

By: Cain

H.B. No. 2246

1

A BILL TO BE ENTITLED

1

AN ACT

2

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

5

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

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ARTICLE 1. GULF OF AMERICA STATUTORY LANGUAGE INITIATIVE

7

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

9

CHAPTER 452. GULF OF AMERICA STATUTORY LANGUAGE INITIATIVE

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inaccurate and outdated.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

18

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

23

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

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

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

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

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

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

21 ARTICLE 2. AGRICULTURE CODE PROVISIONS

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

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

27 ARTICLE 3. ALCOHOLIC BEVERAGE CODE PROVISIONS

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

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

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

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

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

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

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

10 ARTICLE 4. CIVIL PRACTICE AND REMEDIES CODE PROVISIONS

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

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

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

23 (a) In a dispute between the State of Texas and an upland
24 owner of property fronting on the Gulf of America [~~Gulf of Mexico~~]
25 and the arms of the Gulf of America [~~Gulf of Mexico~~] within the
26 boundaries of the State of Texas, the maps, surveys, and property
27 descriptions filed in the General Land Office in connection with

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

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

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

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

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

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

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

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

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

1 of:

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

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

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

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

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

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

17 ARTICLE 5. VERNON'S CIVIL STATUTES PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

8 ARTICLE 6. EDUCATION CODE PROVISIONS

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

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

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

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

23 ARTICLE 7. FAMILY CODE PROVISIONS

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

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

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

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

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

6 ARTICLE 8. GOVERNMENT CODE PROVISIONS

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

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

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

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

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

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

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

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

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

22 (i) is adjacent to an international border;

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

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

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

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

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

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

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

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

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

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

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

2 and

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

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

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

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

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

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

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

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

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

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

27 (ii) is located on an international border;

1 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Sec. 1505.201. APPLICABILITY OF SUBCHAPTER. This subchapter
2 applies only to a municipality that:

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

6 SECTION 8.12. Section 1506.101, Government Code, is amended
7 to read as follows:

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

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

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

16 SECTION 8.13. Section 1505.251, Government Code, is amended
17 to read as follows:

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

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

23 SECTION 8.14. Section 2204.301, Government Code, is amended
24 to read as follows:

25 Sec. 2204.301. GRANT TO UNITED STATES. The governor may
26 grant to the United States in accordance with this subchapter those
27 portions of the beds and banks of the Pecos and Devils rivers in

1 Val Verde County and of the Rio Grande in Brewster, Cameron,
2 Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr,
3 Terrell, Val Verde, Webb, and Zapata counties:

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

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

13 ARTICLE 9. HEALTH AND SAFETY CODE PROVISIONS

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

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

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

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

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

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

27 (o) The commission may not issue a permit under this section

1 for a land application unit that is located both:

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

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

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

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

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

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

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

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

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

27 (c) This section applies only to a county park located in a

1 county that has the Gulf of America [~~Gulf of Mexico~~] as one
2 boundary, but does not apply to a beach located in that park.

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

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

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

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

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

13 (2) adopt rules under this chapter that:

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

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

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

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

1 (i) the owner of the system; or
2 (ii) a person described by Section [366.071](#) (a)
3 or (b);

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

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

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

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

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

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

27 SECTION 9.06. Section 711.008(d), Health and Safety Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

20 ARTICLE 10. LOCAL GOVERNMENT CODE PROVISIONS

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

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

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

25 (2) territory located:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Land on an island bordering the Gulf of America [~~Gulf of~~

1 ~~Mexico~~] that is not accessible by a public road or common carrier
2 ferry facility may not be annexed by a municipality without the
3 consent of the owners of the land.

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

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

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

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

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

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

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

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

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

7 (4) a county that:

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

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

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

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

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

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

1 demolition expenses on the property on which the structure was
2 located.

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

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

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

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

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

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

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

27 SECTION 10.14. Section 240.910(a), Local Government Code, is

1 amended to read as follows:

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

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

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

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

12 (2) is one acre or less;

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

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

16 (5) is conveyed pursuant to a resolution or an ordinance
17 that:

18 (A) is adopted under this section;

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

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

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

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

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

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

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

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

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

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

16 (1) the tidelands between:

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

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

25 (2) the waters of the gulf adjacent to those tidelands,
26 and the gulf bed below those waters, for a distance not to exceed
27 2,000 feet from the line of ordinary high tide.

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

(c) The pier may not:

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

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

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

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

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

(1) the pier, structures, or improvements;

(2) the furnishings and equipment; or

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

(c) As additional security for the bonds, notes, or warrants, the municipality may, by the terms of a mortgage, grant to the purchaser under sale or foreclosure a franchise to operate the properties purchased for a period of not more than 99 years after the purchase. If at the time of the sale or foreclosure there is

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

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

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

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

19 Sec. 321.101. APPLICABILITY. Notwithstanding Section
20 [321.001](#), this subchapter applies only to:

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

1 SECTION 10.24. Section 351.081, Local Government Code, is
2 amended to read as follows:

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

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

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

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

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

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

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

1 ~~[Gulf of Mexico]~~ with inland waters.

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

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

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

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

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

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

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

20 Sec. 501.103. CERTAIN INFRASTRUCTURE IMPROVEMENT PROJECTS.

21 In this subtitle, "project" includes expenditures that are found
22 by the board of directors to be required or suitable for
23 infrastructure necessary to promote or develop new or expanded
24 business enterprises, limited to:

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

- 1 (2) telecommunications and Internet improvements; or
- 2 (3) beach remediation along the Gulf of America [~~Gulf~~
- 3 ~~of Mexico~~].

4 SECTION 10.30. Section 501.163(a), Local Government Code, is

5 amended to read as follows:

6 (a) This section applies only to a corporation the creation

7 of which was authorized by a municipality that:

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

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

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

11 Gulf Intracoastal Waterway; or

12 (B) the United Mexican States and in which four

13 municipalities with a population of 70,000 or more are located;

14 and

15 (3) has, or is included in a metropolitan statistical

16 area of this state that has, an unemployment rate that averaged at

17 least two percent above the state average for the most recent two

18 consecutive years for which statistics are available.

19 SECTION 10.31. Section 561.007(a), Local Government Code, is

20 amended to read as follows:

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

22 (1) has a population of 190,000 or more, is adjacent to

23 a county with a population of 3.3 million or more, and borders the

24 Gulf of America [~~Gulf of Mexico~~]; and

25 (2) operates a road department system under Subchapter

26 D, Chapter [252](#), Transportation Code.

27 SECTION 10.32. Section 561.008(a), Local Government Code, is

1 amended to read as follows:

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

5 (1) construct breakwaters;

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

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

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

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

15 ARTICLE 11. NATURAL RESOURCES CODE PROVISIONS

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

18 (a) The commissioner shall:

19 (1) have the area between the coastline of the Gulf of
20 America [~~Gulf of Mexico~~] and the Three Marine League line compiled
21 and platted; and

22 (2) locate and set the boundary lines between the
23 coastal counties from the coastline to the Three Marine League
24 line.

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

27 (b) The State of Texas has full sovereignty over the water,

1 the beds and shores, and the arms of the Gulf of America [~~Gulf of~~
2 ~~Mexico~~] within its boundaries as provided in Subsection (a) of
3 this section, subject only to the right of the United States to
4 regulate foreign and interstate commerce under Article I, Section
5 8 of the United States Constitution, and the power of the United
6 States over admiralty and maritime jurisdiction under Article III,
7 Section 2 of the United States Constitution.

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

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

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

20 (c) The gulfward boundaries of any city, town, or village
21 created and operating under the general laws of the State of Texas
22 shall not be established or extended by incorporation or annexation
23 more than 5,280 feet gulfward beyond the coastline. The governing
24 body of such a city, town, or village may, by ordinance, extend
25 the municipal boundaries up to 5,280 feet gulfward. Any inclusion
26 of territory in any such city, town, or village more than 5,280
27 feet gulfward beyond the coastline is void. The term "coastline"

1 as used in this subsection means the line of mean low tide along
2 that portion of the coast which is in direct contact with the open
3 Gulf of America [~~Gulf of Mexico~~]. The term "city, town, or village
4 created and operating under the general laws of the State of Texas"
5 shall not include any city operating under a home-rule charter.

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

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

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

26 If for any reason it should be determined by any court of
27 competent jurisdiction that any such general-law city, town, or

1 village has heretofore been incorporated in violation of the laws
2 of the state in effect as of the date of such incorporation or is
3 invalid, the corporate boundaries of any such general-law city,
4 town, or village shall be revised and reformed to exclude all
5 territory more than 5,280 feet gulfward of the coastline.

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

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

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

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

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

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

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

21 (1) unsold public school land;

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

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

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

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

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

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

9 (B) underlies:

10 (i) a qualifying Gulf of America [~~Gulf of~~
11 ~~Mexico~~] property; or

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

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

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

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

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

(1) "Coastal natural resource areas" means:

- (A) coastal barriers;
- (B) coastal historic areas;
- (C) coastal preserves;
- (D) coastal shore areas;
- (E) coastal wetlands;
- (F) critical dune areas;
- (G) critical erosion areas;
- (H) gulf beaches;
- (I) hard substrate reefs;
- (J) oyster reefs;
- (K) submerged land;
- (L) special hazard areas;
- (M) submerged aquatic vegetation;
- (N) tidal sand or mud flats;
- (O) water of the open Gulf of America [~~Gulf of Mexico~~]; and
- (P) water under tidal influence.

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

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

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

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

3 (i) continuously held by the public; or
4 (ii) acquired by the public by prescription,
5 dedication, or estoppel.

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

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

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

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

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

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

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

1 amended to read as follows:

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

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

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

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

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

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

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

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

21 (1) be sponsored by a coastal county;

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

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

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

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

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

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

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

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

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

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

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

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

5 (4) roads; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 within the jurisdiction of Texas.

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

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

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

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

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

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (3) a county;

9 (4) a municipality;

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

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

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

18 (B) is located on land that:

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

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

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

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

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

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

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

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

19 CONCERNING THE PROPERTY AT _____

20 DISCLOSURE NOTICE CONCERNING LEGAL AND ECONOMIC RISKS

21 OF PURCHASING COASTAL REAL PROPERTY NEAR A BEACH

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

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

1 ● BY PURCHASING THIS PROPERTY, YOU MAY BE ASSUMING ECONOMIC
2 RISKS OVER AND ABOVE THE RISKS INVOLVED IN PURCHASING INLAND REAL
3 PROPERTY.

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

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

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

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

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

1 natural vegetation line, the landward boundary of the easement is
2 as provided by Sections [61.016](#) and [61.017](#), Natural Resources Code.

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

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

15 The purchaser is hereby notified that the purchaser should:

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

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

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

25 Sec. 61.062. PUBLIC POLICY. It is the public policy of this
26 state that the public, individually and collectively, shall have
27 the free and unrestricted right of ingress and egress to and from

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

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

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

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

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

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

25 (1) during reasonable daylight hours, as established
26 and posted by the municipality, from Memorial Day to Labor Day,
27 provide, or ensure that a park board created by the municipality

under Chapter [306](#), Local Government Code, provides:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 within a state park; or

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

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

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

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

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

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

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

27 Sec. 61.083. EXEMPTIONS FROM SUBCHAPTER. None of the

1 provisions of this subchapter apply to any beach area that does
2 not border on the Gulf of America [~~Gulf of Mexico~~] or to any island
3 or peninsula that is not accessible by a public road or common
4 carrier ferry facility as long as that condition exists.

