

1 AN ACT

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

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

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

7 (a) A person pursuing the business of selling mules, horses,
8 jacks, or jennets in a county with a population of not less than 1.8
9 [~~1.4~~] million nor more than 1.9 [~~1.5~~] million is not subject to this
10 chapter as a livestock auction commission merchant.

11 SECTION 2. Section 109.57(e), Alcoholic Beverage Code, is
12 amended to read as follows:

13 (e) A municipality located in a county that has a population
14 of 2.2 million or more and that is adjacent to a county with a
15 population of more than 600,000 [~~400,000~~] or a municipality located
16 in a county with a population of 600,000 [~~400,000~~] or more and that
17 is adjacent to a county with a population of 2.2 million or more may
18 regulate, in a manner not otherwise prohibited by law, the location
19 of an establishment issued a permit under Chapter 32 or 33 if:

20 (1) the establishment derives 35 percent or more of
21 the establishment's gross revenue from the on-premises sale or
22 service of alcoholic beverages and the premises of the
23 establishment are located in a dry area; and

24 (2) the permit is not issued to a fraternal or veterans

1 organization or the holder of a food and beverage certificate.

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

4 (c) This section applies only to a public utility located
5 in:

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

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

10 SECTION 4. Section 152.006, Civil Practice and Remedies
11 Code, is amended to read as follows:

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

21 SECTION 5. Article 2.12, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
24 officers:

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

- 1 (2) constables, deputy constables, and those reserve
2 deputy constables who hold a permanent peace officer license issued
3 under Chapter 1701, Occupations Code;
- 4 (3) marshals or police officers of an incorporated
5 city, town, or village, and those reserve municipal police officers
6 who hold a permanent peace officer license issued under Chapter
7 1701, Occupations Code;
- 8 (4) rangers and officers commissioned by the Public
9 Safety Commission and the Director of the Department of Public
10 Safety;
- 11 (5) investigators of the district attorneys', criminal
12 district attorneys', and county attorneys' offices;
- 13 (6) law enforcement agents of the Texas Alcoholic
14 Beverage Commission;
- 15 (7) each member of an arson investigating unit
16 commissioned by a city, a county, or the state;
- 17 (8) officers commissioned under Section 37.081,
18 Education Code, or Subchapter E, Chapter 51, Education Code;
- 19 (9) officers commissioned by the General Services
20 Commission;
- 21 (10) law enforcement officers commissioned by the
22 Parks and Wildlife Commission;
- 23 (11) airport police officers commissioned by a city
24 with a population of more than 1.18 million located primarily in a
25 county with a population of 2 million or more that operates an
26 airport that serves commercial air carriers;
- 27 (12) airport security personnel commissioned as peace

1 officers by the governing body of any political subdivision of this
2 state, other than a city described by Subdivision (11), that
3 operates an airport that serves commercial air carriers;

4 (13) municipal park and recreational patrolmen and
5 security officers;

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

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

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

12 (17) investigators commissioned by the Texas Medical
13 Board;

14 (18) officers commissioned by the board of managers of
15 the Dallas County Hospital District, the Tarrant County Hospital
16 District, or the Bexar County Hospital District under Section
17 281.057, Health and Safety Code;

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

20 (20) investigators employed by the Texas Racing
21 Commission;

22 (21) officers commissioned under Chapter 554,
23 Occupations Code;

24 (22) officers commissioned by the governing body of a
25 metropolitan rapid transit authority under Section 451.108,
26 Transportation Code, or by a regional transportation authority
27 under Section 452.110, Transportation Code;

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

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

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

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

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

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

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

16 (30) officers appointed by the inspector general of
17 the Texas Department of Criminal Justice under Section 493.019,
18 Government Code;

19 (31) investigators commissioned by the Commission on
20 Law Enforcement Officer Standards and Education under Section
21 1701.160, Occupations Code;

22 (32) commission investigators commissioned by the
23 Texas Private Security Board under Section 1702.061(f),
24 Occupations Code;

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

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

4 (35) investigators commissioned by the Texas Juvenile
5 Probation Commission as officers under Section 141.055, Human
6 Resources Code; and

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

10 SECTION 6. Article 2.21(g), Code of Criminal Procedure, is
11 amended to read as follows:

12 (g) A clerk in a county with a population of less than two
13 [~~1.7~~] million must provide written notice by mail to the attorney
14 representing the state in the case and the attorney representing
15 the defendant before disposing of an eligible exhibit.

16 SECTION 7. Article 18.05(e), Code of Criminal Procedure, is
17 amended to read as follows:

18 (e) A search warrant may not be issued under this article to
19 a code enforcement official of a county with a population of 3.3
20 [~~2.4~~] million or more for the purpose of allowing the inspection of
21 specified premises to determine the presence of an unsafe building
22 condition or a violation of a building regulation, statute, or
23 ordinance.

24 SECTION 8. Section 11.0581(a), Education Code, is amended
25 to read as follows:

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

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

3 (2) the general election for state and county
4 officers; or

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

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

10 (B) held its election for trustees jointly with
11 the election for the members of the governing body of the hospital
12 district before May 2007.

13 SECTION 9. Section 28.025(b-9), Education Code, is amended
14 to read as follows:

15 (b-9) The agency shall establish a pilot program allowing a
16 student attending school in a county with a population of more than
17 one million and in which more than 75 [~~80~~] percent of the population
18 resides in a single municipality to satisfy the fine arts credit
19 required under Subsection (b-1)(3)(A) by participating in a fine
20 arts program not provided by the school district in which the
21 student is enrolled. The fine arts program may be provided on or
22 off a school campus and outside the regular school day. Not later
23 than December 1, 2010, the agency shall provide to the legislature a
24 report regarding the pilot program, including the feasibility of
25 expanding the pilot program statewide.

26 SECTION 10. Section 45.105(e), Education Code, is amended
27 to read as follows:

1 (e) The governing body of an independent school district
2 that governs a junior college district under Subchapter B, Chapter
3 130, in a county with a population of more than two [~~1.5~~] million
4 may dedicate a specific percentage of the local tax levy to the use
5 of the junior college district for facilities and equipment or for
6 the maintenance and operating expenses of the junior college
7 district. To be effective, the dedication must be made by the
8 governing body on or before the date on which the governing body
9 adopts its tax rate for a year. The amount of local tax funds
10 derived from the percentage of the local tax levy dedicated to a
11 junior college district from a tax levy may not exceed the amount
12 that would be levied by five percent of the effective tax rate for
13 the tax year calculated as provided by Section 26.04, Tax Code, on
14 all property taxable by the school district. All real property
15 purchased with these funds is the property of the school district,
16 but is subject to the exclusive control of the governing body of the
17 junior college district for as long as the junior college district
18 uses the property for educational purposes.

19 SECTION 11. Section 51.214(a), Education Code, is amended
20 to read as follows:

21 (a) In any municipality with a population of 1.18 million or
22 more located primarily in a county with a population of 2 million or
23 more, the governing board of a private, nonprofit medical
24 corporation, or of the parent corporation of such medical
25 corporation, that provides police or security services for an
26 institution of higher education or a private postsecondary
27 educational institution located within one of the medical

1 corporation's or parent corporation's medical complexes, or that
2 provides police or security services for another medical complex
3 legally affiliated with or owned, leased, managed, or controlled by
4 the medical corporation or parent corporation, may employ and
5 commission police or security personnel to enforce the law of this
6 state within the jurisdiction designated by Subsection (c).

7 SECTION 12. Section 53A.49(a), Education Code, is amended
8 to read as follows:

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

14 (1) is located in a county with a population of more
15 than two million [~~1,900,000~~];

16 (2) is located within three miles of an area
17 designated as an enterprise zone under Chapter 2303, Government
18 Code;

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

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

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

26 SECTION 13. Section 130.082(i), Education Code, is amended
27 to read as follows:

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

11 SECTION 14. Section 143.005(e), Election Code, is amended
12 to read as follows:

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

19 SECTION 15. Section 172.021(e), Election Code, is amended
20 to read as follows:

21 (e) A candidate for an office specified by Section
22 172.024(a)(8), (10), or (12), or for justice of the peace in a
23 county with a population of more than 1.5 million [~~850,000~~], who
24 chooses to pay the filing fee must also accompany the application
25 with a petition for a place on the primary ballot as a candidate for
26 judicial office that complies with the requirements prescribed for
27 the petition authorized by Subsection (b), except that the minimum

1 number of signatures that must appear on the petition required by
2 this subsection is 250. If the candidate chooses to file the
3 petition authorized by Subsection (b) in lieu of the filing fee, the
4 minimum number of signatures required for that petition is
5 increased by 250. Signatures on a petition filed under this
6 subsection or Subsection (b) by a candidate covered by this
7 subsection may not be obtained on the grounds of a county courthouse
8 or courthouse annex.

