

By: Leibowitz

H.B. No. 3545

A BILL TO BE ENTITLED

1 AN ACT
2 relating to nonsubstantive additions to and corrections in enacted
3 codes, to the nonsubstantive codification or disposition of various
4 laws omitted from enacted codes, to conforming codifications
5 enacted by the 80th Legislature to other Acts of that legislature,
6 and to the repeal of certain unconstitutional laws.

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

8 ARTICLE 1. GENERAL PROVISIONS

9 SECTION 1.001. This Act is enacted as part of the state's
10 continuing statutory revision program under Chapter 323,
11 Government Code. This Act is a revision for purposes of Section 43,
12 Article III, Texas Constitution, and has the purposes of:

13 (1) codifying without substantive change or providing
14 for other appropriate disposition of various statutes that were
15 omitted from enacted codes;

16 (2) conforming codifications enacted by the 80th
17 Legislature to other Acts of that legislature that amended the laws
18 codified or added new law to subject matter codified;

19 (3) making necessary corrections to enacted
20 codifications;

21 (4) repealing various civil statutes appellate courts
22 have held to be unconstitutional; and

23 (5) renumbering titles, chapters, and sections of
24 codes that duplicate title, chapter, or section numbers.

1 SECTION 1.002. (a) The repeal of a statute by this Act does
2 not affect an amendment, revision, or reenactment of the statute by
3 the 81st Legislature, Regular Session, 2009. The amendment,
4 revision, or reenactment is preserved and given effect as part of
5 the code provision that revised the statute so amended, revised, or
6 reenacted.

7 (b) If any provision of this Act conflicts with a statute
8 enacted by the 81st Legislature, Regular Session, 2009, the statute
9 controls.

10 SECTION 1.003. (a) A transition or saving provision of a
11 law codified by this Act applies to the codified law to the same
12 extent as it applied to the original law.

13 (b) The repeal of a transition or saving provision by this
14 Act does not affect the application of the provision to the codified
15 law.

16 (c) In this section, "transition provision" includes any
17 temporary provision providing for a special situation in the
18 transition period between the existing law and the establishment or
19 implementation of the new law.

20 ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

21 SECTION 2.001. Section 2.003(a), Agriculture Code, is
22 amended to correct an error in punctuation to read as follows:

23 (a) The agricultural policy of this state must consider and
24 address:

25 (1) water availability issues, including planning for
26 water supplies and drought preparedness and response, by ensuring
27 that a high priority is assigned to the agricultural use of water;

1 (2) transportation issues, by ensuring an efficient
2 and well-maintained farm-to-market road system and intermodal
3 transportation to provide adequate transportation for agricultural
4 products at competitive rates;

5 (3) state regulatory issues, by ensuring the
6 efficiency and profitability of agricultural enterprises while at
7 the same time protecting the health, safety, and welfare of
8 agricultural workers and citizens of this state; [~~→~~]

9 (4) state tax policy, by encouraging tax policy that
10 promotes the agriculture industry, including production and
11 processing;

12 (5) the availability of capital, including state loans
13 or grants authorized by Section 52-a, Article III, Texas
14 Constitution, by facilitating access to capital through loans and
15 grants authorized by the Texas Constitution for agricultural
16 producers who have established or intend to establish agricultural
17 operations in Texas;

18 (6) the promotion of Texas agricultural products, by
19 promoting the orderly and efficient marketing of agricultural
20 commodities and enhancing and expanding sales of Texas raw and
21 processed agricultural products in local, domestic, and foreign
22 markets;

23 (7) eradication, control, or exclusion of:

24 (A) injurious pests and diseases that affect
25 crops and livestock; and

26 (B) noxious plant and brush species;

27 (8) research and education efforts, including

1 financial risk management, consumer education, and education in the
2 public schools, by encouraging promotional and educational
3 programs involving all segments of agriculture and maintaining a
4 solid foundation of stable and long-term support for food and
5 agricultural research while improving accountability and gathering
6 public input concerning research;

7 (9) promotion of efficient utilization of soil and
8 water resources, by encouraging efforts to sustain the long-term
9 productivity of landowners by conserving and protecting the basic
10 resources of agriculture, including soil, water, and air, while
11 working within federal mandates relating to natural resources;

12 (10) rural economic and infrastructure development,
13 by enhancing, protecting, and encouraging the production of food
14 and other agricultural products;

15 (11) protection of property rights and the right to
16 farm, by promoting and protecting agricultural activities that are
17 established before nonagricultural activities located near the
18 agricultural activities and are reasonable and consistent with good
19 agricultural practices;

20 (12) preservation of farmland, ranchland, timberland,
21 and other land devoted to agricultural purposes, by encouraging the
22 development and improvement of the land for the production of food
23 and other agricultural products consistent with the philosophy of a
24 private property rights state;

25 (13) food safety, by continuing to support production
26 of the safest food in the world with regulations based on sound
27 scientific evidence;

1 (14) efforts to participate in the formulation of
2 federal programs and policies, by actively addressing the
3 development of federal policy that affects this state;

4 (15) promotion of rural fire service, by seeking
5 opportunities to improve the sustainability and effectiveness of
6 rural fire service for the protection of the general public and
7 natural resources; and

8 (16) promotion of value-added agricultural
9 enterprises, by promoting efforts to increase the value of Texas
10 agricultural products through processing, management practices, or
11 other procedures that add consumer benefits to agricultural goods.

12 SECTION 2.002. Section 58.039, Agriculture Code, as added
13 by Section 1, Article 2, Chapter 32 (H.B. 49), Acts of the 70th
14 Legislature, 2nd Called Session, 1987, and Section 58.039,
15 Agriculture Code, as added by Section 1, Chapter 1247 (H.B. 1111),
16 Acts of the 71st Legislature, Regular Session, 1989, are reenacted
17 and amended to consolidate the two versions of Section 58.039 and to
18 correct a typographical error to read as follows:

19 Sec. 58.039. REVIEW BOARD. (a) The bond review board is
20 composed of:

- 21 (1) the governor;
- 22 (2) the lieutenant governor;
- 23 (3) the speaker of the house of representatives; and
- 24 (4) the comptroller of public accounts.

25 (b) The governor is chairman of the review board.

26 (c) Bonds may not be issued under this chapter, and proceeds
27 of bonds under this chapter may not be used to finance a program

1 unless the issuance or [~~of~~] program, as applicable, has been
2 reviewed and approved by the review board.

3 (d) The review board may adopt rules governing application
4 for review, the review process, and reporting requirements.

5 (e) A member of the review board may not be held liable for
6 damages resulting from the performance of the members' functions
7 under this chapter.

8 SECTION 2.003. Section 143.021(a), Agriculture Code, is
9 amended to correct a typographical error to read as follows:

10 (a) In accordance with this section, the freeholders of a
11 county or an area within a county may petition the commissioners
12 [~~commissions~~] court to conduct an election for the purpose of
13 determining if horses, mules, jacks, jennets, donkeys, hogs, sheep,
14 or goats are to be permitted to run at large in the county or area.

15 ARTICLE 3. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

16 SECTION 3.001. Section 16.06, Alcoholic Beverage Code, is
17 amended to add a heading to read as follows:

18 Sec. 16.06. PARTICIPATION IN CERTAIN OFF-PREMISES WINE
19 EVALUATION ACTIVITIES. (a) For the purpose of participating in an
20 organized wine tasting, wine evaluation, wine competition, or
21 literary review, the holder of a winery permit may deliver wine
22 produced and manufactured by the holder to locations that are not
23 licensed under this code for the purpose of submitting the wine to
24 an evaluation at an organized wine tasting competition attended
25 primarily by unlicensed persons or by a wine reviewer whose reviews
26 are published if:

27 (1) no charge of any kind is made for the wine,

1 delivery, or attendance at the event; and

2 (2) the commission consents in writing to the
3 delivery.

4 (b) In connection with events authorized by Subsection (a)
5 of this section, the holder of the winery permit may dispense wine
6 to individuals attending the event and discuss with them the
7 manufacture and characteristics of the wine.

8 ARTICLE 4. CHANGES RELATING TO BUSINESS & COMMERCE CODE

9 SECTION 4.001. (a) Title 4, Business & Commerce Code, is
10 amended to recodify Section 35.521, Business & Commerce Code, as
11 added by Section 1, Chapter 498 (S.B. 324), Acts of the 80th
12 Legislature, Regular Session, 2007, by adding Chapter 56 to read as
13 follows:

14 CHAPTER 56. AGREEMENT FOR PAYMENT OF CONSTRUCTION SUBCONTRACTOR

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 56.001. DEFINITIONS. In this chapter:

17 (1) "Contingent payee" means a party to a contract
18 with a contingent payment clause, other than an architect or
19 engineer, whose receipt of payment is conditioned on the contingent
20 payor's receipt of payment from another person.

21 (2) "Contingent payment clause" means a provision in a
22 contract for construction management, or for the construction of
23 improvements to real property or the furnishing of materials for
24 the construction, that provides that the contingent payor's receipt
25 of payment from another is a condition precedent to the obligation
26 of the contingent payor to make payment to the contingent payee for
27 work performed or materials furnished.

1 (3) "Contingent payor" means a party to a contract
2 with a contingent payment clause that conditions payment by the
3 party on the receipt of payment from another person.

4 (4) "Improvement" includes new construction,
5 remodeling, or repair.

6 (5) "Obligor" means the person obligated to make
7 payment to the contingent payor for an improvement.

8 (6) "Primary obligor" means the owner of the real
9 property to be improved or repaired under the contract, or the
10 contracting authority if the contract is for a public project. A
11 primary obligor may be an obligor.

12 Sec. 56.002. INAPPLICABILITY OF CHAPTER TO CERTAIN
13 CONTRACTS. This chapter does not apply to a contract that is solely
14 for:

15 (1) design services;

16 (2) the construction or maintenance of a road,
17 highway, street, bridge, utility, water supply project, water
18 plant, wastewater plant, water and wastewater distribution or
19 conveyance facility, wharf, dock, airport runway or taxiway,
20 drainage project, or related type of project associated with civil
21 engineering construction; or

22 (3) improvements to or the construction of a structure
23 that is a:

24 (A) detached single-family residence;

25 (B) duplex;

26 (C) triplex; or

27 (D) quadruplex.

1 Sec. 56.003. EFFECT OF CHAPTER ON TIMING OF PAYMENT
2 PROVISIONS. This chapter does not affect a provision that affects
3 the timing of a payment in a contract for construction management or
4 for the construction of improvements to real property if the
5 payment is to be made within a reasonable period.

6 Sec. 56.004. WAIVER OF CHAPTER PROHIBITED. A person may not
7 waive this chapter by contract or other means. A purported waiver
8 of this chapter is void.

9 [Sections 56.005-56.050 reserved for expansion]

10 SUBCHAPTER B. CONTINGENT PAYMENT CLAUSE

11 Sec. 56.051. ENFORCEMENT OF CLAUSE PROHIBITED TO EXTENT
12 CERTAIN CONTRACTUAL OBLIGATIONS NOT MET. A contingent payor or its
13 surety may not enforce a contingent payment clause to the extent
14 that the obligor's nonpayment to the contingent payor is the result
15 of the contractual obligations of the contingent payor not being
16 met, unless the nonpayment is the result of the contingent payee's
17 failure to meet the contingent payee's contractual requirements.

18 Sec. 56.052. ENFORCEMENT OF CLAUSE PROHIBITED FOLLOWING
19 NOTICE FROM CONTINGENT PAYEE. (a) Except as provided by Subsection
20 (d), a contingent payor or its surety may not enforce a contingent
21 payment clause as to work performed or materials delivered after
22 the contingent payor receives written notice from the contingent
23 payee objecting to the further enforceability of the contingent
24 payment clause as provided by this chapter and the notice becomes
25 effective as provided by Subsection (b). The contingent payee may
26 send written notice only after the 45th day after the date the
27 contingent payee submits a written request for payment to the

1 contingent payor that is in a form substantially in accordance with
2 the contingent payee's contract requirements for the contents of a
3 regular progress payment request or an invoice.

4 (b) For purposes of Subsection (a), the written notice
5 becomes effective on the latest of:

6 (1) the 10th day after the date the contingent payor
7 receives the notice;

8 (2) the eighth day after the date interest begins to
9 accrue against the obligor under:

10 (A) Section 28.004, Property Code, under a
11 contract for a private project governed by Chapter 28, Property
12 Code; or

13 (B) 31 U.S.C. Section 3903(a)(6), under a
14 contract for a public project governed by 40 U.S.C. Section 3131; or

15 (3) the 11th day after the date interest begins to
16 accrue against the obligor under Section 2251.025, Government Code,
17 under a contract for a public project governed by Chapter 2251,
18 Government Code.

19 (c) A notice given by a contingent payee under Subsection
20 (a) does not prevent enforcement of a contingent payment clause if:

21 (1) the obligor has a dispute under Chapter 28,
22 Property Code, Chapter 2251, Government Code, or 31 U.S.C. Chapter
23 39 as a result of the contingent payee's failure to meet the
24 contingent payee's contractual requirements; and

25 (2) the contingent payor gives notice in writing to
26 the contingent payee that the written notice given under Subsection
27 (a) does not prevent enforcement of the contingent payment clause

1 under this subsection and the contingent payee receives the notice
2 under this subdivision not later than the later of:

3 (A) the fifth day before the date the written
4 notice from the contingent payee under Subsection (a) becomes
5 effective under Subsection (b); or

6 (B) the fifth day after the date the contingent
7 payor receives the written notice from the contingent payee under
8 Subsection (a).

9 (d) A written notice given by a contingent payee under
10 Subsection (a) does not prevent the enforcement of a contingent
11 payment clause to the extent that the funds are not collectible as a
12 result of a primary obligor's successful assertion of a defense of
13 sovereign immunity, if the contingent payor has exhausted all of
14 its rights and remedies under its contract with the primary obligor
15 and under Chapter 2251, Government Code. This subsection does not:

16 (1) create or validate a defense of sovereign
17 immunity; or

18 (2) extend to a primary obligor a defense or right that
19 did not exist before September 1, 2007.

20 (e) On receipt of payment by the contingent payee of the
21 unpaid indebtedness giving rise to the written notice provided by
22 the contingent payee under Subsection (a), the contingent payment
23 clause is reinstated as to work performed or materials furnished
24 after the receipt of the payment, subject to the provisions of this
25 chapter.

26 Sec. 56.053. ENFORCEMENT OF CLAUSE PROHIBITED IF EXISTENCE
27 OF SHAM RELATIONSHIP. A contingent payor or its surety may not

1 enforce a contingent payment clause if the contingent payor is in a
2 sham relationship with the obligor, as described by the sham
3 relationships in Section 53.026, Property Code.

4 Sec. 56.054. ENFORCEMENT OF CLAUSE PROHIBITED IF
5 UNCONSCIONABLE. (a) A contingent payor or its surety may not
6 enforce a contingent payment clause if the enforcement would be
7 unconscionable. The party asserting that a contingent payment
8 clause is unconscionable has the burden of proving that the clause
9 is unconscionable.

10 (b) The enforcement of a contingent payment clause is not
11 unconscionable if the contingent payor:

12 (1) proves that the contingent payor has exercised
13 diligence in ascertaining and communicating in writing to the
14 contingent payee, before the contract in which the contingent
15 payment clause has been asserted becomes enforceable against the
16 contingent payee, the financial viability of the primary obligor
17 and the existence of adequate financial arrangements to pay for the
18 improvements; and

19 (2) has done the following:

20 (A) made reasonable efforts to collect the amount
21 owed to the contingent payor; or

22 (B) made or offered to make, at a reasonable
23 time, an assignment by the contingent payor to the contingent payee
24 of a cause of action against the obligor for the amounts owed to the
25 contingent payee by the contingent payor and offered reasonable
26 cooperation to the contingent payee's collection efforts, if the
27 assigned cause of action is not subject to defenses caused by the

1 contingent payor's action or failure to act.

2 (c) A cause of action brought on an assignment made under
3 Subsection (b)(2)(B) is enforceable by a contingent payee against
4 an obligor or a primary obligor.

5 (d) A contingent payor is considered to have exercised
6 diligence for purposes of Subsection (b)(1) under a contract for a
7 private project governed by Chapter 53, Property Code, if the
8 contingent payee receives in writing from the contingent payor:

9 (1) the name, address, and business telephone number
10 of the primary obligor;

11 (2) a description, legally sufficient for
12 identification, of the property on which the improvements are being
13 constructed;

14 (3) the name and address of the surety on any payment
15 bond provided under Subchapter I, Chapter 53, Property Code, to
16 which any notice of claim should be sent;

17 (4) if a loan has been obtained for the construction of
18 improvements:

19 (A) a statement, furnished by the primary obligor
20 and supported by reasonable and credible evidence from all
21 applicable lenders, of the amount of the loan;

22 (B) a summary of the terms of the loan;

23 (C) a statement of whether there is foreseeable
24 default of the primary obligor; and

25 (D) the name, address, and business telephone
26 number of the borrowers and lenders; and

27 (5) a statement, furnished by the primary obligor and

1 supported by reasonable and credible evidence from all applicable
2 banks or other depository institutions, of the amount, source, and
3 location of funds available to pay the balance of the contract
4 amount if there is no loan or the loan is not sufficient to pay for
5 all of the construction of the improvements.

6 (e) A contingent payor is considered to have exercised
7 diligence for purposes of Subsection (b)(1) under a contract for a
8 public project governed by Chapter 2253, Government Code, if the
9 contingent payee receives in writing from the contingent payor:

10 (1) the name, address, and primary business telephone
11 number of the primary obligor;

12 (2) the name and address of the surety on the payment
13 bond provided to the primary obligor to which any notice of claim
14 should be sent; and

15 (3) a statement from the primary obligor that funds
16 are available and have been authorized for the full contract amount
17 for the construction of the improvements.

18 (f) A contingent payor is considered to have exercised
19 diligence for purposes of Subsection (b)(1) under a contract for a
20 public project governed by 40 U.S.C. Section 3131 if the contingent
21 payee receives in writing from the contingent payor:

22 (1) the name, address, and primary business telephone
23 number of the primary obligor;

24 (2) the name and address of the surety on the payment
25 bond provided to the primary obligor; and

26 (3) the name of the contracting officer, if known at
27 the time of the execution of the contract.

1 (g) A primary obligor shall furnish the information
2 described by Subsection (d) or (e), as applicable, to the
3 contingent payor not later than the 30th day after the date the
4 primary obligor receives a written request for the information. If
5 the primary obligor fails to provide the information under the
6 written request, the contingent payor, the contingent payee, and
7 their sureties are relieved of the obligation to initiate or
8 continue performance of the construction contracts of the
9 contingent payor and contingent payee.

10 Sec. 56.055. USE OF CLAUSE TO INVALIDATE ENFORCEABILITY OR
11 PERFECTION OF MECHANIC'S LIEN PROHIBITED. A contingent payment
12 clause may not be used as a basis for invalidation of the
13 enforceability or perfection of a mechanic's lien under Chapter 53,
14 Property Code.

15 Sec. 56.056. ASSERTION OF CLAUSE AS AFFIRMATIVE DEFENSE.
16 The assertion of a contingent payment clause is an affirmative
17 defense to a civil action for payment under a contract.

18 Sec. 56.057. ALLOCATION OF RISK PERMITTED. An obligor or a
19 primary obligor may not prohibit a contingent payor from allocating
20 risk by means of a contingent payment clause.

21 (b) Section 35.521, Business & Commerce Code, as added by
22 Section 1, Chapter 498 (S.B. 324), Acts of the 80th Legislature,
23 Regular Session, 2007, is repealed.

24 SECTION 4.002. (a) Sections 102.001 through 102.005,
25 Business & Commerce Code, are designated as Subchapter A, Chapter
26 102, Business & Commerce Code, and a heading for Subchapter A is
27 added to conform to Section 1, Chapter 1206 (H.B. 1751), Acts of the

1 80th Legislature, Regular Session, 2007, to read as follows:

2 SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR
3 EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

4 (b) Section 1, Chapter 1206 (H.B. 1751), Acts of the 80th
5 Legislature, Regular Session, 2007, which designated former
6 Sections 47.001 through 47.004, Business & Commerce Code, as
7 Subchapter A, Chapter 47, Business & Commerce Code, and added a
8 heading for Subchapter A, is repealed.

9 SECTION 4.003. (a) Section 102.001, Business & Commerce
10 Code, is amended to conform to Section 2, Chapter 1206 (H.B. 1751),
11 Acts of the 80th Legislature, Regular Session, 2007, to read as
12 follows:

13 Sec. 102.001. DEFINITIONS. In this subchapter [~~chapter~~]:

14 (1) "Sex offender" means a person who has been
15 convicted of or placed on deferred adjudication for an offense for
16 which a person is subject to registration under Chapter 62, Code of
17 Criminal Procedure.

18 (2) "Sexually oriented business" has the meaning
19 assigned by Section 243.002, Local Government Code.

20 (b) Section 2, Chapter 1206 (H.B. 1751), Acts of the 80th
21 Legislature, Regular Session, 2007, which amended former Section
22 47.001, Business & Commerce Code, is repealed.

23 SECTION 4.004. Subchapter B, Chapter 47, Business &
24 Commerce Code, as added by Section 3, Chapter 1206 (H.B. 1751), Acts
25 of the 80th Legislature, Regular Session, 2007, is redesignated as
26 Subchapter B, Chapter 102, Business & Commerce Code, and the
27 sections in that redesignated subchapter, Sections 47.051, 47.052,

1 47.053, 47.054, 47.055, 47.0551, and 47.056, are redesignated as
2 Sections 102.051, 102.052, 102.053, 102.054, 102.055, 102.0551,
3 and 102.056, respectively.

4 SECTION 4.005. (a) Title 6, Business & Commerce Code, is
5 amended to recodify Section 35.63, Business & Commerce Code, as
6 added by Section 1, Chapter 307 (H.B. 1871), Acts of the 80th
7 Legislature, Regular Session, 2007, by adding Chapter 204 to read
8 as follows:

9 CHAPTER 204. SALE OF PLASTIC BULK MERCHANDISE CONTAINER

10 Sec. 204.001. DEFINITIONS. In this chapter:

11 (1) "Plastic bulk merchandise container" means a
12 plastic crate or shell used by a product producer, distributor, or
13 retailer for the bulk transportation or storage of retail
14 containers of milk, eggs, or bottled beverage products.

15 (2) "Proof of ownership" includes a bill of sale or
16 other evidence showing that an item has been sold to the person
17 possessing the item.

18 Sec. 204.002. REQUIREMENTS APPLICABLE TO SALE OF PLASTIC
19 BULK MERCHANDISE CONTAINER. (a) A person who is in the business of
20 recycling, shredding, or destroying plastic bulk merchandise
21 containers, before purchasing five or more plastic bulk merchandise
22 containers from the same person, shall:

23 (1) obtain from that person:

24 (A) proof of ownership for the containers; and

25 (B) a record that contains:

26 (i) the name, address, and telephone number
27 of the person or the person's authorized representative;

1 (ii) the name and address of the buyer of
2 the containers or any consignee of the containers;

3 (iii) a description of the containers,
4 including the number of the containers to be sold; and

5 (iv) the date of the transaction; and

6 (2) verify the identity of the individual selling the
7 containers or representing the seller from a driver's license or
8 other government-issued identification card that includes the
9 individual's photograph, and record the verification.

10 (b) A person shall retain a record obtained or made under
11 this chapter until the first anniversary of the later of the date
12 the containers are purchased or delivered.

13 (c) A person who violates Subsection (a) or (b) is liable to
14 this state for a civil penalty of \$10,000 for each violation.

15 Sec. 204.003. USE OF ARTIFICE TO AVOID APPLICABILITY OF
16 CHAPTER PROHIBITED. (a) A person who is in the business of
17 recycling, shredding, or destroying plastic bulk merchandise
18 containers may not use an artifice to avoid the application of
19 Section 204.002, including documenting purchases from the same
20 person on the same day as multiple transactions.

21 (b) A person who violates this section is liable to this
22 state for a civil penalty of \$30,000 for each violation.

23 Sec. 204.004. ENFORCEMENT OF CIVIL PENALTY. The attorney
24 general or appropriate prosecuting attorney may sue to collect a
25 civil penalty under this chapter.

26 (b) Section 35.63, Business & Commerce Code, as added by
27 Section 1, Chapter 307 (H.B. 1871), Acts of the 80th Legislature,

1 Regular Session, 2007, is repealed.

2 SECTION 4.006. (a) Section 304.002(10), Business &
3 Commerce Code, is amended to conform to Section 1, Chapter 206 (H.B.
4 143), Acts of the 80th Legislature, Regular Session, 2007, to read
5 as follows:

6 (10) "Telephone call" means a call or other
7 transmission made to or received at a telephone number, including:

8 (A) a call made by an automated telephone dialing
9 system;

10 (B) a transmission to a facsimile recording
11 device; and

12 (C) a call or other transmission, including a
13 transmission of a text or graphic message or of an image, to a
14 mobile telephone number serviced by a provider of commercial mobile
15 service, as defined by Section 332(d), Communications Act of 1934
16 (47 U.S.C. Section 151 et seq.), as amended, Federal Communications
17 Commission rules, or the Omnibus Budget Reconciliation Act of 1993
18 (Pub. L. No. 103-66), as amended, except that the term does not
19 include a transmission made to a mobile telephone number as part of
20 an ad-based telephone service, in connection with which the
21 telephone service customer has agreed with the service provider to
22 receive the transmission.

23 (b) Section 1, Chapter 206 (H.B. 143), Acts of the 80th
24 Legislature, Regular Session, 2007, which amended former Section
25 44.002(9), Business & Commerce Code, is repealed.

26 SECTION 4.007. (a) Subchapter B, Chapter 304, Business &
27 Commerce Code, is amended to conform to Section 2, Chapter 206 (H.B.

1 143), Acts of the 80th Legislature, Regular Session, 2007, by
2 adding Section 304.063 to read as follows:

3 Sec. 304.063. ONLINE NOTICE. The commission shall include
4 on its Internet website a notice explaining the application of the
5 Texas no-call list to a call or other transmission, including a
6 transmission of a text or graphic message or of an image, to a
7 mobile telephone number.

8 (b) Section 2, Chapter 206 (H.B. 143), Acts of the 80th
9 Legislature, Regular Session, 2007, which added Subsection (c) to
10 former Section 44.103, Business & Commerce Code, is repealed.

11 SECTION 4.008. (a) Subtitle A, Title 10, Business &
12 Commerce Code, is amended to recodify Subchapter L, Chapter 35,
13 Business & Commerce Code, as added by Section 1, Chapter 822 (H.B.
14 73), Acts of the 80th Legislature, Regular Session, 2007, by adding
15 Chapter 306 to read as follows:

16 CHAPTER 306. PROTECTION OF CONSUMER TELEPHONE RECORDS

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 306.001. DEFINITIONS. In this chapter:

19 (1) "Caller identification record" means a record
20 that:

21 (A) is delivered electronically to the recipient
22 of a telephone call simultaneously with the reception of the call;
23 and

24 (B) indicates the telephone number from which the
25 telephone call was made or other similar information regarding the
26 call.

27 (2) "Telephone company" means a provider of commercial

1 telephone services, or a provider that bills for those services,
2 regardless of the technology used to provide that service,
3 including landline, radio, wireless, microwave, satellite, Voice
4 over Internet Protocol (VoIP), or other cable, broadband, or
5 digital technology.

6 (3) "Telephone record" means a written, electronic, or
7 oral record, other than a caller identification record collected
8 and retained by or on behalf of a customer, created by a telephone
9 company about a customer, that includes:

10 (A) the telephone number:

11 (i) dialed by a customer; or

12 (ii) of an incoming call made to a customer;

13 (B) the time a call was made to or by a customer;

14 (C) the duration of a call made to or by a
15 customer; or

16 (D) the location from which a call was initiated
17 or at which a call was received by a customer.

18 Sec. 306.002. NONAPPLICABILITY TO LAW ENFORCEMENT
19 AGENCIES. This chapter does not prohibit any lawfully authorized
20 investigative, protective, or intelligence activity of a law
21 enforcement agency of the United States, a state, or a political
22 subdivision of a state or of an intelligence agency of the United
23 States.

24 Sec. 306.003. CONSTRUCTION OF CHAPTER. This chapter does
25 not apply to expand the obligations or duties of a telephone company
26 under federal or other state law to protect telephone records.

27 Sec. 306.004. CONSISTENCY WITH FEDERAL LAW. This chapter

1 may not be construed in a manner that is inconsistent with 18 U.S.C.
2 Section 1038, 47 U.S.C. Section 222, or any other applicable
3 federal law or rule.

4 [Sections 306.005-306.050 reserved for expansion]

5 SUBCHAPTER B. PROHIBITED CONDUCT OR ACTIVITY

6 Sec. 306.051. UNAUTHORIZED OR FRAUDULENT PROCUREMENT,
7 SALE, OR RECEIPT OF TELEPHONE RECORDS. (a) A person commits an
8 offense if the person:

9 (1) obtains, attempts to obtain, or conspires with
10 another to obtain a telephone record of a resident of this state
11 without the authorization of the resident to whom the record
12 pertains by:

13 (A) making a statement the person knows to be
14 false to an agent of a telephone company;

15 (B) making a statement the person knows to be
16 false to a telephone company;

17 (C) fraudulently accessing the record through
18 the telephone company's Internet website; or

19 (D) providing to a telephone company a document
20 that the person knows:

21 (i) is fraudulent;

22 (ii) has been lost or stolen;

23 (iii) has been obtained by fraud; or

24 (iv) contains a false, fictitious, or
25 fraudulent statement or representation;

26 (2) asks another person to obtain a telephone record
27 of a resident of this state knowing that the record will be obtained

1 in a manner prohibited by this section;

2 (3) sells, transfers, or attempts to sell or transfer
3 a telephone record of a resident of this state without
4 authorization of the resident to whom the record pertains; or

5 (4) offers to obtain or offers to sell a telephone
6 record that has been or will be obtained without authorization from
7 the resident to whom the record pertains.

8 (b) An offense under this section is a Class A misdemeanor,
9 except that a fine shall not exceed \$20,000.

10 (c) In addition to the penalties provided by Subsection (b),
11 a person convicted of an offense under this section may be required
12 to forfeit personal property used or intended to be used in
13 violation of this section.

14 (d) In addition to the penalties provided by Subsections (b)
15 and (c), a person convicted of an offense under this section shall
16 be ordered to pay to a resident whose telephone record was obtained
17 in a manner prohibited by this section an amount equal to the sum
18 of:

19 (1) the greater of the resident's financial loss, if
20 proof of the loss is submitted to the satisfaction of the court, or
21 \$1,000; and

22 (2) the amount of any financial gain received by the
23 person as the direct result of the offense.

24 (e) An offense under this section may be prosecuted in:

25 (1) the county in which the customer whose telephone
26 record is the subject of the prosecution resided at the time of the
27 offense; or

1 (2) any county in which any part of the offense took
2 place regardless of whether the defendant was ever present in the
3 county.

4 (f) If venue lies in more than one county under Subsection
5 (e), a defendant may be prosecuted in only one county for the same
6 conduct.

7 (g) If conduct constituting an offense under this section
8 also constitutes an offense under another section of this code or of
9 any other law, including the Penal Code, the actor may be prosecuted
10 under either section or under both sections.

11 (h) This section does not create a private right of action.

12 Sec. 306.052. EXCEPTIONS. Section 306.051 does not apply
13 to:

14 (1) a person who acted pursuant to a valid court order,
15 warrant, subpoena, or civil investigative demand;

16 (2) a telephone company that disclosed a telephone
17 record:

18 (A) the disclosure of which is otherwise
19 authorized by law;

20 (B) reasonably believing the disclosure was
21 necessary to:

22 (i) provide service to a customer;

23 (ii) protect an individual from fraudulent,
24 abusive, or unlawful use of a telephone record or telephone
25 service; or

26 (iii) protect the rights or property of the
27 company;

1 (C) to the National Center for Missing and
2 Exploited Children in connection with a report submitted under 42
3 U.S.C. Section 13032;

4 (D) for purposes of testing the company's
5 security procedures or systems for maintaining the confidentiality
6 of customer information;

7 (E) to a governmental entity, if the company
8 reasonably believed that an emergency involving danger of death or
9 serious physical injury to a person justified disclosure of the
10 information;

11 (F) in connection with the sale or transfer of
12 all or part of the company's business, the purchase or acquisition
13 of all or part of another company's business, or the migration of a
14 customer from one telephone company to another telephone company;

15 (G) necessarily incident to the rendition of the
16 service, to initiate, render, bill, and collect the customer's
17 charges, or to protect the customer of those services and other
18 carriers from fraudulent, abusive, or unlawful use of, or
19 subscription to, such services; or

20 (H) while acting reasonably and in good faith,
21 notwithstanding a later determination that the action was not
22 authorized; or

23 (3) a person or a telephone company that acted in
24 connection with the official duties of a 9-1-1 governmental entity
25 or a public agency solely for purposes of delivering or assisting in
26 the delivery of 9-1-1 emergency services and other emergency
27 services.

1 Sec. 306.053. DECEPTIVE TRADE PRACTICE; ENFORCEMENT. A
2 violation of this chapter is a false, misleading, or deceptive act
3 or practice under Section 17.46 and is subject to action only by the
4 consumer protection division of the attorney general's office as
5 provided by Section 17.46(a).

6 (b) Subchapter L, Chapter 35, Business & Commerce Code, as
7 added by Section 1, Chapter 822 (H.B. 73), Acts of the 80th
8 Legislature, Regular Session, 2007, is repealed.

9 SECTION 4.009. (a) Section 501.051, Business & Commerce
10 Code, is amended to conform to Section 1, Chapter 93 (H.B. 863),
11 Acts of the 80th Legislature, Regular Session, 2007, to read as
12 follows:

13 Sec. 501.051. INAPPLICABILITY OF SUBCHAPTER. This
14 subchapter does not apply to:

15 (1) a person who is required to maintain and
16 disseminate a privacy policy under:

17 (A) the Gramm-Leach-Bliley Act (15 U.S.C.
18 Sections 6801 to 6809);

19 (B) the Family Educational Rights and Privacy Act
20 of 1974 (20 U.S.C. Section 1232g); or

21 (C) the Health Insurance Portability and
22 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.);

23 (2) a covered entity under rules adopted by the
24 commissioner of insurance relating to insurance consumer health
25 information privacy or insurance consumer financial information
26 privacy;

27 (3) a governmental body, as defined by Section

1 552.003, Government Code, other than a municipally owned utility;

2 [~~or~~]

3 (4) a person with respect to a loan transaction, if the
4 person is not engaged in the business of making loans; or

5 (5) a person subject to Section 901.457, Occupations
6 Code.

7 (b) Section 1, Chapter 93, Acts of the 80th Legislature,
8 Regular Session, 2007, which amended former Section 35.581(c),
9 Business & Commerce Code, as added by Chapter 198 (H.B. 1130), Acts
10 of the 79th Legislature, Regular Session, 2005, is repealed.

11 SECTION 4.010. (a) Subtitle A, Title 11, Business &
12 Commerce Code, is amended to recodify Section 35.64, Business &
13 Commerce Code, as added by Section 1, Chapter 916 (H.B. 3093), Acts
14 of the 80th Legislature, Regular Session, 2007, by adding Chapter
15 505 to read as follows:

16 CHAPTER 505. USE OF ZIP CODE TO VERIFY CUSTOMER'S IDENTITY

17 Sec. 505.001. DEFINITIONS. In this chapter:

18 (1) "Credit card" means a card or device issued under
19 an agreement by which the issuer gives to a cardholder the right to
20 obtain credit from the issuer or another person.

21 (2) "Credit card issuer" means a lender, including a
22 financial institution, or a merchant that receives applications and
23 issues credit cards to individuals.

24 Sec. 505.002. USE OF ZIP CODE TO VERIFY IDENTITY IN CREDIT
25 CARD TRANSACTION. (a) A business may require a customer who
26 purchases a good or service from the business using a credit card to
27 provide the customer's zip code to verify the customer's identity as

1 provided by Subsection (b).

2 (b) A business that obtains a customer's zip code under
3 Subsection (a) may electronically verify with the credit card
4 issuer that the zip code matches any zip code that the credit card
5 issuer has on file for the credit card.

6 Sec. 505.003. RETENTION OF ZIP CODE PROHIBITED. A business
7 that obtains a customer's zip code under Section 505.002 may not
8 retain the zip code in any form after the purchase of the good or
9 service has been completed.

10 (b) Section 35.64, Business & Commerce Code, as added by
11 Section 1, Chapter 916 (H.B. 3093), Acts of the 80th Legislature,
12 Regular Session, 2007, is repealed.

13 SECTION 4.011. (a) Sections 523.001 and 523.002, Business
14 & Commerce Code, are designated as Subchapter A, Chapter 523,
15 Business & Commerce Code, to conform to Section 1, Chapter 1044
16 (H.B. 2002), Acts of the 80th Legislature, Regular Session, 2007,
17 and a heading for Subchapter A is added to read as follows:

18 SUBCHAPTER A. EXTENSIONS OF CREDIT AND VERIFICATION
19 OF IDENTITY

20 (b) Section 523.003, Business & Commerce Code, is
21 designated as Subchapter B, Chapter 523, Business & Commerce Code,
22 and renumbered as Section 523.051, Business & Commerce Code, and a
23 heading for Subchapter B is added to read as follows:

24 SUBCHAPTER B. DUTIES OF FINANCIAL INSTITUTIONS AND
25 OF VERIFICATION ENTITIES

26 (c) Section 35.595, Business & Commerce Code, as added by
27 Section 1, Chapter 1044 (H.B. 2002), Acts of the 80th Legislature,

1 Regular Session, 2007, is transferred to Subchapter B, Chapter 523,
2 Business & Commerce Code, as designated by Subsection (b) of this
3 section, and is renumbered as Section 523.052, Business & Commerce
4 Code.

5 SECTION 4.012. (a) Title 12, Business & Commerce Code, is
6 amended to recodify Section 35.43, Business & Commerce Code, as
7 added by Section 1, Chapter 123 (S.B. 1389), Acts of the 80th
8 Legislature, Regular Session, 2007, by adding Chapter 605 to read
9 as follows:

10 CHAPTER 605. CONSUMER REBATE RESPONSE AND GRACE PERIOD FOR
11 CORRECTIONS

12 Sec. 605.001. DEFINITIONS. In this chapter:

13 (1) "Consumer" means a person who obtains a product or
14 service that is to be used primarily for personal, business,
15 family, or household purposes.

16 (2) "Consumer rebate" means an offer to a consumer of
17 cash, credit, or credit toward future purchases that is made in
18 connection with a sale of a good or service to the consumer, is in an
19 amount of \$10 or more, and requires the consumer to mail or
20 electronically submit a rebate request after the sale is completed.

