

By: Middleton

S.B. No. 1717

A BILL TO BE ENTITLED

1 AN ACT  
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14 inaccurate and outdated.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.

27 ARTICLE 3. ALCOHOLIC BEVERAGE CODE PROVISIONS

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

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

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

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

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

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

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

10 ARTICLE 4. CIVIL PRACTICE AND REMEDIES CODE PROVISIONS

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

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

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

24 (a) In a dispute between the State of Texas and an upland  
25 owner of property fronting on the Gulf of America [~~Gulf of Mexico~~]  
26 and the arms of the Gulf of America [~~Gulf of Mexico~~] within the  
27 boundaries of the State of Texas, the maps, surveys, and property

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

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

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

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

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

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

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

23 SECTION 4.03. Section 78.052 Civil Practice and Remedies  
24 Code, is amended to read as follows:

25 Sec. 78.052. APPLICABILITY OF SUBCHAPTER: MARINE FIRE  
26 EMERGENCY. This subchapter applies only to damages for personal  
27 injury, death, or property damage arising from an error or omission

1 of:

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

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

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

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

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

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

17 ARTICLE 5. VERNON'S CIVIL STATUTES PROVISIONS

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

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

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

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

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

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

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

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

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

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

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



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

7 ARTICLE 6. EDUCATION CODE PROVISIONS

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

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

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

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

22 ARTICLE 7. FAMILY CODE PROVISIONS

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

25 (a) This section applies only to a county:  
26 (1) with a population of less than 500,000;  
27 (2) that is contiguous to the Gulf of America [~~Gulf of~~

1 ~~Mexico~~] or a bay or inlet opening into the gulf and that borders the  
2 United Mexican States; or

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

5 ARTICLE 8. GOVERNMENT CODE PROVISIONS

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

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

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

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

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

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

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

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

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

21 (i) is adjacent to an international border;

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

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

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

27 (A) one member who resides in a rural area;

1 (B) one member to represent the health and  
2 telemedicine industry; and

3 (C) one member to represent the public higher  
4 education community;

5 (4) the comptroller or the comptroller's designee; and

6 (5) one nonvoting member appointed by the broadband  
7 development office to represent the office.

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

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

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

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

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

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

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

1 and

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

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

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

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

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

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

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

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

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

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

26 (ii) is located on an international border;

27 or

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

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

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

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

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

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

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

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

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

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

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

26 (2) own, purchase, construct, repair, maintain,  
27 operate, or lease:

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

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

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

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

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

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

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

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

26 Sec. 1505.201. APPLICABILITY OF SUBCHAPTER. This  
27 subchapter applies only to a municipality that:

1 (1) has a population of less than 12,000; and

2 (2) is located on the Gulf of America [~~Gulf of Mexico~~]  
3 or a channel, canal, bay, or inlet connected with that gulf.

4 SECTION 8.12. Section 1506.101, Government Code, is amended  
5 to read as follows:

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

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

11 (2) has a population of:

12 (A) more than 53,000 and less than 84,000; or

13 (B) more than 115,000 and less than 160,000.

14 SECTION 8.13. Section 2204.301, Government Code, is amended  
15 to read as follows:

16 Sec. 2204.301. GRANT TO UNITED STATES. The governor may  
17 grant to the United States in accordance with this subchapter those  
18 portions of the beds and banks of the Pecos and Devils rivers in Val  
19 Verde County and of the Rio Grande in Brewster, Cameron, Hidalgo,  
20 Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell,  
21 Val Verde, Webb, and Zapata counties:

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

23 (2) that may be necessary or expedient in the  
24 construction and use of the storage and flood control dams and their  
25 resultant reservoirs, diversion works, and appurtenances provided  
26 for in the Treaty Relating to the Utilization of the Waters of the  
27 Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from

1 Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~],  
2 concluded by the United States and the United Mexican States on  
3 February 3, 1944.

4 ARTICLE 9. HEALTH AND SAFETY CODE PROVISIONS

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

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

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

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

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

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

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

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

22 (2) 500 feet or less from any water well or surface  
23 water.

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

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



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

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

7           (3) prior to final consideration of the application by  
8 the commission, the commissioners of the county in which the  
9 facility is located have adopted a resolution recommending denial  
10 of the application.

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

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

18           (c) This section applies only to a county park located in a  
19 county that has the Gulf of America [~~Gulf of Mexico~~] as one  
20 boundary, but does not apply to a beach located in that park.

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

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

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

27                   (A) review and approval of on-site sewage

1 disposal systems; and

2 (B) temporary waiver of a permit for an emergency  
3 repair; and

4 (2) adopt rules under this chapter that:

5 (A) encourage the use of economically feasible  
6 alternative techniques and technologies for on-site sewage  
7 disposal systems that can be used in soils not suitable for  
8 conventional on-site sewage disposal;

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

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

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

19 (i) the owner of the system; or

20 (ii) a person described by Section  
21 366.071(a) or (b);

22 (E) for a county with a population of at least  
23 350,000 and not more than 370,000 that is adjacent to the Gulf of  
24 America [~~Gulf of Mexico~~] and adjacent to a county with a population  
25 of at least 3.3 million, allow for the installation of aerobic drip  
26 emitter systems on subdivided or platted properties less than  
27 one-half acre in size serving single-family residences supplied by

1 a public drinking water system if site-specific planning materials  
2 have been:

3 (i) submitted by a licensed engineer or  
4 registered sanitarian; and

5 (ii) approved by the appropriate authorized  
6 agent; and

7 (F) for a county with a population of more than  
8 40,000 and less than 50,000 that borders the Red River along the  
9 Oklahoma state line and has a major interstate road running through  
10 it, allow for the installation of aerobic drip emitter systems on  
11 subdivided or platted properties less than one-half acre in size,  
12 serving single-family residences supplied by a public drinking  
13 water system if site-specific planning materials have been:

14 (i) submitted by a licensed engineer or  
15 registered sanitarian; and

16 (ii) approved by the appropriate authorized  
17 agent.

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

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

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

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

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

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

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

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

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

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

11 ARTICLE 10. LOCAL GOVERNMENT CODE PROVISIONS

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

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

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

16 (2) territory located:

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

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

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

22 (a) Notwithstanding Section 42.021, and except as provided  
23 by Subsection (d), the extraterritorial jurisdiction of a  
24 municipality with a population of more than 175,000 located in a  
25 county that contains an international border and borders the Gulf  
26 of America [~~Gulf of Mexico~~] terminates two miles from the  
27 extraterritorial jurisdiction of a neighboring municipality if

1 extension of the extraterritorial jurisdiction beyond that limit  
2 would:

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

5 (2) limit the growth of the neighboring municipality  
6 by precluding the expansion of the neighboring municipality's  
7 extraterritorial jurisdiction.

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

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

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

19 (n) This subsection applies only to a municipality any  
20 portion of which is located in a county that has a population of not  
21 less than 315,000 and not more than 351,000 and that borders the  
22 Gulf of America [~~Gulf of Mexico~~] and is adjacent to a county with a  
23 population of more than 3.3 million. A municipality may impose  
24 within the boundaries of a district a municipal sales and use tax  
25 authorized by Chapter 321, Tax Code, or a municipal hotel occupancy  
26 tax authorized by Chapter 351, Tax Code, that is imposed in the  
27 municipality if:

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

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

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

8 Sec. 43.082. ANNEXATION BY CERTAIN MUNICIPALITIES OF LAND  
9 OWNED BY NAVIGATION DISTRICT. A municipality with a population of  
10 less than 30,000, that is in a county that borders the Gulf of  
11 America [~~Gulf of Mexico~~] and that is adjacent to a county with a  
12 population of one million or more, and that seeks to annex land  
13 owned by a navigation district operating under Section 59, Article  
14 XVI, Texas Constitution, must have the consent of the district to  
15 annex the land.

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

18 (a) Land on an island bordering the Gulf of America [~~Gulf of~~  
19 ~~Mexico~~] that is not accessible by a public road or common carrier  
20 ferry facility may not be annexed by a municipality without the  
21 consent of the owners of the land.

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

24 (e) The sheriff of a county that borders the Gulf of America  
25 [~~Gulf of Mexico~~] may organize some of the reserve deputies to serve  
26 as marine reserve deputies and lifeguards for beach and water  
27 safety purposes and other related functions as the sheriff may

1 determine. A reserve deputy performing functions under this  
2 subsection is subject to the laws of this state that relate to  
3 reserve deputies except that they may not carry firearms in the  
4 performance of their duties.

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

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

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

14 (d) The amount of the compensation and allowances of a  
15 county auditor in a county subject to this subsection may be set in  
16 an amount that exceeds the limit established by Subsection (a) if  
17 the compensation and allowances are approved by the commissioners  
18 court of the county. This subsection applies only to:

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

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

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

25 (4) a county that:

26 (A) borders a county with a population of more  
27 than one million; and

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

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

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

11 (1) order the owner of the structure, the owner's  
12 agent, or the owner or occupant of the property on which the  
13 structure is located to repair, remove, or demolish the structure  
14 or the part of the structure within a specified time; or

15 (2) repair, remove, or demolish the structure or the  
16 part of the structure at the expense of the county on behalf of the  
17 owner of the structure or the owner of the property on which the  
18 structure is located and assess the repair, removal, or demolition  
19 expenses on the property on which the structure was located.

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

22 (b) A county bordering on the Gulf of America [~~Gulf of~~  
23 ~~Mexico~~] or on the tidewater limits of the gulf may determine the  
24 boundaries of any flood-prone area of the county. The suitability  
25 of that determination is conclusively established when the  
26 commissioners court of the county adopts a resolution finding that  
27 the area is a flood-prone area.



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

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

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

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

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

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

19          (a) This section applies only to a county located on an  
20 international border and adjacent to the Gulf of America [~~Gulf of~~  
21 ~~Mexico~~].

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

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

26               (1) is owned by a home-rule municipality with a  
27 population of less than 80,000 and that is located in a county

1 bordering the Gulf of America [~~Gulf of Mexico~~];

2 (2) is one acre or less;

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

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

6 (5) is conveyed pursuant to a resolution or an  
7 ordinance that:

8 (A) is adopted under this section;

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

12 (C) has an effective date before December 31,  
13 1995.

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

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

19 SECTION 10.17. Section 306.032(a), Local Government Code,  
20 is amended to read as follows:

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

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

26 Sec. 307.001. ELIGIBLE MUNICIPALITIES. A municipality that  
27 borders on the Gulf of America [~~Gulf of Mexico~~] and has a population

1 of 50,000 or more may use and occupy for park purposes gulf  
2 tidelands and adjacent water as provided by this chapter.

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

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

7 (1) the tidelands between:

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

10 (B) extensions into the gulf, not more than 1,000  
11 feet apart, of property lines of property that is above and fronting  
12 the tidelands and is owned or acquired by the municipality for park  
13 purposes or in or to which the municipality has or may acquire  
14 easements or other rights or privileges authorizing the  
15 municipality to use or occupy the property for park purposes; and

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

19 SECTION 10.20. Section 307.021(c), Local Government Code,  
20 is amended to read as follows:

21 (c) The pier may not:

22 (1) extend into the gulf for a distance of more than  
23 2,000 feet from the line of ordinary high tide;

24 (2) extend into any part of a channel deepened or  
25 improved for commercial navigation or between the shoreline and any  
26 such channel; or

27 (3) extend into any arm, inlet, bay, or body of water

1 other than the main body of the Gulf of America [~~Gulf of Mexico~~].

2 SECTION 10.21. Section 321.001(a), Local Government Code,  
3 is amended to read as follows:

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

9 SECTION 10.22. Section 321.101, Local Government Code, is  
10 amended to read as follows:

11 Sec. 321.101. APPLICABILITY. Notwithstanding Section  
12 321.001, this subchapter applies only to:

- 13 (1) a county described by Section 321.001; and  
14 (2) a county that borders on the Gulf of America [~~Gulf~~  
15 ~~of Mexico~~] and has within its boundaries a beach that:  
16 (A) is wholly or partly operated by the county as  
17 a park; or  
18 (B) is otherwise controlled or maintained by the  
19 county.

20 SECTION 10.23. Section 351.081, Local Government Code, is  
21 amended to read as follows:

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

26 SECTION 10.24. Section 351.083, Local Government Code, is  
27 amended to read as follows:

1           Sec. 351.083. LAW ENFORCEMENT SERVICES IN COUNTY PARKS.

2 The department shall provide law enforcement services within the  
3 county parks of the county and, in a county that borders the Gulf of  
4 America [~~Gulf of Mexico~~], in the unincorporated areas of the county  
5 that are located on an island or isthmus.

6           SECTION 10.25. Section 351.084(b), Local Government Code,  
7 is amended to read as follows:

8           (b) The county park rangers have the same law enforcement  
9 authority that is given by law to deputy sheriffs except that the  
10 law enforcement jurisdiction of rangers is limited to the county  
11 parks of the county and, in a county that borders the Gulf of  
12 America [~~Gulf of Mexico~~], to the unincorporated areas of the county  
13 that are located on an island or isthmus.

14           SECTION 10.26. Section 375.182, Local Government Code, is  
15 amended to read as follows:

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

21           SECTION 10.27. Section 382.002, Local Government Code, is  
22 amended to read as follows:

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

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

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

1 (B) has two municipalities located wholly or  
2 partly in its boundaries each having a population of 225,000 or  
3 more; or

4 (2) a county with a population of 70,000 or more that  
5 is adjacent to a county described by Subdivision (1) in which a  
6 municipality with a population of 90,000 or more is primarily  
7 situated and includes all or a part of the extraterritorial  
8 jurisdiction of a municipality with a population of 1.1 million or  
9 more.

10 SECTION 10.28. Section 501.103, Local Government Code, is  
11 amended to read as follows:

12 Sec. 501.103. CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS.  
13 In this subtitle, "project" includes expenditures that are found by  
14 the board of directors to be required or suitable for  
15 infrastructure necessary to promote or develop new or expanded  
16 business enterprises, limited to:

17 (1) streets and roads, rail spurs, water and sewer  
18 utilities, electric utilities, or gas utilities, drainage, site  
19 improvements, and related improvements;

20 (2) telecommunications and Internet improvements; or

21 (3) beach remediation along the Gulf of America [~~Gulf~~  
22 ~~of Mexico~~].

23 SECTION 10.29. Section 501.163(a), Local Government Code,  
24 is amended to read as follows:

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

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

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

2 (A) the Gulf of America [~~Gulf of Mexico~~] or the  
3 Gulf Intracoastal Waterway; or

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

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

10 SECTION 10.30. Section 561.007(a), Local Government Code,  
11 is amended to read as follows:

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

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

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

18 SECTION 10.31. Section 561.008(a), Local Government Code,  
19 is amended to read as follows:

20 (a) The commissioners court of a county that borders the  
21 Gulf of America [~~Gulf of Mexico~~], other than Jefferson, Kenedy,  
22 Kleberg, Nueces, Orange, or Willacy County, may:

23 (1) construct breakwaters;

24 (2) issue bonds, time warrants, or certificates of  
25 indebtedness of the county to pay for the construction; and

26 (3) impose ad valorem taxes to pay the bonds,  
27 warrants, or certificates.

1 SECTION 10.32. Section 571.001, Local Government Code, is  
2 amended to read as follows:

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

6 ARTICLE 11. NATURAL RESOURCES CODE PROVISIONS

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

9 (a) The commissioner shall:

10 (1) have the area between the coastline of the Gulf of  
11 America [~~Gulf of Mexico~~] and the Three Marine League line compiled  
12 and platted; and

13 (2) locate and set the boundary lines between the  
14 coastal counties from the coastline to the Three Marine League  
15 line.

