

By: Cain

H.B. No. 2246

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the terminology used in statute to refer to the
3 partially landlocked body of water on the southeastern periphery of
4 the North American continent.

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

6 ARTICLE 1. GULF OF AMERICA STATUTORY LANGUAGE INITIATIVE

7 SECTION 1.01. Subtitle D, Title 4, Government Code, is
8 amended by adding Chapter 452 to read as follows:

9 CHAPTER 452. GULF OF AMERICA STATUTORY LANGUAGE INITIATIVE

10 Sec. 452.001. FINDINGS AND INTENT. The legislature finds
11 that language used in reference to the partially landlocked body of
12 water on the southeastern periphery of the North American
13 continent, commonly referred to as the "Gulf of Mexico" is
14 inaccurate and outdated. It is the intent of the legislature to
15 establish preferred terminology for new and revised laws by
16 requiring the use of language that accurately describes this region
17 of the North American continent.

18 Sec. 452.002. USE OF GULF OF AMERICA STATUTORY LANGUAGE
19 REQUIRED. (a) The legislature and the Texas Legislative Council
20 are directed to avoid using the term "Gulf of Mexico" in any new
21 statute or resolution as sections including as sections including
22 that term are otherwise amended by law.

23 (b) In enacting or revising statutes or resolutions, the
24 legislature and the Texas Legislative Council are directed to

1 replace, as appropriate, the term "Gulf of Mexico" with the term
2 "Gulf of America."

3 SECTION 1.02. Chapter 325, Government Code, is amended by
4 adding Sections 325.0128 and 325.0129 to read as follows:

5 Sec. 325.0128. REVIEW OF AGENCIES FOR USE OF GULF OF AMERICA
6 STATUTORY LANGUAGE. (a) As part of its review of a state agency,
7 the commission shall consider and make recommendations regarding
8 the statutory and regulatory revisions necessary to use the phrase
9 "Gulf of America" instead of "Gulf of Mexico."

10 (b) As part of its review of an agency, the commission shall
11 consider and recommend, as appropriate, statutory revisions in
12 accordance with the Gulf of America statutory language initiative
13 under Chapter 452.

14 Sec. 325.0129. GULF OF AMERICA STATUTORY LANGUAGE
15 PROMOTION. The executive commissioner of each state agency or
16 commission shall ensure that the agency or commission use the term
17 listed as preferred under the Gulf of America statutory language
18 initiative in Chapter 452 when proposing, adopting, or amending the
19 commission's or agency's rules, reference materials, publications,
20 and electronic media.

21 ARTICLE 2. AGRICULTURE CODE PROVISIONS

22 SECTION 2.01. Section 47.051(2), Agriculture Code, is
23 amended to read as follows:

24 (2) "Coastal waters" means all the salt water of the
25 state, including the portion of the Gulf of America [~~Gulf of Mexico~~]
26 that is within the jurisdiction of the state.

ARTICLE 3. ALCOHOLIC BEVERAGE CODE PROVISIONS

SECTION 3.01. Section 251.742(b), Alcoholic Beverage Code, is amended to read as follows:

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

(1) has a population of 15,000 or more; and

(2) is located in two counties one of which:

(A) has a population of 340,000 or more;

(B) contains a municipality in which at least 85 percent of the county's population resides; and

(C) borders the Gulf of America [~~Gulf of Mexico~~].

ARTICLE 4. CIVIL PRACTICE AND REMEDIES CODE PROVISIONS

SECTION 4.01. Section 15.0181(a)(5), Civil Practice and Remedies Code, is amended to read as follows:

(5) "Inland waters" means the navigable waters shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, the Gulf Intracoastal Waterway, and other inland waters of Texas, Louisiana, Mississippi, Alabama, Arkansas, Tennessee, Missouri, Illinois, Kentucky, or Indiana or of Florida along the Gulf of America [~~Gulf of Mexico~~] shoreline of Florida from the Florida-Alabama border down to and including the shoreline of Key West, Florida. The term does not include the Great Lakes.

SECTION 4.02. Section 18.033(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a dispute between the State of Texas and an upland owner of property fronting on the Gulf of America [~~Gulf of Mexico~~] and the arms of the Gulf of America [~~Gulf of Mexico~~] within the

1 boundaries of the State of Texas, the maps, surveys, and property
2 descriptions filed in the General Land Office in connection with
3 any conveyance by the state or any predecessor government by
4 patent, deed, lease, or other authorized forms of grant shall be
5 presumed to accurately depict the boundary between adjacent upland
6 owners and the state-owned submerged lands.

7 SECTION 4.03. Section 21.021, Civil Practice and Remedies
8 Code, is amended to read as follows:

9 Sec. 21.021. APPLICATION. This subchapter applies to a
10 county that:

11 (1) is part of two or more judicial districts, that has
12 two or more district courts with regular terms, and that is part of
13 a district in which a county borders on the international boundary
14 of the United States and the Republic of Mexico;

15 (2) borders on the international boundary of the
16 United States and the Republic of Mexico and that is in a judicial
17 district composed of four counties;

18 (3) borders on the international boundary of the
19 United States and the Republic of Mexico and that has three or more
20 district courts or judicial districts wholly within the county; or

21 (4) borders on the Gulf of America [~~Gulf of Mexico~~] and
22 that has four or more district courts or judicial districts of which
23 two or more courts or districts are wholly within the county.

24 SECTION 4.04. Section 78.052, Civil Practice and Remedies
25 Code, is amended to read as follows:

26 Sec. 78.052. APPLICABILITY OF SUBCHAPTER: MARINE FIRE
27 EMERGENCY. This subchapter applies only to damages for personal

1 injury, death, or property damage arising from an error or omission
2 of:

3 (1) a nonprofit fire department providing services to
4 respond to marine fire emergencies under contract to a governmental
5 unit, if the error or omission occurs in responding to a marine fire
6 emergency:

7 (A) on the navigable waters of this state;

8 (B) in any place into which a vessel enters or
9 from which a vessel departs the waterway leading to that place from
10 the Gulf of America [~~Gulf of Mexico~~] or the Gulf Intracoastal
11 Waterway;

12 (C) on property owned or under the control of the
13 governmental unit; or

14 (D) at the request of the governmental unit in
15 the interest of public safety; or

16 (2) a fire fighter providing services described by
17 Subdivision (1).

18 ARTICLE 5. VERNON'S CIVIL STATUTES PROVISIONS

19 SECTION 5.01. Section 1, Chapter 311 (H.B. 558), Acts of the
20 55th Legislature, Regular Session, 1955 (Article [5421b-1](#), Vernon's
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 1. All or any part of the Public Lands belonging to the
23 State situated in and under the bed of Caddo Lake and the
24 tributaries thereto and all or any part of such lands adjacent
25 thereto shall be subject to lease for mineral development by the
26 Commissioner of the General Land Office to any person, firm or
27 corporation in accordance with the provisions of existing or future

1 laws pertaining to the leasing and development of all islands,
2 salt-water lakes, bays, inlets, marshes and reefs, owned by the
3 State within tidewater limits, and that portion of the Gulf of
4 America [~~Gulf of Mexico~~] within the jurisdiction of Texas, and all
5 unsold public free school land, both surveyed and unsurveyed, in so
6 far as same are not in conflict herewith.

7 SECTION 5.02. Section 1, Chapter 10 (H.B. 134), Acts of the
8 47th Legislature, Regular Session, 1941 (Article 5421c-4, Vernon's
9 Texas Civil Statutes), is amended to read as follows:

10 Sec. 1. The School Land Board, created by House Bill No. 9
11 of the Forty-sixth Legislature (being Title: Public Lands, Chapter
12 3, of the General Laws of the Forty-sixth Legislature, 1939,) is
13 hereby authorized to grant and issue easements or surface leases to
14 the United States of America in accordance with the conditions
15 hereinafter set out, on any island, salt water lake, bay, inlet, or
16 marsh within tidewater limits, and that portion of the Gulf of
17 America [~~Gulf of Mexico~~] within the jurisdiction of the State of
18 Texas, to be used exclusively for any purpose essential to the
19 National Defense.

20 SECTION 5.03. Section 1, Chapter 287 (S.B. 454), Acts of the
21 47th Legislature, Regular Session, 1941 (Article 5366a, Vernon's
22 Texas Civil Statutes), is amended to read as follows:

23 Sec. 1. In each case in which an oil and gas mineral lease
24 has heretofore been granted or may hereafter be granted by the State
25 of Texas on an area covered by the coastal waters of the State or
26 within the Gulf of America [~~Gulf of Mexico~~] and in which the War
27 Department of the United State refuses to grant a permit to the

1 lessee or owner of such lease to drill a well thereon for oil, gas or
2 other minerals (the area included in such lease being within the
3 navigable waters of the United States) and in the event the primary
4 term of such lease should expire during the period of time in which
5 the War Department of the United States may continue to refuse to
6 issue such permit, then and in such event the primary term of such
7 lease is hereby extended for successive periods of one (1) year from
8 and after the end of the original primary term of such lease while
9 and so long as the War Department may continue such refusal to issue
10 to the lessee or to the owner of such lease a permit to drill for
11 oil, gas or other minerals, on the area covered thereby; provided,
12 that in order to make such extensions effectual the lessee or the
13 owner of such lease shall, during each of the annual periods during
14 which the primary term of the lease is so extended, apply to and
15 seek to obtain from the War Department a permit to drill a well for
16 oil, gas or other minerals on the area covered by such lease and be
17 unsuccessful in its attempts to obtain a permit, or, if successful
18 in obtaining a permit, commence operations for drilling a well upon
19 the leased premises within sixty (60) days after obtaining such
20 permit; and provided further that the lessee or the owner of such
21 lease continues to pay the annual renewal rentals at the rate
22 provided for in such lease for the period of time involved in such
23 extensions. Should such lease be so extended and should the War
24 Department at any time while such lease is still in force and effect
25 issue a permit to the lessee or to the owner of such lease to drill a
26 well thereon for oil, gas or other minerals, such lease shall
27 continue in force and effect if the lessee commences drilling

1 operations upon the leased premises within sixty (60) days after
2 obtaining such permit, and so long as the lessee or the owner of
3 such lease shall continue to conduct drilling or mining operations
4 thereon, or if oil, gas or other mineral be discovered thereon by
5 the lessee or the owner of such lease, so long as oil, gas or other
6 mineral is produced from such leased premises. Should the
7 production of oil, gas or other mineral on said leased premises
8 after once secured, cease from any cause, such lease shall not
9 terminate if the lessee or owner of such lease commences additional
10 drilling, reworking or mining operations within thirty (30) days
11 thereafter or if it be within the original primary term of such
12 lease, commences or resumes the payment or tender of rental on or
13 before the rental paying date, if any, next ensuing; but if there be
14 no rental paying date next ensuing, the lease shall in no event
15 terminate prior to the expiration of the primary term.

16 SECTION 5.04. Section 1, Chapter 314 (S.B. 326), Acts of the
17 56th Legislature, Regular Session, 1959 (Article 5337-2, Vernon's
18 Texas Civil Statutes), is amended to read as follows:

19 Sec. 1. The Commissioner of the General Land Office is
20 hereby authorized and empowered, acting for and on behalf of the
21 State of Texas, to execute any and all grants of easements in, on,
22 and across all unsold Public Free School Lands, and in, on, and
23 across all islands, salt water lakes, bays, inlets, marshes, and
24 reefs owned by the state within the tidewater limits, and in, on,
25 and across that portion of the Gulf of America [~~Gulf of Mexico~~]
26 within the jurisdiction of Texas, to Nueces County Water Control
27 and Improvement District Number 4 for right-of-ways for pipe lines

1 and for the installation of all works, facilities, and appliances,
2 in any and all manners incident to, helpful or necessary for
3 securing, storing, processing, treating, transporting, and selling
4 an adequate supply of fresh water; provided, however, said Nueces
5 County Water Control and Improvement District Number 4 shall pay
6 the sum of Ten Dollars (\$10.00) as consideration for the granting of
7 each easement.

8 ARTICLE 6. EDUCATION CODE PROVISIONS

9 SECTION 6.01. Section 155.001(2), Education Code, is
10 amended to read as follows:

11 (2) "Commission" means the regional planning
12 commission, council of governments, or similar regional planning
13 agency created under Chapter 391, Local Government Code, whose
14 membership includes the most populous county that borders on the
15 Gulf of America [~~Gulf of Mexico~~] or on a bay or inlet of the Gulf of
16 America [~~Gulf of Mexico~~].

17 SECTION 6.02. Section 155.003(c), Education Code, is
18 amended to read as follows:

19 (c) The commission and advisory committee may cooperate,
20 coordinate, and share information with a governmental entity or
21 postsecondary educational institution in another state that
22 borders the Gulf of America [~~Gulf of Mexico~~].

23 ARTICLE 7. FAMILY CODE PROVISIONS

24 SECTION 7.01. Section 107.106(a), Family Code, is amended
25 to read as follows:

26 (a) This section applies only to a county:

27 (1) with a population of less than 500,000;

1 (2) that is contiguous to the Gulf of America [~~Gulf of~~
2 ~~Mexico~~] or a bay or inlet opening into the gulf and that borders the
3 United Mexican States; or

4 (3) that borders a county described by Subdivision
5 (2).

6 ARTICLE 8. GOVERNMENT CODE PROVISIONS

7 SECTION 8.01. Section 490I,0110(b), Government Code, is
8 amended to read as follows:

9 (b) The broadband development office board of advisors is
10 composed of 10 members, appointed as follows:

11 (1) two members appointed by the governor, including:

12 (A) one member to represent the Texas Economic
13 Development and Tourism Office; and

14 (B) one member of the public with experience in
15 telecommunications or broadband service;

16 (2) three members appointed by the lieutenant
17 governor, including:

18 (A) one member who resides in an urban area;

19 (B) one member to represent the public primary
20 and secondary education community; and

21 (C) one member who resides in a county that:

22 (i) is adjacent to an international border;

23 (ii) is located not more than 150 miles from
24 the Gulf of America [~~Gulf of Mexico~~]; and

25 (iii) has a population of more than 60,000;

26 (3) three members appointed by the speaker of the
27 house of representatives, including:

- 1 (A) one member who resides in a rural area;
- 2 (B) one member to represent the health and
3 telemedicine industry; and
- 4 (C) one member to represent the public higher
5 education community;
- 6 (4) the comptroller or the comptroller's designee; and
- 7 (5) one nonvoting member appointed by the broadband
8 development office to represent the office.

9 SECTION 8.02. Section 1431.015(b), Government Code, is
10 amended to read as follows:

11 (b) Notwithstanding any other provision of this chapter or a
12 rating requirement prescribed by Chapter 1371, an issuer located
13 within 70 miles of the Gulf of America [~~Gulf of Mexico~~] or of a bay
14 or inlet of the gulf may authorize the issuance of an anticipation
15 note or other obligation in the event of an emergency. An
16 anticipation note or other obligation issued under this section is
17 an obligation under Chapter 1371, but is not required to be rated as
18 required by that chapter.

19 SECTION 8.03. Section 1475.051, Government Code, is amended
20 to read as follows:

21 Sec. 1475.051. APPLICABILITY OF SUBCHAPTER. This
22 subchapter applies only to a county adjacent to the Gulf of America
23 [~~Gulf of Mexico~~].

24 SECTION 8.04. Section 1478.001, Government Code, is amended
25 to read as follows:

26 Sec. 1478.001. APPLICABILITY OF CHAPTER. This chapter
27 applies only to a county that:

1 (1) is located on the Gulf of America [~~Gulf of Mexico~~];
2 and

3 (2) has within its boundaries an island susceptible to
4 development for recreational purposes for the use and benefit of
5 the residents of the county.

6 SECTION 8.05. Section 1502.057(c), Government Code, is
7 amended to read as follows:

8 (c) The board of trustees having management and control of a
9 utility system located in a county contiguous to the Gulf of America
10 [~~Gulf of Mexico~~] and bordering the United Mexican States may impose
11 and collect the charges authorized under this section for services
12 provided by the utility system.

13 SECTION 8.06. Section 1502.070(a), Government Code, is
14 amended to read as follows:

15 (a) Management and control of a utility system may be vested
16 in:

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

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

20 (A) five members, one of whom must be the mayor of
21 the municipality;

22 (B) seven members, one of whom must be the mayor
23 of the municipality, if the municipality is located in a county
24 that:

25 (i) contains a municipality with a
26 population of at least 500,000; and

27 (ii) is located on an international border;

1 or

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

4 (i) with a population of at least 375,000;

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

7 (iii) that borders the Gulf of America
8 [~~Gulf of Mexico~~].

9 SECTION 8.07. The heading to Subchapter A, Chapter 1505,
10 Government Code, is amended to read as follows:

11 SUBCHAPTER A. BONDS FOR HARBOR IMPROVEMENTS IN MUNICIPALITIES
12 BORDERING GULF OF AMERICA [~~GULF OF MEXICO~~]

13 SECTION 8.08. Section 1505.001, Government Code, is amended
14 to read as follows:

15 Sec. 1505.001. APPLICABILITY OF SUBCHAPTER. This
16 subchapter applies only to a municipality that borders the Gulf of
17 America [~~Gulf of Mexico~~].

18 SECTION 8.09. Section 1505.053, Government Code, is amended
19 to read as follows:

20 Sec. 1505.053. AUTHORITY FOR NAVIGATIONAL FACILITIES. A
21 municipality may:

22 (1) own, purchase, construct, operate, improve,
23 enlarge, repair, or maintain a bridge over or across any stream,
24 inlet, or arm of the Gulf of America [~~Gulf of Mexico~~] or entrance
25 canal to the deepwater port of the municipality that connects any of
26 the public streets, highways, or thoroughfares of the municipality;

27 (2) own, purchase, construct, repair, maintain,

1 operate, or lease:

2 (A) a wharf, pier, pavilion, or boathouse; or

3 (B) a dam, dyke, or spillway with a road or bridge
4 on or over it to create a freshwater supply basin for domestic,
5 irrigation, and other purposes in the navigation district in which
6 the municipality is located or in a county adjacent to the
7 freshwater basin;

8 (3) acquire, reclaim, reconstruct, or fill in any
9 submerged land along the waterfront of the municipality and
10 construct, operate, or maintain a water main, gas main, storm
11 sewer, sanitary sewer, sidewalk, street, or similar improvement in
12 connection with that land;

13 (4) construct a seawall, breakwater, or other shore
14 protection to protect the waterfront of the municipality; and

15 (5) construct, reconstruct, maintain, operate, or
16 dredge a channel in connection with a deepwater port in aid of
17 navigation within the municipality.

18 SECTION 8.10. Section 1505.102(1), Government Code, is
19 amended to read as follows:

20 (1) "Bridge or tunnel" means a bridge over, or a tube,
21 underpass, or tunnel under, any stream, inlet, or arm of the Gulf of
22 America [~~Gulf of Mexico~~] or entrance channel to the deepwater port
23 of a municipality that connects any public streets or thoroughfares
24 of, in, or to the municipality.

25 SECTION 8.11. Section 1505.201, Government Code, is amended
26 to read as follows:

27 Sec. 1505.201. APPLICABILITY OF SUBCHAPTER. This

1 subchapter applies only to a municipality that:

- 2 (1) has a population of less than 12,000; and
- 3 (2) is located on the Gulf of America [~~Gulf of Mexico~~]
- 4 or a channel, canal, bay, or inlet connected with that gulf.

5 SECTION 8.12. Section [1506.101](#), Government Code, is amended
6 to read as follows:

7 Sec. 1506.101. APPLICABILITY OF SUBCHAPTER. This
8 subchapter applies only to a municipality that:

- 9 (1) is located on the Gulf of America [~~Gulf of Mexico~~]
- 10 or on a channel, canal, bay, or inlet connected to the Gulf of
- 11 America [~~Gulf of Mexico~~]; and

- 12 (2) has a population of:
 - 13 (A) more than 53,000 and less than 84,000; or
 - 14 (B) more than 115,000 and less than 160,000.

15 SECTION 8.13. Section [1505.251](#), Government Code, is amended
16 to read as follows:

17 Sec. 1505.251. APPLICABILITY OF SUBCHAPTER. This
18 subchapter applies only to a general-law municipality that:

- 19 (1) has a population of 5,000 or less; and
- 20 (2) is located on the Gulf of America [~~Gulf of Mexico~~]
- 21 or a channel, canal, bay, or inlet connected with that gulf.

22 SECTION 8.14. Section [2204.301](#), Government Code, is amended
23 to read as follows:

24 Sec. 2204.301. GRANT TO UNITED STATES. The governor may
25 grant to the United States in accordance with this subchapter those
26 portions of the beds and banks of the Pecos and Devils rivers in Val
27 Verde County and of the Rio Grande in Brewster, Cameron, Hidalgo,

1 Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell,
2 Val Verde, Webb, and Zapata counties:

3 (1) for which title is vested in this state; and

4 (2) that may be necessary or expedient in the
5 construction and use of the storage and flood control dams and their
6 resultant reservoirs, diversion works, and appurtenances provided
7 for in the Treaty Relating to the Utilization of the Waters of the
8 Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from
9 Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~],
10 concluded by the United States and the United Mexican States on
11 February 3, 1944.

12 ARTICLE 9. HEALTH AND SAFETY CODE PROVISIONS

13 SECTION 9.01. Section 341.03571(b), Health and Safety Code,
14 is amended to read as follows:

15 (b) This section applies only to a county, or a municipality
16 in a county, that:

17 (1) borders the United Mexican States or is adjacent
18 to a county that borders the United Mexican States;

19 (2) has a population of at least 400,000 or has a
20 population of at least 20,000 and is adjacent to a county that has a
21 population of at least 400,000; and

22 (3) is within 200 miles of the Gulf of America [~~Gulf of~~
23 ~~Mexico~~].

24 SECTION 9.02. Section 361.121(o), Health and Safety Code,
25 is amended to read as follows:

26 (o) The commission may not issue a permit under this section
27 for a land application unit that is located both:

1 (1) in a county that borders the Gulf of America [~~Gulf~~
2 ~~of Mexico~~]; and

3 (2) 500 feet or less from any water well or surface
4 water.

5 SECTION 9.03. Section 361.122, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 361.122. DENIAL OF CERTAIN LANDFILL PERMITS. The
8 commission may not issue a permit for a Type IV landfill if:

9 (1) the proposed site is located within 100 feet of a
10 canal that is used as a public drinking water source or for
11 irrigation of crops used for human or animal consumption;

12 (2) the proposed site is located in a county with a
13 population of more than 225,000 that is located adjacent to the Gulf
14 of America [~~Gulf of Mexico~~]; and

15 (3) prior to final consideration of the application by
16 the commission, the commissioners of the county in which the
17 facility is located have adopted a resolution recommending denial
18 of the application.

19 SECTION 9.04. Sections 365.003(b) and (c), Health and
20 Safety Code, are amended to read as follows:

21 (b) In this section, "beach" means an area in which the
22 public has acquired a right of use or an easement and that borders
23 on the seaward shore of the Gulf of America [~~Gulf of Mexico~~] or
24 extends from the line of mean low tide to the line of vegetation
25 bordering on the Gulf of America [~~Gulf of Mexico~~].

26 (c) This section applies only to a county park located in a
27 county that has the Gulf of America [~~Gulf of Mexico~~] as one

1 boundary, but does not apply to a beach located in that park.

