

## **BILL ANALYSIS**

Senate Research Center

H.B. 2702  
By: Solomons (Elife)  
Administration  
5/20/2011  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many statutes restrict their provisions from general applicability and instead limit such application to a certain class of political subdivisions by means of a population bracket that establishes an upper or lower limit or both for the target class of political subdivision. A reference in a statute to the population of a political subdivision means the population according to the most recent federal census. However, as population data changes with the release of each federal census, the political subdivision for which the population bracket was designed may no longer be in the bracket and consequently no longer subject to the application of the law.

H.B. 2702 seeks to take into account the new census data contained in the 2010 federal census and to update population brackets as necessary so that the statutes using those brackets continue to apply to the political subdivisions to which they applied when the statute took effect.

H.B. 2702 amends current law relating to the application of statutes that classify political subdivisions according to population.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 147.003(a), Agriculture Code, to provide that a person pursuing the business of selling mules, horses, jacks, or jennets in a county with a population of not less than 1.8 million, rather than 1.4 million, nor more than 1.9 million, rather than 1.5 million, is not subject to this chapter as a livestock auction commission merchant.

SECTION 2. Amends Section 109.57(e), Alcoholic Beverage Code, to authorize a municipality located in a county that has a population of 2.2 million or more and that is adjacent to a county with a population of more than 600,000, rather than 400,000, or a municipality located in a county with a population of 600,000, rather than 400,000, or more and that is adjacent to a county with a population of 2.2 million or more, to regulate, in a manner not otherwise prohibited by law, the location of an establishment issued a permit under Chapter 32 (Private Club Registration Permit) or 33 (Other Private Club Permits) if the location meets certain requirements.

SECTION 3. Amends Section 75.0021(c), Civil Practice and Remedies Code, to provide that this section applies only to a public utility located in certain locations, including a county with a population of 800,000, rather than 600,000, or more and located on the international border.

SECTION 4. Amends Section 152.006, Civil Practice and Remedies Code, to authorize an entity described by Section 152.002(b)(1) (relating to authorizing the commissioner's court to make all necessary acts to make the alternative dispute resolution system effective, including contracting with a private nonprofit corporation, a political subdivision, a public corporation, or a combination of these entities for the purpose of administering the system) 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, rather than less than 290,000, to collect a reasonable fee in any amount set by the commissioner's court from a person who receives the services.

SECTION 5. Amends Article 2.12, Code of Criminal Procedure, to provide that certain professionals are peace officers, including airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers.

SECTION 6. Amends Article 2.21(g), Code of Criminal Procedure, to require a clerk in a county with a population of less than two million, rather than 1.7 million, to 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 7. Amends Article 18.05(e), Code of Criminal Procedure, to prohibit a search warrant from being issued under this article to a code enforcement official of a county with a population of 3.3 million, rather than 2.4, million or more for the purpose of allowing the inspection of specified premises to determine the presence of an unsafe building condition or violation of a building regulation, statute, or ordinance.

SECTION 8. Amends Section 11.0581(a), Education Code, to require that an election for trustees of an independent school district be held on the same date as certain elections, including the election for the members of the governing body of a hospital district, if the school district is wholly or partly located in a county with a population of less than 40,000, rather than 30,000, that is adjacent to a county with a population of more than three million, and held its election for trustees jointly with the election for members of the governing body of the hospital district before May 2007.

SECTION 9. Amends Section 28.025(b-9), Education Code, to require the Texas Education Agency to establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 percent, rather than 80 percent, of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) (relating to a curriculum requirement that students successfully complete one credit in fine arts) by participating in a fine arts program not provided by the school district in which the student is enrolled.

SECTION 10. Amends Section 45.105(e), Education Code, to authorize the governing body of an independent school district that governs a junior college district under Subchapter B (Independent School District or City Junior College), Chapter 130 (Junior College Districts), in a county with a population of more than two million, rather than 1.5 million, to dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expense of the junior college district.

SECTION 11. Amends Section 51.214(a), Education Code, to authorize the governing board of a private, nonprofit medical corporation, or of the parent corporation of such medical corporation, in a municipality with a population of 1.18 million or more located primarily in a county with 2 million or more, that provides police or security services for an institution of higher education or a private postsecondary education institution located within one of the medical corporation's or parent corporation's medical complexes, or that provides police or security forces for another medical complex legally affiliated with or owned, leased, managed, or controlled by the medical corporation or parent corporation, to employ and commission police or security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c) (relating to setting jurisdiction limits for police or security officers employed by the medical corporation).

SECTION 12. Amends Section 53A.49(a), Education Code, to authorize a corporation created under Section 53A.35(b) (relating to authorizing the governing body of a city to create a nonprofit organization), in the same manner that a corporation is authorized to issue bonds under this chapter for an institution of higher education, to issue bonds to finance or refinance educational facilities to be used by a school that meet certain requirements, including a school that is located in a county with a population of more than two million, rather than 1,800,000.

SECTION 13. Amends Section 130.082(i), Education Code, to require that the election of trustees of a countywide junior or community college district that contains a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more to be held on the first Saturday of April of each even-numbered year.

SECTION 14. Amends Section 143.005(e), Election Code, to provide that if the city charter of a home-rule city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that holds nonpartisan elections for its offices requires both a petition and a \$50 fee to be filed for a candidate's name to be placed on the ballot, those requirements supersede this section.

SECTION 15. Amends Section 172.021(e), Election Code, to require a candidate for an office specified by Section 172.024(a)(8) (relating to a chief justice or justice of a court of appeals), (10) (relating to a district or criminal district judge), or (12) (relating to a judge of a statutory county court), or for justice of the peace in a county with a population of more than 1.5 million, rather than 850,000, who chooses to pay the filing fee to also accompany the application with a petition for a place on the primary ballot as a candidate for judicial office that complies with the requirements prescribed for the petition authorized by Subsection (b) (relating to requiring that an application be accompanied by the appropriate filing fee or a petition in lieu of the fee), except that the minimum number of signatures that must appear on the petition required by this subsection is 250.

SECTION 16. Amends Section 172.024(a), Election Code, to provide that the filing fee for a candidate for nomination in the general primary election is a certain fixed amount in a certain election, including a chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than one million, rather than 750,000, is wholly or partly situated...\$2,500; district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 1.5 million, rather than 850,000...\$2500; and a judge of a statutory county court in a county with a population of more than 1.5 million, rather than 850,000...\$2,500.

SECTION 17. Amends Section 84.002(a), Family Code, to require the district court, on the request of the prosecuting attorney in a county with a population of more than two million, rather than 1.5 million, or in a county in a judicial district that is composed of more than one county, to set the hearing on a date and time not later than 20 days after the date the application is filed or 20 days after the date a request is made to reschedule a hearing under Section 84.003 (Hearing Rescheduled For Failure of Service).

SECTION 18. Amends Section 51.501(c), Government Code, to require the commissioners court of a county that has a population of 5,800 to 5,900, rather than a population of 6,000 to 6,125, to determine whether the county shall have a joint clerk but may not take action to prevent a district clerk, county clerk, or joint clerk from serving the full term of office to which the clerk was elected.

SECTION 19. Amends Section 62.016(h), Government Code, to authorize the district judges, in a county with a population of more than 1.5 million, rather than 900,000, by a majority vote, to authorize the drawing of two general jury panels for the week, with one to be used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket.

SECTION 20. Amends Section 62.021, Government Code, to require a prospective juror removed from a jury panel for cause, by peremptory challenge, in a county with a population of two million rather than 1.5 million, or more, to be dismissed from jury service.

