035(a), Transportation Code, is  
26 amended to read as follows:

27 (a) This section applies only to an authority in which the

1 principal municipality has a population of less than 320,000  
2 [~~300,000~~].

3 SECTION 170. Section 451.505(b), Transportation Code, is  
4 amended to read as follows:

5 (b) The terms of members of a board are staggered if the  
6 authority was created before 1980 and has a principal municipality  
7 with a population of less than 1.9 [~~1.2~~] million.

8 SECTION 171. Sections 451.506(b) and (c), Transportation  
9 Code, are amended to read as follows:

10 (b) An individual may not serve more than eight years on the  
11 same board and may not be appointed to a term for which service to  
12 the completion of the term would exceed this limitation. This  
13 subsection applies only to a board of an authority:

14 (1) in which the principal municipality has a  
15 population of more than 1.9 [~~1.2~~] million or less than 320,000  
16 [~~300,000~~]; or

17 (2) created before 1980 and in which the principal  
18 municipality has a population of less than 1.9 [~~1.2~~] million.

19 (c) An individual may serve two terms as presiding officer  
20 under Section 451.502(e)(3), in addition to any service on the  
21 board before being appointed under that subsection. This  
22 subsection does not apply to an individual serving on the board of  
23 an authority described by Subsection (b) or an authority confirmed  
24 before July 1, 1985, and in which the principal municipality has a  
25 population of less than 850,000 [~~750,000~~].

26 SECTION 172. Section 451.509, Transportation Code, is  
27 amended to read as follows:

1           Sec. 451.509. REMOVAL BY APPOINTING PERSON OR ENTITY. (a)  
2 In an authority in which the principal municipality has a  
3 population of less than 850,000 [~~750,000~~] and in which the  
4 authority's sales and use tax is imposed at a rate of one percent, a  
5 member of the board may be removed from office for any ground  
6 described by Section 451.510 by a majority vote of the entity that  
7 appointed the member.

8           (b) In an authority in which the principal municipality has  
9 a population of less than 320,000 [~~300,000~~], a member of the board  
10 may be removed for any ground described by Section 451.510 by the  
11 entity that appointed the member. This subsection does not apply to  
12 the removal of a member serving as the presiding officer appointed  
13 by the board.

14           (c) In an authority in which the principal municipality has  
15 a population of more than 850,000 [~~750,000~~], a member of the board  
16 may be removed for any ground described by Section 451.510 by the  
17 person or entity that appointed the member. If the person who  
18 appointed the member is the mayor of the principal municipality,  
19 the removal is by recommendation of the mayor and confirmation by  
20 the municipality's governing body. If the member to be removed was  
21 appointed by the mayor of the principal municipality, the statement  
22 required by Section 451.511(a) shall be given by the mayor, and  
23 confirmation of removal by the governing body of the municipality  
24 is necessary.

25           (d) In an authority in which the principal municipality has  
26 a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~]  
27 million, a general manager who has knowledge that a potential



1 ground for removal applicable to a member of the authority's board  
2 exists shall notify the presiding officer of the board of the  
3 ground, and the presiding officer shall notify the person that  
4 appointed the member against whom the potential ground applies of  
5 the ground.

6 SECTION 173. Section 451.512(a), Transportation Code, is  
7 amended to read as follows:

8 (a) Except as provided by Subsection (b), in an authority in  
9 which the principal municipality has a population of less than  
10 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million, an action of the  
11 board is not invalid because a ground for removal of a board member  
12 exists.

13 SECTION 174. Section 451.513(a), Transportation Code, is  
14 amended to read as follows:

15 (a) A board member of an authority that has a principal  
16 municipality with a population of more than 850,000 [~~750,000~~] may  
17 be removed, as provided by this section, on a petition for the  
18 recall of the member submitted by the registered voters of the  
19 authority. Recall of a member under this section is in addition to  
20 any other method for removal under this subchapter.