21 The term does not include:

22 (A) any promotion or incentive that is offered by
23 a manufacturer to another company or organization that is not the
24 consumer to help promote or place the product or service;

25 (B) a rebate that is redeemed at the time of
26 purchase;

27 (C) any discount, cash, credit, or credit toward

1 a future purchase that is automatically provided to a consumer
2 without the need to submit a request for redemption;

3 (D) a rebate that is applied to a bill that the
4 consumer becomes obligated to pay after the date the purchase is
5 made;

6 (E) any refund that may be given to a consumer in
7 accordance with a manufacturer or retailer's return, guarantee,
8 adjustment, or warranty policies; or

9 (F) any manufacturer or retailer's frequent
10 shopper customer reward program.

11 (3) "Properly completed" means that the consumer
12 submitted the required information and documentation in the manner
13 and by the deadline specified in the rebate offer and otherwise
14 satisfied the terms and conditions of the rebate offer.

15 Sec. 605.002. REBATE RESPONSE PERIOD; GRACE PERIOD FOR
16 CORRECTIONS. (a) Except as provided by Subsection (b), a person,
17 including a manufacturer or retailer, who offers a rebate shall
18 mail the amount of the rebate to the consumer or electronically pay
19 the consumer the amount of the rebate within the time period
20 promised in the rebate information provided to the consumer or, if
21 silent, not later than the 30th day after the date the person
22 receives a properly completed rebate request.

23 (b) If a consumer rebate offer is contingent on the consumer
24 continuing to purchase a service for a minimum length of time, the
25 time period in Subsection (a) begins on the later of:

26 (1) the date the consumer submits the rebate request;

27 or

1 (2) the expiration date of the service period.

2 (c) If the person offering the rebate receives a rebate
3 request that is timely submitted but not properly completed, the
4 person shall:

5 (1) process the rebate in the manner provided by
6 Subsection (a) as if the rebate request were properly completed; or

7 (2) notify the consumer, not later than the date
8 specified by Subsection (a), of the reasons that the rebate request
9 is not properly completed and the consumer's right to correct the
10 deficiency within 30 days after the date of the notification.

11 (d) The notification under Subsection (c)(2) must be by
12 mail, except that notification may be by e-mail if the consumer has
13 agreed to be notified by e-mail.

14 (e) If the consumer corrects the deficiency stated in the
15 notification under Subsection (c)(2) before the 31st day after the
16 postmark date of the person's mailed notification to the consumer
17 or the date the e-mail is received, if applicable, the person shall
18 process the rebate in the manner provided by Subsection (a) for a
19 properly completed request.

20 (f) This section does not impose any obligation on a person
21 to pay a rebate to any consumer who is not eligible under the terms
22 and conditions of the rebate offer or has not satisfied all of the
23 terms and conditions of the rebate offer, if the person offering the
24 rebate has complied with Subsections (c) and (d).

25 (g) A person offering a rebate has the right to reject a
26 rebate request from a consumer who the person determines:

27 (1) is attempting to commit fraud;

1 (2) has already received the offered rebate; or
2 (3) is submitting proof of purchase that is not
3 legitimate.

4 (h) A person making a determination under Subsection (g)
5 shall notify the consumer within the time period provided by
6 Subsection (c) that the person is considering rejecting, or has
7 rejected, the rebate request and shall instruct the consumer of any
8 actions that the consumer may take to cure the deficiency.

9 (i) If the person offering a rebate erroneously rejects a
10 properly completed rebate request, the person shall pay the
11 consumer as soon as practicable, but not later than 30 days, after
12 the date the person learns of the error.

13 Sec. 605.003. USE OF INDEPENDENT ENTITY TO PROCESS REBATE.
14 For the purposes of this chapter, if a person who offers a rebate
15 uses an independent entity to process the rebate, an act of the
16 entity is considered to be an act of the person and receipt of a
17 rebate request by the entity is considered receipt of the request by
18 the person.

19 Sec. 605.004. DECEPTIVE TRADE PRACTICE. (a) A violation of
20 this chapter is a deceptive trade practice in addition to the
21 practices described by Subchapter E, Chapter 17, and is actionable
22 by a consumer under that subchapter. Claims related to more than
23 one consumer may not be joined in a single action brought for an
24 alleged violation of this chapter, unless all parties agree.

25 (b) A violation of this chapter is subject to an action by
26 the office of the attorney general as provided by Section 17.46(a).

27 Sec. 605.005. CERTIFICATION AS CLASS ACTION PROHIBITED. A

1 court may not certify an action brought under this chapter as a
2 class action.

3 (b) Section 35.43, Business & Commerce Code, as added by
4 Section 1, Chapter 123 (S.B. 1389), Acts of the 80th Legislature,
5 Regular Session, 2007, is repealed.

6 SECTION 4.013. Section 681.154, Business & Commerce Code,
7 is amended to conform to the addition of Section 4e, Chapter 55
8 (S.B. 110), Acts of the 40th Legislature, 1st Called Session, 1927,
9 by Chapter 2 (H.B. 542), Acts of the 80th Legislature, Regular
10 Session, 2007, to read as follows:

11 Sec. 681.154. PORT FREEPORT [~~BRAZOS RIVER HARBOR NAVIGATION~~
12 ~~DISTRICT~~] OR DESIGNEE. Port Freeport [~~The Brazos River Harbor~~
13 ~~Navigation District of Brazoria County~~], or a corporation organized
14 under the laws of this state and designated by Port Freeport [~~the~~
15 ~~Brazos River Harbor Navigation District of Brazoria County~~], may
16 apply for and accept a grant of authority to establish, operate, and
17 maintain:

18 (1) a foreign trade zone adjacent to a port of entry in
19 Port Freeport [~~the Brazos River Harbor Navigation District of~~
20 ~~Brazoria County~~]; and

21 (2) other subzones.

22 SECTION 4.014. (a) The Business & Commerce Code is amended
23 to recodify Section 35.64, Business & Commerce Code, as added by
24 Section 1, Chapter 182 (S.B. 277), Acts of the 80th Legislature,
25 Regular Session, 2007, and Subchapter L, Chapter 35, Business &
26 Commerce Code, as added by Section 1, Chapter 130 (H.B. 85), Acts of
27 the 80th Legislature, Regular Session, 2007, by adding Title 16 to

1 read as follows:

2 TITLE 16. ADVERTISING AND MARKETING

3 SUBTITLE A. ADVERTISEMENTS

4 CHAPTER 721. USE OF NAMES OR PICTURES IN ADVERTISEMENTS

5 Sec. 721.001. DEFINITIONS. In this chapter:

6 (1) "Heir" means a surviving grandparent, parent,
7 sibling, child, or grandchild of a deceased individual.

8 (2) "Personal representative" means an executor,
9 independent executor, administrator, independent administrator, or
10 temporary administrator, together with their successors.

11 Sec. 721.002. CERTAIN USES OF NAME OR PICTURE OF MEMBER OF
12 ARMED FORCES PROHIBITED. (a) A person commits an offense if the
13 person uses, in an advertisement for a commercial purpose, the name
14 of an individual who is an active duty or former member of the
15 United States armed forces, who is a member or former member of a
16 reserve component of the United States armed forces, or who is a
17 member or former member of the state military forces, as defined by
18 Section 431.001, Government Code, or a picture of the individual in
19 uniform in which the individual is clearly identifiable, without
20 obtaining the consent of:

21 (1) the individual, if the individual is living; or

22 (2) the individual's surviving spouse or personal
23 representative or a majority of the individual's adult heirs, if
24 the individual is deceased.

25 (b) An offense under this section is a Class A misdemeanor.

26 Sec. 721.003. INAPPLICABILITY OF CHAPTER TO MEDIA REPORT.

27 This chapter does not apply to a member of the print or broadcast

1 media who uses a name or picture of an individual in a report of news
2 to the public or an advertisement for that report.

3 [Chapters 722-760 reserved for expansion]

4 SUBTITLE B. MARKETING PRACTICES

5 CHAPTER 761. CREDIT CARD MARKETING AT POSTSECONDARY EDUCATIONAL
6 INSTITUTIONS

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 761.001. DEFINITIONS. In this chapter:

9 (1) "Campus credit card marketing activity":

10 (A) means any activity:

11 (i) conducted by an agent or employee of a
12 credit card issuer on the campus of a postsecondary educational
13 institution; and

14 (ii) designed to encourage and enable
15 students to apply for a credit card; and

16 (B) includes the act of placing on the campus a
17 display or poster together with a form that can be returned to the
18 credit card issuer as a credit card application, even if an employee
19 or agent of the credit card issuer is not present at the display.

20 (2) "Credit card" means a card or device issued under
21 an agreement by which the issuer gives to a cardholder the right to
22 obtain credit from the issuer or another person.

23 (3) "Credit card issuer" means a lender, including a
24 financial institution, or a merchant that receives applications and
25 issues credit cards to individuals.

26 (4) "Governing board" means the body charged with
27 policy direction of any postsecondary educational institution,

1 including a board of directors, a board of regents, a board of
2 trustees, and an independent school district board that is charged
3 with policy direction of a public junior college.

4 (5) "Postsecondary educational institution" means:

5 (A) an institution of higher education as defined
6 by Section 61.003, Education Code;

7 (B) a private or independent institution of
8 higher education as defined by Section 61.003, Education Code; or

9 (C) a private postsecondary educational
10 institution as defined by Section 61.302, Education Code.

11 [Sections 761.002-761.050 reserved for expansion]

12 SUBCHAPTER B. PROHIBITED CONDUCT

13 Sec. 761.051. CAMPUS CREDIT CARD MARKETING ACTIVITY OUTSIDE
14 DESIGNATED LOCATION OR TIME PROHIBITED. (a) A credit card issuer
15 may not engage in campus credit card marketing activities:

16 (1) outside of a campus location designated by the
17 governing board of the postsecondary educational institution for
18 that purpose in accordance with Subsection (b); or

19 (2) at a time other than a time designated by the
20 governing board in accordance with Subsection (b).

21 (b) The governing board of a postsecondary educational
22 institution may designate:

23 (1) one or more locations on campus where a credit card
24 issuer may engage in campus credit card marketing activities; and

25 (2) one or more times during which a credit card issuer
26 may engage in campus credit card marketing activities.

27 Sec. 761.052. RESTRICTION ON GIFTS OR INCENTIVES FOR

1 COMPLETING CREDIT CARD APPLICATION. A credit card issuer may not
2 offer a gift or other incentive in exchange for the completion of a
3 credit card application as part of a campus credit card marketing
4 activity unless the credit card issuer, at the time the credit card
5 issuer provides a credit card application to an individual,
6 provides financial educational material developed under Section
7 761.101 to the individual.

8 [Sections 761.053-761.100 reserved for expansion]

9 SUBCHAPTER C. EDUCATIONAL MATERIAL AND SESSIONS

10 Sec. 761.101. CREDIT CARD ISSUER TO DEVELOP FINANCIAL
11 EDUCATIONAL MATERIAL. A credit card issuer who conducts campus
12 credit card marketing activities shall develop financial
13 educational material in consultation with or subject to approval by
14 the postsecondary educational institution. The financial
15 educational material must include a clear and practical explanation
16 of:

17 (1) effective money management skills, including how
18 to develop and maintain a budget;

19 (2) key financial terms and phrases related to credit
20 cards and personal debt management;

21 (3) credit educational materials and programs offered
22 by the credit card issuer that are available to student cardholders
23 after they have opened an account;

24 (4) resources to assist students in understanding
25 credit reports and credit scores and the consequences of
26 irresponsible credit card use; and

27 (5) the importance of responsible credit practices,

1 including timely paying the minimum amount due each month and
2 reducing costs by paying as much of the balance as possible.

3 Sec. 761.102. CREDIT CARD ISSUER TO PROVIDE FINANCIAL
4 EDUCATIONAL MATERIAL. A credit card issuer that conducts campus
5 credit card marketing activities shall:

6 (1) during the time that the credit card issuer
7 conducts the credit card marketing activity on the campus, make
8 available to students, on the campus, financial educational
9 material developed under Section 761.101;

10 (2) make financial educational material similar to
11 material developed under Section 761.101 available on the Internet;
12 and

13 (3) provide to a student to whom a credit card is
14 issued, at the time the credit card is provided to the student,
15 financial educational material developed under Section 761.101.

16 Sec. 761.103. CREDIT CARD AND DEBT EDUCATION AT NEW STUDENT
17 ORIENTATION. The governing board of a postsecondary educational
18 institution that has designated a location for campus credit card
19 marketing activities under Section 761.051(b) shall also adopt a
20 policy requiring a credit card and debt education and counseling
21 session to be included in any orientation program for new students.
22 The postsecondary educational institution may use existing
23 educational materials prepared by nonprofit entities for purposes
24 of the credit card and debt education and counseling session.

25 [Sections 761.104-761.150 reserved for expansion]

26 SUBCHAPTER D. ENFORCEMENT PROVISIONS

27 Sec. 761.151. CIVIL PENALTY. A person who intentionally

1 violates this chapter is liable to the state for a civil penalty in
2 an amount not to exceed \$2,500 for each violation. The attorney
3 general or the prosecuting attorney in the county in which the
4 violation occurs may bring suit to recover the civil penalty
5 imposed under this section.

6 (b) Section 35.64, Business & Commerce Code, as added by
7 Section 1, Chapter 182 (S.B. 277), Acts of the 80th Legislature,
8 Regular Session, 2007, is repealed.

9 (c) Subchapter L, Chapter 35, Business & Commerce Code, as
10 added by Section 1, Chapter 130 (H.B. 85), Acts of the 80th
11 Legislature, Regular Session, 2007, is repealed.

12 ARTICLE 5. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE

13 SECTION 5.001. Section 15.0181(b), Civil Practice and
14 Remedies Code, is amended to correct a cross-reference to read as
15 follows:

16 (b) This section applies only to suits brought under the
17 Jones Act (46 U.S.C. Section 30104 [~~688~~]).

18 SECTION 5.002. Section 64.091, Civil Practice and Remedies
19 Code, is reenacted and amended to read as follows:

20 Sec. 64.091. RECEIVER FOR MINERAL INTERESTS OWNED BY
21 NONRESIDENT OR ABSENTEE. (a) The purpose of this section is to
22 encourage the exploration and development of mineral resources.

23 (b) In the following actions, a district court may appoint a
24 receiver for the mineral interest or leasehold interest under a
25 mineral lease owned by a nonresident or absent defendant:

26 (1) an action that is brought by a person claiming or
27 owning an undivided mineral interest in land in this state or an

1 undivided leasehold interest under a mineral lease of land in this
2 state and that has one or more defendants who have, claim, or own an
3 undivided mineral interest in the same property; or

4 (2) an action that is brought by a person claiming or
5 owning an undivided leasehold interest under a mineral lease of
6 land in this state and that has one or more defendants who have,
7 claim, or own an undivided leasehold interest under a mineral lease
8 of the same property.

9 (b-1) [~~(b)~~] The defendant for whom the receiver is sought
10 must:

11 (1) be a person whose residence or identity is unknown
12 or a nonresident; and

13 (2) have not paid taxes on the interest or rendered it
14 for taxes during the five-year period immediately preceding the
15 filing of the action.

16 (c) The plaintiff in the action must allege by verified
17 petition and prove that he:

18 (1) has made a diligent but unsuccessful effort to
19 locate the defendant; and

20 (2) will suffer substantial damage or injury unless
21 the receiver is appointed.

22 (d) In an action under Subsection (b)(1):

23 (1) the plaintiff, in the verified petition, must name
24 the last known owner or the last record owner of the interest as
25 defendant;

26 (2) the plaintiff must serve notice on the defendant
27 by publication as provided by the Texas Rules of Civil Procedure;

1 (3) the court may appoint as receiver the county judge
2 and his successors, the county clerk and his successors, or any
3 other resident of the county in which the land is located;

4 (4) notwithstanding the Texas Rules of Civil
5 Procedure, the applicant is not required to post bond; and

6 (5) the receiver is not required to post bond.

7 (e) A receivership created under this subchapter continues
8 as long as the defendant or his heirs, assigns, or personal
9 representatives fail to appear in court in person or by agent or
10 attorney to claim the defendant's interest.

11 (f) As ordered by the court, the receiver shall immediately:

12 (1) execute and deliver to a lessee or successive
13 lessees mineral leases on the outstanding undivided mineral
14 interests;

15 (2) execute and deliver to a lessee or successive
16 lessees an assignment of the outstanding undivided leasehold
17 interest; and

18 (3) enter into a unitization agreement authorized by
19 the Railroad Commission of Texas.

20 (g) A lease executed by a receiver under this section may
21 authorize the lessee to pool and unitize land subject to the lease
22 with adjacent land into a unit not to exceed 160 acres for an oil
23 well or 640 acres for a gas well plus 10 percent tolerance or into a
24 unit that substantially conforms to a larger unit prescribed or
25 permitted by governmental rule.

26 (h) Money consideration paid for the execution of a lease,
27 assignment, or unitization agreement by the receiver must be paid

1 to the clerk of the court in which the case is pending before the
2 receiver executes the instrument. The court shall apply the money
3 to the costs accruing in the case and retain any balance for the use
4 and benefit of the nonresident or person of unknown residence who
5 owns the mineral or leasehold interest. Payments made at a later
6 time under the lease, assignment, or unitization agreement shall be
7 paid into the registry of the court and impounded for the use and
8 benefit of the owner of the mineral or leasehold interest.

9 (i) This section is cumulative of other laws relating to
10 removal of a cloud from title or appointment of a receiver.

11 (j) In this section:

12 (1) "Mineral lease" includes any lease of oil, gas, or
13 other minerals that contains provisions necessary or incident to
14 the orderly exploration, development, and recovery of oil, gas, or
15 other minerals.

16 (2) "Leasehold interest" includes ownership created
17 under a mineral lease or carved out of a leasehold estate granted
18 under a mineral lease, including production payments, overriding
19 royalty interests, and working interests.

20 (3) "Lessee" includes an assignee under an assignment
21 of a mineral lease.

22 (k) To the extent that Subsection (d)(2) conflicts with the
23 Texas Rules of Civil Procedure, Subsection (d)(2) controls.
24 Notwithstanding Section 22.004, Government Code, the supreme court
25 may not amend or adopt rules in conflict with Subsection (d)(2).

26 SECTION 5.003. Section 103.051(a), Civil Practice and
27 Remedies Code, as amended by Chapters 1190 (H.B. 814) and 1388 (S.B.

1 1719), Acts of the 80th Legislature, Regular Session, 2007, is
2 reenacted and amended to read as follows:

3 (a) To apply for compensation under this subchapter, the
4 claimant must file with the comptroller's judiciary section:

5 (1) an application for compensation provided for that
6 purpose by the comptroller;

7 (2) a verified copy of the pardon or court order
8 justifying the application for compensation; ~~and~~

9 (3) a statement provided by the Texas Department of
10 Criminal Justice verifying the length of incarceration; and

11 (4) ~~(5)~~ if the claimant is applying for compensation
12 under Section 103.052(a)(2), a certified copy of each child support
13 order under which child support payments became due during the time
14 the claimant served in prison and copies of the official child
15 support payment records described by Section 234.009, Family Code,
16 for that period.

17 SECTION 5.004. Section 125.0015(a), Civil Practice and
18 Remedies Code, as amended by Chapters 593 (H.B. 8) and 1399 (H.B.
19 2644), Acts of the 80th Legislature, Regular Session, 2007, is
20 reenacted and amended to read as follows:

21 (a) A person who maintains a place to which persons
22 habitually go for the following purposes and who knowingly
23 tolerates the activity and furthermore fails to make reasonable
24 attempts to abate the activity maintains a common nuisance:

25 (1) discharge of a firearm in a public place as
26 prohibited by the Penal Code;

27 (2) reckless discharge of a firearm as prohibited by

1 the Penal Code;

2 (3) engaging in organized criminal activity as a
3 member of a combination as prohibited by the Penal Code;

4 (4) delivery, possession, manufacture, or use of a
5 controlled substance in violation of Chapter 481, Health and Safety
6 Code;

7 (5) gambling, gambling promotion, or communicating
8 gambling information as prohibited by the Penal Code;

9 (6) prostitution, promotion of prostitution, or
10 aggravated promotion of prostitution as prohibited by the Penal
11 Code;

12 (7) compelling prostitution as prohibited by the Penal
13 Code;

14 (8) commercial manufacture, commercial distribution,
15 or commercial exhibition of obscene material as prohibited by the
16 Penal Code;

17 (9) aggravated assault as described by Section 22.02,
18 Penal Code;

19 (10) sexual assault as described by Section 22.011,
20 Penal Code;

21 (11) aggravated sexual assault as described by Section
22 22.021, Penal Code;

23 (12) robbery as described by Section 29.02, Penal
24 Code;

25 (13) aggravated robbery as described by Section 29.03,
26 Penal Code;

27 (14) unlawfully carrying a weapon as described by

1 Section 46.02, Penal Code;

2 (15) murder as described by Section 19.02, Penal Code;

3 (16) capital murder as described by Section 19.03,
4 Penal Code; ~~[or]~~

5 (17) continuous sexual abuse of young child or
6 children as described by Section 21.02, Penal Code; or

7 (18) ~~[(17)]~~ massage therapy or other massage services
8 in violation of Chapter 455, Occupations Code.

9 SECTION 5.005. Section 155.001, Civil Practice and Remedies
10 Code, is amended to add a heading to read as follows:

11 Sec. 155.001. SETTLEMENT WEEKS REQUIRED. In every county
12 with a population of 150,000 or greater there shall be a settlement
13 week during law week and judicial conference week each year or
14 during any other two weeks as the administrative judge of each
15 judicial district may designate. During these weeks the district
16 courts, constitutional and statutory county courts, and the family
17 law courts will facilitate the voluntary settlement of civil and
18 family law cases.

19 SECTION 5.006. Section 155.002, Civil Practice and Remedies
20 Code, is amended to add a heading to read as follows:

21 Sec. 155.002. SETTLEMENT WEEK COMMITTEE. The
22 administrative judge of each judicial district shall appoint a
23 committee of attorneys and lay persons to effectuate each
24 settlement week. The committee may include the director of any
25 established mediation or alternative dispute resolution center in
26 the county and the chairperson of the local bar association's
27 committee on alternative dispute resolution.

1 SECTION 5.007. Section 155.003, Civil Practice and Remedies
2 Code, is amended to add a heading and correct a reference to read as
3 follows:

4 Sec. 155.003. ATTORNEY TO SERVE AS MEDIATOR. Any attorney
5 currently licensed in the state may serve as mediator during the
6 settlement weeks under such terms and conditions and with such
7 training as may be determined by the administrative judge of the
8 judicial district. Any such attorney so appointed by the court must
9 meet the qualifications and will be governed by the rules of conduct
10 set forth in Sections 154.052 and 154.053 [~~of this code~~]. Any
11 attorney so requested by the administrative judge of the judicial
12 district shall serve as a mediator during the settlement weeks.

13 SECTION 5.008. Section 155.004, Civil Practice and Remedies
14 Code, is amended to add a heading and correct a reference to read as
15 follows:

16 Sec. 155.004. APPLICATION OF CERTAIN ALTERNATE DISPUTE
17 RESOLUTION PROCEDURES. The provisions of Sections 154.021 through
18 154.023, 154.053, 154.054, and 154.071 through 154.073 [~~of this~~
19 ~~code~~] shall apply to parties and mediators participating in
20 settlement weeks held under this chapter.

21 SECTION 5.009. Section 155.005, Civil Practice and Remedies
22 Code, is amended to add a heading to read as follows:

23 Sec. 155.005. AUTHORITY OF COURT. Each court participating
24 in settlement weeks under this chapter shall have the authority to
25 make orders needed, consistent with existing law, to implement
26 settlement weeks and ensure any party's good faith participation.

27 SECTION 5.010. Section 155.006, Civil Practice and Remedies

1 Code, is amended to add a heading to read as follows:

2 Sec. 155.006. FUNDING; COOPERATION WITH OTHER
3 ORGANIZATIONS. The administrative judge may use any available
4 funding from funds regularly used for court administration to carry
5 out the purpose and intent of this chapter. The administrative
6 judge shall cooperate with the director of any established
7 mediation or alternative dispute resolution center, the local bar,
8 and other organizations to encourage participation and to develop
9 public awareness of settlement weeks.

10 ARTICLE 6. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

11 SECTION 6.001. Article 12.01, Code of Criminal Procedure,
12 as amended by Chapters 285 (H.B. 716), 593 (H.B. 8), 640 (H.B. 887),
13 and 841 (H.B. 959), Acts of the 80th Legislature, Regular Session,
14 2007, is reenacted and amended to read as follows:

15 Art. 12.01. FELONIES. Except as provided in Article 12.03,
16 felony indictments may be presented within these limits, and not
17 afterward:

18 (1) no limitation:

19 (A) murder and manslaughter;

20 (B) sexual assault under Section 22.011(a)(2),
21 Penal Code, or aggravated sexual assault under Section
22 22.021(a)(1)(B), Penal Code;

23 (C) sexual assault, if during the investigation
24 of the offense biological matter is collected and subjected to
25 forensic DNA testing and the testing results show that the matter
26 does not match the victim or any other person whose identity is
27 readily ascertained;

1 (D) continuous sexual abuse of young child or
2 children under Section 21.02, Penal Code;

3 (E) indecency with a child under Section 21.11,
4 Penal Code; or

5 (F) an offense involving leaving the scene of an
6 accident under Section 550.021, Transportation Code, if the
7 accident resulted in the death of a person;

8 (2) ten years from the date of the commission of the
9 offense:

10 (A) theft of any estate, real, personal or mixed,
11 by an executor, administrator, guardian or trustee, with intent to
12 defraud any creditor, heir, legatee, ward, distributee,
13 beneficiary or settlor of a trust interested in such estate;

14 (B) theft by a public servant of government
15 property over which he exercises control in his official capacity;

16 (C) forgery or the uttering, using or passing of
17 forged instruments;

18 (D) injury to an elderly or disabled individual
19 punishable as a felony of the first degree under Section 22.04,
20 Penal Code;

21 (E) sexual assault, except as provided by
22 Subdivision (1) [~~or (5)~~]; or

23 (F) arson;

24 (3) seven years from the date of the commission of the
25 offense:

26 (A) misapplication of fiduciary property or
27 property of a financial institution;

- 1 (B) securing execution of document by deception;
2 (C) a violation under Sections 162.403(22)-(39),
3 Tax Code;
4 (D) false statement to obtain property or credit
5 under Section 32.32, Penal Code;
6 (E) money laundering;
7 (F) [~~(D)~~] credit card or debit card abuse under
8 Section 32.31, Penal Code; or
9 (G) [~~(F)~~] fraudulent use or possession of
10 identifying information under Section 32.51, Penal Code;
11 (4) five years from the date of the commission of the
12 offense:
13 (A) theft or robbery;
14 (B) except as provided by Subdivision (5),
15 kidnapping or burglary;
16 (C) injury to an elderly or disabled individual
17 that is not punishable as a felony of the first degree under Section
18 22.04, Penal Code;
19 (D) abandoning or endangering a child; or
20 (E) insurance fraud;
21 (5) if the investigation of the offense shows that the
22 victim is younger than 17 years of age at the time the offense is
23 committed, 20 years from the 18th birthday of the victim of one of
24 the following offenses:
25 (A) sexual performance by a child under Section
26 43.25, Penal Code;
27 (B) aggravated kidnapping under Section

1 20.04(a)(4), Penal Code, if the defendant committed the offense
2 with the intent to violate or abuse the victim sexually; or

3 (C) burglary under Section 30.02, Penal Code, if
4 the offense is punishable under Subsection (d) of that section and
5 the defendant committed the offense with the intent to commit an
6 offense described by Subdivision (1)(B) or (D) of this article or
7 Paragraph (B) of this subdivision; ~~or~~

8 (6) ~~[(5)]~~ ten years from the 18th birthday of the
9 victim of the offense:

10 ~~[(A) indecency with a child under Section~~
11 ~~21.11(a)(1) or (2), Penal Code;~~

12 ~~[(B) except as provided by Subdivision (1),~~
13 ~~sexual assault under Section 22.011(a)(2), Penal Code, or~~
14 ~~aggravated sexual assault under Section 22.021(a)(1)(B), Penal~~
15 ~~Code; or~~

16 ~~[(C)]~~ injury to a child under Section 22.04,
17 Penal Code; or

18 (7) ~~[(6)]~~ three years from the date of the commission
19 of the offense: all other felonies.

20 SECTION 6.002. Article 15.27(c), Code of Criminal
21 Procedure, as amended by Chapters 492 (S.B. 230) and 1240 (H.B.
22 2427), Acts of the 80th Legislature, Regular Session, 2007, is
23 reenacted to read as follows:

24 (c) A parole, probation, or community supervision office,
25 including a community supervision and corrections department, a
26 juvenile probation department, the paroles division of the Texas
27 Department of Criminal Justice, and the Texas Youth Commission,

1 having jurisdiction over a student described by Subsection (a),
2 (b), or (e) who transfers from a school or is subsequently removed
3 from a school and later returned to a school or school district
4 other than the one the student was enrolled in when the arrest,
5 referral to a juvenile court, conviction, or adjudication occurred
6 shall within 24 hours of learning of the student's transfer or
7 reenrollment notify the superintendent or a person designated by
8 the superintendent of the school district to which the student
9 transfers or is returned or, in the case of a private school, the
10 principal or a school employee designated by the principal of the
11 school to which the student transfers or is returned of the arrest
12 or referral in a manner similar to that provided for by Subsection
13 (a) or (e)(1), or of the conviction or delinquent adjudication in a
14 manner similar to that provided for by Subsection (b) or (e)(2).
15 The superintendent of the school district to which the student
16 transfers or is returned or, in the case of a private school, the
17 principal of the school to which the student transfers or is
18 returned shall, within 24 hours of receiving notification under
19 this subsection, notify all instructional and support personnel who
20 have regular contact with the student.

21 SECTION 6.003. Section 3g(a), Article 42.12, Code of
22 Criminal Procedure, as amended by Chapters 405 (S.B. 877) and 593
23 (H.B. 8), Acts of the 80th Legislature, Regular Session, 2007, is
24 reenacted and amended to read as follows:

25 (a) The provisions of Section 3 of this article do not
26 apply:

27 (1) to a defendant adjudged guilty of an offense

1 under:

2 (A) Section 19.02, Penal Code (Murder);

3 (B) Section 19.03, Penal Code (Capital murder);

4 (C) Section 21.11(a)(1), Penal Code (Indecency
5 with a child);

6 (D) Section 20.04, Penal Code (Aggravated
7 kidnapping);

8 (E) Section 22.021, Penal Code (Aggravated
9 sexual assault);

10 (F) Section 29.03, Penal Code (Aggravated
11 robbery);

12 (G) Chapter 481, Health and Safety Code, for
13 which punishment is increased under:

14 (i) Section 481.140, Health and Safety
15 Code; or

16 (ii) Section 481.134(c), (d), (e), or (f),
17 Health and Safety Code, if it is shown that the defendant has been
18 previously convicted of an offense for which punishment was
19 increased under any of those subsections;

20 (H) Section 22.011, Penal Code (Sexual assault);

21 [~~or~~]

22 (I) Section 22.04(a)(1), Penal Code (Injury to a
23 child, elderly individual, or disabled individual), if the offense
24 is punishable as a felony of the first degree and the victim of the
25 offense is a child; or

26 (J) [~~(I)~~] Section 43.25, Penal Code (Sexual
27 performance by a child); or

1 (2) to a defendant when it is shown that a deadly
2 weapon as defined in Section 1.07, Penal Code, was used or exhibited
3 during the commission of a felony offense or during immediate
4 flight therefrom, and that the defendant used or exhibited the
5 deadly weapon or was a party to the offense and knew that a deadly
6 weapon would be used or exhibited. On an affirmative finding under
7 this subdivision, the trial court shall enter the finding in the
8 judgment of the court. On an affirmative finding that the deadly
9 weapon was a firearm, the court shall enter that finding in its
10 judgment.

11 SECTION 6.004. Section 4(d), Article 42.12, Code of
12 Criminal Procedure, as amended by Chapters 593 (H.B. 8) and 1205
13 (H.B. 1678), Acts of the 80th Legislature, Regular Session, 2007,
14 is reenacted and amended to read as follows:

15 (d) A defendant is not eligible for community supervision
16 under this section if the defendant:

17 (1) is sentenced to a term of imprisonment that
18 exceeds 10 years;

19 (2) is convicted of a state jail felony for which
20 suspension of the imposition of the sentence occurs automatically
21 under Section 15(a);

22 (3) does not file a sworn motion under Subsection (e)
23 of this section or for whom the jury does not enter in the verdict a
24 finding that the information contained in the motion is true;

25 (4) is convicted of an offense for which punishment is
26 increased under Section 481.134(c), (d), (e), or (f), Health and
27 Safety Code, if it is shown that the defendant has been previously

1 convicted of an offense for which punishment was increased under
2 any one of those subsections;

3 (5) is convicted of an offense listed in Section
4 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger
5 than 14 years of age at the time the offense was committed;

6 (6) is convicted of an offense listed in Section
7 3g(a)(1)(D), if the victim of the offense was younger than 14 years
8 of age at the time the offense was committed and the actor committed
9 the offense with the intent to violate or abuse the victim sexually;
10 [~~or~~]

11 (7) is convicted of an offense listed in Section
12 3g(a)(1)(J); or

13 (8) [~~3g(a)(1)(I)~~] is adjudged guilty of an offense
14 under Section 19.02, Penal Code.

15 SECTION 6.005. Section 22(a), Article 42.12, Code of
16 Criminal Procedure, is amended to correct a reference to read as
17 follows:

18 (a) If after a hearing under Section 21 of this article a
19 judge continues or modifies community supervision after
20 determining that the defendant violated a condition of community
21 supervision, the judge may impose any other conditions the judge
22 determines are appropriate, including:

23 (1) a requirement that the defendant perform community
24 service for a number of hours specified by the court under Section
25 16 of this article, or an increase in the number of hours that the
26 defendant has previously been required to perform under those
27 sections in an amount not to exceed double the number of hours

1 permitted by Section 16;

2 (2) an increase in the period of community
3 supervision, in the manner described by Subsection (c) [~~(b)~~] of
4 this section;

5 (3) an increase in the defendant's fine, in the manner
6 described by Subsection (d) of this section; or

7 (4) the placement of the defendant in a substance
8 abuse felony punishment program operated under Section 493.009,
9 Government Code, if:

10 (A) the defendant is convicted of a felony other
11 than:

12 (i) a felony under Section 21.11, 22.011,
13 or 22.021, Penal Code; or

14 (ii) criminal attempt of a felony under
15 Section 21.11, 22.011, or 22.021, Penal Code; and

16 (B) the judge makes an affirmative finding that:

17 (i) drug or alcohol abuse significantly
18 contributed to the commission of the crime or violation of
19 community supervision; and

20 (ii) the defendant is a suitable candidate
21 for treatment, as determined by the suitability criteria
22 established by the Texas Board of Criminal Justice under Section
23 493.009(b), Government Code.

24 SECTION 6.006. Article 59.01(2), Code of Criminal
25 Procedure, as amended by Chapters 127 (S.B. 1614), 822 (H.B. 73),
26 and 885 (H.B. 2278), Acts of the 80th Legislature, Regular Session,
27 2007, is reenacted and is amended to correct a reference to read as

1 follows:

2 (2) "Contraband" means property of any nature,
3 including real, personal, tangible, or intangible, that is:

4 (A) used in the commission of:

5 (i) any first or second degree felony under
6 the Penal Code;

7 (ii) any felony under Section 15.031(b),
8 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30,
9 31, 32, 33, 33A, or 35, Penal Code;

10 (iii) any felony under The Securities Act
11 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

12 (iv) any offense under Chapter 49, Penal
13 Code, that is punishable as a felony of the third degree or state
14 jail felony, if the defendant has been previously convicted three
15 times of an offense under that chapter;

16 (B) used or intended to be used in the commission
17 of:

18 (i) any felony under Chapter 481, Health
19 and Safety Code (Texas Controlled Substances Act);

20 (ii) any felony under Chapter 483, Health
21 and Safety Code;

22 (iii) a felony under Chapter 153, Finance
23 Code;

24 (iv) any felony under Chapter 34, Penal
25 Code;

26 (v) a Class A misdemeanor under Subchapter
27 B, Chapter 365, Health and Safety Code, if the defendant has been

1 previously convicted twice of an offense under that subchapter;

2 (vi) any felony under Chapter 152, Finance
3 Code;

4 (vii) any felony under Chapter 32, Human
5 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
6 involves the state Medicaid program;

7 (viii) a Class B misdemeanor under Chapter
8 522, Business & Commerce Code; or

9 (ix) a Class A misdemeanor under Section
10 306.051 [~~35.153~~], Business & Commerce Code;

11 (C) the proceeds gained from the commission of a
12 felony listed in Paragraph (A) or (B) of this subdivision, a
13 misdemeanor listed in Paragraph (B)(viii) of this subdivision, or a
14 crime of violence;

15 (D) acquired with proceeds gained from the
16 commission of a felony listed in Paragraph (A) or (B) of this
17 subdivision, a misdemeanor listed in Paragraph (B)(viii) of this
18 subdivision, or a crime of violence; or

19 (E) used to facilitate or intended to be used to
20 facilitate the commission of a felony under Section 15.031 or
21 43.25, Penal Code.

22 SECTION 6.007. Article 61.06(c), Code of Criminal
23 Procedure, as amended by Chapters 258 (S.B. 111), 263 (S.B. 103),
24 and 1308 (S.B. 1909), Acts of the 80th Legislature, Regular
25 Session, 2007, is reenacted to read as follows:

26 (c) In determining whether information is required to be
27 removed from an intelligence database under Subsection (b), the

1 three-year period does not include any period during which the
2 individual who is the subject of the information is:

3 (1) confined in a correctional facility operated by or
4 under contract with the Texas Department of Criminal Justice;

5 (2) committed to a secure correctional facility
6 operated by or under contract with the Texas Youth Commission, as
7 defined by Section 51.02, Family Code; or

8 (3) confined in a county jail or confined in or
9 committed to a facility operated by a juvenile board in lieu of
10 being confined in a correctional facility operated by or under
11 contract with the Texas Department of Criminal Justice or being
12 committed to a secure correctional facility operated by or under
13 contract with the Texas Youth Commission.