SECTION 21. Amends Section 803.0021, Government Code, to provide that this chapter applies only to certain retirement systems, including a retirement system for general municipal employees in a municipality with a population of not less than 750,00 nor more than 850,000, rather than not less than 600,000 nor more than 700,000.

SECTION 22. Amends the heading of Section 1331.051, Government Code, to read as follows:

Sec. 1331.051. LIMITATION ON BONDED DEBT: MUNICIPALITY WITH POPULATION OF 750,000 OR MORE.

SECTION 23. Amends Section 1331.051(a), Government Code, to provide that this section applies only to a municipality with a population of 750,000, rather than 600,000, or more.

SECTION 24. Amends Section 1371.059(c), Government Code, to authorize an issuer in the proceedings to authorize obligations or a credit agreement, or in a credit agreement, to agree to waive sovereign immunity from suit or liability for the purpose of adjudicating a claim to enforce the credit agreement or obligation or for damages for breach of the credit agreement or obligation. Provides that this subsection does not apply to an insurer that is a state agency, including a state institution of higher education, or a county with a population of 1.5 million, rather than 900,000, or more.

SECTION 25. Amends Section 1473.101(b), Government Code, to authorize a commissioners court of a county that has a population of more than 1.5 million, rather than more than 900,000, to take certain actions with bonds.

SECTION 26. Amends Section 1473.191, Government Code, to provide that this subchapter applies only to a county with a population of more than 1.5 million, rather than a population of 900,000.

SECTION 27. Amends Section 1473.231, Government Code, to provide that this subchapter applies only to a county with a population of more than 1.5 million, rather than a population of 900,000.

SECTION 28. Amends the heading to Chapter 1476, Government Code, to read as follows:

CHAPTER 1476. CERTIFICATE OF INDEBTEDNESS IN COUNTIES WITH POPULATION OF MORE THAN TWO MILLION

SECTION 29. Amends Section 1476.001(a), Government Code, to provide that this chapter applies only to a county with a population of more than two, rather than a population of 1.5 million.

SECTION 30. Amends Section 1502.070(a), Government Code, to authorize that management and control of a utility system be vested in a certain entities, including a board of trustees named in the proceedings adopted by the municipality and consisting of not more than certain numbers of members, including seven members, one of whom must be the mayor of the municipality, if the municipality is located in a county with a population of at least 800,000, rather than at least 600,000.

SECTION 31. Amends Section 1506.101, Government, to provide that this subchapter applies only to a municipality that has a population of more than 47,500 and less than 73,000, rather than more than 56,000 and less than 67,000, or more than 117,000 and less than 160,000, rather than more than 113,000 and less than 150,000.

SECTION 32. Amends Section 1509.002(b), Government Code, to provide that this section applies only to a municipality that has a population of more than 17,000 but less than 18,000, rather than more than 15,000 and less than 16,000, and is located in two counties with populations of 550,000 or more but less than 4.2 million, rather than two counties with populations of 325,000 or more but less than 3.5 million.

SECTION 33. Amends Section 2303.004(b), Health and Safety Code, to authorize the governing body of a county with a population of one million, rather than 750,000, or more, notwithstanding Subsection (a) (relating to the territory considered to be in a municipality's jurisdiction), to nominate for designation as an enterprise project a project or activity of a qualified business that is located within the jurisdiction of a municipality located in the county.

SECTION 34. Amends Section 168.010(a), Health and Safety Code, to provide that this section applies only to a school district located in a county that has a population of less than 800,000, rather than less than 600,000, and is located on the international border.

SECTION 35. Amends Section 281.021(b), Health and Safety Code, to require the commissioners court of a county with a population of more than 1.8 million but less than 1.9 million, rather than a population of more than 1.4 million but less than 1.5 million, in which a district is created under this chapter to appoint a board composed of not less than five or more than 15 members.

SECTION 36. Amends Section 281.056(b-1), Health and Safety Code, to require the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters to, in all legal matters, represent a district located in a county with a population of 800,000, rather than 650,000, or more than borders the United Mexican States.

SECTION 37. Amends Section 285.002, Health and Safety Code, to provide that this subchapter applies only to a county having certain characteristics, including a population of at least 800,000, rather than a population of at least 650,000.

SECTION 38. Amends Section 285.022(a), to authorize a hospital district located in a county with a population of more than 1.5 million, rather than more than 900,000, to 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 39. Amends the heading to Chapter 289, Health and Safety Code, 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**

SECTION 40. Amends Section 289.002, Health and Safety Code, to provide that a district is created in each county located on the Texas-Mexico border that has a population of less than 300,000, rather than less than 200,000, and contains one or more municipalities with a population of 200,000, rather than 100,000, or more.

SECTION 41. Amends the heading to Chapter 290, Health and Safety Code, to read as follows:

**CHAPTER 290. COUNTY HEALTH CARE FUNDING DISTRICTS IN CERTAIN  
COUNTIES WITH POPULATION OF 1.8 MILLION OR LESS.**

SECTION 42. Amends Section 290.002, Health and Safety Code, to provide that a district is created in each county that has a population of 1.8 million or less, rather than 1.4 million or less, and in which a municipality with a population of 1.1 million or more is predominately located.

SECTION 43. Amends Section 300.001(1), to redefine "eligible institution."

SECTION 44. Amends Section 361.271(c), Health and Safety Code, to provide that a political subdivision that is in a county with a population of 3.3 million, rather than 2.4 million, or more or is in a county adjacent to a county with a population of 3.3 million, rather than 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 under certain conditions.

SECTION 45. Amends Section 382.056(r), Health and Safety Code, to provide that this section does not apply to certain facilities, including a facility described by Section 382.065(c) (relating to providing that Subsection (a) does not apply to a concrete crushing facility that meets certain conditions), unless that facility is in a county with a population of 3.3 million or more, rather than 2.4 million or more, or in a county adjacent to such a county.

SECTION 46. Amends Section 382.065(d), Health and Safety Code, to provide notwithstanding Subsection (c), Subsection (a) (relating to providing that notwithstanding Subsection (c), Subsection (a) applies to a concrete crushing facility in a county with a population of 2.4 million or more or in a county adjacent to such a county) applies to a concrete crushing facility in a county with a population of 3.3 million or more, rather than 2.4 million or more, or in a county adjacent to such a county.

SECTION 47. Amends Section 382.218(a), Health and Safety Code, to provide that this section applies only to a county with a population of 800,000 or more, rather than 600,000 or more, that borders the United Mexican States.

SECTION 48. Amends Section 462.0731(a), Health and Safety Code, to provide that this section applies to a chemically dependent patient who is a resident of a county with a population of 3.3 million, rather than a population of 2.4 million, according to the most recent federal decennial census, and whose inpatient commitment is modified to an outpatient commitment, who is furloughed from an inpatient facility, or who is committed to treatment on an outpatient bases.

SECTION 49. Amends Sections 711.008(d) and (k), health and Safety Code, as follows:

(d) Provides that Subsection (a) (relating to prohibiting certain entities from operating a cemetery in certain locations) does not apply to a cemetery established and operating before September 1, 1995, in a county with a population of more than 285,000 and less than 300,000, rather than a population of more than 250,000 and less than 251,000, that borders the Gulf of Mexico.

(k) Provides that this subsection applies only to a municipality with a population of 115,000, rather than 110,000, or more that is located in a county with a population of less than 132,000, rather than less than 127,000.

SECTION 50. Amends Section 771.0751(a), Health and Safety Code, as added by Chapter 258 (H.B. 1771), Acts of the 78th Legislature, Regular Session, 2003, to provide that this section applies only to the use of fees and surcharges collected under this subchapter in a county subject to this subchapter with a population of at least one million, rather than at least 700,000.

