| **House Bill 2702**Senate AmendmentsSection-by-Section Analysis |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| SECTION 1. Section 147.003(a), Agriculture Code, is amended to read as follows:(a) A person pursuing the business of selling mules, horses, jacks, or jennets in a county with a population of not less than 1.8 [~~1.4~~] million nor more than 1.9 [~~1.5~~] million is not subject to this chapter as a livestock auction commission merchant. | SECTION 1. Same as House version. |  |
| SECTION 2. Section 109.57(e), Alcoholic Beverage Code, is amended to read as follows:(e) A municipality located in a county that has a population of 2.2 million or more and that is adjacent to a county with a population of more than 600,000 [~~400,000~~] or a municipality located in a county with a population of 600,000 [~~400,000~~] or more and that is adjacent to a county with a population of 2.2 million or more may regulate, in a manner not otherwise prohibited by law, the location of an establishment issued a permit under Chapter 32 or 33 if:(1) the establishment derives 35 percent or more of the establishment's gross revenue from the on-premises sale or service of alcoholic beverages and the premises of the establishment are located in a dry area; and(2) the permit is not issued to a fraternal or veterans organization or the holder of a food and beverage certificate. | SECTION 2. Same as House version. |  |
| SECTION 3. Section 75.0021(c), Civil Practice and Remedies Code, is amended to read as follows:(c) This section applies only to a public utility located in:(1) a county with a population of 800,000 [~~600,000~~] or more and located on the international border; or(2) a municipal management district located in a municipality with a population of more than 1.9 million. | SECTION 3. Same as House version. |  |
| SECTION 4. Section 152.006, Civil Practice and Remedies Code, is amended to read as follows:Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION CENTERS. An entity described by Section 152.002(b)(1) that provides services for the resolution of disputes in a county that borders the Gulf of Mexico with a population of 250,000 or more but less than 300,000 [~~290,000~~] may collect a reasonable fee in any amount set by the commissioners court from a person who receives the services. This section may not be construed to affect the collection of a fee by any other entity described by Section 152.002(b)(1). | SECTION 4. Same as House version. |  |
| SECTION 5. Article 2.12, Code of Criminal Procedure, is amended to read as follows:Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;(6) law enforcement agents of the Texas Alcoholic Beverage Commission;(7) each member of an arson investigating unit commissioned by a city, a county, or the state;(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;(9) officers commissioned by the General Services Commission;(10) law enforcement officers commissioned by the Parks and Wildlife Commission;(11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;(13) municipal park and recreational patrolmen and security officers;(14) security officers and investigators commissioned as peace officers by the comptroller;(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;(17) investigators commissioned by the Texas Medical Board;(18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;(20) investigators employed by the Texas Racing Commission;(21) officers commissioned under Chapter 554, Occupations Code;(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;(23) investigators commissioned by the attorney general under Section 402.009, Government Code;(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;(25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;(26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;(27) officers commissioned by the state fire marshal under Chapter 417, Government Code;(28) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;(29) apprehension specialists and inspectors general commissioned by the Texas Youth Commission as officers under Sections 61.0451 and 61.0931, Human Resources Code;(30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;(31) investigators commissioned by the Commission on Law Enforcement Officer Standards and Education under Section 1701.160, Occupations Code;(32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;(35) investigators commissioned by the Texas Juvenile Probation Commission as officers under Section 141.055, Human Resources Code; and(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code. | SECTION 5. Same as House version. |  |
| SECTION 6. Article 2.21(g), Code of Criminal Procedure, is amended to read as follows:(g) A clerk in a county with a population of less than two [~~1.7~~] million must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant before disposing of an eligible exhibit. | SECTION 6. Same as House version. |  |
| SECTION 7. Article 18.05(e), Code of Criminal Procedure, is amended to read as follows:(e) A search warrant may not be issued under this article to a code enforcement official of a county with a population of 3.3 [~~2.4~~] million or more for the purpose of allowing the inspection of specified premises to determine the presence of an unsafe building condition or a violation of a building regulation, statute, or ordinance. | SECTION 7. Same as House version. |  |
| SECTION 8. Section 11.0581(a), Education Code, is amended to read as follows:(a) An election for trustees of an independent school district shall be held on the same date as:(1) the election for the members of the governing body of a municipality located in the school district;(2) the general election for state and county officers; or(3) the election for the members of the governing body of a hospital district, if the school district:(A) is wholly or partly located in a county with a population of less than 40,000 [~~30,000~~] that is adjacent to a county with a population of more than three million; and(B) held its election for trustees jointly with the election for the members of the governing body of the hospital district before May 2007. | SECTION 8. Same as House version. |  |
| SECTION 9. Section 28.025(b-9), Education Code, is amended to read as follows:(b-9) The agency shall establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 [~~80~~] percent of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and outside the regular school day. Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide. | SECTION 9. Same as House version. |  |
| SECTION 10. Section 45.105(e), Education Code, is amended to read as follows:(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, in a county with a population of more than two [~~1.5~~] million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the effective tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes. | SECTION 10. Same as House version. |  |
| SECTION 11. Section 51.214(a), Education Code, is amended to read as follows:(a) In any municipality with a population of 1.18 million or more located primarily in a county with a population of 2 million or more, the governing board of a private, nonprofit medical corporation, or of the parent corporation of such medical corporation, that provides police or security services for an institution of higher education or a private postsecondary educational institution located within one of the medical corporation's or parent corporation's medical complexes, or that provides police or security services for another medical complex legally affiliated with or owned, leased, managed, or controlled by the medical corporation or parent corporation, may employ and commission police or security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c). | SECTION 11. Same as House version. |  |
| SECTION 12. Section 53A.49(a), Education Code, is amended to read as follows:(a) In the same manner that a corporation may issue bonds under this chapter for an institution of higher education, a corporation created under Section 53A.35(b) may issue bonds to finance or refinance educational facilities to be used by a school that:(1) is located in a county with a population of more than two million [~~1,800,000~~];(2) is located within three miles of an area designated as an enterprise zone under Chapter 2303, Government Code;(3) provides primary and secondary education to at least 1,000 students;(4) is accredited by an organization approved by the Texas Education Agency for private school accreditation; and(5) is owned and operated by a corporation created under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes). | SECTION 12. Same as House version. |  |
| SECTION 13. Section 130.082(i), Education Code, is amended to read as follows:(i) The election of trustees of a countywide junior or community college district that contains a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more shall be held on the first Saturday in April of each even-numbered year. When a runoff election is necessary, the board may order the election for a date to coincide with the date of the runoff election for city officials, if the city is holding a runoff election; otherwise, the board shall set the date of the runoff election for not later than three weeks following the regular election. | SECTION 13. Same as House version. |  |
| SECTION 14. Section 143.005(e), Election Code, is amended to read as follows:(e) If the city charter of a home-rule city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that holds nonpartisan elections for its offices requires both a petition and a $50 fee to be filed for a candidate's name to be placed on the ballot, those requirements supersede this section. | SECTION 14. Same as House version. |  |
| SECTION 15. Section 172.021(e), Election Code, is amended to read as follows:(e) A candidate for an office specified by Section 172.024(a)(8), (10), or (12), or for justice of the peace in a county with a population of more than 1.5 million [~~850,000~~], who chooses to pay the filing fee must also accompany the application with a petition for a place on the primary ballot as a candidate for judicial office that complies with the requirements prescribed for the petition authorized by Subsection (b), except that the minimum number of signatures that must appear on the petition required by this subsection is 250. If the candidate chooses to file the petition authorized by Subsection (b) in lieu of the filing fee, the minimum number of signatures required for that petition is increased by 250. Signatures on a petition filed under this subsection or Subsection (b) by a candidate covered by this subsection may not be obtained on the grounds of a county courthouse or courthouse annex. | SECTION 15. Same as House version. |  |
| SECTION 16. Section 172.024(a), Election Code, is amended to read as follows:(a) The filing fee for a candidate for nomination in the general primary election is as follows:(1) United States senator $5,000(2) office elected statewide, except United States senator 3,750(3) United States representative 3,125(4) state senator 1,250(5) state representative 750(6) member, State Board of Education 300(7) chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) 1,875(8) chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than one million [~~750,000~~] is wholly or partly situated 2,500(9) district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee 1,500(10) district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 1.5 million [~~850,000~~] 2,500(11) judge, statutory county court, other than a judge specified by Subdivision (12) 1,500(12) judge of a statutory county court in a county with a population of more than 1.5 million [~~850,000~~] 2,500(13) district attorney, criminal district attorney, or county attorney performing the duties of a district attorney 1,250(14) county commissioner, district clerk, county clerk, sheriff, county tax assessor-collector, county treasurer, or judge, constitutional county court:(A) county with a population of 200,000 or more 1,250(B) county with a population of under 200,000 750(15) justice of the peace or constable:(A) county with a population of 200,000 or more 1,000(B) county with a population of under 200,000 375(16) county surveyor75(17) office of the county government for which this schedule does not otherwise prescribe a fee 750 | SECTION 16. Same as House version. |  |
| SECTION 17. Section 84.002(a), Family Code, is amended to read as follows:(a) On the request of the prosecuting attorney in a county with a population of more than two [~~1.5~~] million or in a county in a judicial district that is composed of more than one county, the district court shall set the hearing on a date and time not later than 20 days after the date the application is filed or 20 days after the date a request is made to reschedule a hearing under Section 84.003. | SECTION 17. Same as House version. |  |
| SECTION 18. Section 51.501(c), Government Code, is amended to read as follows:(c) The commissioners court of a county that has a population of 5,800 [~~6,000~~] to 5,900 [~~6,125~~] shall determine whether the county shall have a joint clerk but may not take action to prevent a district clerk, county clerk, or joint clerk from serving the full term of office to which the clerk was elected. | SECTION 18. Same as House version. |  |
| SECTION 19. Section 62.016(h), Government Code, is amended to read as follows:(h) In a county with a population of more than 1.5 million [~~900,000~~], the district judges, by a majority vote, may authorize the drawing of two general jury panels for the week, with one to be used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket. | SECTION 19. Same as House version. |  |
| SECTION 20. Section 62.021, Government Code, is amended to read as follows:Sec. 62.021. DISMISSAL OF JUROR REMOVED FROM PANEL. In a county with a population of two [~~1.5~~] million or more, a prospective juror removed from a jury panel for cause, by peremptory challenge or for any other reason, must be dismissed from jury service. After dismissal, the person may not be placed on another jury panel until his name is returned to the jury wheel and drawn again for jury service. | SECTION 20. Same as House version. |  |
| SECTION 21. Section 803.0021, Government Code, is amended to read as follows:Sec. 803.0021. APPLICATION OF CHAPTER. This chapter applies only to:(1) a retirement system for general municipal employees in a municipality with a population of not less than 750,000 [~~600,000~~] nor more than 850,000 [~~700,000~~];(2) the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Judicial Retirement System of Texas Plan One, the Judicial Retirement System of Texas Plan Two, the Texas County and District Retirement System, and the Texas Municipal Retirement System; and(3) a retirement system that makes an election under Section 803.101(f). | SECTION 21. Same as House version. |  |
| SECTION 22. The heading to Section 1331.051, Government Code, is amended to read as follows:Sec. 1331.051. LIMITATION ON BONDED DEBT: MUNICIPALITY WITH POPULATION OF 750,000 [~~600,000~~] OR MORE. | SECTION 22. Same as House version. |  |
| SECTION 23. Section 1331.051(a), Government Code, is amended to read as follows:(a) This section applies only to a municipality with a population of 750,000 [~~600,000~~] or more. | SECTION 23. Same as House version. |  |
| SECTION 24. Section 1371.059(c), Government Code, is amended to read as follows:(c) An issuer in the proceedings to authorize obligations or a credit agreement, or in a credit agreement, may agree to waive sovereign immunity from suit or liability for the purpose of adjudicating a claim to enforce the credit agreement or obligation or for damages for breach of the credit agreement or obligation. This subsection does not apply to an issuer that is:(1) a state agency, including a state institution of higher education; or(2) a county with a population of 1.5 million [~~900,000~~] or more. | SECTION 24. Same as House version. |  |
