

1-1 By: Solomons (Senate Sponsor - Eltife) H.B. No. 2702  
1-2 (In the Senate - Received from the House May 12, 2011;  
1-3 May 12, 2011, read first time and referred to Committee on  
1-4 Administration; May 20, 2011, reported favorably, as amended, by  
1-5 the following vote: Yeas 4, Nays 0; May 20, 2011, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Eltife

1-7 Amend H.B. 2702 (house engrossment) as follows:  
1-8 (1) In SECTION 181 of the bill, in amended Section 36.121,  
1-9 Water Code, insert "but greater than 100,000" between "less" and  
1-10 "and" on page 32, line 63.

1-11 (2) In SECTION 181 of the bill, in amended Section 36.121,  
1-12 Water Code, insert "but greater than 100,000" between "less" and  
1-13 the comma on page 32, line 66.  
1-14

1-15 COMMITTEE AMENDMENT NO. 2 By: Eltife

1-16 Amend H.B. 2702 (house engrossed version) in SECTION 122 of  
1-17 the bill, in amended Section 352.002(a)(12), Tax Code (page 23,  
1-18 line 46), by striking "36,000 [~~35,000~~]" and substituting "35,000".

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the application of statutes that classify political  
1-22 subdivisions according to population.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 147.003(a), Agriculture Code, is amended  
1-25 to read as follows:

1-26 (a) A person pursuing the business of selling mules, horses,  
1-27 jacks, or jennets in a county with a population of not less than 1.8  
1-28 [~~1.4~~] million nor more than 1.9 [~~1.5~~] million is not subject to this  
1-29 chapter as a livestock auction commission merchant.

1-30 SECTION 2. Section 109.57(e), Alcoholic Beverage Code, is  
1-31 amended to read as follows:

1-32 (e) A municipality located in a county that has a population  
1-33 of 2.2 million or more and that is adjacent to a county with a  
1-34 population of more than 600,000 [~~400,000~~] or a municipality located  
1-35 in a county with a population of 600,000 [~~400,000~~] or more and that  
1-36 is adjacent to a county with a population of 2.2 million or more may  
1-37 regulate, in a manner not otherwise prohibited by law, the location  
1-38 of an establishment issued a permit under Chapter 32 or 33 if:

1-39 (1) the establishment derives 35 percent or more of  
1-40 the establishment's gross revenue from the on-premises sale or  
1-41 service of alcoholic beverages and the premises of the  
1-42 establishment are located in a dry area; and

1-43 (2) the permit is not issued to a fraternal or veterans  
1-44 organization or the holder of a food and beverage certificate.

1-45 SECTION 3. Section 75.0021(c), Civil Practice and Remedies  
1-46 Code, is amended to read as follows:

1-47 (c) This section applies only to a public utility located  
1-48 in:

1-49 (1) a county with a population of 800,000 [~~600,000~~] or  
1-50 more and located on the international border; or

1-51 (2) a municipal management district located in a  
1-52 municipality with a population of more than 1.9 million.

1-53 SECTION 4. Section 152.006, Civil Practice and Remedies  
1-54 Code, is amended to read as follows:

1-55 Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION  
1-56 CENTERS. An entity described by Section 152.002(b)(1) that  
1-57 provides services for the resolution of disputes in a county that  
1-58 borders the Gulf of Mexico with a population of 250,000 or more but  
1-59 less than 300,000 [~~290,000~~] may collect a reasonable fee in any  
1-60 amount set by the commissioners court from a person who receives the

2-1 services. This section may not be construed to affect the  
2-2 collection of a fee by any other entity described by Section  
2-3 152.002(b)(1).

2-4 SECTION 5. Article 2.12, Code of Criminal Procedure, is  
2-5 amended to read as follows:

2-6 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
2-7 officers:

2-8 (1) sheriffs, their deputies, and those reserve  
2-9 deputies who hold a permanent peace officer license issued under  
2-10 Chapter 1701, Occupations Code;

2-11 (2) constables, deputy constables, and those reserve  
2-12 deputy constables who hold a permanent peace officer license issued  
2-13 under Chapter 1701, Occupations Code;

2-14 (3) marshals or police officers of an incorporated  
2-15 city, town, or village, and those reserve municipal police officers  
2-16 who hold a permanent peace officer license issued under Chapter  
2-17 1701, Occupations Code;

2-18 (4) rangers and officers commissioned by the Public  
2-19 Safety Commission and the Director of the Department of Public  
2-20 Safety;

2-21 (5) investigators of the district attorneys', criminal  
2-22 district attorneys', and county attorneys' offices;

2-23 (6) law enforcement agents of the Texas Alcoholic  
2-24 Beverage Commission;

2-25 (7) each member of an arson investigating unit  
2-26 commissioned by a city, a county, or the state;

2-27 (8) officers commissioned under Section 37.081,  
2-28 Education Code, or Subchapter E, Chapter 51, Education Code;

2-29 (9) officers commissioned by the General Services  
2-30 Commission;

2-31 (10) law enforcement officers commissioned by the  
2-32 Parks and Wildlife Commission;

2-33 (11) airport police officers commissioned by a city  
2-34 with a population of more than 1.18 million located primarily in a  
2-35 county with a population of 2 million or more that operates an  
2-36 airport that serves commercial air carriers;

2-37 (12) airport security personnel commissioned as peace  
2-38 officers by the governing body of any political subdivision of this  
2-39 state, other than a city described by Subdivision (11), that  
2-40 operates an airport that serves commercial air carriers;

2-41 (13) municipal park and recreational patrolmen and  
2-42 security officers;

2-43 (14) security officers and investigators commissioned  
2-44 as peace officers by the comptroller;

2-45 (15) officers commissioned by a water control and  
2-46 improvement district under Section 49.216, Water Code;

2-47 (16) officers commissioned by a board of trustees  
2-48 under Chapter 54, Transportation Code;

2-49 (17) investigators commissioned by the Texas Medical  
2-50 Board;

2-51 (18) officers commissioned by the board of managers of  
2-52 the Dallas County Hospital District, the Tarrant County Hospital  
2-53 District, or the Bexar County Hospital District under Section  
2-54 281.057, Health and Safety Code;

2-55 (19) county park rangers commissioned under  
2-56 Subchapter E, Chapter 351, Local Government Code;

2-57 (20) investigators employed by the Texas Racing  
2-58 Commission;

2-59 (21) officers commissioned under Chapter 554,  
2-60 Occupations Code;

2-61 (22) officers commissioned by the governing body of a  
2-62 metropolitan rapid transit authority under Section 451.108,  
2-63 Transportation Code, or by a regional transportation authority  
2-64 under Section 452.110, Transportation Code;

2-65 (23) investigators commissioned by the attorney  
2-66 general under Section 402.009, Government Code;

2-67 (24) security officers and investigators commissioned  
2-68 as peace officers under Chapter 466, Government Code;

2-69 (25) an officer employed by the Department of State

3-1 Health Services under Section 431.2471, Health and Safety Code;  
 3-2 (26) officers appointed by an appellate court under  
 3-3 Subchapter F, Chapter 53, Government Code;  
 3-4 (27) officers commissioned by the state fire marshal  
 3-5 under Chapter 417, Government Code;  
 3-6 (28) an investigator commissioned by the commissioner  
 3-7 of insurance under Section 701.104, Insurance Code;  
 3-8 (29) apprehension specialists and inspectors general  
 3-9 commissioned by the Texas Youth Commission as officers under  
 3-10 Sections 61.0451 and 61.0931, Human Resources Code;  
 3-11 (30) officers appointed by the inspector general of  
 3-12 the Texas Department of Criminal Justice under Section 493.019,  
 3-13 Government Code;  
 3-14 (31) investigators commissioned by the Commission on  
 3-15 Law Enforcement Officer Standards and Education under Section  
 3-16 1701.160, Occupations Code;  
 3-17 (32) commission investigators commissioned by the  
 3-18 Texas Private Security Board under Section 1702.061(f),  
 3-19 Occupations Code;  
 3-20 (33) the fire marshal and any officers, inspectors, or  
 3-21 investigators commissioned by an emergency services district under  
 3-22 Chapter 775, Health and Safety Code;  
 3-23 (34) officers commissioned by the State Board of  
 3-24 Dental Examiners under Section 254.013, Occupations Code, subject  
 3-25 to the limitations imposed by that section;  
 3-26 (35) investigators commissioned by the Texas Juvenile  
 3-27 Probation Commission as officers under Section 141.055, Human  
 3-28 Resources Code; and  
 3-29 (36) the fire marshal and any related officers,  
 3-30 inspectors, or investigators commissioned by a county under  
 3-31 Subchapter B, Chapter 352, Local Government Code.  
 3-32 SECTION 6. Article 2.21(g), Code of Criminal Procedure, is  
 3-33 amended to read as follows:  
 3-34 (g) A clerk in a county with a population of less than two  
 3-35 [~~1.7~~] million must provide written notice by mail to the attorney  
 3-36 representing the state in the case and the attorney representing  
 3-37 the defendant before disposing of an eligible exhibit.  
 3-38 SECTION 7. Article 18.05(e), Code of Criminal Procedure, is  
 3-39 amended to read as follows:  
 3-40 (e) A search warrant may not be issued under this article to  
 3-41 a code enforcement official of a county with a population of 3.3  
 3-42 [~~2.4~~] million or more for the purpose of allowing the inspection of  
 3-43 specified premises to determine the presence of an unsafe building  
 3-44 condition or a violation of a building regulation, statute, or  
 3-45 ordinance.  
 3-46 SECTION 8. Section 11.0581(a), Education Code, is amended  
 3-47 to read as follows:  
 3-48 (a) An election for trustees of an independent school  
 3-49 district shall be held on the same date as:  
 3-50 (1) the election for the members of the governing body  
 3-51 of a municipality located in the school district;  
 3-52 (2) the general election for state and county  
 3-53 officers; or  
 3-54 (3) the election for the members of the governing body  
 3-55 of a hospital district, if the school district:  
 3-56 (A) is wholly or partly located in a county with a  
 3-57 population of less than 40,000 [~~30,000~~] that is adjacent to a county  
 3-58 with a population of more than three million; and  
 3-59 (B) held its election for trustees jointly with  
 3-60 the election for the members of the governing body of the hospital  
 3-61 district before May 2007.  
 3-62 SECTION 9. Section 28.025(b-9), Education Code, is amended  
 3-63 to read as follows:  
 3-64 (b-9) The agency shall establish a pilot program allowing a  
 3-65 student attending school in a county with a population of more than  
 3-66 one million and in which more than 75 [~~80~~] percent of the population  
 3-67 resides in a single municipality to satisfy the fine arts credit  
 3-68 required under Subsection (b-1)(3)(A) by participating in a fine  
 3-69 arts program not provided by the school district in which the

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

4-6 SECTION 10. Section 45.105(e), Education Code, is amended  
 4-7 to read as follows:

4-8 (e) The governing body of an independent school district  
 4-9 that governs a junior college district under Subchapter B, Chapter  
 4-10 130, in a county with a population of more than two [~~1.5~~] million  
 4-11 may dedicate a specific percentage of the local tax levy to the use  
 4-12 of the junior college district for facilities and equipment or for  
 4-13 the maintenance and operating expenses of the junior college  
 4-14 district. To be effective, the dedication must be made by the  
 4-15 governing body on or before the date on which the governing body  
 4-16 adopts its tax rate for a year. The amount of local tax funds  
 4-17 derived from the percentage of the local tax levy dedicated to a  
 4-18 junior college district from a tax levy may not exceed the amount  
 4-19 that would be levied by five percent of the effective tax rate for  
 4-20 the tax year calculated as provided by Section 26.04, Tax Code, on  
 4-21 all property taxable by the school district. All real property  
 4-22 purchased with these funds is the property of the school district,  
 4-23 but is subject to the exclusive control of the governing body of the  
 4-24 junior college district for as long as the junior college district  
 4-25 uses the property for educational purposes.

4-26 SECTION 11. Section 51.214(a), Education Code, is amended  
 4-27 to read as follows:

4-28 (a) In any municipality with a population of 1.18 million or  
 4-29 more located primarily in a county with a population of 2 million or  
 4-30 more, the governing board of a private, nonprofit medical  
 4-31 corporation, or of the parent corporation of such medical  
 4-32 corporation, that provides police or security services for an  
 4-33 institution of higher education or a private postsecondary  
 4-34 educational institution located within one of the medical  
 4-35 corporation's or parent corporation's medical complexes, or that  
 4-36 provides police or security services for another medical complex  
 4-37 legally affiliated with or owned, leased, managed, or controlled by  
 4-38 the medical corporation or parent corporation, may employ and  
 4-39 commission police or security personnel to enforce the law of this  
 4-40 state within the jurisdiction designated by Subsection (c).

4-41 SECTION 12. Section 53A.49(a), Education Code, is amended  
 4-42 to read as follows:

4-43 (a) In the same manner that a corporation may issue bonds  
 4-44 under this chapter for an institution of higher education, a  
 4-45 corporation created under Section 53A.35(b) may issue bonds to  
 4-46 finance or refinance educational facilities to be used by a school  
 4-47 that:

4-48 (1) is located in a county with a population of more  
 4-49 than two million [~~1,800,000~~];

4-50 (2) is located within three miles of an area  
 4-51 designated as an enterprise zone under Chapter 2303, Government  
 4-52 Code;

4-53 (3) provides primary and secondary education to at  
 4-54 least 1,000 students;

4-55 (4) is accredited by an organization approved by the  
 4-56 Texas Education Agency for private school accreditation; and

4-57 (5) is owned and operated by a corporation created  
 4-58 under the Texas Non-Profit Corporation Act (Article 1396-1.01 et  
 4-59 seq., Vernon's Texas Civil Statutes).

4-60 SECTION 13. Section 130.082(i), Education Code, is amended  
 4-61 to read as follows:

4-62 (i) The election of trustees of a countywide junior or  
 4-63 community college district that contains a city with a population  
 4-64 of more than 1.18 million located primarily in a county with a  
 4-65 population of 2 million or more shall be held on the first Saturday  
 4-66 in April of each even-numbered year. When a runoff election is  
 4-67 necessary, the board may order the election for a date to coincide  
 4-68 with the date of the runoff election for city officials, if the city  
 4-69 is holding a runoff election; otherwise, the board shall set the

5-1 date of the runoff election for not later than three weeks following  
5-2 the regular election.

5-3 SECTION 14. Section 143.005(e), Election Code, is amended  
5-4 to read as follows:

5-5 (e) If the city charter of a home-rule city with a  
5-6 population of more than 1.18 million located primarily in a county  
5-7 with a population of 2 million or more that holds nonpartisan  
5-8 elections for its offices requires both a petition and a \$50 fee to  
5-9 be filed for a candidate's name to be placed on the ballot, those  
5-10 requirements supersede this section.

5-11 SECTION 15. Section 172.021(e), Election Code, is amended  
5-12 to read as follows:

5-13 (e) A candidate for an office specified by Section  
5-14 172.024(a)(8), (10), or (12), or for justice of the peace in a  
5-15 county with a population of more than 1.5 million [~~850,000~~], who  
5-16 chooses to pay the filing fee must also accompany the application  
5-17 with a petition for a place on the primary ballot as a candidate for  
5-18 judicial office that complies with the requirements prescribed for  
5-19 the petition authorized by Subsection (b), except that the minimum  
5-20 number of signatures that must appear on the petition required by  
5-21 this subsection is 250. If the candidate chooses to file the  
5-22 petition authorized by Subsection (b) in lieu of the filing fee, the  
5-23 minimum number of signatures required for that petition is  
5-24 increased by 250. Signatures on a petition filed under this  
5-25 subsection or Subsection (b) by a candidate covered by this  
5-26 subsection may not be obtained on the grounds of a county courthouse  
5-27 or courthouse annex.

5-28 SECTION 16. Section 172.024(a), Election Code, is amended  
5-29 to read as follows:

5-30 (a) The filing fee for a candidate for nomination in the  
5-31 general primary election is as follows:

- 5-32 (1) United States senator . . . . . \$5,000
- 5-33 (2) office elected statewide, except United States  
5-34 senator . . . . . 3,750
- 5-35 (3) United States representative . . . . . 3,125
- 5-36 (4) state senator . . . . . 1,250
- 5-37 (5) state representative . . . . . 750
- 5-38 (6) member, State Board of Education . . . . . 300
- 5-39 (7) chief justice or justice, court of appeals, other  
5-40 than a justice specified by Subdivision (8) . . . . . 1,875
- 5-41 (8) chief justice or justice of a court of appeals that  
5-42 serves a court of appeals district in which a county with a  
5-43 population of more than one million [~~750,000~~] is wholly or partly  
5-44 situated . . . . . 2,500
- 5-45 (9) district judge or judge specified by Section  
5-46 52.092(d) for which this schedule does not otherwise prescribe a  
5-47 fee . . . . . 1,500
- 5-48 (10) district or criminal district judge of a court in  
5-49 a judicial district wholly contained in a county with a population  
5-50 of more than 1.5 million [~~850,000~~] . . . . . 2,500
- 5-51 (11) judge, statutory county court, other than a judge  
5-52 specified by Subdivision (12) . . . . . 1,500
- 5-53 (12) judge of a statutory county court in a county with  
5-54 a population of more than 1.5 million [~~850,000~~] . . . . . 2,500
- 5-55 (13) district attorney, criminal district attorney,  
5-56 or county attorney performing the duties of a  
5-57 district attorney . . . . . 1,250
- 5-58 (14) county commissioner, district clerk, county  
5-59 clerk, sheriff, county tax assessor-collector, county treasurer,  
5-60 or judge, constitutional county court:  
5-61 (A) county with a population of 200,000  
5-62 or more . . . . . 1,250
- 5-63 (B) county with a population of  
5-64 under 200,000 . . . . . 750
- 5-65 (15) justice of the peace or constable:  
5-66 (A) county with a population of 200,000  
5-67 or more . . . . . 1,000
- 5-68 (B) county with a population of  
5-69 under 200,000 . . . . . 375

6-1 (16) county surveyor . . . . . 75

6-2 (17) office of the county government for which this  
6-3 schedule does not otherwise prescribe a fee . . . . . 750

6-4 SECTION 17. Section 84.002(a), Family Code, is amended to  
6-5 read as follows:

6-6 (a) On the request of the prosecuting attorney in a county  
6-7 with a population of more than two [~~1.5~~] million or in a county in a  
6-8 judicial district that is composed of more than one county, the  
6-9 district court shall set the hearing on a date and time not later  
6-10 than 20 days after the date the application is filed or 20 days  
6-11 after the date a request is made to reschedule a hearing under  
6-12 Section 84.003.