SECTION 51. Amends Section 772.204, Health and Safety Code, to provide that this subchapter applies to a county with a population of 1.5 million, rather than 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 52. Amends Section 772.402, Health and Safety Code, to provide that this subchapter applies only to a county having a population of more than two million, rather than more than 1.5 million in which a communication district has not been created under Subchapter B (Emergency Communication Districts: Counties With Populations Over 2 Million).

SECTION 53. Amends Sections 775.014(g) and (h), Health and Safety Code, to provide that this section does not apply if the proposed district contains territory in the unincorporated area of a county with a population of 3.3 million or more, rather than 2.4 million or more.

SECTION 54. Amends Section 775.017(a), Health and Safety Code, to authorize the commissioners court, if the proposed district, according to its boundaries stated in the petition, is located wholly in a county with a population of more than 3.3 million, rather than more than 2.4 million, to amend the petition to change the boundaries of the proposed district if the commissioners court finds the change is necessary or desirable.

SECTION 55. Amends Section 775.031(b), Health and Safety Code, to prohibit a district located wholly within a county with a population of more than 3.3 million, rather than 2.4 million, from providing fire prevention or fire-fighting services unless the district meets certain conditions.

SECTION 56. Amends Section 101.028(a), Human Resources Code, to provide that this section applies only to counties having a population of not less than 22,140 and not more than 22,340, rather than not less than 23,750 and not more than 24,000, and to cities and towns within those counties.

SECTION 57. Amends Section 1575.163, Insurance Code, to prohibit the Teacher Retirement System of Texas, as trustee, from contracting or providing a health benefit plan that excludes from participation in the network a general hospital that is located in the geographical service area or areas of the health coverage plan that includes a county that has a population of at least 100,000 and not more than 210,000, rather than not more than 175,000. Makes a nonsubstantive change.

SECTION 58. Amends Section 1579.108, Insurance Code, to prohibit the trustee from contracting for or providing a health coverage plan that excludes from participation in the network a general hospital that meets certain conditions, including, has a population of at least 100,00 and not more than 210,000, rather than not more than 175,000.

SECTION 59. Amends Section 92.013(b), Labor Code, to authorize a municipality with a population greater than one million, rather than greater than 750,000, to establish municipal licensing requirements that impose stricter standards than those imposed under Subchapter C (Powers and Duties of License Holder).

SECTION 60. Amends Section 201.070, Labor Code, to provide that in this subtitle, employment does not include 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 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, rather than more than 750,000.

SECTION 61. Amends Section 43.034, Local Government Code, to authorize a general-law municipality to 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 the municipality has a population of 1,762-1,770, rather than 1,000-1,300, part of whose boundary is part of the shoreline of a lake whose normal surface area is 75,000 acres or greater and which is located completely within the state of Texas.

SECTION 62. Amends Section 43.0751(n), Local Government Code, to provide that this subsection applies only to a municipality any portion of which is located in a county that has a population of not less than 285,000 and not more than 300,000, rather than not more than 250,000 and that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 million.

SECTION 63. Amends Section 43.1025(a), Local Government Code, to provide that this section applies only to a home-rule municipality that has a population of less than 11,000, rather than less than 10,000, and is located primarily in a county with a population of more than 3.3 million.

SECTION 64. Amends Section 43.105(a), Local Government Code, to authorize a general-law municipality that has a population of 1,066-1,067, rather than 1,096-1,000, 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 two million or more, or that has a population of 6,000-6,025, rather than 5,240-5,280, to annex, by ordinance and without the consent of any person, a public street, highway, road, or alley adjacent to the municipality.

SECTION 65. Amends the heading to Section 81.028, Local Government Code, to read as follows:

Sec. 81.028. DELEGATION OF DUTIES OF A COUNTY JUDGE IN COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION.

SECTION 66. Amends Section 81.028(a), Local Government Code, to provide that this section applies only to a county judge in a county that has a population of more than 800,000, rather than more than 600,000, and is located on the international border.

SECTION 67. Amends Section 81.029(a), Local Government Code, to provide that this section applies only to a county judge in a county that has a population of more than 800,000, rather than 600,000, and is located on the international border.

SECTION 68. Amends Section 115.044(a), Local Government Code, to require a county with a population of 312,000 to 330,000, rather than 239,000 to 242,000, to 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 institution.

SECTION 69. Amends Section 143.0052(a), Local Government Code, to provide that this section applies only to a municipality that has a population of more than 220,000, rather than 200,000, and less than 250,000.

SECTION 70. Amends Section 152.017, Local Government Code, to provide that this subchapter does not apply to a presiding judge of a commissioners court in a county with a population of 3.3, rather than 2.5, million or more.

SECTION 71. Amends Sections 152.032(b), (d), and (e), Local Government Code, as follows:

(b) Provides that this subsection applies only to a county that employs an arena venue project manager hired as of March 7, 2001, and that has a population of less than 1.8 million, rather than less than 1.4 million, in which a municipality with a population of more than one million is located.

(d) Authorizes the amount of the compensation and allowances of a county auditor in a county subject to this subsection to be set in an amount that exceeds the limit established by Subsection (a) if the compensation and allowances are approved by the commissioners court of the county. Provides that this subsection applies only to:

(1) a county with a population of more than 108,000 and less than 110,000, rather than more than 77,000 and less than 80,000;

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

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

(4) a county that borders a county subject to Subsection (b) and that has a population of more than 108,000 and less than 110,000, rather than more than 50,000 and less than 85,000.

(e) Provides that this subsection applies only to a county with a population of more than one million, rather than more than 800,000, that uses an automated system to enhance internal controls of county finances through the use of automated edit checks of its automated purchasing system and its comprehensive automated payroll system.

SECTION 72. Amends Section 152.904(c), Government Code, to require the commissioners court of a county with a population of 285,000 to 300,000, rather than 250,000 to 251,000, to set the annual salary of the county judge at an amount equal to or greater than 90 percent of the salary, including supplements, of any district judge in Galveston County.

SECTION 73. Amends Section 158.008(e), Local Government Code, to provide that a member of the commissioners court of a county with a population of two million, rather than 1.8 million, or more is not prohibited from being appointed to the civil service commission.



SECTION 74. Amends Section 160.002, Local Government Code, to provide that this chapter applies only to a county with a population of more than 3.3 million, rather than 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.

SECTION 75. Amends Section 161.001, Local Government Code, to provide that this chapter applies only to a county that has a population of 800,000, rather than 650,000, or more, is located on the international border, and before September 1, 2009, had a county ethics board appointed by the commissioners court.

SECTION 76. Amends Section 176.009(b), Local Government Code, to provide that this subsection applies only to a county with a population of one million, rather than 800,000, or more or a municipality with a population of 500,000 or more.

SECTION 77. Amends Section 180.003(a), Local Government Code, to prohibit in a county with a population of 312,000 to 330,000, rather than 239,000 to 242,000, a sheriff, deputy, constable, or other peace officer of the county or a municipality located in the county from being required to be on duty more than 48 hours a week unless the peace officer is called on by a superior officer to serve during an emergency as determined by the superior officer.

SECTION 78. Amends Section 212.0155(a), Local Government Code, to provide that this section applies to land located wholly or partly in the corporate boundaries of a municipality if the municipality meets certain requirements, including the municipality is located wholly or partly in certain counties, including a county with a population of more than 400,000, rather than 275,000, that is adjacent to a county with a population of more than three million.

