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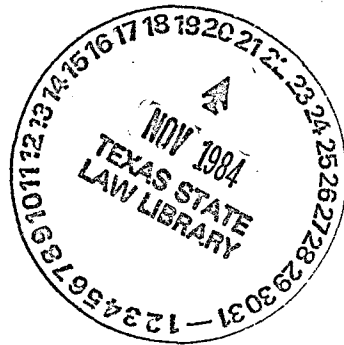
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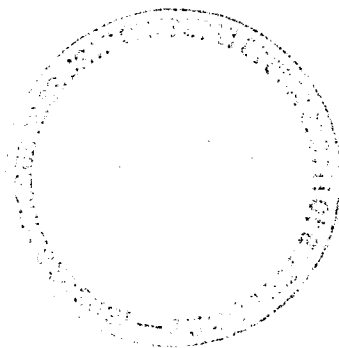
Retain this supplement with
Texas Civil Statutes Pamphlets



*As Amended at the
1984 Second
Called Session of the
68th Legislature*

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WTSC Civil Stats.

REVISED CIVIL STATUTES

TITLE 8

APPORTIONMENT

JUDICIAL DISTRICTS

Art. 199a. Judicial Districts Act of 1969

[See Civil Statutes Pamphlets for text of 1.001 to 2.010]

SUBCHAPTER C. CREATION OF DISTRICTS

[See Civil Statutes Pamphlets for text of 3.001 to 3.150]

356. — Hardin

[See Civil Statutes Pamphlets for text of 3.151(a) to (c)]

Text of subsection added effective January 1, 1985

(d) The terms of the 356th District Court begin on the first Monday in April and the first Monday in October of each year. Each term of court continues until the next succeeding term begins.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 145, ch. 9, § 1, eff. Jan. 1, 1985.]

[See Civil Statutes Pamphlets for text of 3.152 to 3.154]

SUBCHAPTER D. DISTRICT ATTORNEYS

[See Civil Statutes Pamphlets for text of 4.001 to 4.012]

253rd Judicial District

[See Civil Statutes Pamphlets for text of 4.013(a)]

(b) The district attorney shall represent the state in all cases before the 75th, 253rd, and 344th Dis-

trict Courts and shall perform the duties imposed and have all the authority conferred on district attorneys by the general laws of the state.

[See Civil Statutes Pamphlets for text of 4.013(c)]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 212, ch. 16, § 5, eff. July 12, 1984.]

349th Judicial District

[See Civil Statutes Pamphlets for text of 4.014(a) and (b)]

(c), (d) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 211, ch. 16, § 3, eff. July 12, 1984.

[See Civil Statutes Pamphlets for text of 4.014(e) to (g)]

355th Judicial District

Text of section added effective January 1, 1985

Sec. 4.015. (a) The office of district attorney for the 355th Judicial District is created.

(b) The district attorney shall represent the state in all cases before the 355th District Court and shall perform the duties imposed and have all the authority conferred on district attorneys by the general laws of the state.

[Acts 1984, 68th Leg., 2nd C.S., p. 210, ch. 16, § 1, eff. Jan. 1, 1985.]

[See Civil Statutes Pamphlets for text of 5.001 to 7.003]

TITLE 15

ATTORNEYS—DISTRICT AND COUNTY

3. GENERAL PROVISIONS

Art. 332b-4. Professional Prosecutors Act

[See Civil Statutes Pamphlets for text of 1]

Definition

Text of section effective until January 1, 1985

Sec. 2. In this Act, "district attorney" means each of the district attorneys for the 2nd, 3rd, 9th, 12th, 21st, 26th, 27th, 29th, 30th, 31st, 32nd, 34th, 36th, 38th, 39th, 43rd, 47th, 51st, 52nd, 63rd, 64th,

66th, 69th, 70th, 75th, 76th, 81st, 85th, 90th, 97th, 105th, 106th, 118th, 119th, 145th, 155th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 266th, 271st, and 349th Judicial Districts; the criminal district attorney in each of the counties of Bastrop, Bee, Bexar, Brazoria, Caldwell, Cass, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, and Wood; the county attorney performing

the duties of the district attorney in each of the counties of Andrews, Cameron, Castro, Falls, Fannin, Freestone, Grayson, Limestone, Morris, Ochil-tree, Red River, Robertson, Rusk, and Willacy; and the county attorney or criminal district attorney, as the case may be, of Denton County.

Definition

Text of section effective January 1, 1985

Sec. 2. In this Act, "district attorney" means each of the district attorneys for the 2nd, 3rd, 9th, 12th, 21st, 26th, 27th, 29th, 30th, 31st, 32nd, 34th, 36th, 38th, 39th, 43rd, 47th, 51st, 52nd, 63rd, 64th, 66th, 69th, 70th, 75th, 76th, 81st, 85th, 90th, 97th, 105th, 106th, 118th, 119th, 145th, 155th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 266th, 271st, 349th, and 355th Judicial Districts; the

criminal district attorney in each of the counties of Bastrop, Bee, Bexar, Brazoria, Caldwell, Cass, Eastland, Fort Bend, Galveston, Gregg, Harrison, Hays, Hidalgo, Jackson, Jefferson, Kaufman, Lubbock, McLennan, Navarro, Randall, Rockwall, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, and Wood; the county attorney performing the duties of the district attorney in each of the counties of Andrews, Cameron, Castro, Falls, Fannin, Freestone, Grayson, Limestone, Morris, Ochil-tree, Red River, Robertson, Rusk, and Willacy; and the county attorney or criminal district attorney, as the case may be, of Denton County.

[See Civil Statutes Pamphlets for text of 3 to 7]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 210, ch. 16, § 2, eff. July 12, 1984; § 4, eff. Jan. 1, 1985.]

TITLE 20

PURCHASING AND GENERAL SERVICES COMMISSION

CHAPTER ONE. GENERAL PROVISIONS

Art.

601d. Public Building Authority Act.

Art. 601b. State Purchasing and General Services Act

[See Civil Statutes Pamphlets for text of 1.01 to 9.15]

ARTICLE 10. TELECOMMUNICATIONS SERVICES

[See Civil Statutes Pamphlets for text of 10.01]

System of Telecommunications Services

Sec. 10.02.

[See Civil Statutes Pamphlets for text of 10.02(a) and (b)]

(c) The commission may negotiate rates and execute contracts with telecommunications service providers for services. The commission may acquire transmission facilities by purchase, lease, or lease-purchase, which shall be done on a competitive bid basis if possible. The commission may develop, establish, and maintain carrier systems necessary to the operation of the telecommunications system. The commission may own, lease, or lease-purchase any or all of the facilities or equipment necessary to provide telecommunications services.

[See Civil Statutes Pamphlets for text of 10.02(d)]

Policies and Guidelines

Sec. 10.03.

[See Civil Statutes Pamphlets for text of 10.03(a)]

(b) Each agency shall comply with the policies, guidelines, and operating procedures promulgated. The commission, with the advice of the state auditor, shall maintain records relating to the consolidated telecommunications system as necessary to enable the commission to analyze the cost effectiveness of the system to the state agencies and shall advise the legislature at each session as to the cost effectiveness of the system.

[See Civil Statutes Pamphlets for text of 10.04 to 10.08]

Centralized Capitol Complex Telephone System

Sec. 10.09. (a) The commission shall provide centralized telephone service for state agencies, each house of the legislature, and legislative agencies in the capitol complex. Each house of the legislature and each legislative agency shall use the service at the discretion of the legislature. Other state agencies in the capitol complex shall use the service. The commission may provide the service to other state agencies which elect to subscribe to it.

(b) Each using entity shall make monthly payments to the commission when assessed by the commission.

(c) Each using entity may arrange for its own terminal telephone equipment, but the equipment selected must be compatible with the centralized telephone service. The commission shall make terminal equipment available for using entities that choose to use that terminal equipment.

(d) The commission shall prepare and issue a revised centralized telephone service directory in February of each year.

Engineering and Technical Assistance

Sec. 10.10. (a) The commission may provide engineering and technical assistance to state agencies on telephone and other telecommunications matters, including customer premises equipment. If this requirement exceeds in-house capabilities, the commission may contract for the services.

(b) If the governing officer or body of an agency consents in writing to the imposition of a surcharge to pay the cost of the commission's engineering and technical assistance to the agency, the commission may impose the surcharge.

Rate Intervention

Sec. 10.11. If the commission determines that there is sufficient economic impact on state government, the commission may intervene on behalf of state agencies in telecommunications rate cases and may hire special counsel and expert witnesses to prepare and present testimony. The attorney general shall represent the commission before the courts in all appeals from rate cases in which the commission intervenes.

Legislative Oversight Committee

Sec. 10.12. (a) The Legislative Committee on State Telecommunications is created. The committee shall monitor the replacement of the centralized telephone system and the state long-distance telephone system and shall exercise general legislative oversight over the planning, design, implementation, and operation of the state telecommunications services administered by the State Purchasing and General Services Commission.

(b) The committee is composed of:

- (1) the chairman of the House Administration Committee;
- (2) the chairman of the Senate Administration Committee;
- (3) two members of the house of representatives appointed by the speaker of the house of representatives; and
- (4) two members of the senate appointed by the lieutenant governor.

(c) To avoid duplication of resources, the committee shall coordinate its studies with those conducted by the Legislative Education Board that relate to telecommunications services in state educational institutions, and with other studies conducted by other state agencies that relate to telecommunications.

[See Civil Statutes Pamphlets for text of 11.01 to 99.05]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 203, ch. 14, §§ 1, 2, eff. July 12, 1984.]

Sections 3 to 5 and 7 of the 1984 amendatory act provide:

"Sec. 3. RATIFICATION. The repeal of Subdivision (3), Section 10.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is ratified.

"Sec. 4. REPLACEMENT OF CENTRALIZED TELEPHONE SYSTEM. (a) If the State Purchasing and General Services Commission determines that it is necessary to replace the current centralized telephone system, the commission shall take action necessary to replace that system. If the commission determines that the system should be replaced, it is the intent of the legislature that a new centralized telephone system be installed and operational by December 31, 1985, or as soon thereafter as is feasible.

"(b) If the commission replaces the current centralized telephone system, the commission shall arrange for the transition to the new system as it relates to the legislature and legislative agencies to occur at a time approved in writing by the lieutenant governor and speaker of the house of representatives.

"Sec. 5. REPORT ON LONG-DISTANCE SYSTEMS. (a) The legislature finds that it is in the best interests of the state to consider replacement of the current state long-distance telephone system. To this end, the State Purchasing and General Services Commission shall report to the legislative oversight committee, relating to a replacement for the long-distance telephone service.

"(b) It is the intent of the legislature that the report be used as a basis to develop specifications for the provision of long-distance telephone services.

"(c) In preparing the report, the commission shall investigate and report on the services provided by each telecommunications carrier or group of carriers that offers services. The commission may obtain and report on estimates of reasonable charges, including cost-per-minute charges, and the capability, reliability, and state-of-the-art technology of each carrier or group of carriers. The estimates should furnish reasonable charges for an intrastate system and should provide information relating to charges for an interstate or international system. The legislative oversight committee may add or change elements to be reported on as the committee considers necessary.

"(d) The legislative oversight committee shall review the commission's report and shall submit that report, together with the committee's recommendations and changes, to the 69th Legislature in January, 1985."

"Sec. 7. TEMPORARY PROVISION. (a) The provisions of S.B. 179, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983 (the General Appropriations Act for the fiscal biennium beginning September 1, 1983), that are contingent on the enactment of S.B. 1401, Acts of the 68th Legislature, Regular Session, 1983, apply notwithstanding the failure of S.B. 1401 to become law.

"(b) Section 80, Article V, of S.B. 179 may not be construed as prohibiting the State Purchasing and General Services Commission from implementing this Act by establishing a telephone system that uses leased equipment in whole or in part.

"(c) This section expires September 1, 1985."

Art. 601c. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 20, ch. 5, § 34, eff. July 12, 1984; Acts 1984, 68th Leg., p. 207, ch. 14, § 6, eff. July 12, 1984.

Acts 1984, ch. 5, repealed arts. I and II and art. III, § 1, of this article. Acts 1984, ch. 14 repealed art. IV of this article.

See, now, arts. 601b, § 10.12, and 601d.

Art. 601d. Public Building Authority Act**Short Title**

Sec. 1. This Act may be cited as the Texas Public Building Authority Act.

Purpose

Sec. 2. The purpose of this Act is to provide a method of financing for the acquisition, construction, repair, renovation, or other improvement of buildings for the use of state agencies and institutions in Travis County, Texas.

Public Building Authority

Sec. 3. The Texas Public Building Authority is established as a public authority and body politic and corporate.

Composition of Governing Board

Sec. 4. The authority is governed by a board of directors composed of three members appointed by the governor with the advice and consent of the senate.

Terms

Sec. 5. Members of the board are appointed for staggered terms of six years with one member's term expiring on February 1 of each odd-numbered year.

Officers; Quorum; Meetings

Sec. 6. (a) The board biennially shall elect a chairman and vice-chairman from its members.

(b) A majority of the full membership of the board constitutes a quorum.

(c) The board shall meet at least once in each quarter of the calendar year and shall meet at other times at the call of the chairman or as prescribed by a rule of the board.

Compensation and Expenses

Sec. 7. A member of the board is entitled to:

(1) a per diem of \$50, unless otherwise specified in the General Appropriations Act, for each day the member performs functions as a member of the board; and

(2) reimbursement for the actual and necessary expenses that the member incurs in performing those functions.

Staff

Sec. 8. The board shall employ persons and contract with consultants as necessary for the board to perform its functions. Employees of the board are considered to be state employees.

Issuance of Bonds

Sec. 9. The board may issue and sell bonds in the name of the authority to finance the acquisition, construction, repair, renovation, or other improvement of buildings for the use of state agencies and institutions in Travis County, Texas.

Legislative Approval Required

Sec. 10. Before the board may issue and sell bonds, the legislature by law must have authorized the specific project for which the bonds are to be issued and sold and must have authorized the maximum amount of bonded indebtedness that may be incurred by the issuance and sale of bonds for the project. The projects authorized in Senate Bill

1355, Acts of the 68th Legislature, Regular Session, 1983,¹ are ratified and confirmed.

¹ Acts 1983, 68th Leg., p. 4360, ch. 700.

Scope of Power

Sec. 11. (a) The board's authority under Section 9 of this Act is limited to the financing of a project and does not affect the authority of the State Purchasing and General Services Commission, or any other state agency, to carry out its statutory authority, including its authority to construct buildings, relating to the project.

(b) The State Purchasing and General Services Commission shall carry out its statutory authority regarding a project financed under this Act as if the project were financed by legislative appropriation.

(c) The board and the State Purchasing and General Services Commission shall adopt a memorandum of understanding that defines the division of authority between the board and the commission to carry out the intent of this section.

Manner of Repayment of Bonds

Sec. 12. (a) The board may provide for the payment of the principal of and interest on the bonds issued under Section 9 of this Act relating to a building:

(1) by pledging all or any part of the designated rents, issues, and profits from leasing the building to the state through the State Purchasing and General Services Commission or occupying or using state agency; or

(2) from any other source of funds lawfully available to the board.

(b) From funds appropriated for the purchase of paying rental charges on improvements acquired, constructed, renovated, or repaired under this Act, the State Purchasing and General Services Commission or occupying or using state agency shall pay to the board an amount determined by the board to be sufficient to pay the principal of and interest on the bonds and to maintain any reserve funds required for servicing the debt.

(c) The commission shall set the rents in amounts sufficient to provide the revenue required by the board.

(d) All lease contracts entered into under this Act shall be subject to the appropriation by the legislature of funds necessary to cover the provisions of the lease, except that if at any time the state fails or refuses to pay the rental provided in such a lease contract or fails or refuses to renew an existing lease contract at a rental provided to be paid, the board may lease or sublease the property covered by the lease contract to any person or entity on terms that the board determines.

(e) The board may lease space in projects constructed under this Act to any person or entity under the terms that the board determines if the

space cannot be leased to the State Purchasing and General Services Commission or other state agency.

State Debt Not Created

Sec. 13. (a) Bonds issued under this Act are not debts of the state or any agency, political corporation, or political subdivision of the state and are not a pledge of the faith and credit of any of them. The bonds are payable solely from revenue as provided by this Act.

(b) The bonds must contain on their face a statement to the effect that:

(1) neither the state nor an agency, political corporation, or political subdivision of the state is obligated to pay the principal of or interest on the bonds except as provided by this Act; and

(2) neither the faith and credit nor the taxing power of the state or any agency, political corporation, or political subdivision of the state is pledged to the payment of the principal of or interest on the bonds.

Form of Bonds

Sec. 14. (a) The board may issue bonds in various series or issues.

(b) Bonds may mature serially or otherwise not more than 40 years from their date and shall bear interest at the rate permitted by the constitution and laws of the state.

(c) The bonds and interest coupons, if any, are investment securities under the terms of Chapter 8 of the Business & Commerce Code and may be issued registrable as to principal or as to both principal and interest and may be made redeemable before maturity, at the option of the board, or may contain a mandatory redemption provision.

(d) The bonds may be issued in the form, denominations, and manner and under the terms, conditions, and details provided by the board in the order or resolution authorizing their issuance. The bonds shall be signed and executed as provided in that resolution or order.

Provisions of Bonds

Sec. 15. (a) In the orders or resolutions authorizing the issuance of bonds, including refunding bonds, the board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, the reserve fund, and other funds and may make additional covenants with respect to the bonds, the pledged revenues, and the operation and maintenance of the project financed under this Act or the real property conveyed under this Act.

(b) The orders or resolutions of the board authorizing the issuance of bonds may also prohibit the further issuance of bonds or other obligations payable from the pledged revenue or may reserve the right to issue additional bonds to be secured by a pledge of and payable from the revenue on a parity

with or subordinate to the lien and pledge in support of the bonds being issued.

(c) The orders or resolutions of the board issuing bonds may contain other provisions and covenants as the board may determine.

(d) The board may adopt and have executed any other proceedings or instruments necessary and convenient in the issuance of bonds.

Approval by Attorney General; Registration by Comptroller

Sec. 16. (a) The bonds issued by the board must be submitted to the attorney general for examination.

(b) If the attorney general finds that the bonds have been authorized in accordance with law, he shall approve them, and they shall be registered by the comptroller of public accounts.

(c) After the approval and registration of bonds, the bonds are incontestable in any court or other forum for any reason and are valid and binding obligations in accordance with their terms for all purposes.

Refunding Bonds

Sec. 17. (a) The board may issue bonds to refund all or any part of its outstanding bonds issued under this Act, including matured but unpaid interest.

(b) The board may refund its bonds, notes, or other obligations as provided by the general laws of the state for revenue bonds.

Bonds are Security for Deposits

Sec. 18. The bonds are eligible to secure deposits of public funds of the state and cities, counties, school districts, and other political subdivisions of the state. The bonds are lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons, if any.

Bonds as Investments

Sec. 19. The bonds are legal and authorized investments for:

- (1) banks;
- (2) savings banks;
- (3) trust companies;
- (4) savings and loan associations;
- (5) insurance companies;
- (6) fiduciaries;
- (7) trustees;
- (8) guardians; and
- (9) sinking funds of cities, counties, school districts, and other political subdivisions of the state and other public funds of the state and its agencies, including the permanent school fund.

Tax Status of Bonds

Sec. 20. The bonds issued by the board, any transaction relating to the bonds, and profits made in the sale of the bonds are free from taxation by the state or by any city, county, special district, or other political subdivision of the state.

Other Powers

Sec. 21. The board may:

- (1) exercise, to the extent practicable, all powers given to a corporation under the general laws of the state;
- (2) have perpetual succession by its corporate name;
- (3) sue and be sued in its corporate name;
- (4) adopt a seal and use it as the board considers appropriate;
- (5) accept gifts and donations; and
- (6) adopt rules and perform all functions reasonably necessary for the board to administer its functions prescribed by this Act.

Prior Appropriations

Sec. 22. The appropriations made by Section 2, Article II, Senate Bill 1355, Acts of the 68th Legislature, Regular Session, 1983, are validated, ratified, and confirmed for the periods and purposes specified by that section.

Bond Proceeds

Sec. 23. On issuance of bonds necessary to finance the projects authorized by this Act, the board shall certify to the State Purchasing and General Services Commission and to the comptroller of public accounts that the funds are available and shall deposit the bond proceeds in the state treasury to the account of the State Purchasing and General Services Commission for the specific projects. Once the funds are deposited and the comptroller of public accounts has certified that the funds are available and after payment of the costs of issuance of the bonds upon receipt of a certificate of the authority specifying the costs, the State Purchasing and General Services Commission shall begin the projects, and the funds so deposited are appropriated to the State Purchasing and General Services Commission for those purposes. Notwithstanding the provisions of Article 2543d, Revised Statutes, depository interest earned on the funds shall be credited to and accounted for in the state lease fund in the state treasury.

Specific Projects

Sec. 24. The following projects are approved for financing under this Act:

Project	Estimated Cost of Project
(1) Construction related to the Texas Youth Commission, Texas Reha-	\$10,500,000

bilitation Commission state office building

- (2) Purchase and renovation of the Texas Employment Commission property 26,750,000

Rent and Fees

Sec. 25. The State Purchasing and General Services Commission shall establish schedules necessary to properly charge state agencies occupying or using projects authorized by this Act for the expenses incurred in financing the project. Using state agencies shall pay to the State Purchasing and General Services Commission from all funds appropriated to the agency for those purposes, in their proper proportion, the amount determined by the State Purchasing and General Services Commission as the necessary payment for the period or periods the commission has determined the payments are due. Payments received by the commission under this section shall be deposited to the credit of the state lease fund. The legislature may, in the alternative, provide for direct appropriation of the necessary funds for using agencies to the state lease fund.

State Lease Fund

Sec. 26. The state lease fund created by Article II, Chapter 700, Acts of the 68th Legislature, Regular Session, 1983 (Article 601c, Vernon's Texas Civil Statutes), may be used to finance appropriations to the State Purchasing and General Services Commission for payment of rents and fees to the authority. In addition, the legislature may transfer funds on deposit in the state lease fund to the General Revenue Fund for such other purposes as the legislature may determine.

Purchase and Renovation of Texas Employment Commission Property

Sec. 27. (a) The Texas Employment Commission shall sell to the State Purchasing and General Services Commission office buildings and parking facilities in its possession in or near the Capitol Complex. The sale shall be under an agreement between the Texas Employment Commission and the State Purchasing and General Services Commission on a price sufficient to provide the Texas Employment Commission adequate, alternative office and parking space outside the Capitol Complex and with the necessary concurrence that may be required by the United States government.

(b) The State Purchasing and General Services Commission shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex. If the offices are acquired, the State Purchasing and General Services Commission may, from funds made available by the authority, renovate the facilities as necessary for occupan-

cy by other state agencies. In negotiating the price for the Texas Employment Commission facilities, the State Purchasing and General Services Commission shall consider the cost to the Texas Employment Commission of alternative space. The State Purchasing and General Services Commission shall also consider the price in the context of the reasonable rates that might otherwise be paid by prospective occupying state agencies for rent in comparable space. The State Purchasing and General Services Commission may not agree to a price greater than one and one-half times the estimated amount in Section 24 of this Act.

Conveyance of Property

Sec. 28. (a) When the principal of and interest on bonds relating to a project financed under this Act are paid in full and the building involved in the project is free of all liens, the board shall certify to the State Purchasing and General Services Commission or occupying or using state agency that rentals are no longer required to service the bond debt.

(b) On making the determination called for in Subsection (a) of this section, the board shall, for the sum of \$1, convey title of the completed project, including any real property involved in the project, to the State Purchasing and General Services Commission or designated occupying or using state agency.

Preference in Leasing

Sec. 29. For the purposes of Section 6.04, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), property owned by the authority shall be considered state-owned space.

Eminent Domain

Sec. 30. The authority has the power of eminent domain and may exercise the power for the purposes set forth in this Act in connection with projects approved as provided in Section 10 of this Act.

Application of Sunset Act

Sec. 31. The authority is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the authority is abolished and this article expires September 1, 1995.

Relationship to Previous Board

Sec. 32. The authority created by this Act shall succeed to the ownership of all property of and all lease and rental contracts entered into by the Texas Public Building Authority that was created by Senate Bill 1355, Acts of the 68th Legislature, Regular Session, 1983, and all of the obligations contracted or assumed by the previous authority with respect to any such property or contract shall be obligations of the authority created under this Act. Actions taken by the previous authority are validated, ratified, and confirmed.

Initial Appointments and Meeting

Sec. 33. (a) In making the initial appointments to the board created by this Act, the governor shall designate one member for a term expiring February 1, 1985, one for a term expiring February 1, 1987, and one for a term expiring February 1, 1989. The governor is not prohibited from appointing a person who served on the board of the authority created by Senate Bill 1355, Acts of the 68th Legislature, Regular Session, 1983.

(b) The governor shall designate the time and place of the initial meeting of the board created by this Act.

Repealer

Sec. 34. Articles I and II, and Section 1, Article III, Chapter 700, Acts of the 68th Legislature, Regular Session, 1983 (Article 601c, Vernon's Texas Civil Statutes), are repealed.

[Acts 1984, 68th Leg., 2nd C.S., p. 10, ch. 5, eff. July 12, 1984.]

TITLE 20A

BOARD AND DEPARTMENT OF PUBLIC WELFARE

Art. 695g. Federal Old Age and Survivors Insurance Coverage for County and Municipal Employees

[See Civil Statutes Pamphlets for text of 1 to 7]

Contributions; Reports; Delinquencies

Sec. 8.

[See Civil Statutes Pamphlets for text of 8(a)]

(b) The State Agency by rule shall prescribe deadlines that the State Agency determines are necessary to comply with federal requirements for the program provided by this Act for the filing of reports and the payment of contributions. Contributions received after the day payment is due and wage reports received after the due date are delinquent and the reporting entity shall pay interest for each and every calendar day of delinquency including the day the delinquent contributions and reports

are received by the State Agency. The interest rate shall be at the same rate as the interest rate charged by the Federal Social Security Administration for delinquent payment of contributions. Interest on delinquent contributions shall be deposited in the Social Security Administration Fund.

[See Civil Statutes Pamphlets for text of 9 to 13a]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 4, ch. 3, § 1, eff. July 12, 1984.]

Art. 695h. Federal Old Age and Survivors Insurance Coverage for State Employees

[See Civil Statutes Pamphlets for text of 1 to 5]

Collection of Contributions

Sec. 6. (a) The collection of said employees' contributions shall be as follows:

(1) Each department (including for the purpose of this Act any State office, board, bureau, or agency) of the State shall cause to be deducted on each and every payroll of a covered employee for each and every payroll period beginning on the date of establishment of Social Security coverage for said employee the contributions payable by such employee, as provided in this Act. Each department head of the State shall certify to the proper disbursing officer of said department on each and every payroll a statement of the amount of the employee's contribution which should be deducted from each employee's salary and a statement of the total amount to be deducted from all salaries and shall include the total amount in the payroll voucher. Each department head shall certify to the State Agency copies of said payroll statement and voucher on forms prescribed by the State Agency.

(2) The proper disbursing officer of each State department on authorization from the department head shall make deductions from salaries of the employees as provided in this Act. The total amount deducted shall be paid by each department head to the State Treasurer as custodian of the Social Security Trust Fund, and the State Treasurer shall deposit said amounts in the Social Security Trust Fund.

(3) If less than the correct amount of an employee's contribution is deducted with respect to any remuneration, the employee shall remain liable therefor.

(4) If more than the correct amount of the employee's contribution is paid or deducted with respect to any remuneration, proper adjustments, or refund, if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the State Agency shall prescribe.

(b) The collection of the State's contribution shall be made as follows:

(1) After September 1, 1978, and after the date of the establishment of Social Security coverage for

State employees, there is hereby allocated and appropriated to the Social Security Trust Fund, in accordance with this Act, from the several funds from which the employees benefited by this Act receive their respective salaries, a sum equal to the amount of the contribution to be paid by the State as provided in Sections 4 and 5 of this Act for employees whose compensation is paid from funds in the State Treasury. The State Agency shall certify to the State Comptroller of Public Accounts at the end of each payroll period the total amount of the State's contributions for that period for employees whose salaries are paid from funds in the State Treasury. The State Comptroller after receipt of the certification shall pay the amount to the State Treasurer as custodian of the Social Security Trust Fund. The State Treasurer shall deposit the amounts so received in the Social Security Trust Fund.

(2) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Agency shall certify to the Governor for review and adoption the amount necessary to pay the contributions of the State of Texas for the ensuing biennium. This amount shall be included in the budget of the State which the Governor submits to the Legislature. The State Agency shall send a copy to the State Comptroller of Public Accounts of the certification to the Governor.

(3) All moneys hereby allocated and appropriated by the State to the Social Security Trust Fund shall be paid to the Fund as required by rule of the State Agency.

(4) In those instances in which State employees are paid from funds not in the State Treasury, the department head shall certify to the proper disbursing officer the total amount of the State's contributions based upon compensation paid the employees. The disbursing officer shall pay that amount to the State Treasurer as custodian of the Social Security Trust Fund. The State Treasurer shall deposit the amounts in the Social Security Trust Fund. A copy of the department heads' certification in these instances shall be given to the State Agency at the same time the original is certified to the disbursing officer. These copies shall be on forms prescribed by the State Agency.

(c) The State Agency by rule shall prescribe deadlines that the State Agency determines are necessary to comply with federal requirements for the program provided by this Act for the filing of reports and the payment of contributions. Contributions received after the day payment is due and wage reports received after the due date are delinquent and the reporting entity shall pay interest for each and every calendar day of delinquency including the day the delinquent contributions and reports are received by the State Agency. The interest rate shall be at the same rate as the interest rate charged by the Federal Social Security Administration for delinquent payment of contributions. Inter-

est on delinquent contributions shall be deposited in the State Social Security Administration Fund.

[See Civil Statutes Pamphlets for text of 7 to 11]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 5, ch. 3, § 2, eff. July 12, 1984.]

TITLE 22

BONDS—COUNTY, MUNICIPAL, ETC.

CHAPTER THREE. PUBLIC ROAD BONDS

1. COUNTY AND DISTRICT BONDS

Arts. 752a to 752y-6. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

2. COMPENSATION BONDS

Arts. 767a to 767g. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

3a. DISTRICTS IN ADJOINING COUNTIES

Arts. 778a to 788p. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

4. GENERAL PROVISIONS

Arts. 779, 780. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Arts. 784a, 784b. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

TITLE 28

CITIES, TOWNS AND VILLAGES

CHAPTER FIVE. TAXATION

Art. 1066c. Local Sales and Use Tax Act

[See Civil Statutes Pamphlets for text of 1]

Authority to Adopt Tax; Imposition and Rate; Election and Ballots; Canvass of Returns; Results of Election; City Boundaries; Tax Schedule and Bracket System Formula for Joint Collection of Taxes; Standards

Sec. 2.

[See Civil Statutes Pamphlets for text of A to J]

K.

[See Civil Statutes Pamphlets for text of (1)]

(2) When such Limited Sales, Excise and Use Tax imposed by the State of Texas shall be at the rate of 4.125 percent on the receipts from the sale at retail of all taxable items within this State which is subject to such tax, and the Local Sales and Use Tax imposed in any city under authority of this Act shall be at the rate of one percent (1%) on the receipts from the sale of all taxable items within such city which is subject to such tax, the total gross rate of such combined taxes in such city shall be at the rate of 5.125 percent on combined taxes in such city on

the receipts from the sale of all tangible personal property within such city which is subject to such taxes. When the sale price shall involve a fraction of a dollar, the taxes shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$.01 to \$.09	No Tax
.10 to .29	\$.01
.30 to .48	.02
.49 to .68	.03
.69 to .87	.04
.88 to 1.07	.05
1.08 to 1.26	.06

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying 5.125 percent times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

Provided, however, that any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the

sale of tangible personal property and taxable services arise from individual transactions where the total sales price is nine cents (\$.09) or less may exclude the receipts from such sales when reporting and paying the tax imposed under this Act and the Limited Sales, Excise and Use Tax imposed by the State of Texas. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the taxes imposed by this Act and the Limited Sales, Excise and Use Tax Act and the retailer shall be subject to assessment for both taxes, penalties and

interest as provided for in this Act and the Limited Sales, Excise and Use Tax Act.

[See Civil Statutes Pamphlets for text of 2K(3) to 14]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 553, ch. 31, art. 13, § 5, eff. Oct. 2, 1984.]

Section 6 of art. 13 of the 1984 amendatory act provides:

"(a) There are exempted from the 0.125 percent increase in the limited sales, excise, and use tax imposed by this Article the receipts from the sale, use, or rental, and the storage, use, or consumption in this state of taxable items, if:

"(1) the items are used for the performance of a written contract entered into prior to the effective date of this Article, if the contract is not subject to change or modification by reason of the tax; or the items are used pursuant to an obligation of a bid or bids submitted prior to the effective date of this Article, if the bid or bids may not be withdrawn, modified, or changed by reason of the tax imposed by this Article; and

"(2) notice of a contract or bid on which an exemption is to be claimed is given by the taxpayer to the comptroller of public accounts before the 60th day following the effective date of this Article.

"(b) The exemptions provided by this section have no effect after September 30, 1987."

TITLE 41

COURTS—COUNTY

CHAPTER FIVE. MISCELLANEOUS PROVISIONS

ACTS CREATING COUNTY COURTS AT LAW AND SIMILAR COURTS, AND AFFECTING PARTICULAR COUNTY COURTS, AND DECISIONS THEREUNDER

DALLAS COUNTY

Art.
1970-3. Jurisdiction

ACTS CREATING COUNTY COURTS AT LAW AND SIMILAR COURTS, AND AFFECTING PARTICULAR COUNTY COURTS, AND DECISIONS THEREUNDER

DALLAS COUNTY

Art. 1970-3. Jurisdiction

Sec. 1. The County Court of Dallas County at Law No. 1 has original and concurrent jurisdiction with the County Court of Dallas County in all matters and causes, civil and criminal, original and appellate, over which, by the general laws of the State, county courts have jurisdiction, except as provided in Article 1970-4, Revised Statutes; but

this provision shall not affect jurisdiction of the commissioners court, or of the county judge of Dallas county as the presiding officer of the commissioners court, as to roads, bridges, and public highways, and matters of eminent domain which are now within the jurisdiction of the commissioners court or the judge thereof.

Sec. 2. The County Court of Dallas County at Law No. 1 has original and concurrent jurisdiction with district courts in all civil cases in which the matter in controversy exceeds \$500, excluding interest, and does not exceed \$20,000, excluding interest, mandatory damages and penalties, attorney's fees, and costs.

Sec. 3. The County Court of Dallas County at Law No. 1 has original and concurrent jurisdiction with district courts in appeals of final rulings and decisions of the Industrial Accident Board, regardless of the amount in controversy.

[Amended by Acts 1984, 68th Leg., 2nd C.S. p. 208, ch. 15, § 1, eff. July 12, 1984.]

TITLE 44

COURTS—COMMISSIONERS

2. POWERS AND DUTIES

Art. 2353b. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 2372k. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1721, ch. 327, § 3, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

TITLE 70

HEADS OF DEPARTMENTS

CHAPTER TWO. COMPTROLLER OF PUBLIC ACCOUNTS

Art.

4348c. Report on Effects of Exemptions, Discounts, Exclusions, and Reporting Methods, Limited Sales, Excise, and Use Tax and Franchise Tax.

4366e. Local Government Corporate Banking Franchise Tax Fund.

Art. 4348c. Report on Effects of Exemptions, Discounts, Exclusions, and Reporting Methods, Limited Sales, Excise, and Use Tax and Franchise Tax

Sec. 1. In addition to other reports required by law, the comptroller of public accounts, before each regular session of the legislature, shall report to the legislature and to the governor on the effect, when possible to assess the effect, of exemptions, discounts, exclusions, and special methods of reporting in the Limited Sales, Excise, and Use Tax Act (Chapter 151, Tax Code), and exemptions from and special rates in the franchise tax (Chapter 171, Tax Code).

Sec. 2. The report shall include an analysis of each special provision that reduces the amount of tax payable and an estimate of the loss of revenue. The report may include a recommendation for retaining, eliminating, or amending the provision.

Sec. 3. The comptroller may request from any state officer or agency information necessary to complete the report required by this article. Each state officer and agency shall cooperate with the comptroller in providing information or analysis for the report.

Sec. 4. The report required by this article may be included in any other report made by the comptroller.

[Acts 1984, 68th Leg., 2nd C.S., p. 560, ch. 31, art. 17, §§ 1 to 4, eff. Oct. 2, 1984.]