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

18 (b) The State of Texas has full sovereignty over the water,  
19 the beds and shores, and the arms of the Gulf of America [~~Gulf of~~  
20 ~~Mexico~~] within its boundaries as provided in Subsection (a) of this  
21 section, subject only to the right of the United States to regulate  
22 foreign and interstate commerce under Article I, Section 8 of the  
23 United States Constitution, and the power of the United States over  
24 admiralty and maritime jurisdiction under Article III, Section 2 of  
25 the United States Constitution.

26 (c) The State of Texas owns the water and the beds and shores  
27 of the Gulf of America [~~Gulf of Mexico~~] and the arms of the Gulf of



1 America [~~Gulf of Mexico~~] within the boundaries provided in this  
2 section, including all land which is covered by the Gulf of America  
3 [~~Gulf of Mexico~~] and the arms of the Gulf of America [~~Gulf of~~  
4 ~~Mexico~~] either at low tide or high tide.

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

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

11 (c) The gulfward boundaries of any city, town, or village  
12 created and operating under the general laws of the State of Texas  
13 shall not be established or extended by incorporation or annexation  
14 more than 5,280 feet gulfward beyond the coastline. The governing  
15 body of such a city, town, or village may, by ordinance, extend the  
16 municipal boundaries up to 5,280 feet gulfward. Any inclusion of  
17 territory in any such city, town, or village more than 5,280 feet  
18 gulfward beyond the coastline is void. The term "coastline" as used  
19 in this subsection means the line of mean low tide along that  
20 portion of the coast which is in direct contact with the open Gulf  
21 of America [~~Gulf of Mexico~~]. The term "city, town, or village  
22 created and operating under the general laws of the State of Texas"  
23 shall not include any city operating under a home-rule charter.

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

26 (a) In addition to land and minerals granted to the  
27 permanent school fund under the constitution and other laws of this

1 state, the permanent school fund shall include:

- 2 (1) the mineral estate in river beds and channels;
- 3 (2) the mineral estate in areas within tidewater  
4 limits, including islands, lakes, bays, and the bed of the sea which  
5 belong to the state; and
- 6 (3) the arms and the beds and shores of the Gulf of  
7 America [~~Gulf of Mexico~~] within the boundary of Texas.

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

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

- 12 (1) unsold public school land;
- 13 (2) the portion of the Gulf of America [~~Gulf of Mexico~~]  
14 within the jurisdiction of the state; and
- 15 (3) islands, saltwater lakes, bays, inlets, marshes,  
16 and reefs owned by the state within tidewater limits.

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

19 (2) "Qualifying Gulf of America [~~Gulf of Mexico~~]  
20 property" means land described in Section 52.011(2) that is subject  
21 to a lease issued under Subchapter B, Chapter 52.

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

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

27 (B) underlies:

1 (i) a qualifying Gulf of America [~~Gulf of~~  
2 ~~Mexico~~] property; or

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

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

7 (5) "Coastal area" means the geographic area  
8 comprising all the counties in Texas which have any tidewater  
9 shoreline, including that portion of the bed and water of the Gulf  
10 of America [~~Gulf of Mexico~~] within the jurisdiction of the State of  
11 Texas.

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

20 SECTION 11.08. Sections 33.203(1), (6), (11), (15), and  
21 (18), Natural Resources Code, are amended to read as follows:

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

- 23 (A) coastal barriers;
- 24 (B) coastal historic areas;
- 25 (C) coastal preserves;
- 26 (D) coastal shore areas;
- 27 (E) coastal wetlands;

- 1 (F) critical dune areas;
- 2 (G) critical erosion areas;
- 3 (H) gulf beaches;
- 4 (I) hard substrate reefs;
- 5 (J) oyster reefs;
- 6 (K) submerged land;
- 7 (L) special hazard areas;
- 8 (M) submerged aquatic vegetation;
- 9 (N) tidal sand or mud flats;
- 10 (O) water of the open Gulf of America [~~Gulf of~~  
11 ~~Mexico~~]; and
- 12 (P) water under tidal influence.

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

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

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

20 (B) part of a contiguous beach area to which the  
21 public has a right of use or easement:

- 22 (i) continuously held by the public; or
- 23 (ii) acquired by the public by  
24 prescription, dedication, or estoppel.

25 (15) "Submerged land" means land located under waters  
26 under tidal influence or under waters of the open Gulf of America  
27 [~~Gulf of Mexico~~], without regard to whether the land is owned by the

1 state or a person other than the state.

2 (18) "Water of the open Gulf of America [~~Gulf of~~  
3 ~~Mexico~~]" means water in this state, as defined by Section  
4 26.001(5), Water Code, that is part of the open water of the Gulf of  
5 America [~~Gulf of Mexico~~] and that is within the territorial limits  
6 of the state.

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

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

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

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

20 SECTION 11.11. Section 33.613(a), Natural Resources Code,  
21 is amended to read as follows:

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

26 (1) the commissioner determines that the pass causes  
27 or contributes to significant erosion of the shoreline of the

1 adjacent beach;

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

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

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

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

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

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

14 (1) be sponsored by a coastal county;

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

19 (3) be accessible by public roads or a common carrier  
20 ferry;

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

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

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

1           (2) "Coastal waters" means the waters and bed of the  
2 Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of the  
3 State of Texas, including the arms of the Gulf of America [~~Gulf of~~  
4 ~~Mexico~~] subject to tidal influence, and any other waters contiguous  
5 thereto that are navigable by vessels with a capacity to carry  
6 10,000 gallons or more of oil as fuel or cargo.

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

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

17           (1) telephone, telegraph, electric transmission, and  
18 power lines;

19           (2) oil pipelines, including pipelines connecting the  
20 onshore storage facilities with the offshore facilities of a  
21 deepwater port, as defined by the federal Deepwater Port Act of 1974  
22 (33 U.S.C.A. Section 1501 et seq.), gas pipelines, sulphur  
23 pipelines, and other electric lines and pipelines of any nature;

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

25           (4) roads; and

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

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

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

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

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

10 (3) all unsold surveyed and unsurveyed public school  
11 land; and

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

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

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

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

27 (4) "Areas within tidewater limits" means islands,



1 saltwater lakes, bays, inlets, marshes, and reefs within tidewater  
2 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]  
3 within the jurisdiction of Texas.

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

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

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

20 (a) Under the provisions of this subchapter, the board may  
21 lease to any person for the production of coal, lignite, sulphur,  
22 salt, and potash:

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

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

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

1           (4) all unsold surveyed and unsurveyed public school  
2 land; and

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

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

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

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

18           (7) "Areas within tidewater limits" means islands,  
19 saltwater lakes, bays, inlets, marshes, and reefs within tidewater  
20 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]  
21 within the jurisdiction of Texas.

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

24           (8) "Public beach" means any beach area, whether  
25 publicly or privately owned, extending inland from the line of mean  
26 low tide to the line of vegetation bordering on the Gulf of America  
27 [~~Gulf of Mexico~~] to which the public has acquired the right of use

1 or easement to or over the area by prescription, dedication,  
2 presumption, or has retained a right by virtue of continuous right  
3 in the public since time immemorial, as recognized in law and  
4 custom. This definition does not include a beach that is not  
5 accessible by a public road or public ferry as provided in Section  
6 61.021 of this code.

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

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

20 SECTION 11.25. Section 61.012, Natural Resources Code, is  
21 amended to read as follows:

22 Sec. 61.012. DEFINITION. In this subchapter, "beach" means  
23 state-owned beaches to which the public has the right of ingress and  
24 egress bordering on the seaward shore of the Gulf of America [~~Gulf~~  
25 ~~of Mexico~~] or any larger area extending from the line of mean low  
26 tide to the line of vegetation bordering on the Gulf of America  
27 [~~Gulf of Mexico~~] if the public has acquired a right of use or

1 easement to or over the area by prescription, dedication, or has  
2 retained a right by virtue of continuous right in the public.

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

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

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

18 (a) As used in this section, "public beach" means the area  
19 extending from the line of mean low tide of the Gulf of America  
20 [~~Gulf of Mexico~~] to the line of vegetation bordering on the Gulf of  
21 America [~~Gulf of Mexico~~], or to a line 200 feet inland from the line  
22 of mean low tide, whichever is nearer the line of mean low tide, if  
23 the public has acquired a right of use or easement to or over the  
24 area by prescription, dedication, or has retained a right by virtue  
25 of continuous right in the public.

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

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

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

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

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

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

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

18 (a) The provisions of this subchapter do not prevent any of  
19 the following governmental entities from erecting or maintaining  
20 any groin, seawall, barrier, pass, channel, jetty, or other  
21 structure as an aid to navigation, protection of the shore,  
22 fishing, safety, or other lawful purpose authorized by the  
23 constitution or laws of this state or the United States:

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

26 (2) an agency, department, institution, or  
27 instrumentality of this state;

- 1           (3) a county;
- 2           (4) a municipality;
- 3           (5) a subdivision of this state, other than a county or  
4 municipality, acting in partnership with the county or municipality  
5 in which the structure is located; or
- 6           (6) a subdivision of this state, acting with the  
7 approval of the commissioner, if the structure is a shore  
8 protection structure that:
- 9                 (A) is designed to protect public  
10 infrastructure, including a state or county highway or bridge;
- 11                 (B) is located on land that:
- 12                         (i) is state-owned submerged land or was  
13 acquired for the project by a subdivision of this state; and
- 14                         (ii) is located in or adjacent to the mouth  
15 of a natural inlet from the Gulf of America [~~Gulf of Mexico~~]; and
- 16                 (C) extends at least 1,000 feet along the  
17 shoreline.

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

20           Sec. 61.023. EFFECT ON LAND TITLES AND PROPERTY ADJACENT TO  
21 AND ON BEACHES. The provisions of this subchapter shall not be  
22 construed as affecting in any way the title of the owners of land  
23 adjacent to any state-owned beach bordering on the seaward shore of  
24 the Gulf of America [~~Gulf of Mexico~~] or to the continuation of  
25 fences for the retention of livestock across sections of beach  
26 which are not accessible to motor vehicle traffic by public road or  
27 by beach.

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

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

12 CONCERNING THE PROPERTY AT \_\_\_\_\_

13 DISCLOSURE NOTICE CONCERNING LEGAL AND ECONOMIC RISKS

14 OF PURCHASING COASTAL REAL PROPERTY NEAR A BEACH

15 WARNING: THE FOLLOWING NOTICE OF POTENTIAL RISKS OF ECONOMIC  
16 LOSS TO YOU AS THE PURCHASER OF COASTAL REAL PROPERTY IS REQUIRED BY  
17 STATE LAW.

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

20 ● BY PURCHASING THIS PROPERTY, YOU MAY BE ASSUMING ECONOMIC  
21 RISKS OVER AND ABOVE THE RISKS INVOLVED IN PURCHASING INLAND REAL  
22 PROPERTY.

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

26 ● AS THE OWNER OF A STRUCTURE LOCATED ON THE PUBLIC BEACH,  
27 YOU COULD BE SUED BY THE STATE OF TEXAS AND ORDERED TO REMOVE THE

1 STRUCTURE.

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

5           The real property described in this contract is located  
6 seaward of the Gulf Intracoastal Waterway to its southernmost point  
7 and then seaward of the longitudinal line also known as 97 degrees,  
8 12', 19" which runs southerly to the international boundary from  
9 the intersection of the centerline of the Gulf Intracoastal  
10 Waterway and the Brownsville Ship Channel. If the property is in  
11 close proximity to a beach fronting the Gulf of America [~~Gulf of~~  
12 ~~Mexico~~], the purchaser is hereby advised that the public has  
13 acquired a right of use or easement to or over the area of any public  
14 beach by prescription, dedication, or presumption, or has retained  
15 a right by virtue of continuous right in the public since time  
16 immemorial, as recognized in law and custom.

17           The extreme seaward boundary of natural vegetation that  
18 spreads continuously inland customarily marks the landward  
19 boundary of the public easement. If there is no clearly marked  
20 natural vegetation line, the landward boundary of the easement is  
21 as provided by Sections [61.016](#) and [61.017](#), Natural Resources Code.

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

26           State law prohibits any obstruction, barrier, restraint, or  
27 interference with the use of the public easement, including the



1 placement of structures seaward of the landward boundary of the  
2 easement. OWNERS OF STRUCTURES ERECTED SEAWARD OF THE VEGETATION  
3 LINE (OR OTHER APPLICABLE EASEMENT BOUNDARY) OR THAT BECOME SEAWARD  
4 OF THE VEGETATION LINE AS A RESULT OF PROCESSES SUCH AS SHORELINE  
5 EROSION ARE SUBJECT TO A LAWSUIT BY THE STATE OF TEXAS TO REMOVE THE  
6 STRUCTURES.

7 The purchaser is hereby notified that the purchaser should:

8 (1) determine the rate of shoreline erosion in the  
9 vicinity of the real property; and

10 (2) seek the advice of an attorney or other qualified  
11 person before executing this contract or instrument of conveyance  
12 as to the relevance of these statutes and facts to the value of the  
13 property the purchaser is hereby purchasing or contracting to  
14 purchase.

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

17 Sec. 61.062. PUBLIC POLICY. It is the public policy of this  
18 state that the public, individually and collectively, shall have  
19 the free and unrestricted right of ingress and egress to and from  
20 the state-owned beaches bordering on the seaward shore of the Gulf  
21 of America [~~Gulf of Mexico~~] if the public has acquired a right of  
22 use or easement to or over the area by prescription, dedication, or  
23 continuous use. This creates a responsibility for the state, in its  
24 position as trustee for the public to assist local governments in  
25 the cleaning of beach areas which are subject to the access rights  
26 of the public as defined in Subchapter B of this chapter.

27 SECTION 11.33. Section 61.064, Natural Resources Code, is

1 amended to read as follows:

2       Sec. 61.064. APPLICATION OF SUBCHAPTER. This subchapter  
3 applies to incorporated cities, towns, and villages that are  
4 located or border on the Gulf of America [~~Gulf of Mexico~~] and to all  
5 counties that are located or border on the Gulf of America [~~Gulf of~~  
6 ~~Mexico~~] if the city, town, or village or county that makes  
7 application for funds under this subchapter has within its  
8 boundaries public beaches.

9       SECTION 11.34. Section 61.065(a) and (c), Natural Resources  
10 Code, are amended to read as follows:

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

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

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

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

25                       (B) a single occupied lifeguard tower or mobile  
26 lifeguard unit at each pier, jetty, or other structure that  
27 protrudes into the Gulf of America [~~Gulf of Mexico~~] that is located

1 within the corporate boundaries if the single tower provides an  
2 unobstructed view of both sides of the structure; and

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

6 SECTION 11.35. Section 61.066(a), (b), and (e), Natural  
7 Resources Code, are amended to read as follows:

8 (a) It is the duty and responsibility of the commissioners  
9 court of any county located or bordering on the Gulf of America  
10 [~~Gulf of Mexico~~] to clean and maintain the condition of all public  
11 beaches located inside the county but outside the boundaries of any  
12 incorporated city located or bordering on the Gulf of America [~~Gulf~~  
13 ~~of Mexico~~] and all public beaches owned by the county and located  
14 inside the boundaries of an incorporated city, town, or village.

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

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

19 (A) occupied lifeguard towers or mobile  
20 lifeguard units on each side of each pier, jetty, or other structure  
21 that protrudes into the Gulf of America [~~Gulf of Mexico~~] that is  
22 located on a public beach described by Subsection (a); or

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

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

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

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

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

13           (1) during reasonable daylight hours, as established  
14 and posted by the department, from Memorial Day to Labor Day,  
15 provide:

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

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

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

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

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

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

10 (a) The governing body of any incorporated city located or  
11 bordering on the Gulf of America [~~Gulf of Mexico~~] that is not  
12 entitled to receive funds under this subchapter may contract with  
13 the commissioners court of the county in which the city is located  
14 to allow the county to clean the beaches within the corporate limits  
15 of the city.