SECTION 79. Amends Section 214.161, Local Government Code, to provide that this subchapter applies only to a municipality with a population of more than 1.18 million located primarily in a county with a population of 2 million or more.

SECTION 80. Amends Section 214.233(a), Local Government Code, to authorize a municipality located in a county with a population of two million, rather than 1.5 million, or more to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official.

SECTION 81. Amends Section 229.003(a), Local Government Code, to provide that this section applies only to a municipality located wholly or partly in a county with a population of 750,000, rather than 450,000, or more, in which all or part of a municipality with a population of one million or more is located, and that is located adjacent to a county with a population of two million or more.

SECTION 82. Amends Section 233.001(a), Local Government Code, as follows:

(a) Authorizes the commissioner court, if the commissioners court of a county that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 million, rather than 2.5 million, finds that a bulkhead or other method of shoreline protection, hereafter called "structure," in an unincorporated area of the county is likely to endanger persons or property, to:

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

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

SECTION 83. Amends Section 240.042(a), Local Government Code, to authorize the commissioners court of a county with a population of 1.8 million, rather than 1.4 million, or more by order to regulate the placement of private water wells in the unincorporated area of the county to prevent certain conditions from occurring.

SECTION 84. Amends Section 240.082(a), Local Government Code, to provide that this subchapter applies only to real property that is located in the unincorporated area of a county with a population of 1.8 million or more, rather than 1.4 million or more.

SECTION 85. Amends Section 262.036(a), Local Government Code, to authorize a county with a population of one million, rather than 800,000, or more, notwithstanding any other provision in this chapter, to 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 86. Amends Section 270.005(a), Local Government Code, to authorize the commissioners court of a county with a population of 251,000 to 275,000, rather than 251,000 to 280,000, to contract with the United States government or a federal agency for the joint construction or improvement of roads, bridges, or other county improvements, or the maintenance of a project constructed under this section.

SECTION 87. Amends Section 292.001(d), Local Government Code, to prohibit a justice of the peace court from being housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) (relating to authorizing that a justice of the peace of a precinct in a county with a population of less than 30,000 to hold court in the county courthouse or another facility), Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 275,000 persons but no more than 285,000 persons, rather than a county with a population of at least 242,000 persons but no more than 248,000 persons.

SECTION 88. Amends Section 292.023(a), Local Government Code, to provide that this section applies only to a county with a population of 35,500 to 36,000; or 85,000 to 86,500, rather than or 76,500, to 77,000.

SECTION 89. Amends Section 292.025(a), Local Government Code to provide that this section applies only to a county with a population of 35,050 to 35,090, rather than 32,250 to 32,350.

SECTION 90. Amends Section 292.027(a), Local Government Code, to provide that this section applies only to a county with a population of 57,000 to 59,000, rather than 54,000 to 57,000.

SECTION 91. Amends Sections 335.035(a) and (f), Local Government Code, as follows:

(a) Provides that this section applies only to the board of a district located in whole or in part in a county with a population of 3.3 million or more, rather than 2.4 million or more.

(f) Provides that Section 335.031(b) (to provide that the board is appointed by the mayors or county judges, or both as appropriate, of the political subdivisions that create the district in accordance with the concurrent order) does not apply to a district located in a county with a population of 3.3 million or more, rather than 2.4 million or more.

SECTION 92. Amends Section 335.0711(b), Local Government Code, to provide that this section applies only to a district located in a county with a population of 3.3 million or more, rather than 2.4 million or more.

SECTION 93. Amends Section 335.102, Local Government Code, to provide that this subchapter applies only to a district located in a county with a population of 3.3 million or more, rather than 2.4 million or more.

SECTION 94. Amends Section 341.904(b), Local Government Code, as follows:

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

(1) uses, possesses, or wears a police identification item of the municipal police department, an item bearing the insignia or design prescribed by the police chief of the municipality for officers and employees of the municipal police department to use while engaged in official activities, or within the municipal police department's jurisdiction, an item that is deceptively similar to a police identification item of the department;

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

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

SECTION 95. Amends Section 361.042(a), Local Government Code, to authorize the commissioners court county with a population of 110,000 to 113,000, rather than 102,000 to 104,300, instead of providing and maintaining its own jail, to 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 96. Amends Section 373A.003(a), Local Government Code, to provide that this chapter applies to a municipality with a population of more than 750,000, rather than 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 97. Amends Section 381.001(c), Local Government Code, to require a person appointed to the county industrial commission (commission), in a county with a population of 14,600 to 14,800, or 16,615 to 16,715, or 17,800 to 18,000, or 24,600 to 24,800, to be serving or must have served on an industrial foundation committee, commissioners court, municipality's governing body, or school board, rather than to require a person appointed to the commissioners court, in a county with a population of 13,000 to 13,040, or 15,900 to 16,100, or 18,570 to 18,600, or 24,000 to 25,000, to be serving or must have served on an industrial foundation committee, commissioners court, municipality's governing body, or school board.

SECTION 98. Amends Section 382.002, Local Government Code, to provide that this chapter applies only to a county with a population of 1.5 million or more, rather than 825,000, or more, other than a county that borders on the Gulf of Mexico or a bay or inlet of the gulf, or has two municipalities located wholly or partly in its boundaries each having a population of 300,000 or more.

SECTION 99. Amends Section 386.031(a), Local Government Code, to require that to be created as a development zone, an area meet certain criteria, including being located in a county with a population of 3.3 million, rather than 2.5 million, or more.

SECTION 100. Amends Section 395.081(a), Local Government Code, to provide that this section applies only to a municipality with a population of 115,000, rather than to a municipality with a population of 105,000, or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

SECTION 101. Amends Section 552.044(1)(B), Local Government Code, to redefine "benefitted property."

SECTION 102. Amends Section 561.007(a), Local Government Code, to provide that this section applies only to a county that has a population of 190,000 or more, is adjacent to a county with a population of 3.3 million, rather than 2,400,000, or more, and borders the Gulf of Mexico; and operates a road department system under Subchapter D (County Road Department System), Chapter 252 (Systems of County and Road Administration), Transportation Code.

SECTION 103. Amends Section 615.002(a), Local Government Code, to provide that this section applies to a county with a population of 14,050 to 14,250; 19,700 to 19,800; 21,850 to 22,000; 54,000 to 54,500; 36,500 to 36,800; or 234,000 or more, rather than 14,350 to 14,450; 19,000 to 19,200; 20,100 to 20,300; 47,150 to 47,350; 37,900 to 38,500; 210,000 to 220,000; or 235,000 or more.

SECTION 104. Amends Section 615.011(b), Local Government Code, to authorize a county with a population of 41,500 to 42,500, rather than 36,650 to 37,650, to authorize the use of county equipment, machinery, and employees to construct, establish, and maintain a public airstrip in the county.

SECTION 105. Amends Section 615.022, Local Government Code, to authorize the commissioners court of a county with a population of 3.3 million, rather than 2.4 million, or more to 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 106. Amends Section 61.018(a-1), Natural Resources Code, to prohibit a county attorney, district attorney, or criminal district attorney or the attorney general from filing a suit under Subsection (a) (relating to requiring any county attorney, district attorney, or criminal district attorney, or the attorney general at the request of the commissioner, to file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach under certain conditions, including if the house is located on a peninsula in a county with a population of more than 285,000 and less than 300,000, rather than more than 250,000 and less than 251,000 that borders the Gulf of Mexico.

SECTION 107. Amends Section 133.091, Natural Resources Code, to authorize a county with a population of 3.3 million or more, rather than 2.4 million or more to adopt regulations requiring the placement of signs or barriers on aggregate quarries and pits.