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

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

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

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

25 (d) The commissioners court of a county bordering on the
26 Gulf of America [~~Gulf of Mexico~~] or its tidewater limits, by order,
27 may prohibit the use and possession of all glass containers and

1 products on a beach in the unincorporated area of the county. The
2 commissioners court shall not prohibit any one or several glass
3 products to the exclusion of any others.

4 (e) Regulation under Subsection (a) of this section that
5 prohibits vehicles from an area of public beach is subject to
6 Section [61.022](#) of this code.

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

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

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

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

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

24 Sec. 61.161. PUBLIC POLICY. It is the public policy of this
25 state that the state-owned beaches bordering on the seaward shore
26 of the Gulf of America [~~Gulf of Mexico~~], and any larger area
27 extending from the line of mean low tide to the line of vegetation

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

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

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

27 SECTION 11.45. Section 61.211, Natural Resources Code, is

1 amended to read as follows:

2 Sec. 61.211. FINDINGS. The legislature finds that the
3 unregulated excavation, taking, removal, and carrying away of
4 sand, marl, gravel, and shell from islands and peninsulas bordering
5 on the Gulf of America [~~Gulf of Mexico~~] and from the public beaches
6 of the state constitute a substantial interference with public
7 enjoyment of Texas beaches and a hazard to life and property.

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

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

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

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

1 from land located within 1,500 feet of a public beach of this state
2 if the land is located outside the boundaries of an incorporated
3 city, town, or village in violation of the provisions of this
4 subchapter.

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

7 Sec. 61.224. PENALTY. A person who for himself or on behalf
8 of or under the direction of another person excavates, takes,
9 removes, or carries away sand, marl, gravel, or shell from land
10 located on an exposed island or peninsula bordering on the Gulf of
11 America [~~Gulf of Mexico~~] or from land located within 1,500 feet of
12 a public beach of this state, if the land is located outside the
13 boundaries of any incorporated city, town, or village, in violation
14 of the provisions of this subchapter shall be fined not less than
15 \$10 nor more than \$200. Each day a violation occurs constitutes a
16 separate offense.

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

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

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

1 (a) The provisions of this chapter apply to counties that
2 are located or border on the Gulf of America [~~Gulf of Mexico~~] and
3 have within their boundaries beaches that are suitable for park
4 purposes. The suitability of a beach for park purposes is
5 established conclusively when the commissioners court of the
6 county makes a finding that the beach located within its
7 boundaries, but not located within the boundaries of an
8 incorporated city, is suitable for park purposes.

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

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

27 Sec. 62.011. PURPOSE AND AUTHORITY. A county located or

1 bordering on the Gulf of America [~~Gulf of Mexico~~] with a beach
2 suitable for park purposes may create a board in the manner
3 provided in this subchapter for the purpose of improving,
4 equipping, maintaining, financing, and operating a public park or
5 parks, or any facilities owned by the county, or to be acquired by
6 the county, or to be managed by the county under the terms of a
7 written contract. The board, to be designated Beach Park Board of
8 Trustees, has the powers and duties specified in this chapter.

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

11 (a) The following land is under the jurisdiction of the
12 board:

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

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

21 Sec. 63.001. FINDINGS OF FACT. The legislature finds and
22 declares:

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

26 (2) that these areas are and historically have been
27 wholly or in part protected from the action of the water of the

1 Gulf of America [~~Gulf of Mexico~~] and storms on the Gulf by a system
2 of vegetated and unvegetated sand dunes that provide a protective
3 barrier for adjacent land and inland water and land against the
4 action of sand, wind, and water;

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

9 (4) that the operation of recreational vehicles and
10 other activities over these dunes have destroyed the natural
11 vegetation on them;

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

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

21 (7) that vegetated stabilized dunes help preserve
22 state-owned beaches and shores by protecting against erosion of
23 the shoreline; and

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

27

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

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

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

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

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

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

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

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

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

(4) "Barrier island" means an island bordering on the

1 Gulf of America [~~Gulf of Mexico~~] and entirely surrounded by water.

2 ARTICLE 12. OCCUPATIONS CODE PROVISIONS

3 SECTION 12.01. Section 2025.152, Occupations Code, is amended
4 to read as follows:

5 Sec. 2025.152. LOCATION RESTRICTION FOR GREYHOUND RACETRACK.

6 Each greyhound racetrack must be located in a county that:

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

11 ARTICLE 13. PROPERTY CODE PROVISIONS

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

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

16 SELLER'S DISCLOSURE NOTICE

17 CONCERNING THE PROPERTY AT _____
18 (Street Address and City)

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

24 Seller ___ is ___ is not occupying the Property.

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

26 _____

27 1. The Property has the items checked below:

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

29

1	<input type="checkbox"/> Range	<input type="checkbox"/> Oven	<input type="checkbox"/> Microwave
2	<input type="checkbox"/> Dishwasher	<input type="checkbox"/> Trash Compactor	<input type="checkbox"/> Disposal
3	<input type="checkbox"/> Washer/Dryer	<input type="checkbox"/> Window	<input type="checkbox"/> Rain Gutters
4	<input type="checkbox"/> Hookups	<input type="checkbox"/> Screens	
5	<input type="checkbox"/> Security	<input type="checkbox"/> Fire Detection	<input type="checkbox"/> Intercom
6	<input type="checkbox"/> System	<input type="checkbox"/> Equipment	<input type="checkbox"/> System
7		<input type="checkbox"/> Smoke Detector	
8		<input type="checkbox"/> Smoke Detector -	
9		<input type="checkbox"/> Hearing Impaired	
10		<input type="checkbox"/> Carbon Monoxide	
11		<input type="checkbox"/> Alarm	
12		<input type="checkbox"/> Emergency Escape	
13		<input type="checkbox"/> Ladder(s)	
14	<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV	<input type="checkbox"/> Satellite
15		<input type="checkbox"/> Wiring	<input type="checkbox"/> Dish
16	<input type="checkbox"/> Ceiling Fan(s)	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/> Exhaust
17			<input type="checkbox"/> Fan(s)
18	<input type="checkbox"/> Central A/C	<input type="checkbox"/> Central Heating	<input type="checkbox"/> Wall/Window
19			<input type="checkbox"/> Air
20			<input type="checkbox"/> Conditioning
21	<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System	<input type="checkbox"/> Public Sewer
22			<input type="checkbox"/> System
23	<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill	<input type="checkbox"/> Fences
24	<input type="checkbox"/> Pool	<input type="checkbox"/> Sauna	<input type="checkbox"/> Spa
25			<input type="checkbox"/> Hot Tub
26	<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/> Automatic Lawn
27			<input type="checkbox"/> Sprinkler
28			<input type="checkbox"/> System
29	<input type="checkbox"/> Fireplace(s) &		<input type="checkbox"/> Fireplace(s) &
30	<input type="checkbox"/> Chimney		<input type="checkbox"/> Chimney
31	<input type="checkbox"/> (Woodburning)		<input type="checkbox"/> (Mock)
32	<input type="checkbox"/> Natural Gas Lines		<input type="checkbox"/> Gas Fixtures
33	<input type="checkbox"/> Liquid Propane Gas:	<input type="checkbox"/> LP Community	<input type="checkbox"/> LP on Property
34		<input type="checkbox"/> (Captive)	
35	<input type="checkbox"/> Fuel Gas Piping:	<input type="checkbox"/> Black Iron Pipe	<input type="checkbox"/> Corrugated
36		<input type="checkbox"/> Copper	<input type="checkbox"/> Stainless Steel
37			<input type="checkbox"/> Tubing
38	Garage: <input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Carport
39	Garage Door Opener(s):	<input type="checkbox"/> Electronic	<input type="checkbox"/> Control(s)
40	Water Heater:	<input type="checkbox"/> Gas	<input type="checkbox"/> Electric
41	Water Supply: <input type="checkbox"/> City	<input type="checkbox"/> Well <input type="checkbox"/> MUD	<input type="checkbox"/> Co-op
42	Roof Type: _____ Age: _____ (approx)		
43	Are you (Seller) aware of any of the above items that are not in		
44	working condition, that have known defects, or that are in need of		
45	repair? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown.		

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

2 _____
3 _____

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

7 If the answer to the question above is no or unknown,
8 explain. (Attach additional sheets if necessary):

9 _____
10 _____

11 *Chapter 766 of the Health and Safety Code requires one-
12 family or two-family dwellings to have working smoke detectors
13 installed in accordance with the requirements of the building code
14 in effect in the area in which the dwelling is located, including
15 performance, location, and power source requirements. If you do
16 not know the building code requirements in effect in your area,
17 you may check unknown above or contact your local building official
18 for more information. A buyer may require a seller to install
19 smoke detectors for the hearing impaired if: (1) the buyer or a
20 member of the buyer's family who will reside in the dwelling is
21 hearing impaired; (2) the buyer gives the seller written evidence
22 of the hearing impairment from a licensed physician; and (3) within
23 10 days after the effective date, the buyer makes a written request
24 for the seller to install smoke detectors for the hearing impaired
25 and specifies the locations for installation. The parties may
26 agree who will bear the cost of installing the smoke detectors and
27 which brand of smoke detectors to install.

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

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

4	<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
5	<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
6	<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/	<input type="checkbox"/> Basement
7		<input type="checkbox"/> Slabs(s)	
8	<input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Sidewalks
9	<input type="checkbox"/> Plumbing/Sewers/	<input type="checkbox"/> Electrical	<input type="checkbox"/> Lighting
10	<input type="checkbox"/> Septics	<input type="checkbox"/> Systems	<input type="checkbox"/> Fixtures

11 ☐ Other Structural Components (Describe): _____

12 _____

13 _____

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

16 _____

17 _____

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

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

20	<input type="checkbox"/> Active Termites (includes wood	<input type="checkbox"/> Previous Structural
21	<input type="checkbox"/> -destroying insects)	<input type="checkbox"/> or Roof Repair
22	<input type="checkbox"/> Termite or Wood Rot Damage	
23	<input type="checkbox"/> Needing Repair	<input type="checkbox"/> Hazardous or Toxic Waste
24	<input type="checkbox"/> Previous Termite Damage	
25	<input type="checkbox"/> Previous Termite Treatment	<input type="checkbox"/> Asbestos Components
26		<input type="checkbox"/> Urea formaldehyde
27		<input type="checkbox"/> Insulation
28		<input type="checkbox"/> Radon Gas
29	<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
30	<input type="checkbox"/> Water Damage Not Due to a	<input type="checkbox"/> Aluminum Wiring
31	<input type="checkbox"/> Flood Event	
32		<input type="checkbox"/> Previous Fires
33		
34		<input type="checkbox"/> Unplatted Easements
35		
36	<input type="checkbox"/> Landfill, Settling, Soil	<input type="checkbox"/> Subsurface

1	Movement, Fault Lines	Structure or Pits
2	— Single Blockable Main	— Previous Use of Premises
3	Drain in Pool/Hot	for Manufacture of
4	Tub/Spa*	Methamphetamine

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

7 _____

8 _____

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

11 5. Are you (Seller) aware of any item, equipment, or system in or
12 on the property that is in need of repair? ___ Yes (if you are
13 aware) ___ No (if you are not aware). If yes, explain (attach
14 additional sheets as necessary).
15

16 6. Are you (Seller) aware of any of the following
17 conditions?* Write Yes (Y) if you are aware, write No (N) if you
18 are not aware.