Art. 4364a. Allocations From General Revenue Fund

Priority Allocations

Text of § 1 as amended by Acts 1984, 68th Leg., 2nd C.S., p. 147, ch. 10, art. 1, § 1

Sec. 1. (a) During the months of September, October, November, December, January, February, and March of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

(1) funds allocated to the state contribution account of the teacher retirement system trust fund;

(2) funds allocated to the state highway fund; and

(3) other authorized withdrawals and transfers.

(b) During the months of April and May of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

(1) funds allocated to the farm-to-market road fund;

(2) funds allocated to the state contribution account of the teacher retirement system trust fund;

(3) funds allocated to the state highway fund; and

(4) other authorized withdrawals and transfers.

(c) During the months of June, July, and August of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

(1) funds allocated to the farm-to-market road fund;

(2) funds allocated to the state contribution account of the teacher retirement system trust fund;

(3) funds allocated to the state highway fund; and

(4) other authorized withdrawals and transfers.

Priority Allocations

Text of § 1 as amended by Acts 1984, 68th Leg., 2nd C.S., p. 490, ch. 31, art. 1, § 39

Sec. 1. (a) During the months of September, October, November, December, January, February, and March of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

- (1) funds allocated to the state contribution account of the teacher retirement system trust fund;
- (2) funds allocated to the foundation school fund; and
- (3) other authorized withdrawals and transfers.

(b) During the months of April and May of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

- (1) funds allocated to the farm-to-market road fund;
- (2) funds allocated to the state contribution account of the teacher retirement system trust fund;
- (3) funds allocated to the foundation school fund; and
- (4) other authorized withdrawals and transfers.

(c) During the months of June, July, and August of each fiscal year, the following withdrawals from the general revenue fund in the amounts provided by this article shall be made:

- (1) funds allocated to the farm-to-market road fund;
- (2) funds allocated to the state contribution account of the teacher retirement system trust fund; and
- (3) other authorized withdrawals and transfers.

Amount of Allocations

Sec. 2. (a) During April, May, June, July, and August, the comptroller shall transfer each month from the general revenue fund to the farm-to-market road fund \$3 million.

(b) Each month the comptroller shall transfer from the general revenue fund to the state contribution account of the teacher retirement system trust fund the equal monthly payment provided by Section 3.58, Texas Education Code, as amended. If the appropriation provided by the legislature is different from the actual amount of state contributions required, the comptroller shall, after the close of the fiscal year, make adjustments in the teacher retirement fund and the general revenue fund to make the total transfers during the year equal the total amount of the state contribution required by Section 3.58, Texas Education Code, as amended.

(c) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 491, ch. 31, art. 1, § 40, eff. Aug. 1, 1984.

(d) If, on the 10th day of a month, the amount available for transfer as provided in this article from the general revenue fund to the programs and funds listed in this article or the amount available for transfer from the general revenue fund to the available school fund, as required by law, is insufficient, subsequent credits to the general revenue fund shall be accumulated in an amount sufficient to make the required transfers to the programs and funds listed in this article or to the available school fund as required by law.

Transfers to the Foundation School Fund

Sec. 3. The comptroller shall transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as described by Chapter 16, Education Code, as amended. The transfers required by this section shall be made in installments as necessary to comply with Section 16.260, Education Code. Each installment may not be made more than two days before an installment under Section 16.260, Education Code, is required to be made and may not be in an amount more than is necessary for the payment of the installment to the school districts under that section.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 147, ch. 10, art. 1, § 1, eff. Sept. 1, 1984; Acts 1984, 68th Leg., 2nd C.S., p. 490, ch. 31, art. 1, §§ 39, 40, eff. Aug. 1, 1984.]

Section 41 of art. 1 of Acts 1984, 68th Leg., 2nd C.S., p. 491, ch. 31, provides:

"(a) The 68th Legislature at its 2nd Called Session or any subsequent session or the 69th Legislature may appropriate from the general revenue fund to the State Department of Highways and Public Transportation for the fiscal year ending August 31, 1985, not more than \$265 million for the state highway system.

"(b) If the amendments to Articles 6674f and 4364a, Revised Statutes, provided by this article do not take effect until after September 1, 1984, all funds transferred to the state highway fund under those articles as those articles existed immediately before the effective date of the amendments to those articles shall be deducted from any appropriation made under the authority of this section.

"(c) Any appropriation or transfer of funds from the general revenue fund to the state highway fund made or authorized by the General Appropriations Act of the 68th Legislature, Regular Session, 1983, for the purpose of carrying out Articles 6674f and 4364a is repealed except to the extent necessary to comply with Subsection (i) of Article 6674f as added by this article."

Acts 1984, 68th Leg., 2nd C.S., p. 462, ch. 31, was generally effective October 2, 1984, 90 days after date of adjournment, but art. 1, § 48(a) of said act stated that, unless otherwise provided, article 1 was effective August 1, 1984. The 1984 amendatory act, however, failed to receive the vote required by Const. Art. 3, § 39, to become effective earlier than the general 90-day date. Acts 1984, 68th Leg., 2nd C.S., p. 561, ch. 32, § 1, however, which did receive the vote required by Const. Art. 3, § 39, provides:

"Notwithstanding the failure of H.B. 122, 68th Legislature, 2nd Called Session [chapter 31], to receive the necessary number of votes required by Article III, Section 39, of the Texas Constitution, concerning the effective date of laws, for that bill to have immediate effect, those sections of Article 1 of H.B. 122 that have an August 1, 1984, effective date take effect on that date."

Art. 4366e. Local Government Corporate Banking Franchise Tax Fund

Text of article effective May 1, 1985

(a) The local government corporate banking franchise tax fund is established in the state treasury.

The comptroller of public accounts shall keep records of the amount of money deposited to the credit of the fund resulting from franchise tax collections from each bank paying the franchise tax under Chapter 171, Tax Code, for each bank franchise tax reporting period. The franchise tax collected by the comptroller from each banking corporation shall be apportioned through the fund established by this article among the taxing units in which the banking corporation's principal office in this state is situated according to the percentage relationship that the property tax rate of each taxing unit for the preceding property tax year bears to the total of the property rates imposed for the preceding tax year by all of those taxing units.

(b) On or before September 30 of each year, the comptroller shall make a report to each taxing unit containing the name, address, and account number of each banking corporation having its principal office in this state within the taxing unit, the total amount of franchise tax remitted to the comptroller by that banking corporation, and the amount of tax remitted by each banking corporation that is apportionable to the taxing unit pursuant to Section (a) of this article. The report by the comptroller shall also state whether any banking corporation has failed to pay franchise tax or has made only a partial payment of the tax.

(c) If, within one year from the date that any report required under Section (b) of this article is due, a taxing unit determines that a banking corporation whose principal office in this state is within the taxing unit is not included in the report, the taxing unit shall report the name and address of the banking corporation to the comptroller before the expiration of the one-year period. On receiving a report from a taxing unit, the comptroller shall send, within 60 days following receipt of the report, a response to the report.

(d) The comptroller shall transmit to each taxing unit's treasurer, or to the officer performing the functions of that office, as promptly as feasible the taxing unit's share of banking corporation franchise tax collected by the comptroller, together with the prorated share of any penalty or interest that may be collected. Before transmitting the funds, the comptroller shall deduct two percent of the amount allocated to each taxing unit during the period as a charge by the state for its services specified in this section. The amounts deducted shall be deposited by the comptroller in the state treasury to the credit of the comptroller's operating fund. The comptroller may retain in the local government corporate banking franchise tax fund a portion not to exceed five percent of each taxing unit's share of the banking corporation franchise tax. The comptroller may use this retained amount to make refunds of overpayments made to the fund and to redeem dishonored checks and drafts deposited to the credit of the fund. The legislature may appropriate money in the local government corporate banking fran-

chise tax fund to the comptroller only for the purposes provided by this article.

(e) If any taxing unit is not satisfied with the supplemental banking corporation report filed by a banking corporation pursuant to Section 171.2021, Tax Code, or with the response from the comptroller made pursuant to Section (c) of this article, the taxing unit may file a petition for review with the comptroller within 30 days after receipt by the taxing unit of the supplemental banking corporation report or the response, as applicable. The petition for review must set forth each specific ground upon which the taxing unit believes the supplemental banking corporation report or the response is erroneous or incomplete. If a petition for review is not filed within the 30-day period, the apportionment percentages set forth in the supplemental banking corporation report or any determination set forth in the comptroller's response become final at the expiration of the period.

(f) If a petition for review is filed within the 30-day period, the comptroller shall consider the petition. All affected taxing units and the banking corporation, if the amount of the total franchise tax is questioned, should be joined in the review proceeding and given written notice by the comptroller of the filing of the petition for review. If a taxing unit or banking corporation involved in a review proceeding requests, the comptroller shall grant an oral hearing and give all parties to the proceeding written notice of the time and place of the hearing as required by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(g) A taxing unit that is dissatisfied in whole or in part with a comptroller's decision upon a petition for review may file a motion for rehearing before the decision becomes final. The motion for rehearing must set forth in writing each specific ground upon which the taxing unit believes the decision of the comptroller is erroneous. If the comptroller denies the motion for rehearing, the adopting taxing unit may bring suit against the comptroller and all affected taxing units on the grounds set forth in the petition for review by filing a petition in a district court of Travis County within 30 days of the date that the denial of the motion for rehearing was issued. Only the issues set forth in the motion for rehearing may be raised in the suit. The attorney general shall represent the comptroller in the suit. Failure to bring an action within the time specified in this section waives any objection to the apportionment of the banking corporation's franchise tax among taxing units, and in that event the apportionment is presumed to be in accordance with this section.

(h) All money distributed to taxing units under this article may be used only by the taxing unit and must be used only for public purposes.

(1) The money distributed under this article to a city must be used only for:

(A) the payment of salaries and benefits of city law enforcement officers having a duty to enforce or engaged in the enforcement of state law;

(B) the payment of salaries and benefits to city fire fighters having a duty to protect or engaged in the protection of state or county property, including public roadways and the rights-of-way for public roadways;

(C) the purchase of law enforcement and fire-fighting equipment reasonably related to the services provided to the state under Subdivisions (A) and (B) of this section;

(D) the acquisition of rights-of-way for and the construction and maintenance of city streets that provide access to and departure from the state highway system;

(E) the provision of health protection services, including the removal and disposition of hazardous and solid wastes and disease prevention services; and

(F) the protection of the public safety through the promulgation and enforcement of building codes.

(2) The money distributed under this article to a school district must be used only for:

(A) the payment of salaries and benefits of employees of the school district, including both teachers and other employees; and

(B) maintenance of schools and school district property.

(3) The money distributed under this article to a county must be used only for:

(A) the payment of salaries and benefits of county law enforcement personnel having a duty to enforce or engaged in the enforcement of state law; and

(B) the acquisition of rights-of-way for and the construction and maintenance of county roads and highways that provide access to and departure from the state highway system.

(4) The money distributed to other taxing units under this article must be used only for public purposes and to promote the general health, safety, and welfare of citizens of this state.

(i) In this article, "taxing unit" has the meaning given that term by Section 1.04(12), Tax Code.

[Acts 1984, 68th Leg., 2nd C.S., p. 511, ch. 31, art. 3, part B, § 8, eff. May 1, 1985.]

Article 3, part C, § 1 of the 1984 Act provides:

"Parts A and B of this article are nonseverable, and if all or any portion of either part is declared to be invalid by a final judgment of a court of competent jurisdiction with the result either that banking corporations are required to pay the bank shares tax after January 1, 1985, or that banking corporations other than banks organized under Section 25(a) of the Federal Reserve Act (12 U.S.C. 611-631) (edge corporations) are not required to pay or are

not subject to the corporate franchise tax for franchise tax periods starting on or after May 1, 1985, the other part is also invalid. The legislature would not have adopted Part A without adopting Part B, and the legislature would not have adopted Part B without adopting Part A. This section prevails over any general severability clause."

CHAPTER FOUR—C. SOUTHERN STATES ENERGY COMPACT

Art. 4413c-1. Southern States Energy Compact

[See *Civil Statutes Pamphlets for text of 1*]

Members of Board; Appointment; Terms; Deputy

Sec. 2. The Governor shall appoint one member of the Southern States Energy Board. The Lieutenant Governor shall appoint a member of the Senate, and the Speaker shall appoint a member of the House of Representatives to serve on the Southern States Energy Board. Each member shall serve at the pleasure of the officer who appointed him. If a member of the Board is a member of the legislature or the head of a regularly constituted department or agency of this state, he may designate a subordinate officer or employee of his department, agency, or legislative house to serve in his stead as permitted by Article II(a) of the compact and in conformity with any applicable bylaws of the Board.

[See *Civil Statutes Pamphlets for text of 2a and 3*]

Source of Dues Payment

Sec. 3a. Membership dues to the Board shall be paid from appropriations made to the Office of the Governor.

[See *Civil Statutes Pamphlets for text of 4 to 6*]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 237, ch. 20, §§ 1, 2, eff. Oct. 2, 1984.]

CHAPTER NINE. COMMISSIONS AND AGENCIES

Art. 4413(52). Texas Job-Training Partnership Act

[See *Civil Statutes Pamphlets for text of 1 to 9*]

Contracts for Student Dropouts

Sec. 9A. (a) The Texas Department of Community Affairs is authorized to enter into contracts with private, nonprofit organizations that conduct model or exemplary youth programs that meet the unique educational needs of student dropouts to provide educational services to student dropouts. A contract under this section must be made in accordance with the same procedure by which a state agency contracts with a private consultant under Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes).

(b) A contract under this section must be structured to encourage partnerships among the public school districts, private industry councils, and private, nonprofit organizations described in Subsection (a) of this section.

(c) A program provided under a contract in accordance with this section must attempt to:

(1) return student dropouts to the public school system;

(2) prepare student dropouts to successfully complete the requirements for a general equivalency or adult proficiency level diploma; and

(3) prepare student dropouts to obtain permanent employment.

(d) A program provided under a contract in accordance with this section must provide a curriculum that is flexible and innovative, but that provides training in basic skills.

(e) An organization providing a program under this section shall document its overall strategy and success rate in educating student dropouts and provide this information to each school district in the area the organization serves. The organization shall request that each school district in the area the organization serves provide input regarding the referral process, curriculum, and instructional resources of the program.

(f) The primary criterion to be used in determining the success rate of a program under this section is the rate at which the student dropouts in the program:

(1) return to public school;

(2) acquire a general equivalency or adult proficiency level diploma;

(3) obtain permanent employment; and

(4) are not being arrested or prosecuted for a crime.

[See Civil Statutes Pamphlets for text of 10 and 11]

[Acts 1984, 68th Leg., 2nd C.S., p. 452, ch. 28, art. VI, part I, § 2, eff. Sept. 1, 1984.]

Article VI, part I, § 3 of the 1984 amendatory act provides:

“(a) The Texas Department of Community Affairs shall seek proposals from qualified research organizations and prepare a report for the legislature that includes:

“(1) research into the problem of student dropouts, including a cost-benefit analysis of the effect student dropouts have on the criminal justice system and the economy of this state;

“(2) evaluations of various programs for educating student dropouts; and

“(3) educational and employment-based proposals to solve the problem of student dropouts and their involvement in criminal activities.

“(b) The department shall present the report to the 69th Legislature not later than December 31, 1986.”

TITLE 71

HEALTH—PUBLIC

CHAPTER ONE. HEALTH BOARDS AND LAWS

Art. 4447r. Cooperative Associations by Eligible Institutions

[See Civil Statutes Pamphlets for text of 1]

Definitions

Sec. 2. The following terms used in this Act shall have the following meanings:

(1) The term “eligible institutions” shall include only political subdivisions and municipalities of the State of Texas; health-related institutions that are supported by the state or federal government or a department, division, or agency of the federal government, including, but not limited to, Texas A & M University System, The University of Texas System, Texas Woman’s University, and the Children’s Nutrition Research Center; nonprofit health-related institutions; and cooperative associations created to provide a system as defined in Subsection

WTSC Civil Statutes—2

(2) of this Section 2, a unit of which is situated in any county of this state having a population in excess of 2,400,000 inhabitants according to the most recent federal census. In addition to the other activities, such entities must be engaged in health-related pursuits to become eligible institutions, and, except for cooperative associations, must be exempt from federal income tax. It is not a requirement of this Act that any component institution of any institution that is supported by the state or federal government or a department, division, or agency of the federal government be a member of any association created under this Act, but any one or more of such component institutions may be a member of any one or more associations.

[See Civil Statutes Pamphlets for text of 2(2) to 15]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 166, ch. 11, § 1, eff. July 12, 1984.]

TITLE 87

LEGISLATURE

Art.
5429p. Legislative Education Board.

Art. 5429p. Legislative Education Board

Legislative Education Board

Sec. 1. The Legislative Education Board is established.

Composition

Sec. 2. The Legislative Education Board is composed of:

- (1) the lieutenant governor;
- (2) the speaker of the house of representatives;
- (3) the chairman of the House Public Education Committee;
- (4) the chairman of the Senate Education Committee;
- (5) the chairman of the House Appropriations Committee;
- (6) the chairman of the Senate Finance Committee;
- (7) two state representatives appointed by the speaker; and
- (8) two senators appointed by the lieutenant governor.

Chairman

Sec. 3. The lieutenant governor and speaker of the house alternate serving as chairman and vice-chairman of the board. Each term as chairman is for two years concurrent with the fiscal biennium.

Quorum

Sec. 4. A majority of the members of each house constitutes a quorum of the board for the transaction of business.

Meetings

Sec. 5. The board shall meet at least quarterly and at other times at the call of the chair.

Powers and Duties

Sec. 6. (a) The board shall oversee and review the implementation of legislative education policy, including fiscal policy, by state agencies that have the statutory duty to implement that policy. The

board may require information and reports from state agencies as necessary to carry out its duties.

(b) For purposes of carrying out its duties, the board has the power to administer oaths and to issue subpoenas, signed by the chairman or vice-chairman, to compel the attendance of witnesses and the production of books, records, and documents. A subpoena of the board shall be served by a peace officer in the manner in which district court subpoenas are served. On application of the board, a district court of Travis County shall compel compliance with a subpoena issued by the board in the same manner as for district court subpoenas.

(c) The board shall make recommendations to the legislature concerning needed changes in legislative education policy.

(d) The Texas Legislative Council shall provide staff for the board as necessary to the performance of its duties.

(e) State agencies shall cooperate with and assist the board at the board's request.

Review of Curriculum Implementation

Sec. 7. The board shall biennially review the curriculum rules adopted by the State Board of Education under Section 21.101, Education Code, for the purpose of ensuring compliance with legislative intent.

[Acts 1984, 68th Leg., 2nd C.S., p. 269, ch. 28, art. I, part A, § 1, eff. Sept. 1, 1984.]

Article VII, § 1, of the 1984 Act provides:

"(a) The Legislative Education Board shall conduct a study of telecommunications used in and by public schools. In conducting the study, the board shall review facilities and technologies currently used or proposed to be used by districts across the state, including cable, microwave, and satellite systems as they are incorporated into telephone, television, and computer systems.

"(b) The board shall evaluate the various engineering designs for the systems studied and shall make recommendations in regard to the system most desirable for the communication and educational needs of the schools considering the evaluations and relative costs.

"(c) The recommendations and evaluations shall be included in a public report distributed to the State Board of Education, the legislature, and the governor.

"(d) The sum of \$1,000,000 is appropriated to the Legislative Education Board from the general revenue fund for the purpose of conducting the telecommunications study."

Article IX, § 2, of the 1984 Act provided that, unless otherwise specifically provided, it applied beginning with the 1984-1985 school year which, under the provisions of Education Code, § 21.001(a), began on September 1, 1984.

TITLE 110B

PUBLIC RETIREMENT SYSTEMS

SUBTITLE C. EMPLOYEES RETIREMENT SYSTEM OF TEXAS

CHAPTER 24. BENEFITS

SUBCHAPTER G. INCREASES IN BENEFITS

§ 24.601. Annuity Increase After Death or Retirement

Acts 1984, 68th Leg., 2nd C.S., p. 3, ch. 2, § 1, eff. July 12, 1984, provides:

"The board of trustees of the Employees Retirement System of Texas is hereby authorized to provide a six percent increase in the annuities described in Subsection (a), Section 24.601, Title 110B, Revised Civil Statutes, which are payable for retirements or deaths occurring before September 1, 1982. One-sixth of the increase is to be funded from the Benefit Increase Reserve Fund, and the remainder is to be funded from the Retirement Annuity Reserve Fund. The increase in benefits provided in this Act shall be effective for payments that become due on or after September 1, 1984."

CHAPTER 25. ADMINISTRATION

SUBCHAPTER B. POWERS AND DUTIES OF BOARD OF TRUSTEES

§ 25.103. Administering System Assets

Sections 1 to 3 of Acts 1984, 68th Leg., 2nd C.S., p. 239, ch. 21, provide:

"SECTION 1. USE OF TRUST FUND APPROPRIATION. (a) The Employees Retirement System of Texas, acting as the state agency responsible for administration of the Social Security Trust Fund, may use money appropriated to that fund to pay for services rendered in assisting the agency to seek credits from the federal government for the overpayment of social security taxes and to pay for administrative costs in seeking those credits.

"(b) The comptroller shall issue warrants for vouchers presented for the purposes listed in Subsection (a) of this section against the appropriation made to the Employee's Retirement System that is listed as Item 3(b), page I-65, Chapter 1095, Acts of the 68th Legislature, Regular Session, 1983.

"SECTION 2. ALLOCATION OF CREDITS. (a) If the state obtains credits from the federal government for the overpayment of social security taxes, each employee shall be credited for contributions paid by or on behalf of the employee, and the appropriate fund from which the employer's contribution was made shall be credited for contributions made for the employer.

"(b) If the original fund from which the employer's contribution was made no longer exists or if for another reason crediting the original fund is impractical, the General Revenue Fund shall be credited.

"SECTION 3. ALLOCATION OF COSTS. The retirement system shall charge each agency with the administrative costs of seeking the refund that are identifiable to the agency. In addition, the retirement system shall charge each agency with a share of the general administrative costs of seeking the refund in proportion to the agency's percentage of the total amount of credits received."

CHAPTER 34. BENEFITS

SUBCHAPTER B. BENEFICIARIES

§ 34.203. Standard Service Retirement Benefits

Acts 1984, 68th Leg., 2nd C.S., p. 366, ch. 28, art. III, part B, § 2, provides:

"Sec. 2. (a) A person receiving an annuity from the Teacher Retirement System shall be entitled to an increase in monthly payments if the date of retirement or death of the member on whose account the benefit is based occurred on or before August 31, 1982. The increase shall not apply to survivor's benefits or to disability retirement benefits for persons with less than 10 years of creditable service with the retirement system. The amount of the increase shall be:

"(1) 9.5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred on or before August 31, 1970;

"(2) 5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1970, but on or before August 31, 1975;

"(3) 4 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1975, but on or before August 31, 1978;

"(4) 3 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1978, but on or before August 31, 1982.

"(b) The increases provided by this section shall not apply to annuities calculated on an average compensation factor that exceeded \$25,000.

"(c) The increase provided by this section shall begin with the payment due at the end of August, 1984.

"(d) The increases provided in this section shall be funded by and are conditioned upon the restoration to the retired reserve account of the amounts released from that account by the increase in the assumed rate of earnings adopted by the State Board of Trustees of the Teacher Retirement System of Texas on March 16, 1984."

SUBCHAPTER D. DISABILITY RETIREMENT BENEFITS

§ 34.304. Disability Retirement Benefits

Acts 1984, 68th Leg., 2nd C.S., p. 366, ch. 28, art. III, part B, § 2, provides:

"Sec. 2. (a) A person receiving an annuity from the Teacher Retirement System shall be entitled to an increase in monthly payments if the date of retirement or death of the member on whose account the benefit is based occurred on or before August 31, 1982. The increase shall not apply to survivor's benefits or to disability retirement benefits for persons with less than 10 years of creditable service with the retirement system. The amount of the increase shall be:

"(1) 9.5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred on or before August 31, 1970;

"(2) 5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1970, but on or before August 31, 1975;

"(3) 4 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1975, but on or before August 31, 1978;

"(4) 3 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1978, but on or before August 31, 1982.

"(b) The increases provided by this section shall not apply to annuities calculated on an average compensation factor that exceeded \$25,000.

"(c) The increase provided by this section shall begin with the payment due at the end of August, 1984.

"(d) The increases provided in this section shall be funded by and are conditioned upon the restoration to the retired reserve account of the amounts released from that account by the increase

in the assumed rate of earnings adopted by the State Board of Trustees of the Teacher Retirement System of Texas on March 16, 1984."

SUBCHAPTER E. MEMBER DEATH BENEFITS

§ 34.402. Benefits on Death of Active Member

Acts 1984, 68th Leg., 2nd C.S., p. 366, ch. 28, art. III, part B, § 2, provides:

"Sec. 2. (a) A person receiving an annuity from the Teacher Retirement System shall be entitled to an increase in monthly payments if the date of retirement or death of the member on whose account the benefit is based occurred on or before August 31, 1982. The increase shall not apply to survivor's benefits or to disability retirement benefits for persons with less than 10 years of creditable service with the retirement system. The amount of the increase shall be:

"(1) 9.5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred on or before August 31, 1970;

"(2) 5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1970, but on or before August 31, 1975;

"(3) 4 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1975, but on or before August 31, 1978;

"(4) 3 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1978, but on or before August 31, 1982.

"(b) The increases provided by this section shall not apply to annuities calculated on an average compensation factor that exceeded \$25,000.

"(c) The increase provided by this section shall begin with the payment due at the end of August, 1984.

"(d) The increases provided in this section shall be funded by and are conditioned upon the restoration to the retired reserve account of the amounts released from that account by the increase in the assumed rate of earnings adopted by the State Board of Trustees of the Teacher Retirement System of Texas on March 16, 1984."

§ 34.404. Survivor Benefits

Acts 1984, 68th Leg., 2nd C.S., p. 366, ch. 28, art. III, part B, § 2, provides:

"Sec. 2. (a) A person receiving an annuity from the Teacher Retirement System shall be entitled to an increase in monthly payments if the date of retirement or death of the member on whose account the benefit is based occurred on or before August 31, 1982. The increase shall not apply to survivor's benefits or to disability retirement benefits for persons with less than 10 years of creditable service with the retirement system. The amount of the increase shall be:

"(1) 9.5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred on or before August 31, 1970;

"(2) 5 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1970, but on or before August 31, 1975;

"(3) 4 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1975, but on or before August 31, 1978;

"(4) 3 percent if the date of retirement (or date of death in the case of death benefit annuities) occurred after August 31, 1978, but on or before August 31, 1982.

"(b) The increases provided by this section shall not apply to annuities calculated on an average compensation factor that exceeded \$25,000.

"(c) The increase provided by this section shall begin with the payment due at the end of August, 1984.

"(d) The increases provided in this section shall be funded by and are conditioned upon the restoration to the retired reserve account of the amounts released from that account by the increase

in the assumed rate of earnings adopted by the State Board of Trustees of the Teacher Retirement System of Texas on March 16, 1984."

SUBTITLE D. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 35. ADMINISTRATION

Art.

35.4041. Contributions Based on Compensation Above Statutory Minimum.

35.406. Interest on Contributions and Fees; Deposits in Trust.

SUBCHAPTER E. COLLECTION OF MEMBERSHIP FEES AND CONTRIBUTIONS

§ 35.4041. Contributions Based on Compensation Above Statutory Minimum

Text of section added effective September 1, 1985

(a) For members entitled to the minimum salary for certain school personnel under Section 16.056, Education Code, the employing district shall pay the state's contribution on the portion of the member's salary that exceeds the statutory minimum.

(b) For purposes of this section, the statutory minimum salary is the salary provided by Section 16.056, Education Code, multiplied by the price differential index applicable under Section 16.102, Education Code, to the district in which the member is employed, plus any career ladder supplement under Section 16.057, Education Code.

(c) The employer's form showing deductions and certification of earnings must provide the retirement system with information sufficient to administer this section, as determined by the system, including information showing the applicable minimum salary as well as aggregate annual compensation.

(d) The employer must remit the amount required under this section to the executive secretary at the same time that the employer remits the member's contribution.

(e) After the end of each school year, the retirement system shall certify to the commissioner of education:

(1) the names of any employing districts that have failed to remit, within the period required by Section 35.406 of this subtitle, all contributions required under this section for the school year; and

(2) the amounts of the unpaid contributions.

(f) If the commissioner of education receives a certification under Subsection (e) of this section, the commissioner shall direct the comptroller of public accounts to withhold the amount certified, plus interest computed at the rate and in the manner provided by Section 35.406 of this subtitle, from the first state money payable to the school district. The amount withheld shall be deposited to the credit

of the appropriate accounts of the retirement system.

(g) The board of trustees shall take this section into consideration in adopting the biennial estimate of the amount necessary to pay the state's contributions to the system.

(h) This section does not apply to state contributions for members employed by a school district in a school year if the district's tax rate for maintenance and operation revenues for the tax year that ended in the preceding school year equals or exceeds 125 percent of the statewide average tax rate for school district maintenance and operation revenues for that tax year. For a tax year, the statewide average tax rate for school district maintenance and operation revenues is the tax rate that, if applied to the statewide total appraised value of taxable property for every school district in the state according to the appraisal roll certified for each district for the tax year as provided by Section 26.01, Tax Code, would produce an amount equal to the statewide total amount of maintenance and operation taxes imposed in the tax year for every school district in the state.

[Acts 1984, 68th Leg., 2nd C.S., p. 343, ch. 28, art. 2, § 19, eff. Sept. 1, 1985.]

§ 35.406. Interest on Contributions and Fees; Deposits in Trust

Text of section added effective September 1, 1985

(a) An employing district that fails to remit, before the 11th day after the last day of a month, all member and employer deposits required by this subchapter to be remitted by the district for the month shall pay to the retirement system, in addition to the deposits, interest on the unpaid amounts at an annual rate compounded monthly. The rate of interest is the rate established under Section 35.310(b)(2) of this subtitle, plus two percent. Interest required under this section is creditable to the interest account.

(b) An employing district and its trustees hold amounts due to the retirement system under this subtitle in trust for the retirement system and its members and may not divert the amounts to any other purpose.

[Acts 1984, 68th Leg., 2nd C.S., p. 344, ch. 28, art. 2, § 20, eff. Sept. 1, 1985.]

[Sections 35.407 to 35.500 reserved for expansion]

TITLE 115 REGISTRATION

CHAPTER THREE. EFFECT OF RECORDING

Art.

6626a.1. Repealed.

Art. 6626a. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 145, ch. 8, § 2(b), eff. July 12, 1984

See now, art. 6702-1, § 2.401.

Art. 6626a.1. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 145, ch. 8, § 2(b), eff. July 12, 1984

See, now, art. 6702-1, § 2.402.

TITLE 116 ROADS, BRIDGES, AND FERRIES

CHAPTER ONE—STATE HIGHWAYS

1. STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Art.

6663d. Transportation Audit Committee.

1A. CONSTRUCTION AND MAINTENANCE

6674r-1. Road Utility Districts.

2. REGULATION OF VEHICLES

6675a-5.1. Fees if Other Provisions Held Invalid.

1. STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Art. 6663d. Transportation Audit Committee Committee

Sec. 1. (a) The Transportation Audit Committee is created. The committee is composed of the chairmen of the committee on transportation and the committee on ways and means of the house of representatives, the chairmen of the committee on intergovernmental relations and the committee on finance of the senate, and the chairman of the State

Commission on Highways and Public Transportation.

(b) The Transportation Audit Committee is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the committee is abolished September 1, 1995.

Audit

Sec. 2. The Transportation Audit Committee shall select an independent auditor to perform a management audit to analyze the fiscal controls, cost and performance reporting, and efficiency and effectiveness of procurement and contract administration of the State Department of Highways and Public Transportation. The audit must cover all department operations, systems, and organizations and must review and evaluate:

- (1) organization and staffing procedures;
- (2) documented policies and procedures;
- (3) planning and budgeting procedures;
- (4) internal control;
- (5) accounting, bidding, contracting, and other operating systems;
- (6) management information systems; and
- (7) protection against any illegal practices and/or collusion by bidders.

Selection Of Auditor

Sec. 3. The department shall advertise for proposals from auditors seeking to conduct the audit. The department shall prepare a list of auditors that it recommends for selection and shall submit the list and the proposals to the committee. The committee shall select the auditor based on the committee's analysis of the proposals. In making the selection, the committee shall consider the department's recommendations, but the committee is not required to select an auditor from the department's list. The selection must be made in accordance with the Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes).

Form Of Proposals

Sec. 4. Proposals to conduct the audit shall be submitted on a form developed by the department and approved by the committee. The form must require:

- (1) the auditor's references and a description of the auditor's resources and experience in conducting management audits;
- (2) the names, references, and a description of the experience of individuals who will be primarily responsible for the conduct of the audit;
- (3) the proposed scope of the audit;
- (4) the schedule of completion of the audit;

(5) the method to be used in determining fees and the schedule of payments; and

(6) other information that the department considers relevant.

Fee

Sec. 5. The auditor's fee shall be paid from the funds of the department appropriated for administration and support.

Time For Audit

Sec. 6. The auditor shall be selected before September 1, 1984, unless this Act fails to pass by the number of votes required by Article III, Section 39, of the Texas Constitution for this Act to take effect immediately, in which case the auditor shall be selected before the 30th day after the effective date of this Act. Before January 31, 1985, the auditor shall submit a report of the audit to the lieutenant governor and speaker of the house of representatives. The auditor shall include in the report recommendations concerning the need for future audits.

Studies

Sec. 7. (a) The department shall conduct studies to:

(1) review the department's weight permit program, including an analysis of:

(A) the effects of Chapter 837, Acts of the 68th Legislature, Regular Session, 1983;

(B) performance bonds for vehicles exceeding prescribed weight limits; and

(C) potential revenue increases from changes in permitting practices;

(2) assess the condition of city and county roads that feed state highways and recommend improvements in these roads;

(3) review the performance of new or significantly modified safety devices to assess their potential for saving money and increasing highway safety;

(4) review the number and percentage of minority and disadvantaged workers employed under all construction contracts; and

(5) review the number and types of contracts, both prime contracts and subcontracts, awarded to minority and disadvantaged business enterprises and the ratio of such contracts to all contracts.

(b) The department shall prepare a report of each of these studies and submit copies of the reports to the lieutenant governor and speaker of the house of representatives before January 31, 1985.

[Acts 1984, 68th Leg., 2nd C.S., p. 242, ch. 23, §§ 1 to 7, eff. July 12, 1984.]

Art. 6673-1. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983.

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6673e-1. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

1A. CONSTRUCTION AND MAINTENANCE

Art. 6674f. Highway Cost Index Committee; Transfers to State Highway Fund

*Text of article effective until September 1, 1985
[See Civil Statutes Pamphlets for text of (a)]*

(b), (c) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 490, ch. 31, art. 1, § 38, eff. Aug. 1, 1984.

(d) On or before November 1 of 1984, the Highway Cost Index Committee shall determine and certify to the comptroller:

(1) the amount of dedicated revenue earned for the state highway fund for the fiscal year ending August 31, 1984;

(2) the highway cost index for the fiscal year ending August 31, 1984; and

(3) the difference, if any, between the amounts transferred under this article and Article 4364a, Revised Civil Statutes of Texas, 1925, as amended, during the fiscal year ending August 31, 1984 (exclusive of any adjustments made under this subsection during that fiscal year), and the amounts that would have been transferred during the fiscal year ending August 31, 1984, if the actual amount of dedicated revenue and the actual highway cost index for that year had been used to determine the amounts transferred.

(e) The amounts transferred to the state highway fund under this article and Article 4364a for the fiscal year ending August 31, 1984, shall be determined under the following formula:

Amount = (cost index × \$750 million)—dedicated revenue.

[See Civil Statutes Pamphlets for text of (f) and (g)]

(h) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 490, ch. 31, art. 1, § 38, eff. Aug. 1, 1984.

(i) During each month of the fiscal year ending August 31, 1985, except September and October, the comptroller shall transfer either from the state highway fund to the general revenue fund or from the general revenue fund to the state highway fund, as appropriate, one-tenth of the difference determined under Subsection (d)(3) of this article. If the amount of the transfers from the general revenue fund based on the estimated cost index and estimated dedicated revenue were, during the fiscal year ending August 31, 1984, less than the amount of transfers that should have been made based on the actual cost index and the actual amount of dedicated revenue, the difference shall be transferred from the general revenue fund to the state highway fund as provided by this subsection. However, if the

transfers based on the estimated computations were greater than the transfers that should have been made, the difference shall be transferred from the state highway fund to the general revenue fund as provided by this subsection. With the unanimous consent of the Highway Cost Index Committee, the comptroller may transfer the difference in fewer than 10 installments.

