

By: Keffer of Eastland

H.B. No. 2233

Substitute the following for H.B. No. 2233:

By: Luna

C.S.H.B. No. 2233

A BILL TO BE ENTITLED

AN ACT

relating to state and certain local fiscal matters.

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

SECTION 1. Article 103.0031(e), Code of Criminal Procedure, is amended to read as follows:

(e) If a county or municipality has entered into a contract under Subsection (a) and a person pays an amount that is less than the aggregate total to be collected under Subsections (a) and (b), ~~[the allocation to the comptroller, the county or municipality, and]~~ the private attorney or vendor shall receive 30 percent of the total amount collected and the remainder of the amount collected shall be allocated in accordance with this chapter and Chapter 133, Local Government Code ~~[be reduced proportionately]~~.

SECTION 2. Section 43.002(a), Education Code, is amended to read as follows:

(a) On the first working day of each month in a state fiscal year, the agency ~~[comptroller]~~ shall transfer from the permanent school fund to the available school fund an amount equal to one-twelfth of the annual distribution from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, for the fiscal year.

SECTION 3. Section 63.202, Education Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

1 (b) Except as provided by Subsections (c), ~~and~~ (d), and
2 (h), money in the fund established under this subchapter may not be
3 used for any purpose.

4 (h) Expenses of managing and administering the assets of the
5 fund shall be paid from the fund.

6 SECTION 4. Section 63.302, Education Code, is amended by
7 amending Subsection (b) and adding Subsection (h) to read as
8 follows:

9 (b) Except as provided by Subsections (c), ~~and~~ (e), and
10 (h), money in the fund established under this subchapter may not be
11 used for any purpose.

12 (h) Expenses of managing and administering the assets of the
13 fund shall be paid from the fund.

14 SECTION 5. Sections 25.0015(b) and (c), Government Code,
15 are amended to read as follows:

16 (b) For a county that participates under Section 51.702(f)
17 under a resolution adopted and filed with the comptroller before
18 September 1, 2003, the amount shall be paid to the county's salary
19 fund in equal quarterly ~~monthly~~ installments, and of each \$35,000
20 paid a county, \$30,000 shall be paid from funds appropriated from
21 the judicial fund, and \$5,000 shall be paid from funds appropriated
22 from the general revenue fund.

23 (c) For a county that participates under Section 51.702(f)
24 under a resolution adopted or filed with the comptroller on or after
25 September 1, 2003, the amount shall be paid to the county's salary
26 fund in equal quarterly ~~monthly~~ installments from funds
27 appropriated from the judicial fund.

1 SECTION 6. Section 25.00211(b), Government Code, is amended
2 to read as follows:

3 (b) The amount shall be paid to the county treasury for
4 deposit in the contributions fund created under Section 25.00213 in
5 equal quarterly [~~monthly~~] installments from funds appropriated
6 from the judicial fund.

7 SECTION 7. Section 26.007(b), Government Code, is amended
8 to read as follows:

9 (b) The amount shall be paid to the county's salary fund in
10 equal quarterly [~~monthly~~] installments from funds appropriated
11 from the judicial fund.

12 SECTION 8. Section 74.061, Government Code, is amended by
13 amending Subsection (d) and adding Subsection (d-1) to read as
14 follows:

15 (d) For services actually performed while assigned under
16 this chapter, a [~~retired or~~] former judge or justice shall receive
17 from county funds and money appropriated by the legislature the
18 same amount of salary, compensation, and expenses that the regular
19 judge is entitled to receive from the county and from the state for
20 those services.

21 (d-1) The presiding judge of the administrative region
22 shall certify to the county and the state the services rendered
23 under this chapter by a retired or former judge or justice and the
24 share to be paid by the state. The amount certified by the
25 presiding judge as the state's share shall be paid from an item in
26 the Judiciary Section, Comptroller's [~~Judicial~~
27 ~~Section--Comptroller's~~] Department of the General Appropriations

1 Act for the payment of salaries of district and criminal district
2 judges.

3 SECTION 9. Sections 403.071(g) and (h), Government Code,
4 are amended to read as follows:

5 (g) Notwithstanding Subsection (a), the comptroller [~~and a~~
6 ~~state agency~~] may [~~contract in writing for the comptroller to~~
7 audit claims presented by a [~~the~~] state agency after the
8 comptroller prepares warrants or uses the electronic funds transfer
9 system to pay the claims. The [~~If the comptroller and a state~~
10 ~~agency execute a contract, the~~] comptroller may determine [~~decide~~]
11 the types of claims that will be audited after payment.