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

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

- 13 (1) United States senator \$5,000
- 14 (2) office elected statewide, except United States
15 senator 3,750
- 16 (3) United States representative 3,125
- 17 (4) state senator 1,250
- 18 (5) state representative 750
- 19 (6) member, State Board of Education 300
- 20 (7) chief justice or justice, court of appeals, other
21 than a justice specified by Subdivision (8) 1,875
- 22 (8) chief justice or justice of a court of appeals that
23 serves a court of appeals district in which a county with a
24 population of more than one million [~~750,000~~] is wholly or partly
25 situated 2,500
- 26 (9) district judge or judge specified by Section
27 52.092(d) for which this schedule does not otherwise prescribe a

| | | |
|----|---|--------|
| 1 | fee | .1,500 |
| 2 | (10) district or criminal district judge of a court in | |
| 3 | a judicial district wholly contained in a county with a population | |
| 4 | of more than <u>1.5 million</u> [850,000] | .2,500 |
| 5 | (11) judge, statutory county court, other than a judge | |
| 6 | specified by Subdivision (12) | .1,500 |
| 7 | (12) judge of a statutory county court in a county with | |
| 8 | a population of more than <u>1.5 million</u> [850,000] | .2,500 |
| 9 | (13) district attorney, criminal district attorney, | |
| 10 | or county attorney performing the duties of a | |
| 11 | district attorney | .1,250 |
| 12 | (14) county commissioner, district clerk, county | |
| 13 | clerk, sheriff, county tax assessor-collector, county treasurer, | |
| 14 | or judge, constitutional county court: | |
| 15 | (A) county with a population of 200,000 | |
| 16 | or more | .1,250 |
| 17 | (B) county with a population of | |
| 18 | under 200,000 | .750 |
| 19 | (15) justice of the peace or constable: | |
| 20 | (A) county with a population of 200,000 | |
| 21 | or more | .1,000 |
| 22 | (B) county with a population of | |
| 23 | under 200,000 | .375 |
| 24 | (16) county surveyor | .75 |
| 25 | (17) office of the county government for which this | |
| 26 | schedule does not otherwise prescribe a fee | .750 |

27 SECTION 17. Section 84.002(a), Family Code, is amended to

1 read as follows:

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

9 SECTION 18. Section 51.501(c), Government Code, is amended
10 to read as follows:

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

16 SECTION 19. Section 62.016(h), Government Code, is amended
17 to read as follows:

18 (h) In a county with a population of more than 1.5 million
19 [~~900,000~~], the district judges, by a majority vote, may authorize
20 the drawing of two general jury panels for the week, with one to be
21 used in the courts that have a criminal docket and the other to be
22 used in the courts that have a civil docket.

23 SECTION 20. Section 62.021, Government Code, is amended to
24 read as follows:

25 Sec. 62.021. DISMISSAL OF JUROR REMOVED FROM PANEL. In a
26 county with a population of two [~~1.5~~] million or more, a prospective
27 juror removed from a jury panel for cause, by peremptory challenge

1 or for any other reason, must be dismissed from jury service. After
2 dismissal, the person may not be placed on another jury panel until
3 his name is returned to the jury wheel and drawn again for jury
4 service.

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

7 Sec. 803.0021. APPLICATION OF CHAPTER. This chapter
8 applies only to:

9 (1) a retirement system for general municipal
10 employees in a municipality with a population of not less than
11 750,000 [~~600,000~~] nor more than 850,000 [~~700,000~~];

12 (2) the Employees Retirement System of Texas, the
13 Teacher Retirement System of Texas, the Judicial Retirement System
14 of Texas Plan One, the Judicial Retirement System of Texas Plan Two,
15 the Texas County and District Retirement System, and the Texas
16 Municipal Retirement System; and

17 (3) a retirement system that makes an election under
18 Section 803.101(f).

19 SECTION 22. The heading to Section 1331.051, Government
20 Code, is amended to read as follows:

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

23 SECTION 23. Section 1331.051(a), Government Code, is
24 amended to read as follows:

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

27 SECTION 24. Section 1371.059(c), Government Code, is

1 amended to read as follows:

2 (c) An issuer in the proceedings to authorize obligations or
3 a credit agreement, or in a credit agreement, may agree to waive
4 sovereign immunity from suit or liability for the purpose of
5 adjudicating a claim to enforce the credit agreement or obligation
6 or for damages for breach of the credit agreement or
7 obligation. This subsection does not apply to an issuer that is:

8 (1) a state agency, including a state institution of
9 higher education; or

10 (2) a county with a population of 1.5 million
11 [~~900,000~~] or more.

12 SECTION 25. Section 1473.101(b), Government Code, is
13 amended to read as follows:

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

16 (1) issue bonds to pay for the construction and
17 equipment of a courthouse or county branch office building,
18 including the acquisition of a site for the courthouse or branch
19 office building; and

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

21 SECTION 26. Section 1473.191, Government Code, is amended
22 to read as follows:

23 Sec. 1473.191. APPLICABILITY OF SUBCHAPTER. This
24 subchapter applies only to a county with a population of more than
25 1.5 million [~~900,000~~].

26 SECTION 27. Section 1473.231, Government Code, is amended
27 to read as follows:

1 Sec. 1473.231. APPLICABILITY OF SUBCHAPTER. This
2 subchapter applies only to a county with a population of more than
3 1.5 million [~~900,000~~].

4 SECTION 28. The heading to Chapter 1476, Government Code,
5 is amended to read as follows:

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

8 SECTION 29. Section 1476.001(a), Government Code, is
9 amended to read as follows:

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

12 SECTION 30. 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; or

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

23 (i) with a population of at least 800,000
24 [~~600,000~~]; and

25 (ii) that is located on an international
26 border.

27 SECTION 31. Section 1506.101, Government Code, is amended

1 to read as follows:

2 Sec. 1506.101. APPLICABILITY OF SUBCHAPTER. This
3 subchapter applies only to a municipality that:

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

6 (2) has a population of:

7 (A) more than 47,500 [~~56,000~~] and less than
8 73,000 [~~67,000~~]; or

9 (B) more than 117,000 [~~113,000~~] and less than
10 160,000 [~~150,000~~].

11 SECTION 32. Section 1509.002(b), Government Code, is
12 amended to read as follows:

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

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

16 (2) is located in two counties with populations of
17 550,000 [~~325,000~~] or more but less than 4.2 [~~3.5~~] million.

18 SECTION 33. Section 2303.004(b), Government Code, is
19 amended to read as follows:

20 (b) Notwithstanding Subsection (a), the governing body of a
21 county with a population of one million [~~750,000~~] or more may
22 nominate for designation as an enterprise project a project or
23 activity of a qualified business that is located within the
24 jurisdiction of a municipality located in the county. For purposes
25 of this subsection, a county during any biennium may not use in any
26 one municipality more than three of the maximum number of
27 designations the county is permitted under Section 2303.406(d)(2).

1 SECTION 34. Section 168.010(a), Health and Safety Code, is
2 amended to read as follows:

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

5 (1) has a population of less than 800,000 [~~600,000~~];
6 and

7 (2) is located on the international border.

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

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

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

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

20 (1) a county with a population of 800,000 [~~650,000~~] or
21 more that borders the United Mexican States;

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

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

27 SECTION 37. Section 285.002, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 285.002. APPLICABILITY OF SUBCHAPTER. This subchapter
3 applies only to a county having:

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

5 (2) a countywide hospital district that:

6 (A) has taxes imposed and collected by the
7 commissioners court of the county; and

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

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

12 (a) A hospital district located in a county with a
13 population of more than 1.5 million [~~900,000~~] may construct,
14 enlarge, furnish, equip, operate, or lease a parking station near a
15 hospital in the district on the determination by the commissioners
16 court of the county that the action is in the best interest of the
17 hospital district and the residents of the district.

18 SECTION 39. The heading to Chapter 289, Health and Safety
19 Code, is amended to read as follows:

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

23 SECTION 40. Section 289.002, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 289.002. CREATION OF DISTRICT. A district is created
26 in each county located on the Texas-Mexico border that has a
27 population of less than 300,000 [~~200,000~~] and contains one or more

1 municipalities with a population of 200,000 [~~100,000~~] or more.

2 SECTION 41. The heading to Chapter 290, Health and Safety
3 Code, is amended to read as follows:

4 CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTS

5 IN CERTAIN COUNTIES WITH POPULATION OF

6 1.8 [~~1.4~~] MILLION OR LESS

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

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

13 SECTION 43. Section 301.001(1), Health and Safety Code, is
14 amended to read as follows:

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

18 (A) a municipality;
19 (B) a political subdivision of the state;
20 (C) a state-supported health-related
21 institution, including:

22 (i) The Texas A&M University System;

23 (ii) The University of Texas System; and

24 (iii) Texas Woman's University;

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

26 (E) a cooperative association created under
27 Subchapter B, a unit of which is located in a county with a

1 population of more than 3.3 [~~2-5~~] million.