(j) This article expires September 1, 1985.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 489, ch. 31, art. 1, §§ 36, 37, eff. Oct. 2, 1984.]

Section 41 of art. 1 of the 1984 amendatory act provides:

“(a) The 68th Legislature at its 2nd Called Session or any subsequent session or the 69th Legislature may appropriate from the general revenue fund to the State Department of Highways and Public Transportation for the fiscal year ending August 31, 1985, not more than \$265 million for the state highway system.

“(b) If the amendments to Articles 6674f and 4364a, Revised Statutes, provided by this article do not take effect until after September 1, 1984, all funds transferred to the state highway fund under those articles as those articles existed immediately before the effective date of the amendments to those articles shall be deducted from any appropriation made under the authority of this section.

“(c) Any appropriation or transfer of funds from the general revenue fund to the state highway fund made or authorized by the General Appropriations Act of the 68th Legislature, Regular Session, 1983, for the purpose of carrying out Articles 6674f and 4364a is repealed except to the extent necessary to comply with Subsection (i) of Article 6674f as added by this article.”

For provisions as to effective date of art. 1, § 38, of the 1984 amendatory act repealing subssecs. (b), (c), and (h) of this article, see note following art. 6675a-5.

Art. 6674n. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6674n-2. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6674q-7b. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6674r-1. Road Utility Districts

Authorization of Districts

Sec. 1. A road utility district may be created pursuant to Article III, Section 52, of the Texas Constitution, as provided by this Act.

Definitions

Sec. 2. In this Act:

(1) “Person” means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal entity.

(2) “District” means a road utility district.

(3) "Commission" means the State Highway and Public Transportation Commission.

(4) "Roads" means macadamized, graveled, or paved roads and turnpikes which serve or are intended to serve as arterial or main feeder roads under such standards as may be prescribed by the commission.

(5) "Governmental entity" means a city, county, or the State Department of Highways and Public Transportation.

(6) "Approval statement" means the written statement issued to a petitioner by a governmental entity under Subsection (d) of Section 4 of this Act.

(7) "Drainage works" means any property, easements, facilities, or works necessary or appropriate for the improvement of rivers, creeks, and streams to prevent overflows or for the construction and maintenance of pools, lakes, reservoirs, dams, canals, and waterways for the purpose of drainage, or in aid of these purposes, if the property, easements, facilities, or works are related to or in furtherance of the construction, acquisition, or improvement of roads.

(8) "Facilities" means roads or drainage works constructed, acquired, or improved by the district.

(9) "Bonds" means bonds, notes, warrants, or other evidence of indebtedness.

District Composition

Sec. 3. A district created under this Act may be composed of all or part of one or more counties of this state.

Approval of Governmental Entity

Sec. 4. (a) Before submitting a petition to the commission under Section 5 of this Act, a person who desires to create a district must submit to the governmental entity to which he proposes to convey district facilities a copy of all preliminary plans for the facilities to be constructed, acquired, or improved by the district.

(b) The governmental entity shall have not less than 90 days and not more than 120 days to review the preliminary plans before making a decision on whether the plans meet the requirements of the governmental entity and whether the governmental entity approves the preliminary plans and will accept the conveyance of the facilities as provided by this Act.

(c) The governmental entity shall consult with any person who submits preliminary plans under this Act and, with the agreement of the person who submits the preliminary plans, shall make necessary changes so that the preliminary plans will comply with requirements of the governmental entity. The requirements of the governmental entity may include specific designations of character of title that will be required on conveyance.

(d) On completion of its review, if a governmental entity approves the preliminary plans and is willing to accept a conveyance of the proposed facilities on acquisition or on completion of construction or improvement, the governing body of the governmental entity shall issue an order approving the preliminary plans and shall issue to the person submitting the preliminary plans a written document known as an approval statement that states that the governmental entity approves the preliminary plans and that the governmental entity will accept conveyance of the facilities on acquisition or on completion of construction or improvement.

(e) If the governmental entity does not approve the preliminary plans and is not willing to accept a conveyance of the facilities, the governing body of the governmental entity shall issue an order denying approval of the preliminary plans and refusing conveyance of the facilities to the governmental entity.

(f) If all or part of a proposed district is located within one or more cities or the extraterritorial jurisdiction of one or more cities, but the facilities to be constructed, acquired, or improved by the district in the extraterritorial jurisdiction are to be conveyed to the county under Section 40 of this Act, the county may not issue a valid approval statement and approve the preliminary plans submitted to it for approval under this section unless the person who seeks the approval agrees in writing to comply with the requirements adopted by the city or cities for construction, acquisition, and improvement of facilities within their city limits or extraterritorial jurisdiction as appropriate. The county shall consult with each city in whose city limits or extraterritorial jurisdiction the facilities are to be located to assure that the preliminary plans comply with each city's requirements for those facilities, and each city must complete its review of the preliminary plans and must issue a written statement approving the plans as in compliance with its requirements to the county and to the person submitting the preliminary plans not more than 55 days from the date the preliminary plans are filed with the county for review. The county may not issue the approval statement under Subsection (d) of this section until it receives the written statement from each city. If a city does not file its statement with the county within the 55-day period provided by this subsection, the city waives any right to review the plans and to approve the plans; the county may proceed to issue the approval statement without that written statement, and the person submitting the plans may proceed to petition for creation of the district without obtaining the city's written statement. In addition to the other documents that must be submitted to the commission by a person petitioning to create a district, the person must submit each written statement issued to the petitioner under this subsection if such a statement is required by this subsection and if a city has provided its written statement within the 55-day period required by this subsection.

If a city fails to provide the written statement within the 55-day period, the county shall issue to the petitioner a letter explaining that the written statement was not timely filed, and the petitioner shall submit this letter with his petition to the commission. Prior to making changes or additions under Section 38 of this Act, the district must receive written permission from the governmental entity assuming maintenance and any city in whose extraterritorial jurisdiction part of the district lies.

(g) A district may be created in which the facilities to be constructed, acquired, or improved by the district will be conveyed to more than one governmental entity provided that each governmental entity approves the plans for the facilities for which it is to accept the transfer and issues an approval statement for those facilities. The procedures in this Act relating to approval and conveyance of facilities to a governmental entity apply to all the governmental entities to which facilities are to be conveyed.

Petition

Sec. 5. (a) To create a district, a petition requesting creation of the district must be filed with the commission.

(b) The petition must be signed by holders of title to all of the land within the proposed district as indicated by the county tax rolls.

(c) A petition filed with the commission must be accompanied by a reasonable fee determined by the commission not to exceed \$5,000 for use by the commission to pay costs of processing the petition. No part of the fee may be refunded.

Contents of Petition

Sec. 6. (a) The petition to create a district must include:

- (1) the name of the proposed district;
- (2) the county or counties in which the proposed district is to be located;
- (3) the boundaries of the proposed district;
- (4) the names of petitioners and a statement that they are holders of title to all of the land within the proposed district as indicated by the county tax rolls;
- (5) a list of persons suggested to serve as temporary directors for the district;
- (6) a brief description of the proposed facilities for which construction, acquisition, and improvement are to be accomplished by the district;
- (7) the amount of bonds estimated to be necessary to finance the proposed construction, acquisition, and improvement;
- (8) the current appraised valuation of all real property located within the proposed district;
- (9) the governmental entity to which the district is committed to convey, free of any outstanding

indebtedness, any facilities on acquisition or on completion of construction and improvement; and

(10) any other information that the commission considers necessary.

(b) The person filing the petition with the commission also must file a copy of the preliminary plans for facilities to be constructed, acquired, and improved by the district and a copy of the approval statement.

(c) The commission may not consider a petition and approve a district under this Act unless an approval statement for the district is filed with the commission.

Notice and Hearing

Sec. 7. (a) As soon as practicable after a petition, preliminary plans, and approval statement are filed with the commission, the commission shall call and hold a hearing on the petition and preliminary plans and shall give notice of the hearing. The commission may hold a hearing under this subsection in Travis County or in any county in which the proposed district or part of the proposed district is to be located.

(b) In addition to the notice requirements of the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), the commission shall give written notice of the hearing to the commissioners court of each county in which all or part of the district is to be located and to the governing body of each city in which or within the extraterritorial jurisdiction of which any of the land in the proposed district is located. This notice must be given to each county and city not later than the 10th day immediately preceding the date on which the hearing is to be held.

(c) Notice of the hearing shall be published in a newspaper with general circulation in the county or counties in which the proposed district is to be located one time each week for two consecutive weeks. The first publication shall be at least 30 days before the date set for the hearing.

(d) Notice of the hearing shall be mailed by first class mail to each owner of land to be included in the district as indicated by the county tax rolls. The notice shall be deposited in the mail at least 30 days before the date set for the hearing.

(e) A county or city receiving notice under Subsection (b) of this section or a landowner receiving notice under Subsection (d) of this section may appear at the hearing through its official representatives or in person, as appropriate, and may present testimony and evidence relating to the proposed district.

Granting or Denying Petition; Approving or Disapproving Plans

Sec. 8. (a) As soon as practicable after the conclusion of the hearing, the commission shall issue an

order either granting the creation of the district and approving the plans or denying the petition and disapproving the plans.

(b) The commission shall grant the creation of the district and shall approve the plans if it finds that:

(1) the proposed facilities are feasible, practicable, and necessary and would be a benefit to land included in the district;

(2) the land to be included in the proposed district will be benefitted by the creation of the district;

(3) the preliminary plans for any facilities in the district have been approved by the governmental entity to which the facilities are to be conveyed on acquisition or on completion of construction or improvement and, in the case of facilities to be conveyed to a county that are located within one or more cities or the extraterritorial jurisdiction of one or more cities, the person seeking such approval has agreed in writing to comply with the requirements of the city or cities in whose city limits or extraterritorial jurisdiction the facilities are to be located;

(4) the governmental entity to which the facilities are to be conveyed has agreed to accept the conveyance of the facilities through issuance of an approval statement;

(5) the district will be financially able to issue and pay bonds of the district; and

(6) the facilities constructed, acquired, or improved are necessary and will benefit the district.

(c) If the commission finds that not all of the land to be included in the proposed district will be benefitted by the creation of the district, the commission shall make this finding, shall exclude from the district all land that will not be benefitted by creation of the district, and shall redefine the proposed district's boundaries accordingly. If the commission finds that none of the land to be included in the proposed district will be benefitted by creation of the district, the commission shall refuse to authorize creation of the district.

(d) If the commission is unable to make any of the findings stated in Subdivision (1), (3), (4), (5), or (6), Subsection (b), of this section, the commission shall refuse to authorize creation of the district.

(e) Before the commission makes its decision to issue its order, it may consult with any governmental entity that has submitted an approval statement regarding suggested changes in the plans, suggest to the petitioners changes in the plans for district facilities including deletion of certain facilities that will make plans submitted with the petition acceptable to the commission, and direct the petitioners to make those changes in the plans before the commission will issue an order authorizing creation of the district and approving the final plans.

(f) In making its decision under this section, the commission may consider the environmental effects of the proposals in the preliminary plans.

Appointment of Temporary Directors

Sec. 9. (a) If the commission authorizes the creation of the district, the commission shall appoint five persons from the list in the petition to serve as temporary directors of the district who shall serve until the initially elected directors are elected and have qualified for office.

(b) Within 10 days after appointment, each temporary director shall take the oath of office.

(c) If a temporary director appointed by the commission fails to qualify or if a vacancy occurs in the office of temporary director, the commission shall appoint another person to serve as temporary director.

Commission Rules

Sec. 10. (a) The commission may adopt reasonable rules to carry out its powers and duties under this Act.

(b) An order of the commission issued under this Act shall be enforced in the same manner and subject to the same procedure as provided by Section 19A, Administrative Procedure and Texas Register Act, as added (Article 6252-13a, Vernon's Texas Civil Statutes).

Confirmation and Directors' Election; Bonds

Sec. 11. (a) Within 15 days after all temporary directors have been appointed and have qualified, the temporary directors of the proposed district shall meet and shall call an election to be held within the boundaries of the proposed district to confirm the creation of the district and to elect the initial regular directors for the district. The general law requiring elections to be held on uniform or specified election dates does not apply to an election ordered under this section.

(b) Notice of the confirmation and directors' election shall state the day and places for holding the election, the proposition to be voted on, and the candidates for director. The temporary board shall publish the notice of the election one time in one or more newspapers of general circulation in the proposed district. The notice must be published at least 35 days before the date set for the election.

(c) A person who desires to have his name printed on the ballot as a candidate for director of the district shall file a petition with the temporary directors before the 30th day preceding the date of the election.

(d) The ballot for the election shall be printed to provide for voting for or against the creation of the district. Also, the ballot shall have the names of the persons who have filed as candidates for director of the district. A voter is entitled to vote for five candidates for director.

(e) Immediately after the confirmation and directors' election is held, the presiding judge of each polling place shall return the results of the election

to the temporary board, and the temporary board shall canvass the returns and declare the results.

(f) If a majority of the votes cast at the election favor creation of the district, the temporary board shall declare the district created and shall enter the results in its minutes. If a majority of the votes cast at the election are against the creation of the district, the temporary board shall declare that the district was defeated and shall enter the results in its minutes. The temporary board shall also file a copy of the election results with the commission.

(g) If a majority of the voters at the election approve the creation of the district, the temporary board shall declare the five candidates for director who received the highest number of votes to be elected as the directors of the district. If two or more candidates tie for the fifth highest number of votes for a director's position, the temporary board shall select the fifth director by lot from those tying for the position. The three directors elected with the highest number of votes shall serve until the qualification of the three new directors elected at the second regular directors' election, and the two remaining directors shall serve until the qualification of the two directors elected at the third regular directors' election.

(h) If a majority of the voters at the election vote against the creation of the district, no further elections may be held to create the district. This subsection does not prohibit holders of title to land in a proposed district that is not approved from petitioning the commission again for creation of a district.

(i) At the confirmation and directors' election, the temporary board may include a separate ballot proposition to approve the issuance by the district of bonds payable from ad valorem taxes. The notice of the election under Subsection (b) of this section must state the bond proposition that is to appear on the ballot. The proposition shall be printed to provide for voting for or against the issuance of bonds and the levy of ad valorem taxes for payment of the bonds. If a two-thirds majority of the qualified voters voting on the proposition approve the proposition, the district may issue the bonds. If a two-thirds majority of the qualified voters voting on the proposition do not approve the proposition, the district may not issue the bonds. The temporary board shall file a copy of the bond election results in its records and with the commission.

Board of Directors

Sec. 12. A district shall be governed by a board of directors composed of five members, who are elected as provided by this Act.

Qualification of Directors

Sec. 13. To serve as a director, a person must be at least 18 years old.

Term of Office

Sec. 14. Except for the initial directors elected under Section 11 of this Act, a director shall hold office for a term of two years and shall serve until his successor is elected and has qualified.

Election of Directors

Sec. 15. (a) On the first Saturday in April in each year, an election shall be held in the district to elect the appropriate number of directors to the board.

(b) A person who desires to have his name printed on the ballot at a directors' election as a candidate for director shall file a petition with the secretary of the district before the 35th day preceding the date of the election.

Beginning of Director's Term

Sec. 16. A director shall take office at the first regular meeting of the board in April following his election to the board.

Vacancy on Board

Sec. 17. A vacancy on the board shall be filled by appointment of the remaining members of the board for the unexpired term.

Oath

Sec. 18. Each director shall take the constitutional oath of office required of state officers.

Compensation

Sec. 19. Each director is entitled to receive for his services not more than \$25 a day for each meeting of the board that he attends plus reimbursement for actual expenses incurred while engaged in his duties for the district as approved by the board.

Organization of Board

Sec. 20. (a) After each directors' election, the board shall hold a regular meeting at a district office and shall organize by electing from the members of the board one person to serve as chairman, one person to serve as vice-chairman, one person to serve as secretary, and one person to serve as treasurer.

(b) A person elected to serve as chairman, vice-chairman, secretary, or treasurer shall serve until the first regular meeting of the board in April following the next directors' election.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, secretary, and treasurer shall perform the duties and may exercise the powers specifically given them by this Act or by orders of the board.

Quorum

Sec. 21. A majority of the members of the board constitute a quorum for the transaction of business of the district, and no official action of the board is valid without the affirmative vote of a majority of the members of the board.

Other Officers

Sec. 22. (a) The board may appoint or employ persons to serve as engineer, attorney, and accountant for the district.

(b) The persons appointed under this section are entitled to the compensation provided by the district's budget.

General Manager

Sec. 23. The board may employ a general manager who will be the chief administrative officer of the district and may delegate to him full authority to manage and operate the affairs of the district subject only to orders of the board.

Personnel

Sec. 24. (a) The board or the general manager, if the district has a general manager, may employ other persons necessary for the proper handling of the business and operation of the district and may employ or contract with personnel who are necessary to carry out this Act.

(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

(c) A majority of the members of the board, or the general manager, if the district has a general manager, may dismiss an employee of the district.

(d) The board shall require each officer, employee, or person under contract to the district who collects, pays, or handles any funds of the district to furnish a bond, payable to the district, for an amount sufficient to protect the district from financial loss resulting from actions of the officer, employee, or other person. Each bond shall be conditioned on the faithful performance of the officer's, employee's, or person's duties and on accounting for all money and property of the district in his hands. The district shall pay for each bond.

Office

Sec. 25. The board shall maintain one or more offices for conducting the business of the district.

Meetings of Board

Sec. 26. The board shall hold regular meetings on dates established by order of the board. The board may hold special meetings at the call of the chairman or on request of three members of the board.

Minutes and Records

Sec. 27. (a) The board shall keep a complete written account of all its meetings and other proceedings and shall preserve its minutes, contracts, records, plans, notices, accounts, audits, receipts, and records of all kinds in a secure manner.

(b) Minutes, contracts, records, plans, notices, accounts, audits, receipts, and other records are the property of the district and are subject to Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes).

Contracts

Sec. 28. The board may enter into contracts to carry out the powers and duties under this Act, and those contracts shall be executed by the board in the name of the district.

Rules

Sec. 29. After notice and hearing, the board shall adopt rules to carry out this Act, including rules providing procedures for giving notice and holding hearings before the board.

Suits; Payment of Judgments

Sec. 30. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be had by serving the chairman of the board.

(b) The courts of this state shall take judicial notice of the creation of the district.

(c) A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of any indebtedness of the district.

Seal

Sec. 31. The board shall adopt a seal for the district.

General Purpose

Sec. 32. A district created under this Act is created for the purpose of constructing, acquiring, and improving facilities and providing financing for facilities as provided by this Act.

General Powers

Sec. 33. A district may:

(1) acquire facilities and property for facilities and may construct and improve facilities as provided by this Act;

(2) provide financing for facilities and their construction, acquisition, and improvement from money available to the district under this Act;

(3) advise, consult, contract, cooperate with, and enter into agreements with the federal government

and its agencies, the state and its agencies, local governments, persons, and private entities;

(4) apply for, accept, receive, and administer gifts, grants, loans, and other funds available from any source;

(5) assume the contracts and obligations of previous owners of facilities and property acquired by the district and perform the contracts and obligations to the same extent that any other purchaser or assignee would be bound; and

(6) contract with any person for construction, acquisition, and improvement of facilities.

Construction, Acquisition, or Improvement of Facilities

Sec. 34. (a) The district shall construct, acquire, and improve facilities included in the plans submitted to and approved by the commission.

(b) A facility that is constructed, acquired, or improved by the district shall be constructed, acquired, or improved so that it meets the requirements of the plans approved by the commission.

Construction Bids

Sec. 35. Construction or improvement contracts requiring an expenditure of more than \$5,000 may be made only after competitive bidding as provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes).

Payment for Construction Work

Sec. 36. The district shall pay for the construction or improvement of facilities by the district as provided by the contract for construction or improvement and may include in the contract a procedure for paying for construction or improvement work as it progresses.

Contractor's Bond

Sec. 37. A contractor shall execute a bond for the amount of the contract price, payable to the board and approved by the board, conditioned on the faithful performance of the obligations, agreements, and covenants in the contract and on payment to the district of damages sustained as a result of any default.

Changes and Additions to Facilities

Sec. 38. (a) Before facilities are conveyed to the governmental entity that is to assume possession on acquisition or on completion of construction or improvement, the district with written permission from the commission may make changes in or additions to facilities that are not included in the plans approved by the commission if the board determines that the changes or additions are necessary to:

(1) comply with the requirements of that governmental entity to which the facilities are to be conveyed and, in the case of facilities to be conveyed to

a county that are located within one or more cities or within the extraterritorial jurisdiction of one or more cities, comply with the requirements of the city or cities in whose city limits or extraterritorial jurisdiction the facilities are to be located;

(2) provide the traveling public with an adequate and efficient road system within the district; or

(3) adjust to circumstances or requirements that did not exist at the time the original plans for the facilities were approved by the commission.

(b) The commission shall adopt rules of procedure for filing plan changes with the commission and for receiving written approval of those changes from the commission.

(c) Before the commission gives its written approval, it shall consult with the governmental entity that is to accept conveyance of the facilities regarding the proposed changes.

Monitoring Work

Sec. 39. (a) The board has control of the construction, acquisition, and improvement of facilities of the district before they are conveyed to another governmental entity under Section 40 of this Act and shall monitor a contractor's work on the facilities as it is being done to assure that the district's contract is being fulfilled.

(b) The board may have the contractor's work monitored by inspectors, engineers, or other personnel of the district.

(c) The board shall adopt a procedure for periodic reporting by the inspectors, engineers, or other personnel of the district who are monitoring the work and shall take immediate and necessary action to assure compliance with the contract.

(d) On completion of construction, acquisition, or improvement of facilities, the inspectors, engineers, or other personnel of the district who are responsible for inspections shall submit to the board and to the governmental entity to which the facilities are to be conveyed a written report that includes information that shows whether the completed facilities comply with:

(1) the district's plan approved by the commission;

(2) the contract requirements; and

(3) the requirements of the governmental entity to which the facilities are to be conveyed.

Final Approval and Conveyance by Board

Sec. 40. (a) On receiving the final monitoring report, the board shall give notice and schedule a public hearing to determine whether the facilities are complete as specified in the district's plans and the contract and should be conveyed to the governmental entity.

(b) At the hearing, the board may require the presentation of any additional information or testi-

mony necessary to make a determination, and the governing body of the governmental entity that is to accept conveyance of the facilities may have its representative attend the hearing and present any information and testimony that the governmental entity considers necessary.

(c) In the case of a facility to be conveyed to a county that is located within a city or cities or within the extraterritorial jurisdiction of one or more cities, the city or cities may have their representatives attend the hearing and present any information and testimony that the city or cities consider necessary.

(d) At the conclusion of the hearing, if the board determines that the work on the facilities is complete and that the facilities should be conveyed to the governmental entity, the board shall proceed to issue an order to convey the facilities to the governmental entity subject to the requirements of this Act and to file a copy of the order with the commission together with the proposed instrument of conveyance.

(e) A conveyance of facilities to a governmental entity as provided by this Act shall be made free and clear of all indebtedness of the district.

(f) If the board determines that the work on the facilities has not been completed satisfactorily, the board shall take necessary actions to have the facilities completed as required by the district's plans and the contract. The district shall follow the procedures and requirements provided by this section and Section 39 of this Act before issuing an order to convey facilities to the governmental entity.

Responsibilities of Governmental Entity

Sec. 41. (a) Each facility that is constructed, acquired, or improved by a district under this Act, on completion and approval of the construction, acquisition, or improvement by the board and notification and approval by the commission, shall be conveyed to the governmental entity that is designated in the district's petition to the commission provided the facilities are not encumbered by outstanding indebtedness.

(b) A governmental entity to which a facility is conveyed shall take jurisdiction of and become the owner of the facility and shall be responsible for all future maintenance and upkeep, and the district will have no further responsibility for the facility. This subsection does not limit or modify the authority of the governmental entity to alter, relocate, close, or discontinue maintenance of any facility as provided by law.

(c) On conveyance of a facility to a governmental entity under this Act, the district is no longer responsible for the facility or its maintenance or upkeep, and the control over the facility is solely in the governmental entity to which it is conveyed.

(d) Conveyance of a facility to a governmental entity under this section does not affect the duties

and responsibilities of the district to pay in full the principal of and the premium, if any, and interest on any outstanding bonds or other indebtedness of the district and to observe and perform the covenants, obligations, or conditions provided by the orders or resolutions authorizing the bonds or other indebtedness. Notwithstanding the conveyance of facilities to a governmental entity under this section, the district is solely responsible and liable for payment in full of the principal of and the premium and interest on any bonds or other indebtedness of the district.

(e) Within 15 days after receiving a board's order to convey a facility to a governmental entity, the commission shall issue an order authorizing the conveyance unless the commission considers the facility not to be completed according to the plans and written approvals of the commission or unless a written protest is filed by the governmental entity to which the facility is being conveyed, or, in the case of a facility that is being conveyed to a county and that is located within one or more cities or the extraterritorial jurisdiction of one or more cities, by one or more such cities. If the commission does not consider the facility being conveyed to be completed according to the plan and other written approvals of the commission or if a written protest is filed with the commission in accordance with this subsection, the commission shall issue an order, within 15 days after receiving the board's conveyance order or within 15 days after receiving the written protest, whichever is later, delaying the facility conveyance until the district fully complies with the plans and written approvals. The commission does not have to give notice or hold a hearing before issuing an order under this subsection.

(f) This Act may not be construed as preventing the conveyance of a portion of the facilities proposed to be constructed by a district if the district's facilities are constructed in stages.

Fiscal Year

Sec. 42. (a) The district shall be operated on the basis of a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in a 24-month period.

Annual Audit

Sec. 43. Annually, the board shall have an audit made of the financial condition of the district.

Annual Budget

Sec. 44. (a) The board shall prepare and approve an annual budget.

(b) The budget shall contain a complete financial statement, including a statement of:

- (1) the outstanding obligations of the district;
- (2) the amount of cash on hand to the credit of each fund of the district;

(3) the amount of money received by the district from all sources during the previous year;

(4) the amount of money available to the district from all sources during the ensuing year;

(5) the amount of the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated amount of revenues and balances available to cover the proposed budget; and

(7) the estimated tax rate that will be required.

Amending Budget

Sec. 45. After the annual budget is adopted, it may be amended on the board's approval.

Limitation on Expenditures

Sec. 46. Money may not be spent for an expense not included in the annual budget or an amendment to it unless the board by order declares the expense to be necessary.

Depository

Sec. 47. (a) The board shall name one or more banks to serve as depository for district funds.

(b) District funds, other than those transmitted to a bank of payment for bonds issued by the district, shall be deposited as received with the depository bank and shall remain on deposit. This section does not limit the power of the board to invest the district's funds as provided by Section 48 of this Act.

(c) Before the district deposits funds in a bank in an amount that exceeds the maximum amount secured by the Federal Deposit Insurance Corporation, the bank must execute a bond or provide other security in an amount sufficient to secure from loss the district's funds that exceed the amount secured by the Federal Deposit Insurance Corporation.

Investments

Sec. 48. (a) Funds of the district may be invested and reinvested by the board or its authorized representative in the following:

(1) direct obligations of or obligations guaranteed directly or indirectly by the United States;

(2) obligations, debentures, notes, or other evidence of indebtedness issued or guaranteed directly or indirectly by the Association for Cooperatives, Federal Intermediate Credit Banks, Federal Home Loan Association System, Export-Import Association of the United States, Federal Land Banks, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Farmers' Home Administration, Tennessee Valley Authority, Federal Farm Credit System, the Government National Mortgage Association, or successor agencies;

(3) obligations issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by a pledge of annual contri-

butions under an annual contributions contract or contracts with the United States, or temporary notes, preliminary loan notes, or project notes issued by public agencies or municipalities that are fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States;

(4) direct and general obligations of or obligations guaranteed by the state the payment of the principal of and interest on which is a general obligation of the State of Texas;

(5) demand deposits or interest-bearing time deposits, certificates of deposit, or other similar banking arrangements that are made with a member of the Federal Deposit Insurance Corporation, or any savings and loan association that is a member of the Federal Savings and Loan Insurance Corporation, provided those time deposits or certificates of deposit, to the extent not insured to their full amount, are fully secured by obligations of the types specified in Subdivision (1), (2), (3), (4), (8), or (9) of this subsection that have a fair market value at least equal at all times to the amount of such deposits;

(6) repurchase agreements with banks that are members of the Federal Deposit Insurance Corporation and with members of the Association of Primary Dealers in United States Government Securities, the underlying securities of which are of the type described in Subdivisions (1) and (2) of this subsection and each of which is fully secured at all times by obligations of the same type that have a fair market value, including accrued interest, at least equal to the amount of the repurchase agreement including accrued interest;

(7) interest-bearing time deposits or repurchase agreements with agencies or intermediaries of the federal government of the United States that are described in Subdivisions (1) and (2) of this subsection;

(8) obligations of this state, any other state within the United States, any nonprofit corporation, or any instrumentality of this state, any other state, or any nonprofit corporation, provided that at the time of their purchase under the indenture, those obligations are rated in one of the two highest letter-rating categories by a nationally recognized securities credit rating agency; and

(9) obligations issued by political subdivisions or municipalities of this state, any other state within the United States, any nonprofit corporation, or any instrumentality of this state, any other state, or any nonprofit corporation, that are rated in one of the two highest letter-rating categories by a nationally recognized securities credit rating agency.

(b) Funds of the district may be placed in certificates of deposit of state or national banks or state or federal savings and loan associations within the state provided that the funds are secured in the manner required for the security of the funds of counties of the state.

(c) The board by resolution may provide that an authorized representative of the district may invest and reinvest the funds of the district and provide for money to be withdrawn from the appropriate accounts of the district for investments on such terms as the board considers advisable.

Payment of Expenses

Sec. 49. (a) The district's directors may pay all costs and expenses necessarily incurred in the creation, organization, and operation of the district, legal fees, and other incidental expenses and may reimburse any person for money advanced for those purposes.

(b) Payments may be made from money obtained from the sale of bonds issued by the district or out of taxes, fees, or other revenues of the district.

Borrowing Money

Sec. 50. The district may borrow money for any purpose authorized under this Act or any combination of those purposes.

Issuance of Bonds

Sec. 51. The board may issue and sell bonds in the name of the district in an amount not to exceed one-fourth of the assessed valuation of the real property of the district to construct, acquire, and improve facilities as provided by this Act.

Manner of Repayment of Bonds

Sec. 52. The board may provide for the payment of the principal of and interest on the bonds in any one of the following manners:

- (1) from the levy and collection of ad valorem taxes on all taxable property within the district;
- (2) by pledging all or any part of the fees assessed under Section 71 of this Act; or
- (3) from a combination of the sources listed in Subdivisions (1) and (2) of this section.

Tax Bond Election

Sec. 53. (a) Bonds secured by taxes may not be issued by the district until authorized by a two-thirds majority vote of individuals qualified to vote and actually voting in the area within the boundaries of the district at an election called for that purpose.

(b) The board may order a bond election, and the order calling the election shall state the nature and the date of the election, the hours during which the polls will be open, the location of the polling places, the amount of bonds to be authorized, and the maximum maturity of the bonds.

(c) Notice of a bond election must be given as provided by Subsection (b) of Section 11 of this Act for the confirmation and directors' election.

(d) At an election to authorize bonds, the ballots must be printed to provide for voting for or against

the issuance of bonds and the levy of ad valorem taxes for payment of the bonds.

(e) The board shall canvass the returns and declare the results of the election. If a two-thirds majority of the votes cast at the election favor the issuance of the bonds, the bonds may be issued by the board, but if a two-thirds majority of the votes cast at the election do not favor issuance of the bonds, the bonds may not be issued.

(f) Bonds that are not secured by taxes may be issued without authorization at an election.

Form of Bonds

Sec. 54. (a) The district may issue its bonds in various series or issues.

(b) Bonds may mature serially or otherwise not more than 50 years from their date and shall bear interest at any rate or rates permitted by the constitution and laws of this state.

(c) The district's bonds and interest coupons, if any, are investment securities under the terms of Chapter 8 of the Business & Commerce Code and may be issued registrable as to principal or as to both principal and interest or may be issued in book entry form and may be made redeemable before maturity at the option of the district or may contain a mandatory redemption provision.

(d) The district's bonds may be issued in the form, denominations, and manner and under the terms, conditions, and details and shall be signed and executed as provided by the board in the resolution or order authorizing their issuance.

Provisions of Bonds

Sec. 55. (a) In the orders or resolutions authorizing the issuance of bonds, including refunding bonds, the board may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund, the reserve fund, and other funds and may make additional covenants with respect to the bonds and the pledged fees.

(b) The orders or resolutions of the board authorizing the issuance of bonds may also prohibit the further issuance of bonds or other obligations payable from the pledged fees or may reserve the right to issue additional bonds to be secured by a pledge of and payable from the fees on a parity with or subordinate to the pledge in support of the bonds being issued.

(c) The orders or resolutions of the board issuing bonds may contain other provisions and covenants as the board may determine.

(d) The board may adopt and have executed any other proceedings or instruments necessary and convenient in connection with the issuance of bonds.

**Approval by Attorney General; Registration
by Comptroller**

Sec. 56. (a) Bonds issued by the district and the records relating to their issuance must be submitted to the attorney general for examination.

(b) If the attorney general finds that the bonds have been authorized in accordance with law, he shall approve them, and they shall be registered by the comptroller of public accounts.

(c) After the approval and registration of bonds, the bonds are incontestable in any court or other forum for any reason and are valid and binding obligations in accordance with their terms for all purposes.

Refunding Bonds

Sec. 57. Refunding bonds may be issued for the purposes and in the manner provided by general law including Chapter 503, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 717k, Vernon's Texas Civil Statutes), and Chapter 784, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-3, Vernon's Texas Civil Statutes).

Bonds as Investments

Sec. 58. District bonds are legal and authorized investments for:

- (1) banks;
- (2) savings banks;
- (3) trust companies;
- (4) savings and loan associations;
- (5) insurance companies;
- (6) fiduciaries;
- (7) trustees;
- (8) guardians; and

(9) sinking funds of cities, counties, school districts, and other political subdivisions of the state and other public funds of the state and its agencies, including the permanent school fund.

Bonds as Security for Deposits

Sec. 59. District bonds are eligible to secure deposits of public funds of the state and cities, counties, school districts, and other political subdivisions of the state. The bonds are lawful and sufficient security for deposits to the extent of their value when accompanied by all unmatured coupons.

Mandamus by Bondholders

Sec. 60. In addition to all other rights and remedies provided by the laws of the state, in the event the district defaults in the payment of principal, interest, or redemption price on its bonds when due or in the event it fails to make payments into any fund or funds created in the orders or resolutions authorizing the issuance of the bonds or defaults in the observation or performance of any other covenants, conditions, or obligations set forth in the

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orders or resolutions authorizing the issuance of its bonds, the owners of any of the bonds shall be entitled to a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the district and its officials to observe and perform the covenants, obligations, or conditions prescribed in the orders or resolutions authorizing the issuance of the district's bonds.

Application of Other Laws

Sec. 61. Bonds of the district are considered bonds under Chapter 845, Acts of the 67th Legislature, Regular Session, 1981, as amended (Article 717k-6, Vernon's Texas Civil Statutes), and that law applies to district bonds.

Use of Bond Proceeds

Sec. 62. A district may use bond proceeds to construct, acquire, or improve facilities, to pay any expenses related to those facilities, to pay or establish a reasonable reserve to pay not more than three years' interest on the bonds and notes of the district, and to pay expenses related to issuance and sale of bonds as provided by the bond orders or resolutions.

Disposition of Proceeds

Sec. 63. The portion of the purchase money of bonds and notes that represents capitalized interest shall be placed in a special account in the district depository to be used to pay interest that comes due on the bonds or bond anticipation notes, and any money remaining in that account after payment of the costs of issuance of the bonds or bond anticipation notes shall be transferred and deposited in the regular account of the district in the district depository.

Bond Anticipation Notes

Sec. 64. (a) The district may issue bond anticipation notes for any purpose for which bonds of the district may have been voted previously or to refund previously issued bond anticipation notes.

(b) Bond anticipation notes may bear interest at a rate or rates not to exceed the limitations provided by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes), and may be issued in the denominations and may be made payable at times considered the most expedient, as stated in the orders or resolutions authorizing their issuance.

(c) The district may covenant with the purchasers of the bond anticipation notes that the proceeds from the sale of any bonds issued to refund the bond anticipation notes will be for that purpose, in which case the proceeds received from the sale of those bonds must be used to pay the principal of or interest or redemption price on the bond anticipation notes.