2 SECTION 9.05. Section 366.012(a), Health and Safety Code,
3 is amended to read as follows:

4 (a) To assure the effective and efficient administration of
5 this chapter, the commission shall:

6 (1) adopt rules governing the installation of on-site
7 sewage disposal systems, including rules concerning the:

8 (A) review and approval of on-site sewage
9 disposal systems; and

10 (B) temporary waiver of a permit for an emergency
11 repair; and

12 (2) adopt rules under this chapter that:

13 (A) encourage the use of economically feasible
14 alternative techniques and technologies for on-site sewage
15 disposal systems that can be used in soils not suitable for
16 conventional on-site sewage disposal;

17 (B) address the separation of graywater, as
18 defined by Section 341.039, in a residence served by an on-site
19 sewage disposal system;

20 (C) allow for an adjustment in the size required
21 of an on-site sewage disposal system if the system is used in
22 conjunction with a graywater system that complies with the rules
23 adopted under Section 341.039;

24 (D) require on-site sewage disposal systems,
25 including risers and covers, installed after September 1, 2012, to
26 be designed to prevent access to the system by anyone other than:

27 (i) the owner of the system; or

1 (ii) a person described by Section
2 366.071(a) or (b);

3 (E) for a county with a population of at least
4 350,000 and not more than 370,000 that is adjacent to the Gulf of
5 America [~~Gulf of Mexico~~] and adjacent to a county with a population
6 of at least 3.3 million, allow for the installation of aerobic drip
7 emitter systems on subdivided or platted properties less than
8 one-half acre in size serving single-family residences supplied by
9 a public drinking water system if site-specific planning materials
10 have been:

11 (i) submitted by a licensed engineer or
12 registered sanitarian; and

13 (ii) approved by the appropriate authorized
14 agent; and

15 (F) for a county with a population of more than
16 40,000 and less than 50,000 that borders the Red River along the
17 Oklahoma state line and has a major interstate road running through
18 it, allow for the installation of aerobic drip emitter systems on
19 subdivided or platted properties less than one-half acre in size,
20 serving single-family residences supplied by a public drinking
21 water system if site-specific planning materials have been:

22 (i) submitted by a licensed engineer or
23 registered sanitarian; and

24 (ii) approved by the appropriate authorized
25 agent.

26 SECTION 9.06. Section 711.008(d), Health and Safety Code,
27 is amended to read as follows:

1 (d) Subsection (a) does not apply to a cemetery established
2 and operating before September 1, 1995, in a county with a
3 population of more than 315,000 and less than 351,000 that borders
4 the Gulf of America [~~Gulf of Mexico~~].

5 SECTION 9.07. Section 773.1141(a), Health and Safety Code,
6 is amended to read as follows:

7 (a) This section applies only to a trauma service area
8 regional advisory council serving a geographic area that includes:

9 (1) at least one county located on the international
10 border of this state; and

11 (2) at least one county adjacent to the Gulf of America
12 [~~Gulf of Mexico~~].

13 SECTION 9.08. Section 775.021(a), Health and Safety Code,
14 is amended to read as follows:

15 (a) This section applies only to a district located in whole
16 or in part in a county that:

17 (1) borders the Gulf of America [~~Gulf of Mexico~~]; and

18 (2) has a population of less than 1.5 million.

19 ARTICLE 10. LOCAL GOVERNMENT CODE PROVISIONS

20 SECTION 10.01. Section 42.021(c), Local Government Code, is
21 amended to read as follows:

22 (c) Subsection (b) applies to a municipality that has:

23 (1) a population of 2,000 or more; and

24 (2) territory located:

25 (A) entirely on a barrier island in the Gulf of
26 America [~~Gulf of Mexico~~]; and

27 (B) within 30 miles of an international border.

1 SECTION 10.02. Section 42.0235(a), Local Government Code,
2 is amended to read as follows:

3 (a) Notwithstanding Section 42.021, and except as provided
4 by Subsection (d), the extraterritorial jurisdiction of a
5 municipality with a population of more than 175,000 located in a
6 county that contains an international border and borders the Gulf
7 of America [~~Gulf of Mexico~~] terminates two miles from the
8 extraterritorial jurisdiction of a neighboring municipality if
9 extension of the extraterritorial jurisdiction beyond that limit
10 would:

11 (1) completely surround the corporate boundaries or
12 extraterritorial jurisdiction of the neighboring municipality; and

13 (2) limit the growth of the neighboring municipality
14 by precluding the expansion of the neighboring municipality's
15 extraterritorial jurisdiction.

16 SECTION 10.03. Section 43.017, Local Government Code, is
17 amended to read as follows:

18 Sec. 43.017. PROHIBITION AGAINST ANNEXATION TO SURROUND
19 MUNICIPALITY IN CERTAIN COUNTIES. A municipality with a population
20 of more than 175,000 located in a county that contains an
21 international border and borders the Gulf of America [~~Gulf of~~
22 ~~Mexico~~] may not annex an area that would cause another municipality
23 to be entirely surrounded by the corporate limits or
24 extraterritorial jurisdiction of the annexing municipality.

25 SECTION 10.04. Section 43.0751(n), Local Government Code,
26 is amended to read as follows:

27 (n) This subsection applies only to a municipality any

1 portion of which is located in a county that has a population of not
2 less than 315,000 and not more than 351,000 and that borders the
3 Gulf of America [~~Gulf of Mexico~~] and is adjacent to a county with a
4 population of more than 3.3 million. A municipality may impose
5 within the boundaries of a district a municipal sales and use tax
6 authorized by Chapter 321, Tax Code, or a municipal hotel occupancy
7 tax authorized by Chapter 351, Tax Code, that is imposed in the
8 municipality if:

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

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

14 SECTION 10.05. Section 43.082, Local Government Code, is
15 amended to read as follows:

16 Sec. 43.082. ANNEXATION BY CERTAIN MUNICIPALITIES OF LAND
17 OWNED BY NAVIGATION DISTRICT. A municipality with a population of
18 less than 30,000, that is in a county that borders the Gulf of
19 America [~~Gulf of Mexico~~] and that is adjacent to a county with a
20 population of one million or more, and that seeks to annex land
21 owned by a navigation district operating under Section 59, Article
22 XVI, Texas Constitution, must have the consent of the district to
23 annex the land.

24 SECTION 10.06. Section 43.902(a), Local Government Code, is
25 amended to read as follows:

26 (a) Land on an island bordering the Gulf of America [~~Gulf of~~
27 ~~Mexico~~] that is not accessible by a public road or common carrier

1 ferry facility may not be annexed by a municipality without the
2 consent of the owners of the land.

3 SECTION 10.07. Section 85.004(e), Local Government Code, is
4 amended to read as follows:

5 (e) The sheriff of a county that borders the Gulf of America
6 [~~Gulf of Mexico~~] may organize some of the reserve deputies to serve
7 as marine reserve deputies and lifeguards for beach and water
8 safety purposes and other related functions as the sheriff may
9 determine. A reserve deputy performing functions under this
10 subsection is subject to the laws of this state that relate to
11 reserve deputies except that they may not carry firearms in the
12 performance of their duties.

13 SECTION 10.08. Section 118.026(a), Local Government Code,
14 is amended to read as follows:

15 (a) The commissioners court of a county that borders the
16 United Mexican States and the Gulf of America [~~Gulf of Mexico~~] may
17 adopt a records technology and infrastructure fee as part of the
18 county's annual budget. The fee must be set and itemized in the
19 county's budget as part of the budget preparation process.

20 SECTION 10.09. Section 152.032(d), Local Government Code,
21 is amended to read as follows:

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

27 (1) a county with a population of 120,000 or more,

1 excluding a county subject to Subsection (b);

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

4 (3) a county with a population of more than 11,000 and
5 less than 11,350; and

6 (4) a county that:

7 (A) borders a county with a population of more
8 than one million; and

9 (B) has a population of more than 44,500 and less
10 than 46,500.

11 SECTION 10.10. Section 233.001(a), Local Government Code,
12 is amended to read as follows:

13 (a) If the commissioners court of a county that borders the
14 Gulf of America [~~Gulf of Mexico~~] and is adjacent to a county with a
15 population of more than 3.3 million finds that a bulkhead or other
16 method of shoreline protection, hereafter called "structure," in an
17 unincorporated area of the county is likely to endanger persons or
18 property, the commissioners may:

19 (1) order the owner of the structure, the owner's
20 agent, or the owner or occupant of the property on which the
21 structure is located to repair, remove, or demolish the structure
22 or the part of the structure within a specified time; or

23 (2) repair, remove, or demolish the structure or the
24 part of the structure at the expense of the county on behalf of the
25 owner of the structure or the owner of the property on which the
26 structure is located and assess the repair, removal, or demolition
27 expenses on the property on which the structure was located.

1 SECTION 10.11. Sections 240.901(b) and (d), Local
2 Government Code, are amended to read as follows:

3 (b) A county bordering on the Gulf of America [~~Gulf of~~
4 ~~Mexico~~] or on the tidewater limits of the gulf may determine the
5 boundaries of any flood-prone area of the county. The suitability
6 of that determination is conclusively established when the
7 commissioners court of the county adopts a resolution finding that
8 the area is a flood-prone area.

9 (d) In this section, "flood-prone area" means an area that
10 is subject to damage from rising water or flooding from the Gulf of
11 America [~~Gulf of Mexico~~] or its tidal waters, including lakes,
12 bays, inlets, and lagoons.

13 SECTION 10.12. Section 240.902(b), Local Government Code,
14 is amended to read as follows:

15 (b) In this section, "public beach" means a beach located on
16 a bay or inlet of the Gulf of America [~~Gulf of Mexico~~] to which the
17 general public or a substantial part of the general public has free
18 access.

19 SECTION 10.13. Section 240.909(a), Local Government Code,
20 is amended to read as follows:

21 (a) This section applies only to a county with a population
22 of 50,000 or less that borders the Gulf of America [~~Gulf of Mexico~~]
23 and in which is located at least one state park and one national
24 wildlife refuge.

25 SECTION 10.14. Section 240.910(a), Local Government Code,
26 is amended to read as follows:

27 (a) This section applies only to a county located on an

1 international border and adjacent to the Gulf of America [~~Gulf of~~
2 ~~Mexico~~].

3 SECTION 10.15. Section 253.001(e), Local Government Code,
4 is amended to read as follows:

5 (e) Subsection (b) does not apply to a conveyance of park
6 land that:

7 (1) is owned by a home-rule municipality with a
8 population of less than 80,000 and that is located in a county
9 bordering the Gulf of America [~~Gulf of Mexico~~];

10 (2) is one acre or less;

11 (3) is part of a park that is 100 acres or less;

12 (4) is sold or is conveyed as a sale to the owner of
13 adjoining property; and

14 (5) is conveyed pursuant to a resolution or an
15 ordinance that:

16 (A) is adopted under this section;

17 (B) requires the sale to be with an owner of
18 adjoining property for fair market value as determined by an
19 independent appraisal obtained by the municipality; and

20 (C) has an effective date before December 31,
21 1995.

22 SECTION 10.16. Section 254.001, Local Government Code, is
23 amended to read as follows:

24 Sec. 254.001. APPLICABILITY OF CHAPTER. This chapter
25 applies only to a municipality located on a channel, canal, bay,
26 inlet, or lake connected to the Gulf of America [~~Gulf of Mexico~~].

27 SECTION 10.17. Section 306.032(a), Local Government Code,

1 is amended to read as follows:

2 (a) This section applies only to a home-rule municipality
3 that has a population of less than 80,000 and borders on the Gulf of
4 America [~~Gulf of Mexico~~].

5 SECTION 10.18. Section 307.001, Local Government Code, is
6 amended to read as follows:

7 Sec. 307.001. ELIGIBLE MUNICIPALITIES. A municipality that
8 borders on the Gulf of America [~~Gulf of Mexico~~] and has a population
9 of 50,000 or more may use and occupy for park purposes gulf
10 tidelands and adjacent water as provided by this chapter.

11 SECTION 10.19. Section 307.002(a), Local Government Code,
12 is amended to read as follows:

13 (a) The municipality may use and occupy for park purposes
14 under this chapter:

15 (1) the tidelands between:

16 (A) the lines of ordinary high tide and ordinary
17 low tide of the Gulf of America [~~Gulf of Mexico~~]; and

18 (B) extensions into the gulf, not more than 1,000
19 feet apart, of property lines of property that is above and fronting
20 the tidelands and is owned or acquired by the municipality for park
21 purposes or in or to which the municipality has or may acquire
22 easements or other rights or privileges authorizing the
23 municipality to use or occupy the property for park purposes; and

24 (2) the waters of the gulf adjacent to those
25 tidelands, and the gulf bed below those waters, for a distance not
26 to exceed 2,000 feet from the line of ordinary high tide.

27 SECTION 10.20. Section 307.021(c), Local Government Code,

1 is amended to read as follows:

2 (c) The pier may not:

3 (1) extend into the gulf for a distance of more than
4 2,000 feet from the line of ordinary high tide;

5 (2) extend into any part of a channel deepened or
6 improved for commercial navigation or between the shoreline and any
7 such channel; or

8 (3) extend into any arm, inlet, bay, or body of water
9 other than the main body of the Gulf of America [~~Gulf of Mexico~~].

10 SECTION 10.21. Sections 307.042(b) and (c), Local
11 Government Code, are amended to read as follows:

12 (b) As additional security for the bonds, notes, or
13 warrants, the municipality may mortgage and encumber all or a
14 designated part of:

15 (1) the pier, structures, or improvements;

16 (2) the furnishings and equipment; or

17 (3) the interest, easement, or other rights in land
18 acquired or to be acquired and used in connection with the park
19 land, including the right of use and occupancy of the park land and
20 the title or rights to the tidelands, waters, or beds of the Gulf of
21 America [~~Gulf of Mexico~~] acquired by the municipality.

22 (c) As additional security for the bonds, notes, or
23 warrants, the municipality may, by the terms of a mortgage, grant to
24 the purchaser under sale or foreclosure a franchise to operate the
25 properties purchased for a period of not more than 99 years after
26 the purchase. If at the time of the sale or foreclosure there is a
27 pier, structure, or improvement located in whole or in part on or

1 over state-owned tideland, water, and bed of the Gulf of America
2 [~~Gulf of Mexico~~], during that period of 99 years the purchaser and
3 the purchaser's heirs, successors, and assigns have the same right
4 of use and occupancy to the state-owned tideland, water, and bed as
5 is granted to the municipality under this chapter. On termination
6 of that period or on cessation of use of the property for that
7 purpose, the right of use and occupancy reverts to the
8 municipality.

9 SECTION 10.22. Section 321.001(a), Local Government Code,
10 is amended to read as follows:

11 (a) A county that borders on the Gulf of America [~~Gulf of~~
12 ~~Mexico~~] and that has within its boundaries one or more islands or
13 parts of islands suitable for park purposes may act under this
14 chapter for the purpose of improving, equipping, maintaining,
15 financing, and operating one or more parks on those islands.

16 SECTION 10.23. Section 321.101, Local Government Code, is
17 amended to read as follows:

18 Sec. 321.101. APPLICABILITY. Notwithstanding Section
19 321.001, this subchapter applies only to:

- 20 (1) a county described by Section 321.001; and
21 (2) a county that borders on the Gulf of America [~~Gulf~~
22 ~~of Mexico~~] and has within its boundaries a beach that:
23 (A) is wholly or partly operated by the county as
24 a park; or
25 (B) is otherwise controlled or maintained by the
26 county.

27 SECTION 10.24. Section 351.081, Local Government Code, is

1 amended to read as follows:

2 Sec. 351.081. ESTABLISHMENT IN POPULOUS COUNTIES. The
3 commissioners court of a county with a population of more than 3.3
4 million or a county that borders the Gulf of America [~~Gulf of~~
5 ~~Mexico~~] may establish a department of county park rangers.

6 SECTION 10.25. Section 351.083, Local Government Code, is
7 amended to read as follows:

8 Sec. 351.083. LAW ENFORCEMENT SERVICES IN COUNTY PARKS.
9 The department shall provide law enforcement services within the
10 county parks of the county and, in a county that borders the Gulf of
11 America [~~Gulf of Mexico~~], in the unincorporated areas of the county
12 that are located on an island or isthmus.

13 SECTION 10.26. Section 351.084(b), Local Government Code,
14 is amended to read as follows:

15 (b) The county park rangers have the same law enforcement
16 authority that is given by law to deputy sheriffs except that the
17 law enforcement jurisdiction of rangers is limited to the county
18 parks of the county and, in a county that borders the Gulf of
19 America [~~Gulf of Mexico~~], to the unincorporated areas of the county
20 that are located on an island or isthmus.

21 SECTION 10.27. Section 375.182, Local Government Code, is
22 amended to read as follows:

23 Sec. 375.182. PROHIBITED USE OF FUNDS. Funds may not be
24 spent, an assessment imposed, or a tax levied under this chapter to
25 finance the opening, reopening, or maintenance of a pass, canal, or
26 waterway across a barrier island connecting the Gulf of America
27 [~~Gulf of Mexico~~] with inland waters.

1 SECTION 10.28. Section 382.002, Local Government Code, is
2 amended to read as follows:

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

4 (1) a county with a population of 1.5 million or more,
5 other than a county that:

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

8 (B) has two municipalities located wholly or
9 partly in its boundaries each having a population of 225,000 or
10 more; or

11 (2) a county with a population of 70,000 or more that
12 is adjacent to a county described by Subdivision (1) in which a
13 municipality with a population of 90,000 or more is primarily
14 situated and includes all or a part of the extraterritorial
15 jurisdiction of a municipality with a population of 1.1 million or
16 more.

17 SECTION 10.29. Section 501.103, Local Government Code, is
18 amended to read as follows:

19 Sec. 501.103. CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS.
20 In this subtitle, "project" includes expenditures that are found by
21 the board of directors to be required or suitable for
22 infrastructure necessary to promote or develop new or expanded
23 business enterprises, limited to:

24 (1) streets and roads, rail spurs, water and sewer
25 utilities, electric utilities, or gas utilities, drainage, site
26 improvements, and related improvements;

27 (2) telecommunications and Internet improvements; or

1 (3) beach remediation along the Gulf of America [~~Gulf~~
2 ~~of Mexico~~].

3 SECTION 10.30. Section 501.163(a), Local Government Code,
4 is amended to read as follows:

5 (a) This section applies only to a corporation the creation
6 of which was authorized by a municipality that:

7 (1) has a population of 10,000 or more;

8 (2) is located in a county that borders:

9 (A) the Gulf of America [~~Gulf of Mexico~~] or the
10 Gulf Intracoastal Waterway; or

11 (B) the United Mexican States and in which four
12 municipalities with a population of 70,000 or more are located; and

13 (3) has, or is included in a metropolitan statistical
14 area of this state that has, an unemployment rate that averaged at
15 least two percent above the state average for the most recent two
16 consecutive years for which statistics are available.

17 SECTION 10.31. Section 561.007(a), Local Government Code,
18 is amended to read as follows:

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

20 (1) has a population of 190,000 or more, is adjacent to
21 a county with a population of 3.3 million or more, and borders the
22 Gulf of America [~~Gulf of Mexico~~]; and

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

25 SECTION 10.32. Section 561.008(a), Local Government Code,
26 is amended to read as follows:

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

1 Gulf of America [~~Gulf of Mexico~~], other than Jefferson, Kenedy,
2 Kleberg, Nueces, Orange, or Willacy County, may:

- 3 (1) construct breakwaters;
4 (2) issue bonds, time warrants, or certificates of
5 indebtedness of the county to pay for the construction; and
6 (3) impose ad valorem taxes to pay the bonds,
7 warrants, or certificates.

8 SECTION 10.33. Section 571.001, Local Government Code, is
9 amended to read as follows:

10 Sec. 571.001. APPLICABILITY OF SUBCHAPTER. This subchapter
11 applies only to a county or municipality that borders the Gulf of
12 America [~~Gulf of Mexico~~].

13 ARTICLE 11. NATURAL RESOURCES CODE PROVISIONS

14 SECTION 11.01. Section 11.0111(a), Natural Resources Code,
15 is amended to read as follows:

- 16 (a) The commissioner shall:
17 (1) have the area between the coastline of the Gulf of
18 America [~~Gulf of Mexico~~] and the Three Marine League line compiled
19 and platted; and
20 (2) locate and set the boundary lines between the
21 coastal counties from the coastline to the Three Marine League
22 line.

23 SECTION 11.02. Sections 11.012(b) and (c), Natural
24 Resources Code, are amended to read as follows:

- 25 (b) The State of Texas has full sovereignty over the water,
26 the beds and shores, and the arms of the Gulf of America [~~Gulf of~~
27 ~~Mexico~~] within its boundaries as provided in Subsection (a) of this

1 section, subject only to the right of the United States to regulate
2 foreign and interstate commerce under Article I, Section 8 of the
3 United States Constitution, and the power of the United States over
4 admiralty and maritime jurisdiction under Article III, Section 2 of
5 the United States Constitution.

6 (c) The State of Texas owns the water and the beds and shores
7 of the Gulf of America [~~Gulf of Mexico~~] and the arms of the Gulf of
8 America [~~Gulf of Mexico~~] within the boundaries provided in this
9 section, including all land which is covered by the Gulf of America
10 [~~Gulf of Mexico~~] and the arms of the Gulf of America [~~Gulf of~~
11 ~~Mexico~~] either at low tide or high tide.

12 SECTION 11.03. Sections 11.013(a) and (c), Natural
13 Resources Code, are amended to read as follows:

14 (a) The gulfward boundary of each county located on the
15 coastline of the Gulf of America [~~Gulf of Mexico~~] is the Three
16 Marine League line as determined by the United States Supreme
17 Court.

18 (c) The gulfward boundaries of any city, town, or village
19 created and operating under the general laws of the State of Texas
20 shall not be established or extended by incorporation or annexation
21 more than 5,280 feet gulfward beyond the coastline. The governing
22 body of such a city, town, or village may, by ordinance, extend the
23 municipal boundaries up to 5,280 feet gulfward. Any inclusion of
24 territory in any such city, town, or village more than 5,280 feet
25 gulfward beyond the coastline is void. The term "coastline" as used
26 in this subsection means the line of mean low tide along that
27 portion of the coast which is in direct contact with the open Gulf

1 of America [~~Gulf of Mexico~~]. The term "city, town, or village
2 created and operating under the general laws of the State of Texas"
3 shall not include any city operating under a home-rule charter.

4 If any such general-law city, town, or village has heretofore
5 been established by incorporation or attempted incorporation more
6 than 5,280 feet gulfward beyond the coastline, the corporate
7 existence of such general-law city, town, or village is in all
8 things validated, ratified, approved, and confirmed.

9 The boundaries of such general-law city, town, or village,
10 including the gulfward boundaries to the extent of 5,280 feet
11 gulfward beyond the coastline, are in all things validated,
12 ratified, approved, and confirmed and shall not be held invalid by
13 reason of the inclusion of more territory than is expressly
14 authorized in Article 971, Revised Civil Statutes of Texas, 1925,
15 as amended, or by reason of the inclusion of territory other than
16 that which is intended to be used for strictly town or city purposes
17 as required by Section 7.002, Local Government Code or by reason of
18 not constituting a city, town, or village.

19 Neither this Act nor the general laws nor the special laws of
20 the state shall have the effect of validating, ratifying,
21 approving, or confirming the inclusion of territory in any such
22 general-law city, town, or village more than 5,280 feet gulfward
23 beyond the coastline.

24 If for any reason it should be determined by any court of
25 competent jurisdiction that any such general-law city, town, or
26 village has heretofore been incorporated in violation of the laws
27 of the state in effect as of the date of such incorporation or is

1 invalid, the corporate boundaries of any such general-law city,
2 town, or village shall be revised and reformed to exclude all
3 territory more than 5,280 feet gulfward of the coastline.

4 SECTION 11.04. Section 11.041(a), Natural Resources Code,
5 is amended to read as follows:

6 (a) In addition to land and minerals granted to the
7 permanent school fund under the constitution and other laws of this
8 state, the permanent school fund shall include:

9 (1) the mineral estate in river beds and channels;

10 (2) the mineral estate in areas within tidewater
11 limits, including islands, lakes, bays, and the bed of the sea which
12 belong to the state; and

13 (3) the arms and the beds and shores of the Gulf of
14 America [~~Gulf of Mexico~~] within the boundary of Texas.