12 (h) [~~This subsection applies if the comptroller and a state~~
13 ~~agency have contracted in accordance with Subsection (g).~~] The
14 comptroller shall audit claims after payment under Subsection (g)
15 in the same manner [~~way~~] that the comptroller audits claims before
16 payment under Subsection (a). The comptroller may establish
17 requirements and adopt rules concerning the time that a state
18 agency must retain documentation in its files to enable a
19 postpayment audit. If a postpayment audit by the comptroller shows
20 that a claim presented by a state agency was invalid, the
21 comptroller may:

22 (1) implement procedures to ensure that similar
23 invalid claims from the state agency are not paid in the future;

24 (2) report to the governor, the lieutenant governor,
25 the speaker of the house of representatives, the state auditor, and
26 the Legislative Budget Board the results of the audit;

27 (3) require the state agency to obtain a refund of the

1 monies from the payee; and

2 (4) [~~cancel the contract with the state agency; and~~
3 [~~5~~] reduce the state agency's remaining
4 appropriations by the amount of the claim.

5 SECTION 10. Section 404.024, Government Code, is amended by
6 adding Subsection (m) to read as follows:

7 (m) In entering into a direct security repurchase agreement
8 or a reverse security repurchase agreement, the comptroller may
9 agree to accept cash on an overnight basis in lieu of the
10 securities, obligations, or participation certificates identified
11 in Section 404.001(3). Cash held by the state under this subsection
12 is not a deposit of state or public funds for the purposes of any
13 law, including this subchapter or Subchapter D, that requires a
14 deposit of state or public funds to be collateralized by eligible
15 securities.

16 SECTION 11. Section 404.124(c), Government Code, is amended
17 to read as follows:

18 (c) The committee may determine whether the notes will be
19 sold on a negotiated or competitive bid basis. If the committee
20 determines that competitive bids are appropriate, the underwriter
21 of any notes issued under this section shall be selected by the
22 method of sale that is most advantageous to the state under the
23 circumstances, including a sale using an Internet auction site. An
24 [~~solicitation of sealed bids and an~~] appropriate bid notice shall
25 be published at least one time in one or more recognized financial
26 publications of general circulation published within the state and
27 one or more recognized financial publications of general

1 circulation published outside the state. Unless all bids are
2 rejected, the underwriter shall be selected from the bids received.
3 The comptroller may not sell the notes in a manner not approved.

4 SECTION 12. Subchapter A, Chapter 659, Government Code, is
5 amended by adding Section 659.007 to read as follows:

6 Sec. 659.007. EARNINGS STATEMENTS. (a) In this section,
7 "state agency" has the meaning assigned by Section 403.013.

8 (b) A state agency may provide a written or electronic
9 earnings statement to an officer or employee of the agency.

10 (c) The comptroller may adopt rules and establish
11 procedures concerning the earnings statements provided by state
12 agencies that under Subchapter C, Chapter 2101, are required to use
13 the uniform statewide payroll system.

14 SECTION 13. Sections 659.044(a) and (d), Government Code,
15 as amended by Sections 32 and 104, Chapter 1158, Acts of the 77th
16 Legislature, Regular Session, 2001, are reenacted to read as
17 follows:

18 (a) Except as provided by Subsection (e), the monthly amount
19 of longevity pay is \$20 for every three years of lifetime service
20 credit.

21 (d) An employee may not receive from the state as longevity
22 pay more than the amount determined under Subsection (a) or (e), as
23 applicable, regardless of the number of positions the employee
24 holds or the number of hours the employee works each week.

25 SECTION 14. Section 659.044(e), Government Code, is amended
26 to read as follows:

27 (e) This subsection applies only to an employee of the Texas

1 Youth Commission who is receiving less than the maximum amount of
2 hazardous duty pay that the commission may pay to the employee under
3 Section 659.303. The employee's monthly amount of longevity pay is
4 the sum of:

5 (1) \$20 [~~\$4~~] for every three years [~~each year~~] of
6 lifetime service credit, which may not include any period served in
7 a hazardous duty position; and

8 (2) the lesser of:

9 (A) \$20 [~~\$4~~] for every three years [~~each year~~]
10 served in a hazardous duty position; or

11 (B) the difference between:

12 (i) \$7 for each year served in a hazardous
13 duty position; and

14 (ii) the amount paid by the commission for
15 each year served in a hazardous duty position.