(d) The district may secure the repayment of the principal of and interest and redemption premium

on the bond anticipation notes from any source or sources legally available for the repayment of those bond anticipation notes including a credit agreement. As used in this subsection, "credit agreement" means a loan agreement, revolving credit agreement, agreement establishing a line of credit, letter of credit, reimbursement agreement, insurance contract, commitments to purchase bond anticipation notes, purchase or sale agreements, or commitments or other contracts or agreements authorized and approved by the district in connection with the authorization, issuance, security, or payment of bond anticipation notes.

Tax Status of Bonds

Sec. 65. Since a district created under this Act is a public entity performing an essential public function, bonds issued by the district, any transaction relating to the bonds, and profits made in the sale of the bonds are free from taxation by the state or by any city, county, special district, or other political subdivision of the state.

Levy of Taxes

Sec. 66. The board may annually levy taxes to pay the principal of and interest on bonds issued by the district and the expense of assessing and collecting taxes.

Maintenance Tax

Sec. 67. Upon approval of a majority of the voters in the district at an election called for that purpose, the district may levy and collect a maintenance tax in an amount not to exceed 25 cents on each \$100 of assessed valuation of property in the district to pay operating expenses of the district. The maintenance tax election shall be held in the manner provided by Section 11 of this Act for the confirmation and directors' election.

Board Authority

Sec. 68. (a) The board may levy taxes for the entire year in which the district is created.

(b) The board shall levy taxes on all property within the boundaries of the district subject to district taxation.

Tax Rate

Sec. 69. In setting the tax rate, the board shall take into consideration the income of the district from sources other than taxation. On determination of the amount of tax required to be levied, the board shall make the levy and certify it to the tax assessor-collector.

Tax Appraisal, Assessment, and Collection

Sec. 70. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(b) The board may provide for the appointment of a tax assessor-collector for the district or may con-

tract for the assessment and collection of taxes as provided by the Tax Code.

Fees

Sec. 71. (a) A district may adopt and enforce fees in addition to taxes to provide for operation of the district and to secure bonds of the district issued to finance the construction, acquisition, and improvement of facilities.

(b) A district may file suit in a court of competent jurisdiction within any county in which the district is located to recover any unpaid fees under this section.

(c) Fees imposed and collected under this section are revenues of the district.

(d) Fees authorized by this section may not be imposed on or collected from the traveling public for the use of roads constructed, acquired, or improved by the district, and no facilities may be encumbered by district fee.

Dissolution of District

Sec. 72. (a) After a district has completed all construction, acquisition, and improvement of facilities provided in the plans approved by the commission and conveyed those facilities to a governmental entity and after all bonds and other indebtedness of the district are paid in full, the district shall submit to the commission a petition for dissolution accompanied by such evidence as the commission requires in its rules or by order to show that the proposals in the plans have been completed and all bonds and other indebtedness have been paid in full.

(b) After considering the petition and the accompanying evidence, if the commission finds that the work is completed according to the plans and the facilities have been conveyed and that all bonds and other indebtedness have been retired, the commission shall order the district dissolved. If the commission finds that the work has not been completed according to the plans, that all facilities have not been conveyed, or that all bonds and other indebtedness have not been retired, the commission shall issue an order that will ensure that the work is completed by the district, all conveyances are made, and all debt will be retired, and on compliance with this order shall issue an order dissolving the district.

(c) If at the time that a district is dissolved, the district has any surplus funds in any of its accounts, the board shall transfer those funds to the governmental entity that assumes jurisdiction over the facilities conveyed by the district, and the governmental entity receiving the funds shall use those funds to maintain the facilities conveyed. If more than one governmental entity assumes jurisdiction over district facilities, the board shall transfer the funds to each governmental entity based on the proportion of the proceeds of all indebtedness incurred by the district to construct or to purchase

and improve the facilities conveyed to that governmental entity.

(d) On the issuance of the order of dissolution by the commission, the dissolved district ceases to exist as a governmental entity, and the board shall continue in existence only for the purpose of transferring district funds and disposing of district assets.

[Acts 1984, 68th Leg., 2nd C.S., p. 172, ch. 13, eff. Oct. 2, 1984.]

2. REGULATION OF VEHICLES

Art. 6675a-5. Fees: Motorcycles, Passenger Cars, Buses

Text of article effective until August 1, 1985

(a) The annual license fee for registration of a motorcycle is Eighteen Dollars and Twenty-five Cents (\$18.25).

(b) The annual license fee for registration of a passenger car and a street or suburban bus shall be based upon the manufacturer's model year or weight in pounds, as the case might be, of a vehicle as follows:

Model Year or Weight in Pounds	Fee
1. For a model year more than six years from date of annual registration.	\$28.00
2. For a model year more than three years but six years or less from date of annual registration.	\$38.00
3. For a model three years or less from date of annual registration.	\$46.00
4. For a vehicle over 6000 pounds, irrespective of model year.	\$12.50 plus 60¢ cwt.

The weight of any passenger car or of any street or suburban bus, for purpose of registration, shall be the weight generally accepted as its correct shipping weight plus one hundred (100) pounds.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 466, ch. 31, art. 1, § 11, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-5, post

Art. 6675a-5. Fees: Motorcycles, Passenger Cars, Buses

Text of article effective August 1, 1985, to July 31, 1986

(a) The annual license fee for registration of a motorcycle is Twenty-four Dollars and Fifty Cents (\$24.50).

(b) The annual license fee for registration of a passenger car and a street or suburban bus shall be based upon the manufacturer's model year or weight in pounds, as the case might be, of a vehicle as follows:

Model Year or Weight in Pounds	Fee
1. For a model year more than six years from date of annual registration.	\$34.25
2. For a model year more than three years but six years or less from date of annual registration.	\$44.25
3. For a model three years or less from date of annual registration.	\$52.25
4. For a vehicle over 6000 pounds, irrespective of model year.	\$18.75 plus 60¢ cwt.

The weight of any passenger car or of any street or suburban bus, for purpose of registration, shall be the weight generally accepted as its correct shipping weight plus one hundred (100) pounds. [Amended by Acts 1984, 68th Leg., 2nd C.S. p. 467, ch. 31, art. 1, § 12, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-5, ante and post

Art. 6675a-5. Fees: Motorcycles, Passenger Cars, Buses

Text of article effective August 1, 1986

(a) The annual license fee for registration of a motorcycle is Thirty Dollars and Seventy-five Cents (\$30.75).

(b) The annual license fee for registration of a passenger car and a street or suburban bus shall be based upon the manufacturer's model year or weight in pounds, as the case might be, of a vehicle as follows:

Model Year or Weight in Pounds	Fee
1. For a model year more than six years from date of annual registration.	\$40.50
2. For a model year more than three years but six years or less from date of annual registration.	\$50.50
3. For a model three years or less from date of annual registration.	\$58.50
4. For a vehicle over 6000 pounds, irrespective of model year.	\$25.00 plus 60¢ cwt.

The weight of any passenger car or of any street or suburban bus, for purpose of registration, shall be the weight generally accepted as its correct shipping weight plus one hundred (100) pounds.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 468, ch. 31, art. 1, § 13, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-5, ante

The 1984 amendatory act was generally effective October 2, 1984, 90 days after date of adjournment, but art. 1, § 48(a) of said act stated that, unless otherwise provided, article 1 was effective August 1, 1984. The 1984 amendatory act, however, failed to receive the vote required by Const. Art. 3, § 39, to become effective earlier than the general 90-day date. Acts 1984, 68th Leg., 2nd C.S., p. 561, ch. 32, § 1, however, which did receive the vote required by Const. Art. 3, § 39, provides:

"Notwithstanding the failure of H.B. 122 [chapter 31], 68th Legislature, 2nd Called Session, to receive the necessary number of votes required by Article III, Section 39, of the Texas Constitution, concerning the effective date of laws, for that bill to have immediate effect, those sections of Article 1 of H.B. 122 that have an August 1, 1984, effective date take effect on that date."

Art. 6675a-5.1. Fees if Other Provisions Held Invalid

(a) If for any reason Section 5 of this Act¹ is held invalid, the annual license fee for registration of a passenger car and a street or suburban bus shall be as provided by this section.

(b) For the year beginning August 1, 1984:

Weight in Pounds	Fee
1-3,500	\$28.00
3,501-4,500	\$38.00
4,501-6,000	\$46.00
6,001 and over	\$12.50 plus 60¢ cwt.

(c) For the year beginning August 1, 1985:

Weight in Pounds	Fee
1-3,500	\$34.25
3,501-4,500	\$44.25
4,501-6,000	\$52.25
6,001 and over	\$18.75 plus 60¢ cwt.

(d) For the year beginning August 1, 1986:

Weight in Pounds	Fee
1-3,500	\$40.50
3,501-4,500	\$50.50
4,501-6,000	\$58.50
6,001 and over	\$25.00 plus 60¢ cwt.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 469, ch. 31, art. 1, § 14, eff. Aug. 1, 1984.]

¹ Article 6675a-5.

For provisions as to effective date of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-5a. Registration of Antique Passenger Cars and Trucks; License Plates; Fees; Renewal; Penalty

Text of article effective until August 1, 1985

Passenger cars and trucks that were manufactured in 1925 or before, or which become twenty-

five (25) or more years old, shall be excepted from the annual license fee for registration otherwise provided by law upon written, sworn application by the owner thereof on a form furnished by the Department. Such application shall show the make, body style, motor number, age of such passenger car or truck, and any other information required by the Department, and shall also state that the passenger car or truck is a collector's item and will be used solely for exhibitions, club activities, parades, and other functions of public interest, and in no case for regular transportation, and will carry no advertising. The Department shall issue license plates which shall contain the words "Antique Auto" or "Antique Truck" and which are valid for a maximum period of five (5) years. Alternatively, the Department may allow antique license plates to be used on an antique car or truck if the owner of the car or truck presents the antique license plates to the Department for approval and the antique license plates were issued by this state in the same year as the model year of the car or truck. If antique license plates are used on a car or truck, the Department shall issue to the owner a symbol, valid for a maximum period of five (5) years, to be placed on one of the license plates, as determined by the Department, designating the year in which the car or truck was registered under this section. The registration fee for the five (5) year period for passenger cars and trucks qualifying under this Act which were manufactured in 1921 and subsequent years shall be Thirty-seven Dollars and Fifty Cents (\$37.50) and shall be reduced Seven Dollars and Fifty Cents (\$7.50) for each year of the period that has fully expired at the time of the application, and the fee for the registration of cars and trucks manufactured in 1920 and prior years shall be Twenty-seven Dollars and Fifty Cents (\$27.50) for the five year period and shall be reduced Five Dollars and Fifty Cents (\$5.50) for each year of the five year period that has fully expired at the time of the application. Provided further, that upon such application and upon payment of the proper fee to the County Tax Assessor-Collector of the county in which the owner resides, the Department shall furnish such license plates or a symbol and receipts which shall be issued to the owner and such plates or symbol shall be valid without renewal for the period for which the car or truck is registered, provided such vehicle continues to be owned by the same owner. It is further provided that in the event the vehicle is transferred to another owner, or is junked, destroyed, or otherwise ceases to exist, the registration receipt and plates or symbol shall become null and void and any plates or symbol issued under this section shall be sent immediately to the Department. It is further provided that the Tax Assessor-Collector shall not renew the registration of any such vehicle until the registered owner surrenders to him any license plates or symbol and receipt that were issued for such vehicle for the previous period. In the event license plates issued under this section become lost, stolen, or mutilated,

the owner may secure replacement plates by executing an affidavit and application on a form furnished by the Department and by the payment of the fee prescribed in Section 13a of this Act. Any owner of a passenger car or truck registered under the provisions of this section who violates any of the provisions herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5.00) and not more than Two Hundred Dollars (\$200.00).

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 470, ch. 31, art. 1, § 15, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-5a, post

Art. 6675a-5a. Registration of Antique Passenger Cars and Trucks; License Plates; Fees; Renewal; Penalty

Text of article effective August 1, 1985, to July 31, 1986

Passenger cars and trucks that were manufactured in 1925 or before, or which become twenty-five (25) or more years old, shall be excepted from the annual license fee for registration otherwise provided by law upon written, sworn application by the owner thereof on a form furnished by the Department. Such application shall show the make, body style, motor number, age of such passenger car or truck, and any other information required by the Department, and shall also state that the passenger car or truck is a collector's item and will be used solely for exhibitions, club activities, parades, and other functions of public interest, and in no case for regular transportation, and will carry no advertising. The Department shall issue license plates which shall contain the words "Antique Auto" or "Antique Truck" and which are valid for a maximum period of five (5) years. Alternatively, the Department may allow antique license plates to be used on an antique car or truck if the owner of the car or truck presents the antique license plates to the Department for approval and the antique license plates were issued by this state in the same year as the model year of the car or truck. If antique license plates are used on a car or truck, the Department shall issue to the owner a symbol, valid for a maximum period of five (5) years, to be placed on one of the license plates, as determined by the Department, designating the year in which the car or truck was registered under this section. The registration fee for the five (5) year period for passenger cars and trucks qualifying under this Act which were manufactured in 1921 and subsequent years shall be Forty-three Dollars and Seventy-five Cents (\$43.75) and shall be reduced Eight Dollars and Seventy-five Cents (\$8.75) for each year of the period that has fully expired at the time of the application, and the fee for the registration of cars

and trucks manufactured in 1920 and prior years shall be Thirty-three Dollars and Seventy-five Cents (\$33.75) for the five year period and shall be reduced Six Dollars and Seventy-five Cents (\$6.75) for each year of the five year period that has fully expired at the time of the application. Provided further, that upon such application and upon payment of the proper fee to the County Tax Assessor-Collector of the county in which the owner resides, the Department shall furnish such license plates or a symbol and receipts which shall be issued to the owner and such plates or symbol shall be valid without renewal for the period for which the car or truck is registered, provided such vehicle continues to be owned by the same owner. It is further provided that in the event the vehicle is transferred to another owner, or is junked, destroyed, or otherwise ceases to exist, the registration receipt and plates or symbol shall become null and void and any plates or symbol issued under this section shall be sent immediately to the Department. It is further provided that the Tax Assessor-Collector shall not renew the registration of any such vehicle until the registered owner surrenders to him any license plates or symbol and receipt that were issued for such vehicle for the previous period. In the event license plates issued under this section become lost, stolen, or mutilated, the owner may secure replacement plates by executing an affidavit and application on a form furnished by the Department and by the payment of the fee prescribed in Section 13a of this Act. Any owner of a passenger car or truck registered under the provisions of this section who violates any of the provisions herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5.00) and not more than Two Hundred Dollars (\$200.00).

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 472, ch. 31, art. 1, § 16, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-5a, ante and post

Art. 6675a-5a. Registration of Antique Passenger Cars and Trucks; License Plates; Fees; Renewal; Penalty

Text of article effective August 1, 1986

Passenger cars and trucks that were manufactured in 1925 or before, or which become twenty-five (25) or more years old, shall be excepted from the annual license fee for registration otherwise provided by law upon written, sworn application by the owner thereof on a form furnished by the Department. Such application shall show the make, body style, motor number, age of such passenger car or truck, and any other information required by the Department, and shall also state that the passenger car or truck is a collector's item and will be used solely for exhibitions, club activities, parades, and other functions of public interest, and in no case for regular transportation, and will carry no adver-

tising. The Department shall issue license plates which shall contain the words "Antique Auto" or "Antique Truck" and which are valid for a maximum period of five (5) years. Alternatively, the Department may allow antique license plates to be used on an antique car or truck if the owner of the car or truck presents the antique license plates to the Department for approval and the antique license plates were issued by this state in the same year as the model year of the car or truck. If antique license plates are used on a car or truck, the Department shall issue to the owner a symbol, valid for a maximum period of five (5) years, to be placed on one of the license plates, as determined by the Department, designating the year in which the car or truck was registered under this section. The registration fee for the five (5) year period for passenger cars and trucks qualifying under this Act which were manufactured in 1921 and subsequent years shall be Fifty Dollars (\$50.00) and shall be reduced Ten Dollars (\$10.00) for each year of the period that has fully expired at the time of the application, and the fee for the registration of cars and trucks manufactured in 1920 and prior years shall be Forty Dollars (\$40.00) for the five year period and shall be reduced Eight Dollars (\$8.00) for each year of the five year period that has fully expired at the time of the application. Provided further, that upon such application and upon payment of the proper fee to the County Tax Assessor-Collector of the county in which the owner resides, the Department shall furnish such license plates or a symbol and receipts which shall be issued to the owner and such plates or symbol shall be valid without renewal for the period for which the car or truck is registered, provided such vehicle continues to be owned by the same owner. It is further provided that in the event the vehicle is transferred to another owner, or is junked, destroyed, or otherwise ceases to exist, the registration receipt and plates or symbol shall become null and void and any plates or symbol issued under this section shall be sent immediately to the Department. It is further provided that the Tax Assessor-Collector shall not renew the registration of any such vehicle until the registered owner surrenders to him any license plates or symbol and receipt that were issued for such vehicle for the previous period. In the event license plates issued under this section become lost, stolen, or mutilated, the owner may secure replacement plates by executing an affidavit and application on a form furnished by the Department and by the payment of the fee prescribed in Section 13a of this Act. Any owner of a passenger car or truck registered under the provisions of this section who violates any of the provisions herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5.00) and not more than Two Hundred Dollars (\$200.00).

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 474, ch. 31, art. 1, § 17, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-5a, ante

For provisions as to effective date, of art. 1, § 15, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-5c. Special Personalized Prestige License Plates

The State Highway Department shall establish and issue special personalized prestige license plates. For a fee of Twenty-five Dollars (\$25) which fee shall be in addition to the regular motor vehicle registration fee, any owner may apply for issuance of said personalized license plates. The Department shall establish and promulgate procedures for application for and issuance of such special personalized prestige license plates and provide a deadline each year for the applications. No two owners will be issued identical lettered and/or numbered plates. An owner must make a new application and pay a new fee each year he desires to obtain special personalized prestige license plates. However, once an owner obtains personalized plates, he will have first priority on those plates for each of the following years that he makes timely and appropriate application. Ninety-five per cent (95%) of each Twenty-five Dollar fee collected by the Department under this Section shall be deposited in the State Treasury to the credit of the General Revenue Fund and the remaining five per cent (5%) shall be deposited in the State Treasury to the credit of the State Highway Fund to defray the costs of administration of this Section.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 496, ch. 31, art. 1, § 47, eff. Aug. 1, 1984.]

For provisions as to effective date of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-6. Fees; Commercial Motor Vehicles or Truck Tractors

Text of article effective until August 1, 1985

The annual license fee for the registration of a commercial motor vehicle or truck tractor shall be Twelve Dollars and Fifty Cents (\$12.50) plus an amount based upon the gross weight and tire equipment of the vehicle as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped With Pneumatic Tires	Equipped With Solid Tires
1-6,000	\$.44	\$.55
6,001-8,000	.495	.66
8,001-10,000	.605	.77
10,001-17,000	.715	.88
17,001-24,000	.77	.99
24,001-31,000	.88	1.10
31,001-and up	.99	1.32

The term "gross weight" as used in this Section shall mean the actual weight of the vehicle fully equipped with body, and other equipment, as certified by any official Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" of any vehicle except a bus, as used in this Section, shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. The "net carrying capacity" of a bus as defined in this Act shall be computed by multiplying its seating capacity by one hundred and fifty (150) pounds. The seating capacity of any such vehicle shall be the manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any such vehicle not rated by the manufacturer shall be determined by allowing one (1) passenger for each sixteen (16) inches that such vehicle will seat, exclusive of the driver's or operator's seat.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 476, ch. 31, art. 1, § 18, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-6, post

Art. 6675a-6. Fees; Commercial Motor Vehicles or Truck Tractors

Text of article effective August 1, 1985, to July 31, 1986

The annual license fee for the registration of a commercial motor vehicle or truck tractor shall be Eighteen Dollars and Seventy-five Cents (\$18.75) plus an amount based upon the gross weight and tire equipment of the vehicle as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped With Pneumatic Tires	Equipped with Solid Tires
1-6,000	\$.44	\$.55
6,001-8,000	.495	.66
8,001-10,000	.605	.77
10,001-17,000	.715	.88
17,001-24,000	.77	.99
24,001-31,000	.88	1.10
31,001-and up	.99	1.32

The term "gross weight" as used in this Section shall mean the actual weight of the vehicle fully equipped with body, and other equipment, as certified by any official Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" of any vehicle except a bus, as used in this Section, shall be

the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. The "net carrying capacity" of a bus as defined in this Act shall be computed by multiplying its seating capacity by one hundred and fifty (150) pounds. The seating capacity of any such vehicle shall be the manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any such vehicle not rated by the manufacturer shall be determined by allowing one (1) passenger for each sixteen (16) inches that such vehicle will seat, exclusive of the driver's or operator's seat.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 477, ch. 31, art. 1, § 19, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-6, ante and post

Art. 6675a-6. Fees; Commercial Motor Vehicles or Truck Tractors

Text of article effective August 1, 1986

The annual license fee for the registration of a commercial motor vehicle or truck tractor shall be Twenty-five Dollars (\$25.00) plus an amount based upon the gross weight and tire equipment of the vehicle as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped with Pneumatic Tires	Equipped with Solid Tires
1-6,000	\$.44	\$.55
6,001-8,000	.495	.66
8,001-10,000	.605	.77
10,001-17,000	.715	.88
17,001-24,000	.77	.99
24,001-31,000	.88	1.10
31,001-and up	.99	1.32

The term "gross weight" as used in this Section shall mean the actual weight of the vehicle fully equipped with body, and other equipment, as certified by any official Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" of any vehicle except a bus, as used in this Section, shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. The "net carrying capacity" of a bus as defined in this Act shall be computed by multiplying its seating capacity by one hundred and fifty (150) pounds. The seating capacity of any such vehicle shall be the

manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any such vehicle not rated by the manufacturer shall be determined by allowing one (1) passenger for each sixteen (16) inches that such vehicle will seat, exclusive of the driver's or operator's seat.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 478, ch. 31, art. 1, § 20, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-6, ante

For provisions as to effective date of art. 1, § 18, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-6½. Registration and Fees; Combination of Truck Tractors or Commercial Motor Vehicles With Semitrailers

Text of (a) effective until August 1, 1985

(a) Notwithstanding the provisions of Sections 6 and 8 of this Act, as amended (Articles 6675a-6 and 6675a-8, Vernon's Texas Civil Statutes), the annual license fee for the registration of a truck tractor or commercial motor vehicle with a manufacturer's rated carrying capacity in excess of one (1) ton used or to be used in combination with a semitrailer having a gross weight in excess of six thousand (6,000) pounds shall be Twenty-five Dollars (\$25.00) plus an amount based on the combined gross weight of all such vehicles used in the combination as follows:

Combined Gross Weight	Fee Per 100 lbs. or Fraction Thereof
*18,000-36,000	\$.60
36,001-42,000	.75
42,001-62,000	.90
62,001-and up	1.00

* (No such combination of vehicles may be registered for a combined gross weight of less than 18,000 pounds.)

In addition, semitrailers having gross weights in excess of six thousand (6,000) pounds used or to be used in combination with truck tractors or commercial motor vehicles with manufacturers' rated carrying capacities in excess of one (1) ton shall be registered for a "token" fee of Fifteen Dollars (\$15.00) for the Motor Vehicle Registration Year, regardless of the date such semitrailers are registered within said Registration Year, and the distinguishing license plates issued for such semitrailers shall be valid only when said vehicles are operated in combination with truck tractors or commercial motor vehicles that have been properly registered for their combined gross weight; provided, however, that the "token" fee for semitrailers shall not exempt such vehicles from the provisions of the Certificate of Title Act.

Text of (a) effective August 1, 1985 to July 31, 1986

(a) Notwithstanding the provisions of Sections 6 and 8 of this Act, as amended (Articles 6675a-6 and

6675a-8, Vernon's Texas Civil Statutes), the annual license fee for the registration of a truck tractor or commercial motor vehicle with a manufacturer's rated carrying capacity in excess of one (1) ton used or to be used in combination with a semitrailer having a gross weight in excess of six thousand (6,000) pounds shall be Thirty-one Dollars and Seventy-five Cents (\$31.75) plus an amount based on the combined gross weight of all such vehicles used in the combination as follows:

Combined Gross Weight	Fee Per 100 lbs. or Fraction Thereof
*18,000-36,000	\$.60
36,001-42,000	.75
42,001-62,000	.90
62,001-and up	1.00

* (No such combination of vehicles may be registered for a combined gross weight of less than 18,000 pounds.)

In addition, semitrailers having gross weights in excess of six thousand (6,000) pounds used or to be used in combination with truck tractors or commercial motor vehicles with manufacturers' rated carrying capacities in excess of one (1) ton shall be registered for a "token" fee of Fifteen Dollars (\$15.00) for the Motor Vehicle Registration Year, regardless of the date such semitrailers are registered within said Registration Year, and the distinguishing license plates issued for such semitrailers shall be valid only when said vehicles are operated in combination with truck tractors or commercial motor vehicles that have been properly registered for their combined gross weight; provided, however, that the "token" fee for semitrailers shall not exempt such vehicles from the provisions of the Certificate of Title Act.

Text of (a) effective August 1, 1986

(a) Notwithstanding the provisions of Sections 6 and 8 of this Act, as amended (Articles 6675a-6 and 6675a-8, Vernon's Texas Civil Statutes), the annual license fee for the registration of a truck tractor or commercial motor vehicle with a manufacturer's rated carrying capacity in excess of one (1) ton used or to be used in combination with a semitrailer having a gross weight in excess of six thousand (6,000) pounds shall be Forty Dollars (\$40.00) plus an amount based on the combined gross weight of all such vehicles used in the combination as follows:

Combined Gross Weight	Fee Per 100 lbs. or Fraction Thereof
* 18,000-36,000	\$.60
36,001-42,000	.75
42,001-62,000	.90
62,001-and up	1.00

* (No such combination of vehicles may be registered for a combined gross weight of less than 18,000 pounds.)

In addition, semitrailers having gross weights in excess of six thousand (6,000) pounds used or to be used in combination with truck tractors or commercial motor vehicles with manufacturers' rated carrying capacities in excess of one (1) ton shall be registered for a "token" fee of Fifteen Dollars (\$15.00) for the Motor Vehicle Registration Year, regardless of the date such semitrailers are registered within said Registration Year, and the distinguishing license plates issued for such semitrailers shall be valid only when said vehicles are operated in combination with truck tractors or commercial motor vehicles that have been properly registered for their combined gross weight; provided, however, that the "token" fee for semitrailers shall not exempt such vehicles from the provisions of the Certificate of Title Act.

[See Civil Statutes Pamphlets for text of subsecs. (b) to (d)]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 479, ch. 31, art. 1, § 21, eff. Aug. 1, 1984; Acts 1984, 68th Leg., 2nd C.S., p. 480, ch. 31, art. 1, § 22, Aug. 1, 1985; Acts 1984, 68th Leg., 2nd C.S., p. 481, art. 1, ch. 31, § 23, eff. Aug. 1, 1986.]

For provisions as to effective date of art. 1, § 21, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-7. Fees; Road Tractors

Text of article effective until August 1, 1985

The annual license fee for the registration of a road tractor shall be Twelve Dollars and Fifty Cents (\$12.50) plus an amount based upon the weight of the tractors, as certified by any Official Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof
1-4,000	\$.275
4,001-6000	.55
6,001-8,000	.66
8,001-10,000	.825
10,001-and up	1.10

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 482, ch. 31, art. 1, § 24, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-7, post

Art. 6675a-7. Fees; Road Tractors

Text of article effective August 1, 1985, to July 31, 1986

The annual license fee for the registration of a road tractor shall be Eighteen Dollars and Seventy-five Cents (\$18.75) plus an amount based upon the weight of the tractors, as certified by any Official

Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof
1-4,000	\$.275
4,001-6,000	.55
6,001-8,000	.66
8,001-10,000	.825
10,001-and up	1.10

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 483, ch. 31, art. 1, § 25, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-7, ante and post

Art. 6675a-7. Fees; Road Tractors

Text of article effective August 1, 1986

The annual license fee for the registration of a road tractor shall be Twenty-five Dollars (\$25.00) plus an amount based upon the weight of the tractors, as certified by any Official Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof
1-4,000	\$.275
4,001-6,000	.55
6,001-8,000	.66
8,001-10,000	.825
10,001-and up	1.10

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 483, ch. 31, art. 1, § 26, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-7, ante

For provisions as to effective date of art. 1, § 24, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-8. Fees; Trailers or Semi-Trailers

Text of article effective until August 1, 1985

The annual license fee for the registration of trailer or semi-trailer shall be Twelve Dollars and Fifty Cents (\$12.50) plus an amount based upon the gross weight and tire equipment of the trailer or semi-trailer as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped With Pneumatic Tires	Equipped With Solid Tires
1-6,000	\$.33	\$.44
6,001-8,000	.44	.55
8,001-10,000	.55	.66
10,001-17,000	.66	.88
17,001-and up	.715	.99

The term "gross weight" as used in this Section means the actual weight of the trailer or semi-trailer, as officially certified by any Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 484, ch. 31, art. 1, § 27, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-8, post

Art. 6675a-8. Fees; Trailers or Semi-Trailers

Text of article effective August 1, 1985 to July 31, 1986

The annual license fee for the registration of trailer or semi-trailer shall be Eighteen Dollars and Seventy-five Cents (\$18.75) plus an amount based upon the gross weight and tire equipage of the trailer or semi-trailer as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped With Pneumatic Tires	Equipped With Solid Tires
1-6,000	\$.33	\$.44
6,001-8,000	.44	.55
8,001-10,000	.55	.66
10,001-17,000	.66	.88
17,001-and up	.715	.99

The term "gross weight" as used in this Section means the actual weight of the trailer or semi-trailer, as officially certified by any Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 485, ch. 31, art. 1, § 28, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-8, ante and post

Art. 6675a-8. Fees; Trailers or Semi-Trailers

Text of article effective August 1, 1986

The annual license fee for the registration of trailer or semi-trailer shall be Twenty-five Dollars

(\$25.00) plus an amount based upon the gross weight and tire equipage of the trailer or semi-trailer as follows:

Gross Weight in Pounds	Fee per 100 Pounds or Fraction Thereof	
	Equipped With Pneumatic Tires	Equipped With Solid Tires
1-6,000	\$.33	\$.44
6,001-8,000	.44	.55
8,001-10,000	.55	.66
10,001-17,000	.66	.88
17,001-and up	.715	.99

The term "gross weight" as used in this Section means the actual weight of the trailer or semi-trailer, as officially certified by any Public Weigher or any License and Weight Inspector of the State Department of Highways and Public Transportation, plus its net carrying capacity. "Net carrying capacity" as used in this Section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 485, ch. 31, art. 1, § 29, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-8, ante

For provisions as to effective date of art. 1, § 27, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-8a. Fees; Motor Buses

Text of article effective until August 1, 1985

Annual license fees for the registration of a motor bus shall be Twelve Dollars and Fifty Cents (\$12.50) plus an amount based upon the "gross weight" of the vehicle as follows:

Gross Weight in Pounds	Fee Per 100 lbs. or Fraction thereof
1-6,000	\$0.44
6,001-8,000	0.495
8,001-10,000	0.605
10,001-17,000	0.715
17,001-24,000	0.77
24,001-31,000	0.88
31,001-and up	0.99

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 486, ch. 31, art. 1, § 30, eff. Aug. 1, 1984.]

For texts of article effective August 1, 1985, to July 31, 1986, and effective August 1, 1986, see arts. 6675a-8a, post

Art. 6675a-8a. Fees; Motor Buses

Text of article effective August 1, 1985, to July 31, 1986

Annual license fees for the registration of a motor bus shall be Eighteen Dollars and Seventy-five Cents (\$18.75) plus an amount based upon the "gross weight" of the vehicle as follows:

Gross Weight in Pounds	Fee Per 100 lbs. or Fraction thereof
1-6,000	\$0.44
6,001-8,000	0.495
8,001-10,000	0.605
10,001-17,000	0.715
17,001-24,000	0.77
24,001-31,000	0.88
31,001-and up	0.99

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 487, ch. 31, art. 1, § 31, eff. Aug. 1, 1985.]

For texts of article effective until August 1, 1985, and effective August 1, 1986, see arts. 6675a-8a, ante and post

Art. 6675a-8a. Fees; Motor Buses

Text of article effective August 1, 1986

Annual license fees for the registration of a motor bus shall be Twenty-five Dollars (\$25.00) plus an amount based upon the "gross weight" of the vehicle as follows:

Gross Weight in Pounds	Fee Per 100 lbs. or Fraction thereof
1-6,000	\$0.44
6,001-8,000	0.495
8,001-10,000	0.605
10,001-17,000	0.715
17,001-24,000	0.77
24,001-31,000	0.88
31,001-and up	0.99

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 487, ch. 31, art. 1, § 32, eff. Aug. 1, 1986.]

For texts of article effective until August 1, 1986, see arts. 6675a-8a, ante

For provisions as to effective date of art. 1, § 30, of the 1984 amendatory act, see note following art. 6675a-5.

Art. 6675a-11. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6675a-17. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6687b. Driver's, Chauffeur's, and Commercial Operator's Licenses; Accident Reports

[See Civil Statutes Pamphlets for text of Article I]

ARTICLE II—ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

[See Civil Statutes Pamphlets for text of 2 to 4A]

Special Restrictions on Drivers of School Buses and Public or Common Carrier Motor Vehicles

Sec. 5. (a) No person who is under the age of eighteen (18) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school. A person who is eighteen (18) years of age or older may not operate a vehicle as a school bus until he has been properly licensed to operate a school bus. It shall be unlawful for any person to be employed to drive a motor vehicle while in use as a school bus for the transportation of pupils who has not undergone a physical examination which reveals his physical and mental capabilities to safely operate a school bus. Such physical examinations shall be conducted annually for each driver. A pre-employment driver's license check shall have been made with the Texas Department of Public Safety prior to the employment and the person's driving record must be acceptable according to standards developed jointly by the State Board of Education and the Texas Department of Public Safety. Effective at such date and under provisions as may be determined by the State Board of Education, the driver of a school bus shall have in his possession a certificate stating he is enrolled in, or has completed, a driver training course in school bus safety education that has been approved jointly by the State Board of Education and the Texas Department of Public Safety. The bus driving certificate shall remain valid for a period of three years.

[See Civil Statutes Pamphlets for text of 5(b) to 46]

[Amended by Acts 1983, 68th Leg., 2nd C.S., p. 299, ch. 28, § 24, eff. Sept. 1, 1984.]

Arts. 6699, 6699a. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Art. 6700. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

CHAPTER ONE A. TRAFFIC REGULATIONS

Art. 6701d. Uniform Act Regulating Traffic on Highways

[See Civil Statutes Pamphlets for text of 1 to 96]

ARTICLE XIII—MISCELLANEOUS RULES

[See Civil Statutes Pamphlets for text of 97 to 107A]

Child Passenger Safety Seat Systems

Sec. 107B. (a) In this section "child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(b) A person commits an offense if the person:

- (1) is a resident of this state;
- (2) transports a child younger than two years of age by operating a passenger car or light truck on a road, street, or highway of this state; and
- (3) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

(c) A person commits an offense if the person:

- (1) is a resident of this state;
- (2) transports a child who is two years of age or older and under four years of age by operating a passenger car or light truck on a road, street, or highway of this state; and
- (3) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system or by a safety belt.

(d) An offense under this section is punishable by a fine of not less than \$25 nor more than \$50.

(e) It is a defense to prosecution under Subsection (b) of this section that the person acquired a child passenger safety seat system within 10 days after the date of the offense. The court shall dismiss the charge if the person shows proof of acquisition by purchase, loan, or rental program.

(f) Use or nonuse of a child passenger safety seat system is not admissible evidence in a civil trial.

(g) This section does not apply to a person operating a vehicle transporting passengers for hire.

(h) This section does not apply to a person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

[See Civil Statutes Pamphlets for text of 108 to 188]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 1, ch. 1, § 1, eff. Oct. 31, 1984.]

Section 2 of the 1984 amendatory act provides:

"(a) Except as provided by Subsection (b) of this section, this Act takes effect October 31, 1984.

"(b) An offense under Section 107B, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is not punishable unless it is committed on or after January 1, 1985. For purposes of this subsection, an offense is committed before that date if any element of the offense occurs before that date."

Art. 6701d-11a. Registration and Width Requirements of Vehicles Transporting Fertilizer

[See Civil Statutes Pamphlets for text of 1]
Text of § 2 effective until August 1, 1985

Sec. 2. The annual license fee for the registration of a motor vehicle designed or modified exclusively to transport fertilizer to the field and spread it, and used only for that purpose, is \$62.50.

Text of § 2 effective August 1, 1985 to July 31, 1986

Sec. 2. The annual license fee for the registration of a motor vehicle designed or modified exclusively to transport fertilizer to the field and spread it, and used only for that purpose, is \$68.75.