2 SECTION 44. Section 361.271(c), Health and Safety Code, is
3 amended to read as follows:

4 (c) A political subdivision that is in a county with a
5 population of 3.3 [~~2-4~~] million or more or is in a county adjacent
6 to a county with a population of 3.3 [~~2-4~~] million or more and that
7 builds or installs a drainage project on a site of a solid waste
8 facility is not a person responsible for solid waste released or
9 threatened to be released from the facility or at a site of the
10 facility if:

11 (1) the political subdivision acquired ownership or
12 control of the facility or site through bankruptcy, tax
13 delinquency, abandonment, or other circumstances in which the
14 subdivision involuntarily acquired title to the facility or site by
15 virtue of the subdivision's function as sovereign; and

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

18 SECTION 45. Section 382.056(r), Health and Safety Code, is
19 amended to read as follows:

20 (r) This section does not apply to:

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

24 (2) a facility located temporarily in the
25 right-of-way, or contiguous to the right-of-way, of a public works
26 project; or

27 (3) a facility described by Section 382.065(c), unless

1 that facility is in a county with a population of 3.3 [~~2.4~~] million
2 or more or in a county adjacent to such a county.

3 SECTION 46. Section 382.065(d), Health and Safety Code, is
4 amended to read as follows:

5 (d) Notwithstanding Subsection (c), Subsection (a) applies
6 to a concrete crushing facility in a county with a population of 3.3
7 [~~2.4~~] million or more or in a county adjacent to such a county.

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

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

13 SECTION 48. Section 462.0731(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) This section applies to a chemically dependent patient
16 who is a resident of a county with a population of more than 3.3
17 [~~2.4~~] million, according to the most recent federal decennial
18 census, and whose inpatient commitment is modified to an outpatient
19 commitment, who is furloughed from an inpatient facility, or who is
20 committed to treatment on an outpatient basis.

21 SECTION 49. Sections 711.008(d) and (k), Health and Safety
22 Code, are amended to read as follows:

23 (d) Subsection (a) does not apply to a cemetery established
24 and operating before September 1, 1995, in a county with a
25 population of more than 285,000 [~~250,000~~] and less than 300,000
26 [~~251,000~~] that borders the Gulf of Mexico.

27 (k) This subsection applies only to a municipality with a

1 population of 115,000 [~~110,000~~] or more that is located in a county
2 with a population of less than 132,000 [~~127,000~~]. Not later than
3 September 1, 1994, a person may file a written application with the
4 governing body of the municipality to establish or use a cemetery
5 located inside the boundaries of the municipality. The
6 municipality by ordinance shall prescribe the information to be
7 included in the application. The governing body by ordinance may
8 authorize the establishment or use of a cemetery located inside the
9 boundaries of the municipality if the municipality determines and
10 states in the ordinance that the establishment or use of the
11 cemetery does not adversely affect public health, safety, and
12 welfare.

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

16 (a) This section applies only to the use of fees and
17 surcharges collected under this subchapter in a county subject to
18 this subchapter with a population of at least one million
19 [~~700,000~~].

20 SECTION 51. Section 772.204, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 772.204. APPLICATION OF SUBCHAPTER. This subchapter
23 applies to a county with a population of more than 1.5 million
24 [~~860,000~~] in which an emergency communication district was created
25 under Chapter 7, Acts of the 68th Legislature, 2nd Called Session,
26 1984, before January 1, 1988.

27 SECTION 52. Section 772.402, Health and Safety Code, is

1 amended to read as follows:

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

6 SECTION 53. Sections 775.014(g) and (h), Health and Safety
7 Code, are amended to read as follows:

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

11 (h) The governing body of a municipality with a population
12 of more than one million may negotiate with the commissioners court
13 of a county with a population of less than 1.8 [~~1.4~~] million that is
14 the county in which the majority of the territory inside the
15 municipality's corporate boundaries is located conditions under
16 which the municipality will grant its consent to the inclusion of
17 its extraterritorial jurisdiction in the district. The negotiated
18 conditions may:

- 19 (1) limit the district's ability to incur debt;
20 (2) require the district to ensure that its equipment
21 is compatible with the municipality's equipment; and
22 (3) require the district to enter into mutual aid
23 agreements.

24 SECTION 54. Section 775.017(a), Health and Safety Code, is
25 amended to read as follows:

26 (a) If after the hearing the commissioners court finds that
27 creation of the district is feasible and will promote the public

1 safety, welfare, health, and convenience of persons residing in the
2 proposed district, the commissioners court shall grant the
3 petition, fix the district's boundaries, and impose any conditions
4 negotiated under Section 775.014(h). If the proposed district,
5 according to its boundaries stated in the petition, is located
6 wholly in a county with a population of more than 3.3 [~~2.4~~] million,
7 the commissioners court may amend the petition to change the
8 boundaries of the proposed district if the commissioners court
9 finds the change is necessary or desirable. For the purposes of
10 this provision, the population of the county is determined
11 according to the most recent federal decennial census available at
12 the time the petition is filed.

13 SECTION 55. Section 775.031(b), Health and Safety Code, is
14 amended to read as follows:

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

18 (1) was originally a rural fire prevention district
19 and was converted to an emergency services district under this
20 chapter or former Section 794.100; or

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

22 SECTION 56. Section 101.028(a), Human Resources Code, is
23 amended to read as follows:

24 (a) This section applies only to counties having a
25 population of not less than 22,140 [~~23,750~~] and not more than 22,340
26 [~~24,000~~] and to cities and towns within those counties.

27 SECTION 57. Section 1575.163, Insurance Code, is amended to

1 read as follows:

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

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

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

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

14 (2) agrees to provide medical and health care services
15 under the plan subject to the same terms and conditions as other
16 hospital providers under the plan.

17 SECTION 58. Section 1579.108, Insurance Code, is amended to
18 read as follows:

19 Sec. 1579.108. LIMITATIONS. The trustee may not contract
20 for or provide a health coverage plan that excludes from
21 participation in the network a general hospital that:

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

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

26 (B) is located in the Texas-Louisiana border
27 region, as that term is defined in Section 2056.002(e), Government

1 Code; and

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

5 SECTION 59. Section 92.013(b), Labor Code, is amended to
6 read as follows:

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

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

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

15 (1) service by an individual as a product demonstrator
16 if:

17 (A) the service is performed under a written
18 contract between the individual performing the service and a person
19 whose principal business is obtaining the service of a demonstrator
20 for a third person for product demonstration purposes; and

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

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

24 (ii) is compensated for each demonstration
25 or is compensated based on factors that relate to the work
26 performed;

27 (iii) determines the method of performing

1 the service;

2 (iv) provides each vehicle used to perform
3 the service;

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

6 (vi) may accept or reject a job from a
7 product demonstrator business;

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

10 (viii) controls solely opportunity for
11 profit or loss; and

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

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

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

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

20 (ii) sales of consumer products in a home or
21 in a place other than, and not affiliated with, a permanent retail
22 establishment;

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

27 (C) the service is performed under a written

1 contract between the individual and the person for whom the service
2 is performed, and the contract provides that the individual is not
3 treated as an employee with respect to the service for federal tax
4 purposes; or

5 (3) service performed by an individual at a trade
6 market for a wholesaler or sales representative of a wholesaler or
7 manufacturer of consumer goods under a written contract, or as a
8 salesman for a wholesaler of consumer goods, if the wholesaler or
9 sales representative maintains a regular or seasonal place of
10 business at a trade market facility in a municipality with a
11 population of more than one million [~~750,000~~].

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

14 Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX
15 AREA; CERTAIN MUNICIPALITIES. A general-law municipality may
16 annex adjacent territory without the consent of any of the
17 residents or voters of the area and without the consent of any of
18 the owners of land in the area if:

19 (1) the municipality has a population of 1,762-1,770
20 [~~1,000-1,300~~], part of whose boundary is part of the shoreline of a
21 lake whose normal surface area is 75,000 acres or greater and which
22 is located completely within the State of Texas;

23 (2) the procedural rules prescribed by this chapter
24 are met;

25 (3) the service plan requires that police and fire
26 protection at a level consistent with protection provided within
27 the municipality must be provided to the area within 10 days after

1 the effective date of the annexation; and

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

4 SECTION 62. Section 43.0751(n), Local Government Code, is
5 amended to read as follows:

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

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

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

20 SECTION 63. Section 43.1025(a), Local Government Code, is
21 amended to read as follows:

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

25 SECTION 64. Section 43.105(a), Local Government Code, is
26 amended to read as follows:

27 (a) A general-law municipality that has a population of

1 1,066-1,067 [~~1096-1100~~] and is located in a county with a
2 population of 85,000 or more that is not adjacent to a county with a
3 population of 2 million or more, or that has a population of
4 6,000-6,025 [~~5,240-5,280~~] may annex, by ordinance and without the
5 consent of any person, a public street, highway, road, or alley
6 adjacent to the municipality.