21 SECTION 175. Section 451.602, Transportation Code, is  
22 amended to read as follows:

23 Sec. 451.602. AUTHORITIES COVERED BY SUBCHAPTER. Except as  
24 provided by Section 451.617, this subchapter applies only to an  
25 authority in which the principal municipality has a population of  
26 less than 850,000 [~~750,000~~] and that was confirmed before July 1,  
27 1985.

1 SECTION 176. Section 451.617(a), Transportation Code, is  
2 amended to read as follows:

3 (a) In an authority created before 1980 in which the  
4 principal municipality has a population of less than 1.9 [~~1.2~~]  
5 million, a unit of election, other than the principal municipality,  
6 may withdraw from the authority, in addition to any other manner  
7 provided by law, by a vote of a majority of the registered voters of  
8 the unit of election voting at an election on the question of  
9 withdrawing from the authority.

10 SECTION 177. Section 451.702(a), Transportation Code, is  
11 amended to read as follows:

12 (a) The board of an authority in which the sales and use tax  
13 is imposed at a rate of one-half of one percent and in which the  
14 principal municipality has a population of more than 1.3 million  
15 [~~700,000~~] may order an election to create an advanced  
16 transportation district within the authority's boundaries and to  
17 impose a sales and use tax for advanced transportation and mobility  
18 enhancement under this subchapter. If approved at the election,  
19 the rate of the sales and use tax for advanced transportation and  
20 mobility enhancement shall be set by the governing body of the  
21 district at a rate of:

- 22 (1) one-eighth of one percent;  
23 (2) one-fourth of one percent;  
24 (3) three-eighths of one percent; or  
25 (4) one-half of one percent.

26 SECTION 178. Section 451.802, Transportation Code, is  
27 amended to read as follows:

1           Sec. 451.802. APPLICABILITY. This subchapter applies only  
2 to an authority in which the principal municipality has a  
3 population of more than 1.9 [~~1.2~~] million.

4           SECTION 179. Section 504.510(d), Transportation Code, is  
5 amended to read as follows:

6           (d) This section applies only to an owner of a golf cart who  
7 resides:

8                   (1) on real property that is owned or under the control  
9 of the United States Corps of Engineers and is required by that  
10 agency to register the owner's golf cart under this chapter; and

11                   (2) in a county that borders another state and has a  
12 population of more than 120,750 [~~110,000~~] but less than 121,000  
13 [~~111,000~~].

14           SECTION 180. Section 621.4015(a), Transportation Code, is  
15 amended to read as follows:

16           (a) A county commissioners court may designate a constable  
17 or deputy constable of the county as a weight enforcement officer in  
18 a county:

19                   (1) that is a county with a population of 1.5 [~~one~~]  
20 million or more and is within 200 miles of an international border;  
21 or

22                   (2) that is adjacent to a county with a population of  
23 3.3 million or more; and

24                   (3) in which a planned community is located that has  
25 20,000 or more acres of land, that was originally established under  
26 the Urban Growth and New Community Development Act of 1970 (42  
27 U.S.C. Section 4501 et seq.), and that is subject to restrictive

1 covenants containing ad valorem or annual variable budget based  
2 assessments on real property.

3 SECTION 181. Section 644.101(b), Transportation Code, is  
4 amended to read as follows:

5 (b) A police officer of any of the following municipalities  
6 is eligible to apply for certification under this section:

7 (1) a municipality with a population of 50,000 or  
8 more;

9 (2) a municipality with a population of 25,000 or more  
10 any part of which is located in a county with a population of  
11 500,000 or more;

12 (3) a municipality with a population of less than  
13 25,000:

14 (A) any part of which is located in a county with  
15 a population of 3.3 [~~2.4~~] million; and

16 (B) that contains or is adjacent to an  
17 international port;

18 (4) a municipality with a population of at least  
19 34,000 that is located in a county that borders two or more states;

20 (5) a municipality any part of which is located in a  
21 county bordering the United Mexican States; or

22 (6) a municipality with a population of less than  
23 5,000 that is located:

24 (A) adjacent to a bay connected to the Gulf of  
25 Mexico; and

26 (B) in a county adjacent to a county with a  
27 population greater than 3.3 million.