Text of § 2 effective August 1, 1986

Sec. 2. The annual license fee for the registration of a motor vehicle designed or modified exclusively to transport fertilizer to the field and spread it, and used only for that purpose, is \$75.

[See Civil Statutes Pamphlets for text of 3]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 488, ch. 31, art. 1, § 33, eff. Aug. 1, 1984; Acts 1984, 68th Leg., 2nd C.S., p. 488, ch. 31, art. 1, § 34, eff. Aug. 1, 1985; Acts 1984, 68th Leg., 2nd C.S., p. 488, ch. 31, art. 1, § 35, eff. Aug. 1, 1986.]

Art. 6701g. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

CHAPTER TWO. ESTABLISHMENT OF COUNTY ROADS

Art. 6702. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6702-1. County Road and Bridge Act
CHAPTER 1. GENERAL PROVISIONS
Short Title

Sec. 1.001. This Act may be cited as the County Road and Bridge Act.

CHAPTER 2. POWERS OF COMMISSIONERS COURT

SUBCHAPTER A. CREATING OR DISCONTINUING ROADS

Public Roads

Sec. 2.001. Public roads and highways that have not been discontinued but have been laid out and established according to law are declared to be public roads.

Court Authority

Sec. 2.002. (a) The commissioners court shall:

(1) order that public roads be laid out, opened, discontinued, or altered when necessary except that:

(A) a public road may not be discontinued until a new road is ready to replace it;

(B) a public road may not be altered except to shorten the distance from end to end, unless a unanimous vote by all elected commissioners determines otherwise; and

(C) an entire first-class or second-class road may not be discontinued except on vacation or nonuse for a period of three years; and

(2) assume control of streets and alleys in all cities and incorporated towns that have no active de facto municipal government.

(b) The commissioners court may:

(1) make and enforce all reasonable and necessary rules and orders for the construction and maintenance of public roads except as prohibited by law;

(2) hire the labor and purchase the machinery and equipment needed to construct and maintain public roads; and

(3) use any necessary material most convenient to build, repair, or maintain public roads regardless of the location or extent of the material.

(c) Under the following procedure, the commissioners court may condemn the material necessary to build, repair, or maintain public roads, but only if the owner of the material rejects what the court determines to be a fair price:

(1) commissioners appointed by the court to condemn the materials shall hold a hearing and fix a fair and reasonable value for the material based on the current method for pricing or valuing the material;

(2) compensation awarded by the commissioners for material shall be paid to the owner or deposited with the county treasurer to the credit of the owner, and when so paid or deposited the county shall have the right to enter on and use the material; if the owner or the county is not satisfied with the compensation awarded, the owner or the county may appeal as in condemnation cases; and

(3) the commissioners appointed to condemn the property are entitled to receive \$2 for each day they may be involved in condemning the material in-

volved, to be paid out of the same fund from which payment is made for materials on the order of the commissioners court.

(d) If material is needed for the general system of county highways, payment shall be made from the road and bridge fund or from the proceeds of any county issue of bonds. If material is to be used for the benefit of any defined district or political subdivision of the county, the cost of the material shall be paid from that district or subdivision's funds arising through the sale of bonds or the collection of special taxes.

Applying For New Roads or Road Changes

Sec. 2.003. (a) Citizens may apply for a new road or a change in an existing road by presenting to the commissioners court a petition signed by:

(1) eight landowners in the precinct if the request is for a new road or to discontinue an existing road; or

(2) one landowner in the precinct if the request is for a change in a road.

(b) The petition must specify the beginning and termination points of a proposed new road or a road to be discontinued.

(c) Before the commissioners court may grant an order based on an application described by Subsection (a) of this section, the applicants must first give notice of their intent to apply by a written advertisement of their intent posted on the courthouse door and at two other places in the vicinity of the route affected for at least 20 days.

Laying Out New Roads by Jury of View

Sec. 2.004. (a) New roads ordered by the commissioners court must be laid out by a jury of view, appointed by the court and consisting of five landowners. The court may order the cooperation of the county surveyor. The jury of view shall lay out, survey, and describe the road to the greatest advantage of the public and make a written report containing the field notes, survey or description of the road, and the jury's proceedings to the next term of the court.

(b) When juries of view are appointed, the clerk of the court shall make out and deliver to the sheriff duplicate copies of the appointing order not later than the 10th day after the day the appointment was made, endorsing on those copies the date of the order. The sheriff shall serve the order on each juror in person or by leaving one of the copies at the appointee's usual place of abode. The sheriff shall make the service not later than the 20th day after the day he receives the copies and shall make his return to the clerk on the duplicate copies, stating the date and manner of service or the cause of his failure to make the service. Any person summoned as a juror of view who fails or refuses to perform the service required of him by law as a juror forfeits and shall pay for each failure the sum

of \$10, to be recovered by judgment on motion of the district or county attorney in the name of the county.

(c) The jurors shall first take the following oath: "I, _____, do solemnly swear that I will lay out the road now directed to be laid out by the order to us directed from the commissioners court, according to law, without favor or affection, malice or hatred, to the best of my skill and knowledge. So help me God."

(d) The jury shall issue a written notice of the time when they will proceed to lay out the road or when they will assess the damages incidental to the opening of the road. The notice shall be served on each landowner, his agent, or attorney, through whose land the road may run, not later than the fifth day before the day set in the notice. If the owner is a nonresident of the county, the notice may be given by publication in a newspaper published in the county. The notice must be published once a week for four consecutive weeks, and the road may be established after four weeks' publication. The cost of publishing shall be paid as directed by the judgment of the court.

(e) At the time stated in the notice or previous to that time, the owner may present to the jury a written statement of the damages claimed by him, incidental to the opening of the road, and the jury shall proceed to assess the damages, returning its assessment and the claimant's statement with its report. If the commissioners court approves the report and orders the road to be opened, it shall consider the assessment and damages by the jury and the claimant's statement and allow to the owner just damages and adequate compensation for the land taken. When the damages and compensation are paid or secured by special deposit with the county treasurer to the credit of the owner and after notice of the payment or deposit to the owner, and if no objection is made to the jury's report, the court may proceed to have the road opened, if it is considered to be of sufficient importance. The owner may appeal from the assessment as in cases of appeal from judgment of justice courts, but the appeal shall not prevent the road from being opened, but shall be only to fix the amount of damages.

Roads Across Public Land

Sec. 2.005. A public road may not be opened across land owned and used or intended for actual use by the state, educational, eleemosynary, or other public state institutions for public purposes and not subject to sale under the general laws of the state, without the consent of the trustees of the institution and the approval of the governor. The roads opened before September 1, 1925, across the land may be closed by the authorities in charge of the land whenever they consider it necessary to protect the interests of the state, on repayment to the county where the land is situated, with eight

percent interest, the amount actually paid out by the county for the condemnation of the land as shown by the records of the commissioners court.

Neighborhood Roads

Sec. 2.006. (a) The commissioners court may declare as a public highway any line between different persons or landowners, any section line, or any practicable route (a practicable route being one convenient to landowners while at the same time avoiding hills, mountains, or streams through any and all enclosures), subject to the following conditions.

(b) One or more persons, firms, or corporations, who are landowners into whose land there is no public road or public means of access and who desire an access road connecting their land with the county public road system, may make a sworn application to the commissioners court for an order establishing the road, designating the lines sought to be opened and the names and residences of the persons affected by the proposed access road, and stating the facts that show a necessity for the road.

(c) After the application is filed, the county clerk shall issue a notice to the sheriff or constable commanding him to summon those landowners affected by the application. Those summoned must appear at the next regular term of the commissioners court if they desire to contest the application. The notice shall be served and returned as in the service of citations in civil actions in justice courts.

(d) At a regular term of the court after due service of the notice, the court may hear evidence as to the truth of the application, and if it appears that the applicants have no means of access to their land and premises, it may issue an order declaring the lines designated in the application or the lines as may be fixed by the commissioners court to be a public highway and may direct the public highway to be opened by the owners and left open for a space of not less than 15 feet or more than 30 feet on each side of a designated line, but the marked trees and other objects used to designate the lines and the corners of surveys may not be removed or defaced. Notice of the order shall be immediately served on the owners and return of the notice shall be made as previously provided in this section. A copy of the order shall be filed in the deed records in the office of the county clerk of the county.

(e) The damages to the landowners shall be assessed by a jury of landowners, as for other public roads, and all costs attending the proceedings in opening the road shall be paid by the county. The commissioners court is not required to keep the road worked by the roadhands as in the case of other public roads but shall place the roads in the first instance in condition for use as access public roads.

(f) Once the commissioners court has designated a public road under this section that involves an enclosure of 1280 acres or more, a person or owner who fails, neglects, or refuses for 12 months after

legal notice to leave open his land free from all obstructions for 15 feet on his side of the designated line commits an offense and shall be fined not more than \$20 per month after the first 12 months.

Classes of Roads

Sec. 2.007. (a) The commissioners court shall classify all public roads in their counties as follows:

(1) first-class roads shall be clear of all obstructions and not less than 40 feet nor more than 100 feet wide; all stumps over six inches in diameter shall be cut down to six inches of the surface and rounded off, all stumps six inches in diameter and under cut smooth with the ground, and all causeways made at least 16 feet wide;

(2) second-class roads shall conform to the requirements of first-class roads except that they may not be less than 40 feet wide;

(3) third-class roads may not be less than 20 feet wide and the causeway not less than 12 feet wide; otherwise they shall conform to the requirements of first-class roads.

(b) Any county in this state containing a population of less than 60,000 inhabitants according to the most recent federal census may by a majority vote of the commissioners court authorize the construction of cattle guards across any or all of the first-class, second-class, or third-class roads in said county, and the cattle guards may not be classed or considered as obstructions on the roads.

(c) A first-class or second-class road may not be reduced to a lower class.

(d) The commissioners court of any county coming under this section shall provide proper plans and specifications for a standard cattle guard to be used on the roads of the county. The plans and specifications shall be plainly written, supplemented by drawings as may be necessary, and shall be available to the inspection of the citizens of the county. After the commissioners court provides the proper plans and specifications for a standard cattle guard to be used on the roads of the county, any person constructing any cattle guard that is not in accordance with the approved plans and specifications prepared by the commissioners court is guilty of obstructing the roads of the county, and the person responsible for the improper construction of the cattle guards commits a misdemeanor and shall be fined not less than \$5 nor more than \$100.

(e) The commissioners court of any county coming under the provisions of this section may construct cattle guards on the first-class, second-class, and third-class roads of the county and may pay for the construction out of the road and bridge funds of the county when in its judgment it believes the construction of the cattle guards to be in the best interest of the citizens of the county.

(f) The owners of land across which a third-class or neighborhood road may run, when the right-of-way for the road has been acquired without cost to

the county, may erect gates across the road when necessary, the gates to be not less than 10 feet wide and free of obstructions at the top.

(g) Any person placing a gate on or across any third-class road or on or across any road designated by Section 2.006 of this Act shall be required to keep the gate and the approaches to it in good order. The gate shall be not less than 10 feet wide and so constructed as to cause no unnecessary delay to the traveling public in opening and shutting the gate. The person shall provide a fastening to hold the gate open until the passengers go through; the person shall place a permanent hitching post and stile block on each side of and within 60 feet of the gate. Any person who places a gate on or across a third-class road or on or across any road designated by Section 2.006 and who shall wilfully or negligently fail to comply with any requirement of this section commits an offense and shall be fined not less than \$5 nor more than \$20 for each offense, and each week of failure is a separate offense. Whoever wilfully or negligently leaves open any gate on or across any third-class road or on or across any road so designated by Section 2.006 of this Act commits an offense and shall be fined as previously provided by this section.

Abandoned Roads

Sec. 2.008. (a) Whenever the use of a county road has become so infrequent that the adjoining landowner or landowners have enclosed the road with a fence and the road has been continuously under fence for a period of 20 years or more, the public has no further easement or right to use the road unless and until the road is reestablished in the same manner as required for the establishment of a new road.

(b) This section does not apply to roads to a cemetery or access roads reasonably necessary to reach adjoining land.

Commissioners as Road Supervisors

Sec. 2.009. (a) Except when road commissioners are employed, the county commissioners shall be supervisors of public roads in their respective counties, and each commissioner shall supervise the public roads within his commissioner's precinct once each month. He shall also make a sworn report to each regular term of the commissioners court held in his county during the year, showing:

(1) the condition of all roads and parts of roads in his precinct;

(2) the condition of all culverts and bridges;

(3) the amount of money remaining in the hands of overseers subject to be expended on the roads within his precinct;

(4) the number of mileposts and fingerboards defaced or torn down;

(5) what, if any, new roads of any kind should be opened in his precinct and what, if any, bridges,

culverts, or other improvements are necessary to place the roads in his precinct in good condition and the probable cost of the improvements; and

(6) the name of every overseer who has failed to work on the roads or who in any way neglected to perform his duty.

(b) The report shall be spread on the minutes of the court to be considered in improving public roads and determining the amount of taxes levied for public roads.

(c) The supervisor's report shall be submitted, together with all contracts made by the court since its last report for any work on any road, to the grand jury at the first term of the district court occurring after the report is made to the commissioners court.

SUBCHAPTER B. DRAINAGE ON PUBLIC ROADS

Public Roads

Sec. 2.101. For the purposes of this subchapter, roads and highways that have not been discontinued but have been laid out and established according to law, including all roads and highways that have been opened to and used by the public for 10 years prior to March 25, 1897, are declared to be public roads.

Court Authority

Sec. 2.102. (a) The commissioners court may order at any regular session after complying with the provisions of this subchapter the construction and maintenance of ditches, drains, and watercourses as provided by this subchapter. These ditches, drains, and watercourses, hereinafter called ditches, shall be placed on or within the exterior lines of all public roads within the county and shall have the capacity to carry off into natural waterways all surface water reasonably adjacent and liable to collect in the ditches from natural causes.

(b) In connection with this authority to construct and maintain ditches, the commissioners court may construct any side, lateral, spur, branch ditch, or watercourse necessary. However:

(1) a ditch may not be constructed without an outlet to a natural waterway large enough to carry off all water that may collect in the ditch; and

(2) a commissioners court or its employee may not change the natural course of any branch, creek, or stream; branches, creeks, or streams shall cross public roads at the water's natural crossing; culverts shall be of sufficient size to allow water to flow at high tide from its intersection with the road across its natural outflow at the opposite natural channel.

(c) The commissioners court shall:

(1) make a drain on each side of a road and use the dirt from the drain excavation to build the road;

(2) drain public roads when necessary and have ditches cut for that purpose, taking into account the natural waterflow and causing as little injury as possible to adjacent landowners; and

(3) in case of damages to a landowner, assess the damages and make payment to the landowner out of the county's general revenue; in case of disagreement, the amount of damages may be settled by suit as in other cases.

(d) The commissioners court may acquire by purchase or condemnation any new or wider right-of-way not exceeding 100 feet in width for streambed diversion and drainage channels, but only for locating, relocating, building, rebuilding, or maintaining public roads. This may be paid out of the county road and bridge fund or out of any available funds.

Private Ditches

Sec. 2.103. Any owner of land abutting on the road or ditch or the owner of any tract of land lying wholly or partially within one mile of the road or ditch may construct at his own cost lateral drainage ditches and connect the ditches with the main ditch or ditches constructed under this subchapter.

Petition for Drainage Construction

Sec. 2.104. Before the commissioners court may order that a drainage system be constructed, a petition shall be presented to the court that includes:

(1) signatures of at least 100 qualified voters of the county;

(2) a statement of the necessity for and availability of the drainage system;

(3) the number of miles of public roads as accurately as possible;

(4) the width and depth of the ditches to be built along the first-class roads;

(5) the name and location of each natural waterway crossed by the county's first-class roads;

(6) the distance of each waterway from another along the first-class road; and

(7) the names and residences, if known, of each landowner with land adjacent to or within one mile of each first-class road.

Hearing Notice

Sec. 2.105. (a) After the petition is filed, the clerk shall issue five notices not later than the 20th day before the day on which the next regular session of the commissioners court will convene. The notices must contain a brief statement of the petition's contents and must command all interested persons who wish to contest the petition to appear at the court's next regular session.

(b) The notices are to be posted in the following manner:

(1) one at the courthouse door; and

(2) one each at four other public places in the county, no two of which may be in the same city or town.

(c) The sheriff shall post the notices and return them to the clerk on or before the first day of the term.

(d) The clerk shall receive \$1.50 and the sheriff \$3 for their services.

Hearing

Sec. 2.106. (a) At the specified time, the commissioners court shall:

(1) consider the petition and hear all testimony for or against its provisions; and

(2) determine whether the petition proposing the drainage system is necessary or advisable for the public benefit.

(b) If the court approves the petition, the court shall:

(1) order the decision entered into the court's minutes and made part of the record; and

(2) enter whether notice has been properly served.

(c) If notice was properly served, the court's order is final.

(d) If the court disapproves the petition for the drainage system, another application for the drainage system may not be heard for one year after the date of disapproval.

Survey

Sec. 2.107. (a) The commissioners court, following its approval of the petition, shall hire a surveyor for a sum to be determined by the court at either the same meeting or at any succeeding term of the court. The surveyor must be an engineer.

(b) The surveyor shall run a line of levels along the county's public roads, measure the roads from beginning to end, and measure the distance of each waterway crossed by a public road from that waterway's beginning point. The survey and the drainage system shall be first applied to the first-class roads, followed by the second-class and third-class roads.

(c) This section does not prohibit the court from constructing one or more ditches at the same time, as the financial condition of the county will permit.

Survey: Report

Sec. 2.108. (a) The surveyor shall:

(1) as soon as practicable after his employment, proceed to make such survey and system of levels and shall cause stakes or monuments to be placed along the line at intervals of 100 feet, with intermediate stakes as may be necessary, numbered progressively;

(2) establish permanent benchmarks along the line at intervals of one mile or less as may be necessary;

(3) establish by stake or monument of a different character and appearance from all other stakes or monuments the highest point on the road between each of the natural waterways crossed by the road;

(4) measure and establish by suitable marks the frontage of each tract of land abutting on the road;

(5) if there is a natural waterway adjacent to the line of the road and ditch and the waterway is necessary for use as an outlet for the water at any point on the ditch, measure the distance to the waterway and run the line of levels to the waterway at the nearest practicable point on the road and ditch; and

(6) prepare a map showing:

(A) the location of the ditch or ditches, together with the position of stakes or monuments with numbers corresponding with those on the ground;

(B) the location of benchmarks with their elevations referred to an assumed or previously determined datum; and

(C) the lines and boundaries of adjacent land and the courses and distances of any adjacent watercourse, together with a profile of the line of the ditch, which shall show the assumed datum and the grade line of the bottom of the ditch, and the elevation of each stake, monument, or other important feature along the line, such as the top of the banks, the bottom of all ditches or watercourses, the surface of the water, the top of the rail, the bottom of the tie, the foot of the embankment, and the bottom of the borrow pits of all railroads.

(b) The map prepared under Subdivision (6) of Subsection (a) of this section or the explanation accompanying the map shall:

(1) give in tabular form the depth of the cut and the width at the bottom, at the top, at the source, at the outlet, and at each 100-foot stake or monument to the ditch;

(2) show the total number of cubic yards of earth to be excavated and removed from the ditch between each natural waterway into which the water is to be conveyed;

(3) show an estimate of the cost of each portion of the ditch or ditches lying between natural waterways crossed by the road; and

(4) show an estimate of total cost of the whole work.

(c) The surveyor shall also prepare detailed specifications for the execution of the project. Whenever in his opinion it may be advantageous to run the ditch underground through drainage tiles, he shall so state in the report, map, and specifications, together with the statement of the location of the underground ditch, its length, and the dimensions or

character of tiling or other material required for the underground ditch.

(d) As soon as completed, the surveyor shall file the survey, report, map, explanation, and estimate with the county clerk.

Jury of View: Selection

Sec. 2.109. (a) Following the filing of the surveyor's report, at any called or regular session of the court, the court shall appoint five landowners of the county as a jury of view, who are entitled to compensation of \$3 a day for each day of actual service. The appointees may not have a direct interest in land adjacent to the proposed ditch or within one mile of the ditch and may not have a family relationship with anyone with a direct interest.

(b) If for any reason the jurors selected fail or refuse to perform their duties or if for any reason their report is rejected by the court, the court may appoint another jury of view with the same duties as the first.

(c) The court may appoint separate juries of view for each ditch or a single jury of view for the entire proposed drainage system.

(d) Once appointed, the county clerk shall issue the jurors a certified copy of the petition, court order, and the original surveyor's report with maps, specifications, and his estimate of the cost.

Jury of View: Duties

Sec. 2.110. (a) Not later than the fifth day before the day of the meeting to determine costs of construction, the jury shall issue notices giving the time and place of the meeting to landowners or their agents who own land adjacent to or within one mile of the proposed ditch. The notice must state that the purpose of the meeting is to determine each landowner's share of the cost of constructing the ditch, which will be a proportionate share of one-half of the total cost of the construction. The notice may be served by anyone competent to testify and shall be returned and filed with the jury's final report.

(b) If the owner is a nonresident of the county and has no agent or representative in the county, the notice shall be published in a newspaper in the county according to the provisions for giving notice to nonresident defendants in district court actions. Notice to nonresidents must be published at least four weeks prior to the jury's meeting date.

(c) After complying with the requirements for giving notice and after the meeting at which all interested parties have been heard, the jury shall take all of the partial estimates and the surveyor's total cost, draw parallel lines one mile on either side of the ditch, and apportion to each parcel of land abutting or within the parallel lines and to each owner his proportionate share of one-half of the total cost of the ditch, taking into consideration the

relative amount of benefit derived by the land from the ditch.

(d) The jury shall determine the damages due to any landowner whose land is crossed by any spur, branch, or lateral ditch constructed by order of the court. These damages are to be paid by an order of the court out of the funds set aside for the ditch before the ditch can be opened.

(e) The jury shall make a sworn report to the court, signed by at least three jurors, as soon as is practicable after its meeting. The report must include:

(1) an accurate description of each tract of land assessed with the amount of acres and the names of the owners; and

(2) the amount assessed against the tract and its owners.

(f) The jury shall also return the surveyor's report and records. The clerk shall file the jury's report and the surveyor's report and records, and they are a public record after filing.

(g) The commissioners court shall approve or reject the jury's report at the next regular or called term.

Oath of Jury

Sec. 2.111. The jury must take the following oath before assuming its duties: "I do solemnly swear that I am not directly interested in the construction of the proposed ditch, either as the owner or otherwise, or in adjacent land lying within one mile of the proposed ditch, and that I am not related to any person who is so interested. I further swear that I have no bias or prejudice toward any person directly interested in the ditch, and that I will assess the amount of expense due on and by all adjacent lands lying within one mile of the ditch, according to law, without fear, favor, hatred, or hope of reward, to the best of my knowledge and ability. So help me God."

Claims

Sec. 2.112. Any person whose land may be affected by the ditch may appear before the jury and freely express his opinion on all matters pertaining to the assessment of expense against him. The owner of the land may at the time stated in the notice or previous to that time present to the jury a written statement of any objections to or dissatisfaction with the ditch or drain and any claim for damages that he may have sustained by reason of making the ditch or drain. A failure to make the objection or claim for damages or compensation is a waiver of all claim or right to make the objection or claim. The claims or objections shall be returned to the commissioners court in connection with the report of the jury. Any adjacent landowner may appear before and be heard by the commissioners court on his protest or claim against the action of the jury.

Appeals

Sec. 2.113. (a) Any person, firm, or corporation aggrieved by an assessment may appeal from the final order of the commissioners court approving the report of the jury to any proper court within the county. The appeal is made by giving notice of appeal in open court and having the notice entered as a part of the judgment of the court and by filing a transcript of the proceeding in the commissioners court with the justice or clerk of the court to which appeal is taken. The transcript must be filed not later than the 10th day after the day the judgment is entered and must be filed with an appeal bond that has at least two good sureties. The appeal bond must be approved by the clerk or justice, be in double the amount of the probable costs to accrue, and be conditioned that the appellant will prosecute his appeal to effect and pay all costs that may be adjudged against him in the court.

(b) Appeals from an assessment of expense shall be heard on the issue of whether the assessments made against the appellant for the construction of the ditch are in proportion to the benefits to be derived from the ditch. Appeals from an assessment of compensation shall be heard on the issue of whether the assessment of compensation made by the jury is adequate to the injury occasioned and to the value of the land.

Trial on Appeal

Sec. 2.114. (a) In the trial of all appealed cases the burden of proof is on the appellant. The court or jury trying the cause shall state the correct amount of expense chargeable to appellant or the correct amount of compensation due the appellant as found by them, and that amount shall be entered as the judgment of the court. No further appeal from the judgment is allowed to either party.

(b) If the verdict of the jury finds that the appellant is chargeable with a lesser amount of expense or that the appellant is entitled to a greater amount of compensation as damages than was found by the jury of viewers, the costs shall be adjudged against the county. Otherwise the costs shall be adjudged against the appellant.

(c) Not later than the fifth day after the day of the judgment, the clerk or justice shall issue and return to the commissioners court a certified copy of the judgment. The commissioners court shall file the judgment with the papers pertaining to the ditch, and the judgment shall be entered by the commissioners court as the judgment of that court. After the commissioners court enters the judgment, the appellant shall be held for or claim the amount specified in the judgment.

Appropriation for Construction

Sec. 2.115. (a) The commissioners court, following its approval of the jury's report, may order that a portion of the road and bridge fund or the special road and bridge fund, if necessary, be set aside for

the construction of the ditch described in the jury's report.

(b) The court shall order whoever is in charge of the road adjoining the proposed ditch to construct the ditch in the manner prescribed, using the earth taken from the excavation to build a raised road adjoining the ditch. The court may hire a suitable and competent person other than the person normally in charge of the road adjacent to the proposed ditch to oversee the construction of the ditch at a sum to be ordered by the court.

(c) The court by order shall assign to whoever is in charge of constructing the ditch all county employees assigned to the road adjacent to the ditch and all equipment and materials owned by the county. The court shall further order that whoever is in charge of constructing the ditch may employ additional labor or purchase additional equipment or material to construct the ditch. This order shall show the sum due the director of construction for his services. The money required for the additional labor, equipment, or material shall be ordered paid from the funds set aside from the road and bridge fund, as ordered by the court.

Assessments

Sec. 2.116. (a) At the same term or at any succeeding term after the entry of the order for the construction of the ditches and roadway, the commissioners court shall make and enter on the minutes of the court a list showing the names of the owners, the amounts due, the tract of land, the original grantees, and the number of acres covered by each assessment of expense, as made and reported by the jury of view and approved by the court. The county clerk shall issue a certificate against each person on the list showing the amount of each assessment, the ditch or road for which the assessment was issued, and the tract of land on which the amount was assessed. The certificate must be signed by the county judge in open court and attested under the hand and seal of the county clerk, which fact shall be noted in the minutes of the court.

(b) All assessments, sums, and charges assessed against any land and its owner by the jury of view or by order of court constitute a lien on the land unless prohibited by the constitution of this state. The county judge shall deliver the certificate to the county treasurer, taking his receipt for delivery, which shall be filed with the papers and archives concerning the ditch. The county treasurer shall collect the sums due on the certificates and deposit the amount collected to the credit of the road and bridge fund. If any person against whom the certificate may be issued fails or refuses to pay the same to the county treasurer on demand, the treasurer shall turn the case over to the county attorney, who shall at once file suit for foreclosure of the lien on the land or for a personal judgment, as permitted by law.

SUBCHAPTER C. BRIDGES

Powers of the Commissioners Court

Sec. 2.201. The commissioners courts have authority to cause all necessary bridges to be built and kept in repair in their respective counties and to make necessary appropriations of money of the counties for that purpose.

Toll Bridges

Sec. 2.202. (a) If it is inexpedient for the road force to build bridges over large creeks or water-courses, the commissioners court may contract with a proper person to build a toll bridge. The court shall determine the toll to be levied on all persons, cattle, horses, vehicles, and the like passing over the bridge. The tolls may be granted to the contractor for a number of years, not to exceed 10 years, that the court considers proper. The builder and his successors shall keep the bridge in constant repair during the term of the contract. A builder or successor who defaults on this duty forfeits all right and claim to the tolls.

(b) Before granting a license to any person to build a toll bridge, the commissioners court shall take bond in the sum of \$1,000, with good and sufficient sureties, conditioned that the contractor shall build the bridge and keep it in constant repair for the term of years agreed on. If any person sustains damages in consequence of the owner or keeper of any toll bridge not having complied with the conditions of his bond, the person may bring an action of debt on the bond against the owner or keeper of the toll bridge and recover judgment for the damages so sustained. The suit must be brought in the county in which the license was granted.

(c) If county bonds are issued to build bridges, the commissioners court may assess and collect tolls on the bridges sufficient to pay the interest on the bonds and, if thought proper, sufficient to pay the interest and create a sinking fund with which to pay the principal at maturity, all of which shall be done under rules that the court prescribes.

Boundary Bridge

Sec. 2.203. If any stream constitutes in whole or in part the boundary line between two or more counties or if two or more counties are jointly interested in the construction of a bridge, whether over a stream or elsewhere, the counties may jointly erect bridges on equitable terms that the commissioners court of each county may agree on.

SUBCHAPTER D. TRAFFIC REGULATIONS

Authority of Commissioners Court to Adopt Traffic Regulations for County Roads and Land

Sec. 2.301. (a)(1) The commissioners court of any county may regulate and restrict traffic on county roads and on other county-owned land under its jurisdiction.

(2) The commissioners court shall hold a public hearing before issuing any traffic regulation under this Act. The court shall give advance notice of the proposed regulation by publishing notice of the hearing in a newspaper of general circulation in the county. The notice must be published not later than the seventh day or earlier than the 30th day before the day of the hearing.

(b)(1) The commissioners court may determine and fix the maximum, reasonable, and prudent speed at any road or highway intersection, railroad grade crossing, curve, or hill or on any other part of a county road slower than the maximum fixed by law for public highways. The court shall take into consideration the width and condition of the surface of the road and other circumstances on the affected portion of the road as well as the usual traffic on the road. If the commissioners court of any county determines and fixes the maximum rate of speed at any point on any county road at a slower rate than the maximum fixed by law for public highways and declares the maximum, reasonable, and prudent speed limit by proper order of the court entered on its minutes, the limit becomes effective and operative at that point on the road when appropriate signs giving notice of the speed limit are erected under order of the court for that portion of the road.

(2) The commissioners court may establish load limits for any road or bridge and may authorize the county traffic officer, if one or more officers have been appointed, or any sheriff, deputy sheriff, constable, or deputy constable to weigh vehicles for the purpose of ascertaining whether a vehicle is loaded in excess of the prescribed limit.

(c) The commissioners court may adopt regulations consistent with this section for establishment of a system of traffic control devices within restricted traffic zones established on county roads and on any other property owned by the county and located in its jurisdiction. The system shall conform to the State Department of Highways and Public Transportation manual and specifications. The court may under an order entered on its minutes place, erect, install, and maintain within traffic zones on county roads and on any other property owned by it traffic signal lights, stop signs, and no-parking signs as it considers necessary for public safety.

(d) The commissioners court, with respect to roads and any other property owned by the county and located in its jurisdiction, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles within a restricted traffic zone on any road or on any property owned by the county if in the opinion of the commissioners court the stopping, standing, or parking is dangerous to those using the road or the other property owned by the county or if the stopping, standing, or parking of vehicles will unduly interfere with the free movement of traffic or with the necessary control or use of property owned by the county. The signs shall

be erected under an order of the court, and it is unlawful for any person to stop, stand, or park any vehicle in violation of the restrictions stated on the signs.

(e) Any person who shall deface, injure, knock down, or remove any sign or traffic control device erected under an order of the commissioners court as provided by this section commits a misdemeanor.

(f) Any person operating a motor vehicle in violation of any order of the commissioners court entered under this section or otherwise violating this section commits a misdemeanor and shall on conviction be punished by a fine not exceeding \$50 for the first offense, by a fine not exceeding \$200 for the second offense, and by a fine not exceeding \$500 or imprisonment in the county jail not to exceed 60 days, or both for each subsequent offense.

(g) The county commissioner of any precinct, the county road superintendent of any county, or the road supervisor whose road is affected may forbid the use of highways or parts of highways, if from wet weather or recent construction or repairs they cannot be safely used without probable serious damages to the highway or if the bridge or culverts on the highway are unsafe, under the following rules: the officer shall post notices on the highway stating the maximum load permitted and the time the use is prohibited, and the notices shall be posted on the highway in places that will enable the drivers to make detours to avoid the restricted highway or portions of it.

(h) If the owner or operator of any vehicle feels himself aggrieved by an action taken under this subsection, he may complain in writing to the county judge of the county, setting forth the nature of his grievance; if the complaint is filed, the judge shall set the complaint down for a day not later than the third day after the day the complaint is filed and shall give written notice to the county judge of the day and purpose of the hearing; the judge shall hear testimony offered by the parties to the complaint and on conclusion of the hearing shall render judgment sustaining, revoking, or modifying the order or notice, and the judgment is final as to the issues raised.

(i) The owners, operators, drivers, or movers of any vehicle, object, or contrivance over a public highway or bridge are jointly and severally responsible for all damages that the highway or bridge may sustain as the result of negligent driving, operating, or moving of the vehicle or as a result of operating the vehicle at a time forbidden by the road officials; the amount of the damages may be recovered in any action at law by the county judge for the use of the county for the benefit of the damaged road; the county attorney shall represent the county in the suit.

Detour Roads

Sec. 2.302. The commissioners court has the responsibility to select and maintain detour roads and

to post all necessary signs when county roads not part of the state system of highways are under construction as provided by Chapter 25, Acts of the 41st Legislature, Regular Session, 1929 (Article 6674o, Vernon's Texas Civil Statutes).

County Traffic Officers

Sec. 2.303. (a) The commissioners court of each county, acting in conjunction with the sheriff, may employ not more than five regular deputies, nor more than two additional deputies for special emergencies to aid the regular deputies, to be known as county traffic officers. The deputies shall enforce the highway laws of this state regulating the use of the public highways by motor vehicles. The deputies shall be, whenever practicable, motorcycle riders and shall be assigned to work under the direction of the sheriff. They shall give bond and take oath of office as other deputies. They may be dismissed from service on request of the sheriff whenever approved by the commissioners court or by the court on its own initiative, whenever the deputies' services are no longer needed or have not been satisfactory. The commissioners court shall fix the compensation of the deputies prior to their selection and may provide at the expense of the county necessary equipment for the officers. The pay of the deputies may not be included in the settlements of the sheriff in accounting for the fees of office.

(b) For the purpose of this section, the commissioners courts of counties whose funds from the motor registration fees provided in this section amount to \$30,000 or over may use an amount not exceeding five percent of the funds. The commissioners courts of other counties may use an amount not to exceed 7½ percent of the funds from the motor registration fees.

(c) The deputies shall at all times cooperate with the police department of each city or town within the county in the enforcement of the traffic laws in the city or town and in all other parts of the county. The deputies have the same right and duty to arrest violators of all laws as other deputy sheriffs have.

(d) Deputies shall be paid a salary out of the general county fund. The commissioners court is hereby authorized to provide at the expense of the county the necessary uniforms, caps, and badges, the badges to be not less than two inches by three inches in dimension, and other necessary equipment, to include a motorcycle and its maintenance, as is necessary for them to discharge their duties. The salaries paid to the deputies acting as highway officers shall be paid directly to the deputies by the commissioners court. The salaries are independent of any salary or fee paid to the sheriff and all of his deputies not so acting as highway officers, and the sheriff shall not be required to account for the salaries provided for in this section as fees of office or as salary to the sheriff or his other deputies. The deputies provided for in this section shall be appointed by the commissioners court and shall be

deputized by either the sheriff or any constable of the county in which they are appointed. The deputies shall at all times when in the performance of their duties wear a full uniform with a cap and badge, the badge to be displayed on the outside of the uniform in a conspicuous place.

(e) The officers shall remain in and on the highway and shall at all times patrol the highway while in the performance of their duties, only leaving the highway to pursue an offender whom the officers were unable to apprehend on the highway itself. No arrest by an officer is binding or valid on the person apprehended if the officer making the arrest was in hiding or if he set a trap to apprehend persons traveling on the highway.

(f) No fees or charges may be made for the service of the officers nor may any fee for the arrests made by the officers be charged and taxed as costs or paid to the officers in any case in which the officers make an arrest.

