

By: Eltife

S.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SECTION 2. Section 11.13(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies only to a license or permit held in connection with an establishment located in a county with a population of 1.8 [~~1.4~~] million or more for which a license or permit has been issued under Chapter 25 or 69 for the on-premises consumption of beer exclusively or beer and wine exclusively, other than a license or permit for an establishment holding a food and beverage certificate whose primary business being operated on the premises is food service.

SECTION 3. Section 11.321(a), Alcoholic Beverage Code, is amended to read as follows:

(a) This section applies only to an original or renewal application made in connection with an establishment located in a

1 county with a population of 1.8 [~~1.4~~] million or more.

2 SECTION 4. Sections 11.61(b-1) and (j), Alcoholic Beverage
3 Code, are amended to read as follows:

4 (b-1) Notwithstanding Section 204.01 and any other
5 provision of this code, a person applying for a license or permit
6 under Chapter 25 or 69 for the on-premises consumption of beer
7 exclusively or beer and wine exclusively, other than a license or
8 permit for an establishment holding a food and beverage certificate
9 whose primary business being operated on the premises is food
10 service, must file with the commission a surety bond, in an amount
11 to be determined by the commission, conditioned on the licensee's
12 or permittee's conformance with the alcoholic beverage law. The
13 bond is forfeited to the commission on the suspension of the license
14 or permit for the first time under this section or Section
15 61.71. Before the suspended license or permit may be reinstated,
16 the licensee or permittee must furnish a second surety bond,
17 similarly conditioned, in an amount greater than the initial surety
18 bond, the amount to be determined by the commission. If the same
19 license or permit is suspended under this section or Section 61.71 a
20 second time, the bond is again forfeited to the commission. Before
21 the suspended license or permit may be reinstated, the licensee or
22 permittee shall furnish a third surety bond, similarly conditioned,
23 in an amount greater than the second surety bond, the amount to be
24 determined by the commission. If the same license or permit is
25 suspended under this section or Section 61.71 a third time, the bond
26 is again forfeited to the commission and the license or permit shall
27 be canceled by the commission. This subsection applies only to a

1 license or permit held in connection with an establishment located
2 in a county with a population of 1.8 [~~1.4~~] million or more.

3 (j) A hearing under Subsection (b) must be concluded not
4 later than the 60th day after notice is provided under that
5 subsection. Neither the permittee nor the commission may waive the
6 provisions of this subsection. This subsection applies only to a
7 hearing in connection with a wine and beer retailer's permit, other
8 than a permit held with a food and beverage certificate, for
9 premises located in a county with a population of 1.8 [~~1.4~~] million
10 or more.

11 SECTION 5. Section 25.02(b), Alcoholic Beverage Code, is
12 amended to read as follows:

13 (b) The annual state fee for a wine and beer retailer's
14 permit in connection with an establishment located in a county with
15 a population of 1.8 [~~1.4~~] million or more is \$750. The original
16 application fee for a wine and beer retailer's permit in connection
17 with an establishment located in a county with a population of 1.8
18 [~~1.4~~] million or more is \$1,000.

19 SECTION 6. Section 61.52, Alcoholic Beverage Code, is
20 amended to read as follows:

21 Sec. 61.52. ADMINISTRATIVE PENALTY IN CERTAIN COUNTIES.
22 Section 11.321 applies to an original or renewal application for a
23 retail dealer's on-premise license, other than a license with a
24 food and beverage certificate, for an establishment located in a
25 county with a population of 1.8 [~~1.4~~] million or more.

26 SECTION 7. Sections 61.71(k) and (l), Alcoholic Beverage
27 Code, are amended to read as follows:

1 (k) A hearing under Subsection (a) must be concluded not
2 later than the 60th day after the date notice is provided under that
3 subsection. The provisions of this subsection may not be waived by
4 the license holder or the commission. This subsection applies only
5 to a hearing in connection with a retail dealer's on-premise
6 license, other than a license held with a food and beverage
7 certificate, for premises located in a county with a population of
8 1.8 [~~1.4~~] million or more.

9 (1) Section 11.61(b-1) applies to a retail dealer's
10 on-premise license, other than a license held with a food and
11 beverage certificate, for premises located in a county with a
12 population of 1.8 [~~1.4~~] million or more.

13 SECTION 8. Section 69.02(b), Alcoholic Beverage Code, is
14 amended to read as follows:

15 (b) The annual state fee for a retail dealer's on-premise
16 license in connection with an establishment located in a county
17 with a population of 1.8 [~~1.4~~] million or more is \$750. The
18 original application fee for a retail dealer's on-premise license
19 in connection with an establishment located in a county with a
20 population of 1.8 [~~1.4~~] million or more is \$1,000.

21 SECTION 9. Section 109.57(e), Alcoholic Beverage Code, is
22 amended to read as follows:

23 (e) A municipality located in a county that has a population
24 of 2.2 million or more and that is adjacent to a county with a
25 population of more than 600,000 [~~400,000~~] or a municipality located
26 in a county with a population of 600,000 [~~400,000~~] or more and that
27 is adjacent to a county with a population of 2.2 million or more may

regulate, in a manner not otherwise prohibited by law, the location of an establishment issued a permit under Chapter 32 or 33 if:

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

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

SECTION 10. Section 75.0021(c), Civil Practice and Remedies Code, is amended to read as follows:

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

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

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

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

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

SECTION 12. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

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

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

(9) officers commissioned by the General Services Commission;

1 (10) law enforcement officers commissioned by the
2 Parks and Wildlife Commission;

3 (11) airport police officers commissioned by a city
4 with a population of more than 1.18 million located primarily in a
5 county with 2 million or more that operates an airport that serves
6 commercial air carriers;

7 (12) airport security personnel commissioned as peace
8 officers by the governing body of any political subdivision of this
9 state, other than a city described by Subdivision (11), that
10 operates an airport that serves commercial air carriers;

11 (13) municipal park and recreational patrolmen and
12 security officers;

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

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

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

19 (17) investigators commissioned by the Texas Medical
20 Board;

21 (18) officers commissioned by the board of managers of
22 the Dallas County Hospital District, the Tarrant County Hospital
23 District, or the Bexar County Hospital District under Section
24 281.057, Health and Safety Code;

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

27 (20) investigators employed by the Texas Racing

1 Commission;

2 (21) officers commissioned under Chapter 554,

3 Occupations Code;

4 (22) officers commissioned by the governing body of a

5 metropolitan rapid transit authority under Section 451.108,

6 Transportation Code, or by a regional transportation authority

7 under Section 452.110, Transportation Code;

8 (23) investigators commissioned by the attorney

9 general under Section 402.009, Government Code;

10 (24) security officers and investigators commissioned

11 as peace officers under Chapter 466, Government Code;

12 (25) an officer employed by the Department of State

13 Health Services under Section 431.2471, Health and Safety Code;

14 (26) officers appointed by an appellate court under

15 Subchapter F, Chapter 53, Government Code;

16 (27) officers commissioned by the state fire marshal

17 under Chapter 417, Government Code;

18 (28) an investigator commissioned by the commissioner

19 of insurance under Section 701.104, Insurance Code;

20 (29) apprehension specialists and inspectors general

21 commissioned by the Texas Youth Commission as officers under

22 Sections 61.0451 and 61.0931, Human Resources Code;

23 (30) officers appointed by the inspector general of

24 the Texas Department of Criminal Justice under Section 493.019,

25 Government Code;

26 (31) investigators commissioned by the Commission on

27 Law Enforcement Officer Standards and Education under Section

1701.160, Occupations Code;

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

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

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

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

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

SECTION 13. Article 2.21(g), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 14. Article 18.05(e), Code of Criminal Procedure, is amended to read as follows:

(e) A search warrant may not be issued under this article to a code enforcement official of a county with a population of 3.3 [~~2.4~~] million or more for the purpose of allowing the inspection of

1 specified premises to determine the presence of an unsafe building
2 condition or a violation of a building regulation, statute, or
3 ordinance.