| SECTION 25. Section 1473.101(b), Government Code, is amended to read as follows:(b) The commissioners court of a county that has a population of more than 1.5 million [~~900,000~~] may:(1) issue bonds to pay for the construction and equipment of a courthouse or county branch office building, including the acquisition of a site for the courthouse or branch office building; and(2) impose a tax to pay for the bonds. | SECTION 25. Same as House version. |  |
| SECTION 26. Section 1473.191, Government Code, is amended to read as follows:Sec. 1473.191. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a county with a population of more than 1.5 million [~~900,000~~]. | SECTION 26. Same as House version. |  |
| SECTION 27. Section 1473.231, Government Code, is amended to read as follows:Sec. 1473.231. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a county with a population of more than 1.5 million [~~900,000~~]. | SECTION 27. Same as House version. |  |
| SECTION 28. The heading to Chapter 1476, Government Code, is amended to read as follows:CHAPTER 1476. CERTIFICATES OF INDEBTEDNESS IN COUNTIES WITH POPULATION OF MORE THAN TWO [~~1.5~~] MILLION | SECTION 28. Same as House version. |  |
| SECTION 29. Section 1476.001(a), Government Code, is amended to read as follows:(a) This chapter applies only to a county with a population of more than two [~~1.5~~] million. | SECTION 29. Same as House version. |  |
| SECTION 30. Section 1502.070(a), Government Code, is amended to read as follows:(a) Management and control of a utility system may be vested in:(1) the municipality's governing body; or(2) a board of trustees named in the proceedings adopted by the municipality and consisting of not more than:(A) five members, one of whom must be the mayor of the municipality; or(B) seven members, one of whom must be the mayor of the municipality, if the municipality is located in a county:(i) with a population of at least 800,000 [~~600,000~~]; and(ii) that is located on an international border. | SECTION 30. Same as House version. |  |
| SECTION 31. Section 1506.101, Government Code, is amended to read as follows:Sec. 1506.101. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a municipality that:(1) is located on the Gulf of Mexico or on a channel, canal, bay, or inlet connected to the Gulf of Mexico; and(2) has a population of:(A) more than 47,500 [~~56,000~~] and less than 73,000 [~~67,000~~]; or(B) more than 117,000 [~~113,000~~] and less than 160,000 [~~150,000~~]. | SECTION 31. Same as House version. |  |
| SECTION 32. Section 1509.002(b), Government Code, is amended to read as follows:(b) This section applies only to a municipality that:(1) has a population of more than 17,000 [~~15,000~~] but less than 18,000 [~~16,000~~]; and(2) is located in two counties with populations of 550,000 [~~325,000~~] or more but less than 4.2 [~~3.5~~] million. | SECTION 32. Same as House version. |  |
| SECTION 33. Section 2303.004(b), Government Code, is amended to read as follows:(b) Notwithstanding Subsection (a), the governing body of a county with a population of one million [~~750,000~~] or more may nominate for designation as an enterprise project a project or activity of a qualified business that is located within the jurisdiction of a municipality located in the county. For purposes of this subsection, a county during any biennium may not use in any one municipality more than three of the maximum number of designations the county is permitted under Section 2303.406(d)(2). | SECTION 33. Same as House version. |  |
| SECTION 34. Section 168.010(a), Health and Safety Code, is amended to read as follows:(a) This section applies only to a school district located in a county that:(1) has a population of less than 800,000 [~~600,000~~]; and(2) is located on the international border. | SECTION 34. Same as House version. |  |
| SECTION 35. Section 281.021(b), Health and Safety Code, is amended to read as follows:(b) The commissioners court of a county with a population of more than 1.8 [~~1.4~~] million but less than 1.9 [~~1.5~~] million in which a district is created under this chapter shall appoint a board composed of not less than five or more than 15 members. | SECTION 35. Same as House version. |  |
| SECTION 36. Section 281.056(b-1), Health and Safety Code, is amended to read as follows:(b-1) The county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters shall, in all legal matters, represent a district located in:(1) a county with a population of 800,000 [~~650,000~~] or more that borders the United Mexican States;(2) a county with a population of 3.4 million or more; or(3) a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003. | SECTION 36. Same as House version. |  |
| SECTION 37. Section 285.002, Health and Safety Code, is amended to read as follows:Sec. 285.002. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a county having:(1) a population of at least 800,000 [~~650,000~~]; and(2) a countywide hospital district that:(A) has taxes imposed and collected by the commissioners court of the county; and(B) has teaching hospital facilities affiliated with a state-owned or private medical school. | SECTION 37. Same as House version. |  |
| SECTION 38. Section 285.022(a), Health and Safety Code, is amended to read as follows:(a) A hospital district located in a county with a population of more than 1.5 million [~~900,000~~] may construct, enlarge, furnish, equip, operate, or lease a parking station near a hospital in the district on the determination by the commissioners court of the county that the action is in the best interest of the hospital district and the residents of the district. | SECTION 38. Same as House version. |  |
| SECTION 39. The heading to Chapter 289, Health and Safety Code, is amended to read as follows:CHAPTER 289. COUNTY HEALTH CARE FUNDING DISTRICTSIN CERTAIN COUNTIES LOCATED ON TEXAS-MEXICO BORDER THATHAVE POPULATION OF LESS THAN 300,000 [~~200,000~~] | SECTION 39. Same as House version. |  |
| SECTION 40. Section 289.002, Health and Safety Code, is amended to read as follows:Sec. 289.002. CREATION OF DISTRICT. A district is created in each county located on the Texas-Mexico border that has a population of less than 300,000 [~~200,000~~] and contains one or more municipalities with a population of 200,000 [~~100,000~~] or more. | SECTION 40. Same as House version. |  |
| SECTION 41. The heading to Chapter 290, Health and Safety Code, is amended to read as follows:CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTSIN CERTAIN COUNTIES WITH POPULATION OF1.8 [~~1.4~~] MILLION OR LESS | SECTION 41. Same as House version. |  |
| SECTION 42. Section 290.002, Health and Safety Code, is amended to read as follows:Sec. 290.002. CREATION OF DISTRICT. A district is created in each county that has a population of 1.8 [~~1.4~~] million or less and in which a municipality with a population of 1.1 million or more is predominantly located. | SECTION 42. Same as House version. |  |
| SECTION 43. Section 301.001(1), Health and Safety Code, is amended to read as follows:(1) "Eligible institution" means an entity engaged in health-related pursuits that, except for cooperative associations, is exempt from federal income tax and includes only:(A) a municipality;(B) a political subdivision of the state;(C) a state-supported health-related institution, including:(i) The Texas A&M University System;(ii) The University of Texas System; and(iii) Texas Woman's University;(D) a nonprofit health-related institution; or(E) a cooperative association created under Subchapter B, a unit of which is located in a county with a population of more than 3.3 [~~2.5~~] million. | SECTION 43. Same as House version. |  |
| SECTION 44. Section 361.271(c), Health and Safety Code, is amended to read as follows:(c) A political subdivision that is in a county with a population of 3.3 [~~2.4~~] million or more or is in a county adjacent to a county with a population of 3.3 [~~2.4~~] million or more and that builds or installs a drainage project on a site of a solid waste facility is not a person responsible for solid waste released or threatened to be released from the facility or at a site of the facility if:(1) the political subdivision acquired ownership or control of the facility or site through bankruptcy, tax delinquency, abandonment, or other circumstances in which the subdivision involuntarily acquired title to the facility or site by virtue of the subdivision's function as sovereign; and(2) the plans for the drainage project have been submitted to and reviewed by the commission. | SECTION 44. Same as House version. |  |
| SECTION 45. Section 382.056(r), Health and Safety Code, is amended to read as follows:(r) This section does not apply to:(1) the relocation or change of location of a portable facility to a site where a portable facility has been located at the proposed site at any time during the previous two years;(2) a facility located temporarily in the right-of-way, or contiguous to the right-of-way, of a public works project; or(3) a facility described by Section 382.065(c), unless that facility is in a county with a population of 3.3 [~~2.4~~] million or more or in a county adjacent to such a county. | SECTION 45. Same as House version. |  |
| SECTION 46. Section 382.065(d), Health and Safety Code, is amended to read as follows:(d) Notwithstanding Subsection (c), Subsection (a) applies to a concrete crushing facility in a county with a population of 3.3 [~~2.4~~] million or more or in a county adjacent to such a county. | SECTION 46. Same as House version. |  |
| SECTION 47. Section 382.218(a), Health and Safety Code, is amended to read as follows:(a) This section applies only to a county with a population of 800,000 [~~650,000~~] or more that borders the United Mexican States. | SECTION 47. Same as House version. |  |
| SECTION 48. Section 462.0731(a), Health and Safety Code, is amended to read as follows:(a) This section applies to a chemically dependent patient who is a resident of a county with a population of more than 3.3 [~~2.4~~] million, according to the most recent federal decennial census, and whose inpatient commitment is modified to an outpatient commitment, who is furloughed from an inpatient facility, or who is committed to treatment on an outpatient basis. | SECTION 48. Same as House version. |  |
| SECTION 49. Sections 711.008(d) and (k), Health and Safety Code, are amended to read as follows:(d) Subsection (a) does not apply to a cemetery established and operating before September 1, 1995, in a county with a population of more than 285,000 [~~250,000~~] and less than 300,000 [~~251,000~~] that borders the Gulf of Mexico.(k) This subsection applies only to a municipality with a population of 115,000 [~~110,000~~] or more that is located in a county with a population of less than 132,000 [~~127,000~~]. Not later than September 1, 1994, a person may file a written application with the governing body of the municipality to establish or use a cemetery located inside the boundaries of the municipality. The municipality by ordinance shall prescribe the information to be included in the application. The governing body by ordinance may authorize the establishment or use of a cemetery located inside the boundaries of the municipality if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. | SECTION 49. Same as House version. |  |
| SECTION 50. Section 771.0751(a), Health and Safety Code, as added by Chapter 258 (H.B. 1771), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:(a) This section applies only to the use of fees and surcharges collected under this subchapter in a county subject to this subchapter with a population of at least one million [~~700,000~~]. | SECTION 50. Same as House version. |  |
| SECTION 51. Section 772.204, Health and Safety Code, is amended to read as follows:Sec. 772.204. APPLICATION OF SUBCHAPTER. This subchapter applies to a county with a population of more than 1.5 million [~~860,000~~] in which an emergency communication district was created under Chapter 7, Acts of the 68th Legislature, 2nd Called Session, 1984, before January 1, 1988. | SECTION 51. Same as House version. |  |
| SECTION 52. Section 772.402, Health and Safety Code, is amended to read as follows:Sec. 772.402. APPLICATION OF SUBCHAPTER. This subchapter applies only to a county having a population of more than two [~~1.5~~] million in which a communication district has not been created under Subchapter B. | SECTION 52. Same as House version. |  |
| SECTION 53. Sections 775.014(g) and (h), Health and Safety Code, are amended to read as follows:(g) This section does not apply if the proposed district contains territory in the unincorporated area of a county with a population of 3.3 [~~2.4~~] million or more.(h) The governing body of a municipality with a population of more than one million may negotiate with the commissioners court of a county with a population of less than 1.8 [~~1.4~~] million that is the county in which the majority of the territory inside the municipality's corporate boundaries is located conditions under which the municipality will grant its consent to the inclusion of its extraterritorial jurisdiction in the district. The negotiated conditions may:(1) limit the district's ability to incur debt;(2) require the district to ensure that its equipment is compatible with the municipality's equipment; and(3) require the district to enter into mutual aid agreements. | SECTION 53. Same as House version. |  |
| SECTION 54. Section 775.017(a), Health and Safety Code, is amended to read as follows:(a) If after the hearing the commissioners court finds that creation of the district is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed district, the commissioners court shall grant the petition, fix the district's boundaries, and impose any conditions negotiated under Section 775.014(h). If the proposed district, according to its boundaries stated in the petition, is located wholly in a county with a population of more than 3.3 [~~2.4~~] million, the commissioners court may amend the petition to change the boundaries of the proposed district if the commissioners court finds the change is necessary or desirable. For the purposes of this provision, the population of the county is determined according to the most recent federal decennial census available at the time the petition is filed. | SECTION 54. Same as House version. |  |
| SECTION 55. Section 775.031(b), Health and Safety Code, is amended to read as follows:(b) A district located wholly within a county with a population of more than 3.3 [~~2.4~~] million may not provide fire prevention or fire-fighting services unless the district:(1) was originally a rural fire prevention district and was converted to an emergency services district under this chapter or former Section 794.100; or(2) is created after September 1, 2003. | SECTION 55. Same as House version. |  |
| SECTION 56. Section 101.028(a), Human Resources Code, is amended to read as follows:(a) This section applies only to counties having a population of not less than 22,140 [~~23,750~~] and not more than 22,340 [~~24,000~~] and to cities and towns within those counties. | SECTION 56. Same as House version. |  |
| SECTION 57. Section 1575.163, Insurance Code, is amended to read as follows:Sec. 1575.163. LIMITATIONS. The Teacher Retirement System of Texas, as trustee, may not contract for or provide a health benefit plan that excludes from participation in the network a general hospital that:(1) is located in [~~within~~] the geographical service area or areas of the health coverage plan that includes a county that:(A) has a population of at least 100,000 and not more than 210,000 [~~175,000~~]; and(B) is located in the Texas-Louisiana border region, as that term is defined in Section 2056.002(e), Government Code; and(2) agrees to provide medical and health care services under the plan subject to the same terms and conditions as other hospital providers under the plan. | SECTION 57. Same as House version. |  |