7 SECTION 65. The heading to Section 81.028, Local Government
8 Code, is amended to read as follows:

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

11 SECTION 66. Section 81.028(a), Local Government Code, is
12 amended to read as follows:

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

15 SECTION 67. Section 81.029(a), Local Government Code, is
16 amended to read as follows:

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

20 SECTION 68. Section 115.044(a), Local Government Code, is
21 amended to read as follows:

22 (a) A county with a population of 312,000 [~~239,000~~] to
23 330,000 [~~242,000~~] shall conduct a biennial independent audit of all
24 books, records, and accounts of each district, county, and precinct
25 officer, agent, or employee, including those of the regular county
26 auditor, and of all governmental units of the county hospitals,
27 farms, and other institutions. The audit must cover all matters

1 relating to the fiscal affairs of the county. The audit shall be
2 conducted in each even-numbered year and must be completed before
3 December 31 of the year.

4 SECTION 69. Section 143.0052(a), Local Government Code, is
5 amended to read as follows:

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

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

9 (2) is located in a county in which another
10 municipality that has a population of more than one million is
11 predominately located; and

12 (3) whose emergency medical services are administered
13 by a fire department.

14 SECTION 70. Section 152.017, Local Government Code, is
15 amended to read as follows:

16 Sec. 152.017. EXCEPTIONS. This subchapter does not apply
17 to:

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

19 (2) a presiding judge of a commissioners court in a
20 county with a population of 3.3 [~~2.5~~] million or more;

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

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

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

1 SECTION 71. Sections 152.032(b), (d), and (e), Local
2 Government Code, are amended to read as follows:

3 (b) This subsection applies only to a county that employs an
4 arena venue project manager hired as of March 7, 2001, and that has
5 a population of less than 1.8 [~~1.4~~] million in which a municipality
6 with a population of more than one million is located. The amount
7 of the compensation and allowances of a county auditor in a county
8 subject to this subsection may not exceed the amount of the
9 compensation and allowances received from all sources by the county
10 budget officer. If the county hires a county budget officer at a
11 salary lower than the salary of the previous county budget officer,
12 the county auditor's salary may not be reduced on that basis.

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

18 (1) a county with a population of more than 108,000
19 [~~77,000~~] and less than 110,000 [~~80,000~~];

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

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

24 (4) a county that borders a county subject to
25 Subsection (b) and that has a population of more than 108,000
26 [~~50,000~~] and less than 110,000 [~~85,000~~].

27 (e) This subsection applies only to a county with a

1 population of more than one million [~~800,000~~] that uses an
2 automated system to enhance internal controls of county finances
3 through the use of automated edit checks of its automated
4 purchasing system and its comprehensive automated payroll system.
5 The amount of the compensation and allowances of a county auditor in
6 a county governed by this subsection may exceed the limit imposed by
7 Subsection (a) if the compensation and allowances are approved by
8 the commissioners court. If a county is governed by this subsection
9 and Subsection (b), the amount of compensation and allowances
10 received by the county auditor may not exceed the limit imposed by
11 Subsection (b).

12 SECTION 72. Section 152.904(c), Government Code, is amended
13 to read as follows:

14 (c) The commissioners court of a county with a population of
15 285,000 [~~250,000~~] to 300,000 [~~251,000~~] shall set the annual salary
16 of the county judge at an amount equal to or greater than 90 percent
17 of the salary, including supplements, of any district judge in
18 Galveston County. However, the salary may not be set at an amount
19 less than the salary paid the county judge on May 2, 1962.

20 SECTION 73. Section 158.008(e), Local Government Code, is
21 amended to read as follows:

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

25 SECTION 74. Section 160.002, Local Government Code, is
26 amended to read as follows:

27 Sec. 160.002. COUNTIES AND EMPLOYEES AFFECTED. This

1 chapter applies only to a county with a population of more than 3.3
2 [~~2.4~~] million and its employees, including but not limited to the
3 employees of road and bridge districts, flood control districts,
4 and juvenile probation departments in the county. However, this
5 chapter does not apply to the employees of a sheriff's department.

6 SECTION 75. Section 161.001, Local Government Code, is
7 amended to read as follows:

8 Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter
9 applies only to a county that:

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

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

16 (b) This subsection applies only to a county with a
17 population of one million [~~800,000~~] or more or a municipality with a
18 population of 500,000 or more. A county or municipality shall
19 provide, on the Internet website maintained by the county or
20 municipality, access to each report of political contributions and
21 expenditures filed under Chapter 254, Election Code, by a member of
22 the commissioners court of the county or the governing body of the
23 municipality in relation to that office as soon as practicable
24 after the officer files the report.

25 SECTION 77. Section 180.003(a), Local Government Code, is
26 amended to read as follows:

27 (a) In a county with a population of 312,000 [~~239,000~~] to

1 330,000 [~~242,000~~], a sheriff, deputy, constable, or other peace
2 officer of the county or a municipality located in the county may
3 not be required to be on duty more than 48 hours a week unless the
4 peace officer is called on by a superior officer to serve during an
5 emergency as determined by the superior officer.

6 SECTION 78. Section 212.0155(a), Local Government Code, is
7 amended to read as follows:

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

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

11 (2) is located wholly or partly in:

12 (A) a county with a population of more than three
13 million;

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

17 (C) a county with a population of more than 1.4
18 million:

19 (i) in which two or more municipalities
20 with a population of 300,000 or more are located; and

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

23 SECTION 79. Section 214.161, Local Government Code, is
24 amended to read as follows:

25 Sec. 214.161. MUNICIPALITY COVERED BY SUBCHAPTER. This
26 subchapter applies only to a municipality with a population of more
27 than 1.18 million located primarily in a county with a population of

1 2 million or more.

2 SECTION 80. Section 214.233(a), Local Government Code, is
3 amended to read as follows:

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

8 SECTION 81. Section 229.003(a), Local Government Code, is
9 amended to read as follows:

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

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

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

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

17 SECTION 82. Section 233.001(a), Local Government Code, is
18 amended to read as follows:

19 (a) If the commissioners court of a county that borders the
20 Gulf of Mexico and is adjacent to a county with a population of more
21 than 3.3 [~~2.5~~] million finds that a bulkhead or other method of
22 shoreline protection, hereafter called "structure," in an
23 unincorporated area of the county is likely to endanger persons or
24 property, the commissioners may:

25 (1) order the owner of the structure, the owner's
26 agent, or the owner or occupant of the property on which the
27 structure is located to repair, remove, or demolish the structure

1 or the part of the structure within a specified time; or

2 (2) repair, remove, or demolish the structure or the
3 part of the structure at the expense of the county on behalf of the
4 owner of the structure or the owner of the property on which the
5 structure is located and assess the repair, removal, or demolition
6 expenses on the property on which the structure was located.

7 SECTION 83. Section 240.042(a), Local Government Code, is
8 amended to read as follows:

9 (a) The commissioners court of a county with a population of
10 1.8 [~~1.4~~] million or more by order may regulate the placement of
11 private water wells in the unincorporated area of the county to
12 prevent:

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

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

18 (3) drilling of a domestic well into a contaminated
19 groundwater plume or aquifer.

20 SECTION 84. Section 240.082(a), Local Government Code, is
21 amended to read as follows:

22 (a) This subchapter applies only to real property that is
23 located in the unincorporated area of a county with a population of
24 1.8 [~~1.4~~] million or more.

25 SECTION 85. Section 262.036(a), Local Government Code, is
26 amended to read as follows:

27 (a) Notwithstanding any other provision in this chapter, a

1 county with a population of one million [~~800,000~~] or more may select
2 an appropriately licensed insurance agent as the sole broker of
3 record to obtain proposals and coverages for insurance that
4 provides necessary coverage and adequate limits of coverage in all
5 areas of risk, including public official liability, property,
6 casualty, workers' compensation, and specific and aggregate
7 stop-loss coverage for self-funded health care.

8 SECTION 86. Section 270.005(a), Local Government Code, is
9 amended to read as follows:

10 (a) The commissioners' court of a county with a population of
11 251,000 to 275,000 [~~280,000~~] may contract with the United States
12 government or a federal agency for:

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

15 (2) the maintenance of a project constructed under
16 this section.

17 SECTION 87. Section 292.001(d), Local Government Code, is
18 amended to read as follows:

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

25 SECTION 88. Section 292.023(a), Local Government Code, is
26 amended to read as follows:

27 (a) This section applies only to a county with a population

1 of:

2 (1) 35,500 to 36,000; or

3 (2) 85,000 [~~76,500~~] to 86,500 [~~77,000~~].

4 SECTION 89. Section 292.025(a), Local Government Code, is
5 amended to read as follows:

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

8 SECTION 90. Section 292.027(a), Local Government Code, is
9 amended to read as follows:

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

12 SECTION 91. Sections 335.035(a) and (f), Local Government
13 Code, are amended to read as follows:

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

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

19 SECTION 92. Section 335.0711(b), Local Government Code, is
20 amended to read as follows:

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

23 SECTION 93. Section 335.102, Local Government Code, is
24 amended to read as follows:

25 Sec. 335.102. APPLICABILITY OF SUBCHAPTER. This subchapter
26 applies only to a district located in a county with a population of
27 3.3 [~~2.4~~] million or more.