15 SECTION 11.05. Section 32.066(a), Natural Resources Code,
16 is amended to read as follows:

17 (a) The board may grant easements of right-of-way on any
18 land except:

19 (1) unsold public school land;

20 (2) the portion of the Gulf of America [~~Gulf of Mexico~~]
21 within the jurisdiction of the state; and

22 (3) islands, saltwater lakes, bays, inlets, marshes,
23 and reefs owned by the state within tidewater limits.

24 SECTION 11.06. Sections 32.067(a)(2) and (3), Natural
25 Resources Code, are amended to read as follows:

26 (2) "Qualifying Gulf of America [~~Gulf of Mexico~~]
27 property" means land described in Section 52.011(2) that is subject

1 to a lease issued under Subchapter B, Chapter 52.

2 (3) "Qualifying Gulf of America [~~Gulf of Mexico~~]
3 reservoir" means a reservoir that:

4 (A) during a period established by board rule has
5 an average daily per well production equal to or less than 50
6 barrels of oil or barrels of oil equivalent; and

7 (B) underlies:

8 (i) a qualifying Gulf of America [~~Gulf of~~
9 ~~Mexico~~] property; or

10 (ii) a pooled unit that includes a
11 qualifying Gulf of America [~~Gulf of Mexico~~] property.

12 SECTION 11.07. Sections 33.004(5) and (11), Natural
13 Resources Code, are amended to read as follows:

14 (5) "Coastal area" means the geographic area
15 comprising all the counties in Texas which have any tidewater
16 shoreline, including that portion of the bed and water of the Gulf
17 of America [~~Gulf of Mexico~~] within the jurisdiction of the State of
18 Texas.

19 (11) "Submerged land" means any land extending from
20 the boundary between the land of the state and the littoral owners
21 seaward to the low-water mark on any saltwater lake, bay, inlet,
22 estuary, or inland water within the tidewater limits, and any land
23 lying beneath the body of water, but for the purposes of this
24 chapter only, shall exclude beaches bordering on and the water of
25 the open Gulf of America [~~Gulf of Mexico~~] and the land lying beneath
26 this water.

27 SECTION 11.08. Sections 33.203(1), (6), (11), (15), and

1 (18), Natural Resources Code, are amended to read as follows:

2 (1) "Coastal natural resource areas" means:

3 (A) coastal barriers;

4 (B) coastal historic areas;

5 (C) coastal preserves;

6 (D) coastal shore areas;

7 (E) coastal wetlands;

8 (F) critical dune areas;

9 (G) critical erosion areas;

10 (H) gulf beaches;

11 (I) hard substrate reefs;

12 (J) oyster reefs;

13 (K) submerged land;

14 (L) special hazard areas;

15 (M) submerged aquatic vegetation;

16 (N) tidal sand or mud flats;

17 (O) water of the open Gulf of America [~~Gulf of~~
18 ~~Mexico~~]; and

19 (P) water under tidal influence.

20 (6) "Coastal waters" means waters under tidal
21 influence and waters of the open Gulf of America [~~Gulf of Mexico~~].

22 (11) "Gulf beach" means a beach bordering the Gulf of
23 America [~~Gulf of Mexico~~] that is:

24 (A) located inland from the mean low tide line to
25 the natural line of vegetation bordering the seaward shore of the
26 Gulf of America [~~Gulf of Mexico~~]; or

27 (B) part of a contiguous beach area to which the

1 public has a right of use or easement:

2 (i) continuously held by the public; or

3 (ii) acquired by the public by
4 prescription, dedication, or estoppel.

5 (15) "Submerged land" means land located under waters
6 under tidal influence or under waters of the open Gulf of America
7 [~~Gulf of Mexico~~], without regard to whether the land is owned by the
8 state or a person other than the state.

9 (18) "Water of the open Gulf of America [~~Gulf of~~
10 ~~Mexico~~]" means water in this state, as defined by Section
11 26.001(5), Water Code, that is part of the open water of the Gulf of
12 America [~~Gulf of Mexico~~] and that is within the territorial limits
13 of the state.

14 SECTION 11.09. Section 33.233(5), Natural Resources Code,
15 is amended to read as follows:

16 (5) "Seawater" means any water containing a
17 concentration of one-twentieth of one percent or more by weight of
18 total dissolved inorganic salts derived from the marine water of
19 the Gulf of America [~~Gulf of Mexico~~].

20 SECTION 11.10. Section 33.607(b), Natural Resources Code,
21 is amended to read as follows:

22 (b) On an ongoing basis, the commissioner, in consultation
23 with the Bureau of Economic Geology of The University of Texas at
24 Austin and coastal county and municipal governments, shall monitor
25 historical erosion rates at each location along the shore of the
26 Gulf of America [~~Gulf of Mexico~~].

27 SECTION 11.11. Section 33.613(a), Natural Resources Code,

1 is amended to read as follows:

2 (a) Notwithstanding Sections 66.204 and 81.103, Parks and
3 Wildlife Code, the commissioner may undertake the closure or
4 modification of a man-made pass or its environs between the Gulf of
5 America [~~Gulf of Mexico~~] and an inland bay if:

6 (1) the commissioner determines that the pass causes
7 or contributes to significant erosion of the shoreline of the
8 adjacent beach;

9 (2) the pass is not a public navigational channel
10 constructed or maintained by the federal government; and

11 (3) the land office receives legislative
12 appropriations or other funding for that purpose.

13 SECTION 11.12. Section 33.651(2), Natural Resources Code,
14 is amended to read as follows:

15 (2) "Coastal county" means a county that borders on
16 the Gulf of America [~~Gulf of Mexico~~].

17 SECTION 11.13. Section 33.656, Natural Resources Code, is
18 amended to read as follows:

19 Sec. 33.656. PROJECTS THAT QUALIFY FOR FUNDING. To qualify
20 for funding under this subchapter, a project must:

21 (1) be sponsored by a coastal county;

22 (2) be located within the sponsoring coastal county
23 along or adjacent to the shore of the Gulf of America [~~Gulf of~~
24 ~~Mexico~~], an inland bay, or a connecting channel between the Gulf of
25 America [~~Gulf of Mexico~~] and an inland bay;

26 (3) be accessible by public roads or a common carrier
27 ferry;

1 (4) be identified and approved for funding by a
2 coastal county and the land office; and

3 (5) require more than \$5 million to complete, as
4 estimated by the land office, unless the project implements a
5 building set-back line established under Section 33.607.

6 SECTION 11.14. Section 40.003(2), Natural Resources Code,
7 is amended to read as follows:

8 (2) "Coastal waters" means the waters and bed of the
9 Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of the
10 State of Texas, including the arms of the Gulf of America [~~Gulf of~~
11 ~~Mexico~~] subject to tidal influence, and any other waters contiguous
12 thereto that are navigable by vessels with a capacity to carry
13 10,000 gallons or more of oil as fuel or cargo.

14 SECTION 11.15. Section 51.291(a), Natural Resources Code,
15 is amended to read as follows:

16 (a) Except as provided by Subsection (b), the commissioner
17 may execute grants of easements or other interests in property for
18 rights-of-way or access across, through, and under unsold public
19 school land, the portion of the Gulf of America [~~Gulf of Mexico~~]
20 within the jurisdiction of the state, the state-owned riverbeds and
21 beds of navigable streams in the public domain, and all islands,
22 saltwater lakes, bays, inlets, marshes, and reefs owned by the
23 state within tidewater limits for:

24 (1) telephone, telegraph, electric transmission, and
25 power lines;

26 (2) oil pipelines, including pipelines connecting the
27 onshore storage facilities with the offshore facilities of a

1 deepwater port, as defined by the federal Deepwater Port Act of 1974
2 (33 U.S.C.A. Section 1501 et seq.), gas pipelines, sulphur
3 pipelines, and other electric lines and pipelines of any nature;

4 (3) irrigation canals, laterals, and water pipelines;

5 (4) roads; and

6 (5) any other purpose the commissioner considers to be
7 in the best interest of the state.

8 SECTION 11.16. Section 52.011, Natural Resources Code, is
9 amended to read as follows:

10 Sec. 52.011. AREA SUBJECT TO LEASE. Under the provisions of
11 this subchapter, the board may lease to any person for the
12 production of oil and natural gas:

13 (1) islands, saltwater lakes, bays, inlets, marshes,
14 and reefs owned by the state within tidewater limits;

15 (2) the portion of the Gulf of America [~~Gulf of Mexico~~]
16 within the jurisdiction of the state;

17 (3) all unsold surveyed and unsurveyed public school
18 land; and

19 (4) all land sold with a reservation of minerals to the
20 state under Section 51.054 or 51.086 of this code in which the state
21 has retained leasing rights.

22 SECTION 11.17. Section 52.297(a), Natural Resources Code,
23 is amended to read as follows:

24 (a) Leases issued under Subchapter B of this chapter for
25 unsold surveyed or unsurveyed school land, other than land included
26 in islands, saltwater lakes, bays, inlets, marshes, and reefs owned
27 by the state in tidewater limits and other than that portion of the

1 Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of the
2 state, must include a provision requiring the compensation for
3 damages from the use of the surface in prospecting for, exploring,
4 developing, or producing the leased minerals.

5 SECTION 11.18. Section 52.321(4), Natural Resources Code,
6 is amended to read as follows:

7 (4) "Areas within tidewater limits" means islands,
8 saltwater lakes, bays, inlets, marshes, and reefs within tidewater
9 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]
10 within the jurisdiction of Texas.

11 SECTION 11.19. Section 53.011, Natural Resources Code, is
12 amended to read as follows:

13 Sec. 53.011. LAND SUBJECT TO PROSPECT. Any tract of land
14 that belongs to the state, including islands, salt and freshwater
15 lakes, bays, inlets, marshes, and reefs owned by the state within
16 tidewater limits, the part of the Gulf of America [~~Gulf of Mexico~~]
17 within the state's jurisdiction, unsold surveyed public school
18 land, rivers and channels that belong to the state, and land sold
19 with a reservation of minerals to the state are subject to prospect
20 by any person for those minerals which are not subject to lease or
21 permit under any other statute. A person may not prospect from a
22 location within 2,500 feet of a military base, but prospectors may,
23 from a location more than 2,500 feet from a base, look for minerals
24 within the 2,500-foot strip.

25 SECTION 11.20. Section 53.151(a), Natural Resources Code,
26 is amended to read as follows:

27 (a) Under the provisions of this subchapter, the board may

1 lease to any person for the production of coal, lignite, sulphur,
2 salt, and potash:

3 (1) islands, saltwater lakes, bays, inlets, marshes,
4 and reefs owned by the state within tidewater limits;

5 (2) the portion of the Gulf of America [~~Gulf of Mexico~~]
6 within the jurisdiction of the state;

7 (3) rivers and channels that belong to the state;

8 (4) all unsold surveyed and unsurveyed public school
9 land; and

10 (5) all land sold with a reservation of minerals to the
11 state under Section 51.054 or 51.086 of this code in which the state
12 has retained leasing rights.

13 SECTION 11.21. Section 53.155(a), Natural Resources Code,
14 is amended to read as follows:

15 (a) Leases issued under Subchapter B or E of this chapter
16 for unsold surveyed or unsurveyed school land, other than land
17 included in islands, saltwater lakes, bays, inlets, marshes, and
18 reefs owned by the state in tidewater limits and other than that
19 portion of the Gulf of America [~~Gulf of Mexico~~] within the
20 jurisdiction of the state, must include a provision requiring
21 compensation for damages from the use of the surface in prospecting
22 for, exploring, developing, or producing the leased minerals.

23 SECTION 11.22. Section 53.161(7), Natural Resources Code,
24 is amended to read as follows:

25 (7) "Areas within tidewater limits" means islands,
26 saltwater lakes, bays, inlets, marshes, and reefs within tidewater
27 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]

1 within the jurisdiction of Texas.

2 SECTION 11.23. Section 61.001(8), Natural Resources Code,
3 is amended to read as follows:

4 (8) "Public beach" means any beach area, whether
5 publicly or privately owned, extending inland from the line of mean
6 low tide to the line of vegetation bordering on the Gulf of America
7 [~~Gulf of Mexico~~] to which the public has acquired the right of use
8 or easement to or over the area by prescription, dedication,
9 presumption, or has retained a right by virtue of continuous right
10 in the public since time immemorial, as recognized in law and
11 custom. This definition does not include a beach that is not
12 accessible by a public road or public ferry as provided in Section
13 61.021 of this code.

14 SECTION 11.24. Section 61.011(a), Natural Resources Code,
15 is amended to read as follows:

16 (a) It is declared and affirmed to be the public policy of
17 this state that the public, individually and collectively, shall
18 have the free and unrestricted right of ingress and egress to and
19 from the state-owned beaches bordering on the seaward shore of the
20 Gulf of America [~~Gulf of Mexico~~], or if the public has acquired a
21 right of use or easement to or over an area by prescription,
22 dedication, or has retained a right by virtue of continuous right in
23 the public, the public shall have the free and unrestricted right of
24 ingress and egress to the larger area extending from the line of
25 mean low tide to the line of vegetation bordering on the Gulf of
26 America [~~Gulf of Mexico~~].

27 SECTION 11.25. Section 61.012, Natural Resources Code, is

1 amended to read as follows:

2 Sec. 61.012. DEFINITION. In this subchapter, "beach" means
3 state-owned beaches to which the public has the right of ingress and
4 egress bordering on the seaward shore of the Gulf of America [~~Gulf~~
5 ~~of Mexico~~] or any larger area extending from the line of mean low
6 tide to the line of vegetation bordering on the Gulf of America
7 [~~Gulf of Mexico~~] if the public has acquired a right of use or
8 easement to or over the area by prescription, dedication, or has
9 retained a right by virtue of continuous right in the public.

10 SECTION 11.26. Section 61.013(c), Natural Resources Code,
11 is amended to read as follows:

12 (c) For purposes of this section, "public beach" shall mean
13 any beach bordering on the Gulf of America [~~Gulf of Mexico~~] that
14 extends inland from the line of mean low tide to the natural line of
15 vegetation bordering on the seaward shore of the Gulf of America
16 [~~Gulf of Mexico~~], or such larger contiguous area to which the public
17 has acquired a right of use or easement to or over by prescription,
18 dedication, or estoppel, or has retained a right by virtue of
19 continuous right in the public since time immemorial as recognized
20 by law or custom. This definition does not include a beach that is
21 not accessible by a public road or public ferry as provided in
22 Section 61.021 of this code.

23 SECTION 11.27. Section 61.014(a), Natural Resources Code,
24 is amended to read as follows:

25 (a) As used in this section, "public beach" means the area
26 extending from the line of mean low tide of the Gulf of America
27 [~~Gulf of Mexico~~] to the line of vegetation bordering on the Gulf of

1 America [~~Gulf of Mexico~~], or to a line 200 feet inland from the line
2 of mean low tide, whichever is nearer the line of mean low tide, if
3 the public has acquired a right of use or easement to or over the
4 area by prescription, dedication, or has retained a right by virtue
5 of continuous right in the public.

6 SECTION 11.28. Section 61.018(a-1), Natural Resources
7 Code, is amended to read as follows:

8 (a-1) A county attorney, district attorney, or criminal
9 district attorney or the attorney general may not file a suit under
10 Subsection (a) to obtain a temporary or permanent court order or
11 injunction, either prohibitory or mandatory, to remove a house from
12 a public beach if:

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

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

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

20 (4) the house is located on a peninsula in a county
21 with a population of more than 315,000 and less than 351,000 that
22 borders the Gulf of America [~~Gulf of Mexico~~].

23 SECTION 11.29. Section 61.022(a), Natural Resources Code,
24 is amended to read as follows:

25 (a) The provisions of this subchapter do not prevent any of
26 the following governmental entities from erecting or maintaining
27 any groin, seawall, barrier, pass, channel, jetty, or other

1 structure as an aid to navigation, protection of the shore,
2 fishing, safety, or other lawful purpose authorized by the
3 constitution or laws of this state or the United States:

4 (1) an agency, department, institution, subdivision,
5 or instrumentality of the federal government;

6 (2) an agency, department, institution, or
7 instrumentality of this state;

8 (3) a county;

9 (4) a municipality;

10 (5) a subdivision of this state, other than a county or
11 municipality, acting in partnership with the county or municipality
12 in which the structure is located; or

13 (6) a subdivision of this state, acting with the
14 approval of the commissioner, if the structure is a shore
15 protection structure that:

16 (A) is designed to protect public
17 infrastructure, including a state or county highway or bridge;

18 (B) is located on land that:

19 (i) is state-owned submerged land or was
20 acquired for the project by a subdivision of this state; and

21 (ii) is located in or adjacent to the mouth
22 of a natural inlet from the Gulf of America [~~Gulf of Mexico~~]; and

23 (C) extends at least 1,000 feet along the
24 shoreline.

25 SECTION 11.30. Section 61.023, Natural Resources Code, is
26 amended to read as follows:

27 Sec. 61.023. EFFECT ON LAND TITLES AND PROPERTY ADJACENT TO

1 AND ON BEACHES. The provisions of this subchapter shall not be
2 construed as affecting in any way the title of the owners of land
3 adjacent to any state-owned beach bordering on the seaward shore of
4 the Gulf of America [~~Gulf of Mexico~~] or to the continuation of
5 fences for the retention of livestock across sections of beach
6 which are not accessible to motor vehicle traffic by public road or
7 by beach.

8 SECTION 11.31. Section 61.025(a), Natural Resources Code,
9 is amended to read as follows:

10 (a) Except as provided by Subsection (b), a person who sells
11 or conveys an interest, other than a mineral, leasehold, or
12 security interest, in real property located seaward of the Gulf
13 Intracoastal Waterway to its southernmost point and then seaward of
14 the longitudinal line also known as 97 degrees, 12', 19" which runs
15 southerly to the international boundary from the intersection of
16 the centerline of the Gulf Intracoastal Waterway and the
17 Brownsville Ship Channel must include in any executory contract for
18 conveyance a statement in substantially the following form:

19 CONCERNING THE PROPERTY AT _____

20 DISCLOSURE NOTICE CONCERNING LEGAL AND ECONOMIC RISKS

21 OF PURCHASING COASTAL REAL PROPERTY NEAR A BEACH

22 WARNING: THE FOLLOWING NOTICE OF POTENTIAL RISKS OF
23 ECONOMIC LOSS TO YOU AS THE PURCHASER OF COASTAL REAL PROPERTY IS
24 REQUIRED BY STATE LAW.

25 ● READ THIS NOTICE CAREFULLY. DO NOT SIGN THIS CONTRACT
26 UNTIL YOU FULLY UNDERSTAND THE RISKS YOU ARE ASSUMING.

27 ● BY PURCHASING THIS PROPERTY, YOU MAY BE ASSUMING

1 ECONOMIC RISKS OVER AND ABOVE THE RISKS INVOLVED IN PURCHASING
2 INLAND REAL PROPERTY.

3 ● IF YOU OWN A STRUCTURE LOCATED ON COASTAL REAL PROPERTY
4 NEAR A GULF COAST BEACH, IT MAY COME TO BE LOCATED ON THE PUBLIC
5 BEACH BECAUSE OF COASTAL EROSION AND STORM EVENTS.

6 ● AS THE OWNER OF A STRUCTURE LOCATED ON THE PUBLIC BEACH,
7 YOU COULD BE SUED BY THE STATE OF TEXAS AND ORDERED TO REMOVE THE
8 STRUCTURE.

9 ● THE COSTS OF REMOVING A STRUCTURE FROM THE PUBLIC BEACH
10 AND ANY OTHER ECONOMIC LOSS INCURRED BECAUSE OF A REMOVAL ORDER
11 WOULD BE SOLELY YOUR RESPONSIBILITY.

12 The real property described in this contract is located
13 seaward of the Gulf Intracoastal Waterway to its southernmost point
14 and then seaward of the longitudinal line also known as 97 degrees,
15 12', 19" which runs southerly to the international boundary from
16 the intersection of the centerline of the Gulf Intracoastal
17 Waterway and the Brownsville Ship Channel. If the property is in
18 close proximity to a beach fronting the Gulf of America [~~Gulf of~~
19 ~~Mexico~~], the purchaser is hereby advised that the public has
20 acquired a right of use or easement to or over the area of any public
21 beach by prescription, dedication, or presumption, or has retained
22 a right by virtue of continuous right in the public since time
23 immemorial, as recognized in law and custom.

24 The extreme seaward boundary of natural vegetation that
25 spreads continuously inland customarily marks the landward
26 boundary of the public easement. If there is no clearly marked
27 natural vegetation line, the landward boundary of the easement is

1 as provided by Sections 61.016 and 61.017, Natural Resources Code.

2 Much of the Gulf of America [~~Gulf of Mexico~~] coastline is
3 eroding at rates of more than five feet per year. Erosion rates for
4 all Texas Gulf property subject to the open beaches act are
5 available from the Texas General Land Office.

6 State law prohibits any obstruction, barrier, restraint, or
7 interference with the use of the public easement, including the
8 placement of structures seaward of the landward boundary of the
9 easement. OWNERS OF STRUCTURES ERECTED SEAWARD OF THE VEGETATION
10 LINE (OR OTHER APPLICABLE EASEMENT BOUNDARY) OR THAT BECOME SEAWARD
11 OF THE VEGETATION LINE AS A RESULT OF PROCESSES SUCH AS SHORELINE
12 EROSION ARE SUBJECT TO A LAWSUIT BY THE STATE OF TEXAS TO REMOVE THE
13 STRUCTURES.

14 The purchaser is hereby notified that the purchaser should:

15 (1) determine the rate of shoreline erosion in the
16 vicinity of the real property; and

17 (2) seek the advice of an attorney or other qualified
18 person before executing this contract or instrument of conveyance
19 as to the relevance of these statutes and facts to the value of the
20 property the purchaser is hereby purchasing or contracting to
21 purchase.

22 SECTION 11.32. Section 61.062, Natural Resources Code, is
23 amended to read as follows:

24 Sec. 61.062. PUBLIC POLICY. It is the public policy of this
25 state that the public, individually and collectively, shall have
26 the free and unrestricted right of ingress and egress to and from
27 the state-owned beaches bordering on the seaward shore of the Gulf

1 of America [~~Gulf of Mexico~~] if the public has acquired a right of
2 use or easement to or over the area by prescription, dedication, or
3 continuous use. This creates a responsibility for the state, in its
4 position as trustee for the public to assist local governments in
5 the cleaning of beach areas which are subject to the access rights
6 of the public as defined in Subchapter B of this chapter.

7 SECTION 11.33. Section 61.064, Natural Resources Code, is
8 amended to read as follows:

9 Sec. 61.064. APPLICATION OF SUBCHAPTER. This subchapter
10 applies to incorporated cities, towns, and villages that are
11 located or border on the Gulf of America [~~Gulf of Mexico~~] and to all
12 counties that are located or border on the Gulf of America [~~Gulf of~~
13 ~~Mexico~~] if the city, town, or village or county that makes
14 application for funds under this subchapter has within its
15 boundaries public beaches.

16 SECTION 11.34. Sections 61.065(a) and (c), Natural
17 Resources Code, are amended to read as follows:

18 (a) It is the duty and responsibility of the governing body
19 of any incorporated city, town, or village located or bordering on
20 the Gulf of America [~~Gulf of Mexico~~] to clean and maintain the
21 condition of all public beaches within the corporate boundaries.

22 (c) As part of the duty under this section to clean and
23 maintain the condition of public beaches, a municipality shall:

24 (1) during reasonable daylight hours, as established
25 and posted by the municipality, from Memorial Day to Labor Day,
26 provide, or ensure that a park board created by the municipality
27 under Chapter 306, Local Government Code, provides:

1 (A) occupied lifeguard towers or mobile
2 lifeguard units on each side of each pier, jetty, or other structure
3 that protrudes into the Gulf of America [~~Gulf of Mexico~~] that is
4 located within the corporate boundaries; or

5 (B) a single occupied lifeguard tower or mobile
6 lifeguard unit at each pier, jetty, or other structure that
7 protrudes into the Gulf of America [~~Gulf of Mexico~~] that is located
8 within the corporate boundaries if the single tower provides an
9 unobstructed view of both sides of the structure; and

10 (2) post within 100 yards of each side of each
11 structure described by Subdivision (1) signs clearly describing the
12 dangerous water conditions that may occur near the structure.