14 SECTION 6.008. Article 102.011(a), Code of Criminal
15 Procedure, as amended by Sections 20 and 21, Chapter 1263 (H.B.
16 3060), Acts of the 80th Legislature, Regular Session, 2007, is
17 reenacted to read as follows:

18 (a) A defendant convicted of a felony or a misdemeanor shall
19 pay the following fees for services performed in the case by a peace
20 officer:

21 (1) \$5 for issuing a written notice to appear in court
22 following the defendant's violation of a traffic law, municipal
23 ordinance, or penal law of this state, or for making an arrest
24 without a warrant;

25 (2) \$50 for executing or processing an issued arrest
26 warrant, capias, or capias pro fine with the fee imposed for the
27 services of:

1 (A) the law enforcement agency that executed the
2 arrest warrant or capias, if the agency requests of the court, not
3 later than the 15th day after the date of the execution of the
4 arrest warrant or capias, the imposition of the fee on conviction;
5 or

6 (B) the law enforcement agency that processed the
7 arrest warrant or capias, if:

8 (i) the arrest warrant or capias was not
9 executed; or

10 (ii) the executing law enforcement agency
11 failed to request the fee within the period required by Paragraph
12 (A) of this subdivision;

13 (3) \$5 for summoning a witness;

14 (4) \$35 for serving a writ not otherwise listed in this
15 article;

16 (5) \$10 for taking and approving a bond and, if
17 necessary, returning the bond to the courthouse;

18 (6) \$5 for commitment or release;

19 (7) \$5 for summoning a jury, if a jury is summoned;

20 and

21 (8) \$8 for each day's attendance of a prisoner in a
22 habeas corpus case if the prisoner has been remanded to custody or
23 held to bail.

24 ARTICLE 7. CHANGES RELATING TO EDUCATION CODE

25 SECTION 7.001. Section 21.511, Education Code, is amended
26 to add a heading to read as follows:

27 Sec. 21.511. RULES. The commissioner shall adopt rules to

1 implement this subchapter.

2 SECTION 7.002. (a) Section 25.087(c), Education Code, as
3 added by Chapter 660 (H.B. 1187), Acts of the 80th Legislature,
4 Regular Session, 2007, is amended to read as follows:

5 (c) A school district may excuse a student in grades 6
6 through 12 for the purpose of sounding "Taps" at a military honors
7 funeral held in this state for a deceased veteran. [~~A student
8 whose absence is excused under this subsection may not be penalized
9 for that absence and shall be counted as if the student attended
10 school for purposes of calculating the average daily attendance of
11 students in the school district. A student whose absence is
12 excused under this subsection shall be allowed a reasonable time to
13 make up school work missed on those days. If the student
14 satisfactorily completes the school work, the day of absence shall
15 be counted as a day of compulsory attendance.~~]

16 (b) Section 25.087(c), Education Code, as added by Chapter
17 479 (H.B. 2455), Acts of the 80th Legislature, Regular Session,
18 2007, is relettered as Subsection (d) and amended to read as
19 follows:

20 (d) [~~(c)~~] A student whose absence is excused under
21 Subsection (b) or (c) may not be penalized for that absence and
22 shall be counted as if the student attended school for purposes of
23 calculating the average daily attendance of students in the school
24 district. A student whose absence is excused under Subsection (b)
25 or (c) shall be allowed a reasonable time to make up school work
26 missed on those days. If the student satisfactorily completes the
27 school work, the day of absence shall be counted as a day of

1 compulsory attendance.

2 SECTION 7.003. Section 25.0951(a), Education Code, as
3 amended by Chapters 908 (H.B. 2884) and 984 (S.B. 1161), Acts of the
4 80th Legislature, Regular Session, 2007, is reenacted to read as
5 follows:

6 (a) If a student fails to attend school without excuse on 10
7 or more days or parts of days within a six-month period in the same
8 school year, a school district shall within 10 school days of the
9 student's 10th absence:

10 (1) file a complaint against the student or the
11 student's parent or both in a county, justice, or municipal court
12 for an offense under Section 25.093 or 25.094, as appropriate, or
13 refer the student to a juvenile court in a county with a population
14 of less than 100,000 for conduct that violates Section 25.094; or

15 (2) refer the student to a juvenile court for conduct
16 indicating a need for supervision under Section 51.03(b)(2), Family
17 Code.

18 SECTION 7.004. (a) Section 33.085, Education Code, is
19 transferred to Subchapter A, Chapter 38, Education Code, and
20 redesignated as Section 38.024, Education Code.

21 (b) The heading to Section 38.024, Education Code, as
22 redesignated from Section 33.085, Education Code, by Subsection (a)
23 of this section, is amended to read as follows:

24 Sec. 38.024 [~~33.085~~]. INSURANCE AGAINST STUDENT INJURIES
25 [~~FOR CERTAIN SCHOOL ACTIVITIES~~].

26 SECTION 7.005. Section 37.203(a), Education Code, as
27 amended by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the

1 80th Legislature, Regular Session, 2007, is reenacted to read as
2 follows:

3 (a) The center is advised by a board of directors composed
4 of:

5 (1) the attorney general, or the attorney general's
6 designee;

7 (2) the commissioner, or the commissioner's designee;

8 (3) the executive director of the Texas Juvenile
9 Probation Commission, or the executive director's designee;

10 (4) the executive commissioner of the Texas Youth
11 Commission, or the executive commissioner's designee;

12 (5) the commissioner of the Department of State Health
13 Services, or the commissioner's designee;

14 (6) the commissioner of higher education, or the
15 commissioner's designee; and

16 (7) the following members appointed by the governor
17 with the advice and consent of the senate:

18 (A) a juvenile court judge;

19 (B) a member of a school district's board of
20 trustees;

21 (C) an administrator of a public primary school;

22 (D) an administrator of a public secondary
23 school;

24 (E) a member of the state parent-teacher
25 association;

26 (F) a teacher from a public primary or secondary
27 school;

1 (G) a public school superintendent who is a
2 member of the Texas Association of School Administrators;

3 (H) a school district police officer or a peace
4 officer whose primary duty consists of working in a public school;
5 and

6 (I) two members of the public.

7 SECTION 7.006. Effective September 1, 2010, Section
8 42.302(a-1), Education Code, as amended by Chapters 19 (H.B. 5) and
9 1191 (H.B. 828), Acts of the 80th Legislature, Regular Session,
10 2007, is reenacted to read as follows:

11 (a-1) In this section, "wealth per student" has the meaning
12 assigned by Section 41.001. For purposes of Subsection (a), the
13 dollar amount guaranteed level of state and local funds per
14 weighted student per cent of tax effort ("GL") for a school district
15 is:

16 (1) the amount of district tax revenue per weighted
17 student per cent of tax effort available to a district at the 88th
18 percentile in wealth per student, as determined by the commissioner
19 in cooperation with the Legislative Budget Board, for the
20 district's maintenance and operations tax effort equal to or less
21 than the rate equal to the product of the state compression
22 percentage, as determined under Section 42.2516, multiplied by the
23 maintenance and operations tax rate adopted by the district for the
24 2005 tax year;

25 (2) the greater of the amount of district tax revenue
26 per weighted student per cent of tax effort that would be available
27 to the Austin Independent School District, as determined by the

1 commissioner in cooperation with the Legislative Budget Board, if
2 the reduction of the limitation on tax increases as provided by
3 Section 11.26(a-1), (a-2), or (a-3), Tax Code, did not apply, or the
4 amount of district tax revenue per weighted student per cent of tax
5 effort used for purposes of this subdivision in the preceding
6 school year, for the first six cents by which the district's
7 maintenance and operations tax rate exceeds the rate equal to the
8 product of the state compression percentage, as determined under
9 Section 42.2516, multiplied by the maintenance and operations tax
10 rate adopted by the district for the 2005 tax year; and

11 (3) \$31.95, for the district's maintenance and
12 operations tax effort that exceeds the amount of tax effort
13 described by Subdivision (2).

14 SECTION 7.007. Section 46.061, Education Code, is amended
15 to add a heading to read as follows:

16 Sec. 46.061. STATE ASSISTANCE FOR REFINANCING. (a) The
17 commissioner by rule may provide for the payment of state
18 assistance under this chapter to refinance school district debt. A
19 refinancing may not increase the cost to the state of providing the
20 assistance.

21 (b) The commissioner may allocate state assistance provided
22 for a refinancing to Subchapter A, Subchapter B, or both, as
23 appropriate.

24 SECTION 7.008. Section 51.807, Education Code, as amended
25 by Chapters 941 (H.B. 3826) and 1369 (H.B. 3851), Acts of the 80th
26 Legislature, Regular Session, 2007, is reenacted to read as
27 follows:

1 Sec. 51.807. RULEMAKING. (a) To ensure a uniform standard
2 for admissions under this subchapter, the Texas Higher Education
3 Coordinating Board shall adopt rules establishing a standard method
4 for computing a student's high school grade point average. The
5 method established under this subsection:

6 (1) must:

7 (A) be based on a four-point scale; and

8 (B) assign additional weight for each honors
9 course, advanced placement course, international baccalaureate
10 course, or dual credit course completed by the student as the board
11 considers appropriate, taking into consideration the academic
12 rigor of each course completed by the student; and

13 (2) may result in a student having a grade point
14 average higher than 4.0 on a four-point scale as a result of the
15 assignment of additional weight for one or more courses completed
16 by a student under Subdivision (1)(B).

17 (b) The Texas Higher Education Coordinating Board, after
18 consulting with the Texas Education Agency, by rule shall establish
19 standards for determining for purposes of this subchapter:

20 (1) whether a private high school is accredited by a
21 generally recognized accrediting organization; and

22 (2) whether a person completed a high school
23 curriculum that is equivalent in content and rigor to the
24 curriculum requirements established under Section 28.025 for the
25 recommended or advanced high school program.

26 (c) The board may adopt other rules relating to the
27 operation of admissions programs under this subchapter, including

1 rules relating to the identification of eligible students.

2 (d) The standard method established under Subsection (a)
3 for computing a student's high school grade point average applies
4 to computing the grade point average of a student applying as a
5 first-time freshman for admission to a general academic teaching
6 institution beginning with admissions for the 2009 fall semester.
7 This subsection expires January 1, 2010.

8 SECTION 7.009. Section 54.204(b), Education Code, as
9 amended by Chapters 214 (H.B. 741) and 1318 (S.B. 1233), Acts of the
10 80th Legislature, Regular Session, 2007, is reenacted to read as
11 follows:

12 (b) The governing board of each institution of higher
13 education shall exempt from the payment of all dues, fees, and
14 charges any person whose parent is an eligible firefighter or law
15 enforcement officer who has suffered an injury, resulting in death
16 or disability, sustained in the line of duty according to the
17 regulations and criteria then in effect governing the department or
18 agency in which the eligible firefighter or law enforcement officer
19 volunteered or was employed. The exemption does not apply to
20 general deposits or to fees or charges for lodging, board, or
21 clothing.

22 SECTION 7.010. Section 54.765(a), Education Code, is
23 amended to correct a cross-reference to read as follows:

24 (a) Except as provided by Subsection (h) [~~(e)~~], the
25 comptroller is the custodian of the assets of the fund.

26 SECTION 7.011. Section 61.9758(a), Education Code, as added
27 by Chapters 889 (H.B. 2426) and 936 (H.B. 3443), Acts of the 80th

1 Legislature, Regular Session, 2007, is reenacted to read as
2 follows:

3 (a) Each hospital-based nursing education partnership that
4 receives a grant under this subchapter shall submit to the board
5 narrative and financial reports that include information
6 concerning the extent to which during the reporting period the
7 partnership has complied with accountability standards established
8 by the board.

9 ARTICLE 8. CHANGES RELATING TO ELECTION CODE

10 SECTION 8.001. Section 18.005(a), Election Code, as amended
11 by Chapters 594 (H.B. 41) and 1295 (S.B. 74), Acts of the 80th
12 Legislature, Regular Session, 2007, is reenacted and amended to
13 read as follows:

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

16 (1) contain the voter's name, [~~residence address or~~
17 ~~substitute post office box address, if required by Section~~
18 ~~18.0051,~~] date of birth, and registration number as provided by the
19 statewide computerized voter registration list;

20 (2) contain the voter's residence address, except as
21 provided by Subsections (b) and (c) or Section 18.0051;

22 (3) be arranged alphabetically by voter name; and

23 (4) contain the notation required by Section 15.111.

24 ARTICLE 9. CHANGES RELATING TO FAMILY CODE

25 SECTION 9.001. Section 154.062(e), Family Code, as added by
26 Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the 80th
27 Legislature, Regular Session, 2007, is reenacted to read as

1 follows:

2 (e) In calculating the amount of the deduction for health
3 care coverage for a child under Subsection (d)(5), if the obligor
4 has other minor dependents covered under the same health insurance
5 plan, the court shall divide the total cost to the obligor for the
6 insurance by the total number of minor dependents, including the
7 child, covered under the plan.

8 SECTION 9.002. Section 154.183(b), Family Code, as amended
9 by Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the 80th
10 Legislature, Regular Session, 2007, is reenacted and amended to
11 read as follows:

12 (b) If the court finds and states in the child support order
13 that the obligee will maintain health insurance coverage for the
14 child at the obligee's expense, the court shall increase the amount
15 of child support to be paid by the obligor in an amount not
16 exceeding the actual cost to the obligee for maintaining health
17 insurance coverage, as provided under Section 154.182(b-1). [~~In~~
18 ~~calculating the total expense to the obligee for maintaining health~~
19 ~~insurance for the child under this subsection, if the obligee has~~
20 ~~other minor dependents covered under the same health insurance~~
21 ~~plan, the court shall divide the total expense to the obligee for~~
22 ~~the insurance by the total number of minor dependents, including~~
23 ~~the child, covered under the plan.]~~

24 ARTICLE 10. CHANGES RELATING TO FINANCE CODE

25 SECTION 10.001. Sections 11.309(a) and (b), Finance Code,
26 are amended to correct references to read as follows:

27 (a) In this section, "check verification entity" and

1 "financial institution" have the meanings assigned by Section
2 523.052 [~~35.595~~], Business & Commerce Code.

3 (b) The finance commission shall adopt rules:

4 (1) requiring a check verification entity to register
5 with the banking commissioner:

6 (A) at the intervals the finance commission
7 determines, but not less frequently than annually; and

8 (B) by providing to the banking commissioner the
9 information that the finance commission determines is necessary to
10 enable a financial institution or a check verification entity to
11 comply with the requirements of Section 523.052 [~~35.595~~], Business
12 & Commerce Code;

13 (2) authorizing the banking commissioner to charge a
14 check verification entity a reasonable annual fee, not to exceed
15 \$100, to register with the commissioner; and

16 (3) requiring the banking commissioner to establish an
17 electronic notification system, through secure e-mail or another
18 secure system, to be used by a financial institution to notify check
19 verification entities as required by Section 523.052 [~~35.595~~],
20 Business & Commerce Code.

21 SECTION 10.002. Section 31.105, Finance Code, as amended by
22 Chapters 110 (H.B. 2007) and 237 (H.B. 1962), Acts of the 80th
23 Legislature, Regular Session, 2007, is reenacted to read as
24 follows:

25 Sec. 31.105. EXAMINATION REQUIRED. (a) The banking
26 commissioner shall examine each state bank annually, or on another
27 periodic basis as may be required by rule or policy, or as the

1 commissioner considers necessary to:

2 (1) safeguard the interests of depositors, creditors,
3 and shareholders; and

4 (2) efficiently enforce applicable law.

5 (b) The banking commissioner may:

6 (1) accept an examination of a state bank by a federal
7 or other governmental agency instead of an examination under this
8 section; or

9 (2) conduct an examination of a state bank jointly
10 with a federal or other governmental agency.

11 (c) The banking commissioner may administer oaths and
12 examine persons under oath on any subject that the commissioner
13 considers pertinent to the financial condition or the safety and
14 soundness of the activities of a state bank.

15 (d) Disclosure of information to the banking commissioner
16 pursuant to an examination request does not constitute a waiver of
17 or otherwise affect or diminish an evidentiary privilege to which
18 the information is otherwise subject. A report of an examination
19 under this section is confidential and may be disclosed only under
20 the circumstances provided by this subtitle.

21 SECTION 10.003. Section 32.004(c), Finance Code, as amended
22 by Chapters 237 (H.B. 1962) and 735 (H.B. 2754), Acts of the 80th
23 Legislature, Regular Session, 2007, is reenacted to read as
24 follows:

25 (c) Rules adopted under this subtitle may specify the
26 confidential or nonconfidential character of information obtained
27 or prepared by the department under this chapter. Except as

1 provided by Subchapter D, Chapter 31, or in rules regarding
2 confidential information, the business plan of the applicant and
3 the financial statement of a proposed officer or director are
4 confidential and not subject to public disclosure.

5 SECTION 10.004. Section 156.204(a), Finance Code, is
6 amended to conform to Section 6, Chapter 905 (H.B. 2783), Acts of
7 the 80th Legislature, Regular Session, 2007, and further amended to
8 conform to changes in terminology made by Chapter 703 (S.B. 414),
9 Acts of the 77th Legislature, Regular Session, 2001, and the
10 enactment of Title 13, Insurance Code, to read as follows:

11 (a) To be eligible to be licensed as a mortgage broker as an
12 individual, the individual must:

13 (1) be at least 18 years of age;

14 (2) be a citizen of the United States or a lawfully
15 admitted alien;

16 (3) maintain a physical office in this state and
17 designate that office in the application;

18 (4) provide the commissioner with satisfactory
19 evidence that the applicant satisfies one of the following:

20 (A) the individual [~~person~~] has received a
21 bachelor's degree in an area relating to finance, banking, or
22 business administration from an accredited college or university
23 and has 18 months of experience in the mortgage or lending field as
24 evidenced by documentary proof of full-time employment as a
25 mortgage broker or licensed loan officer with a mortgage broker or
26 an individual [~~a person~~] exempt under Section 156.202;

27 (B) the individual [~~person~~] is licensed in this

1 state as:

2 (i) an active real estate broker under
3 Chapter 1101, Occupations Code;

4 (ii) an active attorney; or

5 (iii) a general property and casualty
6 insurance agent under Chapter 4051, Insurance Code, [~~local~~
7 ~~recording agent or insurance solicitor]~~ or an agent for a legal
8 reserve life insurance company under Subtitle B, Title 13 [Chapter
9 ~~21]~~, Insurance Code, or holds an equivalent license under Subtitle
10 B, Title 13 [Chapter 21], Insurance Code; or

11 (C) the individual [~~person~~] has three years of
12 experience in the mortgage lending field as evidenced by
13 documentary proof of full-time employment as a licensed loan
14 officer with a mortgage broker or an individual [~~a person~~] exempt
15 under Section 156.202;

16 (5) provide the commissioner with satisfactory
17 evidence of:

18 (A) having passed an examination, offered by a
19 testing service or company approved by the finance commission, that
20 demonstrates knowledge of:

21 (i) the mortgage industry; and

22 (ii) the role and responsibilities of a
23 mortgage broker; and

24 (B) compliance with the financial requirements
25 of this chapter;

26 (6) not have been convicted of a criminal offense that
27 the commissioner determines directly relates to the occupation of a

1 mortgage broker as provided by Chapter 53, Occupations Code;

2 (7) satisfy the commissioner as to the individual's
3 good moral character, including the individual's honesty,
4 trustworthiness, and integrity;

5 (8) not be in violation of this chapter, a rule adopted
6 under this chapter, or any order previously issued to the
7 individual by the commissioner; and

8 (9) provide the commissioner with satisfactory
9 evidence that:

10 (A) if the individual [~~person~~] has not been
11 previously licensed as a mortgage broker or a loan officer under
12 this subchapter, the individual [~~person~~] has completed 90 classroom
13 hours of education courses approved by the commissioner under this
14 section; or

15 (B) if the individual [~~person~~] has not been
16 previously licensed as a mortgage broker under this subchapter but
17 has been licensed as a loan officer under this subchapter, the
18 individual [~~person~~] has successfully completed an additional 30
19 classroom hours of education courses approved by the commissioner
20 under this section.

21 ARTICLE 11. CHANGES RELATING TO GOVERNMENT CODE

22 PART A. GENERAL CHANGES

23 SECTION 11.001. Section 61.003(a), Government Code, as
24 amended by Chapters 661 (H.B. 1204) and 1378 (S.B. 560), Acts of the
25 80th Legislature, Regular Session, 2007, and Section 61.003(a-1),
26 Government Code, as added by Chapters 661 (H.B. 1204) and 1378 (S.B.
27 560), Acts of the 80th Legislature, Regular Session, 2007, are

1 reenacted to read as follows:

2 (a) Each person who reports for jury service shall be
3 personally provided a form letter that when signed by the person
4 directs the county treasurer to donate all, or a specific amount
5 designated by the person, of the person's daily reimbursement under
6 this chapter to:

7 (1) the compensation to victims of crime fund under
8 Subchapter B, Chapter 56, Code of Criminal Procedure;

9 (2) the child welfare board of the county appointed
10 under Section 264.005, Family Code;

11 (3) any program selected by the commissioners court
12 that is operated by a public or private nonprofit organization and
13 that provides shelter and services to victims of family violence;
14 or

15 (4) any other program approved by the commissioners
16 court of the county, including a program established under Article
17 56.04(f), Code of Criminal Procedure, that offers psychological
18 counseling to jurors in criminal cases involving graphic evidence
19 or testimony.

20 (a-1) The form letter provided under Subsection (a) must
21 include a blank in which a person may enter the amount of the daily
22 reimbursement the person wishes to donate.

23 SECTION 11.002. Section 411.042(b), Government Code, as
24 amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372 (S.B.
25 9), Acts of the 80th Legislature, Regular Session, 2007, is
26 reenacted and amended to read as follows:

27 (b) The bureau of identification and records shall:

1 (1) procure and file for record photographs, pictures,
2 descriptions, fingerprints, measurements, and other pertinent
3 information of all persons arrested for or charged with a criminal
4 offense or convicted of a criminal offense, regardless of whether
5 the conviction is probated;

6 (2) collect information concerning the number and
7 nature of offenses reported or known to have been committed in the
8 state and the legal steps taken in connection with the offenses, and
9 other information useful in the study of crime and the
10 administration of justice, including information that enables the
11 bureau to create a statistical breakdown of offenses in which
12 family violence was involved and a statistical breakdown of
13 offenses under Sections 22.011 and 22.021, Penal Code;

14 (3) make ballistic tests of bullets and firearms and
15 chemical analyses of bloodstains, cloth, materials, and other
16 substances for law enforcement officers of the state;

17 (4) cooperate with identification and crime records
18 bureaus in other states and the United States Department of
19 Justice;

20 (5) maintain a list of all previous background checks
21 for applicants for any position regulated under Chapter 1702,
22 Occupations Code, who have undergone a criminal history background
23 check under Section 411.119, if the check indicates a Class B
24 misdemeanor or equivalent offense or a greater offense;

25 (6) collect information concerning the number and
26 nature of protective orders and all other pertinent information
27 about all persons on active protective orders. Information in the

1 law enforcement information system relating to an active protective
2 order shall include:

3 (A) the name, sex, race, date of birth, personal
4 descriptors, address, and county of residence of the person to whom
5 the order is directed;

6 (B) any known identifying number of the person to
7 whom the order is directed, including the person's social security
8 number or driver's license number;

9 (C) the name and county of residence of the
10 person protected by the order;

11 (D) the residence address and place of employment
12 or business of the person protected by the order, unless that
13 information is excluded from the order under Section 85.007, Family
14 Code;

15 (E) the child-care facility or school where a
16 child protected by the order normally resides or which the child
17 normally attends, unless that information is excluded from the
18 order under Section 85.007, Family Code;

19 (F) the relationship or former relationship
20 between the person who is protected by the order and the person to
21 whom the order is directed; and

22 (G) the date the order expires; ~~and~~

23 (7) grant access to criminal history record
24 information in the manner authorized under Subchapter F; and

25 (8) ~~(7)~~ collect and disseminate information
26 regarding offenders with mental impairments in compliance with
27 Chapter 614, Health and Safety Code.

1 SECTION 11.003. Section 411.042(g), Government Code, as
2 amended by Chapters 70 (H.B. 76) and 1372 (S.B. 9), Acts of the 80th
3 Legislature, Regular Session, 2007, is reenacted and amended to
4 read as follows:

5 (g) The department may adopt reasonable rules under this
6 section relating to:

7 (1) law enforcement information systems maintained by
8 the department;

9 (2) the collection, maintenance, and correction of
10 records;

11 (3) reports of criminal history information submitted
12 to the department;

13 (4) active protective orders issued under Title 4,
14 Family Code, and reporting procedures that ensure that information
15 relating to the issuance of an active protective order and to the
16 dismissal of an active protective order is reported to the local law
17 enforcement agency at the time of the order's issuance or dismissal
18 and entered by the local law enforcement agency in the state's law
19 enforcement information system; ~~and~~

20 (5) the collection of information described by
21 Subsection (h); and

22 (6) ~~(5)~~ a system for providing criminal history
23 record information through the criminal history clearinghouse
24 under Section 411.0845.

25 SECTION 11.004. Sections 420.008(b) and (c), Government
26 Code, are amended to correct references to read as follows:

27 (b) The fund consists of fees collected under:

1 (1) Section 19(e), Article 42.12, Code of Criminal
2 Procedure;

3 (2) Section 508.189, Government Code; and

4 (3) Subchapter B, Chapter 102 [~~47~~], Business &
5 Commerce Code, and deposited under Section 102.054 [~~47.054~~].

6 (c) The legislature may appropriate money deposited to the
7 credit of the fund only to:

8 (1) the attorney general, for:

9 (A) sexual violence awareness and prevention
10 campaigns;

11 (B) grants to faith-based groups, independent
12 school districts, and community action organizations for programs
13 for the prevention of sexual assault and programs for victims of
14 human trafficking;

15 (C) grants for equipment for sexual assault nurse
16 examiner programs, to support the preceptorship of future sexual
17 assault nurse examiners, and for the continuing education of sexual
18 assault nurse examiners;

19 (D) grants to increase the level of sexual
20 assault services in this state;

21 (E) grants to support victim assistance
22 coordinators;

23 (F) grants to support technology in rape crisis
24 centers;

25 (G) grants to and contracts with a statewide
26 nonprofit organization exempt from federal income taxation under
27 Section 501(c)(3), Internal Revenue Code of 1986, having as a

1 primary purpose ending sexual violence in this state, for programs
2 for the prevention of sexual violence, outreach programs, and
3 technical assistance to and support of youth and rape crisis
4 centers working to prevent sexual violence; and

5 (H) grants to regional nonprofit providers of
6 civil legal services to provide legal assistance for sexual assault
7 victims;

8 (2) the Department of State Health Services, to
9 measure the prevalence of sexual assault in this state and for
10 grants to support programs assisting victims of human trafficking;

11 (3) the Institute on Domestic Violence and Sexual
12 Assault at The University of Texas at Austin, to conduct research on
13 all aspects of sexual assault and domestic violence;

14 (4) Texas State University, for training and technical
15 assistance to independent school districts for campus safety;

16 (5) the office of the governor, for grants to support
17 sexual assault and human trafficking prosecution projects;

18 (6) the Department of Public Safety, to support sexual
19 assault training for commissioned officers;

20 (7) the comptroller's judiciary section, for
21 increasing the capacity of the sex offender civil commitment
22 program;

23 (8) the Texas Department of Criminal Justice:

24 (A) for pilot projects for monitoring sex
25 offenders on parole; and

26 (B) for increasing the number of adult
27 incarcerated sex offenders receiving treatment;

1 (9) the Texas Youth Commission, for increasing the
2 number of incarcerated juvenile sex offenders receiving treatment;

3 (10) the comptroller, for the administration of the
4 fee imposed on sexually oriented businesses under Section 102.052
5 [~~47.052~~], Business & Commerce Code; and

6 (11) the supreme court, to be transferred to the Texas
7 Equal Access to Justice Foundation, or a similar entity, to provide
8 victim-related legal services to sexual assault victims, including
9 legal assistance with protective orders, relocation-related
10 matters, victim compensation, and actions to secure privacy
11 protections available to victims under law.

12 SECTION 11.005. Section 431.134(a), Government Code, as
13 amended by Chapters 740 (H.B. 2896), 741 (H.B. 2897), and 1080 (H.B.
14 2895), Acts of the 80th Legislature, Regular Session, 2007, is
15 reenacted and amended to read as follows:

16 (a) The adjutant general may adopt rules and regulations
17 relating to the:

18 (1) Texas Faithful Service Medal, which shall be
19 awarded to a member of the state military forces who has completed
20 five years of honorable service during which the person has shown
21 fidelity to duty, efficient service, and great loyalty to the
22 state;

23 (2) Federal Service Medal, which shall be awarded to a
24 person who was inducted into federal service from the state
25 military forces between June 15, 1940, and January 1, 1946, or after
26 June 1, 1950, if the service was for more than 90 days;

27 (3) Texas Medal of Merit, which may be presented to a

1 member of the military forces of this state, another state, or the
2 United States who performs outstanding service or attains
3 extraordinary achievement in behalf of the state or United States;

4 (4) Texas Outstanding Service Medal, which may be
5 presented to a member of the military forces of this state, another
6 state, or the United States who has performed service in a superior
7 and clearly outstanding manner;

8 (5) Texas State Guard Service Medal, which shall be
9 awarded to a person who completes three consecutive years of
10 honorable service in the Texas State Guard during which the person
11 has shown fidelity to duty, efficient service, and great loyalty to
12 the state;

13 (6) Texas Desert Shield/Desert Storm Campaign Medal,
14 which shall be awarded to a person who was inducted into federal
15 service from the Texas National Guard after August 1, 1990, in
16 support of Operation Desert Shield or Operation Desert Storm,
17 without regard to the place that the person was deployed while
18 serving on active federal military duty;

19 (7) Texas Humanitarian Service Medal, which shall be
20 awarded to a person who:

21 (A) does not meet the criteria for an award of the
22 federal Humanitarian Service Medal;

23 (B) is a member of the state military forces; and

24 (C) while serving on state active duty or active
25 duty under state authority in accordance with Title 32 of the United
26 States Code, participates satisfactorily in defense support to a
27 mission under civilian authority to protect life or property during

1 or soon after a natural disaster or civil unrest in the state;

2 (8) Texas Cavalry Medal, which shall be awarded to a
3 person who:

4 (A) served on or after September 11, 2001, in the
5 124th Cavalry, Texas Army National Guard; and

6 (B) served in a hostile fire zone as designated
7 by the United States secretary of defense;

8 (9) Texas Combat Service Ribbon, which shall be
9 awarded to a member of the Texas National Guard who served, after
10 September 11, 2001, in a hostile fire zone as designated by the
11 United States secretary of defense;

12 (10) Texas Purple Heart Medal, which shall be awarded
13 to a person who, after September 11, 2001:

14 (A) was inducted into federal service from the
15 Texas National Guard; and

16 (B) meets the criteria for an award of the
17 federal Purple Heart Medal; ~~and~~

18 (11) Texas Superior Service Medal, which shall be
19 awarded to:

20 (A) a member of the state military forces who
21 has:

22 (i) completed 30 or more years of honorable
23 state service or a combination of state and federal service; and

24 (ii) continually demonstrated superior
25 performance and service while assigned to key leadership positions
26 demanding responsibility; or

27 (B) a civilian who has contributed significant

1 service to the state military forces; and

2 (12) [~~(11)~~] Texas Homeland Defense Service Medal,
3 which shall be awarded to a member of the state military forces who
4 served:

5 (A) on or after September 11, 2001;

6 (B) on state active duty or active duty under
7 state authority in accordance with Title 32 of the United States
8 Code; and

9 (C) satisfactorily in defense support to a
10 mission in the state under civilian authority.

11 SECTION 11.006. Sections 465.0082 and 465.018(b),
12 Government Code, are repealed to conform to the repeal of Chapter
13 465, Government Code, by Chapter 609 (H.B. 387), Acts of the 80th
14 Legislature, Regular Session, 2007.

15 SECTION 11.007. Section 487.051(a), Government Code, as
16 amended by Chapters 560 (S.B. 1440) and 1241 (H.B. 2542), Acts of
17 the 80th Legislature, Regular Session, 2007, is reenacted and
18 amended to read as follows:

19 (a) The office shall:

20 (1) assist rural communities in the key areas of
21 economic development, community development, rural health, and
22 rural housing;

23 (2) serve as a clearinghouse for information and
24 resources on all state and federal programs affecting rural
25 communities;

26 (3) in consultation with rural community leaders,
27 locally elected officials, state elected and appointed officials,

1 academic and industry experts, and the interagency work group
2 created under this chapter, identify and prioritize policy issues
3 and concerns affecting rural communities in the state;

4 (4) make recommendations to the legislature to address
5 the concerns affecting rural communities identified under
6 Subdivision (3);

7 (5) monitor developments that have a substantial
8 effect on rural Texas communities, especially actions of state
9 government, and compile an annual report describing and evaluating
10 the condition of rural communities;

11 (6) administer the federal community development
12 block grant nonentitlement program;

13 (7) administer programs supporting rural health care
14 as provided by this chapter;

15 (8) perform research to determine the most beneficial
16 and cost-effective ways to improve the welfare of rural
17 communities;

18 (9) ensure that the office qualifies as the state's
19 office of rural health for the purpose of receiving grants from the
20 Office of Rural Health Policy of the United States Department of
21 Health and Human Services under 42 U.S.C. Section 254r;

22 (10) manage the state's Medicare rural hospital
23 flexibility program under 42 U.S.C. Section 1395i-4;

24 (11) seek state and federal money available for
25 economic development in rural areas for programs under this
26 chapter; ~~and~~

27 (12) in conjunction with the Department of

1 Agriculture, regularly cross-train office employees with employees
2 of the Department of Agriculture regarding the programs
3 administered and services provided by each agency to rural
4 communities; and

5 (13) [~~(11)~~] work with interested persons to assist
6 volunteer fire departments and emergency services districts in
7 rural areas.

8 SECTION 11.008. Section 508.145(d), Government Code, is
9 amended to correct a reference to read as follows:

10 (d) An inmate serving a sentence for an offense described by
11 Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), [~~or~~] (I), or (J),
12 Article 42.12, Code of Criminal Procedure, or for an offense for
13 which the judgment contains an affirmative finding under Section
14 3g(a)(2) of that article, is not eligible for release on parole
15 until the inmate's actual calendar time served, without
16 consideration of good conduct time, equals one-half of the sentence
17 or 30 calendar years, whichever is less, but in no event is the
18 inmate eligible for release on parole in less than two calendar
19 years.

20 SECTION 11.009. Section 531.0055(m), Government Code, is
21 amended to correct references to read as follows:

22 (m) The executive commissioner shall establish standards
23 for the use of electronic signatures in accordance with the Uniform
24 Electronic Transactions Act (Chapter 322 [~~43~~], Business & Commerce
25 Code), with respect to any transaction, as defined by Section
26 322.002 [~~43.002~~], Business & Commerce Code, in connection with the
27 administration of health and human services programs.

1 SECTION 11.010. Section 531.089, Government Code, as added
2 by Chapter 1008 (H.B. 867), Acts of the 79th Legislature, Regular
3 Session, 2005, and as renumbered by Chapter 921 (H.B. 3167), Acts of
4 the 80th Legislature, Regular Session, 2007, is transferred to
5 Subchapter B, Chapter 531, Government Code.

6 SECTION 11.011. The heading to Section 551.0726, Government
7 Code, is amended to read as follows:

8 Sec. 551.0726. TEXAS FACILITIES [~~BUILDING AND~~
9 ~~PROCUREMENT~~] COMMISSION: DELIBERATION REGARDING CONTRACT BEING
10 NEGOTIATED; CLOSED MEETING.

11 SECTION 11.012. Sections 551.0812 and 572.003(c)(20),
12 Government Code, are repealed to conform to the abolition of the
13 State Banking Board by Chapter 914 (H.B. 1543), Acts of the 74th
14 Legislature, Regular Session, 1995.

15 SECTION 11.013. The heading to Section 551.121, Government
16 Code, as amended by Chapters 538 (S.B. 1046) and 778 (H.B. 3827),
17 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
18 to read as follows:

19 Sec. 551.121. GOVERNING BOARD OF INSTITUTION OF HIGHER
20 EDUCATION; BOARD FOR LEASE OF UNIVERSITY LANDS; TEXAS HIGHER
21 EDUCATION COORDINATING BOARD: SPECIAL MEETING FOR IMMEDIATE
22 ACTION.

23 SECTION 11.014. Section 551.121(c), Government Code, as
24 amended by Chapters 538 (S.B. 1046) and 778 (H.B. 3827), Acts of the
25 80th Legislature, Regular Session, 2007, is reenacted to read as
26 follows:

27 (c) A meeting held by telephone conference call authorized

1 by this section may be held only if:

2 (1) the meeting is a special called meeting and
3 immediate action is required; and

4 (2) the convening at one location of a quorum of the
5 governing board, the Board for Lease of University Lands, or the
6 Texas Higher Education Coordinating Board, as applicable, is
7 difficult or impossible.

8 SECTION 11.015. Section 1371.152, Government Code, is
9 amended to correct references to read as follows:

10 Sec. 1371.152. EXEMPTIONS. This subchapter does not apply
11 to:

12 (1) an issuer who has more than \$3 billion in
13 outstanding obligations as of September 1, 2007, or to a nonprofit
14 corporation investing funds on behalf of such an issuer;

15 (2) a person acting as a financial adviser with
16 respect to an issuance of public securities by an issuer created
17 under Chapter 8503, Special District Local Laws Code [~~222, Water~~
18 ~~Code~~], delivered before January 1, 2010, under a contract that was
19 in effect on September 1, 2007, and that has not been modified since
20 that date;

21 (3) an employee of an issuer providing advice to the
22 issuer or to another issuer;

23 (4) a state agency:

24 (A) created by Section 49-b, Article III, Texas
25 Constitution; or

26 (B) the head of which is an officer in the
27 executive department under Section 1, Article IV, Texas

1 Constitution; or

2 (5) a corporation created under Chapter 505, Local
3 Government Code [~~Section 4B, Development Corporation Act of 1979~~
4 ~~(Article 5190.6, Vernon's Texas Civil Statutes)~~], by a municipality
5 located in a county bordering the Rio Grande River.

6 SECTION 11.016. Section 1372.0222, Government Code, as
7 amended by Chapters 455 (H.B. 618), 544 (S.B. 1185), and 1108 (H.B.
8 3552), Acts of the 80th Legislature, Regular Session, 2007, is
9 reenacted to read as follows:

10 Sec. 1372.0222. DEDICATION OF PORTION OF STATE CEILING FOR
11 FIRE FIGHTER, LAW ENFORCEMENT OR SECURITY OFFICER, AND EMERGENCY
12 MEDICAL SERVICES PERSONNEL HOME LOAN PROGRAM. Until August 7, out
13 of that portion of the state ceiling that is available exclusively
14 for reservations by the Texas State Affordable Housing Corporation
15 under Section 1372.0223, 45.5 percent shall be allotted each year
16 and made available to the corporation for the purpose of issuing
17 qualified mortgage bonds in connection with the fire fighter, law
18 enforcement or security officer, and emergency medical services
19 personnel home loan program established under Section 2306.5621.