19 ___ Present flood insurance coverage
20 ___ Previous flooding due to a failure or breach of a reservoir or
21 a controlled or emergency release of water from a reservoir
22 ___ Previous water penetration into a structure on the property
23 due to a natural flood event

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

26 ___ Located () wholly () partly in a 100-year floodplain (Special
27 Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)
28 ___ Located () wholly () partly in a 500-year floodplain
29 (Moderate Flood Hazard Area-Zone X (shaded))
30 ___ Located () wholly () partly in a floodway
31 ___ Located () wholly () partly in a flood pool
32 ___ Located () wholly () partly in a reservoir

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

4 * For purposes of this notice:

5 "100-year floodplain" means any area of land that:

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

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

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

13 "500-year floodplain" means any area of land that:

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

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

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

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

27 "Floodway" means an area that is identified on the flood

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

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

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

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

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

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

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

2
3 — Room additions, structural modifications, or other
4 alterations or repairs made without necessary permits or not
5 in compliance with building codes in effect at that time.

6 — Homeowners' Association or maintenance fees or assessments.

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

10 — Any notices of violations of deed restrictions or
11 Governmental ordinances affecting the condition or use of the
12 Property.

13 — Any lawsuits directly or indirectly affecting the Property.

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

16 — Any rainwater harvesting system located on the property that
17 Is larger than 500 gallons and that uses a public water supply
18 as an auxiliary water source.

19 — Any portion of the property that is located in a groundwater
20 Conservation district or a subsidence district.

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

23 _____

24 _____

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

35 11. This property may be located near a military installation and

1 may be affected by high noise or air installation compatible use
2 zones or other operations. Information relating to high noise and
3 compatible use zones is available in the most recent Air
4 Installation Compatible Use Zone Study or Joint Land Use Study
5 prepared for a military installation and may be accessed on the
6 Internet website of the military installation and of the county
7 and any municipality in which the military installation is located.

8 _____
9 Date

Signature of Seller

10 The undersigned purchaser hereby acknowledges receipt of the
11 foregoing notice.

12 _____
13 Date

Signature of Purchaser

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

16 (a) This chapter applies only to a residential real estate
17 subdivision, excluding a condominium development governed by Title
18 7 that is located in whole or in part:

19 (1) in a county with a population of 3.3 million or
20 more;

21 (2) in a county with a population of not less than
22 315,000 and not more than 351,000 that is adjacent to the Gulf of
23 America [~~Gulf of Mexico~~] and that is adjacent to a county having
24 a population of 3.3 million or more; or

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

27 (A) is adjacent to a county with a population of

1 3.3 million or more; and

2 (B) contains part of a national forest.

3 ARTICLE 14. PARKS AND WILDLIFE CODE PROVISIONS

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

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

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

15 (a) The department shall:

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

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

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

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

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

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

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

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

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

25 (a) Except as provided by Subsection (b) or (c) of this
26 section, no person may engage in fishing in saltwater for sporting
27 purposes in this state, or unload in this state fish or other

1 aquatic life taken for sporting purposes from waters managed by
2 the Gulf of America [~~Gulf of Mexico~~] Fishery Management Council
3 established under the Fishery Conservation and Management Act of
4 1976 (16 U.S.C. Section 1801 et seq.), unless the person has
5 acquired a saltwater sportfishing stamp endorsement issued to the
6 person by the department. The commission by rule may prescribe
7 requirements relating to possessing a stamp endorsement required
8 by this subchapter.

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

11 (a) No person may fish in the public water of this state, or
12 unload in this state fish or other aquatic life taken for sporting
13 purposes from waters managed by the Gulf of America [~~Gulf of~~
14 ~~Mexico~~] Fishery Management Council established under the Magnuson-
15 Stevens Fishery Conservation and Management Act (16 U.S.C. Section
16 1801 et seq.), unless the person has acquired a fishing license
17 issued under this subchapter, except as provided by Sections
18 [46.0012](#) and [46.002](#). The commission by rule may prescribe
19 requirements relating to possessing a license required by this
20 subchapter.

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

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

27 SECTION 14.08. Sections 47.038(a) and (a-1), Parks and

Wildlife Code, are amended to read as follows:

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

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

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

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

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

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

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

(1) submerged under:

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

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

(2) conspicuously marked as privately owned by a sign

1 or signs that are substantially similar to the following:

2 POSTED. PRIVATE PROPERTY. NO HUNTING.

3
4 (b) This section does not apply to:

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

6 (2) a person who:

7 (A) owns the submerged land; or

8 (B) obtains the landowner's consent;

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

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

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

14 (4) land that is:

15 (A) submerged by public water; and

16 (B) located below the mean high tide line of the
17 Gulf of America [~~Gulf of Mexico~~] and its bays and estuaries.

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

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

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

27 (a) The commission by proclamation may regulate the placement

1 of obstructions, traps, and mooring in fish passes and the marking
2 of restricted areas in any natural or artificial pass that is
3 opened, reopened, dredged, excavated, constructed, or maintained
4 by the department as a fish pass between the Gulf of America [~~Gulf~~
5 ~~of Mexico~~] and an inland bay.

6 (b) No person may operate, possess, or moor a vessel or other
7 floating device, or may place any piling, wire, rope, cable, net,
8 trap, or other obstruction, in a natural or artificial pass opened,
9 reopened, dredged, excavated, constructed, or maintained by the
10 department as a fish pass between the Gulf of America [~~Gulf of~~
11 ~~Mexico~~] and an inland bay within the distance inside the pass from
12 the mouth of the pass where it empties into the Gulf of America
13 [~~Gulf of Mexico~~] to a marker or sign erected by the department
14 indicating the restricted area.

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

17 Sec. 66.301. DEFINITION. In this subchapter, "coastal water"
18 means all of the salt water of this state, including that portion
19 of the Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of
20 this state.

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

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

26 (2) "Inside water" means all bays, inlets, outlets,
27 passes, rivers, streams, and other bodies of water landward from

1 the shoreline of the state along the Gulf of America [~~Gulf of~~
2 ~~Mexico~~] and contiguous to, or connected with, but not a part of,
3 the Gulf of America [~~Gulf of Mexico~~] and within which the tide
4 regularly rises and falls and in which saltwater shrimp are found
5 or into which saltwater shrimp migrate.

6 (3) "Outside water" means the salt water of the state
7 contiguous to and seaward from the shoreline of the state along
8 the Gulf of America [~~Gulf of Mexico~~] as the shoreline is projected
9 and extended in a continuous and unbroken line, following the
10 contours of the shoreline, across bays, inlets, outlets, passes,
11 rivers, streams, and other bodies of water; and that portion of
12 the Gulf of America [~~Gulf of Mexico~~] extending from the shoreline
13 seaward and within the jurisdiction of the state.

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

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

20 Sec. 77.072. SHRIMP SIZE EXCEPTION. Minimum size
21 restrictions as provided in Chapter [77](#), Parks and Wildlife Code,
22 as amended, do not apply to shrimp taken from outside waters when:

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

26 (2) such plan as described in Subsection (a) of this
27 section restricts the taking of shrimp in the Fishery Conservation

1 Zone contiguous to the outside waters of Texas, to conform with
2 the Texas closed Gulf season as defined in Sections [77.061](#)(1) and
3 [77.062](#) of this code.

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

6 Sec. 79.001. COMPLIANCE. The department is authorized to
7 cooperate with the Gulf of America [~~Gulf of Mexico~~] Fishery
8 Management Council established pursuant to the Fishery
9 Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801
10 et seq.), in developing state management programs which are
11 consistent with plans proposed by the council and approved by the
12 secretary of commerce.

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

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

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

24 (a) A nonprofit corporation, fund, or foundation exempted
25 from federal income taxes under Section 501(c)(3), Internal
26 Revenue Code of 1954, as amended (26 U.S.C. Sec. 501(c)(3)), or a
27 political subdivision of the state may take sand, gravel, marl,

1 shell, and mudshell from Cedar Bayou in Aransas County for the
2 sole purpose of opening and reopening that passage between the
3 Gulf of America [~~Gulf of Mexico~~] and Mesquite Bay.

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

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

8 GULF STATES MARINE FISHERIES COMPACT

9 The contracting states solemnly agree:

10 ARTICLE I

11 Whereas the Gulf Coast States have the proprietary interest
12 in and jurisdiction over fisheries in the waters within their
13 respective boundaries, it is the purpose of this compact to promote
14 the better utilization of the fisheries, marine, shell and
15 anadromous, of the seaboard of the Gulf of America [~~Gulf of~~
16 ~~Mexico~~], by the development of a joint program for the promotion
17 and protection of such fisheries and the prevention of the physical
18 waste of the fisheries from any cause.

19 ARTICLE II

20 This compact shall become operative immediately as to those
21 states ratifying it whenever any two or more of the states of
22 Florida, Alabama, Mississippi, Louisiana and Texas have ratified
23 it and the Congress has given its consent, pursuant to Article I,
24 Section 10 of the Constitution of the United States. Any state
25 contiguous to any of the aforementioned states or riparian upon
26 waters which flow into waters under the jurisdiction of any of the
27 aforementioned States and which are frequented by anadromous fish

1 or marine species, may become a party hereto as hereinafter
2 provided.

3 ARTICLE III

4 Each state joining herein shall appoint three representatives
5 to a commission hereby constituted and designated as the Gulf
6 States Marine Fisheries Commission. One shall be the head of the
7 administrative agency of such State charged with the conservation
8 of the fishery resources to which this compact pertains; or, if
9 there be more than one officer or agency, the official of that
10 State named by the Governor thereof. The second shall be a member
11 of the Legislature of such State designated by such Legislature,
12 or in the absence of such designation, such legislator shall be
13 designated by the Governor thereof; provided that if it is
14 constitutionally impossible to appoint a legislator as a
15 commissioner from such State, the second member shall be appointed
16 in such manner as may be established by law. The third shall be
17 a citizen who shall have a knowledge of and interest in the marine
18 fisheries, to be appointed by the Governor. This commission shall
19 be a body corporate with the powers and duties set forth herein.

20 ARTICLE IV

21 The duty of the said commission shall be to make inquiry and
22 ascertain from time to time such methods, practices, circumstances
23 and conditions as may be disclosed for bringing about the
24 conservation and the prevention of the depletion and physical waste
25 of the fisheries, marine, shell and anadromous, of the Gulf Coast.
26 The commission shall have power to recommend the coordination of
27 the exercise of the police powers of the several States within

1 their respective jurisdictions to promote the preservation of
2 these fisheries and their protection against over-fishing, waste,
3 depletion or any abuse whatsoever, and to assure a continuing yield
4 from the fishery resources of the aforementioned States. To that
5 end the commission shall draft and recommend to the Governors and
6 Legislatures of the various signatory States, legislation dealing
7 with the conservation of the marine, shell and anadromous fisheries
8 of the Gulf seaboard. The commission shall from time to time
9 present to the Governor of each compacting State its
10 recommendations relating to enactments to be presented to the
11 Legislature of that State in furthering the interest and purposes
12 of this compact. The commission shall consult with and advise the
13 pertinent administrative agencies in the States party hereto with
14 regard to problems connected with the fisheries, and recommend the
15 adoption of such regulations as it deems advisable. The commission
16 shall have power to recommend to the States party hereto the
17 stocking of the waters of such States with fish and fish eggs or
18 joint stocking by some or all of the States party hereto, and when
19 two or more States shall jointly stock waters the commission shall
20 act as the coordinating agency for such stocking.

21 ARTICLE V

22 The commission shall elect from its number a chairman and
23 vice-chairman and shall appoint, and at its pleasure remove or
24 discharge, such officers and employees as may be required to carry
25 the provisions of this compact into effect and shall fix and
26 determine their duties, qualifications and compensation. Said
27 commission shall adopt rules and regulations for the conduct of

1 its business. It may establish and maintain one or more offices
2 for the transaction of its business, and may meet at any time or
3 place; but must meet at least once a year.

