

1-1 By: Middleton S.B. No. 1717  
1-2 (In the Senate - Filed February 27, 2025; March 13, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 14, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 14, 2025,  
1-6 sent to printer.)

|      |                    |     |     |        |     |
|------|--------------------|-----|-----|--------|-----|
| 1-7  | COMMITTEE VOTE     |     |     |        |     |
| 1-8  |                    | Yea | Nay | Absent | PNV |
| 1-9  | Hughes             | X   |     |        |     |
| 1-10 | Paxton             | X   |     |        |     |
| 1-11 | Bettencourt        | X   |     |        |     |
| 1-12 | Birdwell           | X   |     |        |     |
| 1-13 | Hall               | X   |     |        |     |
| 1-14 | Hinojosa of Nueces | X   |     |        |     |
| 1-15 | Middleton          | X   |     |        |     |
| 1-16 | Parker             |     |     | X      |     |
| 1-17 | Perry              | X   |     |        |     |
| 1-18 | Schwertner         |     |     | X      |     |
| 1-19 | Zaffirini          |     |     | X      |     |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1717 By: Middleton

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the terminology used in statute, resolutions, rules,  
1-24 and other state publications to refer to the partially landlocked  
1-25 body of water on the southeastern periphery of the North American  
1-26 continent.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 ARTICLE 1. GULF OF AMERICA LANGUAGE INITIATIVE

1-29 SECTION 1.01. Subtitle Z, Title 3, Government Code, is  
1-30 amended by adding Chapter 394 to read as follows:

1-31 CHAPTER 394. GULF OF AMERICA LANGUAGE INITIATIVE

1-32 Sec. 394.001. FINDINGS AND INTENT. The legislature finds  
1-33 that language used in reference to the partially landlocked body of  
1-34 water on the southeastern periphery of the North American  
1-35 continent, commonly referred to as the "Gulf of Mexico," is  
1-36 inaccurate and outdated. It is the intent of the legislature to  
1-37 establish preferred terminology for new and revised laws by  
1-38 requiring the use of language that accurately describes this  
1-39 geographic feature.

1-40 Sec. 394.002. USE OF "GULF OF AMERICA" REQUIRED. The  
1-41 legislature and the Texas Legislative Council are directed to avoid  
1-42 using the term "Gulf of Mexico" in any new statute or resolution and  
1-43 to change that term to "Gulf of America" in any existing statute or  
1-44 resolution as sections that use that term are otherwise amended by  
1-45 law.

1-46 SECTION 1.02. Chapter 325, Government Code, is amended by  
1-47 adding Section 325.0122 to read as follows:

1-48 Sec. 325.0122. REVIEW OF AGENCIES FOR USE OF "GULF OF  
1-49 AMERICA". As part of its review of a state agency, the commission  
1-50 shall consider and make recommendations regarding the statutory and  
1-51 regulatory revisions necessary to use the phrase "Gulf of America"  
1-52 instead of "Gulf of Mexico."

1-53 SECTION 1.03. Chapter 2051, Government Code, is amended by  
1-54 adding Subchapter G to read as follows:

1-55 SUBCHAPTER G. USE OF CERTAIN TERMINOLOGY REQUIRED

1-56 Sec. 2051.251. DEFINITION. In this subchapter, "state  
1-57 agency" has the meaning assigned by Section 2052.201.

1-58 Sec. 2051.252. USE OF "GULF OF AMERICA" REQUIRED. The chief  
1-59 administrative officer of each state agency shall ensure that the  
1-60 state agency uses the term "Gulf of America" instead of "Gulf of

Mexico" in:

(1) proposing, adopting, or amending the state agency's rules or other statements of policy; or

(2) issuing reference materials or other publications, including publications issued in an electronic format.

#### ARTICLE 2. AGRICULTURE CODE PROVISIONS

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

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

#### ARTICLE 3. ALCOHOLIC BEVERAGE CODE PROVISIONS

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

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

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

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

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

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

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

#### ARTICLE 4. CIVIL PRACTICE AND REMEDIES CODE PROVISIONS

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

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

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

(a) In a dispute between the State of Texas and an upland owner of property fronting on the Gulf of America [~~Gulf of Mexico~~] and the arms of the Gulf of America [~~Gulf of Mexico~~] within the boundaries of the State of Texas, the maps, surveys, and property descriptions filed in the General Land Office in connection with any conveyance by the state or any predecessor government by patent, deed, lease, or other authorized forms of grant shall be presumed to accurately depict the boundary between adjacent upland owners and the state-owned submerged lands.

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

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

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

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

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

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

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

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

(1) a nonprofit fire department providing services to

respond to marine fire emergencies under contract to a governmental unit, if the error or omission occurs in responding to a marine fire emergency:

(A) on the navigable waters of this state;  
 (B) in any place into which a vessel enters or from which a vessel departs the waterway leading to that place from the Gulf of America [~~Gulf of Mexico~~] or the Gulf Intracoastal Waterway;

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

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

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

#### ARTICLE 5. VERNON'S CIVIL STATUTES PROVISIONS

SECTION 5.01. Section 1, Chapter 311 (H.B. 558), Acts of the 54th Legislature, Regular Session, 1955 (Article [5421b-1](#), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. All or any part of the Public Lands belonging to the State situated in and under the bed of Caddo Lake and the tributaries thereto and all or any part of such lands adjacent thereto shall be subject to lease for mineral development by the Commissioner of the General Land Office to any person, firm or corporation in accordance with the provisions of existing or future laws pertaining to the leasing and development of all islands, salt-water lakes, bays, inlets, marshes and reefs, owned by the State within tidewater limits, and that portion of the Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of Texas, and all unsold public free school land, both surveyed and unsurveyed, in so far as same are not in conflict herewith.

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

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

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

Sec. 1. In each case in which an oil and gas mineral lease has heretofore been granted or may hereafter be granted by the State of Texas on an area covered by the coastal waters of the State or within the Gulf of America [~~Gulf of Mexico~~] and in which the War Department of the United State refuses to grant a permit to the lessee or owner of such lease to drill a well thereon for oil, gas or other minerals (the area included in such lease being within the navigable waters of the United States) and in the event the primary term of such lease should expire during the period of time in which the War Department of the United States may continue to refuse to issue such permit, then and in such event the primary term of such lease is hereby extended for successive periods of one (1) year from and after the end of the original primary term of such lease while and so long as the War Department may continue such refusal to issue to the lessee or to the owner of such lease a permit to drill for oil, gas or other minerals, on the area covered thereby; provided, that in order to make such extensions effectual the lessee or the owner of such lease shall, during each of the annual periods during which the primary term of the lease is so extended, apply to and seek to obtain from the War Department a permit to drill a well for oil, gas or other minerals on the area covered by such lease and be unsuccessful in its attempts to obtain a permit, or, if successful in obtaining a permit, commence operations for drilling a well upon

the leased premises within sixty (60) days after obtaining such permit; and provided further that the lessee or the owner of such lease continues to pay the annual renewal rentals at the rate provided for in such lease for the period of time involved in such extensions. Should such lease be so extended and should the War Department at any time while such lease is still in force and effect issue a permit to the lessee or to the owner of such lease to drill a well thereon for oil, gas or other minerals, such lease shall continue in force and effect if the lessee commences drilling operations upon the leased premises within sixty (60) days after obtaining such permit, and so long as the lessee or the owner of such lease shall continue to conduct drilling or mining operations thereon, or if oil, gas or other mineral be discovered thereon by the lessee or the owner of such lease, so long as oil, gas or other mineral is produced from such leased premises. Should the production of oil, gas or other mineral on said leased premises after once secured, cease from any cause, such lease shall not terminate if the lessee or owner of such lease commences additional drilling, reworking or mining operations within thirty (30) days thereafter or if it be within the original primary term of such lease, commences or resumes the payment or tender of rental on or before the rental paying date, if any, next ensuing; but if there be no rental paying date next ensuing, the lease shall in no event terminate prior to the expiration of the primary term.

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

Sec. 1. The Commissioner of the General Land Office is hereby authorized and empowered, acting for and on behalf of the State of Texas, to execute any and all grants of easements in, on, and across all unsold Public Free School Lands, and in, on, and across all islands, salt water lakes, bays, inlets, marshes, and reefs owned by the state within the tidewater limits, and in, on, and across that portion of the Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of Texas, to Nueces County Water Control and Improvement District Number 4 for right-of-ways for pipe lines and for the installation of all works, facilities, and appliances, in any and all manners incident to, helpful or necessary for securing, storing, processing, treating, transporting, and selling an adequate supply of fresh water; provided, however, said Nueces County Water Control and Improvement District Number 4 shall pay the sum of Ten Dollars (\$10.00) as consideration for the granting of each easement.

#### ARTICLE 6. EDUCATION CODE PROVISIONS

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

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

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

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

#### ARTICLE 7. FAMILY CODE PROVISIONS

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

(a) This section applies only to a county:

- (1) with a population of less than 500,000;
- (2) that is contiguous to the Gulf of America [~~Gulf of Mexico~~] or a bay or inlet opening into the gulf and that borders the United Mexican States; or
- (3) that borders a county described by Subdivision (2).

#### ARTICLE 8. GOVERNMENT CODE PROVISIONS



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

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

(1) two members appointed by the governor, including:  
 (A) one member to represent the Texas Economic Development and Tourism Office; and

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

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

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

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

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

(i) is adjacent to an international border;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the municipality's governing body; or

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

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

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

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

(ii) is located on an international border; or

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

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

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

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

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

SUBCHAPTER A. BONDS FOR HARBOR IMPROVEMENTS IN MUNICIPALITIES

BORDERING GULF OF AMERICA [~~GULF OF MEXICO~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.12. Section 1505.251, Government Code, is amended to read as follows:

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

(1) has a population of 5,000 or less; and

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

SECTION 8.13. Section 1506.101, Government Code, is amended to read as follows:

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

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

(2) has a population of:

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

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

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

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

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

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

#### ARTICLE 9. HEALTH AND SAFETY CODE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9.04. Sections 365.033(b) and (c), Health and Safety Code, are amended to read as follows:

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

bordering on the Gulf of America [~~Gulf of Mexico~~].

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

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

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

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

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

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

(2) adopt rules under this chapter that:

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

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

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

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

(i) the owner of the system; or

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

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

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

(ii) approved by the appropriate authorized agent; and

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

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

(ii) approved by the appropriate authorized agent.

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

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

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

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

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

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



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

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

- (1) borders the Gulf of America [~~Gulf of Mexico~~]; and
- (2) has a population of less than 1.5 million.

ARTICLE 10. LOCAL GOVERNMENT CODE PROVISIONS

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

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

- (1) a population of 2,000 or more; and
- (2) territory located:
  - (A) entirely on a barrier island in the Gulf of America [~~Gulf of Mexico~~]; and
  - (B) within 30 miles of an international border.

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

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

- (1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and
- (2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

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

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

SECTION 10.04. Section 43.0751(n), Local Government Code, is 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 Mexico~~] that is not accessible by a public road or common carrier

ferry facility may not be annexed by a municipality without the consent of the owners of the land.

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

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

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

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

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

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

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

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

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

(4) a county that:

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

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

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

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

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

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

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

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

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

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

(b) In this section, "public beach" means a beach located on

a bay or inlet of the Gulf of America [~~Gulf of Mexico~~] to which the general public or a substantial part of the general public has free access.

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

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

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

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

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

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

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

(2) is one acre or less;

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

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

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

(A) is adopted under this section;

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

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

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

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

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

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

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

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

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

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

(1) the tidelands between:

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

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

(2) the waters of the gulf adjacent to those tidelands, and the gulf bed below those waters, for a distance not to exceed 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 a pier, structure, or improvement located in whole or in part on or over state-owned tideland, water, and bed of the Gulf of America [~~Gulf of Mexico~~], during that period of 99 years the purchaser and the purchaser's heirs, successors, and assigns have the same right of use and occupancy to the state-owned tideland, water, and bed as is granted to the municipality under this chapter. On termination of that period or on cessation of use of the property for that purpose, the right of use and occupancy reverts to the municipality.

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

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

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

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

(1) a county described by Section 321.001; and

(2) a county that borders on the Gulf of America [~~Gulf of Mexico~~] and has within its boundaries a beach that:

(A) is wholly or partly operated by the county as a park; or

(B) is otherwise controlled or maintained by the county.

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

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

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

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

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

(b) The county park rangers have the same law enforcement authority that is given by law to deputy sheriffs except that the law enforcement jurisdiction of rangers is limited to the county parks of the county and, in a county that borders the Gulf of



America [~~Gulf of Mexico~~], to the unincorporated areas of the county that are located on an island or isthmus.

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

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

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

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

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

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

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

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

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

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

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

(2) telecommunications and Internet improvements; or

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

SECTION 10.30. Section 501.163(a), Local Government Code, is amended to read as follows:

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

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

(2) is located in a county that borders:

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

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

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

SECTION 10.31. Section 561.007(a), Local Government Code, is amended to read as follows:

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

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

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

SECTION 10.32. Section 561.008(a), Local Government Code, is amended to read as follows:

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

(1) construct breakwaters;

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

(3) impose ad valorem taxes to pay the bonds,

warrants, or certificates.