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

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

7 (1) uses, possesses, or wears:

8 (A) a police identification item of the municipal
9 police department;

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

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

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

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

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

26 (a) Instead of providing and maintaining its own jail, the
27 commissioners court of a county with a population of 110,000

1 [~~102,000~~] to 113,000 [~~104,300~~] may provide safe and suitable jail
2 facilities for the county by contracting for the facilities with
3 the governing body of the municipality that is the county seat of
4 the county.

5 SECTION 96. Section 373A.003(a), Local Government Code, is
6 amended to read as follows:

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

11 SECTION 97. Section 381.001(c), Local Government Code, is
12 amended to read as follows:

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

21 SECTION 98. 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
25 [~~825,000~~] or more, other than a county that:

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

1 (B) has two municipalities located wholly or
2 partly in its boundaries each having a population of 300,000 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 35,000 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 99. Section 386.031(a), Local Government Code, is
11 amended to read as follows:

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

13 (1) have a continuous boundary;

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

19 (3) be an area of pervasive poverty, unemployment, or
20 economic distress;

21 (4) be located in a county with a population of 3.3
22 [~~2.5~~] million or more;

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

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

1 SECTION 100. Section 395.081(a), Local Government Code, is
2 amended to read as follows:

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

7 SECTION 101. Section 552.044(1)(B), Local Government Code,
8 is amended to read as follows:

9 (B) "Benefitted property," in a municipality
10 with a population of more than 1.18 million located primarily in a
11 county with a population of 2 million or more which is operating a
12 drainage utility system under this chapter, means a lot or tract,
13 but does not include land appraised for agricultural use, to which
14 drainage service is made available under this subchapter and which
15 discharges into a creek, river, slough, culvert, or other channel
16 that is part of the municipality's drainage utility
17 system. Sections 552.053(c)(2) and (c)(3) do not apply to a
18 municipality described in this subdivision.

19 SECTION 102. Section 561.007(a), Local Government Code, is
20 amended to read as follows:

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

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

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

27 SECTION 103. Section 615.002(a), Local Government Code, is

1 amended to read as follows:

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

- 3 (1) 14,050 [~~14,350~~] to 14,250 [~~14,450~~];
4 (2) 19,700 [~~19,000~~] to 19,800 [~~19,200~~];
5 (3) 21,850 [~~20,100~~] to 22,000 [~~20,300~~];
6 (4) 54,000 [~~47,150~~] to 54,500 [~~47,350~~];
7 (5) 36,500 [~~37,900~~] to 36,800 [~~38,500~~]; or
8 (6) 234,000 [~~210,000 to 220,000, or~~
9 [~~(7) 235,000~~] or more.

10 SECTION 104. Section 615.011(b), Local Government Code, is
11 amended to read as follows:

12 (b) A county with a population of 41,500 [~~36,650~~] to 42,500
13 [~~37,650~~] may authorize the use of county equipment, machinery, and
14 employees to construct, establish, and maintain a public airstrip
15 in the county.

16 SECTION 105. Section 615.022, Local Government Code, is
17 amended to read as follows:

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

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

26 (a-1) A county attorney, district attorney, or criminal
27 district attorney or the attorney general may not file a suit under

1 Subsection (a) to obtain a temporary or permanent court order or
2 injunction, either prohibitory or mandatory, to remove a house from
3 a public beach if:

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

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

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

11 (4) the house is located on a peninsula in a county
12 with a population of more than 285,000 [~~250,000~~] and less than
13 300,000 [~~251,000~~] that borders the Gulf of Mexico.

14 SECTION 107. Section 133.091, Natural Resources Code, is
15 amended to read as follows:

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

20 SECTION 108. Section 2308.209(b), Occupations Code, is
21 amended to read as follows:

22 (b) This section applies only to the unincorporated area of
23 a county:

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

27 (2) with a population of less than 10,000 that is

1 located in a national forest; or [~~and~~]

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

4 SECTION 109. Section 201.001(a), Property Code, is amended
5 to read as follows:

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

8 (1) within a city that has a population of more than
9 100,000, or within the extraterritorial jurisdiction of such a
10 city;

11 (2) in the unincorporated area of:

12 (A) a county having a population of 3.3 million
13 [~~2,400,000~~] or more; or

14 (B) a county having a population of 40,000
15 [~~30,000~~] or more that is adjacent to a county having a population of
16 3.3 million [~~2,400,000~~] or more; or

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

20 SECTION 110. Section 204.002(a), Property Code, is amended
21 to read as follows:

22 (a) This chapter applies only to a residential real estate
23 subdivision, excluding a condominium development governed by Title
24 7, Property Code, that is located in whole or in part:

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

27 (2) in a county with a population of not less than

1 285,000 and not [~~250,000 or~~] more than 300,000 that is adjacent to
2 the Gulf of Mexico and that is adjacent to a county having a
3 population of 3.3 [~~2.8~~] million or more; or

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

6 (A) is adjacent to a county with a population of
7 3.3 million or more; and

8 (B) contains part of a national forest.

9 SECTION 111. Section 210.002, Property Code, is amended to
10 read as follows:

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

14 (1) more than 200,000 [~~170,000~~] and less than 220,000
15 [~~175,000~~]; or

16 (2) more than 45,000 and less than 80,000 [~~75,000~~]
17 that is adjacent to a county with a population of more than 200,000
18 [~~170,000~~] and less than 220,000 [~~175,000~~].

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

21 (d-1) In a county with a population of 3.3 million or more or
22 a county with a population of 550,000 [~~350,000~~] or more that is
23 adjacent to a county with a population of 3.3 million or more the
24 members of the board are appointed by the local administrative
25 district judge in the county in which the appraisal district is
26 established.

27 SECTION 113. Section 11.18(p), Tax Code, as added by

1 Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular
2 Session, 2009, is amended to read as follows:

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

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

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

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

12 SECTION 114. Sections 11.1825(s) and (v), Tax Code, are
13 amended to read as follows:

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

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

26 SECTION 115. Section 31.03(d), Tax Code, is amended to read
27 as follows:

1 (d) This subsection applies only to a taxing unit located in
2 a county having a population of not less than 285,000 and not
3 ~~[250,000 or]~~ more than 300,000 that borders a county having a
4 population of 3.3 million or more and the Gulf of Mexico. The
5 governing body of a taxing unit that has its taxes collected by
6 another taxing unit that has adopted the split-payment option under
7 Subsection (a) may provide, in the manner required by law for
8 official action by the body, that the split-payment option does not
9 apply to the taxing unit's taxes collected by the other taxing unit.

10 SECTION 116. Section 311.0091(a), Tax Code, is amended to
11 read as follows:

12 (a) This section applies to a reinvestment zone designated
13 by a municipality which is wholly or partially located in a county
14 with a population of less than 1.8 ~~[1.4]~~ million in which the
15 principal municipality has a population of 1.1 million or more.

16 SECTION 117. Section 311.013(m), Tax Code, is amended to
17 read as follows:

18 (m) The governing body of a municipality that is located in
19 a county with a population of more than 1.8 ~~[1.4]~~ million but less
20 than 1.9 ~~[2.1]~~ million or in a county with a population of 3.3
21 million or more by ordinance may reduce the portion of the tax
22 increment produced by the municipality that the municipality is
23 required to pay into the tax increment fund for the zone. The
24 municipality may not reduce under this subsection the portion of
25 the tax increment produced by the municipality that the
26 municipality is required to pay into the tax increment fund for the
27 zone unless the municipality provides each county that has entered

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

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

19 (a-1) This subsection applies only to a reinvestment zone
20 created by a municipality that has a population of more than 220,000
21 but less than 235,000 [~~195,000 or more~~] and is the county seat of a
22 county that has a population of 280,000 [~~245,000~~] or less.
23 Notwithstanding Subsection (a)(1), a municipality by ordinance
24 adopted subsequent to the ordinance adopted by the municipality
25 creating a reinvestment zone may designate a termination date for
26 the zone that is later than the termination date designated in the
27 ordinance creating the zone but not later than the 20th anniversary

1 of that date. If a municipality adopts an ordinance extending the
2 termination date for a reinvestment zone as authorized by this
3 subsection, the zone terminates on the earlier of:

4 (1) the termination date designated in the ordinance;
5 or

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

7 SECTION 119. Section 325.021(a), Tax Code, is amended to
8 read as follows:

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

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

18 (a) Revenue from the municipal hotel occupancy tax may be
19 used only to promote tourism and the convention and hotel industry,
20 and that use is limited to the following:

21 (1) the acquisition of sites for and the construction,
22 improvement, enlarging, equipping, repairing, operation, and
23 maintenance of convention center facilities or visitor information
24 centers, or both;

25 (2) the furnishing of facilities, personnel, and
26 materials for the registration of convention delegates or
27 registrants;