4 SECTION 15. Section 11.0581(a), Education Code, is amended
5 to read as follows:

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

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

10 (2) the general election for state and county
11 officers; or

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

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

17 (B) held its election for trustees jointly with
18 the election for the members of the governing body of the hospital
19 district before May 2007.

20 SECTION 16. Section 28.025(b-9), Education Code, is amended
21 to read as follows:

22 (b-9) The agency shall establish a pilot program allowing a
23 student attending school in a county with a population of more than
24 one million and in which more than 75 [~~80~~] percent of the population
25 resides in a single municipality to satisfy the fine arts credit
26 required under Subsection (b-1)(3)(A) by participating in a fine
27 arts program not provided by the school district in which the

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

6 SECTION 17. Section 45.105(e), Education Code, is amended
7 to read as follows:

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

26 SECTION 18. Section 51.214(a), Education Code, is amended
27 to read as follows:

1 (a) In any municipality with a population of 1.18 million or
2 more located primarily in a county with 2 million or more, the
3 governing board of a private, nonprofit medical corporation, or of
4 the parent corporation of such medical corporation, that provides
5 police or security services for an institution of higher education
6 or a private postsecondary educational institution located within
7 one of the medical corporation's or parent corporation's medical
8 complexes, or that provides police or security services for another
9 medical complex legally affiliated with or owned, leased, managed,
10 or controlled by the medical corporation or parent corporation, may
11 employ and commission police or security personnel to enforce the
12 law of this state within the jurisdiction designated by Subsection
13 (c).

14 SECTION 19. Section 53A.49(a), Education Code, is amended
15 to read as follows:

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

21 (1) is located in a county with a population of more
22 than two million [~~1,800,000~~];

23 (2) is located within three miles of an area
24 designated as an enterprise zone under Chapter 2303, Government
25 Code;

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

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

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

6 SECTION 20. Section 130.082(i), Education Code, is amended
7 to read as follows:

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

18 SECTION 21. Section 143.005(e), Election Code, is amended
19 to read as follows:

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

26 SECTION 22. Section 172.021(e), Election Code, is amended
27 to read as follows:

1 (e) A candidate for an office specified by Section
2 172.024(a)(8), (10), or (12), or for justice of the peace in a
3 county with a population of more than 1.5 million [~~850,000~~], who
4 chooses to pay the filing fee must also accompany the application
5 with a petition for a place on the primary ballot as a candidate for
6 judicial office that complies with the requirements prescribed for
7 the petition authorized by Subsection (b), except that the minimum
8 number of signatures that must appear on the petition required by
9 this subsection is 250. If the candidate chooses to file the
10 petition authorized by Subsection (b) in lieu of the filing fee, the
11 minimum number of signatures required for that petition is
12 increased by 250. Signatures on a petition filed under this
13 subsection or Subsection (b) by a candidate covered by this
14 subsection may not be obtained on the grounds of a county courthouse
15 or courthouse annex.

16 SECTION 23. Section 172.024(a), Election Code, is amended
17 to read as follows:

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

- | | | |
|----|---|---------|
| 20 | (1) United States senator | \$5,000 |
| 21 | (2) office elected statewide, except United States | |
| 22 | senator | 3,750 |
| 23 | (3) United States representative | 3,125 |
| 24 | (4) state senator | 1,250 |
| 25 | (5) state representative | 750 |
| 26 | (6) member, State Board of Education | 300 |
| 27 | (7) chief justice or justice, court of appeals, other | |

1	than a justice specified by Subdivision (8)	1,875
2	(8) chief justice or justice of a court of appeals that	
3	serves a court of appeals district in which a county with a	
4	population of more than <u>one million</u> [750,000]	
5	is wholly or partly situated	2,500
6	(9) district judge or judge specified by Section	
7	52.092(d) for which this schedule does not otherwise prescribe a	
8	fee	1,500
9	(10) district or criminal district judge of a court in	
10	a judicial district wholly contained in a county with a population	
11	of more than <u>1.5 million</u> [850,000]	2,500
12	(11) judge, statutory county court, other than a judge	
13	specified by Subdivision (12)	1,500
14	(12) judge of a statutory county court in a county with	
15	a population of more than <u>1.5 million</u> [850,000]	2,500
16	(13) district attorney, criminal district attorney,	
17	or county attorney performing the duties of a	
18	district attorney	1,250
19	(14) county commissioner, district clerk, county	
20	clerk, sheriff, county tax assessor-collector, county treasurer,	
21	or judge, constitutional county court:	
22	(A) county with a population of 200,000	
23	or more	1,250
24	(B) county with a population of	
25	under 200,000	750
26	(15) justice of the peace or constable:	
27	(A) county with a population of 200,000	

1 or more 1,000

2 (B) county with a population of
3 under 200,000 375

4 (16) county surveyor 75

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

7 SECTION 24. Section 84.002(a), Family Code, is amended to
8 read as follows:

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

16 SECTION 25. Section 51.501(c), Government Code, is amended
17 to read as follows:

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

23 SECTION 26. Section 62.016(h), Government Code, is amended
24 to read as follows:

25 (h) In a county with a population of more than 1.5 million
26 [~~900,000~~], the district judges, by a majority vote, may authorize
27 the drawing of two general jury panels for the week, with one to be

used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket.

SECTION 27. Section 62.021, Government Code, is amended to read as follows:

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

SECTION 28. Section 803.0021, Government Code, is amended to read as follows:

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

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

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

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

SECTION 29. The heading to Section 1331.051, Government Code, is amended to read as follows:

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

3 SECTION 30. Section 1331.051(a), Government Code, is
4 amended to read as follows:

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

7 SECTION 31. Section 1371.059(c), Government Code, is
8 amended to read as follows:

9 (c) An issuer in the proceedings to authorize obligations or
10 a credit agreement, or in a credit agreement, may agree to waive
11 sovereign immunity from suit or liability for the purpose of
12 adjudicating a claim to enforce the credit agreement or obligation
13 or for damages for breach of the credit agreement or
14 obligation. This subsection does not apply to an issuer that is:

15 (1) a state agency, including a state institution of
16 higher education; or

17 (2) a county with a population of 1.5 million
18 [~~900,000~~] or more.

19 SECTION 32. Section 1473.101(b), Government Code, is
20 amended to read as follows:

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

23 (1) issue bonds to pay for the construction and
24 equipment of a courthouse or county branch office building,
25 including the acquisition of a site for the courthouse or branch
26 office building; and

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

SECTION 33. Section 1473.191, Government Code, is amended to read as follows:

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

SECTION 34. Section 1473.231, Government Code, is amended to read as follows:

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

SECTION 35. The heading to Chapter 1476, Government Code, is amended to read as follows:

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

SECTION 36. Section 1476.001(a), Government Code, is amended to read as follows:

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

SECTION 37. Section 1502.070(a), Government Code, is amended to read as follows:

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

(1) the municipality's governing body; or
(2) a board of trustees named in the proceedings adopted by the municipality and consisting of not more than:

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

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

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

(ii) that is located on an international border.