4 ARTICLE VI

5 No action shall be taken by the commission in regard to its
6 general affairs except by the affirmative vote of a majority of
7 the whole number of compacting States. No recommendation shall be
8 made by the commission in regard to any species of fish except by
9 the affirmative vote of a majority of the compacting States which
10 have an interest in such species. The commission shall define
11 what shall be an interest.

12 ARTICLE VII

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

25 ARTICLE VIII

26 When any State, other than those named specifically in Article
27 II of this compact, shall become a party hereto for the purpose of

1 conserving its anadromous fish or marine species in accordance
2 with the provisions of Article II, the participation of such State
3 in the action of the commission shall be limited to such species
4 of fish.

5 ARTICLE IX

6 Nothing in this compact shall be construed to limit the powers
7 of the proprietary interest of any signatory State, or to repeal
8 or prevent the enactment of any legislation or the enforcement of
9 any requirement by a signatory State, imposing additional
10 conditions and restrictions to conserve its fisheries.

11 ARTICLE X

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

26 ARTICLE XI

27 Continued absence of representation or of any representative

1 on the commission from any State party hereto, shall be brought to
2 the attention of the Governor thereof.

3 ARTICLE XII

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

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

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

16 ARTICLE XIII

17 This compact shall continue in force and remain binding upon
18 each compacting State until renounced by Act of the Legislature of
19 such State, in such form as it may choose; provided that such
20 renunciation shall not become effective until six months after the
21 effective date of the action taken by the Legislature. Notice of

1 such renunciation shall be given the other States party hereto by
2 the Secretary of State of compacting State so renouncing upon
3 passage of the Act.

4 ARTICLE 15. SPECIAL DISTRICT LOCAL LAWS PROVISIONS

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

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

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

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

23 (C) within the enclosed space bounded by beginning
24 at the intersection of Farm-to-Market Road 1495 and the
25 Intracoastal Waterway, then west along the Intracoastal Waterway
26 to the intersection of the Intracoastal Waterway and the Brazos
27 River, then south along the Brazos River to the Gulf of America

1 ~~[Gulf of Mexico]~~, then east along the Gulf of America ~~[Gulf of~~
2 ~~Mexico]~~ to the intersection of a line extending from the southern
3 terminus of Farm-to-Market Road 1495 due south to the intersection
4 with the Gulf of America ~~[Gulf of Mexico]~~, and then due north to
5 the intersection of Farm-to-Market Road 1495 and the Intracoastal
6 Waterway;

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

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

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

17 (G) within the 56.751 acre tract of land described
18 in that certain Deed of Exchange recorded in Volume 86286, at Page
19 927 of the Brazoria County Real Property Records.

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

22 (a) This section applies only to property:

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

24 (2) located in:

25 (A) the district; and

26 (B) the boundaries or extraterritorial
27 jurisdiction of a municipality with a population of less than

1 20,000 that is wholly located in the district and whose corporate
2 limits border the Gulf of America [~~Gulf of Mexico~~].

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

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

8 (1) owned or leased by the district;

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

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

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

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

17 (1) in the district;

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

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

24 ARTICLE 16. TRANSPORTATION CODE PROVISIONS

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

27 (1) "Adjacent coastal county" means a county bordering

1 the Gulf of America [~~Gulf of Mexico~~] that has an onshore storage
2 facility for a deepwater port for which an application has been
3 filed.

4 SECTION 16.02. Section 54.001, Transportation Code, is
5 amended to read as follows:

6 Sec. 54.001. APPLICABILITY OF CHAPTER. This chapter applies
7 only to a municipality that:

8 (1) is located on:

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

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

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

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

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

20 SECTION 16.04. Section 61.006, Transportation Code, is
21 amended to read as follows:

22 Sec. 61.006. BOARD JURISDICTION. A board has exclusive
23 jurisdiction over piloting of vessels in this state between the
24 Gulf of America [~~Gulf of Mexico~~] and the ports in the board's
25 jurisdiction.

26 SECTION 16.05. Section 62.024, Transportation Code, is
27 amended to read as follows:

1 Sec. 62.024. JURISDICTION. The pilot board of a navigation
2 district has exclusive jurisdiction over the pilotage of a vessel
3 between the Gulf of America [~~Gulf of Mexico~~] and a port of the
4 navigation district, including an intermediate stop or landing
5 place on a navigable stream in the district.

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

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

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

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

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

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

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

26 (3) "Jefferson or Orange County port" means a place in
27 Jefferson or Orange County into which a vessel enters or from which

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

3 SECTION 16.10. Section 69.064, Transportation Code, is
4 amended to read as follows:

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

- 7 (1) characteristics of vessels to be piloted;
- 8 (2) the public interest in maintaining safe, efficient,
9 and reliable pilot services;
- 10 (3) the average number of hours spent by a pilot in
11 performing all pilot services and pilot services onboard vessels;
- 12 (4) costs to pilots to provide the required pilot
13 services;
- 14 (5) economic factors affecting the shipping industry in
15 the area in which the port is located;
- 16 (6) the average wages of masters of United States flag
17 vessels;
- 18 (7) an adequate and reasonable compensation for the
19 pilots and a fair return on the equipment and vessels that the
20 pilots employ in connection with pilot duties; and
- 21 (8) the relationship between pilotage rates in Jefferson
22 or Orange County ports and the rates applicable in other ports of
23 this state and in competitive ports in other states bordering the
24 Gulf of America [~~Gulf of Mexico~~].

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

- 27 (3) "Port of Corpus Christi" means a place into which a

1 vessel enters or from which a vessel departs and the waterway
2 leading to that place from the Gulf of America [~~Gulf of Mexico~~]
3 under the jurisdiction of the Port of Corpus Christi Authority.

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

6 (4) "Project" means a causeway, bridge, or tunnel,
7 including a necessary approach, fixture, accessory, or equipment
8 that:

9 (A) is located in one county; and

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

12 SECTION 16.13. Section 283.002, Transportation Code, is
13 amended to read as follows:

14 Sec. 283.002. APPLICABILITY. This chapter applies only to
15 a county that:

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

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

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

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

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

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

1 (3) is adjacent to a county that has a population of
2 2.5 million or more; or

3 (4) borders the United Mexican States.

4 SECTION 16.15. Section 341.002, Transportation Code, is
5 amended to read as follows:

6 Sec. 341.002. GENERAL AUTHORITY TO ACT. Subject to Chapter
7 [33](#), Natural Resources Code, an individual, corporation, or
8 association may purchase, build, own, maintain, and operate a
9 structure across an arm, inlet, or saltwater bay of the Gulf of
10 America [~~Gulf of Mexico~~] located entirely in this state to provide
11 a causeway for vehicles, pedestrians, and railroads.

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

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

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

18 (2) an inlet of the Gulf of America [~~Gulf of Mexico~~];
19 or

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

21 SECTION 16.17. Section 463.002, Transportation Code, is
22 amended to read as follows:

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

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

27 (2) a county that borders a county described by

1 Subdivision (1).

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

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

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

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

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

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

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

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

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

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

20 (3) is adjacent to a county described by Subdivision
21 (2) and:

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

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

25 SECTION 16.21. Section 623.210, Transportation Code, is
26 amended to read as follows:

27 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides

1 an optional procedure for the issuance of a permit for the movement
2 of oversize or overweight vehicles carrying cargo on state highways
3 located in counties:

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

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

8 (B) bordering the United Mexican States; or

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

13 SECTION 16.22. Section 623.212, Transportation Code, is
14 amended to read as follows:

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

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

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

23 (B) bordering the United Mexican States; or

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

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

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

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

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

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

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

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

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

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

24 (2) may not exceed 30 miles from the port authority or
25 port of entry and must be on a highway or road described by Section
26 [623.405](#) (b) .

27 SECTION 16.25. Section 644.101(b), Transportation Code, is

1 amended to read as follows:

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

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

5 (2) a municipality with a population of 25,000 or more
6 any part of which is located in a county with a population of
7 500,000 or more;

8 (3) a municipality with a population of less than
9 25,000:

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

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

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

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

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

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

22 (B) in a county adjacent to a county with a
23 population greater than 3.3 million;

24 (7) a municipality that is located:

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

26 (B) in a county that does not contain a highway
27 that is part of the national system of interstate and defense

1 highways and is adjacent to a county with a population greater
2 than 3.3 million;

3 (8) a municipality with a population of less than 8,500
4 that:

5 (A) is the county seat; and

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

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

11 (10) a municipality with a population of more than
12 40,000 and less than 50,000 that is located in a county with a
13 population of more than 285,000 and less than 300,000 that borders
14 the Gulf of America [~~Gulf of Mexico~~];

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

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

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

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

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

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

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

1 (13) a municipality with a population of less than
2 75,000 that is located in three counties, at least one of which
3 has a population greater than 3.3 million;

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

6 (A) contains three or more numbered United States
7 highways; and

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

10 (15) a municipality with a population of less than
11 50,000 that is located in:

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

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

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

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

20 (B) that borders:

21 (i) another state; and

22 (ii) the Gulf Intracoastal Waterway

23 (16) a municipality that is located:

24 (A) within 20 miles of an international airport;

25 and

26 (B) in a county that:

27 (i) contains an active quarry;

1 (ii) has a population of more than 150,000
2 but less than 170,000; and

3 (iii) is adjacent to a county with a
4 population of more than two million.

5 SECTION 16.26. Section 729.001(b), Transportation Code, is
6 amended to read as follows:

7 (b) In this section, "beach" means a beach bordering on the
8 Gulf of America [~~Gulf of Mexico~~] that extends inland from the line
9 of mean low tide to the natural line of vegetation bordering on
10 the seaward shore of the Gulf of America [~~Gulf of Mexico~~], or the
11 larger contiguous area to which the public has acquired a right of
12 use or easement to or over by prescription, dedication, or
13 estoppel, or has retained a right by virtue of continuous right in
14 the public since time immemorial as recognized by law or custom.

15 SECTION 16.27. Section 750.002, Transportation Code, is
16 amended to read as follows:

17 Sec. 750.002. SPEED OF VEHICLE IN PARK IN COUNTY BORDERING
18 GULF OF AMERICA [~~GULF OF MEXICO~~]. (a) A person commits an offense
19 if the person drives a vehicle at a speed greater than 30 miles
20 per hour within the boundaries of a county park located in a county
21 that borders on the Gulf of America [~~Gulf of Mexico~~], other than
22 on a beach as that term is defined by Section [61.012](#), Natural
23 Resources Code, in the park.

24 ARTICLE 17. TAX CODE PROVISIONS

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

27 (b) An owner or lessee of a marine or mobile drilling unit

1 designed for offshore drilling of oil or gas wells is entitled to
2 an exemption from taxation of the drilling unit if the drilling
3 unit:

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

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

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

11 (c) A person is entitled to an exemption from taxation of the
12 personal property the person owns or leases that is used,
13 constructed, acquired, stored, or installed solely as part of an
14 offshore spill response containment system, or that is used solely
15 for the development, improvement, storage, deployment, repair,
16 maintenance, or testing of such a system, if the system is being
17 stored while not in use in a county bordering on the Gulf of
18 America [~~Gulf of Mexico~~] or on a bay or other body of water
19 immediately adjacent to the Gulf of America [~~Gulf of Mexico~~].
20 Property described by this subsection and not used for any other
21 purpose is considered to be property used wholly as an integral
22 part of mobile or marine drilling equipment designed for offshore
23 drilling of oil or gas wells.

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

26 (d) This subsection applies only to a taxing unit located in
27 a county having a population of not less than 315,000 and not more

1 than 351,000 that borders a county having a population of 3.3
2 million or more and the Gulf of America [~~Gulf of Mexico~~]. The
3 governing body of a taxing unit that has its taxes collected by
4 another taxing unit that has adopted the split-payment option under
5 Subsection (a) may provide, in the manner required by law for
6 official action by the body, that the split-payment option does
7 not apply to the taxing unit's taxes collected by the other taxing
8 unit.