20 SECTION 11.017. Section 1372.031, Government Code, as
21 amended by Chapters 991 (S.B. 1332) and 1108 (H.B. 3552), Acts of
22 the 80th Legislature, Regular Session, 2007, is reenacted to read
23 as follows:

24 Sec. 1372.031. PRIORITIES FOR RESERVATIONS AMONG CERTAIN
25 ISSUERS. (a) Except as provided by Subsection (b) and subject to
26 Sections 1372.0321, 1372.0231, and 1372.035(c), if, on or before
27 October 20, more than one issuer in a category described by Section

1 1372.022(a)(2), (3), (4), or (6) applies for a reservation of the
2 state ceiling for the next program year, the board shall grant
3 reservations in that category in the order determined by the board
4 by lot.

5 (b) Until August 1 of the program year, within the category
6 described by Section 1372.022(a)(6), the board shall grant priority
7 to the Texas Economic Development Bank for projects that the Texas
8 Economic Development and Tourism Office determines meet the
9 governor's criteria for funding from the Texas Enterprise Fund.
10 Notwithstanding the priority, the Texas Economic Development Bank
11 may not receive an amount greater than one-sixth of the portion of
12 the state ceiling available under Section 1372.022(a)(6) on January
13 1 of the program year.

14 (c) In selecting projects for reservations of the state
15 ceiling for a program year under Subsection (b), among those
16 projects the Texas Economic Development and Tourism Office
17 determines meet the governor's criteria for funding from the Texas
18 Enterprise Fund the office shall give priority to obtaining
19 reservations for those projects located or to be located in an
20 economically depressed or blighted area, as defined by Section
21 2306.004, or in an enterprise zone designated under Chapter 2303.

22 (d) This section and Section 1372.063 do not give a priority
23 to any project described by Subsection (b) for the purpose of
24 selecting projects for reservations under Section 1372.022(b).

25 (e) The Texas Economic Development Bank is subject to
26 Section 1201.027(d).

27 SECTION 11.018. Section 2054.055(b), Government Code, as

1 amended by Chapters 394 (S.B. 757), 691 (H.B. 1788), and 1208 (H.B.
2 1789), Acts of the 80th Legislature, Regular Session, 2007, is
3 reenacted and amended to read as follows:

4 (b) The report must:

5 (1) assess the progress made toward meeting the goals
6 and objectives of the state strategic plan for information
7 resources management;

8 (2) describe major accomplishments of the state or a
9 specific state agency in information resources management;

10 (3) describe major problems in information resources
11 management confronting the state or a specific state agency;

12 (4) provide a summary of the total expenditures for
13 information resources and information resources technologies by
14 the state;

15 (5) make recommendations for improving the
16 effectiveness and cost-efficiency of the state's use of information
17 resources;

18 (6) describe the status, progress, benefits, and
19 efficiency gains of the TexasOnline project, including any
20 significant issues regarding contract performance;

21 (7) provide a financial summary of the TexasOnline
22 project, including project costs and revenues;

23 (8) provide a summary of the amount and use of
24 Internet-based training conducted by each state agency and
25 institution of higher education; ~~and~~

26 (9) provide a summary of agency and statewide results
27 in providing access to electronic and information resources to

1 individuals with disabilities as required by Subchapter M; and
2 (10) [~~(7)~~] assess the progress made toward
3 accomplishing the goals of the plan for a state telecommunications
4 network and developing a system of telecommunications services as
5 provided by Subchapter H.

6 SECTION 11.019. Section 2054.092(b), Government Code, as
7 amended by Chapters 394 (S.B. 757) and 691 (H.B. 1788), Acts of the
8 80th Legislature, Regular Session, 2007, is reenacted and amended
9 to read as follows:

10 (b) The plan must:

11 (1) provide a strategic direction for information
12 resources management in state government for the five fiscal years
13 following adoption of the plan;

14 (2) outline a state information architecture that
15 contains a logically consistent set of principles, policies, and
16 standards to guide the engineering of state government's
17 information technology systems and infrastructure in a way that
18 ensures compatibility and alignment with state government's needs;

19 (3) designate and report on critical electronic
20 government projects to be directed by the department, including a
21 project for electronic purchasing;

22 (4) provide information about best practices to assist
23 state agencies in adopting effective information management
24 methods, including the design, deployment, and management of
25 information resources projects, cost-benefit analyses, and staff
26 reengineering methods to take full advantage of technological
27 advancements;

1 (5) provide long-range policy guidelines for
2 information resources in state government, including the
3 implementation of national, international, and department
4 standards for information resources technologies;

5 (6) identify major issues faced by state agencies
6 related to the acquisition of computer hardware, computer software,
7 and information resources technology services and develop a
8 statewide approach to address the issues, including:

9 (A) developing performance measures for
10 purchasing and contracting; and

11 (B) identifying opportunities to reuse computer
12 software code purchased with public funds; ~~and~~

13 (7) identify priorities for:

14 (A) the implementation of information resources
15 technologies according to the relative economic and social impact
16 on the state; and

17 (B) return on investment and cost-benefit
18 analysis strategies; and

19 (8) ~~(9)~~ provide information about best practices to
20 assist state agencies in adopting methods for design, deployment,
21 and management of telecommunications services.

22 SECTION 11.020. Section 2054.096(a), Government Code, as
23 amended by Chapter 645 (H.B. 921), Acts of the 80th Legislature,
24 Regular Session, 2007, is repealed to conform to the repeal of
25 Section 2054.096, Government Code, by Chapter 691 (H.B. 1788), Acts
26 of the 80th Legislature, Regular Session, 2007, a later enactment.

27 SECTION 11.021. Sections 2054.304(b) and (c), Government

1 Code, as amended by Chapters 937 (H.B. 3560) and 1081 (H.B. 2918),
2 Acts of the 80th Legislature, Regular Session, 2007, are reenacted
3 to read as follows:

4 (b) Except as provided by Subsection (c), the state agency
5 must file the project plan with the quality assurance team and the
6 department before the agency:

7 (1) spends more than 10 percent of allocated funds for
8 the project or major contract; or

9 (2) first issues a vendor solicitation for the project
10 or contract.

11 (c) Unless the project plan has been filed under this
12 section:

13 (1) a vendor solicitation may not be issued for the
14 project or major contract; and

15 (2) the agency may not post a vendor solicitation for
16 the project or contract in the state business daily under Section
17 2155.083.

18 SECTION 11.022. Section 2155.068(d), Government Code, as
19 amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the
20 80th Legislature, Regular Session, 2007, is reenacted to read as
21 follows:

22 (d) As part of the standards and specifications program, the
23 commission shall:

24 (1) review contracts for opportunities to recycle
25 waste produced at state buildings;

26 (2) develop and update a list of equipment and
27 appliances that meet the energy efficiency standards provided by

1 Section 2158.301; and

2 (3) assist state agencies in selecting products under
3 Section 2158.301, as appropriate.

4 SECTION 11.023. Section 2264.001(1), Government Code, as
5 added by Chapter 853 (H.B. 1196), Acts of the 80th Legislature,
6 Regular Session, 2007, is amended to correct a reference to read as
7 follows:

8 (1) "Economic development corporation" means a
9 development corporation organized under Subtitle C1, Title 12,
10 Local Government Code [~~the Development Corporation Act of 1979~~
11 ~~(Article 5190.6, Vernon's Texas Civil Statutes)]~~.

12 SECTION 11.024. Section 2306.1076(b), Government Code, as
13 added by Chapters 1029 (H.B. 1637) and 1341 (S.B. 1908), Acts of the
14 80th Legislature, Regular Session, 2007, is reenacted to read as
15 follows:

16 (b) In addition to funds set aside for the program under
17 Section 1372.023, the department may solicit and accept funding for
18 the program from gifts and grants for the purposes of this section.

19 SECTION 11.025. Sections 2306.553(a) and (b), Government
20 Code, as amended by Chapters 455 (H.B. 618), 544 (S.B. 1185), and
21 1108 (H.B. 3552), Acts of the 80th Legislature, Regular Session,
22 2007, are reenacted to read as follows:

23 (a) The public purpose of the corporation is to perform
24 activities and services that the corporation's board of directors
25 determines will promote the public health, safety, and welfare
26 through the provision of adequate, safe, and sanitary housing
27 primarily for individuals and families of low, very low, and

1 extremely low income and for persons who are eligible for loans
2 under the home loan programs provided by Sections 2306.562 and
3 2306.5621. The activities and services shall include engaging in
4 mortgage banking activities and lending transactions and
5 acquiring, holding, selling, or leasing real or personal property.

6 (b) The corporation's primary public purpose is to
7 facilitate the provision of housing by issuing qualified 501(c)(3)
8 bonds and qualified residential rental project bonds and by making
9 affordable loans to individuals and families of low, very low, and
10 extremely low income and to persons who are eligible for loans under
11 the home loan programs provided by Sections 2306.562 and
12 2306.5621. The corporation may make first lien, single family
13 purchase money mortgage loans for single family homes only to
14 individuals and families of low, very low, and extremely low income
15 if the individual's or family's household income is not more than
16 the greater of 60 percent of the median income for the state, as
17 defined by the United States Department of Housing and Urban
18 Development, or 60 percent of the area median family income,
19 adjusted for family size, as defined by that department. The
20 corporation may make loans for multifamily developments if:

21 (1) at least 40 percent of the units in a multifamily
22 development are affordable to individuals and families with incomes
23 at or below 60 percent of the median family income, adjusted for
24 family size; or

25 (2) at least 20 percent of the units in a multifamily
26 development are affordable to individuals and families with incomes
27 at or below 50 percent of the median family income, adjusted for

1 family size.

2 PART B. UPDATE OF COURT FEES

3 SECTION 11.101. (a) Section 101.021, Government Code, is
4 amended to read as follows:

5 Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT
6 CODE. The clerk of the supreme court shall collect fees and costs
7 as follows:

8 (1) application for writ of error (Sec. 51.005,
9 Government Code) . . . \$50;

10 (2) additional fee if application for writ of error is
11 granted (Sec. 51.005, Government Code) . . . \$75;

12 (3) motion for leave to file petition for writ of
13 mandamus, prohibition, injunction, and other similar proceedings
14 originating in the supreme court (Sec. 51.005, Government Code)
15 . . . \$50;

16 (4) additional fee if a motion under Subdivision (3)
17 is granted (Sec. 51.005, Government Code) . . . \$75;

18 (5) certified question from a court of appeals to the
19 supreme court (Sec. 51.005, Government Code) . . . \$75;

20 (6) case appealed to the supreme court from the
21 district court by direct appeal (Sec. 51.005, Government Code)
22 . . . \$100;

23 (7) any other proceeding filed in the supreme court
24 (Sec. 51.005, Government Code) . . . \$75;

25 (8) administering an oath and giving a sealed
26 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;

27 (9) making certain copies, including certificate and

1 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
2 more than 10 pages;

3 (10) any official service performed by the clerk for
4 which a fee is not otherwise provided (Sec. 51.005, Government
5 Code) . . . reasonable amount set by order or rule of supreme court;

6 (10-a) supreme court support account filing fee (Sec.
7 51.0051, Government Code) . . . amount set by the supreme court,
8 not to exceed \$50;

9 (11) issuance of attorney's license or certificate
10 (Sec. 51.006, Government Code) . . . \$10; and

11 (12) additional filing fee to fund civil legal
12 services for the indigent (Sec. 51.941, Government Code) . . . \$25.

13 (b) Section 101.022, Government Code, is repealed.

14 SECTION 11.102. (a) Section 101.041, Government Code, is
15 amended to read as follows:

16 Sec. 101.041. COURT OF APPEALS FEES AND COSTS: GOVERNMENT
17 CODE. The clerk of a court of appeals shall collect fees and costs
18 as follows:

19 (1) for cases appealed to and filed in the court of
20 appeals from the district and county courts within its court of
21 appeals district (Sec. 51.207, Government Code) . . . \$100;

22 (2) motion for leave to file petition for writ of
23 mandamus, prohibition, injunction, and other similar proceedings
24 originating in the court of appeals (Sec. 51.207, Government Code)
25 . . . \$50;

26 (3) additional fee if the motion under Subdivision (2)
27 is granted (Sec. 51.207, Government Code) . . . \$75;

1 (4) motion to file or to extend time to file record on
2 appeal from district or county court (Sec. 51.207, Government Code)
3 . . . \$10;

4 (5) administering an oath and giving a sealed
5 certificate of oath (Sec. 51.207, Government Code) . . . \$5;

6 (6) certified copy of papers of record in court
7 offices, including certificate and seal (Sec. 51.207, Government
8 Code) . . . \$5, or \$1 per page if more than five pages;

9 (7) comparing any document with the original filed in
10 the offices of the court for purposes of certification (Sec.
11 51.207, Government Code) . . . \$5, or \$1 per page if more than five
12 pages;

13 (8) any official service performed by the clerk for
14 which a fee is not otherwise provided (Sec. 51.207, Government
15 Code) . . . a reasonable fee set by the order or rule of the supreme
16 court;

17 (8-a) supreme court support account filing fee (Sec.
18 51.208, Government Code) . . . amount set by the supreme court, not
19 to exceed \$50; and

20 (9) additional filing fee to fund civil legal services
21 for the indigent (Sec. 51.941, Government Code) . . . \$25.

22 (b) Section 101.042, Government Code, is repealed.

23 SECTION 11.103. (a) Section 101.0611, Government Code, is
24 amended to conform to the amendments made to Section 101.061,
25 Government Code, by Chapters 637 (H.B. 764) and 1342 (S.B. 1951),
26 Acts of the 80th Legislature, Regular Session, 2007, and to conform
27 to Chapter 26 (S.B. 325), Acts of the 80th Legislature, Regular

1 Session, 2007, and is further amended to read as follows:

2 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
3 CODE. The clerk of a district court shall collect fees and costs
4 under the Government Code as follows:

5 (1) appellate judicial system filing fees for:

6 (A) First or Fourteenth Court of Appeals District
7 (Sec. 22.2021, Government Code) . . . not more than \$5;

8 (B) Second Court of Appeals District (Sec.
9 22.2031, Government Code) . . . not more than \$5;

10 (C) Third Court of Appeals District (Sec.
11 22.2041, Government Code) . . . \$5;

12 (D) Fourth Court of Appeals District (Sec.
13 22.2051, Government Code) . . . not more than \$5;

14 (E) Fifth Court of Appeals District (Sec.
15 22.2061, Government Code) . . . not more than \$5;

16 (F) Ninth Court of Appeals District (Sec.
17 22.2101, Government Code) . . . \$5;

18 (G) Eleventh Court of Appeals District (Sec.
19 22.2121, Government Code) . . . \$5; and

20 (H) [~~C~~] Thirteenth Court of Appeals District
21 (Sec. 22.2141, Government Code) . . . not more than \$5;

22 (2) when administering a case for the Rockwall County
23 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
24 court costs as if the case had been filed in district court;

25 (3) additional filing fees:

26 (A) for each suit filed for insurance contingency
27 fund, if authorized by the county commissioners court (Sec. 51.302,

1 Government Code) . . . not to exceed \$5; [~~and~~]

2 (B) to fund the improvement of Dallas County
3 civil court facilities, if authorized by the county commissioners
4 court (Sec. 51.705, Government Code) . . . not more than \$15; and

5 (C) to fund the improvement of Hays County court
6 facilities, if authorized by the county commissioners court (Sec.
7 51.707, Government Code) . . . not more than \$15;

8 (4) for filing a suit, including an appeal from an
9 inferior court:

10 (A) for a suit with 10 or fewer plaintiffs (Sec.
11 51.317, Government Code) . . . \$50;

12 (B) for a suit with at least 11 but not more than
13 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

14 (C) for a suit with at least 26 but not more than
15 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

16 (D) for a suit with at least 101 but not more than
17 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

18 (E) for a suit with at least 501 but not more than
19 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

20 (F) for a suit with more than 1,000 plaintiffs
21 (Sec. 51.317, Government Code) . . . \$200;

22 (5) for filing a cross-action, counterclaim,
23 intervention, contempt action, motion for new trial, or third-party
24 petition (Sec. 51.317, Government Code) . . . \$15;

25 (6) for issuing a citation or other writ or process not
26 otherwise provided for, including one copy, when requested at the
27 time a suit or action is filed (Sec. 51.317, Government Code) . . .

1 \$8;

2 (7) for records management and preservation (Sec.
3 51.317, Government Code) . . . \$10;

4 (8) for issuing a subpoena, including one copy (Sec.
5 51.318, Government Code) . . . \$8;

6 (9) for issuing a citation, commission for deposition,
7 writ of execution, order of sale, writ of execution and order of
8 sale, writ of injunction, writ of garnishment, writ of attachment,
9 or writ of sequestration not provided for in Section 51.317, or any
10 other writ or process not otherwise provided for, including one
11 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

12 (10) for searching files or records to locate a cause
13 when the docket number is not provided (Sec. 51.318, Government
14 Code) . . . \$5;

15 (11) for searching files or records to ascertain the
16 existence of an instrument or record in the district clerk's office
17 (Sec. 51.318, Government Code) . . . \$5;

18 (12) for abstracting a judgment (Sec. 51.318,
19 Government Code) . . . \$8;

20 (13) for approving a bond (Sec. 51.318, Government
21 Code) . . . \$4;

22 (14) for a certified copy of a record, judgment,
23 order, pleading, or paper on file or of record in the district
24 clerk's office, including certificate and seal, for each page or
25 part of a page (Sec. 51.318, Government Code) . . . \$1;

26 (15) for a noncertified copy, for each page or part of
27 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

1 (16) fee for performing a service:

2 (A) related to the matter of the estate of a
3 deceased person (Sec. 51.319, Government Code) . . . the same fee
4 allowed the county clerk for those services;

5 (B) related to the matter of a minor (Sec.
6 51.319, Government Code) . . . the same fee allowed the county
7 clerk for the service;

8 (C) of serving process by certified or registered
9 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
10 constable is authorized to charge for the service under Section
11 118.131, Local Government Code; and

12 (D) prescribed or authorized by law but for which
13 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

14 (17) jury fee (Sec. 51.604, Government Code) . . .
15 \$30;

16 (18) additional filing fee for family protection on
17 filing a suit for dissolution of a marriage under Chapter 6, Family
18 Code[~~, if authorized by the county commissioners court~~] (Sec.
19 51.961, Government Code) . . . not to exceed \$15 [~~\$30~~];

20 (19) at a hearing held by an associate judge in Dallas
21 County, a court cost to preserve the record, in the absence of a
22 court reporter, by other means (Sec. 54.509, Government Code) . . .
23 as assessed by the referring court or associate judge; and

24 (20) at a hearing held by an associate judge in Duval
25 County, a court cost to preserve the record (Sec. 54.1151,
26 Government Code) . . . as imposed by the referring court or
27 associate judge.

1 (b) Section 101.061, Government Code, as amended by
2 Chapters 637 (H.B. 764) and 1342 (S.B. 1951), Acts of the 80th
3 Legislature, Regular Session, 2007, is repealed. Section 101.061,
4 Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the
5 80th Legislature, Regular Session, 2007, to reorganize and renumber
6 that section, continues in effect.

7 SECTION 11.104. (a) Section 101.0615, Government Code, is
8 amended to conform to the amendments made to Section 101.062,
9 Government Code, by Chapter 1301 (S.B. 600), Acts of the 80th
10 Legislature, Regular Session, 2007, to read as follows:

11 Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL
12 GOVERNMENT CODE. The clerk of a district court shall collect fees
13 and costs under the Local Government Code as follows:

14 (1) additional filing fees:

15 (A) for each civil suit filed, for court-related
16 purposes for the support of the judiciary and for civil legal
17 services to an indigent:

18 (i) for family law cases and proceedings as
19 defined by Section 25.0002, Government Code (Sec. 133.151, Local
20 Government Code) . . . \$45; or

21 (ii) for any case other than a case
22 described by Subparagraph (i) (Sec. 133.151, Local Government Code)
23 . . . \$50; and

24 (B) on the filing of any civil action or
25 proceeding requiring a filing fee, including an appeal, and on the
26 filing of any counterclaim, cross-action, intervention,
27 interpleader, or third-party action requiring a filing fee, to fund

1 civil legal services for the indigent:

2 (i) for family law cases and proceedings as
3 defined by Section 25.0002, Government Code (Sec. 133.152, Local
4 Government Code) . . . \$5; or

5 (ii) for any case other than a case
6 described by Subparagraph (i) (Sec. 133.152, Local Government Code)
7 . . . \$10;

8 (2) additional filing fee to fund the courthouse
9 security fund, if authorized by the county commissioners court
10 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

11 (3) additional filing fee for filing documents not
12 subject to certain filing fees to fund the courthouse security
13 fund, if authorized by the county commissioners court (Sec.
14 291.008, Local Government Code) . . . \$1;

15 (4) additional filing fee to fund the courthouse
16 security fund in Webb County, if authorized by the county
17 commissioners court (Sec. 291.009, Local Government Code) . . . not
18 to exceed \$20;

19 (5) court cost in civil cases other than suits for
20 delinquent taxes to fund the county law library fund, if authorized
21 by the county commissioners court (Sec. 323.023, Local Government
22 Code) . . . not to exceed \$35; and

23 (6) on the filing of a civil suit, an additional filing
24 fee to be used for court-related purposes for the support of the
25 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

26 (b) Section 101.062, Government Code, is repealed.

27 SECTION 11.105. Section 101.0616, Government Code, is

1 amended to conform to Chapter 614 (H.B. 417), Acts of the 80th
2 Legislature, Regular Session, 2007, to read as follows:

3 Sec. 101.0616. DISTRICT COURT FEES AND COSTS: TEXAS
4 PROBATE CODE. The clerk of a district court shall collect fees and
5 costs under the Texas Probate Code as follows:

6 (1) security deposit on filing, by any person other
7 than the personal representative of an estate, an application,
8 complaint, or opposition in relation to the estate, if required by
9 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
10 proceeding; ~~and~~

11 (2) security deposit on filing, by any person other
12 than the guardian, attorney ad litem, or guardian ad litem, an
13 application, complaint, or opposition in relation to a guardianship
14 matter, if required by the clerk (Sec. 622, Texas Probate Code)
15 . . . probable cost of the guardianship proceeding; and

16 (3) costs for attorney ad litem appointed to pursue
17 the restoration of a ward's capacity or modification of the ward's
18 guardianship (Secs. 694C and 694L, Texas Probate Code) . . .
19 reasonable compensation.

20 SECTION 11.106. (a) Section 101.0811, Government Code, is
21 amended to conform to the amendments made to Section 101.081,
22 Government Code, by Chapters 1301 (S.B. 600) and 1342 (S.B. 1951),
23 Acts of the 80th Legislature, Regular Session, 2007, and to conform
24 to Chapter 26 (S.B. 325), Acts of the 80th Legislature, Regular
25 Session, 2007, to read as follows:

26 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS:
27 GOVERNMENT CODE. The clerk of a statutory county court shall

1 collect fees and costs under the Government Code as follows:

2 (1) appellate judicial system filing fees:

3 (A) First or Fourteenth Court of Appeals District
4 (Sec. 22.2021, Government Code) . . . not more than \$5;

5 (B) Second Court of Appeals District (Sec.
6 22.2031, Government Code) . . . not more than \$5;

7 (C) Third Court of Appeals District (Sec.
8 22.2041, Government Code) . . . \$5;

9 (D) Fourth Court of Appeals District (Sec.
10 22.2051, Government Code) . . . not more than \$5;

11 (E) Fifth Court of Appeals District (Sec.
12 22.2061, Government Code) . . . not more than \$5;

13 (F) Ninth Court of Appeals District (Sec.
14 22.2101, Government Code) . . . \$5;

15 (G) Eleventh Court of Appeals District (Sec.
16 22.2121, Government Code) . . . \$5; and

17 (H) [~~C~~] Thirteenth Court of Appeals District
18 (Sec. 22.2141, Government Code) . . . not more than \$5;

19 (2) an official court reporter fee, County Court at
20 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;

21 (3) in Brazoria County, in matters of concurrent
22 jurisdiction with the district court, fees (Sec. 25.0222,
23 Government Code) . . . as prescribed by law for district judges
24 according to the nature of the matter;

25 (4) a court reporter fee when testimony is taken in a
26 county court at law in McLennan County (Sec. 25.1572, Government
27 Code) . . . \$3;

1 (5) a stenographer fee, if a record or part of a record
2 is made:

3 (A) in a county court at law in Hidalgo County
4 (Sec. 25.1102, Government Code) . . . \$20; and

5 (B) in a county court at law in Nolan County (Sec.
6 25.1792, Government Code) . . . \$25;

7 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

8 (7) an additional filing fee:

9 (A) for each civil case filed to be used for
10 court-related purposes for the support of the judiciary [~~if~~
11 ~~authorized by the county commissioners court~~] (Sec. 51.702,
12 Government Code) . . . \$40; [~~and~~]

13 (B) to fund the improvement of Dallas County
14 civil court facilities, if authorized by the county commissioners
15 court (Sec. 51.705, Government Code) . . . not more than \$15; and

16 (C) to fund the improvement of Hays County court
17 facilities, if authorized by the county commissioners court (Sec.
18 51.707, Government Code) . . . not more than \$15;

19 (8) the official court reporter's fee taxed as costs in
20 civil actions in a statutory county court:

21 (A) in Bexar County Courts at Law:

22 (i) Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
23 (Sec. 25.0172, Government Code) . . . taxed in the same manner as
24 the fee is taxed in district court; and

25 (ii) No. 2 (Sec. 25.0172, Government Code)
26 . . . \$3;

27 (B) in Galveston County (Sec. 25.0862,

1 Government Code) . . . taxed in the same manner as the fee is taxed
2 in civil cases in the district courts; and

3 (C) in Parker County (Sec. 25.1862, Government
4 Code) . . . taxed in the same manner as the fee is taxed in civil
5 cases in the district courts;

6 (9) a stenographer's fee as costs in each civil,
7 criminal, and probate case in which a record is made by the official
8 court reporter in a statutory county court in Nolan County (Sec.
9 25.1792, Government Code) . . . \$25;

10 (10) in Nueces County, in matters of concurrent
11 jurisdiction with the district court, with certain exceptions, fees
12 (Sec. 25.1802, Government Code) . . . equal to those in district
13 court cases; and

14 (11) a fee not otherwise listed in this subchapter
15 that is required to be collected under Section 25.0008, Government
16 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,
17 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,
18 Victoria, and Williamson . . . as prescribed by law relating to
19 county judges' fees.

20 (b) Section 101.0814, Government Code, is amended to
21 conform to the amendments made to Section 101.081, Government Code,
22 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
23 Session, 2007, and to conform to the amendments made to Section
24 101.083, Government Code, by Chapter 1301 (S.B. 600), Acts of the
25 80th Legislature, Regular Session, 2007, and is further amended to
26 read as follows:

27 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL

1 GOVERNMENT CODE. The clerk of a statutory county court shall
2 collect fees and costs under the Local Government Code as follows:

3 (1) additional filing fee to fund contingency fund for
4 liability insurance, if authorized by the county commissioners
5 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

6 (2) civil court actions (Sec. 118.052, Local
7 Government Code):

8 (A) filing of original action (Secs. 118.052 and
9 118.053, Local Government Code):

10 (i) garnishment after judgment (Sec.
11 118.052, Local Government Code) . . . \$15; and

12 (ii) all others (Sec. 118.052, Local
13 Government Code) . . . \$40;

14 (B) filing of action other than original (Secs.
15 118.052 and 118.054, Local Government Code) . . . \$30; and

16 (C) services rendered after judgment in original
17 action (Secs. 118.052 and 118.0545, Local Government Code):

18 (i) abstract of judgment (Sec. 118.052,
19 Local Government Code) . . . \$5; and

20 (ii) execution, order of sale, writ, or
21 other process (Sec. 118.052, Local Government Code) . . . \$5;

22 (3) probate court actions (Sec. 118.052, Local
23 Government Code):

24 (A) probate original action (Secs. 118.052 and
25 118.055, Local Government Code):

26 (i) probate of a will with independent
27 executor, administration with will attached, administration of an

1 estate, guardianship or receivership of an estate, or muniment of
2 title (Sec. 118.052, Local Government Code) . . . \$40;

3 (ii) community survivors (Sec. 118.052,
4 Local Government Code) . . . \$40;

5 (iii) small estates (Sec. 118.052, Local
6 Government Code) . . . \$40;

7 (iv) declarations of heirship (Sec.
8 118.052, Local Government Code) . . . \$40;

9 (v) mental health or chemical dependency
10 services (Sec. 118.052, Local Government Code) . . . \$40; and

11 (vi) additional, special fee (Secs. 118.052
12 and 118.064, Local Government Code) . . . \$5;

13 (B) services in pending probate action (Secs.
14 118.052 and 118.056, Local Government Code):

15 (i) filing an inventory and appraisalment
16 (Secs. [after the 120th day after the date of the initial filing of
17 the action (Sec.) 118.052 and 118.056(d), Local Government Code)
18 . . . \$25;

19 (ii) approving and recording bond (Sec.
20 118.052, Local Government Code) . . . \$3;

21 (iii) administering oath (Sec. 118.052,
22 Local Government Code) . . . \$2;

23 (iv) filing annual or final account of
24 estate (Sec. 118.052, Local Government Code) . . . \$25;

25 (v) filing application for sale of real or
26 personal property (Sec. 118.052, Local Government Code) . . . \$25;

27 (vi) filing annual or final report of

1 guardian of a person (Sec. 118.052, Local Government Code) . . .
2 \$10; and

3 (vii) filing a document not listed under
4 this paragraph after the filing of an order approving the inventory
5 and appraisement or after the 120th day after the date of the
6 initial filing of the action, whichever occurs first (Secs. 118.052
7 and 191.007, Local Government Code), if more than 25 pages . . .
8 \$25;

9 (C) adverse probate action (Secs. 118.052 and
10 118.057, Local Government Code) . . . \$40; ~~and~~

11 (D) claim against estate (Secs. 118.052 and
12 118.058, Local Government Code) . . . \$2; and

13 (E) supplemental court-initiated guardianship
14 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;

15 (4) other fees (Sec. 118.052, Local Government Code):

16 (A) issuing document (Secs. 118.052 and 118.059,
17 Local Government Code):

18 (i) original document and one copy (Sec.
19 118.052, Local Government Code) . . . \$4; and

20 (ii) each additional set of an original and
21 one copy (Sec. 118.052, Local Government Code) . . . \$4;

22 (B) certified papers (Secs. 118.052 and 118.060,
23 Local Government Code):

24 (i) for the clerk's certificate (Sec.
25 118.052, Local Government Code) . . . \$5; and

26 (ii) a fee per page or part of a page (Sec.
27 118.052, Local Government Code) . . . \$1;

1 (C) noncertified papers, for each page or part of
2 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
3 \$1;

4 (D) letters testamentary, letter of
5 guardianship, letter of administration, or abstract of judgment
6 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

7 (E) safekeeping of wills (Secs. 118.052 and
8 118.062, Local Government Code) . . . \$5;

9 (F) mail service of process (Secs. 118.052 and
10 118.063, Local Government Code) . . . same as sheriff; and

11 (G) records management and preservation fee
12 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
13 . . . \$5;

14 (5) additional filing fee for filing any civil action
15 or proceeding requiring a filing fee, including an appeal, and on
16 the filing of any counterclaim, cross-action, intervention,
17 interpleader, or third-party action requiring a filing fee, to fund
18 civil legal services for the indigent (Sec. 133.153, Local
19 Government Code) . . . \$5;

20 (6) on the filing of a civil suit, an additional filing
21 fee to be used for court-related purposes for the support of the
22 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

23 (7) additional filing fee to fund the courthouse
24 security fund, if authorized by the county commissioners court
25 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

26 (8) additional filing fee for filing documents not
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.
2 291.008, Local Government Code) . . . \$1;

3 (9) additional filing fee to fund the courthouse
4 security fund in Webb County, if authorized by the county
5 commissioners court (Sec. 291.009, Local Government Code) . . . not
6 to exceed \$20; and

7 (10) court cost in civil cases other than suits for
8 delinquent taxes to fund the county law library fund, if authorized
9 by the county commissioners court (Sec. 323.023, Local Government
10 Code) . . . not to exceed \$35.

11 (c) Section 101.0815, Government Code, is amended to
12 conform to the amendments made to Section 101.081, Government Code,
13 by Chapter 275 (H.B. 290), Acts of the 80th Legislature, Regular
14 Session, 2007, and to conform to Chapter 614 (H.B. 417), Acts of the
15 80th Legislature, Regular Session, 2007, to read as follows:

16 Sec. 101.0815. STATUTORY COUNTY COURT FEES AND COSTS: TEXAS
17 PROBATE CODE. The clerk of a statutory county court shall collect
18 fees and costs under the Texas Probate Code as follows:

19 (1) fee for deposit of a will with the county clerk
20 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5
21 [~~\$3~~];

22 (2) security deposit on filing, by any person other
23 than the personal representative of an estate, an application,
24 complaint, or opposition in relation to the estate, if required by
25 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
26 proceeding; [~~and~~]

27 (3) security deposit on filing, by any person other

1 than the guardian, attorney ad litem, or guardian ad litem, an
2 application, complaint, or opposition in relation to a guardianship
3 matter, if required by the clerk (Sec. 622, Texas Probate Code)
4 . . . probable cost of the guardianship proceeding; and

5 (4) costs for attorney ad litem appointed to pursue
6 the restoration of a ward's capacity or modification of the ward's
7 guardianship (Secs. 694C and 694L, Texas Probate Code) . . .
8 reasonable compensation.

9 (d) Section 101.081, Government Code, as amended by
10 Chapters 275 (H.B. 290), 399 (S.B. 819), 1301 (S.B. 600), and 1342
11 (S.B. 1951), Acts of the 80th Legislature, Regular Session, 2007,
12 is repealed. Section 101.081, Government Code, as amended by
13 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
14 Session, 2007, to reorganize and renumber that section, continues
15 in effect.

16 (e) Sections 101.0818 and 101.083, Government Code, are
17 repealed.

18 SECTION 11.107. (a) Section 101.1011, Government Code, is
19 amended to conform to the amendments made to Section 101.101,
20 Government Code, by Chapters 718 (H.B. 2359) and 1342 (S.B. 1951),
21 Acts of the 80th Legislature, Regular Session, 2007, and to conform
22 to Chapter 26 (S.B. 325), Acts of the 80th Legislature, Regular
23 Session, 2007, to read as follows:

24 Sec. 101.1011. STATUTORY PROBATE COURT FEES AND
25 COSTS: GOVERNMENT CODE. The clerk of a statutory probate court
26 shall collect fees and costs under the Government Code as follows:

27 (1) appellate judicial system filing fees:

- 1 (A) First or Fourteenth Court of Appeals District
2 (Sec. 22.2021, Government Code) . . . not more than \$5;
- 3 (B) Second Court of Appeals District (Sec.
4 22.2031, Government Code) . . . not more than \$5;
- 5 (C) Third Court of Appeals District (Sec.
6 22.2041, Government Code) . . . \$5;
- 7 (D) Fourth Court of Appeals District (Sec.
8 22.2051, Government Code) . . . not more than \$5;
- 9 (E) Fifth Court of Appeals District (Sec.
10 22.2061, Government Code) . . . not more than \$5;
- 11 (F) Ninth Court of Appeals District (Sec.
12 22.2101, Government Code) . . . \$5;
- 13 (G) Eleventh Court of Appeals District (Sec.
14 22.2121, Government Code) . . . \$5; and
- 15 (H) [~~(C)~~] Thirteenth Court of Appeals District
16 (Sec. 22.2141, Government Code) . . . not more than \$5;
- 17 (2) additional filing fees as follows:
- 18 (A) for certain cases to be used for
19 court-related purposes for support of the judiciary [~~if~~
20 ~~authorized by the county commissioners court~~] (Sec. 51.704,
21 Government Code) . . . \$40; [~~and~~]
- 22 (B) to fund the improvement of Dallas County
23 civil court facilities, if authorized by the county commissioners
24 court (Sec. 51.705, Government Code) . . . not more than \$15; and
- 25 (C) to fund the improvement of Hays County court
26 facilities, if authorized by the county commissioners court (Sec.
27 51.707, Government Code) . . . not more than \$15;

1 (3) jury fee for civil case (Sec. 51.604, Government
2 Code) . . . \$22;

3 (4) the expense of preserving the record as a court
4 cost, if imposed on a party by the referring court or associate
5 judge (Sec. 54.612, Government Code) . . . actual cost; and

6 (5) a fee not otherwise listed in this subchapter that
7 is required to be collected under Section 25.0029, Government Code
8 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
9 to county judges' fees.

10 (b) Section 101.1013, Government Code, is amended to
11 conform to the amendments made to Section 101.101, Government Code,
12 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
13 Session, 2007, and is further amended to read as follows:

14 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND
15 COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory probate
16 court shall collect fees and costs under the Local Government Code
17 as follows:

18 (1) additional filing fee for filing any civil action
19 or proceeding requiring a filing fee, including an appeal, and on
20 the filing of any counterclaim, cross-action, intervention,
21 interpleader, or third-party action requiring a filing fee to fund
22 civil legal services for the indigent (Sec. 133.153, Local
23 Government Code). . . \$5;

24 (2) additional filing fee to fund contingency fund for
25 liability insurance, if authorized by the county commissioners
26 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

27 (3) probate court actions (Sec. 118.052, Local

1 Government Code):

2 (A) probate original action (Secs. 118.052 and
3 118.055, Local Government Code):

4 (i) probate of a will with independent
5 executor, administration with will attached, administration of an
6 estate, guardianship or receivership of an estate, or muniment of
7 title (Sec. 118.052, Local Government Code) . . . \$40;

8 (ii) community survivors (Sec. 118.052,
9 Local Government Code) . . . \$40;

10 (iii) small estates (Sec. 118.052, Local
11 Government Code) . . . \$40;

12 (iv) declarations of heirship (Sec.
13 118.052, Local Government Code) . . . \$40;

14 (v) mental health or chemical dependency
15 services (Sec. 118.052, Local Government Code) . . . \$40; and

16 (vi) additional, special fee (Secs. 118.052
17 and 118.064, Local Government Code) . . . \$5;

18 (B) services in pending probate action (Secs.
19 118.052 and 118.056, Local Government Code):

20 (i) filing an inventory and appraisalment
21 (Secs. [after the 120th day after the date of the initial filing of
22 the action (Sec.] 118.052 and 118.056(d), Local Government Code)
23 . . . \$25;

24 (ii) approving and recording bond (Sec.
25 118.052, Local Government Code) . . . \$3;

26 (iii) administering oath (Sec. 118.052,
27 Local Government Code) . . . \$2;

1 (iv) filing annual or final account of
2 estate (Sec. 118.052, Local Government Code) . . . \$25;

3 (v) filing application for sale of real or
4 personal property (Sec. 118.052, Local Government Code) . . . \$25;

5 (vi) filing annual or final report of
6 guardian of a person (Sec. 118.052, Local Government Code) . . .
7 \$10; and

8 (vii) filing a document not listed under
9 this paragraph after the filing of an order approving the inventory
10 and appraisal or after the 120th day after the date of the
11 initial filing of the action, whichever occurs first (Secs. 118.052
12 and 191.007, Local Government Code), if more than 25 pages . . .
13 \$25;

14 (C) adverse probate action (Secs. 118.052 and
15 118.057, Local Government Code) . . . \$40; ~~and~~

16 (D) claim against estate (Secs. 118.052 and
17 118.058, Local Government Code) . . . \$2; and

18 (E) supplemental court-initiated guardianship
19 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;

20 (4) other fees (Sec. 118.052, Local Government Code):

21 (A) issuing document (Secs. 118.052 and 118.059,
22 Local Government Code):

23 (i) original document and one copy (Sec.
24 118.052, Local Government Code) . . . \$4; and

25 (ii) each additional set of an original and
26 one copy (Sec. 118.052, Local Government Code) . . . \$4;

27 (B) certified papers (Secs. 118.052 and 118.060,

1 Local Government Code):

2 (i) for the clerk's certificate (Sec.
3 118.052, Local Government Code) . . . \$5; and

4 (ii) a fee per page or part of a page (Sec.
5 118.052, Local Government Code) . . . \$1;

6 (C) noncertified papers, for each page or part of
7 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
8 \$1;

9 (D) letters testamentary, letter of
10 guardianship, letter of administration, or abstract of judgment
11 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

12 (E) safekeeping of wills (Secs. 118.052 and
13 118.062, Local Government Code) . . . \$5;

14 (F) mail service of process (Secs. 118.052 and
15 118.063, Local Government Code) . . . same as sheriff; and

16 (G) records management and preservation fee
17 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

18 (5) court cost in civil cases other than suits for
19 delinquent taxes to fund the county law library fund, if authorized
20 by the county commissioners court (Sec. 323.023, Local Government
21 Code) . . . not to exceed \$35.