1 SECTION 182. Section 644.202(b), Transportation Code, is  
2 amended to read as follows:

3 (b) A municipality with a population of more than 850,000  
4 [~~750,000~~] shall develop a route for commercial motor vehicles  
5 carrying hazardous materials on a road or highway in the  
6 municipality and submit the route to the Texas Department of  
7 Transportation for approval. If the Texas Department of  
8 Transportation determines that the route complies with all  
9 applicable federal and state regulations regarding the  
10 transportation of hazardous materials, the Texas Department of  
11 Transportation shall approve the route and notify the municipality  
12 of the approved route.

13 SECTION 183. Section 683.016(d), Transportation Code, is  
14 amended to read as follows:

15 (d) This section does not apply to a vehicle that is:

16 (1) taken into custody by a law enforcement agency  
17 located in a county with a population of 3.3 [~~2.4~~] million or more;  
18 and

19 (2) removed to a privately owned storage facility.

20 SECTION 184. Section 37.102(a), Utilities Code, is amended  
21 to read as follows:

22 (a) If a municipal corporation offers retail electric  
23 utility service in a municipality having a population of more than  
24 145,000 [~~135,000~~] that is located entirely in a county having a  
25 population of more than 2 million [~~1,500,000~~], the commission shall  
26 singly certificate areas in the municipality's boundaries in which  
27 more than one electric utility provides electric utility service.

1 SECTION 185. Section 13.187(f), Water Code, is amended to  
2 read as follows:

3 (f) The regulatory authority may set the matter for hearing  
4 on its own motion at any time within 120 days after the effective  
5 date of the rate change. If more than half of the ratepayers of the  
6 utility receive service in a county with a population of more than  
7 3.3 [~~2.5~~] million, the hearing must be held at a location in that  
8 county.

9 SECTION 186. Section 51.537(a), Water Code, is amended to  
10 read as follows:

11 (a) This section applies only to a municipality any portion  
12 of which is located in a county with a population of more than 1  
13 million [~~800,000~~] and less than 1.5 [~~1.3~~] million.

14 SECTION 187. Section 54.016(h), Water Code, is amended to  
15 read as follows:

16 (h) A city, other than a city with a population of more than  
17 one million that is located primarily in a county with a population  
18 of two million or more, [~~with a population of 1.18 million or less~~]  
19 may provide in its written consent for the inclusion of land in a  
20 district that after annexation the city may set rates for water  
21 and/or sewer services for property that was within the territorial  
22 boundary of such district at the time of annexation, which rates may  
23 vary from those for other properties within the city for the purpose  
24 of wholly or partially compensating the city for the assumption of  
25 obligation under this code providing that:

26 (1) such written consent contains a contract entered  
27 into by the city and the persons petitioning for creation of the

1 district setting forth the time and/or the conditions of annexation  
2 by the city which annexation shall not occur prior to the  
3 installation of 90 percent of the facilities for which district  
4 bonds were authorized in the written consent; and that

5 (2) the contract sets forth the basis on which rates  
6 are to be charged for water and/or sewer services following  
7 annexation and the length of time they may vary from those rates  
8 charged elsewhere in the city; and that

9 (3) the contract may set forth the time, conditions,  
10 or lands to be annexed by the district; and that

11 (4)(A) Each purchaser of land within a district which  
12 has entered into a contract with a city concerning water and/or  
13 sewer rates as set forth herein shall be furnished by the seller at  
14 or prior to the final closing of the sale and purchase with a  
15 separate written notice, executed and acknowledged by the seller,  
16 which shall contain the following information:

17 (i) the basis on which the monthly water  
18 and/or sewer rate is to be charged under the contract stated as a  
19 percentage of the water and/or sewer rates of the city;

20 (ii) the length of time such rates will be  
21 in effect;

22 (iii) the time and/or conditions of  
23 annexation by the city implementing such rates.