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

11 (c-1) A property owner who files a notice of protest after
12 the deadline prescribed by Subsection (a) but before the taxes on
13 the property to which the notice applies become delinquent is
14 entitled to a hearing and determination of the protest if the
15 property owner was continuously employed in the Gulf of America
16 [~~Gulf of Mexico~~], including employment on an offshore drilling or
17 production facility or on a vessel, for a period of not less than
18 20 days during which the deadline prescribed by Subsection (a)
19 passed, and the property owner provides the appraisal review board
20 with evidence of that fact through submission of a letter from the
21 property owner's employer or supervisor or, if the property owner
22 is self-employed, a sworn affidavit.

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

25 (1) "Eligible barrier island coastal municipality"
26 means a municipality:

27 (A) that borders on the Gulf of America [~~Gulf of~~

1 ~~Mexico~~];

2 (B) that is located wholly or partly on a barrier
3 island; and

4 (C) that:

5 (i) includes an institution of higher education
6 that is part of the Texas Coastal Ocean Observation Network under
7 Section [33.065](#), Natural Resources Code;

8 (ii) includes a national estuarine research
9 reserve;

10 (iii) is located within 30 miles of the United
11 Mexican States; or

12 (iv) has a population of less than 10,000 and
13 is located in a county with a population of at least 370,000 that
14 is adjacent to a county with a population of at least 3,000,000.

15 SECTION 17.05. Section 156.252(a), Tax Code, is amended to
16 read as follows:

17 (a) In this section, "coastal county" means any county
18 adjacent to:

19 (1) the Gulf of America [~~Gulf of Mexico~~]; or

20 (2) Corpus Christi Bay.

21 SECTION 17.06. Section 321.101(g), Tax Code, is amended to
22 read as follows:

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

1 applies.

2 SECTION 17.07. Sections 351.001(3), (7), and (11), Tax Code,
3 are amended to read as follows:

4 (3) "Eligible coastal municipality" means:

5 (A) a home-rule municipality that borders on the
6 Gulf of America [~~Gulf of Mexico~~] and has a population of less than
7 80,000; or

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

10 (7) "Eligible central municipality" means:

11 (A) a municipality with a population of more than
12 140,000 but less than 1.5 million that is located in a county with
13 a population of one million or more and that has adopted a capital
14 improvement plan for the construction or expansion of a convention
15 center facility;

16 (B) a municipality with a population of 250,000 or
17 more that:

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

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

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

24 (11) "Eligible barrier island coastal municipality"
25 means a municipality:

26 (A) that borders on the Gulf of America [~~Gulf of~~
27 ~~Mexico~~];

1 (B) that is located wholly on a barrier island;
2 and

3 (C) the boundaries of which are within 30 miles of
4 the United Mexican States.

5 SECTION 17.08. Section 351.003(c), Tax Code, is amended to
6 read as follows:

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

12 SECTION 17.09. Section 351.102(e), Tax Code, is amended to
13 read as follows:

14 (e) Subsection (b) applies only to:

15 (1) a municipality with a population of two million or
16 more;

17 (2) a municipality with a population of 700,000 or more
18 but less than 1.4 million;

19 (3) a municipality with a population of 350,000 or more
20 but less than 450,000 in which at least two professional sports
21 stadiums are located, each of which:

22 (A) has a seating capacity of at least 40,000
23 people; and

24 (B) was approved by the voters of the municipality
25 as a sports and community venue project under Chapter [334](#), Local
26 Government Code; and

27

1 (4) a municipality with a population of less than 2,000
2 that:

3 (A) is located adjacent to a bay connected to the
4 Gulf of America [~~Gulf of Mexico~~];

5 (B) is located in a county with a population of
6 290,000 or more that is adjacent to a county with a population of
7 four million or more; and

8 (C) has a boardwalk on the bay.

9 SECTION 17.10. Section 351.1055(b), Tax Code, is amended to
10 read as follows:

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

19 SECTION 17.11. Section 351.1066(a), Tax Code, is amended to
20 read as follows:

21 (a) This section applies only to:

22 (1) a municipality with a population of at least 3,500
23 but less than 5,500 that is the county seat of a county with a
24 population of less than 50,000 that borders a county with a
25 population of more than 1.6 million;

26 (2) a municipality with a population of at least 2,800
27 but less than 3,500 that is the county seat of a county with a

1 population of less than 22,000 that is bordered by the Trinity
2 River and includes a state park and a portion of a wildlife
3 management area;

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

7 (4) a municipality with a population of not more than
8 15,000 that is located in a county through which the Frio River
9 flows and an interstate highway crosses, and that has a population
10 of at least 15,000;

11 (5) a municipality with a population of not less than
12 7,500 that is located in a county with a population of not less
13 than 40,000 but less than 250,000 that is adjacent to a county
14 with a population of less than 750;

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

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

22 SECTION 17.12. Sections 351.107(a) and (e), Tax Code, are
23 amended to read as follows:

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

27 (e) Notwithstanding any other provision of this chapter, a

1 municipality to which this section applies may use all or any
2 portion of the revenue derived from the municipal hotel occupancy
3 tax from hotels in an area previously subject to a county hotel
4 occupancy tax and located on an island bordering the Gulf of
5 America [~~Gulf of Mexico~~] to clean and maintain public beaches in
6 the municipality.

7 SECTION 17.13. Section 351.10713(a), Tax Code, is amended to
8 read as follows:

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

11 (1) that borders the Gulf of America [~~Gulf of Mexico~~];
12 and

13 (2) through which the Colorado River flows.

14 SECTION 17.14. Section 351.152, Tax Code, is amended to read
15 as follows:

16 Sec. 351.152. APPLICABILITY. This subchapter applies only
17 to:

18 (1) a municipality described by Section [351.001](#)(7)(B);

19 (2) a municipality described by Section [351.001](#)(7)(D);

20 (3) a municipality described by Section [351.001](#)(7)(E);

21 (4) a municipality described by Section [351.102](#)(e)(3);

22 (5) a municipality that contains more than 70 percent
23 of the population of a county with a population of 1.5 million or
24 more;

25 (6) a municipality with a population of 175,000 or more
26 but less than 200,000 that is partially located in at least one
27 county with a population of 125,000 or more;

1 (7) a municipality with a population of 250,000 or more
2 but less than one million that is located in one county with a
3 population of 2.5 million or more;

4 (8) a municipality with a population of 180,000 or more
5 that:

6 (A) is located in two counties, each with a
7 population of 100,000 or more; and

8 (B) contains an American Quarter Horse Hall of
9 Fame and Museum;

10 (9) a municipality with a population of 96,000 or more
11 that is located in a county that borders Lake Palestine;

12 (10) a municipality with a population of 96,000 or more
13 that is located in a county that contains the headwaters of the
14 San Gabriel River;

15 (11) a municipality with a population of at least 95,000
16 that is located in a county that is bisected by United States
17 Highway 385 and has a population of not more than 170,000;

18 (12) a municipality with a population of 110,000 or
19 more but less than 135,000 at least part of which is located in a
20 county with a population of less than 135,000;

21 (13) a municipality with a population of 28,000 or more
22 but less than 31,000 that is located in two counties, each of which
23 has a population of 900,000 or more and a southern border with a
24 county with a population of 2.5 million or more;

25 (14) a municipality with a population of 200,000 or
26 more but less than 300,000 that contains a component institution
27 of the Texas Tech University System;

1 (15) a municipality with a population of 95,000 or more
2 that:
3 (A) is located in more than one county; and
4 (B) borders Lake Lewisville;
5 (16) a municipality with a population of 45,000 or more
6 that:
7 (A) contains a portion of Cedar Hill State Park;
8 (B) is located in two counties, one of which has
9 a population of 2.5 million or more and one of which has a
10 population of 190,000 or more; and
11 (C) has adopted a capital improvement plan for the
12 construction or expansion of a convention center facility;
13 (17) a municipality with a population of less than
14 10,000 that:
15 (A) is almost wholly located in a county with a
16 population of 900,000 or more that is adjacent to a county with a
17 population of 2.5 million or more;
18 (B) is partially located in a county with a
19 population of 2.1 million or more that is adjacent to a county
20 with a population of 2.5 million or more;
21 (C) has a visitor center and museum located in a
22 19th-century rock building in the municipality's downtown; and
23 (D) has a waterpark open to the public;
24 (18) a municipality with a population of 60,000 or more
25 that:
26 (A) borders Lake Ray Hubbard; and
27 (B) is located in two counties, one of which has

1 a population of less than 110,000;

2 (19) a municipality with a population of 110,000 or
3 more that:

4 (A) borders Clear Lake; and

5 (B) is primarily located in a county with a
6 population of less than 355,000;

7 (20) a municipality with a population of less than 2,000
8 that:

9 (A) is located adjacent to a bay connected to the
10 Gulf of America [~~Gulf of Mexico~~];

11 (B) is located in a county with a population of
12 290,000 or more that is adjacent to a county with a population of
13 four million or more; and

14 (C) has a boardwalk on the bay;

15 (21) a municipality with a population of 75,000 or more
16 that:

17 (A) is located wholly in one county with a
18 population of 800,000 or more that is adjacent to a county with a
19 population of four million or more; and

20 (B) has adopted a capital improvement plan for the
21 construction or expansion of a convention center facility;

22 (22) a municipality with a population of less than
23 70,000 that is located in three counties, at least one of which
24 has a population of four million or more;

25 (23) an eligible coastal municipality with a population
26 of 2,900 or more but less than 5,000;

27 (24) a municipality with a population of 90,000 or more

1 but less than 150,000 that:

2 (A) is located in three counties; and

3 (B) contains a branch campus of a component
4 institution of the University of Houston System;

5 (25) a municipality that is:

6 (A) primarily located in a county with a population
7 of four million or more; and

8 (B) connected by a bridge to a municipality
9 described by Subdivision (20);

10 (26) a municipality with a population of 25,000 or more
11 but less than 30,000 that:

12 (A) contains a portion of Mustang Bayou; and

13 (B) is wholly located in a county with a population
14 of less than 500,000;

15 (27) a municipality with a population of 70,000 or more
16 but less than 90,000 that is located in two counties, one of which
17 has a population of four million or more and the other of which
18 has a population of less than 50,000;

19 (28) a municipality with a population of 10,000 or more
20 that:

21 (A) is wholly located in a county with a population
22 of four million or more; and

23 (B) has a city hall located less than three miles
24 from a space center operated by an agency of the federal
25 government;

26 (29) a municipality that is the county seat of a county:

27 (A) through which the Pedernales River flows; and

1 (B) in which the birthplace of a president of the
2 United States is located;

3 (30) a municipality that contains a portion of U.S.
4 Highway 79 and State Highway 130;

5 (31) a municipality with a population of 70,000 or more
6 but less than 115,000 that is located in two counties, one of which
7 has a population of 1.1 million or more but less than 1.9 million;

8 (32) a municipality with a population of less than
9 25,000 that contains a museum of Western American art;

10 (33) a municipality with a population of 50,000 or more
11 that is the county seat of a county that contains a portion of the
12 Sam Houston National Forest;

13 (34) a municipality with a population of less than
14 25,000 that:

15 (A) contains a cultural heritage museum; and

16 (B) is located in a county that borders the United
17 Mexican States and the Gulf of America [~~Gulf of Mexico~~];

18 (35) a municipality that is the county seat of a county
19 that:

20 (A) has a population of 115,000 or more;

21 (B) is adjacent to a county with a population of
22 2.1 million or more; and

23 (C) hosts an annual peach festival;