22 (c) Section 101.1014, Government Code, is amended to
23 conform to the amendments made to Section 101.101, Government Code,
24 by Chapter 275 (H.B. 290), Acts of the 80th Legislature, Regular
25 Session, 2007, and to conform to Chapter 614 (H.B. 417), Acts of the
26 80th Legislature, Regular Session, 2007, to read as follows:

27 Sec. 101.1014. STATUTORY PROBATE COURT FEES AND

1 COSTS: TEXAS PROBATE CODE. The clerk of a statutory probate court
2 shall collect fees and costs under the Texas Probate Code as
3 follows:

4 (1) fee for deposit of a will with the county clerk
5 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5
6 [~~\$3~~];

7 (2) security deposit on filing, by any person other
8 than the personal representative of an estate, an application,
9 complaint, or opposition in relation to the estate, if required by
10 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
11 proceeding; [~~and~~]

12 (3) security deposit on filing, by any person other
13 than the guardian, attorney ad litem, or guardian ad litem, an
14 application, complaint, or opposition in relation to a guardianship
15 matter, if required by the clerk (Sec. 622, Texas Probate Code)
16 . . . probable cost of the guardianship proceeding; and

17 (4) costs for attorney ad litem appointed to pursue
18 the restoration of a ward's capacity or modification of the ward's
19 guardianship (Secs. 694C and 694L, Texas Probate Code) . . .
20 reasonable compensation.

21 (d) Section 101.101, Government Code, as amended by
22 Chapters 275 (H.B. 290), 399 (S.B. 819), 718 (H.B. 2359), and 1342
23 (S.B. 1951), Acts of the 80th Legislature, Regular Session, 2007,
24 is repealed. Section 101.101, Government Code, as amended by
25 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
26 Session, 2007, to reorganize and renumber that section, continues
27 in effect.

1 (e) Section 101.1016, Government Code, is repealed.

2 SECTION 11.108. Section 101.1212, Government Code, is
3 amended to conform to Chapter 26 (S.B. 325), Acts of the 80th
4 Legislature, Regular Session, 2007, to read as follows:

5 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
6 CODE. The clerk of a county court shall collect the following fees
7 and costs under the Government Code:

8 (1) appellate judicial system filing fees:

9 (A) First or Fourteenth Court of Appeals District
10 (Sec. 22.2021, Government Code) . . . not more than \$5;

11 (B) Second Court of Appeals District (Sec.
12 22.2031, Government Code) . . . not more than \$5;

13 (C) Third Court of Appeals District (Sec.
14 22.2041, Government Code) . . . \$5;

15 (D) Fourth Court of Appeals District (Sec.
16 22.2051, Government Code) . . . not more than \$5;

17 (E) Fifth Court of Appeals District (Sec.
18 22.2061, Government Code) . . . not more than \$5;

19 (F) Ninth Court of Appeals District (Sec.
20 22.2101, Government Code) . . . \$5;

21 (G) Eleventh Court of Appeals District (Sec.
22 22.2121, Government Code) . . . \$5; and

23 (H) [~~C~~] Thirteenth Court of Appeals District
24 (Sec. 22.2141, Government Code) . . . not more than \$5;

25 (2) a jury fee (Sec. 51.604, Government Code) . . .
26 \$22; and

27 (3) a filing fee in each civil case filed to be used

1 for court-related purposes for the support of the judiciary (Sec.
2 51.703, Government Code) . . . \$40.

3 SECTION 11.109. (a) Section 101.1214, Government Code, is
4 amended to conform to the amendments made to Section 101.121,
5 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
6 Legislature, Regular Session, 2007, and to conform to the
7 amendments made to Section 101.123, Government Code, by Chapter
8 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
9 2007, and is further amended to read as follows:

10 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
11 GOVERNMENT CODE. The clerk of a county court shall collect the
12 following fees and costs under the Local Government Code:

13 (1) additional filing fee to fund contingency fund for
14 liability insurance, if authorized by the county commissioners
15 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

16 (2) civil court actions (Sec. 118.052, Local
17 Government Code):

18 (A) filing of original action (Secs. 118.052 and
19 118.053, Local Government Code):

20 (i) garnishment after judgment (Sec.
21 118.052, Local Government Code) . . . \$15; and

22 (ii) all others (Sec. 118.052, Local
23 Government Code) . . . \$40;

24 (B) filing of action other than original (Secs.
25 118.052 and 118.054, Local Government Code) . . . \$30; and

26 (C) services rendered after judgment in original
27 action (Secs. 118.052 and 118.0545, Local Government Code):

1 (i) abstract of judgment (Sec. 118.052,
2 Local Government Code) . . . \$5; and

3 (ii) execution, order of sale, writ, or
4 other process (Sec. 118.052, Local Government Code) . . . \$5;

5 (3) probate court actions (Sec. 118.052, Local
6 Government Code):

7 (A) probate original action (Secs. 118.052 and
8 118.055, Local Government Code):

9 (i) probate of a will with independent
10 executor, administration with will attached, administration of an
11 estate, guardianship or receivership of an estate, or muniment of
12 title (Sec. 118.052, Local Government Code) . . . \$40;

13 (ii) community survivors (Sec. 118.052,
14 Local Government Code) . . . \$40;

15 (iii) small estates (Sec. 118.052, Local
16 Government Code) . . . \$40;

17 (iv) declarations of heirship (Sec.
18 118.052, Local Government Code) . . . \$40;

19 (v) mental health or chemical dependency
20 services (Sec. 118.052, Local Government Code) . . . \$40; and

21 (vi) additional, special fee (Secs. 118.052
22 and 118.064, Local Government Code) . . . \$5;

23 (B) services in pending probate action (Secs.
24 118.052 and 118.056, Local Government Code):

25 (i) filing an inventory and appraisement
26 (Secs. [after the 120th day after the date of the initial filing of
27 the action (Sec.] 118.052 and 118.056(d), Local Government Code)

1 . . . \$25;

2 (ii) approving and recording bond (Sec.
3 118.052, Local Government Code) . . . \$3;

4 (iii) administering oath (Sec. 118.052,
5 Local Government Code) . . . \$2;

6 (iv) filing annual or final account of
7 estate (Sec. 118.052, Local Government Code) . . . \$25;

8 (v) filing application for sale of real or
9 personal property (Sec. 118.052, Local Government Code) . . . \$25;

10 (vi) filing annual or final report of
11 guardian of a person (Sec. 118.052, Local Government Code) . . .
12 \$10; and

13 (vii) filing a document not listed under
14 this paragraph after the filing of an order approving the inventory
15 and appraisement or after the 120th day after the date of the
16 initial filing of the action, whichever occurs first (Secs. 118.052
17 and 191.007, Local Government Code), if more than 25 pages . . .
18 \$25;

19 (C) adverse probate action (Secs. 118.052 and
20 118.057, Local Government Code) . . . \$40; ~~and~~

21 (D) claim against estate (Secs. 118.052 and
22 118.058, Local Government Code) . . . \$2; and

23 (E) supplemental court-initiated guardianship
24 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;

25 (4) other fees (Sec. 118.052, Local Government Code):

26 (A) issuing document (Secs. 118.052 and 118.059,
27 Local Government Code):

- 1 (i) original document and one copy (Sec.
2 118.052, Local Government Code) . . . \$4; and
- 3 (ii) each additional set of an original and
4 one copy (Sec. 118.052, Local Government Code) . . . \$4;
- 5 (B) certified papers (Secs. 118.052 and 118.060,
6 Local Government Code):
- 7 (i) for the clerk's certificate (Sec.
8 118.052, Local Government Code) . . . \$5; and
- 9 (ii) a fee per page or part of a page (Sec.
10 118.052, Local Government Code) . . . \$1;
- 11 (C) noncertified papers, for each page or part of
12 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
13 \$1;
- 14 (D) letters testamentary, letter of
15 guardianship, letter of administration, or abstract of judgment
16 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 17 (E) safekeeping of wills (Secs. 118.052 and
18 118.062, Local Government Code) . . . \$5;
- 19 (F) mail service of process (Secs. 118.052 and
20 118.063, Local Government Code) . . . same as sheriff; and
- 21 (G) records management and preservation fee
22 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
23 . . . \$5;
- 24 (5) deposit on filing petition requesting permission
25 to create a municipal civic center authority (Sec. 281.013, Local
26 Government Code) . . . \$200;
- 27 (6) additional filing fee to fund the courthouse

1 security fund, if authorized by the county commissioners court
2 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

3 (7) additional filing fee for filing documents not
4 subject to certain filing fees to fund the courthouse security
5 fund, if authorized by the county commissioners court (Sec.
6 291.008, Local Government Code) . . . \$1;

7 (8) additional filing fee to fund the courthouse
8 security fund in Webb County, if authorized by the county
9 commissioners court (Sec. 291.009, Local Government Code) . . . not
10 to exceed \$20;

11 (9) court cost in civil cases other than suits for
12 delinquent taxes to fund the county law library fund, if authorized
13 by the county commissioners court (Sec. 323.023, Local Government
14 Code) . . . not to exceed \$35;

15 (10) additional filing fee for filing any civil action
16 or proceeding requiring a filing fee, including an appeal, and on
17 the filing of any counterclaim, cross-action, intervention,
18 interpleader, or third-party action requiring a filing fee, to fund
19 civil legal services for the indigent (Sec. 133.153, Local
20 Government Code) . . . \$5; and

21 (11) on the filing of a civil suit an additional filing
22 fee to be used for court-related purposes for the support of the
23 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

24 (b) Section 101.1215, Government Code, is amended to
25 conform to the amendments made to Section 101.121, Government Code,
26 by Chapter 275 (H.B. 290), Acts of the 80th Legislature, Regular
27 Session, 2007, and to conform to Chapter 614 (H.B. 417), Acts of the

1 80th Legislature, Regular Session, 2007, to read as follows:

2 Sec. 101.1215. COUNTY COURT FEES AND COSTS: TEXAS PROBATE
3 CODE. The clerk of a county court shall collect the following fees
4 and costs under the Texas Probate Code:

5 (1) fee for deposit of a will with the county clerk
6 during testator's lifetime (Sec. 71, Texas Probate Code) . . . \$5
7 [~~\$3~~];

8 (2) security deposit on filing, by any person other
9 than the personal representative of an estate, an application,
10 complaint, or opposition in relation to the estate, if required by
11 the clerk (Sec. 12, Texas Probate Code) . . . probable cost of the
12 proceeding; [~~and~~]

13 (3) security deposit on filing, by any person other
14 than the guardian, attorney ad litem, or guardian ad litem, an
15 application, complaint, or opposition in relation to a guardianship
16 matter, if required by the clerk (Sec. 622, Texas Probate Code)
17 . . . probable cost of the guardianship proceeding; and

18 (4) costs for attorney ad litem appointed to pursue
19 the restoration of a ward's capacity or modification of the ward's
20 guardianship (Secs. 694C and 694L, Texas Probate Code) . . .
21 reasonable compensation.

22 (c) Section 101.121, Government Code, as amended by
23 Chapters 275 (H.B. 290) and 399 (S.B. 819), Acts of the 80th
24 Legislature, Regular Session, 2007, is repealed. Section 101.121,
25 Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the
26 80th Legislature, Regular Session, 2007, to reorganize and renumber
27 that section, continues in effect.

1 (d) Sections 101.1217 and 101.123, Government Code, are
2 repealed.

3 SECTION 11.110. (a) Section 101.141(b), Government Code,
4 as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
5 Regular Session, 2007, is amended to conform to the amendments made
6 to Section 101.141(a), Government Code, by Chapters 1046 (H.B.
7 2094) and 1342 (S.B. 1951), Acts of the 80th Legislature, Regular
8 Session, 2007, to read as follows:

9 (b) A clerk of a justice court shall collect fees and costs
10 under other laws as follows:

11 (1) the cost of a special program that a court may
12 order a child to attend after a finding that the child committed an
13 offense, if ordered by the court (Art. 45.057, Code of Criminal
14 Procedure) . . . costs of the program not to exceed \$100;

15 (2) additional filing fees:

16 (A) to fund Dallas County civil court facilities
17 (Sec. 51.705, Government Code) . . . not more than \$15; ~~and~~

18 (B) for filing any civil action or proceeding
19 requiring a filing fee, including an appeal, and on the filing of
20 any counterclaim, cross-action, intervention, interpleader, or
21 third-party action requiring a filing fee, to fund civil legal
22 services for the indigent (Sec. 133.153, Local Government Code)
23 . . . \$2; and

24 (C) to fund the improvement of Hays County court
25 facilities, if authorized by the county commissioners court (Sec.
26 51.707, Government Code) . . . not more than \$15;

27 (3) for filing a suit in Comal County (Sec. 152.0522,

1 Human Resources Code) . . . \$1.50; and

2 (4) fee for hearing on probable cause for removal of a
3 vehicle and placement in a storage facility if assessed by the court
4 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
5 \$20.

6 (b) Section 101.151(a), Government Code, is amended to
7 conform to the amendments made to Section 101.141(b), Government
8 Code, by Chapter 552 (S.B. 1412), Acts of the 80th Legislature,
9 Regular Session, 2007, to read as follows:

10 (a) A justice of the peace shall collect the following fees
11 under the Local Government Code:

12 (1) services rendered before judgment (Secs. 118.121
13 and 118.122, Local Government Code):

14 (A) justice court (Sec. 118.121, Local
15 Government Code) . . . \$25 [~~\$15~~]; and

16 (B) small claims court (Sec. 118.121, Local
17 Government Code) . . . \$25 [~~\$10~~]; and

18 (2) services rendered after judgment (Secs. 118.121
19 and 118.123, Local Government Code):

20 (A) transcript (Sec. 118.121, Local Government
21 Code) . . . \$10;

22 (B) abstract of judgment (Sec. 118.121, Local
23 Government Code) . . . \$5;

24 (C) execution, order of sale, writ of
25 restitution, or other writ or process (Sec. 118.121, Local
26 Government Code) . . . \$5 per page;

27 (D) certified copy of court papers (Secs. 118.121

1 and 118.1235, Local Government Code) . . . \$2 for first page; \$0.25
2 for each additional page; and

3 (E) issuing other document (no return required)
4 (Sec. 118.121, Local Government Code) . . . \$1 for first page;
5 \$0.25 for each additional page.

6 (c) Section 101.141, Government Code, as amended by
7 Chapters 552 (S.B. 1412), 1046 (H.B. 2094), and 1342 (S.B. 1951),
8 Acts of the 80th Legislature, Regular Session, 2007, is repealed.
9 Section 101.141, Government Code, as amended by Chapter 921 (H.B.
10 3167), Acts of the 80th Legislature, Regular Session, 2007, to
11 reorganize and renumber that section, continues in effect as
12 amended by this section.

13 SECTION 11.111. (a) Section 102.021, Government Code, is
14 amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th
15 Legislature, Regular Session, 2007, and is further amended to read
16 as follows:

17 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
18 PROCEDURE. A person convicted of an offense shall pay the following
19 under the Code of Criminal Procedure, in addition to all other
20 costs:

21 (1) court cost on conviction of any offense, other
22 than a conviction of an offense relating to a pedestrian or the
23 parking of a motor vehicle (Art. 102.0045, Code of Criminal
24 Procedure) . . . \$4;

25 (2) a fee for services of prosecutor (Art. 102.008,
26 Code of Criminal Procedure) . . . \$25;

27 (3) fees for services of peace officer:

1 (A) issuing a written notice to appear in court
2 for certain violations (Art. 102.011, Code of Criminal Procedure)
3 . . . \$5;

4 (B) executing or processing an issued arrest
5 warrant, ~~or~~ capias, or capias pro fine (Art. 102.011, Code of
6 Criminal Procedure) . . . \$50;

7 (C) summoning a witness (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;

9 (D) serving a writ not otherwise listed (Art.
10 102.011, Code of Criminal Procedure) . . . \$35;

11 (E) taking and approving a bond and, if
12 necessary, returning the bond to courthouse (Art. 102.011, Code of
13 Criminal Procedure) . . . \$10;

14 (F) commitment or release (Art. 102.011, Code of
15 Criminal Procedure) . . . \$5;

16 (G) summoning a jury (Art. 102.011, Code of
17 Criminal Procedure) . . . \$5;

18 (H) attendance of a prisoner in habeas corpus
19 case if prisoner has been remanded to custody or held to bail (Art.
20 102.011, Code of Criminal Procedure) . . . \$8 each day;

21 (I) mileage for certain services performed (Art.
22 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

23 (J) services of a sheriff or constable who serves
24 process and attends examining trial in certain cases (Art. 102.011,
25 Code of Criminal Procedure) . . . not to exceed \$5;

26 (4) services of a peace officer in conveying a witness
27 outside the county (Art. 102.011, Code of Criminal Procedure) . . .

- 1 \$10 per day or part of a day, plus actual necessary travel expenses;
- 2 (5) overtime of peace officer for time spent
- 3 testifying in the trial or traveling to or from testifying in the
- 4 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 5 (6) court costs on an offense relating to rules of the
- 6 road, when offense occurs within a school crossing zone (Art.
- 7 102.014, Code of Criminal Procedure) . . . \$25;
- 8 (7) court costs on an offense of passing a school bus
- 9 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 10 (8) court costs on an offense of truancy or
- 11 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
- 12 . . . \$20;
- 13 (9) cost for visual recording of intoxication arrest
- 14 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
- 15 \$15;
- 16 (10) cost of certain evaluations (Art. 102.018, Code
- 17 of Criminal Procedure) . . . actual cost;
- 18 (11) additional costs attendant to certain
- 19 intoxication convictions under Chapter 49, Penal Code, for
- 20 emergency medical services, trauma facilities, and trauma care
- 21 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 22 (12) additional costs attendant to certain child
- 23 sexual assault and related convictions, for child abuse prevention
- 24 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- 25 (13) cost for DNA testing for certain felonies (Art.
- 26 102.020, Code of Criminal Procedure) . . . \$250;
- 27 (14) court cost on an offense of public lewdness or

1 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
2 \$50;

3 (15) if required by the court, a restitution fee for
4 costs incurred in collecting restitution installments and for the
5 compensation to victims of crime fund (Art. 42.037, Code of
6 Criminal Procedure) . . . \$12; ~~and~~

7 (16) if directed by the justice of the peace or
8 municipal court judge hearing the case, court costs on conviction
9 in a criminal action (Art. 45.041, Code of Criminal Procedure)
10 . . . part or all of the costs as directed by the judge; and

11 (17) costs attendant to convictions under Chapter 49,
12 Penal Code, and under Chapter 481, Health and Safety Code, to help
13 fund drug court programs established under Chapter 469, Health and
14 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50.

15 (b) Section 102.0215, Government Code, is repealed.

16 SECTION 11.112. (a) Section 102.0212, Government Code, is
17 amended to conform to the amendments made to Section 102.022,
18 Government Code, by Chapter 1301 (S.B. 600), Acts of the 80th
19 Legislature, Regular Session, 2007, and is further amended to read
20 as follows:

21 Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT
22 CODE. A person convicted of an offense shall pay the following
23 under the Local Government Code, in addition to all other costs:

24 (1) court costs on conviction of a felony (Sec.
25 133.102, Local Government Code) . . . \$133;

26 (2) court costs on conviction of a Class A or Class B
27 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

1 (3) court costs on conviction of a nonjailable
2 misdemeanor offense, including a criminal violation of a municipal
3 ordinance, other than a conviction of an offense relating to a
4 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
5 Government Code) . . . \$40;

6 (4) a time payment fee if convicted of a felony or
7 misdemeanor for paying any part of a fine, court costs, or
8 restitution on or after the 31st day after the date on which a
9 judgment is entered assessing the fine, court costs, or restitution
10 (Sec. 133.103, Local Government Code) . . . \$25; ~~and~~

11 (5) a cost on conviction of any offense, other than an
12 offense relating to a pedestrian or the parking of a motor vehicle
13 (Sec. 133.105, Local Government Code) . . . \$6; and

14 (6) a cost on conviction of any offense, other than an
15 offense relating to a pedestrian or the parking of a motor vehicle
16 (Sec. 133.107, Local Government Code) . . . \$2 [~~\$4~~].

17 (b) Sections 102.022 and 102.023, Government Code, are
18 repealed.

19 SECTION 11.113. (a) Section 102.041, Government Code, as
20 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
21 Regular Session, 2007, is amended to conform to the amendments made
22 by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
23 Session, 2007, to Section 102.041, Government Code, to read as
24 follows:

25 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
26 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district
27 court shall collect fees and costs under the Code of Criminal

1 Procedure on conviction of a defendant as follows:

2 (1) a jury fee (Art. 102.004, Code of Criminal
3 Procedure) . . . \$20;

4 (2) a fee for clerk of the court services (Art.
5 102.005, Code of Criminal Procedure) . . . \$40;

6 (3) a records management and preservation services fee
7 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

8 (4) a security fee on a felony offense (Art. 102.017,
9 Code of Criminal Procedure) . . . \$5;

10 (5) a security fee on a misdemeanor offense (Art.
11 102.017, Code of Criminal Procedure) . . . \$3; and

12 (6) a juvenile delinquency prevention and graffiti
13 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
14 \$50 [~~\$5~~].

15 (b) Section 102.041, Government Code, as amended by Chapter
16 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
17 2007, is repealed. Section 102.041, Government Code, as amended by
18 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
19 Session, 2007, to reorganize and renumber that section, continues
20 in effect as further amended by this section.

21 SECTION 11.114. (a) Section 102.061, Government Code, as
22 reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th
23 Legislature, Regular Session, 2007, is amended to conform to the
24 amendments made to Section 102.061, Government Code, by Chapter
25 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
26 2007, to read as follows:

27 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN

1 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
2 statutory county court shall collect fees and costs under the Code
3 of Criminal Procedure on conviction of a defendant as follows:

4 (1) a jury fee (Art. 102.004, Code of Criminal
5 Procedure) . . . \$20;

6 (2) a fee for services of the clerk of the court (Art.
7 102.005, Code of Criminal Procedure) . . . \$40;

8 (3) a records management and preservation services fee
9 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

10 (4) a security fee on a misdemeanor offense (Art.
11 102.017, Code of Criminal Procedure) . . . \$3;

12 (5) a juvenile delinquency prevention and graffiti
13 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
14 \$50 [~~\$5~~]; and

15 (6) a juvenile case manager fee (Art. 102.0174, Code
16 of Criminal Procedure) . . . not to exceed \$5.

17 (b) Section 102.061, Government Code, as amended by Chapter
18 1053, Acts of the 80th Legislature, Regular Session, 2007, is
19 repealed. Section 102.061, Government Code, as reenacted and
20 amended by Chapter 921, Acts of the 80th Legislature, Regular
21 Session, 2007, to reorganize and renumber that section, continues
22 in effect as further amended by this section.

23 SECTION 11.115. (a) Section 102.081, Government Code, as
24 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
25 Regular Session, 2007, is amended to conform to the amendments made
26 to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),
27 Acts of the 80th Legislature, Regular Session, 2007, to read as

1 follows:

2 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
3 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
4 court shall collect fees and costs under the Code of Criminal
5 Procedure on conviction of a defendant as follows:

6 (1) a jury fee (Art. 102.004, Code of Criminal
7 Procedure) . . . \$20;

8 (2) a fee for clerk of the court services (Art.
9 102.005, Code of Criminal Procedure) . . . \$40;

10 (3) a records management and preservation services fee
11 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

12 (4) a security fee on a misdemeanor offense (Art.
13 102.017, Code of Criminal Procedure) . . . \$3;

14 (5) a juvenile delinquency prevention and graffiti
15 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
16 \$50 [~~\$5~~]; and

17 (6) a juvenile case manager fee (Art. 102.0174, Code
18 of Criminal Procedure) . . . not to exceed \$5.

19 (b) Section 102.081, Government Code, as amended by Chapter
20 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
21 2007, is repealed. Section 102.081, Government Code, as amended by
22 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular
23 Session, 2007, to reorganize and renumber that section, continues
24 in effect as further amended by this section.

25 SECTION 11.116. (a) Section 103.021, Government Code, as
26 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
27 Regular Session, 2007, is amended to conform to the amendments made

1 to Section 103.021, Government Code, by Chapter 1226 (H.B. 2385),
2 Acts of the 80th Legislature, Regular Session, 2007, and to conform
3 to Chapters 805 (S.B. 1083) and 910 (H.B. 2949), Acts of the 80th
4 Legislature, Regular Session, 2007, and is further amended to read
5 as follows:

6 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
7 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
8 or a party to a civil suit, as applicable, shall pay the following
9 fees and costs under the Code of Criminal Procedure if ordered by
10 the court or otherwise required:

11 (1) a personal bond fee (Art. 17.42, Code of Criminal
12 Procedure) . . . the greater of \$20 or three percent of the amount
13 of the bail fixed for the accused;

14 (2) cost of electronic monitoring as a condition of
15 release on personal bond (Art. 17.43, Code of Criminal Procedure)
16 . . . actual cost;

17 (3) a fee for verification of and monitoring of motor
18 vehicle ignition interlock (Art. 17.441, Code of Criminal
19 Procedure) . . . not to exceed \$10;

20 (4) repayment of reward paid by a crime stoppers
21 organization on conviction of a felony (Art. 37.073, Code of
22 Criminal Procedure) . . . amount ordered;

23 (5) reimbursement to general revenue fund for payments
24 made to victim of an offense as condition of community supervision
25 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
26 a misdemeanor offense or \$100 for a felony offense;

27 (6) payment to a crime stoppers organization as

1 condition of community supervision (Art. 42.12, Code of Criminal
2 Procedure) . . . not to exceed \$50;

3 (7) children's advocacy center fee (Art. 42.12, Code
4 of Criminal Procedure) . . . not to exceed \$50;

5 (8) family violence shelter center fee (Art. 42.12,
6 Code of Criminal Procedure) . . . not to exceed \$100;

7 (9) community supervision fee (Art. 42.12, Code of
8 Criminal Procedure) . . . not less than \$25 or more than \$60 per
9 month;

10 (10) additional community supervision fee for certain
11 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
12 month;

13 (11) for certain financially able sex offenders as a
14 condition of community supervision, the costs of treatment,
15 specialized supervision, or rehabilitation (Art. 42.12, Code of
16 Criminal Procedure) . . . all or part of the reasonable and
17 necessary costs of the treatment, supervision, or rehabilitation as
18 determined by the judge;

19 (12) fee for failure to appear for trial in a justice
20 or municipal court if a jury trial is not waived (Art. 45.026, Code
21 of Criminal Procedure) . . . costs incurred for impaneling the
22 jury;

23 (13) costs of certain testing, assessments, or
24 programs during a deferral period (Art. 45.051, Code of Criminal
25 Procedure) . . . amount ordered;

26 (14) special expense on dismissal of certain
27 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)

1 . . . not to exceed amount of fine assessed;

2 (15) an additional fee:

3 (A) for a copy of the defendant's driving record
4 to be requested from the Department of Public Safety by the judge
5 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
6 to sum of fee established by Section 521.048, Transportation Code,
7 and the TexasOnline fee [~~\$10~~];

8 (B) as an administrative fee for requesting a
9 driving safety course or a course under the motorcycle operator
10 training and safety program for certain traffic offenses to cover
11 the cost of administering the article (Art. 45.0511(f)(1), Code of
12 Criminal Procedure) . . . not to exceed \$10; or

13 (C) for requesting a driving safety course or a
14 course under the motorcycle operator training and safety program
15 before the final disposition of the case (Art. 45.0511(f)(2), Code
16 of Criminal Procedure) . . . not to exceed the maximum amount of the
17 fine for the offense committed by the defendant;

18 (16) a request fee for teen court program (Art.
19 45.052, Code of Criminal Procedure) . . . \$20, if the court
20 ordering the fee is located in the Texas-Louisiana border region,
21 but otherwise not to exceed \$10;

22 (17) a fee to cover costs of required duties of teen
23 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
24 court ordering the fee is located in the Texas-Louisiana border
25 region, but otherwise \$10;

26 (18) a mileage fee for officer performing certain
27 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per

1 mile;

2 (19) certified mailing of notice of hearing date (Art.
3 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

4 (20) certified mailing of certified copies of an order
5 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
6 plus postage;

7 (20-a) a fee to defray the cost of notifying state
8 agencies of orders of expungement (Art. 45.0216, Code of Criminal
9 Procedure) . . . \$30 per application;

10 (20-b) a fee to defray the cost of notifying state
11 agencies of orders of expunction (Art. 45.055, Code of Criminal
12 Procedure) . . . \$30 per application;

13 (21) sight orders:

14 (A) if the face amount of the check or sight order
15 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
16 . . . not to exceed \$10;

17 (B) if the face amount of the check or sight order
18 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
19 Criminal Procedure) . . . not to exceed \$15;

20 (C) if the face amount of the check or sight order
21 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
22 Criminal Procedure) . . . not to exceed \$30;

23 (D) if the face amount of the check or sight order
24 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
25 Criminal Procedure) . . . not to exceed \$50; and

26 (E) if the face amount of the check or sight order
27 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)

1 . . . not to exceed \$75;

2 (22) fees for a pretrial intervention program:

3 (A) a supervision fee (Art. 102.012(a)
4 [102.012], Code of Criminal Procedure) . . . [not to exceed] \$60 a
5 month plus expenses; and

6 (B) a district attorney, criminal district
7 attorney, or county attorney administrative fee (Art. 102.0121,
8 Code of Criminal Procedure) . . . not to exceed \$500;

9 (23) parking fee violations for child safety fund in
10 municipalities with populations:

11 (A) greater than 850,000 (Art. 102.014, Code of
12 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

13 (B) less than 850,000 (Art. 102.014, Code of
14 Criminal Procedure) . . . not to exceed \$5;

15 (24) an administrative fee for collection of fines,
16 fees, restitution, or other costs (Art. 102.072, Code of Criminal
17 Procedure) . . . not to exceed \$2 for each transaction; and

18 (25) a collection fee, if authorized by the
19 commissioners court of a county or the governing body of a
20 municipality, for certain debts and accounts receivable, including
21 unpaid fines, fees, court costs, forfeited bonds, and restitution
22 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
23 percent of an amount more than 60 days past due.

24 (b) Section 103.021, Government Code, as amended by Chapter
25 1226 (H.B. 2385), Acts of the 80th Legislature, Regular Session,
26 2007, is repealed. Section 103.021, Government Code, as amended by
27 Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular

1 Session, 2007, to reorganize and renumber that section, continues
2 in effect as further amended by this section.

3 SECTION 11.117. Section 103.0212, Government Code, is
4 amended to conform to Chapters 910 (H.B. 2949) and 1053 (H.B. 2151),
5 Acts of the 80th Legislature, Regular Session, 2007, and is further
6 amended to read as follows:

7 Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
8 CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a
9 civil suit, as applicable, shall pay the following fees and costs
10 under the Family Code if ordered by the court or otherwise required:

11 (1) in family matters:

12 (A) issuing writ of withholding (Sec. 8.262,
13 Family Code) . . . \$15;

14 (B) filing copy of writ of withholding to
15 subsequent employer (Sec. 8.267, Family Code) . . . \$15;

16 (C) issuing and delivering modified writ of
17 withholding or notice of termination (Sec. 8.302, Family Code)
18 . . . \$15;

19 (D) issuing and delivering notice of termination
20 of withholding (Sec. 8.303, Family Code) . . . \$15;

21 (E) issuance of change of name certificate (Sec.
22 45.106, Family Code) . . . \$10;

23 (F) protective order fee (Sec. 81.003, Family
24 Code) . . . \$16;

25 (G) filing suit requesting adoption of child
26 (Sec. 108.006, Family Code) . . . \$15;

27 (H) filing fees for suits affecting parent-child

1 relationship (Sec. 110.002, Family Code):
2 (i) suit or motion for modification (Sec.
3 110.002, Family Code) . . . \$15;
4 (ii) motion for enforcement (Sec. 110.002,
5 Family Code) . . . \$15;
6 (iii) notice of application for judicial
7 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
8 (iv) motion to transfer (Sec. 110.002,
9 Family Code) . . . \$15;
10 (v) petition for license suspension (Sec.
11 110.002, Family Code) . . . \$15;
12 (vi) motion to revoke a stay of license
13 suspension (Sec. 110.002, Family Code) . . . \$15; and
14 (vii) motion for contempt (Sec. 110.002,
15 Family Code) . . . \$15;
16 (I) order or writ of income withholding to be
17 delivered to employer (Sec. 110.004, Family Code) . . . not to
18 exceed \$15;
19 (J) filing fee for transferred case (Sec.
20 110.005, Family Code) . . . \$45;
21 (K) filing a writ of withholding (Sec. 158.319,
22 Family Code) . . . \$15;
23 (L) filing a request for modified writ of
24 withholding or notice of termination (Sec. 158.403, Family Code)
25 . . . not to exceed \$15;
26 (M) filing an administrative writ to employer
27 (Sec. 158.503, Family Code) . . . not to exceed \$15; and

1 (N) genetic testing fees in relation to a child
2 born to a gestational mother (Sec. 160.762, Family Code) . . . as
3 assessed by the court; and

4 (2) in juvenile court:

5 (A) fee schedule for deferred prosecution
6 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

7 (B) a request fee for a teen court program
8 ~~[administration fee]~~ (Sec. 54.032, Family Code) . . . \$20, if the
9 court ordering the fee is located in the Texas-Louisiana border
10 region, but otherwise not to exceed \$10;

11 (C) court costs for juvenile probation diversion
12 fund (Sec. 54.0411, Family Code) . . . \$20;

13 (D) a juvenile delinquency prevention fee (Sec.
14 54.0461, Family Code) . . . \$50 [~~\$5~~]; [~~and~~]

15 (E) a court fee for child's probationary period
16 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month; and

17 (F) a fee to cover costs of required duties of
18 teen court (Sec. 54.032, Family Code) . . . \$20, if the court
19 ordering the fee is located in the Texas-Louisiana border region,
20 but otherwise not to exceed \$10.

21 SECTION 11.118. Section 103.0213, Government Code, is
22 amended to conform to Chapter 1027 (H.B. 1623), Acts of the 80th
23 Legislature, Regular Session, 2007, to read as follows:

24 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
25 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
26 party to a civil suit, as applicable, shall pay the following fees
27 and costs under the Transportation Code if ordered by the court or

1 otherwise required:

2 (1) administrative fee on dismissal of charge of
3 driving with an expired motor vehicle registration (Sec. 502.407,
4 Transportation Code) . . . not to exceed \$20 [~~\$10~~];

5 (2) administrative fee on dismissal of charge of
6 driving with an expired driver's license (Sec. 521.026,
7 Transportation Code) . . . not to exceed \$20 [~~\$10~~];

8 (3) administrative fee on remediation of charge of
9 driving with an expired inspection certificate (Sec. 548.605,
10 Transportation Code) . . . not to exceed \$20 [~~\$10~~];

11 (4) administrative fee for failure to appear for a
12 complaint or citation on certain offenses (Sec. 706.006,
13 Transportation Code) . . . \$30 for each violation; and

14 (5) administrative fee for failure to pay or satisfy
15 certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

16 SECTION 11.119. (a) Section 103.027, Government Code, is
17 amended to conform to the amendments made to Section 103.022,
18 Government Code, by Chapter 36 (S.B. 844), Acts of the 80th
19 Legislature, Regular Session, 2007, to read as follows:

20 Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT
21 CODE. Fees and costs shall be paid or collected under the
22 Government Code as follows:

23 (1) filing a certified copy of a judicial finding of
24 fact and conclusion of law if charged by the secretary of state
25 (Sec. 51.905, Government Code) . . . \$15;

26 (2) cost paid by each surety posting the bail bond for
27 an offense other than a misdemeanor punishable by fine only under

1 Chapter 17, Code of Criminal Procedure, for the assistant [~~felony~~]
2 prosecutor supplement fund and the fair defense account (Sec.
3 41.258, Government Code) . . . \$15, provided the cost does not
4 exceed \$30 for all bail bonds posted at that time for an individual
5 and the cost is not required on the posting of a personal or cash
6 bond;

7 (3) to participate in a court proceeding in this
8 state, a nonresident attorney fee for civil legal services to the
9 indigent (Sec. 82.0361, Government Code) . . . \$250 except as
10 waived or reduced under supreme court rules for representing an
11 indigent person;

12 (4) on a party's appeal of a final decision in a
13 contested case, the cost of preparing the original or a certified
14 copy of the record of the agency proceeding, if required by the
15 agency's rule, as a court cost (Sec. 2001.177, Government Code)
16 . . . as assessed by the court, all or part of the cost of
17 preparation;

18 (5) compensation to a referee in juvenile court in
19 Wichita County taxed as costs if the judge determines the parties
20 are able to pay the costs (Sec. 54.403, Government Code) . . . as
21 determined by the judge; and

22 (6) the expense of preserving the record as a court
23 cost in Brazos County if imposed on a party by the referring court
24 or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

25 (b) Section 103.022, Government Code, as amended by Chapter
26 36 (S.B. 844), Acts of the 80th Legislature, Regular Session, 2007,
27 is repealed. Section 103.022, Government Code, as reenacted and

1 amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature,
2 Regular Session, 2007, to reorganize and renumber that section,
3 continues in effect.