13 SECTION 11.35. Sections 61.066(a), (b), and (e), Natural
14 Resources Code, are amended to read as follows:

15 (a) It is the duty and responsibility of the commissioners
16 court of any county located or bordering on the Gulf of America
17 [~~Gulf of Mexico~~] to clean and maintain the condition of all public
18 beaches located inside the county but outside the boundaries of any
19 incorporated city located or bordering on the Gulf of America [~~Gulf
20 of Mexico~~] and all public beaches owned by the county and located
21 inside the boundaries of an incorporated city, town, or village.

22 (b) As part of the duty under this section to clean and
23 maintain the condition of public beaches, a county shall:

24 (1) during reasonable daylight hours, as established
25 and posted by the county, from Memorial Day to Labor Day, provide:

26 (A) occupied lifeguard towers or mobile
27 lifeguard units on each side of each pier, jetty, or other structure

1 that protrudes into the Gulf of America [~~Gulf of Mexico~~] that is
2 located on a public beach described by Subsection (a); or

3 (B) a single occupied lifeguard tower or mobile
4 lifeguard unit at each pier, jetty, or other structure that
5 protrudes into the Gulf of America [~~Gulf of Mexico~~] that is located
6 on a public beach described by Subsection (a) if the single tower
7 provides an unobstructed view of both sides of the structure; and

8 (2) post within 100 yards of each side of each
9 structure described by Subdivision (1) signs clearly describing the
10 dangerous water conditions that may occur near the structure.

11 (e) Subsection (b)(1) does not apply to a county adjacent to
12 a county with a population of more than 3.3 million that contains a
13 municipality adjacent to the Gulf of America [~~Gulf of Mexico~~] with a
14 population of less than 1,000.

15 SECTION 11.36. Section 61.067(a-2), Natural Resources
16 Code, is amended to read as follows:

17 (a-2) As part of the duty under this section to clean and
18 maintain the condition of public beaches located within state
19 parks, the department shall:

20 (1) during reasonable daylight hours, as established
21 and posted by the department, from Memorial Day to Labor Day,
22 provide:

23 (A) occupied lifeguard towers or mobile
24 lifeguard units on each side of each pier, jetty, or other structure
25 that protrudes into the Gulf of America [~~Gulf of Mexico~~] that is
26 located within a state park; or

27 (B) a single occupied lifeguard tower or mobile

1 lifeguard unit at each pier, jetty, or other structure that
2 protrudes into the Gulf of America [~~Gulf of Mexico~~] that is located
3 within a state park if the single tower provides an unobstructed
4 view of both sides of the structure; and

5 (2) post within 100 yards of each side of each
6 structure described by Subdivision (1) signs clearly describing the
7 dangerous water conditions that may occur near the structure.

8 SECTION 11.37. Section 61.078, Natural Resources Code, is
9 amended to read as follows:

10 Sec. 61.078. AUTHORITY TO SPEND COUNTY FUNDS. The
11 commissioners court of any county located or bordering on the Gulf
12 of America [~~Gulf of Mexico~~] may spend from any available fund the
13 amount it considers necessary to carry out the responsibilities
14 provided in this subchapter.

15 SECTION 11.38. Section 61.080(a), Natural Resources Code,
16 is amended to read as follows:

17 (a) The governing body of any incorporated city located or
18 bordering on the Gulf of America [~~Gulf of Mexico~~] that is not
19 entitled to receive funds under this subchapter may contract with
20 the commissioners court of the county in which the city is located
21 to allow the county to clean the beaches within the corporate limits
22 of the city.

23 SECTION 11.39. Section 61.083, Natural Resources Code, is
24 amended to read as follows:

25 Sec. 61.083. EXEMPTIONS FROM SUBCHAPTER. None of the
26 provisions of this subchapter apply to any beach area that does not
27 border on the Gulf of America [~~Gulf of Mexico~~] or to any island or

1 peninsula that is not accessible by a public road or common carrier
2 ferry facility as long as that condition exists.

3 SECTION 11.40. Section 61.122, Natural Resources Code, is
4 amended to read as follows:

5 (a) The commissioners court of a county bordering on the
6 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits, by order,
7 may regulate motor vehicle traffic on any beach within the
8 boundaries of the county, including prohibiting motor vehicle
9 traffic on any natural or man-made sand dune or other form of
10 shoreline protection, and may prohibit the littering of the beach
11 and may define the term "littering."

12 (b) The commissioners court of a county bordering the Gulf
13 of America [~~Gulf of Mexico~~] or its tidewaters, by order, may
14 regulate the possession of animals on the beach within its
15 boundaries, including but not limited to prohibiting animals to run
16 at large on said beach.

17 (c) The commissioners court of a county bordering the Gulf
18 of America [~~Gulf of Mexico~~] or its tidewaters, by order, may
19 regulate swimming in passes leading to and from the Gulf of America
20 [~~Gulf of Mexico~~], located within its boundaries, including but not
21 limited to prohibiting swimming in said passes and posting signs
22 notifying persons of such regulation or prohibition.

23 (d) The commissioners court of a county bordering on the
24 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits, by order,
25 may prohibit the use and possession of all glass containers and
26 products on a beach in the unincorporated area of the county. The
27 commissioners court shall not prohibit any one or several glass

1 products to the exclusion of any others.

2 (e) Regulation under Subsection (a) of this section that
3 prohibits vehicles from an area of public beach is subject to
4 Section 61.022 of this code.

5 SECTION 11.41. Section 61.129(a), Natural Resources Code,
6 is amended to read as follows:

7 (a) Except as provided in Section 61.022 of this code, this
8 subchapter does not limit the power of an incorporated city, town,
9 or village bordering on the Gulf of America [~~Gulf of Mexico~~] or any
10 adjacent body of water to regulate motor vehicle traffic and
11 prohibit littering on any beach within its corporate limits.

12 SECTION 11.42. Section 61.132(a), Natural Resources Code,
13 is amended to read as follows:

14 (a) This section applies only to a county bordering on the
15 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits that
16 contains a launch site the construction and operation of which have
17 been approved in a record of decision issued by the Federal Aviation
18 Administration following the preparation of an environmental
19 impact statement by that administration.

20 SECTION 11.43. Section 61.161, Natural Resources Code, is
21 amended to read as follows:

22 Sec. 61.161. PUBLIC POLICY. It is the public policy of this
23 state that the state-owned beaches bordering on the seaward shore
24 of the Gulf of America [~~Gulf of Mexico~~], and any larger area
25 extending from the line of mean low tide to the line of vegetation
26 bordering on the Gulf of America [~~Gulf of Mexico~~], if the public has
27 acquired a right of use or easement to or over the area by the

1 prescription or dedication or has retained a right by virtue of
2 continuous right in the public, shall be used primarily for
3 recreational purposes, and any use which substantially interferes
4 with the enjoyment of the beach area by the public shall constitute
5 an offense against the public policy of the state. Nothing in this
6 subchapter prevents any agency, department, political subdivision,
7 or municipal corporation of this state from exercising its lawful
8 authority under any law of this state to regulate safety conditions
9 on any beach area subject to public use.

10 SECTION 11.44. Section 61.162(a), Natural Resources Code,
11 is amended to read as follows:

12 (a) The legislature finds that the operation and
13 maintenance of business establishments at fixed or permanent
14 locations on the public beaches of this state bordering on the
15 seaward shore of the Gulf of America [~~Gulf of Mexico~~] constitute a
16 potential public health hazard and a substantial interference with
17 the free and unrestricted rights of ingress and egress of the
18 public, both individually and collectively, to and from the
19 state-owned beaches bordering on the seaward shore of the Gulf of
20 America [~~Gulf of Mexico~~] or any larger area extending from the line
21 of mean low tide to the line of vegetation bordering on the Gulf of
22 America [~~Gulf of Mexico~~] if the public has acquired a right of use
23 or easement to or over the area by prescription, dedication, or has
24 retained a right by virtue of continuous right in the public.

25 SECTION 11.45. Section 61.211, Natural Resources Code, is
26 amended to read as follows:

27 Sec. 61.211. FINDINGS. The legislature finds that the

1 unregulated excavation, taking, removal, and carrying away of sand,
2 marl, gravel, and shell from islands and peninsulas bordering on
3 the Gulf of America [~~Gulf of Mexico~~] and from the public beaches of
4 the state constitute a substantial interference with public
5 enjoyment of Texas beaches and a hazard to life and property.

6 SECTION 11.46. Section 61.213, Natural Resources Code, is
7 amended to read as follows:

8 Sec. 61.213. APPLICATION. Before a person excavates,
9 takes, removes, or carries away sand, marl, gravel, or shell from
10 land located on an exposed island or peninsula bordering on the Gulf
11 of America [~~Gulf of Mexico~~] or from land located within 1,500 feet
12 of a mainland public beach that is located outside the boundaries of
13 an incorporated city, town, or village, he must submit a written
14 application to the commissioners court of the county in which the
15 excavation, taking, removal, or carrying away is to take place.

16 SECTION 11.47. Section 61.223, Natural Resources Code, is
17 amended to read as follows:

18 Sec. 61.223. SUITS FOR ORDERS AND INJUNCTIONS. The
19 attorney general, any county attorney, district attorney, or
20 criminal district attorney of the state shall file in a district
21 court in the county in which the conduct takes place, a suit seeking
22 temporary or permanent court orders or injunctions to prohibit any
23 excavating, taking, removing, or carrying away of any sand, marl,
24 gravel, or shell from land located on an exposed island or peninsula
25 bordering on the Gulf of America [~~Gulf of Mexico~~] or from land
26 located within 1,500 feet of a public beach of this state if the
27 land is located outside the boundaries of an incorporated city,

1 town, or village in violation of the provisions of this subchapter.

2 SECTION 11.48. Section 61.224, Natural Resources Code, is
3 amended to read as follows:

4 Sec. 61.224. PENALTY. A person who for himself or on behalf
5 of or under the direction of another person excavates, takes,
6 removes, or carries away sand, marl, gravel, or shell from land
7 located on an exposed island or peninsula bordering on the Gulf of
8 America [~~Gulf of Mexico~~] or from land located within 1,500 feet of a
9 public beach of this state, if the land is located outside the
10 boundaries of any incorporated city, town, or village, in violation
11 of the provisions of this subchapter shall be fined not less than
12 \$10 nor more than \$200. Each day a violation occurs constitutes a
13 separate offense.

14 SECTION 11.49. Section 61.252(a), Natural Resources Code,
15 is amended to read as follows:

16 (a) To protect the public health, safety, and welfare, the
17 commissioners court of a county bordering on the Gulf of America
18 [~~Gulf of Mexico~~] or its tidewater limits, by order, may regulate
19 mass gatherings of individuals on any beach in the unincorporated
20 area of the county by requiring a person to obtain a permit and pay a
21 permit fee set by the commissioners court before the person may hold
22 a mass gathering.

23 SECTION 11.50. Sections 62.001(a) and (e), Natural
24 Resources Code, are amended to read as follows:

25 (a) The provisions of this chapter apply to counties that
26 are located or border on the Gulf of America [~~Gulf of Mexico~~] and
27 have within their boundaries beaches that are suitable for park

1 purposes. The suitability of a beach for park purposes is
2 established conclusively when the commissioners court of the county
3 makes a finding that the beach located within its boundaries, but
4 not located within the boundaries of an incorporated city, is
5 suitable for park purposes.

6 (e) The provisions of this chapter do not permit any
7 interference with the right the public has under the provisions of
8 Subchapter B, Chapter 61, to the free and unrestricted use of, and
9 to ingress and egress to, the area bordering on the Gulf of America
10 [~~Gulf of Mexico~~] from mean low tide to the line of vegetation, as
11 that term is defined in Section 61.001. A county, county official,
12 or anyone acting under the authority of this chapter may not
13 exercise any authority, contract out a right to exercise authority,
14 or otherwise delegate authority beyond that specifically granted to
15 it in Sections 61.122 through 61.128 over that area notwithstanding
16 any of the specific provisions of this chapter. The rights
17 established in Subchapters B and D, Chapter 61, are paramount over
18 the rights or interests that might otherwise be created by the
19 provisions of this chapter, and nothing in this chapter encroaches
20 on those rights or upon land, or interests in land, that may
21 ultimately be held subject to those rights.

22 SECTION 11.51. Section 62.011, Natural Resources Code, is
23 amended to read as follows:

24 Sec. 62.011. PURPOSE AND AUTHORITY. A county located or
25 bordering on the Gulf of America [~~Gulf of Mexico~~] with a beach
26 suitable for park purposes may create a board in the manner provided
27 in this subchapter for the purpose of improving, equipping,

1 maintaining, financing, and operating a public park or parks, or
2 any facilities owned by the county, or to be acquired by the county,
3 or to be managed by the county under the terms of a written
4 contract. The board, to be designated Beach Park Board of Trustees,
5 has the powers and duties specified in this chapter.

6 SECTION 11.52. Section 62.091(a), Natural Resources Code,
7 is amended to read as follows:

8 (a) The following land is under the jurisdiction of the
9 board:

- 10 (1) public beaches owned in fee by the county; and
- 11 (2) land used as parks in connection with public
12 beaches not located inside the boundaries of an incorporated city
13 and not inside the area bordering on the Gulf of America [~~Gulf of~~
14 ~~Mexico~~] from the line of mean low tide to the line of vegetation as
15 that term is defined in Section 61.001.

16 SECTION 11.53. Section 63.001, Natural Resources Code, is
17 amended to read as follows:

18 Sec. 63.001. FINDINGS OF FACT. The legislature finds and
19 declares:

20 (1) that the mainland gulf shoreline, barrier islands,
21 and peninsulas of this state contain a significant portion of the
22 state's human, natural, and recreational resources;

23 (2) that these areas are and historically have been
24 wholly or in part protected from the action of the water of the Gulf
25 of America [~~Gulf of Mexico~~] and storms on the Gulf by a system of
26 vegetated and unvegetated sand dunes that provide a protective
27 barrier for adjacent land and inland water and land against the

1 action of sand, wind, and water;

2 (3) that certain persons have from time to time
3 modified or destroyed the effectiveness of the protective barriers
4 and caused environmental damage in the process of developing the
5 shoreline for various purposes;

6 (4) that the operation of recreational vehicles and
7 other activities over these dunes have destroyed the natural
8 vegetation on them;

9 (5) that these practices constitute serious threats to
10 the safety of adjacent properties, to public highways, to the
11 taxable basis of adjacent property and constitute a real danger to
12 natural resources and to the health, safety, and welfare of persons
13 living, visiting, or sojourning in the area;

14 (6) that it is necessary to protect these dunes as
15 provided in this chapter because stabilized, vegetated dunes offer
16 the best natural defense against storms and are areas of
17 significant biological diversity;

18 (7) that vegetated stabilized dunes help preserve
19 state-owned beaches and shores by protecting against erosion of the
20 shoreline; and

21 (8) that different areas of the coast are
22 characterized by dunes of various types and values, all of which
23 should be afforded protection.

24 SECTION 11.54. Sections 63.002(2), (3), and (5), Natural
25 Resources Code, are amended to read as follows:

26 (2) "Barrier island" means an island bordering on the
27 Gulf of America [~~Gulf of Mexico~~] and entirely surrounded by water.

1 (3) "Peninsula" means an arm of land bordering on the
2 Gulf of America [~~Gulf of Mexico~~] surrounded on three sides by water.

3 (5) "Mainland shoreline" means all shoreline fronting
4 on the open Gulf of America [~~Gulf of Mexico~~] that is not located on a
5 barrier island or a peninsula.

6 SECTION 11.55. Section 63.011(a), Natural Resources Code,
7 is amended to read as follows:

8 (a) After notice and hearing, the commissioners court of
9 each county that has within its boundaries mainland shoreline, a
10 barrier island, or a peninsula located on the seaward shore of the
11 Gulf of America [~~Gulf of Mexico~~] shall establish a dune protection
12 line on any such shoreline, island, or peninsula within its
13 boundaries for the purpose of preserving sand dunes.

14 SECTION 11.56. Section 63.012, Natural Resources Code, is
15 amended to read as follows:

16 Sec. 63.012. LOCATION OF DUNE PROTECTION LINE. The dune
17 protection line shall not be located further landward than a line
18 drawn parallel to and 1,000 feet landward of the line of mean high
19 tide of the Gulf of America [~~Gulf of Mexico~~].

20 SECTION 11.57. Section 92.002(4), Natural Resources Code,
21 is amended to read as follows:

22 (4) "Barrier island" means an island bordering on the
23 Gulf of America [~~Gulf of Mexico~~] and entirely surrounded by water.

24 ARTICLE 12. OCCUPATIONS CODE PROVISIONS

25 SECTION 12.01. Section 2025.152, Occupations Code, is
26 amended to read as follows:

27 Sec. 2025.152. LOCATION RESTRICTION FOR GREYHOUND

1 RACETRACK. Each greyhound racetrack must be located in a county
2 that:

- 3 (1) has a population of more than 190,000;
- 4 (2) borders the Gulf of America [~~Gulf of Mexico~~]; and
- 5 (3) includes all or part of an island that borders the
- 6 Gulf of America [~~Gulf of Mexico~~].

7 ARTICLE 13. PROPERTY CODE PROVISIONS

8 SECTION 13.01. Section 5.008(b), Property Code, is amended
9 to read as follows:

10 (b) The notice must be executed and must, at a minimum, read
11 substantially similar to the following:

12 SELLER'S DISCLOSURE NOTICE

13 CONCERNING THE PROPERTY AT _____
14 (Street Address and City)

15 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
16 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
17 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
18 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT
19 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

20 Seller ___ is ___ is not occupying the Property.

21 If unoccupied, how long since Seller has occupied the Property?

22 _____

23 1. The Property has the items checked below:

24 Write Yes (Y), No (N), or Unknown (U).

- | | | | | | | | | | | | | | | | |
|----|--------------------------------|-------------------------------------|---------------------------------------|----------------------------------|--|-------------------------------|--|---|---|---|--|---|---------------------------------------|--|--|
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | | | | | |
| | <input type="checkbox"/> Range | <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Washer/Dryer | <input type="checkbox"/> Hookups | <input type="checkbox"/> Security System | <input type="checkbox"/> Oven | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Window Screens | <input type="checkbox"/> Fire Detection Equipment | <input type="checkbox"/> Smoke Detector | <input type="checkbox"/> Smoke Detector - Hearing Impaired | <input type="checkbox"/> Microwave Disposal | <input type="checkbox"/> Rain Gutters | <input type="checkbox"/> Intercom System | <input type="checkbox"/> Carbon Monoxide |

- 1 Alarm
- 2 Emergency Escape
- 3 Ladder(s)
- 4 TV Antenna Cable TV Satellite
- 5 Ceiling Fan(s) Wiring Dish
- 6 Central A/C Attic Fan(s) Exhaust
- 7 Central Heating Fan(s)
- 8 Wall/Window
- 9 Air
- 10 Conditioning
- 11 Plumbing System Septic System Public Sewer
- 12 System
- 13 Patio/Decking Outdoor Grill Fences
- 14 Pool Sauna Spa
- 15 Hot Tub
- 16 Pool Equipment Pool Heater Automatic Lawn
- 17 Sprinkler
- 18 System
- 19 Fireplace(s) & Fireplace(s) &
- 20 Chimney Chimney
- 21 (Woodburning) (Mock)
- 22 Natural Gas Lines Gas Fixtures
- 23 Liquid Propane Gas: LP Community LP on Property
- 24 (Captive)
- 25 Fuel Gas Piping: Black Iron Pipe Corrugated
- 26 Copper Stainless Steel
- 27 Tubing
- 28 Garage: Attached Not Attached Carport
- 29 Garage Door Opener(s): Electronic Control(s)
- 30 Water Heater: Gas Electric
- 31 Water Supply: City Well MUD Co-op

32 Roof Type: _____ Age: _____(approx)

33 Are you (Seller) aware of any of the above items that are not in
 34 working condition, that have known defects, or that are in need of
 35 repair? Yes No Unknown.

36 If yes, then describe. (Attach additional sheets if necessary):

37 _____
 38 _____

39 2. Does the property have working smoke detectors installed in
 40 accordance with the smoke detector requirements of Chapter 766,
 41 Health and Safety Code?* Yes No Unknown.

1 If the answer to the question above is no or unknown,
2 explain. (Attach additional sheets if necessary): _____
3 _____
4 _____

5 *Chapter 766 of the Health and Safety Code requires
6 one-family or two-family dwellings to have working smoke detectors
7 installed in accordance with the requirements of the building code
8 in effect in the area in which the dwelling is located, including
9 performance, location, and power source requirements. If you do
10 not know the building code requirements in effect in your area, you
11 may check unknown above or contact your local building official for
12 more information. A buyer may require a seller to install smoke
13 detectors for the hearing impaired if: (1) the buyer or a member of
14 the buyer's family who will reside in the dwelling is hearing
15 impaired; (2) the buyer gives the seller written evidence of the
16 hearing impairment from a licensed physician; and (3) within 10
17 days after the effective date, the buyer makes a written request for
18 the seller to install smoke detectors for the hearing impaired and
19 specifies the locations for installation. The parties may agree
20 who will bear the cost of installing the smoke detectors and which
21 brand of smoke detectors to install.

22 3. Are you (Seller) aware of any known defects/malfunctions in any
23 of the following?

24 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | | | |
|----|---|---|------------------------------------|
| 25 | | | |
| 26 | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| 27 | <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| 28 | <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
Slab(s) | <input type="checkbox"/> Basement |
| 29 | | | |
| 30 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |

1 Plumbing/Sewers/ Electrical Lighting
2 Septics Systems Fixtures

3 Other Structural Components (Describe): _____

4 _____

5 _____

6 If the answer to any of the above is yes, explain. (Attach
7 additional sheets if necessary): _____

8 _____

9 _____

10 4. Are you (Seller) aware of any of the following conditions?

11 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 12 Active Termites Previous Structural
- 13 (includes or Roof Repair
- 14 wood-destroying insects)
- 15 Termite or Wood Rot Damage Hazardous or Toxic Waste
- 16 Needing Repair
- 17 Previous Termite Damage Asbestos Components
- 18 Previous Termite Urea formaldehyde
- 19 Treatment Insulation
- 20 Radon Gas
- 21 Improper Drainage Lead Based Paint
- 22 Water Damage Not Due to a Aluminum Wiring
- 23 Flood Event Previous Fires
- 24 Unplatted Easements
- 25 Landfill, Settling, Soil Subsurface
- 26 Movement, Fault Lines Structure or Pits
- 27 Single Blockable Main Previous Use of Premises
- 28 Drain in Pool/Hot for Manufacture of
- 29 Tub/Spa* Methamphetamine

34 If the answer to any of the above is yes, explain. (Attach
35 additional sheets if necessary): _____

36 _____

37 _____

38 *A single blockable main drain may cause a suction entrapment
39 hazard for an individual.

1 5. Are you (Seller) aware of any item, equipment, or system in or
2 on the property that is in need of repair? Yes (if you are
3 aware) No (if you are not aware). If yes, explain (attach
4 additional sheets as necessary).