24 (36) a municipality that is the county seat of a county
25 that:

26 (A) has a population of 800,000 or more; and

27 (B) is adjacent to a county with a population of

1 four million or more;

2 (37) a municipality with a population of less than
3 10,000 that:

4 (A) contains a component university of The Texas
5 A&M University System; and

6 (B) is located in a county adjacent to a county
7 that borders Oklahoma;

8 (38) a municipality with a population of less than
9 17,000 that:

10 (A) is located in two counties, each of which has
11 a population of 900,000 or more but less than two million; and

12 (B) hosts an annual Cajun Festival;

13 (39) a municipality with a population of 13,000 or more
14 that:

15 (A) is located on an international border; and

16 (B) is located in a county:

17 (i) with a population of less than 400,000;

18 and

19 (ii) in which at least one World Birding
20 Center site is located;

21 (40) a municipality with a population of 3,200 or more
22 that:

23 (A) is located on an international border; and

24 (B) is located not more than five miles from a
25 state historic site that serves as a visitor center for a state
26 park that contains 300,000 or more acres of land;

27 (41) a municipality with a population of 36,000 or more

1 that is adjacent to at least two municipalities described by
2 Subdivision (15);

3 (42) a municipality with a population of 28,000 or more
4 that is located in a county with a population of 240,000 or more
5 that contains a portion of the Blanco River and in which is located
6 a historic railroad depot and heritage center;

7 (43) a municipality located in a county that has a
8 population of not more than 300,000 and in which a component
9 university of the University of Houston System is located;

10 (44) a municipality with a population of less than
11 500,000 that is:

12 (A) located in two counties; and

13 (B) adjacent to a municipality described by
14 Subdivision (31);

15 (45) a municipality that:

16 (A) has a population of more than 67,000; and

17 (B) is located in two counties with 90 percent of
18 the municipality's territory located in a county with a population
19 of at least 800,000, and the remaining territory located in a
20 county with a population of at least four million;

21 (46) a municipality that:

22 (A) has a population of 100,000 or more; and

23 (B) is wholly located in, but is not the county
24 seat of, a county with a population of one million or more:

25 (i) in which all or part of a municipality
26 with a population of one million or more is located; and

27 (ii) that is adjacent to a county with a

1 population of 2.5 million or more;

2 (47) a municipality that is the county seat of a county
3 bordering the Gulf of America [~~Gulf of Mexico~~] and the United
4 Mexican States;

5 (48) a municipality that is bisected by the Guadalupe
6 River and is the county seat of a county with a population of
7 170,000 or more;

8 (49) a municipality with a population of 70,000 or more
9 but less than 150,000 that borders Joe Pool Lake;

10 (50) a municipality with a population of 115,000 or
11 more that borders the Neches River;

12 (51) a municipality described by Section [351.101](#)(k);

13 (52) a municipality that is the county seat of a county:

14 (A) through which the Brazos River flows; and

15 (B) in which a national monument is located;

16 (53) a municipality with a population of 45,000 or more
17 that:

18 (A) is not the county seat of a county;

19 (B) is located in a single county; and

20 (C) contains a portion of Lake Lewisville;

21 (54) a municipality that is the county seat of a county
22 with a population of more than 900,000 that is adjacent to two
23 counties, each of which has a population of more than 1.8 million;

24 (55) a municipality that hosts an annual wine festival
25 and is located in three counties, each of which has a population
26 of more than 900,000;

27 (56) a municipality that has a population of at least

1 150,000 but less than 1,300,000 and is partially located in a
2 county that contains a portion of Cedar Creek Reservoir;

3 (57) a municipality that is located in a county that
4 contains a portion of Cedar Creek Reservoir and in which a private
5 college is located;

6 (58) a municipality that is the county seat of a county:

7 (A) with a population of one million or more;

8 (B) in which all or part of a municipality with a
9 population of one million or more is located; and

10 (C) that is located adjacent to a county with a
11 population of 2.5 million or more;

12 (59) a municipality that is the county seat of a county
13 that contains a portion of Cedar Creek Reservoir and borders a
14 county with a population of more than 240,000;

15 (60) a municipality with a population of more than
16 80,000 but less than 150,000 that is located in a county with a
17 population of more than 369,000 but less than 864,000 that contains
18 part of an active duty United States Army installation;

19 (61) a municipality with a population of 750,000 or
20 more that is located in a county with a population of 1.5 million
21 or less;

22 (62) a municipality with a population of less than 7,000
23 that contains a country music hall of fame;

24 (63) a municipality with a population of 35,000 or more
25 that contains a railroad museum and is located in a county that:

26 (A) has a population of 800,000 or more; and

27 (B) is adjacent to a county with a population of

1 four million or more; and

2 (64) a municipality:

3 (A) that is the county seat of a county:

4 (i) with a population of 60,000 or less; and

5 (ii) that borders the Rio Grande; and

6 (B) in which is located a United States military
7 fort listed in the National Register of Historic Places.

8 SECTION 17.15. Section 352.002(a), Tax Code, is amended to
9 read as follows:

10 (a) The commissioners courts of the following counties by
11 the adoption of an order or resolution may impose a tax on a person
12 who, under a lease, concession, permit, right of access, license,
13 contract, or agreement, pays for the use or possession or for the
14 right to the use or possession of a room that is in a hotel, costs
15 \$2 or more each day, and is ordinarily used for sleeping:

16 (1) a county that has a population of more than 3.3
17 million;

18 (2) a county that has a population of 90,000 or more,
19 borders the United Mexican States, does not border the Gulf of
20 America [~~Gulf of Mexico~~], and does not have four or more cities
21 that each have a population of more than 25,000;

22 (3) a county in which there is no municipality;

23 (4) a county in which there is located an Indian
24 reservation under the jurisdiction of the United States
25 government;

26 (5) a county that has a population of 30,000 or less,
27 that has no more than one municipality with a population of less

1 than 2,500, and that borders two counties located wholly in the
2 Edwards Aquifer Authority established by Chapter 626, Acts of the
3 73rd Legislature, Regular Session, 1993;

4 (6) a county that borders the Gulf of America [~~Gulf of~~
5 ~~Mexico~~];

6 (7) a county that has a population of less than 5,000,
7 that borders the United Mexican States, and in which there is
8 located a major observatory;

9 (8) a county that has a population of 12,000 or less
10 and borders the Toledo Bend Reservoir;

11 (9) a county that has a population of less than 12,500
12 and an area of less than 275 square miles and does not border a
13 county that borders Arkansas and Louisiana;

14 (10) a county that has a population of 30,000 or less
15 and borders Possum Kingdom Lake;

16 (11) a county that borders a county with a population
17 of more than 300,000 and the United Mexican States and has a
18 population of more than 300,000 and less than 900,000;

19 (12) a county that has a population of 35,000 or more
20 and borders or contains a portion of Lake Fork Reservoir;

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

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

26 (15) a county that has a population of 28,000 or less,
27 that has no more than four municipalities, and that is located

1 wholly in the Edwards Aquifer Authority established by Chapter
2 626, Acts of the 73rd Legislature, Regular Session, 1993;

3 (16) a county that has a population of 25,000 or less,
4 whose territory is less than 750 square miles, and that has two
5 incorporated municipalities, each with a population of 800 or less,
6 at least one of which is located on the Frio River;

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

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

12 (19) a county with a population of 22,000 or less that
13 borders the Neches River and in which there is located a national
14 preserve;

15 (20) a county that has a population of 28,000 or less
16 and that borders or contains a portion of Lake Livingston;

17 (21) a county through which the Pedernales River flows
18 and in which the birthplace or the childhood home of a president
19 of the United States is located;

20 (22) a county that has a population of 35,000 or less
21 and borders Lake Buchanan;

22 (23) a county with a population of less than 11,000
23 that is bordered by the Sulphur River;

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

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

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

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

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

8 (29) a county that borders Whitney Lake.

9 SECTION 17.16. Section 352.003(f), Tax Code, is amended to
10 read as follows:

11 (f) The tax rate in a county that borders the Gulf of America
12 [~~Gulf of Mexico~~], has a population of more than 200,000, and
13 borders the Neches River may not exceed two percent of the price
14 paid for a room in a hotel in the county.

15 SECTION 17.17. Section 352.1033, Tax Code, is amended to read
16 as follows:

17 Sec. 352.1033. USE OF REVENUE; COUNTIES BORDERING THE GULF OF
18 AMERICA [~~GULF OF MEXICO~~]. (a) Subject to Subsection (c), the
19 revenue from a tax imposed under this chapter by a county that
20 borders the Gulf of America [~~Gulf of Mexico~~] authorized to impose
21 the tax by Section [352.002](#) (a) (6) may be used only to:

22 (1) clean public beaches;

23 (2) acquire, furnish, or maintain facilities, including
24 parks, that enhance public access to beaches;

25 (3) provide and maintain public restrooms on or adjacent
26 to beaches or beach access facilities;

27 (4) provide and maintain litter containers on or

1 adjacent to beaches or beach access facilities;

2 (5) create, renovate, promote, and maintain parks
3 adjacent to bays, rivers, and other navigable waterways if the
4 county does not operate a public beach on the Gulf of America [~~Gulf~~
5 ~~of Mexico~~];

6 (6) advertise and conduct solicitations and promotional
7 programs to attract tourists and convention delegates or
8 registrants to the county or its vicinity, any of which may be
9 conducted by the county or through contracts with persons or
10 organizations selected by the county;

11 (7) acquire a site for and construct, improve, enlarge,
12 equip, repair, operate, and maintain a visitor information center;
13 and

14 (8) encourage, promote, and improve historical
15 preservation and restoration efforts.

16 (b) A county that borders the Gulf of America [~~Gulf of Mexico~~]
17 and that is authorized to impose the tax by Section [352.002](#) (a) (6)
18 may use 50 percent or less of the revenue from the tax for the
19 promotion of tourism.

20 (c) In addition to the uses allowed by Subsection (a), a
21 county authorized to impose a tax under this chapter by Section
22 [352.002](#) (a) (6) that has a population of 50,000 or less and in which
23 there is located at least one national wildlife refuge may use the
24 revenue from the tax to:

25 (1) acquire, construct, furnish, or maintain
26 facilities, such as aquariums, birding centers and viewing sites,
27 history and art centers, and nature centers and trails;

1 (2) advertise and conduct solicitations and promotional
2 programs to attract conventions and visitors; and

3 (3) provide and maintain public restrooms and litter
4 containers on public land in an area that is a tourism venue.

5 (d) The limitation prescribed by Subsection (b) does not
6 apply to the use of revenue from a tax imposed under this chapter
7 by a county to which Subsection (c) applies.

8 ARTICLE 18. UTILITIES CODE PROVISIONS

9 SECTION 18.01. Section 39.9016, Utilities Code, is amended to
10 read as follows:

11 Sec. 39.9016. NUCLEAR SAFETY FEE. An electric utility that
12 operates a nuclear asset located in a county on the coast of the
13 Gulf of America [~~Gulf of Mexico~~] shall pay a nuclear safety fee
14 for the year 2000 and the year 2001 to each taxing unit in which
15 the nuclear asset is located, other than a school district, in an
16 amount equal to the difference between the ad valorem taxes imposed
17 by the taxing unit in 1999 and the amount of ad valorem taxes
18 imposed by the unit in the year for which the fee is due, except
19 that the amount of the fee may not exceed one-half the taxes
20 imposed on the asset by the unit in 1999. The nuclear safety fee
21 shall be considered a tax or fee under Section [39.258](#)(5).