6-13 SECTION 18. Section 51.501(c), Government Code, is amended  
6-14 to read as follows:

6-15 (c) The commissioners court of a county that has a  
6-16 population of 5,800 [~~6,000~~] to 5,900 [~~6,125~~] shall determine  
6-17 whether the county shall have a joint clerk but may not take action  
6-18 to prevent a district clerk, county clerk, or joint clerk from  
6-19 serving the full term of office to which the clerk was elected.

6-20 SECTION 19. Section 62.016(h), Government Code, is amended  
6-21 to read as follows:

6-22 (h) In a county with a population of more than 1.5 million  
6-23 [~~900,000~~], the district judges, by a majority vote, may authorize  
6-24 the drawing of two general jury panels for the week, with one to be  
6-25 used in the courts that have a criminal docket and the other to be  
6-26 used in the courts that have a civil docket.

6-27 SECTION 20. Section 62.021, Government Code, is amended to  
6-28 read as follows:

6-29 Sec. 62.021. DISMISSAL OF JUROR REMOVED FROM PANEL. In a  
6-30 county with a population of two [~~1.5~~] million or more, a prospective  
6-31 juror removed from a jury panel for cause, by peremptory challenge  
6-32 or for any other reason, must be dismissed from jury service. After  
6-33 dismissal, the person may not be placed on another jury panel until  
6-34 his name is returned to the jury wheel and drawn again for jury  
6-35 service.

6-36 SECTION 21. Section 803.0021, Government Code, is amended  
6-37 to read as follows:

6-38 Sec. 803.0021. APPLICATION OF CHAPTER. This chapter  
6-39 applies only to:

6-40 (1) a retirement system for general municipal  
6-41 employees in a municipality with a population of not less than  
6-42 750,000 [~~600,000~~] nor more than 850,000 [~~700,000~~];

6-43 (2) the Employees Retirement System of Texas, the  
6-44 Teacher Retirement System of Texas, the Judicial Retirement System  
6-45 of Texas Plan One, the Judicial Retirement System of Texas Plan Two,  
6-46 the Texas County and District Retirement System, and the Texas  
6-47 Municipal Retirement System; and

6-48 (3) a retirement system that makes an election under  
6-49 Section 803.101(f).

6-50 SECTION 22. The heading to Section 1331.051, Government  
6-51 Code, is amended to read as follows:

6-52 Sec. 1331.051. LIMITATION ON BONDED DEBT: MUNICIPALITY  
6-53 WITH POPULATION OF 750,000 [~~600,000~~] OR MORE.

6-54 SECTION 23. Section 1331.051(a), Government Code, is  
6-55 amended to read as follows:

6-56 (a) This section applies only to a municipality with a  
6-57 population of 750,000 [~~600,000~~] or more.

6-58 SECTION 24. Section 1371.059(c), Government Code, is  
6-59 amended to read as follows:

6-60 (c) An issuer in the proceedings to authorize obligations or  
6-61 a credit agreement, or in a credit agreement, may agree to waive  
6-62 sovereign immunity from suit or liability for the purpose of  
6-63 adjudicating a claim to enforce the credit agreement or obligation  
6-64 or for damages for breach of the credit agreement or  
6-65 obligation. This subsection does not apply to an issuer that is:

6-66 (1) a state agency, including a state institution of  
6-67 higher education; or

6-68 (2) a county with a population of 1.5 million  
6-69 [~~900,000~~] or more.

7-1 SECTION 25. Section 1473.101(b), Government Code, is  
 7-2 amended to read as follows:  
 7-3 (b) The commissioners court of a county that has a  
 7-4 population of more than 1.5 million [~~900,000~~] may:  
 7-5 (1) issue bonds to pay for the construction and  
 7-6 equipment of a courthouse or county branch office building,  
 7-7 including the acquisition of a site for the courthouse or branch  
 7-8 office building; and  
 7-9 (2) impose a tax to pay for the bonds.

7-10 SECTION 26. Section 1473.191, Government Code, is amended  
 7-11 to read as follows:  
 7-12 Sec. 1473.191. APPLICABILITY OF SUBCHAPTER. This  
 7-13 subchapter applies only to a county with a population of more than  
 7-14 1.5 million [~~900,000~~].

7-15 SECTION 27. Section 1473.231, Government Code, is amended  
 7-16 to read as follows:  
 7-17 Sec. 1473.231. APPLICABILITY OF SUBCHAPTER. This  
 7-18 subchapter applies only to a county with a population of more than  
 7-19 1.5 million [~~900,000~~].

7-20 SECTION 28. The heading to Chapter 1476, Government Code,  
 7-21 is amended to read as follows:  
 7-22 CHAPTER 1476. CERTIFICATES OF INDEBTEDNESS IN COUNTIES WITH  
 7-23 POPULATION OF MORE THAN TWO [~~1.5~~] MILLION

7-24 SECTION 29. Section 1476.001(a), Government Code, is  
 7-25 amended to read as follows:  
 7-26 (a) This chapter applies only to a county with a population  
 7-27 of more than two [~~1.5~~] million.

7-28 SECTION 30. Section 1502.070(a), Government Code, is  
 7-29 amended to read as follows:  
 7-30 (a) Management and control of a utility system may be vested  
 7-31 in:  
 7-32 (1) the municipality's governing body; or  
 7-33 (2) a board of trustees named in the proceedings  
 7-34 adopted by the municipality and consisting of not more than:  
 7-35 (A) five members, one of whom must be the mayor of  
 7-36 the municipality; or  
 7-37 (B) seven members, one of whom must be the mayor  
 7-38 of the municipality, if the municipality is located in a county:  
 7-39 (i) with a population of at least 800,000  
 7-40 [~~600,000~~]; and  
 7-41 (ii) that is located on an international  
 7-42 border.

7-43 SECTION 31. Section 1506.101, Government Code, is amended  
 7-44 to read as follows:  
 7-45 Sec. 1506.101. APPLICABILITY OF SUBCHAPTER. This  
 7-46 subchapter applies only to a municipality that:  
 7-47 (1) is located on the Gulf of Mexico or on a channel,  
 7-48 canal, bay, or inlet connected to the Gulf of Mexico; and  
 7-49 (2) has a population of:  
 7-50 (A) more than 47,500 [~~56,000~~] and less than  
 7-51 73,000 [~~67,000~~]; or  
 7-52 (B) more than 117,000 [~~113,000~~] and less than  
 7-53 160,000 [~~150,000~~].

7-54 SECTION 32. Section 1509.002(b), Government Code, is  
 7-55 amended to read as follows:  
 7-56 (b) This section applies only to a municipality that:  
 7-57 (1) has a population of more than 17,000 [~~15,000~~] but  
 7-58 less than 18,000 [~~16,000~~]; and  
 7-59 (2) is located in two counties with populations of  
 7-60 550,000 [~~325,000~~] or more but less than 4.2 [~~3.5~~] million.

7-61 SECTION 33. Section 2303.004(b), Government Code, is  
 7-62 amended to read as follows:  
 7-63 (b) Notwithstanding Subsection (a), the governing body of a  
 7-64 county with a population of one million [~~750,000~~] or more may  
 7-65 nominate for designation as an enterprise project a project or  
 7-66 activity of a qualified business that is located within the  
 7-67 jurisdiction of a municipality located in the county. For purposes  
 7-68 of this subsection, a county during any biennium may not use in any  
 7-69 one municipality more than three of the maximum number of

8-1 designations the county is permitted under Section 2303.406(d)(2).  
8-2 SECTION 34. Section 168.010(a), Health and Safety Code, is  
8-3 amended to read as follows:

8-4 (a) This section applies only to a school district located  
8-5 in a county that:

- 8-6 (1) has a population of less than 800,000 [~~600,000~~];
- 8-7 and
- 8-8 (2) is located on the international border.

8-9 SECTION 35. Section 281.021(b), Health and Safety Code, is  
8-10 amended to read as follows:

8-11 (b) The commissioners court of a county with a population of  
8-12 more than 1.8 [~~1.4~~] million but less than 1.9 [~~1.5~~] million in which  
8-13 a district is created under this chapter shall appoint a board  
8-14 composed of not less than five or more than 15 members.

8-15 SECTION 36. Section 281.056(b-1), Health and Safety Code,  
8-16 is amended to read as follows:

8-17 (b-1) The county attorney, district attorney, or criminal  
8-18 district attorney, as appropriate, with the duty to represent the  
8-19 county in civil matters shall, in all legal matters, represent a  
8-20 district located in:

- 8-21 (1) a county with a population of 800,000 [~~650,000~~] or
- 8-22 more that borders the United Mexican States;
- 8-23 (2) a county with a population of 3.4 million or more;
- 8-24 or

8-25 (3) a county with a population of more than 800,000  
8-26 that was not included in the boundaries of a hospital district  
8-27 before September 1, 2003.

8-28 SECTION 37. Section 285.002, Health and Safety Code, is  
8-29 amended to read as follows:

8-30 Sec. 285.002. APPLICABILITY OF SUBCHAPTER. This subchapter  
8-31 applies only to a county having:

- 8-32 (1) a population of at least 800,000 [~~650,000~~]; and
- 8-33 (2) a countywide hospital district that:
  - 8-34 (A) has taxes imposed and collected by the
  - 8-35 commissioners court of the county; and
  - 8-36 (B) has teaching hospital facilities affiliated
  - 8-37 with a state-owned or private medical school.

8-38 SECTION 38. Section 285.022(a), Health and Safety Code, is  
8-39 amended to read as follows:

8-40 (a) A hospital district located in a county with a  
8-41 population of more than 1.5 million [~~900,000~~] may construct,  
8-42 enlarge, furnish, equip, operate, or lease a parking station near a  
8-43 hospital in the district on the determination by the commissioners  
8-44 court of the county that the action is in the best interest of the  
8-45 hospital district and the residents of the district.

8-46 SECTION 39. The heading to Chapter 289, Health and Safety  
8-47 Code, is amended to read as follows:

8-48 CHAPTER 289. COUNTY HEALTH CARE FUNDING DISTRICTS  
8-49 IN CERTAIN COUNTIES LOCATED ON TEXAS-MEXICO BORDER THAT  
8-50 HAVE POPULATION OF LESS THAN 300,000 [~~200,000~~]

8-51 SECTION 40. Section 289.002, Health and Safety Code, is  
8-52 amended to read as follows:

8-53 Sec. 289.002. CREATION OF DISTRICT. A district is created  
8-54 in each county located on the Texas-Mexico border that has a  
8-55 population of less than 300,000 [~~200,000~~] and contains one or more  
8-56 municipalities with a population of 200,000 [~~100,000~~] or more.

8-57 SECTION 41. The heading to Chapter 290, Health and Safety  
8-58 Code, is amended to read as follows:

8-59 CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTS  
8-60 IN CERTAIN COUNTIES WITH POPULATION OF  
8-61 1.8 [~~1.4~~] MILLION OR LESS

8-62 SECTION 42. Section 290.002, Health and Safety Code, is  
8-63 amended to read as follows:

8-64 Sec. 290.002. CREATION OF DISTRICT. A district is created  
8-65 in each county that has a population of 1.8 [~~1.4~~] million or less  
8-66 and in which a municipality with a population of 1.1 million or more  
8-67 is predominantly located.

8-68 SECTION 43. Section 301.001(1), Health and Safety Code, is  
8-69 amended to read as follows:



9-1 (1) "Eligible institution" means an entity engaged in  
 9-2 health-related pursuits that, except for cooperative associations,  
 9-3 is exempt from federal income tax and includes only:  
 9-4 (A) a municipality;  
 9-5 (B) a political subdivision of the state;  
 9-6 (C) a state-supported health-related  
 9-7 institution, including:  
 9-8 (i) The Texas A&M University System;  
 9-9 (ii) The University of Texas System; and  
 9-10 (iii) Texas Woman's University;  
 9-11 (D) a nonprofit health-related institution; or  
 9-12 (E) a cooperative association created under  
 9-13 Subchapter B, a unit of which is located in a county with a  
 9-14 population of more than 3.3 [~~2.5~~] million.

9-15 SECTION 44. Section 361.271(c), Health and Safety Code, is  
 9-16 amended to read as follows:

9-17 (c) A political subdivision that is in a county with a  
 9-18 population of 3.3 [~~2.4~~] million or more or is in a county adjacent  
 9-19 to a county with a population of 3.3 [~~2.4~~] million or more and that  
 9-20 builds or installs a drainage project on a site of a solid waste  
 9-21 facility is not a person responsible for solid waste released or  
 9-22 threatened to be released from the facility or at a site of the  
 9-23 facility if:

9-24 (1) the political subdivision acquired ownership or  
 9-25 control of the facility or site through bankruptcy, tax  
 9-26 delinquency, abandonment, or other circumstances in which the  
 9-27 subdivision involuntarily acquired title to the facility or site by  
 9-28 virtue of the subdivision's function as sovereign; and

9-29 (2) the plans for the drainage project have been  
 9-30 submitted to and reviewed by the commission.

9-31 SECTION 45. Section 382.056(r), Health and Safety Code, is  
 9-32 amended to read as follows:

9-33 (r) This section does not apply to:

9-34 (1) the relocation or change of location of a portable  
 9-35 facility to a site where a portable facility has been located at the  
 9-36 proposed site at any time during the previous two years;

9-37 (2) a facility located temporarily in the  
 9-38 right-of-way, or contiguous to the right-of-way, of a public works  
 9-39 project; or

9-40 (3) a facility described by Section 382.065(c), unless  
 9-41 that facility is in a county with a population of 3.3 [~~2.4~~] million  
 9-42 or more or in a county adjacent to such a county.

9-43 SECTION 46. Section 382.065(d), Health and Safety Code, is  
 9-44 amended to read as follows:

9-45 (d) Notwithstanding Subsection (c), Subsection (a) applies  
 9-46 to a concrete crushing facility in a county with a population of 3.3  
 9-47 [~~2.4~~] million or more or in a county adjacent to such a county.

9-48 SECTION 47. Section 382.218(a), Health and Safety Code, is  
 9-49 amended to read as follows:

9-50 (a) This section applies only to a county with a population  
 9-51 of 800,000 [~~650,000~~] or more that borders the United Mexican  
 9-52 States.

9-53 SECTION 48. Section 462.0731(a), Health and Safety Code, is  
 9-54 amended to read as follows:

9-55 (a) This section applies to a chemically dependent patient  
 9-56 who is a resident of a county with a population of more than 3.3  
 9-57 [~~2.4~~] million, according to the most recent federal decennial  
 9-58 census, and whose inpatient commitment is modified to an outpatient  
 9-59 commitment, who is furloughed from an inpatient facility, or who is  
 9-60 committed to treatment on an outpatient basis.

9-61 SECTION 49. Sections 711.008(d) and (k), Health and Safety  
 9-62 Code, are amended to read as follows:

9-63 (d) Subsection (a) does not apply to a cemetery established  
 9-64 and operating before September 1, 1995, in a county with a  
 9-65 population of more than 285,000 [~~250,000~~] and less than 300,000  
 9-66 [~~251,000~~] that borders the Gulf of Mexico.

9-67 (k) This subsection applies only to a municipality with a  
 9-68 population of 115,000 [~~110,000~~] or more that is located in a county  
 9-69 with a population of less than 132,000 [~~127,000~~]. Not later than

10-1 September 1, 1994, a person may file a written application with the  
 10-2 governing body of the municipality to establish or use a cemetery  
 10-3 located inside the boundaries of the municipality. The  
 10-4 municipality by ordinance shall prescribe the information to be  
 10-5 included in the application. The governing body by ordinance may  
 10-6 authorize the establishment or use of a cemetery located inside the  
 10-7 boundaries of the municipality if the municipality determines and  
 10-8 states in the ordinance that the establishment or use of the  
 10-9 cemetery does not adversely affect public health, safety, and  
 10-10 welfare.

10-11 SECTION 50. Section 771.0751(a), Health and Safety Code, as  
 10-12 added by Chapter 258 (H.B. 1771), Acts of the 78th Legislature,  
 10-13 Regular Session, 2003, is amended to read as follows:

10-14 (a) This section applies only to the use of fees and  
 10-15 surcharges collected under this subchapter in a county subject to  
 10-16 this subchapter with a population of at least one million  
 10-17 [~~700,000~~].

10-18 SECTION 51. Section 772.204, Health and Safety Code, is  
 10-19 amended to read as follows:

10-20 Sec. 772.204. APPLICATION OF SUBCHAPTER. This subchapter  
 10-21 applies to a county with a population of more than 1.5 million  
 10-22 [~~860,000~~] in which an emergency communication district was created  
 10-23 under Chapter 7, Acts of the 68th Legislature, 2nd Called Session,  
 10-24 1984, before January 1, 1988.