SECTION 38. Section 1506.101, Government Code, is amended to read as follows:

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

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

(2) has a population of:

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

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

SECTION 39. Section 1509.002(b), Government Code, is amended to read as follows:

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

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

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

SECTION 40. Section 2303.004(b), Health and Safety Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), the governing body of a

1 county with a population of one million [~~750,000~~] or more may
2 nominate for designation as an enterprise project a project or
3 activity of a qualified business that is located within the
4 jurisdiction of a municipality located in the county. For purposes
5 of this subsection, a county during any biennium may not use in any
6 one municipality more than three of the maximum number of
7 designations the county is permitted under Section 2303.406(d)(2).

8 SECTION 41. Section 168.010(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) This section applies only to a school district located
11 in a county that:

12 (1) has a population of less than 780,000 [~~600,000~~];
13 and

14 (2) is located on the international border.

15 SECTION 42. Section 281.021(b), Health and Safety Code, is
16 amended to read as follows:

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

21 SECTION 43. Section 281.056(b-1), Health and Safety Code,
22 is amended to read as follows:

23 (b-1) The county attorney, district attorney, or criminal
24 district attorney, as appropriate, with the duty to represent the
25 county in civil matters shall, in all legal matters, represent a
26 district located in:

27 (1) a county with a population of 800,000 [~~650,000~~] or

more that borders the United Mexican States;

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

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

SECTION 44. Section 285.002, Health and Safety Code, is amended to read as follows:

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

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

(2) a countywide hospital district that:

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

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

SECTION 45. Section 285.022(a), Health and Safety Code, is amended to read as follows:

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

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

CHAPTER 289. COUNTY HEALTH CARE FUNDING DISTRICTS

IN CERTAIN COUNTIES LOCATED ON TEXAS-MEXICO BORDER THAT

HAVE POPULATION OF LESS THAN 300,000 [~~200,000~~]

SECTION 47. Section 289.002, Health and Safety Code, is amended to read as follows:

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

SECTION 48. The heading to Chapter 290, Health and Safety Code, is amended to read as follows:

CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTS

IN CERTAIN COUNTIES WITH POPULATION OF

1.8 [~~1.4~~] MILLION OR LESS

SECTION 49. Section 290.002, Health and Safety Code, is amended to read as follows:

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

SECTION 50. Section 301.001(1), Health and Safety Code, is amended to read as follows:

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

(A) a municipality;

(B) a political subdivision of the state;

(C) a state-supported health-related institution, including:

- (i) The Texas A&M University System;
- (ii) The University of Texas System; and
- (iii) Texas Woman's University;

(D) a nonprofit health-related institution; or

(E) a cooperative association created under Subchapter B, a unit of which is located in a county with a population of more than 3.3 [~~2.5~~] million.

SECTION 51. Section 361.271(c), Health and Safety Code, is amended to read as follows:

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

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

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

SECTION 52. Section 382.056(r), Health and Safety Code, is amended to read as follows:

(r) This section does not apply to:

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

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

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

SECTION 53. Section 382.065(d), Health and Safety Code, is amended to read as follows:

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

SECTION 54. Section 382.218(a), Health and Safety Code, is amended to read as follows:

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

SECTION 55. Section 462.0731(a), Health and Safety Code, is amended to read as follows:

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

1 committed to treatment on an outpatient basis.

2 SECTION 56. Sections 711.008(d) and (k), Health and Safety
3 Code, are amended to read as follows:

4 (d) Subsection (a) does not apply to a cemetery established
5 and operating before September 1, 1995, in a county with a
6 population of more than 285,000 [~~250,000~~] and less than 300,000
7 [~~251,000~~] that borders the Gulf of Mexico.

8 (k) This subsection applies only to a municipality with a
9 population of 115,000 [~~110,000~~] or more that is located in a county
10 with a population of less than 132,000 [~~127,000~~]. Not later than
11 September 1, 1994, a person may file a written application with the
12 governing body of the municipality to establish or use a cemetery
13 located inside the boundaries of the municipality. The
14 municipality by ordinance shall prescribe the information to be
15 included in the application. The governing body by ordinance may
16 authorize the establishment or use of a cemetery located inside the
17 boundaries of the municipality if the municipality determines and
18 states in the ordinance that the establishment or use of the
19 cemetery does not adversely affect public health, safety, and
20 welfare.

21 SECTION 57. Section 771.0751(a), Health and Safety Code, as
22 added by Chapter 258 (H.B. 1771), Acts of the 78th Legislature,
23 Regular Session, 2003, is amended to read as follows:

24 (a) This section applies only to the use of fees and
25 surcharges collected under this subchapter in a county subject to
26 this subchapter with a population of at least one million
27 [~~700,000~~].

SECTION 58. Section 772.204, Health and Safety Code, is amended to read as follows:

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

SECTION 59. Section 772.402, Health and Safety Code, is amended to read as follows:

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

SECTION 60. Sections 775.014(g) and (h), Health and Safety Code, are amended to read as follows:

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

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

- (1) limit the district's ability to incur debt;

1 (2) require the district to ensure that its equipment
2 is compatible with the municipality's equipment; and

3 (3) require the district to enter into mutual aid
4 agreements.

5 SECTION 61. Section 775.017(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) If after the hearing the commissioners court finds that
8 creation of the district is feasible and will promote the public
9 safety, welfare, health, and convenience of persons residing in the
10 proposed district, the commissioners court shall grant the
11 petition, fix the district's boundaries, and impose any conditions
12 negotiated under Section 775.014(h). If the proposed district,
13 according to its boundaries stated in the petition, is located
14 wholly in a county with a population of more than 3.3 [~~2.4~~] million,
15 the commissioners court may amend the petition to change the
16 boundaries of the proposed district if the commissioners court
17 finds the change is necessary or desirable. For the purposes of
18 this provision, the population of the county is determined
19 according to the most recent federal decennial census available at
20 the time the petition is filed.

21 SECTION 62. Section 775.031(b), Health and Safety Code, is
22 amended to read as follows:

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

26 (1) was originally a rural fire prevention district
27 and was converted to an emergency services district under this

chapter or former Section 794.100; or

(2) is created after September 1, 2003.

SECTION 63. Section 101.028(a), Human Resources Code, is amended to read as follows:

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

SECTION 64. Section 1575.163, Insurance Code, is amended to read as follows:

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

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

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

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

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

SECTION 65. Section 1579.108, Insurance Code, is amended to read as follows:

Sec. 1579.108. LIMITATIONS. The trustee may not contract

for or provide a health coverage plan that excludes from participation in the network a general hospital that:

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

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

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

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

SECTION 66. Section 92.013(b), Labor Code, is amended to read as follows:

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

SECTION 67. Section 201.070, Labor Code, is amended to read as follows:

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

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

(A) the service is performed under a written contract between the individual performing the service and a person whose principal business is obtaining the service of a demonstrator

1 for a third person for product demonstration purposes; and

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

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

5 (ii) is compensated for each demonstration
6 or is compensated based on factors that relate to the work
7 performed;

8 (iii) determines the method of performing
9 the service;

10 (iv) provides each vehicle used to perform
11 the service;

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

14 (vi) may accept or reject a job from a
15 product demonstrator business;

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

18 (viii) controls solely opportunity for
19 profit or loss; and

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

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

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

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

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

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

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

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

SECTION 68. Section 43.034, Local Government Code, is amended to read as follows:

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

(1) the municipality has a population of 1,762-1,770

1 ~~[1,000-1,300]~~, part of whose boundary is part of the shoreline of a
2 lake whose normal surface area is 75,000 acres or greater and which
3 is located completely within the State of Texas;

4 (2) the procedural rules prescribed by this chapter
5 are met;

6 (3) the service plan requires that police and fire
7 protection at a level consistent with protection provided within
8 the municipality must be provided to the area within 10 days after
9 the effective date of the annexation; and

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

12 SECTION 69. Section 43.0751(n), Local Government Code, is
13 amended to read as follows:

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

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

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

SECTION 70. Section 43.1025(a), Local Government Code, is amended to read as follows:

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

SECTION 71. Section 43.105(a), Local Government Code, is amended to read as follows:

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

SECTION 72. The heading to Section 81.028, Local Government Code, is amended to read as follows:

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

SECTION 73. Section 81.028(a), Local Government Code, is amended to read as follows:

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

SECTION 74. Section 81.029(a), Local Government Code, is amended to read as follows:

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

SECTION 75. Section 115.044(a), Local Government Code, is amended to read as follows:

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

SECTION 76. Section 143.0052(a), Local Government Code, is amended to read as follows:

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

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

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

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

SECTION 77. Section 152.017, Local Government Code, is amended to read as follows:

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

(1) a judge of a court of record;

(2) a presiding judge of a commissioners court in a

1 county with a population of 3.3 [~~2.5~~] million or more;

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

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

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

9 SECTION 78. Sections 152.032(b), (d), and (e), Local
10 Government Code, are amended to read as follows:

11 (b) This subsection applies only to a county that employs an
12 arena venue project manager hired as of March 7, 2001, and that has
13 a population of less than 1.7 [~~1.4~~] million in which a municipality
14 with a population of more than one million is located. The amount
15 of the compensation and allowances of a county auditor in a county
16 subject to this subsection may not exceed the amount of the
17 compensation and allowances received from all sources by the county
18 budget officer. If the county hires a county budget officer at a
19 salary lower than the salary of the previous county budget officer,
20 the county auditor's salary may not be reduced on that basis.

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

26 (1) a county with a population of more than 108,000
27 [~~77,000~~] and less than 110,000 [~~80,000~~];

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

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

5 (4) a county that borders a county subject to
6 Subsection (b) and that has a population of more than 108,000
7 [~~50,000~~] and less than 110,000 [~~85,000~~].

8 (e) This subsection applies only to a county with a
9 population of more than one million [~~800,000~~] that uses an
10 automated system to enhance internal controls of county finances
11 through the use of automated edit checks of its automated
12 purchasing system and its comprehensive automated payroll system.
13 The amount of the compensation and allowances of a county auditor in
14 a county governed by this subsection may exceed the limit imposed by
15 Subsection (a) if the compensation and allowances are approved by
16 the commissioners court. If a county is governed by this subsection
17 and Subsection (b), the amount of compensation and allowances
18 received by the county auditor may not exceed the limit imposed by
19 Subsection (b).

20 SECTION 79. Section 152.904(c), Government Code, is amended
21 to read as follows:

22 (c) The commissioners court of a county with a population of
23 285,000 [~~250,000~~] to 300,000 [~~251,000~~] shall set the annual salary
24 of the county judge at an amount equal to or greater than 90 percent
25 of the salary, including supplements, of any district judge in
26 Galveston County. However, the salary may not be set at an amount
27 less than the salary paid the county judge on May 2, 1962.

SECTION 80. Section 158.008(e), Local Government Code, is amended to read as follows:

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

SECTION 81. Section 160.002, Local Government Code, is amended to read as follows:

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

SECTION 82. Section 161.001, Local Government Code, is amended to read as follows:

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

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

SECTION 83. Section 176.009(b), Local Government Code, is amended to read as follows:

(b) This subsection applies only to a county with a population of one million [~~800,000~~] or more or a municipality with a population of 500,000 or more. A county or municipality shall provide, on the Internet website maintained by the county or

1 municipality, access to each report of political contributions and
2 expenditures filed under Chapter 254, Election Code, by a member of
3 the commissioners court of the county or the governing body of the
4 municipality in relation to that office as soon as practicable
5 after the officer files the report.

6 SECTION 84. Section 180.003(a), Local Government Code, is
7 amended to read as follows:

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

14 SECTION 85. Section 212.0155(a), Local Government Code, is
15 amended to read as follows:

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

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

19 (2) is located wholly or partly in:

20 (A) a county with a population of more than three
21 million;

22 (B) a county with a population of more than
23 400,000 [~~275,000~~] that is adjacent to a county with a population of
24 more than three million; or

25 (C) a county with a population of more than 1.4
26 million:

27 (i) in which two or more municipalities

1 with a population of 300,000 or more are located; and

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

4 SECTION 86. Section 214.161, Local Government Code, is
5 amended to read as follows:

6 Sec. 214.161. MUNICIPALITY COVERED BY SUBCHAPTER. This
7 subchapter applies only to a municipality with a population of more
8 than 1.18 million located primarily in a county with 2 million or
9 more.

10 SECTION 87. Section 214.233(a), Local Government Code, is
11 amended to read as follows:

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

16 SECTION 88. Section 229.003(a), Local Government Code, is
17 amended to read as follows:

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

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

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

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

25 SECTION 89. Section 233.001(a), Local Government Code, is
26 amended to read as follows:

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

1 Gulf of Mexico and is adjacent to a county with a population of more
2 than 3.3 [~~2.5~~] million finds that a bulkhead or other method of
3 shoreline protection, hereafter called "structure," in an
4 unincorporated area of the county is likely to endanger persons or
5 property, the commissioners may:

6 (1) order the owner of the structure, the owner's
7 agent, or the owner or occupant of the property on which the
8 structure is located to repair, remove, or demolish the structure
9 or the part of the structure within a specified time; or

10 (2) repair, remove, or demolish the structure or the
11 part of the structure at the expense of the county on behalf of the
12 owner of the structure or the owner of the property on which the
13 structure is located and assess the repair, removal, or demolition
14 expenses on the property on which the structure was located.

15 SECTION 90. Section 240.042(a), Local Government Code, is
16 amended to read as follows:

17 (a) The commissioners court of a county with a population of
18 1.8 [~~1.4~~] million or more by order may regulate the placement of
19 private water wells in the unincorporated area of the county to
20 prevent:

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

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

26 (3) drilling of a domestic well into a contaminated
27 groundwater plume or aquifer.

SECTION 91. Section 240.082(a), Local Government Code, is amended to read as follows:

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

SECTION 92. Section 262.036(a), Local Government Code, is amended to read as follows:

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

SECTION 93. Section 270.005(a), Local Government Code, is amended to read as follows:

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

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

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

SECTION 94. Section 292.001(d), Local Government Code, is amended to read as follows:

(d) A justice of the peace court may not be housed or

1 conducted in a building located outside the court's precinct except
2 as provided by Section 27.051(f), Government Code, or unless the
3 justice of the peace court is situated in the county courthouse in a
4 county with a population of at least 275,000 [~~242,000~~] persons but
5 no more than 285,000 [~~248,000~~] persons.

6 SECTION 95. Section 292.023(a), Local Government Code, is
7 amended to read as follows:

8 (a) This section applies only to a county with a population
9 of:

10 (1) 35,500 to 36,000; or

11 (2) 85,000 [~~76,500~~] to 86,500 [~~77,000~~].