1 (3) advertising and conducting solicitations and
2 promotional programs to attract tourists and convention delegates
3 or registrants to the municipality or its vicinity;

4 (4) the encouragement, promotion, improvement, and
5 application of the arts, including instrumental and vocal music,
6 dance, drama, folk art, creative writing, architecture, design and
7 allied fields, painting, sculpture, photography, graphic and craft
8 arts, motion pictures, radio, television, tape and sound recording,
9 and other arts related to the presentation, performance, execution,
10 and exhibition of these major art forms;

11 (5) historical restoration and preservation projects
12 or activities or advertising and conducting solicitations and
13 promotional programs to encourage tourists and convention
14 delegates to visit preserved historic sites or museums:

15 (A) at or in the immediate vicinity of convention
16 center facilities or visitor information centers; or

17 (B) located elsewhere in the municipality or its
18 vicinity that would be frequented by tourists and convention
19 delegates;

20 (6) for a municipality located in a county with a
21 population of one million or less, expenses, including promotion
22 expenses, directly related to a sporting event in which the
23 majority of participants are tourists who substantially increase
24 economic activity at hotels and motels within the municipality or
25 its vicinity;

26 (7) subject to Section 351.1076, the promotion of
27 tourism by the enhancement and upgrading of existing sports

1 facilities or fields, including facilities or fields for baseball,
2 softball, soccer, and flag football, if:

3 (A) the municipality owns the facilities or
4 fields;

5 (B) the municipality:

6 (i) has a population of 80,000 or more and
7 is located in a county that has a population of 350,000 or less;

8 (ii) has a population of at least 75,000
9 [~~65,000~~] but not more than 95,000 [~~70,000~~] and is located in a
10 county that has a population of [~~155,000 or~~] less than 200,000 but
11 more than 160,000;

12 (iii) has a population of at least 36,000
13 [~~34,000~~] but not more than 39,000 [~~36,000~~] and is located in a
14 county that has a population of 100,000 [~~90,000~~] or less that is not
15 adjacent to a county with a population of more than two million;

16 (iv) has a population of at least 13,000 but
17 less than 39,000 and is located in a county that has a population of
18 at least 200,000;

19 (v) has a population of at least 70,000
20 [~~65,000~~] but less than 90,000 [~~80,000~~] and no part of which is
21 located in a county with a population greater than 150,000; or

22 (vi) is located in a county that:

23 (a) is adjacent to the Texas-Mexico
24 border;

25 (b) has a population of at least
26 500,000; and

27 (c) does not have a municipality with

1 a population greater than 500,000; and

2 (C) the sports facilities and fields have been
3 used, in the preceding calendar year, a combined total of more than
4 10 times for district, state, regional, or national sports
5 tournaments; ~~and~~

6 (8) for a municipality with a population of at least
7 70,000 [~~65,000~~] but less than 90,000 [~~80,000~~], no part of which is
8 located in a county with a population greater than 150,000, the
9 construction, improvement, enlarging, equipping, repairing,
10 operation, and maintenance of a coliseum or multiuse facility;

11 (9) [~~(8)~~] signage directing the public to sights and
12 attractions that are visited frequently by hotel guests in the
13 municipality; and

14 (10) [~~(8)~~] the construction of a recreational venue in
15 the immediate vicinity of area hotels, if:

16 (A) the municipality:

17 (i) is a general-law municipality;

18 (ii) has a population of not more than 900;

19 and

20 (iii) does not impose an ad valorem tax;

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

24 (C) a majority of the hotels in the municipality
25 request the municipality to construct the recreational venue;

26 (D) the recreational venue will be used primarily
27 by hotel guests; and

1 (E) the municipality will pay for maintenance of
2 the recreational venue from the municipality's general fund.

3 SECTION 121. Section 351.106(a), Tax Code, is amended to
4 read as follows:

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

11 (1) no more than 55 percent to:

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

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

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

20 SECTION 122. Section 352.002(a), Tax Code, is amended to
21 read as follows:

22 (a) The commissioners courts of the following counties by
23 the adoption of an order or resolution may impose a tax on a person
24 who, under a lease, concession, permit, right of access, license,
25 contract, or agreement, pays for the use or possession or for the
26 right to the use or possession of a room that is in a hotel, costs \$2
27 or more each day, and is ordinarily used for sleeping:

- 1 (1) a county that has a population of more than 3.3
2 million;
- 3 (2) a county that has a population of 90,000 or more,
4 borders the United Mexican States, and does not have three or more
5 cities that each have a population of more than 17,500;
- 6 (3) a county in which there is no municipality;
- 7 (4) a county in which there is located an Indian
8 reservation under the jurisdiction of the United States government;
- 9 (5) a county that has a population of 30,000 or less,
10 that has no more than one municipality with a population of less
11 than 2,500, and that borders two counties located wholly in the
12 Edwards Aquifer Authority established by Chapter 626, Acts of the
13 73rd Legislature, Regular Session, 1993;
- 14 (6) a county that borders the Gulf of Mexico;
- 15 (7) a county that has a population of less than 5,000,
16 that borders the United Mexican States, and in which there is
17 located a major observatory;
- 18 (8) a county that has a population of 12,000 or less
19 and borders the Toledo Bend Reservoir;
- 20 (9) a county that has a population of less than 12,500
21 [~~12,000~~] and an area of less than 275 square miles;
- 22 (10) a county that has a population of 30,000 or less
23 and borders Possum Kingdom Lake;
- 24 (11) a county that borders the United Mexican States
25 and has a population of more than 300,000 and less than 800,000
26 [~~600,000~~];
- 27 (12) a county that has a population of 35,000 or more

1 and borders or contains a portion of Lake Fork Reservoir;

2 (13) a county that borders the United Mexican States
3 and in which there is located a national recreation area;

4 (14) a county that borders the United Mexican States
5 and in which there is located a national park of more than 400,000
6 acres;

7 (15) a county that has a population of 28,000 or less,
8 that has no more than four municipalities, and that is located
9 wholly in the Edwards Aquifer Authority established by Chapter 626,
10 Acts of the 73rd Legislature, Regular Session, 1993;

11 (16) a county that has a population of 25,000 or less,
12 whose territory is less than 750 square miles, and that has two
13 incorporated municipalities, each with a population of 800 or less,
14 located on the Frio River;

15 (17) a county that has a population of 34,000 or more
16 and borders Lake Buchanan;

17 (18) a county that has a population of more than 45,000
18 and less than 75,000, that borders the United Mexican States, and
19 that borders or contains a portion of Falcon Lake;

20 (19) a county with a population of 22,000 [~~21,000~~] or
21 less that borders the Neches River and in which there is located a
22 national preserve;

23 (20) a county that has a population of 28,000 [~~22,500~~]
24 or less and that borders or contains a portion of Lake Livingston;

25 (21) a county that has a population of less than 22,000
26 and in which the birthplace of a president of the United States is
27 located;

1 (22) a county that has a population of more than 15,000
2 but less than 20,000 and borders Lake Buchanan;

3 (23) a county with a population of less than 11,000
4 [~~10,000~~] that is bordered by the Sulphur River;

5 (24) a county that has a population of 16,000 or more
6 and borders the entire north shore of Lake Somerville;

7 (25) a county that has a population of 20,000 or less
8 and that is bordered by the Brazos and Navasota Rivers;

9 (26) a county that has a population of more than 15,000
10 and less than 25,000 and is located on the Trinity and Navasota
11 Rivers;

12 (27) a county that has a population of less than 15,000
13 and that is bordered by the Trinity and Navasota Rivers;

14 (28) a county that borders or contains a portion of the
15 Neches River, the Sabine River, and Sabine Lake; and

16 (29) a county that borders Whitney Lake.

17 SECTION 123. Section 22.053(a), Transportation Code, is
18 amended to read as follows:

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

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

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

25 SECTION 124. Section 284.002(a), Transportation Code, is
26 amended to read as follows:

27 (a) Except as provided by Subsection (b), this chapter

1 applies only to a county that:

- 2 (1) has a population of 50,000 or more and borders the
- 3 Gulf of Mexico or a bay or inlet opening into the gulf;
- 4 (2) has a population of two [~~1.5~~] million or more;
- 5 (3) is adjacent to a county that has a population of
- 6 two [~~1.5~~] million or more; or
- 7 (4) borders the United Mexican States.

8 SECTION 125. Section 284.007(a), Transportation Code, is

9 amended to read as follows:

10 (a) A county with a population of more than 3.3 [~~2.4~~]

11 million operating under this chapter shall set and make a good faith

12 effort to meet or exceed goals for awarding contracts' or

13 subcontracts associated with a project it operates, maintains, or

14 constructs to historically underutilized businesses.