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

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

ARTICLE 11. NATURAL RESOURCES CODE PROVISIONS

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

(a) The commissioner shall:

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

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

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

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

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

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

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

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

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

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

Neither this Act nor the general laws nor the special laws of the state shall have the effect of validating, ratifying, approving, or confirming the inclusion of territory in any such

general-law city, town, or village more than 5,280 feet gulfward beyond the coastline.

If for any reason it should be determined by any court of competent jurisdiction that any such general-law city, town, or village has heretofore been incorporated in violation of the laws of the state in effect as of the date of such incorporation or is invalid, the corporate boundaries of any such general-law city, town, or village shall be revised and reformed to exclude all territory more than 5,280 feet gulfward of the coastline.

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

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

(1) the mineral estate in river beds and channels;  
(2) the mineral estate in areas within tidewater limits, including islands, lakes, bays, and the bed of the sea which belong to the state; and

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

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

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

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

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

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

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

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

(B) underlies:  
(i) a qualifying Gulf of America [~~Gulf of Mexico~~] property; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) be sponsored by a coastal county;

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



17-1 America [~~Gulf of Mexico~~] and an inland bay;

17-2 (3) be accessible by public roads or a common carrier  
17-3 ferry;

17-4 (4) be identified and approved for funding by a  
17-5 coastal county and the land office; and

17-6 (5) require more than \$5 million to complete, as  
17-7 estimated by the land office, unless the project implements a  
17-8 building set-back line established under Section 33.607.

17-9 SECTION 11.14. Section 40.003(2), Natural Resources Code,  
17-10 is amended to read as follows:

17-11 (2) "Coastal waters" means the waters and bed of the  
17-12 Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of the  
17-13 State of Texas, including the arms of the Gulf of America [~~Gulf of~~  
17-14 ~~Mexico~~] subject to tidal influence, and any other waters contiguous  
17-15 thereto that are navigable by vessels with a capacity to carry  
17-16 10,000 gallons or more of oil as fuel or cargo.

17-17 SECTION 11.15. Section 51.291(a), Natural Resources Code,  
17-18 is amended to read as follows:

17-19 (a) Except as provided by Subsection (b), the commissioner  
17-20 may execute grants of easements or other interests in property for  
17-21 rights-of-way or access across, through, and under unsold public  
17-22 school land, the portion of the Gulf of America [~~Gulf of Mexico~~]  
17-23 within the jurisdiction of the state, the state-owned riverbeds and  
17-24 beds of navigable streams in the public domain, and all islands,  
17-25 saltwater lakes, bays, inlets, marshes, and reefs owned by the  
17-26 state within tidewater limits for:

17-27 (1) telephone, telegraph, electric transmission, and  
17-28 power lines;

17-29 (2) oil pipelines, including pipelines connecting the  
17-30 onshore storage facilities with the offshore facilities of a  
17-31 deepwater port, as defined by the federal Deepwater Port Act of 1974  
17-32 (33 U.S.C.A. Section 1501 et seq.), gas pipelines, sulphur  
17-33 pipelines, and other electric lines and pipelines of any nature;

17-34 (3) irrigation canals, laterals, and water pipelines;

17-35 (4) roads; and

17-36 (5) any other purpose the commissioner considers to be  
17-37 in the best interest of the state.

17-38 SECTION 11.16. Section 52.011, Natural Resources Code, is  
17-39 amended to read as follows:

17-40 Sec. 52.011. AREA SUBJECT TO LEASE. Under the provisions of  
17-41 this subchapter, the board may lease to any person for the  
17-42 production of oil and natural gas:

17-43 (1) islands, saltwater lakes, bays, inlets, marshes,  
17-44 and reefs owned by the state within tidewater limits;

17-45 (2) the portion of the Gulf of America [~~Gulf of Mexico~~]  
17-46 within the jurisdiction of the state;

17-47 (3) all unsold surveyed and unsurveyed public school  
17-48 land; and

17-49 (4) all land sold with a reservation of minerals to the  
17-50 state under Section 51.054 or 51.086 of this code in which the state  
17-51 has retained leasing rights.

17-52 SECTION 11.17. Section 52.297(a), Natural Resources Code,  
17-53 is amended to read as follows:

17-54 (a) Leases issued under Subchapter B of this chapter for  
17-55 unsold surveyed or unsurveyed school land, other than land included  
17-56 in islands, saltwater lakes, bays, inlets, marshes, and reefs owned  
17-57 by the state in tidewater limits and other than that portion of the  
17-58 Gulf of America [~~Gulf of Mexico~~] within the jurisdiction of the  
17-59 state, must include a provision requiring the compensation for  
17-60 damages from the use of the surface in prospecting for, exploring,  
17-61 developing, or producing the leased minerals.

17-62 SECTION 11.18. Section 52.321(4), Natural Resources Code,  
17-63 is amended to read as follows:

17-64 (4) "Areas within tidewater limits" means islands,  
17-65 saltwater lakes, bays, inlets, marshes, and reefs within tidewater  
17-66 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]  
17-67 within the jurisdiction of Texas.

17-68 SECTION 11.19. Section 53.011, Natural Resources Code, is  
17-69 amended to read as follows:

18-1       Sec. 53.011. LAND SUBJECT TO PROSPECT. Any tract of land  
 18-2 that belongs to the state, including islands, salt and freshwater  
 18-3 lakes, bays, inlets, marshes, and reefs owned by the state within  
 18-4 tidewater limits, the part of the Gulf of America [~~Gulf of Mexico~~]  
 18-5 within the state's jurisdiction, unsold surveyed public school  
 18-6 land, rivers and channels that belong to the state, and land sold  
 18-7 with a reservation of minerals to the state are subject to prospect  
 18-8 by any person for those minerals which are not subject to lease or  
 18-9 permit under any other statute. A person may not prospect from a  
 18-10 location within 2,500 feet of a military base, but prospectors may,  
 18-11 from a location more than 2,500 feet from a base, look for minerals  
 18-12 within the 2,500-foot strip.

18-13       SECTION 11.20. Section 53.151(a), Natural Resources Code,  
 18-14 is amended to read as follows:

18-15       (a) Under the provisions of this subchapter, the board may  
 18-16 lease to any person for the production of coal, lignite, sulphur,  
 18-17 salt, and potash:

18-18       (1) islands, saltwater lakes, bays, inlets, marshes,  
 18-19 and reefs owned by the state within tidewater limits;

18-20       (2) the portion of the Gulf of America [~~Gulf of Mexico~~]  
 18-21 within the jurisdiction of the state;

18-22       (3) rivers and channels that belong to the state;

18-23       (4) all unsold surveyed and unsurveyed public school  
 18-24 land; and

18-25       (5) all land sold with a reservation of minerals to the  
 18-26 state under Section 51.054 or 51.086 of this code in which the state  
 18-27 has retained leasing rights.

18-28       SECTION 11.21. Section 53.155(a), Natural Resources Code,  
 18-29 is amended to read as follows:

18-30       (a) Leases issued under Subchapter B or E of this chapter  
 18-31 for unsold surveyed or unsurveyed school land, other than land  
 18-32 included in islands, saltwater lakes, bays, inlets, marshes, and  
 18-33 reefs owned by the state in tidewater limits and other than that  
 18-34 portion of the Gulf of America [~~Gulf of Mexico~~] within the  
 18-35 jurisdiction of the state, must include a provision requiring  
 18-36 compensation for damages from the use of the surface in prospecting  
 18-37 for, exploring, developing, or producing the leased minerals.

18-38       SECTION 11.22. Section 53.161(7), Natural Resources Code,  
 18-39 is amended to read as follows:

18-40       (7) "Areas within tidewater limits" means islands,  
 18-41 saltwater lakes, bays, inlets, marshes, and reefs within tidewater  
 18-42 limits and that portion of the Gulf of America [~~Gulf of Mexico~~]  
 18-43 within the jurisdiction of Texas.

18-44       SECTION 11.23. Section 61.001(8), Natural Resources Code,  
 18-45 is amended to read as follows:

18-46       (8) "Public beach" means any beach area, whether  
 18-47 publicly or privately owned, extending inland from the line of mean  
 18-48 low tide to the line of vegetation bordering on the Gulf of America  
 18-49 [~~Gulf of Mexico~~] to which the public has acquired the right of use  
 18-50 or easement to or over the area by prescription, dedication,  
 18-51 presumption, or has retained a right by virtue of continuous right  
 18-52 in the public since time immemorial, as recognized in law and  
 18-53 custom. This definition does not include a beach that is not  
 18-54 accessible by a public road or public ferry as provided in Section  
 18-55 61.021 of this code.

18-56       SECTION 11.24. Section 61.011(a), Natural Resources Code,  
 18-57 is amended to read as follows:

18-58       (a) It is declared and affirmed to be the public policy of  
 18-59 this state that the public, individually and collectively, shall  
 18-60 have the free and unrestricted right of ingress and egress to and  
 18-61 from the state-owned beaches bordering on the seaward shore of the  
 18-62 Gulf of America [~~Gulf of Mexico~~], or if the public has acquired a  
 18-63 right of use or easement to or over an area by prescription,  
 18-64 dedication, or has retained a right by virtue of continuous right in  
 18-65 the public, the public shall have the free and unrestricted right of  
 18-66 ingress and egress to the larger area extending from the line of  
 18-67 mean low tide to the line of vegetation bordering on the Gulf of  
 18-68 America [~~Gulf of Mexico~~].

18-69       SECTION 11.25. Section 61.012, Natural Resources Code, is

19-1 amended to read as follows:

19-2 Sec. 61.012. DEFINITION. In this subchapter, "beach" means  
19-3 state-owned beaches to which the public has the right of ingress and  
19-4 egress bordering on the seaward shore of the Gulf of America [~~Gulf~~  
19-5 ~~of Mexico~~] or any larger area extending from the line of mean low  
19-6 tide to the line of vegetation bordering on the Gulf of America  
19-7 [~~Gulf of Mexico~~] if the public has acquired a right of use or  
19-8 easement to or over the area by prescription, dedication, or has  
19-9 retained a right by virtue of continuous right in the public.

19-10 SECTION 11.26. Section 61.013(c), Natural Resources Code,  
19-11 is amended to read as follows:

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

19-23 SECTION 11.27. Section 61.014(a), Natural Resources Code,  
19-24 is amended to read as follows:

19-25 (a) As used in this section, "public beach" means the area  
19-26 extending from the line of mean low tide of the Gulf of America  
19-27 [~~Gulf of Mexico~~] to the line of vegetation bordering on the Gulf of  
19-28 America [~~Gulf of Mexico~~], or to a line 200 feet inland from the line  
19-29 of mean low tide, whichever is nearer the line of mean low tide, if  
19-30 the public has acquired a right of use or easement to or over the  
19-31 area by prescription, dedication, or has retained a right by virtue  
19-32 of continuous right in the public.

19-33 SECTION 11.28. Section 61.018(a-1), Natural Resources  
19-34 Code, is amended to read as follows:

19-35 (a-1) A county attorney, district attorney, or criminal  
19-36 district attorney or the attorney general may not file a suit under  
19-37 Subsection (a) to obtain a temporary or permanent court order or  
19-38 injunction, either prohibitory or mandatory, to remove a house from  
19-39 a public beach if:

19-40 (1) the line of vegetation establishing the boundary  
19-41 of the public beach moved as a result of a meteorological event that  
19-42 occurred before January 1, 2009;

19-43 (2) the house was located landward of the natural line  
19-44 of vegetation before the meteorological event;

19-45 (3) a portion of the house continues to be located  
19-46 landward of the line of vegetation; and

19-47 (4) the house is located on a peninsula in a county  
19-48 with a population of more than 315,000 and less than 351,000 that  
19-49 borders the Gulf of America [~~Gulf of Mexico~~].

19-50 SECTION 11.29. Section 61.022(a), Natural Resources Code,  
19-51 is amended to read as follows:

19-52 (a) The provisions of this subchapter do not prevent any of  
19-53 the following governmental entities from erecting or maintaining  
19-54 any groin, seawall, barrier, pass, channel, jetty, or other  
19-55 structure as an aid to navigation, protection of the shore,  
19-56 fishing, safety, or other lawful purpose authorized by the  
19-57 constitution or laws of this state or the United States:

19-58 (1) an agency, department, institution, subdivision,  
19-59 or instrumentality of the federal government;

19-60 (2) an agency, department, institution, or  
19-61 instrumentality of this state;

19-62 (3) a county;

19-63 (4) a municipality;

19-64 (5) a subdivision of this state, other than a county or  
19-65 municipality, acting in partnership with the county or municipality  
19-66 in which the structure is located; or

19-67 (6) a subdivision of this state, acting with the  
19-68 approval of the commissioner, if the structure is a shore  
19-69 protection structure that:



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

(B) is located on land that:

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

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

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

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

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

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

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

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

DISCLOSURE NOTICE CONCERNING LEGAL AND ECONOMIC RISKS

OF PURCHASING COASTAL REAL PROPERTY NEAR A BEACH

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

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

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

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

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

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

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

The extreme seaward boundary of natural vegetation that spreads continuously inland customarily marks the landward boundary of the public easement. If there is no clearly marked natural vegetation line, the landward boundary of the easement is as provided by Sections 61.016 and 61.017, Natural Resources Code.