SECTION 108. Amends Section 2308.209(b), Occupations Code, as follows:

(b) Provides that this section applies only to the unincorporated area of a county:

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

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

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

SECTION 109. Amends Section 201.001(a), Property Code, as follows:

(a) Provides that 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 or more, rather than 2,400,000 or more; or

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

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

SECTION 110. Amends Section 204.002(a), Property Code, as follows:

(a) Provides that 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 million, rather than 2.8 million, or more;

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

(3) Makes no changes to this subdivision.

SECTION 111. Amends Section 210.002, Property Code, as follows:

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

(1) more than 200,000 and less than 220,000, rather than more than 170,000 and less than 175,000; or

(2) more than 45,000 and less than 80,000 that is adjacent to a county with a population of more than 200,000 and less than 220,000, rather than more than 45,000 and less than 75,000 that is adjacent to a county with a population of more than 170,000 and less than 175,000.

SECTION 112. Amends Section 6.41(d-1), Tax Code, to provide that in a county with a population of 3.3 million or more or a county with a population of 550,000, rather than 350,000, or more that is adjacent to a county with a population of 3.3 million or more the members of the appraisal review board are appointed by the local administrative district judge in the county in which the appraisal district is established.

SECTION 113. Amends Section 11.18(p), Tax Code, as added by Chapter 1314 (H.B. 2628), Acts of the 81st Legislature, Regular Session, 2009, to provide that the exemption authorized by Subsection (d)(23) applies only to certain improvements, including improvements that are located on a single campus owned by a municipality with a population of more than 750,000 and less than 850,000, rather than more than 600,000 and less than 700,000.

SECTION 114. Amends Sections 11.1825(s) and (v), Tax Code, as follows:

(s) Provides that 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 million, rather than 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) Makes a conforming change.

SECTION 115. Amends Section 31.03(d), Tax Code, to provide that this subsection applies only to a taxing unit located in a county having a population of not less than 285,000 and not more than 300,000, rather than having a population of 250,000 or more, that borders a county having a population of 3.3 million or more and the Gulf of Mexico.

SECTION 116. Amends Section 311.0091(a), Tax Code, to provide that this section applies to a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million, rather than less than 1.4 million, in which the principal municipality has a population of 1.1 million or more.

SECTION 117. Amends Section 311.013(m), Tax Code, to authorize the governing body of a municipality that is located in a county with a population of more than 1.8 million but less than 1.9 million, rather than more than 1.4 million but less than 2.1 million, or in a county with a population of 3.3 million or more by ordinance to reduce the portion of the tax increment produced by the municipality that the municipality is required to pay into the tax increment fund for the zone.

SECTION 118. Amends Section 311.017(a-1), Tax Code, as added by Chapter 137 (S.B. 1105), Acts of the 81st Legislature, Regular Session, 2009, to provide that this subsection applies only to a reinvestment zone created by a municipality that has a population of more than 220,000 but less than 235,000 and is the county seat of a county that has a population of 280,000 or less, rather than a population of 195,000 or more and is the county seat of a county that has a population of 245,000 or less.

SECTION 119. Amends Section 325.021(a), Tax Code, to authorize a county having a population of 55,000 or less, rather than a population of 48,000 or less, that borders the Rio Grande containing a municipality with a population of more than 22,000 to adopt or abolish the sales and use tax authorized by this chapter at an election held in the county.

SECTION 120. Reenacts Section 351.101(a), Tax Code, as amended by Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

(a) Authorizes revenue from the municipal hotel occupancy tax to be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1)-(6) Makes no changes to these subdivisions;

(7) subject to Section 351.1076 (Allocation of Revenue: Certain Municipalities), the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

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

(ii) has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000, rather than has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less;

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

(iv) Makes no changes;

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

(vi) Makes no changes.

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

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

(9)-(10) Makes nonsubstantive changes.

SECTION 121. Amends Section 351.106(a), Tax Code, to require 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 to 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 in certain applications. Sets forth the revenue use conditions.

SECTION 122. Amends Section 352.002(a), Tax Code, to authorize the commissioners courts of the following counties by the adoption of an order or resolution to impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping in certain counties, including a county that has a population of less than 12,500, rather than 12,000, and an area of less than 275 square miles; a county that borders the United Mexican States and has a population of more than 300,000 and less than 800,000, rather than less than 600,000; a county that has a population of 36,000, rather than 35,000, or more and borders or contains a portion of Lake Fork Reservoir; a county with a population of 22,000, rather than 21,000, or less that borders the Neches River and in which there is located a national preserve; a county that has a population of 28,000, rather than 22,500, or less and that borders or contains a portion of Lake Livingston; and a county with a population of less than 11,000, rather than less than 10,000, that is bordered by the Sulphur River.

SECTION 123. Amends Section 22.053(a), Transportation Code, to authorize the commissioners court of a county with a population of 14,300 to 14,500, rather than a population of 15,000 to 15,250, to issue time warrants to condemn or purchase land to be used and maintained as provided by Sections 22.011 (General Powers Regarding Airports and Air

Navigation Facilities), 22.020 (Operation of Airport by Another), and 22.024 (Disposal of Airport Property by Local Government), and improve and equip the land for the use provided by Sections 22.011, 22.020, and 22.024.

SECTION 124. Amends Section 284.002(a), Transportation Code, as follows:

(a) Provides that 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 million, rather than 1.5 million, or more;

(3) is adjacent to a county that has a population of two million, rather than 1.5 million, or more; or

(4) borders the United Mexican States.

SECTION 125. Amends Section 284.007(a), Transportation Code, to require a county with a population of more than 3.3 million, rather than 2.4 million, operating under this chapter to 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 126. Amends Section 362.055, Transportation Code, to provide that this subchapter does not apply to a county that has a population of more than two million, rather than more than 1.5 million; a local government corporation created under Chapter 431 (Texas Transportation Corporation Act) by a county that has a population of more than two million, rather than 1.5 million; or a regional tollway authority created under Chapter 366 (Regional Tollway Authorities).

SECTION 127. Amends Section 366.031(a), Transportation Code, to authorize two or more counties, acting through their respective commissioners courts, to by order passed by each commissioners court create a regional tollway authority under this chapter if the regional authority meets certain conditions, including unless one of the counties has a population of two million, rather than 1.5 million, or more, the commission approves the creation.

SECTION 128. Amends Section 370.192, Transportation Code, to prohibit a rapid transit authority from condemning or purchasing real property of a rapid transit authority operating pursuant to Chapter 451 (Metropolitan Rapid Transit Authorities) that was confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000, rather than less than 750,000, unless the authority has entered into a written agreement with the rapid transit authority specifying the terms and conditions under which the condemnation or the purchase of the real property will take place.

SECTION 129. Amends Section 394.061, Transportation Code, as follows:

Sec. 394.061. OFF-PREMISE PORTABLE SIGNS. (a) Authorizes the commissioners court of the county, in a county with a population of 3.3 million, rather than 2.4 million, or more, to prohibit off-premise portable signs in the unincorporated area of the county, or regulate the location, height, size, and anchoring of, or any other matter relating to the use of, off-premise portable signs in the unincorporated area.

(b) Makes a conforming change.

SECTION 130. Amends Section 394.063(a), Transportation Code, to authorize the commissioners court of a county with a population of more than 3.3 million, rather than more than 2.4 million, or of a county that borders a county with that population to regulate, in the unincorporated area of the county, the location, height, size, and anchoring of on-premise signs.