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

18 Sec. 61.083. EXEMPTIONS FROM SUBCHAPTER. None of the  
19 provisions of this subchapter apply to any beach area that does not  
20 border on the Gulf of America [~~Gulf of Mexico~~] or to any island or  
21 peninsula that is not accessible by a public road or common carrier  
22 ferry facility as long as that condition exists.

23 SECTION 11.40. Section 61,122(a), (b), (c), and (d),  
24 Natural Resources Code, is amended to read as follows:

25 (a) The commissioners court of a county bordering on the  
26 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits, by order,  
27 may regulate motor vehicle traffic on any beach within the

1 boundaries of the county, including prohibiting motor vehicle  
2 traffic on any natural or man-made sand dune or other form of  
3 shoreline protection, and may prohibit the littering of the beach  
4 and may define the term "littering."

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

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

16 (d) The commissioners court of a county bordering on the  
17 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits, by order,  
18 may prohibit the use and possession of all glass containers and  
19 products on a beach in the unincorporated area of the county. The  
20 commissioners court shall not prohibit any one or several glass  
21 products to the exclusion of any others.

22 SECTION 11.40. Section 61.129(a), Natural Resources Code,  
23 is amended to read as follows:

24 (a) Except as provided in Section 61.022 of this code, this  
25 subchapter does not limit the power of an incorporated city, town,  
26 or village bordering on the Gulf of America [~~Gulf of Mexico~~] or any  
27 adjacent body of water to regulate motor vehicle traffic and

1 prohibit littering on any beach within its corporate limits.

2 SECTION 11.41. Section 61.132(a), Natural Resources Code,  
3 is amended to read as follows:

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

10 SECTION 11.42. Section 61.161, Natural Resources Code, is  
11 amended to read as follows:

12 Sec. 61.161. PUBLIC POLICY. It is the public policy of this  
13 state that the state-owned beaches bordering on the seaward shore  
14 of the Gulf of America [~~Gulf of Mexico~~], and any larger area  
15 extending from the line of mean low tide to the line of vegetation  
16 bordering on the Gulf of America [~~Gulf of Mexico~~], if the public has  
17 acquired a right of use or easement to or over the area by the  
18 prescription or dedication or has retained a right by virtue of  
19 continuous right in the public, shall be used primarily for  
20 recreational purposes, and any use which substantially interferes  
21 with the enjoyment of the beach area by the public shall constitute  
22 an offense against the public policy of the state. Nothing in this  
23 subchapter prevents any agency, department, political subdivision,  
24 or municipal corporation of this state from exercising its lawful  
25 authority under any law of this state to regulate safety conditions  
26 on any beach area subject to public use.

27 SECTION 11.43. Section 61.162(a), Natural Resources Code,

1 is amended to read as follows:

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

15 SECTION 11.44. Section 61.211, Natural Resources Code, is  
16 amended to read as follows:

17 Sec. 61.211. FINDINGS. The legislature finds that the  
18 unregulated excavation, taking, removal, and carrying away of sand,  
19 marl, gravel, and shell from islands and peninsulas bordering on  
20 the Gulf of America [~~Gulf of Mexico~~] and from the public beaches of  
21 the state constitute a substantial interference with public  
22 enjoyment of Texas beaches and a hazard to life and property.

23 SECTION 11.45. Section 61.213, Natural Resources Code, is  
24 amended to read as follows:

25 Sec. 61.213. APPLICATION. Before a person excavates,  
26 takes, removes, or carries away sand, marl, gravel, or shell from  
27 land located on an exposed island or peninsula bordering on the Gulf



1 of America [~~Gulf of Mexico~~] or from land located within 1,500 feet  
2 of a mainland public beach that is located outside the boundaries of  
3 an incorporated city, town, or village, he must submit a written  
4 application to the commissioners court of the county in which the  
5 excavation, taking, removal, or carrying away is to take place.

6 SECTION 11.46. Section 61.223, Natural Resources Code, is  
7 amended to read as follows:

8 Sec. 61.223. SUITS FOR ORDERS AND INJUNCTIONS. The  
9 attorney general, any county attorney, district attorney, or  
10 criminal district attorney of the state shall file in a district  
11 court in the county in which the conduct takes place, a suit seeking  
12 temporary or permanent court orders or injunctions to prohibit any  
13 excavating, taking, removing, or carrying away of any sand, marl,  
14 gravel, or shell from land located on an exposed island or peninsula  
15 bordering on the Gulf of America [~~Gulf of Mexico~~] or from land  
16 located within 1,500 feet of a public beach of this state if the  
17 land is located outside the boundaries of an incorporated city,  
18 town, or village in violation of the provisions of this subchapter.

19 SECTION 11.47. Section 61.224, Natural Resources Code, is  
20 amended to read as follows:

21 Sec. 61.224. PENALTY. A person who for himself or on behalf  
22 of or under the direction of another person excavates, takes,  
23 removes, or carries away sand, marl, gravel, or shell from land  
24 located on an exposed island or peninsula bordering on the Gulf of  
25 America [~~Gulf of Mexico~~] or from land located within 1,500 feet of a  
26 public beach of this state, if the land is located outside the  
27 boundaries of any incorporated city, town, or village, in violation

1 of the provisions of this subchapter shall be fined not less than  
2 \$10 nor more than \$200. Each day a violation occurs constitutes a  
3 separate offense.

4 SECTION 11.48. Section 61.252(a), Natural Resources Code,  
5 is amended to read as follows:

6 (a) To protect the public health, safety, and welfare, the  
7 commissioners court of a county bordering on the Gulf of America  
8 [~~Gulf of Mexico~~] or its tidewater limits, by order, may regulate  
9 mass gatherings of individuals on any beach in the unincorporated  
10 area of the county by requiring a person to obtain a permit and pay a  
11 permit fee set by the commissioners court before the person may hold  
12 a mass gathering.

13 SECTION 11.49. Sections 62.001(a) and (e), Natural  
14 Resources Code, is amended to read as follows:

15 (a) The provisions of this chapter apply to counties that  
16 are located or border on the Gulf of America [~~Gulf of Mexico~~] and  
17 have within their boundaries beaches that are suitable for park  
18 purposes. The suitability of a beach for park purposes is  
19 established conclusively when the commissioners court of the county  
20 makes a finding that the beach located within its boundaries, but  
21 not located within the boundaries of an incorporated city, is  
22 suitable for park purposes.

23 (e) The provisions of this chapter do not permit any  
24 interference with the right the public has under the provisions of  
25 Subchapter B, Chapter 61, to the free and unrestricted use of, and  
26 to ingress and egress to, the area bordering on the Gulf of America  
27 [~~Gulf of Mexico~~] from mean low tide to the line of vegetation, as

1 that term is defined in Section 61.001. A county, county official,  
2 or anyone acting under the authority of this chapter may not  
3 exercise any authority, contract out a right to exercise authority,  
4 or otherwise delegate authority beyond that specifically granted to  
5 it in Sections 61.122 through 61.128 over that area notwithstanding  
6 any of the specific provisions of this chapter. The rights  
7 established in Subchapters B and D, Chapter 61, are paramount over  
8 the rights or interests that might otherwise be created by the  
9 provisions of this chapter, and nothing in this chapter encroaches  
10 on those rights or upon land, or interests in land, that may  
11 ultimately be held subject to those rights.

12 SECTION 11.50. Section 62.011, Natural Resources Code, is  
13 amended to read as follows:

14 Sec. 62.011. PURPOSE AND AUTHORITY. A county located or  
15 bordering on the Gulf of America [~~Gulf of Mexico~~] with a beach  
16 suitable for park purposes may create a board in the manner provided  
17 in this subchapter for the purpose of improving, equipping,  
18 maintaining, financing, and operating a public park or parks, or  
19 any facilities owned by the county, or to be acquired by the county,  
20 or to be managed by the county under the terms of a written  
21 contract. The board, to be designated Beach Park Board of Trustees,  
22 has the powers and duties specified in this chapter.

23 SECTION 11.51. Section 62.091(a), Natural Resources Code,  
24 is amended to read as follows:

25 (a) The following land is under the jurisdiction of the  
26 board:

27 (1) public beaches owned in fee by the county; and

1           (2) land used as parks in connection with public  
2 beaches not located inside the boundaries of an incorporated city  
3 and not inside the area bordering on the Gulf of America [~~Gulf of~~  
4 ~~Mexico~~] from the line of mean low tide to the line of vegetation as  
5 that term is defined in Section 61.001.

6           SECTION 11.52. Section 63.012, Natural Resources Code, is  
7 amended to read as follows:

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

12           SECTION 11.53. Section 63.011(a), Natural Resources Code,  
13 is amended to read as follows:

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

20           SECTION 11.54. Sections 63.002(2), (3), and (5), Natural  
21 Resources Code, is amended to read as follows:

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

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

26           (5) "Mainland shoreline" means all shoreline fronting  
27 on the open Gulf of America [~~Gulf of Mexico~~] that is not located on a

1 barrier island or a peninsula.

2 SECTION 11.55. Section 63.001, Natural Resources Code, is  
3 amended to read as follows:

4 Sec. 63.001. FINDINGS OF FACT. The legislature finds and  
5 declares:

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

9 (2) that these areas are and historically have been  
10 wholly or in part protected from the action of the water of the Gulf  
11 of America [~~Gulf of Mexico~~] and storms on the Gulf by a system of  
12 vegetated and unvegetated sand dunes that provide a protective  
13 barrier for adjacent land and inland water and land against the  
14 action of sand, wind, and water;

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

19 (4) that the operation of recreational vehicles and  
20 other activities over these dunes have destroyed the natural  
21 vegetation on them;

22 (5) that these practices constitute serious threats to  
23 the safety of adjacent properties, to public highways, to the  
24 taxable basis of adjacent property and constitute a real danger to  
25 natural resources and to the health, safety, and welfare of persons  
26 living, visiting, or sojourning in the area;

27 (6) that it is necessary to protect these dunes as

1 provided in this chapter because stabilized, vegetated dunes offer  
2 the best natural defense against storms and are areas of  
3 significant biological diversity;

4 (7) that vegetated stabilized dunes help preserve  
5 state-owned beaches and shores by protecting against erosion of the  
6 shoreline; and

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

10 SECTION 11.56. Section 92.002(4), Natural Resources Code,  
11 is amended to read as follows:

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

14 ARTICLE 12. OCCUPATIONS CODE PROVISIONS

15 SECTION 12.01. Section 2025.152, Occupations Code, is  
16 amended to read as follows:

17 Sec. 2025.152. LOCATION RESTRICTION FOR GREYHOUND  
18 RACETRACK. Each greyhound racetrack must be located in a county  
19 that:

20 (1) has a population of more than 190,000;

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

22 (3) includes all or part of an island that borders the  
23 Gulf of America [~~Gulf of Mexico~~].

24 ARTICLE 13. PROPERTY CODE PROVISIONS

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

27 (b) The notice must be executed and must, at a minimum, read

1 substantially similar to the following:

2 SELLER'S DISCLOSURE NOTICE  
3 CONCERNING THE PROPERTY AT \_\_\_\_\_  
4 (Street Address and City)

5 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF  
6 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY  
7 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR  
8 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT  
9 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

10 Seller \_\_\_ is \_\_\_ is not occupying the Property.

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

12 \_\_\_\_\_  
13 \_\_\_\_\_

14 1. The Property has the items  
15 checked below:

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

- |    |              |            |               |
|----|--------------|------------|---------------|
| 19 | ___ Range    | ___ Oven   | ___ Microwave |
| 20 | ___          | ___ Trash  | ___ Disposal  |
| 21 | Dishwasher   | Compactor  |               |
| 22 | ___          | ___ Window | ___ Rain      |
| 23 | Washer/Dryer |            | Gutters       |
| 24 | Hookups      | Screens    |               |

1	<input type="checkbox"/> Security	<input type="checkbox"/> Fire	<input type="checkbox"/> Intercom
2		Detection	
3	System	Equipment	System
4		<input type="checkbox"/> Smoke	
5		Detector	
6		<input type="checkbox"/> Smoke	
7		Detector -	
8		Hearing	
9		Impaired	
10		<input type="checkbox"/> Carbon	
11		Monoxide	
12		Alarm	
13		<input type="checkbox"/> Emergency	
14		Escape	
15		Ladder(s)	
16	<input type="checkbox"/> TV	<input type="checkbox"/> Cable TV	<input type="checkbox"/> Satellite
17	Antenna		
18		Wiring	Dish
19	<input type="checkbox"/> Ceiling	<input type="checkbox"/> Attic	<input type="checkbox"/> Exhaust
20	Fan(s)	Fan(s)	
21			Fan(s)
22	<input type="checkbox"/> Central	<input type="checkbox"/> Central	<input type="checkbox"/>
23	A/C	Heating	Wall/Window
24			Air
25			
26			Conditioning



1	___ Plumbing	___ Septic	___ Public
2	System	System	Sewer
3			System
4	___	___ Outdoor	___ Fences
5	Patio/Deck	Grill	
6	ing		
10	___ Pool	___ Sauna	___ Spa
11			___ Hot Tub
12	___ Pool	___ Pool	___ Automatic
13	Equipment	Heater	Lawn
14			Sprinkler
15			System
16	___		___
17	Fireplace(s)		Fireplace(s)
18	&		&
19	Chimney		Chimney
20			(Mock)
21	(Woodburn		
22	ing)		
26	___ Natural		___ Gas
27	Gas Lines		Fixtures
28	___ Liquid	___ LP	___ LP on
29	Propane Gas:	Community	Property
30		(Captive)	
31	== Fuel Gas	== Black	==
32	Piping:	Iron Pipe	Corrugated



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

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

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

18

19     \_\_\_                             \_\_\_                             \_\_\_ Floors

20 Interior                             Ceilings

21 Walls

22     \_\_\_                             \_\_\_ Doors                             \_\_\_ Windows

23 Exterior

24 Walls

25 \_\_\_ Roof                             \_\_\_                             \_\_\_

26 ~~26~~                             Founda                             Basement

30                             tion/





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

5 \*A single blockable main drain may cause a suction entrapment  
6 hazard for an individual.

7 5. Are you (Seller) aware of any item, equipment, or system in or  
8 on the property that is in need of repair? \_\_\_ Yes (if you are  
9 aware) \_\_\_ No (if you are not aware). If yes, explain (attach  
10 additional sheets as necessary).  
11 \_\_\_\_\_

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

13 \* Write Yes (Y) if you are aware, write No (N) if you are not aware.

14 \_\_\_ Present flood insurance coverage

15 \_\_\_ Previous flooding due to a failure or breach of a reservoir or a  
16 controlled or emergency release of water from a reservoir

17 \_\_\_ Previous water penetration into a structure on the property due  
18 to a natural flood event

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

21 \_\_\_ Located ( ) wholly ( ) partly in a 100-year floodplain (Special  
22 Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)

23 \_\_\_ Located ( ) wholly ( ) partly in a 500-year floodplain (Moderate  
24 Flood Hazard Area-Zone X (shaded))

25 \_\_\_ Located ( ) wholly ( ) partly in a floodway

26 \_\_\_ Located ( ) wholly ( ) partly in a flood pool

27 \_\_\_ Located ( ) wholly ( ) partly in a reservoir

1 If the answer to any of the above is yes, explain (attach additional  
2 sheets as necessary):

3 \* For purposes of this notice:

4 "100-year floodplain" means any area of land that:

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

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

10 (C) may include a regulatory floodway, flood  
11 pool, or reservoir.