Much of the Gulf of America [~~Gulf of Mexico~~] coastline is eroding at rates of more than five feet per year. Erosion rates for



all Texas Gulf property subject to the open beaches act are available from the Texas General Land Office.

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

The purchaser is hereby notified that the purchaser should:

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

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

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

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

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

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

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

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

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

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

(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 on a public beach described by Subsection (a); 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 on a public beach described by Subsection (a) 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 11.36. Section 61.066(e), Natural Resources Code, as added by Chapter 466 (H.B. 630), Acts of the 88th Legislature, Regular Session, 2023, is redesignated as Section 61.066(d), Natural Resources Code, and amended to read as follows:

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

SECTION 11.37. Section 61.067(a-2), Natural Resources Code, is amended to read as follows:

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

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

(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 a state park; 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 a state park 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 11.38. Section 61.078, Natural Resources Code, is amended to read as follows:

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

SECTION 11.39. Section 61.080(a), Natural Resources Code, is amended to read as follows:

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

SECTION 11.40. Section 61.083, Natural Resources Code, is amended to read as follows:

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

SECTION 11.41. Sections 61.122(a), (b), (c), and (d), Natural Resources Code, are amended to read as follows:

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

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

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

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

SECTION 11.42. Section 61.129(a), Natural Resources Code, is amended to read as follows:

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

SECTION 11.43. Section 61.132(a), Natural Resources Code, is amended to read as follows:

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

SECTION 11.44. Section 61.161, Natural Resources Code, is amended to read as follows:

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

SECTION 11.45. Section 61.162(a), Natural Resources Code, is amended to read as follows:

(a) The legislature finds that the operation and maintenance of business establishments at fixed or permanent locations on the public beaches of this state bordering on the seaward shore of the Gulf of America [~~Gulf of Mexico~~] constitute a potential public health hazard and a substantial interference with the free and unrestricted rights of ingress and egress of the public, both individually and collectively, to and from the state-owned beaches bordering on the seaward shore of the Gulf of America [~~Gulf of Mexico~~] or any larger area extending from the line



of mean low tide to the line of vegetation bordering on the Gulf of America [~~Gulf of Mexico~~] if the public has acquired a right of use or easement to or over the area by prescription, dedication, or has retained a right by virtue of continuous right in the public.

SECTION 11.46. Section 61.211, Natural Resources Code, is amended to read as follows:

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

SECTION 11.47. Section 61.213, Natural Resources Code, is amended to read as follows:

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

SECTION 11.48. Section 61.223, Natural Resources Code, is amended to read as follows:

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

SECTION 11.49. Section 61.224, Natural Resources Code, is amended to read as follows:

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

SECTION 11.50. Section 61.252(a), Natural Resources Code, is amended to read as follows:

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

SECTION 11.51. Sections 62.001(a) and (e), Natural Resources Code, are amended to read as follows:

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

(e) The provisions of this chapter do not permit any interference with the right the public has under the provisions of Subchapter B, Chapter 61, to the free and unrestricted use of, and



to ingress and egress to, the area bordering on the Gulf of America [~~Gulf of Mexico~~] from mean low tide to the line of vegetation, as that term is defined in Section 61.001. A county, county official, or anyone acting under the authority of this chapter may not exercise any authority, contract out a right to exercise authority, or otherwise delegate authority beyond that specifically granted to it in Sections 61.122 through 61.128 over that area notwithstanding any of the specific provisions of this chapter. The rights established in Subchapters B and D, Chapter 61, are paramount over the rights or interests that might otherwise be created by the provisions of this chapter, and nothing in this chapter encroaches on those rights or upon land, or interests in land, that may ultimately be held subject to those rights.

SECTION 11.52. Section 62.011, Natural Resources Code, is amended to read as follows:

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

SECTION 11.53. Section 62.091(a), Natural Resources Code, is amended to read as follows:

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

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

SECTION 11.54. Section 63.001, Natural Resources Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

SECTION 11.55. 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 11.56. 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 11.57. 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 11.58. Section 92.002(4), Natural Resources Code, is amended to read as follows:

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

ARTICLE 12. OCCUPATIONS CODE PROVISIONS

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

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

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

ARTICLE 13. PROPERTY CODE PROVISIONS

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

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

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

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.  
Seller \_\_\_ is \_\_\_ is not occupying the Property.  
If unoccupied, how long since Seller has occupied the Property?

1. The Property has the items checked below:  
Write Yes (Y), No (N), or Unknown (U).

- |                  |                      |                  |
|------------------|----------------------|------------------|
| ___ Range        | ___ Oven             | ___ Microwave    |
| ___ Dishwasher   | ___ Trash Compactor  | ___ Disposal     |
| ___ Washer/Dryer | ___ Window           | ___ Rain Gutters |
| ___ Hookups      | ___ Screens          |                  |
| ___ Security     | ___ Fire Detection   | ___ Intercom     |
| ___ System       | ___ Equipment        | ___ System       |
|                  | ___ Smoke Detector   |                  |
|                  | ___ Smoke Detector - |                  |

27-1 Hearing Impaired  
 27-2 ☐ Carbon Monoxide  
 27-3 Alarm  
 27-4 ☐ Emergency Escape  
 27-5 Ladder(s)  
 27-6 ☐ TV Antenna ☐ Cable TV ☐ Satellite  
 27-7 Wiring ☐ Dish  
 27-8 ☐ Ceiling Fan(s) ☐ Attic Fan(s) ☐ Exhaust  
 27-9 Fan(s)  
 27-10 ☐ Central A/C ☐ Central Heating ☐ Wall/Window  
 27-11 Air  
 27-12 Conditioning  
 27-13 ☐ Plumbing System ☐ Septic System ☐ Public Sewer  
 27-14 System  
 27-15 ☐ Patio/Decking ☐ Outdoor Grill ☐ Fences  
 27-16 ☐ Pool ☐ Sauna ☐ Spa  
 27-17 ☐ Pool Equipment ☐ Pool Heater ☐ Hot Tub  
 27-18 ☐ Automatic Lawn  
 27-19 Sprinkler  
 27-20 System  
 27-21 ☐ Fireplace(s) & ☐ Fireplace(s) &  
 27-22 Chimney Chimney  
 27-23 (Woodburning) (Mock)  
 27-24 ☐ Natural Gas Lines ☐ Gas Fixtures  
 27-25 ☐ Liquid Propane Gas: ☐ LP Community ☐ LP on Property  
 27-26 (Captive)  
 27-27 ☐ Fuel Gas Piping: ☐ Black Iron Pipe ☐ Corrugated  
 27-28 ☐ Copper ☐ Stainless Steel  
 27-29 Tubing  
 27-30 Garage: ☐ Attached ☐ Not Attached ☐ Carport  
 27-31 Garage Door Opener(s): ☐ Electronic ☐ Control(s)  
 27-32 Water Heater: ☐ Gas ☐ Electric  
 27-33 Water Supply: ☐ City ☐ Well ☐ MUD ☐ Co-op  
 27-34 Roof Type: \_\_\_\_\_ Age: \_\_\_\_\_(approx)  
 27-35 Are you (Seller) aware of any of the above items that are not in  
 27-36 working condition, that have known defects, or that are in need of  
 27-37 repair? ☐ Yes ☐ No ☐ Unknown.  
 27-38 If yes, then describe. (Attach additional sheets if necessary):  
 27-39 \_\_\_\_\_  
 27-40 \_\_\_\_\_  
 27-41 2. Does the property have working smoke detectors installed in  
 27-42 accordance with the smoke detector requirements of Chapter 766,  
 27-43 Health and Safety Code?\* ☐ Yes ☐ No ☐ Unknown.  
 27-44 If the answer to the question above is no or unknown,  
 27-45 explain. (Attach additional sheets if necessary):  
 27-46 \_\_\_\_\_  
 27-47 \_\_\_\_\_  
 27-48 \*Chapter 766 of the Health and Safety Code requires  
 27-49 one-family or two-family dwellings to have working smoke detectors  
 27-50 installed in accordance with the requirements of the building code  
 27-51 in effect in the area in which the dwelling is located, including  
 27-52 performance, location, and power source requirements. If you do  
 27-53 not know the building code requirements in effect in your area, you  
 27-54 may check unknown above or contact your local building official for  
 27-55 more information. A buyer may require a seller to install smoke  
 27-56 detectors for the hearing impaired if: (1) the buyer or a member of  
 27-57 the buyer's family who will reside in the dwelling is hearing  
 27-58 impaired; (2) the buyer gives the seller written evidence of the  
 27-59 hearing impairment from a licensed physician; and (3) within 10  
 27-60 days after the effective date, the buyer makes a written request for  
 27-61 the seller to install smoke detectors for the hearing impaired and  
 27-62 specifies the locations for installation. The parties may agree  
 27-63 who will bear the cost of installing the smoke detectors and which  
 27-64 brand of smoke detectors to install.  
 27-65 3. Are you (Seller) aware of any known defects/malfunctions in any  
 27-66 of the following?  
 27-67 Write Yes (Y) if you are aware, write No (N) if you are not aware.  
 27-68  
 27-69 ☐ Interior Walls ☐ Ceilings ☐ Floors



|       |   |   |                                    |
|-------|---|---|------------------------------------|
| 28-1  | <input type="checkbox"/> Exterior Walls   | <input type="checkbox"/> Doors                    | <input type="checkbox"/> Windows   |
| 28-2  | <input type="checkbox"/> Roof   | <input type="checkbox"/> Foundation/              | <input type="checkbox"/> Basement  |
| 28-3  |   | Slab(s)   |                                    |
| 28-4  | <input type="checkbox"/> Walls/Fences   | <input type="checkbox"/> Driveways                | <input type="checkbox"/> Sidewalks |
| 28-5  | <input type="checkbox"/> Plumbing/Sewers/   | <input type="checkbox"/> Electrical               | <input type="checkbox"/> Lighting  |
| 28-6  | Septics   | Systems   | Fixtures                           |
| 28-7  | <input type="checkbox"/> Other Structural Components(Describe):_____                      |   |                                    |
| 28-8  | _____   |   |                                    |
| 28-9  | _____   |   |                                    |
| 28-10 | If the answer to any of the above is yes, explain. (Attach                                |   |                                    |
| 28-11 | additional sheets if necessary):_____   |   |                                    |
| 28-12 | _____   |   |                                    |
| 28-13 | _____   |   |                                    |
| 28-14 | 4. Are you (Seller) aware of any of the following conditions?                             |   |                                    |
| 28-15 | Write Yes (Y) if you are aware, write No (N) if you are not aware.                        |   |                                    |
| 28-16 |   |   |                                    |
| 28-17 | <input type="checkbox"/> Active Termites  | <input type="checkbox"/> Previous Structural      |                                    |
| 28-18 | (includes   | or Roof Repair                                    |                                    |
| 28-19 | wood-destroying insects)  |   |                                    |
| 28-20 | <input type="checkbox"/> Termite or Wood Rot Damage                                       | <input type="checkbox"/> Hazardous or Toxic Waste |                                    |
| 28-21 | Needing Repair  |   |                                    |
| 28-22 | <input type="checkbox"/> Previous Termite Damage  | <input type="checkbox"/> Asbestos Components      |                                    |
| 28-23 | <input type="checkbox"/> Previous Termite   | <input type="checkbox"/> Urea formaldehyde        |                                    |
| 28-24 | Treatment   | Insulation  |                                    |
| 28-25 |   | <input type="checkbox"/> Radon Gas                |                                    |
| 28-26 | <input type="checkbox"/> Improper Drainage  | <input type="checkbox"/> Lead Based Paint         |                                    |
| 28-27 | <input type="checkbox"/> Water Damage Not Due to a  | <input type="checkbox"/> Aluminum Wiring          |                                    |
| 28-28 | Flood Event   |   |                                    |
| 28-29 |   | <input type="checkbox"/> Previous Fires           |                                    |
| 28-30 |   |   |                                    |
| 28-31 |   | <input type="checkbox"/> Unplatted Easements      |                                    |
| 28-32 |   |   |                                    |
| 28-33 | <input type="checkbox"/> Landfill, Settling, Soil   | <input type="checkbox"/> Subsurface               |                                    |
| 28-34 | Movement, Fault Lines   | Structure or Pits                                 |                                    |
| 28-35 | <input type="checkbox"/> Single Blockable Main  | <input type="checkbox"/> Previous Use of Premises |                                    |
| 28-36 | Drain in Pool/Hot   | for Manufacture of                                |                                    |
| 28-37 | Tub/Spa*  | Methamphetamine                                   |                                    |
| 28-38 | If the answer to any of the above is yes, explain. (Attach                                |   |                                    |
| 28-39 | additional sheets if necessary):_____   |   |                                    |
| 28-40 | _____   |   |                                    |
| 28-41 | _____   |   |                                    |
| 28-42 | *A single blockable main drain may cause a suction entrapment                             |   |                                    |
| 28-43 | hazard for an individual.   |   |                                    |
| 28-44 | 5. Are you (Seller) aware of any item, equipment, or system in or                         |   |                                    |
| 28-45 | on the property that is in need of repair? <input type="checkbox"/> Yes (if you are       |   |                                    |
| 28-46 | aware) <input type="checkbox"/> No (if you are not aware). If yes, explain (attach        |   |                                    |
| 28-47 | additional  | sheets  | as necessary).                     |
| 28-48 | _____   |   |                                    |
| 28-49 | 6. Are you (Seller) aware of any of the following conditions?                             |   |                                    |
| 28-50 | * Write Yes (Y) if you are aware, write No (N) if you are not aware.                      |   |                                    |
| 28-51 | <input type="checkbox"/> Present flood insurance coverage                                 |   |                                    |
| 28-52 | <input type="checkbox"/> Previous flooding due to a failure or breach of a reservoir or a |   |                                    |
| 28-53 | controlled or emergency release of water from a reservoir                                 |   |                                    |
| 28-54 | <input type="checkbox"/> Previous water penetration into a structure on the property due  |   |                                    |
| 28-55 | to a natural flood event  |   |                                    |
| 28-56 | Write Yes (Y) if you are aware and check wholly or partly as                              |   |                                    |
| 28-57 | applicable, write No (N) if you are not aware.  |   |                                    |
| 28-58 | <input type="checkbox"/> Located ( ) wholly ( ) partly in a 100-year floodplain (Special  |   |                                    |
| 28-59 | Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)                                  |   |                                    |
| 28-60 | <input type="checkbox"/> Located ( ) wholly ( ) partly in a 500-year floodplain (Moderate |   |                                    |
| 28-61 | Flood Hazard Area-Zone X (shaded))  |   |                                    |
| 28-62 | <input type="checkbox"/> Located ( ) wholly ( ) partly in a floodway                      |   |                                    |
| 28-63 | <input type="checkbox"/> Located ( ) wholly ( ) partly in a flood pool                    |   |                                    |
| 28-64 | <input type="checkbox"/> Located ( ) wholly ( ) partly in a reservoir                     |   |                                    |
| 28-65 | If the answer to any of the above is yes, explain (attach additional                      |   |                                    |
| 28-66 | sheets as necessary):   |   |                                    |
| 28-67 | _____   |   |                                    |