SECTION 131. Amends Section 394.086(a), Transportation Code, to authorize the commissioners court of a county with a population of more than 3.3 million, rather than more than 2.4 million, or of a county that borders a county with that population to authorize a county employee to issue a civil citation to enforce a regulation of the commissioners court adopted under Section 394.063 (On-Premise Signs).

SECTION 132. Amends Section 431.109(a), Transportation Code, to provide that this section applies only to a local government corporation serving a county with a population of 3.3 million or more, rather than 2.4 million or more.

SECTION 133. Amends Sections 451.001(1) and (8), Transportation Code, to redefine "alternate municipality" and "transit authority system."

SECTION 134. Amends Section 451.054(b), Transportation Code, to provide that a rapid transit authority (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 million, rather than more than 1.2 million.

SECTION 135. Amends Section 451.056(c), Transportation Code, to authorize an authority created by an alternative municipality and an authority in which the principal municipality has a population of 1.9 million, rather than 1.2 million, to contract for service outside each of their respective territories to provide access between the two authorities.

SECTION 136. Amends Sections 451.061(d) and (d-1), Transportation Code, as follows:

(d) Prohibits the fares, tolls, charges, rents, and other compensation, except as provided by Subsection (d-1), established by an authority in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, from taking 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 the mayors of all the municipalities, except the principal municipality, located in the authority; or the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than 320,000, rather than less than 300,000.

(d-1) Provides that the establishment of or a change to fares, tolls, charges, rents, and other compensation by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000, rather than less than 750,000, takes effect immediately on approval by a majority vote of the governing body of the authority (board), except that the establishment of or a change to a single-ride base fare takes effect on the 60th day after the date the board approves the fare or change to the fare, unless the policy board of the metropolitan planning organization that serves the area of the authority disapproves the fare or change to the fare by a majority vote.

SECTION 137. Amends Section 451.0611(g), Transportation Code, to authorize an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, to allow peace officers of another political subdivision serving under a contract with the authority to enforce a resolution passed by a board under this section.

SECTION 138. Amends Section 451.0612(a), Transportation Code, to authorize an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000, rather than less than 750,000, to employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system, and issuing a citation to a person described by Section 451.0611(d)(1) (relating to providing that a person commits an offense if the person or another for whom the person is criminally responsible, uses the public transportation system and does not possess evidence showing that the appropriate fare has been paid).

SECTION 139. Amends Section 451.064(a), Transportation Code, to authorize an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, to, with the approval of the governing body of the principal municipality establish, operate, and improve a public parking area or facility in the authority, and set and collect reasonable charges for the use of a parking area or facility.

SECTION 140. Amends Section 451.065(f), Transportation Code, to provide that this section does not apply to an authority created before 1980 in which the principle municipality has a population of less than 1.9 million, rather than less than 1.2 million.

SECTION 141. Amends Section 451.066(a), Transportation Code, to prohibit an authority created before 1980, in which the principal municipality has a population of 1.9 million, rather than 1.2 million, from spending, during any five-year period, more than seven percent of its revenue from sales and use taxes and interest income during that period for all items described by Section 451.065(b) (relating to an authority confirmed before 1985).

SECTION 142. Amends Section 451.067, Transportation Code, to authorize an authority in which the principal municipality has a population of less than 320,000, rather than 300,000, to provide emergency medical services.

SECTION 143. Amends Section 451.068(a), Transportation Code, to authorize an authority confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000, rather than 750,000, to, through the operation of a program, charge no fares.

SECTION 144. Amends Section 451.071(a), Transportation Code, to provide that 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, rather than less than 750,000.

SECTION 145. Amends Section 451.072(a), Transportation Code, to provide that this section only applies to an authority in which the principal municipality has a population of more than 1.9 million, rather than more than 1.2 million.

SECTION 146. Amends Section 451.104, Transportation Code, to provide that an authority created before 1980 and in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, has the same investment powers as an entity under Subchapter A (Authorized Investments for Governmental Entities), Chapter 2256 (Public Funds Investment), Government Code.

SECTION 147. Amends Section 451.106(a), Transportation Code, to require the board of an authority in which the principal municipality has a population of less than 850,000 or more than 1.9 million, rather than less than 750,000 or more than 1.2 million, to employ a general manager to administer the daily operation of the authority.

SECTION 148. Amends Sections 451.108(b), (c), (d), and (e), Transportation Code, as follows:

(b) Authorizes an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, to establish a security force, employ security personnel, and commission security personnel as peace officers.

(c) Authorizes a peace officer commissioned under this section, except as provided by Subsections (d) and (e), or a peace officer contracted for employment by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000, rather than less than 750,000, to take certain actions.

(d) Provides that a peace officer who holds a commission under this section from an authority in which the principal municipality has a population of more than 1.9 million, rather than more than 1.5 million, and who has filed with the authority the oath of a peace officer has all the powers, privileges, and immunities of peace officers in the counties in which the transit authority system is located, provides services, or is supported by a general sales and use tax.

(e) Provides that a peace officer who holds a commission under this section from an authority created before 1980, in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, and who has filed with the authority the oath of a peace officer has all the powers, privileges, and immunities of peace officers in the counties in which the transit authority system is located, provides services, or is supported by a general sales and use tax while the peace officer is on the transit authority system property or performing duties in connection with the transit authority system or its users.

SECTION 149. Amends Section 451.109(d), Transportation Code, to provide that this section does not apply to an authority in which the principal municipality has a population of 850,000, rather than a population of 750,000, or more but not more than 1.9 million, rather than more than 1.2 million.

SECTION 150. Amends Section 451.112, Transportation Code, to provide that Chapter 171 (Regulation of Conflict of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments), Local Government Code, applies to a board member of an authority, except that an authority created before 1980, in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, is prohibited from entering into a contract or agreement with a business entity in which a board member or the general manager owns five percent or more of the voting stock or shares of the entity or receives funds from the entity exceeding five percent of the member's or general manager's gross income.

SECTION 151. Amends Section 451.154(b), Transportation Code, to authorize an authority created before 1980, in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, notwithstanding Subsection (a) (relating to prohibiting an interest in real property from being acquired for station or terminal complex facilities unless certain conditions are met), to acquire, including through the use of eminent domain, an interest in real property for facilities if the property is 2,500 feet or less from the center point of the station or terminal complex, or is included in a master development plan adopted by the board.

SECTION 152. Amends Section 451.202, Transportation Code, to provide that this subchapter applies on to an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million.

SECTION 153. Amends Section 451.252(b), Transportation Code, to provide that this section does not apply to an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million.

SECTION 154. Amends Section 451.254(c), Transportation Code, to provide that this section does not apply to an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million.

SECTION 155. Amends Section 451.362(d), Transportation Code, to authorize bonds, in an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, to have a term of not more than 10 years.

SECTION 156. Amends section 451.3625(a), Transportation Code, to provide that 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, rather than less than 750,000.

SECTION 157. Amends Section 451.452(d), Transportation Code, to provide that this section applies only to an authority in which the principal municipality has a population of more than 1.9 million or less than 850,000, rather than a population of more than 1.2 million or less than 750,000, except that Subsections (a)(5) (relating to requiring the board to deliver a copy of each audit to the county judge of each county having territory in the authority) and (6) (relating to requiring the board to deliver a copy of each audit to the presiding officer of the governing body of each municipality having territory in the authority) do not apply to an authority in which the principal municipality has a population of more than 1.9 million, rather than more than 1.2 million.