12 "500-year floodplain" means any area of land that:

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

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

18 "Flood pool" means the area adjacent to a reservoir that lies  
19 above the normal maximum operating level of the reservoir and that  
20 is subject to controlled inundation under the management of the  
21 United States Army Corps of Engineers.

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

26 "Floodway" means an area that is identified on the flood  
27 insurance rate map as a regulatory floodway, which includes the

1 channel of a river or other watercourse and the adjacent land areas  
2 that must be reserved for the discharge of a base flood, also  
3 referred to as a 100-year flood, without cumulatively increasing  
4 the water surface elevation more than a designated height.

5 "Reservoir" means a water impoundment project operated by the  
6 United States Army Corps of Engineers that is intended to retain  
7 water or delay the runoff of water in a designated surface area of  
8 land.

9 7. Have you (Seller) ever filed a claim for flood damage to the  
10 property with any insurance provider, including the National Flood  
11 Insurance Program (NFIP)?\*  Yes  No. If yes, explain (attach  
12 additional sheets as necessary):

13 \*Homes in high risk flood zones with mortgages from federally  
14 regulated or insured lenders are required to have flood  
15 insurance. Even when not required, the Federal Emergency  
16 Management Agency (FEMA) encourages homeowners in high risk,  
17 moderate risk, and low risk flood zones to purchase flood insurance  
18 that covers the structure(s) and the personal property within the  
19 structure(s).

20 8. Have you (Seller) ever received assistance from FEMA or the  
21 U.S. Small Business Administration (SBA) for flood damage to the  
22 property?  Yes  No. If yes, explain (attach additional sheets  
23 as necessary):

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

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



1 —  
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9 —  
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22  
23  
24

Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.

Homeowners' Association or maintenance fees or assessments.

Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.

Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.

Any lawsuits directly or indirectly affecting the Property.

Any condition on the Property which materially affects the physical health or safety of an individual.

1    —                   Any rainwater harvesting system  
2                        located on the property that is  
3                        larger than 500 gallons and that  
4                        uses a public water supply as an  
5                        auxiliary water source.

6    —                   Any portion of the property that  
7                        is located in a groundwater  
8                        conservation district or a  
9                        subsidence district.

10 If the answer to any of the above is yes, explain. (Attach  
11 additional sheets if necessary): \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

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

23 11. This property may be located near a military installation and  
24 may be affected by high noise or air installation compatible use  
25 zones or other operations. Information relating to high noise and  
26 compatible use zones is available in the most recent Air  
27 Installation Compatible Use Zone Study or Joint Land Use Study

1 prepared for a military installation and may be accessed on the  
2 Internet website of the military installation and of the county and  
3 any municipality in which the military installation is located.

4 \_\_\_\_\_  
5 Date Signature of Seller

6 The undersigned purchaser hereby acknowledges receipt of the  
7 foregoing notice.

8 \_\_\_\_\_  
9 Date Signature of Purchaser

10 SECTION 13.02. Section 204.002(a), Property Code, is  
11 amended to read as follows:

12 (a) This chapter applies only to a residential real estate  
13 subdivision, excluding a condominium development governed by Title  
14 7 that is located in whole or in part:

15 (1) in a county with a population of 3.3 million or  
16 more;

17 (2) in a county with a population of not less than  
18 315,000 and not more than 351,000 that is adjacent to the Gulf of  
19 America [~~Gulf of Mexico~~] and that is adjacent to a county having a  
20 population of 3.3 million or more; or

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

23 (A) is adjacent to a county with a population of  
24 3.3 million or more; and

25 (B) contains part of a national forest.

26 ARTICLE 14. PARKS AND WILDLIFE CODE PROVISIONS

27 SECTION 14.01. Section 1.011(c), Parks and Wildlife Code,

1 is amended to read as follows:

2 (c) All the beds and bottoms and the products of the beds and  
3 bottoms of the public rivers, bayous, lagoons, creeks, lakes, bays,  
4 and inlets in this state and of that part of the Gulf of America  
5 [~~Gulf of Mexico~~] within the jurisdiction of this state are the  
6 property of this state. The state may permit the use of the waters  
7 and bottoms and the taking of the products of the bottoms and  
8 waters.

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

11 (a) The department shall:

12 (1) during reasonable daylight hours, as established  
13 and posted by the department, from Memorial Day to Labor Day,  
14 provide:

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

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

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

27 SECTION 14.03. Section 13.314, Parks and Wildlife Code, is

1 amended to read as follows:

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

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

10           (c) If any state park site includes a public beach on the  
11 seaward shore of the Gulf of America [~~Gulf of Mexico~~], extending  
12 from the line of mean low tide to the line of vegetation, over which  
13 the public has acquired a right of use or easement to or over the  
14 area by prescription or dedication or has retained a right by virtue  
15 of continuous right in the public, no entrance or gate fee may be  
16 charged to persons desiring to enter or to leave the public beach  
17 area, so long as the persons do not enter any other portion of the  
18 park for which an entrance or gate fee is charged.

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

21           (a) Except as provided by Subsection (b) or (c) of this  
22 section, no person may engage in fishing in saltwater for sporting  
23 purposes in this state, or unload in this state fish or other  
24 aquatic life taken for sporting purposes from waters managed by the  
25 Gulf of America [~~Gulf of Mexico~~] Fishery Management Council  
26 established under the Fishery Conservation and Management Act of  
27 1976 (16 U.S.C. Section 1801 et seq.), unless the person has

1 acquired a saltwater sportfishing stamp endorsement issued to the  
2 person by the department. The commission by rule may prescribe  
3 requirements relating to possessing a stamp endorsement required by  
4 this subchapter.

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

7 (a) No person may fish in the public water of this state, or  
8 unload in this state fish or other aquatic life taken for sporting  
9 purposes from waters managed by the Gulf of America [~~Gulf of Mexico~~]  
10 Fishery Management Council established under the Magnuson-Stevens  
11 Fishery Conservation and Management Act (16 U.S.C. Section 1801 et  
12 seq.), unless the person has acquired a fishing license issued  
13 under this subchapter, except as provided by Sections 46.0012 and  
14 46.002. The commission by rule may prescribe requirements relating  
15 to possessing a license required by this subchapter.

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

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

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

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

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

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

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

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

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

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

16                 (1) submerged under:

17                         (A) public fresh water due to seasonal or  
18 occasional inundation; or

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

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

24           POSTED. PRIVATE PROPERTY. NO HUNTING.

25           (b) This section does not apply to:

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

27                 (2) a person who:

- 1 (A) owns the submerged land; or  
2 (B) obtains the landowner's consent;  
3 (3) land that is dedicated to the permanent school  
4 fund and that is located within:  
5 (A) the tidewater limits of this state; or  
6 (B) the gradient boundaries of a navigable river  
7 or stream in this state; or  
8 (4) land that is:  
9 (A) submerged by public water; and  
10 (B) located below the mean high tide line of the  
11 Gulf of America [~~Gulf of Mexico~~] and its bays and estuaries.

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

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

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

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

27 (b) No person may operate, possess, or moor a vessel or



1 other floating device, or may place any piling, wire, rope, cable,  
2 net, trap, or other obstruction, in a natural or artificial pass  
3 opened, reopened, dredged, excavated, constructed, or maintained  
4 by the department as a fish pass between the Gulf of America [~~Gulf~~  
5 ~~of Mexico~~] and an inland bay within the distance inside the pass  
6 from the mouth of the pass where it empties into the Gulf of America  
7 [~~Gulf of Mexico~~] to a marker or sign erected by the department  
8 indicating the restricted area.

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

11 Sec. 66.301. DEFINITION. In this subchapter, "coastal  
12 water" means all of the salt water of this state, including that  
13 portion of the Gulf of America [~~Gulf of Mexico~~] within the  
14 jurisdiction of this state.

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

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

20 (2) "Inside water" means all bays, inlets, outlets,  
21 passes, rivers, streams, and other bodies of water landward from  
22 the shoreline of the state along the Gulf of America [~~Gulf of~~  
23 ~~Mexico~~] and contiguous to, or connected with, but not a part of, the  
24 Gulf of America [~~Gulf of Mexico~~] and within which the tide regularly  
25 rises and falls and in which saltwater shrimp are found or into  
26 which saltwater shrimp migrate.

27 (3) "Outside water" means the salt water of the state

1 contiguous to and seaward from the shoreline of the state along the  
2 Gulf of America [~~Gulf of Mexico~~] as the shoreline is projected and  
3 extended in a continuous and unbroken line, following the contours  
4 of the shoreline, across bays, inlets, outlets, passes, rivers,  
5 streams, and other bodies of water; and that portion of the Gulf of  
6 America [~~Gulf of Mexico~~] extending from the shoreline seaward and  
7 within the jurisdiction of the state.

8 (13) "Contiguous zone," means that area of the Gulf of  
9 America [~~Gulf of Mexico~~] lying adjacent to and offshore of the  
10 jurisdiction of the State of Texas and in which shrimp of the genus  
11 Penaeus are found.

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

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

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

20 (2) such plan as described in Subsection (a) of this  
21 section restricts the taking of shrimp in the Fishery Conservation  
22 Zone contiguous to the outside waters of Texas, to conform with the  
23 Texas closed Gulf season as defined in Sections 77.061(1) and  
24 77.062 of this code.

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

27 Sec. 79.001. COMPLIANCE. The department is authorized to

1 cooperate with the Gulf of America [~~Gulf of Mexico~~] Fishery  
2 Management Council established pursuant to the Fishery  
3 Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801  
4 et seq.), in developing state management programs which are  
5 consistent with plans proposed by the council and approved by the  
6 secretary of commerce.

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

9 (a) A nonprofit corporation, fund, or foundation exempted  
10 from federal income taxes under Section 503(c)(3), Internal Revenue  
11 Code of 1954, as amended (26 U.S.C. Sec. 503(c)(3)), may take sand,  
12 gravel, marl, shell, and mudshell from Brown Cedar Cut in Matagorda  
13 County for the sole purpose of opening and reopening that passage  
14 between the Gulf of America [~~Gulf of Mexico~~] and East Matagorda Bay.

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

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

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

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

1 GULF STATES MARINE FISHERIES COMPACT

2 The contracting states solemnly agree:

3 ARTICLE I

4 Whereas the Gulf Coast States have the proprietary interest  
5 in and jurisdiction over fisheries in the waters within their  
6 respective boundaries, it is the purpose of this compact to promote  
7 the better utilization of the fisheries, marine, shell and  
8 anadromous, of the seaboard of the Gulf of America [~~Gulf of Mexico~~],  
9 by the development of a joint program for the promotion and  
10 protection of such fisheries and the prevention of the physical  
11 waste of the fisheries from any cause.

12 ARTICLE II

13 This compact shall become operative immediately as to those  
14 states ratifying it whenever any two or more of the states of  
15 Florida, Alabama, Mississippi, Louisiana and Texas have ratified it  
16 and the Congress has given its consent, pursuant to Article I,  
17 Section 10 of the Constitution of the United States. Any state  
18 contiguous to any of the aforementioned states or riparian upon  
19 waters which flow into waters under the jurisdiction of any of the  
20 aforementioned States and which are frequented by anadromous fish  
21 or marine species, may become a party hereto as hereinafter  
22 provided.

23 ARTICLE III

24 Each state joining herein shall appoint three  
25 representatives to a commission hereby constituted and designated  
26 as the Gulf States Marine Fisheries Commission. One shall be the  
27 head of the administrative agency of such State charged with the

1 conservation of the fishery resources to which this compact  
2 pertains; or, if there be more than one officer or agency, the  
3 official of that State named by the Governor thereof. The second  
4 shall be a member of the Legislature of such State designated by  
5 such Legislature, or in the absence of such designation, such  
6 legislator shall be designated by the Governor thereof; provided  
7 that if it is constitutionally impossible to appoint a legislator  
8 as a commissioner from such State, the second member shall be  
9 appointed in such manner as may be established by law. The third  
10 shall be a citizen who shall have a knowledge of and interest in the  
11 marine fisheries, to be appointed by the Governor. This commission  
12 shall be a body corporate with the powers and duties set forth  
13 herein.

14 ARTICLE IV

15 The duty of the said commission shall be to make inquiry and  
16 ascertain from time to time such methods, practices, circumstances  
17 and conditions as may be disclosed for bringing about the  
18 conservation and the prevention of the depletion and physical waste  
19 of the fisheries, marine, shell and anadromous, of the Gulf Coast.  
20 The commission shall have power to recommend the coordination of  
21 the exercise of the police powers of the several States within their  
22 respective jurisdictions to promote the preservation of these  
23 fisheries and their protection against over-fishing, waste,  
24 depletion or any abuse whatsoever, and to assure a continuing yield  
25 from the fishery resources of the aforementioned States. To that  
26 end the commission shall draft and recommend to the Governors and  
27 Legislatures of the various signatory States, legislation dealing

1 with the conservation of the marine, shell and anadromous fisheries  
2 of the Gulf seaboard. The commission shall from time to time  
3 present to the Governor of each compacting State its  
4 recommendations relating to enactments to be presented to the  
5 Legislature of that State in furthering the interest and purposes  
6 of this compact. The commission shall consult with and advise the  
7 pertinent administrative agencies in the States party hereto with  
8 regard to problems connected with the fisheries, and recommend the  
9 adoption of such regulations as it deems advisable. The commission  
10 shall have power to recommend to the States party hereto the  
11 stocking of the waters of such States with fish and fish eggs or  
12 joint stocking by some or all of the States party hereto, and when  
13 two or more States shall jointly stock waters the commission shall  
14 act as the coordinating agency for such stocking.

15 ARTICLE V

16 The commission shall elect from its number a chairman and  
17 vice-chairman and shall appoint, and at its pleasure remove or  
18 discharge, such officers and employees as may be required to carry  
19 the provisions of this compact into effect and shall fix and  
20 determine their duties, qualifications and compensation. Said  
21 commission shall adopt rules and regulations for the conduct of its  
22 business. It may establish and maintain one or more offices for the  
23 transaction of its business, and may meet at any time or place; but  
24 must meet at least once a year.

25 ARTICLE VI

26 No action shall be taken by the commission in regard to its  
27 general affairs except by the affirmative vote of a majority of the

1 whole number of compacting States. No recommendation shall be made  
2 by the commission in regard to any species of fish except by the  
3 affirmative vote of a majority of the compacting States which have  
4 an interest in such species. The commission shall define what shall  
5 be an interest.

6 ARTICLE VII

7 The Fish and Wildlife Service of the Department of the  
8 Interior of the Government of the United States shall act as the  
9 primary research agency of the Gulf States Marine Fisheries  
10 Commission, cooperating with the research agencies in each State  
11 for that purpose. Representatives of the said Fish and Wildlife  
12 Service shall attend the meetings of the commission. An advisory  
13 committee to be representative of the commercial salt water  
14 fishermen and the salt water anglers and such other interests of  
15 each State as the commissioners deem advisable may be established  
16 by the commissioners from each State for the purpose of advising  
17 those commissioners upon such recommendations as it may desire to  
18 make.

19 ARTICLE VIII

20 When any State, other than those named specifically in  
21 Article II of this compact, shall become a party hereto for the  
22 purpose of conserving its anadromous fish or marine species in  
23 accordance with the provisions of Article II, the participation of  
24 such State in the action of the commission shall be limited to such  
25 species of fish.