10-25 SECTION 52. Section 772.402, Health and Safety Code, is  
 10-26 amended to read as follows:

10-27 Sec. 772.402. APPLICATION OF SUBCHAPTER. This subchapter  
 10-28 applies only to a county having a population of more than two [~~1.5~~]  
 10-29 million in which a communication district has not been created  
 10-30 under Subchapter B.

10-31 SECTION 53. Sections 775.014(g) and (h), Health and Safety  
 10-32 Code, are amended to read as follows:

10-33 (g) This section does not apply if the proposed district  
 10-34 contains territory in the unincorporated area of a county with a  
 10-35 population of 3.3 [~~2.4~~] million or more.

10-36 (h) The governing body of a municipality with a population  
 10-37 of more than one million may negotiate with the commissioners court  
 10-38 of a county with a population of less than 1.8 [~~1.4~~] million that is  
 10-39 the county in which the majority of the territory inside the  
 10-40 municipality's corporate boundaries is located conditions under  
 10-41 which the municipality will grant its consent to the inclusion of  
 10-42 its extraterritorial jurisdiction in the district. The negotiated  
 10-43 conditions may:

- 10-44 (1) limit the district's ability to incur debt;
- 10-45 (2) require the district to ensure that its equipment
- 10-46 is compatible with the municipality's equipment; and
- 10-47 (3) require the district to enter into mutual aid
- 10-48 agreements.

10-49 SECTION 54. Section 775.017(a), Health and Safety Code, is  
 10-50 amended to read as follows:

10-51 (a) If after the hearing the commissioners court finds that  
 10-52 creation of the district is feasible and will promote the public  
 10-53 safety, welfare, health, and convenience of persons residing in the  
 10-54 proposed district, the commissioners court shall grant the  
 10-55 petition, fix the district's boundaries, and impose any conditions  
 10-56 negotiated under Section 775.014(h). If the proposed district,  
 10-57 according to its boundaries stated in the petition, is located  
 10-58 wholly in a county with a population of more than 3.3 [~~2.4~~] million,  
 10-59 the commissioners court may amend the petition to change the  
 10-60 boundaries of the proposed district if the commissioners court  
 10-61 finds the change is necessary or desirable. For the purposes of  
 10-62 this provision, the population of the county is determined  
 10-63 according to the most recent federal decennial census available at  
 10-64 the time the petition is filed.

10-65 SECTION 55. Section 775.031(b), Health and Safety Code, is  
 10-66 amended to read as follows:

10-67 (b) A district located wholly within a county with a  
 10-68 population of more than 3.3 [~~2.4~~] million may not provide fire  
 10-69 prevention or fire-fighting services unless the district:

11-1 (1) was originally a rural fire prevention district  
11-2 and was converted to an emergency services district under this  
11-3 chapter or former Section 794.100; or

11-4 (2) is created after September 1, 2003.

11-5 SECTION 56. Section 101.028(a), Human Resources Code, is  
11-6 amended to read as follows:

11-7 (a) This section applies only to counties having a  
11-8 population of not less than 22,140 [~~23,750~~] and not more than 22,340  
11-9 [~~24,000~~] and to cities and towns within those counties.

11-10 SECTION 57. Section 1575.163, Insurance Code, is amended to  
11-11 read as follows:

11-12 Sec. 1575.163. LIMITATIONS. The Teacher Retirement System  
11-13 of Texas, as trustee, may not contract for or provide a health  
11-14 benefit plan that excludes from participation in the network a  
11-15 general hospital that:

11-16 (1) is located in [~~within~~] the geographical service  
11-17 area or areas of the health coverage plan that includes a county  
11-18 that:

11-19 (A) has a population of at least 100,000 and not  
11-20 more than 210,000 [~~175,000~~]; and

11-21 (B) is located in the Texas-Louisiana border  
11-22 region, as that term is defined in Section 2056.002(e), Government  
11-23 Code; and

11-24 (2) agrees to provide medical and health care services  
11-25 under the plan subject to the same terms and conditions as other  
11-26 hospital providers under the plan.

11-27 SECTION 58. Section 1579.108, Insurance Code, is amended to  
11-28 read as follows:

11-29 Sec. 1579.108. LIMITATIONS. The trustee may not contract  
11-30 for or provide a health coverage plan that excludes from  
11-31 participation in the network a general hospital that:

11-32 (1) is located in the geographical service area or  
11-33 areas of the health coverage plan that includes a county that:

11-34 (A) has a population of at least 100,000 and not  
11-35 more than 210,000 [~~175,000~~]; and

11-36 (B) is located in the Texas-Louisiana border  
11-37 region, as that term is defined in Section 2056.002(e), Government  
11-38 Code; and

11-39 (2) agrees to provide medical and health care services  
11-40 under the plan subject to the same terms as other hospital providers  
11-41 under the plan.

11-42 SECTION 59. Section 92.013(b), Labor Code, is amended to  
11-43 read as follows:

11-44 (b) A municipality with a population greater than one  
11-45 million [~~750,000~~] may establish municipal licensing requirements  
11-46 that impose stricter standards than those imposed under Subchapter  
11-47 C.

11-48 SECTION 60. Section 201.070, Labor Code, is amended to read  
11-49 as follows:

11-50 Sec. 201.070. SERVICE AS PRODUCT DEMONSTRATOR; SALESMAN.  
11-51 In this subtitle, "employment" does not include:

11-52 (1) service by an individual as a product demonstrator  
11-53 if:

11-54 (A) the service is performed under a written  
11-55 contract between the individual performing the service and a person  
11-56 whose principal business is obtaining the service of a demonstrator  
11-57 for a third person for product demonstration purposes; and

11-58 (B) in contract and in fact the individual:

11-59 (i) is not treated as an employee with  
11-60 respect to that service for federal unemployment tax purposes;

11-61 (ii) is compensated for each demonstration  
11-62 or is compensated based on factors that relate to the work  
11-63 performed;

11-64 (iii) determines the method of performing  
11-65 the service;

11-66 (iv) provides each vehicle used to perform  
11-67 the service;

11-68 (v) is responsible for the completion of a  
11-69 specific job and is liable for failure to complete the job;

12-1 (vi) may accept or reject a job from a  
 12-2 product demonstrator business;

12-3 (vii) is free from control by the principal  
 12-4 business as to where the individual works;

12-5 (viii) controls solely opportunity for  
 12-6 profit or loss; and

12-7 (ix) pays all expenses and operating costs,  
 12-8 including fuel, repairs, supplies, and motor vehicle insurance;

12-9 (2) service by an individual as a direct seller if:

12-10 (A) the individual is engaged in the business of:

12-11 (i) in-person sales of consumer products to  
 12-12 a buyer on a buy-sell basis, a deposit-commission basis, or a  
 12-13 similar basis for resale in a home or in a place other than, and not  
 12-14 affiliated with, a permanent retail establishment; or

12-15 (ii) sales of consumer products in a home or  
 12-16 in a place other than, and not affiliated with, a permanent retail  
 12-17 establishment;

12-18 (B) substantially all remuneration for the  
 12-19 service, whether in cash or other form of payment, is directly  
 12-20 related to sales or other output, including the performance of the  
 12-21 service, and not to the number of hours worked; and

12-22 (C) the service is performed under a written  
 12-23 contract between the individual and the person for whom the service  
 12-24 is performed, and the contract provides that the individual is not  
 12-25 treated as an employee with respect to the service for federal tax  
 12-26 purposes; or

12-27 (3) service performed by an individual at a trade  
 12-28 market for a wholesaler or sales representative of a wholesaler or  
 12-29 manufacturer of consumer goods under a written contract, or as a  
 12-30 salesman for a wholesaler of consumer goods, if the wholesaler or  
 12-31 sales representative maintains a regular or seasonal place of  
 12-32 business at a trade market facility in a municipality with a  
 12-33 population of more than one million [~~750,000~~].

12-34 SECTION 61. Section 43.034, Local Government Code, is  
 12-35 amended to read as follows:

12-36 Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX  
 12-37 AREA; CERTAIN MUNICIPALITIES. A general-law municipality may  
 12-38 annex adjacent territory without the consent of any of the  
 12-39 residents or voters of the area and without the consent of any of  
 12-40 the owners of land in the area if:

12-41 (1) the municipality has a population of 1,762-1,770  
 12-42 [~~1,000-1,300~~], part of whose boundary is part of the shoreline of a  
 12-43 lake whose normal surface area is 75,000 acres or greater and which  
 12-44 is located completely within the State of Texas;

12-45 (2) the procedural rules prescribed by this chapter  
 12-46 are met;

12-47 (3) the service plan requires that police and fire  
 12-48 protection at a level consistent with protection provided within  
 12-49 the municipality must be provided to the area within 10 days after  
 12-50 the effective date of the annexation; and

12-51 (4) the municipality and the affected landowners have  
 12-52 not entered an agreement to not annex the area for a certain period.

12-53 SECTION 62. Section 43.0751(n), Local Government Code, is  
 12-54 amended to read as follows:

12-55 (n) This subsection applies only to a municipality any  
 12-56 portion of which is located in a county that has a population of not  
 12-57 less than 285,000 and not more than 300,000 [~~250,000~~] and that  
 12-58 borders the Gulf of Mexico and is adjacent to a county with a  
 12-59 population of more than 3.3 million. A municipality may impose  
 12-60 within the boundaries of a district a municipal sales and use tax  
 12-61 authorized by Chapter 321, Tax Code, or a municipal hotel occupancy  
 12-62 tax authorized by Chapter 351, Tax Code, that is imposed in the  
 12-63 municipality if:

12-64 (1) the municipality has annexed the district for  
 12-65 limited purposes under this section; or

12-66 (2) following two public hearings on the matter, the  
 12-67 municipality and the district enter a written agreement providing  
 12-68 for the imposition of the tax or taxes.

12-69 SECTION 63. Section 43.1025(a), Local Government Code, is

13-1 amended to read as follows:

13-2 (a) This section applies only to a home-rule municipality  
13-3 that has a population of less than 11,000 [~~10,000~~] and is located  
13-4 primarily in a county with a population of more than 3.3 million.

13-5 SECTION 64. Section 43.105(a), Local Government Code, is  
13-6 amended to read as follows:

13-7 (a) A general-law municipality that has a population of  
13-8 1,066-1,067 [~~1,096-1,100~~] and is located in a county with a  
13-9 population of 85,000 or more that is not adjacent to a county with a  
13-10 population of 2 million or more, or that has a population of  
13-11 6,000-6,025 [~~5,240-5,280~~] may annex, by ordinance and without the  
13-12 consent of any person, a public street, highway, road, or alley  
13-13 adjacent to the municipality.

13-14 SECTION 65. The heading to Section 81.028, Local Government  
13-15 Code, is amended to read as follows:

13-16 Sec. 81.028. DELEGATION OF DUTIES OF A COUNTY JUDGE IN  
13-17 COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION [~~1,000,000~~].

13-18 SECTION 66. Section 81.028(a), Local Government Code, is  
13-19 amended to read as follows:

13-20 (a) This section applies exclusively to a county judge in a  
13-21 county with a population of more than 1.5 million [~~1,000,000~~].

13-22 SECTION 67. Section 81.029(a), Local Government Code, is  
13-23 amended to read as follows:

13-24 (a) This section applies only to a county judge in a county  
13-25 that has a population of more than 800,000 [~~600,000~~] and is located  
13-26 on the international border.

13-27 SECTION 68. Section 115.044(a), Local Government Code, is  
13-28 amended to read as follows:

13-29 (a) A county with a population of 312,000 [~~239,000~~] to  
13-30 330,000 [~~242,000~~] shall conduct a biennial independent audit of all  
13-31 books, records, and accounts of each district, county, and precinct  
13-32 officer, agent, or employee, including those of the regular county  
13-33 auditor, and of all governmental units of the county hospitals,  
13-34 farms, and other institutions. The audit must cover all matters  
13-35 relating to the fiscal affairs of the county. The audit shall be  
13-36 conducted in each even-numbered year and must be completed before  
13-37 December 31 of the year.

13-38 SECTION 69. Section 143.0052(a), Local Government Code, is  
13-39 amended to read as follows:

13-40 (a) This section applies only to a municipality that:

13-41 (1) has a population of more than 220,000 [~~200,000~~]  
13-42 and less than 250,000;

13-43 (2) is located in a county in which another  
13-44 municipality that has a population of more than one million is  
13-45 predominately located; and

13-46 (3) whose emergency medical services are administered  
13-47 by a fire department.

13-48 SECTION 70. Section 152.017, Local Government Code, is  
13-49 amended to read as follows:

13-50 Sec. 152.017. EXCEPTIONS. This subchapter does not apply  
13-51 to:

13-52 (1) a judge of a court of record;

13-53 (2) a presiding judge of a commissioners court in a  
13-54 county with a population of 3.3 [~~2.5~~] million or more;

13-55 (3) a district attorney paid wholly by state funds or  
13-56 the district attorney's assistants, investigators, or other  
13-57 employees;

13-58 (4) a county auditor, county purchasing agent, or the  
13-59 auditor's or purchasing agent's assistants or other employees; or

13-60 (5) a person employed under Section 10, Article 42.12,  
13-61 Code of Criminal Procedure.

13-62 SECTION 71. Sections 152.032(b), (d), and (e), Local  
13-63 Government Code, are amended to read as follows:

13-64 (b) This subsection applies only to a county that employs an  
13-65 arena venue project manager hired as of March 7, 2001, and that has  
13-66 a population of less than 1.8 [~~1.4~~] million in which a municipality  
13-67 with a population of more than one million is located. The amount  
13-68 of the compensation and allowances of a county auditor in a county  
13-69 subject to this subsection may not exceed the amount of the

14-1 compensation and allowances received from all sources by the county  
 14-2 budget officer. If the county hires a county budget officer at a  
 14-3 salary lower than the salary of the previous county budget officer,  
 14-4 the county auditor's salary may not be reduced on that basis.

14-5 (d) The amount of the compensation and allowances of a  
 14-6 county auditor in a county subject to this subsection may be set in  
 14-7 an amount that exceeds the limit established by Subsection (a) if  
 14-8 the compensation and allowances are approved by the commissioners  
 14-9 court of the county. This subsection applies only to:

14-10 (1) a county with a population of more than 108,000  
 14-11 [~~77,000~~] and less than 110,000 [~~80,000~~];

14-12 (2) a county with a population of 120,000 or more,  
 14-13 excluding a county subject to Subsection (b);

14-14 (3) a county with a population of more than 1,000 and  
 14-15 less than 23,000 [~~21,000~~] that borders the Gulf of Mexico; and

14-16 (4) a county that borders a county subject to  
 14-17 Subsection (b) and that has a population of more than 108,000  
 14-18 [~~50,000~~] and less than 110,000 [~~85,000~~].

14-19 (e) This subsection applies only to a county with a  
 14-20 population of more than one million [~~800,000~~] that uses an  
 14-21 automated system to enhance internal controls of county finances  
 14-22 through the use of automated edit checks of its automated  
 14-23 purchasing system and its comprehensive automated payroll system.  
 14-24 The amount of the compensation and allowances of a county auditor in  
 14-25 a county governed by this subsection may exceed the limit imposed by  
 14-26 Subsection (a) if the compensation and allowances are approved by  
 14-27 the commissioners court. If a county is governed by this subsection  
 14-28 and Subsection (b), the amount of compensation and allowances  
 14-29 received by the county auditor may not exceed the limit imposed by  
 14-30 Subsection (b).

14-31 SECTION 72. Section 152.904(c), Government Code, is amended  
 14-32 to read as follows:

14-33 (c) The commissioners court of a county with a population of  
 14-34 285,000 [~~250,000~~] to 300,000 [~~251,000~~] shall set the annual salary  
 14-35 of the county judge at an amount equal to or greater than 90 percent  
 14-36 of the salary, including supplements, of any district judge in  
 14-37 Galveston County. However, the salary may not be set at an amount  
 14-38 less than the salary paid the county judge on May 2, 1962.

14-39 SECTION 73. Section 158.008(e), Local Government Code, is  
 14-40 amended to read as follows:

14-41 (e) A member of the commissioners court of a county with a  
 14-42 population of two [~~1.8~~] million or more is not prohibited from being  
 14-43 appointed to the civil service commission.

14-44 SECTION 74. Section 160.002, Local Government Code, is  
 14-45 amended to read as follows:

14-46 Sec. 160.002. COUNTIES AND EMPLOYEES AFFECTED. This  
 14-47 chapter applies only to a county with a population of more than 3.3  
 14-48 [~~2.4~~] million and its employees, including but not limited to the  
 14-49 employees of road and bridge districts, flood control districts,  
 14-50 and juvenile probation departments in the county. However, this  
 14-51 chapter does not apply to the employees of a sheriff's department.

14-52 SECTION 75. Section 161.001, Local Government Code, is  
 14-53 amended to read as follows:

14-54 Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter  
 14-55 applies only to a county that:

- 14-56 (1) has a population of 800,000 [~~650,000~~] or more;
- 14-57 (2) is located on the international border; and
- 14-58 (3) before September 1, 2009, had a county ethics  
 14-59 board appointed by the commissioners court.

14-60 SECTION 76. Section 176.009(b), Local Government Code, is  
 14-61 amended to read as follows:

14-62 (b) This subsection applies only to a county with a  
 14-63 population of one million [~~800,000~~] or more or a municipality with a  
 14-64 population of 500,000 or more. A county or municipality shall  
 14-65 provide, on the Internet website maintained by the county or  
 14-66 municipality, access to each report of political contributions and  
 14-67 expenditures filed under Chapter 254, Election Code, by a member of  
 14-68 the commissioners court of the county or the governing body of the  
 14-69 municipality in relation to that office as soon as practicable

15-1 after the officer files the report.