22 ARTICLE 19. WATER CODE PROVISIONS

23 SECTION 19.01. Section 11.002(11), Water Code, is amended to
24 read as follows:

25 (11) "River basin" means a river or coastal basin
26 designated by the board as a river basin under Section [16.051](#). The
27 term does not include waters originating in the bays or arms of

1 the Gulf of America [~~Gulf of Mexico~~].

2 SECTION 19.02. Section 11.021(a), Water Code, is amended to
3 read as follows:

4 (a) The water of the ordinary flow, underflow, and tides of
5 every flowing river, natural stream, and lake, and of every bay or
6 arm of the Gulf of America [~~Gulf of Mexico~~], and the storm water,
7 floodwater, and rainwater of every river, natural stream, canyon,
8 ravine, depression, and watershed in the state is the property of
9 the state.

10 SECTION 19.03. Section 11.023(f), Water Code, is amended to
11 read as follows:

12 (f) The water of any arm, inlet, or bay of the Gulf of America
13 [~~Gulf of Mexico~~] may be changed from salt water to sweet or fresh
14 water and held or stored by dams, dikes, or other structures and
15 may be taken or diverted for any purpose authorized by this
16 chapter.

17 SECTION 19.04. Section 11.050(a), Water Code, is amended to
18 read as follows:

19 (a) An appropriator authorized to take water for irrigation,
20 subject to the laws of the United States and the regulations made
21 under its authority, may construct gates or breakwaters, dams, or
22 dikes with gates, in waters wholly in this state, as necessary to
23 prevent pollution of the fresh water of any river, bayou, or stream
24 due to the ebb and flow of the tides of the Gulf of America [~~Gulf~~
25 ~~of Mexico~~].

26 SECTION 19.05. Section 11.0871(a), Water Code, is amended to
27 read as follows:

1 (a) The commission may authorize, under conditions stated in
2 an order, a watermaster to provide for the temporary diversion and
3 use by holders of water rights of storm water or floodwater that
4 spills from dams and reservoirs on an international stream and
5 otherwise would flow into the Gulf of America [~~Gulf of Mexico~~]
6 without opportunity for beneficial use.

7 SECTION 19.06. Sections 11.1405(a) and (b), Water Code, are
8 amended to read as follows:

9 (a) The commission may issue a permit under this section to
10 authorize a diversion of state water from the Gulf of America [~~Gulf~~
11 ~~of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of Mexico~~]
12 for desalination and use for industrial purposes if:

13 (1) the point of diversion is located less than three
14 miles seaward of any point located on the coast of this state; or

15 (2) the seawater contains a total dissolved solids
16 concentration based on a yearly average of samples taken monthly
17 at the water source of less than 20,000 milligrams per liter.

18 (b) A person may divert state water from the Gulf of America
19 [~~Gulf of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of~~
20 ~~Mexico~~] for desalination and use for industrial purposes without
21 obtaining a permit if Subsection (a) does not apply.

22 SECTION 19.07. Section 11.142(c), Water Code, is amended to
23 read as follows:

24 (c) Without obtaining a permit, a person who is drilling and
25 producing petroleum and conducting operations associated with
26 drilling and producing petroleum may take for those purposes state
27 water from the Gulf of America [~~Gulf of Mexico~~] and adjacent bays

1 and arms of the Gulf of America [~~Gulf of Mexico~~] in an amount not
2 to exceed one acre-foot during each 24-hour period.

3 SECTION 19.08. Section 11.1421(b), Water Code, is amended to
4 read as follows:

5 (b) Without obtaining a permit and subject to the requirements
6 and limitations provided by Subsections (c) through (e) of this
7 section, a person who is engaged in mariculture operations on land
8 may take for that purpose state water from the Gulf of America
9 [~~Gulf of Mexico~~] and adjacent bays and arms of the Gulf of America
10 [~~Gulf of Mexico~~] in an amount appropriate to those mariculture
11 activities.

12 SECTION 19.09. Section 11.3271(h), Water Code, is amended to
13 read as follows:

14 (h) Before granting a permit to convey water down the banks
15 and bed of the Rio Grande, the commission shall adopt rules that
16 provide for the methods and procedures by which the watermaster
17 shall account for any discharge, delivery, conveyance, storage,
18 diversion, or associated loss of water conveyed down the banks and
19 bed of the Rio Grande. A permit to convey water down the banks and
20 bed of the Rio Grande may not allow the permit holder to share in
21 any beneficial state water inflows into the Rio Grande. The permit
22 holder is entitled to convey only the amount of water specified in
23 the permit, less the carriage losses incurred in transit, as
24 described and measured according to commission rules. A rule
25 adopted by the commission under this subsection must be consistent
26 with the Treaty Relating to the Utilization of the Waters of the
27 Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo)

1 from Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~],
2 concluded by the United States and the United Mexican States on
3 February 3, 1944, and with any minute order adopted by the
4 International Boundary and Water Commission.

5 SECTION 19.10. Section 13.245(c-5), Water Code, is amended to
6 read as follows:

7 (c-5) Subsections (c-1), (c-2), (c-3), and (c-4) do not apply
8 to:

9 (1) a county that borders the United Mexican States and
10 the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to such
11 a county;

12 (2) a county with a population of more than 30,000 and
13 less than 36,000 that borders the Red River; or

14 (3) a county with a population of more than 100,000 and
15 less than 200,000 that borders a county described by Subdivision
16 (2).

17 SECTION 19.11. Section 13.2451(b-1), Water Code, is amended
18 to read as follows:

19 (b-1) Subsection (b) does not apply to an extension of
20 extraterritorial jurisdiction in a county that borders the United
21 Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county
22 adjacent to such a county.

23 SECTION 19.12. Section 13.254(a-9), Water Code, is amended to
24 read as follows:

25 (a-9) Subsection (a-8) does not apply to a county that borders
26 the United Mexican States and the Gulf of America [~~Gulf of Mexico~~]
27 or a county adjacent to a county that borders the United Mexican

1 States and the Gulf of America [~~Gulf of Mexico~~].

2 SECTION 19.13. Section 16.053(e), Water Code, is amended to
3 read as follows:

4 (e) Each regional water planning group shall submit to the
5 development board a regional water plan that:

6 (1) is consistent with the guidance principles for the
7 state water plan adopted by the development board under Section
8 [16.051](#)(d);

9 (2) provides information based on data provided or
10 approved by the development board in a format consistent with the
11 guidelines provided by the development board under Subsection (d);

12 (2-a) is consistent with the desired future conditions
13 adopted under Section [36.108](#) for the relevant aquifers located in
14 the regional water planning area as of the most recent deadline
15 for the board to adopt the state water plan under Section [16.051](#)
16 or, at the option of the regional water planning group, established
17 subsequent to the adoption of the most recent plan; provided,
18 however, that if no groundwater conservation district exists
19 within the area of the regional water planning group, the regional
20 water planning group shall determine the supply of groundwater for
21 regional planning purposes; the Texas Water Development Board
22 shall review and approve, prior to inclusion in the regional water
23 plan, that the groundwater supply for the regional planning group
24 without a groundwater conservation district in its area is
25 physically compatible, using the board's groundwater availability
26 models, with the desired future conditions adopted under Section
27 [36.108](#) for the relevant aquifers in the groundwater management

1 area that are regulated by groundwater conservation districts;

2 (3) identifies:

3 (A) each source of water supply in the regional
4 water planning area, including information supplied by the
5 executive administrator on the amount of modeled available
6 groundwater in accordance with the guidelines provided by the
7 development board under Subsections (d) and (f);

8 (B) factors specific to each source of water supply
9 to be considered in determining whether to initiate a drought
10 response;

11 (C) actions to be taken as part of the response;

12 (D) existing major water infrastructure facilities
13 that may be used for interconnections in the event of an emergency
14 shortage of water; and

15 (E) unnecessary or counterproductive variations in
16 specific drought response strategies, including outdoor watering
17 restrictions, among user groups in the regional water planning
18 area that may confuse the public or otherwise impede drought
19 response efforts;

20 (4) has specific provisions for water management
21 strategies to be used during a drought of record;

22 (5) includes but is not limited to consideration of the
23 following:

24 (A) any existing water or drought planning efforts
25 addressing all or a portion of the region and potential impacts on
26 public health, safety, or welfare in this state;

27 (B) approved groundwater conservation district

1 management plans and other plans submitted under Section [16.054](#);

2 (C) all potentially feasible water management
3 strategies, including but not limited to improved conservation,
4 reuse, and management of existing water supplies, conjunctive use,
5 acquisition of available existing water supplies, and development
6 of new water supplies;

7 (D) protection of existing water rights in the
8 region;

9 (E) opportunities for and the benefits of
10 developing regional water supply facilities or providing regional
11 management of water supply facilities;

12 (F) appropriate provision for environmental water
13 needs and for the effect of upstream development on the bays,
14 estuaries, and arms of the Gulf of America [~~Gulf of Mexico~~] and
15 the effect of plans on navigation;

16 (G) provisions in Section [11.085](#)(k)(1) if
17 interbasin transfers are contemplated;

18 (H) voluntary transfer of water within the region
19 using, but not limited to, regional water banks, sales, leases,
20 options, subordination agreements, and financing agreements;

21 (I) emergency transfer of water under Section
22 [11.139](#), including information on the part of each permit, certified
23 filing, or certificate of adjudication for nonmunicipal use in the
24 region that may be transferred without causing unreasonable damage
25 to the property of the nonmunicipal water rights holder; and

26 (J) opportunities for and the benefits of
27 developing large-scale desalination facilities for:

1 (i) marine seawater that serve local or
2 regional entities; and

3 (ii) brackish groundwater that serve local or
4 regional brackish groundwater production zones identified and
5 designated under Section [16.060](#) (b) (5);

6 (6) identifies river and stream segments of unique
7 ecological value and sites of unique value for the construction of
8 reservoirs that the regional water planning group recommends for
9 protection under Section [16.051](#);

10 (7) assesses the impact of the plan on unique river and
11 stream segments identified in Subdivision (6) if the regional water
12 planning group or the legislature determines that a site of unique
13 ecological value exists;

14 (8) describes the impact of proposed water projects on
15 water quality;

16 (9) includes information on:

17 (A) projected water use and conservation in the
18 regional water planning area;

19 (B) the implementation of state and regional water
20 plan projects, including water conservation strategies, necessary
21 to meet the state's projected water demands; and

22 (C) the implementation of large projects,
23 including reservoirs, interstate water transfers, innovative
24 technology projects, desalination plants, and other large projects
25 as determined by the board, including information regarding:

26 (i) expenditures of sponsor money;

27 (ii) permit applications, including the

1 status of a permit application; and

2 (iii) status updates on the phase of
3 construction of a project;

4 (10) if the regional water planning area has significant
5 identified water needs, provides a specific assessment of the
6 potential for aquifer storage and recovery projects to meet those
7 needs;

8 (11) sets one or more specific goals for gallons of
9 water use per capita per day in each decade of the period covered
10 by the plan for the municipal water user groups in the regional
11 water planning area; and

12 (12) assesses the progress of the regional water
13 planning area in encouraging cooperation between water user groups
14 for the purpose of achieving economies of scale and otherwise
15 incentivizing strategies that benefit the entire region.