26 ARTICLE IX

27 Nothing in this compact shall be construed to limit the

1 powers of the proprietary interest of any signatory State, or to  
2 repeal or prevent the enactment of any legislation or the  
3 enforcement of any requirement by a signatory State, imposing  
4 additional conditions and restrictions to conserve its fisheries.

5 ARTICLE X

6 It is agreed that any two or more States party hereto may  
7 further amend this compact by acts of their respective  
8 Legislatures, subject to approval of Congress as provided in  
9 Article I, Section X, of the Constitution of the United States, to  
10 designate the Gulf States Marine Fisheries Commission as a joint  
11 regulating authority for the joint regulation of specific fisheries  
12 affecting only such States as shall so compact, and at their joint  
13 expense. The representatives of such States shall constitute a  
14 separate section of the Gulf States Marine Fisheries Commission for  
15 the exercise of the additional powers so granted, but the creation  
16 of such section shall not be deemed to deprive the States so  
17 compacting of any of their privileges or powers in the Gulf States  
18 Marine Fisheries Commission as constituted under the other Articles  
19 of this compact.

20 ARTICLE XI

21 Continued absence of representation or of any representative  
22 on the commission from any State party hereto, shall be brought to  
23 the attention of the Governor thereof.

24 ARTICLE XII

25 The operating expenses of the Gulf States Marine Fisheries  
26 Commission shall be borne by the States party hereto. Such initial  
27 appropriation as set forth below shall be made available yearly



1 until modified as hereinafter provided:

2

3 Florida	\$3,500.00
4 Alabama	1,000.00
5 Mississippi	1,000.00
6 Louisiana	5,000.00
7 Texas	2,500.00
8 Total	\$13,000.00

9 The proration and total cost per annum of Thirteen Thousand  
10 (\$13,000.00) Dollars, above mentioned, is estimative only, for  
11 initial operations, and may be changed when found necessary by the  
12 commission and approved by the Legislatures of the respective  
13 States. Each State party hereto agrees to provide in the manner  
14 most acceptable to it, the travel costs and necessary expenses of  
15 its commissioners and other representatives to and from meetings of  
16 the commission or its duly constituted sections or committees.

17 ARTICLE XIII

18 This compact shall continue in force and remain binding upon  
19 each compacting State until renounced by Act of the Legislature of  
20 such State, in such form as it may choose; provided that such  
21 renunciation shall not become effective until six months after the  
22 effective date of the action taken by the Legislature. Notice of  
23 such renunciation shall be given the other States party hereto by  
24 the Secretary of State of compacting State so renouncing upon  
25 passage of the Act.

26 ARTICLE 15. SPECIAL DISTRICT LOCAL LAWS PROVISIONS

27 SECTION 15.01. Section 5002.151(3), Special District Local

1 Laws, is amended to read as follows:

2 (3) "Protected zone" means the portion of the  
3 corporate limits of the City of Freeport as they exist on September  
4 1, 2023, that lies:

5 (A) within the enclosed space bounded by  
6 beginning at the intersection of State Highway 36 and the center of  
7 the Brazos River, then north along the center of the Brazos River to  
8 the intersection of the center of the Brazos River and the center of  
9 the DOW fresh water canal, then north and east along the center of  
10 the DOW fresh water canal to the intersection of the center of the  
11 DOW fresh water canal and Farm-to-Market Road 1495, then south  
12 along Farm-to-Market Road 1495 to the intersection of  
13 Farm-to-Market Road 1495 and State Highway 36, and then west along  
14 State Highway 36 to the intersection of State Highway 36 and the  
15 center of the Brazos River;

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

18 (C) within the enclosed space bounded by  
19 beginning at the intersection of Farm-to-Market Road 1495 and the  
20 Intracoastal Waterway, then west along the Intracoastal Waterway to  
21 the intersection of the Intracoastal Waterway and the Brazos River,  
22 then south along the Brazos River to the Gulf of America [~~Gulf of~~  
23 ~~Mexico~~], then east along the Gulf of America [~~Gulf of Mexico~~] to the  
24 intersection of a line extending from the southern terminus of  
25 Farm-to-Market Road 1495 due south to the intersection with the  
26 Gulf of America [~~Gulf of Mexico~~], and then due north to the  
27 intersection of Farm-to-Market Road 1495 and the Intracoastal

1 Waterway;

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

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

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

12 (G) within the 56.751 acre tract of land  
13 described in that certain Deed of Exchange recorded in Volume  
14 86286, at Page 927 of the Brazoria County Real Property Records.

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

17 (a) This section applies only to property:

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

19 (2) located in:

20 (A) the district; and

21 (B) the boundaries or extraterritorial  
22 jurisdiction of a municipality with a population of less than  
23 20,000 that is wholly located in the district and whose corporate  
24 limits border the Gulf of America [~~Gulf of Mexico~~].

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

27 (a) This section applies only to a municipality with a

1 population of more than 5,000 that is wholly located in the district  
2 and to property:

- 3 (1) owned or leased by the district;
- 4 (2) located in the district and within seven miles of  
5 the Gulf of America [~~Gulf of Mexico~~]; and
- 6 (3) located in the corporate limits or  
7 extraterritorial jurisdiction of a municipality that is subject to  
8 this section.

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

11 (b) The district may construct, acquire, improve, operate,  
12 or maintain a road facility:

- 13 (1) in the district;
- 14 (2) from a point in the district to a point outside of  
15 the district in Galveston County; or
- 16 (3) from a point in the district in, over, through, or  
17 under the Gulf of America [~~Gulf of Mexico~~] or a bay or inlet opening  
18 into the gulf to a point outside of the district and located in  
19 another county.

20 ARTICLE 16. TRANSPORTATION CODE PROVISIONS

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

- 23 (1) "Adjacent coastal county" means a county bordering  
24 the Gulf of America [~~Gulf of Mexico~~] that has an onshore storage  
25 facility for a deepwater port for which an application has been  
26 filed.

27 SECTION 16.02. Section 54.001, Transportation Code, is

1 amended to read as follows:

2           Sec. 54.001. APPLICABILITY OF CHAPTER. This chapter  
3 applies only to a municipality that:

4           (1) is located on:

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

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

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

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

11           (6) "Port" means a place in this state into which a  
12 vessel enters or from which a vessel departs. If the port connects  
13 to the Gulf of America [~~Gulf of Mexico~~], "port" includes the  
14 waterway leading from the port to the Gulf of America [~~Gulf of~~  
15 ~~Mexico~~].

16           SECTION 16.04. Section 61.006, Transportation Code, is  
17 amended to read as follows:

18           Sec. 61.006. BOARD JURISDICTION. A board has exclusive  
19 jurisdiction over piloting of vessels in this state between the  
20 Gulf of America [~~Gulf of Mexico~~] and the ports in the board's  
21 jurisdiction.

22           SECTION 16.05. Section 62.024, Transportation Code, is  
23 amended to read as follows:

24           Sec. 62.024. JURISDICTION. The pilot board of a navigation  
25 district has exclusive jurisdiction over the pilotage of a vessel  
26 between the Gulf of America [~~Gulf of Mexico~~] and a port of the  
27 navigation district, including an intermediate stop or landing

1 place on a navigable stream in the district.

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

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

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

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

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

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

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

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

26 SECTION 16.10. Section 69.064(8), Transportation Code, is  
27 amended to read as follows:

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

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

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

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

13           (4) "Project" means a causeway, bridge, or tunnel,  
14 including a necessary approach, fixture, accessory, or equipment  
15 that:

16                       (A) is located in one county; and

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

19           SECTION 16.13. Section 283.002, Transportation Code, is  
20 amended to read as follows:

21           Sec. 283.002. APPLICABILITY. This chapter applies only to  
22 a county that:

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

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

27           SECTION 16.14. Section 284.002(a), Transportation Code, is

1 amended to read as follows:

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

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

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

8 (3) is adjacent to a county that has a population of  
9 2.5 million or more; or

10 (4) borders the United Mexican States.

11 SECTION 16.15. Section 341.002, Transportation Code, is  
12 amended to read as follows:

13 Sec. 341.002. GENERAL AUTHORITY TO ACT. Subject to Chapter  
14 33, Natural Resources Code, an individual, corporation, or  
15 association may purchase, build, own, maintain, and operate a  
16 structure across an arm, inlet, or saltwater bay of the Gulf of  
17 America [~~Gulf of Mexico~~] located entirely in this state to provide a  
18 causeway for vehicles, pedestrians, and railroads.

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

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

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

25 (2) an inlet of the Gulf of America [~~Gulf of Mexico~~];

26 or

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



1 SECTION 16.17. Section 463.002, Transportation Code, is  
2 amended to read as follows:

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

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

7 (2) a county that borders a county described by  
8 Subdivision (1).

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

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

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

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

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

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

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

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

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

24 (2) borders or contains a portion of the Guadalupe  
25 River and contains a part of a barrier island that borders the Gulf  
26 of America [~~Gulf of Mexico~~]; or

27 (3) is adjacent to a county described by Subdivision

1 (2) and:

2 (A) has a population of less than 37,000; and

3 (B) contains a part of a barrier island or  
4 peninsula that borders the Gulf of America [~~Gulf of Mexico~~].

5 SECTION 16.21. Section 623.210, Transportation Code, is  
6 amended to read as follows:

7 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides  
8 an optional procedure for the issuance of a permit for the movement  
9 of oversize or overweight vehicles carrying cargo on state highways  
10 located in counties:

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

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

15 (B) bordering the United Mexican States; or

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

20 SECTION 16.22. Section 623.212, Transportation Code, is  
21 amended to read as follows:

22 Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission  
23 may authorize a port authority to issue permits for the movement of  
24 oversize or overweight vehicles carrying cargo on state highways  
25 located in counties:

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

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

3 (B) bordering the United Mexican States; or

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

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

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

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

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

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

22 (4) the Matagorda County line to the entrance of the  
23 Port of Palacios using State Highway 71.

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

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

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

4 (2) may not exceed 30 miles from the port authority or  
5 port of entry and must be on a highway or road described by Section  
6 623.405(b).

7 SECTION 16.25. Sections 644.101(b)(6), (9), and (10),  
8 Transportation Code, are amended to read as follows:

9 (6) a municipality with a population of less than  
10 5,000 that is located:

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

13 (B) in a county adjacent to a county with a  
14 population greater than 3.3 million;

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

18 (10) a municipality with a population of more than  
19 40,000 and less than 50,000 that is located in a county with a  
20 population of more than 285,000 and less than 300,000 that borders  
21 the Gulf of America [~~Gulf of Mexico~~];

22 SECTION 16.25. Section 729.001(b), Transportation Code, is  
23 amended to read as follows:

24 (b) In this section, "beach" means a beach bordering on the  
25 Gulf of America [~~Gulf of Mexico~~] that extends inland from the line  
26 of mean low tide to the natural line of vegetation bordering on the  
27 seaward shore of the Gulf of America [~~Gulf of Mexico~~], or the larger

1 contiguous area to which the public has acquired a right of use or  
2 easement to or over by prescription, dedication, or estoppel, or  
3 has retained a right by virtue of continuous right in the public  
4 since time immemorial as recognized by law or custom.

5 SECTION 16.26. Section 750.002(a), Transportation Code, is  
6 amended to read as follows:

7 (a) A person commits an offense if the person drives a  
8 vehicle at a speed greater than 30 miles per hour within the  
9 boundaries of a county park located in a county that borders on the  
10 Gulf of America [~~Gulf of Mexico~~], other than on a beach as that term  
11 is defined by Section 61.012, Natural Resources Code, in the park.

12 ARTICLE 17. TAX CODE PROVISIONS

13 SECTION 17.01. Sections 11.271(b) and (c), Tax Code, are  
14 amended to read as follows:

15 (b) An owner or lessee of a marine or mobile drilling unit  
16 designed for offshore drilling of oil or gas wells is entitled to an  
17 exemption from taxation of the drilling unit if the drilling unit:

18 (1) is being stored in a county bordering on the Gulf  
19 of America [~~Gulf of Mexico~~] or on a bay or other body of water  
20 immediately adjacent to the Gulf of America [~~Gulf of Mexico~~];

21 (2) is not being stored for the sole purpose of repair  
22 or maintenance; and

23 (3) is not being used to drill a well at the location  
24 at which it is being stored.

25 (c) A person is entitled to an exemption from taxation of  
26 the personal property the person owns or leases that is used,  
27 constructed, acquired, stored, or installed solely as part of an

1 offshore spill response containment system, or that is used solely  
2 for the development, improvement, storage, deployment, repair,  
3 maintenance, or testing of such a system, if the system is being  
4 stored while not in use in a county bordering on the Gulf of America  
5 [~~Gulf of Mexico~~] or on a bay or other body of water immediately  
6 adjacent to the Gulf of America [~~Gulf of Mexico~~]. Property  
7 described by this subsection and not used for any other purpose is  
8 considered to be property used wholly as an integral part of mobile  
9 or marine drilling equipment designed for offshore drilling of oil  
10 or gas wells.

11 SECTION 17.02. Section 31.03(d), Tax Code, is amended to  
12 read as follows:

13 (d) This subsection applies only to a taxing unit located in  
14 a county having a population of not less than 315,000 and not more  
15 than 351,000 that borders a county having a population of 3.3  
16 million or more and the Gulf of America [~~Gulf of Mexico~~]. The  
17 governing body of a taxing unit that has its taxes collected by  
18 another taxing unit that has adopted the split-payment option under  
19 Subsection (a) may provide, in the manner required by law for  
20 official action by the body, that the split-payment option does not  
21 apply to the taxing unit's taxes collected by the other taxing unit.

22 SECTION 17.03. Section 41.44 (c-1), Tax Code, is amended to  
23 read as follows:

24 (c-1) A property owner who files a notice of protest after  
25 the deadline prescribed by Subsection (a) but before the taxes on  
26 the property to which the notice applies become delinquent is  
27 entitled to a hearing and determination of the protest if the

1 property owner was continuously employed in the Gulf of America  
2 [~~Gulf of Mexico~~], including employment on an offshore drilling or  
3 production facility or on a vessel, for a period of not less than 20  
4 days during which the deadline prescribed by Subsection (a) passed,  
5 and the property owner provides the appraisal review board with  
6 evidence of that fact through submission of a letter from the  
7 property owner's employer or supervisor or, if the property owner  
8 is self-employed, a sworn affidavit.

9 SECTION 17.04. Section 156.2512(c)(1), Tax Code, is amended  
10 to read as follows:

11 (1) "Eligible barrier island coastal municipality"  
12 means a municipality:

13 (A) that borders on the Gulf of America [~~Gulf of~~  
14 ~~Mexico~~];

15 (B) that is located wholly or partly on a barrier  
16 island; and

17 (C) that:

18 (i) includes an institution of higher  
19 education that is part of the Texas Coastal Ocean Observation  
20 Network under Section 33.065, Natural Resources Code;

21 (ii) includes a national estuarine research  
22 reserve;

23 (iii) is located within 30 miles of the  
24 United Mexican States; or

25 (iv) has a population of less than 10,000  
26 and is located in a county with a population of at least 370,000  
27 that is adjacent to a county with a population of at least

1 3,000,000.

2 SECTION 17.05. Section 321.101(g), Tax Code, is amended to  
3 read as follows:

4 (g) For the purposes of Subsection (f), "territory" in a  
5 municipality having a population of 5,000 or less and bordering on  
6 the Gulf of America [~~Gulf of Mexico~~] does not include any area  
7 covered by water and in which no person has a place of business to  
8 which a sales tax permit issued under Subchapter F of Chapter 151  
9 applies.