16 SECTION 15. Section 659.255(a)(3), Government Code, is
17 amended to read as follows:

18 (3) "Merit salary increase" means an increase in
19 compensation to:

20 (A) a higher step rate in the same classified
21 salary group, if the classified employee is compensated under a
22 salary group that is divided into steps [~~Salary Schedule A of the~~
23 ~~General Appropriations Act~~]; or

24 (B) a higher rate within the range of the same
25 classified salary group, if the classified employee is compensated
26 under a salary group that is not divided into steps [~~Salary Schedule~~
27 ~~B of the General Appropriations Act~~].

1 SECTION 16. Sections 659.256(c) and (f), Government Code,
2 are amended to read as follows:

3 (c) When an employee is promoted within [~~to a position in a~~
4 ~~higher salary group in~~] Salary Schedule A of the General
5 Appropriations Act or from Salary Schedule B or C of the General
6 Appropriations Act to Salary Schedule A of the General
7 Appropriations Act, the employee shall receive a salary rate that
8 is at least 3.4 percent [~~one step~~] higher than the employee's salary
9 rate before promotion or the minimum rate of the new salary range,
10 whichever is higher, and may, at the discretion of the state agency
11 administrator, receive an annual salary rate up to and including
12 the maximum rate of the new salary range. [~~When an employee is~~
13 ~~promoted from a position in Salary Schedule B or C of the General~~
14 ~~Appropriations Act to a position in Salary Schedule A of the General~~
15 ~~Appropriations Act, the employee shall receive a step rate that is~~
16 ~~at least one step above the rate the employee received before~~
17 ~~promotion or the minimum rate of the new salary range, whichever is~~
18 ~~higher, and may, at the discretion of the state agency~~
19 ~~administrator, receive an annual rate up to and including the~~
20 ~~maximum rate of the new salary range.~~]

21 (f) Notwithstanding the other provisions of this section,
22 an employee whose salary prior to promotion exceeds the maximum
23 rate of the employee's assigned salary group may not receive more
24 than the maximum rate of the new salary group, even if the increase
25 is less than one step in a salary group that is divided into steps
26 [~~Salary Schedule A of the General Appropriations Act~~] or 3.4
27 percent in a salary group that is not divided into steps [~~Salary~~

1 ~~Schedule B of the General Appropriations Act].~~

2 SECTION 17. Section 659.257(c), Government Code, is amended
3 to read as follows:

4 (c) When an employee is demoted within [~~to a position in a~~
5 ~~lower salary group in~~] Salary Schedule A of the General
6 Appropriations Act or from Salary Schedule B or C of the General
7 Appropriations Act to Salary Schedule A of the General
8 Appropriations Act, the employee will receive a salary rate of at
9 least 3.4 percent [~~one step~~] below the rate the employee received
10 before demotion. [~~When an employee is demoted from a position in~~
11 ~~Salary Schedule B or C of the General Appropriations Act to a~~
12 ~~position in Salary Schedule A of the General Appropriations Act,~~
13 ~~the employee shall receive a step rate that is at least 3.4 percent~~
14 ~~below the rate the employee received before demotion.]~~

15 SECTION 18. Section 660.024(a), Government Code, is amended
16 to read as follows:

17 (a) The chief administrator of a state agency must give
18 advance written approval for any travel related to official state
19 business for which a reimbursement for travel expenses is claimed
20 or for which an advance for travel expenses to be incurred is
21 sought. The advance written approval may be communicated
22 electronically. [~~A copy of the written approval shall be submitted~~
23 ~~with the travel voucher to the comptroller in accordance with~~
24 ~~Section 660.027.]~~

25 SECTION 19. Sections 660.027(b), (d), and (e), Government
26 Code, are amended to read as follows:

27 (b) A voucher submitted under Subsection (a) is valid only

1 if:

2 (1) the state agency submitting the voucher approves
3 it in accordance with Chapter 2103 and, if required by law,
4 certifies the voucher; and

5 (2) the state employee who incurred the travel expense
6 or, if the employee is unavailable, another individual acceptable
7 to the comptroller approves the description, information, and
8 documentation required by Subsection (d) [voucher] in writing or
9 electronically, except that the employee's approval is not required
10 if another person is required by law to provide the approval.

11 (d) A voucher must be supported by:

12 (1) a description of [describe] the official state
13 business performed; and

14 (2) [be accompanied by] the information and
15 documentation that the comptroller considers necessary for the
16 comptroller to determine compliance with this chapter, the travel
17 provisions of the General Appropriations Act, and the rules adopted
18 by the comptroller under this chapter.