15 SECTION 126. Section 362.055, Transportation Code, is

16 amended to read as follows:

17 Sec. 362.055. EXCEPTION. This subchapter does not apply

18 to:

- 19 (1) a county that has a population of more than two
- 20 [~~1.5~~] million;
- 21 (2) a local government corporation created under
- 22 Chapter 431 by a county that has a population of more than two [~~1.5~~]
- 23 million; or
- 24 (3) a regional tollway authority created under Chapter
- 25 366.

26 SECTION 127. Section 366.031(a), Transportation Code, is

27 amended to read as follows:

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

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

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

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

9 SECTION 128. Section 370.192, Transportation Code, is
10 amended to read as follows:

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

20 SECTION 129. Section 394.061, Transportation Code, is
21 amended to read as follows:

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

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

27 (2) regulate the location, height, size, and anchoring

1 of, or any other matter relating to the use of, off-premise portable
2 signs in the unincorporated area.

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

7 SECTION 130. Section 394.063(a), Transportation Code, is
8 amended to read as follows:

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

14 SECTION 131. Section 394.086(a), Transportation Code, is
15 amended to read as follows:

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

22 SECTION 132. Section 431.109(a), Transportation Code, is
23 amended to read as follows:

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

27 SECTION 133. Sections 451.001(1) and (8), Transportation

1 Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

22 SECTION 134. Section 451.054(b), Transportation Code, is
23 amended to read as follows:

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

27 SECTION 135. Section 451.056(c), Transportation Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

11 SECTION 137. Section 451.0611(g), Transportation Code, is
12 amended to read as follows:

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

18 SECTION 138. Section 451.0612(a), Transportation Code, is
19 amended to read as follows:

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

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

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

3 SECTION 139. Section 451.064(a), Transportation Code, is
4 amended to read as follows:

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

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

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

13 SECTION 140. Section 451.065(f), Transportation Code, is
14 amended to read as follows:

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

18 SECTION 141. Section 451.066(a), Transportation Code, is
19 amended to read as follows:

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

25 SECTION 142. Section 451.067, Transportation Code, is
26 amended to read as follows:

27 Sec. 451.067. EMERGENCY MEDICAL SERVICES: CERTAIN

1 AUTHORITIES. An authority in which the principal municipality has
2 a population of less than 320,000 [~~300,000~~] may provide emergency
3 medical services.

4 SECTION 143. Section 451.068(a), Transportation Code, is
5 amended to read as follows:

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

9 SECTION 144. Section 451.071(a), Transportation Code, is
10 amended to read as follows:

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

14 SECTION 145. Section 451.072(a), Transportation Code, is
15 amended to read as follows:

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

19 SECTION 146. Section 451.104, Transportation Code, is
20 amended to read as follows:

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

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

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

9 SECTION 148. Sections 451.108(b), (c), (d), and (e),
10 Transportation Code, are amended to read as follows:

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

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

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

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

27 (3) enforce traffic laws and investigate traffic

1 accidents that involve or occur in the transit authority system;
2 and

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

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

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

23 SECTION 149. Section 451.109(d), Transportation Code, is
24 amended to read as follows:

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

1 SECTION 150. Section 451.112, Transportation Code, is
2 amended to read as follows:

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

13 SECTION 151. Section 451.154(b), Transportation Code, is
14 amended to read as follows:

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

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

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

24 SECTION 152. Section 451.202, Transportation Code, is
25 amended to read as follows:

26 Sec. 451.202. APPLICATION OF SUBCHAPTER LIMITED TO CERTAIN
27 AUTHORITIES. This subchapter applies only to an authority created

1 before 1980 in which the principal municipality has a population of
2 less than 1.9 [~~1.2~~] million.

3 SECTION 153. Section 451.252(b), Transportation Code, is
4 amended to read as follows:

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

8 SECTION 154. Section 451.254(c), Transportation Code, is
9 amended to read as follows:

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

13 SECTION 155. Section 451.362(d), Transportation Code, is
14 amended to read as follows:

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

20 SECTION 156. Section 451.3625(a), Transportation Code, is
21 amended to read as follows:

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

25 SECTION 157. Section 451.452(d), Transportation Code, is
26 amended to read as follows:

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

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

5 SECTION 158. Section 451.454(a), Transportation Code, is
6 amended to read as follows:

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

13 SECTION 159. Section 451.458(a), Transportation Code, is
14 amended to read as follows:

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

18 SECTION 160. Section 451.459(a), Transportation Code, is
19 amended to read as follows:

20 (a) An authority confirmed before July 1, 1985, in which the
21 principal municipality has a population of less than 850,000
22 [~~750,000~~] is subject to review under Chapter 325, Government Code
23 (Texas Sunset Act), as if it were a state agency but may not be
24 abolished under that chapter. The review shall be conducted as if
25 the authority were scheduled to be abolished September 1, 2011. In
26 addition, another review shall be conducted as if the authority
27 were scheduled to be abolished September 1, 2017. The reviews

1 conducted under this section must include an assessment of the
2 governance, management, and operating structure of the authority
3 and the authority's compliance with the duties and requirements
4 placed on it by the legislature.

5 SECTION 161. Section 451.460(a), Transportation Code, is
6 amended to read as follows:

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

10 SECTION 162. Section 451.502(a), Transportation Code, is
11 amended to read as follows:

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

19 SECTION 163. Section 451.5021(a), Transportation Code, is
20 amended to read as follows:

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

24 SECTION 164. Section 451.5035(a), Transportation Code, is
25 amended to read as follows:

26 (a) This section applies only to an authority in which the
27 principal municipality has a population of less than 320,000

1 [~~300,000~~].

2 SECTION 165. Section 451.505(b), Transportation Code, is
3 amended to read as follows:

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

7 SECTION 166. Sections 451.506(b) and (c), Transportation
8 Code, are amended to read as follows:

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

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

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

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

25 SECTION 167. Section 451.509, Transportation Code, is
26 amended to read as follows:

27 Sec. 451.509. REMOVAL BY APPOINTING PERSON OR ENTITY. (a)

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

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

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

24 (d) In an authority in which the principal municipality has
25 a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~]
26 million, a general manager who has knowledge that a potential
27 ground for removal applicable to a member of the authority's board

1 exists shall notify the presiding officer of the board of the
2 ground, and the presiding officer shall notify the person that
3 appointed the member against whom the potential ground applies of
4 the ground.

5 SECTION 168. Section 451.512(a), Transportation Code, is
6 amended to read as follows:

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

12 SECTION 169. Section 451.513(a), Transportation Code, is
13 amended to read as follows:

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

20 SECTION 170. Section 451.602, Transportation Code, is
21 amended to read as follows:

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

27 SECTION 171. Section 451.617(a), Transportation Code, is

1 amended to read as follows:

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

9 SECTION 172. Section 451.702(a), Transportation Code, is
10 amended to read as follows:

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

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

25 SECTION 173. Section 451.802, Transportation Code, is
26 amended to read as follows:

27 Sec. 451.802. APPLICABILITY. This subchapter applies only

1 to an authority in which the principal municipality has a
2 population of more than 1.9 [~~1.2~~] million.

3 SECTION 174. Section 504.510(d), Transportation Code, is
4 amended to read as follows:

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

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

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

13 SECTION 175. Section 621.4015(a), Transportation Code, is
14 amended to read as follows:

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

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

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

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

1 assessments on real property.

2 SECTION 176. Section 644.101(b), Transportation Code, is
3 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 177. Section 644.202(b), Transportation Code, is

1 amended to read as follows:

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

12 SECTION 178. Section 683.016(d), Transportation Code, is
13 amended to read as follows:

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

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

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

19 SECTION 179. Section 37.102(a), Utilities Code, is amended
20 to read as follows:

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

27 SECTION 180. Section 13.187(f), Water Code, is amended to

1 read as follows:

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

8 SECTION 181. Section 36.121, Water Code, is amended to read
9 as follows:

10 Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS
11 OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section
12 36.117, a district that is created under this chapter on or after
13 September 1, 1991, shall exempt from regulation under this chapter
14 a well and any water produced or to be produced by a well that is
15 located in a county that has a population of 14,000 or less if the
16 water is to be used solely to supply a municipality that has a
17 population of 121,000 or less but greater than 100,000 and the
18 rights to the water produced from the well are owned by a political
19 subdivision that is not a municipality, or by a municipality that
20 has a population of 115,000 [~~100,000~~] or less but greater than
21 100,000, and that purchased, owned, or held rights to the water
22 before the date on which the district was created, regardless of the
23 date the well is drilled or the water is produced. The district may
24 not prohibit the political subdivision or municipality from
25 transporting produced water inside or outside the district's
26 boundaries.

27 SECTION 182. Section 51.537(a), Water Code, is amended to

1 read as follows:

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

5 SECTION 183. Section 54.016(h), Water Code, is amended to
6 read as follows:

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

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

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

27 (3) the contract may set forth the time, conditions,

1 or lands to be annexed by the district; and that

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

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

11 (ii) the length of time such rates will be
12 in effect;

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

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

18 A suit for damages under the provisions of these referenced
19 sections must be brought within 90 days after the purchaser
20 receives his or her first water and/or sewer service charge
21 following annexation, or the purchaser loses his or her right to
22 seek damages under this referenced section.

