(c) does not have a municipality with a population greater than 500,000; and

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

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1789 on May 21, 2009: Yeas 136, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 403

H.B. No. 1802

AN ACT

relating to mobile food units in certain municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.0073 to read as follows:

Sec. 437.0073. MEDALLION FOR MOBILE FOOD UNITS IN CERTAIN POPULOUS MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.5 million or more.

(b) Any person desiring to operate one or more mobile food units in a municipality subject to this section other than restricted operations mobile food units shall obtain an individual medallion for each operating mobile food unit from the health officer of the municipality. Each medallion will be issued unit-by-unit only after an inspection reveals satisfactory compliance with the provisions of this chapter and applicable municipal regulations or ordinances relating to mobile food units. The medallions shall remain the property of the municipality.

(c) A person may not operate or cause to be operated any mobile food unit that does not possess a valid medallion issued by the health officer.

(d) A medallion shall be affixed by the health officer or the health officer's authorized agents on the mobile food unit in a conspicuous place where it can be viewed by patrons.

(e) Application for a medallion shall be made on forms provided by the health officer and must include:

(1) the applicant's full name and mailing address;
(2) the address of the location at which the mobile food unit is stationed when not in use;
(3) the business name and address of the commissary or other fixed food service establishment from which potentially hazardous food supplies are obtained;
(4) the address of the servicing area;
(5) a description of the mobile food unit that includes the manufacturer's make, model, and serial number;

(6) the vehicle's state registration number; and

(7) the signature of the applicant.

(f) All of the provisions of this chapter and applicable municipal regulations or ordinances pertaining to food service establishments apply to the commissary or other fixed food service establishment from which the food supplies are obtained. Any suspension or revocation of the food dealer's permit for a food service establishment is cause for suspension or revocation of the medallion of any mobile food unit that is supplied or serviced by the establishment.

SECTION 2. Section 437.0074, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A municipality with a population of 1.5 million or more in a county with a population of 2.8 million or more shall require a mobile food unit, other than a mobile food unit that handles only prepackaged food and does not prepare or package food, to obtain a time and date stamp on the documentation required under Subsection (a)(2) from a time and date stamp unit that is constructed to prevent tampering and approved by the municipality's governing body. A record kept by the municipality regarding the time and date stamp on the documentation under Subsection (a)(2) by means of an electronic tagging system under Subsection (b) controls if that record is inconsistent with the record kept by the mobile food unit.

SECTION 3. (a) Notwithstanding Section 437.0073, Health and Safety Code, as added by this Act, a person is not required to obtain a medallion for a mobile food unit under that section before October 1, 2009.

(b) Not later than December 1, 2009, the governing body of a municipality to which this Act applies shall approve time and date stamp units to be used under Section 437.0074(c), Health and Safety Code, as added by this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

(b) Section 2 of this Act takes effect January 1, 2010.

Passed by the House on April 15, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 20, 2009: Yeas 29, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009, except as provided by § 4(b).

CHAPTER 404

H.B. No. 1843

AN ACT

relating to the disposition of cash in possession of a deceased pauper.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 694.002, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If a county discovers cash in the possession of a deceased pauper, a county may use the cash to pay the actual costs incurred by the county in disposing of the pauper's body.

(d) If any cash remains after the county has paid the costs of disposing of the body under Subsection (c), the county shall place the cash in trust. A person having a claim to the money in trust must exercise the right to collect the money not later than the first anniversary of the date of disposition of the pauper's body.