19 (e) The comptroller may require a state agency to provide to
20 the comptroller the description, information, and documentation
21 required under [by] Subsection (d):

22 (1) on the form adopted by the comptroller under
23 Subsection (c);

24 (2) electronically;

25 (3) by submitting receipts or other documents; or

26 (4) [+3] by any [a] combination of Subdivisions (1),
27 [and] (2), and (3).

1 SECTION 20. Section 662.010(a), Government Code, is amended
2 to read as follows:

3 (a) An individual must be a state employee on the workday
4 before and after a state or national holiday in order to be paid for
5 that holiday. A state employee who begins state employment on the
6 workday after a holiday or whose state employment is terminated on
7 the workday before a holiday may not be paid for that holiday~~[7~~
8 ~~unless the holiday falls on the employee's first or last workday of~~
9 ~~the month].~~

10 SECTION 21. Section 1431.001(2), Government Code, is
11 amended to read as follows:

12 (2) "Eligible countywide district" means:
13 (A) a flood control district or a hospital
14 district the boundaries of which are substantially coterminous with
15 the boundaries of a county with a population of three million or
16 more; or
17 (B) a hospital district created in a county with
18 a population of more than 800,000 in which no hospital district was
19 located before September 1, 2003.

20 SECTION 22. Section 2256.011, Government Code, is amended
21 by amending Subsection (a) and adding Subsection (e) to read as
22 follows:

23 (a) A fully collateralized repurchase agreement is an
24 authorized investment under this subchapter if the repurchase
25 agreement:

26 (1) has a defined termination date;
27 (2) except as provided by Subsection (e), is secured

1 by obligations described by Section 2256.009(a)(1); [~~and~~]

2 (3) requires the securities being purchased by the
3 entity to be pledged to the entity, held in the entity's name, and
4 deposited at the time the investment is made with the entity or with
5 a third party selected and approved by the entity; and

6 (4) is placed through a primary government securities
7 dealer, as defined by the Federal Reserve, or a financial
8 institution doing business in this state.

9 (e) An entity may agree to secure the agreement by accepting
10 cash on an overnight basis in lieu of the obligations identified in
11 Section 2256.009(a)(1). Cash held by an entity under this
12 subsection is not a deposit of public funds for purposes of any
13 statute, including Chapter 2257, that requires a deposit of public
14 funds to be collateralized by eligible securities.

15 SECTION 23. Section 302.001, Local Government Code, is
16 amended by amending Subdivision (1) and adding Subdivision (3) to
17 read as follows:

18 (1) "Energy savings performance contract" means a
19 contract for energy or water conservation or usage measures to
20 reduce energy or water consumption or net operating costs or to
21 increase energy-related or water-related revenues of local
22 government facilities in which the estimated savings in utility
23 costs or the estimated increase in revenues resulting from the
24 measures is guaranteed to offset the cost of the measures over a
25 specified period. The term includes a contract for the
26 installation or implementation of:

27 (A) insulation of a building structure and

1 systems within the building;

2 (B) storm windows or doors, caulking or weather
3 stripping, multiglazed windows or doors, heat-absorbing or
4 heat-reflective glazed and coated window or door systems, or other
5 window or door system modifications that reduce energy consumption;

6 (C) automatic energy control systems, including
7 computer software and technical data licenses;

8 (D) heating, ventilating, or air-conditioning
9 system modifications or replacements that reduce energy or water
10 consumption;

11 (E) lighting fixtures that increase energy
12 efficiency;

13 (F) energy recovery systems;

14 (G) electric systems improvements;

15 (H) water-conserving fixtures, appliances, and
16 equipment or the substitution of non-water-using fixtures,
17 appliances, and equipment;

18 (I) water-conserving landscape irrigation
19 equipment;

20 (J) landscaping measures that reduce watering
21 demands and capture and hold applied water and rainfall, including:

22 (i) landscape contouring, including the use
23 of berms, swales, and terraces; and

24 (ii) the use of soil amendments that
25 increase the water-holding capacity of the soil, including compost;

26 (K) rainwater harvesting equipment and equipment
27 to make use of water collected as part of a storm-water system

1 installed for water quality control;

2 (L) equipment for recycling or reuse of water
3 originating on the premises or from other sources, including
4 treated municipal effluent;

5 (M) equipment needed to capture water from
6 nonconventional, alternate sources, including air-conditioning
7 condensate or graywater, for nonpotable uses;

8 (N) metering equipment [~~needed to segregate~~
9 ~~water use in order to identify water conservation opportunities or~~
10 ~~verify water savings~~]; or

11 (O) other energy or water conservation-related
12 improvements or equipment, including improvements or equipment
13 relating to renewable energy or nonconventional water sources or
14 water reuse.