15-2 SECTION 77. Section 180.003(a), Local Government Code, is  
15-3 amended to read as follows:

15-4 (a) In a county with a population of 312,000 [~~239,000~~] to  
15-5 330,000 [~~242,000~~], a sheriff, deputy, constable, or other peace  
15-6 officer of the county or a municipality located in the county may  
15-7 not be required to be on duty more than 48 hours a week unless the  
15-8 peace officer is called on by a superior officer to serve during an  
15-9 emergency as determined by the superior officer.

15-10 SECTION 78. Section 212.0155(a), Local Government Code, is  
15-11 amended to read as follows:

15-12 (a) This section applies to land located wholly or partly in  
15-13 the corporate boundaries of a municipality if the municipality:

15-14 (1) has a population of more than 50,000; and

15-15 (2) is located wholly or partly in:

15-16 (A) a county with a population of more than three  
15-17 million;

15-18 (B) a county with a population of more than  
15-19 400,000 [~~275,000~~] that is adjacent to a county with a population of  
15-20 more than three million; or

15-21 (C) a county with a population of more than 1.4  
15-22 million:

15-23 (i) in which two or more municipalities  
15-24 with a population of 300,000 or more are located; and

15-25 (ii) that is adjacent to a county with a  
15-26 population of more than two million.

15-27 SECTION 79. Section 214.161, Local Government Code, is  
15-28 amended to read as follows:

15-29 Sec. 214.161. MUNICIPALITY COVERED BY SUBCHAPTER. This  
15-30 subchapter applies only to a municipality with a population of more  
15-31 than 1.18 million located primarily in a county with a population of  
15-32 2 million or more.

15-33 SECTION 80. Section 214.233(a), Local Government Code, is  
15-34 amended to read as follows:

15-35 (a) A municipality located in a county with a population of  
15-36 two [~~1.5~~] million or more may adopt an ordinance requiring owners of  
15-37 vacant buildings to register their buildings by filing a  
15-38 registration form with a designated municipal official.

15-39 SECTION 81. Section 229.003(a), Local Government Code, is  
15-40 amended to read as follows:

15-41 (a) This section applies only to a municipality located  
15-42 wholly or partly in a county:

15-43 (1) with a population of 750,000 [~~450,000~~] or more;

15-44 (2) in which all or part of a municipality with a  
15-45 population of one million or more is located; and

15-46 (3) that is located adjacent to a county with a  
15-47 population of two million or more.

15-48 SECTION 82. Section 233.001(a), Local Government Code, is  
15-49 amended to read as follows:

15-50 (a) If the commissioners court of a county that borders the  
15-51 Gulf of Mexico and is adjacent to a county with a population of more  
15-52 than 3.3 [~~2.5~~] million finds that a bulkhead or other method of  
15-53 shoreline protection, hereafter called "structure," in an  
15-54 unincorporated area of the county is likely to endanger persons or  
15-55 property, the commissioners may:

15-56 (1) order the owner of the structure, the owner's  
15-57 agent, or the owner or occupant of the property on which the  
15-58 structure is located to repair, remove, or demolish the structure  
15-59 or the part of the structure within a specified time; or

15-60 (2) repair, remove, or demolish the structure or the  
15-61 part of the structure at the expense of the county on behalf of the  
15-62 owner of the structure or the owner of the property on which the  
15-63 structure is located and assess the repair, removal, or demolition  
15-64 expenses on the property on which the structure was located.

15-65 SECTION 83. Section 240.042(a), Local Government Code, is  
15-66 amended to read as follows:

15-67 (a) The commissioners court of a county with a population of  
15-68 1.8 [~~1.4~~] million or more by order may regulate the placement of  
15-69 private water wells in the unincorporated area of the county to

16-1 prevent:

16-2 (1) the contamination of a well from an on-site sewage  
16-3 disposal system;

16-4 (2) rendering an on-site sewage disposal system that  
16-5 was in place before the well was drilled out of compliance with  
16-6 applicable law because of the placement of the well; and

16-7 (3) drilling of a domestic well into a contaminated  
16-8 groundwater plume or aquifer.

16-9 SECTION 84. Section 240.082(a), Local Government Code, is  
16-10 amended to read as follows:

16-11 (a) This subchapter applies only to real property that is  
16-12 located in the unincorporated area of a county with a population of  
16-13 1.8 [~~1.4~~] million or more.

16-14 SECTION 85. Section 262.036(a), Local Government Code, is  
16-15 amended to read as follows:

16-16 (a) Notwithstanding any other provision in this chapter, a  
16-17 county with a population of one million [~~800,000~~] or more may select  
16-18 an appropriately licensed insurance agent as the sole broker of  
16-19 record to obtain proposals and coverages for insurance that  
16-20 provides necessary coverage and adequate limits of coverage in all  
16-21 areas of risk, including public official liability, property,  
16-22 casualty, workers' compensation, and specific and aggregate  
16-23 stop-loss coverage for self-funded health care.

16-24 SECTION 86. Section 270.005(a), Local Government Code, is  
16-25 amended to read as follows:

16-26 (a) The commissioners court of a county with a population of  
16-27 251,000 to 275,000 [~~280,000~~] may contract with the United States  
16-28 government or a federal agency for:

16-29 (1) the joint construction or improvement of roads,  
16-30 bridges, or other county improvements; or

16-31 (2) the maintenance of a project constructed under  
16-32 this section.

16-33 SECTION 87. Section 292.001(d), Local Government Code, is  
16-34 amended to read as follows:

16-35 (d) A justice of the peace court may not be housed or  
16-36 conducted in a building located outside the court's precinct except  
16-37 as provided by Section 27.051(f), Government Code, or unless the  
16-38 justice of the peace court is situated in the county courthouse in a  
16-39 county with a population of at least 275,000 [~~242,000~~] persons but  
16-40 no more than 285,000 [~~248,000~~] persons.

16-41 SECTION 88. Section 292.023(a), Local Government Code, is  
16-42 amended to read as follows:

16-43 (a) This section applies only to a county with a population  
16-44 of:

16-45 (1) 35,500 to 36,000; or

16-46 (2) 85,000 [~~76,500~~] to 86,500 [~~77,000~~].

16-47 SECTION 89. Section 292.025(a), Local Government Code, is  
16-48 amended to read as follows:

16-49 (a) This section applies only to a county with a population  
16-50 of 35,050 [~~32,250~~] to 35,090 [~~32,350~~].

16-51 SECTION 90. Section 292.027(a), Local Government Code, is  
16-52 amended to read as follows:

16-53 (a) This section applies only to a county with a population  
16-54 of 57,000 [~~54,000~~] to 59,000 [~~57,000~~].

16-55 SECTION 91. Sections 335.035(a) and (f), Local Government  
16-56 Code, are amended to read as follows:

16-57 (a) This section applies only to the board of a district  
16-58 located in whole or in part in a county with a population of 3.3  
16-59 [~~2.4~~] million or more.

16-60 (f) Section 335.031(b) does not apply to a district located  
16-61 in a county with a population of 3.3 [~~2.4~~] million or more.

16-62 SECTION 92. Section 335.0711(b), Local Government Code, is  
16-63 amended to read as follows:

16-64 (b) This section applies only to a district located in a  
16-65 county with a population of 3.3 [~~2.4~~] million or more.

16-66 SECTION 93. Section 335.102, Local Government Code, is  
16-67 amended to read as follows:

16-68 Sec. 335.102. APPLICABILITY OF SUBCHAPTER. This subchapter  
16-69 applies only to a district located in a county with a population of



17-1 3.3 [~~2.4~~] million or more.

17-2 SECTION 94. Section 341.904(b), Local Government Code, is  
17-3 amended to read as follows:

17-4 (b) In a municipality with a population of 1.18 million or  
17-5 more located primarily in a county with a population of 2 million or  
17-6 more, a person commits an offense if the person intentionally or  
17-7 knowingly:

17-8 (1) uses, possesses, or wears:

17-9 (A) a police identification item of the municipal  
17-10 police department;

17-11 (B) an item bearing the insignia or design  
17-12 prescribed by the police chief of the municipality for officers and  
17-13 employees of the municipal police department to use while engaged  
17-14 in official activities; or

17-15 (C) within the municipal police department's  
17-16 jurisdiction, an item that is deceptively similar to a police  
17-17 identification item of the department;

17-18 (2) uses, within the municipal police department's  
17-19 jurisdiction, the name of the department in connection with an  
17-20 object to create the appearance that the object belongs to or is  
17-21 used by the department; or

17-22 (3) uses, possesses, or operates, within the municipal  
17-23 police department's jurisdiction, a marked patrol vehicle that is  
17-24 deceptively similar to a department patrol vehicle.

17-25 SECTION 95. Section 361.042(a), Local Government Code, is  
17-26 amended to read as follows:

17-27 (a) Instead of providing and maintaining its own jail, the  
17-28 commissioners court of a county with a population of 110,000  
17-29 [~~102,000~~] to 113,000 [~~104,300~~] may provide safe and suitable jail  
17-30 facilities for the county by contracting for the facilities with  
17-31 the governing body of the municipality that is the county seat of  
17-32 the county.

17-33 SECTION 96. Section 373A.003(a), Local Government Code, is  
17-34 amended to read as follows:

17-35 (a) This chapter applies to a municipality with a population  
17-36 of more than 750,000 [~~650,000~~] that is located in a uniform state  
17-37 service region with fewer than 550,000 occupied housing units as  
17-38 determined by the most recent United States decennial census.

17-39 SECTION 97. Section 381.001(c), Local Government Code, is  
17-40 amended to read as follows:

17-41 (c) In a county with a population of 14,600 [~~13,000~~] to  
17-42 14,800 [~~13,040~~], or 16,615 [~~15,900~~] to 16,715 [~~16,100~~], or 17,800  
17-43 [~~18,570~~] to 18,000 [~~18,600~~], or 24,600 [~~24,000~~] to 24,800 [~~25,000~~],  
17-44 a person appointed to the commission also must be serving or must  
17-45 have served on an industrial foundation committee, commissioners  
17-46 court, municipality's governing body, or school board. In  
17-47 addition, in those counties information obtained by the commission  
17-48 shall be available to the commissioners court.

17-49 SECTION 98. Section 382.002, Local Government Code, is  
17-50 amended to read as follows:

17-51 Sec. 382.002. APPLICABILITY. This chapter applies only to:

17-52 (1) a county with a population of 1.5 million  
17-53 [~~825,000~~] or more, other than a county that:

17-54 (A) borders on the Gulf of Mexico or a bay or  
17-55 inlet of the gulf; or

17-56 (B) has two municipalities located wholly or  
17-57 partly in its boundaries each having a population of 300,000 or  
17-58 more; or

17-59 (2) a county with a population of 70,000 or more that  
17-60 is adjacent to a county described by Subdivision (1) in which a  
17-61 municipality with a population of 35,000 or more is primarily  
17-62 situated and includes all or a part of the extraterritorial  
17-63 jurisdiction of a municipality with a population of 1.1 million or  
17-64 more.

17-65 SECTION 99. Section 386.031(a), Local Government Code, is  
17-66 amended to read as follows:

17-67 (a) To be created as a development zone, an area must:

17-68 (1) have a continuous boundary;

17-69 (2) be at least 10 square miles but not larger than an

18-1 area that is equal to five percent of the area, excluding lakes,  
 18-2 waterways, and transportation arteries, of the municipality,  
 18-3 county, or combination of municipalities and the county nominating  
 18-4 the area as a development zone;

18-5 (3) be an area of pervasive poverty, unemployment, or  
 18-6 economic distress;

18-7 (4) be located in a county with a population of 3.3  
 18-8 [~~2.5~~] million or more;

18-9 (5) be adjacent to major transportation nodes and  
 18-10 thoroughfares that may be used for exporting products to major  
 18-11 airports, railways, and ports; and

18-12 (6) be designated as a development zone by an  
 18-13 ordinance or order adopted by each creating body.

18-14 SECTION 100. Section 395.081(a), Local Government Code, is  
 18-15 amended to read as follows:

18-16 (a) This section applies only to a municipality with a  
 18-17 population of 115,000 [~~105,000~~] or less that constitutes more than  
 18-18 three-fourths of the population of the county in which the majority  
 18-19 of the area of the municipality is located.

18-20 SECTION 101. Section 552.044(1)(B), Local Government Code,  
 18-21 is amended to read as follows:

18-22 (B) "Benefitted property," in a municipality  
 18-23 with a population of more than 1.18 million located primarily in a  
 18-24 county with a population of 2 million or more which is operating a  
 18-25 drainage utility system under this chapter, means a lot or tract,  
 18-26 but does not include land appraised for agricultural use, to which  
 18-27 drainage service is made available under this subchapter and which  
 18-28 discharges into a creek, river, slough, culvert, or other channel  
 18-29 that is part of the municipality's drainage utility  
 18-30 system. Sections 552.053(c)(2) and (c)(3) do not apply to a  
 18-31 municipality described in this subdivision.

18-32 SECTION 102. Section 561.007(a), Local Government Code, is  
 18-33 amended to read as follows:

18-34 (a) This section applies only to a county that:

18-35 (1) has a population of 190,000 or more, is adjacent to  
 18-36 a county with a population of 3.3 million [~~2,400,000~~] or more, and  
 18-37 borders the Gulf of Mexico; and

18-38 (2) operates a road department system under Subchapter  
 18-39 D, Chapter 252, Transportation Code.

18-40 SECTION 103. Section 615.002(a), Local Government Code, is  
 18-41 amended to read as follows:

18-42 (a) This section applies to a county with a population of:

18-43 (1) 14,050 [~~14,350~~] to 14,250 [~~14,450~~];

18-44 (2) 19,700 [~~19,000~~] to 19,800 [~~19,200~~];

18-45 (3) 21,850 [~~20,100~~] to 22,000 [~~20,300~~];

18-46 (4) 54,000 [~~47,150~~] to 54,500 [~~47,350~~];

18-47 (5) 36,500 [~~37,900~~] to 36,800 [~~38,500~~]; or

18-48 (6) 234,000 [~~210,000 to 220,000, or~~  
 18-49 [~~7~~] 235,000] or more.

18-50 SECTION 104. Section 615.011(b), Local Government Code, is  
 18-51 amended to read as follows:

18-52 (b) A county with a population of 41,500 [~~36,650~~] to 42,500  
 18-53 [~~37,650~~] may authorize the use of county equipment, machinery, and  
 18-54 employees to construct, establish, and maintain a public airstrip  
 18-55 in the county.

18-56 SECTION 105. Section 615.022, Local Government Code, is  
 18-57 amended to read as follows:

18-58 Sec. 615.022. TRANSPORTATION EXPENSES OF CERTAIN COUNTIES  
 18-59 FOR SENIOR CITIZENS. The commissioners court of a county with a  
 18-60 population of 3.3 [~~2.4~~] million or more may pay out of the county  
 18-61 general funds costs and expenses for the transportation of senior  
 18-62 citizens for civic, community, educational, and recreational  
 18-63 activities within and outside the county.

18-64 SECTION 106. Section 61.018(a-1), Natural Resources Code,  
 18-65 is amended to read as follows:

18-66 (a-1) A county attorney, district attorney, or criminal  
 18-67 district attorney or the attorney general may not file a suit under  
 18-68 Subsection (a) to obtain a temporary or permanent court order or  
 18-69 injunction, either prohibitory or mandatory, to remove a house from

19-1 a public beach if:

19-2 (1) the line of vegetation establishing the boundary  
19-3 of the public beach moved as a result of a meteorological event that  
19-4 occurred before January 1, 2009;

19-5 (2) the house was located landward of the natural line  
19-6 of vegetation before the meteorological event;

19-7 (3) a portion of the house continues to be located  
19-8 landward of the line of vegetation; and

19-9 (4) the house is located on a peninsula in a county  
19-10 with a population of more than 285,000 [~~250,000~~] and less than  
19-11 300,000 [~~251,000~~] that borders the Gulf of Mexico.

19-12 SECTION 107. Section 133.091, Natural Resources Code, is  
19-13 amended to read as follows:

19-14 Sec. 133.091. COUNTY AUTHORITY TO REGULATE. A county with a  
19-15 population of 3.3 [~~2.4~~] million or more may adopt regulations  
19-16 requiring the placement of signs or barriers on aggregate quarries  
19-17 and pits.

19-18 SECTION 108. Section 2308.209(b), Occupations Code, is  
19-19 amended to read as follows:

19-20 (b) This section applies only to the unincorporated area of  
19-21 a county:

19-22 (1) with a population of 550,000 [~~300,000~~] or more  
19-23 that is adjacent to a county with a population of 3.3 [~~2.3~~] million  
19-24 or more;

19-25 (2) with a population of less than 10,000 that is  
19-26 located in a national forest; or [~~and~~]

19-27 (3) adjacent to a county described by Subdivision (2)  
19-28 that has a population of less than 75,000.

19-29 SECTION 109. Section 201.001(a), Property Code, is amended  
19-30 to read as follows:

19-31 (a) This chapter applies to a residential real estate  
19-32 subdivision that is located in whole or in part:

19-33 (1) within a city that has a population of more than  
19-34 100,000, or within the extraterritorial jurisdiction of such a  
19-35 city;

19-36 (2) in the unincorporated area of:

19-37 (A) a county having a population of 3.3 million  
19-38 [~~2,400,000~~] or more; or

19-39 (B) a county having a population of 40,000  
19-40 [~~30,000~~] or more that is adjacent to a county having a population of  
19-41 3.3 million [~~2,400,000~~] or more; or

19-42 (3) in the incorporated area of a county having a  
19-43 population of 40,000 [~~30,000~~] or more that is adjacent to a county  
19-44 having a population of 3.3 million [~~2,400,000~~] or more.