SECTION 158. Amends Section 451.454(a), Transportation Code, to require the board of an authority in which the principal municipality has a population of more than 1.9 million or less than 850,000, rather than more than 1.2 million or less than 750,000, to 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 159. Amends Section 451.458(a), Transportation Code, to provide that 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, rather than less than 750,000.

SECTION 160. Amends Section 451.459(a), Transportation Code, to provide that an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000, rather than less than 750,000, is subject to review under Chapter 325 (Texas Sunset Act), Government Code, as if were a state agency but may not be abolished under that chapter.

SECTION 161. Amends Section 451.460(a), Transportation Code, to provide that this section applies only to an authority confirmed before July 1, 1985, in which the principal authority has a population of less than 850,000, rather than less than 750,000.

SECTION 162. Amends Section 451.502(a), Transportation Code, to provide that the five board members under Section 451.501(a)(1) (relating to providing the board is composed of five members) are appointed by the governing body of the principal municipality, except in an authority having a principal municipality with a population of more than 1.9 million, rather than more than 1.2 million, the five board members are appointed by the major of the principal municipality and are subject to confirmation by the governing body of the principal municipality.

SECTION 163. Amends Section 451.5021(a), Transportation Code, to provide that this section applies only to the board of an authority created before July 1, 1985, in which the principal municipality has a population of less than 850,000, rather than less than 750,000.

SECTION 164. Amends Section 451.5035(a), Transportation Code, to provide that this section applies only to an authority in which the principal municipality has a population of less than 320,000, rather than less than 300,000.

SECTION 165. Amends Section 451.505(b), Transportation Code, to provide that the terms of members of a board are staggered if the authority was created before 1980 and has a principal municipality with a population of less than 1.9 million, rather than less than 1.2 million.

SECTION 166. Amends Sections 451.506(b) and (c), Transportation Code, as follows:

(b) Prohibits an individual from serving more than eight years on the same board and from being appointed to a term for which service to the completion of the term would exceed this limitation. Provides that this subsection applies only to board of an authority in which the principal municipality has a population of more than 1.9 million or less than 320,000, rather than more than 1.2 million or less than 300,000, or created before 1980 in

which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million.

(c) Provides that this subsection does not apply to an individual serving on the board of an authority described by Subsection (b) or an authority confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000, rather than less than 750,000.

SECTION 167. Amends Section 451.509, Transportation Code, as follows:

Sec. 451.509. REMOVAL BY APPOINTING PERSON OR ENTITY. (a) Authorizes a member of the board, in an authority in which the principal municipality has a population of less than 850,000, rather than less than 750,000, and in which the authority's sales and use tax is imposed at a rate of one percent, to be removed from office for any ground described by Section 451.510 (Grounds for Removal From Board) by a majority vote of the entity that appointed the member.

(b) Authorizes a member of the board, in an authority in which the principal municipality has a population of less than 320,000, rather than less than 300,000, to be removed for any ground described by Section 451.510 by the entity that appointed the board member.

(c) Authorizes a member of the board, in an authority in which the principal municipality has a population of more than 850,000, rather than more than 750,000, to be removed for any ground described by Section 451.510 by the person or entity that appointed the member.

(d) Requires a general manager who has knowledge that a potential ground for removal applicable to a member of the authority's board exists, in an authority in which the principal municipality has a population of less than 850,000 or more than 1.9 million, rather than less than 750,000 or more than 1.2 million, to notify the presiding officer of the board of the ground, and requires the presiding officer to notify the person that appointed the member against whom the potential ground applies of the ground.

SECTION 168. Amends Section 451.512(a), Transportation Code, to provide that except as provided in Subsection (b), in an authority in which the principal municipality has a population of less than 850,000 or more than 1.9 million, rather than less than 750,000 or more than 1.2 million, an action of the board is not invalid because a ground for removal of a board member exists.

SECTION 169. Amends Section 451.513(a), Transportation Code, to authorize a board member of an authority that has a principal municipality with a population of more than 850,000, rather than more than 750,000, to be removed, as provided by this section, on a petition for the recall of the member submitted by the registered voters of the authority.

SECTION 170. Amends Section 451.602, Transportation Code, to provide that except as provided by Section 451.617 (Withdrawal; Alternative Method for Certain Authorities), this subchapter applies only to an authority in which the principal municipality has a population of less than 850,000, rather than less than 750,000, and that was confirmed before July 1, 1985.

SECTION 171. Amends Section 451.617(a), Transportation Code, to authorize a unit of election, in an authority created before 1980 in which the principal municipality has a population of less than 1.9 million, rather than less than 1.2 million, other than the principal municipality, to 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 172. Amends Section 451.702(a), Transportation Code, to authorize 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, rather than more than 700,000, to 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.

SECTION 173. Amends Section 451.802, Transportation Code, to make a conforming change.

SECTION 174. Amends Section 504.510(d), Transportation Code, to provide that this section applies only to an owner of a golf cart who resides on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter, and in a county that borders another state and has a population of more than 120,750 but less than 121,000, rather than a population of more than 110,000 but less than 111,000.

SECTION 175. Amends Section 621.4015(a), Transportation Code, to authorize a county commissioners court to designate a constable or deputy constable of the county as a weight enforcement officer in a county, that meets certain requirements, including that is a county with a population of 1.5 million, rather than one million, or more and is within 200 miles of an international border.

SECTION 176. Amends Section 644.101(b), Transportation Code, to provide that a police officer of any of certain municipalities is eligible to apply for certification under this section, including, a municipality with a population of less than 25,000, any part of which is located in a county with a population of 3.3 million, rather than 2.4 million, and that contains or is adjacent to an international port.

SECTION 177. Amends Section 644.202(b), Transportation Code, to require a municipality with a population of more than 850,000, rather than more than 750,000, to develop a route for commercial motor vehicles carrying hazardous material on a road or highway in the municipality and submit the route to the Texas Department of Transportation for approval.

SECTION 178. Amends Section 683.016(d), Transportation Code, to provide that this section does not apply to a vehicle that is taken into custody by a law enforcement agency located in a county with a population of 3.3 million or more, rather than 2.4 million or more, and removed to a privately owned storage facility.

SECTION 179. Amends Section 37.102(a), Utilities Code, to require the Public Utility Commission of Texas (PUC), if a municipal corporation offers retail electric utility service in a municipality having a population of more than 145,000 that is located entirely in a county having a population of more than 2 million, rather than a population of more than 135,000 that is located in a county having a population of more than 1,500,000, to singly certificate areas in the municipality's boundaries in which more than one electric utility provides electric utility service.

SECTION 180. Amends Section 13.187(f), Water Code, to authorize the regulatory authority to set the matter for hearing on its own motion at any time within 120 days after the effective date of the rate change. Requires that the hearing, if more than half of the ratepayers of the utility receive service in a county with a population of more than 3.3 million, rather than 2.5 million, be held at a location in that county.

SECTION 181. Amends Section 36.121, Water Code, to require a district that is created under this chapter on or after September 1, 1991, except as provided by Section 36.117 (Exemptions; Exception; Limitations), to exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of 121,000 or less and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of 115,000, rather than 100,000, or less, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced.

SECTION 182. Amends Section 51.537(a), Water Code, to provide that this section applies only to a municipality any portion of which is located in a county with a population of more than 1 million and less than 1.5 million, rather than a population of more than 800,000 and less than 1.3 million.

SECTION 183. Amends Section 54.016(h), Water Code, to authorize 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, rather than a city with a population of 1.18 million or less, to 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 under certain set forth conditions.