| SECTION 58. Section 1579.108, Insurance Code, is amended to read as follows:Sec. 1579.108. LIMITATIONS. The trustee may not contract for or provide a health coverage plan that excludes from participation in the network a general hospital that:(1) is located in the geographical service area or areas of the health coverage plan that includes a county that:(A) has a population of at least 100,000 and not more than 210,000 [~~175,000~~]; and(B) is located in the Texas-Louisiana border region, as that term is defined in Section 2056.002(e), Government Code; and(2) agrees to provide medical and health care services under the plan subject to the same terms as other hospital providers under the plan. | SECTION 58. Same as House version. |  |
| SECTION 59. Section 92.013(b), Labor Code, is amended to read as follows:(b) A municipality with a population greater than one million [~~750,000~~] may establish municipal licensing requirements that impose stricter standards than those imposed under Subchapter C. | SECTION 59. Same as House version. |  |
| SECTION 60. Section 201.070, Labor Code, is amended to read as follows:Sec. 201.070. SERVICE AS PRODUCT DEMONSTRATOR; SALESMAN. In this subtitle, "employment" does not include:(1) service by an individual as a product demonstrator if:(A) the service is performed under a written contract between the individual performing the service and a person whose principal business is obtaining the service of a demonstrator for a third person for product demonstration purposes; and(B) in contract and in fact the individual:(i) is not treated as an employee with respect to that service for federal unemployment tax purposes;(ii) is compensated for each demonstration or is compensated based on factors that relate to the work performed;(iii) determines the method of performing the service;(iv) provides each vehicle used to perform the service;(v) is responsible for the completion of a specific job and is liable for failure to complete the job;(vi) may accept or reject a job from a product demonstrator business;(vii) is free from control by the principal business as to where the individual works;(viii) controls solely opportunity for profit or loss; and(ix) pays all expenses and operating costs, including fuel, repairs, supplies, and motor vehicle insurance;(2) service by an individual as a direct seller if:(A) the individual is engaged in the business of:(i) in-person sales of consumer products to a buyer on a buy-sell basis, a deposit-commission basis, or a similar basis for resale in a home or in a place other than, and not affiliated with, a permanent retail establishment; or(ii) sales of consumer products in a home or in a place other than, and not affiliated with, a permanent retail establishment;(B) substantially all remuneration for the service, whether in cash or other form of payment, is directly related to sales or other output, including the performance of the service, and not to the number of hours worked; and(C) the service is performed under a written contract between the individual and the person for whom the service is performed, and the contract provides that the individual is not treated as an employee with respect to the service for federal tax purposes; or(3) service performed by an individual at a trade market for a wholesaler or sales representative of a wholesaler or manufacturer of consumer goods under a written contract, or as a salesman for a wholesaler of consumer goods, if the wholesaler or sales representative maintains a regular or seasonal place of business at a trade market facility in a municipality with a population of more than one million [~~750,000~~]. | SECTION 60. Same as House version. |  |
| SECTION 61. Section 43.034, Local Government Code, is amended to read as follows:Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX AREA; CERTAIN MUNICIPALITIES. A general-law municipality may annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area if:(1) the municipality has a population of 1,762-1,770 [~~1,000-1,300~~], part of whose boundary is part of the shoreline of a lake whose normal surface area is 75,000 acres or greater and which is located completely within the State of Texas;(2) the procedural rules prescribed by this chapter are met;(3) the service plan requires that police and fire protection at a level consistent with protection provided within the municipality must be provided to the area within 10 days after the effective date of the annexation; and(4) the municipality and the affected landowners have not entered an agreement to not annex the area for a certain period. | SECTION 61. Same as House version. |  |
| SECTION 62. Section 43.0751(n), Local Government Code, is amended to read as follows:(n) This subsection applies only to a municipality any portion of which is located in a county that has a population of not less than 285,000 and not more than 300,000 [~~250,000~~] and that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 million. A municipality may impose within the boundaries of a district a municipal sales and use tax authorized by Chapter 321, Tax Code, or a municipal hotel occupancy tax authorized by Chapter 351, Tax Code, that is imposed in the municipality if:(1) the municipality has annexed the district for limited purposes under this section; or(2) following two public hearings on the matter, the municipality and the district enter a written agreement providing for the imposition of the tax or taxes. | SECTION 62. Same as House version. |  |
| SECTION 63. Section 43.1025(a), Local Government Code, is amended to read as follows:(a) This section applies only to a home-rule municipality that has a population of less than 11,000 [~~10,000~~] and is located primarily in a county with a population of more than 3.3 million. | SECTION 63. Same as House version. |  |
| SECTION 64. Section 43.105(a), Local Government Code, is amended to read as follows:(a) A general-law municipality that has a population of 1,066-1,067 [~~1096-1100~~] and is located in a county with a population of 85,000 or more that is not adjacent to a county with a population of 2 million or more, or that has a population of 6,000-6,025 [~~5,240-5,280~~] may annex, by ordinance and without the consent of any person, a public street, highway, road, or alley adjacent to the municipality. | SECTION 64. Same as House version. |  |
| SECTION 65. The heading to Section 81.028, Local Government Code, is amended to read as follows:Sec. 81.028. DELEGATION OF DUTIES OF A COUNTY JUDGE IN COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION [~~1,000,000~~]. | SECTION 65. Same as House version. |  |
| SECTION 66. Section 81.028(a), Local Government Code, is amended to read as follows:(a) This section applies exclusively to a county judge in a county with a population of more than 1.5 million [~~1,000,000~~]. | SECTION 66. Same as House version. |  |
| SECTION 67. Section 81.029(a), Local Government Code, is amended to read as follows:(a) This section applies only to a county judge in a county that has a population of more than 800,000 [~~600,000~~] and is located on the international border. | SECTION 67. Same as House version. |  |
| SECTION 68. Section 115.044(a), Local Government Code, is amended to read as follows:(a) A county with a population of 312,000 [~~239,000~~] to 330,000 [~~242,000~~] shall conduct a biennial independent audit of all books, records, and accounts of each district, county, and precinct officer, agent, or employee, including those of the regular county auditor, and of all governmental units of the county hospitals, farms, and other institutions. The audit must cover all matters relating to the fiscal affairs of the county. The audit shall be conducted in each even-numbered year and must be completed before December 31 of the year. | SECTION 68. Same as House version. |  |
| SECTION 69. Section 143.0052(a), Local Government Code, is amended to read as follows:(a) This section applies only to a municipality that:(1) has a population of more than 220,000 [~~200,000~~] and less than 250,000;(2) is located in a county in which another municipality that has a population of more than one million is predominately located; and(3) whose emergency medical services are administered by a fire department. | SECTION 69. Same as House version. |  |
| SECTION 70. Section 152.017, Local Government Code, is amended to read as follows:Sec. 152.017. EXCEPTIONS. This subchapter does not apply to:(1) a judge of a court of record;(2) a presiding judge of a commissioners court in a county with a population of 3.3 [~~2.5~~] million or more;(3) a district attorney paid wholly by state funds or the district attorney's assistants, investigators, or other employees;(4) a county auditor, county purchasing agent, or the auditor's or purchasing agent's assistants or other employees; or(5) a person employed under Section 10, Article 42.12, Code of Criminal Procedure. | SECTION 70. Same as House version. |  |
| SECTION 71. Sections 152.032(b), (d), and (e), Local Government Code, are amended to read as follows:(b) This subsection applies only to a county that employs an arena venue project manager hired as of March 7, 2001, and that has a population of less than 1.8 [~~1.4~~] million in which a municipality with a population of more than one million is located. The amount of the compensation and allowances of a county auditor in a county subject to this subsection may not exceed the amount of the compensation and allowances received from all sources by the county budget officer. If the county hires a county budget officer at a salary lower than the salary of the previous county budget officer, the county auditor's salary may not be reduced on that basis.(d) The amount of the compensation and allowances of a county auditor in a county subject to this subsection may be set in an amount that exceeds the limit established by Subsection (a) if the compensation and allowances are approved by the commissioners court of the county. This subsection applies only to:(1) a county with a population of more than 108,000 [~~77,000~~] and less than 110,000 [~~80,000~~];(2) a county with a population of 120,000 or more, excluding a county subject to Subsection (b);(3) a county with a population of more than 1,000 and less than 23,000 [~~21,000~~] that borders the Gulf of Mexico; and(4) a county that borders a county subject to Subsection (b) and that has a population of more than 108,000 [~~50,000~~] and less than 110,000 [~~85,000~~].(e) This subsection applies only to a county with a population of more than one million [~~800,000~~] that uses an automated system to enhance internal controls of county finances through the use of automated edit checks of its automated purchasing system and its comprehensive automated payroll system. The amount of the compensation and allowances of a county auditor in a county governed by this subsection may exceed the limit imposed by Subsection (a) if the compensation and allowances are approved by the commissioners court. If a county is governed by this subsection and Subsection (b), the amount of compensation and allowances received by the county auditor may not exceed the limit imposed by Subsection (b). | SECTION 71. Same as House version. |  |
| SECTION 72. Section 152.904(c), Government Code, is amended to read as follows:(c) The commissioners court of a county with a population of 285,000 [~~250,000~~] to 300,000 [~~251,000~~] shall set the annual salary of the county judge at an amount equal to or greater than 90 percent of the salary, including supplements, of any district judge in Galveston County. However, the salary may not be set at an amount less than the salary paid the county judge on May 2, 1962. | SECTION 72. Same as House version. |  |
| SECTION 73. Section 158.008(e), Local Government Code, is amended to read as follows:(e) A member of the commissioners court of a county with a population of two [~~1.8~~] million or more is not prohibited from being appointed to the civil service commission. | SECTION 73. Same as House version. |  |
| SECTION 74. Section 160.002, Local Government Code, is amended to read as follows:Sec. 160.002. COUNTIES AND EMPLOYEES AFFECTED. This chapter applies only to a county with a population of more than 3.3 [~~2.4~~] million and its employees, including but not limited to the employees of road and bridge districts, flood control districts, and juvenile probation departments in the county. However, this chapter does not apply to the employees of a sheriff's department. | SECTION 74. Same as House version. |  |
| SECTION 75. Section 161.001, Local Government Code, is amended to read as follows:Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter applies only to a county that:(1) has a population of 800,000 [~~650,000~~] or more;(2) is located on the international border; and(3) before September 1, 2009, had a county ethics board appointed by the commissioners court. | SECTION 75. Same as House version. |  |
| SECTION 76. Section 176.009(b), Local Government Code, is amended to read as follows:(b) This subsection applies only to a county with a population of one million [~~800,000~~] or more or a municipality with a population of 500,000 or more. A county or municipality shall provide, on the Internet website maintained by the county or municipality, access to each report of political contributions and expenditures filed under Chapter 254, Election Code, by a member of the commissioners court of the county or the governing body of the municipality in relation to that office as soon as practicable after the officer files the report. | SECTION 76. Same as House version. |  |
| SECTION 77. Section 180.003(a), Local Government Code, is amended to read as follows:(a) In a county with a population of 312,000 [~~239,000~~] to 330,000 [~~242,000~~], a sheriff, deputy, constable, or other peace officer of the county or a municipality located in the county may not be required to be on duty more than 48 hours a week unless the peace officer is called on by a superior officer to serve during an emergency as determined by the superior officer. | SECTION 77. Same as House version. |  |
| SECTION 78. Section 212.0155(a), Local Government Code, is amended to read as follows:(a) This section applies to land located wholly or partly in the corporate boundaries of a municipality if the municipality:(1) has a population of more than 50,000; and(2) is located wholly or partly in:(A) a county with a population of more than three million;(B) a county with a population of more than 400,000 [~~275,000~~] that is adjacent to a county with a population of more than three million; or(C) a county with a population of more than 1.4 million:(i) in which two or more municipalities with a population of 300,000 or more are located; and(ii) that is adjacent to a county with a population of more than two million. | SECTION 78. Same as House version. |  |
| SECTION 79. Section 214.161, Local Government Code, is amended to read as follows:Sec. 214.161. MUNICIPALITY COVERED BY SUBCHAPTER. This subchapter applies only to a municipality with a population of more than 1.18 million located primarily in a county with a population of 2 million or more. | SECTION 79. Same as House version. |  |
| SECTION 80. Section 214.233(a), Local Government Code, is amended to read as follows:(a) A municipality located in a county with a population of two [~~1.5~~] million or more may adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official. | SECTION 80. Same as House version. |  |
| SECTION 81. Section 229.003(a), Local Government Code, is amended to read as follows:(a) This section applies only to a municipality located wholly or partly in a county:(1) with a population of 750,000 [~~450,000~~] or more;(2) in which all or part of a municipality with a population of one million or more is located; and(3) that is located adjacent to a county with a population of two million or more. | SECTION 81. Same as House version. |  |