12 SECTION 96. Section 292.025(a), Local Government Code, is
13 amended to read as follows:

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

16 SECTION 97. Section 292.027(a), Local Government Code, is
17 amended to read as follows:

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

20 SECTION 98. Sections 335.035(a) and (f), Local Government
21 Code, are amended to read as follows:

22 (a) This section applies only to the board of a district
23 located in whole or in part in a county with a population of 3.3
24 [~~2.4~~] million or more.

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

27 SECTION 99. Section 335.0711(b), Local Government Code, is

1 amended to read as follows:

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

4 SECTION 100. Section 335.102, Local Government Code, is
5 amended to read as follows:

6 Sec. 335.102. APPLICABILITY OF SUBCHAPTER. This subchapter
7 applies only to a district located in a county with a population of
8 3.3 [~~2.4~~] million or more.

9 SECTION 101. Section 341.904(b), Local Government Code, is
10 amended to read as follows:

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

14 (1) uses, possesses, or wears:

15 (A) a police identification item of the municipal
16 police department;

17 (B) an item bearing the insignia or design
18 prescribed by the police chief of the municipality for officers and
19 employees of the municipal police department to use while engaged
20 in official activities; or

21 (C) within the municipal police department's
22 jurisdiction, an item that is deceptively similar to a police
23 identification item of the department;

24 (2) uses, within the municipal police department's
25 jurisdiction, the name of the department in connection with an
26 object to create the appearance that the object belongs to or is
27 used by the department; or

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

SECTION 102. Section 361.042(a), Local Government Code, is amended to read as follows:

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

SECTION 103. Section 373A.003(a), Local Government Code, is amended to read as follows:

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

SECTION 104. Section 381.001(c), Local Government Code, is amended to read as follows:

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

SECTION 105. Section 382.002, Local Government Code, is amended to read as follows:

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

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

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

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

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

SECTION 106. Section 386.031(a), Local Government Code, is amended to read as follows:

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

(1) have a continuous boundary;

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

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

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

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

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

SECTION 107. Section 551.002(c), Local Government Code, is
amended to read as follows:

(c) The authority granted by this section may be exercised
inside the municipality's boundaries or inside the municipality's
extraterritorial jurisdiction or outside the municipality's
extraterritorial jurisdiction only if required to meet other state
or federal requirements. The authority granted by this section for
the protection of recharge, recharge areas, or recharge features of
groundwater aquifers may be exercised outside the municipality's
boundaries and within the extraterritorial jurisdiction provided
the municipality exercising such authority has a population greater
than 1.3 million [~~750,000~~] and the groundwater constitutes more
than 75 percent of the municipality's source of water supply.

SECTION 108. Section 552.044(1)(B), Local Government Code,
is amended to read as follows:

(B) "Benefitted property," in a municipality
with a population of more than 1.18 million located primarily in a
county with 2 million or more which is operating a drainage utility
system under this chapter, means a lot or tract, but does not
include land appraised for agricultural use, to which drainage

1 service is made available under this subchapter and which
2 discharges into a creek, river, slough, culvert, or other channel
3 that is part of the municipality's drainage utility
4 system. Sections 552.053(c)(2) and (c)(3) do not apply to a
5 municipality described in this subdivision.

6 SECTION 109. Section 561.007(a), Local Government Code, is
7 amended to read as follows:

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

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

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

14 SECTION 110. Section 615.002(a), Local Government Code, is
15 amended to read as follows:

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

17 (1) 14,050 [~~14,350~~] to 14,250 [~~14,450~~];

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

19 (3) 21,850 [~~20,100~~] to 22,000 [~~20,300~~];

20 (4) 54,000 [~~47,150~~] to 54,500 [~~47,350~~];

21 (5) 36,500 [~~37,900~~] to 36,800 [~~38,500~~]; or

22 (6) 234,000 [~~210,000 to 220,000; or~~

23 [~~(7) 235,000~~] or more.

24 SECTION 111. Section 615.011(b), Local Government Code, is
25 amended to read as follows:

26 (b) A county with a population of 41,500 [~~36,650~~] to 42,500
27 [~~37,650~~] may authorize the use of county equipment, machinery, and

employees to construct, establish, and maintain a public airstrip in the county.

SECTION 112. Section 615.022, Local Government Code, is amended to read as follows:

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

SECTION 113. Section 61.018(a-1), Natural Resources Code, is amended to read as follows:

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

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

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

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

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

SECTION 114. Section 133.091, Natural Resources Code, is amended to read as follows:

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

SECTION 115. Section 2308.209(b), Occupations Code, is amended to read as follows:

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

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

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

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

SECTION 116. Section 201.001(a), Property Code, is amended to read as follows:

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

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

(2) in the unincorporated area of:

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

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

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

SECTION 117. Section 204.002(a), Property Code, is amended to read as follows:

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

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

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

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

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

(B) contains part of a national forest.

SECTION 118. Section 210.002, Property Code, is amended to read as follows:

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

1 (1) more than 200,000 [~~170,000~~] and less than 220,000
2 [~~175,000~~]; or

3 (2) more than 45,000 and less than 80,000 [~~75,000~~]
4 that is adjacent to a county with a population of more than 200,000
5 [~~170,000~~] and less than 220,000 [~~175,000~~].

6 SECTION 119. Section 6.41(d-1), Tax Code, is amended to
7 read as follows:

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

14 SECTION 120. Section 11.18(p), Tax Code, as added by
15 Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular
16 Session, 2009, is amended to read as follows:

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

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

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

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

26 SECTION 121. Sections 11.1825(s) and (v), Tax Code, are
27 amended to read as follows:

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

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

SECTION 122. Section 31.03(d), Tax Code, is amended to read as follows:

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

SECTION 123. Section 311.0091(a), Tax Code, is amended to read as follows:

(a) This section applies to a reinvestment zone designated by a municipality which is wholly or partially located in a county

1 with a population of less than 1.8 [~~1.4~~] million in which the
2 principal municipality has a population of 1.1 million or more.

3 SECTION 124. Section 311.013(m), Tax Code, is amended to
4 read as follows:

5 (m) The governing body of a municipality that is located in
6 a county with a population of more than 1.8 [~~1.4~~] million but less
7 than 1.9 [~~2.1~~] million or in a county with a population of 3.3
8 million or more by ordinance may reduce the portion of the tax
9 increment produced by the municipality that the municipality is
10 required to pay into the tax increment fund for the zone. The
11 municipality may not reduce under this subsection the portion of
12 the tax increment produced by the municipality that the
13 municipality is required to pay into the tax increment fund for the
14 zone unless the municipality provides each county that has entered
15 into an agreement with the municipality to pay all or a portion of
16 the county's tax increment into the fund an opportunity to enter
17 into an agreement with the municipality to reduce the portion of the
18 tax increment produced by the county that the county is required to
19 pay into the tax increment fund for the zone by the same proportion
20 that the portion of the municipality's tax increment that the
21 municipality is required to pay into the fund is reduced. The
22 portion of the tax increment produced by a municipality that the
23 municipality is required to pay into the tax increment fund for a
24 reinvestment zone, as reduced by the ordinance adopted under this
25 subsection, together with all other revenues required to be paid
26 into the fund, must be sufficient to complete and pay for the
27 estimated costs of projects listed in the reinvestment zone

1 financing plan and pay any tax increment bonds or notes issued for
2 the zone, and any other obligations of the zone.