24 The provisions of Sections 49.452(g)-(p) and (s), Water Code,  
25 are herein incorporated by reference thereto, and are applicable to  
26 the separate written notice required by Section 54.016(h)(4).

27 A suit for damages under the provisions of these referenced

1 sections must be brought within 90 days after the purchaser  
2 receives his or her first water and/or sewer service charge  
3 following annexation, or the purchaser loses his or her right to  
4 seek damages under this referenced section.

5 (B) The governing board of any district covered  
6 by the provisions of this subsection shall file with the county  
7 clerk in each of the counties in which all or part of the district is  
8 located a duly affirmed and acknowledged statement which includes  
9 the information required in Section 54.016(h)(4)(A) and a complete  
10 and accurate map or plat showing the boundaries of the district.

11 The provisions of Sections 49.455(c)-(j), Water Code, are  
12 herein incorporated by reference thereto.

13 SECTION 188. Section 54.0162(a), Water Code, is amended to  
14 read as follows:

15 (a) A municipal utility district composed of noncontiguous  
16 areas that on January 1, 1995, are contained in the  
17 extraterritorial jurisdiction of two municipalities may choose, by  
18 a resolution of the governing body of the district, to be wholly  
19 contained in the extraterritorial jurisdiction of one municipality  
20 selected by the governing body of the district if:

21 (1) both the municipality selected by the district and  
22 all parts of the district are located in the same county;

23 (2) a majority of the area of the municipality not  
24 selected by the district is in a county other than the county in  
25 which the district is located, and neither county has a population  
26 greater than 3.3 million [~~2,500,000, according to the last~~  
27 ~~preceding federal census~~];



1           (3) the boundary of the municipality selected by the  
2 district is located not more than two miles from any part of the  
3 district;

4           (4) the noncontiguous areas of the district are not,  
5 at their closest point, more than two miles apart;

6           (5) the district is within a water control and  
7 improvement district; and

8           (6) a certified copy of the resolution of the  
9 governing body of the district is filed with both municipalities  
10 before the effective date specified in the resolution.

11         SECTION 189. Section 54.813(a), Water Code, is amended to  
12 read as follows:

13           (a) This section applies only to a municipality any portion  
14 of which is located in a county with a population of more than 1  
15 million [~~800,000~~] and less than 1.5 [~~1.3~~] million.

16         SECTION 190. Section 1, Chapter 511 (H.B. 589), Acts of the  
17 58th Legislature, Regular Session, 1963 (Article 2676a, Vernon's  
18 Texas Civil Statutes), is amended to read as follows:

19           Sec. 1. From and after the effective date of this act in any  
20 county in this state having a population of not less than 312,000  
21 [~~239,000~~] and not more than 330,000 [~~242,000~~], the general  
22 management and control of the public free schools and high schools  
23 in each county unless otherwise provided by law shall be vested in  
24 five (5) county school trustees elected from the county, one of whom  
25 shall be elected from the county at large by the qualified voters of  
26 the county and one from each commissioners precinct by the  
27 qualified voters of each commissioners precinct, who shall hold

1 office for a term of two (2) years. The time for such election shall  
2 be the first Saturday in April of each year; the order for the  
3 election of county school trustees to be made by the County Judge at  
4 least thirty (30) days prior to the date of said election, and which  
5 order shall designate as voting places or places at which votes are  
6 cast for the district trustees of said common and independent  
7 school districts, respectively. The election officers appointed to  
8 hold the election for district trustees in each of said school  
9 districts, respectively, shall hold this election for county school  
10 trustees.