| SECTION 82. Section 233.001(a), Local Government Code, is amended to read as follows:(a) If the commissioners court of a county that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 [~~2.5~~] million finds that a bulkhead or other method of shoreline protection, hereafter called "structure," in an unincorporated area of the county is likely to endanger persons or property, the commissioners may:(1) order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure or the part of the structure within a specified time; or(2) repair, remove, or demolish the structure or the part of the structure at the expense of the county on behalf of the owner of the structure or the owner of the property on which the structure is located and assess the repair, removal, or demolition expenses on the property on which the structure was located. | SECTION 82. Same as House version. |  |
| SECTION 83. Section 240.042(a), Local Government Code, is amended to read as follows:(a) The commissioners court of a county with a population of 1.8 [~~1.4~~] million or more by order may regulate the placement of private water wells in the unincorporated area of the county to prevent:(1) the contamination of a well from an on-site sewage disposal system;(2) rendering an on-site sewage disposal system that was in place before the well was drilled out of compliance with applicable law because of the placement of the well; and(3) drilling of a domestic well into a contaminated groundwater plume or aquifer. | SECTION 83. Same as House version. |  |
| SECTION 84. Section 240.082(a), Local Government Code, is amended to read as follows:(a) This subchapter applies only to real property that is located in the unincorporated area of a county with a population of 1.8 [~~1.4~~] million or more. | SECTION 84. Same as House version. |  |
| SECTION 85. Section 262.036(a), Local Government Code, is amended to read as follows:(a) Notwithstanding any other provision in this chapter, a county with a population of one million [~~800,000~~] or more may select an appropriately licensed insurance agent as the sole broker of record to obtain proposals and coverages for insurance that provides necessary coverage and adequate limits of coverage in all areas of risk, including public official liability, property, casualty, workers' compensation, and specific and aggregate stop-loss coverage for self-funded health care. | SECTION 85. Same as House version. |  |
| SECTION 86. Section 270.005(a), Local Government Code, is amended to read as follows:(a) The commissioners court of a county with a population of 251,000 to 275,000 [~~280,000~~] may contract with the United States government or a federal agency for:(1) the joint construction or improvement of roads, bridges, or other county improvements; or(2) the maintenance of a project constructed under this section. | SECTION 86. Same as House version. |  |
| SECTION 87. Section 292.001(d), Local Government Code, is amended to read as follows:(d) A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f), Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 275,000 [~~242,000~~] persons but no more than 285,000 [~~248,000~~] persons. | SECTION 87. Same as House version. |  |
| SECTION 88. Section 292.023(a), Local Government Code, is amended to read as follows:(a) This section applies only to a county with a population of:(1) 35,500 to 36,000; or(2) 85,000 [~~76,500~~] to 86,500 [~~77,000~~]. | SECTION 88. Same as House version. |  |
| SECTION 89. Section 292.025(a), Local Government Code, is amended to read as follows:(a) This section applies only to a county with a population of 35,050 [~~32,250~~] to 35,090 [~~32,350~~]. | SECTION 89. Same as House version. |  |
| SECTION 90. Section 292.027(a), Local Government Code, is amended to read as follows:(a) This section applies only to a county with a population of 57,000 [~~54,000~~] to 59,000 [~~57,000~~]. | SECTION 90. Same as House version. |  |
| SECTION 91. Sections 335.035(a) and (f), Local Government Code, are amended to read as follows:(a) This section applies only to the board of a district located in whole or in part in a county with a population of 3.3 [~~2.4~~] million or more.(f) Section 335.031(b) does not apply to a district located in a county with a population of 3.3 [~~2.4~~] million or more. | SECTION 91. Same as House version. |  |
| SECTION 92. Section 335.0711(b), Local Government Code, is amended to read as follows:(b) This section applies only to a district located in a county with a population of 3.3 [~~2.4~~] million or more. | SECTION 92. Same as House version. |  |
| SECTION 93. Section 335.102, Local Government Code, is amended to read as follows:Sec. 335.102. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a district located in a county with a population of 3.3 [~~2.4~~] million or more. | SECTION 93. Same as House version. |  |
| SECTION 94. Section 341.904(b), Local Government Code, is amended to read as follows:(b) In a municipality with a population of 1.18 million or more located primarily in a county with a population of 2 million or more, a person commits an offense if the person intentionally or knowingly:(1) uses, possesses, or wears:(A) a police identification item of the municipal police department;(B) an item bearing the insignia or design prescribed by the police chief of the municipality for officers and employees of the municipal police department to use while engaged in official activities; or(C) within the municipal police department's jurisdiction, an item that is deceptively similar to a police identification item of the department;(2) uses, within the municipal police department's jurisdiction, the name of the department in connection with an object to create the appearance that the object belongs to or is used by the department; or(3) uses, possesses, or operates, within the municipal police department's jurisdiction, a marked patrol vehicle that is deceptively similar to a department patrol vehicle. | SECTION 94. Same as House version. |  |
| SECTION 95. Section 361.042(a), Local Government Code, is amended to read as follows:(a) Instead of providing and maintaining its own jail, the commissioners court of a county with a population of 110,000 [~~102,000~~] to 113,000 [~~104,300~~] may provide safe and suitable jail facilities for the county by contracting for the facilities with the governing body of the municipality that is the county seat of the county. | SECTION 95. Same as House version. |  |
| SECTION 96. Section 373A.003(a), Local Government Code, is amended to read as follows:(a) This chapter applies to a municipality with a population of more than 750,000 [~~650,000~~] that is located in a uniform state service region with fewer than 550,000 occupied housing units as determined by the most recent United States decennial census. | SECTION 96. Same as House version. |  |
| SECTION 97. Section 381.001(c), Local Government Code, is amended to read as follows:(c) In a county with a population of 14,600 [~~13,000~~] to 14,800 [~~13,040~~], or 16,615 [~~15,900~~] to 16,715 [~~16,100~~], or 17,800 [~~18,570~~] to 18,000 [~~18,600~~], or 24,600 [~~24,000~~] to 24,800 [~~25,000~~], a person appointed to the commission also must be serving or must have served on an industrial foundation committee, commissioners court, municipality's governing body, or school board. In addition, in those counties information obtained by the commission shall be available to the commissioners court. | SECTION 97. Same as House version. |  |
| SECTION 98. Section 382.002, Local Government Code, is amended to read as follows:Sec. 382.002. APPLICABILITY. This chapter applies only to:(1) a county with a population of 1.5 million [~~825,000~~] or more, other than a county that:(A) borders on the Gulf of Mexico or a bay or inlet of the gulf; or(B) has two municipalities located wholly or partly in its boundaries each having a population of 300,000 or more; or(2) a county with a population of 70,000 or more that is adjacent to a county described by Subdivision (1) in which a municipality with a population of 35,000 or more is primarily situated and includes all or a part of the extraterritorial jurisdiction of a municipality with a population of 1.1 million or more. | SECTION 98. Same as House version. |  |
| SECTION 99. Section 386.031(a), Local Government Code, is amended to read as follows:(a) To be created as a development zone, an area must:(1) have a continuous boundary;(2) be at least 10 square miles but not larger than an area that is equal to five percent of the area, excluding lakes, waterways, and transportation arteries, of the municipality, county, or combination of municipalities and the county nominating the area as a development zone;(3) be an area of pervasive poverty, unemployment, or economic distress;(4) be located in a county with a population of 3.3 [~~2.5~~] million or more;(5) be adjacent to major transportation nodes and thoroughfares that may be used for exporting products to major airports, railways, and ports; and(6) be designated as a development zone by an ordinance or order adopted by each creating body. | SECTION 99. Same as House version. |  |
| SECTION 100. Section 395.081(a), Local Government Code, is amended to read as follows:(a) This section applies only to a municipality with a population of 115,000 [~~105,000~~] or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located. | SECTION 100. Same as House version. |  |
| SECTION 101. Section 552.044(1)(B), Local Government Code, is amended to read as follows:(B) "Benefitted property," in a municipality with a population of more than 1.18 million located primarily in a county with a population of 2 million or more which is operating a drainage utility system under this chapter, means a lot or tract, but does not include land appraised for agricultural use, to which drainage service is made available under this subchapter and which discharges into a creek, river, slough, culvert, or other channel that is part of the municipality's drainage utility system. Sections 552.053(c)(2) and (c)(3) do not apply to a municipality described in this subdivision. | SECTION 101. Same as House version. |  |
| SECTION 102. Section 561.007(a), Local Government Code, is amended to read as follows:(a) This section applies only to a county that:(1) has a population of 190,000 or more, is adjacent to a county with a population of 3.3 million [~~2,400,000~~] or more, and borders the Gulf of Mexico; and(2) operates a road department system under Subchapter D, Chapter 252, Transportation Code. | SECTION 102. Same as House version. |  |
| SECTION 103. Section 615.002(a), Local Government Code, is amended to read as follows:(a) This section applies to a county with a population of:(1) 14,050 [~~14,350~~] to 14,250 [~~14,450~~];(2) 19,700 [~~19,000~~] to 19,800 [~~19,200~~];(3) 21,850 [~~20,100~~] to 22,000 [~~20,300~~];(4) 54,000 [~~47,150~~] to 54,500 [~~47,350~~];(5) 36,500 [~~37,900~~] to 36,800 [~~38,500~~]; or(6) 234,000 [~~210,000 to 220,000; or~~[~~(7) 235,000~~] or more. | SECTION 103. Same as House version. |  |
| SECTION 104. Section 615.011(b), Local Government Code, is amended to read as follows:(b) A county with a population of 41,500 [~~36,650~~] to 42,500 [~~37,650~~] may authorize the use of county equipment, machinery, and employees to construct, establish, and maintain a public airstrip in the county. | SECTION 104. Same as House version. |  |
| SECTION 105. Section 615.022, Local Government Code, is amended to read as follows:Sec. 615.022. TRANSPORTATION EXPENSES OF CERTAIN COUNTIES FOR SENIOR CITIZENS. The commissioners court of a county with a population of 3.3 [~~2.4~~] million or more may pay out of the county general funds costs and expenses for the transportation of senior citizens for civic, community, educational, and recreational activities within and outside the county. | SECTION 105. Same as House version. |  |
| SECTION 106. Section 61.018(a-1), Natural Resources Code, is amended to read as follows:(a-1) A county attorney, district attorney, or criminal district attorney or the attorney general may not file a suit under Subsection (a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach if:(1) the line of vegetation establishing the boundary of the public beach moved as a result of a meteorological event that occurred before January 1, 2009;(2) the house was located landward of the natural line of vegetation before the meteorological event;(3) a portion of the house continues to be located landward of the line of vegetation; and(4) the house is located on a peninsula in a county with a population of more than 285,000 [~~250,000~~] and less than 300,000 [~~251,000~~] that borders the Gulf of Mexico. | SECTION 106. Same as House version. |  |
| SECTION 107. Section 133.091, Natural Resources Code, is amended to read as follows:Sec. 133.091. COUNTY AUTHORITY TO REGULATE. A county with a population of 3.3 [~~2.4~~] million or more may adopt regulations requiring the placement of signs or barriers on aggregate quarries and pits. | SECTION 107. Same as House version. |  |
| SECTION 108. Section 2308.209(b), Occupations Code, is amended to read as follows:(b) This section applies only to the unincorporated area of a county:(1) with a population of 550,000 [~~300,000~~] or more that is adjacent to a county with a population of 3.3 [~~2.3~~] million or more;(2) with a population of less than 10,000 that is located in a national forest; or [~~and~~](3) adjacent to a county described by Subdivision (2) that has a population of less than 75,000. | SECTION 108. Same as House version. |  |
| SECTION 109. Section 201.001(a), Property Code, is amended to read as follows:(a) This chapter applies to a residential real estate subdivision that is located in whole or in part:(1) within a city that has a population of more than 100,000, or within the extraterritorial jurisdiction of such a city;(2) in the unincorporated area of:(A) a county having a population of 3.3 million [~~2,400,000~~] or more; or(B) a county having a population of 40,000 [~~30,000~~] or more that is adjacent to a county having a population of 3.3 million [~~2,400,000~~] or more; or(3) in the incorporated area of a county having a population of 40,000 [~~30,000~~] or more that is adjacent to a county having a population of 3.3 million [~~2,400,000~~] or more. | SECTION 109. Same as House version. |  |
| SECTION 110. Section 204.002(a), Property Code, is amended to read as follows:(a) This chapter applies only to a residential real estate subdivision, excluding a condominium development governed by Title 7, Property Code, that is located in whole or in part:(1) in a county with a population of 3.3 [~~2.8~~] million or more;(2) in a county with a population of not less than 285,000 and not [~~250,000 or~~] more than 300,000 that is adjacent to the Gulf of Mexico and that is adjacent to a county having a population of 3.3 [~~2.8~~] million or more; or(3) in a county with a population of 275,000 or more that:(A) is adjacent to a county with a population of 3.3 million or more; and(B) contains part of a national forest. | SECTION 110. Same as House version. |  |
| SECTION 111. Section 210.002, Property Code, is amended to read as follows:Sec. 210.002. APPLICABILITY OF CHAPTER. This chapter applies to a residential real estate subdivision that is located in a county with a population of:(1) more than 200,000 [~~170,000~~] and less than 220,000 [~~175,000~~]; or(2) more than 45,000 and less than 80,000 [~~75,000~~] that is adjacent to a county with a population of more than 200,000 [~~170,000~~] and less than 220,000 [~~175,000~~]. | SECTION 111. Same as House version. |  |
| SECTION 112. Section 6.41(d-1), Tax Code, is amended to read as follows:(d-1) In a county with a population of 3.3 million or more or a county with a population of 550,000 [~~350,000~~] or more that is adjacent to a county with a population of 3.3 million or more the members of the board are appointed by the local administrative district judge in the county in which the appraisal district is established. | SECTION 112. Same as House version. |  |