4 SECTION 11.120. Section 103.029, Government Code, is
5 amended to conform to the amendments made by Chapter 625 (H.B. 530),
6 Acts of the 80th Legislature, Regular Session, 2007, to read as
7 follows:

8 Sec. 103.029. MISCELLANEOUS FEES AND COSTS: HEALTH AND
9 SAFETY CODE. Fees and costs shall be paid or collected under the
10 Health and Safety Code as follows:

11 (1) a program fee for a drug court program established
12 under Section 469.002, Health and Safety Code (Sec. 469.004, Health
13 and Safety Code) . . . not to exceed \$1,000; and

14 (2) an alcohol or controlled substance ~~[a urinalysis]~~
15 testing, [and] counseling, and treatment fee (Sec. 469.004, Health
16 and Safety Code) . . . the amount necessary to cover the costs of
17 testing, [and] counseling, and treatment.

18 ARTICLE 12. CHANGES RELATING TO HEALTH AND SAFETY CODE

19 SECTION 12.001. Section 12.0112(b), Health and Safety Code,
20 as amended by Chapters 42 (H.B. 1064) and 1061 (H.B. 2285), Acts of
21 the 80th Legislature, Regular Session, 2007, is reenacted to read
22 as follows:

23 (b) This section does not apply to:

24 (1) a license issued for a youth camp under Chapter
25 141;

26 (2) a food manager certificate issued under Subchapter
27 G, Chapter 438; or

1 (3) a license or registration under Chapter 401.

2 SECTION 12.002. Section 102.003, Health and Safety Code, as
3 amended by Section 4, Chapter 266 (H.B. 14), and Section 3.02,
4 Chapter 928 (H.B. 3249), Acts of the 80th Legislature, Regular
5 Session, 2007, is reenacted to read as follows:

6 Sec. 102.003. SUNSET PROVISION. The Cancer Prevention and
7 Research Institute of Texas is subject to Chapter 325, Government
8 Code (Texas Sunset Act). Unless continued in existence as provided
9 by that chapter, the institute is abolished and this chapter
10 expires September 1, 2021.

11 SECTION 12.003. Section 182.101, Health and Safety Code, is
12 amended to add a heading to read as follows:

13 Sec. 182.101. GENERAL POWERS AND DUTIES. The corporation
14 may:

15 (1) establish statewide health information exchange
16 capabilities, including capabilities for electronic laboratory
17 results, diagnostic studies, and medication history delivery, and,
18 where applicable, promote definitions and standards for electronic
19 interactions statewide;

20 (2) seek funding to:

21 (A) implement, promote, and facilitate the
22 voluntary exchange of secure electronic health information between
23 and among individuals and entities that are providing or paying for
24 health care services or procedures; and

25 (B) create incentives to implement, promote, and
26 facilitate the voluntary exchange of secure electronic health
27 information between and among individuals and entities that are

1 providing or paying for health care services or procedures;

2 (3) establish statewide health information exchange
3 capabilities for streamlining health care administrative functions
4 including:

5 (A) communicating point of care services,
6 including laboratory results, diagnostic imaging, and prescription
7 histories;

8 (B) communicating patient identification and
9 emergency room required information in conformity with state and
10 federal privacy laws;

11 (C) real-time communication of enrollee status
12 in relation to health plan coverage, including enrollee
13 cost-sharing responsibilities; and

14 (D) current census and status of health plan
15 contracted providers;

16 (4) support regional health information exchange
17 initiatives by:

18 (A) identifying data and messaging standards for
19 health information exchange;

20 (B) administering programs providing financial
21 incentives, including grants and loans for the creation and support
22 of regional health information networks, subject to available
23 funds;

24 (C) providing technical expertise where
25 appropriate;

26 (D) sharing intellectual property developed
27 under Section 182.105;

1 (E) waiving the corporation's fees associated
2 with intellectual property, data, expertise, and other services or
3 materials provided to regional health information exchanges
4 operated on a nonprofit basis; and

5 (F) applying operational and technical standards
6 developed by the corporation to existing health information
7 exchanges only on a voluntary basis, except for standards related
8 to ensuring effective privacy and security of individually
9 identifiable health information;

10 (5) identify standards for streamlining health care
11 administrative functions across payors and providers, including
12 electronic patient registration, communication of enrollment in
13 health plans, and information at the point of care regarding
14 services covered by health plans; and

15 (6) support the secure, electronic exchange of health
16 information through other strategies identified by the board.

17 SECTION 12.004. Section 343.002(1), Health and Safety Code,
18 is amended to conform cross-references to read as follows:

19 (1) "Abate" means to eliminate or remedy:

20 (A) by removal, repair, rehabilitation, or
21 demolition;

22 (B) in the case of a nuisance under Section
23 343.011(c)(1), (9) [~~(8)~~], or (10) [~~(9)~~], by prohibition or control
24 of access; and

25 (C) in the case of a nuisance under Section
26 343.011(c)(12) [~~343.011(c)(11)~~], by removal, remediation, storage,
27 transportation, disposal, or other means of waste management

1 authorized by Chapter 361.

2 SECTION 12.005. Section 343.011(c), Health and Safety Code,
3 as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of
4 the 80th Legislature, Regular Session, 2007, is reenacted and
5 amended to read as follows:

6 (c) A public nuisance is:

7 (1) keeping, storing, or accumulating refuse on
8 premises in a neighborhood unless the refuse is entirely contained
9 in a closed receptacle;

10 (2) keeping, storing, or accumulating rubbish,
11 including newspapers, abandoned vehicles, refrigerators, stoves,
12 furniture, tires, and cans, on premises in a neighborhood or within
13 300 feet of a public street for 10 days or more, unless the rubbish
14 or object is completely enclosed in a building or is not visible
15 from a public street;

16 (3) maintaining premises in a manner that creates an
17 unsanitary condition likely to attract or harbor mosquitoes,
18 rodents, vermin, or disease-carrying pests;

19 (4) allowing weeds to grow on premises in a
20 neighborhood if the weeds are located within 300 feet of another
21 residence or commercial establishment;

22 (5) maintaining a building in a manner that is
23 structurally unsafe or constitutes a hazard to safety, health, or
24 public welfare because of inadequate maintenance, unsanitary
25 conditions, dilapidation, obsolescence, disaster, damage, or
26 abandonment or because it constitutes a fire hazard;

27 (6) maintaining on abandoned and unoccupied property

1 in a neighborhood a swimming pool that is not protected with:

2 (A) a fence that is at least four feet high and
3 that has a latched and locked gate; and

4 (B) a cover over the entire swimming pool that
5 cannot be removed by a child;

6 (7) maintaining on any property in a neighborhood in a
7 county with a population of more than 1.1 million a swimming pool
8 that is not protected with:

9 (A) a fence that is at least four feet high and
10 that has a latched gate that cannot be opened by a child; or

11 (B) a cover over the entire swimming pool that
12 cannot be removed by a child;

13 (8) maintaining a flea market in a manner that
14 constitutes a fire hazard;

15 (9) discarding refuse or creating a hazardous visual
16 obstruction on:

17 (A) county-owned land; or

18 (B) land or easements owned or held by a special
19 district that has the commissioners court of the county as its
20 governing body;

21 (10) discarding refuse on the smaller of:

22 (A) the area that spans 20 feet on each side of a
23 utility line; or

24 (B) the actual span of the utility easement;

25 (11) filling or blocking a drainage easement, failing
26 to maintain a drainage easement, maintaining a drainage easement in
27 a manner that allows the easement to be clogged with debris,

1 sediment, or vegetation, or violating an agreement with the county
2 to improve or maintain a drainage easement; or

3 (12) [~~(11)~~] discarding refuse on property that is not
4 authorized for that activity.

5 SECTION 12.006. Section 343.021, Health and Safety Code, as
6 amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the
7 80th Legislature, Regular Session, 2007, is reenacted and amended
8 to read as follows:

9 Sec. 343.021. AUTHORITY TO ABATE NUISANCE. If a county
10 adopts abatement procedures that are consistent with the general
11 purpose of this chapter and that conform to this chapter, the county
12 may abate a nuisance under this chapter:

13 (1) by demolition or removal;

14 (2) in the case of a nuisance under Section
15 343.011(c)(1), (9), or (10), by prohibiting or controlling access
16 to the premises;

17 (3) in the case of a nuisance under Section
18 343.011(c)(6), by:

19 (A) prohibiting or controlling access to the
20 premises and installing a cover that cannot be opened by a child
21 over the entire swimming pool; or

22 (B) draining and filling the swimming pool; or

23 (4) in the case of a nuisance under Section
24 343.011(c)(12) [~~343.011(c)(11)~~], by removal, remediation, storage,
25 transportation, disposal, or other means of waste management
26 authorized under Chapter 361.

27 SECTION 12.007. Section 343.022(a), Health and Safety Code,

1 as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of
2 the 80th Legislature, Regular Session, 2007, is reenacted and
3 amended to read as follows:

4 (a) The abatement procedures adopted by the commissioners
5 court must be administered by a regularly salaried, full-time
6 county employee. A person authorized by the person administering
7 the abatement program may administer:

8 (1) the prohibition or control of access to the
9 premises to prevent a violation of Section 343.011(c)(1), (6), (9),
10 or (10);

11 (2) the removal or demolition of the nuisance; and

12 (3) the abatement of a nuisance described by Section
13 343.011(c)(12) [~~343.011(c)(11)~~].

14 SECTION 12.008. Section 361.035(c), Health and Safety Code,
15 is amended to conform to Section 38, Chapter 333 (H.B. 3231), Acts
16 of the 75th Legislature, Regular Session, 1997, to read as follows:

17 (c) A penalty collected under Subchapter C or D, Chapter 7,
18 Water Code, for the late filing of a report required by this section
19 shall be deposited to the credit of the hazardous and solid waste
20 remediation fee account [~~fund~~].

21 SECTION 12.009. Sections 361.133(g) and (h), Health and
22 Safety Code, are amended to conform to Section 38, Chapter 333 (H.B.
23 3231), Acts of the 75th Legislature, Regular Session, 1997, to read
24 as follows:

25 (g) Notwithstanding Subsection (c), the executive director
26 may use money in the account [~~fund~~], including interest credited
27 under Subsection (b)(4), for expenses concerning a cleanup or

1 removal of a spill, release, or potential threat of release of a
2 hazardous substance if the site is eligible for listing under
3 Subchapter F, proposed for listing under Subchapter F, or listed
4 under the state registry before September 1, 1989, and:

5 (1) immediate action is appropriate to protect human
6 health or the environment and there is a substantial likelihood
7 that the cleanup or removal will prevent the site from needing to be
8 listed under Subchapter F; or

9 (2) a cleanup or removal:

10 (A) can be completed without extensive
11 investigation and planning; and

12 (B) will achieve a significant cost reduction for
13 the site.

14 (h) If the commission collects a fee that is deposited in a
15 dedicated fund established for the purpose of cleaning up a
16 facility, tank, or site described by this subsection, the
17 commission may not use money in the hazardous and solid waste
18 remediation fee account [~~fund~~] to clean up a:

19 (1) waste tire recycling facility;

20 (2) municipal solid waste facility;

21 (3) petroleum storage tank; or

22 (4) used oil collection and recycling site that
23 received used oil after August 31, 1995.

24 SECTION 12.010. Section 361.753(b), Health and Safety Code,
25 is amended to conform to Section 38, Chapter 333 (H.B. 3231), Acts
26 of the 75th Legislature, Regular Session, 1997, to read as follows:

27 (b) The commission may charge an application fee in an

1 amount not to exceed the cost of reviewing the application. The
2 commission shall deposit a fee collected under this subsection to
3 the credit of the hazardous and solid waste remediation fee account
4 [~~fund~~].

5 SECTION 12.011. Section 366.016, Health and Safety Code, is
6 amended to correct a reference to read as follows:

7 Sec. 366.016. EMERGENCY ORDERS. The commission or
8 authorized agent may issue an emergency order concerning an on-site
9 sewage disposal system under Section 5.513 [~~5.517~~], Water Code.

10 SECTION 12.012. Section 386.109, Health and Safety Code, as
11 amended by Chapters 262 (S.B. 12) and 1165 (H.B. 160), Acts of the
12 80th Legislature, Regular Session, 2007, is reenacted to read as
13 follows:

14 Sec. 386.109. ELIGIBLE INFRASTRUCTURE PROJECTS. (a) The
15 commission may consider for funding under Section 386.108:

16 (1) the purchase and installation at a site of
17 equipment that is designed primarily to dispense qualifying fuel,
18 other than standard gasoline or diesel, or the purchase of on-site
19 mobile fueling equipment;

20 (2) infrastructure projects, including auxiliary
21 power units, designed to dispense electricity to:

22 (A) motor vehicles;

23 (B) on-road and non-road diesels; and

24 (C) marine vessels;

25 (3) a project that involves a technology that allows a
26 vehicle to replace with electric power, while the vehicle is
27 parked, the power normally supplied by the vehicle's internal

1 combustion engine; and

2 (4) a project to reduce air pollution and engine
3 idling by relieving congestion through rail relocation or
4 improvement at a rail intersection that is located in a
5 nonattainment or near nonattainment area.

6 (b) The commission may provide funding to other state
7 agencies to implement projects under Subsection (a)(3), including
8 funding for the lease, purchase, or installation of idle reduction
9 technologies and facilities at rest areas and other public
10 facilities on major highway transportation routes located in areas
11 eligible for funding or for marine vessels operating on water
12 routes eligible for funding. Funding under this subsection may
13 include reasonable operational costs determined by the commission
14 to be needed for the initial start-up and proper operation of the
15 idle reduction technologies. The state agency leasing, owning, or
16 operating the idle reduction facility constructed with funds
17 provided under this subsection may, but is not required to, charge
18 reasonable fees for the provision of idle reduction services
19 provided that those fees are used to directly offset the cost of
20 providing the services.

21 (c) In evaluating a request for funding of an eligible
22 infrastructure project, the commission shall encourage the use of a
23 technology that allows a vehicle to replace with electric power,
24 while the vehicle is parked, the power normally supplied by the
25 vehicle's internal combustion engine at the state's ports and
26 border crossings in affected areas.

27 SECTION 12.013. Section 388.003(b-2), Health and Safety

1 Code, as added by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts
2 of the 80th Legislature, Regular Session, 2007, is reenacted to
3 read as follows:

4 (b-2) The State Energy Conservation Office by rule shall
5 establish a procedure for persons who have an interest in the
6 adoption of energy codes under Subsection (b-1) to have an
7 opportunity to comment on the codes under consideration. The
8 office shall consider persons who have an interest in adoption of
9 those codes to include:

10 (1) commercial and residential builders, architects,
11 and engineers;

12 (2) municipal, county, and other local government
13 authorities; and

14 (3) environmental groups.

15 SECTION 12.014. Section 388.005, Health and Safety Code, as
16 amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the
17 80th Legislature, Regular Session, 2007, is reenacted and amended
18 to read as follows:

19 Sec. 388.005. ENERGY EFFICIENCY PROGRAMS IN INSTITUTIONS OF
20 HIGHER EDUCATION[~~, STATE AGENCIES,~~] AND CERTAIN GOVERNMENTAL
21 ENTITIES. (a) In this section:

22 (1) "Institution of higher education" includes an
23 institution of higher education as defined by Section 61.003,
24 Education Code, and a private institution of higher education that
25 receives funding from the state.

26 (2) "Political subdivision" means:

27 (A) an affected county; or

1 (B) any political subdivision in a nonattainment
2 area or in an affected county other than:

3 (i) a school district; or

4 (ii) a district as defined by Section
5 36.001 or 49.001, Water Code, that had a total annual electricity
6 expense of less than \$200,000 in the previous fiscal year of the
7 district.

8 (3) "State agency" means a department, commission,
9 board, office, council, or other agency in the executive branch of
10 state government that is created by the constitution or a statute of
11 this state and has authority not limited to a geographical portion
12 of the state.

13 (b) Each political subdivision, institution of higher
14 education, or state agency shall implement all energy efficiency
15 measures that meet the standards established for a contract for
16 energy conservation measures under Section 302.004(b), Local
17 Government Code, in order to reduce electricity consumption by the
18 existing facilities of the entity.

19 (c) Each political subdivision, institution of higher
20 education, or state agency shall establish a goal to reduce the
21 electric consumption by the entity by five percent each state
22 fiscal year for six years, beginning September 1, 2007.

23 (d) A political subdivision, institution of higher
24 education, or state agency that does not attain the goals under
25 Subsection (c) must include in the report required by Subsection
26 (e) justification that the entity has already implemented all
27 available measures. An entity that submits a report under this

1 subsection indicating it has already implemented all available
2 measures is exempt from the annual reporting requirement of
3 Subsection (e) if a subsequent report would indicate no change in
4 status. An entity may be required to provide notice that it is
5 exempt to the State Energy Conservation Office.

6 (e) A political subdivision, institution of higher
7 education, or state agency annually shall report to the State
8 Energy Conservation Office, on forms provided by that office,
9 regarding the entity's efforts and progress under this
10 section. The State Energy Conservation Office shall provide
11 assistance and information to the entity to help the entity meet the
12 goals set under this section.

13 (f) This section does not apply to a state agency or an
14 institution of higher education that the State Energy Conservation
15 Office determines that, before September 1, 2007, adopted a plan
16 for conserving energy under which the agency or institution
17 established a percentage goal for reducing the consumption of
18 electricity. The exemption provided by this section applies only
19 while the agency or institution has an energy conservation plan in
20 effect and only if the agency or institution submits reports on the
21 conservation plan each calendar quarter to the governor, the
22 Legislative Budget Board, and the State Energy Conservation Office.

23 SECTION 12.015. Sections 401.301(c) and (d), Health and
24 Safety Code, as amended by Chapters 1061 (H.B. 2285) and 1332 (S.B.
25 1604), Acts of the 80th Legislature, Regular Session, 2007, are
26 reenacted to read as follows:

27 (c) The commission and department may collect a fee, in

1 addition to the license and registration fee, of not less than 20
2 percent of the amount of the license and registration fee nor more
3 than \$10,000 from each licensee or registrant who fails to pay the
4 fees authorized by this section.

5 (d) The commission and department may require that each
6 person who holds a specific license issued by the agency pay to the
7 agency an additional five percent of the appropriate fee set under
8 Subsection (b). Fees collected under this subsection shall be
9 deposited to the credit of the perpetual care account. The fees are
10 not refundable.

11 SECTION 12.016. Section 401.301(f), Health and Safety Code,
12 as added by Chapter 1332 (S.B. 1604), Acts of the 80th Legislature,
13 Regular Session, 2007, is relettered as Section 401.301(g), Health
14 and Safety Code.

15 SECTION 12.017. Section 427.001, Health and Safety Code, is
16 amended to add a heading and to update state agency names and
17 authority to read as follows:

18 Sec. 427.001. DEFINITIONS. In this chapter:

19 (1) [~~"Board" means the Texas Board of Health.~~

20 [~~(2)~~] "Commission" means the Texas [~~Natural Resource~~
21 ~~Conservation~~] Commission on Environmental Quality.

22 (2) [~~(3)~~] "Department" means the [~~Texas~~] Department
23 of State Health Services.

24 (3) [~~(4)~~] "Federal superfund site" means a site
25 defined by the federal Comprehensive Environmental Response,
26 Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et
27 seq.), as amended.

1 (4) [~~(5)~~] "Immediately surrounding area" means an
2 area determined by the commission to have been significantly
3 exposed to one or more pollutants from the identified site.

4 (5) [~~(6)~~] "Institute" means the Texas Environmental
5 Health Institute.

6 SECTION 12.018. Section 427.004, Health and Safety Code, is
7 amended to update state agency names and authority to read as
8 follows:

9 Sec. 427.004. PROGRAMS. The commission and the department
10 may establish at the institute any programs necessary to carry out
11 the institute's established purposes under this chapter. The
12 commission and the executive commissioner of the Health and Human
13 Services Commission [~~board~~] may contract with public or private
14 entities to carry out the institute's purposes.

15 SECTION 12.019. Section 614.0032(a), Health and Safety
16 Code, as amended by Section 44, Chapter 1308 (S.B. 909), Acts of the
17 80th Legislature, Regular Session, 2007, and by Section 2, Chapter
18 617 (H.B. 431), Acts of the 80th Legislature, Regular Session,
19 2007, is reenacted to read as follows:

20 (a) The office shall:

21 (1) perform duties imposed on the office by Section
22 508.146, Government Code; and

23 (2) periodically identify state jail felony
24 defendants suitable for release under Section 15(i), Article 42.12,
25 Code of Criminal Procedure, and perform other duties imposed on the
26 office by that section.

ARTICLE 13. CHANGES RELATING TO HUMAN RESOURCES CODE

SECTION 13.001. Chapter 52, Human Resources Code, is redesignated as Chapter 52 of Subtitle E, Title 2, Human Resources Code, as added by Chapter 867 (H.B. 1334), Acts of the 67th Legislature, Regular Session, 1981, and is amended to add a heading to read as follows:

CHAPTER 52. INFORMATION RELATING TO SCHOOL AGE PREGNANCY

SECTION 13.002. Subtitle E, Title 2, Human Resources Code, as added by Chapter 776 (S.B. 623), Acts of the 67th Legislature, Regular Session, 1981, is repealed to conform to Section 6(b)(4), Chapter 388 (H.B. 3155), Acts of the 76th Legislature, Regular Session, 1999.

SECTION 13.003. Section 63.001, Human Resources Code, is amended to add a heading to read as follows:

Sec. 63.001. DEFINITIONS. In this chapter:

(1) "Juvenile" means a person from the age of 10 to 18 years who has been found to have engaged in delinquent conduct by a court of competent jurisdiction.

(2) "Facility" means a residential facility for the placement of juveniles for periods up to one year in length.

SECTION 13.004. Section 63.002, Human Resources Code, is amended to add a heading to read as follows:

Sec. 63.002. AUTHORITY TO OPERATE FACILITY. A county or a combination of counties may, and they are hereby authorized to, elect to own, establish, operate, and staff a long-term residential facility for the detention of juvenile offenders.

SECTION 13.005. Section 63.003, Human Resources Code, is

1 amended to correct a reference and is further amended to add a
2 heading to read as follows:

3 Sec. 63.003. GOVERNMENTAL NATURE OF FACILITY. The facility
4 is an agency of the state, a governmental unit, and a unit of local
5 government as defined and specified by Chapters 101 and 102, Civil
6 Practice and Remedies Code, and a local government as defined by
7 Section 791.003, Government Code [~~Section 3, The Interlocal~~
8 ~~Cooperation Act (Article 4413(32c), Vernon's Texas Civil~~
9 ~~Statutes)]].~~

10 SECTION 13.006. Section 63.004, Human Resources Code, is
11 amended to add a heading to read as follows:

12 Sec. 63.004. BOARD OF TRUSTEES: SINGLE COUNTY FACILITY.
13 The facility shall be governed by a board of trustees. The board of
14 trustees for a facility created by a single county may be the
15 commissioners court of the forming county, or the commissioners
16 court may appoint from the qualified voters of the region to be
17 served a board of trustees consisting of no less than five nor more
18 than nine persons. If the board of trustees is appointed from the
19 qualified voters of the region to be served, the terms of the
20 members thereof shall be staggered by appointing not less than
21 one-third nor more than one-half of the members for one year, or
22 until their successors are appointed, and by appointing the
23 remaining members for two years, or until their successors are
24 appointed. Thereafter, all appointments shall be made for a
25 two-year period, or until their successors are appointed.
26 Appointments made to fill unexpired terms shall be for the period of
27 the unexpired term, or until a successor is appointed.

1 SECTION 13.007. Section 63.005, Human Resources Code, is
2 amended to add a heading to read as follows:

3 Sec. 63.005. BOARD OF TRUSTEES: COMBINATION OF COUNTIES
4 FACILITY. A facility created by a combination of counties shall be
5 governed by a board of trustees. Such board of trustees shall
6 consist of not less than five nor more than nine members selected
7 from the commissioners court of such counties, or such
8 commissioners court may jointly appoint a board of trustees from
9 among the qualified voters of the region to be served in the manner
10 described above.

11 SECTION 13.008. Section 63.006, Human Resources Code, is
12 amended to add a heading to read as follows:

13 Sec. 63.006. BOARD MEETINGS. The board of trustees shall
14 make rules to govern the holding of regular and special meetings.
15 All meetings of the board of trustees shall be open to the public to
16 the extent required by and in accordance with the general law of
17 this state requiring meetings of governmental bodies to be open to
18 the public. Should the board of trustees discuss any juvenile
19 either in residence in the facility, being transferred to the
20 facility, or who has formerly been a resident of the facility, such
21 discussion shall be conducted in closed session, and such
22 discussion, or any record thereof, shall not be open to the public.

23 SECTION 13.009. Section 63.007, Human Resources Code, is
24 amended to add a heading to read as follows:

25 Sec. 63.007. QUORUM. A majority of the membership of the
26 board of trustees shall constitute a quorum for the transaction of
27 business.

1 SECTION 13.010. Section 63.008, Human Resources Code, is
2 amended to add a heading to read as follows:

3 Sec. 63.008. FACILITY ADMINISTRATION. The board of
4 trustees is responsible for the administration of the facility.

5 SECTION 13.011. Section 63.009, Human Resources Code, is
6 amended to add a heading to read as follows:

7 Sec. 63.009. BOARD POLICIES. The board of trustees shall
8 develop policies consistent with the rules, regulations, and
9 standards of the Texas Juvenile Probation Commission.

10 SECTION 13.012. Section 63.010, Human Resources Code, is
11 amended to add a heading to read as follows:

12 Sec. 63.010. STANDARDIZED PERSONNEL QUALIFICATIONS. The
13 board of trustees shall standardize qualifications for personnel
14 positions in the community center consistent with those established
15 by the Texas Juvenile Probation Commission.

16 SECTION 13.013. Section 63.011, Human Resources Code, is
17 amended to add a heading to read as follows:

18 Sec. 63.011. ADVISORY COMMITTEES. The board of trustees
19 may appoint advisory committees to advise the board on matters
20 relating to the administration of the facility. No such committee
21 shall consist of less than five members, and the appointment of such
22 committees shall not relieve the board of trustees of final
23 responsibility and accountability as provided in this chapter.

24 SECTION 13.014. Section 63.012, Human Resources Code, is
25 amended to add a heading to read as follows:

26 Sec. 63.012. FACILITY EXECUTIVE DIRECTOR: APPOINTMENT.

27 The board of trustees shall appoint an executive director for the

1 facility.

2 SECTION 13.015. Section 63.013, Human Resources Code, is
3 amended to add a heading to read as follows:

4 Sec. 63.013. FACILITY EXECUTIVE DIRECTOR: DELEGATED
5 POWERS. The executive director shall have the powers delegated by
6 and be subject to the policy direction of the board of trustees.

7 SECTION 13.016. Section 63.014, Human Resources Code, is
8 amended by amending the heading to read as follows:

9 Sec. 63.014. FACILITY PERSONNEL. The board of trustees or
10 the director may employ and train personnel for the administration
11 of the various programs and services of the facility. The employee
12 shall be provided the appropriate rights, privileges, and benefits
13 available to the employees of the governing bodies that establish
14 the facility. The board of trustees is authorized to provide
15 workers' compensation benefits in the manner provided by Chapter
16 504, Labor Code.

17 SECTION 13.017. Section 63.015, Human Resources Code, is
18 amended to add a heading to read as follows:

19 Sec. 63.015. COUNTY CONTRIBUTIONS. Each county
20 participating in the creation of the facility may contribute lands,
21 buildings, personnel, and funds for the administration of the
22 various programs and services of the facility.

23 SECTION 13.018. Section 63.016, Human Resources Code, is
24 amended to add a heading to read as follows:

25 Sec. 63.016. GIFTS, GRANTS, AND DONATIONS. The board of
26 trustees of the facility may accept gifts, grants, and donations of
27 money, personal property, and real property for use in the

1 administration of its programs and services.

2 SECTION 13.019. Section 63.017, Human Resources Code, is
3 amended to add a heading to read as follows:

4 Sec. 63.017. SINGLE COUNTY FACILITY: ACQUISITION OF REAL
5 PROPERTY; RULES FOR ADMISSION; RATES CHARGED. (a) In the
6 instance of a facility formed by a single county, the commissioners
7 court of the creating county may acquire, through gift, purchase,
8 condemnation, or any other method, real property for the purpose of
9 locating a facility on such property. Such property may be acquired
10 outside of the boundaries of the creating county if, in the opinion
11 of the commissioners court of the forming county, there will exist a
12 demand for the services to be provided by the facility in the county
13 in which the facility is to be located in addition to any need which
14 may already exist within the boundaries of the creating county.

15 (b) The board of trustees for a facility created by a single
16 county shall establish rules and regulations for the admission of
17 juveniles into the facility from other than the forming county.
18 Such rules may allow that the forming county shall have priority in
19 the placement of its juveniles into the facility. The board may
20 establish a rate of charges to be paid by the county of origin of the
21 juvenile being placed into the facility, and such rates may be
22 reduced for those juveniles being admitted from the county which
23 created the facility.

24 SECTION 13.020. Section 63.018, Human Resources Code, is
25 amended to add a heading to read as follows:

26 Sec. 63.018. COMBINATION OF COUNTIES FACILITY: ACQUISITION
27 OF REAL PROPERTY; RULES FOR ADMISSION; RATES CHARGED. (a) In the

1 instance of a facility being created by two or more counties, the
2 commissioners courts of the forming counties may acquire, by gift,
3 purchase, condemnation, or other means, real property for the
4 purpose of locating the facility on such property. The method of
5 acquisition and the amount of cost sharing between those counties
6 shall be negotiated among the forming counties and reduced to
7 contract. Such property to be acquired shall be situated within the
8 boundaries of any one of the creating counties.

9 (b) The board of trustees for a facility created by an
10 organizational component of two or more counties shall establish
11 rules and regulations for the admission of juveniles who are
12 residents of other than the creating counties. The board may
13 establish a rate of charges to be paid by the county of origin of the
14 juvenile being placed into the facility, and those rates may be
15 reduced for juveniles being admitted from a county that was part of
16 the organizational component that created the facility.

17 SECTION 13.021. Section 63.019, Human Resources Code, is
18 amended to add a heading to read as follows:

19 Sec. 63.019. RULES REGULATING ADMINISTRATION OF SERVICES.
20 The board of trustees may make rules consistent with those
21 promulgated by the Texas Juvenile Probation Commission and the
22 policies, principles, and standards provided in this Act to
23 regulate the administration of services by the facility to the
24 juveniles placed into the facility.

25 SECTION 13.022. Section 63.020, Human Resources Code, is
26 amended to add a heading to read as follows:

27 Sec. 63.020. MINIMUM SERVICES TO BE PROVIDED. The board of

1 trustees will provide at least the following services to a juvenile
2 who is placed into the facility:

3 (1) Education. Upon admission into the facility, the
4 juvenile will be tested to determine his educational level, and a
5 program of instruction consistent with the juvenile's educational
6 level shall be developed to educate the juvenile. Education shall
7 be given to each juvenile admitted in the facility consistent with
8 the standards set forth by the Texas Juvenile Probation Commission.

9 (2) Counseling. Upon admission into the facility, the
10 juvenile shall be examined by a trained psychologist or
11 psychiatrist to determine if the juvenile would benefit from a
12 program of counseling. At the completion of such examination, the
13 findings of the psychologist or psychiatrist shall be forwarded to
14 the director in the form of a recommendation that counseling be
15 given to the juvenile, along with a program of counseling to be
16 adhered to by the staff of the facility.

17 SECTION 13.023. Section 63.021, Human Resources Code, is
18 amended to add a heading to read as follows:

19 Sec. 63.021. LIST OF SERVICES. The board of trustees of the
20 facility shall devise a list of services that it will offer to each
21 juvenile who is placed into the facility for the use by the court in
22 making its determination as to whether the juvenile would benefit
23 by admission into the facility.

24 SECTION 13.024. Section 63.022, Human Resources Code, is
25 amended to add a heading to read as follows:

26 Sec. 63.022. FACILITY RESEARCH AND RECRUITMENT AND TRAINING
27 OF PERSONNEL; CONTRACTS AUTHORIZED. The facility may engage in

1 research and in recruitment and training of personnel in support of
2 its programs and services and may make contracts for those
3 purposes.

4 SECTION 13.025. Section 63.023, Human Resources Code, is
5 amended to add a heading to read as follows:

6 Sec. 63.023. FEES FOR SERVICES. The board of trustees for
7 the facility may charge reasonable fees to cover costs for services
8 provided, except where prohibited by other service contracts or by
9 law.

10 SECTION 13.026. Section 63.024, Human Resources Code, is
11 amended to add a heading to read as follows:

12 Sec. 63.024. PAYMENT OF FEES BY COUNTY. In collecting fees
13 for the treatment rendered juveniles, the director will bill
14 directly that county in which the juvenile resided prior to his
15 admission to the facility. The county that receives such a bill
16 from the director must pay that bill within 45 days of its receipt.

17 SECTION 13.027. Section 63.025, Human Resources Code, is
18 amended to add a heading to read as follows:

19 Sec. 63.025. ADMISSION OF AND PAYMENT FOR SERVICES PROVIDED
20 TO JUVENILES RESIDING IN ANOTHER COUNTY. The board of trustees may
21 provide that juveniles who reside outside the boundaries of a
22 county that participated in the formation of the facility may be
23 admitted to the facility. However, the charges to the county of
24 residence of the juvenile may be billed at a rate higher than that
25 charged to a county that participated in the formation of the
26 facility.

27 SECTION 13.028. Section 63.026, Human Resources Code, is

1 amended to add a heading to read as follows:

2 Sec. 63.026. COURT-ORDERED ADMISSION. A juvenile may be
3 admitted upon the order of a court of competent jurisdiction that
4 finds that the juvenile has engaged in delinquent conduct and is in
5 need of supervision or is experiencing a dysfunctional home
6 environment and will benefit from placement in the facility.

7 SECTION 13.029. Section 63.027, Human Resources Code, is
8 amended to add a heading to read as follows:

9 Sec. 63.027. LIMITATION ON PERIOD FOR JUVENILE'S
10 RESIDENCE. The court will include in its order the length of time
11 that the juvenile will reside in the facility, which will not exceed
12 a period of one year. At the conclusion of the one-year period, the
13 court will make a determination as to whether the juvenile will
14 benefit from further residence within the facility. The court may
15 then order the juvenile to be placed into the facility for
16 additional time not to exceed one year.

17 SECTION 13.030. Section 63.028, Human Resources Code, is
18 amended to add a heading to read as follows:

19 Sec. 63.028. MODIFICATION OF COURT ORDER. The court may
20 modify any order by which a juvenile is placed in the facility upon
21 recommendation of the director of the facility.

22 SECTION 13.031. Section 152.1611(a), Human Resources Code,
23 as amended by Chapters 583 (S.B. 1796) and 956 (H.B. 4040), Acts of
24 the 80th Legislature, Regular Session, 2007, is reenacted to read
25 as follows:

26 (a) The McLennan County Juvenile Board is composed of the
27 county judge, the county court at law judges, and the district

1 judges in McLennan County.

2 ARTICLE 14. CHANGES RELATING TO INSURANCE CODE

3 SECTION 14.001. (a) Section 228.001, Insurance Code, is
4 amended to conform to the amendment of Article 4.51, Insurance
5 Code, by Section 1, Chapter 303 (H.B. 1741), Acts of the 80th
6 Legislature, Regular Session, 2007, by adding Subdivisions (5-a),
7 (7-a), and (7-b) to read as follows:

8 (5-a) "Low-income community" has the meaning assigned
9 by Section 45D(e), Internal Revenue Code of 1986.

10 (7-a) "Program One" means the program for allocation
11 and investment of certified capital under this chapter before
12 January 1, 2007.

13 (7-b) "Program Two" means the program for allocation
14 and investment of certified capital under this chapter on or after
15 January 1, 2007.

16 (b) Section 1, Chapter 303 (H.B. 1741), Acts of the 80th
17 Legislature, Regular Session, 2007, which amended former Article
18 4.51, Insurance Code, by adding Subdivisions (16), (17), and (18),
19 is repealed.

20 SECTION 14.002. (a) Section 228.153(b), Insurance Code, is
21 amended to conform to the amendment of Article 4.56(b), Insurance
22 Code, by Section 3, Chapter 303 (H.B. 1741), Acts of the 80th
23 Legislature, Regular Session, 2007, to read as follows:

24 (b) A certified capital company must place at least 30
25 percent of the amount of qualified investments required by
26 Sections 228.151(a) and (b) in a strategic investment or low-income
27 community business.

1 (b) Section 3, Chapter 303 (H.B. 1741), Acts of the 80th
2 Legislature, Regular Session, 2007, which amended former Article
3 4.56(b), Insurance Code, is repealed.

4 SECTION 14.003. (a) Section 228.203, Insurance Code, is
5 amended to conform to the amendment of Article 4.57, Insurance
6 Code, by Section 4, Chapter 303 (H.B. 1741), Acts of the 80th
7 Legislature, Regular Session, 2007, to read as follows:

8 Sec. 228.203. EVALUATION OF BUSINESS BY COMPTROLLER. (a) A
9 certified capital company may, before making an investment in a
10 business, request a written opinion from the comptroller as to
11 whether the business in which the company proposes to invest is a
12 qualified business, an early stage business, or a strategic
13 investment or low-income community business.

14 (b) Not later than the 15th business day after the date of
15 the receipt of a request under Subsection (a), the comptroller
16 shall:

17 (1) determine whether the business meets the
18 definition of a qualified business, an early stage business, or a
19 strategic investment or low-income community business, as
20 applicable, and notify the certified capital company of the
21 determination and provide an explanation of the determination; or

22 (2) notify the company that an additional 15 days will
23 be needed to review the request and make the determination.

24 (c) If the comptroller fails to notify the certified capital
25 company with respect to the proposed investment within the period
26 specified by Subsection (b), the business in which the company
27 proposes to invest is considered to be a qualified business, an

1 early stage business, or a strategic investment or low-income
2 community business, as appropriate.

3 (b) Section 4, Chapter 303 (H.B. 1741), Acts of the 80th
4 Legislature, Regular Session, 2007, which amended former Article
5 4.57, Insurance Code, is repealed.

6 SECTION 14.004. (a) Section 228.251, Insurance Code, is
7 amended to conform to the amendment of Article 4.65, Insurance
8 Code, by Section 5, Chapter 303 (H.B. 1741), Acts of the 80th
9 Legislature, Regular Session, 2007, by amending Subsection (b) and
10 adding Subsection (c) to read as follows:

11 (b) With respect to credits earned as a result of
12 investments made under Program One, beginning [~~Beginning~~] with the
13 tax report due March 1, 2009, for the 2008 tax year, a certified
14 investor may take up to 25 percent of the vested premium tax credit
15 in any taxable year of the certified investor. The credit may not
16 be applied to estimated payments due in 2008.