19-45 SECTION 110. Section 204.002(a), Property Code, is amended  
19-46 to read as follows:

19-47 (a) This chapter applies only to a residential real estate  
19-48 subdivision, excluding a condominium development governed by Title  
19-49 7, Property Code, that is located in whole or in part:

19-50 (1) in a county with a population of 3.3 [~~2.8~~] million  
19-51 or more;

19-52 (2) in a county with a population of not less than  
19-53 285,000 and not [~~250,000 or~~] more than 300,000 that is adjacent to  
19-54 the Gulf of Mexico and that is adjacent to a county having a  
19-55 population of 3.3 [~~2.8~~] million or more; or

19-56 (3) in a county with a population of 275,000 or more  
19-57 that:

19-58 (A) is adjacent to a county with a population of  
19-59 3.3 million or more; and

19-60 (B) contains part of a national forest.

19-61 SECTION 111. Section 210.002, Property Code, is amended to  
19-62 read as follows:

19-63 Sec. 210.002. APPLICABILITY OF CHAPTER. This chapter  
19-64 applies to a residential real estate subdivision that is located in  
19-65 a county with a population of:

19-66 (1) more than 200,000 [~~170,000~~] and less than 220,000  
19-67 [~~175,000~~]; or

19-68 (2) more than 45,000 and less than 80,000 [~~75,000~~]  
19-69 that is adjacent to a county with a population of more than 200,000

20-1 [~~170,000~~] and less than 220,000 [~~175,000~~].

20-2 SECTION 112. Section 6.41(d-1), Tax Code, is amended to  
20-3 read as follows:

20-4 (d-1) In a county with a population of 3.3 million or more or  
20-5 a county with a population of 550,000 [~~350,000~~] or more that is  
20-6 adjacent to a county with a population of 3.3 million or more the  
20-7 members of the board are appointed by the local administrative  
20-8 district judge in the county in which the appraisal district is  
20-9 established.

20-10 SECTION 113. Section 11.18(p), Tax Code, as added by  
20-11 Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular  
20-12 Session, 2009, is amended to read as follows:

20-13 (p) The exemption authorized by Subsection (d)(23) applies  
20-14 only to improvements that:

20-15 (1) are owned by a charitable organization that has  
20-16 been in existence for at least 10 years;

20-17 (2) are used to provide housing and related services  
20-18 to individuals described by that subsection; and

20-19 (3) are located on a single campus owned by a  
20-20 municipality with a population of more than 750,000 [~~600,000~~] and  
20-21 less than 850,000 [~~700,000~~].

20-22 SECTION 114. Sections 11.1825(s) and (v), Tax Code, are  
20-23 amended to read as follows:

20-24 (s) Unless otherwise provided by the governing body of a  
20-25 taxing unit any part of which is located in a county with a  
20-26 population of at least 1.8 [~~1.4~~] million under Subsection (x), for  
20-27 property described by Subsection (f)(1), the amount of the  
20-28 exemption under this section from taxation is 50 percent of the  
20-29 appraised value of the property.

20-30 (v) Notwithstanding any other provision of this section, an  
20-31 organization may not receive an exemption from taxation of property  
20-32 described by Subsection (f)(1) by a taxing unit any part of which is  
20-33 located in a county with a population of at least 1.8 [~~1.4~~] million  
20-34 unless the exemption is approved by the governing body of the taxing  
20-35 unit in the manner provided by law for official action.

20-36 SECTION 115. Section 31.03(d), Tax Code, is amended to read  
20-37 as follows:

20-38 (d) This subsection applies only to a taxing unit located in  
20-39 a county having a population of not less than 285,000 and not  
20-40 [~~250,000 or~~] more than 300,000 that borders a county having a  
20-41 population of 3.3 million or more and the Gulf of Mexico. The  
20-42 governing body of a taxing unit that has its taxes collected by  
20-43 another taxing unit that has adopted the split-payment option under  
20-44 Subsection (a) may provide, in the manner required by law for  
20-45 official action by the body, that the split-payment option does not  
20-46 apply to the taxing unit's taxes collected by the other taxing unit.

20-47 SECTION 116. Section 311.0091(a), Tax Code, is amended to  
20-48 read as follows:

20-49 (a) This section applies to a reinvestment zone designated  
20-50 by a municipality which is wholly or partially located in a county  
20-51 with a population of less than 1.8 [~~1.4~~] million in which the  
20-52 principal municipality has a population of 1.1 million or more.

20-53 SECTION 117. Section 311.013(m), Tax Code, is amended to  
20-54 read as follows:

20-55 (m) The governing body of a municipality that is located in  
20-56 a county with a population of more than 1.8 [~~1.4~~] million but less  
20-57 than 1.9 [~~2.1~~] million or in a county with a population of 3.3  
20-58 million or more by ordinance may reduce the portion of the tax  
20-59 increment produced by the municipality that the municipality is  
20-60 required to pay into the tax increment fund for the zone. The  
20-61 municipality may not reduce under this subsection the portion of  
20-62 the tax increment produced by the municipality that the  
20-63 municipality is required to pay into the tax increment fund for the  
20-64 zone unless the municipality provides each county that has entered  
20-65 into an agreement with the municipality to pay all or a portion of  
20-66 the county's tax increment into the fund an opportunity to enter  
20-67 into an agreement with the municipality to reduce the portion of the  
20-68 tax increment produced by the county that the county is required to  
20-69 pay into the tax increment fund for the zone by the same proportion

21-1 that the portion of the municipality's tax increment that the  
 21-2 municipality is required to pay into the fund is reduced. The  
 21-3 portion of the tax increment produced by a municipality that the  
 21-4 municipality is required to pay into the tax increment fund for a  
 21-5 reinvestment zone, as reduced by the ordinance adopted under this  
 21-6 subsection, together with all other revenues required to be paid  
 21-7 into the fund, must be sufficient to complete and pay for the  
 21-8 estimated costs of projects listed in the reinvestment zone  
 21-9 financing plan and pay any tax increment bonds or notes issued for  
 21-10 the zone, and any other obligations of the zone.

21-11 SECTION 118. Section 311.017(a-1), Tax Code, as added by  
 21-12 Chapter 137 (S.B. 1105), Acts of the 81st Legislature, Regular  
 21-13 Session, 2009, is amended to read as follows:

21-14 (a-1) This subsection applies only to a reinvestment zone  
 21-15 created by a municipality that has a population of more than 220,000  
 21-16 but less than 235,000 [~~195,000 or more~~] and is the county seat of a  
 21-17 county that has a population of 280,000 [~~245,000~~] or less.  
 21-18 Notwithstanding Subsection (a)(1), a municipality by ordinance  
 21-19 adopted subsequent to the ordinance adopted by the municipality  
 21-20 creating a reinvestment zone may designate a termination date for  
 21-21 the zone that is later than the termination date designated in the  
 21-22 ordinance creating the zone but not later than the 20th anniversary  
 21-23 of that date. If a municipality adopts an ordinance extending the  
 21-24 termination date for a reinvestment zone as authorized by this  
 21-25 subsection, the zone terminates on the earlier of:

21-26 (1) the termination date designated in the ordinance;  
 21-27 or

21-28 (2) the date provided by Subsection (a)(2).

21-29 SECTION 119. Section 325.021(a), Tax Code, is amended to  
 21-30 read as follows:

21-31 (a) A county having a population of 55,000 [~~48,000~~] or less  
 21-32 that borders the Rio Grande containing a municipality with a  
 21-33 population of more than 22,000 may adopt or abolish the sales and  
 21-34 use tax authorized by this chapter at an election held in the  
 21-35 county.

21-36 SECTION 120. Section 351.101(a), Tax Code, as amended by  
 21-37 Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098),  
 21-38 Acts of the 81st Legislature, Regular Session, 2009, is reenacted  
 21-39 and amended to read as follows:

21-40 (a) Revenue from the municipal hotel occupancy tax may be  
 21-41 used only to promote tourism and the convention and hotel industry,  
 21-42 and that use is limited to the following:

21-43 (1) the acquisition of sites for and the construction,  
 21-44 improvement, enlarging, equipping, repairing, operation, and  
 21-45 maintenance of convention center facilities or visitor information  
 21-46 centers, or both;

21-47 (2) the furnishing of facilities, personnel, and  
 21-48 materials for the registration of convention delegates or  
 21-49 registrants;

21-50 (3) advertising and conducting solicitations and  
 21-51 promotional programs to attract tourists and convention delegates  
 21-52 or registrants to the municipality or its vicinity;

21-53 (4) the encouragement, promotion, improvement, and  
 21-54 application of the arts, including instrumental and vocal music,  
 21-55 dance, drama, folk art, creative writing, architecture, design and  
 21-56 allied fields, painting, sculpture, photography, graphic and craft  
 21-57 arts, motion pictures, radio, television, tape and sound recording,  
 21-58 and other arts related to the presentation, performance, execution,  
 21-59 and exhibition of these major art forms;

21-60 (5) historical restoration and preservation projects  
 21-61 or activities or advertising and conducting solicitations and  
 21-62 promotional programs to encourage tourists and convention  
 21-63 delegates to visit preserved historic sites or museums:

21-64 (A) at or in the immediate vicinity of convention  
 21-65 center facilities or visitor information centers; or

21-66 (B) located elsewhere in the municipality or its  
 21-67 vicinity that would be frequented by tourists and convention  
 21-68 delegates;

21-69 (6) for a municipality located in a county with a

22-1 population of one million or less, expenses, including promotion  
 22-2 expenses, directly related to a sporting event in which the  
 22-3 majority of participants are tourists who substantially increase  
 22-4 economic activity at hotels and motels within the municipality or  
 22-5 its vicinity;

22-6 (7) subject to Section 351.1076, the promotion of  
 22-7 tourism by the enhancement and upgrading of existing sports  
 22-8 facilities or fields, including facilities or fields for baseball,  
 22-9 softball, soccer, and flag football, if:

22-10 (A) the municipality owns the facilities or  
 22-11 fields;

22-12 (B) the municipality:

22-13 (i) has a population of 80,000 or more and  
 22-14 is located in a county that has a population of 350,000 or less;

22-15 (ii) has a population of at least 75,000  
 22-16 [~~65,000~~] but not more than 95,000 [~~70,000~~] and is located in a  
 22-17 county that has a population of [~~155,000 or~~] less than 200,000 but  
 22-18 more than 160,000;

22-19 (iii) has a population of at least 36,000  
 22-20 [~~34,000~~] but not more than 39,000 [~~36,000~~] and is located in a  
 22-21 county that has a population of 100,000 [~~90,000~~] or less that is not  
 22-22 adjacent to a county with a population of more than two million;

22-23 (iv) has a population of at least 13,000 but  
 22-24 less than 39,000 and is located in a county that has a population of  
 22-25 at least 200,000;

22-26 (v) has a population of at least 70,000  
 22-27 [~~65,000~~] but less than 90,000 [~~80,000~~] and no part of which is  
 22-28 located in a county with a population greater than 150,000; or

22-29 (vi) is located in a county that:

22-30 (a) is adjacent to the Texas-Mexico  
 22-31 border;

22-32 (b) has a population of at least  
 22-33 500,000; and

22-34 (c) does not have a municipality with  
 22-35 a population greater than 500,000; and

22-36 (C) the sports facilities and fields have been  
 22-37 used, in the preceding calendar year, a combined total of more than  
 22-38 10 times for district, state, regional, or national sports  
 22-39 tournaments; [~~and~~]

22-40 (8) for a municipality with a population of at least  
 22-41 70,000 [~~65,000~~] but less than 90,000 [~~80,000~~], no part of which is  
 22-42 located in a county with a population greater than 150,000, the  
 22-43 construction, improvement, enlarging, equipping, repairing,  
 22-44 operation, and maintenance of a coliseum or multiuse facility;

22-45 (9) [~~(8)~~] signage directing the public to sights and  
 22-46 attractions that are visited frequently by hotel guests in the  
 22-47 municipality; and

22-48 (10) [~~(8)~~] the construction of a recreational venue in  
 22-49 the immediate vicinity of area hotels, if:

22-50 (A) the municipality:

22-51 (i) is a general-law municipality;

22-52 (ii) has a population of not more than 900;

22-53 and

22-54 (iii) does not impose an ad valorem tax;

22-55 (B) not more than \$100,000 of municipal hotel  
 22-56 occupancy tax revenue is used for the construction of the  
 22-57 recreational venue;

22-58 (C) a majority of the hotels in the municipality  
 22-59 request the municipality to construct the recreational venue;

22-60 (D) the recreational venue will be used primarily  
 22-61 by hotel guests; and

22-62 (E) the municipality will pay for maintenance of  
 22-63 the recreational venue from the municipality's general fund.

22-64 SECTION 121. Section 351.106(a), Tax Code, is amended to  
 22-65 read as follows:

22-66 (a) A municipality that has a population of 1.18 million or  
 22-67 more, is located predominantly in a county that has a total area of  
 22-68 less than 1,000 square miles, and that has adopted a  
 22-69 council-manager form of government shall use the amount of revenue

23-1 from the tax that is derived from the application of the tax at a  
 23-2 rate of more than four percent of the cost of a room as follows:  
 23-3 (1) no more than 55 percent to:  
 23-4 (A) constructing, improving, enlarging,  
 23-5 equipping, and repairing the municipality's convention center  
 23-6 complex; or  
 23-7 (B) pledging payment of revenue bonds and revenue  
 23-8 refunding bonds issued under Subchapter A, Chapter 1504, Government  
 23-9 Code, for the municipality's convention center complex; and  
 23-10 (2) at least 45 percent for the purposes provided by  
 23-11 Section 351.101(a)(3).  
 23-12 SECTION 122. Section 352.002(a), Tax Code, is amended to  
 23-13 read as follows:  
 23-14 (a) The commissioners courts of the following counties by  
 23-15 the adoption of an order or resolution may impose a tax on a person  
 23-16 who, under a lease, concession, permit, right of access, license,  
 23-17 contract, or agreement, pays for the use or possession or for the  
 23-18 right to the use or possession of a room that is in a hotel, costs \$2  
 23-19 or more each day, and is ordinarily used for sleeping:  
 23-20 (1) a county that has a population of more than 3.3  
 23-21 million;  
 23-22 (2) a county that has a population of 90,000 or more,  
 23-23 borders the United Mexican States, and does not have three or more  
 23-24 cities that each have a population of more than 17,500;  
 23-25 (3) a county in which there is no municipality;  
 23-26 (4) a county in which there is located an Indian  
 23-27 reservation under the jurisdiction of the United States government;  
 23-28 (5) a county that has a population of 30,000 or less,  
 23-29 that has no more than one municipality with a population of less  
 23-30 than 2,500, and that borders two counties located wholly in the  
 23-31 Edwards Aquifer Authority established by Chapter 626, Acts of the  
 23-32 73rd Legislature, Regular Session, 1993;  
 23-33 (6) a county that borders the Gulf of Mexico;  
 23-34 (7) a county that has a population of less than 5,000,  
 23-35 that borders the United Mexican States, and in which there is  
 23-36 located a major observatory;  
 23-37 (8) a county that has a population of 12,000 or less  
 23-38 and borders the Toledo Bend Reservoir;  
 23-39 (9) a county that has a population of less than 12,500  
 23-40 [~~12,000~~] and an area of less than 275 square miles;  
 23-41 (10) a county that has a population of 30,000 or less  
 23-42 and borders Possum Kingdom Lake;  
 23-43 (11) a county that borders the United Mexican States  
 23-44 and has a population of more than 300,000 and less than 800,000  
 23-45 [~~600,000~~];  
 23-46 (12) a county that has a population of 36,000 [~~35,000~~]  
 23-47 or more and borders or contains a portion of Lake Fork Reservoir;  
 23-48 (13) a county that borders the United Mexican States  
 23-49 and in which there is located a national recreation area;  
 23-50 (14) a county that borders the United Mexican States  
 23-51 and in which there is located a national park of more than 400,000  
 23-52 acres;  
 23-53 (15) a county that has a population of 28,000 or less,  
 23-54 that has no more than four municipalities, and that is located  
 23-55 wholly in the Edwards Aquifer Authority established by Chapter 626,  
 23-56 Acts of the 73rd Legislature, Regular Session, 1993;  
 23-57 (16) a county that has a population of 25,000 or less,  
 23-58 whose territory is less than 750 square miles, and that has two  
 23-59 incorporated municipalities, each with a population of 800 or less,  
 23-60 located on the Frio River;  
 23-61 (17) a county that has a population of 34,000 or more  
 23-62 and borders Lake Buchanan;  
 23-63 (18) a county that has a population of more than 45,000  
 23-64 and less than 75,000, that borders the United Mexican States, and  
 23-65 that borders or contains a portion of Falcon Lake;  
 23-66 (19) a county with a population of 22,000 [~~21,000~~] or  
 23-67 less that borders the Neches River and in which there is located a  
 23-68 national preserve;  
 23-69 (20) a county that has a population of 28,000 [~~22,500~~]