11 SECTION 191. Section 1, Chapter 233 (H.B. 459), Acts of the  
12 59th Legislature, Regular Session, 1965 (Article 2676b, Vernon's  
13 Texas Civil Statutes), is amended to read as follows:

14 Sec. 1. This Act applies to a county-wide school district in  
15 a county having a population of more than 5,250 [~~5,200~~] and less  
16 than 5,350 [~~5,283~~]. The Board of Trustees may order that the  
17 trustees of the district shall run at large in the county. If the  
18 Board orders that its members shall run at large, each position  
19 shall be filled by election from the county at large upon expiration  
20 of the current term of office.

21 SECTION 192. Section 1(b), Chapter 63 (S.B. 100), Acts of  
22 the 57th Legislature, 3rd Called Session, 1962 (Article 2688h,  
23 Vernon's Texas Civil Statutes), is amended to read as follows:

24 (b) From and after May 1, 1962, the office of the county  
25 board of school trustees and the office of county superintendent  
26 shall cease to exist in any county in this State having a population  
27 of not less than 285,000 [~~250,000~~] and not more than 300,000

1 [251,000] which has no common school district and whose county ad  
2 valorem evaluation is in excess of Two Hundred Fifty Million  
3 Dollars (\$250,000,000); provided, however, that the county  
4 superintendents in such counties who have been heretofore elected  
5 or appointed to the office of county superintendent shall serve  
6 until the expiration of the term for which they were elected or  
7 appointed. The duties now performed by the board of school trustees  
8 and county superintendents in such counties shall be performed by  
9 the County Judges of such counties.

10 SECTION 193. Sections 5 and 6, Chapter 706 (H.B. 1015), Acts  
11 of the 59th Legislature, Regular Session, 1965 (Article 2688i-1,  
12 Vernon's Texas Civil Statutes), are amended to read as follows:

13 Sec. 5. The provisions of this Act shall not apply to  
14 counties having a population of not less than 5,250 [~~5,200~~] and not  
15 more than 5,350 [~~5,283~~] and to counties having a population of not  
16 less than 54,000 [~~47,150~~] and not more than 54,500 [~~47,350~~].

17 Sec. 6. No county having a population of more than 30,000  
18 [~~32,350~~] and less than 32,000 [~~32,400~~] shall have the offices of  
19 county school superintendent, ex officio county school  
20 superintendent, and county board of education.

21 All duties and functions, except as hereafter provided, that  
22 are otherwise required by law of the office of county school  
23 superintendent or ex officio county school superintendent governed  
24 by this section shall be performed by the superintendents of the  
25 independent and rural high school districts, and all duties that  
26 may otherwise be required by law of the county board of education  
27 governed by this section shall be performed by the elected Board of

1 Trustees of such independent and rural high school districts,  
2 except that the County Judge shall, without pay from the State of  
3 Texas, continue to approve or disapprove application for school  
4 transfers. The Commissioners Court of such county shall hereafter  
5 receive, hear and pass upon all petitions for the calling of  
6 elections for the creation, change or abolishment of county school  
7 districts and all authorized appeals from the independent school  
8 Board of Trustees shall be made directly to the State Board of  
9 Education or to the courts as provided by law.

10 All school records of the original independent and/or common  
11 school district governed by this section, shall be transferred to  
12 the control and custody of the independent school district office,  
13 located at the county seat, save and except the original financial  
14 records which shall be retained by the county treasurer, and  
15 thereafter the County Judge shall be required to make no records or  
16 reports but said reports shall be made by the superintendent of such  
17 independent or rural school district; that as soon as practicable  
18 after the effective date of this Act, all remaining State funds in  
19 the hands of the county board of education shall be transferred by  
20 the county treasurer and the County Judge to the independent and  
21 rural high school districts in proportion to the number of  
22 scholastics enrolled in such districts.

23 SECTION 194. Section 2.01(13), Article 6243a-1, Revised  
24 Statutes, is amended to read as follows:

25 (13) "City" means each municipality having a  
26 population of more than 1.18 million and located predominantly in a  
27 county that has a total area of less than 1,000 square miles [~~less~~

1 ~~than 1.9 million~~].