3 SECTION 125. Section 311.017(a-1), Tax Code, as added by
4 Chapter 137 (S.B. 1105), Acts of the 81st Legislature, Regular
5 Session, 2009, is amended to read as follows:

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

18 (1) the termination date designated in the ordinance;
19 or

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

21 SECTION 126. Section 325.021(a), Tax Code, is amended to
22 read as follows:

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

SECTION 127. Section 351.106(a), Tax Code, is amended to read as follows:

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

(1) no more than 55 percent to:

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

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

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

SECTION 128. Section 22.053(a), Transportation Code, is amended to read as follows:

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

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

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

SECTION 129. Section 284.002(a), Transportation Code, is amended to read as follows:

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

(1) has a population of 50,000 or more and borders the Gulf of Mexico or a bay or inlet opening into the gulf;

(2) has a population of two [~~1.5~~] million or more;

(3) is adjacent to a county that has a population of two [~~1.5~~] million or more; or

(4) borders the United Mexican States.

SECTION 130. Section 284.007(a), Transportation Code, is amended to read as follows:

(a) A county with a population of more than 3.3 [~~2.4~~] million operating under this chapter shall set and make a good faith effort to meet or exceed goals for awarding contracts or subcontracts associated with a project it operates, maintains, or constructs to historically underutilized businesses.

SECTION 131. Section 362.055, Transportation Code, is amended to read as follows:

Sec. 362.055. EXCEPTION. This subchapter does not apply to:

(1) a county that has a population of more than two [~~1.5~~] million;

(2) a local government corporation created under Chapter 431 by a county that has a population of more than two [~~1.5~~] million; or

(3) a regional tollway authority created under Chapter 366.

SECTION 132. Section 366.031(a), Transportation Code, is

1 amended to read as follows:

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

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

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

8 (3) unless one of the counties has a population of two
9 ~~[1.5]~~ million or more, the commission approves the creation.

10 SECTION 133. Section 370.192, Transportation Code, is
11 amended to read as follows:

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

21 SECTION 134. Section 394.061, Transportation Code, is
22 amended to read as follows:

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

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

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

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

8 SECTION 135. Section 394.063(a), Transportation Code, is
9 amended to read as follows:

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

15 SECTION 136. Section 394.086(a), Transportation Code, is
16 amended to read as follows:

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

23 SECTION 137. Section 431.109(a), Transportation Code, is
24 amended to read as follows:

25 (a) This section applies only to a local government
26 corporation serving a county with a population of more than 3.3
27 [~~2.4~~] million.

SECTION 138. Sections 451.001(1) and (8), Transportation Code, are amended to read as follows:

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

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

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

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

(8) "Transit authority system" means property:

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

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

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

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

SECTION 139. Section 451.054(b), Transportation Code, is amended to read as follows:

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

SECTION 140. Section 451.056(c), Transportation Code, is amended to read as follows:

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

SECTION 141. Sections 451.061(d) and (d-1), Transportation Code, are amended to read as follows:

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

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

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

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

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

(B) the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than

1 320,000 [~~300,000~~].

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

12 SECTION 142. Section 451.0611(g), Transportation Code, is
13 amended to read as follows:

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

19 SECTION 143. Section 451.0612(a), Transportation Code, is
20 amended to read as follows:

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

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

1 transportation system; and

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

4 SECTION 144. Section 451.064(a), Transportation Code, is
5 amended to read as follows:

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

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

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

14 SECTION 145. Section 451.065(f), Transportation Code, is
15 amended to read as follows:

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

19 SECTION 146. Section 451.066(a), Transportation Code, is
20 amended to read as follows:

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

26 SECTION 147. Section 451.067, Transportation Code, is
27 amended to read as follows:

1 Sec. 451.067. EMERGENCY MEDICAL SERVICES: CERTAIN
2 AUTHORITIES. An authority in which the principal municipality has
3 a population of less than 320,000 [~~300,000~~] may provide emergency
4 medical services.

5 SECTION 148. Section 451.068(a), Transportation Code, is
6 amended to read as follows:

7 (a) An authority confirmed before July 1, 1985, and in which
8 the principal municipality has a population of less than 850,000
9 [~~750,000~~] may, through the operation of a program, charge no fares.

10 SECTION 149. Section 451.071(a), Transportation Code, is
11 amended to read as follows:

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

15 SECTION 150. Section 451.072(a), Transportation Code, is
16 amended to read as follows:

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

20 SECTION 151. Section 451.104, Transportation Code, is
21 amended to read as follows:

22 Sec. 451.104. INVESTMENT POWERS: CERTAIN AUTHORITIES. An
23 authority created before 1980 and in which the principal
24 municipality has a population of less than 1.9 [~~1.2~~] million has the
25 same investment powers as an entity under Subchapter A, Chapter
26 2256, Government Code.

27 SECTION 152. Section 451.106(a), Transportation Code, is

1 amended to read as follows:

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

10 SECTION 153. Sections 451.108(b), (c), (d), and (e),
11 Transportation Code, are amended to read as follows:

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

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

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

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

1 (3) enforce traffic laws and investigate traffic
2 accidents that involve or occur in the transit authority system;
3 and

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

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

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

24 SECTION 154. Section 451.109(d), Transportation Code, is
25 amended to read as follows:

26 (d) This section does not apply to an authority in which the
27 principal municipality has a population of 850,000 [~~750,000~~] or

1 more but not more than 1.9 [~~1.2~~] million.

2 SECTION 155. Section 451.112, Transportation Code, is
3 amended to read as follows:

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

14 SECTION 156. Section 451.154(b), Transportation Code, is
15 amended to read as follows:

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

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

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

25 SECTION 157. Section 451.202, Transportation Code, is
26 amended to read as follows:

27 Sec. 451.202. APPLICATION OF SUBCHAPTER LIMITED TO CERTAIN

1 AUTHORITIES. This subchapter applies only to an authority created
2 before 1980 in which the principal municipality has a population of
3 less than 1.9 [~~1.2~~] million.

4 SECTION 158. Section 451.252(b), Transportation Code, is
5 amended to read as follows:

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

9 SECTION 159. Section 451.254(c), Transportation Code, is
10 amended to read as follows:

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

14 SECTION 160. Section 451.362(d), Transportation Code, is
15 amended to read as follows:

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

21 SECTION 161. Section 451.3625(a), Transportation Code, is
22 amended to read as follows:

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

26 SECTION 162. Section 451.452(d), Transportation Code, is
27 amended to read as follows:

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

SECTION 163. Section 451.454(a), Transportation Code, is amended to read as follows:

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

SECTION 164. Section 451.458(a), Transportation Code, is amended to read as follows:

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

SECTION 165. Section 451.459(a), Transportation Code, is amended to read as follows:

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

1 were scheduled to be abolished September 1, 2017. The reviews
2 conducted under this section must include an assessment of the
3 governance, management, and operating structure of the authority
4 and the authority's compliance with the duties and requirements
5 placed on it by the legislature.

6 SECTION 166. Section 451.460(a), Transportation Code, is
7 amended to read as follows:

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

11 SECTION 167. Section 451.502(a), Transportation Code, is
12 amended to read as follows:

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

20 SECTION 168. Section 451.5021(a), Transportation Code, is
21 amended to read as follows:

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

25 SECTION 169. Section 451.5035(a), Transportation Code, is
26 amended to read as follows:

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

1 principal municipality has a population of less than 320,000
2 [~~300,000~~].