24-1 or less and that borders or contains a portion of Lake Livingston;  
 24-2 (21) a county that has a population of less than 22,000  
 24-3 and in which the birthplace of a president of the United States is  
 24-4 located;  
 24-5 (22) a county that has a population of more than 15,000  
 24-6 but less than 20,000 and borders Lake Buchanan;  
 24-7 (23) a county with a population of less than 11,000  
 24-8 [~~10,000~~] that is bordered by the Sulphur River;  
 24-9 (24) a county that has a population of 16,000 or more  
 24-10 and borders the entire north shore of Lake Somerville;  
 24-11 (25) a county that has a population of 20,000 or less  
 24-12 and that is bordered by the Brazos and Navasota Rivers;  
 24-13 (26) a county that has a population of more than 15,000  
 24-14 and less than 25,000 and is located on the Trinity and Navasota  
 24-15 Rivers;  
 24-16 (27) a county that has a population of less than 15,000  
 24-17 and that is bordered by the Trinity and Navasota Rivers;  
 24-18 (28) a county that borders or contains a portion of the  
 24-19 Neches River, the Sabine River, and Sabine Lake; and  
 24-20 (29) a county that borders Whitney Lake.  
 24-21 SECTION 123. Section 22.053(a), Transportation Code, is  
 24-22 amended to read as follows:  
 24-23 (a) The commissioners court of a county with a population of  
 24-24 14,300 [~~15,000~~] to 14,500 [~~15,250~~] may issue time warrants to:  
 24-25 (1) condemn or purchase land to be used and maintained  
 24-26 as provided by Sections 22.011, 22.020, and 22.024; and  
 24-27 (2) improve and equip the land for the use provided by  
 24-28 Sections 22.011, 22.020, and 22.024.  
 24-29 SECTION 124. Section 284.002(a), Transportation Code, is  
 24-30 amended to read as follows:  
 24-31 (a) Except as provided by Subsection (b), this chapter  
 24-32 applies only to a county that:  
 24-33 (1) has a population of 50,000 or more and borders the  
 24-34 Gulf of Mexico or a bay or inlet opening into the gulf;  
 24-35 (2) has a population of two [~~1.5~~] million or more;  
 24-36 (3) is adjacent to a county that has a population of  
 24-37 two [~~1.5~~] million or more; or  
 24-38 (4) borders the United Mexican States.  
 24-39 SECTION 125. Section 284.007(a), Transportation Code, is  
 24-40 amended to read as follows:  
 24-41 (a) A county with a population of more than 3.3 [~~2.4~~]  
 24-42 million operating under this chapter shall set and make a good faith  
 24-43 effort to meet or exceed goals for awarding contracts or  
 24-44 subcontracts associated with a project it operates, maintains, or  
 24-45 constructs to historically underutilized businesses.  
 24-46 SECTION 126. Section 362.055, Transportation Code, is  
 24-47 amended to read as follows:  
 24-48 Sec. 362.055. EXCEPTION. This subchapter does not apply  
 24-49 to:  
 24-50 (1) a county that has a population of more than two  
 24-51 [~~1.5~~] million;  
 24-52 (2) a local government corporation created under  
 24-53 Chapter 431 by a county that has a population of more than two [~~1.5~~]  
 24-54 million; or  
 24-55 (3) a regional tollway authority created under Chapter  
 24-56 366.  
 24-57 SECTION 127. Section 366.031(a), Transportation Code, is  
 24-58 amended to read as follows:  
 24-59 (a) Two or more counties, acting through their respective  
 24-60 commissioners courts, may by order passed by each commissioners  
 24-61 court create a regional tollway authority under this chapter if:  
 24-62 (1) one of the counties has a population of not less  
 24-63 than 300,000;  
 24-64 (2) the counties form a contiguous territory; and  
 24-65 (3) unless one of the counties has a population of two  
 24-66 [~~1.5~~] million or more, the commission approves the creation.  
 24-67 SECTION 128. Section 370.192, Transportation Code, is  
 24-68 amended to read as follows:  
 24-69 Sec. 370.192. PROPERTY OF RAPID TRANSIT AUTHORITIES. An



25-1 authority may not condemn or purchase real property of a rapid  
 25-2 transit authority operating pursuant to Chapter 451 that was  
 25-3 confirmed before July 1, 1985, and in which the principal  
 25-4 municipality has a population of less than 850,000 [~~750,000~~],  
 25-5 unless the authority has entered into a written agreement with the  
 25-6 rapid transit authority specifying the terms and conditions under  
 25-7 which the condemnation or the purchase of the real property will  
 25-8 take place.

25-9 SECTION 129. Section 394.061, Transportation Code, is  
 25-10 amended to read as follows:

25-11 Sec. 394.061. OFF-PREMISE PORTABLE SIGNS. (a) In a county  
 25-12 with a population of 3.3 [~~2.4~~] million or more, the commissioners  
 25-13 court of the county may:

25-14 (1) prohibit off-premise portable signs in the  
 25-15 unincorporated area of the county; or

25-16 (2) regulate the location, height, size, and anchoring  
 25-17 of, or any other matter relating to the use of, off-premise portable  
 25-18 signs in the unincorporated area.

25-19 (b) A regulation imposed by or adopted under this chapter  
 25-20 does not apply to an off-premise portable sign in the  
 25-21 unincorporated area of a county with a population of 3.3 [~~2.4~~]  
 25-22 million or more.

25-23 SECTION 130. Section 394.063(a), Transportation Code, is  
 25-24 amended to read as follows:

25-25 (a) The commissioners court of a county with a population of  
 25-26 more than 3.3 [~~2.4~~] million or of a county that borders a county  
 25-27 with that population may regulate, in the unincorporated area of  
 25-28 the county, the location, height, size, and anchoring of on-premise  
 25-29 signs.

25-30 SECTION 131. Section 394.086(a), Transportation Code, is  
 25-31 amended to read as follows:

25-32 (a) The commissioners court of a county with a population of  
 25-33 more than 3.3 [~~2.4~~] million or of a county that borders a county  
 25-34 with that population may authorize a county employee to issue a  
 25-35 civil citation to enforce a regulation of the commissioners court  
 25-36 adopted under Section 394.063. The commissioners court may  
 25-37 designate the county employee as a county inspector.

25-38 SECTION 132. Section 431.109(a), Transportation Code, is  
 25-39 amended to read as follows:

25-40 (a) This section applies only to a local government  
 25-41 corporation serving a county with a population of more than 3.3  
 25-42 [~~2.4~~] million.

25-43 SECTION 133. Sections 451.001(1) and (8), Transportation  
 25-44 Code, are amended to read as follows:

25-45 (1) "Alternate municipality" means a municipality  
 25-46 that:

25-47 (A) has a population of more than 60,000;  
 25-48 (B) is located in a metropolitan area the  
 25-49 principal municipality of which has a population of more than 1.9  
 25-50 [~~1.2~~] million; and

25-51 (C) is not part of the territory of another  
 25-52 authority.

25-53 (8) "Transit authority system" means property:

25-54 (A) owned, rented, leased, controlled, operated,  
 25-55 or held for mass transit purposes by an authority; and

25-56 (B) situated on property of the authority for  
 25-57 mass transit purposes, including:

25-58 (i) for an authority created before 1980 in  
 25-59 which the principal municipality has a population of less than 1.9  
 25-60 [~~1.2~~] million, public parking areas and facilities; and

25-61 (ii) for an authority in which the  
 25-62 principal municipality has a population of more than 1.9 [~~1.5~~]  
 25-63 million, the area in boundaries in which service is provided or  
 25-64 supported by a general sales and use tax.

25-65 SECTION 134. Section 451.054(b), Transportation Code, is  
 25-66 amended to read as follows:

25-67 (b) An authority created by an alternate municipality has  
 25-68 the powers and duties of an authority in which the principal  
 25-69 municipality has a population of more than 1.9 [~~1.2~~] million.

26-1 SECTION 135. Section 451.056(c), Transportation Code, is  
 26-2 amended to read as follows:

26-3 (c) An authority created by an alternate municipality and an  
 26-4 authority in which the principal municipality has a population of  
 26-5 more than 1.9 [~~1.2~~] million may contract for service outside each of  
 26-6 their respective territories to provide access between the two  
 26-7 authorities.

26-8 SECTION 136. Sections 451.061(d) and (d-1), Transportation  
 26-9 Code, are amended to read as follows:

26-10 (d) Except as provided by Subsection (d-1), the fares,  
 26-11 tolls, charges, rents, and other compensation established by an  
 26-12 authority in which the principal municipality has a population of  
 26-13 less than 1.9 [~~1.2~~] million may not take effect until approved by a  
 26-14 majority vote of a committee composed of:

26-15 (1) five members of the governing body of the  
 26-16 principal municipality, selected by that governing body;

26-17 (2) three members of the commissioners court of the  
 26-18 county having the largest portion of the incorporated territory of  
 26-19 the principal municipality, selected by that commissioners court;  
 26-20 and

26-21 (3) three mayors of municipalities, other than the  
 26-22 principal municipality, located in the authority, selected by:

26-23 (A) the mayors of all the municipalities, except  
 26-24 the principal municipality, located in the authority; or

26-25 (B) the mayor of the most populous municipality,  
 26-26 other than the principal municipality, in the case of an authority  
 26-27 in which the principal municipality has a population of less than  
 26-28 320,000 [~~300,000~~].

26-29 (d-1) The establishment of or a change to fares, tolls,  
 26-30 charges, rents, and other compensation by an authority confirmed  
 26-31 before July 1, 1985, in which the principal municipality has a  
 26-32 population of less than 850,000 [~~750,000~~], takes effect immediately  
 26-33 on approval by a majority vote of the board, except that the  
 26-34 establishment of or a change to a single-ride base fare takes effect  
 26-35 on the 60th day after the date the board approves the fare or change  
 26-36 to the fare, unless the policy board of the metropolitan planning  
 26-37 organization that serves the area of the authority disapproves the  
 26-38 fare or change to the fare by a majority vote.

26-39 SECTION 137. Section 451.0611(g), Transportation Code, is  
 26-40 amended to read as follows:

26-41 (g) An authority created before 1980 in which the principal  
 26-42 municipality has a population of less than 1.9 [~~1.2~~] million may  
 26-43 allow peace officers of another political subdivision serving under  
 26-44 a contract with the authority to enforce a resolution passed by a  
 26-45 board under this section.

26-46 SECTION 138. Section 451.0612(a), Transportation Code, is  
 26-47 amended to read as follows:

26-48 (a) An authority confirmed before July 1, 1985, in which the  
 26-49 principal municipality has a population of less than 850,000  
 26-50 [~~750,000~~] may employ persons to serve as fare enforcement officers  
 26-51 to enforce the payment of fares for use of the public transportation  
 26-52 system by:

26-53 (1) requesting and inspecting evidence showing  
 26-54 payment of the appropriate fare from a person using the public  
 26-55 transportation system; and

26-56 (2) issuing a citation to a person described by  
 26-57 Section 451.0611(d)(1).

26-58 SECTION 139. Section 451.064(a), Transportation Code, is  
 26-59 amended to read as follows:

26-60 (a) An authority created before 1980 in which the principal  
 26-61 municipality has a population of less than 1.9 [~~1.2~~] million may,  
 26-62 with the approval of the governing body of the principal  
 26-63 municipality:

26-64 (1) establish, operate, and improve a public parking  
 26-65 area or facility in the authority; and

26-66 (2) set and collect reasonable charges for the use of a  
 26-67 parking area or facility.

26-68 SECTION 140. Section 451.065(f), Transportation Code, is  
 26-69 amended to read as follows:

27-1 (f) This section does not apply to an authority created  
 27-2 before 1980 in which the principal municipality has a population of  
 27-3 less than 1.9 [~~1.2~~] million.

27-4 SECTION 141. Section 451.066(a), Transportation Code, is  
 27-5 amended to read as follows:

27-6 (a) An authority confirmed before 1980 in which the  
 27-7 principal municipality has a population of more than 1.9 [~~1.2~~]  
 27-8 million may not spend, during any five-year period, more than seven  
 27-9 percent of its revenue from sales and use taxes and interest income  
 27-10 during that period for all items described by Section 451.065(b).

27-11 SECTION 142. Section 451.067, Transportation Code, is  
 27-12 amended to read as follows:

27-13 Sec. 451.067. EMERGENCY MEDICAL SERVICES: CERTAIN  
 27-14 AUTHORITIES. An authority in which the principal municipality has  
 27-15 a population of less than 320,000 [~~300,000~~] may provide emergency  
 27-16 medical services.

27-17 SECTION 143. Section 451.068(a), Transportation Code, is  
 27-18 amended to read as follows:

27-19 (a) An authority confirmed before July 1, 1985, and in which  
 27-20 the principal municipality has a population of less than 850,000  
 27-21 [~~750,000~~] may, through the operation of a program, charge no fares.

27-22 SECTION 144. Section 451.071(a), Transportation Code, is  
 27-23 amended to read as follows:

27-24 (a) This section applies only to an authority confirmed  
 27-25 before July 1, 1985, in which the principal municipality has a  
 27-26 population of less than 850,000 [~~750,000~~].

27-27 SECTION 145. Section 451.072(a), Transportation Code, is  
 27-28 amended to read as follows:

27-29 (a) This section applies only to an authority in which the  
 27-30 principal municipality has a population of more than 1.9 [~~1.2~~]  
 27-31 million.

27-32 SECTION 146. Section 451.104, Transportation Code, is  
 27-33 amended to read as follows:

27-34 Sec. 451.104. INVESTMENT POWERS: CERTAIN AUTHORITIES. An  
 27-35 authority created before 1980 and in which the principal  
 27-36 municipality has a population of less than 1.9 [~~1.2~~] million has the  
 27-37 same investment powers as an entity under Subchapter A, Chapter  
 27-38 2256, Government Code.

27-39 SECTION 147. Section 451.106(a), Transportation Code, is  
 27-40 amended to read as follows:

27-41 (a) The board of an authority in which the principal  
 27-42 municipality has a population of less than 850,000 [~~750,000~~] or  
 27-43 more than 1.9 [~~1.2~~] million shall employ a general manager to  
 27-44 administer the daily operation of the authority. The general  
 27-45 manager may, subject to the annual operating budget and to the  
 27-46 personnel policies adopted by the board, employ persons to conduct  
 27-47 the affairs of the authority and prescribe their duties and  
 27-48 compensation.

27-49 SECTION 148. Sections 451.108(b), (c), (d), and (e),  
 27-50 Transportation Code, are amended to read as follows:

27-51 (b) An authority created before 1980 in which the principal  
 27-52 municipality has a population of less than 1.9 [~~1.2~~] million may  
 27-53 establish a security force, employ security personnel, and  
 27-54 commission security personnel as peace officers.

27-55 (c) A peace officer commissioned under this section, except  
 27-56 as provided by Subsections (d) and (e), or a peace officer  
 27-57 contracted for employment by an authority confirmed before July 1,  
 27-58 1985, in which the principal municipality has a population of less  
 27-59 than 850,000 [~~750,000~~], may:

27-60 (1) make an arrest in any county in which the transit  
 27-61 authority system is located as necessary to prevent or abate the  
 27-62 commission of an offense against the law of this state or a  
 27-63 political subdivision of this state if the offense or threatened  
 27-64 offense occurs on or involves the transit authority system;

27-65 (2) make an arrest for an offense involving injury or  
 27-66 detriment to the transit authority system;

27-67 (3) enforce traffic laws and investigate traffic  
 27-68 accidents that involve or occur in the transit authority system;  
 27-69 and

28-1 (4) provide emergency and public safety services to  
 28-2 the transit authority system or users of the transit authority  
 28-3 system.

28-4 (d) A peace officer who holds a commission under this  
 28-5 section from an authority in which the principal municipality has a  
 28-6 population of more than 1.9 [~~1.5~~] million and who has filed with the  
 28-7 authority the oath of a peace officer has all the powers,  
 28-8 privileges, and immunities of peace officers in the counties in  
 28-9 which the transit authority system is located, provides services,  
 28-10 or is supported by a general sales and use tax.

28-11 (e) A peace officer who holds a commission under this  
 28-12 section from an authority created before 1980 in which the  
 28-13 principal municipality has a population of less than 1.9 [~~1.2~~]  
 28-14 million and who has filed with the authority the oath of a peace  
 28-15 officer has all the powers, privileges, and immunities of peace  
 28-16 officers in the counties in which the transit authority system is  
 28-17 located, provides services, or is supported by a general sales and  
 28-18 use tax while the peace officer is on the transit authority system  
 28-19 property or performing duties in connection with the transit  
 28-20 authority system or its users.

28-21 SECTION 149. Section 451.109(d), Transportation Code, is  
 28-22 amended to read as follows:

28-23 (d) This section does not apply to an authority in which the  
 28-24 principal municipality has a population of 850,000 [~~750,000~~] or  
 28-25 more but not more than 1.9 [~~1.2~~] million.

28-26 SECTION 150. Section 451.112, Transportation Code, is  
 28-27 amended to read as follows:

28-28 Sec. 451.112. CONFLICTS OF INTEREST: BOARD MEMBERS.  
 28-29 Chapter 171, Local Government Code, applies to a board member of an  
 28-30 authority, except that an authority created before 1980 in which  
 28-31 the principal municipality has a population of less than 1.9 [~~1.2~~]  
 28-32 million may not enter into a contract or agreement with a business  
 28-33 entity in which a board member or the general manager owns five  
 28-34 percent or more of the voting stock or shares of the entity or  
 28-35 receives funds from the entity exceeding five percent of the  
 28-36 member's or general manager's gross income. A contract executed by  
 28-37 an authority in violation of this section is voidable.

28-38 SECTION 151. Section 451.154(b), Transportation Code, is  
 28-39 amended to read as follows:

28-40 (b) Notwithstanding Subsection (a), an authority created  
 28-41 before 1980 in which the principal municipality has a population of  
 28-42 less than 1.9 [~~1.2~~] million may acquire, including through the use  
 28-43 of eminent domain, an interest in real property for facilities if  
 28-44 the property:

28-45 (1) is 2,500 feet or less from the center point of the  
 28-46 station or terminal complex; or

28-47 (2) is included in a master development plan adopted  
 28-48 by the board.