\* For purposes of this notice:

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

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

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

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

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

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

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

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

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

"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation more than a designated height.

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

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

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

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

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

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

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

☐ Homeowners' Association or maintenance fees or assessments. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.

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

29-

30-1 — Any lawsuits directly or  
30-2 indirectly affecting the  
30-3 Property.  
30-4 — Any condition on the Property  
30-5 which materially affects the  
30-6 physical health or safety of an  
30-7 individual.  
30-8 — Any rainwater harvesting system  
30-9 located on the property that is  
30-10 larger than 500 gallons and that  
30-11 uses a public water supply as an  
30-12 auxiliary water source.  
30-13 — Any portion of the property that  
30-14 is located in a groundwater  
30-15 conservation district or a  
30-16 subsidence district.  
30-17 If the answer to any of the above is yes, explain. (Attach  
30-18 additional sheets if necessary): \_\_\_\_\_  
30-19 \_\_\_\_\_  
30-20 \_\_\_\_\_

30-21 10. If the property is located in a coastal area that is seaward of  
30-22 the Gulf Intracoastal Waterway or within 1,000 feet of the mean high  
30-23 tide bordering the Gulf of America [~~Gulf of Mexico~~], the property  
30-24 may be subject to the Open Beaches Act or the Dune Protection Act  
30-25 (Chapter 61 or 63, Natural Resources Code, respectively) and a  
30-26 beachfront construction certificate or dune protection permit may  
30-27 be required for repairs or improvements. Contact the local  
30-28 government with ordinance authority over construction adjacent to  
30-29 public beaches for more information.  
30-30 11. This property may be located near a military installation and  
30-31 may be affected by high noise or air installation compatible use  
30-32 zones or other operations. Information relating to high noise and  
30-33 compatible use zones is available in the most recent Air  
30-34 Installation Compatible Use Zone Study or Joint Land Use Study  
30-35 prepared for a military installation and may be accessed on the  
30-36 Internet website of the military installation and of the county and  
30-37 any municipality in which the military installation is located.  
30-38 \_\_\_\_\_

30-39 Date \_\_\_\_\_ Signature of Seller \_\_\_\_\_  
30-40 The undersigned purchaser hereby acknowledges receipt of the  
30-41 foregoing notice.  
30-42 \_\_\_\_\_

30-43 Date \_\_\_\_\_ Signature of Purchaser \_\_\_\_\_  
30-44 SECTION 13.02. Section 204.002(a), Property Code, is  
30-45 amended to read as follows:  
30-46 (a) This chapter applies only to a residential real estate  
30-47 subdivision, excluding a condominium development governed by Title  
30-48 7 that is located in whole or in part:  
30-49 (1) in a county with a population of 3.3 million or  
30-50 more;  
30-51 (2) in a county with a population of not less than  
30-52 315,000 and not more than 351,000 that is adjacent to the Gulf of  
30-53 America [~~Gulf of Mexico~~] and that is adjacent to a county having a  
30-54 population of 3.3 million or more; or  
30-55 (3) in a county with a population of 275,000 or more  
30-56 that:  
30-57 (A) is adjacent to a county with a population of  
30-58 3.3 million or more; and  
30-59 (B) contains part of a national forest.

30-60 ARTICLE 14. PARKS AND WILDLIFE CODE PROVISIONS  
30-61 SECTION 14.01. Section 1.011(c), Parks and Wildlife Code,  
30-62 is amended to read as follows:  
30-63 (c) All the beds and bottoms and the products of the beds and  
30-64 bottoms of the public rivers, bayous, lagoons, creeks, lakes, bays,  
30-65 and inlets in this state and of that part of the Gulf of America  
30-66 [~~Gulf of Mexico~~] within the jurisdiction of this state are the  
30-67 property of this state. The state may permit the use of the waters  
30-68 and bottoms and the taking of the products of the bottoms and  
30-69 waters.



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

(a) The department shall:

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

(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 a state park; 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 a state park if the single tower provides an unobstructed view of both sides of each 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 14.03. Section 13.314, Parks and Wildlife Code, is amended to read as follows:

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

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

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

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

(a) Except as provided by Subsection (b) or (c) of this section, no person may engage in fishing in saltwater for sporting purposes in this state, or unload in this state fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of America [~~Gulf of Mexico~~] Fishery Management Council established under the Fishery Conservation and Management Act of 1976 (16 U.S.C. Section 1801 et seq.), unless the person has acquired a saltwater sportfishing stamp endorsement issued to the person by the department. The commission by rule may prescribe requirements relating to possessing a stamp endorsement required by this subchapter.

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

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

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

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

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 or signs that are substantially similar to the following:

POSTED. PRIVATE PROPERTY. NO HUNTING.

(b) This section does not apply to:

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

(2) a person who:

(A) owns the submerged land; or

(B) obtains the landowner's consent;

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

(A) the tidewater limits of this state; or

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

(4) land that is:

(A) submerged by public water; and

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

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

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

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

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

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

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

33-1 Sec. 66.301. DEFINITION. In this subchapter, "coastal  
33-2 water" means all of the salt water of this state, including that  
33-3 portion of the Gulf of America [~~Gulf of Mexico~~] within the  
33-4 jurisdiction of this state.

33-5 SECTION 14.13. Sections 77.001(1), (2), (3), and (13),  
33-6 Parks and Wildlife Code, are amended to read as follows:

33-7 (1) "Coastal water" means all the salt water of this  
33-8 state, including that portion of the Gulf of America [~~Gulf of~~  
33-9 ~~Mexico~~] within the jurisdiction of the state.

33-10 (2) "Inside water" means all bays, inlets, outlets,  
33-11 passes, rivers, streams, and other bodies of water landward from  
33-12 the shoreline of the state along the Gulf of America [~~Gulf of~~  
33-13 ~~Mexico~~] and contiguous to, or connected with, but not a part of, the  
33-14 Gulf of America [~~Gulf of Mexico~~] and within which the tide regularly  
33-15 rises and falls and in which saltwater shrimp are found or into  
33-16 which saltwater shrimp migrate.

33-17 (3) "Outside water" means the salt water of the state  
33-18 contiguous to and seaward from the shoreline of the state along the  
33-19 Gulf of America [~~Gulf of Mexico~~] as the shoreline is projected and  
33-20 extended in a continuous and unbroken line, following the contours  
33-21 of the shoreline, across bays, inlets, outlets, passes, rivers,  
33-22 streams, and other bodies of water; and that portion of the Gulf of  
33-23 America [~~Gulf of Mexico~~] extending from the shoreline seaward and  
33-24 within the jurisdiction of the state.

33-25 (13) "Contiguous zone," means that area of the Gulf of  
33-26 America [~~Gulf of Mexico~~] lying adjacent to and offshore of the  
33-27 jurisdiction of the State of Texas and in which shrimp of the genus  
33-28 *Penaeus* are found.

33-29 SECTION 14.14. Section 77.072, Parks and Wildlife Code, is  
33-30 amended to read as follows:

33-31 Sec. 77.072. SHRIMP SIZE EXCEPTION. Minimum size  
33-32 restrictions as provided in Chapter 77, Parks and Wildlife Code, as  
33-33 amended, do not apply to shrimp taken from outside waters when:

33-34 (1) the Gulf of America [~~Gulf of Mexico~~] Fishery  
33-35 Management Council's Fishery Management Plan for the Shrimp Fishery  
33-36 of the Gulf of America [~~Gulf of Mexico~~] is in effect; and

33-37 (2) such plan as described in Subsection (a) of this  
33-38 section restricts the taking of shrimp in the Fishery Conservation  
33-39 Zone contiguous to the outside waters of Texas, to conform with the  
33-40 Texas closed Gulf season as defined in Sections 77.061(1) and  
33-41 77.062 of this code.

33-42 SECTION 14.15. Section 79.001, Parks and Wildlife Code, is  
33-43 amended to read as follows:

33-44 Sec. 79.001. COMPLIANCE. The department is authorized to  
33-45 cooperate with the Gulf of America [~~Gulf of Mexico~~] Fishery  
33-46 Management Council established pursuant to the Fishery  
33-47 Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801  
33-48 et seq.), in developing state management programs which are  
33-49 consistent with plans proposed by the council and approved by the  
33-50 secretary of commerce.

33-51 SECTION 14.16. Section 86.0151(a), Parks and Wildlife Code,  
33-52 is amended to read as follows:

33-53 (a) A nonprofit corporation, fund, or foundation exempted  
33-54 from federal income taxes under Section 503(c)(3), Internal Revenue  
33-55 Code of 1954, as amended (26 U.S.C. Sec. 503(c)(3)), may take sand,  
33-56 gravel, marl, shell, and mudshell from Brown Cedar Cut in Matagorda  
33-57 County for the sole purpose of opening and reopening that passage  
33-58 between the Gulf of America [~~Gulf of Mexico~~] and East Matagorda Bay.

33-59 SECTION 14.17. Section 86.0152(a), Parks and Wildlife Code,  
33-60 is amended to read as follows:

33-61 (a) A nonprofit corporation, fund, or foundation exempted  
33-62 from federal income taxes under Section 501(c)(3), Internal Revenue  
33-63 Code of 1954, as amended (26 U.S.C. Sec. 501(c)(3)), or a political  
33-64 subdivision of the state may take sand, gravel, marl, shell, and  
33-65 mudshell from Cedar Bayou in Aransas County for the sole purpose of  
33-66 opening and reopening that passage between the Gulf of America  
33-67 [~~Gulf of Mexico~~] and Mesquite Bay.

33-68 SECTION 14.18. Section 91.008, Parks and Wildlife Code, is  
33-69 amended to read as follows:



34-1 Sec. 91.008. TEXT OF COMPACT. The Gulf States Marine  
34-2 Fisheries Compact reads as follows:

34-3 GULF STATES MARINE FISHERIES COMPACT

34-4 The contracting states solemnly agree:

34-5 ARTICLE I

34-6 Whereas the Gulf Coast States have the proprietary interest  
34-7 in and jurisdiction over fisheries in the waters within their  
34-8 respective boundaries, it is the purpose of this compact to promote  
34-9 the better utilization of the fisheries, marine, shell and  
34-10 anadromous, of the seaboard of the Gulf of America [~~Gulf of Mexico~~],  
34-11 by the development of a joint program for the promotion and  
34-12 protection of such fisheries and the prevention of the physical  
34-13 waste of the fisheries from any cause.

34-14 ARTICLE II

34-15 This compact shall become operative immediately as to those  
34-16 states ratifying it whenever any two or more of the states of  
34-17 Florida, Alabama, Mississippi, Louisiana and Texas have ratified it  
34-18 and the Congress has given its consent, pursuant to Article I,  
34-19 Section 10 of the Constitution of the United States. Any state  
34-20 contiguous to any of the aforementioned states or riparian upon  
34-21 waters which flow into waters under the jurisdiction of any of the  
34-22 aforementioned States and which are frequented by anadromous fish  
34-23 or marine species, may become a party hereto as hereinafter  
34-24 provided.