16 SECTION 19.14. Section 16.321, Water Code, is amended to read
17 as follows:

18 Sec. 16.321. COASTAL FLOODING. The Commissioner of the
19 General Land Office shall adopt and enforce reasonable rules and
20 regulations necessary for protection from flooding on barrier
21 islands, peninsulas, and mainland areas fronting on the Gulf of
22 America [~~Gulf of Mexico~~]. Rules and regulations adopted pursuant
23 to this section shall be limited to those matters that political
24 subdivisions are authorized to address under Section [16.315](#) of
25 this code. Except as otherwise provided by this section, all
26 actions taken by political subdivisions under Section [16.315](#) of
27 this code with respect to flooding on barrier islands, peninsulas,

1 and mainland areas fronting on the Gulf of America [~~Gulf of Mexico~~]
2 must comply with rules and regulations adopted by the commissioner
3 under this section. A political subdivision may adopt rules that
4 are more stringent than those adopted by the commissioner under
5 this section, provided the stricter provisions are intended to
6 ensure compliance with the National Flood Insurance Program's
7 rules, regulations, and policies.

8 SECTION 19.15. Section 18.001(2) Water Code, is amended to
9 read as follows:

10 (2) "Marine seawater" means water that is derived from
11 the Gulf of America [~~Gulf of Mexico~~].

12 SECTION 19.16. Section 18.003(i) Water Code, is amended to
13 read as follows:

14 (i) The Parks and Wildlife Department and the General Land
15 Office jointly shall conduct a study to identify zones in the Gulf
16 of America [~~Gulf of Mexico~~] that are appropriate for the diversion
17 of marine seawater, taking into account the need to protect marine
18 organisms. Not later than September 1, 2018, the Parks and
19 Wildlife Department and the General Land Office shall submit a
20 report on the results of the study to the commission. The report
21 must include recommended diversion zones for designation by the
22 commission and recommendations for the number of points from which,
23 and the rate at which, a facility may divert marine seawater. Not
24 later than September 1, 2020, the commission by rule shall
25 designate appropriate diversion zones. A diversion zone may be
26 contiguous to, be the same as, or overlap a discharge zone. The
27 point or points from which a facility may divert marine seawater

1 must be located in a diversion zone designated by the commission
2 under rules adopted under this subsection if:

3 (1) the facility is authorized by a permit as required
4 by Subsection (a) issued after the rules are adopted; or

5 (2) the facility is exempt under Subsection (b) from
6 the requirement of a permit and construction of the facility begins
7 after the rules are adopted.

8 SECTION 19.17. Sections 18.005(c), (d), and (g), Water Code,
9 are amended to read as follows:

10 (c) A person must obtain a permit to discharge:

11 (1) treated marine seawater into a natural stream in
12 this state or a lake, reservoir, or other impoundment in this
13 state; or

14 (2) waste resulting from the desalination of treated
15 marine seawater into the Gulf of America [~~Gulf of Mexico~~].

16 (d) A person shall:

17 (1) treat marine seawater so as to meet standards that
18 are at least as stringent as the water quality standards adopted
19 by the commission applicable to the receiving stream or impoundment
20 before discharging the seawater under this section; and

21 (2) comply with all applicable state and federal
22 requirements when discharging waste resulting from the
23 desalination of marine seawater into the Gulf of America [~~Gulf of~~
24 ~~Mexico~~].

25 (g) The Parks and Wildlife Department and the General Land
26 Office jointly shall conduct a study to identify zones in the Gulf
27 of America [~~Gulf of Mexico~~] that are appropriate for the discharge

1 of waste resulting from the desalination of marine seawater, taking
2 into account the need to protect marine organisms. Not later than
3 September 1, 2018, the Parks and Wildlife Department and the
4 General Land Office shall submit a report on the results of the
5 study to the commission. The report must include recommended
6 discharge zones for designation by the commission. Not later than
7 September 1, 2020, the commission by rule shall designate
8 appropriate discharge zones. The point at which a facility may
9 discharge waste resulting from the desalination of marine seawater
10 must be located in a discharge zone designated by the commission
11 under rules adopted under this subsection if the facility is
12 authorized by a permit issued under Subsection (c)(2) after the
13 rules are adopted.

14 SECTION 19.18. Section 26.001(5), Water Code, is amended to
15 read as follows:

16 (5) "Water" or "water in the state" means groundwater,
17 percolating or otherwise, lakes, bays, ponds, impounding
18 reservoirs, springs, rivers, streams, creeks, estuaries, wetlands,
19 marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~],
20 inside the territorial limits of the state, and all other bodies
21 of surface water, natural or artificial, inland or coastal, fresh
22 or salt, navigable or nonnavigable, and including the beds and
23 banks of all watercourses and bodies of surface water, that are
24 wholly or partially inside or bordering the state or inside the
25 jurisdiction of the state.

26 SECTION 19.19. Sections 26.0272(b) and (c), Water Code, are
27 amended to read as follows:

1 (b) The commission may issue a permit for the discharge of
2 water treatment residuals from the desalination of seawater into
3 the portion of the Gulf of America [~~Gulf of Mexico~~] inside the
4 territorial limits of the state.

5 (c) Before issuing a permit under this section, the commission
6 must evaluate the discharge of water treatment residuals from the
7 desalination of seawater into the Gulf of America [~~Gulf of Mexico~~]
8 for compliance with the state water quality standards adopted by
9 the commission, the requirements of the Texas Pollutant Discharge
10 Elimination System program, and applicable federal law.

11 SECTION 19.20. Section 26.044(a)(4), Water Code, is amended
12 to read as follows:

13 (4) "Surface water in the state" means all lakes, bays,
14 ponds, impounding reservoirs, springs, rivers, streams, creeks,
15 estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of~~
16 ~~Mexico~~] out three nautical miles into the Gulf, and all other
17 bodies of surface water, natural or artificial, inland or coastal,
18 fresh or salt, navigable or nonnavigable, and including the beds
19 and banks of all watercourses and bodies of surface water, that
20 are wholly or partially inside or bordering the state or inside
21 the jurisdiction of the state, except waters beyond three nautical
22 miles of any shore in the state.

23 SECTION 19.21. Section 27.040, Water Code, is amended to read
24 as follows:

25 Sec. 27.040. DEFINITION. In this subchapter, "offshore" means
26 the area in the Gulf of America [~~Gulf of Mexico~~] seaward of the
27 coast that is within three marine leagues of the coast.

1 SECTION 19.22. Section 28.001(4), Water Code, is amended to
2 read as follows:

3 (4) "Water" or "water in the state" means groundwater,
4 percolating or otherwise, lakes, bays, ponds, impounding
5 reservoirs, springs, rivers, streams, creeks, estuaries, marshes,
6 inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the
7 territorial limits of the state, and all other bodies of natural
8 and artificial surface water that is inland or coastal, fresh or
9 salt, and navigable or nonnavigable, and includes the beds and
10 banks of all watercourses and bodies of surface water, that are
11 wholly or partially inside or bordering the state or inside the
12 jurisdiction of the state.

13 SECTION 19.23. Section 31.001(11), Water Code, is amended to
14 read as follows:

15 (11) "Water" or "water in the state" means groundwater,
16 percolating or otherwise, lakes, bays, ponds, impounding
17 reservoirs, springs, rivers, streams, creeks, estuaries, marshes,
18 inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the
19 territorial limits of the state, and all other bodies of natural
20 and artificial surface water that are inland or coastal, fresh or
21 salt, and navigable or nonnavigable and includes the beds and banks
22 of all watercourses and bodies of surface water that are wholly or
23 partially inside or bordering the state or inside the jurisdiction
24 of the state.

25 SECTION 19.24. Section 36.001(23), Water Code, is amended to
26 read as follows:

27 (23) "River basin" means a river or coastal basin

1 designated as a river basin by the board under Section [16.051](#). The
2 term does not include waters of the bays or arms originating in
3 the Gulf of America [~~Gulf of Mexico~~].

4 SECTION 19.25. Section 49.2127(b), Water Code, is amended to
5 read as follows:

6 (b) This section applies only to a district whose territory
7 is located wholly or partly in a county:

8 (1) located on the Gulf of America [~~Gulf of Mexico~~] and
9 an international border; or

10 (2) adjacent to a county described by Subdivision (1).

11 SECTION 19.26. Section 49.502, Water Code, is amended to read
12 as follows:

13 Sec. 49.502. APPLICABILITY. This subchapter applies only to
14 a district, other than a drainage district, located wholly or
15 partly in a county:

16 (1) that borders the Gulf of America [~~Gulf of Mexico~~]
17 and the United Mexican States; or

18 (2) that is adjacent to a county described by
19 Subdivision (1).

20 SECTION 19.27. Section 54.235, Water Code, is amended to read
21 as follows:

22 Sec. 54.235. AUTHORITY TO CONTRACT. Any district created by
23 general law or special act of the legislature in existence for at
24 least 10 years which lies within a county that borders on the Gulf
25 of America [~~Gulf of Mexico~~] and that has a population of 190,000
26 and which has the powers of this chapter and which also has or is
27 authorized to acquire road utility district powers pursuant to

1 Section [54.234](#), of this code, may contract with the county within
2 which it is located with respect to the ownership, maintenance,
3 and operation of any facilities or improvements which such district
4 is authorized or may be authorized to acquire by purchase, gift,
5 lease, or otherwise, except by condemnation, any and all property
6 or interests in property, whether real, personal, or mixed,
7 tangible or intangible, located inside or outside such county,
8 that are found to be necessary for such improvements or facilities.
9 Such county may enter into contracts with such districts as
10 permitted by this section for any term of years not exceeding 40
11 for the management and operation of any or all of such property
12 and interests in property on such terms as the commissioners court
13 of such county deems appropriate.

14 SECTION 19.28. Section 60.039(c), Water Code, is amended to
15 read as follows:

16 (c) This subsection applies only to a district that operates
17 a port in this state that is wholly located in a county that
18 borders the Gulf of America [~~Gulf of Mexico~~] and that is adjacent
19 to a county that contains an international border and borders the
20 Gulf of America [~~Gulf of Mexico~~]. The district may lease the
21 surface of land for not more than 99 years or may extend a lease
22 to a period not to exceed 99 years only if:

23 (1) the lease conveys an interest in the surface of the
24 land for residential purposes only;

25 (2) at the time the lease will be entered into or
26 extended, the district has not less than 50 leases in effect that
27 convey an interest in the land surface for residential purposes

1 only; and

2 (3) any part of the land owned by the district is
3 subdivided into lots intended for residential use.

4 SECTION 19.29. Section 61.151(a), Water Code, is amended to
5 read as follows:

6 (a) A district created for the development of deep-water
7 navigation which includes a city with a population of more than
8 100,000, according to the last preceding federal census, may
9 operate and develop ports and waterways inside the district and
10 extending to the Gulf of America [~~Gulf of Mexico~~].

11 SECTION 19.30. Section 63.156(a), Water Code, is amended to
12 read as follows:

13 (a) The district may exercise the power of eminent domain to
14 condemn and acquire the right-of-way over and through any public
15 or private land necessary to improve any river, bay, creek, or arm
16 of the Gulf of America [~~Gulf of Mexico~~] for the construction and
17 maintenance of any canal or waterway and for any other purpose
18 authorized by this chapter.

19 SECTION 19.31. Section 63.157, Water Code, is amended to read
20 as follows:

21 Sec. 63.157. AUTHORITY OVER IMPROVEMENTS. A district may
22 acquire, purchase, take over, construct, maintain, operate,
23 develop, and regulate wharves, docks, warehouses, grain elevators,
24 bunkering facilities, belt railroads, floating plants, literage,
25 lands, towing facilities, and all other facilities or aids incident
26 to or necessary to the operation or development of ports or
27 waterways inside the district extending to the Gulf of America

1 ~~[Gulf of Mexico]~~.

2 ARTICLE 20. EFFECTIVE DATE

3 SECTION 20.01. This Act takes effect immediately if it
4 receives a vote of two-thirds of all members elected to each house,
5 as provided by Section 39, Article III, Texas Constitution. If
6 this Act does not receive the vote necessary for immediate effect,
7 this Act takes effect on September 1, 2025.