2 SECTION 195. Section 1(a), Chapter 101 (H.B. 31), Acts of  
3 the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,  
4 Vernon's Texas Civil Statutes), is amended to read as follows:

5 (a) In all incorporated cities and towns containing more  
6 than 600,000 [~~550,000~~] inhabitants and less than 700,000 [~~600,000~~]  
7 inhabitants, having a fully or partially paid fire department,  
8 three (3) citizens of said city or town to be designated by the  
9 mayor, two (2) citizens of said city or town to be designated by the  
10 city manager of said city or town, three (3) policemen to be elected  
11 by members of the policemen's pension fund, and three (3) firemen to  
12 be elected by members of the firemen's pension fund, composing  
13 eleven (11) members, seven (7) of which shall be a quorum, shall  
14 constitute a board of trustees of the Firemen and Policemen Pension  
15 Fund, to provide for the disbursement of the same and to designate  
16 the beneficiaries thereof. The board shall be known as the Board  
17 of Firemen and Policemen Pension Fund, \_\_\_\_\_, Texas. Said  
18 board shall organize by choosing one member as Chairman and by  
19 appointing a secretary. Such board shall have charge of and  
20 administer said fund and shall order payments therefrom in  
21 pursuance of the provisions of this law. It shall report annually  
22 to the governing body of such city or town the condition of the said  
23 fund and the receipts and disbursements on account of the same with  
24 a complete list of beneficiaries of said fund and the amounts paid  
25 them.

26 SECTION 196. Section 1.01, Chapter 183 (S.B. 598), Acts of  
27 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

2       Sec. 1.01. APPLICABILITY. This Act applies only to a  
3 municipality having a population of more than 750,000 [~~600,000~~] and  
4 less than 850,000 [~~700,000~~].

5       SECTION 197. Section 1, Chapter 103 (S.B. 622), Acts of the  
6 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's  
7 Texas Civil Statutes), is amended to read as follows:

8       Sec. 1. No member of a fire department in any city or town in  
9 this state having a population of not less than 700,000 [~~500,000~~]  
10 nor more than 750,000 [~~550,000~~] shall be involuntarily retired  
11 prior to reaching the mandatory retirement age set for such cities'  
12 employees unless he is physically unable to perform his duties. In  
13 the event he is physically unable to perform his duties, he shall be  
14 allowed to use all of his accumulated sick leave, before  
15 retirement.

16       SECTION 198. Section 1, Chapter 451 (S.B. 737), Acts of the  
17 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's  
18 Texas Civil Statutes), is amended to read as follows:

19       Sec. 1. SCOPE. A retirement system is established by this  
20 Act for employees of each municipality having a population of more  
21 than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]; provided,  
22 however, that once such pension system becomes operative in any  
23 city, any right or privilege accruing to any member thereunder  
24 shall be a vested right according to the terms of this Act and the  
25 same shall not be denied or abridged thereafter through any change  
26 in population of any such city taking such city out of the  
27 population bracket as herein prescribed, and said pension system

1 shall continue to operate and function regardless of whether or not  
2 any future population exceeds or falls below said population  
3 bracket.

4 SECTION 199. Section 1.01, Chapter 452 (S.B. 738), Acts of  
5 the 72nd Legislature, Regular Session, 1991 (Article 6243n-1,  
6 Vernon's Texas Civil Statutes), is amended to read as follows:

7 Sec. 1.01. APPLICABILITY AND DEFINITIONS. This Act applies  
8 only to a municipality having a population of more than 750,000  
9 [~~600,000~~] and less than 850,000 [~~700,000~~].

10 SECTION 200. Section 1.03, Chapter 824 (S.B. 817), Acts of  
11 the 73rd Legislature, Regular Session, 1993 (Article 6243o,  
12 Vernon's Texas Civil Statutes), is amended to read as follows:

13 Sec. 1.03. APPLICABILITY. This Act applies to paid fire and  
14 police departments of a municipality with a population between 1.3  
15 [~~1.14~~] million and 1.5 [~~1.18~~] million.