34-25 ARTICLE III

34-26 Each state joining herein shall appoint three  
34-27 representatives to a commission hereby constituted and designated  
34-28 as the Gulf States Marine Fisheries Commission. One shall be the  
34-29 head of the administrative agency of such State charged with the  
34-30 conservation of the fishery resources to which this compact  
34-31 pertains; or, if there be more than one officer or agency, the  
34-32 official of that State named by the Governor thereof. The second  
34-33 shall be a member of the Legislature of such State designated by  
34-34 such Legislature, or in the absence of such designation, such  
34-35 legislator shall be designated by the Governor thereof; provided  
34-36 that if it is constitutionally impossible to appoint a legislator  
34-37 as a commissioner from such State, the second member shall be  
34-38 appointed in such manner as may be established by law. The third  
34-39 shall be a citizen who shall have a knowledge of and interest in the  
34-40 marine fisheries, to be appointed by the Governor. This commission  
34-41 shall be a body corporate with the powers and duties set forth  
34-42 herein.

34-43 ARTICLE IV

34-44 The duty of the said commission shall be to make inquiry and  
34-45 ascertain from time to time such methods, practices, circumstances  
34-46 and conditions as may be disclosed for bringing about the  
34-47 conservation and the prevention of the depletion and physical waste  
34-48 of the fisheries, marine, shell and anadromous, of the Gulf Coast.  
34-49 The commission shall have power to recommend the coordination of  
34-50 the exercise of the police powers of the several States within their  
34-51 respective jurisdictions to promote the preservation of these  
34-52 fisheries and their protection against over-fishing, waste,  
34-53 depletion or any abuse whatsoever, and to assure a continuing yield  
34-54 from the fishery resources of the aforementioned States. To that  
34-55 end the commission shall draft and recommend to the Governors and  
34-56 Legislatures of the various signatory States, legislation dealing  
34-57 with the conservation of the marine, shell and anadromous fisheries  
34-58 of the Gulf seaboard. The commission shall from time to time  
34-59 present to the Governor of each compacting State its  
34-60 recommendations relating to enactments to be presented to the  
34-61 Legislature of that State in furthering the interest and purposes  
34-62 of this compact. The commission shall consult with and advise the  
34-63 pertinent administrative agencies in the States party hereto with  
34-64 regard to problems connected with the fisheries, and recommend the  
34-65 adoption of such regulations as it deems advisable. The commission  
34-66 shall have power to recommend to the States party hereto the  
34-67 stocking of the waters of such States with fish and fish eggs or  
34-68 joint stocking by some or all of the States party hereto, and when  
34-69 two or more States shall jointly stock waters the commission shall

act as the coordinating agency for such stocking.

#### ARTICLE V

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

#### ARTICLE VI

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

#### ARTICLE VII

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

#### ARTICLE VIII

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

#### ARTICLE IX

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

#### ARTICLE X

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

#### ARTICLE XI

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

#### ARTICLE XII

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

|      |             |             |
|------|-------------|-------------|
| 36-1 |             |             |
| 36-2 | Florida     | \$3,500.00  |
| 36-3 | Alabama     | 1,000.00    |
| 36-4 | Mississippi | 1,000.00    |
| 36-5 | Louisiana   | 5,000.00    |
| 36-6 | Texas       | 2,500.00    |
| 36-7 | Total       | \$13,000.00 |

36-8 The proration and total cost per annum of Thirteen Thousand  
 36-9 (\$13,000.00) Dollars, above mentioned, is estimative only, for  
 36-10 initial operations, and may be changed when found necessary by the  
 36-11 commission and approved by the Legislatures of the respective  
 36-12 States. Each State party hereto agrees to provide in the manner  
 36-13 most acceptable to it, the travel costs and necessary expenses of  
 36-14 its commissioners and other representatives to and from meetings of  
 36-15 the commission or its duly constituted sections or committees.

#### 36-16 ARTICLE XIII

36-17 This compact shall continue in force and remain binding upon  
 36-18 each compacting State until renounced by Act of the Legislature of  
 36-19 such State, in such form as it may choose; provided that such  
 36-20 renunciation shall not become effective until six months after the  
 36-21 effective date of the action taken by the Legislature. Notice of  
 36-22 such renunciation shall be given the other States party hereto by  
 36-23 the Secretary of State of compacting State so renouncing upon  
 36-24 passage of the Act.

#### 36-25 ARTICLE 15. SPECIAL DISTRICT LOCAL LAWS PROVISIONS

36-26 SECTION 15.01. Section [5002.151\(3\)](#), Special District Local  
 36-27 Laws Code, is amended to read as follows:

36-28 (3) "Protected zone" means the portion of the  
 36-29 corporate limits of the City of Freeport as they exist on September  
 36-30 1, 2023, that lies:

36-31 (A) within the enclosed space bounded by  
 36-32 beginning at the intersection of State Highway 36 and the center of  
 36-33 the Brazos River, then north along the center of the Brazos River to  
 36-34 the intersection of the center of the Brazos River and the center of  
 36-35 the DOW fresh water canal, then north and east along the center of  
 36-36 the DOW fresh water canal to the intersection of the center of the  
 36-37 DOW fresh water canal and Farm-to-Market Road 1495, then south  
 36-38 along Farm-to-Market Road 1495 to the intersection of  
 36-39 Farm-to-Market Road 1495 and State Highway 36, and then west along  
 36-40 State Highway 36 to the intersection of State Highway 36 and the  
 36-41 center of the Brazos River;

36-42 (B) within Brazoria County 2020 United States  
 36-43 Census tract 664501 blocks 2027, 2032, and 2034;

36-44 (C) within the enclosed space bounded by  
 36-45 beginning at the intersection of Farm-to-Market Road 1495 and the  
 36-46 Intracoastal Waterway, then west along the Intracoastal Waterway to  
 36-47 the intersection of the Intracoastal Waterway and the Brazos River,  
 36-48 then south along the Brazos River to the Gulf of America [~~Gulf of~~  
 36-49 ~~Mexico~~], then east along the Gulf of America [~~Gulf of Mexico~~] to the  
 36-50 intersection of a line extending from the southern terminus of  
 36-51 Farm-to-Market Road 1495 due south to the intersection with the  
 36-52 Gulf of America [~~Gulf of Mexico~~], and then due north to the  
 36-53 intersection of Farm-to-Market Road 1495 and the Intracoastal  
 36-54 Waterway;

36-55 (D) adjacent to the old Brazos River channel and  
 36-56 inside the floodgate, which is zoned as a W-1 District under the  
 36-57 zoning ordinance, and bounded by Farm-to-Market Road 1495 on the  
 36-58 west;

36-59 (E) within the portion of Brazoria County 2020  
 36-60 United States Census tract 664200 blocks 2059, 2060, and 2061 that  
 36-61 lies within 3,500 feet of the centerline of State Highway 332;

36-62 (F) within the 13.316 acre tract of land  
 36-63 described in that certain Deed recorded in Volume 11199, at Page 471  
 36-64 of the Brazoria County Real Property Records; or

36-65 (G) within the 56.751 acre tract of land  
 36-66 described in that certain Deed of Exchange recorded in Volume  
 36-67 86286, at Page 927 of the Brazoria County Real Property Records.

36-68 SECTION 15.02. Section [5002.201\(a\)](#), Special District Local  
 36-69 Laws Code, is amended to read as follows:



(a) This section applies only to property:

(1) owned or leased by the district; and

(2) located in:

(A) the district; and

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

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

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

(1) owned or leased by the district;

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

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

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

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

(1) in the district;

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

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

#### ARTICLE 16. TRANSPORTATION CODE PROVISIONS

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

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

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

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

(1) is located on:

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

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

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

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

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

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

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

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

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

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

(3) "Harris County port" means a place in Harris

County into which a vessel enters or from which a vessel departs and the waterway leading to that place from the Gulf of America [~~Gulf of Mexico~~].

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

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

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

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

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

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

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

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

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

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

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

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

(A) is located in one county; and

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

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

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

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

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

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

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

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

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

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

(4) borders the United Mexican States.

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

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

SECTION 16.16. Section 342.001(a), Transportation Code, is

amended to read as follows:

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

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

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

or

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

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

Sec. 463.002. APPLICATION. This chapter applies to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) bordering the United Mexican States; or

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

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

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

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

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

(B) bordering the United Mexican States; or

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

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

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

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

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

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

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

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

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

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

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

SECTION 16.25. Section 644.101(b), Transportation Code, as amended by Chapters 584 (H.B. 2901), 644 (H.B. 4559), and 1072 (S.B. 540), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(7) a municipality that is located:

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

(B) in a county that does not contain a highway that is part of the national system of interstate and defense highways and is adjacent to a county with a population greater than 3.3 million;

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

(A) is the county seat; and

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

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

(10) a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a



population of more than 285,000 and less than 300,000 that borders the Gulf of America [~~Gulf of Mexico~~];

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

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

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

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

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

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

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

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

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

(A) contains three or more numbered United States highways; and

(B) is located in a county that is adjacent to a county with a population of more than 200,000;

(15) a municipality with a population of less than 50,000 that is located in:

(A) a county that generated \$20 million or more in tax revenue collected under Chapters 201 and 202, Tax Code, from oil and gas production during the preceding state fiscal year; or

(B) a county that is adjacent to two or more counties described by Paragraph (A); [~~or~~]

(16) a municipality with a population of more than 2,000 that is located in a county:

(A) with a population of less than 200,000; and

(B) that borders:

(i) another state; and

(ii) the Gulf Intracoastal Waterway; or

(17) [~~(16)~~] a municipality that is located:

(A) within 20 miles of an international airport;

and

(B) in a county that:

(i) contains an active quarry;

(ii) has a population of more than 150,000 but less than 170,000; and

(iii) is adjacent to a county with a population of more than two million.

SECTION 16.26. Section 729.001(b), Transportation Code, is amended to read as follows:

(b) In this section, "beach" means a beach bordering on the Gulf of America [~~Gulf of Mexico~~] that extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of America [~~Gulf of Mexico~~], or the larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom.

SECTION 16.27. The heading to Section 750.002, Transportation Code, is amended to read as follows:

Sec. 750.002. SPEED OF VEHICLE IN PARK IN COUNTY BORDERING GULF OF AMERICA [~~GULF OF MEXICO~~].

SECTION 16.28. Section 750.002(a), Transportation Code, is amended to read as follows:

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

#### ARTICLE 17. TAX CODE PROVISIONS

SECTION 17.01. Sections 11.271(b) and (c), Tax Code, are

42-1 amended to read as follows:

42-2 (b) An owner or lessee of a marine or mobile drilling unit  
42-3 designed for offshore drilling of oil or gas wells is entitled to an  
42-4 exemption from taxation of the drilling unit if the drilling unit:

42-5 (1) is being stored in a county bordering on the Gulf  
42-6 of America [~~Gulf of Mexico~~] or on a bay or other body of water  
42-7 immediately adjacent to the Gulf of America [~~Gulf of Mexico~~];

42-8 (2) is not being stored for the sole purpose of repair  
42-9 or maintenance; and

42-10 (3) is not being used to drill a well at the location  
42-11 at which it is being stored.

42-12 (c) A person is entitled to an exemption from taxation of  
42-13 the personal property the person owns or leases that is used,  
42-14 constructed, acquired, stored, or installed solely as part of an  
42-15 offshore spill response containment system, or that is used solely  
42-16 for the development, improvement, storage, deployment, repair,  
42-17 maintenance, or testing of such a system, if the system is being  
42-18 stored while not in use in a county bordering on the Gulf of America  
42-19 [~~Gulf of Mexico~~] or on a bay or other body of water immediately  
42-20 adjacent to the Gulf of America [~~Gulf of Mexico~~]. Property  
42-21 described by this subsection and not used for any other purpose is  
42-22 considered to be property used wholly as an integral part of mobile  
42-23 or marine drilling equipment designed for offshore drilling of oil  
42-24 or gas wells.

42-25 SECTION 17.02. Section 31.03(d), Tax Code, is amended to  
42-26 read as follows:

42-27 (d) This subsection applies only to a taxing unit located in  
42-28 a county having a population of not less than 315,000 and not more  
42-29 than 351,000 that borders a county having a population of 3.3  
42-30 million or more and the Gulf of America [~~Gulf of Mexico~~]. The  
42-31 governing body of a taxing unit that has its taxes collected by  
42-32 another taxing unit that has adopted the split-payment option under  
42-33 Subsection (a) may provide, in the manner required by law for  
42-34 official action by the body, that the split-payment option does not  
42-35 apply to the taxing unit's taxes collected by the other taxing unit.

42-36 SECTION 17.03. Section 41.44(c-1), Tax Code, is amended to  
42-37 read as follows:

42-38 (c-1) A property owner who files a notice of protest after  
42-39 the deadline prescribed by Subsection (a) but before the taxes on  
42-40 the property to which the notice applies become delinquent is  
42-41 entitled to a hearing and determination of the protest if the  
42-42 property owner was continuously employed in the Gulf of America  
42-43 [~~Gulf of Mexico~~], including employment on an offshore drilling or  
42-44 production facility or on a vessel, for a period of not less than 20  
42-45 days during which the deadline prescribed by Subsection (a) passed,  
42-46 and the property owner provides the appraisal review board with  
42-47 evidence of that fact through submission of a letter from the  
42-48 property owner's employer or supervisor or, if the property owner  
42-49 is self-employed, a sworn affidavit.