| SECTION 113. Section 11.18(p), Tax Code, as added by Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:(p) The exemption authorized by Subsection (d)(23) applies only to improvements that:(1) are owned by a charitable organization that has been in existence for at least 10 years;(2) are used to provide housing and related services to individuals described by that subsection; and(3) are located on a single campus owned by a municipality with a population of more than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]. | SECTION 113. Same as House version. |  |
| SECTION 114. Sections 11.1825(s) and (v), Tax Code, are amended to read as follows:(s) Unless otherwise provided by the governing body of a taxing unit any part of which is located in a county with a population of at least 1.8 [~~1.4~~] million under Subsection (x), for property described by Subsection (f)(1), the amount of the exemption under this section from taxation is 50 percent of the appraised value of the property.(v) Notwithstanding any other provision of this section, an organization may not receive an exemption from taxation of property described by Subsection (f)(1) by a taxing unit any part of which is located in a county with a population of at least 1.8 [~~1.4~~] million unless the exemption is approved by the governing body of the taxing unit in the manner provided by law for official action. | SECTION 114. Same as House version. |  |
| SECTION 115. Section 31.03(d), Tax Code, is amended to read as follows:(d) This subsection applies only to a taxing unit located in a county having a population of not less than 285,000 and not [~~250,000 or~~] more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico. The governing body of a taxing unit that has its taxes collected by another taxing unit that has adopted the split-payment option under Subsection (a) may provide, in the manner required by law for official action by the body, that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. | SECTION 115. Same as House version. |  |
| SECTION 116. Section 311.0091(a), Tax Code, is amended to read as follows:(a) This section applies to a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 [~~1.4~~] million in which the principal municipality has a population of 1.1 million or more. | SECTION 116. Same as House version. |  |
| SECTION 117. Section 311.013(m), Tax Code, is amended to read as follows:(m) The governing body of a municipality that is located in a county with a population of more than 1.8 [~~1.4~~] million but less than 1.9 [~~2.1~~] million or in a county with a population of 3.3 million or more by ordinance may reduce the portion of the tax increment produced by the municipality that the municipality is required to pay into the tax increment fund for the zone. The municipality may not reduce under this subsection the portion of the tax increment produced by the municipality that the municipality is required to pay into the tax increment fund for the zone unless the municipality provides each county that has entered into an agreement with the municipality to pay all or a portion of the county's tax increment into the fund an opportunity to enter into an agreement with the municipality to reduce the portion of the tax increment produced by the county that the county is required to pay into the tax increment fund for the zone by the same proportion that the portion of the municipality's tax increment that the municipality is required to pay into the fund is reduced. The portion of the tax increment produced by a municipality that the municipality is required to pay into the tax increment fund for a reinvestment zone, as reduced by the ordinance adopted under this subsection, together with all other revenues required to be paid into the fund, must be sufficient to complete and pay for the estimated costs of projects listed in the reinvestment zone financing plan and pay any tax increment bonds or notes issued for the zone, and any other obligations of the zone. | SECTION 117. Same as House version. |  |
| SECTION 118. Section 311.017(a-1), Tax Code, as added by Chapter 137 (S.B. 1105), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:(a-1) This subsection applies only to a reinvestment zone created by a municipality that has a population of more than 220,000 but less than 235,000 [~~195,000 or more~~] and is the county seat of a county that has a population of 280,000 [~~245,000~~] or less. Notwithstanding Subsection (a)(1), a municipality by ordinance adopted subsequent to the ordinance adopted by the municipality creating a reinvestment zone may designate a termination date for the zone that is later than the termination date designated in the ordinance creating the zone but not later than the 20th anniversary of that date. If a municipality adopts an ordinance extending the termination date for a reinvestment zone as authorized by this subsection, the zone terminates on the earlier of:(1) the termination date designated in the ordinance; or(2) the date provided by Subsection (a)(2). | SECTION 118. Same as House version. |  |
| SECTION 119. Section 325.021(a), Tax Code, is amended to read as follows:(a) A county having a population of 55,000 [~~48,000~~] or less that borders the Rio Grande containing a municipality with a population of more than 22,000 may adopt or abolish the sales and use tax authorized by this chapter at an election held in the county. | SECTION 119. Same as House version. |  |
| SECTION 120. Section 351.101(a), Tax Code, as amended by Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:(A) the municipality owns the facilities or fields;(B) the municipality:(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;(ii) has a population of at least 75,000 [~~65,000~~] but not more than 95,000 [~~70,000~~] and is located in a county that has a population of [~~155,000 or~~] less than 200,000 but more than 160,000;(iii) has a population of at least 36,000 [~~34,000~~] but not more than 39,000 [~~36,000~~] and is located in a county that has a population of 100,000 [~~90,000~~] or less that is not adjacent to a county with a population of more than two million;(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;(v) has a population of at least 70,000 [~~65,000~~] but less than 90,000 [~~80,000~~] and no part of which is located in a county with a population greater than 150,000; or(vi) is located in a county that:(a) is adjacent to the Texas-Mexico border;(b) has a population of at least 500,000; and(c) does not have a municipality with a population greater than 500,000; and(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments; [~~and~~](8) for a municipality with a population of at least 70,000 [~~65,000~~] but less than 90,000 [~~80,000~~], no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;(9) [~~(8)~~] signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality; and(10) [~~(8)~~] the construction of a recreational venue in the immediate vicinity of area hotels, if:(A) the municipality:(i) is a general-law municipality;(ii) has a population of not more than 900; and(iii) does not impose an ad valorem tax;(B) not more than $100,000 of municipal hotel occupancy tax revenue is used for the construction of the recreational venue;(C) a majority of the hotels in the municipality request the municipality to construct the recreational venue;(D) the recreational venue will be used primarily by hotel guests; and(E) the municipality will pay for maintenance of the recreational venue from the municipality's general fund. | SECTION 120. Same as House version. |  |
| SECTION 121. Section 351.106(a), Tax Code, is amended to read as follows:(a) A municipality that has a population of 1.18 million or more, is located predominantly in a county that has a total area of less than 1,000 square miles, and that has adopted a council-manager form of government shall use the amount of revenue from the tax that is derived from the application of the tax at a rate of more than four percent of the cost of a room as follows:(1) no more than 55 percent to:(A) constructing, improving, enlarging, equipping, and repairing the municipality's convention center complex; or(B) pledging payment of revenue bonds and revenue refunding bonds issued under Subchapter A, Chapter 1504, Government Code, for the municipality's convention center complex; and(2) at least 45 percent for the purposes provided by Section 351.101(a)(3). | SECTION 121. Same as House version. |  |
| SECTION 122. Section 352.002(a), Tax Code, is amended to read as follows:(a) The commissioners courts of the following counties by the adoption of an order or resolution may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs $2 or more each day, and is ordinarily used for sleeping:(1) a county that has a population of more than 3.3 million;(2) a county that has a population of 90,000 or more, borders the United Mexican States, and does not have three or more cities that each have a population of more than 17,500;(3) a county in which there is no municipality;(4) a county in which there is located an Indian reservation under the jurisdiction of the United States government;(5) a county that has a population of 30,000 or less, that has no more than one municipality with a population of less than 2,500, and that borders two counties located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;(6) a county that borders the Gulf of Mexico;(7) a county that has a population of less than 5,000, that borders the United Mexican States, and in which there is located a major observatory;(8) a county that has a population of 12,000 or less and borders the Toledo Bend Reservoir;(9) a county that has a population of less than 12,500 [~~12,000~~] and an area of less than 275 square miles;(10) a county that has a population of 30,000 or less and borders Possum Kingdom Lake;(11) a county that borders the United Mexican States and has a population of more than 300,000 and less than 800,000 [~~600,000~~];(12) a county that has a population of 36,000 [~~35,000~~] or more and borders or contains a portion of Lake Fork Reservoir;(13) a county that borders the United Mexican States and in which there is located a national recreation area;(14) a county that borders the United Mexican States and in which there is located a national park of more than 400,000 acres;(15) a county that has a population of 28,000 or less, that has no more than four municipalities, and that is located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;(16) a county that has a population of 25,000 or less, whose territory is less than 750 square miles, and that has two incorporated municipalities, each with a population of 800 or less, located on the Frio River;(17) a county that has a population of 34,000 or more and borders Lake Buchanan;(18) a county that has a population of more than 45,000 and less than 75,000, that borders the United Mexican States, and that borders or contains a portion of Falcon Lake;(19) a county with a population of 22,000 [~~21,000~~] or less that borders the Neches River and in which there is located a national preserve;(20) a county that has a population of 28,000 [~~22,500~~] or less and that borders or contains a portion of Lake Livingston;(21) a county that has a population of less than 22,000 and in which the birthplace of a president of the United States is located;(22) a county that has a population of more than 15,000 but less than 20,000 and borders Lake Buchanan;(23) a county with a population of less than 11,000 [~~10,000~~] that is bordered by the Sulphur River;(24) a county that has a population of 16,000 or more and borders the entire north shore of Lake Somerville;(25) a county that has a population of 20,000 or less and that is bordered by the Brazos and Navasota Rivers;(26) a county that has a population of more than 15,000 and less than 25,000 and is located on the Trinity and Navasota Rivers;(27) a county that has a population of less than 15,000 and that is bordered by the Trinity and Navasota Rivers;(28) a county that borders or contains a portion of the Neches River, the Sabine River, and Sabine Lake; and(29) a county that borders Whitney Lake. | SECTION 122. Section 352.002(a), Tax Code, is amended to read as follows:(a) The commissioners courts of the following counties by the adoption of an order or resolution may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs $2 or more each day, and is ordinarily used for sleeping:(1) a county that has a population of more than 3.3 million;(2) a county that has a population of 90,000 or more, borders the United Mexican States, and does not have three or more cities that each have a population of more than 17,500;(3) a county in which there is no municipality;(4) a county in which there is located an Indian reservation under the jurisdiction of the United States government;(5) a county that has a population of 30,000 or less, that has no more than one municipality with a population of less than 2,500, and that borders two counties located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;(6) a county that borders the Gulf of Mexico;(7) a county that has a population of less than 5,000, that borders the United Mexican States, and in which there is located a major observatory;(8) a county that has a population of 12,000 or less and borders the Toledo Bend Reservoir;(9) a county that has a population of less than 12,500 [~~12,000~~] and an area of less than 275 square miles;(10) a county that has a population of 30,000 or less and borders Possum Kingdom Lake;(11) a county that borders the United Mexican States and has a population of more than 300,000 and less than 800,000 [~~600,000~~];(12) a county that has a population of 35,000 or more and borders or contains a portion of Lake Fork Reservoir;(13) a county that borders the United Mexican States and in which there is located a national recreation area;(14) a county that borders the United Mexican States and in which there is located a national park of more than 400,000 acres;(15) a county that has a population of 28,000 or less, that has no more than four municipalities, and that is located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;(16) a county that has a population of 25,000 or less, whose territory is less than 750 square miles, and that has two incorporated municipalities, each with a population of 800 or less, located on the Frio River;(17) a county that has a population of 34,000 or more and borders Lake Buchanan;(18) a county that has a population of more than 45,000 and less than 75,000, that borders the United Mexican States, and that borders or contains a portion of Falcon Lake;(19) a county with a population of 22,000 [~~21,000~~] or less that borders the Neches River and in which there is located a national preserve;(20) a county that has a population of 28,000 [~~22,500~~] or less and that borders or contains a portion of Lake Livingston;(21) a county that has a population of less than 22,000 and in which the birthplace of a president of the United States is located;(22) a county that has a population of more than 15,000 but less than 20,000 and borders Lake Buchanan;(23) a county with a population of less than 11,000 [~~10,000~~] that is bordered by the Sulphur River;(24) a county that has a population of 16,000 or more and borders the entire north shore of Lake Somerville;(25) a county that has a population of 20,000 or less and that is bordered by the Brazos and Navasota Rivers;(26) a county that has a population of more than 15,000 and less than 25,000 and is located on the Trinity and Navasota Rivers;(27) a county that has a population of less than 15,000 and that is bordered by the Trinity and Navasota Rivers;(28) a county that borders or contains a portion of the Neches River, the Sabine River, and Sabine Lake; and(29) a county that borders Whitney Lake. [CA2] |  |
| SECTION 123. Section 22.053(a), Transportation Code, is amended to read as follows:(a) The commissioners court of a county with a population of 14,300 [~~15,000~~] to 14,500 [~~15,250~~] may issue time warrants to:(1) condemn or purchase land to be used and maintained as provided by Sections 22.011, 22.020, and 22.024; and(2) improve and equip the land for the use provided by Sections 22.011, 22.020, and 22.024. | SECTION 123. Same as House version. |  |