(g) The officers shall perform all their duties and make arrests for violation of any law of this state pertaining to the control and regulation of vehicles operating in and on any highway, street, or alley of this state. The district engineer in whose district the officers operate shall advise the officers as to the enforcement of the various state laws pertaining to control and regulation of traffic on the highways. In case the officers do not perform their duties in enforcing the laws, the district engineer may complain to the commissioners court. On the filing of the complaint in writing, duly signed by the district engineer, the commissioners court shall summon before them for a hearing the officer or officers complained of. If the hearing develops that the officer or officers are not performing their duties as required of them, the officer or officers shall immediately be discharged from all of their duties and powers and other officers shall promptly be appointed.

SUBCHAPTER E. ROAD REGULATIONS IN SUBDIVISIONS

Real Estate Subdivisions in Most Counties

Sec. 2.401. (a) This section applies to each county of the state except a county that elects to operate under Section 2.402 of this Act.

(b) The owner of any tract of land situated without the corporate limits of any city in the State of Texas, who may hereafter divide the same in two or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of

the original survey of which it is a part, giving the dimensions of said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto; provided, however, that no plat of any subdivision of any tract of land or any addition shall be recorded unless the same shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part giving the dimensions thereof of said subdivision or addition and dimensions of all streets, alleys, squares, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(c) Every such plat shall be duly acknowledged by owners or proprietors of the land, or by some duly authorized agent of said owners or proprietors, in the manner required for acknowledgement of deeds. Subject to the provisions contained in this section, such plat shall be filed for record and be recorded in the office of the county clerk of the county in which the land lies.

(d) The commissioners court of the county may, by an order duly adopted and entered upon the minutes of the court, after a notice published in a newspaper of general circulation in the county, be specifically authorized to make the following requirements:

(1) to provide for right of way on main artery streets or roads within such subdivision of a width of not less than 50 feet nor more than 100 feet;

(2) to provide for right of way on all other streets or roads in such subdivision of not less than 40 feet nor more than 70 feet;

(3) to provide that the shoulder-to-shoulder width on collectors or on main arteries within the right of way be not less than 32 feet nor more than 56 feet;

(4) to provide for the shoulder-to-shoulder width on all other streets or roads within such subdivision within the right of way to be not less than 25 feet nor more than 35 feet;

(5) to promulgate reasonable specifications to be followed in the construction of any such roads or streets within such subdivision, considering the amount and kind of travel over said streets;

(6) to promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in said subdivision or addition;

(7) to require the owner or owners of any such tract of land which may be so subdivided to give a good and sufficient bond for the proper construction of such roads or streets affected, with such sureties as may be approved by the court. In the event a surety bond by a corporate surety is required, such bond shall be executed by a surety company autho-

rized to do business in the State of Texas. Such bond shall be made payable to the county judge or his successors in office, of the county wherein such subdivision lies, and conditioned that the owner or owners of any such tract of land to be subdivided will construct any roads or streets within such subdivision in accordance with the specifications promulgated by and within a reasonable time as may be allowed by the commissioners court of the county. The bond shall be in such an amount as may be determined by the commissioners court not to exceed the estimated cost of constructing such roads or streets.

(e) The commissioners court of the county shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in this section, and there is submitted at the time of approval of such map or plat such bond as may be required by this section.

(f)(1) At the request of the commissioners court of the county, the county attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

(A) enjoin the violation or threatened violation of a requirement established by or adopted under this section by the commissioners court; or

(B) recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted under this section by the commissioners court.

(2) A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under this section by a commissioners court. An offense under this subdivision is a Class B misdemeanor.

(3) A requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session, 1951 (Article 2372k, Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply to a subdivision of land is enforceable under Subdivision (1) of this subsection. A knowing or intentional violation of the requirement is an offense under Subdivision (2) of this subsection.

Real Estate Subdivisions in Certain Other Counties

Sec. 2.402. (a) This section applies to each county:

(1) that has a population of more than 2.2 million or is contiguous with a county with a population of more than 2.2 million, according to the most recent federal census; and

(2) in which the commissioners court by order elects to operate under this section.

(b) The owner of any tract of land located outside the corporate limits and extraterritorial jurisdiction of any city in the state who divides the land in two or more parts for the purpose of laying out any subdivision of any such tract of land or an addition, for the purpose of laying out suburban lots or building lots, and for the purpose of laying out streets, squares, alleys, parks, or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto shall cause a plat to be made. The plat shall accurately describe all of the subdivision or addition by metes and bounds and locate the subdivision or addition with respect to an original corner of the original survey of which it is a part. The plat shall give the dimensions of the subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. However, a plat of any subdivision of any tract of land or any addition may not be recorded unless it accurately describes all of the subdivision or addition by metes and bounds and locates the same with respect to an original corner of the original survey of which it is a part and gives the dimensions of the subdivision or addition and dimensions of all streets, alleys, squares, parks, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(c) The plat shall be duly acknowledged by the owners or proprietors of the land or by some duly authorized agent of the owners or proprietors in the manner required for acknowledgement of deeds. The plat, subject to the provisions contained in this section, shall be filed for record and be recorded in the office of the county clerk of the county in which the land lies.

(d) The commissioners court of the county may, by an order adopted and entered on the minutes of the court and after publishing a notice in a newspaper of general circulation in the county, establish requirements:

(1) to provide for a right-of-way on main artery streets or roads within the subdivision or addition of a width of not less than 50 feet nor more than 100 feet;

(2) to provide for a right-of-way on all other streets or roads in the subdivision or addition of not less than 40 feet nor more than 50 feet;

(3) to provide that the street cut on main arteries within the right-of-way be not less than 30 feet nor more than 45 feet;

(4) to provide for the street cut on all other streets or roads within the subdivision or addition within the right-of-way to be not less than 25 feet nor more than 35 feet;

(5) to promulgate reasonable specifications to be followed in the construction of any roads or streets

within the subdivision or addition, considering the amount and kind of travel over the streets;

(6) to promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in the subdivision or addition; and

(7) to require the owner or owners of any tract of land that may be so divided to give a good and sufficient bond for the proper construction of the roads or streets affected, with such sureties as may be approved by the court. If a surety bond by a corporate surety is required, the bond shall be executed by a surety company authorized to do business in this state. The bond shall be made payable to the county judge, or his successor in office, of the county in which the subdivision or addition lies and shall be conditioned that the owner or owners of the tract of land to be divided will construct any roads or streets within the subdivision or addition in accordance with the specifications promulgated by the commissioners court of the county. The bond shall be in an amount as may be determined by the commissioners court not to exceed the estimated cost of constructing the roads or streets.

(e) The commissioners court of the county may refuse to approve and authorize any map or plat of a subdivision or addition unless the map or plat meets the requirements as set forth in this section and unless there is submitted at the time of approval of the map or plat any bond required by this section.

CHAPTER 3. OPTIONAL METHODS OF ORGANIZING THE COMMISSIONERS COURT FOR ROAD CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES

SUBCHAPTER A. COMMISSIONERS AS EX OFFICIO ROAD COMMISSIONERS

Ex Officio Commissioners

Sec. 3.001. (a) In all counties the members of the commissioners court are ex officio road commissioners of their respective precincts and under the direction of the commissioners court have charge of the teams, tools, and machinery belonging to the county and placed in their hands by the court. They shall superintend the laying out of new roads, the making or changing of roads, and the building of bridges under rules adopted by the court.

(b) Each commissioner shall first execute a bond of \$3,000 payable to and to be approved by the county judge for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court and that he will account for all money or other property belonging to the county that may come into his possession.

(c) Subchapters B and C of this chapter do not apply in a county in which the commissioners court acting under Section 3.004 of this Act has adopted this subchapter.

Powers of the Commissioners Court

Sec. 3.002. (a) The commissioners court shall adopt a system for working, laying out, draining, and repairing the public roads as it considers best, and from time to time the court may change its plan or system of working. The court may purchase teams, tools, and machinery necessary for the working of public roads and may construct, grade, or otherwise improve any road or bridge by contract in the manner provided by Subchapter B of this chapter.

(b) The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, superintendents, and guards for the safe and humane keeping of county convicts working on public roads. The court may provide reasonable regulations and punishment as may be necessary to require the convicts to perform good work and may provide a reward not to exceed \$10 to be paid out of the road and bridge fund for the recapture and delivery of any escaped convict to be paid to any person other than the guard or person in charge of the convict at the time of his escape.

Powers of Ex Officio Road Commissioners

Sec. 3.003. (a) Subject to authorization by the commissioners court, each ex officio road commissioner may employ persons for positions in the commissioner's precinct paid from the county road and bridge funds. Each ex officio road commissioner may discharge any county employee working in the commissioner's precinct if the employee is paid from county road and bridge funds. Each ex officio road commissioner also has the duties of a supervisor of public roads as provided by Section 2.009 of this Act.

(b) Each county commissioner, when acting as a road commissioner, shall inform himself of the condition of the public roads in his precinct, shall determine what character of work is to be done on the roads, and shall direct the manner of grading, draining, or otherwise improving the roads, which directions shall be followed and obeyed by all road overseers of his precinct.

Law Cumulative

Sec. 3.004. (a) This subchapter is cumulative of all general laws on the subject of roads, but in case of conflict with those laws, this subchapter controls.

(b) This subchapter applies to a county only if the commissioners court in its judgment considers it advisable and accepts this subchapter by an order of the court made at some regular term of the court when all the members are present. The order shall be entered in the minutes of the court and is not void for want of form. Substantial compliance with this subsection is sufficient.

SUBCHAPTER B. COURT/ROAD COMMISSIONER OR ROAD SUPERINTENDENT SYSTEM

Road Commissioners

Sec. 3.101. (a) Each commissioners court may employ not more than four road commissioners, who must be resident citizens of the district for which they are employed. If more than one is employed, the district that each road commissioner is to control shall be defined and fixed by the court. Before assuming duties, each road commissioner must execute a bond, payable to the county judge of the county and his successors in office, in the sum of \$1,000, with one or more good and sufficient sureties, to be approved by the county judge and conditioned on the faithful performance of his duties.

(b)(1) A road commissioner has control over all overseers, hands, tools, machinery, and teams to be used on the roads in his district and may require overseers to order out hands in any number he may designate for the purpose of opening, working, or repairing roads or building or repairing bridges or culverts in his district. He shall see that all roads and bridges in his district are kept in good repair. Under the direction and control of the commissioners court, he shall inaugurate a system of grading and draining public roads in his district and see that the system is carried out by the overseers and hands under his control. He shall obey all orders of the commissioners court. He shall be responsible for the safekeeping and liable for the loss or destruction of all machinery, tools, or teams placed under his control, unless the loss is without his fault, and when he is discharged he shall deliver them to the person designated by the court.

(2) He shall expend the money placed in his hands by the commissioners court under its direction in the most economical and advantageous manner on the public roads, bridges, and culverts of his district. His acts shall be subject to the control, supervision, orders, and approval of the commissioners court. He shall work the convicts and other labor as may be furnished him by the commissioners court. When he has funds in his hands to expend for labor on the roads and when it is necessary for any overseer in his district to work more than five days during any one year on the public roads, he may employ the overseer to continue his duties for the length of time as may be necessary and pay the overseer for the services provided after the five days. However, the convicts may not be required to work when there is on hand, after building and repairing bridges, a sufficient road fund to provide for the necessary work on the roads.

(3) The road commissioner shall report to the commissioners court at each regular term under oath showing an itemized account of all money he has received to be expended on roads and bridges and what disposition he has made of the money, showing the condition of all roads, bridges, and

culverts in his district, and stating other facts on which the court may desire information. He shall make other reports at such time as the court may desire.

(c) The commissioners court shall see that the road and bridge fund is judiciously and equitably expended on the roads and bridges of its county. As nearly as the condition and necessity of the roads will permit, the fund shall be expended in each county commissioner's precinct in proportion to the amount collected in the precinct. Money used in building permanent roads shall first be used only on first-class or second-class roads and on those roads that have the right-of-way furnished free of cost to make as straight a road as is practicable and that have the greatest bonus offered by the citizens of money, labor, or other property.

Road Superintendents

Sec. 3.102. (a) The commissioners court of any county subject to this subchapter may appoint a competent person as road superintendent for the county or one superintendent in each commissioners precinct as it determines by an order made at a regular term of the court. The order must be entered in the minutes of the court and is not void for want of form, but substantial compliance with this subsection is sufficient. A road superintendent must be a qualified voter in the county or precinct for which he is appointed and holds office for two years or until removed by the commissioners court for good cause. No county is under the operation of this subchapter whose commissioners court does not appoint a road superintendent or superintendents.

(b)(1) Subject to the orders of the court, each superintendent has general supervision over all public roads of his county or precinct and shall superintend the laying out of new roads, the making, changing, working, and repairing of roads, and the building of bridges, except where otherwise contracted, and over all county convicts worked on the roads. This subsection does not prevent the commissioners court from employing a person to watch and manage the convicts and direct the work to be done by them. The road superintendent shall take charge of and be responsible for the safekeeping of all tools, machinery, implements, and teams placed under his control by the commissioners court and execute his receipt for the items, which shall be filed with the county clerk. He shall be liable for the loss, injury, or destruction of any of the tools, teams, implements, or machinery unless the loss occurred without his fault and for the wrongful or improper expenditure of any road funds coming into his hands. On leaving office, he shall deliver all the money and property to any person as the commissioners court may direct.

(2) Each superintendent shall see that all roads and bridges in his county or precinct are kept in good repair. Under the direction of the commissioners court, he shall inaugurate and carry out a

system of working, grading, and draining the public roads in his county or precinct. He shall act as supervisor of the roads in his county or precinct and perform all the duties of supervisor devolving on the county commissioners in counties not adopting this subchapter. He shall do and perform other service as the court requires.

(3) Each superintendent shall make a sworn report to the court at each regular term of the court showing an itemized account of all money belonging to the road fund he has received, from whom received, what disposition he has made of the money, the condition of all roads and bridges in the county or precinct, and other matters on which the court may desire information. He shall make other reports as required by the court. Not later than the 10th day after the day of collection of any money on account of the road or bridge fund, he shall deliver the money to the county treasurer, taking his receipt for the money, and shall keep an accurate account of the money.

(4) Each road superintendent shall employ a sufficient force to enable him to do the necessary work in his county or precinct, as the case may be, having due regard for the condition of the county road and bridge fund and the quality and durability of the work to be done. He shall buy or hire tools, teams, implements, and machinery as directed by the commissioners court, and he shall work the roads in the manner directed by the commissioners court. The work at all times is subject to the general supervision of the commissioners court. He shall make the best contract possible for labor or machinery and in payment for the labor or machinery he shall issue to the entitled person his certificate showing the amount due and the purpose for which it was given. On approval by the commissioners court, a warrant shall be issued to the person, to be paid by the county treasurer out of the proper fund as other warrants. The certificates shall be dated, numbered, and signed by the road superintendent, and he and the sureties on his official bond shall be liable for all loss or damages caused by the wrongful issue of a certificate or any extravagance in the amount of a certificate.

(5) If the court so directs, each superintendent shall divide his county or precinct into road districts of convenient size to be approved by the court and shall define the boundaries of the districts and shall designate the districts by number. The boundaries shall be recorded in the minutes of the commissioners court. He shall ascertain the names of all persons subject to road duty in each district and keep a record of the persons and report the record to the commissioners court.

(c) Each road superintendent shall, not later than the 20th day after the day of his appointment, take and subscribe the oath required by the constitution and give bond payable to and to be approved by the county judge. The bond must be in the sum fixed by the commissioners court and must be conditioned

that the road superintendent will faithfully perform all the duties required of him by law or the commissioners court and that he will pay out and disburse the funds subject to his control as the law provides or the court directs.

(d) Each road superintendent's salary shall be paid on the order of the court at stated intervals. The court may suspend the salary of any superintendent whose continued services are not needed.

(e)(1) The commissioners court is authorized to purchase or hire all necessary road machinery, tools, implements, teams, and labor required to grade, drain, or repair the roads of the county. The court may make all reasonable and necessary orders and regulations not in conflict with law for laying out, working, and otherwise improving the public roads, utilize the labor and money expended on the roads, and enforce the orders and regulations.

(2) The commissioners court may, when considered best, construct, grade, gravel, or otherwise improve any road or bridge by contract, advertise for bids, and reject any bid. The contract shall be awarded to the lowest responsible bidder, who shall enter into bond with good and sufficient sureties payable to and to be approved by the county judge, in a sum determined by the court, conditioned on the faithful compliance with the contract. At the time of making the contract the court shall direct the county treasurer to pass the amount of money stipulated in the contract to a particular fund and to keep a separate account of the money. The money may be used for no other purpose and can only be paid out on the order of the court.

Donations

Sec. 3.103. The commissioners court or road commissioners may accept donations of money, land, labor, equipment, or any other kind of property or material to aid in building or maintaining roads in the county.

Injuring Property

Sec. 3.104. Any person who knowingly or wilfully destroys, injures, or misplaces any bridge, culvert, drain, sewer, ditch, signboard, or milepost or anything of like character placed on any road for the benefit of the road is liable to the county and any person injured for all damages caused by that action.

Person Authorized to Drain Land Along Public Road

Sec. 3.105. (a) The commissioners court, a road commissioner, or a road superintendent may authorize a person to make a drain along a public road for the purpose of draining the person's land. The road superintendent must have the concurrence of the commissioners court to grant the authorization.

(b) The person shall make the drain under the direction of the commissioners court, road commissioner, road superintendent, or another person designated by the commissioners court.

Law Cumulative

Sec. 3.106. This subchapter is cumulative of all other general laws on the subject of roads and bridges but in case of conflict with those laws, this subchapter controls.

Counties Exempt From Application of This Law

Sec. 3.107. The counties of Angelina, Aransas, Blanco, Bowie, Calhoun, Camp, Cass, Cherokee, Comal, Dallas, Delta, DeWitt, Fayette, Franklin, Galveston, Gillespie, Grayson, Gregg, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jack, Jackson, Jasper, Lamar, Lavaca, Limestone, McLennan, Milam, Montgomery, Morris, Nacogdoches, Newton, Panola, Parker, Rains, Red River, Refugio, Sabine, San Augustine, Shelby, Smith, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Washington, and Wood are exempt from this subchapter. However, the commissioners courts of Dallas and Collin counties may accept and adopt this subchapter instead of the special acts for Dallas or Collin county, if in its judgment, the provisions of this subchapter are better suited to Dallas or Collin county than the special laws.

SUBCHAPTER C. COURT/ENGINEER SYSTEM**Adoption of Optional County Road System**

Sec. 3.201. (a) By a majority vote of its qualified voters, any county at an election held for that purpose may adopt this subchapter for the construction and maintenance of county roads and bridges and for the expenditure of the county road and bridge fund.

(b) The commissioners court shall submit the question to the qualified voters of the county at a general or special election if it receives a petition of the qualified voters of the county in a number equal to 10 percent of the number voting for governor at the last preceding general election in the county. The court shall order the election to be held on the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs after the 30th day after the day the petition is filed with the commissioners court. The ballot for the election shall be printed to permit voting for or against the proposition: "Adopting the Optional County Road System in _____ County."

(c) If the majority of the votes cast at the election favor adoption, this subchapter becomes effective in the county with the official proclamation of the results of the election. In like manner, a county that votes to come under this subchapter may vote to abandon this subchapter. No election on the questions of adopting or abandoning this subchapter may be held more often than every two years.

Organization of System

Sec. 3.202. The construction and maintenance of county roads is vested in the county road depart-

ment, which shall include the commissioners court as the policy-determining body, the county road engineer as the chief executive officer, other administrative personnel, and road employees.

System Based on Whole County

Sec. 3.203. The construction and maintenance of county roads, the ownership and use of all county road department equipment, materials, and supplies, and the administration of the county road department shall be on the basis of the county as a whole without regard to commissioners precincts.

Appointment of County Road Engineer

Sec. 3.204. The county road engineer shall be appointed by the commissioners court. He must be a licensed professional engineer experienced in road construction and maintenance and must meet the qualifications required by the State Department of Highways and Public Transportation for its county engineers. If the commissioners court is not able to employ a licensed professional engineer for any reason, the commissioners court may employ a qualified road administrative officer, who is to be known as the county road administrator, to perform the duties of the county road engineer. The county road administrator must have had experience in road building or maintenance or other types of construction work qualifying him to perform the duties imposed on him, but it is not necessary that he have had any fixed amount of professional training or experience in engineering work. The county road administrator shall perform the same duties as are imposed upon the county road engineer, and all references in other sections of this subchapter to the county road engineer include and apply to the county road administrator.

Compensation

Sec. 3.205. The county road engineer shall receive an annual salary to be paid in 12 equal monthly installments out of the road and bridge fund of the county.

Term and Removal

Sec. 3.206. The county road engineer holds his position for an indefinite term and may be removed by a majority vote of the commissioners court. Removal does not become effective until the 30th day after the day he receives notice in writing of the intention of the commissioners court to remove him. The court shall hold a public hearing on the question of his removal before the removal becomes effective if the hearing is requested in writing by the county road engineer.

Inability to Perform Duties

Sec. 3.207. In the absence or inability of the county road engineer to perform his duties, the commissioners court may designate a qualified administrative officer to perform the duties of county road engineer during the absence or inability.

Duties

Sec. 3.208. (a) The county road engineer is responsible to the commissioners court for the efficient and economical construction and maintenance of the county roads. He may appoint for an indefinite term and remove all county road department personnel, subject to the approval of the commissioners court. He may authorize certain administrative personnel to employ and remove subordinates or employees under their respective direction. Except for the purpose of inquiry, the commissioners court shall deal with the county road department's administrative personnel and employees through the county road engineer.

(b) The county road engineer shall attend all meetings of the commissioners court when it sits to consider county road matters. The county road engineer has the right to participate in the discussions and to make recommendations. He shall see that the policies of the commissioners court relating to county roads are faithfully executed, supervise the administration of the county road department, and prepare detailed annual budget estimates for the construction and maintenance of the county roads and the operation of the county road department. The county road engineer shall prepare estimates and specifications for all equipment, materials, supplies, and labor necessary for the construction and maintenance of the county roads and the operation of the county road department, serve as custodian for all equipment, materials, and supplies belonging to the county road department, prepare plans and specifications for all county road construction and maintenance, maintain cost-accounting records on county road department expenditures, keep a perpetual inventory of all county road department equipment, material, and supplies, and perform other duties that are required by the commissioners court and are consistent with this subchapter.

Inspections

Sec. 3.209. On projects of county road construction and maintenance let to private contractors, the county road engineer is the representative of the county in inspecting the progress of the work. Before a claim for county road construction or maintenance done by private contractors may be ordered paid by the commissioners court, the county road engineer must certify in writing the correctness of the claim and must certify that the work done conforms to the plans and specifications called for in the contract.

Funding

Sec. 3.210. All expenditures for the construction and maintenance of the county roads and the operation of the county road department shall be paid out of the road and bridge fund strictly in accordance with annual budgeted appropriations. However, on application of the county road engineer, the commissioners court may transfer any part of any unen-

cumbered appropriation balance for some item within the road and bridge fund budget to some other item.

Competitive Bidding

Sec. 3.211. All equipment, materials, and supplies for the construction and maintenance of county roads and for the county road department shall be purchased by the commissioners court on competitive bids in conformity with estimates and specifications prepared by the county road engineer. However, on recommendation of the county road engineer and when in the judgment of the commissioners court it is considered in the best interest of the county, purchases in an amount not to exceed \$1,000 may be made through negotiation by the commissioners court or the commissioners court's authorized representative on requisition to be approved by the commissioners court or the county auditor without advertising for competitive bids. Before any claim covering the purchase of the equipment, materials, and supplies and for any services contracted for by the commissioners court may be ordered paid by the commissioners court, the county road engineer must certify in writing the correctness of the claim and must certify that the respective equipment, materials, and supplies covered by the claim conform to specifications approved by him, that the equipment, materials, and supplies were delivered in good condition, and that any road department services contracted for by the commissioners court have been satisfactorily performed. This section does not permit the division or reduction of purchases for the purpose of avoiding the requirement of taking formal bids on purchases that would otherwise exceed \$1,000.

Bonding

Sec. 3.212. The county road engineer and other administrative personnel of the county road department as required by the commissioners court shall give bond in an amount and with surety approved by the commissioners court. The premiums on the bonds shall be paid by the county.

Oath

Sec. 3.213. The county road engineer must take the official oath of office.

CHAPTER 4. FINANCE**SUBCHAPTER A. FUNDS****County and Road District Highway Fund**

Sec. 4.001. (a) The State Treasurer shall distribute to the counties on or before October 15 of each year the money appropriated from the county and road district highway fund for that fiscal year.

(b) The allocation of the money among the counties is determined as follows:

(1) one-fifth of the money appropriated is allocated on the basis of area, determined by the ratio of the area of the county to the area of the state;

(2) two-fifths of the money appropriated is allocated on the basis of rural population according to the most recent federal census, determined by the ratio of the rural population of the county to the rural population of the state; and

(3) two-fifths of the money appropriated is allocated on the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the county to the mileage of lateral roads in the state as of January 1 of the year of the allocation as shown by the records of the State-Federal Highway Planning Survey and the State Department of Highways and Public Transportation.

(c) On its own motion or at the request of a county, the State Highway and Public Transportation Commission may have a survey made of the county's lateral road mileage. If a survey is made its results shall be substituted for the corresponding government figures. The governmental entity requesting the study shall pay for it.

(d) A county may use the money it receives from the county and road district highway fund only for the following purposes:

(1) purchasing right-of-way for lateral roads, farm-to-market roads, or state highways;

(2) constructing and maintaining lateral roads, including the hiring of labor and purchasing of materials, supplies, and equipment; and

(3) paying the principal, interest, and sinking fund requirements maturing during the fiscal year on bonds, warrants, or other legal obligations incurred to finance the activities described in Subdivisions (1) and (2) of this subsection.

(e) On or before October 1 of each year the county judge of each county shall file with the State Treasurer a sworn report including:

(1) an account of how the money allocated to the county under this section during the preceding year was spent;

(2) a description, including the location, of any new roads constructed in whole or in part with these funds; and

(3) other information pertinent to the administration of this section that the State Treasurer requests.

(f) A county officer or employee shall provide to the State Treasurer on request any information necessary to determine the legality of the use of funds allocated under this section.

(g) A county may require that bids for construction funded in whole or in part by money received under this section be submitted to the State Highway and Public Transportation Commission in the manner provided for bids for construction of state highways.

(h) On request by a county the State Highway and Public Transportation Commission shall provide technical and engineering assistance in making surveys, preparing plans and specifications, preparing project proposals, and supervising construction. The cost of this assistance shall be paid by the county.

Farm-To-Market Road Fund

Sec. 4.002. (a) The farm-to-market road fund is established for financing the construction, improvement, and maintenance of farm-to-market roads by the State Department of Highways and Public Transportation.

(b) The State Department of Highways and Public Transportation shall use the money transferred to the farm-to-market road fund under Article 4364a, Revised Statutes, as amended, and other funds made available to the department for such purposes so that not less than \$23 million each year is used for the construction, improvement, and maintenance of designated farm-to-market roads.

(c) The farm-to-market road fund shall be used for a system of roads selected by the State Department of Highways and Public Transportation after consultation with the commissioners courts of the counties of the state relative to the most needed roads in the counties. The selections shall be made in a manner to ensure equitable and judicious distribution of funds and work among the several counties of the state.

(d) The general characteristics of the roads to be selected are as follows:

(1) the roads shall not be potential additions to the federal aid primary highway system;

(2) the roads shall serve rural areas primarily and shall connect farms, ranches, rural homes, and sources of natural resources such as oil, mines, timber, and water loading points, schools, churches, and points of public congregation, including community developments and villages;

(3) the roads shall be capable of assisting in the creation of economic values in the areas served;

(4) the roads shall preferably serve as public school bus routes or rural free delivery postal routes or both; and

(5) the roads shall be capable of early integration with the previously improved Texas road system, and at least one end should connect with a road already or soon to be improved on the state system of roads.

County Road and Bridge Fund

Sec. 4.003. (a) Article VIII, Section 9, of the Texas Constitution, as amended, gives counties the authority to establish a county road and bridge fund and to use a portion of its general revenue as a source of money for the fund, subject to the limitation on tax rates described in that article. That

article, with limitations, permits counties to levy an additional tax for the road and bridge fund if that tax is approved by the voters in a manner described by Section 4.102 of this Act.

(b) Money in the road and bridge fund may be spent only by order of the commissioners court, except when otherwise provided, and only for working public roads or building bridges. The court may make the necessary orders for utilizing the money and for using convict labor for these purposes.

(c) The county's share of funds collected from the registration of motor vehicles that is deposited in the county road and bridge fund shall be determined according to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-10, Vernon's Texas Civil Statutes), or a future law.

SUBCHAPTER B. TAXES

Authority to Levy Tax

Sec. 4.101. The commissioners court of each county may levy a tax, part of the revenue from which may be used to establish the road and bridge fund, as long as the limitations in Article VIII, Section 9, of the Texas Constitution, as amended, are observed.

Special Road Tax

Sec. 4.102. (a) On presentation to the commissioners court at any regular session of a petition signed by 200 qualified voters of the county or a petition of 50 persons so qualified in any political subdivision or defined district of the county requesting the election, the court shall order an election to determine whether the county shall levy a road tax not to exceed 15 cents on the \$100 value of property under the provisions of the amendment of 1889 to the constitution of the State of Texas, adopted in 1890. The court may act on the petition without notice and may make an order for the election, fixing the amount to be levied, not to exceed 15 cents on the \$100. The court shall order the election to be held on the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs after the 20th day after the day the order is made. On a petition signed by a majority of the qualified voters of any portion of any county or of any political subdivision of any county to the court requesting that the portion of the county or political subdivision be created as a defined district, the court shall declare the territory a defined district and record the order for the district in the minutes of the court. The petition must define by metes and bounds the territory desired to be incorporated in the defined district.

(b) No formal notice need be given of the election, but the county judge shall issue an election proclamation. Notice of the election shall be published in the newspapers of the county or political subdivision or defined district as fully as practicable. Ballots

for the election shall be printed by the county and sent to each voting precinct by the county judge before the election opens and as long before that time as practicable. The ballots shall be printed to provide for voting for or against the proposition: "Adopting a road tax." The expenses of the election shall be paid for by the county. The special election shall be conducted as other elections to the extent practicable. The officers to conduct the same shall be appointed as in other cases. Only qualified voters in the county or political subdivision or defined district shall be permitted to vote at the election.

(c) If at the election a majority of the qualified voters voting on the question vote for the tax, it is not necessary to make further proclamation of that fact than to count the votes, as in other cases, and officially announce the result, and the commissioners court shall then levy a road tax, in the same manner that other taxes are levied, in the amount specified in the order for the election. The levy shall be made at the same time other county taxes are levied, if the election is held in time for that action. Otherwise, it may be made at any time before the rolls are made out. If at the election, the proposition for the tax shall carry, no petition for its repeal shall be granted in less than two years. But if it fails to carry, another petition may be granted in one year, but not sooner, and the order granting the second or any subsequent petition may fix a greater or lesser rate of levy, but not to exceed 15 cents on the \$100 worth of property. If no greater rate is levied for any one year the commissioners court may lower the rate for the next year without a petition for that action. An election to repeal the levy may be ordered and held as in other cases, but there must be satisfactory proof presented to the commissioners court that there is great dissatisfaction with the tax and that it is probable that a majority of the citizens of the county or political subdivision or defined district who are authorized to vote for the tax would vote for the repeal of the law. Unless the proof is made, the petition to repeal shall be denied.

(d) No bonds may be issued under this subchapter.

Additional County Tax Levy for Flood Control and Roads; Discontinuance of State Levy

Sec. 4.103. (a) No state ad valorem tax may be levied on any property within this state for general revenue purposes, except as provided in this section.

(b) The several counties of the state may levy, assess, and collect ad valorem taxes on all property within their respective boundaries for county purposes, except the first \$3,000 value of residential homesteads, not to exceed 30 cents on each \$100 valuation, in addition to all other ad valorem taxes authorized by the constitution of the state. The revenue from these taxes shall be used as provided in this section for the construction and maintenance

of farm-to-market and lateral roads or for flood control and for these two purposes only.

(c) Taxes levied and collected under this section shall be credited by the commissioners court to separate funds known as the farm-to-market and lateral road fund to be used solely for farm-to-market and lateral roads within the county and to the flood control fund to be used solely for flood control purposes within the county. The credits shall be made proportionately in accordance with the allocation adopted at the election called under the provisions of Subsections (h) and (i) of this section.

(d) The funds placed in the farm-to-market and lateral road fund shall be under the jurisdiction and control of the commissioners court of the county, and all or part of the fund may be used in cooperation with the State Department of Highways and Public Transportation in acquiring rights-of-way and in constructing and maintaining farm-to-market and lateral roads.

(e) The funds transferred to the flood control fund are under the jurisdiction and control of the commissioners court of the county and shall be used solely for flood control purposes. All or part of the funds may be used in connection with the plans and programs of the federal Soil Conservation Service and the state soil conservation districts and the state extension service, conservation and reclamation districts, drainage districts, water control and improvement districts, navigation districts, flood control districts, levee improvement districts, and municipal corporations. The funds may be expended by the commissioners court in accordance with this section for flood control purposes, including all soil conservation practices such as contouring, terracing, and tank building, and all other practices actually controlling and conserving moisture and water, within the county and political subdivisions of the county for flood control and soil conservation programs. The plans for improvement must be approved by the county and political subdivision.

(f) To this end, the commissioners court may in its discretion engage the services of a federal or state soil conservation engineer or of extension service personnel in devising and planning a soil, water, erosion, and drainage program coming within the purview of this section and consistent with the expenditure of the funds for flood control purposes only and may acquire whatever machinery, equipment, and material is useful and necessary in carrying out the flood control program. The machinery and equipment shall be made available to farm and ranch owners for purposes consistent with the provisions of this section on an out-of-pocket expense basis, not including depreciation.

(g) Both the farm-to-market and lateral road fund and the flood control fund shall be expended so as to equitably distribute as nearly as possible the benefits derived from the expenditures to the various commissioners' precincts in accordance with the taxable values in the precincts.

(h) Before any county may levy, assess, and collect the tax provided for in this section, the commissioners court shall submit the question to a vote of the qualified voters of the county at an election called for that purpose, either on the commissioners court's own motion or on petition of 10 percent of the qualified voters of the county as shown by the returns of the last general election. The election shall be ordered at a regular session of the commissioners court and the order shall specify the rate of tax to be voted on, not to exceed 30 cents on each \$100 valuation of taxable property within the county, shall state the date when the election shall be held, and shall appoint officers to hold the election in accordance with the election laws of this state. The proposition submitted to the qualified voters at the election may provide that the tax at a rate not to exceed 30 cents on each \$100 valuation may be used for the construction and maintenance of farm-to-market and lateral roads or for flood control purposes, either or both, as the commissioners court may determine (in which event the ballots shall be printed to permit voting for or against the proposition: "Adopting a tax not exceeding ___ cents on each \$100 valuation," specifying the tax to be voted on), or the proposition may provide for a specific maximum tax for farm-to-market and lateral roads purposes and a specific maximum tax for flood control purposes, the total of the two specific maximum taxes not to exceed 30 cents on the \$100 valuation (in which event the ballots shall be printed with the proposition: "Adopting a farm-to-market and lateral roads tax not exceeding ___ cents and a flood control tax not exceeding ___ cents, on the \$100 valuation"). Elections may subsequently be called and held in the same manner for the purpose of changing the amount of the maximum tax within the limit of 30 cents on the \$100 valuation or for changing the amounts of the maximum specific tax voted for each purpose.

(i) The county judge shall cause notice of the election to be posted at a public place in each voting precinct in the county not later than the 14th day before the day of the election and to be published on the same day in each of two successive weeks in a newspaper of general circulation published within the county, the date of the first publication to be not later than the 14th day before the day of the election, which notice shall be a substantial copy of the election order. Only those shall be entitled to vote at the election who are qualified voters in the county.

(j) If a majority of the qualified voters voting at the election vote in favor of the tax, the tax shall be annually levied, assessed, and collected as other county ad valorem taxes are levied, assessed, and collected.

(k) After an election has been held under Subsections (h) and (i) of this section, at which election a majority of the qualified voters voting at the election voted in favor of the tax, the commissioners court may issue either negotiable county bonds or

county time warrants for the purpose of the construction or improvement of farm-to-market and lateral roads or for the purpose of constructing permanent improvements for flood control purposes. However, the bonds or warrants must have been authorized by a majority of the qualified voters voting at an election called by the commissioners court. The bonds and warrants shall be issued and the taxes levied and collected in accordance with Chapter 1, Title 22, Revised Statutes, and each proposition shall be separately submitted to the voters at the election.