SECTION 184. Amends Section 54.0162(a), Water Code, to authorize a municipal utility district composed of noncontiguous areas that on January 1, 1995, are contained in the extraterritorial jurisdiction of two municipalities to choose, by a resolution of the governing body of the district, to be wholly contained in the extraterritorial jurisdiction of one municipality selected by the governing body of the district if certain conditions are met, including, a majority of the area of the municipality not selected by the district is in a county other than the county in which the district is located, and neither county has a population greater than 3.3 million, rather than 2,500,000, according to the last preceding federal census.

SECTION 185. Amends Section 54.813(a), Water Code, to provide that this section applies only to a municipality any portion of which is located in a county with a population of more than 1 million and less than 1.5 million, rather than more than 800,000 and less than 1.3 million.

SECTION 186. Amends Section 1, Chapter 511 (H.B. 589), Acts of the 58th Legislature, Regular Session, 1963 (Article 2676a, V.T.C.S.), to require the general management and control of the public free schools and high schools in each county unless otherwise provided by law, from and after the effective date of this act in any county in this state having a population of not less than 312,000 and not more than 330,000, rather than a population of not less than 239,000 and not more than 242,000, to be vested in five (5) county school trustees elected from the county, one of whom to be elected from the county at large by the qualified voters of the county and one from each commissioners precinct by the qualified voters of each commissioners precinct, who shall hold office for a term of two (2) years.

SECTION 187. Amends Section 1, Chapter 233 (H.B. 459), Acts of the 59th Legislature, Regular Session, 1965 (Article 2676b, V.T.C.S.), to provide that this Act applies to a county-wide school district in a county having a population of more than 5,250 and less than 5,350, rather than a population of more than 5,200 and less than 5,283.

SECTION 188. Amends Section 1(b), Chapter 63 (S.B. 100), Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 2688h, V.T.C.S.), to require the office of the county board of school trustees and the office of county superintendent, from and after May 1, 1962, to cease to exist in any county in this State having a population of not less than 285,000 and not more than 300,000, rather than a population of not less than 250,000 and not more than 251,000, which has no common school district and whose county ad valorem evaluation is in excess of Two Hundred Fifty Million Dollars (\$250,000,000); provided, however, that the county superintendents in such counties who have been heretofore elected or appointed to the office of county superintendent shall serve until the expiration of the term for which they were elected or appointed.

SECTION 189. Amends Sections 5 and 6, Chapter 706 (H.B. 1015), Acts of the 59th Legislature, Regular Session, 1965 (Article 2688i-1, V.T.C.S.), as follows:

Sec. 5. Prohibits the provisions of this Act from applying to counties having a population of not less than 5,250 and not more than 5,350, rather than a population of not less than 5,200 and not more than 5,283, and to counties having a population of not less than 54,000 and not more than 54,500, rather than having a population of not less than 47,150 and not more than 47,350. Makes conforming changes.

Sec. 6. Requires that no county having a population of more than 30,000 and less than 32,000, rather than a population of more than 32,350 and less than 32,400, have the offices of county school superintendent, ex officio county school superintendent, and county board of education.

SECTION 190. Amends Section 2.01(13), Article 6243a-1, Revised Statutes, to redefine "city."

SECTION 191. Amends Section 1(a), Chapter 101 (H.B. 31), Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 6243b, V.T.C.S.) to require three (3) citizens of said city or town to be designated by the mayor, two (2) citizens of said city or town to be designated by the city manager of said city or town, three (3) policemen to be elected by members of the policemen's pension fund, and three (3) firemen to be elected by members of the firemen's pension fund, composing eleven (11) members, seven (7) of which shall be a quorum, in all incorporated cities and towns containing more than 600,000 inhabitants and less than 700,000 inhabitants, rather than containing more than 550,00 inhabitants and less than 600,000 inhabitants, having a fully or partially paid fire department, to constitute a board of trustees of the Firemen and Policemen Pension Fund, to provide for the disbursement of the same and to designate the beneficiaries thereof.

SECTION 192. Amends Section 1.01, Chapter 183 (S.B. 598), Acts of the 64th Legislature, Regular Session, 1975 (Article 6243e.1, V.T.C.S.), to provide that this Act applies only to a municipality having a population of more than 750,000 and less than 850,000, rather than a population of more than 600,000 and less than 700,000.

SECTION 193. Amends Section 1, Chapter 103 (S.B. 622), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6243f-1, V.T.C.S.), to require no member of a fire department in any city or town in this state having a population of not less than 700,000 nor more than 750,000, rather than a population of not less than 500,00 nor more than 550,000, to be involuntarily retired prior to reaching the mandatory retirement age set for such cities' employees unless he is physically unable to perform his duties.

SECTION 194. Amends Section 1, Chapter 451 (S.B. 737), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n, V.T.C.S.), to provide that a retirement system is established by this Act for employees of each municipality having a population of more than 750,000 and less than 850,000, rather than more than 600,000 and less than 700,000; provided, however, that once such pension system becomes operative in any city, requires any right or privilege accruing to any member thereunder to be a vested right according to the terms of this Act and prohibits the same from being denied or abridged thereafter through any change in population bracket as herein prescribed, and requires said pension system to continue to operate and function regardless of whether or not any future population exceeds or fails below said population bracket.

SECTION 195. Amends Section 1.01, Chapter 452 (S.B. 738), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, V.T.C.S.), to provide that this Act applies only to a municipality having a population of more than 750,000 and less than 850,000, rather than a municipality having a population of more than 600,00 and less than 700,000.

SECTION 196. Amends Section 1.03, Chapter 824 (S.B. 817), Acts of the 73rd Legislature, Regular Session, 1993 (Article 6243o, V.T.C.S.), to provide that this Act applies to paid fire and police departments of a municipality with a population between 1.3 million and 1.5 million, rather than a municipality with a population between 1.14 million and 1.18 million

SECTION 197. Amends Section 1.03, Chapter 1332 (S.B. 1568), Acts of the 75th Legislature, Regular Session, 1997 (Article 6243q, V.T.C.S.), to provide that this Act applies to a paid fire and police department of a municipality with a population of 1.3 million or more but less than 1.5 million, rather than 1,140,000 or more but less than 1,180,000.

SECTION 198. Amends Section 1, Chapter 809 (H.B. 1687), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6812b-1, V.T.C.S.), to authorize the Commissioners Court of any



county having a population of not less than 425,000 nor more than 500,000, rather than a population of 280,000 nor more than 300,00, to appoint a County Engineer, but requires the selection to be controlled by considerations of skill and ability for the task.

SECTION 199. Amends Section 4.08(e), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, to prohibit the authority from exercising the power of eminent domain granted by Subsections (a) and (b) of this section to acquire property of any kind in Galveston County, rather than a county that has a population of more than 245,000, borders the Gulf of Mexico, and is adjacent to a county with a population of more than 1.6 million.

SECTION 200. Amends Section 4.17(f), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to prohibit the authority from exercising the power of eminent domain under this section to acquire property of any kind in Galveston County, rather than a county that has a population of more than 245,000, borders the Gulf of Mexico, and is adjacent to a county with a population of more than 1.6 million.

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

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

SECTION 202. Effective date: September 1, 2011.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment #1:

(1) Amends SECTION 181 of the bill, in amended Section 36.121, Water Code (page 81, line 17), by inserting "but greater than 100,000" between "less" and "and".

(2) Amends SECTION 181 of the bill, in amended Section 36.121, Water Code (page 81, line 20), by inserting "but greater than 100,000" between "less" and the comma.

Committee Amendment #2:

Amends SECTION 122 of the bill, in amended Section 352.002(a)(12), Tax Code (page 57, line 27), by striking "36,000 [~~35,000~~]" and substituting "35,000".