23 (B) The governing board of any district covered
24 by the provisions of this subsection shall file with the county
25 clerk in each of the counties in which all or part of the district is
26 located a duly affirmed and acknowledged statement which includes
27 the information required in Section 54.016(h)(4)(A) and a complete

1 and accurate map or plat showing the boundaries of the district.

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

4 SECTION 184. Section 54.0162(a), Water Code, is amended to
5 read as follows:

6 (a) A municipal utility district composed of noncontiguous
7 areas that on January 1, 1995, are contained in the
8 extraterritorial jurisdiction of two municipalities may choose, by
9 a resolution of the governing body of the district, to be wholly
10 contained in the extraterritorial jurisdiction of one municipality
11 selected by the governing body of the district if:

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

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

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

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

24 (5) the district is within a water control and
25 improvement district; and

26 (6) a certified copy of the resolution of the
27 governing body of the district is filed with both municipalities

1 before the effective date specified in the resolution.

2 SECTION 185. Section 54.813(a), Water Code, is amended to
3 read as follows:

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

7 SECTION 186. Section 1, Chapter 511 (H.B. 589), Acts of the
8 58th Legislature, Regular Session, 1963 (Article 2676a, Vernon's
9 Texas Civil Statutes), is amended to read as follows:

10 Sec. 1. From and after the effective date of this act in any
11 county in this state having a population of not less than 312,000
12 [~~239,000~~] and not more than 330,000 [~~242,000~~], the general
13 management and control of the public free schools and high schools
14 in each county unless otherwise provided by law shall be vested in
15 five (5) county school trustees elected from the county, one of whom
16 shall be elected from the county at large by the qualified voters of
17 the county and one from each commissioners precinct by the
18 qualified voters of each commissioners precinct, who shall hold
19 office for a term of two (2) years. The time for such election shall
20 be the first Saturday in April of each year; the order for the
21 election of county school trustees to be made by the County Judge at
22 least thirty (30) days prior to the date of said election, and which
23 order shall designate as voting places or places at which votes are
24 cast for the district trustees of said common and independent
25 school districts, respectively. The election officers appointed to
26 hold the election for district trustees in each of said school
27 districts, respectively, shall hold this election for county school

1 trustees.

2 SECTION 187. Section 1, Chapter 233 (H.B. 459), Acts of the
3 59th Legislature, Regular Session, 1965 (Article 2676b, Vernon's
4 Texas Civil Statutes), is amended to read as follows:

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

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

15 (b) From and after May 1, 1962, the office of the county
16 board of school trustees and the office of county superintendent
17 shall cease to exist in any county in this State having a population
18 of not less than 285,000 [~~250,000~~] and not more than 300,000
19 [~~251,000~~] which has no common school district and whose county ad
20 valorem evaluation is in excess of Two Hundred Fifty Million
21 Dollars (\$250,000,000); provided, however, that the county
22 superintendents in such counties who have been heretofore elected
23 or appointed to the office of county superintendent shall serve
24 until the expiration of the term for which they were elected or
25 appointed. The duties now performed by the board of school trustees
26 and county superintendents in such counties shall be performed by
27 the County Judges of such counties.

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

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

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

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

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

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

16 (13) "City" means each municipality having a
17 population of more than 1.18 million and located predominantly in a
18 county that has a total area of less than 1,000 square miles [~~less~~
19 ~~than 1.9 million~~].

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

23 (a) In all incorporated cities and towns containing more
24 than 600,000 [~~550,000~~] inhabitants and less than 700,000 [~~600,000~~]
25 inhabitants, having a fully or partially paid fire department,
26 three (3) citizens of said city or town to be designated by the
27 mayor, two (2) citizens of said city or town to be designated by the

1 city manager of said city or town, three (3) policemen to be elected
 2 by members of the policemen's pension fund, and three (3) firemen to
 3 be elected by members of the firemen's pension fund, composing
 4 eleven (11) members, seven (7) of which shall be a quorum, shall
 5 constitute a board of trustees of the Firemen and Policemen Pension
 6 Fund, to provide for the disbursement of the same and to designate
 7 the beneficiaries thereof. The board shall be known as the Board
 8 of Firemen and Policemen Pension Fund, _____, Texas. Said
 9 board shall organize by choosing one member as Chairman and by
 10 appointing a secretary. Such board shall have charge of and
 11 administer said fund and shall order payments therefrom in
 12 pursuance of the provisions of this law. It shall report annually
 13 to the governing body of such city or town the condition of the said
 14 fund and the receipts and disbursements on account of the same with
 15 a complete list of beneficiaries of said fund and the amounts paid
 16 them.

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

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

23 SECTION 193. Section 1, Chapter 103 (S.B. 622), Acts of the
 24 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's
 25 Texas Civil Statutes), is amended to read as follows:

26 Sec. 1. No member of a fire department in any city or town in
 27 this state having a population of not less than 700,000 [~~500,000~~]

1 nor more than 750,000 [~~550,000~~] shall be involuntarily retired
2 prior to reaching the mandatory retirement age set for such cities'
3 employees unless he is physically unable to perform his duties. In
4 the event he is physically unable to perform his duties, he shall be
5 allowed to use all of his accumulated sick leave, before
6 retirement.

7 SECTION 194. Section 1, Chapter 451 (S.B. 737), Acts of the
8 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's
9 Texas Civil Statutes), is amended to read as follows:

10 Sec. 1. SCOPE. A retirement system is established by this
11 Act for employees of each municipality having a population of more
12 than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]; provided,
13 however, that once such pension system becomes operative in any
14 city, any right or privilege accruing to any member thereunder
15 shall be a vested right according to the terms of this Act and the
16 same shall not be denied or abridged thereafter through any change
17 in population of any such city taking such city out of the
18 population bracket as herein prescribed, and said pension system
19 shall continue to operate and function regardless of whether or not
20 any future population exceeds or falls below said population
21 bracket.

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

25 Sec. 1.01. APPLICABILITY AND DEFINITIONS. This Act applies
26 only to a municipality having a population of more than 750,000
27 [~~600,000~~] and less than 850,000 [~~700,000~~].

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

4 Sec. 1.03. APPLICABILITY. This Act applies to paid fire and
5 police departments of a municipality with a population between 1.3
6 [~~1.14~~] million and 1.5 [~~1.19~~] million.

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

10 Sec. 1.03. APPLICABILITY. This Act applies to a paid fire
11 and police department of a municipality with a population of 1.3
12 million [~~1,140,000~~] or more but less than 1.5 million [~~1,190,000~~].

13 SECTION 198. Section 1, Chapter 809 (H.B. 1687), Acts of the
14 62nd Legislature, Regular Session, 1971 (Article 6812b-1, Vernon's
15 Texas Civil Statutes), is amended to read as follows:

16 Sec. 1. The Commissioners Court of any county having a
17 population of not less than 425,000 [~~280,000~~] nor more than 500,000
18 [~~300,000~~] may appoint a County Engineer, but the selection shall be
19 controlled by considerations of skill and ability for the task. The
20 engineer may be selected at any regular meeting of the
21 commissioners court, or at any special meeting called for that
22 purpose. The engineer selected shall be a Registered Professional
23 Engineer in the State of Texas. The engineer shall hold his office
24 for a period of two years, his term of office expiring concurrently
25 with the terms of other county officers, and he may be removed at
26 the pleasure of the commissioners court. The engineer shall
27 receive a salary to be fixed by the commissioners court not to

1 exceed the amount of the salary paid to the highest county official,
2 to be paid out of the Road and Bridge Fund. The engineer, before
3 entering upon the discharge of his duties, shall take the oath of
4 office prescribed by law, and shall execute a bond in the sum of
5 \$15,000 with a good and sufficient surety or sureties thereon,
6 payable to the county judge of the county and successors in office
7 in trust, for the use and the benefit of the Road and Bridge Fund, of
8 the county to be approved by the court, conditioned that such
9 engineer will faithfully and efficiently discharge and perform all
10 of the duties required of him by law and by the orders of said
11 commissioners court and shall faithfully and honestly and in due
12 time account for all of the money, property and materials placed in
13 his custody.

14 SECTION 199. Section 4.08(e), Chapter 1029, Acts of the
15 76th Legislature, Regular Session, 1999, is amended to read as
16 follows:

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

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

26 (f) The authority may not exercise the power of eminent
27 domain under this section to acquire property of any kind in

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

6 SECTION 201. (a) This Act is not intended to revive a law
7 that was impliedly repealed by a law enacted by the 81st Legislature
8 or a previous legislature.

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

13 SECTION 202. This Act takes effect September 1, 2011.

David Newkurt

President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 2702 was passed by the House on May 11, 2011, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2702 on May 27, 2011, by the following vote: Yeas 140, Nays 2, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2702 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Patry Spaw
Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

Debra Ralston
Secretary of State