| SECTION 124. Section 284.002(a), Transportation Code, is amended to read as follows:(a) Except as provided by Subsection (b), this chapter applies only to a county that:(1) has a population of 50,000 or more and borders the Gulf of Mexico or a bay or inlet opening into the gulf;(2) has a population of two [~~1.5~~] million or more;(3) is adjacent to a county that has a population of two [~~1.5~~] million or more; or(4) borders the United Mexican States. | SECTION 124. Same as House version. |  |
| SECTION 125. Section 284.007(a), Transportation Code, is amended to read as follows:(a) A county with a population of more than 3.3 [~~2.4~~] million operating under this chapter shall set and make a good faith effort to meet or exceed goals for awarding contracts or subcontracts associated with a project it operates, maintains, or constructs to historically underutilized businesses. | SECTION 125. Same as House version. |  |
| SECTION 126. Section 362.055, Transportation Code, is amended to read as follows:Sec. 362.055. EXCEPTION. This subchapter does not apply to:(1) a county that has a population of more than two [~~1.5~~] million;(2) a local government corporation created under Chapter 431 by a county that has a population of more than two [~~1.5~~] million; or(3) a regional tollway authority created under Chapter 366. | SECTION 126. Same as House version. |  |
| SECTION 127. Section 366.031(a), Transportation Code, is amended to read as follows:(a) Two or more counties, acting through their respective commissioners courts, may by order passed by each commissioners court create a regional tollway authority under this chapter if:(1) one of the counties has a population of not less than 300,000;(2) the counties form a contiguous territory; and(3) unless one of the counties has a population of two [~~1.5~~] million or more, the commission approves the creation. | SECTION 127. Same as House version. |  |
| SECTION 128. Section 370.192, Transportation Code, is amended to read as follows:Sec. 370.192. PROPERTY OF RAPID TRANSIT AUTHORITIES. An authority may not condemn or purchase real property of a rapid transit authority operating pursuant to Chapter 451 that was confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000 [~~750,000~~], unless the authority has entered into a written agreement with the rapid transit authority specifying the terms and conditions under which the condemnation or the purchase of the real property will take place. | SECTION 128. Same as House version. |  |
| SECTION 129. Section 394.061, Transportation Code, is amended to read as follows:Sec. 394.061. OFF-PREMISE PORTABLE SIGNS. (a) In a county with a population of 3.3 [~~2.4~~] million or more, the commissioners court of the county may:(1) prohibit off-premise portable signs in the unincorporated area of the county; or(2) regulate the location, height, size, and anchoring of, or any other matter relating to the use of, off-premise portable signs in the unincorporated area.(b) A regulation imposed by or adopted under this chapter does not apply to an off-premise portable sign in the unincorporated area of a county with a population of 3.3 [~~2.4~~] million or more. | SECTION 129. Same as House version. |  |
| SECTION 130. Section 394.063(a), Transportation Code, is amended to read as follows:(a) The commissioners court of a county with a population of more than 3.3 [~~2.4~~] million or of a county that borders a county with that population may regulate, in the unincorporated area of the county, the location, height, size, and anchoring of on-premise signs. | SECTION 130. Same as House version. |  |
| SECTION 131. Section 394.086(a), Transportation Code, is amended to read as follows:(a) The commissioners court of a county with a population of more than 3.3 [~~2.4~~] million or of a county that borders a county with that population may authorize a county employee to issue a civil citation to enforce a regulation of the commissioners court adopted under Section 394.063. The commissioners court may designate the county employee as a county inspector. | SECTION 131. Same as House version. |  |
| SECTION 132. Section 431.109(a), Transportation Code, is amended to read as follows:(a) This section applies only to a local government corporation serving a county with a population of more than 3.3 [~~2.4~~] million. | SECTION 132. Same as House version. |  |
| SECTION 133. Sections 451.001(1) and (8), Transportation Code, are amended to read as follows:(1) "Alternate municipality" means a municipality that:(A) has a population of more than 60,000;(B) is located in a metropolitan area the principal municipality of which has a population of more than 1.9 [~~1.2~~] million; and(C) is not part of the territory of another authority.(8) "Transit authority system" means property:(A) owned, rented, leased, controlled, operated, or held for mass transit purposes by an authority; and(B) situated on property of the authority for mass transit purposes, including:(i) for an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million, public parking areas and facilities; and(ii) for an authority in which the principal municipality has a population of more than 1.9 [~~1.5~~] million, the area in boundaries in which service is provided or supported by a general sales and use tax. | SECTION 133. Same as House version. |  |
| SECTION 134. Section 451.054(b), Transportation Code, is amended to read as follows:(b) An authority created by an alternate municipality has the powers and duties of an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million. | SECTION 134. Same as House version. |  |
| SECTION 135. Section 451.056(c), Transportation Code, is amended to read as follows:(c) An authority created by an alternate municipality and an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million may contract for service outside each of their respective territories to provide access between the two authorities. | SECTION 135. Same as House version. |  |
| SECTION 136. Sections 451.061(d) and (d-1), Transportation Code, are amended to read as follows:(d) Except as provided by Subsection (d-1), the fares, tolls, charges, rents, and other compensation established by an authority in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may not take effect until approved by a majority vote of a committee composed of:(1) five members of the governing body of the principal municipality, selected by that governing body;(2) three members of the commissioners court of the county having the largest portion of the incorporated territory of the principal municipality, selected by that commissioners court; and(3) three mayors of municipalities, other than the principal municipality, located in the authority, selected by:(A) the mayors of all the municipalities, except the principal municipality, located in the authority; or(B) the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than 320,000 [~~300,000~~].(d-1) The establishment of or a change to fares, tolls, charges, rents, and other compensation by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~], takes effect immediately on approval by a majority vote of the board, except that the establishment of or a change to a single-ride base fare takes effect on the 60th day after the date the board approves the fare or change to the fare, unless the policy board of the metropolitan planning organization that serves the area of the authority disapproves the fare or change to the fare by a majority vote. | SECTION 136. Same as House version. |  |
| SECTION 137. Section 451.0611(g), Transportation Code, is amended to read as follows:(g) An authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may allow peace officers of another political subdivision serving under a contract with the authority to enforce a resolution passed by a board under this section. | SECTION 137. Same as House version. |  |
| SECTION 138. Section 451.0612(a), Transportation Code, is amended to read as follows:(a) An authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~] may employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and(2) issuing a citation to a person described by Section 451.0611(d)(1). | SECTION 138. Same as House version. |  |
| SECTION 139. Section 451.064(a), Transportation Code, is amended to read as follows:(a) An authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may, with the approval of the governing body of the principal municipality:(1) establish, operate, and improve a public parking area or facility in the authority; and(2) set and collect reasonable charges for the use of a parking area or facility. | SECTION 139. Same as House version. |  |
| SECTION 140. Section 451.065(f), Transportation Code, is amended to read as follows:(f) This section does not apply to an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million. | SECTION 140. Same as House version. |  |
| SECTION 141. Section 451.066(a), Transportation Code, is amended to read as follows:(a) An authority confirmed before 1980 in which the principal municipality has a population of more than 1.9 [~~1.2~~] million may not spend, during any five-year period, more than seven percent of its revenue from sales and use taxes and interest income during that period for all items described by Section 451.065(b). | SECTION 141. Same as House version. |  |
| SECTION 142. Section 451.067, Transportation Code, is amended to read as follows:Sec. 451.067. EMERGENCY MEDICAL SERVICES: CERTAIN AUTHORITIES. An authority in which the principal municipality has a population of less than 320,000 [~~300,000~~] may provide emergency medical services. | SECTION 142. Same as House version. |  |
| SECTION 143. Section 451.068(a), Transportation Code, is amended to read as follows:(a) An authority confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000 [~~750,000~~] may, through the operation of a program, charge no fares. | SECTION 143. Same as House version. |  |
| SECTION 144. Section 451.071(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 144. Same as House version. |  |
| SECTION 145. Section 451.072(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million. | SECTION 145. Same as House version. |  |
| SECTION 146. Section 451.104, Transportation Code, is amended to read as follows:Sec. 451.104. INVESTMENT POWERS: CERTAIN AUTHORITIES. An authority created before 1980 and in which the principal municipality has a population of less than 1.9 [~~1.2~~] million has the same investment powers as an entity under Subchapter A, Chapter 2256, Government Code. | SECTION 146. Same as House version. |  |
| SECTION 147. Section 451.106(a), Transportation Code, is amended to read as follows:(a) The board of an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million shall employ a general manager to administer the daily operation of the authority. The general manager may, subject to the annual operating budget and to the personnel policies adopted by the board, employ persons to conduct the affairs of the authority and prescribe their duties and compensation. | SECTION 147. Same as House version. |  |
| SECTION 148. Sections 451.108(b), (c), (d), and (e), Transportation Code, are amended to read as follows:(b) An authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may establish a security force, employ security personnel, and commission security personnel as peace officers.(c) A peace officer commissioned under this section, except as provided by Subsections (d) and (e), or a peace officer contracted for employment by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~], may:(1) make an arrest in any county in which the transit authority system is located as necessary to prevent or abate the commission of an offense against the law of this state or a political subdivision of this state if the offense or threatened offense occurs on or involves the transit authority system;(2) make an arrest for an offense involving injury or detriment to the transit authority system;(3) enforce traffic laws and investigate traffic accidents that involve or occur in the transit authority system; and(4) provide emergency and public safety services to the transit authority system or users of the transit authority system.(d) A peace officer who holds a commission under this section from an authority in which the principal municipality has a population of more than 1.9 [~~1.5~~] million and who has filed with the authority the oath of a peace officer has all the powers, privileges, and immunities of peace officers in the counties in which the transit authority system is located, provides services, or is supported by a general sales and use tax.(e) A peace officer who holds a commission under this section from an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million and who has filed with the authority the oath of a peace officer has all the powers, privileges, and immunities of peace officers in the counties in which the transit authority system is located, provides services, or is supported by a general sales and use tax while the peace officer is on the transit authority system property or performing duties in connection with the transit authority system or its users. | SECTION 148. Same as House version. |  |
| SECTION 149. Section 451.109(d), Transportation Code, is amended to read as follows:(d) This section does not apply to an authority in which the principal municipality has a population of 850,000 [~~750,000~~] or more but not more than 1.9 [~~1.2~~] million. | SECTION 149. Same as House version. |  |
| SECTION 150. Section 451.112, Transportation Code, is amended to read as follows:Sec. 451.112. CONFLICTS OF INTEREST: BOARD MEMBERS. Chapter 171, Local Government Code, applies to a board member of an authority, except that an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may not enter into a contract or agreement with a business entity in which a board member or the general manager owns five percent or more of the voting stock or shares of the entity or receives funds from the entity exceeding five percent of the member's or general manager's gross income. A contract executed by an authority in violation of this section is voidable. | SECTION 150. Same as House version. |  |
| SECTION 151. Section 451.154(b), Transportation Code, is amended to read as follows:(b) Notwithstanding Subsection (a), an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million may acquire, including through the use of eminent domain, an interest in real property for facilities if the property:(1) is 2,500 feet or less from the center point of the station or terminal complex; or(2) is included in a master development plan adopted by the board. | SECTION 151. Same as House version. |  |
| SECTION 152. Section 451.202, Transportation Code, is amended to read as follows:Sec. 451.202. APPLICATION OF SUBCHAPTER LIMITED TO CERTAIN AUTHORITIES. This subchapter applies only to an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million. | SECTION 152. Same as House version. |  |
| SECTION 153. Section 451.252(b), Transportation Code, is amended to read as follows:(b) This section does not apply to an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million. | SECTION 153. Same as House version. |  |
| SECTION 154. Section 451.254(c), Transportation Code, is amended to read as follows:(c) This section does not apply to an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million. | SECTION 154. Same as House version. |  |
| SECTION 155. Section 451.362(d), Transportation Code, is amended to read as follows:(d) In an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million, bonds may have a term of not more than 10 years. The bonds are payable only from fee revenue received on or after the date the bonds are issued. | SECTION 155. Same as House version. |  |
| SECTION 156. Section 451.3625(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 156. Same as House version. |  |
| SECTION 157. Section 451.452(d), Transportation Code, is amended to read as follows:(d) This section applies only to an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million or less than 850,000 [~~750,000~~], except that Subsections (a)(5) and (6) do not apply to an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million. | SECTION 157. Same as House version. |  |
