

**House Bill 41**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.0021 to read as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES. (a) In this section:

(1) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(2) "State judge" means:

(A) the judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code.

(b) If the registration applicant is a federal judge or state judge who seeks to have the applicant's residence address omitted from the registration list, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge.

SECTION 2. Section 13.004, Election Code, is amended

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SECTION 1. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.0021 to read as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES. (a) In this section:

(1) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter.

(b) If the registration applicant is a federal judge or state judge who seeks to have the applicant's residence address omitted from the registration list, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge.

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by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

- (1) a [A] social security number;
- (2) a [;] Texas driver's license number;
- (3) a [;] number of a personal identification card issued by the Department of Public Safety;
- (4) [; or] an indication that an applicant is interested in working as an election judge; or
- (5) the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, and included an affidavit with the registration application under Section 13.0021 or the registrar has received an affidavit submitted under Section 15.0215 [furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code].

(c-1) The registrar shall ensure that the information listed in Subsection (c) [a social security number, Texas driver's license number, number of a personal identification card issued by the Department of Public Safety, or an indication that an applicant is interested in working as an election judge] is excluded from disclosure.

(d) The voter registrar or other county official who has access to the information furnished on a registration application may not post the following information on a

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website:

- (1) a telephone number;
- (2) a social security number;
- (3) a driver's license number or a number of a personal identification card; [ø€]
- (4) a date of birth; or
- (5) the residence address of a voter who is a federal judge or state judge, as defined by Section 13.0021, if the voter included an affidavit with the application under Section 13.0021 or the registrar has received an affidavit submitted under Section 15.0215.

SECTION 3. Subchapter B, Chapter 15, Election Code, is amended by adding Section 15.0215 to read as follows:

Sec. 15.0215. NOTICE OF FEDERAL JUDGE OR STATE JUDGE STATUS. (a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) A federal judge or state judge who is registered to vote may at any time submit to the registrar of the county in which the judge resides an affidavit stating that the voter is a federal judge or state judge.

SECTION 4. Section 15.081, Election Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (b), the suspense list may not contain the residence address of a voter who is a

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federal judge or state judge if the voter included an affidavit with the voter's registration application under Section 13.0021 or the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. In this subsection, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

SECTION 5. Section 18.005, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Each original and supplemental list of registered voters must:

(1) contain the voter's name, [~~residence address,~~] date of birth, and registration number as provided by the statewide computerized voter registration list;

(2) contain the voter's residence address, except as provided by Subsections (b) and (c);

(3) be arranged alphabetically by voter name; and

(4) [~~(3)~~] contain the notation required by Section 15.111[; and

~~[(4) until Section 13.122(d) expires, identify each voter registered by mail for the first time who failed to provide a copy of a document described by Section 63.0101 establishing the voter's identity at the time of registration].~~

(c) The original or supplemental list of registered voters may not contain the residence address of a voter who is a federal judge or state judge if the voter included an affidavit with the voter's registration application under

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Section 13.0021 or the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. In this subsection, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

SECTION 6. Section 18.066(b), Election Code, is amended to read as follows:

(b) Information furnished under this section may not include:

(1) a voter's social security number; or

(2) the residence address of a voter who is a federal judge or state judge, as defined by Section 13.0021, if the voter included an affidavit with the voter's registration application under Section 13.0021 or the applicable registrar has received an affidavit submitted under Section 15.0215.

Same as House version.

SECTION 7. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence as listed on the voter's voter registration certificate is current and whether the voter has changed residence within the county.

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SECTION 8. Section 411.171, Government Code, is amended by adding Subdivisions (4-a) and (4-b) to read as follows:

(4-a) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(4-b) "State judge" means:

(A) the judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code.

SECTION 9. Section 411.179, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The department by rule shall adopt the form of the license. A license must include:

(1) a number assigned to the license holder by the department;

(2) a statement of the period for which the license is effective;

(3) a statement of the category or categories of handguns the license holder may carry as provided by Subsection

(b);

(4) a color photograph of the license holder; ~~and~~

Same as House version.

SECTION 9. Section 411.179, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The department by rule shall adopt the form of the license. A license must include:

(1) a number assigned to the license holder by the department;

(2) a statement of the period for which the license is effective;

(3) a statement of the category or categories of handguns the license holder may carry as provided by Subsection

(b);

(4) a color photograph of the license holder; ~~and~~

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(5) the license holder's full name, date of birth, ~~[residence address,]~~ hair and eye color, height, weight, and signature;

(6) the license holder's residence address or, as provided by Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder serves as a state judge; and

(7) the number of a driver's license or an identification certificate issued to the license holder by the department.

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a federal judge, the spouse of a federal judge, or a state judge to omit the license holder's residence address and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder serves as a state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, the spouse of a federal judge, or a state judge.