28-49 SECTION 152. Section 451.202, Transportation Code, is  
 28-50 amended to read as follows:

28-51 Sec. 451.202. APPLICATION OF SUBCHAPTER LIMITED TO CERTAIN  
 28-52 AUTHORITIES. This subchapter applies only to an authority created  
 28-53 before 1980 in which the principal municipality has a population of  
 28-54 less than 1.9 [~~1.2~~] million.

28-55 SECTION 153. Section 451.252(b), Transportation Code, is  
 28-56 amended to read as follows:

28-57 (b) This section does not apply to an authority created  
 28-58 before 1980 in which the principal municipality has a population of  
 28-59 less than 1.9 [~~1.2~~] million.

28-60 SECTION 154. Section 451.254(c), Transportation Code, is  
 28-61 amended to read as follows:

28-62 (c) This section does not apply to an authority created  
 28-63 before 1980 in which the principal municipality has a population of  
 28-64 less than 1.9 [~~1.2~~] million.

28-65 SECTION 155. Section 451.362(d), Transportation Code, is  
 28-66 amended to read as follows:

28-67 (d) In an authority created before 1980 in which the  
 28-68 principal municipality has a population of less than 1.9 [~~1.2~~]  
 28-69 million, bonds may have a term of not more than 10 years. The bonds

29-1 are payable only from fee revenue received on or after the date the  
29-2 bonds are issued.

29-3 SECTION 156. Section 451.3625(a), Transportation Code, is  
29-4 amended to read as follows:

29-5 (a) This section applies only to an authority confirmed  
29-6 before July 1, 1985, in which the principal municipality has a  
29-7 population of less than 850,000 [~~750,000~~].

29-8 SECTION 157. Section 451.452(d), Transportation Code, is  
29-9 amended to read as follows:

29-10 (d) This section applies only to an authority in which the  
29-11 principal municipality has a population of more than 1.9 [~~1.2~~]  
29-12 million or less than 850,000 [~~750,000~~], except that Subsections  
29-13 (a)(5) and (6) do not apply to an authority in which the principal  
29-14 municipality has a population of more than 1.9 [~~1.2~~] million.

29-15 SECTION 158. Section 451.454(a), Transportation Code, is  
29-16 amended to read as follows:

29-17 (a) The board of an authority in which the principal  
29-18 municipality has a population of more than 1.9 [~~1.2~~] million or less  
29-19 than 850,000 [~~750,000~~] shall contract at least once every four  
29-20 years for a performance audit of the authority to be conducted by a  
29-21 firm that has experience in reviewing the performance of transit  
29-22 agencies.

29-23 SECTION 159. Section 451.458(a), Transportation Code, is  
29-24 amended to read as follows:

29-25 (a) This section applies only to an authority confirmed  
29-26 before July 1, 1985, in which the principal municipality has a  
29-27 population of less than 850,000 [~~750,000~~].

29-28 SECTION 160. Section 451.459(a), Transportation Code, is  
29-29 amended to read as follows:

29-30 (a) An authority confirmed before July 1, 1985, in which the  
29-31 principal municipality has a population of less than 850,000  
29-32 [~~750,000~~] is subject to review under Chapter 325, Government Code  
29-33 (Texas Sunset Act), as if it were a state agency but may not be  
29-34 abolished under that chapter. The review shall be conducted as if  
29-35 the authority were scheduled to be abolished September 1, 2011. In  
29-36 addition, another review shall be conducted as if the authority  
29-37 were scheduled to be abolished September 1, 2017. The reviews  
29-38 conducted under this section must include an assessment of the  
29-39 governance, management, and operating structure of the authority  
29-40 and the authority's compliance with the duties and requirements  
29-41 placed on it by the legislature.

29-42 SECTION 161. Section 451.460(a), Transportation Code, is  
29-43 amended to read as follows:

29-44 (a) This section applies only to an authority confirmed  
29-45 before July 1, 1985, in which the principal municipality has a  
29-46 population of less than 850,000 [~~750,000~~].

29-47 SECTION 162. Section 451.502(a), Transportation Code, is  
29-48 amended to read as follows:

29-49 (a) The five board members under Section 451.501(a)(1) are  
29-50 appointed by the governing body of the principal municipality,  
29-51 except in an authority having a principal municipality with a  
29-52 population of more than 1.9 [~~1.2~~] million, the five board members  
29-53 are appointed by the mayor of the principal municipality and are  
29-54 subject to confirmation by the governing body of the principal  
29-55 municipality.

29-56 SECTION 163. Section 451.5021(a), Transportation Code, is  
29-57 amended to read as follows:

29-58 (a) This section applies only to the board of an authority  
29-59 created before July 1, 1985, in which the principal municipality  
29-60 has a population of less than 850,000 [~~750,000~~].

29-61 SECTION 164. Section 451.5035(a), Transportation Code, is  
29-62 amended to read as follows:

29-63 (a) This section applies only to an authority in which the  
29-64 principal municipality has a population of less than 320,000  
29-65 [~~300,000~~].

29-66 SECTION 165. Section 451.505(b), Transportation Code, is  
29-67 amended to read as follows:

29-68 (b) The terms of members of a board are staggered if the  
29-69 authority was created before 1980 and has a principal municipality

30-1 with a population of less than 1.9 [~~1.2~~] million.

30-2 SECTION 166. Sections 451.506(b) and (c), Transportation  
30-3 Code, are amended to read as follows:

30-4 (b) An individual may not serve more than eight years on the  
30-5 same board and may not be appointed to a term for which service to  
30-6 the completion of the term would exceed this limitation. This  
30-7 subsection applies only to a board of an authority:

30-8 (1) in which the principal municipality has a  
30-9 population of more than 1.9 [~~1.2~~] million or less than 320,000  
30-10 [~~300,000~~]; or

30-11 (2) created before 1980 and in which the principal  
30-12 municipality has a population of less than 1.9 [~~1.2~~] million.

30-13 (c) An individual may serve two terms as presiding officer  
30-14 under Section 451.502(e)(3), in addition to any service on the  
30-15 board before being appointed under that subsection. This  
30-16 subsection does not apply to an individual serving on the board of  
30-17 an authority described by Subsection (b) or an authority confirmed  
30-18 before July 1, 1985, and in which the principal municipality has a  
30-19 population of less than 850,000 [~~750,000~~].

30-20 SECTION 167. Section 451.509, Transportation Code, is  
30-21 amended to read as follows:

30-22 Sec. 451.509. REMOVAL BY APPOINTING PERSON OR ENTITY.

30-23 (a) In an authority in which the principal municipality has a  
30-24 population of less than 850,000 [~~750,000~~] and in which the  
30-25 authority's sales and use tax is imposed at a rate of one percent, a  
30-26 member of the board may be removed from office for any ground  
30-27 described by Section 451.510 by a majority vote of the entity that  
30-28 appointed the member.

30-29 (b) In an authority in which the principal municipality has  
30-30 a population of less than 320,000 [~~300,000~~], a member of the board  
30-31 may be removed for any ground described by Section 451.510 by the  
30-32 entity that appointed the member. This subsection does not apply to  
30-33 the removal of a member serving as the presiding officer appointed  
30-34 by the board.

30-35 (c) In an authority in which the principal municipality has  
30-36 a population of more than 850,000 [~~750,000~~], a member of the board  
30-37 may be removed for any ground described by Section 451.510 by the  
30-38 person or entity that appointed the member. If the person who  
30-39 appointed the member is the mayor of the principal municipality,  
30-40 the removal is by recommendation of the mayor and confirmation by  
30-41 the municipality's governing body. If the member to be removed was  
30-42 appointed by the mayor of the principal municipality, the statement  
30-43 required by Section 451.511(a) shall be given by the mayor, and  
30-44 confirmation of removal by the governing body of the municipality  
30-45 is necessary.

30-46 (d) In an authority in which the principal municipality has  
30-47 a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~]  
30-48 million, a general manager who has knowledge that a potential  
30-49 ground for removal applicable to a member of the authority's board  
30-50 exists shall notify the presiding officer of the board of the  
30-51 ground, and the presiding officer shall notify the person that  
30-52 appointed the member against whom the potential ground applies of  
30-53 the ground.

30-54 SECTION 168. Section 451.512(a), Transportation Code, is  
30-55 amended to read as follows:

30-56 (a) Except as provided by Subsection (b), in an authority in  
30-57 which the principal municipality has a population of less than  
30-58 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million, an action of the  
30-59 board is not invalid because a ground for removal of a board member  
30-60 exists.

30-61 SECTION 169. Section 451.513(a), Transportation Code, is  
30-62 amended to read as follows:

30-63 (a) A board member of an authority that has a principal  
30-64 municipality with a population of more than 850,000 [~~750,000~~] may  
30-65 be removed, as provided by this section, on a petition for the  
30-66 recall of the member submitted by the registered voters of the  
30-67 authority. Recall of a member under this section is in addition to  
30-68 any other method for removal under this subchapter.

30-69 SECTION 170. Section 451.602, Transportation Code, is

31-1 amended to read as follows:

31-2 Sec. 451.602. AUTHORITIES COVERED BY SUBCHAPTER. Except as  
31-3 provided by Section 451.617, this subchapter applies only to an  
31-4 authority in which the principal municipality has a population of  
31-5 less than 850,000 [~~750,000~~] and that was confirmed before July 1,  
31-6 1985.

31-7 SECTION 171. Section 451.617(a), Transportation Code, is  
31-8 amended to read as follows:

31-9 (a) In an authority created before 1980 in which the  
31-10 principal municipality has a population of less than 1.9 [~~1.2~~]  
31-11 million, a unit of election, other than the principal municipality,  
31-12 may withdraw from the authority, in addition to any other manner  
31-13 provided by law, by a vote of a majority of the registered voters of  
31-14 the unit of election voting at an election on the question of  
31-15 withdrawing from the authority.

31-16 SECTION 172. Section 451.702(a), Transportation Code, is  
31-17 amended to read as follows:

31-18 (a) The board of an authority in which the sales and use tax  
31-19 is imposed at a rate of one-half of one percent and in which the  
31-20 principal municipality has a population of more than 1.3 million  
31-21 [~~700,000~~] may order an election to create an advanced  
31-22 transportation district within the authority's boundaries and to  
31-23 impose a sales and use tax for advanced transportation and mobility  
31-24 enhancement under this subchapter. If approved at the election,  
31-25 the rate of the sales and use tax for advanced transportation and  
31-26 mobility enhancement shall be set by the governing body of the  
31-27 district at a rate of:

- 31-28 (1) one-eighth of one percent;
- 31-29 (2) one-fourth of one percent;
- 31-30 (3) three-eighths of one percent; or
- 31-31 (4) one-half of one percent.

31-32 SECTION 173. Section 451.802, Transportation Code, is  
31-33 amended to read as follows:

31-34 Sec. 451.802. APPLICABILITY. This subchapter applies only  
31-35 to an authority in which the principal municipality has a  
31-36 population of more than 1.9 [~~1.2~~] million.

31-37 SECTION 174. Section 504.510(d), Transportation Code, is  
31-38 amended to read as follows:

31-39 (d) This section applies only to an owner of a golf cart who  
31-40 resides:

- 31-41 (1) on real property that is owned or under the control  
31-42 of the United States Corps of Engineers and is required by that  
31-43 agency to register the owner's golf cart under this chapter; and
- 31-44 (2) in a county that borders another state and has a  
31-45 population of more than 120,750 [~~110,000~~] but less than 121,000  
31-46 [~~111,000~~].

31-47 SECTION 175. Section 621.4015(a), Transportation Code, is  
31-48 amended to read as follows:

31-49 (a) A county commissioners court may designate a constable  
31-50 or deputy constable of the county as a weight enforcement officer in  
31-51 a county:

- 31-52 (1) that is a county with a population of 1.5 [~~one~~]  
31-53 million or more and is within 200 miles of an international border;  
31-54 or
- 31-55 (2) that is adjacent to a county with a population of  
31-56 3.3 million or more; and
- 31-57 (3) in which a planned community is located that has  
31-58 20,000 or more acres of land, that was originally established under  
31-59 the Urban Growth and New Community Development Act of 1970 (42  
31-60 U.S.C. Section 4501 et seq.), and that is subject to restrictive  
31-61 covenants containing ad valorem or annual variable budget based  
31-62 assessments on real property.

31-63 SECTION 176. Section 644.101(b), Transportation Code, is  
31-64 amended to read as follows:

31-65 (b) A police officer of any of the following municipalities  
31-66 is eligible to apply for certification under this section:

- 31-67 (1) a municipality with a population of 50,000 or  
31-68 more;
- 31-69 (2) a municipality with a population of 25,000 or more

32-1 any part of which is located in a county with a population of  
32-2 500,000 or more;

32-3 (3) a municipality with a population of less than  
32-4 25,000:

32-5 (A) any part of which is located in a county with  
32-6 a population of 3.3 [~~2.4~~] million; and

32-7 (B) that contains or is adjacent to an  
32-8 international port;

32-9 (4) a municipality with a population of at least  
32-10 34,000 that is located in a county that borders two or more states;

32-11 (5) a municipality any part of which is located in a  
32-12 county bordering the United Mexican States; or

32-13 (6) a municipality with a population of less than  
32-14 5,000 that is located:

32-15 (A) adjacent to a bay connected to the Gulf of  
32-16 Mexico; and

32-17 (B) in a county adjacent to a county with a  
32-18 population greater than 3.3 million.

32-19 SECTION 177. Section 644.202(b), Transportation Code, is  
32-20 amended to read as follows:

32-21 (b) A municipality with a population of more than 850,000  
32-22 [~~750,000~~] shall develop a route for commercial motor vehicles  
32-23 carrying hazardous materials on a road or highway in the  
32-24 municipality and submit the route to the Texas Department of  
32-25 Transportation for approval. If the Texas Department of  
32-26 Transportation determines that the route complies with all  
32-27 applicable federal and state regulations regarding the  
32-28 transportation of hazardous materials, the Texas Department of  
32-29 Transportation shall approve the route and notify the municipality  
32-30 of the approved route.

32-31 SECTION 178. Section 683.016(d), Transportation Code, is  
32-32 amended to read as follows:

32-33 (d) This section does not apply to a vehicle that is:

32-34 (1) taken into custody by a law enforcement agency  
32-35 located in a county with a population of 3.3 [~~2.4~~] million or more;  
32-36 and

32-37 (2) removed to a privately owned storage facility.

32-38 SECTION 179. Section 37.102(a), Utilities Code, is amended  
32-39 to read as follows:

32-40 (a) If a municipal corporation offers retail electric  
32-41 utility service in a municipality having a population of more than  
32-42 145,000 [~~135,000~~] that is located in a county having a population of  
32-43 more than 2 million [~~1,500,000~~], the commission shall singly  
32-44 certificate areas in the municipality's boundaries in which more  
32-45 than one electric utility provides electric utility service.

32-46 SECTION 180. Section 13.187(f), Water Code, is amended to  
32-47 read as follows:

32-48 (f) The regulatory authority may set the matter for hearing  
32-49 on its own motion at any time within 120 days after the effective  
32-50 date of the rate change. If more than half of the ratepayers of the  
32-51 utility receive service in a county with a population of more than  
32-52 3.3 [~~2.5~~] million, the hearing must be held at a location in that  
32-53 county.

32-54 SECTION 181. Section 36.121, Water Code, is amended to read  
32-55 as follows:

32-56 Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS  
32-57 OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section  
32-58 36.117, a district that is created under this chapter on or after  
32-59 September 1, 1991, shall exempt from regulation under this chapter  
32-60 a well and any water produced or to be produced by a well that is  
32-61 located in a county that has a population of 14,000 or less if the  
32-62 water is to be used solely to supply a municipality that has a  
32-63 population of 121,000 or less and the rights to the water produced  
32-64 from the well are owned by a political subdivision that is not a  
32-65 municipality, or by a municipality that has a population of 115,000  
32-66 [~~100,000~~] or less, and that purchased, owned, or held rights to the  
32-67 water before the date on which the district was created, regardless  
32-68 of the date the well is drilled or the water is produced. The  
32-69 district may not prohibit the political subdivision or municipality



33-1 from transporting produced water inside or outside the district's  
 33-2 boundaries.

33-3 SECTION 182. Section 51.537(a), Water Code, is amended to  
 33-4 read as follows:

33-5 (a) This section applies only to a municipality any portion  
 33-6 of which is located in a county with a population of more than 1  
 33-7 million [~~800,000~~] and less than 1.5 [~~1.3~~] million.

33-8 SECTION 183. Section 54.016(h), Water Code, is amended to  
 33-9 read as follows:

33-10 (h) A city, other than a city with a population of more than  
 33-11 one million that is located primarily in a county with a population  
 33-12 of two million or more, [~~with a population of 1.18 million or less~~]  
 33-13 may provide in its written consent for the inclusion of land in a  
 33-14 district that after annexation the city may set rates for water  
 33-15 and/or sewer services for property that was within the territorial  
 33-16 boundary of such district at the time of annexation, which rates may  
 33-17 vary from those for other properties within the city for the purpose  
 33-18 of wholly or partially compensating the city for the assumption of  
 33-19 obligation under this code providing that:

33-20 (1) such written consent contains a contract entered  
 33-21 into by the city and the persons petitioning for creation of the  
 33-22 district setting forth the time and/or the conditions of annexation  
 33-23 by the city which annexation shall not occur prior to the  
 33-24 installation of 90 percent of the facilities for which district  
 33-25 bonds were authorized in the written consent; and that

33-26 (2) the contract sets forth the basis on which rates  
 33-27 are to be charged for water and/or sewer services following  
 33-28 annexation and the length of time they may vary from those rates  
 33-29 charged elsewhere in the city; and that

33-30 (3) the contract may set forth the time, conditions,  
 33-31 or lands to be annexed by the district; and that

33-32 (4)(A) Each purchaser of land within a district which  
 33-33 has entered into a contract with a city concerning water and/or  
 33-34 sewer rates as set forth herein shall be furnished by the seller at  
 33-35 or prior to the final closing of the sale and purchase with a  
 33-36 separate written notice, executed and acknowledged by the seller,  
 33-37 which shall contain the following information:

33-38 (i) the basis on which the monthly water  
 33-39 and/or sewer rate is to be charged under the contract stated as a  
 33-40 percentage of the water and/or sewer rates of the city;

33-41 (ii) the length of time such rates will be  
 33-42 in effect;

33-43 (iii) the time and/or conditions of  
 33-44 annexation by the city implementing such rates.