3 SECTION 170. Section 451.505(b), Transportation Code, is
4 amended to read as follows:

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

8 SECTION 171. Sections 451.506(b) and (c), Transportation
9 Code, are amended to read as follows:

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

14 (1) in which the principal municipality has a
15 population of more than 1.9 [~~1.2~~] million or less than 320,000
16 [~~300,000~~]; or

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

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

26 SECTION 172. Section 451.509, Transportation Code, is
27 amended to read as follows:

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

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

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

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

(d) In an authority in which the principal municipality has a population of less than 850,000 [~~750,000~~] or more than 1.9 [~~1.2~~] million, a general manager who has knowledge that a potential

1 ground for removal applicable to a member of the authority's board
2 exists shall notify the presiding officer of the board of the
3 ground, and the presiding officer shall notify the person that
4 appointed the member against whom the potential ground applies of
5 the ground.

6 SECTION 173. Section 451.512(a), Transportation Code, is
7 amended to read as follows:

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

13 SECTION 174. Section 451.513(a), Transportation Code, is
14 amended to read as follows:

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

21 SECTION 175. Section 451.602, Transportation Code, is
22 amended to read as follows:

23 Sec. 451.602. AUTHORITIES COVERED BY SUBCHAPTER. Except as
24 provided by Section 451.617, this subchapter applies only to an
25 authority in which the principal municipality has a population of
26 less than 850,000 [~~750,000~~] and that was confirmed before July 1,
27 1985.

SECTION 176. Section 451.617(a), Transportation Code, is amended to read as follows:

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

SECTION 177. Section 451.702(a), Transportation Code, is amended to read as follows:

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

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

SECTION 178. Section 451.802, Transportation Code, is amended to read as follows:

1 Sec. 451.802. APPLICABILITY. This subchapter applies only
2 to an authority in which the principal municipality has a
3 population of more than 1.9 [~~1.2~~] million.

4 SECTION 179. Section 504.510(d), Transportation Code, is
5 amended to read as follows:

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

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

11 (2) in a county that borders another state and has a
12 population of more than 120,750 [~~110,000~~] but less than 121,000
13 [~~111,000~~].

14 SECTION 180. Section 621.4015(a), Transportation Code, is
15 amended to read as follows:

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

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

22 (2) that is adjacent to a county with a population of
23 3.3 million or more; and

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

covenants containing ad valorem or annual variable budget based assessments on real property.

SECTION 181. Section 644.101(b), Transportation Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

SECTION 182. Section 644.202(b), Transportation Code, is amended to read as follows:

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

SECTION 183. Section 683.016(d), Transportation Code, is amended to read as follows:

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

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

(2) removed to a privately owned storage facility.

SECTION 184. Section 37.102(a), Utilities Code, is amended to read as follows:

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

SECTION 185. Section 13.187(f), Water Code, is amended to read as follows:

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

SECTION 186. Section 51.537(a), Water Code, is amended to read as follows:

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

SECTION 187. Section 54.016(h), Water Code, is amended to read as follows:

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

(1) such written consent contains a contract entered into by the city and the persons petitioning for creation of the

1 district setting forth the time and/or the conditions of annexation
2 by the city which annexation shall not occur prior to the
3 installation of 90 percent of the facilities for which district
4 bonds were authorized in the written consent; and that

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

9 (3) the contract may set forth the time, conditions,
10 or lands to be annexed by the district; and that

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

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

20 (ii) the length of time such rates will be
21 in effect;

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

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

27 A suit for damages under the provisions of these referenced

1 sections must be brought within 90 days after the purchaser
2 receives his or her first water and/or sewer service charge
3 following annexation, or the purchaser loses his or her right to
4 seek damages under this referenced section.

5 (B) The governing board of any district covered
6 by the provisions of this subsection shall file with the county
7 clerk in each of the counties in which all or part of the district is
8 located a duly affirmed and acknowledged statement which includes
9 the information required in Section 54.016(h)(4)(A) and a complete
10 and accurate map or plat showing the boundaries of the district.

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

13 SECTION 188. Section 54.0162(a), Water Code, is amended to
14 read as follows:

15 (a) A municipal utility district composed of noncontiguous
16 areas that on January 1, 1995, are contained in the
17 extraterritorial jurisdiction of two municipalities may choose, by
18 a resolution of the governing body of the district, to be wholly
19 contained in the extraterritorial jurisdiction of one municipality
20 selected by the governing body of the district if:

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

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

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

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

6 (5) the district is within a water control and
7 improvement district; and

8 (6) a certified copy of the resolution of the
9 governing body of the district is filed with both municipalities
10 before the effective date specified in the resolution.

11 SECTION 189. Section 54.813(a), Water Code, is amended to
12 read as follows:

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

16 SECTION 190. Section 1, Chapter 511 (H.B. 589), Acts of the
17 58th Legislature, Regular Session, 1963 (Article 2676a, Vernon's
18 Texas Civil Statutes), is amended to read as follows:

19 Sec. 1. From and after the effective date of this act in any
20 county in this state having a population of not less than 312,000
21 [~~239,000~~] and not more than 330,000 [~~242,000~~], the general
22 management and control of the public free schools and high schools
23 in each county unless otherwise provided by law shall be vested in
24 five (5) county school trustees elected from the county, one of whom
25 shall be elected from the county at large by the qualified voters of
26 the county and one from each commissioners precinct by the
27 qualified voters of each commissioners precinct, who shall hold

1 office for a term of two (2) years. The time for such election shall
 2 be the first Saturday in April of each year; the order for the
 3 election of county school trustees to be made by the County Judge at
 4 least thirty (30) days prior to the date of said election, and which
 5 order shall designate as voting places or places at which votes are
 6 cast for the district trustees of said common and independent
 7 school districts, respectively. The election officers appointed to
 8 hold the election for district trustees in each of said school
 9 districts, respectively, shall hold this election for county school
 10 trustees.

11 SECTION 191. Section 1, Chapter 233 (H.B. 459), Acts of the
 12 59th Legislature, Regular Session, 1965 (Article 2676b, Vernon's
 13 Texas Civil Statutes), is amended to read as follows:

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

21 SECTION 192. Section 1(b), Chapter 63 (S.B. 100), Acts of
 22 the 57th Legislature, 3rd Called Session, 1962 (Article 2688h,
 23 Vernon's Texas Civil Statutes), is amended to read as follows:

24 (b) From and after May 1, 1962, the office of the county
 25 board of school trustees and the office of county superintendent
 26 shall cease to exist in any county in this State having a population
 27 of not less than 285,000 [~~250,000~~] and not more than 300,000

1 ~~[251,000]~~ which has no common school district and whose county ad
 2 valorem evaluation is in excess of Two Hundred Fifty Million
 3 Dollars (\$250,000,000); provided, however, that the county
 4 superintendents in such counties who have been heretofore elected
 5 or appointed to the office of county superintendent shall serve
 6 until the expiration of the term for which they were elected or
 7 appointed. The duties now performed by the board of school trustees
 8 and county superintendents in such counties shall be performed by
 9 the County Judges of such counties.

10 SECTION 193. Sections 5 and 6, Chapter 706 (H.B. 1015), Acts
 11 of the 59th Legislature, Regular Session, 1965 (Article 2688i-1,
 12 Vernon's Texas Civil Statutes), are amended to read as follows:

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

17 Sec. 6. No county having a population of more than 30,000
 18 ~~[32,350]~~ and less than 32,000 ~~[32,400]~~ shall have the offices of
 19 county school superintendent, ex officio county school
 20 superintendent, and county board of education.