16 SECTION 201. Section 1.03, Chapter 1332 (S.B. 1568), Acts  
17 of the 75th Legislature, Regular Session, 1997 (Article 6243q,  
18 Vernon's Texas Civil Statutes), is amended to read as follows:

19 Sec. 1.03. APPLICABILITY. This Act applies to a paid fire  
20 and police department of a municipality with a population of 1.3  
21 million [~~1,140,000~~] or more but less than 1.5 million [~~1,180,000~~].

22 SECTION 202. Section 1, Chapter 809 (H.B. 1687), Acts of the  
23 62nd Legislature, Regular Session, 1971 (Article 6812b-1, Vernon's  
24 Texas Civil Statutes), is amended to read as follows:

25 Sec. 1. The Commissioners Court of any county having a  
26 population of not less than 425,000 [~~280,000~~] nor more than 500,000  
27 [~~300,000~~] may appoint a County Engineer, but the selection shall be

1 controlled by considerations of skill and ability for the task. The  
2 engineer may be selected at any regular meeting of the  
3 commissioners court, or at any special meeting called for that  
4 purpose. The engineer selected shall be a Registered Professional  
5 Engineer in the State of Texas. The engineer shall hold his office  
6 for a period of two years, his term of office expiring concurrently  
7 with the terms of other county officers, and he may be removed at  
8 the pleasure of the commissioners court. The engineer shall  
9 receive a salary to be fixed by the commissioners court not to  
10 exceed the amount of the salary paid to the highest county official,  
11 to be paid out of the Road and Bridge Fund. The engineer, before  
12 entering upon the discharge of his duties, shall take the oath of  
13 office prescribed by law, and shall execute a bond in the sum of  
14 \$15,000 with a good and sufficient surety or sureties thereon,  
15 payable to the county judge of the county and successors in office  
16 in trust, for the use and the benefit of the Road and Bridge Fund, of  
17 the county to be approved by the court, conditioned that such  
18 engineer will faithfully and efficiently discharge and perform all  
19 of the duties required of him by law and by the orders of said  
20 commissioners court and shall faithfully and honestly and in due  
21 time account for all of the money, property and materials placed in  
22 his custody.

23 SECTION 203. Section 4.08(e), Chapter 1029, Acts of the  
24 76th Legislature, Regular Session, 1999, is amended to read as  
25 follows:

26 (e) The authority may not exercise the power of eminent  
27 domain granted by Subsections (a) and (b) of this section to acquire



1 property of any kind in Galveston County [~~a county that:~~  
2                   ~~[(1) has a population of more than 245,000;~~  
3                   ~~[(2) borders the Gulf of Mexico; and~~  
4                   ~~[(3) is adjacent to a county with a population of more~~  
5 ~~than 1.6 million]~~].

6           SECTION 204. Section 4.17(f), Chapter 414, Acts of the 77th  
7 Legislature, Regular Session, 2001, is amended to read as follows:

8           (f) The authority may not exercise the power of eminent  
9 domain under this section to acquire property of any kind in  
10 Galveston County [~~a county that:~~  
11                   ~~[(1) has a population of more than 245,000;~~  
12                   ~~[(2) borders on the Gulf of Mexico; and~~  
13                   ~~[(3) is adjacent to a county with a population of more~~  
14 ~~than 1.6 million]~~].

15           SECTION 205. (a) This Act is not intended to revive a law  
16 that was impliedly repealed by a law enacted by the 81st Legislature  
17 or a previous legislature.

18           (b) To the extent that a law enacted by the 82nd  
19 Legislature, Regular Session, 2011, conflicts with this Act, the  
20 other law prevails, regardless of the relative dates of enactment  
21 or the relative effective dates.

22           SECTION 206. This Act takes effect September 1, 2011.