15 (3) "Usage measure" means a technology or practice
16 related to the use of energy or water.

17 SECTION 24. Section 302.002(b), Local Government Code, is
18 amended to read as follows:

19 (b) Each energy or water conservation or usage measure must
20 comply with current local, state, and federal construction,
21 plumbing, and environmental codes and regulations.
22 Notwithstanding Section 302.001(1), an energy savings performance
23 contract may not include improvements or equipment that allow or
24 cause water from any condensing, cooling, or industrial process or
25 any system of nonpotable usage over which public water supply
26 system officials do not have sanitary control to be returned to the
27 potable water supply.

1 SECTION 25. Section 302.003, Local Government Code, is
2 amended to read as follows:

3 Sec. 302.003. PAYMENT AND PERFORMANCE BOND.
4 Notwithstanding any other law, before entering into an energy
5 savings performance contract, the governing body of the local
6 government shall require the provider of the energy or water
7 conservation or usage measures to file with the governing body a
8 payment and performance bond relating to the installation of the
9 measures in accordance with Chapter 2253, Government Code. The
10 governing body may also require a separate bond to cover the value
11 of the guaranteed savings or the guaranteed increased revenues from
12 ~~on~~ the contract.

13 SECTION 26. Section 302.004, Local Government Code, is
14 amended to read as follows:

15 Sec. 302.004. METHOD OF FINANCING; TERMS OF CONTRACT. (a)
16 An energy savings performance contract may be financed:

17 (1) under a lease-purchase contract that has a term
18 not to exceed 15 years from the final date of installation and that
19 meets federal tax requirements for tax-free municipal leasing or
20 long-term financing;

21 (2) with the proceeds of bonds; or

22 (3) under a contract with the provider of the energy or
23 water conservation or usage measures that has a term not to exceed
24 15 years from the final date of installation.

25 (b) An energy savings performance contract shall contain
26 provisions requiring the provider of the energy or water
27 conservation or usage measures to guarantee the amount of the

1 savings or the increased revenues, or both, to be realized by the
2 local government under the contract. If the term of the contract
3 exceeds one year, the local government's contractual obligations in
4 any one year during the term of the contract beginning after the
5 final date of installation may not exceed the total energy, water,
6 wastewater, and operating cost savings or increased revenues, or
7 both, including electrical, gas, water, wastewater, or other
8 utility cost savings and operating cost savings or increased
9 revenues, or both, resulting from the measures as determined by the
10 local government in this subsection, divided by the number of years
11 in the contract term.

12 SECTION 27. Section 302.005(b), Local Government Code, is
13 amended to read as follows:

14 (b) Before entering into an energy savings performance
15 contract, the governing body must require that the cost savings or
16 increased revenues, or both, projected by an offeror be reviewed by
17 a licensed engineer who is not an officer or employee of an offeror
18 for the contract under review or otherwise associated with the
19 contract or the offeror. An engineer who reviews a contract shall
20 maintain the confidentiality of any proprietary information the
21 engineer acquires while reviewing the contract. Sections 1001.053
22 and 1001.407, Occupations Code, apply to work performed under the
23 contract.

24 SECTION 28. Section 430.003, Local Government Code, is
25 amended to read as follows:

26 Sec. 430.003. EXEMPTIONS OF CERTAIN [~~STATE~~] PROPERTY FROM
27 INFRASTRUCTURE FEES. (a) No county, municipality, or utility

1 district may collect from a state agency or public or private
2 institution of higher education, including a public junior college
3 as defined by Section 61.003, Education Code, any fee charged for
4 the development or maintenance of programs of facilities for the
5 control of excess water or storm water.

6 (b) This section does not apply to a municipality with a
7 population of less than 25,000.