21 All duties and functions, except as hereafter provided, that
 22 are otherwise required by law of the office of county school
 23 superintendent or ex officio county school superintendent governed
 24 by this section shall be performed by the superintendents of the
 25 independent and rural high school districts, and all duties that
 26 may otherwise be required by law of the county board of education
 27 governed by this section shall be performed by the elected Board of

1 Trustees of such independent and rural high school districts,
2 except that the County Judge shall, without pay from the State of
3 Texas, continue to approve or disapprove application for school
4 transfers. The Commissioners Court of such county shall hereafter
5 receive, hear and pass upon all petitions for the calling of
6 elections for the creation, change or abolishment of county school
7 districts and all authorized appeals from the independent school
8 Board of Trustees shall be made directly to the State Board of
9 Education or to the courts as provided by law.

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

23 SECTION 194. Section 2.01(13), Article 6243a-1, Revised
24 Statutes, is amended to read as follows:

25 (13) "City" means each municipality having a
26 population of more than 1.18 million and located predominantly in a
27 county that has a total area of less than 1,000 square miles [~~less~~

1 ~~than 1.9 million~~].

2 SECTION 195. Section 1(a), Chapter 101 (H.B. 31), Acts of
3 the 43rd Legislature, 1st Called Session, 1933 (Article 6243b,
4 Vernon's Texas Civil Statutes), is amended to read as follows:

5 (a) In all incorporated cities and towns containing more
6 than 600,000 [~~550,000~~] inhabitants and less than 700,000 [~~600,000~~]
7 inhabitants, having a fully or partially paid fire department,
8 three (3) citizens of said city or town to be designated by the
9 mayor, two (2) citizens of said city or town to be designated by the
10 city manager of said city or town, three (3) policemen to be elected
11 by members of the policemen's pension fund, and three (3) firemen to
12 be elected by members of the firemen's pension fund, composing
13 eleven (11) members, seven (7) of which shall be a quorum, shall
14 constitute a board of trustees of the Firemen and Policemen Pension
15 Fund, to provide for the disbursement of the same and to designate
16 the beneficiaries thereof. The board shall be known as the Board
17 of Firemen and Policemen Pension Fund, _____, Texas. Said
18 board shall organize by choosing one member as Chairman and by
19 appointing a secretary. Such board shall have charge of and
20 administer said fund and shall order payments therefrom in
21 pursuance of the provisions of this law. It shall report annually
22 to the governing body of such city or town the condition of the said
23 fund and the receipts and disbursements on account of the same with
24 a complete list of beneficiaries of said fund and the amounts paid
25 them.

26 SECTION 196. Section 1.01, Chapter 183 (S.B. 598), Acts of
27 the 64th Legislature, Regular Session, 1975 (Article 6243e.1,

Vernon's Texas Civil Statutes), is amended to read as follows:

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

SECTION 197. Section 1, Chapter 103 (S.B. 622), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6243f-1, Vernon's Texas Civil Statutes), is amended to read as follows:

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

SECTION 198. Section 1, Chapter 451 (S.B. 737), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. SCOPE. A retirement system is established by this Act for employees of each municipality having a population of more than 750,000 [~~600,000~~] and less than 850,000 [~~700,000~~]; provided, however, that once such pension system becomes operative in any city, any right or privilege accruing to any member thereunder shall be a vested right according to the terms of this Act and the same shall not be denied or abridged thereafter through any change in population of any such city taking such city out of the population bracket as herein prescribed, and said pension system

1 shall continue to operate and function regardless of whether or not
2 any future population exceeds or falls below said population
3 bracket.

4 SECTION 199. Section 1.01, Chapter 452 (S.B. 738), Acts of
5 the 72nd Legislature, Regular Session, 1991 (Article 6243n-1,
6 Vernon's Texas Civil Statutes), is amended to read as follows:

7 Sec. 1.01. APPLICABILITY AND DEFINITIONS. This Act applies
8 only to a municipality having a population of more than 750,000
9 [~~600,000~~] and less than 850,000 [~~700,000~~].

10 SECTION 200. Section 1.03, Chapter 824 (S.B. 817), Acts of
11 the 73rd Legislature, Regular Session, 1993 (Article 6243o,
12 Vernon's Texas Civil Statutes), is amended to read as follows:

13 Sec. 1.03. APPLICABILITY. This Act applies to paid fire and
14 police departments of a municipality with a population between 1.3
15 [~~1.14~~] million and 1.5 [~~1.18~~] million.

16 SECTION 201. Section 1.03, Chapter 1332 (S.B. 1568), Acts
17 of the 75th Legislature, Regular Session, 1997 (Article 6243q,
18 Vernon's Texas Civil Statutes), is amended to read as follows:

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

22 SECTION 202. Section 1, Chapter 809 (H.B. 1687), Acts of the
23 62nd Legislature, Regular Session, 1971 (Article 6812b-1, Vernon's
24 Texas Civil Statutes), is amended to read as follows:

25 Sec. 1. The Commissioners Court of any county having a
26 population of not less than 425,000 [~~280,000~~] nor more than 500,000
27 [~~300,000~~] may appoint a County Engineer, but the selection shall be

1 controlled by considerations of skill and ability for the task. The
 2 engineer may be selected at any regular meeting of the
 3 commissioners court, or at any special meeting called for that
 4 purpose. The engineer selected shall be a Registered Professional
 5 Engineer in the State of Texas. The engineer shall hold his office
 6 for a period of two years, his term of office expiring concurrently
 7 with the terms of other county officers, and he may be removed at
 8 the pleasure of the commissioners court. The engineer shall
 9 receive a salary to be fixed by the commissioners court not to
 10 exceed the amount of the salary paid to the highest county official,
 11 to be paid out of the Road and Bridge Fund. The engineer, before
 12 entering upon the discharge of his duties, shall take the oath of
 13 office prescribed by law, and shall execute a bond in the sum of
 14 \$15,000 with a good and sufficient surety or sureties thereon,
 15 payable to the county judge of the county and successors in office
 16 in trust, for the use and the benefit of the Road and Bridge Fund, of
 17 the county to be approved by the court, conditioned that such
 18 engineer will faithfully and efficiently discharge and perform all
 19 of the duties required of him by law and by the orders of said
 20 commissioners court and shall faithfully and honestly and in due
 21 time account for all of the money, property and materials placed in
 22 his custody.

23 SECTION 203. Section 4.08(e), Chapter 1029, Acts of the
 24 76th Legislature, Regular Session, 1999, is amended to read as
 25 follows:

26 (e) The authority may not exercise the power of eminent
 27 domain granted by Subsections (a) and (b) of this section to acquire

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

6 SECTION 204. Section 4.17(f), Chapter 414, Acts of the 77th
7 Legislature, Regular Session, 2001, is amended to read as follows:

8 (f) The authority may not exercise the power of eminent
9 domain under this section to acquire property of any kind in
10 Galveston County ~~[a county that:~~
11 ~~[(1) has a population of more than 245,000,~~
12 ~~[(2) borders on the Gulf of Mexico, and~~
13 ~~[(3) is adjacent to a county with a population of more~~
14 ~~than 1.6 million]~~.

15 SECTION 205. (a) This Act is not intended to revive a law
16 that was impliedly repealed by a law enacted by the 81st Legislature
17 or a previous legislature.

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

22 SECTION 206. This Act takes effect September 1, 2011.