33-45 The provisions of Sections 49.452(g)-(p) and (s), Water Code,  
 33-46 are herein incorporated by reference thereto, and are applicable to  
 33-47 the separate written notice required by Section 54.016(h)(4).

33-48 A suit for damages under the provisions of these referenced  
 33-49 sections must be brought within 90 days after the purchaser  
 33-50 receives his or her first water and/or sewer service charge  
 33-51 following annexation, or the purchaser loses his or her right to  
 33-52 seek damages under this referenced section.

33-53 (B) The governing board of any district covered  
 33-54 by the provisions of this subsection shall file with the county  
 33-55 clerk in each of the counties in which all or part of the district is  
 33-56 located a duly affirmed and acknowledged statement which includes  
 33-57 the information required in Section 54.016(h)(4)(A) and a complete  
 33-58 and accurate map or plat showing the boundaries of the district.

33-59 The provisions of Sections 49.455(c)-(j), Water Code, are  
 33-60 herein incorporated by reference thereto.

33-61 SECTION 184. Section 54.0162(a), Water Code, is amended to  
 33-62 read as follows:

33-63 (a) A municipal utility district composed of noncontiguous  
 33-64 areas that on January 1, 1995, are contained in the  
 33-65 extraterritorial jurisdiction of two municipalities may choose, by  
 33-66 a resolution of the governing body of the district, to be wholly  
 33-67 contained in the extraterritorial jurisdiction of one municipality  
 33-68 selected by the governing body of the district if:

33-69 (1) both the municipality selected by the district and

34-1 all parts of the district are located in the same county;

34-2 (2) a majority of the area of the municipality not  
34-3 selected by the district is in a county other than the county in  
34-4 which the district is located, and neither county has a population  
34-5 greater than 3.3 million [~~2,500,000, according to the last~~  
34-6 ~~preceding federal census~~];

34-7 (3) the boundary of the municipality selected by the  
34-8 district is located not more than two miles from any part of the  
34-9 district;

34-10 (4) the noncontiguous areas of the district are not,  
34-11 at their closest point, more than two miles apart;

34-12 (5) the district is within a water control and  
34-13 improvement district; and

34-14 (6) a certified copy of the resolution of the  
34-15 governing body of the district is filed with both municipalities  
34-16 before the effective date specified in the resolution.

34-17 SECTION 185. Section 54.813(a), Water Code, is amended to  
34-18 read as follows:

34-19 (a) This section applies only to a municipality any portion  
34-20 of which is located in a county with a population of more than 1  
34-21 million [~~800,000~~] and less than 1.5 [~~1.3~~] million.

34-22 SECTION 186. Section 1, Chapter 511 (H.B. 589), Acts of the  
34-23 58th Legislature, Regular Session, 1963 (Article 2676a, Vernon's  
34-24 Texas Civil Statutes), is amended to read as follows:

34-25 Sec. 1. From and after the effective date of this act in any  
34-26 county in this state having a population of not less than 312,000  
34-27 [~~239,000~~] and not more than 330,000 [~~242,000~~], the general  
34-28 management and control of the public free schools and high schools  
34-29 in each county unless otherwise provided by law shall be vested in  
34-30 five (5) county school trustees elected from the county, one of whom  
34-31 shall be elected from the county at large by the qualified voters of  
34-32 the county and one from each commissioners precinct by the  
34-33 qualified voters of each commissioners precinct, who shall hold  
34-34 office for a term of two (2) years. The time for such election shall  
34-35 be the first Saturday in April of each year; the order for the  
34-36 election of county school trustees to be made by the County Judge at  
34-37 least thirty (30) days prior to the date of said election, and which  
34-38 order shall designate as voting places or places at which votes are  
34-39 cast for the district trustees of said common and independent  
34-40 school districts, respectively. The election officers appointed to  
34-41 hold the election for district trustees in each of said school  
34-42 districts, respectively, shall hold this election for county school  
34-43 trustees.

34-44 SECTION 187. Section 1, Chapter 233 (H.B. 459), Acts of the  
34-45 59th Legislature, Regular Session, 1965 (Article 2676b, Vernon's  
34-46 Texas Civil Statutes), is amended to read as follows:

34-47 Sec. 1. This Act applies to a county-wide school district in  
34-48 a county having a population of more than 5,250 [~~5,200~~] and less  
34-49 than 5,350 [~~5,283~~]. The Board of Trustees may order that the  
34-50 trustees of the district shall run at large in the county. If the  
34-51 Board orders that its members shall run at large, each position  
34-52 shall be filled by election from the county at large upon expiration  
34-53 of the current term of office.

34-54 SECTION 188. Section 1(b), Chapter 63 (S.B. 100), Acts of  
34-55 the 57th Legislature, 3rd Called Session, 1962 (Article 2688h,  
34-56 Vernon's Texas Civil Statutes), is amended to read as follows:

34-57 (b) From and after May 1, 1962, the office of the county  
34-58 board of school trustees and the office of county superintendent  
34-59 shall cease to exist in any county in this State having a population  
34-60 of not less than 285,000 [~~250,000~~] and not more than 300,000  
34-61 [~~251,000~~] which has no common school district and whose county ad  
34-62 valorem evaluation is in excess of Two Hundred Fifty Million  
34-63 Dollars (\$250,000,000); provided, however, that the county  
34-64 superintendents in such counties who have been heretofore elected  
34-65 or appointed to the office of county superintendent shall serve  
34-66 until the expiration of the term for which they were elected or  
34-67 appointed. The duties now performed by the board of school trustees  
34-68 and county superintendents in such counties shall be performed by  
34-69 the County Judges of such counties.

35-1 SECTION 189. Sections 5 and 6, Chapter 706 (H.B. 1015), Acts  
 35-2 of the 59th Legislature, Regular Session, 1965 (Article 2688i-1,  
 35-3 Vernon's Texas Civil Statutes), are amended to read as follows:

35-4 Sec. 5. The provisions of this Act shall not apply to  
 35-5 counties having a population of not less than 5,250 [~~5,200~~] and not  
 35-6 more than 5,350 [~~5,283~~] and to counties having a population of not  
 35-7 less than 54,000 [~~47,150~~] and not more than 54,500 [~~47,350~~].

35-8 Sec. 6. No county having a population of more than 30,000  
 35-9 [~~32,350~~] and less than 32,000 [~~32,400~~] shall have the offices of  
 35-10 county school superintendent, ex officio county school  
 35-11 superintendent, and county board of education.

35-12 All duties and functions, except as hereafter provided, that  
 35-13 are otherwise required by law of the office of county school  
 35-14 superintendent or ex officio county school superintendent governed  
 35-15 by this section shall be performed by the superintendents of the  
 35-16 independent and rural high school districts, and all duties that  
 35-17 may otherwise be required by law of the county board of education  
 35-18 governed by this section shall be performed by the elected Board of  
 35-19 Trustees of such independent and rural high school districts,  
 35-20 except that the County Judge shall, without pay from the State of  
 35-21 Texas, continue to approve or disapprove application for school  
 35-22 transfers. The Commissioners Court of such county shall hereafter  
 35-23 receive, hear and pass upon all petitions for the calling of  
 35-24 elections for the creation, change or abolishment of county school  
 35-25 districts and all authorized appeals from the independent school  
 35-26 Board of Trustees shall be made directly to the State Board of  
 35-27 Education or to the courts as provided by law.

35-28 All school records of the original independent and/or common  
 35-29 school district governed by this section, shall be transferred to  
 35-30 the control and custody of the independent school district office,  
 35-31 located at the county seat, save and except the original financial  
 35-32 records which shall be retained by the county treasurer, and  
 35-33 thereafter the County Judge shall be required to make no records or  
 35-34 reports but said reports shall be made by the superintendent of such  
 35-35 independent or rural school district; that as soon as practicable  
 35-36 after the effective date of this Act, all remaining State funds in  
 35-37 the hands of the county board of education shall be transferred by  
 35-38 the county treasurer and the County Judge to the independent and  
 35-39 rural high school districts in proportion to the number of  
 35-40 scholastics enrolled in such districts.

35-41 SECTION 190. Section 2.01(13), Article 6243a-1, Revised  
 35-42 Statutes, is amended to read as follows:

35-43 (13) "City" means each municipality having a  
 35-44 population of more than 1.18 million and located predominantly in a  
 35-45 county that has a total area of less than 1,000 square miles [~~less~~  
 35-46 ~~than 1.9 million~~].

35-47 SECTION 191. Section 1(a), Chapter 101 (H.B. 31), Acts of  
 35-48 the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,  
 35-49 Vernon's Texas Civil Statutes), is amended to read as follows:

35-50 (a) In all incorporated cities and towns containing more  
 35-51 than 600,000 [~~550,000~~] inhabitants and less than 700,000 [~~600,000~~]  
 35-52 inhabitants, having a fully or partially paid fire department,  
 35-53 three (3) citizens of said city or town to be designated by the  
 35-54 mayor, two (2) citizens of said city or town to be designated by the  
 35-55 city manager of said city or town, three (3) policemen to be elected  
 35-56 by members of the policemen's pension fund, and three (3) firemen to  
 35-57 be elected by members of the firemen's pension fund, composing  
 35-58 eleven (11) members, seven (7) of which shall be a quorum, shall  
 35-59 constitute a board of trustees of the Firemen and Policemen Pension  
 35-60 Fund, to provide for the disbursement of the same and to designate  
 35-61 the beneficiaries thereof. The board shall be known as the Board of  
 35-62 Firemen and Policemen Pension Fund, \_\_\_\_\_, Texas. Said board  
 35-63 shall organize by choosing one member as Chairman and by appointing  
 35-64 a secretary. Such board shall have charge of and administer said  
 35-65 fund and shall order payments therefrom in pursuance of the  
 35-66 provisions of this law. It shall report annually to the governing  
 35-67 body of such city or town the condition of the said fund and the  
 35-68 receipts and disbursements on account of the same with a complete  
 35-69 list of beneficiaries of said fund and the amounts paid them.

36-1 SECTION 192. Section 1.01, Chapter 183 (S.B. 598), Acts of  
 36-2 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,  
 36-3 Vernon's Texas Civil Statutes), is amended to read as follows:

36-4 Sec. 1.01. APPLICABILITY. This Act applies only to a  
 36-5 municipality having a population of more than 750,000 [~~600,000~~] and  
 36-6 less than 850,000 [~~700,000~~].

36-7 SECTION 193. Section 1, Chapter 103 (S.B. 622), Acts of the  
 36-8 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's  
 36-9 Texas Civil Statutes), is amended to read as follows:

36-10 Sec. 1. No member of a fire department in any city or town in  
 36-11 this state having a population of not less than 700,000 [~~500,000~~]  
 36-12 nor more than 750,000 [~~550,000~~] shall be involuntarily retired  
 36-13 prior to reaching the mandatory retirement age set for such cities'  
 36-14 employees unless he is physically unable to perform his duties. In  
 36-15 the event he is physically unable to perform his duties, he shall be  
 36-16 allowed to use all of his accumulated sick leave, before  
 36-17 retirement.

36-18 SECTION 194. Section 1, Chapter 451 (S.B. 737), Acts of the  
 36-19 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's  
 36-20 Texas Civil Statutes), is amended to read as follows:

36-21 Sec. 1. SCOPE. A retirement system is established by this  
 36-22 Act for employees of each municipality having a population of more  
 36-23 than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]; provided,  
 36-24 however, that once such pension system becomes operative in any  
 36-25 city, any right or privilege accruing to any member thereunder  
 36-26 shall be a vested right according to the terms of this Act and the  
 36-27 same shall not be denied or abridged thereafter through any change  
 36-28 in population of any such city taking such city out of the  
 36-29 population bracket as herein prescribed, and said pension system  
 36-30 shall continue to operate and function regardless of whether or not  
 36-31 any future population exceeds or falls below said population  
 36-32 bracket.

36-33 SECTION 195. Section 1.01, Chapter 452 (S.B. 738), Acts of  
 36-34 the 72nd Legislature, Regular Session, 1991 (Article 6243n-1,  
 36-35 Vernon's Texas Civil Statutes), is amended to read as follows:

36-36 Sec. 1.01. APPLICABILITY AND DEFINITIONS. This Act applies  
 36-37 only to a municipality having a population of more than 750,000  
 36-38 [~~600,000~~] and less than 850,000 [~~700,000~~].

36-39 SECTION 196. Section 1.03, Chapter 824 (S.B. 817), Acts of  
 36-40 the 73rd Legislature, Regular Session, 1993 (Article 6243o,  
 36-41 Vernon's Texas Civil Statutes), is amended to read as follows:

36-42 Sec. 1.03. APPLICABILITY. This Act applies to paid fire and  
 36-43 police departments of a municipality with a population between 1.3  
 36-44 [~~1.14~~] million and 1.5 [~~1.18~~] million.

36-45 SECTION 197. Section 1.03, Chapter 1332 (S.B. 1568), Acts  
 36-46 of the 75th Legislature, Regular Session, 1997 (Article 6243q,  
 36-47 Vernon's Texas Civil Statutes), is amended to read as follows:

36-48 Sec. 1.03. APPLICABILITY. This Act applies to a paid fire  
 36-49 and police department of a municipality with a population of 1.3  
 36-50 million [~~1,140,000~~] or more but less than 1.5 million [~~1,180,000~~].

36-51 SECTION 198. Section 1, Chapter 809 (H.B. 1687), Acts of the  
 36-52 62nd Legislature, Regular Session, 1971 (Article 6812b-1, Vernon's  
 36-53 Texas Civil Statutes), is amended to read as follows:

36-54 Sec. 1. The Commissioners Court of any county having a  
 36-55 population of not less than 425,000 [~~280,000~~] nor more than 500,000  
 36-56 [~~300,000~~] may appoint a County Engineer, but the selection shall be  
 36-57 controlled by considerations of skill and ability for the task. The  
 36-58 engineer may be selected at any regular meeting of the  
 36-59 commissioners court, or at any special meeting called for that  
 36-60 purpose. The engineer selected shall be a Registered Professional  
 36-61 Engineer in the State of Texas. The engineer shall hold his office  
 36-62 for a period of two years, his term of office expiring concurrently  
 36-63 with the terms of other county officers, and he may be removed at  
 36-64 the pleasure of the commissioners court. The engineer shall  
 36-65 receive a salary to be fixed by the commissioners court not to  
 36-66 exceed the amount of the salary paid to the highest county official,  
 36-67 to be paid out of the Road and Bridge Fund. The engineer, before  
 36-68 entering upon the discharge of his duties, shall take the oath of  
 36-69 office prescribed by law, and shall execute a bond in the sum of

37-1 \$15,000 with a good and sufficient surety or sureties thereon,  
37-2 payable to the county judge of the county and successors in office  
37-3 in trust, for the use and the benefit of the Road and Bridge Fund, of  
37-4 the county to be approved by the court, conditioned that such  
37-5 engineer will faithfully and efficiently discharge and perform all  
37-6 of the duties required of him by law and by the orders of said  
37-7 commissioners court and shall faithfully and honestly and in due  
37-8 time account for all of the money, property and materials placed in  
37-9 his custody.

37-10 SECTION 199. Section 4.08(e), Chapter 1029, Acts of the  
37-11 76th Legislature, Regular Session, 1999, is amended to read as  
37-12 follows:

37-13 (e) The authority may not exercise the power of eminent  
37-14 domain granted by Subsections (a) and (b) of this section to acquire  
37-15 property of any kind in Galveston County [~~a county that:~~  
37-16 [~~(1) has a population of more than 245,000;~~  
37-17 [~~(2) borders the Gulf of Mexico; and~~  
37-18 [~~(3) is adjacent to a county with a population of more~~  
37-19 ~~than 1.6 million]~~].

37-20 SECTION 200. Section 4.17(f), Chapter 414, Acts of the 77th  
37-21 Legislature, Regular Session, 2001, is amended to read as follows:

37-22 (f) The authority may not exercise the power of eminent  
37-23 domain under this section to acquire property of any kind in  
37-24 Galveston County [~~a county that:~~  
37-25 [~~(1) has a population of more than 245,000;~~  
37-26 [~~(2) borders on the Gulf of Mexico; and~~  
37-27 [~~(3) is adjacent to a county with a population of more~~  
37-28 ~~than 1.6 million]~~].

37-29 SECTION 201. (a) This Act is not intended to revive a law  
37-30 that was impliedly repealed by a law enacted by the 81st Legislature  
37-31 or a previous legislature.

37-32 (b) To the extent that a law enacted by the 82nd  
37-33 Legislature, Regular Session, 2011, conflicts with this Act, the  
37-34 other law prevails, regardless of the relative dates of enactment  
37-35 or the relative effective dates.

37-36 SECTION 202. This Act takes effect September 1, 2011.

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