5 _____

6 6. Are you (Seller) aware of any of the following conditions?*

7 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 8 Present flood insurance coverage
- 9 Previous flooding due to a failure or breach of a reservoir or a
10 controlled or emergency release of water from a reservoir
- 11 Previous water penetration into a structure on the property due
12 to a natural flood event

13 Write Yes (Y) if you are aware and check wholly or partly as
14 applicable, write No (N) if you are not aware.

- 15 Located () wholly () partly in a 100-year floodplain (Special
16 Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)
- 17 Located () wholly () partly in a 500-year floodplain (Moderate
18 Flood Hazard Area-Zone X (shaded))
- 19 Located () wholly () partly in a floodway
- 20 Located () wholly () partly in a flood pool
- 21 Located () wholly () partly in a reservoir

22 If the answer to any of the above is yes, explain (attach additional
23 sheets as necessary): _____

24 _____

25 * For purposes of this notice:

26 "100-year floodplain" means any area of land that:

27 (A) is identified on the flood insurance rate map as a
28 special flood hazard area, which is designated as Zone A, V, A99,
29 AE, AO, AH, VE, or AR on the map;

30 (B) has a one percent annual chance of flooding, which
31 is considered to be a high risk of flooding; and

32 (C) may include a regulatory floodway, flood pool, or

1 reservoir.

2 "500-year floodplain" means any area of land that:

3 (A) is identified on the flood insurance rate map as a
4 moderate flood hazard area, which is designated on the map as Zone X
5 (shaded); and

6 (B) has a two-tenths of one percent annual chance of
7 flooding, which is considered to be a moderate risk of flooding.

8 "Flood pool" means the area adjacent to a reservoir that lies
9 above the normal maximum operating level of the reservoir and that
10 is subject to controlled inundation under the management of the
11 United States Army Corps of Engineers.

12 "Flood insurance rate map" means the most recent flood hazard
13 map published by the Federal Emergency Management Agency under the
14 National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et
15 seq.).

16 "Floodway" means an area that is identified on the flood
17 insurance rate map as a regulatory floodway, which includes the
18 channel of a river or other watercourse and the adjacent land areas
19 that must be reserved for the discharge of a base flood, also
20 referred to as a 100-year flood, without cumulatively increasing
21 the water surface elevation more than a designated height.

22 "Reservoir" means a water impoundment project operated by the
23 United States Army Corps of Engineers that is intended to retain
24 water or delay the runoff of water in a designated surface area of
25 land.

26 7. Have you (Seller) ever filed a claim for flood damage to the
27 property with any insurance provider, including the National Flood

1 Insurance Program (NFIP)?* Yes No. If yes, explain (attach
2 additional sheets as necessary): _____
3 _____

4 *Homes in high risk flood zones with mortgages from federally
5 regulated or insured lenders are required to have flood
6 insurance. Even when not required, the Federal Emergency
7 Management Agency (FEMA) encourages homeowners in high risk,
8 moderate risk, and low risk flood zones to purchase flood insurance
9 that covers the structure(s) and the personal property within the
10 structure(s).

11 8. Have you (Seller) ever received assistance from FEMA or the
12 U.S. Small Business Administration (SBA) for flood damage to the
13 property? Yes No. If yes, explain (attach additional sheets
14 as necessary): _____
15 _____

16 9. Are you (Seller) aware of any of the following?

17 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- 18
19 Room additions, structural modifications, or other
20 alterations or repairs made without necessary permits or not
21 in compliance with building codes in effect at that time.
22 Homeowners' Association or maintenance fees or assessments.
23 Any "common area" (facilities such as pools, tennis courts,
24 walkways, or other areas) co-owned in undivided interest with
25 others.
26 Any notices of violations of deed restrictions or
27 governmental ordinances affecting the condition or use of the
28 Property.
29 Any lawsuits directly or indirectly affecting the Property.
30 Any condition on the Property which materially affects the
31 physical health or safety of an individual.
32 Any rainwater harvesting system located on the property that
33 is larger than 500 gallons and that uses a public water supply
34 as an auxiliary water source.
35 Any portion of the property that is located in a groundwater
36 conservation district or a subsidence district.

1 If the answer to any of the above is yes, explain. (Attach
2 additional sheets if necessary): _____

3 _____
4 _____

5 10. If the property is located in a coastal area that is seaward of
6 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high
7 tide bordering the Gulf of America [~~Gulf of Mexico~~], the property
8 may be subject to the Open Beaches Act or the Dune Protection Act
9 (Chapter 61 or 63, Natural Resources Code, respectively) and a
10 beachfront construction certificate or dune protection permit may
11 be required for repairs or improvements. Contact the local
12 government with ordinance authority over construction adjacent to
13 public beaches for more information.

14 11. This property may be located near a military installation and
15 may be affected by high noise or air installation compatible use
16 zones or other operations. Information relating to high noise and
17 compatible use zones is available in the most recent Air
18 Installation Compatible Use Zone Study or Joint Land Use Study
19 prepared for a military installation and may be accessed on the
20 Internet website of the military installation and of the county and
21 any municipality in which the military installation is located.

22 _____
23 Date Signature of Seller

24 The undersigned purchaser hereby acknowledges receipt of the
25 foregoing notice.

26 _____
27 Date Signature of Purchaser

28 SECTION 13.02. Section 204.002(a), Property Code, is

1 amended to read as follows:

2 (a) This chapter applies only to a residential real estate
3 subdivision, excluding a condominium development governed by Title
4 7 that is located in whole or in part:

5 (1) in a county with a population of 3.3 million or
6 more;

7 (2) in a county with a population of not less than
8 315,000 and not more than 351,000 that is adjacent to the Gulf of
9 America [~~Gulf of Mexico~~] and that is adjacent to a county having a
10 population of 3.3 million or more; or

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

13 (A) is adjacent to a county with a population of
14 3.3 million or more; and

15 (B) contains part of a national forest.

16 ARTICLE 14. PARKS AND WILDLIFE CODE PROVISIONS

17 SECTION 14.01. Section 1.011(c), Parks and Wildlife Code,
18 is amended to read as follows:

19 (c) All the beds and bottoms and the products of the beds and
20 bottoms of the public rivers, bayous, lagoons, creeks, lakes, bays,
21 and inlets in this state and of that part of the Gulf of America
22 [~~Gulf of Mexico~~] within the jurisdiction of this state are the
23 property of this state. The state may permit the use of the waters
24 and bottoms and the taking of the products of the bottoms and
25 waters.

26 SECTION 14.02. Section 13.023(a), Parks and Wildlife Code,
27 is amended to read as follows:

1 (a) The department shall:

2 (1) during reasonable daylight hours, as established
3 and posted by the department, from Memorial Day to Labor Day,
4 provide:

5 (A) occupied lifeguard towers or mobile
6 lifeguard units on each side of each pier, jetty, or other structure
7 that protrudes into the Gulf of America [~~Gulf of Mexico~~] that is
8 located within a state park; or

9 (B) a single occupied lifeguard tower or mobile
10 lifeguard unit at each pier, jetty, or other structure that
11 protrudes into the Gulf of America [~~Gulf of Mexico~~] that is located
12 within a state park if the single tower provides an unobstructed
13 view of both sides of each structure; and

14 (2) post within 100 yards of each side of each
15 structure described by Subdivision (1) signs clearly describing the
16 dangerous water conditions that may occur near the structure.

17 SECTION 14.03. Section 13.314, Parks and Wildlife Code, is
18 amended to read as follows:

19 Sec. 13.314. COMPLIANCE IN FISHERY MANAGEMENT. The
20 department may cooperate and contract with the Gulf of America
21 [~~Gulf of Mexico~~] Fishery Management Council or the National Marine
22 Fisheries Service for conduct of such work as may be necessary in
23 complying with requirements of the Fishery Conservation and
24 Management Act of 1976 (16 U.S.C.A. Section 1801 et seq.).

25 SECTION 14.04. Section 21.111(c), Parks and Wildlife Code,
26 is amended to read as follows:

27 (c) If any state park site includes a public beach on the

1 seaward shore of the Gulf of America [~~Gulf of Mexico~~], extending
2 from the line of mean low tide to the line of vegetation, over which
3 the public has acquired a right of use or easement to or over the
4 area by prescription or dedication or has retained a right by virtue
5 of continuous right in the public, no entrance or gate fee may be
6 charged to persons desiring to enter or to leave the public beach
7 area, so long as the persons do not enter any other portion of the
8 park for which an entrance or gate fee is charged.

9 SECTION 14.05. Section 43.402(a), Parks and Wildlife Code,
10 is amended to read as follows:

11 (a) Except as provided by Subsection (b) or (c) of this
12 section, no person may engage in fishing in saltwater for sporting
13 purposes in this state, or unload in this state fish or other
14 aquatic life taken for sporting purposes from waters managed by the
15 Gulf of America [~~Gulf of Mexico~~] Fishery Management Council
16 established under the Fishery Conservation and Management Act of
17 1976 (16 U.S.C. Section 1801 et seq.), unless the person has
18 acquired a saltwater sportfishing stamp endorsement issued to the
19 person by the department. The commission by rule may prescribe
20 requirements relating to possessing a stamp endorsement required by
21 this subchapter.

22 SECTION 14.06. Section 46.001(a), Parks and Wildlife Code,
23 is amended to read as follows:

24 (a) No person may fish in the public water of this state, or
25 unload in this state fish or other aquatic life taken for sporting
26 purposes from waters managed by the Gulf of America [~~Gulf of Mexico~~]
27 Fishery Management Council established under the Magnuson-Stevens

1 Fishery Conservation and Management Act (16 U.S.C. Section 1801 et
2 seq.), unless the person has acquired a fishing license issued
3 under this subchapter, except as provided by Sections 46.0012 and
4 46.002. The commission by rule may prescribe requirements relating
5 to possessing a license required by this subchapter.

6 SECTION 14.07. Section 47.001(7), Parks and Wildlife Code,
7 is amended to read as follows:

8 (7) "Tidal water" means all the salt water of this
9 state, including that portion of the state's territorial water in
10 the Gulf of America [~~Gulf of Mexico~~] within three marine leagues
11 from shore.

12 SECTION 14.08. Sections 47.038(a) and (a-1), Parks and
13 Wildlife Code, are amended to read as follows:

14 (a) Except as provided by Subsection (a-1), nets or purse
15 seines used for catching menhaden may not be:

16 (1) less than one and one-half inch stretched mesh,
17 excluding the bag;

18 (2) used in any bay, river, pass, or tributary, nor
19 within one mile of any barrier, jetty, island, or pass, nor within
20 one-half mile offshore in the Gulf of America [~~Gulf of Mexico~~]; or

21 (3) used for the purpose of taking edible aquatic
22 products for the purpose of barter, sale, or exchange.

23 (a-1) The holder of a Class C menhaden boat license issued
24 under Section 47.008 may use a cast net, as defined by the
25 commission, to catch menhaden in any coastal bay, river, or
26 tributary landward from the shoreline of the state along the coast
27 of the Gulf of America [~~Gulf of Mexico~~].

1 SECTION 14.09. Sections 62.0061(a) and (b), Parks and
2 Wildlife Code, are amended to read as follows:

3 (a) Except as provided by Subsection (b), a person may not
4 hunt or take any wild animal or wild bird when the person is on or
5 over privately owned land that is:

6 (1) submerged under:

7 (A) public fresh water due to seasonal or
8 occasional inundation; or

9 (B) public salt water and located above the mean
10 high tide line of the Gulf of America [~~Gulf of Mexico~~] and its bays
11 and estuaries; and

12 (2) conspicuously marked as privately owned by a sign
13 or signs that are substantially similar to the following:

14 POSTED. PRIVATE PROPERTY. NO HUNTING.

15 (b) This section does not apply to:

16 (1) fishing or to fish and other aquatic life;

17 (2) a person who:

18 (A) owns the submerged land; or

19 (B) obtains the landowner's consent;

20 (3) land that is dedicated to the permanent school
21 fund and that is located within:

22 (A) the tidewater limits of this state; or

23 (B) the gradient boundaries of a navigable river
24 or stream in this state; or

25 (4) land that is:

26 (A) submerged by public water; and

27 (B) located below the mean high tide line of the

1 Gulf of America [~~Gulf of Mexico~~] and its bays and estuaries.

2 SECTION 14.10. Section 66.015(a), Parks and Wildlife Code,
3 is amended to read as follows:

4 (a) In this section, "public water" means the bays,
5 estuaries, and water of the Gulf of America [~~Gulf of Mexico~~] within
6 the jurisdiction of the state, and the rivers, streams, creeks,
7 bayous, reservoirs, lakes, and portions of those waters where
8 public access is available without discrimination.

9 SECTION 14.11. Sections 66.204(a) and (b), Parks and
10 Wildlife Code, are amended to read as follows:

11 (a) The commission by proclamation may regulate the
12 placement of obstructions, traps, and mooring in fish passes and
13 the marking of restricted areas in any natural or artificial pass
14 that is opened, reopened, dredged, excavated, constructed, or
15 maintained by the department as a fish pass between the Gulf of
16 America [~~Gulf of Mexico~~] and an inland bay.

17 (b) No person may operate, possess, or moor a vessel or
18 other floating device, or may place any piling, wire, rope, cable,
19 net, trap, or other obstruction, in a natural or artificial pass
20 opened, reopened, dredged, excavated, constructed, or maintained
21 by the department as a fish pass between the Gulf of America [~~Gulf~~
22 ~~of Mexico~~] and an inland bay within the distance inside the pass
23 from the mouth of the pass where it empties into the Gulf of America
24 [~~Gulf of Mexico~~] to a marker or sign erected by the department
25 indicating the restricted area.

26 SECTION 14.12. Section 66.301, Parks and Wildlife Code, is
27 amended to read as follows:

1 Sec. 66.301. DEFINITION. In this subchapter, "coastal
2 water" means all of the salt water of this state, including that
3 portion of the Gulf of America [~~Gulf of Mexico~~] within the
4 jurisdiction of this state.

5 SECTION 14.13. Sections 77.001(1), (2), (3) and (13), Parks
6 and Wildlife Code, are amended to read as follows:

7 (1) "Coastal water" means all the salt water of this
8 state, including that portion of the Gulf of America [~~Gulf of~~
9 ~~Mexico~~] within the jurisdiction of the state.

10 (2) "Inside water" means all bays, inlets, outlets,
11 passes, rivers, streams, and other bodies of water landward from
12 the shoreline of the state along the Gulf of America [~~Gulf of~~
13 ~~Mexico~~] and contiguous to, or connected with, but not a part of, the
14 Gulf of America [~~Gulf of Mexico~~] and within which the tide regularly
15 rises and falls and in which saltwater shrimp are found or into
16 which saltwater shrimp migrate.

17 (3) "Outside water" means the salt water of the state
18 contiguous to and seaward from the shoreline of the state along the
19 Gulf of America [~~Gulf of Mexico~~] as the shoreline is projected and
20 extended in a continuous and unbroken line, following the contours
21 of the shoreline, across bays, inlets, outlets, passes, rivers,
22 streams, and other bodies of water; and that portion of the Gulf of
23 America [~~Gulf of Mexico~~] extending from the shoreline seaward and
24 within the jurisdiction of the state.

25 (13) "Contiguous zone," means that area of the Gulf of
26 America [~~Gulf of Mexico~~] lying adjacent to and offshore of the
27 jurisdiction of the State of Texas and in which shrimp of the genus

1 Penaeus are found.

2 SECTION 14.14. Section 77.072, Parks and Wildlife Code, is
3 amended to read as follows:

4 Sec. 77.072. SHRIMP SIZE EXCEPTION. Minimum size
5 restrictions as provided in Chapter 77, Parks and Wildlife Code, as
6 amended, do not apply to shrimp taken from outside waters when:

7 (1) the Gulf of America [~~Gulf of Mexico~~] Fishery
8 Management Council's Fishery Management Plan for the Shrimp Fishery
9 of the Gulf of America [~~Gulf of Mexico~~] is in effect; and

10 (2) such plan as described in Subsection (a) of this
11 section restricts the taking of shrimp in the Fishery Conservation
12 Zone contiguous to the outside waters of Texas, to conform with the
13 Texas closed Gulf season as defined in Sections 77.061(1) and
14 77.062 of this code.

15 SECTION 14.15. Section 79.001, Parks and Wildlife Code, is
16 amended to read as follows:

17 Sec. 79.001. COMPLIANCE. The department is authorized to
18 cooperate with the Gulf of America [~~Gulf of Mexico~~] Fishery
19 Management Council established pursuant to the Fishery
20 Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801
21 et seq.), in developing state management programs which are
22 consistent with plans proposed by the council and approved by the
23 secretary of commerce.

24 SECTION 14.16. Section 86.0151(a), Parks and Wildlife Code,
25 is amended to read as follows:

26 (a) A nonprofit corporation, fund, or foundation exempted
27 from federal income taxes under Section 503(c)(3), Internal Revenue

1 Code of 1954, as amended (26 U.S.C. Sec. 503(c)(3)), may take sand,
2 gravel, marl, shell, and mudshell from Brown Cedar Cut in Matagorda
3 County for the sole purpose of opening and reopening that passage
4 between the Gulf of America [~~Gulf of Mexico~~] and East Matagorda Bay.

5 SECTION 14.17. Section 86.0152(a), Parks and Wildlife Code,
6 is amended to read as follows:

7 (a) A nonprofit corporation, fund, or foundation exempted
8 from federal income taxes under Section 501(c)(3), Internal Revenue
9 Code of 1954, as amended (26 U.S.C. Sec. 501(c)(3)), or a political
10 subdivision of the state may take sand, gravel, marl, shell, and
11 mudshell from Cedar Bayou in Aransas County for the sole purpose of
12 opening and reopening that passage between the Gulf of America
13 [~~Gulf of Mexico~~] and Mesquite Bay.

14 SECTION 14.18. Section 91.008, Parks and Wildlife Code, is
15 amended to read as follows:

16 Sec. 91.008. TEXT OF COMPACT. The Gulf States Marine
17 Fisheries Compact reads as follows:

18 GULF STATES MARINE FISHERIES COMPACT

19 The contracting states solemnly agree:

20 ARTICLE I

21 Whereas the Gulf Coast States have the proprietary interest
22 in and jurisdiction over fisheries in the waters within their
23 respective boundaries, it is the purpose of this compact to promote
24 the better utilization of the fisheries, marine, shell and
25 anadromous, of the seaboard of the Gulf of America [~~Gulf of Mexico~~],
26 by the development of a joint program for the promotion and
27 protection of such fisheries and the prevention of the physical

1 waste of the fisheries from any cause.

2 ARTICLE II

3 This compact shall become operative immediately as to those
4 states ratifying it whenever any two or more of the states of
5 Florida, Alabama, Mississippi, Louisiana and Texas have ratified it
6 and the Congress has given its consent, pursuant to Article I,
7 Section 10 of the Constitution of the United States. Any state
8 contiguous to any of the aforementioned states or riparian upon
9 waters which flow into waters under the jurisdiction of any of the
10 aforementioned States and which are frequented by anadromous fish
11 or marine species, may become a party hereto as hereinafter
12 provided.

13 ARTICLE III

14 Each state joining herein shall appoint three
15 representatives to a commission hereby constituted and designated
16 as the Gulf States Marine Fisheries Commission. One shall be the
17 head of the administrative agency of such State charged with the
18 conservation of the fishery resources to which this compact
19 pertains; or, if there be more than one officer or agency, the
20 official of that State named by the Governor thereof. The second
21 shall be a member of the Legislature of such State designated by
22 such Legislature, or in the absence of such designation, such
23 legislator shall be designated by the Governor thereof; provided
24 that if it is constitutionally impossible to appoint a legislator
25 as a commissioner from such State, the second member shall be
26 appointed in such manner as may be established by law. The third
27 shall be a citizen who shall have a knowledge of and interest in the

1 marine fisheries, to be appointed by the Governor. This commission
2 shall be a body corporate with the powers and duties set forth
3 herein.

4 ARTICLE IV

5 The duty of the said commission shall be to make inquiry and
6 ascertain from time to time such methods, practices, circumstances
7 and conditions as may be disclosed for bringing about the
8 conservation and the prevention of the depletion and physical waste
9 of the fisheries, marine, shell and anadromous, of the Gulf Coast.
10 The commission shall have power to recommend the coordination of
11 the exercise of the police powers of the several States within their
12 respective jurisdictions to promote the preservation of these
13 fisheries and their protection against over-fishing, waste,
14 depletion or any abuse whatsoever, and to assure a continuing yield
15 from the fishery resources of the aforementioned States. To that
16 end the commission shall draft and recommend to the Governors and
17 Legislatures of the various signatory States, legislation dealing
18 with the conservation of the marine, shell and anadromous fisheries
19 of the Gulf seaboard. The commission shall from time to time present
20 to the Governor of each compacting State its recommendations
21 relating to enactments to be presented to the Legislature of that
22 State in furthering the interest and purposes of this compact. The
23 commission shall consult with and advise the pertinent
24 administrative agencies in the States party hereto with regard to
25 problems connected with the fisheries, and recommend the adoption
26 of such regulations as it deems advisable. The commission shall
27 have power to recommend to the States party hereto the stocking of

1 the waters of such States with fish and fish eggs or joint stocking
2 by some or all of the States party hereto, and when two or more
3 States shall jointly stock waters the commission shall act as the
4 coordinating agency for such stocking.

5 ARTICLE V

6 The commission shall elect from its number a chairman and
7 vice-chairman and shall appoint, and at its pleasure remove or
8 discharge, such officers and employees as may be required to carry
9 the provisions of this compact into effect and shall fix and
10 determine their duties, qualifications and compensation. Said
11 commission shall adopt rules and regulations for the conduct of its
12 business. It may establish and maintain one or more offices for the
13 transaction of its business, and may meet at any time or place; but
14 must meet at least once a year.

15 ARTICLE VI

16 No action shall be taken by the commission in regard to its
17 general affairs except by the affirmative vote of a majority of the
18 whole number of compacting States. No recommendation shall be made
19 by the commission in regard to any species of fish except by the
20 affirmative vote of a majority of the compacting States which have
21 an interest in such species. The commission shall define what shall
22 be an interest.

23 ARTICLE VII

24 The Fish and Wildlife Service of the Department of the
25 Interior of the Government of the United States shall act as the
26 primary research agency of the Gulf States Marine Fisheries
27 Commission, cooperating with the research agencies in each State

1 for that purpose. Representatives of the said Fish and Wildlife
2 Service shall attend the meetings of the commission. An advisory
3 committee to be representative of the commercial salt water
4 fishermen and the salt water anglers and such other interests of
5 each State as the commissioners deem advisable may be established
6 by the commissioners from each State for the purpose of advising
7 those commissioners upon such recommendations as it may desire to
8 make.

9 ARTICLE VIII

10 When any State, other than those named specifically in
11 Article II of this compact, shall become a party hereto for the
12 purpose of conserving its anadromous fish or marine species in
13 accordance with the provisions of Article II, the participation of
14 such State in the action of the commission shall be limited to such
15 species of fish.

16 ARTICLE IX

17 Nothing in this compact shall be construed to limit the
18 powers of the proprietary interest of any signatory State, or to
19 repeal or prevent the enactment of any legislation or the
20 enforcement of any requirement by a signatory State, imposing
21 additional conditions and restrictions to conserve its fisheries.

22 ARTICLE X

23 It is agreed that any two or more States party hereto may
24 further amend this compact by acts of their respective
25 Legislatures, subject to approval of Congress as provided in
26 Article I, Section X, of the Constitution of the United States, to
27 designate the Gulf States Marine Fisheries Commission as a joint

1 regulating authority for the joint regulation of specific fisheries
2 affecting only such States as shall so compact, and at their joint
3 expense. The representatives of such States shall constitute a
4 separate section of the Gulf States Marine Fisheries Commission for
5 the exercise of the additional powers so granted, but the creation
6 of such section shall not be deemed to deprive the States so
7 compacting of any of their privileges or powers in the Gulf States
8 Marine Fisheries Commission as constituted under the other Articles
9 of this compact.

10 ARTICLE XI

11 Continued absence of representation or of any representative
12 on the commission from any State party hereto, shall be brought to
13 the attention of the Governor thereof.