17 (c) With respect to credits earned as a result of
18 investments made under Program Two, beginning with the tax report
19 due March 1, 2013, for the 2012 tax year, a certified investor may
20 take up to 25 percent of the vested premium tax credit in any
21 taxable year of the certified investor. The credit may not be
22 applied to estimated payments due in 2012.

23 (b) Section 5, Chapter 303 (H.B. 1741), Acts of the 80th
24 Legislature, Regular Session, 2007, which amended former Article
25 4.65, Insurance Code, by amending Subsection (a) and adding
26 Subsections (a-1) and (a-2), is repealed.

27 SECTION 14.005. (a) Section 228.253(b), Insurance Code, is

1 amended to conform to the amendment of Article 4.66(a), Insurance
2 Code, by Section 6, Chapter 303 (H.B. 1741), Acts of the 80th
3 Legislature, Regular Session, 2007, to read as follows:

4 (b) The certified capital company must have filed the claim
5 with the comptroller on the date on which the comptroller accepted
6 premium tax credit allocation claims on behalf of certified
7 investors with respect to Program One or Program Two, as
8 applicable, under the comptroller's rules.

9 (b) Section 6, Chapter 303 (H.B. 1741), Acts of the 80th
10 Legislature, Regular Session, 2007, which amended former Article
11 4.66(a), Insurance Code, is repealed.

12 SECTION 14.006. (a) Section 228.254, Insurance Code, is
13 amended to conform to the amendment of Article 4.67, Insurance
14 Code, by Section 7, Chapter 303 (H.B. 1741), Acts of the 80th
15 Legislature, Regular Session, 2007, to read as follows:

16 Sec. 228.254. TOTAL LIMIT ON PREMIUM TAX CREDITS. (a) The
17 total amount of certified capital for which premium tax credits may
18 be allowed under this chapter for all years in which premium tax
19 credits are allowed is:

20 (1) \$200 million for Program One; and

21 (2) \$200 million for Program Two.

22 (b) The total amount of certified capital for which premium
23 tax credits may be allowed for all certified investors under this
24 chapter may not exceed the amount that would entitle all certified
25 investors in certified capital companies to take total credits of
26 \$50 million in a year with respect to Program One and \$50 million in
27 a year with respect to Program Two.

1 (c) A certified capital company and the company's
2 affiliates may not file premium tax credit allocation claims with
3 respect to Program One or Program Two, as applicable, in excess of
4 the maximum amount of certified capital for which premium tax
5 credits may be allowed for that program as provided by this section.

6 (b) Section 7, Chapter 303 (H.B. 1741), Acts of the 80th
7 Legislature, Regular Session, 2007, which amended former Article
8 4.67, Insurance Code, is repealed.

9 SECTION 14.007. (a) Section 228.255, Insurance Code, is
10 amended to conform to the amendment of Article 4.68, Insurance
11 Code, by Section 8, Chapter 303 (H.B. 1741), Acts of the 80th
12 Legislature, Regular Session, 2007, to read as follows:

13 Sec. 228.255. ALLOCATION OF PREMIUM TAX CREDIT. (a) If the
14 total premium tax credits claimed by all certified investors with
15 respect to Program One or Program Two, as applicable, exceeds the
16 total limits on premium tax credits established for that program by
17 Section 228.254(a), the comptroller shall allocate the total amount
18 of premium tax credits allowed under this chapter to certified
19 investors in certified capital companies on a pro rata basis in
20 accordance with this section.

21 (b) The pro rata allocation for each certified investor
22 shall be the product of:

23 (1) a fraction, the numerator of which is the amount of
24 the premium tax credit allocation claim filed on behalf of the
25 investor with respect to Program One or Program Two, as applicable,
26 and the denominator of which is the total amount of all premium tax
27 credit allocation claims filed on behalf of all certified investors

1 with respect to that program; and

2 (2) the total amount of certified capital for which
3 premium tax credits may be allowed with respect to that program
4 under this chapter.

5 (c) The maximum amount of certified capital for which
6 premium tax credit allocation may be allowed on behalf of a single
7 certified investor and the investor's affiliates with respect to
8 Program One or Program Two, as applicable, whether by one or more
9 certified capital companies, may not exceed the greater of:

10 (1) \$10 million; or

11 (2) 15 percent of the maximum aggregate amount
12 available with respect to that program under Section 228.254(a).

13 (b) Section 8, Chapter 303 (H.B. 1741), Acts of the 80th
14 Legislature, Regular Session, 2007, which amended former Articles
15 4.68(a), (b), (c), and (e), Insurance Code, is repealed.

16 SECTION 14.008. Section 2, Chapter 303 (H.B. 1741), Acts of
17 the 80th Legislature, Regular Session, 2007, which amended former
18 Article 4.52, Insurance Code, is repealed as a temporary executed
19 provision.

20 SECTION 14.009. Section 252.003, Insurance Code, as amended
21 by Chapters 730 (H.B. 2636) and 932 (H.B. 3315), Acts of the 80th
22 Legislature, Regular Session, 2007, is reenacted to read as
23 follows:

24 Sec. 252.003. PREMIUMS SUBJECT TO TAXATION. An insurer
25 shall pay maintenance taxes under this chapter on the correctly
26 reported gross premiums from writing insurance in this state
27 against loss or damage by:

- 1 (1) bombardment;
- 2 (2) civil war or commotion;
- 3 (3) cyclone;
- 4 (4) earthquake;
- 5 (5) excess or deficiency of moisture;
- 6 (6) explosion as defined by Section 2002.006(b);
- 7 (7) fire;
- 8 (8) flood;
- 9 (9) frost and freeze;
- 10 (10) hail, including loss by hail on farm crops;
- 11 (11) insurrection;
- 12 (12) invasion;
- 13 (13) lightning;
- 14 (14) military or usurped power;
- 15 (15) an order of a civil authority made to prevent the
- 16 spread of a conflagration, epidemic, or catastrophe;
- 17 (16) rain;
- 18 (17) riot;
- 19 (18) the rising of the waters of the ocean or its
- 20 tributaries;
- 21 (19) smoke or smudge;
- 22 (20) strike or lockout;
- 23 (21) tornado;
- 24 (22) vandalism or malicious mischief;
- 25 (23) volcanic eruption;
- 26 (24) water or other fluid or substance resulting from
- 27 the breakage or leakage of sprinklers, pumps, or other apparatus

1 erected for extinguishing fires, water pipes, or other conduits or
2 containers;

3 (25) weather or climatic conditions;

4 (26) windstorm;

5 (27) an event covered under a home warranty insurance
6 policy; or

7 (28) an event covered under an inland marine insurance
8 policy.

9 SECTION 14.010. Section 551.004, Insurance Code, as added
10 by Section 11.018(c), Chapter 728 (H.B. 2018), Acts of the 79th
11 Legislature, Regular Session, 2005, is repealed as substantively
12 duplicative of Section 551.005, Insurance Code.

13 SECTION 14.011. Section 885.351, Insurance Code, as amended
14 by Chapters 548 (S.B. 1263) and 730 (H.B. 2636), Acts of the 80th
15 Legislature, Regular Session, 2007, is reenacted to read as
16 follows:

17 Sec. 885.351. AGENTS. (a) A fraternal benefit society may
18 appoint an agent licensed by the department under Subchapter B,
19 Chapter 4054, to sell benefits listed under Section 885.301(a) to
20 society members.

21 (b) Except as provided by Section 885.352, a person may not
22 solicit or procure benefit contracts for a fraternal benefit
23 society unless the person is licensed as a general life, accident,
24 and health agent or a life agent under Subchapter B, Chapter 4054.

25 (c) The licensing and regulation of agents for fraternal
26 benefit societies is subject to Title 13 and other laws regulating
27 those agents.

1 SECTION 14.012. Section 981.203(a), Insurance Code, as
2 amended by Section 2.09, Chapter 548 (S.B. 1263), Acts of the 80th
3 Legislature, Regular Session, 2007, and Section 2E.132, Chapter 730
4 (H.B. 2636), Acts of the 80th Legislature, Regular Session, 2007,
5 is reenacted to read as follows:

6 (a) The department may issue a surplus lines license to an
7 applicant who the department determines complies with Subsection
8 (b) and is:

9 (1) an individual who:

10 (A) has passed an examination under Chapter 4002
11 and department rules; and

12 (B) holds a current license as:

13 (i) a general property and casualty agent
14 authorized under Subchapter B, Chapter 4051; or

15 (ii) a managing general agent; or

16 (2) a corporation, limited liability company, or
17 partnership that:

18 (A) has at least one officer or director or at
19 least one active partner who has passed the required surplus lines
20 license examination;

21 (B) holds a current license as:

22 (i) a general property and casualty agent
23 authorized under Subchapter B, Chapter 4051; or

24 (ii) a managing general agent; and

25 (C) conducts insurance activities under this
26 chapter only through an individual licensed under this section.

27 SECTION 14.013. Section 1506.152(e), Insurance Code, is

1 amended to correct a reference to read as follows:

2 (e) Notwithstanding Sections 1506.153(a)(1)-(6)
3 [~~1506.153(1)-(6)~~], an individual who is certified as eligible for
4 trade adjustment assistance or for pension benefit guaranty
5 corporation assistance, as provided by the Trade Adjustment
6 Assistance Reform Act of 2002 (Pub. L. No. 107-210), and who has at
7 least three months of prior health benefit plan coverage, as
8 described by Section 1506.155(d), is not required to exhaust any
9 benefits from the continuation of coverage under Title X,
10 Consolidated Omnibus Budget Reconciliation Act of 1985 (29 U.S.C.
11 Section 1161 et seq.), as amended (COBRA), or state continuation
12 benefits to be eligible for coverage from the pool.

13 SECTION 14.014. Section 1506.153, Insurance Code, as
14 amended by Chapters 808 (S.B. 1254), 881 (H.B. 1977), and 1070 (H.B.
15 2548), Acts of the 80th Legislature, Regular Session, 2007, is
16 reenacted and amended to read as follows:

17 Sec. 1506.153. INELIGIBILITY FOR COVERAGE. (a)
18 Notwithstanding Section 1506.152 [~~Section 1506.152(a)-(c)~~], an
19 individual is not eligible for coverage from the pool if:

20 (1) on the date pool coverage is to take effect, the
21 individual has health benefit plan coverage from a health benefit
22 plan issuer or health benefit arrangement in effect, except as
23 provided by Section 1506.152(a)(3)(E);

24 (2) at the time the individual applies to the pool,
25 except as provided in Subsection (b), the individual is eligible
26 for other health care benefits, including an offer of benefits from
27 the continuation of coverage under Title X, Consolidated Omnibus

1 Budget Reconciliation Act of 1985 (29 U.S.C. Section 1161 et seq.),
2 as amended (COBRA), other than:

3 (A) coverage, including COBRA or other
4 continuation coverage or conversion coverage, maintained for any
5 preexisting condition waiting period under a pool policy or during
6 any preexisting condition waiting period or other waiting period of
7 the other coverage;

8 (B) employer group coverage conditioned by a
9 limitation of the kind described by Section 1506.152(a)(3)(A) or
10 (C); or

11 (C) individual coverage conditioned by a
12 limitation described by Section 1506.152(a)(3)(C) or (D);

13 (3) within 12 months before the date the individual
14 applies to the pool, the individual terminated coverage in the
15 pool, unless the individual:

16 (A) demonstrates a good faith reason for the
17 termination; or

18 (B) is a federally defined eligible individual;

19 (4) the individual is confined in a county jail or
20 imprisoned in a state or federal prison;

21 (5) any of the individual's premiums are paid for or
22 reimbursed under a government-sponsored program or by a government
23 agency or health care provider;

24 (6) the individual's prior coverage with the pool was
25 terminated:

26 (A) during the 12-month period preceding the date
27 of application for nonpayment of premiums; or

1 (B) for fraud; or

2 (7) the individual is eligible for health benefit plan
3 coverage provided in connection with a policy, plan, or program
4 paid for or sponsored by an employer, even though the employer
5 coverage is declined. This subdivision does not apply to an
6 individual who is a part-time employee eligible to participate in
7 an employer plan that provides health benefit coverage:

8 (A) that is more limited or restricted than
9 coverage with the pool; and

10 (B) for which there is no employer contribution
11 to the premium, either directly or indirectly.

12 (b) An individual eligible for benefits from the
13 continuation of coverage under Title X, Consolidated Omnibus Budget
14 Reconciliation Act of 1985 (29 U.S.C. Section 1161 et seq.), as
15 amended (COBRA), who did not elect continuation of coverage during
16 the election period, or whose elected continuation of coverage
17 lapsed or was cancelled without reinstatement, is eligible for pool
18 coverage. Eligibility under this subsection is subject to a
19 180-day exclusion of coverage under Section 1506.155(a-1).

20 SECTION 14.015. Section 1506.159(a), Insurance Code, is
21 amended to correct a reference to read as follows:

22 (a) A health benefit plan issuer, agent, third-party
23 administrator, or other person authorized or licensed under this
24 code may not arrange or assist in, or attempt to arrange or assist
25 in, the application for coverage from or placement in the pool of an
26 individual who is not eligible under Section 1506.153(a)(7)
27 [~~1506.153(7)~~] for coverage from the pool for the purpose of

1 separating the person from health benefit plan coverage offered or
2 provided in connection with employment that would be available to
3 the person as an employee or a dependent of an employee.

4 SECTION 14.016. Subchapter A, Chapter 1550, Insurance Code,
5 is repealed to conform to the repeal of Article 21.49-15, Insurance
6 Code, by Section 2(1), Chapter 700 (H.B. 2015), Acts of the 80th
7 Legislature, Regular Session, 2007.

8 SECTION 14.017. (a) The heading of Section 1601.308,
9 Insurance Code, is amended to more closely reflect the source law
10 from which that section was derived to read as follows:

11 Sec. 1601.308. EXPENSES [~~, PAYMENT BY EMPLOYEES~~].

12 (b) Section 1601.308(c), Insurance Code, is amended to more
13 closely reflect the source law from which that section was derived
14 to read as follows:

15 (c) Employees may not be required to [~~shall~~] pay [~~the~~
16 ~~expenses of an advisory committee established under this~~
17 ~~subchapter~~] from [~~,~~

18 [~~(1)~~] the amount of employer contributions due the
19 employees or from [~~, or~~

20 [~~(2)~~] the amount of additional contributions due for
21 selected coverages under this chapter the expenses of an advisory
22 committee established under this subchapter.

23 SECTION 14.018. (a) Section 6002.002, Insurance Code, is
24 amended to conform to the amendment of Section 2(8), and the
25 addition of Section 2(17), Article 5.43-2, Insurance Code, by
26 Section 1, Chapter 1051 (H.B. 2118), Acts of the 80th Legislature,
27 Regular Session, 2007, by amending Subdivision (9) and adding

1 Subdivision (12-a) to read as follows:

2 (9) "Monitoring" means the receipt of fire alarm and
3 supervisory signals [~~and the retransmission~~] or communication of
4 those signals to a fire service communications center in this state
5 or serving property in this state.

6 (12-a) "Residential fire alarm technician" means a
7 licensed individual who is designated by a registered firm to
8 install, service, inspect, and certify residential single-family
9 or two-family fire alarm or detection systems.

10 (b) Section 6002.003, Insurance Code, is amended to conform
11 to the addition of Sections 3(d) and (e), Article 5.43-2, Insurance
12 Code, by Section 2, Chapter 1051 (H.B. 2118), Acts of the 80th
13 Legislature, Regular Session, 2007, by adding Subsections (f) and
14 (g) to read as follows:

15 (f) A political subdivision may not require a registered
16 firm, a license holder, or an employee of a registered firm to
17 maintain a business location or residency within that political
18 subdivision to engage in a business or perform any activity
19 authorized under this chapter.

20 (g) A municipality or county may by ordinance require a
21 registered firm to make a telephone call to a monitored property
22 before the firm notifies the municipality or county of an alarm
23 signal received by the firm from a fire detection device.

24 (c) Section 6002.004(b), Insurance Code, is amended to
25 conform to the amendment of Section 7(b), Article 5.43-2, Insurance
26 Code, by Section 8, Chapter 1051 (H.B. 2118), Acts of the 80th
27 Legislature, Regular Session, 2007, to read as follows:

1 (b) Except as provided by Subsection (c), a political
2 subdivision may not offer [~~residential~~] alarm system sales,
3 service, installation, or monitoring unless the political
4 subdivision has been providing monitoring services [~~to residences~~]
5 within the boundaries of the political subdivision as of September
6 1, 1999. Any fee charged by the political subdivision under this
7 subsection may not exceed the cost of the monitoring.

8 (d) Section 6002.054(a), Insurance Code, is amended to
9 conform to the addition of Section 5(c-1), Article 5.43-2,
10 Insurance Code, by Section 3, Chapter 1051 (H.B. 2118), Acts of the
11 80th Legislature, Regular Session, 2007, to read as follows:

12 (a) The commissioner shall set the fee for:

13 (1) an initial registration certificate in an amount
14 not to exceed \$500;

15 (2) the renewal of a registration certificate for each
16 year in an amount not to exceed \$500;

17 (3) the renewal of a registration certificate for an
18 individual or organization engaged in the business of planning,
19 certifying, leasing, selling, servicing, installing, monitoring,
20 or maintaining exclusively single station devices in an amount not
21 to exceed \$250 annually;

22 (4) an initial branch office registration certificate
23 in an amount not to exceed \$150;

24 (5) the renewal of a branch office registration
25 certificate for each year in an amount not to exceed \$150;

26 (6) an initial or renewal training school approval in
27 an amount not to exceed \$500 annually;

1 (7) an initial or renewal of a training school
2 instructor approval in an amount not to exceed \$50 annually;

3 (8) an initial license in an amount not to exceed \$120,
4 except as provided by Subdivision (10); [and]

5 (9) the renewal of a license for each year in an amount
6 not to exceed \$100, except as provided by Subdivision (10); and

7 (10) an initial fee and a renewal fee for a residential
8 fire alarm technician license in an amount not to exceed \$50.

9 (e) Section 6002.154, Insurance Code, is amended to conform
10 to the addition of Sections 5(c-1) and 7(f), Article 5.43-2,
11 Insurance Code, by Sections 3 and 8, Chapter 1051 (H.B. 2118), Acts
12 of the 80th Legislature, Regular Session, 2007, by amending
13 Subsection (b) and adding Subsection (d-1) to read as follows:

14 (b) A fire alarm technician, residential fire alarm
15 technician, residential fire alarm superintendent, or fire alarm
16 planning superintendent must hold a license issued by the
17 department, conditioned on the successful completion of a written
18 license examination.

19 (d-1) A residential fire alarm technician may only provide
20 direct on-site supervision to an employee of a registered firm for
21 work performed under this chapter in a single-family or two-family
22 dwelling.

23 (f) Section 6002.155, Insurance Code, is amended to conform
24 to the amendment of Section 3(b), Article 5.43-2, Insurance Code,
25 by Section 2, Chapter 1051 (H.B. 2118), Acts of the 80th
26 Legislature, Regular Session, 2007, to read as follows:

27 Sec. 6002.155. ACTIVITIES NOT REGULATED BY CHAPTER. The

1 licensing provisions of this chapter do not apply to:

2 (1) an individual or organization in the business of
3 building construction that installs electrical wiring and devices
4 that may include, in part, the installation of a fire alarm or
5 detection system if:

6 (A) the individual or organization is a party to
7 a contract that provides that:

8 (i) the installation will be performed
9 under the direct supervision of and certified by a licensed
10 employee or agent of a firm registered to install and certify such
11 an alarm or detection device; and

12 (ii) the registered firm assumes full
13 responsibility for the installation of the alarm or detection
14 device; and

15 (B) the individual or organization does not plan,
16 certify, lease, sell, service, or maintain fire alarms or detection
17 devices or systems;

18 (2) an individual or organization that:

19 (A) owns and installs a fire detection or fire
20 alarm device on the individual's or organization's own property; or

21 (B) if the individual or organization does not
22 charge for the device or its installation, installs the device for
23 the protection of the individual's or organization's personal
24 property located on another's property and does not install the
25 device as a normal business practice on the property of another;

26 (3) an individual who holds a license or other
27 authority issued by a municipality to practice as an electrician

1 and who installs fire or smoke detection and alarm devices only in a
2 single family or multifamily residence if:

3 (A) the devices installed are:

4 (i) single station detectors; or

5 (ii) multiple station detectors capable of
6 being connected in a manner that actuation of one detector causes
7 all integral or separate alarms to operate if the detectors are not
8 connected to a control panel or to an outside alarm, do not transmit
9 a signal off the premises, and do not use more than 120 volts; and

10 (B) all installations comply with the adopted
11 edition of [~~Household Fire Warning Equipment,~~] National Fire
12 Protection Association Standard No. 72 [~~74~~];

13 (4) an individual or organization that:

14 (A) sells fire detection or fire alarm devices
15 exclusively over-the-counter or by mail order; and

16 (B) does not plan, certify, install, service, or
17 maintain the devices;

18 (5) a law enforcement agency or fire department or a
19 law enforcement officer or firefighter acting in an official
20 capacity that responds to a fire alarm or detection device;

21 (6) an engineer licensed under Chapter 1001,
22 Occupations Code, acting solely in the engineer's professional
23 capacity;

24 (7) an individual or organization that provides and
25 installs at no charge to the property owners or residents a
26 battery-powered smoke detector in a single-family or two-family
27 residence if:

1 (A) the smoke detector bears a label of listing
2 or approval by a testing laboratory approved by the department;

3 (B) the installation complies with the adopted
4 edition of National Fire Protection Association Standard No. 72
5 [~~74~~];

6 (C) the installers are knowledgeable in fire
7 protection and the proper use of smoke detectors; and

8 (D) the detector is a single station installation
9 and not a part of or connected to any other detection device or
10 system;

11 (8) an [~~a regular~~] employee of a registered firm who is
12 under the direct on-site supervision of a license holder;

13 (9) a building owner, the owner's managing agent, or an
14 employee of the owner or agent who installs battery-operated single
15 station smoke detectors or monitor fire alarm or fire detection
16 devices or systems in the owner's building, and in which the
17 monitoring:

18 (A) is performed at the owner's property at no
19 charge to the occupants of the building;

20 (B) complies with applicable standards of the
21 National Fire Protection Association as may be adopted by rule
22 under this chapter; and

23 (C) uses equipment approved by a testing
24 laboratory approved by the department for fire alarm monitoring;

25 (10) an individual employed by a registered firm that
26 sells and installs a smoke or heat detector in a single-family or
27 two-family residence if:

1 (A) the detector bears a label of listing or
2 approval by a testing laboratory approved by the department;

3 (B) the installation complies with the adopted
4 edition of National Fire Protection Association Standard No. 72
5 [~~74~~];

6 (C) the installers are knowledgeable in fire
7 protection and the proper use and placement of detectors; and

8 (D) the detector is a single station installation
9 and not a part of or connected to any other detection device or
10 system; or

11 (11) an individual or organization licensed to install
12 or service burglar alarms under Chapter 1702, Occupations Code,
13 that provides and installs in a single-family or two-family
14 residence a combination keypad that includes a panic button to
15 initiate a fire alarm signal if the fire alarm signal:

16 (A) is monitored by a fire alarm firm registered
17 under this chapter; and

18 (B) is not initiated by a fire or smoke detection
19 device.

20 (g) Section 6002.154, Insurance Code, is amended to conform
21 to the addition of Section 5D(a-2), Article 5.43-2, Insurance Code,
22 by Section 5, Chapter 1051 (H.B. 2118), Acts of the 80th
23 Legislature, Regular Session, 2007, by adding Subsection (d-2) to
24 read as follows:

25 (d-2) An applicant for a residential fire alarm technician
26 license must provide with the required license application evidence
27 of the applicant's successful completion of the required

1 instruction from a training school approved by the state fire
2 marshal in accordance with Section 6002.158.

3 (h) Section 6002.158(e), Insurance Code, is amended to
4 conform to the amendment of Section 5D(d), Article 5.43-2,
5 Insurance Code, by Section 5, Chapter 1051 (H.B. 2118), Acts of the
6 80th Legislature, Regular Session, 2007, to read as follows:

7 (e) The curriculum for [~~a fire alarm technician course or~~] a
8 residential fire alarm technician [~~superintendent~~] course must
9 consist of at least eight [~~16~~] hours of [~~classroom~~] instruction on
10 installing, servicing, and maintaining single-family and
11 two-family residential fire alarm systems as defined by National
12 Fire Protection Standard No. 72 [~~for each license category~~].

13 (i) Subchapter B, Chapter 6002, Insurance Code, is amended
14 to conform to the addition of Section 6A(c), Article 5.43-2,
15 Insurance Code, by Section 7, Chapter 1051 (H.B. 2118), Acts of the
16 80th Legislature, Regular Session, 2007, by adding Section
17 6002.0531 to read as follows:

18 Sec. 6002.0531. RULES REQUIRING FINANCIAL RESPONSIBILITY.
19 The commissioner may not adopt a rule to administer this chapter
20 that requires a person who holds a license under this chapter to
21 obtain additional certification that imposes a financial
22 responsibility on the license holder.

23 (j) Subchapter B, Chapter 6002, Insurance Code, is amended
24 to conform to the addition of Section 5G, Article 5.43-2, Insurance
25 Code, by Section 6, Chapter 1051 (H.B. 2118), Acts of the 80th
26 Legislature, Regular Session, 2007, by adding Section 6002.056 to
27 read as follows:

1 Sec. 6002.056. DEPARTMENT RECORDS. Records maintained by
2 the department under this chapter on the home address, home
3 telephone number, driver's license number, or social security
4 number of an applicant or a license or registration holder are
5 confidential and are not subject to mandatory disclosure under
6 Chapter 552, Government Code.

7 (k) Section 6002.252, Insurance Code, is amended to conform
8 to the amendment of Section 9(d), Article 5.43-2, Insurance Code,
9 by Section 9, Chapter 1051 (H.B. 2118), Acts of the 80th
10 Legislature, Regular Session, 2007, to read as follows:

11 Sec. 6002.252. REQUIRED PURCHASE AND INSTALLATION
12 INFORMATION. A fire detection or fire alarm device may not be sold
13 or installed in this state unless the device is accompanied by
14 printed information that:

15 (1) is supplied to the owner by the supplier or
16 installing contractor; and

17 (2) concerns:

18 (A) instructions describing the installation,
19 operation, testing, and proper maintenance of the device;

20 (B) information to aid in establishing an
21 emergency evacuation plan for the protected premises; ~~and~~

22 (C) the telephone number and location, including
23 notification procedures, of the nearest fire department; and

24 (D) information that will aid in reducing the
25 number of false alarms.

26 (1) Section 6002.253, Insurance Code, is amended to conform
27 to the amendment of Section 9(e), Article 5.43-2, Insurance Code,

1 by Section 9, Chapter 1051 (H.B. 2118), Acts of the 80th
2 Legislature, Regular Session, 2007, to read as follows:

3 Sec. 6002.253. TRAINING AND SUPERVISION OF CERTAIN EXEMPT
4 EMPLOYEES. Each registered firm that employs an individual who is
5 exempt from the licensing requirements of this chapter under
6 Section 6002.155(10) shall appropriately train and supervise the
7 individual to ensure that:

8 (1) each installation complies with the adopted
9 provisions of National Fire Protection Association Standard No. 72
10 [~~74~~] or other adopted standards;

11 (2) each smoke or heat detector installed or sold
12 carries a label or listing of approval by a testing laboratory
13 approved by the department; and

14 (3) the individual is knowledgeable in fire protection
15 and the proper use and placement of detectors.

16 (m) Sections 1, 2, 3, 4, 5, 7, 8, and 9, Chapter 1051 (H.B.
17 2118), Acts of the 80th Legislature, Regular Session, 2007, which
18 amended Sections 2, 3, 5, 5B, 5D, 6A, 7, and 9, Article 5.43-2,
19 Insurance Code, respectively, are repealed.

20 (n) Section 5G, Article 5.43-2, Insurance Code, as added by
21 Section 6, Chapter 1051 (H.B. 2118), Acts of the 80th Legislature,
22 Regular Session, 2007, is repealed.

23 ARTICLE 15. CHANGES RELATING TO LOCAL GOVERNMENT CODE

24 SECTION 15.001. Section 87.032, Local Government Code, is
25 amended to conform more closely to the source law from which the
26 section was derived to read as follows:

27 Sec. 87.032. APPEAL; SUSPENSION. If the officer appeals

1 the judgment, the appeal supersedes the order of removal unless the
2 court that renders the judgment finds that it is in the public
3 interest to suspend the officer pending the appeal. If the court
4 finds that the public interest requires suspension, the court shall
5 suspend the officer as provided by this chapter [~~subchapter~~].

6 SECTION 15.002. Section 111.033, Local Government Code, as
7 amended by Chapters 563 (S.B. 1510) and 924 (H.B. 3195), Acts of the
8 80th Legislature, Regular Session, 2007, is reenacted to read as
9 follows:

10 Sec. 111.033. ANNUAL BUDGET REQUIRED. (a) Within 30 days
11 before the first day of each fiscal year or on or immediately after
12 that first day, the county auditor shall prepare a budget to cover
13 the proposed expenditures of the county government for that fiscal
14 year.

15 (b) A proposed budget that will require raising more revenue
16 from property taxes than in the previous year must contain a cover
17 page with the following statement in 18-point or larger
18 type: "This budget will raise more total property taxes than last
19 year's budget by (insert total dollar amount of increase and
20 percentage increase), and of that amount (insert amount computed by
21 multiplying the proposed tax rate by the value of new property added
22 to the roll) is tax revenue to be raised from new property added to
23 the tax roll this year."

24 SECTION 15.003. Section 142.155, Local Government Code, is
25 amended to add appropriate subsection lettering to read as follows:

26 Sec. 142.155. RECOGNITION OF EMERGENCY MEDICAL SERVICES
27 PERSONNEL ASSOCIATION. (a) The governing body of a municipality

1 may recognize an association that submits a petition signed by a
2 majority of the emergency medical services personnel in the
3 municipality, excluding the head of the emergency medical services
4 department and any person who is exempt under Subsection (b), as the
5 sole and exclusive bargaining agent for all of the covered
6 emergency medical services personnel until recognition of the
7 association is withdrawn by a majority of the covered emergency
8 medical services personnel.

9 (b) For purposes of Subsection (a), exempt employees are
10 assistant department heads in the rank or classification
11 immediately below that of the department head and any other
12 employees who are designated as exempt or whose job titles are
13 designated as exempt by the mutual agreement of the recognized
14 association and the public employer.

15 SECTION 15.004. Section 152.032(d), Local Government Code,
16 as amended by Chapters 401 (S.B. 833), 430 (S.B. 1630), and 1260
17 (H.B. 2917), Acts of the 80th Legislature, Regular Session, 2007,
18 is reenacted and amended to read as follows:

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

25 (1) a county with a population of more than 77,000 and
26 less than 80,000;

27 (2) a county with a population of 500,000 or more,

1 excluding a county subject to Subsection (b);

2 (3) a county with a population of more than 1,000 and
3 less than 21,000 that borders the Gulf of Mexico; and

4 (4) a county that borders a county subject to
5 Subsection (b) and that has a population of more [~~greater~~] than
6 50,000 and less than 85,000.

7 SECTION 15.005. Section 176.006(e), Local Government Code,
8 as set out, but not amended, by Section 6, Chapter 226 (H.B. 1491),
9 Acts of the 80th Legislature, Regular Session, 2007, is repealed to
10 conform to the repeal of that subsection by Section 9, Chapter 226
11 (H.B. 1491), Acts of the 80th Legislature, Regular Session, 2007.

12 SECTION 15.006. Sections 191.007(c) and (h), Local
13 Government Code, are amended to correct a cross-reference to read
14 as follows:

15 (c) Except as provided by Section 11.008(c) [~~11.008(b)~~],
16 Property Code, a clearly identifying heading, similar to the
17 headings on most commercially supplied printed forms, must be
18 placed at the top of the first page to identify the type or kind of
19 legal paper.

20 (h) The filing fee or recording fee for each page of a legal
21 paper that is presented for filing or recording to a county clerk
22 and fails to meet one or more of the requirements prescribed by
23 Subsections (b) through (g) is equal to twice the regular filing fee
24 or recording fee provided by statute for that page. However, the
25 failure of a page to meet the following requirements does not result
26 in a fee increase under this subsection:

27 (1) the requirement prescribed by Subsection (b)(3)

1 relating to type size; and

2 (2) provided that the legal paper complies with
3 Section 11.008(c) [~~11.008(b)~~], Property Code, the requirement
4 prescribed by Subsection (c) that a legal paper have a clearly
5 identifying heading.

6 SECTION 15.007. Section 334.008(a), Local Government Code,
7 as added by Chapters 658 (H.B. 1166) and 869 (H.B. 1524), Acts of
8 the 80th Legislature, Regular Session, 2007, is reenacted to read
9 as follows:

10 (a) A county that contains no incorporated territory of a
11 municipality may provide for the planning, acquisition,
12 establishment, development, construction, or renovation of a
13 county parks and recreation system as a venue project under this
14 chapter if the county:

15 (1) is located on an international border and has a
16 population of less than 15,000; or

17 (2) has a population of less than 2,000.

18 SECTION 15.008. Sections 373A.052(a) and (b), Local
19 Government Code, as amended by Chapters 1034 (H.B. 1742) and 1175
20 (H.B. 470), Acts of the 80th Legislature, Regular Session, 2007,
21 are reenacted to read as follows:

22 (a) To be designated as a district within a municipality
23 described by Section 373A.003(a) under this subchapter, an area
24 must be composed of census tracts forming a spatially compact area
25 contiguous to a central business district and with:

26 (1) fewer than 25,000 residents;

27 (2) fewer than 8,000 households;

1 (3) a number of owner-occupied households that does
2 not exceed 50 percent of the total households in the area;

3 (4) housing stock at least 55 percent of which was
4 built at least 45 years ago;

5 (5) an unemployment rate that is greater than 10
6 percent;

7 (6) an overall poverty rate that is at least two
8 times the poverty rate for the entire municipality; and

9 (7) in each census tract within the area, a median
10 family income that is less than 60 percent of the median family
11 income for the entire municipality.

12 (b) To be designated as a district within a municipality
13 described by Section 373A.003(b) under this subchapter, an area
14 must be composed of census tracts forming a spatially compact area
15 contiguous to a central business district and with:

16 (1) fewer than 75,000 residents;

17 (2) a median family income that is less than \$30,000
18 according to the last decennial census; and

19 (3) an overall poverty rate that is at least two times
20 the poverty rate for the entire municipality.

21 SECTION 15.009. Subchapter C, Chapter 372, Local Government
22 Code, is transferred to Subtitle B, Title 12, Local Government
23 Code, redesignated as Chapter 382, Local Government Code, and
24 amended to read as follows:

1 is adjacent to a county described by Subdivision (1) in which a
2 municipality with a population of 35,000 or more is primarily
3 situated and includes all or a part of the extraterritorial
4 jurisdiction of a municipality with a population of 1.1 million or
5 more.

6 Sec. 382.003 [~~372.102~~]. NATURE OF DISTRICT; PURPOSE. (a) A
7 district is created under Section 52, Article III, and Section 59,
8 Article XVI, Texas Constitution.

9 (b) By enacting this chapter [~~subchapter~~], the legislature
10 has created a program for economic development as provided in
11 Section 52-a, Article III, Texas Constitution. A county may engage
12 in economic development projects as provided by this chapter
13 [~~subchapter~~], and, on a determination of the commissioners court of
14 the county to create a district, may delegate the authority to
15 oversee and manage the economic development project to an appointed
16 board of directors. In appointing a board, the commissioners court
17 delegates its authority to serve a public use and benefit.

18 Sec. 382.004 [~~372.103~~]. COUNTY MAY ESTABLISH DISTRICT. A
19 county may create a public improvement district under this chapter
20 [~~subchapter~~] if the county determines it is in the county's best
21 interest. A district [~~created under this subchapter~~] is a
22 political subdivision of this state.

23 Sec. 382.005 [~~372.104~~]. APPLICABILITY; CONFLICT OF LAWS.
24 This chapter [~~subchapter~~] controls to the extent of a conflict
25 between this chapter [~~subchapter~~] and Subchapter A, Chapter 372.

26 Sec. 382.006 [~~372.105~~]. ESTABLISHMENT OF ECONOMIC
27 DEVELOPMENT PROJECTS; OPTIONAL CREATION OF PUBLIC IMPROVEMENT

1 DISTRICT. (a) The commissioners court of a county may on receipt of
2 a petition satisfying the requirements of Section 372.005,
3 establish by order an economic development project in a designated
4 portion of the county, or, if the county determines it is in the
5 best interests of the county, create a district by order only in an
6 area located in the extraterritorial jurisdiction of a municipality
7 in that county. If the county is a county described by Section
8 382.002(2) [~~372.1011(2)~~], the petition described by this
9 subsection must also be approved by a resolution adopted by the
10 municipality with a population of 1.1 million or more.

11 (b) For a county described by Section 382.002(2)
12 [~~372.1011(2)~~], a district may only be created in an area containing
13 at least 2,000 contiguous acres of land that is located wholly or
14 partly in the extraterritorial jurisdiction of a municipality with
15 a population of 1.1 million or more.

16 (c) The order must:

17 (1) describe the territory in which the economic
18 development project is to be located or the boundaries of a
19 district;

20 (2) specifically authorize the district to exercise
21 the powers of this chapter [~~subchapter~~] if the county has
22 determined that creating a district is in the county's best
23 interests; and

24 (3) state whether the petition requests improvements
25 to be financed and paid for with taxes authorized by this chapter
26 [~~subchapter~~] instead of or in addition to assessments.

1 [Sections 382.007-382.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 382.051 [~~372.106~~]. GOVERNING BODY; TERMS. If a county
4 elects to delegate the authority granted under this chapter
5 [~~subchapter~~], it shall appoint a board of seven directors to serve
6 staggered two-year terms, with three or four directors' terms
7 expiring June 1 of each year to manage the economic development
8 project or, at the option of the county, govern the district.

9 Sec. 382.052 [~~372.107~~]. ELIGIBILITY. (a) To be eligible to
10 serve as a director, a person must be at least 18 years old.

11 (b) If the population of the district is more than 1,000, to
12 be eligible to serve as a director, a person must be at least 18
13 years old, reside in the district, and meet the qualifications of
14 Section 375.063.

15 Sec. 382.053 [~~372.108~~]. VACANCIES; QUORUM. (a) A board
16 vacancy is filled in the same manner as the original appointment.

17 (b) A vacant board position is not counted for the purposes
18 of establishing a quorum of the board.

19 Sec. 382.054 [~~372.109~~]. CONFLICTS OF INTEREST. Chapter 171
20 governs conflicts of interest for directors.

21 Sec. 382.055 [~~372.110~~]. COMPENSATION. (a) For purposes of
22 this section, "performs the duties of a director" means substantial
23 performance of the management of the district's business, including
24 participation in board and committee meetings and other activities
25 involving the substantive deliberation of district business and in
26 pertinent educational programs, but does not include routine or
27 ministerial activities such as the execution of documents or

1 self-preparation for meetings.