SUBCHAPTER C. FEES AND FINES

Disposition of Fines

Sec. 4.201. Fines collected for violations of any highway law that was previously set forth in Chapter 1, Title 13, Vernon's Texas Penal Code, 1925, shall be used by the municipality or the counties in which the fines are assessed and to which the fines are payable in the construction and maintenance of roads, bridges, and culverts in the municipality or county, for the enforcement of the traffic laws regulating the use of the public highways by motor vehicles and motorcycles, and to help defray the expense of county traffic officers.

County Share of Vehicle Registration Fee

Sec. 4.202. (a) As compensation for his services under the laws relating to the registration of vehicles, each county tax assessor-collector shall receive a uniform fee of \$1.50 for each of the receipts issued each year pursuant to those laws. The compensation shall be deducted weekly by each county tax assessor-collector from the gross collection made pursuant to this Act and other laws relating to registration of vehicles.

(b) Out of the compensation allowed the county tax assessors-collectors, they shall pay the entire expense of issuing all license receipts and license plates issued pursuant to this Act. The county tax assessors-collectors may collect an additional service charge of \$1 from each applicant desiring to register or reregister by mail. This service charge shall be used to cover the cost of handling and postage to mail the registration receipt and insignia to the applicant.

(c) The State Department of Highways and Public Transportation may adopt rules to cover the timely application for and issuance of registration receipts and insignia by mail.

Transfer of Surplus Funds From Registration Fees

Sec. 4.203. The commissioners court of any county not levying a tax for building and maintaining roads and bridges and having surplus funds from revenues derived from motor vehicle registration fees is authorized to transfer the surplus to any county fund that the court may designate and to expend the surplus for any use or purpose.

SUBCHAPTER D. CONDEMNATION

Condemnation of Right-of-Way and Materials by the Commissioners Court for the State Highway System

Sec. 4.301. (a) Whenever, in the judgment of the State Highway and Public Transportation Commission, the use or acquisition of any land for road or right-of-way purposes, timber, earth, stone, gravel, or other material is necessary or convenient to any road to be constructed, reconstructed, maintained, widened, straightened, or lengthened, or land not exceeding 100 feet in width for streambed diversion in connection with the locating, relocating, or construction of a designated state highway by the State Highway and Public Transportation Commission, the land or material may be acquired by purchase or condemnation by the commissioners court. This authority includes the power to exercise the right of eminent domain by any commissioners court within the boundaries of a municipality with the prior consent of the governing body of the municipality. The county in which the state highway is located may pay for the acquisition out of the county road and bridge fund or any available county funds.

(b) Any commissioners court may secure by purchase or by condemnation on behalf of the State of Texas any new or wider right-of-way or land not exceeding 100 feet in width for streambed diversion in connection with the locating, relocating, or construction of a designated state highway or land or lands for material or borrow pits to be used in the construction, reconstruction, or maintenance of state highways and may pay for the acquisition out of the county road and bridge fund or out of any special road funds or any available county funds. This authority includes the power to exercise the right of eminent domain by any commissioners court within the boundaries of a municipality with the prior consent of the governing body of the municipality. The State Highway and Public Transportation Commission shall furnish to the commissioners court the plats or field notes of the right-of-way or land and the description of the materials as may be required, after which the commissioners court may purchase or condemn the right-of-way or land or material, with title to the State of Texas, in accordance with the field notes. In the event of condemnation by the county, the procedure shall be the same as that set out in Chapter 21, Property Code, as amended. If the right-of-way in any county is in the judgment of the State Highway and Public Transportation Commission necessary for the construction of a part of a designated state highway and the commissioners court of that county fails or refuses to secure by purchase or by condemnation for or on behalf of the State of Texas the right-of-way or part of it, immediately and as speedily as possible, after being served with a copy of an order of the State Highway and Public Transportation Commission identifying by field notes the part of the highway necessary for the construction of the designated state highway and requesting the commissioners court to secure the right-of-way, then

not later than the 10th day after the day the notice is served the State Highway and Public Transportation Commission shall direct the attorney general to institute condemnation proceedings in the name of the State of Texas for the purpose of securing the right-of-way. The condemnation proceedings shall be instituted by the county or district attorney of the county in which the land is situated and the venue of the proceedings shall be in the county in which the land is situated, and jurisdiction and authority to appoint three disinterested landowners of the county as commissioners is conferred on the county judge of the county in which the land is situated, and otherwise the condemnation shall be according to the provisions of Chapter 21, Property Code, as amended.

(c) In the acquisition of all rights-of-way authorized and requested by the State Department of Highways and Public Transportation in cooperation with local officials for all highways designated by the State Highway and Public Transportation Commission as United States or state highways, the State Department of Highways and Public Transportation is authorized and directed to pay to the counties and cities not less than 90 percent of the value as determined by the State Department of Highways and Public Transportation of the requested right-of-way or the net cost of the right-of-way, whichever is the lesser amount. If condemnation is necessary, the participation by the State Department of Highways and Public Transportation shall be based on the final judgment, conditioned that the department has been notified in writing prior to the filing of the suit and prompt notice is also given as to all action taken in the suit. The department has the right to become a party at any time for all purposes, including the right of appeal, at any stage of the proceedings.

(d) A county or city is authorized and directed to acquire the right-of-way for the highways as are requested and authorized by the State Department of Highways and Public Transportation as provided by existing laws, and in the event condemnation is necessary, the procedure shall be the same as that set out in Chapter 21, Property Code, as amended.

(e) On delivery to the State Department of Highways and Public Transportation of acceptable instruments conveying to the state the requested right-of-way, the State Department of Highways and Public Transportation shall prepare and transmit to the comptroller of public accounts vouchers covering the reimbursement to the county or city for the department's share of the cost of providing the right-of-way, and the comptroller of public accounts is authorized and directed to issue warrants on the appropriate account covering the state's obligations as evidenced by the vouchers.

(f) The State Department of Highways and Public Transportation is authorized and directed to acquire by purchase, gift, or condemnation all rights-of-way

necessary for the National System of Interstate and Defense Highways.

Condemnation of Rights-Of-Way and Easements by the County Within a Municipality for County Road System

Sec. 4.302. (a) The right of eminent domain within the boundaries of a municipality with prior consent of the governing body of the municipality is conferred on counties of the state for the purpose of condemning and acquiring land, right-of-way, or easement in land, private or public, except property used for cemetery purposes, where the land, right-of-way, or easement is in the judgment of the commissioners court of the county necessary or convenient to any road that forms or will form a connecting link in the county road system or a connecting link in a state highway.

(b) All condemnation proceedings shall be instituted under the direction of the commissioners court and in the name of the county, and the procedure shall be the same as that set out in Chapter 21, Property Code, as amended. Appeal from the finding and assessment of damages by the commissioners appointed for that purpose may not suspend work by the county in connection with which the land, right-of-way, or easement is sought to be acquired. In case of appeal, counties may not be required to give a bond for costs or other purposes.

Cost of Relocating or Adjusting Eligible Utility Facilities in Right-Of-Way Acquisition

Sec. 4.303. The county should include the cost of relocating or adjusting eligible utility facilities in the expense of right-of-way acquisition.

SUBCHAPTER E. PUBLIC ROAD BONDS

PART 1. GENERAL PROVISIONS

Investment of Sinking Fund

Sec. 4.401. The commissioners court may invest sinking funds accumulated for the redemption and payment of any bonds issued by the county, political subdivision, road district, or defined district of the county in bonds of the United States, of Texas, or any county in this state, or any school district or road district of this state, or any incorporated city or town of this state, in bonds of the Federal Farm Loan Bank system, or in war-savings certificates or certificates of indebtedness issued by the secretary of the treasury of the United States. No bonds may be purchased that according to their terms mature at a date subsequent to the time of maturity of the bonds for the payment of which the sinking fund was created.

Interest on Investments

Sec. 4.402. All interest on the investments shall be applied to the sinking fund to which it belongs, and the use of the funds for any other purpose is considered a diversion of the funds and shall be punished as provided by Section 39.01, Penal Code.

Cancellation or Revocation of Unsold Road Bonds

Sec. 4.403. (a) In the event any road bonds voted or issued or any portion of the road bonds voted or authorized by a county, political subdivision, or defined district of the county remain unsold on September 22, 1932, the commissioners court may on its own motion or on petition of not less than 50 or a majority of the qualified voters of the governmental entity order an election to determine whether or not the road bonds shall be revoked or cancelled. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized.

(b) The result of the election, whether favorable to the cancellation of the bonds or not, shall be duly recorded by the commissioners court and the returns and the result duly entered of record in the minutes of the court. In the event the result of the election for the cancellation and revocation of the unsold bonds shows that two-thirds of the qualified voters of the county, political subdivision, or defined district of the county voting at the election have voted for the cancellation and revocation of the unsold bonds, the commissioners court shall cancel and burn the bonds and forward to the comptroller a certified copy of the minutes showing the destruction and cancellation. The comptroller shall promptly cancel the registration of the bonds on the records of his office.

(c) When the bonds have been destroyed, the commissioners court shall readjust the existing tax levies in the county, political subdivision, or defined district by any amount equal to that levied or proposed to be levied for the interest and sinking fund accounts of the bonds to be cancelled.

(d) After deducting the compensation of the tax assessor, tax collector, and county treasurer and any other claims properly chargeable against the taxes, the unexpended part of all taxes that have been collected, with a view to the sale of the bonds as destroyed, shall be refunded to the taxpayers ratably on order of the commissioners court. The county treasurer shall take and file proper receipts for all funds so refunded. In the event there shall remain an unclaimed surplus of the taxes, after a period of 20 years and after a diligent effort has been made to return the unclaimed surplus, the surplus may be used by the county, political subdivision of the county, or any local district that has been or may be created by any general or special law for the purpose of the maintenance, operation, and improvement of macadamized, graveled, or paved roads as may be determined by the commissioners court of any county or the officials of any political subdivision of a county or any road district.

(e) The expense of holding the election shall be paid out of the general fund of the county.

(f) This section does not invalidate any bond election or any bonds that have been sold by the county, political subdivision, or defined district.

Election for Repurchase and Cancellation of Bonds

Sec. 4.404. (a) In the event unexpended and unpledged money realized from the sale of any road bonds voted or issued by any county, political subdivision, or defined district of the county remains to the credit of the county, political subdivision, or defined district voting or issuing the bonds, the commissioners court on petition of not less than 50 of the qualified voters of the governmental entity shall order an election to determine whether or not the road bonds to the extent of the unexpended and unpledged money remaining to the credit of the county, political subdivision, or defined district of the county shall be repurchased and on the repurchase, cancelled and revoked. The election shall be ordered, held, and conducted in the same manner and form as that at which the bonds were originally authorized.

(b) The result of the election, whether favorable to the repurchase, cancellation, and revocation of the bonds or not, shall be duly recorded by the commissioners court and the result entered in the records of the court. In the event the result of the election for the repurchase, cancellation, and revocation of the bonds shows that two-thirds of the qualified voters of the county, political subdivision, or defined district of the county voting at the election have voted for the repurchase, cancellation, and revocation of bonds, the commissioners court may advertise for and purchase the outstanding bonds from the holders and on completion of the purchase shall cancel and burn the bonds so purchased and forward to the comptroller of public accounts a certified copy of the minutes showing the purchase, destruction, and cancellation. The comptroller shall promptly cancel the registration of the bonds on the records of his office to the extent of the amount so repurchased, cancelled, and destroyed.

(c) The expense of holding the election shall be paid out of the general funds of the county.

(d) This section does not invalidate any bond election or bonds that have been sold by the county, political subdivision, or defined district.

PART 2. COUNTY AND DISTRICT BONDS**Power to Issue Road Bonds; Surplus in Sinking Fund**

Sec. 4.411. (a) In this part, "political subdivision" means any commissioners precinct or any justice precinct of a county.

(b) Any county or any political subdivision of a county or any road district may issue bonds for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes in any amount not to exceed one-fourth of the assessed valuation of the real property of the county, political subdivision, or road district and may levy and collect ad valorem taxes to pay the interest on the bonds and provide a sinking fund for the redemption of the bonds. The bonds shall be issued in the manner provided in this part and as contemplated and autho-

rized by Article III, Section 52, of the Texas Constitution.

(c) When the principal and all interest on the bonds are fully paid, in the event there is any surplus remaining in the sinking fund, the remaining surplus not used in the full payment of the principal and interest on the bond or bonds may be used by the county, political subdivision of the county, or any road district for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in the aid of these purposes or for any other lawful permanent improvement as may be determined by the commissioners court of any county or the officials of any political subdivision of a county or the road district.

Bond Elections

Sec. 4.412. On the petition of the qualified voters of any county equivalent in number to one percent or more of the total votes cast in the county in the last preceding general election for governor, the commissioners court of the county at any regular or special session shall order an election to be held in the county to determine whether or not the bonds of the county shall be issued for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes and whether or not taxes shall be levied on all taxable property of the county subject to taxation, for the purpose of paying the interest on the bonds and to provide a sinking fund for the redemption of the bonds at maturity. However, if the petition designates any particular road or roads, project or projects, or any portion or portions of a road or project, the petition shall be accompanied with a written estimate of the cost of the roads or projects prepared by the county engineer at county expense. In lieu of the petition process described in this section the commissioners court of a county may by majority vote order the election. The election order and notice of election shall state the purpose for which the bonds are to be issued, the amount of the bonds, the rate of interest, and the fact that ad valorem taxes are to be levied annually on all taxable property within the county sufficient to pay the bonds at maturity.

Establishment of Road Districts

Sec. 4.413. (a) The county commissioners courts may establish one or more road districts in their respective counties and may or may not include within the boundaries and limits of the districts, villages, towns, and municipal corporations or any portion of a village, town, and municipal corporation and may or may not include previously created road districts and political subdivisions or precincts that have voted and issued road bonds pursuant to Article III, Section 52, of the Texas Constitution, by entering an order declaring the road district established and defining the boundaries of it.

(b) This part does not prevent the creation of defined road districts and the issuance of bonds of

districts in counties having outstanding countywide road bonds. The defined road districts may be created in the counties in the manner provided by statute for the creation of defined road districts and issuing the bonds of the districts.

Abolishment of Dormant Road Districts

Sec. 4.414. When any road district in any county in this state has paid off and discharged all of the bonds issued and sold by the road district, or when an election to issue bonds in the road district has failed by a vote of the people and the road district has issued no bonds, and no further election has been held in the road district for a period of one year from date of its creation, or when the bonds issued by the road district have been assumed and exchanged for county bonds under the compensation bond statutes, Chapter 16, General Laws, 39th Legislature, 1st Called Session, 1926,¹ and in the opinion of the commissioners court of the county the road district has become dormant and there exists no further necessity for the road district, the commissioners court of any county may by an order passed abolishing the road district abolish the road district, and it shall then cease to exist.

¹ Article 752a et seq. (repealed).

Road District Including Portion of Previous Road District Containing Other Improvement District

Sec. 4.415. If any road district, a portion of which is proposed to be incorporated into a new road district, should embrace the whole or any part of any levee improvement district, drainage district, or other improvement district created under any law passed pursuant to Article III, Section 52, of the Texas Constitution, the territory covered by the other district and other adjacent territory may be excluded from the district sought to be created. Except as specifically permitted in this subchapter, no fractional part of a previously created road district shall be included within the limits of the road district created under this subchapter. The excluded territory shall continue to bear and pay its proper proportion or any existing debt created for the construction of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes, but may not pay any portion of any debt created for these purposes after the territory is excluded from the district.

Petition for Election

Sec. 4.416. (a) If any political subdivision or any road district desires to issue bonds, there shall be presented to the commissioners court of the county in which the subdivision or district is situated, a petition signed by 50 or a majority of the qualified voters of the subdivision or road district praying the court to order an election to determine whether or not the bonds of the subdivision or district shall be issued to an amount stated for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes and whether taxes shall be

levied on all taxable property within the subdivision or district in payment of the bonds.

(b) On presentation of the petition, the court to which it is presented shall fix a time and place at which the petition shall be heard, which date shall be not less than 15 nor more than 30 days after the date of the order. The clerk of the court shall immediately issue a notice of the time and place of hearing. The notice must inform all concerned persons of the time and place of hearing and of their right to appear at the hearing and contend for or protest the ordering of the bond election. The notice must state the amount of bonds proposed to be issued, describe the political subdivision or road district by its name or number, and describe the boundaries of the subdivision or district as those boundaries are described and defined in the order of the commissioners court establishing the subdivision or district. The clerk shall execute the notice by posting copies of it in three public places within the subdivision or road district and one at the courthouse door of the county. The notice shall be posted for at least 10 days prior to the date of the hearing. The notice shall also be published in a newspaper of general circulation in the subdivision or district, if a newspaper is published in that area, one time, and at least five days prior to the hearing. If no newspaper is published in the subdivision or district, the notice shall be published in some newspaper published in the county, if there be one.

(c) The duties imposed by this subchapter on the clerk may be performed by the clerk in person or by deputy as provided by law for other similar duties.

Hearing and Determination

Sec. 4.417. At the time and place set for the hearing of the petition or a subsequent date as may then be fixed, the court shall proceed to hear the petition and all matters in respect of the proposed bond election. Any interested person may appear before the court in person or by attorney and contend for or protest the calling of the proposed bond election. The hearing may be adjourned from day to day and from time to time as the court may consider necessary. If on the hearing of the petition the court finds that the petition is signed by 50 or a majority of the qualified voters of the subdivision or road district, that due notice has been given, and that the proposed improvements would be for the benefit of all taxable property situated in the subdivision or road district, the court may issue and cause to be entered of record in its minutes an order directing that an election be held within and for the subdivision or road district at a date to be fixed in the order for the purpose of determining the questions mentioned in the petitions. However, the court may change the amount of the bonds proposed to be issued, if on the hearing the change is found necessary or desirable. The proposition to be submitted at the election shall specify the purpose for which the bonds are to be issued, the amount of the bonds, the rate of interest, and the fact that ad

valorem taxes are to be levied annually on all taxable property within the district or subdivision sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity.

Notice of Election

Sec. 4.418. If the proposed issue of bonds and levy of taxes is for the entire county, notice of the election shall be given by publication in a newspaper published in the county, for three successive weeks, if there be one. In addition, for at least three weeks prior to the election, notice shall be posted by the county clerk at four public places in the county, one of which shall be the courthouse door.

Election in Political Subdivision or Road District

Sec. 4.419. If the proposed issue of bonds and levy of taxes is for a political subdivision or road district, notice of the election shall be given by publication in a newspaper in the subdivision or district for three successive weeks and by posting notices in at least three public places in the subdivision or district and at the courthouse door of the county. If no newspaper is published in the subdivision or district, the published notice shall be given in some newspaper published in the county, if there be one.

Place of Holding Election in Subdivisions

Sec. 4.420. The commissioners court shall determine the time and place or places of holding the election, and the date of the election shall be the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs after the 30th day after the day the order is made.

Manner of Holding Election

Sec. 4.421. The manner of holding the election and canvassing and making returns shall be governed by the general laws of this state when not in conflict with the provisions of this subchapter.

Issuance of Bonds

Sec. 4.422. If at the election two-thirds of the voters voting at the election cast their ballots in favor of the issuance of bonds, the commissioners court shall, as soon thereafter as practicable, issue the bonds on the faith and credit of the county, political subdivision, or road district as the case may be.

Maturity Dates and Interest Rate

Sec. 4.423. The bonds shall mature not later than 30 years from their date, except as otherwise provided in this subchapter. They shall be issued in denominations and made payable at times considered most expedient by the commissioners court and shall bear interest not to exceed the interest rate prescribed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes). The

general laws relative to county bonds not in conflict with this subchapter shall apply to the issuance, approval, certification, registration, sale, and payment of the bonds provided for in this subchapter.

Sale of Bonds and Disposition of Proceeds

Sec. 4.424. After approval and registration as provided by law relative to other bonds, the bonds or bond anticipation notes shall continue in the custody and control of the commissioners court of the county in which they were issued and shall be sold as provided by the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), either in whole or in parcels. That portion of the purchase money representing capitalized interest shall be placed in the county treasury of the county or of the political subdivision or road district, as the case may be, and shall be used to pay interest coming due on the bonds or bond anticipation notes, and the remainder of the funds, after the payment of the costs of issuance of the bonds or bond anticipation notes, shall be placed in the county treasury of the county to the credit of the available road fund of the county or of the political subdivision or road district of the county, as the case may be.

Ad Valorem Tax Levy

Sec. 4.425. Before the bonds are put on the market, the commissioners court of the county in which the election was held shall levy an ad valorem tax sufficient to pay the interest on the bonds and to provide a sinking fund to pay the bonds at maturity.

County Assessments

Sec. 4.426. When the bonds are issued on the faith and credit of the county, the taxes authorized by this subchapter shall be assessed and collected in the same manner as now provided by law for the assessment and collection of other county taxes.

District and Subdivision Assessments

Sec. 4.427. When the bonds are issued for and on the faith and credit of a political subdivision or road district, the taxes shall be assessed and collected in the same manner as for the assessment and collection of common school district taxes.

Duties of Assessor and Collector

Sec. 4.428. The tax assessor and tax collector of the county in which the taxes have been levied shall assess and collect the taxes in the manner and at the time as other taxes, and when so collected, the tax collector shall pay them to the county treasurer as other taxes are paid.

Duties of Custodian and Depository of Proceeds

Sec. 4.429. The county treasurer is custodian of all funds collected under this subchapter and shall deposit them with the county depository in the same manner as county funds are deposited. The county treasurer shall promptly pay the interest and princi-

pal as it becomes due on the bonds out of the funds collected and deposited for that purpose.

Disbursement of Proceeds by County Treasurer

Sec. 4.430. The purchase money for the county bonds shall be paid out by the county treasurer on warrants drawn on the available road fund, issued by the county clerk, countersigned by the county judge, on certified accounts approved by the commissioners court of the county. The purchase money for the bonds issued on the faith and credit of a political subdivision or road district shall be paid out by the county treasurer on warrants drawn on the available road fund thereof, issued by the county clerk, countersigned by the county judge, and approved by the commissioners court.

Expenses

Sec. 4.431. The expense incurred in surveying the boundaries of a political subdivision or road district and other expenses incident to the issuance of bonds of the subdivision or district shall be paid from the proceeds of the sale of the bonds of the subdivision or district issuing the bonds.

Districts and Subdivisions Bodies Corporate

Sec. 4.432. Any road district, or any political subdivision accepting this subchapter, shall be a body corporate and may sue and be sued in like manner as counties. However, the road district or political subdivision may not be held liable for torts except as provided by the Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes).

Classification of County Bonds

Sec. 4.433. When the road bonds have been issued by a county as a whole, the bonds shall be known and designated as "_____ County Road Bonds," taking the name of the county issuing the bonds, and shall express on their face that they are issued under authority of Article III, Section 52, of the Texas Constitution, and laws enacted pursuant to the constitution.

Classification of Subdivision Bonds

Sec. 4.434. If the proposition to issue the road bonds of a political subdivision or road district is adopted, the bonds shall express on their face: The State of Texas, the name of the county, and the number or corporate name of the subdivision or district issuing the bonds; and they shall be designated as "Road Bonds," and shall express on their face that they are issued under authority of Article III, Section 52, of the Texas Constitution, and laws enacted pursuant to the constitution.

Powers of County Commissioner

Sec. 4.435. The county commissioner in whose commissioner precinct the political subdivision or road district is located shall be ex officio road superintendent of the subdivision or district with

power to contract in behalf of the subdivision or district in an amount not to exceed \$50, which shall be approved by the commissioners court. All contracts exceeding the sum of \$50 shall be awarded by the entire court.

Award of Contracts

Sec. 4.436. Before the commissioners court shall let a contract for work in a county or road district or subdivision, bids shall be invited by publishing an advertisement in a newspaper published in the county, and outside of the county, if the commissioners court considers it advisable to do so. All contracts shall be awarded to the lowest and best bidder. Any or all bids may be rejected.

Certain Counties may Avail

Sec. 4.437. Any county operating under the provisions of special road tax law may take advantage of any of the provisions of this subchapter.

Refunding Bonds

Sec. 4.438. The commissioners courts may refund any road bonds issued by authority of any law enacted pursuant to Article III, Section 52, of the Texas Constitution, when the road bonds have been issued for and on behalf of a political subdivision or defined district or consolidated district in the county. The refunding bonds shall be made to mature serially over a period not exceeding 40 years from their date, as may be determined by the commissioners court, and they may be made to bear interest at the same or a lower rate than the original bonds that are being refunded. The commissioners court shall have authority to pass all appropriate orders to properly carry out the refunding. When providing for the refunding, the commissioners court shall provide for the levy of ad valorem taxes on all taxable property in the political subdivision or defined district or consolidated district as the case may be sufficient to pay the current interest on the refunding bonds and to pay the principal as it matures.

Bonds Validated; Tax Levy

Sec. 4.439. (a) All road bonds that have been voted and authorized before September 22, 1932, by any political subdivisions, or by any road district, in accordance with the provisions and requirements of Article III, Section 52, of the Texas Constitution, and that were not issued and sold before September 22, 1932, are validated. The commissioners court of the county including the political subdivision or road district may make and enter any and all orders and provisions necessary for the purpose of issuing and selling the bonds so authorized to be issued by the qualified electors of the political subdivision or road district. The court may levy general ad valorem taxes on all taxable property situated in the political subdivision or road district as the taxable property appears on the assessment rolls for state and county taxes in amount sufficient to pay the interest on

the bonds and the principal on the bonds at maturity. The bonds, when approved by the attorney general, registered by the state comptroller, and delivered, shall be the general, direct, and binding obligations of the political subdivision or road district issuing the bonds.

(b) It is hereby expressly found that the property in all political subdivisions and road districts the bonds of which are validated by this section will be benefited by the improvements proposed to be made with the proceeds of the bonds to an amount not less than the taxes that will be levied against the property for the purpose of paying principal of and interest on the bonds.

County Road Bonds Validated

Sec. 4.440. (a) In all instances in which counties acting by and through their commissioners courts have before March 13, 1934, lawfully sold a part or parts of an issue of road bonds approved by the attorney general at a price of not less than their par value and the purchase money shall have been placed in the county treasury of the county in accordance with Section 4.424 of this Act, and thereafter the counties acting through their commissioners courts have permitted certain bonds of the issue or issues still owned and held by the counties to be exchanged for bonds of the issue or issues previously lawfully sold, and under circumstances that the counties actually receive bonds of the same issue or issues in identical amounts as the bonds surrendered by the county in the exchange or exchanges, the acts of the counties by and through their respective commissioners courts in permitting the exchanges, in surrendering the bonds in the exchange or exchanges, and in receiving for the use and benefit of the counties the bonds in exchange are validated as if the bonds thus delivered by the county have been delivered in accordance with law and the county received full value for the bonds. The bonds received by the county in exchange for those bonds are the property of the county and subject to sale and resale in accordance with law.

(b) This section does not apply in a case in which a county depository or treasury was designated to act as such and was, at the time of the transfer or exchange of the bonds, located in some county other than the county in which the bonds were originally voted.

Refunding Road Bonds in Counties Lands of Which are Purchased for Reforestation

Sec. 4.441. The commissioners court of any county in which the United States government has purchased (or shall purchase) or has designated a purchase unit of at least 25 percent in area of the land in the county for reforestation and other purposes may, with the consent of the holders of at least 80 percent of the bonds described in this section, refund, under the provisions of existing law, the road bonds of the county or of any road district or political subdivision of the county, which

bonds participate in the county and road district highway fund, into one or more series of refunding bonds. The court may provide that the eligibility of the bonds being refunded shall be distributed among the various series of refunding bonds in the amounts, or none, as may be agreed on. The eligibility, in dollars and cents, of bonds whose owners do not agree to the distribution shall not be affected.

Unissued Road Bonds Validated

Sec. 4.442. (a) All road bonds voted and authorized before May 16, 1947, together with the levy of a tax to redeem them by a two-thirds majority vote of the qualified voters under authority of Article III, Section 52, of the Texas Constitution, but which bonds are unissued and unsold, in all or any road districts or political subdivisions in any county in the state that embraces within its boundaries all or any portion of a previously created road district or road districts that has or have outstanding road bonds issued under authority of Article III, Section 52, of the Texas Constitution, but for which the outstanding road bonds of the included district or districts no compensation bonds were voted, authorized, or issued by the road district or political subdivision so embracing the road district, districts, or portions thereof, are in all things validated. All proceedings had by the commissioners court of any county including the road district or political subdivision the bonds of which are validated, in calling the election, the conduct of the election, canvassing returns of election, and all other proceedings incident to the authorization of the bonds are validated. The commissioners court may proceed in the issuance of the bonds in the manner provided by law for the issuance of road district bonds in ordinary road districts and just as though there were no former road districts or parts thereof covering any of the territory embraced within the boundaries of the road district or political subdivision the bonds of which are validated hereby. The commissioners court of the counties respectively are authorized to levy, assess, and collect ad valorem taxes on all taxable property situated in the road districts or political subdivisions in amounts sufficient to pay the interest on the bonds and the principal at maturity. The bonds, when approved by the attorney general, registered by the state comptroller of public accounts, and sold and delivered according to law, shall constitute general, direct, and binding obligations of the road district or political subdivision issuing the bonds.

(b) This section does not impair, release, or in any manner affect the debt or lien, or the validity of the debt or lien, evidenced by any legally outstanding road bonds issued by any road district or road districts, all or any part of which is embraced within the boundaries of the road district or political subdivision the bonds of which are validated. The bonds so outstanding shall be and remain the debt and obligation of the district issuing them in the first

instance, and the commissioners court of each of the counties containing the road district may continue to levy, assess, and collect ad valorem taxes on the taxable property situated in the road districts, as originally created, in the manner provided by law for the payment of all principal and interest to mature on the outstanding bonds, the same as if the road district or road districts or portions thereof had never been embraced within the boundaries of the subsequently created road district or political subdivision.

(c) It is expressly found and declared that all property situated in the road districts or political subdivisions, the bonds of which are validated, including all or any portion of road districts which are included in the districts or subdivisions, will be benefited by the improvements proposed to be made with the proceeds of the bonds validated to an amount not less than the amount of the taxes that will be levied and collected against the property for the purpose of paying the principal and interest on the bonds validated.

City Tax Bonds for Off-Street Parking or Park and Off-Street Parking Purposes; Validation of Proceedings

Sec. 4.443. All proceedings in connection with any tax bonds favorably voted before December 2, 1957, in any city, including any home-rule city, for the purpose of providing permanent public improvements by the acquisition of land and improvement of the land for off-street parking purposes or for the purpose of extending and improving the park system of the city and to provide for municipal off-street parking facilities are in all things validated. The bonds may be issued and delivered by the governing body of the city for the purpose or purposes so voted and in the manner provided by Chapter 1, Title 22, Revised Statutes, as amended, regardless of any irregularities in the holding of any election at which the bonds were voted and regardless of whether or not the bonds so voted were submitted in only one proposition, and regardless of the wording of the language appearing on the ballots concerning any proposition so submitted. The governing body of the city is in all things authorized to operate and maintain any facilities acquired or constructed with the proceeds from the sale of the bonds.

Validation of Road Bonds

Sec. 4.444. (a) All road bonds voted and authorized before May 21, 1959, under the provisions of Article III, Section 52, of the Texas Constitution, by a two-thirds majority vote of the qualified voters voting at an election held for that purpose and all proceedings had in connection with the bonds, including the petition for election, the order of election, the giving of notice of the election, the holding of the election and declaring the results of the election, and the order authorizing the issuance and levying of a tax in payment of the bonds are in all

things validated. The bonds, when approved by the attorney general, registered by the comptroller of public accounts, and delivered to the purchaser, are general, direct, and binding obligations of the political subdivision or road district issuing the bonds and are incontestable except for fraud or forgery. The bonds that have been approved before May 21, 1959, by the attorney general, registered by the comptroller of public accounts, and delivered to the purchaser are in all things validated and are general, direct, and binding obligations of the political subdivision or road district that issued the bonds and are incontestable except for fraud or forgery.

(b) This section does not apply to any political subdivision or road district that is now or has been involved in litigation questioning the validity of its road bonds if the litigation is ultimately determined against the validity of the bonds.

Validation of Road Bonds

Sec. 4.445. (a) All road bonds voted and authorized before June 10, 1969, under the provisions of Article III, Section 52, of the Texas Constitution, by a two-thirds majority vote of the qualified voters voting at an election held for that purpose in any road district or other defined district in the state as the case may be and all proceedings had with respect to the voting of the bonds, including the petition praying for the calling of the elections, the giving of notice of the hearing had on the petition, and the holding of the hearing and also including the order calling the elections and the giving of the notices of election in the elections, including also the holding of each election and the declaring of the results of the election, are in all things validated. The bonds voted and issued before June 10, 1969, including the order authorizing the issuance of the bonds and the levying of the tax in payment of the bonds, are in all things validated. The bonds voted before June 10, 1969, but not yet issued, when approved by the attorney general, registered by the comptroller of public accounts, and delivered to the purchaser, are general, direct, and binding obligations of the road district or other defined district against which the bonds are issued and are incontestable except for fraud or forgery. The bonds that have been approved before June 10, 1969, by the attorney general, registered by the comptroller of public accounts, and delivered to the purchaser are in all things validated and are general, direct, and binding obligations of the road district or other defined district against which the bonds are issued and are incontestable except for fraud or forgery.

(b) All road districts or other districts created and defined before June 10, 1969, by the commissioners courts of this state that have voted and authorized before that date the issuance of road bonds under the provisions of Article III, Section 52, of the Texas Constitution, by a two-thirds majority vote of the qualified voters of the road district or other defined district at an election held for that purpose are in all things validated as though each road

district or other defined district had been created and defined in the first instance by the legislature.

(c) It is expressly found and declared that all property subject to taxation situated in the road districts or other defined districts, the bonds of which have been voted before June 10, 1969, by a two-thirds majority vote pursuant to the provisions of Article III, Section 52, of the Texas Constitution, and which are validated, will be or has been benefited by the improvements proposed to be made or which have been made with the proceeds of the bonds validated to an amount not less than the amount of the required levy of ad valorem taxes against the property and the collection of the taxes for the purpose of paying the principal and interest on the bonds validated.

(d) This section does not apply to the road bonds or to the road district or other defined district involved in litigation pending in any court of competent jurisdiction in this state on June 10, 1969, questioning the validity of any matters validated, if the litigation is ultimately determined against the validity of the bonds. This section does not apply to the road bonds or to the road district or other defined district that has been declared invalid by a court of competent jurisdiction in this state.

Use of Bond Proceeds to Pay Certain Interests

Sec. 4.446. A county or a political subdivision or road district of a county may use bond proceeds to pay or establish a reasonable reserve to pay not more than three years' interest on the notes and bonds of the county, political subdivision, or road district, as provided in the bond orders or resolution.

PART 3. COMPENSATION BONDS

Compensation Bond Issue

Sec. 4.451. (a) Whenever in any political subdivision or road district in any county bonds have been issued under the authority of any general or special law enacted pursuant to Article III, Section 52, of the Texas Constitution, and after the enactment bonds are voted by the entire county for the purposes authorized in this section, the political subdivisions or road districts first issuing bonds may be fully and fairly compensated by the county in an amount equal in value to the amount of district bonds issued by the districts, which shall be done in the form and manner prescribed by this section.

(b) The commissioners court shall, on the presentation of a petition signed by 250 qualified voters of the county, whether residing in the road district or districts or not, order an election under this part to determine whether or not the bonds of the county shall be issued for road construction purposes as authorized by Subsections (d) and (e) of this section.

(c) The county bonds shall be issued in an amount as may be stated in the order of the commissioners court, but within the limitations of the constitutional and statutory provisions. At the election there shall also be submitted to the qualified voters of the

county the question as to whether or not a tax shall be levied on the property of the county, subject to taxation, for the purpose of paying the interest on the bonds and to provide a sinking fund for the redemption of the bonds.

(d) When the road district or districts have by the requisite vote of the qualified voters authorized the issuance of bonds and the bonds have not been issued and sold or if sold and the proceeds have not been expended at the time the election is to be ordered for the entire county, then the proposed county bonds shall be issued for the following purpose: "The issuance of county bonds for the construction of district roads and the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid of these purposes, throughout the county." If the proposition to issue the county bonds for this purpose receives the necessary favorable vote and the bonds shall have been approved and issued, then so much of the bonds so issued by the county as may be necessary to fairly and fully compensate the road district or districts shall be set aside by the commissioners court for that purpose. In the event the district bonds have not been issued and sold, then so much of the bonds so issued by the county as may be necessary to fairly and fully compensate the road district or districts shall be set aside for that purpose, and the bonds shall be sold and the proceeds applied to the construction, maintenance, and operation of the roads within and for the road district or districts as contemplated by the election or elections held within and for the road district or districts. The unsold district bonds shall then become totally void, and it shall be the duty of the commissioners court of the county to immediately cancel and destroy the unsold district bonds. However, in the event the district bonds have been sold, then an exchange of a like amount of the county bonds may be made with the holder or holders of the district bonds as provided by Subsection (b) of Section 4.452 of this Act. If the commissioners court should find that the exchange cannot be made, then so much of the county bonds as may be necessary shall be transferred and placed to the credit of the interest and sinking fund account of the road district or districts in conformity with the procedure prescribed by Subsection (c) of Section 4.452.