14 ARTICLE XII

15 The operating expenses of the Gulf States Marine Fisheries
16 Commission shall be borne by the States party hereto. Such initial
17 appropriation as set forth below shall be made available yearly
18 until modified as hereinafter provided:

19	Florida	\$3,500.00
20	Alabama	1,000.00
21	Mississippi	1,000.00
22	Louisiana	5,000.00
23	Texas	2,500.00
24	Total	\$13,000.00

25 The proration and total cost per annum of Thirteen Thousand
26 (\$13,000.00) Dollars, above mentioned, is estimative only, for
27 initial operations, and may be changed when found necessary by the

1 commission and approved by the Legislatures of the respective
2 States. Each State party hereto agrees to provide in the manner most
3 acceptable to it, the travel costs and necessary expenses of its
4 commissioners and other representatives to and from meetings of the
5 commission or its duly constituted sections or committees.

6 ARTICLE XIII

7 This compact shall continue in force and remain binding upon
8 each compacting State until renounced by Act of the Legislature of
9 such State, in such form as it may choose; provided that such
10 renunciation shall not become effective until six months after the
11 effective date of the action taken by the Legislature. Notice of
12 such renunciation shall be given the other States party hereto by
13 the Secretary of State of compacting State so renouncing upon
14 passage of the Act.

15 ARTICLE 15. SPECIAL DISTRICT LOCAL LAWS PROVISIONS

16 SECTION 15.01. Section 5002.151(3), Special District Local
17 Laws, is amended to read as follows:

18 (3) "Protected zone" means the portion of the
19 corporate limits of the City of Freeport as they exist on September
20 1, 2023, that lies:

21 (A) within the enclosed space bounded by
22 beginning at the intersection of State Highway 36 and the center of
23 the Brazos River, then north along the center of the Brazos River to
24 the intersection of the center of the Brazos River and the center of
25 the DOW fresh water canal, then north and east along the center of
26 the DOW fresh water canal to the intersection of the center of the
27 DOW fresh water canal and Farm-to-Market Road 1495, then south

1 along Farm-to-Market Road 1495 to the intersection of
2 Farm-to-Market Road 1495 and State Highway 36, and then west along
3 State Highway 36 to the intersection of State Highway 36 and the
4 center of the Brazos River;

5 (B) within Brazoria County 2020 United States
6 Census tract 664501 blocks 2027, 2032, and 2034;

7 (C) within the enclosed space bounded by
8 beginning at the intersection of Farm-to-Market Road 1495 and the
9 Intracoastal Waterway, then west along the Intracoastal Waterway to
10 the intersection of the Intracoastal Waterway and the Brazos River,
11 then south along the Brazos River to the Gulf of America [~~Gulf of~~
12 ~~Mexico~~], then east along the Gulf of America [~~Gulf of Mexico~~] to the
13 intersection of a line extending from the southern terminus of
14 Farm-to-Market Road 1495 due south to the intersection with the
15 Gulf of America [~~Gulf of Mexico~~], and then due north to the
16 intersection of Farm-to-Market Road 1495 and the Intracoastal
17 Waterway;

18 (D) adjacent to the old Brazos River channel and
19 inside the floodgate, which is zoned as a W-1 District under the
20 zoning ordinance, and bounded by Farm-to-Market Road 1495 on the
21 west;

22 (E) within the portion of Brazoria County 2020
23 United States Census tract 664200 blocks 2059, 2060, and 2061 that
24 lies within 3,500 feet of the centerline of State Highway 332;

25 (F) within the 13.316 acre tract of land
26 described in that certain Deed recorded in Volume 11199, at Page 471
27 of the Brazoria County Real Property Records; or

1 (G) within the 56.751 acre tract of land
2 described in that certain Deed of Exchange recorded in Volume
3 86286, at Page 927 of the Brazoria County Real Property Records.

4 SECTION 15.02. Section 5002.201(a), Special District Local
5 Laws, is amended to read as follows:

6 (a) This section applies only to property:

7 (1) owned or leased by the district; and

8 (2) located in:

9 (A) the district; and

10 (B) the boundaries or extraterritorial
11 jurisdiction of a municipality with a population of less than
12 20,000 that is wholly located in the district and whose corporate
13 limits border the Gulf of America [~~Gulf of Mexico~~].

14 SECTION 15.03. Section 5002.205(a), Special District Local
15 Laws, is amended to read as follows:

16 (a) This section applies only to a municipality with a
17 population of more than 5,000 that is wholly located in the district
18 and to property:

19 (1) owned or leased by the district;

20 (2) located in the district and within seven miles of
21 the Gulf of America [~~Gulf of Mexico~~]; and

22 (3) located in the corporate limits or
23 extraterritorial jurisdiction of a municipality that is subject to
24 this section.

25 SECTION 15.04. Section 5201.005(b), Special District Local
26 Laws, is amended to read as follows:

27 (b) The district may construct, acquire, improve, operate,

1 or maintain a road facility:

2 (1) in the district;

3 (2) from a point in the district to a point outside of
4 the district in Galveston County; or

5 (3) from a point in the district in, over, through, or
6 under the Gulf of America [~~Gulf of Mexico~~] or a bay or inlet opening
7 into the gulf to a point outside of the district and located in
8 another county.

9 ARTICLE 16. TRANSPORTATION CODE PROVISIONS

10 SECTION 16.01. Section 52.002(1), Transportation Code, is
11 amended to read as follows:

12 (1) "Adjacent coastal county" means a county bordering
13 the Gulf of America [~~Gulf of Mexico~~] that has an onshore storage
14 facility for a deepwater port for which an application has been
15 filed.

16 SECTION 16.02. Section 54.001, Transportation Code, is
17 amended to read as follows:

18 Sec. 54.001. APPLICABILITY OF CHAPTER. This chapter
19 applies only to a municipality that:

20 (1) is located on:

21 (A) the Gulf of America [~~Gulf of Mexico~~]; or

22 (B) a channel, canal, bay, or inlet connected to
23 that gulf; and

24 (2) has a population of more than 5,000.

25 SECTION 16.03. Section 61.002(6), Transportation Code, is
26 amended to read as follows:

27 (6) "Port" means a place in this state into which a

1 vessel enters or from which a vessel departs. If the port connects
2 to the Gulf of America [~~Gulf of Mexico~~], "port" includes the
3 waterway leading from the port to the Gulf of America [~~Gulf of~~
4 ~~Mexico~~].

5 SECTION 16.04. Section 61.006, Transportation Code, is
6 amended to read as follows:

7 Sec. 61.006. BOARD JURISDICTION. A board has exclusive
8 jurisdiction over piloting of vessels in this state between the
9 Gulf of America [~~Gulf of Mexico~~] and the ports in the board's
10 jurisdiction.

11 SECTION 16.05. Section 62.024, Transportation Code, is
12 amended to read as follows:

13 Sec. 62.024. JURISDICTION. The pilot board of a navigation
14 district has exclusive jurisdiction over the pilotage of a vessel
15 between the Gulf of America [~~Gulf of Mexico~~] and a port of the
16 navigation district, including an intermediate stop or landing
17 place on a navigable stream in the district.

18 SECTION 16.06. Section 66.002(3), Transportation Code, is
19 amended to read as follows:

20 (3) "Harris County port" means a place in Harris
21 County into which a vessel enters or from which a vessel departs and
22 the waterway leading to that place from the Gulf of America [~~Gulf of~~
23 ~~Mexico~~].

24 SECTION 16.07. Section 67.002(3), Transportation Code, is
25 amended to read as follows:

26 (3) "Galveston County port" means a place in Galveston
27 County into which a vessel enters or from which a vessel departs and

1 the waterway leading to that place from the Gulf of America [~~Gulf of~~
2 ~~Mexico~~].

3 SECTION 16.08. Section 68.002(2), Transportation Code, is
4 amended to read as follows:

5 (2) "Brazoria County port" means a place in Brazoria
6 County into which a vessel enters or from which a vessel departs and
7 the waterway leading to that place from the Gulf of America [~~Gulf of~~
8 ~~Mexico~~].

9 SECTION 16.09. Section 69.002(3), Transportation Code, is
10 amended to read as follows:

11 (3) "Jefferson or Orange County port" means a place in
12 Jefferson or Orange County into which a vessel enters or from which
13 a vessel departs and the waterway leading to that place from the
14 Gulf of America [~~Gulf of Mexico~~].

15 SECTION 16.10. Section 69.064, Transportation Code, is
16 amended to read as follows:

17 Sec. 69.064. FACTORS FOR BOARD CONSIDERATION. In acting on
18 a pilotage rate change application, the board shall consider:

19 (1) characteristics of vessels to be piloted;
20 (2) the public interest in maintaining safe,
21 efficient, and reliable pilot services;

22 (3) the average number of hours spent by a pilot in
23 performing all pilot services and pilot services onboard vessels;

24 (4) costs to pilots to provide the required pilot
25 services;

26 (5) economic factors affecting the shipping industry
27 in the area in which the port is located;

1 (6) the average wages of masters of United States flag
2 vessels;

3 (7) an adequate and reasonable compensation for the
4 pilots and a fair return on the equipment and vessels that the
5 pilots employ in connection with pilot duties; and

6 (8) the relationship between pilotage rates in
7 Jefferson or Orange County ports and the rates applicable in other
8 ports of this state and in competitive ports in other states
9 bordering the Gulf of America [~~Gulf of Mexico~~].

10 SECTION 16.11. Section 70.002(3), Transportation Code, is
11 amended to read as follows:

12 (3) "Port of Corpus Christi" means a place into which a
13 vessel enters or from which a vessel departs and the waterway
14 leading to that place from the Gulf of America [~~Gulf of Mexico~~]
15 under the jurisdiction of the Port of Corpus Christi Authority.

16 SECTION 16.12. Section 283.001(4), Transportation Code, is
17 amended to read as follows:

18 (4) "Project" means a causeway, bridge, or tunnel,
19 including a necessary approach, fixture, accessory, or equipment
20 that:

21 (A) is located in one county; and

22 (B) traverses or lies under the water of the Gulf
23 of America [~~Gulf of Mexico~~], including a bay or inlet opening.

24 SECTION 16.13. Section 283.002, Transportation Code, is
25 amended to read as follows:

26 Sec. 283.002. APPLICABILITY. This chapter applies only to
27 a county that:

1 (1) borders on the Gulf of America [~~Gulf of Mexico~~];
2 and

3 (2) has a population of at least 20,000 as determined
4 before the issuance of bonds under this chapter.

5 SECTION 16.14. Section 284.002(a), Transportation Code, is
6 amended to read as follows:

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

9 (1) has a population of 50,000 or more and borders the
10 Gulf of America [~~Gulf of Mexico~~] or a bay or inlet opening into the
11 gulf;

12 (2) has a population of 2.5 million or more;

13 (3) is adjacent to a county that has a population of
14 2.5 million or more; or

15 (4) borders the United Mexican States.

16 SECTION 16.15. Section 341.002, Transportation Code, is
17 amended to read as follows:

18 Sec. 341.002. GENERAL AUTHORITY TO ACT. Subject to Chapter
19 33, Natural Resources Code, an individual, corporation, or
20 association may purchase, build, own, maintain, and operate a
21 structure across an arm, inlet, or saltwater bay of the Gulf of
22 America [~~Gulf of Mexico~~] located entirely in this state to provide a
23 causeway for vehicles, pedestrians, and railroads.

24 SECTION 16.16. Section 342.001(a), Transportation Code, is
25 amended to read as follows:

26 (a) The department may purchase, construct, maintain,
27 operate, or control a ferry that crosses:

1 (1) a bay, arm, channel, or saltwater lake emptying
2 into the Gulf of America [~~Gulf of Mexico~~];

3 (2) an inlet of the Gulf of America [~~Gulf of Mexico~~];
4 or

5 (3) a river or other navigable body of water.

6 SECTION 16.17. Section 463.002, Transportation Code, is
7 amended to read as follows:

8 Sec. 463.002. APPLICATION. This chapter applies to:

9 (1) a county that is contiguous to the Gulf of America
10 [~~Gulf of Mexico~~] or a bay or inlet opening into the gulf and that
11 borders the United Mexican States; and

12 (2) a county that borders a county described by
13 Subdivision (1).

14 SECTION 16.18. Section 551.404(c), Transportation Code, is
15 amended to read as follows:

16 (c) Subsection (b) applies only to a county that:

17 (1) borders or contains a portion of the Red River; or

18 (2) borders the Gulf of America [~~Gulf of Mexico~~] and
19 has a population of less than 500,000.

20 SECTION 16.19. Section 551A.001(2), Transportation Code,
21 is amended to read as follows:

22 (2) "Beach" means a beach area, publicly or privately
23 owned, that borders the seaward shore of the Gulf of America [~~Gulf~~
24 ~~of Mexico~~].

25 SECTION 16.20. Section 551A.053(c), Transportation Code,
26 is amended to read as follows:

27 (c) Subsection (b) applies only to a county that:

- 1 (1) borders or contains a portion of the Red River;
- 2 (2) borders or contains a portion of the Guadalupe
3 River and contains a part of a barrier island that borders the Gulf
4 of America [~~Gulf of Mexico~~]; or
- 5 (3) is adjacent to a county described by Subdivision
6 (2) and:
- 7 (A) has a population of less than 37,000; and
- 8 (B) contains a part of a barrier island or
9 peninsula that borders the Gulf of America [~~Gulf of Mexico~~].

10 SECTION 16.21. Section [623.210](#), Transportation Code, is
11 amended to read as follows:

12 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides
13 an optional procedure for the issuance of a permit for the movement
14 of oversize or overweight vehicles carrying cargo on state highways
15 located in counties:

16 (1) contiguous to the Gulf of America [~~Gulf of Mexico~~]
17 or a bay or inlet opening into the gulf and:

18 (A) adjacent to at least two counties with a
19 population of 550,000 or more; or

20 (B) bordering the United Mexican States; or

21 (2) contiguous to the Gulf of America [~~Gulf of Mexico~~]
22 or a bay or inlet opening into the gulf with a population of not more
23 than 200,000 and adjacent to a county described by Subdivision
24 (1)(A).

25 SECTION 16.22. Section [623.212](#), Transportation Code, is
26 amended to read as follows:

27 Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission

1 may authorize a port authority to issue permits for the movement of
2 oversize or overweight vehicles carrying cargo on state highways
3 located in counties:

4 (1) contiguous to the Gulf of America [~~Gulf of Mexico~~]
5 or a bay or inlet opening into the gulf and:

6 (A) adjacent to at least two counties with a
7 population of 550,000 or more; or

8 (B) bordering the United Mexican States; or

9 (2) contiguous to the Gulf of America [~~Gulf of Mexico~~]
10 or a bay or inlet opening into the gulf with a population of not more
11 than 200,000 and adjacent to a county described by Subdivision
12 (1)(A).

13 SECTION 16.23. Section 623.219(b-1), Transportation Code,
14 is amended to read as follows:

15 (b-1) For a permit issued by a port authority contiguous to
16 the Gulf of America [~~Gulf of Mexico~~] or a bay or inlet opening into
17 the gulf with a population of not more than 200,000 that is adjacent
18 to a county described in Subsection (b), the commission shall, with
19 the consent of the port authority, designate the most direct route
20 from:

21 (1) the Matagorda County line to the entrance of the
22 Port of Palacios using State Highway 35;

23 (2) the Matagorda County line to the entrance of the
24 Port of Palacios using State Highway 60;

25 (3) the Matagorda County line to the entrance of the
26 Port of Palacios using FM 521; and

27 (4) the Matagorda County line to the entrance of the

1 Port of Palacios using State Highway 71.

2 SECTION 16.24. Section 623.406(b), Transportation Code, is
3 amended to read as follows:

4 (b) The transportation of a sealed intermodal shipping
5 container under a permit issued under this subchapter:

6 (1) must begin or end at a port authority or port of
7 entry that is located in a county contiguous to the Gulf of America
8 [~~Gulf of Mexico~~] or a bay or inlet opening into the gulf; and

9 (2) may not exceed 30 miles from the port authority or
10 port of entry and must be on a highway or road described by Section
11 623.405(b).

12 SECTION 16.25. Section 644.101(b), Transportation Code, is
13 amended to read as follows:

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

16 (1) a municipality with a population of 50,000 or
17 more;

18 (2) a municipality with a population of 25,000 or more
19 any part of which is located in a county with a population of
20 500,000 or more;

21 (3) a municipality with a population of less than
22 25,000:

23 (A) any part of which is located in a county with
24 a population of 3.3 million; and

25 (B) that contains or is adjacent to an
26 international port;

27 (4) a municipality with a population of at least

1 34,000 that is located in a county that borders two or more states;

2 (5) a municipality any part of which is located in a
3 county bordering the United Mexican States;

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

6 (A) adjacent to a bay connected to the Gulf of
7 America [~~Gulf of Mexico~~]; and

8 (B) in a county adjacent to a county with a
9 population greater than 3.3 million;

10 (7) a municipality that is located:

11 (A) within 25 miles of an international port; and

12 (B) in a county that does not contain a highway
13 that is part of the national system of interstate and defense
14 highways and is adjacent to a county with a population greater than
15 3.3 million;

16 (8) a municipality with a population of less than
17 8,500 that:

18 (A) is the county seat; and

19 (B) contains a highway that is part of the
20 national system of interstate and defense highways;

21 (9) a municipality located in a county with a
22 population between 60,000 and 69,000 adjacent to a bay connected to
23 the Gulf of America [~~Gulf of Mexico~~];

24 (10) a municipality with a population of more than
25 40,000 and less than 50,000 that is located in a county with a
26 population of more than 285,000 and less than 300,000 that borders
27 the Gulf of America [~~Gulf of Mexico~~];

1 (11) a municipality with a population between 32,000
2 and 50,000 that is located entirely in a county that:

3 (A) has a population of less than 250,000;

4 (B) is adjacent to two counties that each have a
5 population of more than 1.2 million; and

6 (C) contains two highways that are part of the
7 national system of interstate and defense highways;

8 (12) a municipality with a population of more than
9 4,500 and less than 10,000 that:

10 (A) contains a highway that is part of the
11 national system of interstate and defense highways; and

12 (B) is located in a county with a population
13 between 175,000 and 190,000;

14 (13) a municipality with a population of less than
15 75,000 that is located in three counties, at least one of which has
16 a population greater than 3.3 million;

17 (14) a municipality with a population between 13,900
18 and 17,000 that:

19 (A) contains three or more numbered United States
20 highways; and

21 (B) is located in a county that is adjacent to a
22 county with a population of more than 200,000;

23 (15) a municipality with a population of less than
24 50,000 that is located in:

25 (A) a county that generated \$20 million or more
26 in tax revenue collected under Chapters 201 and 202, Tax Code, from
27 oil and gas production during the preceding state fiscal year; or

1 (B) a county that is adjacent to two or more
2 counties described by Paragraph (A); or

3 (16) a municipality with a population of more than
4 2,000 that is located in a county:

5 (A) with a population of less than 200,000; and

6 (B) that borders:

7 (i) another state; and

8 (ii) the Gulf Intracoastal Waterway

9 (16) a municipality that is located:

10 (A) within 20 miles of an international airport;

11 and

12 (B) in a county that:

13 (i) contains an active quarry;

14 (ii) has a population of more than 150,000
15 but less than 170,000; and

16 (iii) is adjacent to a county with a
17 population of more than two million.

18 SECTION 16.26. Section 729.001(b), Transportation Code, is
19 amended to read as follows:

20 (b) In this section, "beach" means a beach bordering on the
21 Gulf of America [~~Gulf of Mexico~~] that extends inland from the line
22 of mean low tide to the natural line of vegetation bordering on the
23 seaward shore of the Gulf of America [~~Gulf of Mexico~~], or the larger
24 contiguous area to which the public has acquired a right of use or
25 easement to or over by prescription, dedication, or estoppel, or
26 has retained a right by virtue of continuous right in the public
27 since time immemorial as recognized by law or custom.

1 SECTION 16.27. Section 750.002, Transportation Code, is
2 amended to read as follows:

3 Sec. 750.002. SPEED OF VEHICLE IN PARK IN COUNTY BORDERING
4 GULF OF AMERICA [~~GULF OF MEXICO~~]. (a) A person commits an offense if
5 the person drives a vehicle at a speed greater than 30 miles per
6 hour within the boundaries of a county park located in a county that
7 borders on the Gulf of America [~~Gulf of Mexico~~], other than on a
8 beach as that term is defined by Section 61.012, Natural Resources
9 Code, in the park.

10 ARTICLE 17. TAX CODE PROVISIONS

11 SECTION 17.01. Sections 11.271(b) and (c), Tax Code, are
12 amended to read as follows:

13 (b) An owner or lessee of a marine or mobile drilling unit
14 designed for offshore drilling of oil or gas wells is entitled to an
15 exemption from taxation of the drilling unit if the drilling unit:

16 (1) is being stored in a county bordering on the Gulf
17 of America [~~Gulf of Mexico~~] or on a bay or other body of water
18 immediately adjacent to the Gulf of America [~~Gulf of Mexico~~];

19 (2) is not being stored for the sole purpose of repair
20 or maintenance; and

21 (3) is not being used to drill a well at the location
22 at which it is being stored.

23 (c) A person is entitled to an exemption from taxation of
24 the personal property the person owns or leases that is used,
25 constructed, acquired, stored, or installed solely as part of an
26 offshore spill response containment system, or that is used solely
27 for the development, improvement, storage, deployment, repair,

1 maintenance, or testing of such a system, if the system is being
2 stored while not in use in a county bordering on the Gulf of America
3 [~~Gulf of Mexico~~] or on a bay or other body of water immediately
4 adjacent to the Gulf of America [~~Gulf of Mexico~~]. Property
5 described by this subsection and not used for any other purpose is
6 considered to be property used wholly as an integral part of mobile
7 or marine drilling equipment designed for offshore drilling of oil
8 or gas wells.

9 SECTION 17.02. Section 31.03(d), Tax Code, is amended to
10 read as follows:

11 (d) This subsection applies only to a taxing unit located in
12 a county having a population of not less than 315,000 and not more
13 than 351,000 that borders a county having a population of 3.3
14 million or more and the Gulf of America [~~Gulf of Mexico~~]. The
15 governing body of a taxing unit that has its taxes collected by
16 another taxing unit that has adopted the split-payment option under
17 Subsection (a) may provide, in the manner required by law for
18 official action by the body, that the split-payment option does not
19 apply to the taxing unit's taxes collected by the other taxing unit.

20 SECTION 17.03. Section 41.44 (c-1), Tax Code, is amended to
21 read as follows:

22 (c-1) A property owner who files a notice of protest after
23 the deadline prescribed by Subsection (a) but before the taxes on
24 the property to which the notice applies become delinquent is
25 entitled to a hearing and determination of the protest if the
26 property owner was continuously employed in the Gulf of America
27 [~~Gulf of Mexico~~], including employment on an offshore drilling or

1 production facility or on a vessel, for a period of not less than 20
2 days during which the deadline prescribed by Subsection (a) passed,
3 and the property owner provides the appraisal review board with
4 evidence of that fact through submission of a letter from the
5 property owner's employer or supervisor or, if the property owner
6 is self-employed, a sworn affidavit.

7 SECTION 17.04. Section 156.2512(c)(1), Tax Code, is amended
8 to read as follows:

9 (1) "Eligible barrier island coastal municipality"
10 means a municipality:

11 (A) that borders on the Gulf of America [~~Gulf of~~
12 ~~Mexico~~];

13 (B) that is located wholly or partly on a barrier
14 island; and

15 (C) that:

16 (i) includes an institution of higher
17 education that is part of the Texas Coastal Ocean Observation
18 Network under Section 33.065, Natural Resources Code;

19 (ii) includes a national estuarine research
20 reserve;

21 (iii) is located within 30 miles of the
22 United Mexican States; or

23 (iv) has a population of less than 10,000
24 and is located in a county with a population of at least 370,000
25 that is adjacent to a county with a population of at least
26 3,000,000.