42-50 SECTION 17.04. Section 156.2512(c)(1), Tax Code, is amended  
42-51 to read as follows:

42-52 (1) "Eligible barrier island coastal municipality"  
42-53 means a municipality:

42-54 (A) that borders on the Gulf of America [~~Gulf of~~  
42-55 ~~Mexico~~];

42-56 (B) that is located wholly or partly on a barrier  
42-57 island; and

42-58 (C) that:

42-59 (i) includes an institution of higher  
42-60 education that is part of the Texas Coastal Ocean Observation  
42-61 Network under Section 33.065, Natural Resources Code;

42-62 (ii) includes a national estuarine research  
42-63 reserve;

42-64 (iii) is located within 30 miles of the  
42-65 United Mexican States; or

42-66 (iv) has a population of less than 10,000  
42-67 and is located in a county with a population of at least 370,000  
42-68 that is adjacent to a county with a population of at least  
42-69 3,000,000.

SECTION 17.05. Section 156.252(a), Tax Code, is amended to read as follows:

(a) In this section, "coastal county" means any county adjacent to:

- (1) the Gulf of America [~~Gulf of Mexico~~]; or
- (2) Corpus Christi Bay.

SECTION 17.06. Section 321.101(g), Tax Code, is amended to read as follows:

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

SECTION 17.07. Sections 351.001(3), (7), and (11), Tax Code, are amended to read as follows:

(3) "Eligible coastal municipality" means:

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

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

(7) "Eligible central municipality" means:

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

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

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

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

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

(C) a municipality with a population of 200,000 or more that:

(i) is located in two counties both of which have a population of 900,000 or more; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(D) a municipality with a population of less than 50,000 that contains a general academic teaching institution that is not a component institution of a university system, as those terms are defined by Section 61.003, Education Code; or

(E) a municipality with a population of 640,000 or more that:

(i) is located on an international border; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility.

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

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

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

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

SECTION 17.08. Section 351.003(c), Tax Code, is amended to read as follows:

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

SECTION 17.09. Section 351.102(e), Tax Code, is amended to read as follows:

(e) Subsection (b) applies only to:

(1) a municipality with a population of two million or more;

(2) a municipality with a population of 700,000 or more but less than 1.4 million;

(3) a municipality with a population of 350,000 or more but less than 450,000 in which at least two professional sports stadiums are located, each of which:

(A) has a seating capacity of at least 40,000 people; and

(B) was approved by the voters of the municipality as a sports and community venue project under Chapter 334, Local Government Code; and

(4) a municipality with a population of less than 2,000 that:

(A) is located adjacent to a bay connected to the Gulf of America [~~Gulf of Mexico~~];

(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and

(C) has a boardwalk on the bay.

SECTION 17.10. Section 351.1055(b), Tax Code, is amended to read as follows:

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

SECTION 17.11. Section 351.1066(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

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

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

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

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

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

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

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

SECTION 17.12. Sections 351.107(a) and (e), Tax Code, are amended to read as follows:

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

(e) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use all or any portion of the revenue derived from the municipal hotel occupancy



tax from hotels in an area previously subject to a county hotel occupancy tax and located on an island bordering the Gulf of America [~~Gulf of Mexico~~] to clean and maintain public beaches in the municipality.

SECTION 17.13. Section 351.10713(a), Tax Code, is amended to read as follows:

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

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

(2) through which the Colorado River flows.

SECTION 17.14. Section 351.152, Tax Code, is amended to read as follows:

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

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

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

(3) a municipality described by Section 351.001(7)(E);

(4) a municipality described by Section 351.102(e)(3);

(5) a municipality that contains more than 70 percent of the population of a county with a population of 1.5 million or more;

(6) a municipality with a population of 175,000 or more but less than 200,000 that is partially located in at least one county with a population of 125,000 or more;

(7) a municipality with a population of 250,000 or more but less than one million that is located in one county with a population of 2.5 million or more;

(8) a municipality with a population of 180,000 or more that:

(A) is located in two counties, each with a population of 100,000 or more; and

(B) contains an American Quarter Horse Hall of Fame and Museum;

(9) a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine;

(10) a municipality with a population of 96,000 or more that is located in a county that contains the headwaters of the San Gabriel River;

(11) a municipality with a population of at least 95,000 that is located in a county that is bisected by United States Highway 385 and has a population of not more than 170,000;

(12) a municipality with a population of 110,000 or more but less than 135,000 at least part of which is located in a county with a population of less than 135,000;

(13) a municipality with a population of 28,000 or more but less than 31,000 that is located in two counties, each of which has a population of 900,000 or more and a southern border with a county with a population of 2.5 million or more;

(14) a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System;

(15) a municipality with a population of 95,000 or more that:

(A) is located in more than one county; and

(B) borders Lake Lewisville;

(16) a municipality with a population of 45,000 or more that:

(A) contains a portion of Cedar Hill State Park;

(B) is located in two counties, one of which has a population of 2.5 million or more and one of which has a population of 190,000 or more; and

(C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(17) a municipality with a population of less than

46-1 10,000 that:

46-2 (A) is almost wholly located in a county with a

46-3 population of 900,000 or more that is adjacent to a county with a

46-4 population of 2.5 million or more;

46-5 (B) is partially located in a county with a

46-6 population of 2.1 million or more that is adjacent to a county with

46-7 a population of 2.5 million or more;

46-8 (C) has a visitor center and museum located in a

46-9 19th-century rock building in the municipality's downtown; and

46-10 (D) has a waterpark open to the public;

46-11 (18) a municipality with a population of 60,000 or

46-12 more that:

46-13 (A) borders Lake Ray Hubbard; and

46-14 (B) is located in two counties, one of which has a

46-15 population of less than 110,000;

46-16 (19) a municipality with a population of 110,000 or

46-17 more that:

46-18 (A) borders Clear Lake; and

46-19 (B) is primarily located in a county with a

46-20 population of less than 355,000;

46-21 (20) a municipality with a population of less than

46-22 2,000 that:

46-23 (A) is located adjacent to a bay connected to the

46-24 Gulf of America [~~Gulf of Mexico~~];

46-25 (B) is located in a county with a population of

46-26 290,000 or more that is adjacent to a county with a population of

46-27 four million or more; and

46-28 (C) has a boardwalk on the bay;

46-29 (21) a municipality with a population of 75,000 or

46-30 more that:

46-31 (A) is located wholly in one county with a

46-32 population of 800,000 or more that is adjacent to a county with a

46-33 population of four million or more; and

46-34 (B) has adopted a capital improvement plan for

46-35 the construction or expansion of a convention center facility;

46-36 (22) a municipality with a population of less than

46-37 70,000 that is located in three counties, at least one of which has

46-38 a population of four million or more;

46-39 (23) an eligible coastal municipality with a

46-40 population of 2,900 or more but less than 5,000;

46-41 (24) a municipality with a population of 90,000 or

46-42 more but less than 150,000 that:

46-43 (A) is located in three counties; and

46-44 (B) contains a branch campus of a component

46-45 institution of the University of Houston System;

46-46 (25) a municipality that is:

46-47 (A) primarily located in a county with a

46-48 population of four million or more; and

46-49 (B) connected by a bridge to a municipality

46-50 described by Subdivision (20);

46-51 (26) a municipality with a population of 25,000 or

46-52 more but less than 30,000 that:

46-53 (A) contains a portion of Mustang Bayou; and

46-54 (B) is wholly located in a county with a

46-55 population of less than 500,000;

46-56 (27) a municipality with a population of 70,000 or

46-57 more but less than 90,000 that is located in two counties, one of

46-58 which has a population of four million or more and the other of

46-59 which has a population of less than 50,000;

46-60 (28) a municipality with a population of 10,000 or

46-61 more that:

46-62 (A) is wholly located in a county with a

46-63 population of four million or more; and

46-64 (B) has a city hall located less than three miles

46-65 from a space center operated by an agency of the federal government;

46-66 (29) a municipality that is the county seat of a

46-67 county:

46-68 (A) through which the Pedernales River flows; and

46-69 (B) in which the birthplace of a president of the

47-1 United States is located;  
 47-2 (30) a municipality that contains a portion of U.S.  
 47-3 Highway 79 and State Highway 130;  
 47-4 (31) a municipality with a population of 70,000 or  
 47-5 more but less than 115,000 that is located in two counties, one of  
 47-6 which has a population of 1.1 million or more but less than 1.9  
 47-7 million;  
 47-8 (32) a municipality with a population of less than  
 47-9 25,000 that contains a museum of Western American art;  
 47-10 (33) a municipality with a population of 50,000 or  
 47-11 more that is the county seat of a county that contains a portion of  
 47-12 the Sam Houston National Forest;  
 47-13 (34) a municipality with a population of less than  
 47-14 25,000 that:  
 47-15 (A) contains a cultural heritage museum; and  
 47-16 (B) is located in a county that borders the  
 47-17 United Mexican States and the Gulf of America [~~Gulf of Mexico~~];  
 47-18 (35) a municipality that is the county seat of a county  
 47-19 that:  
 47-20 (A) has a population of 115,000 or more;  
 47-21 (B) is adjacent to a county with a population of  
 47-22 2.1 million or more; and  
 47-23 (C) hosts an annual peach festival;  
 47-24 (36) a municipality that is the county seat of a county  
 47-25 that:  
 47-26 (A) has a population of 800,000 or more; and  
 47-27 (B) is adjacent to a county with a population of  
 47-28 four million or more;  
 47-29 (37) a municipality with a population of less than  
 47-30 10,000 that:  
 47-31 (A) contains a component university of The Texas  
 47-32 A&M University System; and  
 47-33 (B) is located in a county adjacent to a county  
 47-34 that borders Oklahoma;  
 47-35 (38) a municipality with a population of less than  
 47-36 17,000 that:  
 47-37 (A) is located in two counties, each of which has  
 47-38 a population of 900,000 or more but less than two million; and  
 47-39 (B) hosts an annual Cajun Festival;  
 47-40 (39) a municipality with a population of 13,000 or  
 47-41 more that:  
 47-42 (A) is located on an international border; and  
 47-43 (B) is located in a county:  
 47-44 (i) with a population of less than 400,000;  
 47-45 and  
 47-46 (ii) in which at least one World Birding  
 47-47 Center site is located;  
 47-48 (40) a municipality with a population of 3,200 or more  
 47-49 that:  
 47-50 (A) is located on an international border; and  
 47-51 (B) is located not more than five miles from a  
 47-52 state historic site that serves as a visitor center for a state park  
 47-53 that contains 300,000 or more acres of land;  
 47-54 (41) a municipality with a population of 36,000 or  
 47-55 more that is adjacent to at least two municipalities described by  
 47-56 Subdivision (15);  
 47-57 (42) a municipality with a population of 28,000 or  
 47-58 more that is located in a county with a population of 240,000 or  
 47-59 more that contains a portion of the Blanco River and in which is  
 47-60 located a historic railroad depot and heritage center;  
 47-61 (43) a municipality located in a county that has a  
 47-62 population of not more than 300,000 and in which a component  
 47-63 university of the University of Houston System is located;  
 47-64 (44) a municipality with a population of less than  
 47-65 500,000 that is:  
 47-66 (A) located in two counties; and  
 47-67 (B) adjacent to a municipality described by  
 47-68 Subdivision (31);  
 47-69 (45) a municipality that:

- 48-1 (A) has a population of more than 67,000; and  
 48-2 (B) is located in two counties with 90 percent of  
 48-3 the municipality's territory located in a county with a population  
 48-4 of at least 800,000, and the remaining territory located in a county  
 48-5 with a population of at least four million;  
 48-6 (46) a municipality that:  
 48-7 (A) has a population of 100,000 or more; and  
 48-8 (B) is wholly located in, but is not the county  
 48-9 seat of, a county with a population of one million or more:  
 48-10 (i) in which all or part of a municipality  
 48-11 with a population of one million or more is located; and  
 48-12 (ii) that is adjacent to a county with a  
 48-13 population of 2.5 million or more;  
 48-14 (47) a municipality that is the county seat of a county  
 48-15 bordering the Gulf of America [~~Gulf of Mexico~~] and the United  
 48-16 Mexican States;  
 48-17 (48) a municipality that is bisected by the Guadalupe  
 48-18 River and is the county seat of a county with a population of  
 48-19 170,000 or more;  
 48-20 (49) a municipality with a population of 70,000 or  
 48-21 more but less than 150,000 that borders Joe Pool Lake;  
 48-22 (50) a municipality with a population of 115,000 or  
 48-23 more that borders the Neches River;  
 48-24 (51) a municipality described by Section 351.101(k);  
 48-25 (52) a municipality that is the county seat of a  
 48-26 county:  
 48-27 (A) through which the Brazos River flows; and  
 48-28 (B) in which a national monument is located;  
 48-29 (53) a municipality with a population of 45,000 or  
 48-30 more that:  
 48-31 (A) is not the county seat of a county;  
 48-32 (B) is located in a single county; and  
 48-33 (C) contains a portion of Lake Lewisville;  
 48-34 (54) a municipality that is the county seat of a county  
 48-35 with a population of more than 900,000 that is adjacent to two  
 48-36 counties, each of which has a population of more than 1.8 million;  
 48-37 (55) a municipality that hosts an annual wine festival  
 48-38 and is located in three counties, each of which has a population of  
 48-39 more than 900,000;  
 48-40 (56) a municipality that has a population of at least  
 48-41 150,000 but less than 1,300,000 and is partially located in a county  
 48-42 that contains a portion of Cedar Creek Reservoir;  
 48-43 (57) a municipality that is located in a county that  
 48-44 contains a portion of Cedar Creek Reservoir and in which a private  
 48-45 college is located;  
 48-46 (58) a municipality that is the county seat of a  
 48-47 county:  
 48-48 (A) with a population of one million or more;  
 48-49 (B) in which all or part of a municipality with a  
 48-50 population of one million or more is located; and  
 48-51 (C) that is located adjacent to a county with a  
 48-52 population of 2.5 million or more;  
 48-53 (59) a municipality that is the county seat of a county  
 48-54 that contains a portion of Cedar Creek Reservoir and borders a  
 48-55 county with a population of more than 240,000;  
 48-56 (60) a municipality with a population of more than  
 48-57 80,000 but less than 150,000 that is located in a county with a  
 48-58 population of more than 369,000 but less than 864,000 that contains  
 48-59 part of an active duty United States Army installation;  
 48-60 (61) a municipality with a population of 750,000 or  
 48-61 more that is located in a county with a population of 1.5 million or  
 48-62 less;  
 48-63 (62) a municipality with a population of less than  
 48-64 7,000 that contains a country music hall of fame;  
 48-65 (63) a municipality with a population of 35,000 or  
 48-66 more that contains a railroad museum and is located in a county  
 48-67 that:  
 48-68 (A) has a population of 800,000 or more; and  
 48-69 (B) is adjacent to a county with a population of