(e) Where the road district or districts have issued bonds for the construction of public roads and the proceeds derived from the sale of the bonds have been applied to the construction of roads within and for the districts, the district roads may be merged into and become a part of the general county system of public roads and the road district or districts shall be fully and fairly compensated by the county in an amount equal in value to the amount of bonds outstanding against the road district or districts at the time the bonds are issued by the county, and the proposed county bonds shall be issued for the following purpose: "The issuance of county bonds for the purchase of district roads and

the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid of these purposes, throughout the county." In the event the proposition to issue the county bonds receives the necessary favorable vote and the bonds shall have been approved and issued, then so much of the bonds so issued by the county as may be necessary for that purpose shall be set aside and exchanged for a like amount of outstanding district bonds, or the bonds may be transferred and placed to the credit of the road district or districts for the purpose of paying and retiring the district bonds as the bonds may mature.

Exchange of Bonds

Sec. 4.452. (a) If the proposition to issue the county bonds receives the necessary favorable vote and the bonds shall have been approved and issued, the taxes previously levied and collected in any road district or districts shall from that date be dispensed with as provided in this section. The bonds so set apart by the commissioners court shall be used exclusively for the purpose of constructing the roads in the subdivisions or districts or for the purpose of purchasing or taking over the improved roads in the subdivisions or districts as the case may be. The exchange of the county bonds for the outstanding district bonds shall be made in one of the methods prescribed by this section.

(b) An exchange of the bonds may be made with the holder or holders of any outstanding district bonds. The agreement for the exchange shall be evidenced by order of the commissioners court authorizing the exchange and by the written consent of the holder or holders of the district bonds, properly signed and acknowledged, as provided by law for the acknowledgment of written instruments. The order of the commissioners court, written agreement properly executed by the holder or holders of the district bonds, together with the county bonds to be given in exchange, shall be presented to and approved by the attorney general of the state and shall bear his certificate of approval before the exchange is finally consummated. When the exchange of county bonds for district bonds is consummated, the commissioners court shall cancel and destroy the district bonds, and then no tax shall ever be levied or collected for the bonds under the original election in the subdivisions or districts. The sinking funds then on hand to the credit of the subdivisions or districts shall be passed to the sinking fund account of the county.

(c) In the event the exchange of the county bonds for the outstanding district bonds cannot be made as provided by Subsection (b) of this section, the commissioners court at as early a date as practicable shall deposit with the county treasurer for the credit of the interest and sinking fund account of the road district or districts an amount of county bonds equal in value to the amount of outstanding district bonds. The order of the commissioners court authorizing the deposit of county bonds for

the credit of the interest and sinking fund account of the road district or districts, together with the county bonds so authorized to be deposited, shall be presented to and approved by the attorney general of the state and shall bear his certificate of approval before the deposit of county bonds shall be made and credit passed to the road district or districts. However, the county bonds before deposited shall have printed or written across their face the word "Nonnegotiable" and shall further recite that they are deposited to the credit of the interest and sinking fund account of the road district named in the bonds as a guarantee for the payment of the outstanding district bonds that have not been exchanged. The coupons annexed to the county bonds so deposited shall have written or printed on them the word "Nonnegotiable." After the county bonds shall have been deposited for the credit of the interest and sinking fund accounts of the road district or districts, the sinking fund then on hand to the credit of the road district or districts shall be passed to the credit of the sinking fund account of the county, and the commissioners court may no longer levy and collect the taxes provided for under the original election for the bonds in the road district or districts. In lieu of the taxes, the court shall, from the taxes levied for the purpose of providing the necessary interest on the county bonds, pay annually the interest on the county bonds deposited for the credit of the road district or districts, detaching the coupon for the payment. The payment of interest shall be passed to the credit of the interest account of the road district or districts as the owner or owners of the county bonds, and the funds so realized by the road district or districts shall be used by the commissioners court for the purpose of paying the interest on the outstanding district bonds. The commissioners court shall set aside annually, from the taxes levied to provide the necessary sinking fund for the county bonds, the necessary sinking fund for the retirement of the county bonds. On maturity of the county bonds the commissioners court shall pay the bonds in full, and the payments shall be passed to the credit of the sinking fund of the road district or districts, and the funds so realized by the road district or districts shall be used by the commissioners court to pay in full all outstanding district bonds.

Issuance, Form, and Requisites of Compensation Bonds

Sec. 4.453. The county bonds issued for the purpose contemplated in Subsections (d) and (e) of Section 4.451 of this Act shall be issued in similar denominations, bearing the same rate of interest, having the same date or dates of maturity and with similar options of payment as the outstanding district bonds. It is the intent of this section that the county bonds shall in every respect be similar to the district bonds, except they shall be county obligations instead of district obligations, and shall be dated on a date after the date of the election at

which they were authorized. The county bonds issued in excess of the amount required to exchange, offset, and retire the outstanding district bonds shall be issued and sold in the manner provided by law and may mature serially or otherwise at the discretion of the commissioners court and may run for a term not to exceed 40 years, and the bonds shall bear not more than the amount of interest prescribed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes). The proceeds from the bonds shall be credited to the available road fund of the county and shall be expended by the commissioners court in constructing, maintaining, and operating macadamized, graveled, or paved roads and turnpikes or in aid of these purposes throughout the county. The issuance and sale of the bonds authorized in this section and the levy and collection of taxes for the bonds shall be conducted as required by law on other county bonds, except as otherwise provided. The necessary expense incident to the issuance of the bonds may be paid out of the proceeds from the sale of the bonds.

Previously Created Districts and Subdivisions

Sec. 4.454. Where any road district created under the provisions of this part includes within its limits any previously created road district or any political subdivision or precinct having at the time road bond debts outstanding, the included district or subdivision shall be fully and fairly compensated by the new district in an amount equal to the amount of the bonds outstanding against the included subdivision or district, and that shall be done in the form and manner prescribed for the issuance of county bonds under Sections 4.451 through 4.453 of this Act. However, the petition must be signed by 50 or a majority of the qualified voters of the new district, and the bonds proposed to be issued shall be for the purchase or construction of roads in the included subdivisions or districts and the further construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes.

Bond Issue by Road District Including Previously Created Road District or Political Subdivision

Sec. 4.455. Where any road district includes within its limits a portion of any previously created road district or portion of any political subdivision or precinct, pursuant to authority of Section 4.415 of this Act, and the previously created road district, political subdivision, or precinct had road bond debts outstanding, the newly created road district may issue bonds for the purchase of the roads within the previously created district, subdivision, or precinct and for further construction of macadamized, graveled, or paved roads and turnpikes in the subsequently created road district. The bonds shall be authorized and issued in the form and manner prescribed in Sections 4.451 through 4.454 of this Act. However, this section does not affect or impair the

obligation or indebtedness evidenced by the outstanding bonds of the previously created district, subdivision, or precinct. The indebtedness remains chargeable against the territory which voted the indebtedness.

Bond Issues and Elections Therefor Validated

Sec. 4.456. (a) If (1) under authority of Article III, Section 52, of the Texas Constitution, a two-thirds majority of the qualified voters of any road district embracing portions of any previously created road district, subdivision, or precinct, which district was created in conformity with the provisions and requirements of Section 4.415 of this Act, voting on the proposition, having voted at an election held in the road district in favor of the issuance of bonds, for the purchase of roads within the road district, subdivision, or precinct, portions of which were and are included within the new district, and also voting on the proposition of the further construction of roads within the new district, and the levy of taxes in payment of the bonds, the canvass of the vote revealing the two-thirds majority having been recorded in the minutes of the county commissioners court; (2) thereafter, the county commissioners court of the county in which the road district is situated, by orders adopted and recorded in its minutes, authorized the issuance of the bonds, prescribed the date and maturity of the bonds and rate of interest the bonds were to bear, the place of payment of principal and interest, providing for the levy of taxes on taxable property in each road district sufficient to pay the interest on the bonds and to produce a sinking fund sufficient to pay the bonds at maturity; and (3) territory of the district, subdivision, or precinct not included in the newly created road district shall continue to bear and pay its proper proportion of the outstanding road bond debts thereof, and the bonds were approved by the attorney general and registered by the comptroller of public accounts, each election and all acts and proceedings had and done in connection with the bonds by the county commissioners court and the levy of taxes are hereby legalized, approved, and validated. All bonds voted or issued thereunder are validated and declared to be the legal and binding obligations of the several districts according to their terms.

(b) The commissioners court of the county in which the district is situated may adopt all orders and do all acts necessary in the issuance or sale of any unissued or unsold bonds of the district. The manner of issuing the district compensation bonds for the district shall be the same as that provided for the issuance of other district and county compensation bonds.

(c) This part does not impair, release, or in any manner affect the lien evidenced by outstanding bonds on any portion of any road district, subdivision, or precinct, not included within the limits of the subsequently created road district, authorizing or issuing the bonds for the purchase of roads from

the previously created district, subdivision, or precinct.

(d) The excluded territory shall continue to bear and pay its proper proportion of the existing debt. The subsequently created road district shall assume only that portion of the outstanding bonded indebtedness of the previously created district, subdivision, or precinct in the same ratio that the assessed valuation of the property of the previously created road district, subdivision, or precinct (and which property is included in the subsequently created district) bears to the assessed valuation of the property situated within the original boundaries of the previously created road district, subdivision, or precinct.

Commissioners Court Authorized to Levy Tax to Pay Road District Bonds

Sec. 4.457. Taxes in an amount sufficient to pay the principal of and interest on the bonds now outstanding or issued in the future shall be annually assessed and collected by the county commissioners court of each county in which the district, subdivision, or precinct is situated. Express authority to do so is delegated and granted to the commissioners courts.

PART 4. DISTRICTS IN ADJOINING COUNTIES

Power to Issue Bonds

Sec. 4.461. (a) In this part, "any number of adjoining counties" means two or more counties contiguous to each other.

(b) Pursuant to authority conferred by Article III, Section 52, of the Texas Constitution, any number of adjoining counties within this state may issue bonds in any amount not to exceed one-fourth of the assessed valuation of the real property of the territory included within the counties and may levy and collect annually ad valorem taxes to pay the interest on the bonds and may provide a sinking fund for the redemption of the bonds for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes.

Procedure Prescribed

Sec. 4.462. In the event the qualified voters residing within two or more adjoining counties desire to combine the counties into one defined road district for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes, it shall be lawful for them to do so by following the procedure prescribed in the subsequent sections of this part.

Petition for Road District

Sec. 4.463. (a) The petition for the creation and establishment of a defined road district composed of two or more adjoining counties must be signed by

not less than 50 qualified voters in each county. A separate petition for the establishment of the district must be presented to the commissioners court of each county in the proposed district. The proceedings prescribed by this section shall be had in each county.

(b) Each petition must describe in general terms the road or roads proposed to be constructed and in like general terms the cities, towns, and villages, if any, to be connected by the road or roads and must name each county proposed to be included within the road district. Each petition must request the commissioners court to order an election to determine whether the county shall be included in the proposed road district.

(c) On presentation of each petition, the court to which it is presented shall fix a time the petition shall be heard, and the date of hearing must be not less than 15 nor more than 30 days after the date of the order. The hearing shall be held at the regular meeting place of the commissioners court in the county courthouse.

(d) The county clerk shall immediately issue notice of the time and place of hearing. The notice must inform all concerned persons of the time and place of hearing and of their right to appear at the hearing and contend for or protest the ordering of the election. The notice must set forth in substance the contents of the petition and must give the name of each county proposed to be included within the road district. The clerk shall execute the notice by posting copies in five public places within the county as follows: one copy at the courthouse door and one copy in each commissioners precinct. The notice shall be posted for at least 10 days prior to the date of the hearing. The notice shall also be published in a newspaper of general circulation, published in the county one time, and at least five days prior to the hearing. If no newspaper is published in the county, the posting of the notice as directed previously in this section is sufficient. The duties imposed by this part upon the clerk may be performed by the clerk in person or by a deputy as provided by law for similar duties.

(e) At the time and place set for the hearing of the petition or the subsequent date as may then be fixed, the court shall proceed to hear the petition and all matters in respect to the proposed road district. Any interested person may appear before the court in person or by attorney and contend for or protest the creation of the proposed road district. The hearing may be adjourned from day to day and from time to time as the court may consider necessary. If on the hearing of the petition it is found that the petition is signed by 50 of the qualified voters of the county and that due notice of the hearing has been given and that the creation of the proposed district by the consolidation of the county with the other counties named in the proceedings would be for the benefit of all taxable property situated in the county, the court may issue and

cause to be entered of record in its minutes an order directing that an election be held within the county. The court shall order the election to be held on the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs after the 15th day after the day the order is made. Notice of the election shall be given in the same manner and for the same time required for notices of the hearing on the petition. The elections must be held on the same date in each county.

(f) The manner of holding the election and canvassing and making the returns shall be governed by the general laws of this state when not in conflict with this part.

(g) When the election for the creation of the district has been held, the officers named by the commissioners courts of the different counties to hold the election in their respective counties shall make returns of the election to the commissioners courts of their respective counties and return all ballot boxes to the clerk of the commissioners court of the county. The commissioners court of each county in the proposed road district, on receiving the returns of the election, shall canvass the returns and certify the result of the election in the county to the county judge of the county having the largest number of inhabitants as shown by the most recent federal census. On receipt of the returns of the election in the different counties of the district, the county judge designated to canvass the vote shall canvass the vote and certify the result to each county in the proposed district. If the votes cast in each and all counties show a majority in favor of the consolidation of the counties into a defined road district, the commissioners court of each county shall declare the defined road district created, and the district shall be known as _____ Counties Road District of Texas, enumerating the counties embraced within the district in alphabetical order.

Directors of District

Sec. 4.464. The county judges and county commissioners of the counties composing the district shall be ex officio directors of the district. They have the same power and authority with reference to the management of the affairs of the district as commissioners courts have in respect of road districts wholly within one county. The district when so formed shall be a defined district within the meaning of the constitution and a body corporate.

Purchasing Improved Roads

Sec. 4.465. The road district may or may not purchase or take over improved roads already constructed by any county or other road district included in the district. In the event the road district is determined to take over or purchase the improved roads, the take-over or purchase shall be done in conformity with the procedure prescribed by Part 3

of this subchapter except that no petition shall be necessary.

Bond Election

Sec. 4.466. (a) After the creation of the road district, the commissioners court of the counties included in the district at a joint meeting held in the county having the largest number of inhabitants as shown by the most recent federal census may order an election to be held within the district. The court shall order the election to be held on the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs after the 30th day after the day the order is made. The voters shall be permitted to vote for or against the proposition:

"Authorizing the _____ Counties Road District of Texas to issue the bonds of the district in the total sum of \$_____ and to levy annually ad valorem taxes on all taxable property in the district to pay the interest on the bonds and create a sinking fund to redeem the principal at maturity for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid of these purposes within the district.

"The roads to be constructed from the proceeds of the sale of the bonds and the amount apportioned to each road is as follows:

"(Here set out the road or roads as described in the order and notice of the election to determine the creation of the district and the amount to be expended on each road or roads.)"

(b) If it is proposed to purchase or take over the improved roads already constructed by an included county or any included road district, the election order shall be in conformity with the provisions of Section 4.451 of this Act.

Notice of Election and Declaring Result

Sec. 4.467. After the election order has been passed at a joint meeting of the commissioners courts as the ex officio directors of the road district, a certified copy of the order shall be transmitted to the county clerk of each county within the district. Thereupon, the commissioners court of each county at a regular or special session held in their respective counties shall give notice of the proposed bond election to be held on the date named in the order of the courts passed at the joint meeting. Each election notice must state the time and place of holding the election and must state in substance the contents of the election order. All other proceedings in respect of the question so submitted shall be in accordance with the provisions of Section 4.411 of this Act relative to county road bond elections. The commissioners courts of the counties as ex officio directors of the road district shall by order declare the result, and the county judge shall certify the result to the county judge of the county having the

largest population. If at the election two-thirds of the qualified voters of each county voting at the election cast their ballots in favor of the issuance of the bonds, the commissioners court of each county, as soon after the declaration of the result as practicable, shall pass the orders that may be necessary in the issuance of the bonds and the levy of taxes in payment of the bonds.

Maturity Dates, Interest, and Proceeds

Sec. 4.468. The general laws relative to county road bonds authorized pursuant to Article III, Section 52, of the Texas Constitution, shall apply to the authorization, issuance, approval, certification, registration, sale, and payment of the bonds provided for in this part, except as otherwise provided. The bonds shall mature not later than 40 years from their date and shall bear interest not to exceed the interest rate prescribed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes). The necessary expense incident to the issuance of the bonds may be paid out of the proceeds from the sale of the bonds. On the issuance and sale of the bonds provided for in this part, the commissioners court of each county may pass all orders that may be necessary, setting aside so much of the proceeds derived from the sale of the bonds as the ex officio directors of the road district may consider necessary to be used for the maintenance, repair, and upkeep of the roads of the district.

Bond Tax

Sec. 4.469. The amount of the bond tax to be levied annually shall be determined by the commissioners courts of the respective counties before the period at which the annual levy of taxes is made in the counties composing the district. The proportion of the tax levied against the property in each of the counties, respectively, shall be levied by the commissioners court of the county at the same time and in the same manner that other taxes in the counties are levied. The levy and collection of the tax shall be governed by the same laws that govern the levy and collection of county taxes.

Issuance of Bonds

Sec. 4.470. The bonds shall be issued as nearly as may be in form in use in this state in the issuance of county bonds, except that the bonds shall be issued in the name of the district and shall be signed by the county judges of the several counties composing the district and countersigned by the county clerks of the counties, with the seals of the commissioners courts of the counties impressed on the bonds. The bonds shall be attested by the treasurer or depository of the district.

Sale of Bonds

Sec. 4.471. The commissioners court of the counties embraced in the district, at a joint meeting held in the county having the largest number of inhabit-

ants as shown by the most recent federal census, shall advertise the bonds for sale. The advertisement or notice of the proposed sale shall be published in a newspaper of general circulation published in the district, one time, and not later than the 10th day before the day fixed for the sale. The commissioners courts shall convene in joint meeting on the date specified in the published notice for the sale of the bonds. The joint meeting shall be held in the county having the largest number of inhabitants for the purpose of considering bids for the purchase of the bonds. The courts are entitled to reject any and all bids. The bonds shall be sold by the courts at the joint meeting either in whole or in parcels at a price permitted by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes). The purchase money shall be placed in the treasury or depository of the district to the credit of the available road fund of the district.

Meetings of Commissioners Courts

Sec. 4.472. Any joint meeting of the courts may be adjourned from day to day and from time to time as the courts may consider necessary and advisable.

Bond Records

Sec. 4.473. The commissioners courts for each county included within the district shall make a record of a list of the bonds. The record shall be kept by the county clerk of each county, showing their numbers, amount, rate of interest, date of issue, when due, and where payable. The record is a public record in each county.

Warrants

Sec. 4.474. The purchase money for the bonds shall be paid out by the treasurer or depository of the district on warrants drawn on the available road fund issued by the county clerk of the county having the largest number of inhabitants. The warrants shall be countersigned by the county judge of each county situated within the road district. No such warrant may be issued except in payment of certified accounts approved by the commissioners court of each county.

Treasurer or Depository of District

Sec. 4.475. The treasurer or depository of the district shall be any bank, banking corporation, or individual banker resident in the district. The treasurer or depository shall be selected by the commissioners courts of the counties included within the district at joint meetings held for that purpose in the county having the largest number of inhabitants. The treasurer or depository shall be governed by the same laws and shall be subject to the same penalties as are provided by law for depositories of county funds. Before the treasurer or depository is entitled to receive any funds of the district, it must give a surety bond to the district, with a corporate surety that is authorized to do business in the state,

in an amount equal to the funds so deposited and conditioned on the safekeeping of the funds and paying of the funds.

Change of Roads

Sec. 4.476. (a) The commissioners court of the county may change any road or roads designated in the petition to create the road district if it is found at the hearing on the petition that the change is necessary and practicable, would be a public benefit, and would be beneficial to all taxable property in the county.

(b) This part does not require any commissioners court to grant a petition for the establishment of the road district if at the hearing provided in this part it is found that it would not be beneficial to the taxable property in the county to include the county within the proposed road district.

CHAPTER 5. GENERAL PROVISION ON PUBLIC SECURITIES

Conflict With Other Public Securities Law

Sec. 5.001. If this Act conflicts with Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes), that chapter prevails to the extent of the conflict.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 44, ch. 8, § 1, eff. July 12, 1984; Acts 1984, 68th Leg., 2nd C.S., p. 251, ch. 26, § 1, eff. Oct. 2, 1984.]

The introductory language of § 1 of Acts 1984, 68th Leg., 2nd C.S., p. 44, c. 8, stated that this article was both "amended and reenacted" thereby.

Sections 3 and 4 of Acts 1984, 68th Leg., 2nd C.S., p. 253, ch. 26, provide:

"Sec. 3. All funds that, on the effective date of this Act, are in the farm-to-market road fund established by Section 4.002, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), may be used for the purposes designated in that section as it is amended by this Act.

"Sec. 4. If the County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes) is reenacted by the 68th Legislature, 2nd Called Session, Section 1 of this Act applies to that Act as reenacted."

Arts. 6703 to 6711. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Arts. 6711b to 6716-1. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

CHAPTER THREE. MAINTENANCE OF ROADS

1. OVERSEERS AND HANDS

Arts. 6729, 6730. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Art. 6736. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

2. ROAD COMMISSIONERS

Arts. 6737 to 6742. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

3. ROAD SUPERINTENDENTS

Arts. 6743 to 6748. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Arts. 6750 to 6754. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Art. 6757. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Arts. 6760, 6761. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

4. OPTIONAL ROAD LAW

Arts. 6762 to 6764. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Art. 6766. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

Art. 6769. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of this article by the 1983 repealing act.

5. DRAINAGE

Arts. 6771 to 6789a. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

CHAPTER FOUR. SPECIAL ROAD TAX

Arts. 6790 to 6793. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

CHAPTER FIVE. BRIDGES AND FERRIES

1. BRIDGES

Arts. 6794, 6795. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

Arts. 6796, 6797. Repealed by Acts 1983, 68th Leg., p. 1526, ch. 288, § 2, eff. Sept. 1, 1983

Section 2(a) of Acts 1984, 68th Leg., 2nd C.S., p. 144, ch. 8, ratified the repeal of these articles by the 1983 repealing act.

TITLE 130

WORKERS' COMPENSATION AND CRIME VICTIMS COMPENSATION

PART 1

Art. 8306. Damages and Compensation for Personal Injuries

[See Civil Statutes Pamphlets for text of 1]

Application of Law; Exceptions

Text of section effective January 1, 1985

Sec. 2. The provisions of this law shall not apply to actions to recover damages for personal injuries nor for death resulting from personal injuries sustained by domestic servants or casual employees engaged in employment incidental to a personal

residence, farm or ranch laborers (except as provided by Section 2b of this article), nor to the employees of any person, firm or corporation operating any steam, electric, street, or interurban railway as a common carrier.

[See Civil Statutes Pamphlets for text of 2a]

Application to Farm or Ranch Laborers; Liability of Labor Agent and Employer

Text of section added effective January 1, 1985

Sec. 2b. (a) The provisions of this law apply to actions to recover damages for personal injuries or

death sustained by farm or ranch laborers who are migrant workers, who are seasonal workers covered by Subsection (b) of this section, or who are employed by an employer with a gross annual payroll for the preceding year in the amount provided by Subsection (c) of this section.

(b) To be covered by this law, a farm or ranch laborer who is a seasonal worker must be employed on a truck farm, orchard, or vineyard or employed by an employer with a gross annual payroll for the preceding year in an amount provided by this subsection. For 1985, the preceding year's gross annual payroll must be at least \$25,000. For subsequent years, the preceding year's gross annual payroll must be equal to or exceed the prior year's required payroll adjusted for inflation. To adjust for inflation, the comptroller of public accounts shall develop a consumer price index for the State of Texas. Before October 1 of each year, the comptroller shall certify the applicable index factor to the Industrial Accident Board, which shall adjust the gross annual payroll requirement accordingly. A seasonal worker is covered by this law as if the seasonal worker were a migrant worker provided the following conditions are met:

(1) the seasonal worker is working for a farmer, ranch operator, or labor agent who employs migrant workers; and

(2) the seasonal worker is doing the same work at the same time at the same location as migrant workers.

(c) To be covered by this law, a farm or ranch laborer other than a migrant or seasonal worker must:

(1) for the years before 1991, be employed by an employer with a gross annual payroll for the preceding year in the amount provided by the following schedule:

(A) for 1985, 1986, or 1987, the preceding year's gross annual payroll must be at least \$75,000; and

(B) for 1988, 1989, or 1990, the preceding year's gross annual payroll must be at least \$50,000; and

(2) for 1991 and thereafter, be employed by an employer:

(A) with a gross annual payroll in the amount required for coverage of seasonal workers under Subsection (b) of this section; or

(B) who employs three or more farm or ranch laborers other than migrant or seasonal workers.

(d) For purposes of Subsections (b) and (c) of this section, the gross annual payroll of an employer includes any amount paid by the employer to a labor agent for his services and for the services of migrant or seasonal workers, but does not include:

(1) wages paid to the employer or a member of the employer's family, if the employer is a sole proprietor;

(2) wages paid to a partner or a member of a partner's family, if the employer is a partnership; or

(3) wages paid to a shareholder or a member of a shareholder's family, if the employer is a corporation in which all shareholders are family members.

(e) If a labor agent furnishes migrant or seasonal workers, the labor agent is liable under this law as if the labor agent were the employer of the workers, without regard to the right of control or other factors used to determine an employer-employee relationship. However, if the labor agent is not a subscriber, the person with whom the labor agent contracts for the services of the migrant or seasonal workers is jointly and severally liable with the labor agent in an action to recover damages for personal injuries or death suffered by any of the migrant or seasonal workers, as provided by the workers' compensation law. For that purpose, the migrant or seasonal workers shall be considered the employees of the person with whom the labor agent contracts, and that person may subscribe in regard to those workers in accordance with this law.

(f) A labor agent must notify each person with whom he contracts of whether he subscribes to workers' compensation insurance. If he does subscribe, he must present evidence of the insurance to each person with whom he contracts.

(g) If migrant or seasonal workers are covered by a workers' compensation insurance policy, the person with whom the labor agent contracts is not liable in a separate action for injury or death except to the extent provided by the workers' compensation law.

(h) A person who subscribes to a workers' compensation insurance policy covering farm or ranch laborers may cover himself, a partner, a corporate officer, or a family member in that policy. The insurance policy must specifically name the individual to be covered, and the elected coverage continues while the policy is in effect and the named individual is endorsed on the policy.

(i) In this section:

(1) "Agricultural labor" means the planting, cultivating, or harvesting of an agricultural or horticultural commodity in its unmanufactured state.

(2) "Family" means persons related within the third degree by consanguinity or affinity.

(3) "Labor agent" means a person who:

(A) is a labor agent for purposes of Chapter 234, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-5, Vernon's Texas Civil Statutes);

(B) is a farm labor contractor for purposes of the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C.A. Sec. 1801 et seq.); or

(C) otherwise recruits, solicits, hires, employs, furnishes, or transports migrant or seasonal agricultural workers who labor for the benefit of a third party.

(4) "Migrant worker" means an individual who is employed in agricultural labor of a seasonal or temporary nature and who is required to be absent overnight from his or her permanent place of residence.

(5) "Person" means an individual, corporation, or association.

(6) "Seasonal worker" means an individual who is employed in agricultural or ranch labor of a seasonal or temporary nature and is not required to be absent overnight from his or her permanent place of residence.

(7) "Truck farm" means a farm on which fruits, garden vegetables for human consumption, potatoes, sugar beets, or vegetable seeds are produced for market. The term includes a farm primarily devoted to one of those crops that also has incidental acreage of other crops.

(j) This section does not affect the application or interpretation of the workers' compensation law as it relates to persons engaged in activities previously determined not to be farm or ranch labor.

[See *Civil Statutes Pamphlets for text of 3 to 29*]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 562, ch. 33, §§ 1, 2, eff. Jan. 1, 1985.]

TITLE 132

OCCUPATIONAL AND BUSINESS REGULATION

CHAPTER EIGHT. COIN-OPERATED SERVICES

Art. 8802. Amount of Tax

Text of (1) effective November 1, 1984

(1) Every "owner", save an owner holding an import license and holding coin-operated machines solely for re-sale, who owns, controls, possesses, exhibits, displays, or who permits to be exhibited or displayed in this State any "coin-operated machine" shall pay, and there is hereby levied on each "coin-operated machine", as defined herein in Article 13-01, except as are exempt herein, an annual occupation tax of \$30.00, except that the annual tax on each coin-operated machine that is designed exclusively for showing motion pictures is \$1,500.00. The tax shall be paid to the commission by cashier's check or money order.

[See *Civil Statutes Pamphlets for text of (2) and (3)*]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 544, ch. 31, art. 8, § 1, eff. Nov. 1, 1984.]

Art. 8814. Apportionment of Tax; Tax Levy by Counties and Cities

Text of article effective until November 1, 1984

Except as herein provided in this Chapter, one-fourth ($\frac{1}{4}$) of the net revenue derived from this Chapter shall be credited to the Foundation School Fund of the State of Texas and three-fourths ($\frac{3}{4}$) of the net revenue derived from this Chapter shall be credited to the General Revenue Fund. Provided that all counties and cities within this State may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one-half ($\frac{1}{2}$) of the State tax levied herein. Further provided that all political subdivisions of this State shall, for zon-

ing purposes, treat the exhibition of a music and skill or pleasure coin-operated machine as indistinguishable from the principal use to which the property where exhibited is devoted. This does not prohibit cities from restricting the exhibition of coin-operated amusement machines within three hundred (300) feet of a church, school, or hospital.

[Amended by Acts 1984, 64th Leg., 2nd C.S., p. 349, ch. 28, art. II, part B, § 10, eff. Sept. 1, 1984.]

For text of article effective November 1, 1984, see art. 8814, post

Acts 1984, 64th Leg., 2nd C.S., p. 458, ch. 28, art. IX, § 2, provided that, unless otherwise specifically provided, the Act applied beginning with the 1984-1985 school year which, under the provisions of Education Code, § 21.001(a), began on September 1, 1984.

Art. 8814. Apportionment of Tax; Tax Levy by Counties and Cities

Text of article effective November 1, 1984

Except as herein provided in this Chapter, one-fourth ($\frac{1}{4}$) of the net revenue derived from this Chapter shall be credited to the Foundation School Fund of the State of Texas and three-fourths ($\frac{3}{4}$) of the net revenue derived from this Chapter shall be credited to the General Revenue Fund. Provided that all counties and cities within this State may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one-fourth ($\frac{1}{4}$) of the State tax levied herein. Further provided that all political subdivisions of this State shall, for zoning purposes, treat the exhibition of a music and skill or pleasure coin-operated machine as indistinguishable from the principal use to which the property where exhibited is devoted. This does not prohibit cities from restricting the exhibition of coin-

operated amusement machines within three hundred (300) feet of a church, school, or hospital.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 349, ch. 28, art. 2, part B, § 10, eff. Sept. 1, 1984; Acts 1984, 68th Leg., 2nd C.S., p. 544, ch. 31, art. 8, § 2, eff. Nov. 1, 1984.]

For text of article effective until November 1, 1984, see art. 8814, ante

CHAPTER TWENTY. MISCELLANEOUS

Art. 9024. Business Machines; Secondhand Dealer Purchases and Repairs

[See Civil Statutes Pamphlets for text of 1]

Report of Purchasing

Sec. 2.

[See Civil Statutes Pamphlets for text of 2(a)]

(b) Each secondhand dealer, before the time any business machine is offered for sale or exchange, shall notify each person intending to sell or exchange a business machine that the person must file with the secondhand dealer, before the dealer may accept any of the person's business machines, a list describing each of the person's business machines to be accepted by the dealer. The list must set forth:

(1) the seller's driver's license number or Department of Public Safety identification card number, as recorded by the dealer on physical presentation of the license or identification card by the seller;

(2) a complete and accurate description of each business machine, including its serial number or other identifying marks or symbols;

(3) a certification by the proposed seller that the information is true and complete; and

(4) if the business machine is delivered to the secondhand dealer for sale or exchange at an auction, the make, year, model, color, and registration number of the vehicle in which the business machine is transported to the auction.

[See Civil Statutes Pamphlets for text of 2(c) and (d)]

Sec. 3. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 568, ch. 34, § 2, eff. Oct. 2, 1984.

Application of Act

Sec. 4. (a) This Act applies only to a business machine that has been the subject of a prior retail sale.

(b) This Act does not apply to any business machine that has been:

(1) acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who previously made the reports required by this Act concerning the business machine included in the transaction if:

(A) the selling dealer delivers to the acquiring dealer a written document that states that the reports have been made;

(B) the acquiring dealer submits a copy of the statement to the chief of police of the city or the sheriff of the county where the selling dealer is located; and

(C) each secondhand dealer involved in the transaction retains a copy of the statement required by this subdivision until the third anniversary of the date of the transaction;

(2) acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock in trade, in bulk, or a substantial part of those assets, of an industrial or commercial enterprise, other than a secondhand dealer, for the voluntary dissolution or liquidation of the seller's business, or for disposing of an excessive quantity of personal property, or property that has been acquired in a nonjudicial sale or transfer from an owner other than a secondhand dealer, his entire household of personal property, or a substantial part of that property, if:

(A) the secondhand dealer gives written notice to the chief of police of the city or the sheriff of the county where the dealer's business is located that exemption from reporting is being claimed under this subdivision; and

(B) the secondhand dealer retains in his place of business, until the third anniversary of the date of the transaction, a copy of the bill of sale, receipt, inventory list, or other transfer document as a record which shall be made available for inspection by any peace officer;

(3) acquired in a sale made by any public officer in his official capacity as a trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority, or acquired in a sale made on the execution of, or by virtue of, any process issued by a court;

(4) acquired as surplus property from the United States or a state, subdivision of a state, or municipal corporation;

(5) reported by a secondhand dealer as an acquisition or a purchase, or reported as destroyed or otherwise disposed of, to:

(A) a state agency in accordance with another law of this state; or

(B) a city or county officer or agency in accordance with another law of this state or a city ordinance; or

(6) acquired by a person licensed under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes).

Form of Report; Filing

Sec. 5.

[See Civil Statutes Pamphlets for text of 5(a)]

(b) A report required by Section 7 of this Act must set forth a complete and accurate description

of the business machine and, if available, the name and address of the person seeking to sell the machine or have it serviced or repaired. All other reports required by this Act, unless otherwise provided by this Act, must set forth:

(1) the name and address of the seller of the business machine;

(2) a complete and accurate description of the business machine for which the report is being made, including serial number or other identifying marks or symbols;

(3) a certification by the seller that the information is true and complete; and

(4) the seller's driver's license number or Department of Public Safety identification card number, as recorded by the dealer on physical presentation of the license or identification card by the seller.

[See Civil Statutes Pamphlets for text of 5(c) and (d)]

(e) The original report and a copy shall be submitted in accordance with Subsection (c) of this section. The person submitting the report shall retain a copy of the report in his place of business until the third anniversary of the date on which the report is filed. The person submitting the report shall make the reports available for inspection by any peace officer.

Retention of Property

Sec. 6.

[See Civil Statutes Pamphlets for text of 6(a) and (b)]

(c) This section does not apply to a business machine for which the report is required as the result of a tampering with the serial number of the machine.

Serial Number

Sec. 7. (a) A secondhand dealer may not knowingly purchase, and a person in the business of repairing or servicing business machines may not knowingly service or repair, a business machine if another person has tampered with a serial number on the machine. Not later than the second day after the day that the business machine is sought to be sold, serviced, or repaired, the secondhand dealer or person in the business of repairing or servicing business machines shall file a report in accordance with Section 5 of this Act.

(b) A person who purchases, services, or repairs a business machine in violation of this section or fails to file a report required by this section in a timely manner commits a Class B misdemeanor.

[See Civil Statutes Pamphlets for text of 8 to 13]

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 567, ch. 34, §§ 1, 3 to 6, eff. Oct. 2, 1984.]