10 SECTION 17.06. Sections 351.001(3), (7), and (11), Tax Code,  
11 are amended to read as follows:

12 (3) "Eligible coastal municipality" means:

13 (A) a home-rule municipality that borders on the  
14 Gulf of America [~~Gulf of Mexico~~] and has a population of less than  
15 80,000; or

16 (B) a municipality that borders on the Gulf of  
17 America [~~Gulf of Mexico~~] and has a population of less than 1,500.

18 (7) "Eligible central municipality" means:

19 (A) a municipality with a population of more than  
20 140,000 but less than 1.5 million that is located in a county with a  
21 population of one million or more and that has adopted a capital  
22 improvement plan for the construction or expansion of a convention  
23 center facility;

24 (B) a municipality with a population of 250,000  
25 or more that:

26 (i) is located wholly or partly on a barrier  
27 island that borders the Gulf of America [~~Gulf of Mexico~~];



1 (ii) is located in a county with a  
2 population of 300,000 or more; and

3 (iii) has adopted a capital improvement  
4 plan to expand an existing convention center facility;

5 (11) "Eligible barrier island coastal municipality"  
6 means a municipality:

7 (A) that borders on the Gulf of America [~~Gulf of~~  
8 ~~Mexico~~];

9 (B) that is located wholly on a barrier island;  
10 and

11 (C) the boundaries of which are within 30 miles  
12 of the United Mexican States.

13 SECTION 17.07. Section 351.003(c), Tax Code, is amended to  
14 read as follows:

15 (c) The rate in a municipality that borders on the Gulf of  
16 America [~~Gulf of Mexico~~] and has a population of more than 250,000  
17 or in a municipality with a population of less than 5,000 adjacent  
18 to a home-rule city with a population of less than 80,000 may not  
19 exceed nine percent of the price paid for a room.

20 SECTION 17.08. Section 351.102(e)(4), Tax Code, is amended  
21 to read as follows:

22 (4) 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 SECTION 17.09. Section 351.1055(b), Tax Code, is amended to  
4 read as follows:

5 (b) Notwithstanding any other provision of this chapter, a  
6 home-rule municipality that borders on the Gulf of America [~~Gulf of~~  
7 ~~Mexico~~] and has a population of more than 250,000 may use all or any  
8 portion of the revenue derived from the municipal hotel occupancy  
9 tax from hotels in an area previously subject to a county hotel  
10 occupancy tax and located on an island bordering the Gulf of America  
11 [~~Gulf of Mexico~~] to clean and maintain public beaches in the  
12 municipality.

13 SECTION 17.10. Section 351.1066(a), Tax Code, is amended to  
14 read as follows:

15 (a) This section applies only to:

16 (1) a municipality with a population of at least 3,500  
17 but less than 5,500 that is the county seat of a county with a  
18 population of less than 50,000 that borders a county with a  
19 population of more than 1.6 million;

20 (2) a municipality with a population of at least 2,800  
21 but less than 3,500 that is the county seat of a county with a  
22 population of less than 22,000 that is bordered by the Trinity River  
23 and includes a state park and a portion of a wildlife management  
24 area;

25 (3) a municipality with a population of at least 8,000  
26 that is located in a county that borders the Pecos River and that  
27 has a population of not more than 15,000;

1           (4) a municipality with a population of not more than  
2 15,000 that is located in a county through which the Frio River  
3 flows and an interstate highway crosses, and that has a population  
4 of at least 15,000;

5           (5) a municipality with a population of not less than  
6 7,500 that is located in a county with a population of not less than  
7 40,000 but less than 250,000 that is adjacent to a county with a  
8 population of less than 750;

9           (6) a municipality that is the county seat of a county  
10 with a population of at least 8,500 and that county contains part of  
11 the Chaparral Wildlife Management Area; and

12           (7) a municipality that has a population of not more  
13 than 25,000, that contains a cultural heritage museum, and that is  
14 located in a county that borders the United Mexican States and the  
15 Gulf of America [~~Gulf of Mexico~~].

16           SECTION 17.11. Sections 351.107(a) and (e), Tax Code, is  
17 amended to read as follows:

18           (a) This section applies only to a municipality that borders  
19 on the Gulf of America [~~Gulf of Mexico~~] and has a population of more  
20 than 250,000.

21           (e) Notwithstanding any other provision of this chapter, a  
22 municipality to which this section applies may use all or any  
23 portion of the revenue derived from the municipal hotel occupancy  
24 tax from hotels in an area previously subject to a county hotel  
25 occupancy tax and located on an island bordering the Gulf of America  
26 [~~Gulf of Mexico~~] to clean and maintain public beaches in the  
27 municipality.

1 SECTION 17.12. Section 351.10713(a), Tax Code, is amended  
2 to read as follows:

3 (a) This section applies only to a municipality that is the  
4 county seat of a county:

5 (1) that borders the Gulf of America [~~Gulf of Mexico~~];  
6 and

7 (2) through which the Colorado River flows.

8 SECTION 17.13. Section 351.152, Tax Code, is amended to  
9 read as follows:

10 Sec. 351.152. APPLICABILITY. This subchapter applies only  
11 to:

12 (1) a municipality described by Section  
13 351.001(7)(B);

14 (2) a municipality described by Section  
15 351.001(7)(D);

16 (3) a municipality described by Section  
17 351.001(7)(E);

18 (4) a municipality described by Section  
19 351.102(e)(3);

20 (5) a municipality that contains more than 70 percent  
21 of the population of a county with a population of 1.5 million or  
22 more;

23 (6) a municipality with a population of 175,000 or  
24 more but less than 200,000 that is partially located in at least one  
25 county with a population of 125,000 or more;

26 (7) a municipality with a population of 250,000 or  
27 more but less than one million that is located in one county with a

1 population of 2.5 million or more;

2           (8) a municipality with a population of 180,000 or  
3 more that:

4           (A) is located in two counties, each with a  
5 population of 100,000 or more; and

6           (B) contains an American Quarter Horse Hall of  
7 Fame and Museum;

8           (9) a municipality with a population of 96,000 or more  
9 that is located in a county that borders Lake Palestine;

10           (10) a municipality with a population of 96,000 or  
11 more that is located in a county that contains the headwaters of the  
12 San Gabriel River;

13           (11) a municipality with a population of at least  
14 95,000 that is located in a county that is bisected by United States  
15 Highway 385 and has a population of not more than 170,000;

16           (12) a municipality with a population of 110,000 or  
17 more but less than 135,000 at least part of which is located in a  
18 county with a population of less than 135,000;

19           (13) a municipality with a population of 28,000 or  
20 more but less than 31,000 that is located in two counties, each of  
21 which has a population of 900,000 or more and a southern border with  
22 a county with a population of 2.5 million or more;

23           (14) a municipality with a population of 200,000 or  
24 more but less than 300,000 that contains a component institution of  
25 the Texas Tech University System;

26           (15) a municipality with a population of 95,000 or  
27 more that:

- 1 (A) is located in more than one county; and  
2 (B) borders Lake Lewisville;  
3 (16) a municipality with a population of 45,000 or  
4 more that:  
5 (A) contains a portion of Cedar Hill State Park;  
6 (B) is located in two counties, one of which has a  
7 population of 2.5 million or more and one of which has a population  
8 of 190,000 or more; and  
9 (C) has adopted a capital improvement plan for  
10 the construction or expansion of a convention center facility;  
11 (17) a municipality with a population of less than  
12 10,000 that:  
13 (A) is almost wholly located in a county with a  
14 population of 900,000 or more that is adjacent to a county with a  
15 population of 2.5 million or more;  
16 (B) is partially located in a county with a  
17 population of 2.1 million or more that is adjacent to a county with  
18 a population of 2.5 million or more;  
19 (C) has a visitor center and museum located in a  
20 19th-century rock building in the municipality's downtown; and  
21 (D) has a waterpark open to the public;  
22 (18) a municipality with a population of 60,000 or  
23 more that:  
24 (A) borders Lake Ray Hubbard; and  
25 (B) is located in two counties, one of which has a  
26 population of less than 110,000;  
27 (19) a municipality with a population of 110,000 or

1 more that:

2 (A) borders Clear Lake; and

3 (B) is primarily located in a county with a  
4 population of less than 355,000;

5 (20) a municipality with a population of less than  
6 2,000 that:

7 (A) is located adjacent to a bay connected to the  
8 Gulf of America [~~Gulf of Mexico~~];

9 (B) is located in a county with a population of  
10 290,000 or more that is adjacent to a county with a population of  
11 four million or more; and

12 (C) has a boardwalk on the bay;

13 (21) a municipality with a population of 75,000 or  
14 more that:

15 (A) is located wholly in one county with a  
16 population of 800,000 or more that is adjacent to a county with a  
17 population of four million or more; and

18 (B) has adopted a capital improvement plan for  
19 the construction or expansion of a convention center facility;

20 (22) a municipality with a population of less than  
21 70,000 that is located in three counties, at least one of which has  
22 a population of four million or more;

23 (23) an eligible coastal municipality with a  
24 population of 2,900 or more but less than 5,000;

25 (24) a municipality with a population of 90,000 or  
26 more but less than 150,000 that:

27 (A) is located in three counties; and

1 (B) contains a branch campus of a component  
2 institution of the University of Houston System;

3 (25) a municipality that is:

4 (A) primarily located in a county with a  
5 population of four million or more; and

6 (B) connected by a bridge to a municipality  
7 described by Subdivision (20);

8 (26) a municipality with a population of 25,000 or  
9 more but less than 30,000 that:

10 (A) contains a portion of Mustang Bayou; and

11 (B) is wholly located in a county with a  
12 population of less than 500,000;

13 (27) a municipality with a population of 70,000 or  
14 more but less than 90,000 that is located in two counties, one of  
15 which has a population of four million or more and the other of  
16 which has a population of less than 50,000;

17 (28) a municipality with a population of 10,000 or  
18 more that:

19 (A) is wholly located in a county with a  
20 population of four million or more; and

21 (B) has a city hall located less than three miles  
22 from a space center operated by an agency of the federal government;

23 (29) a municipality that is the county seat of a  
24 county:

25 (A) through which the Pedernales River flows; and

26 (B) in which the birthplace of a president of the  
27 United States is located;



1           (30) a municipality that contains a portion of U.S.  
2 Highway 79 and State Highway 130;

3           (31) a municipality with a population of 70,000 or  
4 more but less than 115,000 that is located in two counties, one of  
5 which has a population of 1.1 million or more but less than 1.9  
6 million;

7           (32) a municipality with a population of less than  
8 25,000 that contains a museum of Western American art;

9           (33) a municipality with a population of 50,000 or  
10 more that is the county seat of a county that contains a portion of  
11 the Sam Houston National Forest;

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

14                   (A) contains a cultural heritage museum; and

15                   (B) is located in a county that borders the  
16 United Mexican States and the Gulf of America [~~Gulf of Mexico~~];

17           (35) a municipality that is the county seat of a county  
18 that:

19                   (A) has a population of 115,000 or more;

20                   (B) is adjacent to a county with a population of  
21 2.1 million or more; and

22                   (C) hosts an annual peach festival;

23           (36) a municipality that is the county seat of a county  
24 that:

25                   (A) has a population of 800,000 or more; and

26                   (B) is adjacent to a county with a population of  
27 four million or more;

1           (37) a municipality with a population of less than  
2 10,000 that:

3                   (A) contains a component university of The Texas  
4 A&M University System; and

5                   (B) is located in a county adjacent to a county  
6 that borders Oklahoma;

7           (38) a municipality with a population of less than  
8 17,000 that:

9                   (A) is located in two counties, each of which has  
10 a population of 900,000 or more but less than two million; and

11                   (B) hosts an annual Cajun Festival;

12           (39) a municipality with a population of 13,000 or  
13 more that:

14                   (A) is located on an international border; and

15                   (B) is located in a county:

16                           (i) with a population of less than 400,000;

17 and

18                           (ii) in which at least one World Birding  
19 Center site is located;

20           (40) a municipality with a population of 3,200 or more  
21 that:

22                   (A) is located on an international border; and

23                   (B) is located not more than five miles from a  
24 state historic site that serves as a visitor center for a state park  
25 that contains 300,000 or more acres of land;

26           (41) a municipality with a population of 36,000 or  
27 more that is adjacent to at least two municipalities described by

1 Subdivision (15);

2           (42) a municipality with a population of 28,000 or  
3 more that is located in a county with a population of 240,000 or  
4 more that contains a portion of the Blanco River and in which is  
5 located a historic railroad depot and heritage center;

6           (43) a municipality located in a county that has a  
7 population of not more than 300,000 and in which a component  
8 university of the University of Houston System is located;

9           (44) a municipality with a population of less than  
10 500,000 that is:

11                   (A) located in two counties; and

12                   (B) adjacent to a municipality described by  
13 Subdivision (31);

14           (45) a municipality that:

15                   (A) has a population of more than 67,000; and

16                   (B) is located in two counties with 90 percent of  
17 the municipality's territory located in a county with a population  
18 of at least 800,000, and the remaining territory located in a county  
19 with a population of at least four million;

20           (46) a municipality that:

21                   (A) has a population of 100,000 or more; and

22                   (B) is wholly located in, but is not the county  
23 seat of, a county with a population of one million or more:

24                           (i) in which all or part of a municipality  
25 with a population of one million or more is located; and

26                           (ii) that is adjacent to a county with a  
27 population of 2.5 million or more;

1           (47) a municipality that is the county seat of a county  
2 bordering the Gulf of America [~~Gulf of Mexico~~] and the United  
3 Mexican States;

4           (48) a municipality that is bisected by the Guadalupe  
5 River and is the county seat of a county with a population of  
6 170,000 or more;

7           (49) a municipality with a population of 70,000 or  
8 more but less than 150,000 that borders Joe Pool Lake;

9           (50) a municipality with a population of 115,000 or  
10 more that borders the Neches River;

11           (51) a municipality described by Section [351.101\(k\)](#);

12           (52) a municipality that is the county seat of a  
13 county:

14                   (A) through which the Brazos River flows; and

15                   (B) in which a national monument is located;

16           (53) a municipality with a population of 45,000 or  
17 more that:

18                   (A) is not the county seat of a county;

19                   (B) is located in a single county; and

20                   (C) contains a portion of Lake Lewisville;

21           (54) a municipality that is the county seat of a county  
22 with a population of more than 900,000 that is adjacent to two  
23 counties, each of which has a population of more than 1.8 million;

24           (55) a municipality that hosts an annual wine festival  
25 and is located in three counties, each of which has a population of  
26 more than 900,000;

27           (56) a municipality that has a population of at least

1 150,000 but less than 1,300,000 and is partially located in a county  
2 that contains a portion of Cedar Creek Reservoir;

3 (57) a municipality that is located in a county that  
4 contains a portion of Cedar Creek Reservoir and in which a private  
5 college is located;

6 (58) a municipality that is the county seat of a  
7 county:

8 (A) with a population of one million or more;

9 (B) in which all or part of a municipality with a  
10 population of one million or more is located; and

11 (C) that is located adjacent to a county with a  
12 population of 2.5 million or more;

13 (59) a municipality that is the county seat of a county  
14 that contains a portion of Cedar Creek Reservoir and borders a  
15 county with a population of more than 240,000;

16 (60) a municipality with a population of more than  
17 80,000 but less than 150,000 that is located in a county with a  
18 population of more than 369,000 but less than 864,000 that contains  
19 part of an active duty United States Army installation;

20 (61) a municipality with a population of 750,000 or  
21 more that is located in a county with a population of 1.5 million or  
22 less;

23 (62) a municipality with a population of less than  
24 7,000 that contains a country music hall of fame;

25 (63) a municipality with a population of 35,000 or  
26 more that contains a railroad museum and is located in a county  
27 that:

- 1 (A) has a population of 800,000 or more; and  
2 (B) is adjacent to a county with a population of  
3 four million or more; and  
4 (64) a municipality:  
5 (A) that is the county seat of a county:  
6 (i) with a population of 60,000 or less; and  
7 (ii) that borders the Rio Grande; and  
8 (B) in which is located a United States military  
9 fort listed in the National Register of Historic Places.