27 SECTION 17.05. Section 156.252(a), Tax Code, is amended to

1 read as follows:

2 (a) In this section, "coastal county" means any county
3 adjacent to:

- 4 (1) the Gulf of America [~~Gulf of Mexico~~]; or
5 (2) Corpus Christi Bay.

6 SECTION 17.06. Section 321.101(g), Tax Code, is amended to
7 read as follows:

8 (g) For the purposes of Subsection (f), "territory" in a
9 municipality having a population of 5,000 or less and bordering on
10 the Gulf of America [~~Gulf of Mexico~~] does not include any area
11 covered by water and in which no person has a place of business to
12 which a sales tax permit issued under Subchapter F of Chapter 151
13 applies.

14 SECTION 17.07. Sections 351.001(3), (7), and (11), Tax Code,
15 are amended to read as follows:

16 (3) "Eligible coastal municipality" means:

17 (A) a home-rule municipality that borders on the
18 Gulf of America [~~Gulf of Mexico~~] and has a population of less than
19 80,000; or

20 (B) a municipality that borders on the Gulf of
21 America [~~Gulf of Mexico~~] and has a population of less than 1,500.

22 (7) "Eligible central municipality" means:

23 (A) a municipality with a population of more than
24 140,000 but less than 1.5 million that is located in a county with a
25 population of one million or more and that has adopted a capital
26 improvement plan for the construction or expansion of a convention
27 center facility;

1 (B) a municipality with a population of 250,000
2 or more that:

3 (i) is located wholly or partly on a barrier
4 island that borders the Gulf of America [~~Gulf of Mexico~~];

5 (ii) is located in a county with a
6 population of 300,000 or more; and

7 (iii) has adopted a capital improvement
8 plan to expand an existing convention center facility;

9 (11) "Eligible barrier island coastal municipality"
10 means a municipality:

11 (A) that borders on the Gulf of America [~~Gulf of~~
12 ~~Mexico~~];

13 (B) that is located wholly on a barrier island;
14 and

15 (C) the boundaries of which are within 30 miles
16 of the United Mexican States.

17 SECTION 17.08. Section 351.003(c), Tax Code, is amended to
18 read as follows:

19 (c) The rate in a municipality that borders on the Gulf of
20 America [~~Gulf of Mexico~~] and has a population of more than 250,000
21 or in a municipality with a population of less than 5,000 adjacent
22 to a home-rule city with a population of less than 80,000 may not
23 exceed nine percent of the price paid for a room.

24 SECTION 17.09. Section 351.102(e), Tax Code, is amended to
25 read as follows:

26 (e) Subsection (b) applies only to:

27 (1) a municipality with a population of two million or

1 more;

2 (2) a municipality with a population of 700,000 or
3 more but less than 1.4 million;

4 (3) a municipality with a population of 350,000 or
5 more but less than 450,000 in which at least two professional sports
6 stadiums are located, each of which:

7 (A) has a seating capacity of at least 40,000
8 people; and

9 (B) was approved by the voters of the
10 municipality as a sports and community venue project under Chapter
11 334, Local Government Code; and

12 (4) a municipality with a population of less than
13 2,000 that:

14 (A) is located adjacent to a bay connected to the
15 Gulf of America [~~Gulf of Mexico~~];

16 (B) is located in a county with a population of
17 290,000 or more that is adjacent to a county with a population of
18 four million or more; and

19 (C) has a boardwalk on the bay.

20 SECTION 17.10. Section 351.1055(b), Tax Code, is amended to
21 read as follows:

22 (b) Notwithstanding any other provision of this chapter, a
23 home-rule municipality that borders on the Gulf of America [~~Gulf of~~
24 ~~Mexico~~] and has a population of more than 250,000 may use all or any
25 portion of the revenue derived from the municipal hotel occupancy
26 tax from hotels in an area previously subject to a county hotel
27 occupancy tax and located on an island bordering the Gulf of America

1 [~~Gulf of Mexico~~] to clean and maintain public beaches in the
2 municipality.

3 SECTION 17.11. Section 351.1066(a), Tax Code, is amended to
4 read as follows:

5 (a) This section applies only to:

6 (1) a municipality with a population of at least 3,500
7 but less than 5,500 that is the county seat of a county with a
8 population of less than 50,000 that borders a county with a
9 population of more than 1.6 million;

10 (2) a municipality with a population of at least 2,800
11 but less than 3,500 that is the county seat of a county with a
12 population of less than 22,000 that is bordered by the Trinity River
13 and includes a state park and a portion of a wildlife management
14 area;

15 (3) a municipality with a population of at least 8,000
16 that is located in a county that borders the Pecos River and that
17 has a population of not more than 15,000;

18 (4) a municipality with a population of not more than
19 15,000 that is located in a county through which the Frio River
20 flows and an interstate highway crosses, and that has a population
21 of at least 15,000;

22 (5) a municipality with a population of not less than
23 7,500 that is located in a county with a population of not less than
24 40,000 but less than 250,000 that is adjacent to a county with a
25 population of less than 750;

26 (6) a municipality that is the county seat of a county
27 with a population of at least 8,500 and that county contains part of

1 the Chaparral Wildlife Management Area; and

2 (7) a municipality that has a population of not more
3 than 25,000, that contains a cultural heritage museum, and that is
4 located in a county that borders the United Mexican States and the
5 Gulf of America [~~Gulf of Mexico~~].

6 SECTION 17.12. Sections 351.107(a) and (e), Tax Code, are
7 amended to read as follows:

8 (a) This section applies only to a municipality that borders
9 on the Gulf of America [~~Gulf of Mexico~~] and has a population of more
10 than 250,000.

11 (e) Notwithstanding any other provision of this chapter, a
12 municipality to which this section applies may use all or any
13 portion of the revenue derived from the municipal hotel occupancy
14 tax from hotels in an area previously subject to a county hotel
15 occupancy tax and located on an island bordering the Gulf of America
16 [~~Gulf of Mexico~~] to clean and maintain public beaches in the
17 municipality.

18 SECTION 17.13. Section 351.10713(a), Tax Code, is amended
19 to read as follows:

20 (a) This section applies only to a municipality that is the
21 county seat of a county:

22 (1) that borders the Gulf of America [~~Gulf of Mexico~~];
23 and

24 (2) through which the Colorado River flows.

25 SECTION 17.14. Section 351.152, Tax Code, is amended to
26 read as follows:

27 Sec. 351.152. APPLICABILITY. This subchapter applies only

1 to:

2 (1) a municipality described by Section
3 351.001(7)(B);

4 (2) a municipality described by Section
5 351.001(7)(D);

6 (3) a municipality described by Section
7 351.001(7)(E);

8 (4) a municipality described by Section
9 351.102(e)(3);

10 (5) a municipality that contains more than 70 percent
11 of the population of a county with a population of 1.5 million or
12 more;

13 (6) a municipality with a population of 175,000 or
14 more but less than 200,000 that is partially located in at least one
15 county with a population of 125,000 or more;

16 (7) a municipality with a population of 250,000 or
17 more but less than one million that is located in one county with a
18 population of 2.5 million or more;

19 (8) a municipality with a population of 180,000 or
20 more that:

21 (A) is located in two counties, each with a
22 population of 100,000 or more; and

23 (B) contains an American Quarter Horse Hall of
24 Fame and Museum;

25 (9) a municipality with a population of 96,000 or more
26 that is located in a county that borders Lake Palestine;

27 (10) a municipality with a population of 96,000 or

1 more that is located in a county that contains the headwaters of the
2 San Gabriel River;

3 (11) a municipality with a population of at least
4 95,000 that is located in a county that is bisected by United States
5 Highway 385 and has a population of not more than 170,000;

6 (12) a municipality with a population of 110,000 or
7 more but less than 135,000 at least part of which is located in a
8 county with a population of less than 135,000;

9 (13) a municipality with a population of 28,000 or
10 more but less than 31,000 that is located in two counties, each of
11 which has a population of 900,000 or more and a southern border with
12 a county with a population of 2.5 million or more;

13 (14) a municipality with a population of 200,000 or
14 more but less than 300,000 that contains a component institution of
15 the Texas Tech University System;

16 (15) a municipality with a population of 95,000 or
17 more that:

18 (A) is located in more than one county; and

19 (B) borders Lake Lewisville;

20 (16) a municipality with a population of 45,000 or
21 more that:

22 (A) contains a portion of Cedar Hill State Park;

23 (B) is located in two counties, one of which has a
24 population of 2.5 million or more and one of which has a population
25 of 190,000 or more; and

26 (C) has adopted a capital improvement plan for
27 the construction or expansion of a convention center facility;

1 (17) a municipality with a population of less than
2 10,000 that:

3 (A) is almost wholly located in a county with a
4 population of 900,000 or more that is adjacent to a county with a
5 population of 2.5 million or more;

6 (B) is partially located in a county with a
7 population of 2.1 million or more that is adjacent to a county with
8 a population of 2.5 million or more;

9 (C) has a visitor center and museum located in a
10 19th-century rock building in the municipality's downtown; and

11 (D) has a waterpark open to the public;

12 (18) a municipality with a population of 60,000 or
13 more that:

14 (A) borders Lake Ray Hubbard; and

15 (B) is located in two counties, one of which has a
16 population of less than 110,000;

17 (19) a municipality with a population of 110,000 or
18 more that:

19 (A) borders Clear Lake; and

20 (B) is primarily located in a county with a
21 population of less than 355,000;

22 (20) a municipality with a population of less than
23 2,000 that:

24 (A) is located adjacent to a bay connected to the
25 Gulf of America [~~Gulf of Mexico~~];

26 (B) is located in a county with a population of
27 290,000 or more that is adjacent to a county with a population of

1 four million or more; and

2 (C) has a boardwalk on the bay;

3 (21) a municipality with a population of 75,000 or
4 more that:

5 (A) is located wholly in one county with a
6 population of 800,000 or more that is adjacent to a county with a
7 population of four million or more; and

8 (B) has adopted a capital improvement plan for
9 the construction or expansion of a convention center facility;

10 (22) a municipality with a population of less than
11 70,000 that is located in three counties, at least one of which has
12 a population of four million or more;

13 (23) an eligible coastal municipality with a
14 population of 2,900 or more but less than 5,000;

15 (24) a municipality with a population of 90,000 or
16 more but less than 150,000 that:

17 (A) is located in three counties; and

18 (B) contains a branch campus of a component
19 institution of the University of Houston System;

20 (25) a municipality that is:

21 (A) primarily located in a county with a
22 population of four million or more; and

23 (B) connected by a bridge to a municipality
24 described by Subdivision (20);

25 (26) a municipality with a population of 25,000 or
26 more but less than 30,000 that:

27 (A) contains a portion of Mustang Bayou; and

1 (B) is wholly located in a county with a
2 population of less than 500,000;

3 (27) a municipality with a population of 70,000 or
4 more but less than 90,000 that is located in two counties, one of
5 which has a population of four million or more and the other of
6 which has a population of less than 50,000;

7 (28) a municipality with a population of 10,000 or
8 more that:

9 (A) is wholly located in a county with a
10 population of four million or more; and

11 (B) has a city hall located less than three miles
12 from a space center operated by an agency of the federal government;

13 (29) a municipality that is the county seat of a
14 county:

15 (A) through which the Pedernales River flows; and

16 (B) in which the birthplace of a president of the
17 United States is located;

18 (30) a municipality that contains a portion of U.S.
19 Highway 79 and State Highway 130;

20 (31) a municipality with a population of 70,000 or
21 more but less than 115,000 that is located in two counties, one of
22 which has a population of 1.1 million or more but less than 1.9
23 million;

24 (32) a municipality with a population of less than
25 25,000 that contains a museum of Western American art;

26 (33) a municipality with a population of 50,000 or
27 more that is the county seat of a county that contains a portion of

1 the Sam Houston National Forest;

2 (34) a municipality with a population of less than
3 25,000 that:

4 (A) contains a cultural heritage museum; and

5 (B) is located in a county that borders the
6 United Mexican States and the Gulf of America [~~Gulf of Mexico~~];

7 (35) a municipality that is the county seat of a county
8 that:

9 (A) has a population of 115,000 or more;

10 (B) is adjacent to a county with a population of
11 2.1 million or more; and

12 (C) hosts an annual peach festival;

13 (36) a municipality that is the county seat of a county
14 that:

15 (A) has a population of 800,000 or more; and

16 (B) is adjacent to a county with a population of
17 four million or more;

18 (37) a municipality with a population of less than
19 10,000 that:

20 (A) contains a component university of The Texas
21 A&M University System; and

22 (B) is located in a county adjacent to a county
23 that borders Oklahoma;

24 (38) a municipality with a population of less than
25 17,000 that:

26 (A) is located in two counties, each of which has
27 a population of 900,000 or more but less than two million; and

1 (B) hosts an annual Cajun Festival;

2 (39) a municipality with a population of 13,000 or
3 more that:

4 (A) is located on an international border; and

5 (B) is located in a county:

6 (i) with a population of less than 400,000;

7 and

8 (ii) in which at least one World Birding
9 Center site is located;

10 (40) a municipality with a population of 3,200 or more
11 that:

12 (A) is located on an international border; and

13 (B) is located not more than five miles from a
14 state historic site that serves as a visitor center for a state park
15 that contains 300,000 or more acres of land;

16 (41) a municipality with a population of 36,000 or
17 more that is adjacent to at least two municipalities described by
18 Subdivision (15);

19 (42) a municipality with a population of 28,000 or
20 more that is located in a county with a population of 240,000 or
21 more that contains a portion of the Blanco River and in which is
22 located a historic railroad depot and heritage center;

23 (43) a municipality located in a county that has a
24 population of not more than 300,000 and in which a component
25 university of the University of Houston System is located;

26 (44) a municipality with a population of less than
27 500,000 that is:

1 (A) located in two counties; and

2 (B) adjacent to a municipality described by
3 Subdivision (31);

4 (45) a municipality that:

5 (A) has a population of more than 67,000; and

6 (B) is located in two counties with 90 percent of
7 the municipality's territory located in a county with a population
8 of at least 800,000, and the remaining territory located in a county
9 with a population of at least four million;

10 (46) a municipality that:

11 (A) has a population of 100,000 or more; and

12 (B) is wholly located in, but is not the county
13 seat of, a county with a population of one million or more:

14 (i) in which all or part of a municipality
15 with a population of one million or more is located; and

16 (ii) that is adjacent to a county with a
17 population of 2.5 million or more;

18 (47) a municipality that is the county seat of a county
19 bordering the Gulf of America [~~Gulf of Mexico~~] and the United
20 Mexican States;

21 (48) a municipality that is bisected by the Guadalupe
22 River and is the county seat of a county with a population of
23 170,000 or more;

24 (49) a municipality with a population of 70,000 or
25 more but less than 150,000 that borders Joe Pool Lake;

26 (50) a municipality with a population of 115,000 or
27 more that borders the Neches River;

- 1 (51) a municipality described by Section 351.101(k);
- 2 (52) a municipality that is the county seat of a
- 3 county:
- 4 (A) through which the Brazos River flows; and
- 5 (B) in which a national monument is located;
- 6 (53) a municipality with a population of 45,000 or
- 7 more that:
- 8 (A) is not the county seat of a county;
- 9 (B) is located in a single county; and
- 10 (C) contains a portion of Lake Lewisville;
- 11 (54) a municipality that is the county seat of a county
- 12 with a population of more than 900,000 that is adjacent to two
- 13 counties, each of which has a population of more than 1.8 million;
- 14 (55) a municipality that hosts an annual wine festival
- 15 and is located in three counties, each of which has a population of
- 16 more than 900,000;
- 17 (56) a municipality that has a population of at least
- 18 150,000 but less than 1,300,000 and is partially located in a county
- 19 that contains a portion of Cedar Creek Reservoir;
- 20 (57) a municipality that is located in a county that
- 21 contains a portion of Cedar Creek Reservoir and in which a private
- 22 college is located;
- 23 (58) a municipality that is the county seat of a
- 24 county:
- 25 (A) with a population of one million or more;
- 26 (B) in which all or part of a municipality with a
- 27 population of one million or more is located; and

1 (C) that is located adjacent to a county with a
2 population of 2.5 million or more;

3 (59) a municipality that is the county seat of a county
4 that contains a portion of Cedar Creek Reservoir and borders a
5 county with a population of more than 240,000;

6 (60) a municipality with a population of more than
7 80,000 but less than 150,000 that is located in a county with a
8 population of more than 369,000 but less than 864,000 that contains
9 part of an active duty United States Army installation;

10 (61) a municipality with a population of 750,000 or
11 more that is located in a county with a population of 1.5 million or
12 less;

13 (62) a municipality with a population of less than
14 7,000 that contains a country music hall of fame;

15 (63) a municipality with a population of 35,000 or
16 more that contains a railroad museum and is located in a county
17 that:

18 (A) has a population of 800,000 or more; and

19 (B) is adjacent to a county with a population of
20 four million or more; and

21 (64) a municipality:

22 (A) that is the county seat of a county:

23 (i) with a population of 60,000 or less; and

24 (ii) that borders the Rio Grande; and

25 (B) in which is located a United States military
26 fort listed in the National Register of Historic Places.

27 SECTION 17.15. Section 352.002(a), Tax Code, is amended to

1 read as follows:

2 (a) The commissioners courts of the following counties by
3 the adoption of an order or resolution may impose a tax on a person
4 who, under a lease, concession, permit, right of access, license,
5 contract, or agreement, pays for the use or possession or for the
6 right to the use or possession of a room that is in a hotel, costs \$2
7 or more each day, and is ordinarily used for sleeping:

8 (1) a county that has a population of more than 3.3
9 million;

10 (2) a county that has a population of 90,000 or more,
11 borders the United Mexican States, does not border the Gulf of
12 America [~~Gulf of Mexico~~], and does not have four or more cities that
13 each have a population of more than 25,000;

14 (3) a county in which there is no municipality;

15 (4) a county in which there is located an Indian
16 reservation under the jurisdiction of the United States government;

17 (5) a county that has a population of 30,000 or less,
18 that has no more than one municipality with a population of less
19 than 2,500, and that borders two counties located wholly in the
20 Edwards Aquifer Authority established by Chapter 626, Acts of the
21 73rd Legislature, Regular Session, 1993;

22 (6) a county that borders the Gulf of America [~~Gulf of~~
23 ~~Mexico~~];

24 (7) a county that has a population of less than 5,000,
25 that borders the United Mexican States, and in which there is
26 located a major observatory;

27 (8) a county that has a population of 12,000 or less

1 and borders the Toledo Bend Reservoir;

2 (9) a county that has a population of less than 12,500
3 and an area of less than 275 square miles and does not border a
4 county that borders Arkansas and Louisiana;

5 (10) a county that has a population of 30,000 or less
6 and borders Possum Kingdom Lake;

7 (11) a county that borders a county with a population
8 of more than 300,000 and the United Mexican States and has a
9 population of more than 300,000 and less than 900,000;

10 (12) a county that has a population of 35,000 or more
11 and borders or contains a portion of Lake Fork Reservoir;

12 (13) a county that borders the United Mexican States
13 and in which there is located a national recreation area;

14 (14) a county that borders the United Mexican States
15 and in which there is located a national park of more than 400,000
16 acres;

17 (15) a county that has a population of 28,000 or less,
18 that has no more than four municipalities, and that is located
19 wholly in the Edwards Aquifer Authority established by Chapter 626,
20 Acts of the 73rd Legislature, Regular Session, 1993;

21 (16) a county that has a population of 25,000 or less,
22 whose territory is less than 750 square miles, and that has two
23 incorporated municipalities, each with a population of 800 or less,
24 at least one of which is located on the Frio River;

25 (17) a county that has a population of 34,000 or more
26 and borders Lake Buchanan;

27 (18) a county that has a population of more than 45,000

1 and less than 75,000, that borders the United Mexican States, and
2 that borders or contains a portion of Falcon Lake;

3 (19) a county with a population of 22,000 or less that
4 borders the Neches River and in which there is located a national
5 preserve;

6 (20) a county that has a population of 28,000 or less
7 and that borders or contains a portion of Lake Livingston;

8 (21) a county through which the Pedernales River flows
9 and in which the birthplace or the childhood home of a president of
10 the United States is located;

11 (22) a county that has a population of 35,000 or less
12 and borders Lake Buchanan;

13 (23) a county with a population of less than 11,000
14 that is bordered by the Sulphur River;

15 (24) a county that has a population of 16,000 or more
16 and borders the entire north shore of Lake Somerville;

17 (25) a county that has a population of 20,000 or less
18 and that is bordered by the Brazos and Navasota Rivers;

19 (26) a county that has a population of more than 15,000
20 and less than 25,000 and is located on the Trinity and Navasota
21 Rivers;

22 (27) a county that has a population of less than 15,000
23 and that is bordered by the Trinity and Navasota Rivers;

24 (28) a county that borders or contains a portion of the
25 Neches River, the Sabine River, and Sabine Lake; and

26 (29) a county that borders Whitney Lake.

27 SECTION 17.16. Section 352.003(f), Tax Code, is amended to

1 read as follows:

2 (f) The tax rate in a county that borders the Gulf of America
3 [~~Gulf of Mexico~~], has a population of more than 200,000, and borders
4 the Neches River may not exceed two percent of the price paid for a
5 room in a hotel in the county.

6 SECTION 17.17. Section 352.1033, Tax Code, is amended to
7 read as follows:

8 Sec. 352.1033. USE OF REVENUE; COUNTIES BORDERING THE GULF
9 OF AMERICA [~~GULF OF MEXICO~~]. (a) Subject to Subsection (c), the
10 revenue from a tax imposed under this chapter by a county that
11 borders the Gulf of America [~~Gulf of Mexico~~] authorized to impose
12 the tax by Section 352.002(a)(6) may be used only to:

13 (1) clean public beaches;

14 (2) acquire, furnish, or maintain facilities,
15 including parks, that enhance public access to beaches;

16 (3) provide and maintain public restrooms on or
17 adjacent to beaches or beach access facilities;

18 (4) provide and maintain litter containers on or
19 adjacent to beaches or beach access facilities;

20 (5) create, renovate, promote, and maintain parks
21 adjacent to bays, rivers, and other navigable waterways if the
22 county does not operate a public beach on the Gulf of America [~~Gulf~~
23 ~~of Mexico~~];

24 (6) advertise and conduct solicitations and
25 promotional programs to attract tourists and convention delegates
26 or registrants to the county or its vicinity, any of which may be
27 conducted by the county or through contracts with persons or

1 organizations selected by the county;

2 (7) acquire a site for and construct, improve,
3 enlarge, equip, repair, operate, and maintain a visitor information
4 center; and

5 (8) encourage, promote, and improve historical
6 preservation and restoration efforts.

7 (b) A county that borders the Gulf of America [~~Gulf of~~
8 ~~Mexico~~] and that is authorized to impose the tax by Section
9 352.002(a)(6) may use 50 percent or less of the revenue from the tax
10 for the promotion of tourism.

11 (c) In addition to the uses allowed by Subsection (a), a
12 county authorized to impose a tax under this chapter by Section
13 352.002(a)(6) that has a population of 50,000 or less and in which
14 there is located at least one national wildlife refuge may use the
15 revenue from the tax to:

16 (1) acquire, construct, furnish, or maintain
17 facilities, such as aquariums, birding centers and viewing sites,
18 history and art centers, and nature centers and trails;

19 (2) advertise and conduct solicitations and
20 promotional programs to attract conventions and visitors; and

21 (3) provide and maintain public restrooms and litter
22 containers on public land in an area that is a tourism venue.

23 (d) The limitation prescribed by Subsection (b) does not
24 apply to the use of revenue from a tax imposed under this chapter by
25 a county to which Subsection (c) applies.