SECTION 10. Sections 411.181(a) and (b), Government Code, are amended to read as follows:

(a) If a person who is a current license holder moves to a new residence ~~[from the]~~ address, ~~[stated on the license or]~~ if the name of the person is changed by marriage or otherwise, or if the person's status as a federal judge, the

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(5) the license holder's full name, date of birth, ~~[residence address,]~~ hair and eye color, height, weight, and signature;

(6) the license holder's residence address or, as provided by Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder serves as a state judge; and

(7) the number of a driver's license or an identification certificate issued to the license holder by the department.

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a federal judge, a state judge, or the spouse of a federal judge or state judge to omit the license holder's residence address and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal judge or state judge.

SECTION 10. Sections 411.181(a) and (b), Government Code, are amended to read as follows:

(a) If a person who is a current license holder moves to a new residence ~~[from the]~~ address, ~~[stated on the license or]~~ if the name of the person is changed by marriage or otherwise, or if the person's status as a federal judge, a

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spouse of a federal judge, or a state judge becomes inapplicable, the person shall, not later than the 30th day after the date of the address, [øø] name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

- (1) former and new addresses; or
- (2) former and new names.
- (b) If the name of the license holder is changed by marriage or otherwise, or if the person's status as a federal judge, the spouse of a federal judge, or a state judge becomes inapplicable, the person shall apply for a duplicate license. The duplicate license must include the person's current residence address.

No equivalent provision.

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state judge, or the spouse of a federal judge or state judge, becomes inapplicable, the person shall, not later than the 30th day after the date of the address, [øø] name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

- (1) former and new addresses; or
- (2) former and new names.
- (b) If the name of the license holder is changed by marriage or otherwise, or if the person's status as a federal judge or state judge, or the spouse of a federal judge or state judge becomes inapplicable, the person shall apply for a duplicate license. The duplicate license must include the person's current residence address.

SECTION \_\_. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.075 to read as follows:

Sec. 161.075. IMMUNITY FOR AREA AGENCIES ON AGING AND AGENCY EMPLOYEES AND VOLUNTEERS. (a) In this section:

- (1) "Area agency on aging" means an agency described by 42 U.S.C. Section 3002(17) and through which the department ensures the implementation of services and volunteer opportunities for older persons in this state as provided by Section 161.071(5)(A).
- (2) "Texas nonprofit organization" means a nonprofit corporation:
  - (A) that is organized under the Texas Non-Profit

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Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); and

(B) the funding of which is managed by an organization that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986 by being listed as an exempt organization in Section 501(c)(3) of that code.

(3) "Volunteer" means a person who:

(A) renders services for or on behalf of an area agency on aging under the supervision of an area agency on aging employee; and

(B) does not receive compensation that exceeds the authorized expenses the person incurs in performing those services.

(b) An area agency on aging that conducts an election on behalf of a Texas nonprofit organization is not civilly or criminally liable for any act or omission, including an act or omission relating to verifying the qualifications of candidates and determining and reporting election results, that relates to a duty or responsibility with respect to conducting the election if the agency acted in good faith and within the scope of the agency's authority.

(c) An area agency on aging employee or volunteer who performs an act related to the conduct of an election described by Subsection (b) is not civilly or criminally liable for the act or any omission that relates to a duty or responsibility with respect to conducting the election if the person acted in good faith and within the scope of the person's authority.

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No equivalent provision.

SECTION \_\_. The change in law made by this Act with respect to the civil liability of an area agency on aging or an employee or volunteer of the agency applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

No equivalent provision.

SECTION \_\_. The change in law made by this Act with respect to the criminal liability of an area agency on aging or an employee or volunteer of the agency applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION \_\_. Section 161.075, Human Resources Code, as added by this Act, is an exercise of authority under Section 66(c), Article III, Texas Constitution, and takes effect only if this Act receives a vote of three-fifths of all the members elected to each house, as provided by Subsection (e) of that section.

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SECTION 11. Section 25.025, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

- (1) a peace officer as defined by Article 2.12, Code of Criminal Procedure;
- (2) a county jailer as defined by Section 1701.001, Occupations Code;
- (3) an employee of the Texas Department of Criminal Justice;
- (4) a commissioned security officer as defined by Section 1702.002, Occupations Code; ~~and~~
- (5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor; and
- (6) a federal judge or state judge.

(a-1) In this section:

(1) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(2) "State judge" means:

(A) the judge of an appellate court, a district court, or a county court at law of this state; or

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SECTION 11. Section 25.025, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

- (1) a peace officer as defined by Article 2.12, Code of Criminal Procedure;
- (2) a county jailer as defined by Section 1701.001, Occupations Code;
- (3) an employee of the Texas Department of Criminal Justice;
- (4) a commissioned security officer as defined by Section 1702.002, Occupations Code; ~~and~~
- (5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor; and
- (6) a federal judge or state judge.

(a-1) In this section:

(1) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, or a county court at law

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(B) an associate judge appointed under Chapter 201, Family Code.

SECTION 12. This Act takes effect September 1, 2007.

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of this state; or

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter.

Same as House version.

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