10 SECTION 17.14. Section 352.002(a), Tax Code, is amended to  
11 read as follows:

12 (a) The commissioners courts of the following counties by  
13 the adoption of an order or resolution may impose a tax on a person  
14 who, under a lease, concession, permit, right of access, license,  
15 contract, or agreement, pays for the use or possession or for the  
16 right to the use or possession of a room that is in a hotel, costs \$2  
17 or more each day, and is ordinarily used for sleeping:

18 (1) a county that has a population of more than 3.3  
19 million;

20 (2) a county that has a population of 90,000 or more,  
21 borders the United Mexican States, does not border the Gulf of  
22 America [~~Gulf of Mexico~~], and does not have four or more cities that  
23 each have a population of more than 25,000;

24 (3) a county in which there is no municipality;

25 (4) a county in which there is located an Indian  
26 reservation under the jurisdiction of the United States government;

27 (5) a county that has a population of 30,000 or less,

1 that has no more than one municipality with a population of less  
2 than 2,500, and that borders two counties located wholly in the  
3 Edwards Aquifer Authority established by Chapter 626, Acts of the  
4 73rd Legislature, Regular Session, 1993;

5 (6) a county that borders the Gulf of America [~~Gulf of~~  
6 ~~Mexico~~];

7 (7) a county that has a population of less than 5,000,  
8 that borders the United Mexican States, and in which there is  
9 located a major observatory;

10 (8) a county that has a population of 12,000 or less  
11 and borders the Toledo Bend Reservoir;

12 (9) a county that has a population of less than 12,500  
13 and an area of less than 275 square miles and does not border a  
14 county that borders Arkansas and Louisiana;

15 (10) a county that has a population of 30,000 or less  
16 and borders Possum Kingdom Lake;

17 (11) a county that borders a county with a population  
18 of more than 300,000 and the United Mexican States and has a  
19 population of more than 300,000 and less than 900,000;

20 (12) a county that has a population of 35,000 or more  
21 and borders or contains a portion of Lake Fork Reservoir;

22 (13) a county that borders the United Mexican States  
23 and in which there is located a national recreation area;

24 (14) a county that borders the United Mexican States  
25 and in which there is located a national park of more than 400,000  
26 acres;

27 (15) a county that has a population of 28,000 or less,

1 that has no more than four municipalities, and that is located  
2 wholly in the Edwards Aquifer Authority established by Chapter 626,  
3 Acts of the 73rd Legislature, Regular Session, 1993;

4 (16) a county that has a population of 25,000 or less,  
5 whose territory is less than 750 square miles, and that has two  
6 incorporated municipalities, each with a population of 800 or less,  
7 at least one of which is located on the Frio River;

8 (17) a county that has a population of 34,000 or more  
9 and borders Lake Buchanan;

10 (18) a county that has a population of more than 45,000  
11 and less than 75,000, that borders the United Mexican States, and  
12 that borders or contains a portion of Falcon Lake;

13 (19) a county with a population of 22,000 or less that  
14 borders the Neches River and in which there is located a national  
15 preserve;

16 (20) a county that has a population of 28,000 or less  
17 and that borders or contains a portion of Lake Livingston;

18 (21) a county through which the Pedernales River flows  
19 and in which the birthplace or the childhood home of a president of  
20 the United States is located;

21 (22) a county that has a population of 35,000 or less  
22 and borders Lake Buchanan;

23 (23) a county with a population of less than 11,000  
24 that is bordered by the Sulphur River;

25 (24) a county that has a population of 16,000 or more  
26 and borders the entire north shore of Lake Somerville;

27 (25) a county that has a population of 20,000 or less



1 and that is bordered by the Brazos and Navasota Rivers;

2 (26) a county that has a population of more than 15,000  
3 and less than 25,000 and is located on the Trinity and Navasota  
4 Rivers;

5 (27) a county that has a population of less than 15,000  
6 and that is bordered by the Trinity and Navasota Rivers;

7 (28) a county that borders or contains a portion of the  
8 Neches River, the Sabine River, and Sabine Lake; and

9 (29) a county that borders Whitney Lake.

10 SECTION 17.15. Section 352.003(f), Tax Code, is amended to  
11 read as follows:

12 (f) The tax rate in a county that borders the Gulf of America  
13 [~~Gulf of Mexico~~], has a population of more than 200,000, and borders  
14 the Neches River may not exceed two percent of the price paid for a  
15 room in a hotel in the county.

16 SECTION 17.16. Sections 352.1033(a) and (b), Tax Code, are  
17 amended to read as follows:

18 (a) Subject to Subsection (c), the revenue from a tax  
19 imposed under this chapter by a county that borders the Gulf of  
20 America [~~Gulf of Mexico~~] authorized to impose the tax by Section  
21 352.002(a)(6) may be used only to:

22 (1) clean public beaches;

23 (2) acquire, furnish, or maintain facilities,  
24 including parks, that enhance public access to beaches;

25 (3) provide and maintain public restrooms on or  
26 adjacent to beaches or beach access facilities;

27 (4) provide and maintain litter containers on or

1 adjacent to beaches or beach access facilities;

2 (5) create, renovate, promote, and maintain parks  
3 adjacent to bays, rivers, and other navigable waterways if the  
4 county does not operate a public beach on the Gulf of America [~~Gulf~~  
5 ~~of Mexico~~];

6 (6) advertise and conduct solicitations and  
7 promotional programs to attract tourists and convention delegates  
8 or registrants to the county or its vicinity, any of which may be  
9 conducted by the county or through contracts with persons or  
10 organizations selected by the county;

11 (7) acquire a site for and construct, improve,  
12 enlarge, equip, repair, operate, and maintain a visitor information  
13 center; and

14 (8) encourage, promote, and improve historical  
15 preservation and restoration efforts.

16 (b) A county that borders the Gulf of America [~~Gulf of~~  
17 ~~Mexico~~] and that is authorized to impose the tax by Section  
18 [352.002](#)(a)(6) may use 50 percent or less of the revenue from the tax  
19 for the promotion of tourism.

20 ARTICLE 18. UTILITIES CODE PROVISIONS

21 SECTION 18.01. Section [39.9016](#), Utilities Code, is amended  
22 to read as follows:

23 Sec. 39.9016. NUCLEAR SAFETY FEE. An electric utility that  
24 operates a nuclear asset located in a county on the coast of the  
25 Gulf of America [~~Gulf of Mexico~~] shall pay a nuclear safety fee for  
26 the year 2000 and the year 2001 to each taxing unit in which the  
27 nuclear asset is located, other than a school district, in an amount

1 equal to the difference between the ad valorem taxes imposed by the  
2 taxing unit in 1999 and the amount of ad valorem taxes imposed by  
3 the unit in the year for which the fee is due, except that the amount  
4 of the fee may not exceed one-half the taxes imposed on the asset by  
5 the unit in 1999. The nuclear safety fee shall be considered a tax  
6 or fee under Section 39.258(5).

7 ARTICLE 19. WATER CODE PROVISIONS

8 SECTION 19.01. Section 11.002(11), Water Code, is amended  
9 to read as follows:

10 (11) "River basin" means a river or coastal basin  
11 designated by the board as a river basin under Section 16.051. The  
12 term does not include waters originating in the bays or arms of the  
13 Gulf of America [~~Gulf of Mexico~~].

14 SECTION 19.02. Section 11.021(a), Water Code, is amended to  
15 read as follows:

16 (a) The water of the ordinary flow, underflow, and tides of  
17 every flowing river, natural stream, and lake, and of every bay or  
18 arm of the Gulf of America [~~Gulf of Mexico~~], and the storm water,  
19 floodwater, and rainwater of every river, natural stream, canyon,  
20 ravine, depression, and watershed in the state is the property of  
21 the state.

22 SECTION 19.03. Section 11.023(f), Water Code, is amended to  
23 read as follows:

24 (f) The water of any arm, inlet, or bay of the Gulf of  
25 America [~~Gulf of Mexico~~] may be changed from salt water to sweet or  
26 fresh water and held or stored by dams, dikes, or other structures  
27 and may be taken or diverted for any purpose authorized by this

1 chapter.

2 SECTION 19.04. Sections 11.050(a), Water Code, are amended  
3 to read as follows:

4 (a) An appropriator authorized to take water for  
5 irrigation, subject to the laws of the United States and the  
6 regulations made under its authority, may construct gates or  
7 breakwaters, dams, or dikes with gates, in waters wholly in this  
8 state, as necessary to prevent pollution of the fresh water of any  
9 river, bayou, or stream due to the ebb and flow of the tides of the  
10 Gulf of America [~~Gulf of Mexico~~].

11 SECTION 19.05. Section 11.0871(a), Water Code, is amended  
12 to read as follows:

13 (a) The commission may authorize, under conditions stated  
14 in an order, a watermaster to provide for the temporary diversion  
15 and use by holders of water rights of storm water or floodwater that  
16 spills from dams and reservoirs on an international stream and  
17 otherwise would flow into the Gulf of America [~~Gulf of Mexico~~]  
18 without opportunity for beneficial use.

19 SECTION 19.06. Sections 11.1405(a) and (b), Water Code, are  
20 amended to read as follows:

21 (a) The commission may issue a permit under this section to  
22 authorize a diversion of state water from the Gulf of America [~~Gulf~~  
23 ~~of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of Mexico~~]  
24 for desalination and use for industrial purposes if:

25 (1) the point of diversion is located less than three  
26 miles seaward of any point located on the coast of this state; or

27 (2) the seawater contains a total dissolved solids

1 concentration based on a yearly average of samples taken monthly at  
2 the water source of less than 20,000 milligrams per liter.

3 (b) A person may divert state water from the Gulf of America  
4 [~~Gulf of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of~~  
5 ~~Mexico~~] for desalination and use for industrial purposes without  
6 obtaining a permit if Subsection (a) does not apply.

7 SECTION 19.07. Section 11.142(c), Water Code, is amended to  
8 read as follows:

9 (c) Without obtaining a permit, a person who is drilling and  
10 producing petroleum and conducting operations associated with  
11 drilling and producing petroleum may take for those purposes state  
12 water from the Gulf of America [~~Gulf of Mexico~~] and adjacent bays  
13 and arms of the Gulf of America [~~Gulf of Mexico~~] in an amount not to  
14 exceed one acre-foot during each 24-hour period.

15 SECTION 19.08. Section 11.1421(b), Water Code, is amended  
16 to read as follows:

17 (b) Without obtaining a permit and subject to the  
18 requirements and limitations provided by Subsections (c) through  
19 (e) of this section, a person who is engaged in mariculture  
20 operations on land may take for that purpose state water from the  
21 Gulf of America [~~Gulf of Mexico~~] and adjacent bays and arms of the  
22 Gulf of America [~~Gulf of Mexico~~] in an amount appropriate to those  
23 mariculture activities.

24 SECTION 19.09. Section 11.3271(h), Water Code, is amended  
25 to read as follows:

26 (h) Before granting a permit to convey water down the banks  
27 and bed of the Rio Grande, the commission shall adopt rules that

1 provide for the methods and procedures by which the watermaster  
2 shall account for any discharge, delivery, conveyance, storage,  
3 diversion, or associated loss of water conveyed down the banks and  
4 bed of the Rio Grande. A permit to convey water down the banks and  
5 bed of the Rio Grande may not allow the permit holder to share in any  
6 beneficial state water inflows into the Rio Grande. The permit  
7 holder is entitled to convey only the amount of water specified in  
8 the permit, less the carriage losses incurred in transit, as  
9 described and measured according to commission rules. A rule  
10 adopted by the commission under this subsection must be consistent  
11 with the Treaty Relating to the Utilization of the Waters of the  
12 Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from  
13 Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~],  
14 concluded by the United States and the United Mexican States on  
15 February 3, 1944, and with any minute order adopted by the  
16 International Boundary and Water Commission.

17 SECTION 19.10. Section 13.245(c-5), Water Code, is amended  
18 to read as follows:

19 (c-5) Subsections (c-1), (c-2), (c-3), and (c-4) do not  
20 apply to:

21 (1) a county that borders the United Mexican States  
22 and the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to  
23 such a county;

24 (2) a county with a population of more than 30,000 and  
25 less than 36,000 that borders the Red River; or

26 (3) a county with a population of more than 100,000 and  
27 less than 200,000 that borders a county described by Subdivision

1 (2).

2 SECTION 19.11. Section 13.2351(b-1), Water Code, is amended  
3 to read as follows:

4 (b-1) Subsection (b) does not apply to an extension of  
5 extraterritorial jurisdiction in a county that borders the United  
6 Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county  
7 adjacent to such a county.

8 SECTION 19.12. Section 13.254(a-9), Water Code, is amended  
9 to read as follows:

10 (a-9) Subsection (a-8) does not apply to a county that  
11 borders the United Mexican States and the Gulf of America [~~Gulf of  
12 Mexico~~] or a county adjacent to a county that borders the United  
13 Mexican States and the Gulf of America [~~Gulf of Mexico~~].

14 SECTION 19.13. Section 16.321, Water Code, is amended to  
15 read as follows:

16 Sec. 16.321. COASTAL FLOODING. The Commissioner of the  
17 General Land Office shall adopt and enforce reasonable rules and  
18 regulations necessary for protection from flooding on barrier  
19 islands, peninsulas, and mainland areas fronting on the Gulf of  
20 America [~~Gulf of Mexico~~]. Rules and regulations adopted pursuant to  
21 this section shall be limited to those matters that political  
22 subdivisions are authorized to address under Section 16.315 of this  
23 code. Except as otherwise provided by this section, all actions  
24 taken by political subdivisions under Section 16.315 of this code  
25 with respect to flooding on barrier islands, peninsulas, and  
26 mainland areas fronting on the Gulf of America [~~Gulf of Mexico~~] must  
27 comply with rules and regulations adopted by the commissioner under

1 this section. A political subdivision may adopt rules that are more  
2 stringent than those adopted by the commissioner under this  
3 section, provided the stricter provisions are intended to ensure  
4 compliance with the National Flood Insurance Program's rules,  
5 regulations, and policies.