26 ARTICLE 18. UTILITIES CODE PROVISIONS

27 SECTION 18.01. Section 39.9016, Utilities Code, is amended

1 to read as follows:

2 Sec. 39.9016. NUCLEAR SAFETY FEE. An electric utility that
3 operates a nuclear asset located in a county on the coast of the
4 Gulf of America [~~Gulf of Mexico~~] shall pay a nuclear safety fee for
5 the year 2000 and the year 2001 to each taxing unit in which the
6 nuclear asset is located, other than a school district, in an amount
7 equal to the difference between the ad valorem taxes imposed by the
8 taxing unit in 1999 and the amount of ad valorem taxes imposed by
9 the unit in the year for which the fee is due, except that the amount
10 of the fee may not exceed one-half the taxes imposed on the asset by
11 the unit in 1999. The nuclear safety fee shall be considered a tax
12 or fee under Section 39.258(5).

13 ARTICLE 19. WATER CODE PROVISIONS

14 SECTION 19.01. Section 11.002(11), Water Code, is amended
15 to read as follows:

16 (11) "River basin" means a river or coastal basin
17 designated by the board as a river basin under Section 16.051. The
18 term does not include waters originating in the bays or arms of the
19 Gulf of America [~~Gulf of Mexico~~].

20 SECTION 19.02. Section 11.021(a), Water Code, is amended to
21 read as follows:

22 (a) The water of the ordinary flow, underflow, and tides of
23 every flowing river, natural stream, and lake, and of every bay or
24 arm of the Gulf of America [~~Gulf of Mexico~~], and the storm water,
25 floodwater, and rainwater of every river, natural stream, canyon,
26 ravine, depression, and watershed in the state is the property of
27 the state.

1 SECTION 19.03. Section 11.023(f), Water Code, is amended to
2 read as follows:

3 (f) The water of any arm, inlet, or bay of the Gulf of
4 America [~~Gulf of Mexico~~] may be changed from salt water to sweet or
5 fresh water and held or stored by dams, dikes, or other structures
6 and may be taken or diverted for any purpose authorized by this
7 chapter.

8 SECTION 19.04. Section 11.050(a), Water Code, is amended to
9 read as follows:

10 (a) An appropriator authorized to take water for
11 irrigation, subject to the laws of the United States and the
12 regulations made under its authority, may construct gates or
13 breakwaters, dams, or dikes with gates, in waters wholly in this
14 state, as necessary to prevent pollution of the fresh water of any
15 river, bayou, or stream due to the ebb and flow of the tides of the
16 Gulf of America [~~Gulf of Mexico~~].

17 SECTION 19.05. Section 11.0871(a), Water Code, is amended
18 to read as follows:

19 (a) The commission may authorize, under conditions stated
20 in an order, a watermaster to provide for the temporary diversion
21 and use by holders of water rights of storm water or floodwater that
22 spills from dams and reservoirs on an international stream and
23 otherwise would flow into the Gulf of America [~~Gulf of Mexico~~]
24 without opportunity for beneficial use.

25 SECTION 19.06. Sections 11.1405(a) and (b), Water Code, are
26 amended to read as follows:

27 (a) The commission may issue a permit under this section to

1 authorize a diversion of state water from the Gulf of America [~~Gulf~~
2 ~~of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of Mexico~~]
3 for desalination and use for industrial purposes if:

4 (1) the point of diversion is located less than three
5 miles seaward of any point located on the coast of this state; or

6 (2) the seawater contains a total dissolved solids
7 concentration based on a yearly average of samples taken monthly at
8 the water source of less than 20,000 milligrams per liter.

9 (b) A person may divert state water from the Gulf of America
10 [~~Gulf of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of~~
11 ~~Mexico~~] for desalination and use for industrial purposes without
12 obtaining a permit if Subsection (a) does not apply.

13 SECTION 19.07. Section 11.142(c), Water Code, is amended to
14 read as follows:

15 (c) Without obtaining a permit, a person who is drilling and
16 producing petroleum and conducting operations associated with
17 drilling and producing petroleum may take for those purposes state
18 water from the Gulf of America [~~Gulf of Mexico~~] and adjacent bays
19 and arms of the Gulf of America [~~Gulf of Mexico~~] in an amount not to
20 exceed one acre-foot during each 24-hour period.

21 SECTION 19.08. Section 11.1421(b), Water Code, is amended
22 to read as follows:

23 (b) Without obtaining a permit and subject to the
24 requirements and limitations provided by Subsections (c) through
25 (e) of this section, a person who is engaged in mariculture
26 operations on land may take for that purpose state water from the
27 Gulf of America [~~Gulf of Mexico~~] and adjacent bays and arms of the

1 Gulf of America [~~Gulf of Mexico~~] in an amount appropriate to those
2 mariculture activities.

3 SECTION 19.09. Section 11.3271(h), Water Code, is amended
4 to read as follows:

5 (h) Before granting a permit to convey water down the banks
6 and bed of the Rio Grande, the commission shall adopt rules that
7 provide for the methods and procedures by which the watermaster
8 shall account for any discharge, delivery, conveyance, storage,
9 diversion, or associated loss of water conveyed down the banks and
10 bed of the Rio Grande. A permit to convey water down the banks and
11 bed of the Rio Grande may not allow the permit holder to share in any
12 beneficial state water inflows into the Rio Grande. The permit
13 holder is entitled to convey only the amount of water specified in
14 the permit, less the carriage losses incurred in transit, as
15 described and measured according to commission rules. A rule
16 adopted by the commission under this subsection must be consistent
17 with the Treaty Relating to the Utilization of the Waters of the
18 Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from
19 Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~],
20 concluded by the United States and the United Mexican States on
21 February 3, 1944, and with any minute order adopted by the
22 International Boundary and Water Commission.

23 SECTION 19.10. Section 13.245(c-5), Water Code, is amended
24 to read as follows:

25 (c-5) Subsections (c-1), (c-2), (c-3), and (c-4) do not
26 apply to:

27 (1) a county that borders the United Mexican States

1 and the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to
2 such a county;

3 (2) a county with a population of more than 30,000 and
4 less than 36,000 that borders the Red River; or

5 (3) a county with a population of more than 100,000 and
6 less than 200,000 that borders a county described by Subdivision
7 (2).

8 SECTION 19.11. Section 13.2451(b-1), Water Code, is amended
9 to read as follows:

10 (b-1) Subsection (b) does not apply to an extension of
11 extraterritorial jurisdiction in a county that borders the United
12 Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county
13 adjacent to such a county.

14 SECTION 19.12. Section 13.254(a-9), Water Code, is amended
15 to read as follows:

16 (a-9) Subsection (a-8) does not apply to a county that
17 borders the United Mexican States and the Gulf of America [~~Gulf of
18 Mexico~~] or a county adjacent to a county that borders the United
19 Mexican States and the Gulf of America [~~Gulf of Mexico~~].

20 SECTION 19.13. Section 16.053(e), Water Code, is amended to
21 read as follows:

22 (e) Each regional water planning group shall submit to the
23 development board a regional water plan that:

24 (1) is consistent with the guidance principles for the
25 state water plan adopted by the development board under Section
26 16.051(d);

27 (2) provides information based on data provided or

1 approved by the development board in a format consistent with the
2 guidelines provided by the development board under Subsection (d);

3 (2-a) is consistent with the desired future conditions
4 adopted under Section 36.108 for the relevant aquifers located in
5 the regional water planning area as of the most recent deadline for
6 the board to adopt the state water plan under Section 16.051 or, at
7 the option of the regional water planning group, established
8 subsequent to the adoption of the most recent plan; provided,
9 however, that if no groundwater conservation district exists within
10 the area of the regional water planning group, the regional water
11 planning group shall determine the supply of groundwater for
12 regional planning purposes; the Texas Water Development Board shall
13 review and approve, prior to inclusion in the regional water plan,
14 that the groundwater supply for the regional planning group without
15 a groundwater conservation district in its area is physically
16 compatible, using the board's groundwater availability models,
17 with the desired future conditions adopted under Section 36.108 for
18 the relevant aquifers in the groundwater management area that are
19 regulated by groundwater conservation districts;

20 (3) identifies:

21 (A) each source of water supply in the regional
22 water planning area, including information supplied by the
23 executive administrator on the amount of modeled available
24 groundwater in accordance with the guidelines provided by the
25 development board under Subsections (d) and (f);

26 (B) factors specific to each source of water
27 supply to be considered in determining whether to initiate a

1 drought response;

2 (C) actions to be taken as part of the response;

3 (D) existing major water infrastructure
4 facilities that may be used for interconnections in the event of an
5 emergency shortage of water; and

6 (E) unnecessary or counterproductive variations
7 in specific drought response strategies, including outdoor
8 watering restrictions, among user groups in the regional water
9 planning area that may confuse the public or otherwise impede
10 drought response efforts;

11 (4) has specific provisions for water management
12 strategies to be used during a drought of record;

13 (5) includes but is not limited to consideration of
14 the following:

15 (A) any existing water or drought planning
16 efforts addressing all or a portion of the region and potential
17 impacts on public health, safety, or welfare in this state;

18 (B) approved groundwater conservation district
19 management plans and other plans submitted under Section [16.054](#);

20 (C) all potentially feasible water management
21 strategies, including but not limited to improved conservation,
22 reuse, and management of existing water supplies, conjunctive use,
23 acquisition of available existing water supplies, and development
24 of new water supplies;

25 (D) protection of existing water rights in the
26 region;

27 (E) opportunities for and the benefits of

1 developing regional water supply facilities or providing regional
2 management of water supply facilities;

3 (F) appropriate provision for environmental
4 water needs and for the effect of upstream development on the bays,
5 estuaries, and arms of the Gulf of America [~~Gulf of Mexico~~] and the
6 effect of plans on navigation;

7 (G) provisions in Section 11.085(k)(1) if
8 interbasin transfers are contemplated;

9 (H) voluntary transfer of water within the region
10 using, but not limited to, regional water banks, sales, leases,
11 options, subordination agreements, and financing agreements;

12 (I) emergency transfer of water under Section
13 11.139, including information on the part of each permit, certified
14 filing, or certificate of adjudication for nonmunicipal use in the
15 region that may be transferred without causing unreasonable damage
16 to the property of the nonmunicipal water rights holder; and

17 (J) opportunities for and the benefits of
18 developing large-scale desalination facilities for:

19 (i) marine seawater that serve local or
20 regional entities; and

21 (ii) brackish groundwater that serve local
22 or regional brackish groundwater production zones identified and
23 designated under Section 16.060(b)(5);

24 (6) identifies river and stream segments of unique
25 ecological value and sites of unique value for the construction of
26 reservoirs that the regional water planning group recommends for
27 protection under Section 16.051;

1 (7) assesses the impact of the plan on unique river and
2 stream segments identified in Subdivision (6) if the regional water
3 planning group or the legislature determines that a site of unique
4 ecological value exists;

5 (8) describes the impact of proposed water projects on
6 water quality;

7 (9) includes information on:

8 (A) projected water use and conservation in the
9 regional water planning area;

10 (B) the implementation of state and regional
11 water plan projects, including water conservation strategies,
12 necessary to meet the state's projected water demands; and

13 (C) the implementation of large projects,
14 including reservoirs, interstate water transfers, innovative
15 technology projects, desalination plants, and other large projects
16 as determined by the board, including information regarding:

17 (i) expenditures of sponsor money;

18 (ii) permit applications, including the
19 status of a permit application; and

20 (iii) status updates on the phase of
21 construction of a project;

22 (10) if the regional water planning area has
23 significant identified water needs, provides a specific assessment
24 of the potential for aquifer storage and recovery projects to meet
25 those needs;

26 (11) sets one or more specific goals for gallons of
27 water use per capita per day in each decade of the period covered by

1 the plan for the municipal water user groups in the regional water
2 planning area; and

3 (12) assesses the progress of the regional water
4 planning area in encouraging cooperation between water user groups
5 for the purpose of achieving economies of scale and otherwise
6 incentivizing strategies that benefit the entire region.

7 SECTION 19.14. Section 16.321, Water Code, is amended to
8 read as follows:

9 Sec. 16.321. COASTAL FLOODING. The Commissioner of the
10 General Land Office shall adopt and enforce reasonable rules and
11 regulations necessary for protection from flooding on barrier
12 islands, peninsulas, and mainland areas fronting on the Gulf of
13 America [~~Gulf of Mexico~~]. Rules and regulations adopted pursuant
14 to this section shall be limited to those matters that political
15 subdivisions are authorized to address under Section 16.315 of this
16 code. Except as otherwise provided by this section, all actions
17 taken by political subdivisions under Section 16.315 of this code
18 with respect to flooding on barrier islands, peninsulas, and
19 mainland areas fronting on the Gulf of America [~~Gulf of Mexico~~] must
20 comply with rules and regulations adopted by the commissioner under
21 this section. A political subdivision may adopt rules that are more
22 stringent than those adopted by the commissioner under this
23 section, provided the stricter provisions are intended to ensure
24 compliance with the National Flood Insurance Program's rules,
25 regulations, and policies.

26 SECTION 19.15. Section 18.001(2) Water Code, is amended to
27 read as follows:

1 (2) "Marine seawater" means water that is derived from
2 the Gulf of America [~~Gulf of Mexico~~].

3 SECTION 19.16. Section 18.003(i) Water Code, is amended to
4 read as follows:

5 (i) The Parks and Wildlife Department and the General Land
6 Office jointly shall conduct a study to identify zones in the Gulf
7 of America [~~Gulf of Mexico~~] that are appropriate for the diversion
8 of marine seawater, taking into account the need to protect marine
9 organisms. Not later than September 1, 2018, the Parks and Wildlife
10 Department and the General Land Office shall submit a report on the
11 results of the study to the commission. The report must include
12 recommended diversion zones for designation by the commission and
13 recommendations for the number of points from which, and the rate at
14 which, a facility may divert marine seawater. Not later than
15 September 1, 2020, the commission by rule shall designate
16 appropriate diversion zones. A diversion zone may be contiguous
17 to, be the same as, or overlap a discharge zone. The point or points
18 from which a facility may divert marine seawater must be located in
19 a diversion zone designated by the commission under rules adopted
20 under this subsection if:

21 (1) the facility is authorized by a permit as required
22 by Subsection (a) issued after the rules are adopted; or

23 (2) the facility is exempt under Subsection (b) from
24 the requirement of a permit and construction of the facility begins
25 after the rules are adopted.

26 SECTION 19.17. Sections 18.005(c), (d), and (g), Water
27 Code, are amended to read as follows:

1 (c) A person must obtain a permit to discharge:

2 (1) treated marine seawater into a natural stream in
3 this state or a lake, reservoir, or other impoundment in this state;
4 or

5 (2) waste resulting from the desalination of treated
6 marine seawater into the Gulf of America [~~Gulf of Mexico~~].

7 (d) A person shall:

8 (1) treat marine seawater so as to meet standards that
9 are at least as stringent as the water quality standards adopted by
10 the commission applicable to the receiving stream or impoundment
11 before discharging the seawater under this section; and

12 (2) comply with all applicable state and federal
13 requirements when discharging waste resulting from the
14 desalination of marine seawater into the Gulf of America [~~Gulf of~~
15 ~~Mexico~~].

16 (g) The Parks and Wildlife Department and the General Land
17 Office jointly shall conduct a study to identify zones in the Gulf
18 of America [~~Gulf of Mexico~~] that are appropriate for the discharge
19 of waste resulting from the desalination of marine seawater, taking
20 into account the need to protect marine organisms. Not later than
21 September 1, 2018, the Parks and Wildlife Department and the
22 General Land Office shall submit a report on the results of the
23 study to the commission. The report must include recommended
24 discharge zones for designation by the commission. Not later than
25 September 1, 2020, the commission by rule shall designate
26 appropriate discharge zones. The point at which a facility may
27 discharge waste resulting from the desalination of marine seawater

1 must be located in a discharge zone designated by the commission
2 under rules adopted under this subsection if the facility is
3 authorized by a permit issued under Subsection (c)(2) after the
4 rules are adopted.

5 SECTION 19.18. Section 26.001(5), Water Code, is amended to
6 read as follows:

7 (5) "Water" or "water in the state" means groundwater,
8 percolating or otherwise, lakes, bays, ponds, impounding
9 reservoirs, springs, rivers, streams, creeks, estuaries, wetlands,
10 marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~],
11 inside the territorial limits of the state, and all other bodies of
12 surface water, natural or artificial, inland or coastal, fresh or
13 salt, navigable or nonnavigable, and including the beds and banks
14 of all watercourses and bodies of surface water, that are wholly or
15 partially inside or bordering the state or inside the jurisdiction
16 of the state.

17 SECTION 19.19. Sections 26.0272(b) and (c), Water Code, are
18 amended to read as follows:

19 (b) The commission may issue a permit for the discharge of
20 water treatment residuals from the desalination of seawater into
21 the portion of the Gulf of America [~~Gulf of Mexico~~] inside the
22 territorial limits of the state.

23 (c) Before issuing a permit under this section, the
24 commission must evaluate the discharge of water treatment residuals
25 from the desalination of seawater into the Gulf of America [~~Gulf of~~
26 ~~Mexico~~] for compliance with the state water quality standards
27 adopted by the commission, the requirements of the Texas Pollutant

1 Discharge Elimination System program, and applicable federal law.

2 SECTION 19.20. Section 26.044(a)(4), Water Code, is amended
3 to read as follows:

4 (4) "Surface water in the state" means all lakes,
5 bays, ponds, impounding reservoirs, springs, rivers, streams,
6 creeks, estuaries, marshes, inlets, canals, the Gulf of America
7 [~~Gulf of Mexico~~] out three nautical miles into the Gulf, and all
8 other bodies of surface water, natural or artificial, inland or
9 coastal, fresh or salt, navigable or nonnavigable, and including
10 the beds and banks of all watercourses and bodies of surface water,
11 that are wholly or partially inside or bordering the state or inside
12 the jurisdiction of the state, except waters beyond three nautical
13 miles of any shore in the state.

14 SECTION 19.21. Section 27.040, Water Code, is amended to
15 read as follows:

16 Sec. 27.040. DEFINITION. In this subchapter, "offshore"
17 means the area in the Gulf of America [~~Gulf of Mexico~~] seaward of
18 the coast that is within three marine leagues of the coast.

19 SECTION 19.22. Section 28.001(4), Water Code, is amended to
20 read as follows:

21 (4) "Water" or "water in the state" means groundwater,
22 percolating or otherwise, lakes, bays, ponds, impounding
23 reservoirs, springs, rivers, streams, creeks, estuaries, marshes,
24 inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the
25 territorial limits of the state, and all other bodies of natural and
26 artificial surface water that is inland or coastal, fresh or salt,
27 and navigable or nonnavigable, and includes the beds and banks of

1 all watercourses and bodies of surface water, that are wholly or
2 partially inside or bordering the state or inside the jurisdiction
3 of the state.

4 SECTION 19.23. Section 31.001(11), Water Code, is amended
5 to read as follows:

6 (11) "Water" or "water in the state" means
7 groundwater, percolating or otherwise, lakes, bays, ponds,
8 impounding reservoirs, springs, rivers, streams, creeks,
9 estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of~~
10 ~~Mexico~~] inside the territorial limits of the state, and all other
11 bodies of natural and artificial surface water that are inland or
12 coastal, fresh or salt, and navigable or nonnavigable and includes
13 the beds and banks of all watercourses and bodies of surface water
14 that are wholly or partially inside or bordering the state or inside
15 the jurisdiction of the state.

16 SECTION 19.24. Section 36.001(23), Water Code, is amended
17 to read as follows:

18 (23) "River basin" means a river or coastal basin
19 designated as a river basin by the board under Section 16.051. The
20 term does not include waters of the bays or arms originating in the
21 Gulf of America [~~Gulf of Mexico~~].

22 SECTION 19.25. Section 49.2127(b), Water Code, is amended
23 to read as follows:

24 (b) This section applies only to a district whose territory
25 is located wholly or partly in a county:

26 (1) located on the Gulf of America [~~Gulf of Mexico~~] and
27 an international border; or

1 (2) adjacent to a county described by Subdivision (1).

2 SECTION 19.26. Section 49.502, Water Code, is amended to
3 read as follows:

4 Sec. 49.502. APPLICABILITY. This subchapter applies only
5 to a district, other than a drainage district, located wholly or
6 partly in a county:

7 (1) that borders the Gulf of America [~~Gulf of Mexico~~]
8 and the United Mexican States; or

9 (2) that is adjacent to a county described by
10 Subdivision (1).

11 SECTION 19.27. Section 54.235, Water Code, is amended to
12 read as follows:

13 Sec. 54.235. AUTHORITY TO CONTRACT. Any district created
14 by general law or special act of the legislature in existence for at
15 least 10 years which lies within a county that borders on the Gulf
16 of America [~~Gulf of Mexico~~] and that has a population of 190,000 and
17 which has the powers of this chapter and which also has or is
18 authorized to acquire road utility district powers pursuant to
19 Section 54.234, of this code, may contract with the county within
20 which it is located with respect to the ownership, maintenance, and
21 operation of any facilities or improvements which such district is
22 authorized or may be authorized to acquire by purchase, gift,
23 lease, or otherwise, except by condemnation, any and all property
24 or interests in property, whether real, personal, or mixed,
25 tangible or intangible, located inside or outside such county, that
26 are found to be necessary for such improvements or facilities. Such
27 county may enter into contracts with such districts as permitted by

1 this section for any term of years not exceeding 40 for the
2 management and operation of any or all of such property and
3 interests in property on such terms as the commissioners court of
4 such county deems appropriate.

5 SECTION 19.28. Section 60.039(c), Water Code, is amended to
6 read as follows:

7 (c) This subsection applies only to a district that operates
8 a port in this state that is wholly located in a county that borders
9 the Gulf of America [~~Gulf of Mexico~~] and that is adjacent to a
10 county that contains an international border and borders the Gulf
11 of America [~~Gulf of Mexico~~]. The district may lease the surface of
12 land for not more than 99 years or may extend a lease to a period not
13 to exceed 99 years only if:

14 (1) the lease conveys an interest in the surface of the
15 land for residential purposes only;

16 (2) at the time the lease will be entered into or
17 extended, the district has not less than 50 leases in effect that
18 convey an interest in the land surface for residential purposes
19 only; and

20 (3) any part of the land owned by the district is
21 subdivided into lots intended for residential use.

22 SECTION 19.29. Section 61.151(a), Water Code, is amended to
23 read as follows:

24 (a) A district created for the development of deep-water
25 navigation which includes a city with a population of more than
26 100,000, according to the last preceding federal census, may
27 operate and develop ports and waterways inside the district and

1 extending to the Gulf of America [~~Gulf of Mexico~~].

2 SECTION 19.30. Section 63.156(a), Water Code, is amended to
3 read as follows:

4 (a) The district may exercise the power of eminent domain to
5 condemn and acquire the right-of-way over and through any public or
6 private land necessary to improve any river, bay, creek, or arm of
7 the Gulf of America [~~Gulf of Mexico~~] for the construction and
8 maintenance of any canal or waterway and for any other purpose
9 authorized by this chapter.

10 SECTION 19.31. Section 63.157, Water Code, is amended to
11 read as follows:

12 Sec. 63.157. AUTHORITY OVER IMPROVEMENTS. A district may
13 acquire, purchase, take over, construct, maintain, operate,
14 develop, and regulate wharves, docks, warehouses, grain elevators,
15 bunkering facilities, belt railroads, floating plants, literage,
16 lands, towing facilities, and all other facilities or aids incident
17 to or necessary to the operation or development of ports or
18 waterways inside the district extending to the Gulf of America
19 [~~Gulf of Mexico~~].

20 ARTICLE 20. EFFECTIVE DATE

21 SECTION 20.01. This Act takes effect immediately if it
22 receives a vote of two-thirds of all members elected to each house,
23 as provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect on September 1, 2025.