49-1 four million or more; and

49-2 (64) a municipality:

49-3 (A) that is the county seat of a county:

49-4 (i) with a population of 60,000 or less; and

49-5 (ii) that borders the Rio Grande; and

49-6 (B) in which is located a United States military  
49-7 fort listed in the National Register of Historic Places.

49-8 SECTION 17.15. Section 352.002(a), Tax Code, is amended to  
49-9 read as follows:

49-10 (a) The commissioners courts of the following counties by  
49-11 the adoption of an order or resolution may impose a tax on a person  
49-12 who, under a lease, concession, permit, right of access, license,  
49-13 contract, or agreement, pays for the use or possession or for the  
49-14 right to the use or possession of a room that is in a hotel, costs \$2  
49-15 or more each day, and is ordinarily used for sleeping:

49-16 (1) a county that has a population of more than 3.3  
49-17 million;

49-18 (2) a county that has a population of 90,000 or more,  
49-19 borders the United Mexican States, does not border the Gulf of  
49-20 America [~~Gulf of Mexico~~], and does not have four or more cities that  
49-21 each have a population of more than 25,000;

49-22 (3) a county in which there is no municipality;

49-23 (4) a county in which there is located an Indian  
49-24 reservation under the jurisdiction of the United States government;

49-25 (5) a county that has a population of 30,000 or less,  
49-26 that has no more than one municipality with a population of less  
49-27 than 2,500, and that borders two counties located wholly in the  
49-28 Edwards Aquifer Authority established by Chapter 626, Acts of the  
49-29 73rd Legislature, Regular Session, 1993;

49-30 (6) a county that borders the Gulf of America [~~Gulf of~~  
49-31 ~~Mexico~~];

49-32 (7) a county that has a population of less than 5,000,  
49-33 that borders the United Mexican States, and in which there is  
49-34 located a major observatory;

49-35 (8) a county that has a population of 12,000 or less  
49-36 and borders the Toledo Bend Reservoir;

49-37 (9) a county that has a population of less than 12,500  
49-38 and an area of less than 275 square miles and does not border a  
49-39 county that borders Arkansas and Louisiana;

49-40 (10) a county that has a population of 30,000 or less  
49-41 and borders Possum Kingdom Lake;

49-42 (11) a county that borders a county with a population  
49-43 of more than 300,000 and the United Mexican States and has a  
49-44 population of more than 300,000 and less than 900,000;

49-45 (12) a county that has a population of 35,000 or more  
49-46 and borders or contains a portion of Lake Fork Reservoir;

49-47 (13) a county that borders the United Mexican States  
49-48 and in which there is located a national recreation area;

49-49 (14) a county that borders the United Mexican States  
49-50 and in which there is located a national park of more than 400,000  
49-51 acres;

49-52 (15) a county that has a population of 28,000 or less,  
49-53 that has no more than four municipalities, and that is located  
49-54 wholly in the Edwards Aquifer Authority established by Chapter 626,  
49-55 Acts of the 73rd Legislature, Regular Session, 1993;

49-56 (16) a county that has a population of 25,000 or less,  
49-57 whose territory is less than 750 square miles, and that has two  
49-58 incorporated municipalities, each with a population of 800 or less,  
49-59 at least one of which is located on the Frio River;

49-60 (17) a county that has a population of 34,000 or more  
49-61 and borders Lake Buchanan;

49-62 (18) a county that has a population of more than 45,000  
49-63 and less than 75,000, that borders the United Mexican States, and  
49-64 that borders or contains a portion of Falcon Lake;

49-65 (19) a county with a population of 22,000 or less that  
49-66 borders the Neches River and in which there is located a national  
49-67 preserve;

49-68 (20) a county that has a population of 28,000 or less  
49-69 and that borders or contains a portion of Lake Livingston;

(21) a county through which the Pedernales River flows and in which the birthplace or the childhood home of a president of the United States is located;

(22) a county that has a population of 35,000 or less and borders Lake Buchanan;

(23) a county with a population of less than 11,000 that is bordered by the Sulphur River;

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

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

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

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

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

(29) a county that borders Whitney Lake.

SECTION 17.16. Section 352.003(f), Tax Code, is amended to read as follows:

(f) The tax rate in a county that borders the Gulf of America [~~Gulf of Mexico~~], has a population of more than 200,000, and borders the Neches River may not exceed two percent of the price paid for a room in a hotel in the county.

SECTION 17.17. The heading to Section 352.1033, Tax Code, is amended to read as follows:

Sec. 352.1033. USE OF REVENUE; COUNTIES BORDERING THE GULF OF AMERICA [~~GULF OF MEXICO~~].

SECTION 17.18. Sections 352.1033(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Subsection (c), the revenue from a tax imposed under this chapter by a county that borders the Gulf of America [~~Gulf of Mexico~~] authorized to impose the tax by Section 352.002(a)(6) may be used only to:

(1) clean public beaches;

(2) acquire, furnish, or maintain facilities, including parks, that enhance public access to beaches;

(3) provide and maintain public restrooms on or adjacent to beaches or beach access facilities;

(4) provide and maintain litter containers on or adjacent to beaches or beach access facilities;

(5) create, renovate, promote, and maintain parks adjacent to bays, rivers, and other navigable waterways if the county does not operate a public beach on the Gulf of America [~~Gulf of Mexico~~];

(6) advertise and conduct solicitations and promotional programs to attract tourists and convention delegates or registrants to the county or its vicinity, any of which may be conducted by the county or through contracts with persons or organizations selected by the county;

(7) acquire a site for and construct, improve, enlarge, equip, repair, operate, and maintain a visitor information center; and

(8) encourage, promote, and improve historical preservation and restoration efforts.

(b) A county that borders the Gulf of America [~~Gulf of Mexico~~] and that is authorized to impose the tax by Section 352.002(a)(6) may use 50 percent or less of the revenue from the tax for the promotion of tourism.

ARTICLE 18. UTILITIES CODE PROVISIONS

SECTION 18.01. Section 39.9016, Utilities Code, is amended to read as follows:

Sec. 39.9016. NUCLEAR SAFETY FEE. An electric utility that operates a nuclear asset located in a county on the coast of the Gulf of America [~~Gulf of Mexico~~] shall pay a nuclear safety fee for the year 2000 and the year 2001 to each taxing unit in which the nuclear asset is located, other than a school district, in an amount equal to the difference between the ad valorem taxes imposed by the

taxing unit in 1999 and the amount of ad valorem taxes imposed by the unit in the year for which the fee is due, except that the amount of the fee may not exceed one-half the taxes imposed on the asset by the unit in 1999. The nuclear safety fee shall be considered a tax or fee under Section 39.258(5).

# ARTICLE 19. WATER CODE PROVISIONS

SECTION 19.01. Section 11.002(11), Water Code, is amended to read as follows:

(11) "River basin" means a river or coastal basin designated by the board as a river basin under Section 16.051. The term does not include waters originating in the bays or arms of the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.02. Section 11.021(a), Water Code, is amended to read as follows:

(a) The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of America [~~Gulf of Mexico~~], and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state is the property of the state.

SECTION 19.03. Section 11.023(f), Water Code, is amended to read as follows:

(f) The water of any arm, inlet, or bay of the Gulf of America [~~Gulf of Mexico~~] may be changed from salt water to sweet or fresh water and held or stored by dams, dikes, or other structures and may be taken or diverted for any purpose authorized by this chapter.

SECTION 19.04. Section 11.050(a), Water Code, is amended to read as follows:

(a) An appropriator authorized to take water for irrigation, subject to the laws of the United States and the regulations made under its authority, may construct gates or breakwaters, dams, or dikes with gates, in waters wholly in this state, as necessary to prevent pollution of the fresh water of any river, bayou, or stream due to the ebb and flow of the tides of the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.05. Section 11.0871(a), Water Code, is amended to read as follows:

(a) The commission may authorize, under conditions stated in an order, a watermaster to provide for the temporary diversion and use by holders of water rights of storm water or floodwater that spills from dams and reservoirs on an international stream and otherwise would flow into the Gulf of America [~~Gulf of Mexico~~] without opportunity for beneficial use.

SECTION 19.06. Sections 11.1405(a) and (b), Water Code, are amended to read as follows:

(a) The commission may issue a permit under this section to authorize a diversion of state water from the Gulf of America [~~Gulf of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of Mexico~~] for desalination and use for industrial purposes if:

(1) the point of diversion is located less than three miles seaward of any point located on the coast of this state; or

(2) the seawater contains a total dissolved solids concentration based on a yearly average of samples taken monthly at the water source of less than 20,000 milligrams per liter.

(b) A person may divert state water from the Gulf of America [~~Gulf of Mexico~~] or a bay or arm of the Gulf of America [~~Gulf of Mexico~~] for desalination and use for industrial purposes without obtaining a permit if Subsection (a) does not apply.

SECTION 19.07. Section 11.142(c), Water Code, is amended to read as follows:

(c) Without obtaining a permit, a person who is drilling and producing petroleum and conducting operations associated with drilling and producing petroleum may take for those purposes state water from the Gulf of America [~~Gulf of Mexico~~] and adjacent bays and arms of the Gulf of America [~~Gulf of Mexico~~] in an amount not to exceed one acre-foot during each 24-hour period.

SECTION 19.08. Section 11.1421(b), Water Code, is amended to read as follows:



(b) Without obtaining a permit and subject to the requirements and limitations provided by Subsections (c) through (e) of this section, a person who is engaged in mariculture operations on land may take for that purpose state water from the Gulf of America [~~Gulf of Mexico~~] and adjacent bays and arms of the Gulf of America [~~Gulf of Mexico~~] in an amount appropriate to those mariculture activities.

SECTION 19.09. Section 11.3271(h), Water Code, is amended to read as follows:

(h) Before granting a permit to convey water down the banks and bed of the Rio Grande, the commission shall adopt rules that provide for the methods and procedures by which the watermaster shall account for any discharge, delivery, conveyance, storage, diversion, or associated loss of water conveyed down the banks and bed of the Rio Grande. A permit to convey water down the banks and bed of the Rio Grande may not allow the permit holder to share in any beneficial state water inflows into the Rio Grande. The permit holder is entitled to convey only the amount of water specified in the permit, less the carriage losses incurred in transit, as described and measured according to commission rules. A rule adopted by the commission under this subsection must be consistent with the Treaty Relating to the Utilization of the Waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of America [~~Gulf of Mexico~~], concluded by the United States and the United Mexican States on February 3, 1944, and with any minute order adopted by the International Boundary and Water Commission.

SECTION 19.10. Section 13.245(c-5), Water Code, is amended to read as follows:

(c-5) Subsections (c-1), (c-2), (c-3), and (c-4) do not apply to:

(1) a county that borders the United Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to such a county;

(2) a county with a population of more than 30,000 and less than 36,000 that borders the Red River; or

(3) a county with a population of more than 100,000 and less than 200,000 that borders a county described by Subdivision (2).

SECTION 19.11. Section 13.2451(b-1), Water Code, is amended to read as follows:

(b-1) Subsection (b) does not apply to an extension of extraterritorial jurisdiction in a county that borders the United Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to such a county.