6 SECTION 19.14. Section 16.053(e), Water Code, is amended to  
7 read as follows:

8 (e) Each regional water planning group shall submit to the  
9 development board a regional water plan that:

10 (1) is consistent with the guidance principles for the  
11 state water plan adopted by the development board under Section  
12 16.051(d);

13 (2) provides information based on data provided or  
14 approved by the development board in a format consistent with the  
15 guidelines provided by the development board under Subsection (d);

16 (2-a) is consistent with the desired future conditions  
17 adopted under Section 36.108 for the relevant aquifers located in  
18 the regional water planning area as of the most recent deadline for  
19 the board to adopt the state water plan under Section 16.051 or, at  
20 the option of the regional water planning group, established  
21 subsequent to the adoption of the most recent plan; provided,  
22 however, that if no groundwater conservation district exists within  
23 the area of the regional water planning group, the regional water  
24 planning group shall determine the supply of groundwater for  
25 regional planning purposes; the Texas Water Development Board shall  
26 review and approve, prior to inclusion in the regional water plan,  
27 that the groundwater supply for the regional planning group without



1 a groundwater conservation district in its area is physically  
2 compatible, using the board's groundwater availability models,  
3 with the desired future conditions adopted under Section 36.108 for  
4 the relevant aquifers in the groundwater management area that are  
5 regulated by groundwater conservation districts;

6 (3) identifies:

7 (A) each source of water supply in the regional  
8 water planning area, including information supplied by the  
9 executive administrator on the amount of modeled available  
10 groundwater in accordance with the guidelines provided by the  
11 development board under Subsections (d) and (f);

12 (B) factors specific to each source of water  
13 supply to be considered in determining whether to initiate a  
14 drought response;

15 (C) actions to be taken as part of the response;

16 (D) existing major water infrastructure  
17 facilities that may be used for interconnections in the event of an  
18 emergency shortage of water; and

19 (E) unnecessary or counterproductive variations  
20 in specific drought response strategies, including outdoor  
21 watering restrictions, among user groups in the regional water  
22 planning area that may confuse the public or otherwise impede  
23 drought response efforts;

24 (4) has specific provisions for water management  
25 strategies to be used during a drought of record;

26 (5) includes but is not limited to consideration of  
27 the following:

- 1 (A) any existing water or drought planning  
2 efforts addressing all or a portion of the region and potential  
3 impacts on public health, safety, or welfare in this state;
- 4 (B) approved groundwater conservation district  
5 management plans and other plans submitted under Section 16.054;
- 6 (C) all potentially feasible water management  
7 strategies, including but not limited to improved conservation,  
8 reuse, and management of existing water supplies, conjunctive use,  
9 acquisition of available existing water supplies, and development  
10 of new water supplies;
- 11 (D) protection of existing water rights in the  
12 region;
- 13 (E) opportunities for and the benefits of  
14 developing regional water supply facilities or providing regional  
15 management of water supply facilities;
- 16 (F) appropriate provision for environmental  
17 water needs and for the effect of upstream development on the bays,  
18 estuaries, and arms of the Gulf of America [~~Gulf of Mexico~~] and the  
19 effect of plans on navigation;
- 20 (G) provisions in Section 11.085(k)(1) if  
21 interbasin transfers are contemplated;
- 22 (H) voluntary transfer of water within the region  
23 using, but not limited to, regional water banks, sales, leases,  
24 options, subordination agreements, and financing agreements;
- 25 (I) emergency transfer of water under Section  
26 11.139, including information on the part of each permit, certified  
27 filing, or certificate of adjudication for nonmunicipal use in the

1 region that may be transferred without causing unreasonable damage  
2 to the property of the nonmunicipal water rights holder; and

3 (J) opportunities for and the benefits of  
4 developing large-scale desalination facilities for:

5 (i) marine seawater that serve local or  
6 regional entities; and

7 (ii) brackish groundwater that serve local  
8 or regional brackish groundwater production zones identified and  
9 designated under Section 16.060(b)(5);

10 (6) identifies river and stream segments of unique  
11 ecological value and sites of unique value for the construction of  
12 reservoirs that the regional water planning group recommends for  
13 protection under Section 16.051;

14 (7) assesses the impact of the plan on unique river and  
15 stream segments identified in Subdivision (6) if the regional water  
16 planning group or the legislature determines that a site of unique  
17 ecological value exists;

18 (8) describes the impact of proposed water projects on  
19 water quality;

20 (9) includes information on:

21 (A) projected water use and conservation in the  
22 regional water planning area;

23 (B) the implementation of state and regional  
24 water plan projects, including water conservation strategies,  
25 necessary to meet the state's projected water demands; and

26 (C) the implementation of large projects,  
27 including reservoirs, interstate water transfers, innovative

1 technology projects, desalination plants, and other large projects  
2 as determined by the board, including information regarding:

- 3 (i) expenditures of sponsor money;  
4 (ii) permit applications, including the  
5 status of a permit application; and  
6 (iii) status updates on the phase of  
7 construction of a project;

8 (10) if the regional water planning area has  
9 significant identified water needs, provides a specific assessment  
10 of the potential for aquifer storage and recovery projects to meet  
11 those needs;

12 (11) sets one or more specific goals for gallons of  
13 water use per capita per day in each decade of the period covered by  
14 the plan for the municipal water user groups in the regional water  
15 planning area; and

16 (12) assesses the progress of the regional water  
17 planning area in encouraging cooperation between water user groups  
18 for the purpose of achieving economies of scale and otherwise  
19 incentivizing strategies that benefit the entire region.

20 SECTION 19.15. Section 18.001(2) Water Code, is amended to  
21 read as follows:

22 (2) "Marine seawater" means water that is derived from  
23 the Gulf of America [~~Gulf of Mexico~~].

24 SECTION 19.16. Section 18.003(i) Water Code, is amended to  
25 read as follows:

26 (i) The Parks and Wildlife Department and the General Land  
27 Office jointly shall conduct a study to identify zones in the Gulf

1 of America [~~Gulf of Mexico~~] that are appropriate for the diversion  
2 of marine seawater, taking into account the need to protect marine  
3 organisms. Not later than September 1, 2018, the Parks and Wildlife  
4 Department and the General Land Office shall submit a report on the  
5 results of the study to the commission. The report must include  
6 recommended diversion zones for designation by the commission and  
7 recommendations for the number of points from which, and the rate at  
8 which, a facility may divert marine seawater. Not later than  
9 September 1, 2020, the commission by rule shall designate  
10 appropriate diversion zones. A diversion zone may be contiguous  
11 to, be the same as, or overlap a discharge zone. The point or points  
12 from which a facility may divert marine seawater must be located in  
13 a diversion zone designated by the commission under rules adopted  
14 under this subsection if:

15 (1) the facility is authorized by a permit as required  
16 by Subsection (a) issued after the rules are adopted; or

17 (2) the facility is exempt under Subsection (b) from  
18 the requirement of a permit and construction of the facility begins  
19 after the rules are adopted.

20 SECTION 19.17. Sections 18.005(c), (d), and (g), Water  
21 Code, are amended to read as follows:

22 (c) A person must obtain a permit to discharge:

23 (1) treated marine seawater into a natural stream in  
24 this state or a lake, reservoir, or other impoundment in this state;

25 or

26 (2) waste resulting from the desalination of treated  
27 marine seawater into the Gulf of America [~~Gulf of Mexico~~].

1 (d) A person shall:

2 (1) treat marine seawater so as to meet standards that  
3 are at least as stringent as the water quality standards adopted by  
4 the commission applicable to the receiving stream or impoundment  
5 before discharging the seawater under this section; and

6 (2) comply with all applicable state and federal  
7 requirements when discharging waste resulting from the  
8 desalination of marine seawater into the Gulf of America [~~Gulf of~~  
9 ~~Mexico~~].

10 (g) The Parks and Wildlife Department and the General Land  
11 Office jointly shall conduct a study to identify zones in the Gulf  
12 of America [~~Gulf of Mexico~~] that are appropriate for the discharge  
13 of waste resulting from the desalination of marine seawater, taking  
14 into account the need to protect marine organisms. Not later than  
15 September 1, 2018, the Parks and Wildlife Department and the  
16 General Land Office shall submit a report on the results of the  
17 study to the commission. The report must include recommended  
18 discharge zones for designation by the commission. Not later than  
19 September 1, 2020, the commission by rule shall designate  
20 appropriate discharge zones. The point at which a facility may  
21 discharge waste resulting from the desalination of marine seawater  
22 must be located in a discharge zone designated by the commission  
23 under rules adopted under this subsection if the facility is  
24 authorized by a permit issued under Subsection (c)(2) after the  
25 rules are adopted.

26 SECTION 19.18. Section 26.001(5), Water Code, is amended to  
27 read as follows:

1           (5) "Water" or "water in the state" means groundwater,  
2 percolating or otherwise, lakes, bays, ponds, impounding  
3 reservoirs, springs, rivers, streams, creeks, estuaries, wetlands,  
4 marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~],  
5 inside the territorial limits of the state, and all other bodies of  
6 surface water, natural or artificial, inland or coastal, fresh or  
7 salt, navigable or nonnavigable, and including the beds and banks  
8 of all watercourses and bodies of surface water, that are wholly or  
9 partially inside or bordering the state or inside the jurisdiction  
10 of the state.

11           SECTION 19.19. Sections [26.0272](#)(b) and (c), Water Code, are  
12 amended to read as follows:

13           (b) The commission may issue a permit for the discharge of  
14 water treatment residuals from the desalination of seawater into  
15 the portion of the Gulf of America [~~Gulf of Mexico~~] inside the  
16 territorial limits of the state.

17           (c) Before issuing a permit under this section, the  
18 commission must evaluate the discharge of water treatment residuals  
19 from the desalination of seawater into the Gulf of America [~~Gulf of~~  
20 ~~Mexico~~] for compliance with the state water quality standards  
21 adopted by the commission, the requirements of the Texas Pollutant  
22 Discharge Elimination System program, and applicable federal law.

23           SECTION 19.20. Sections [26.044](#)(a)(4), Water Code, are  
24 amended to read as follows:

25           (4) "Surface water in the state" means all lakes,  
26 bays, ponds, impounding reservoirs, springs, rivers, streams,  
27 creeks, estuaries, marshes, inlets, canals, the Gulf of America

1 [~~Gulf of Mexico~~] out three nautical miles into the Gulf, and all  
2 other bodies of surface water, natural or artificial, inland or  
3 coastal, fresh or salt, navigable or nonnavigable, and including  
4 the beds and banks of all watercourses and bodies of surface water,  
5 that are wholly or partially inside or bordering the state or inside  
6 the jurisdiction of the state, except waters beyond three nautical  
7 miles of any shore in the state.

8 SECTION 19.21. Section 27.040, Water Code, is amended to  
9 read as follows:

10 Sec. 27.040. DEFINITION. In this subchapter, "offshore"  
11 means the area in the Gulf of America [~~Gulf of Mexico~~] seaward of  
12 the coast that is within three marine leagues of the coast.

13 SECTION 19.22. Section 28.001(4), Water Code, is amended to  
14 read as follows:

15 (4) "Water" or "water in the state" means groundwater,  
16 percolating or otherwise, lakes, bays, ponds, impounding  
17 reservoirs, springs, rivers, streams, creeks, estuaries, marshes,  
18 inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the  
19 territorial limits of the state, and all other bodies of natural and  
20 artificial surface water that is inland or coastal, fresh or salt,  
21 and navigable or nonnavigable, and includes the beds and banks of  
22 all watercourses and bodies of surface water, that are wholly or  
23 partially inside or bordering the state or inside the jurisdiction  
24 of the state.

25 SECTION 19.23. Section 31.001(11), Water Code, is amended  
26 to read as follows:

27 (11) "Water" or "water in the state" means



1 groundwater, percolating or otherwise, lakes, bays, ponds,  
2 impounding reservoirs, springs, rivers, streams, creeks,  
3 estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of~~  
4 ~~Mexico~~] inside the territorial limits of the state, and all other  
5 bodies of natural and artificial surface water that are inland or  
6 coastal, fresh or salt, and navigable or nonnavigable and includes  
7 the beds and banks of all watercourses and bodies of surface water  
8 that are wholly or partially inside or bordering the state or inside  
9 the jurisdiction of the state.

10 SECTION 19.24. Section 36.001(23), Water Code, is amended  
11 to read as follows:

12 (23) "River basin" means a river or coastal basin  
13 designated as a river basin by the board under Section 16.051. The  
14 term does not include waters of the bays or arms originating in the  
15 Gulf of America [~~Gulf of Mexico~~].

16 SECTION 19.25. Section 49.2127(b), Water Code, is amended  
17 to read as follows:

18 (b) This section applies only to a district whose territory  
19 is located wholly or partly in a county:

20 (1) located on the Gulf of America [~~Gulf of Mexico~~] and  
21 an international border; or

22 (2) adjacent to a county described by Subdivision (1).

23 SECTION 19.26. Section 49.502, Water Code, is amended to  
24 read as follows:

25 Sec. 49.502. APPLICABILITY. This subchapter applies only  
26 to a district, other than a drainage district, located wholly or  
27 partly in a county:

1           (1) that borders the Gulf of America [~~Gulf of Mexico~~]  
2 and the United Mexican States; or

3           (2) that is adjacent to a county described by  
4 Subdivision (1).

5           SECTION 19.27. Section 54.235, Water Code, is amended to  
6 read as follows:

7           Sec. 54.235. AUTHORITY TO CONTRACT. Any district created  
8 by general law or special act of the legislature in existence for at  
9 least 10 years which lies within a county that borders on the Gulf  
10 of America [~~Gulf of Mexico~~] and that has a population of 190,000 and  
11 which has the powers of this chapter and which also has or is  
12 authorized to acquire road utility district powers pursuant to  
13 Section 54.234, of this code, may contract with the county within  
14 which it is located with respect to the ownership, maintenance, and  
15 operation of any facilities or improvements which such district is  
16 authorized or may be authorized to acquire by purchase, gift,  
17 lease, or otherwise, except by condemnation, any and all property  
18 or interests in property, whether real, personal, or mixed,  
19 tangible or intangible, located inside or outside such county, that  
20 are found to be necessary for such improvements or facilities. Such  
21 county may enter into contracts with such districts as permitted by  
22 this section for any term of years not exceeding 40 for the  
23 management and operation of any or all of such property and  
24 interests in property on such terms as the commissioners court of  
25 such county deems appropriate.

26           SECTION 19.28. Section 60.039(c), Water Code, is amended to  
27 read as follows:

1           (c) This subsection applies only to a district that operates  
2 a port in this state that is wholly located in a county that borders  
3 the Gulf of America [~~Gulf of Mexico~~] and that is adjacent to a  
4 county that contains an international border and borders the Gulf  
5 of America [~~Gulf of Mexico~~]. The district may lease the surface of  
6 land for not more than 99 years or may extend a lease to a period not  
7 to exceed 99 years only if:

8           (1) the lease conveys an interest in the surface of the  
9 land for residential purposes only;

10           (2) at the time the lease will be entered into or  
11 extended, the district has not less than 50 leases in effect that  
12 convey an interest in the land surface for residential purposes  
13 only; and

14           (3) any part of the land owned by the district is  
15 subdivided into lots intended for residential use.

16           SECTION 19.29. Section 61.151(a), Water Code, is amended to  
17 read as follows:

18           (a) A district created for the development of deep-water  
19 navigation which includes a city with a population of more than  
20 100,000, according to the last preceding federal census, may  
21 operate and develop ports and waterways inside the district and  
22 extending to the Gulf of America [~~Gulf of Mexico~~].

23           SECTION 19.30. Section 61.156(a), Water Code, is amended to  
24 read as follows:

25           (a) The district may exercise the power of eminent domain to  
26 condemn and acquire the right-of-way over and through any public or  
27 private land necessary to improve any river, bay, creek, or arm of

1 the Gulf of America [~~Gulf of Mexico~~] for the construction and  
2 maintenance of any canal or waterway and for any other purpose  
3 authorized by this chapter.

4 SECTION 19.31. Section 63.157, Water Code, is amended to  
5 read as follows:

6 Sec. 63.157. AUTHORITY OVER IMPROVEMENTS. A district may  
7 acquire, purchase, take over, construct, maintain, operate,  
8 develop, and regulate wharves, docks, warehouses, grain elevators,  
9 bunkering facilities, belt railroads, floating plants, literage,  
10 lands, towing facilities, and all other facilities or aids incident  
11 to or necessary to the operation or development of ports or  
12 waterways inside the district extending to the Gulf of America  
13 [~~Gulf of Mexico~~].

14 ARTICLE 20. EFFECTIVE DATE

15 SECTION 20.01. This Act takes effect immediately if it  
16 receives a vote of two-thirds of all members elected to each house,  
17 as provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect on September 1, 2025.