| SECTION 158. Section 451.454(a), Transportation Code, is amended to read as follows:(a) The board of an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million or less than 850,000 [~~750,000~~] shall contract at least once every four years for a performance audit of the authority to be conducted by a firm that has experience in reviewing the performance of transit agencies. | SECTION 158. Same as House version. |  |
| SECTION 159. Section 451.458(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 159. Same as House version. |  |
| SECTION 160. Section 451.459(a), Transportation Code, is amended to read as follows:(a) An authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~] is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2011. In addition, another review shall be conducted as if the authority were scheduled to be abolished September 1, 2017. The reviews conducted under this section must include an assessment of the governance, management, and operating structure of the authority and the authority's compliance with the duties and requirements placed on it by the legislature. | SECTION 160. Same as House version. |  |
| SECTION 161. Section 451.460(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 161. Same as House version. |  |
| SECTION 162. Section 451.502(a), Transportation Code, is amended to read as follows:(a) The five board members under Section 451.501(a)(1) are appointed by the governing body of the principal municipality, except in an authority having a principal municipality with a population of more than 1.9 [~~1.2~~] million, the five board members are appointed by the mayor of the principal municipality and are subject to confirmation by the governing body of the principal municipality. | SECTION 162. Same as House version. |  |
| SECTION 163. Section 451.5021(a), Transportation Code, is amended to read as follows:(a) This section applies only to the board of an authority created before July 1, 1985, in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 163. Same as House version. |  |
| SECTION 164. Section 451.5035(a), Transportation Code, is amended to read as follows:(a) This section applies only to an authority in which the principal municipality has a population of less than 320,000 [~~300,000~~]. | SECTION 164. Same as House version. |  |
| SECTION 165. Section 451.505(b), Transportation Code, is amended to read as follows:(b) The terms of members of a board are staggered if the authority was created before 1980 and has a principal municipality with a population of less than 1.9 [~~1.2~~] million. | SECTION 165. Same as House version. |  |
| SECTION 166. Sections 451.506(b) and (c), Transportation Code, are amended to read as follows:(b) An individual may not serve more than eight years on the same board and may not be appointed to a term for which service to the completion of the term would exceed this limitation. This subsection applies only to a board of an authority:(1) in which the principal municipality has a population of more than 1.9 [~~1.2~~] million or less than 320,000 [~~300,000~~]; or(2) created before 1980 and in which the principal municipality has a population of less than 1.9 [~~1.2~~] million.(c) An individual may serve two terms as presiding officer under Section 451.502(e)(3), in addition to any service on the board before being appointed under that subsection. This subsection does not apply to an individual serving on the board of an authority described by Subsection (b) or an authority confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000 [~~750,000~~]. | SECTION 166. Same as House version. |  |
| SECTION 167. Section 451.509, Transportation Code, is amended to read as follows:Sec. 451.509. REMOVAL BY APPOINTING PERSON OR ENTITY. (a) In an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] and in which the authority's sales and use tax is imposed at a rate of one percent, a member of the board may be removed from office for any ground described by Section 451.510 by a majority vote of the entity that appointed the member.(b) In an authority in which the principal municipality has a population of less than 320,000 [~~300,000~~], a member of the board may be removed for any ground described by Section 451.510 by the entity that appointed the member. This subsection does not apply to the removal of a member serving as the presiding officer appointed by the board.(c) In an authority in which the principal municipality has a population of more than 850,000 [~~750,000~~], a member of the board may be removed for any ground described by Section 451.510 by the person or entity that appointed the member. If the person who appointed the member is the mayor of the principal municipality, the removal is by recommendation of the mayor and confirmation by the municipality's governing body. If the member to be removed was appointed by the mayor of the principal municipality, the statement required by Section 451.511(a) shall be given by the mayor, and confirmation of removal by the governing body of the municipality is necessary.(d) In an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million, a general manager who has knowledge that a potential ground for removal applicable to a member of the authority's board exists shall notify the presiding officer of the board of the ground, and the presiding officer shall notify the person that appointed the member against whom the potential ground applies of the ground. | SECTION 167. Same as House version. |  |
| SECTION 168. Section 451.512(a), Transportation Code, is amended to read as follows:(a) Except as provided by Subsection (b), in an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million, an action of the board is not invalid because a ground for removal of a board member exists. | SECTION 168. Same as House version. |  |
| SECTION 169. Section 451.513(a), Transportation Code, is amended to read as follows:(a) A board member of an authority that has a principal municipality with a population of more than 850,000 [~~750,000~~] may be removed, as provided by this section, on a petition for the recall of the member submitted by the registered voters of the authority. Recall of a member under this section is in addition to any other method for removal under this subchapter. | SECTION 169. Same as House version. |  |
| SECTION 170. Section 451.602, Transportation Code, is amended to read as follows:Sec. 451.602. AUTHORITIES COVERED BY SUBCHAPTER. Except as provided by Section 451.617, this subchapter applies only to an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] and that was confirmed before July 1, 1985. | SECTION 170. Same as House version. |  |
| SECTION 171. Section 451.617(a), Transportation Code, is amended to read as follows:(a) In an authority created before 1980 in which the principal municipality has a population of less than 1.9 [~~1.2~~] million, a unit of election, other than the principal municipality, may withdraw from the authority, in addition to any other manner provided by law, by a vote of a majority of the registered voters of the unit of election voting at an election on the question of withdrawing from the authority. | SECTION 171. Same as House version. |  |
| SECTION 172. Section 451.702(a), Transportation Code, is amended to read as follows:(a) The board of an authority in which the sales and use tax is imposed at a rate of one-half of one percent and in which the principal municipality has a population of more than 1.3 million [~~700,000~~] may order an election to create an advanced transportation district within the authority's boundaries and to impose a sales and use tax for advanced transportation and mobility enhancement under this subchapter. If approved at the election, the rate of the sales and use tax for advanced transportation and mobility enhancement shall be set by the governing body of the district at a rate of:(1) one-eighth of one percent;(2) one-fourth of one percent;(3) three-eighths of one percent; or(4) one-half of one percent. | SECTION 172. Same as House version. |  |
| SECTION 173. Section 451.802, Transportation Code, is amended to read as follows:Sec. 451.802. APPLICABILITY. This subchapter applies only to an authority in which the principal municipality has a population of more than 1.9 [~~1.2~~] million. | SECTION 173. Same as House version. |  |
| SECTION 174. Section 504.510(d), Transportation Code, is amended to read as follows:(d) This section applies only to an owner of a golf cart who resides:(1) on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter; and(2) in a county that borders another state and has a population of more than 120,750 [~~110,000~~] but less than 121,000 [~~111,000~~]. | SECTION 174. Same as House version. |  |
| SECTION 175. Section 621.4015(a), Transportation Code, is amended to read as follows:(a) A county commissioners court may designate a constable or deputy constable of the county as a weight enforcement officer in a county:(1) that is a county with a population of 1.5 [~~one~~] million or more and is within 200 miles of an international border; or(2) that is adjacent to a county with a population of 3.3 million or more; and(3) in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development Act of 1970 (42 U.S.C. Section 4501 et seq.), and that is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property. | SECTION 175. Same as House version. |  |
| SECTION 176. Section 644.101(b), Transportation Code, is amended to read as follows:(b) A police officer of any of the following municipalities is eligible to apply for certification under this section:(1) a municipality with a population of 50,000 or more;(2) a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;(3) a municipality with a population of less than 25,000:(A) any part of which is located in a county with a population of 3.3 [~~2.4~~] million; and(B) that contains or is adjacent to an international port;(4) a municipality with a population of at least 34,000 that is located in a county that borders two or more states;(5) a municipality any part of which is located in a county bordering the United Mexican States; or(6) a municipality with a population of less than 5,000 that is located:(A) adjacent to a bay connected to the Gulf of Mexico; and(B) in a county adjacent to a county with a population greater than 3.3 million. | SECTION 176. Same as House version. |  |
| SECTION 177. Section 644.202(b), Transportation Code, is amended to read as follows:(b) A municipality with a population of more than 850,000 [~~750,000~~] shall develop a route for commercial motor vehicles carrying hazardous materials on a road or highway in the municipality and submit the route to the Texas Department of Transportation for approval. If the Texas Department of Transportation determines that the route complies with all applicable federal and state regulations regarding the transportation of hazardous materials, the Texas Department of Transportation shall approve the route and notify the municipality of the approved route. | SECTION 177. Same as House version. |  |
| SECTION 178. Section 683.016(d), Transportation Code, is amended to read as follows:(d) This section does not apply to a vehicle that is:(1) taken into custody by a law enforcement agency located in a county with a population of 3.3 [~~2.4~~] million or more; and(2) removed to a privately owned storage facility. | SECTION 178. Same as House version. |  |
| SECTION 179. Section 37.102(a), Utilities Code, is amended to read as follows:(a) If a municipal corporation offers retail electric utility service in a municipality having a population of more than 145,000 [~~135,000~~] that is located in a county having a population of more than 2 million [~~1,500,000~~], the commission shall singly certificate areas in the municipality's boundaries in which more than one electric utility provides electric utility service. | SECTION 179. Same as House version. |  |
| SECTION 180. Section 13.187(f), Water Code, is amended to read as follows:(f) The regulatory authority may set the matter for hearing on its own motion at any time within 120 days after the effective date of the rate change. If more than half of the ratepayers of the utility receive service in a county with a population of more than 3.3 [~~2.5~~] million, the hearing must be held at a location in that county. | SECTION 180. Same as House version. |  |
| SECTION 181. Section 36.121, Water Code, is amended to read as follows:Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section 36.117, a district that is created under this chapter on or after September 1, 1991, shall exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of 121,000 or less and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of 115,000 [~~100,000~~] or less, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced. The district may not prohibit the political subdivision or municipality from transporting produced water inside or outside the district's boundaries. | SECTION 181. Section 36.121, Water Code, is amended to read as follows:Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section 36.117, a district that is created under this chapter on or after September 1, 1991, shall exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of 121,000 or less but greater than 100,000 and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of 115,000 [~~100,000~~] or less but greater than 100,000, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced. The district may not prohibit the political subdivision or municipality from transporting produced water inside or outside the district's boundaries. [CA1(1),(2)] |  |
| SECTION 182. Section 51.537(a), Water Code, is amended to read as follows:(a) This section applies only to a municipality any portion of which is located in a county with a population of more than 1 million [~~800,000~~] and less than 1.5 [~~1.3~~] million. | SECTION 182. Same as House version. |  |
| SECTION 183. Section 54.016(h), Water Code, is amended to read as follows:(h) A city, other than a city with a population of more than one million that is located primarily in a county with a population of two million or more, [~~with a population of 1.18 million or less~~] may provide in its written consent for the inclusion of land in a district that after annexation the city may set rates for water and/or sewer services for property that was within the territorial boundary of such district at the time of annexation, which rates may vary from those for other properties within the city for the purpose of wholly or partially compensating the city for the assumption of obligation under this code providing that:(1) such written consent contains a contract entered into by the city and the persons petitioning for creation of the district setting forth the time and/or the conditions of annexation by the city which annexation shall not occur prior to the installation of 90 percent of the facilities for which district bonds were authorized in the written consent; and that(2) the contract sets forth the basis on which rates are to be charged for water and/or sewer services following annexation and the length of time they may vary from those rates charged elsewhere in the city; and that(3) the contract may set forth the time, conditions, or lands to be annexed by the district; and that(4)(A) Each purchaser of land within a district which has entered into a contract with a city concerning water and/or sewer rates as set forth herein shall be furnished by the seller at or prior to the final closing of the sale and purchase with a separate written notice, executed and acknowledged by the seller, which shall contain the following information:(i) the basis on which the monthly water and/or sewer rate is to be charged under the contract stated as a percentage of the water and/or sewer rates of the city;(ii) the length of time such rates will be in effect;(iii) the time and/or conditions of annexation by the city implementing such rates.The provisions of Sections 49.452(g)-(p) and (s), Water Code, are herein incorporated by reference thereto, and are applicable to the separate written notice required by Section 54.016(h)(4).A suit for damages under the provisions of these referenced sections must be brought within 90 days after the purchaser receives his or her first water and/or sewer service charge following annexation, or the purchaser loses his or her right to seek damages under this referenced section.(B) The governing board of any district covered by the provisions of this subsection shall file with the county clerk in each of the counties in which all or part of the district is located a duly affirmed and acknowledged statement which includes the information required in Section 54.016(h)(4)(A) and a complete and accurate map or plat showing the boundaries of the district.The provisions of Sections 49.455(c)-(j), Water Code, are herein incorporated by reference thereto. | SECTION 183. Same as House version. |  |