SECTION 19.12. Section 13.254(a-9), Water Code, is amended to read as follows:

(a-9) Subsection (a-8) does not apply to a county that borders the United Mexican States and the Gulf of America [~~Gulf of Mexico~~] or a county adjacent to a county that borders the United Mexican States and the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.13. Section 16.053(e), Water Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the most recent deadline for the board to adopt the state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan; provided, however, that if no groundwater conservation district exists within the area of the regional water planning group, the regional water



53-1 planning group shall determine the supply of groundwater for  
 53-2 regional planning purposes; the Texas Water Development Board shall  
 53-3 review and approve, prior to inclusion in the regional water plan,  
 53-4 that the groundwater supply for the regional planning group without  
 53-5 a groundwater conservation district in its area is physically  
 53-6 compatible, using the board's groundwater availability models,  
 53-7 with the desired future conditions adopted under Section 36.108 for  
 53-8 the relevant aquifers in the groundwater management area that are  
 53-9 regulated by groundwater conservation districts;

53-10 (3) identifies:

53-11 (A) each source of water supply in the regional  
 53-12 water planning area, including information supplied by the  
 53-13 executive administrator on the amount of modeled available  
 53-14 groundwater in accordance with the guidelines provided by the  
 53-15 development board under Subsections (d) and (f);

53-16 (B) factors specific to each source of water  
 53-17 supply to be considered in determining whether to initiate a  
 53-18 drought response;

53-19 (C) actions to be taken as part of the response;

53-20 (D) existing major water infrastructure  
 53-21 facilities that may be used for interconnections in the event of an  
 53-22 emergency shortage of water; and

53-23 (E) unnecessary or counterproductive variations  
 53-24 in specific drought response strategies, including outdoor  
 53-25 watering restrictions, among user groups in the regional water  
 53-26 planning area that may confuse the public or otherwise impede  
 53-27 drought response efforts;

53-28 (4) has specific provisions for water management  
 53-29 strategies to be used during a drought of record;

53-30 (5) includes but is not limited to consideration of  
 53-31 the following:

53-32 (A) any existing water or drought planning  
 53-33 efforts addressing all or a portion of the region and potential  
 53-34 impacts on public health, safety, or welfare in this state;

53-35 (B) approved groundwater conservation district  
 53-36 management plans and other plans submitted under Section 16.054;

53-37 (C) all potentially feasible water management  
 53-38 strategies, including but not limited to improved conservation,  
 53-39 reuse, and management of existing water supplies, conjunctive use,  
 53-40 acquisition of available existing water supplies, and development  
 53-41 of new water supplies;

53-42 (D) protection of existing water rights in the  
 53-43 region;

53-44 (E) opportunities for and the benefits of  
 53-45 developing regional water supply facilities or providing regional  
 53-46 management of water supply facilities;

53-47 (F) appropriate provision for environmental  
 53-48 water needs and for the effect of upstream development on the bays,  
 53-49 estuaries, and arms of the Gulf of America [~~Gulf of Mexico~~] and the  
 53-50 effect of plans on navigation;

53-51 (G) provisions in Section 11.085(k)(1) if  
 53-52 interbasin transfers are contemplated;

53-53 (H) voluntary transfer of water within the region  
 53-54 using, but not limited to, regional water banks, sales, leases,  
 53-55 options, subordination agreements, and financing agreements;

53-56 (I) emergency transfer of water under Section  
 53-57 11.139, including information on the part of each permit, certified  
 53-58 filing, or certificate of adjudication for nonmunicipal use in the  
 53-59 region that may be transferred without causing unreasonable damage  
 53-60 to the property of the nonmunicipal water rights holder; and

53-61 (J) opportunities for and the benefits of  
 53-62 developing large-scale desalination facilities for:

53-63 (i) marine seawater that serve local or  
 53-64 regional entities; and

53-65 (ii) brackish groundwater that serve local  
 53-66 or regional brackish groundwater production zones identified and  
 53-67 designated under Section 16.060(b)(5);

53-68 (6) identifies river and stream segments of unique  
 53-69 ecological value and sites of unique value for the construction of

reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality;

(9) includes information on:

(A) projected water use and conservation in the regional water planning area;

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands; and

(C) the implementation of large projects, including reservoirs, interstate water transfers, innovative technology projects, desalination plants, and other large projects as determined by the board, including information regarding:

(i) expenditures of sponsor money;

(ii) permit applications, including the status of a permit application; and

(iii) status updates on the phase of construction of a project;

(10) if the regional water planning area has significant identified water needs, provides a specific assessment of the potential for aquifer storage and recovery projects to meet those needs;

(11) sets one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for the municipal water user groups in the regional water planning area; and

(12) assesses the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.

SECTION 19.14. Section 16.321, Water Code, is amended to read as follows:

Sec. 16.321. COASTAL FLOODING. The Commissioner of the General Land Office shall adopt and enforce reasonable rules and regulations necessary for protection from flooding on barrier islands, peninsulas, and mainland areas fronting on the Gulf of America [~~Gulf of Mexico~~]. Rules and regulations adopted pursuant to this section shall be limited to those matters that political subdivisions are authorized to address under Section 16.315 of this code. Except as otherwise provided by this section, all actions taken by political subdivisions under Section 16.315 of this code with respect to flooding on barrier islands, peninsulas, and mainland areas fronting on the Gulf of America [~~Gulf of Mexico~~] must comply with rules and regulations adopted by the commissioner under this section. A political subdivision may adopt rules that are more stringent than those adopted by the commissioner under this section, provided the stricter provisions are intended to ensure compliance with the National Flood Insurance Program's rules, regulations, and policies.

SECTION 19.15. Section 18.001(2), Water Code, is amended to read as follows:

(2) "Marine seawater" means water that is derived from the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.16. Section 18.003(i), Water Code, is amended to read as follows:

(i) The Parks and Wildlife Department and the General Land Office jointly shall conduct a study to identify zones in the Gulf of America [~~Gulf of Mexico~~] that are appropriate for the diversion of marine seawater, taking into account the need to protect marine organisms. Not later than September 1, 2018, the Parks and Wildlife Department and the General Land Office shall submit a report on the results of the study to the commission. The report must include recommended diversion zones for designation by the commission and recommendations for the number of points from which, and the rate at

which, a facility may divert marine seawater. Not later than September 1, 2020, the commission by rule shall designate appropriate diversion zones. A diversion zone may be contiguous to, be the same as, or overlap a discharge zone. The point or points from which a facility may divert marine seawater must be located in a diversion zone designated by the commission under rules adopted under this subsection if:

(1) the facility is authorized by a permit as required by Subsection (a) issued after the rules are adopted; or

(2) the facility is exempt under Subsection (b) from the requirement of a permit and construction of the facility begins after the rules are adopted.

SECTION 19.17. Sections 18.005(c), (d), and (g), Water Code, are amended to read as follows:

(c) A person must obtain a permit to discharge:

(1) treated marine seawater into a natural stream in this state or a lake, reservoir, or other impoundment in this state; or

(2) waste resulting from the desalination of treated marine seawater into the Gulf of America [~~Gulf of Mexico~~].

(d) A person shall:

(1) treat marine seawater so as to meet standards that are at least as stringent as the water quality standards adopted by the commission applicable to the receiving stream or impoundment before discharging the seawater under this section; and

(2) comply with all applicable state and federal requirements when discharging waste resulting from the desalination of marine seawater into the Gulf of America [~~Gulf of Mexico~~].

(g) The Parks and Wildlife Department and the General Land Office jointly shall conduct a study to identify zones in the Gulf of America [~~Gulf of Mexico~~] that are appropriate for the discharge of waste resulting from the desalination of marine seawater, taking into account the need to protect marine organisms. Not later than September 1, 2018, the Parks and Wildlife Department and the General Land Office shall submit a report on the results of the study to the commission. The report must include recommended discharge zones for designation by the commission. Not later than September 1, 2020, the commission by rule shall designate appropriate discharge zones. The point at which a facility may discharge waste resulting from the desalination of marine seawater must be located in a discharge zone designated by the commission under rules adopted under this subsection if the facility is authorized by a permit issued under Subsection (c)(2) after the rules are adopted.

SECTION 19.18. Section 26.001(5), Water Code, is amended to read as follows:

(5) "Water" or "water in the state" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~], inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

SECTION 19.19. Sections 26.0272(b) and (c), Water Code, are amended to read as follows:

(b) The commission may issue a permit for the discharge of water treatment residuals from the desalination of seawater into the portion of the Gulf of America [~~Gulf of Mexico~~] inside the territorial limits of the state.

(c) Before issuing a permit under this section, the commission must evaluate the discharge of water treatment residuals from the desalination of seawater into the Gulf of America [~~Gulf of Mexico~~] for compliance with the state water quality standards adopted by the commission, the requirements of the Texas Pollutant Discharge Elimination System program, and applicable federal law.



SECTION 19.20. Sections 26.044(a)(4), Water Code, are amended to read as follows:

(4) "Surface water in the state" means all lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~] out three nautical miles into the Gulf, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except waters beyond three nautical miles of any shore in the state.

SECTION 19.21. Section 27.040, Water Code, is amended to read as follows:

Sec. 27.040. DEFINITION. In this subchapter, "offshore" means the area in the Gulf of America [~~Gulf of Mexico~~] seaward of the coast that is within three marine leagues of the coast.

SECTION 19.22. Section 28.001(4), Water Code, is amended to read as follows:

(4) "Water" or "water in the state" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the territorial limits of the state, and all other bodies of natural and artificial surface water that is inland or coastal, fresh or salt, and navigable or nonnavigable, and includes the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

SECTION 19.23. Section 31.001(11), Water Code, is amended to read as follows:

(11) "Water" or "water in the state" means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of America [~~Gulf of Mexico~~] inside the territorial limits of the state, and all other bodies of natural and artificial surface water that are inland or coastal, fresh or salt, and navigable or nonnavigable and includes the beds and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

SECTION 19.24. Section 36.001(23), Water Code, is amended to read as follows:

(23) "River basin" means a river or coastal basin designated as a river basin by the board under Section 16.051. The term does not include waters of the bays or arms originating in the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.25. Section 49.2127(b), Water Code, is amended to read as follows:

(b) This section applies only to a district whose territory is located wholly or partly in a county:

(1) located on the Gulf of America [~~Gulf of Mexico~~] and an international border; or

(2) adjacent to a county described by Subdivision (1).

SECTION 19.26. Section 49.502, Water Code, is amended to read as follows:

Sec. 49.502. APPLICABILITY. This subchapter applies only to a district, other than a drainage district, located wholly or partly in a county:

(1) that borders the Gulf of America [~~Gulf of Mexico~~] and the United Mexican States; or

(2) that is adjacent to a county described by Subdivision (1).

SECTION 19.27. Section 54.235, Water Code, is amended to read as follows:

Sec. 54.235. AUTHORITY TO CONTRACT. Any district created by general law or special act of the legislature in existence for at least 10 years which lies within a county that borders on the Gulf of America [~~Gulf of Mexico~~] and that has a population of 190,000 and



which has the powers of this chapter and which also has or is authorized to acquire road utility district powers pursuant to Section 54.234, of this code, may contract with the county within which it is located with respect to the ownership, maintenance, and operation of any facilities or improvements which such district is authorized or may be authorized to acquire by purchase, gift, lease, or otherwise, except by condemnation, any and all property or interests in property, whether real, personal, or mixed, tangible or intangible, located inside or outside such county, that are found to be necessary for such improvements or facilities. Such county may enter into contracts with such districts as permitted by this section for any term of years not exceeding 40 for the management and operation of any or all of such property and interests in property on such terms as the commissioners court of such county deems appropriate.

SECTION 19.28. Section 60.039(c), Water Code, is amended to read as follows:

(c) This subsection applies only to a district that operates a port in this state that is wholly located in a county that borders the Gulf of America [~~Gulf of Mexico~~] and that is adjacent to a county that contains an international border and borders the Gulf of America [~~Gulf of Mexico~~]. The district may lease the surface of land for not more than 99 years or may extend a lease to a period not to exceed 99 years only if:

(1) the lease conveys an interest in the surface of the land for residential purposes only;

(2) at the time the lease will be entered into or extended, the district has not less than 50 leases in effect that convey an interest in the land surface for residential purposes only; and

(3) any part of the land owned by the district is subdivided into lots intended for residential use.

SECTION 19.29. Section 61.151(a), Water Code, is amended to read as follows:

(a) A district created for the development of deep-water navigation which includes a city with a population of more than 100,000, according to the last preceding federal census, may operate and develop ports and waterways inside the district and extending to the Gulf of America [~~Gulf of Mexico~~].

SECTION 19.30. Section 63.156(a), Water Code, is amended to read as follows:

(a) The district may exercise the power of eminent domain to condemn and acquire the right-of-way over and through any public or private land necessary to improve any river, bay, creek, or arm of the Gulf of America [~~Gulf of Mexico~~] for the construction and maintenance of any canal or waterway and for any other purpose authorized by this chapter.

SECTION 19.31. Section 63.157, Water Code, is amended to read as follows:

Sec. 63.157. AUTHORITY OVER IMPROVEMENTS. A district may acquire, purchase, take over, construct, maintain, operate, develop, and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, literage, lands, towing facilities, and all other facilities or aids incident to or necessary to the operation or development of ports or waterways inside the district extending to the Gulf of America [~~Gulf of Mexico~~].

#### ARTICLE 20. TRANSITION AND EFFECTIVE DATE

SECTION 20.01. To the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 20.02. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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