8 SECTION 29. Section 433(a), Probate Code, is amended to
9 read as follows:

10 (a) Mode of Recovery. When funds of an estate have been paid
11 to the comptroller, any heir, devisee, or legatee of the estate, or
12 their assigns, or any of them, may recover the portion of such funds
13 to which he, she, or they are entitled. The person claiming such
14 funds shall institute suit on or before the fourth anniversary of
15 the date of the order requiring payment to the comptroller, by
16 petition filed in the district court of Travis County, against the
17 comptroller, setting forth the plaintiff's right to such funds, and
18 the amount claimed by him. Any heir, devisee, legatee, or their
19 assigns of an estate whose funds were paid to the state treasurer
20 under this chapter before September 1, 1991, must initiate suit
21 under this section not later than September 1, 2009.

22 SECTION 30. Section 74.101(a), Property Code, is amended to
23 read as follows:

24 (a) Each holder who on June 30 holds property that is
25 presumed abandoned under Chapter 72, 73, or 75 of this code or under
26 Chapter 154, Finance Code, shall file a report of that property on
27 or before the following November 1. The comptroller may require the

1 report to be in a particular format, including an electronic [a]
2 format that can be read by a computer if the holder is reporting 10
3 or more items of property.

4 SECTION 31. Section 74.401, Property Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) The comptroller may sell as a gift, novelty, or
7 collectible item, but not as an investment, a stock, bond,
8 certificate, or similar instrument that is nonredeemable and
9 nontransferable because it has been canceled or issued by a company
10 that has been dissolved or terminated and the existence of which has
11 not been revived or reinstated. The comptroller may sell an
12 instrument under this subsection at a public sale or in another
13 manner determined to be appropriate by the comptroller, including
14 an online sale. Before selling an instrument under this
15 subsection, the comptroller must stamp the face of the instrument
16 with a prominent mark indicating that the instrument has been
17 canceled. At the time of the sale and of the delivery of the
18 instrument to the purchaser, the comptroller must provide written
19 notice to the purchaser as required by this subsection. The notice
20 must be printed in a font size that is at least as large as the
21 largest font size on the page of the notice and include statements
22 substantially similar to the following:

23 "(1) the comptroller is not a registered
24 broker-dealer;

25 (2) this instrument is not being sold for investment
26 purposes; and

27 (3) this instrument is nonredeemable and

1 nontransferable because it has been canceled or issued by a company
2 that has been dissolved or terminated and the existence of which has
3 not been revived or reinstated."

4 SECTION 32. Section 74.507(b), Property Code, is amended to
5 read as follows:

6 (b) The person who informs a potential claimant and by
7 contract or other written agreement is to receive a percentage of
8 the value of the property may not file or receive a [~~form to~~] claim
9 form on behalf of a claimant.

10 SECTION 33. Section 74.601, Property Code, is amended by
11 adding Subsection (g) to read as follows:

12 (g) If an owner does not assert a claim for unclaimed funds
13 reported to the comptroller and the owner is reported to be the
14 state or a state agency, the comptroller may deposit the unclaimed
15 funds to the credit of the general revenue fund. The comptroller
16 may establish procedures and adopt rules as necessary to implement
17 this section.

18 SECTION 34. Section 623.052(b), Transportation Code, is
19 amended to read as follows:

20 (b) Before a person may operate a vehicle under this
21 section, the person must:

22 (1) contract with the department to indemnify the
23 department for the cost of the maintenance and repair for damage
24 caused by a vehicle crossing that part of the highway; and

25 (2) execute an adequate surety bond to compensate for
26 the cost of maintenance and repair, approved by [~~the comptroller~~
27 ~~and~~] the attorney general, with a corporate surety authorized to do

1 business in this state, conditioned on the person fulfilling each
2 obligation of the agreement.

3 SECTION 35. (a) Except as provided by Subsection (b) of
4 this section, this Act takes effect immediately if it receives a
5 vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect:

8 (1) the changes, reenactments, and additions in law
9 made by this Act to the statutes that are not specifically listed in
10 this section take effect on the 91st day after the last day of the
11 legislative session; and

12 (2) the changes in law made by this Act to the
13 following statutes take effect September 1, 2005:

14 (A) Section 103.0031, Code of Criminal
15 Procedure;

16 (B) Sections 25.0015, 25.00211, 26.007, 74.061,
17 403.071, 404.024, 660.024, 660.027, and 2256.011, Government Code;

18 (C) Section 433, Probate Code;

19 (D) Sections 74.101, 74.401, 74.507, and 74.601,
20 Property Code; and

21 (E) Section 623.052, Transportation Code.

22 (b) The changes in law made by this Act to the following
23 statutes take effect September 1, 2005:

24 (1) Section 43.002, Education Code; and

25 (2) Sections 659.255, 659.256, and 659.257,
26 Government Code.