| SECTION 184. Section 54.0162(a), Water Code, is amended to read as follows:(a) A municipal utility district composed of noncontiguous areas that on January 1, 1995, are contained in the extraterritorial jurisdiction of two municipalities may choose, by a resolution of the governing body of the district, to be wholly contained in the extraterritorial jurisdiction of one municipality selected by the governing body of the district if:(1) both the municipality selected by the district and all parts of the district are located in the same county;(2) a majority of the area of the municipality not selected by the district is in a county other than the county in which the district is located, and neither county has a population greater than 3.3 million [~~2,500,000, according to the last preceding federal census~~];(3) the boundary of the municipality selected by the district is located not more than two miles from any part of the district;(4) the noncontiguous areas of the district are not, at their closest point, more than two miles apart;(5) the district is within a water control and improvement district; and(6) a certified copy of the resolution of the governing body of the district is filed with both municipalities before the effective date specified in the resolution. | SECTION 184. Same as House version. |  |
| SECTION 185. Section 54.813(a), Water Code, is amended to read as follows:(a) This section applies only to a municipality any portion of which is located in a county with a population of more than 1 million [~~800,000~~] and less than 1.5 [~~1.3~~] million. | SECTION 185. Same as House version. |  |
| SECTION 186. Section 1, Chapter 511 (H.B. 589), Acts of the 58th Legislature, Regular Session, 1963 (Article 2676a, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1. From and after the effective date of this act in any county in this state having a population of not less than 312,000 [~~239,000~~] and not more than 330,000 [~~242,000~~], the general management and control of the public free schools and high schools in each county unless otherwise provided by law shall be vested in five (5) county school trustees elected from the county, one of whom shall be elected from the county at large by the qualified voters of the county and one from each commissioners precinct by the qualified voters of each commissioners precinct, who shall hold office for a term of two (2) years. The time for such election shall be the first Saturday in April of each year; the order for the election of county school trustees to be made by the County Judge at least thirty (30) days prior to the date of said election, and which order shall designate as voting places or places at which votes are cast for the district trustees of said common and independent school districts, respectively. The election officers appointed to hold the election for district trustees in each of said school districts, respectively, shall hold this election for county school trustees. | SECTION 186. Same as House version. |  |
| SECTION 187. Section 1, Chapter 233 (H.B. 459), Acts of the 59th Legislature, Regular Session, 1965 (Article 2676b, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1. This Act applies to a county-wide school district in a county having a population of more than 5,250 [~~5,200~~] and less than 5,350 [~~5,283~~]. The Board of Trustees may order that the trustees of the district shall run at large in the county. If the Board orders that its members shall run at large, each position shall be filled by election from the county at large upon expiration of the current term of office. | SECTION 187. Same as House version. |  |
| SECTION 188. Section 1(b), Chapter 63 (S.B. 100), Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 2688h, Vernon's Texas Civil Statutes), is amended to read as follows:(b) From and after May 1, 1962, the office of the county board of school trustees and the office of county superintendent shall cease to exist in any county in this State having a population of not less than 285,000 [~~250,000~~] and not more than 300,000 [~~251,000~~] which has no common school district and whose county ad valorem evaluation is in excess of Two Hundred Fifty Million Dollars ($250,000,000); provided, however, that the county superintendents in such counties who have been heretofore elected or appointed to the office of county superintendent shall serve until the expiration of the term for which they were elected or appointed. The duties now performed by the board of school trustees and county superintendents in such counties shall be performed by the County Judges of such counties. | SECTION 188. Same as House version. |  |
| SECTION 189. Sections 5 and 6, Chapter 706 (H.B. 1015), Acts of the 59th Legislature, Regular Session, 1965 (Article 2688i-1, Vernon's Texas Civil Statutes), are amended to read as follows:Sec. 5. The provisions of this Act shall not apply to counties having a population of not less than 5,250 [~~5,200~~] and not more than 5,350 [~~5,283~~] and to counties having a population of not less than 54,000 [~~47,150~~] and not more than 54,500 [~~47,350~~].Sec. 6. No county having a population of more than 30,000 [~~32,350~~] and less than 32,000 [~~32,400~~] shall have the offices of county school superintendent, ex officio county school superintendent, and county board of education.All duties and functions, except as hereafter provided, that are otherwise required by law of the office of county school superintendent or ex officio county school superintendent governed by this section shall be performed by the superintendents of the independent and rural high school districts, and all duties that may otherwise be required by law of the county board of education governed by this section shall be performed by the elected Board of Trustees of such independent and rural high school districts, except that the County Judge shall, without pay from the State of Texas, continue to approve or disapprove application for school transfers. The Commissioners Court of such county shall hereafter receive, hear and pass upon all petitions for the calling of elections for the creation, change or abolishment of county school districts and all authorized appeals from the independent school Board of Trustees shall be made directly to the State Board of Education or to the courts as provided by law.All school records of the original independent and/or common school district governed by this section, shall be transferred to the control and custody of the independent school district office, located at the county seat, save and except the original financial records which shall be retained by the county treasurer, and thereafter the County Judge shall be required to make no records or reports but said reports shall be made by the superintendent of such independent or rural school district; that as soon as practicable after the effective date of this Act, all remaining State funds in the hands of the county board of education shall be transferred by the county treasurer and the County Judge to the independent and rural high school districts in proportion to the number of scholastics enrolled in such districts. | SECTION 189. Same as House version. |  |
| SECTION 190. Section 2.01(13), Article 6243a-1, Revised Statutes, is amended to read as follows:(13) "City" means each municipality having a population of more than 1.18 million and located predominantly in a county that has a total area of less than 1,000 square miles [~~less than 1.9 million~~]. | SECTION 190. Same as House version. |  |
| SECTION 191. Section 1(a), Chapter 101 (H.B. 31), Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 6243b, Vernon's Texas Civil Statutes), is amended to read as follows:(a) In all incorporated cities and towns containing more than 600,000 [~~550,000~~] inhabitants and less than 700,000 [~~600,000~~] inhabitants, having a fully or partially paid fire department, three (3) citizens of said city or town to be designated by the mayor, two (2) citizens of said city or town to be designated by the city manager of said city or town, three (3) policemen to be elected by members of the policemen's pension fund, and three (3) firemen to be elected by members of the firemen's pension fund, composing eleven (11) members, seven (7) of which shall be a quorum, shall constitute a board of trustees of the Firemen and Policemen Pension Fund, to provide for the disbursement of the same and to designate the beneficiaries thereof. The board shall be known as the Board of Firemen and Policemen Pension Fund, \_\_\_\_\_\_\_\_\_\_, Texas. Said board shall organize by choosing one member as Chairman and by appointing a secretary. Such board shall have charge of and administer said fund and shall order payments therefrom in pursuance of the provisions of this law. It shall report annually to the governing body of such city or town the condition of the said fund and the receipts and disbursements on account of the same with a complete list of beneficiaries of said fund and the amounts paid them. | SECTION 191. Same as House version. |  |
| SECTION 192. Section 1.01, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1.01. APPLICABILITY. This Act applies only to a municipality having a population of more than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]. | SECTION 192. Same as House version. |  |
| SECTION 193. Section 1, Chapter 103 (S.B. 622), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1. No member of a fire department in any city or town in this state having a population of not less than 700,000 [~~500,000~~] nor more than 750,000 [~~550,000~~] shall be involuntarily retired prior to reaching the mandatory retirement age set for such cities' employees unless he is physically unable to perform his duties. In the event he is physically unable to perform his duties, he shall be allowed to use all of his accumulated sick leave, before retirement. | SECTION 193. Same as House version. |  |
| SECTION 194. Section 1, Chapter 451 (S.B. 737), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1. SCOPE. A retirement system is established by this Act for employees of each municipality having a population of more than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]; provided, however, that once such pension system becomes operative in any city, any right or privilege accruing to any member thereunder shall be a vested right according to the terms of this Act and the same shall not be denied or abridged thereafter through any change in population of any such city taking such city out of the population bracket as herein prescribed, and said pension system shall continue to operate and function regardless of whether or not any future population exceeds or falls below said population bracket. | SECTION 194. Same as House version. |  |
| SECTION 195. Section 1.01, Chapter 452 (S.B. 738), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1.01. APPLICABILITY AND DEFINITIONS. This Act applies only to a municipality having a population of more than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]. | SECTION 195. Same as House version. |  |
| SECTION 196. Section 1.03, Chapter 824 (S.B. 817), Acts of the 73rd Legislature, Regular Session, 1993 (Article 6243o, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1.03. APPLICABILITY. This Act applies to paid fire and police departments of a municipality with a population between 1.3 [~~1.14~~] million and 1.5 [~~1.18~~] million. | SECTION 196. Same as House version. |  |
| SECTION 197. Section 1.03, Chapter 1332 (S.B. 1568), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243q, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1.03. APPLICABILITY. This Act applies to a paid fire and police department of a municipality with a population of 1.3 million [~~1,140,000~~] or more but less than 1.5 million [~~1,180,000~~]. | SECTION 197. Same as House version. |  |
| SECTION 198. Section 1, Chapter 809 (H.B. 1687), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6812b-1, Vernon's Texas Civil Statutes), is amended to read as follows:Sec. 1. The Commissioners Court of any county having a population of not less than 425,000 [~~280,000~~] nor more than 500,000 [~~300,000~~] may appoint a County Engineer, but the selection shall be controlled by considerations of skill and ability for the task. The engineer may be selected at any regular meeting of the commissioners court, or at any special meeting called for that purpose. The engineer selected shall be a Registered Professional Engineer in the State of Texas. The engineer shall hold his office for a period of two years, his term of office expiring concurrently with the terms of other county officers, and he may be removed at the pleasure of the commissioners court. The engineer shall receive a salary to be fixed by the commissioners court not to exceed the amount of the salary paid to the highest county official, to be paid out of the Road and Bridge Fund. The engineer, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall execute a bond in the sum of $15,000 with a good and sufficient surety or sureties thereon, payable to the county judge of the county and successors in office in trust, for the use and the benefit of the Road and Bridge Fund, of the county to be approved by the court, conditioned that such engineer will faithfully and efficiently discharge and perform all of the duties required of him by law and by the orders of said commissioners court and shall faithfully and honestly and in due time account for all of the money, property and materials placed in his custody. | SECTION 198. Same as House version. |  |
| SECTION 199. Section 4.08(e), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:(e) The authority may not exercise the power of eminent domain granted by Subsections (a) and (b) of this section to acquire property of any kind in Galveston County [~~a county that:~~[~~(1) has a population of more than 245,000;~~[~~(2) borders the Gulf of Mexico; and~~[~~(3) is adjacent to a county with a population of more than 1.6 million~~]. | SECTION 199. Same as House version. |  |
| SECTION 200. Section 4.17(f), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:(f) The authority may not exercise the power of eminent domain under this section to acquire property of any kind in Galveston County [~~a county that:~~[~~(1) has a population of more than 245,000;~~[~~(2) borders on the Gulf of Mexico; and~~[~~(3) is adjacent to a county with a population of more than 1.6 million~~]. | SECTION 200. Same as House version. |  |
| SECTION 201. (a) This Act is not intended to revive a law that was impliedly repealed by a law enacted by the 81st Legislature or a previous legislature.(b) To the extent that a law enacted by the 82nd Legislature, Regular Session, 2011, conflicts with this Act, the other law prevails, regardless of the relative dates of enactment or the relative effective dates. | SECTION 201. Same as House version. |  |
| SECTION 202. This Act takes effect September 1, 2011. | SECTION 202. Same as House version. |  |