2 (b) A county is authorized to compensate the directors when
3 they perform the duties of a director. The county shall compensate
4 a director not more than \$50 a day for each day that the director
5 performs the duties of a director.

6 Sec. 382.056 [~~372.111~~]. OATH AND BOND; OFFICER ELECTIONS. As
7 soon as practicable, a board member shall give the bond and take the
8 oath of office in accordance with Section 375.067, and the board
9 shall elect officers in accordance with Section 375.068.

10 [Sections 382.057-382.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 382.101 [~~372.113~~]. COUNTY'S GENERAL POWERS AND DUTIES.

13 (a) A county operating under this chapter [~~subchapter~~] has the
14 powers and duties of:

15 (1) a county development district under Chapter 383,
16 except for Section 383.066;

17 (2) a road district created by a county under Section
18 52, Article III, Texas Constitution; and

19 (3) a municipality or county under Chapter 380 or 381,
20 or under Section 372.003(b)(9).

21 (b) A county is authorized to manage an economic development
22 project in a designated portion of the county, or to create a
23 district and to delegate to a board the county's powers and duties
24 as provided by this chapter [~~subchapter~~].

25 (c) A county may not delegate to a district the powers and
26 duties of a road district or the power to provide water, wastewater,
27 or drainage facilities under this section unless both the

1 municipality and county consent by resolution.

2 Sec. 382.102 [~~372.114~~]. DEVELOPMENT AGREEMENTS. A county may
3 enter into a development agreement with an owner of land in the
4 territory designated for an economic development project, or a
5 district may enter into a development agreement, for a term not to
6 exceed 30 years on any terms and conditions the county or the board
7 considers advisable. The parties may amend the agreement.

8 Sec. 382.103 [~~372.115~~]. ECONOMIC DEVELOPMENT AGREEMENT;
9 ELECTION; TAXES. (a) A county may enter into an agreement, only on
10 terms and conditions the commissioners court and a board consider
11 advisable, to make a grant or loan of public money to promote state
12 or local economic development and to stimulate business and
13 commercial activity in the territory where the economic development
14 project is located, or in the district, including a grant or loan to
15 induce the construction of a tourist destination or attraction in
16 accordance with Chapter 380 or 381.

17 (b) If authorized by the county, a district [~~created by the~~
18 ~~county~~] may order an election to be held in the district to approve
19 a grant or loan agreement. The grant or loan may be payable over a
20 term of years and be enforceable on the district under the terms of
21 the agreement and the conditions of the election, which may,
22 subject to the requirements of Section 382.153(c) [~~372.127(e)~~],
23 include the irrevocable obligation to impose an ad valorem tax,
24 sales and use tax, or hotel occupancy tax for a term not to exceed 30
25 years. If authorized at the election, the board may contract to pay
26 the taxes to the recipient of the grant or loan in accordance with
27 the agreement.

1 (c) If the property owners petitioning a county to create a
2 district under Section 382.006 [~~372.105~~] propose that the district
3 be created only to provide economic development grants or loans and
4 road improvements and not to impose assessments, and the county
5 determines that the creation of the district is in the best
6 interests of the county, the district is not required to prepare a
7 feasibility report, a service plan or assessment plan, or an
8 assessment roll as required by Subchapter A, Chapter 372 [~~this~~
9 ~~chapter~~].

10 Sec. 382.104 [~~372.116~~]. CONTRACTS; GENERAL. (a) A district
11 may contract with any person, including the municipality or county,
12 on the terms and conditions and for a period of time the board
13 determines, to:

14 (1) accomplish any district purpose, including a
15 contract to pay, repay, or reimburse from tax proceeds or another
16 specified source of money any costs, including reasonable interest,
17 incurred by a person on the county's or the district's behalf,
18 including all or part of the costs of an improvement project; and

19 (2) receive, administer, and perform the county's or
20 the district's duties and obligations under a gift, grant, loan,
21 conveyance, or other financial assistance arrangement relating to
22 the investigation, planning, analysis, study, design, acquisition,
23 construction, improvement, completion, implementation, or
24 operation by the district or another person of an improvement
25 project or proposed improvement project.

26 (b) A state agency, municipality, county, other political
27 subdivision, corporation, or other person may contract with the

1 county or district to carry out the purposes of this chapter
2 [~~subchapter~~].

3 Sec. 382.105 [~~372.117~~]. PROCUREMENT CONTRACTS. A district
4 may contract for materials, supplies, and construction:

5 (1) in accordance with the laws applicable to
6 counties; or

7 (2) in the same manner that a local government
8 corporation created pursuant to Chapter 431, Transportation Code,
9 is authorized to contract.

10 Sec. 382.106 [~~372.118~~]. RULES; ENFORCEMENT. A county may
11 authorize the board to adopt rules:

12 (1) to administer and operate the district;

13 (2) for the use, enjoyment, availability, protection,
14 security, and maintenance of district property, including
15 facilities; or

16 (3) to provide for public safety and security in the
17 district.

18 Sec. 382.107 [~~372.119~~]. FEES. A county may authorize a board
19 to establish, revise, repeal, enforce, collect, and apply the
20 proceeds from user fees or charges for the enjoyment, sale, rental,
21 or other use of its facilities or other property, or for services or
22 improvement projects.

23 Sec. 382.108 [~~372.120~~]. RULES; REGULATION OF ROADS AND OTHER
24 PUBLIC AREAS. (a) A county may authorize a board to adopt rules to
25 regulate the private use of public roadways, open spaces, parks,
26 sidewalks, and similar public areas in the district, if the use is
27 for a public purpose.

1 (b) A rule, order, ordinance, or regulation of a county or
2 municipality that conflicts with a rule adopted under this section
3 controls to the extent of any conflict.

4 (c) A rule adopted under this section may provide for the
5 safe and orderly use of public roadways, open spaces, parks,
6 sidewalks, and similar public areas in the area of the district or
7 economic development project.

8 Sec. 382.109 [~~372.121~~]. ROAD PROJECTS. (a) To the extent
9 authorized by Section 52, Article III, Texas Constitution, the
10 county may delegate to the district the authority to construct,
11 acquire, improve, maintain, or operate macadamized, graveled, or
12 paved roads or turnpikes, or improvements in aid of those roads or
13 turnpikes, inside the territory targeted by the county for an
14 economic development project, or the district.

15 (b) A road project must meet all applicable construction
16 standards, zoning and subdivision requirements, and regulatory
17 ordinances of each municipality in whose corporate limits or
18 extraterritorial jurisdiction the district is located. If the
19 district is located outside the extraterritorial jurisdiction of a
20 municipality, a road project must meet all applicable construction
21 standards, zoning and subdivision requirements, and regulatory
22 ordinances of each county in which the district is located.

23 Sec. 382.110 [~~372.122~~]. UTILITIES. (a) This chapter
24 [~~subchapter~~] does not grant the board any right-of-way management
25 authority over public utilities.

26 (b) To the extent the construction, maintenance, or
27 operation of a project under this chapter [~~subchapter~~] requires the

1 relocation or extension of a public utility facility, the district
2 shall reimburse the public utility for all costs associated with
3 the relocation, removal, extension, or other adjustment of the
4 facility.

5 Sec. 382.111 [~~372.123~~]. SERVICE PLAN REQUIRED. The
6 commissioners court of the county that created the district may
7 require a district to prepare an annual service plan, in the manner
8 provided for by Section 372.013, that meets the approval of the
9 commissioners court.

10 Sec. 382.112 [~~372.124~~]. NO EMINENT DOMAIN. A district may not
11 exercise the power of eminent domain.

12 [Sections 382.113-382.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; TAXES

14 Sec. 382.151 [~~372.125~~]. NO TAX ABATEMENTS. A county may not
15 grant a tax abatement or enter into a tax abatement agreement for a
16 district [~~created under this subchapter~~].

17 Sec. 382.152 [~~372.126~~]. BONDS; NOTES. (a) A district may not
18 issue bonds unless approved by the commissioners court of the
19 county that created the district. Bonds may not be issued unless
20 approved by a majority of the voters of the district voting in an
21 election held for that purpose. A bond election under this
22 subsection does not affect prior bond issuances and is not required
23 for refunding bond issuances.

24 (b) A district may not issue a negotiable promissory note or
25 notes unless approved by the commissioners court of the county that
26 created the district.

27 (c) If the commissioners court grants approval under this

1 section, bonds, notes, and other district obligations may be
2 secured by district revenue or any type of district taxes or
3 assessments, or any combination of taxes and revenue pledged to the
4 payment of bonds.

5 Sec. 382.153 [~~372.127~~]. AUTHORITY TO IMPOSE ASSESSMENTS AND
6 AD VALOREM, SALES AND USE, AND HOTEL OCCUPANCY TAXES; ELECTION. (a)
7 A county or a district [~~created under this subchapter~~] may
8 accomplish its purposes and pay the cost of services and
9 improvements by imposing:

- 10 (1) an assessment;
- 11 (2) an ad valorem tax;
- 12 (3) a sales and use tax; or
- 13 (4) a hotel occupancy tax.

14 (b) A district may impose an ad valorem tax, hotel occupancy
15 tax, or sales and use tax to accomplish the economic development
16 purposes prescribed by Section 52a, Article III, Texas
17 Constitution, if the tax is approved by:

- 18 (1) the commissioners court of the county that created
19 the district; and
- 20 (2) a majority of the voters of the district voting at
21 an election held for that purpose.

22 (c) A county must adopt an order providing whether a
23 district has the authority to impose a hotel occupancy tax, sales
24 and use tax, or ad valorem tax, and must provide the rate at which
25 the district may impose the tax. A tax rate approved by the
26 commissioners court and pledged to secure bonds, notes, grant
27 agreements, or development agreements may not be reduced until the

1 obligations of those instruments have been satisfied.

2 Sec. 382.154 [~~372.128~~]. USE OF REVENUE FROM TAXES. A tax
3 authorized by a county to be imposed under this chapter
4 [~~subchapter~~] may be used to accomplish any improvement project or
5 road project, or to provide any service authorized by this chapter
6 or Chapter 372, 380, 381, or 383.

7 Sec. 382.155 [~~372.129~~]. HOTEL OCCUPANCY TAX. (a) A county may
8 authorize a district to impose a hotel occupancy tax on a person who
9 pays for the use or possession of or for the right to the use or
10 possession of a room that is ordinarily used for sleeping in a hotel
11 in the district.

12 (b) If authorized by a county, a district shall impose a
13 hotel occupancy tax as provided by Chapter 383, Local Government
14 Code, and Section 352.107, Tax Code, except that a hotel occupancy
15 tax:

16 (1) may be used for any purpose authorized in this
17 chapter [~~subchapter~~]; and

18 (2) is authorized by the county to be imposed by the
19 district.

20 (c) The hotel occupancy tax rate is the greater of nine
21 percent or the rate imposed by the municipality.

22 (d) A hotel occupancy tax may not be imposed on the
23 occupants of a hotel unless the owner of the hotel agrees to the
24 imposition of the hotel occupancy taxes under this chapter
25 [~~subchapter~~]. After the owner agrees, the agreement may not be
26 revoked by the owner of the hotel or any subsequent owner of the
27 hotel. After an agreement under this section, the district may

1 impose hotel occupancy taxes as provided by this chapter
2 [~~subchapter~~].

3 Sec. 382.156 [~~372.130~~]. SALES AND USE TAX. (a) A
4 commissioners court may authorize a district to impose a sales and
5 use tax in increments of one-eighth of one percent up to a rate of
6 two percent.

7 (b) Except as otherwise provided in this chapter
8 [~~subchapter~~], a sales and use tax must be imposed in accordance with
9 Chapter 383, Local Government Code, or Chapter 323, Tax Code.

10 (c) The ballot for a sales tax election shall be printed to
11 provide for voting for or against the proposition: "A sales and use
12 tax at a rate not to exceed ____ [insert percentage rate] in the
13 ____ [insert name of district]" or "The adoption of a ____ [insert
14 percentage rate] sales and use tax in the ____ [insert name of
15 district]."

16 (d) A tax authorized at an election held under this section
17 may be imposed at a rate less than or equal to the rate printed in
18 the ballot proposition.

19 Sec. 382.157 [~~372.131~~]. AD VALOREM TAX. A commissioners court
20 may authorize a district to impose an ad valorem tax on property in
21 the district in accordance with Chapter 257, Transportation Code.

22 Sec. 382.158 [~~372.132~~]. BORROWING. The commissioners court
23 may authorize a district to borrow money for any district purpose,
24 including for a development agreement that authorizes the district
25 to borrow money.

26 Sec. 382.159 [~~372.133~~]. REPAYMENT OF COSTS. The
27 commissioners court may authorize a district, by a lease,

1 lease-purchase agreement, installment purchase contract, or other
2 agreement, or by the imposition or assessment of a tax, user fee,
3 concession, rental, or other revenue or resource of the district,
4 to provide for or secure the payment or repayment of:

5 (1) the costs and expenses of the establishment,
6 administration, and operation of the district;

7 (2) the district's costs or share of costs of an
8 improvement project; or

9 (3) the district's contractual obligations or
10 indebtedness.

11 [Sections 382.160-382.200 reserved for expansion]

12 SUBCHAPTER E. ANNEXATION BY MUNICIPALITY; TAXES

13 Sec. 382.201 [~~372.134~~]. LIABILITIES; ASSUMPTION OF ASSETS
14 AFTER COMPLETE ANNEXATION BY MUNICIPALITY. (a) If the municipality
15 annexes the entire territory of a district, the municipality shall
16 assume the district's assets, but is not liable for the district's
17 debt or other obligations.

18 (b) If the county has authorized a district [~~created under~~
19 ~~this subchapter~~] to have debt or other obligations, the district
20 remains in existence after the territory is annexed by the
21 municipality for the purpose of collecting any taxes or assessments
22 authorized by the county and imposed by the district before
23 annexation. Taxes or assessments collected after annexation must
24 be used by the district solely for the purpose of satisfying any
25 preexisting county-authorized district debt or other obligation.
26 After the debt or other obligations have been discharged, or two
27 years have expired since the date of the annexation, the district is

1 dissolved and any outstanding debt or obligations are extinguished.

2 Sec. 382.202 [~~372.135~~]. AUTHORITY TO IMPOSE TAXES OF
3 ASSESSMENTS AFTER PARTIAL OR COMPLETE ANNEXATION. (a) After a
4 district has been annexed by a municipality wholly or partly for
5 general purposes, the county may not authorize the district to
6 impose an ad valorem tax, hotel occupancy tax, or sales and use tax,
7 or collect an assessment in the area that the municipality overlaps
8 the district, except as provided by Subsection (b) or Section
9 382.201(b) [~~372.134(b)~~].

10 (b) A district may continue to impose a tax in an area that
11 the municipality annexes for limited purposes and in which the
12 municipality does not impose taxes. If the municipality annexes an
13 area for limited purposes and imposes some of the taxes which the
14 district is imposing but not all of them, the district may continue
15 to impose taxes only to the extent that the level of taxation of the
16 municipality and the district combined, calculating the hotel tax,
17 the sales tax, and the ad valorem tax independently, is equal to or
18 less than the tax level of the municipality as to fully annexed
19 areas.

20 (c) The legislature intends that the level of taxation of
21 areas where the district and the municipality overlap do not exceed
22 the level of taxation of fully annexed areas.

23 SECTION 15.010. Section 387.003(b-1), Local Government
24 Code, is amended to correct references to read as follows:

25 (b-1) If the proposed district includes any territory of a
26 municipality, the commissioners court shall send notice by
27 certified mail to the governing body of the municipality of the

1 commissioners court's intent to create the district. If the
2 municipality has created a development corporation under Chapter
3 504 or 505 [~~Section 4A or 4B, Development Corporation Act of 1979~~
4 ~~(Article 5190.6, Vernon's Texas Civil Statutes)~~], the
5 commissioners court shall also send the notice to the board of
6 directors of the corporation. The commissioners court must send
7 the notice not later than the 60th day before the date the
8 commissioners court orders the election. The governing body of the
9 municipality may exclude the territory of the municipality from the
10 proposed district by sending notice by certified mail to the
11 commissioners court of the governing body's desire to exclude the
12 municipal territory from the district. The governing body must
13 send the notice not later than the 45th day after the date the
14 governing body receives notice from the commissioners court under
15 this subsection. The territory of a municipality that is excluded
16 under this subsection may subsequently be included in the district
17 in an election held under Subsection (f) with the consent of the
18 municipality.

19 SECTION 15.011. (a) Section 501.007, Local Government
20 Code, is amended to conform to Section 3, Chapter 1102 (H.B. 3440),
21 Acts of the 80th Legislature, Regular Session, 2007, by adding
22 Subsection (c) to read as follows:

23 (c) The grants, loans, expenditures, and tax exemptions
24 authorized by this subtitle in connection with a project and
25 authorized by a corporation in accordance with this subtitle
26 constitute the making of loans or grants of public money or
27 constitute other actions authorized by Section 52-a, Article III,

1 Texas Constitution.

2 (b) Section 3, Chapter 1102 (H.B. 3440), Acts of the 80th
3 Legislature, Regular Session, 2007, which amended former Section
4 32, Development Corporation Act of 1979 (Article 5190.6, Vernon's
5 Texas Civil Statutes), is repealed.

6 SECTION 15.012. (a) Section 501.101, Local Government
7 Code, is amended to conform to Section 1, Chapter 1102 (H.B. 3440),
8 Acts of the 80th Legislature, Regular Session, 2007, to read as
9 follows:

10 Sec. 501.101. PROJECTS RELATED TO CREATION OR RETENTION OF
11 PRIMARY JOBS. In this subtitle, "project" includes the land,
12 buildings, equipment, facilities, expenditures, targeted
13 infrastructure, and improvements that are:

14 (1) for the creation or retention of primary jobs; and

15 (2) found by the board of directors to be required or
16 suitable for the development, retention, or expansion of:

17 (A) manufacturing and industrial facilities;

18 (B) research and development facilities;

19 (C) military facilities, including closed or
20 realigned military bases;

21 (D) transportation facilities, including
22 airports, hangars, airport maintenance and repair facilities, air
23 cargo facilities, related infrastructure located on or adjacent to
24 an airport facility, ports, mass commuting facilities, and parking
25 facilities;

26 (E) sewage or solid waste disposal facilities;

27 (F) recycling facilities;

- 1 (G) air or water pollution control facilities;
2 (H) facilities for furnishing water to the
3 public;
4 (I) distribution centers;
5 (J) small warehouse facilities capable of
6 serving as decentralized storage and distribution centers;
7 (K) primary job training facilities for use by
8 institutions of higher education; or
9 (L) regional or national corporate headquarters
10 facilities.

11 (b) Section 1, Chapter 1102 (H.B. 3440), Acts of the 80th
12 Legislature, Regular Session, 2007, which amended former Section
13 2(11), Development Corporation Act of 1979 (Article 5190.6,
14 Vernon's Texas Civil Statutes), is repealed.

15 SECTION 15.013. (a) The heading to Subchapter B, Chapter
16 502, Local Government Code, is amended to conform to Section 1,
17 Chapter 119 (S.B. 1089), Acts of the 80th Legislature, Regular
18 Session, 2007, to read as follows:

19 SUBCHAPTER B. CORPORATE POWERS AND LIMITATIONS [~~FINANCIAL~~
20 ~~PROVISIONS~~]

21 (b) Subchapter B, Chapter 502, Local Government Code, is
22 amended to codify Section 38A, Development Corporation Act of 1979
23 (Article 5190.6, Vernon's Texas Civil Statutes), as added by
24 Section 1, Chapter 119 (S.B. 1089), Acts of the 80th Legislature,
25 Regular Session, 2007, by adding Section 502.052 to read as
26 follows:

27 Sec. 502.052. USE OF TAX REVENUE FOR MASS TRANSIT-RELATED

1 FACILITIES. A corporation may, as authorized by the corporation's
2 board of directors, spend tax revenue received under this subtitle
3 for the development, improvement, expansion, or maintenance of
4 facilities relating to the operation of commuter rail, light rail,
5 or motor buses.

6 (c) Section 38A, Development Corporation Act of 1979
7 (Article 5190.6, Vernon's Texas Civil Statutes), as added by
8 Section 1, Chapter 119 (S.B. 1089), Acts of the 80th Legislature,
9 Regular Session, 2007, is repealed.

10 SECTION 15.014. (a) Subchapter D, Chapter 505, Local
11 Government Code, is amended to conform to Section 2, Chapter 1102
12 (H.B. 3440), Acts of the 80th Legislature, Regular Session, 2007,
13 by adding Section 505.1561 to read as follows:

14 Sec. 505.1561. PROJECTS RELATED TO AIRPORT FACILITIES IN
15 CERTAIN MUNICIPALITIES. For purposes of this chapter, "project"
16 includes land, buildings, equipment, facilities, and improvements
17 found by the board of directors to be required or suitable for the
18 development or expansion of airport facilities, including hangars,
19 airport maintenance and repair facilities, air cargo facilities,
20 and related infrastructure located on or adjacent to an airport
21 facility, if the project is undertaken by a Type B corporation
22 authorized to be created by a municipality:

23 (1) that enters into a development agreement with an
24 entity in which the entity acquires a leasehold or other possessory
25 interest from the corporation and is authorized to sublease the
26 entity's interest for other projects authorized by Sections 505.151
27 through 505.156; and

1 (2) the governing body of which has authorized the
2 development agreement by adopting a resolution at a meeting called
3 as authorized by law.

4 (b) Section 2, Chapter 1102, Acts of the 80th Legislature,
5 Regular Session, 2007, which amended former Section 4B(a)(2),
6 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
7 Civil Statutes), is repealed.

8 SECTION 15.015. (a) Section 505.159, Local Government
9 Code, is amended to conform to Section 2, Chapter 1426 (S.B. 1523),
10 Acts of the 80th Legislature, Regular Session, 2007, to read as
11 follows:

12 Sec. 505.159. HEARING REQUIRED TO UNDERTAKE PROJECT. (a)
13 Except as provided by Subsection (b), a [A] Type B corporation shall
14 hold at least one public hearing on a proposed project before
15 spending money to undertake the project.

16 (b) A Type B corporation the creation of which was
17 authorized by a municipality with a population of less than 20,000
18 is not required to hold a public hearing under this section if the
19 proposed project is defined by Subchapter C, Chapter 501.

20 (b) Section 2, Chapter 1426 (S.B. 1523), Acts of the 80th
21 Legislature, Regular Session, 2007, which amended former Section
22 4B(n), Development Corporation Act of 1979 (Article 5190.6,
23 Vernon's Texas Civil Statutes), is repealed.

24 SECTION 15.016. (a) Subchapter F, Chapter 505, Local
25 Government Code, is amended to codify Section 4B(e-2), Development
26 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
27 Statutes), as added by Section 1, Chapter 1426 (S.B. 1523), Acts of

1 the 80th Legislature, Regular Session, 2007, by adding Sections
2 505.2565 and 505.2575 to read as follows:

3 Sec. 505.2565. LIMITATION ON DURATION OF TAX. (a) At an
4 election held under Section 505.251, the authorizing municipality
5 may also allow the voters to vote on a ballot proposition to limit
6 the period for imposition of a sales and use tax.

7 (b) An authorizing municipality that has imposed a tax for a
8 limited time under this section may extend the period of the tax's
9 imposition or reimpose the tax only if the extension or
10 reimposition is approved by a majority of the voters of the
11 municipality voting at an election held for that purpose in the same
12 manner as an election held under Section 504.257.

13 Sec. 505.2575. LIMITED SALES AND USE TAX FOR SPECIFIC
14 PROJECT. (a) At an election held under Section 505.251, the
15 authorizing municipality may also allow the voters to vote on a
16 ballot proposition to limit the use of the sales and use tax to a
17 specific project.

18 (b) A Type B corporation created to perform a specific
19 project as provided by this section may retain its corporate
20 existence and perform any other project approved by the voters of
21 the authorizing municipality at an election held for that purpose
22 in the same manner as Section 504.260 provides for an election held
23 under Section 504.251. Before spending money to undertake a
24 project, a Type B corporation shall hold a public hearing as
25 otherwise provided by this chapter.

26 (b) Section 4B(e-2), Development Corporation Act of 1979
27 (Article 5190.6, Vernon's Texas Civil Statutes), as added by

1 Section 1, Chapter 1426 (S.B. 1523), Acts of the 80th Legislature,
2 Regular Session, 2007, is repealed.

3 SECTION 15.017. Section 615.022, Local Government Code, is
4 amended to add a heading to read as follows:

5 Sec. 615.022. TRANSPORTATION EXPENSES OF CERTAIN COUNTIES
6 FOR SENIOR CITIZENS. The commissioners court of a county with a
7 population of 2.4 million or more may pay out of the county general
8 funds costs and expenses for the transportation of senior citizens
9 for civic, community, educational, and recreational activities
10 within and outside the county.

11 ARTICLE 16. CHANGES RELATING TO NATURAL RESOURCES CODE

12 SECTION 16.001. Section 31.0672(a), Natural Resources
13 Code, is amended to correct a reference to read as follows:

14 (a) The division may directly sell to a political
15 subdivision or a development corporation organized under Subtitle
16 C1, Title 12, Local Government Code, [~~the Development Corporation~~
17 ~~Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes)] any
18 real property owned by the state that the legislature has
19 authorized or the governor has approved for sale under Subchapter E
20 if the commissioner determines the sale is in the best interest of
21 the state.~~

22 SECTION 16.002. Section 201.014, Natural Resources Code, as
23 amended by Chapters 993 (S.B. 1524) and 1107 (H.B. 3502), Acts of
24 the 80th Legislature, Regular Session, 2007, is reenacted and
25 amended to read as follows:

26 Sec. 201.014. PENALTIES. A person who violates Section
27 201.011 is guilty of a Class A misdemeanor, unless the person has

1 previously been convicted of violating that section [~~Section~~
2 ~~201.011~~], in which case the person is guilty of a state jail felony.

3 SECTION 16.003. Section 201.041, Natural Resources Code, as
4 amended by Chapters 993 (S.B. 1524) and 1107 (H.B. 3502), Acts of
5 the 80th Legislature, Regular Session, 2007, is reenacted to read
6 as follows:

7 Sec. 201.041. VANDALISM. (a) A person may not, without
8 express, prior, written permission of the owner, knowingly:

9 (1) break, break off, crack, carve upon, write, burn,
10 or otherwise mark upon, remove, or in any manner destroy, deface,
11 mar, or harm the surfaces of any cave or any natural material in a
12 cave, including speleothems;

13 (2) deface, mar, or harm in any manner the natural
14 condition of any cave; or

15 (3) break, force, tamper with, or otherwise disturb a
16 lock, gate, door, or other obstruction designed to control or
17 prevent access to any cave, even though entrance to the cave may not
18 be gained.

19 (b) A person who violates a provision of this section is
20 guilty of a state jail felony, unless the person has previously been
21 convicted of violating this section, in which case the person is
22 guilty of a felony of the third degree.

23 ARTICLE 17. CHANGES RELATING TO OCCUPATIONS CODE

24 SECTION 17.001. Section 503.058, Occupations Code, is
25 repealed.

26 SECTION 17.002. Section 1305.003(a), Occupations Code, as
27 amended by Chapters 418 (S.B. 1222) and 649 (H.B. 1029), Acts of the

1 80th Legislature, Regular Session, 2007, is reenacted and amended
2 to read as follows:

3 (a) This chapter does not apply to:

4 (1) the installation of electrical equipment in a
5 ship, watercraft other than a floating building, railway rolling
6 stock, aircraft, motor vehicle, or recreational vehicle;

7 (2) the installation of electrical equipment
8 underground in a mine and in self-propelled mobile surface mining
9 machinery and its attendant electrical trailing cable;

10 (3) the installation of electrical equipment for
11 generation, transformation, transmission, or distribution of power
12 used exclusively to operate railway rolling stock or exclusively
13 for signaling and communications purposes;

14 (4) the installation, maintenance, alteration, or
15 repair of communications equipment provided by a
16 telecommunications provider;

17 (5) the installation, maintenance, alteration, or
18 repair of electrical equipment under the exclusive control of an
19 electric utility, power generation company as defined by Sections
20 31.002(1) and (10), Utilities Code, electric cooperative, or
21 municipally owned utility and used for communications or metering,
22 or for the generation, control, transformation, transmission, and
23 distribution of electrical energy, and located:

24 (A) in a building used exclusively by a utility
25 or power generation company for those purposes;

26 (B) outdoors on property owned or leased by the
27 utility or power generation company;

1 (C) on public highways, streets, roads, or other
2 public rights-of-way; or

3 (D) outdoors by established rights in vaults or
4 on private property;

5 (6) work not specifically regulated by a municipal
6 ordinance that is performed in or on a dwelling by a person who owns
7 and resides in the dwelling;

8 (7) work involved in the manufacture of electrical
9 equipment that includes the on-site and off-site manufacturing,
10 commissioning, testing, calibrating, coordinating,
11 troubleshooting, or evaluating of electrical equipment, the
12 repairing or retrofitting of electrical equipment with components
13 of the same ampacity, and the maintenance and servicing of
14 electrical equipment within the equipment's enclosure that is
15 performed by an authorized employee or authorized representative of
16 an electrical equipment manufacturer and limited to the type of
17 products manufactured by the manufacturer;

18 (8) electrical work if:

19 (A) the work is performed by a person who does not
20 engage in electrical work for the public;

21 (B) the work is performed by a person regularly
22 employed as a maintenance person or maintenance electrician for a
23 business; and

24 (C) the electrical work does not involve the
25 installation of electrical equipment during new construction as
26 defined by rules adopted under Chapter 151, Tax Code;

27 (9) the installation, maintenance, alteration, or

1 repair of electrical equipment or associated wiring under the
2 exclusive control of a gas utility and used for communications or
3 metering or for the control, transmission, or distribution of
4 natural gas;

5 (10) thoroughfare lighting, traffic signals,
6 intelligent transportation systems, and telecommunications
7 controlled by a governmental entity;

8 (11) electrical connections supplying heating,
9 ventilation, and cooling and refrigeration equipment, including
10 any required disconnect exclusively for the equipment, if the
11 service is performed by a licensed air conditioning and
12 refrigeration contractor under Chapter 1302;

13 (12) the design, installation, erection, repair, or
14 alteration of Class 1, Class 2, or Class 3 remote control,
15 signaling, or power-limited circuits, fire alarm circuits, optical
16 fiber cables, or communications circuits, including raceways, as
17 defined by the National Electrical Code;

18 (13) landscape irrigation installers, as necessary to
19 perform the installation and maintenance of irrigation control
20 systems, and landscapers, as necessary to perform the installation
21 and maintenance of low-voltage exterior lighting and holiday
22 lighting excluding any required power source;

23 (14) electrical work performed at a business that
24 operates:

25 (A) a chemical plant, petrochemical plant,
26 refinery, natural gas plant, natural gas treating plant, pipeline,
27 or oil and gas exploration and production operation by a person who

1 works solely for and is employed by that business; or

2 (B) a chemical plant, petrochemical plant
3 refinery, natural gas plant, or natural gas treatment plant by a
4 person who under a contract of at least 12 months' duration performs
5 electrical work for that plant and:

6 (i) the electrical work is not performed
7 during new construction as defined by rules adopted under Chapter
8 151, Tax Code; or

9 (ii) the person is not working for a
10 contractor that has a principal place of business in another state
11 or territory of the United States or a foreign country;

12 (15) the installation, maintenance, alteration, or
13 repair of elevators, escalators, or related equipment, excluding
14 any required power source, regulated under Chapter 754, Health and
15 Safety Code;

16 (16) the installation, maintenance, alteration, or
17 repair of equipment or network facilities provided or utilized by a
18 cable operator, as that term is defined by 47 U.S.C. Section 522, as
19 amended;

20 (17) the location, design, construction, extension,
21 maintenance, and installation of on-site sewage disposal systems in
22 accordance with Chapter 366, Health and Safety Code, or an on-site
23 sewage facility installer licensed under Chapter 37, Water Code;

24 (18) electrical work performed on a building,
25 structure, or equipment in agricultural use as defined by Section
26 11.002, Water Code, other than the processing of an agricultural
27 commodity;

1 (19) the installation, maintenance, alteration, or
2 repair of well pumps and equipment in accordance with Chapter 1902;

3 (20) electrical work required for the construction and
4 assembly of HUD-code manufactured housing or modular housing and
5 building units, other than the installation of service entrance
6 conductors, that is performed by a licensed manufacturer or
7 installer under Chapter 1201 or 1202, as applicable, if work
8 performed is within the scope of the license as defined by
9 applicable statutes and administrative rules; ~~and~~

10 (21) work performed by a plumber who holds a license or
11 endorsement or is registered under Chapter 1301 that is necessary
12 to install, service, maintain, repair, or replace any type of
13 plumbing fixture or appliance, as described by Section 1301.002(7),
14 including a water heater, food disposer, garbage disposal, water
15 softener, dishwashing machine, and clothes washing machine on
16 existing electrical circuits only; and

17 (22) [~~—(21)~~] the maintenance or repair of a
18 residential appliance by a residential appliance dealer or
19 manufacturer or a person authorized by a residential appliance
20 dealer or manufacturer using only components of the same type and
21 ampacity as the original components.

22 SECTION 17.003. Section 1702.323(c), Occupations Code, as
23 amended by Chapters 663 (H.B. 1241) and 906 (H.B. 2833), Acts of the
24 80th Legislature, Regular Session, 2007, and Section
25 1702.323(c-1), Occupations Code, as added by Chapter 663 (H.B.
26 1241), Acts of the 80th Legislature, Regular Session, 2007, are
27 reenacted to read as follows:

1 (c) The security department of a private business may not
2 hire or employ an individual to perform a duty described by Section
3 1702.222 if the individual has been convicted of a crime that would
4 otherwise preclude the individual from being registered under this
5 chapter. The private business shall maintain the individual's
6 criminal history record on file at the business and shall make the
7 record available for inspection by the Department of Public Safety.

8 (c-1) Although the security department of a private
9 business that hires or employs an individual as a private security
10 officer to possess a firearm in the course and scope of the
11 individual's duties is required to apply for a security officer
12 commission for the individual under this chapter, the security
13 department of a private business is not required to apply to the
14 board for any license under this chapter.

15 SECTION 17.004. Section 1951.254(f), Occupations Code, as
16 amended by Chapters 885 (H.B. 2278) and 890 (H.B. 2458), Acts of the
17 80th Legislature, Regular Session, 2007, is reenacted to read as
18 follows:

19 (f) The information sheet must include:

20 (1) the names and telephone numbers of the department
21 and the Department of State Health Services;

22 (2) the telephone number of any pesticide hotline
23 established by a state or federal agency or by a state university;

24 (3) a statement of a consumer's rights under Chapter
25 601, Business & Commerce Code, to cancel a home solicitation
26 transaction; and

27 (4) information concerning the availability of any

1 pretreatment inspection service that may be provided by the
2 department under Section 1951.210.

3 ARTICLE 18. CHANGES RELATING TO PARKS AND WILDLIFE CODE

4 SECTION 18.001. Section 12.117, Parks and Wildlife Code, is
5 amended to add a heading to read as follows:

6 Sec. 12.117. JUSTICE COURT TO PROVIDE AFFIDAVITS CERTIFYING
7 CERTAIN CONVICTIONS AND OTHER INFORMATION. (a) If a person is
8 convicted in a justice court for violating a provision of this code
9 or a proclamation or regulation adopted under this code that
10 provides enhanced penalties for subsequent convictions, the court
11 on request shall submit to the department an affidavit certifying
12 the conviction. Along with such affidavit the court shall also
13 compile and send to the department the defendant's driver's license
14 number and copies of any photograph, picture, description, or
15 measurement of the defendant made by any law enforcement agency in
16 connection with the offense.

17 (b) A certified copy of such affidavit and documents
18 pursuant to Subsection (a) of this section is admissible as
19 evidence in a criminal proceeding to prove that a particular person
20 was convicted of the offense to which the documents pertain if the
21 court finds that 15 days before trial, the party against whom the
22 evidence is offered was provided a copy of the document offered as
23 evidence.

24 ARTICLE 19. CHANGES RELATING TO PENAL CODE

25 SECTION 19.001. Section 25.07(a), Penal Code, as amended by
26 Chapters 66 (S.B. 584) and 1113 (H.B. 3692), Acts of the 80th
27 Legislature, Regular Session, 2007, is reenacted to read as

1 follows:

2 (a) A person commits an offense if, in violation of a
3 condition of bond set in a family violence case and related to the
4 safety of the victim or the safety of the community, an order issued
5 under Article 17.292, Code of Criminal Procedure, an order issued
6 under Section 6.504, Family Code, Chapter 83, Family Code, if the
7 temporary ex parte order has been served on the person, or Chapter
8 85, Family Code, or an order issued by another jurisdiction as
9 provided by Chapter 88, Family Code, the person knowingly or
10 intentionally:

11 (1) commits family violence or an act in furtherance
12 of an offense under Section 22.011, 22.021, or 42.072;

13 (2) communicates:

14 (A) directly with a protected individual or a
15 member of the family or household in a threatening or harassing
16 manner;

17 (B) a threat through any person to a protected
18 individual or a member of the family or household; or

19 (C) in any manner with the protected individual
20 or a member of the family or household except through the person's
21 attorney or a person appointed by the court, if the violation is of
22 an order described by this subsection and the order prohibits any
23 communication with a protected individual or a member of the family
24 or household;

25 (3) goes to or near any of the following places as
26 specifically described in the order or condition of bond:

27 (A) the residence or place of employment or

1 business of a protected individual or a member of the family or
2 household; or

3 (B) any child care facility, residence, or school
4 where a child protected by the order or condition of bond normally
5 resides or attends; or

6 (4) possesses a firearm.

7 SECTION 19.002. Section 32.51(b), Penal Code, as amended by
8 Chapters 631 (H.B. 649), 1163 (H.B. 126), and 1173 (H.B. 460), Acts
9 of the 80th Legislature, Regular Session, 2007, is reenacted to
10 read as follows:

11 (b) A person commits an offense if the person, with the
12 intent to harm or defraud another, obtains, possesses, transfers,
13 or uses an item of:

14 (1) identifying information of another person without
15 the other person's consent;

16 (2) information concerning a deceased natural person,
17 including a stillborn infant or fetus, that would be identifying
18 information of that person were that person alive, if the item of
19 information is obtained, possessed, transferred, or used without
20 legal authorization; or

21 (3) identifying information of a child younger than 18
22 years of age.

23 SECTION 19.003. Section 39.04(b), Penal Code, as amended by
24 Chapters 263 (S.B. 103) and 378 (S.B. 563), Acts of the 80th
25 Legislature, Regular Session, 2007, is reenacted and amended to
26 read as follows:

27 (b) An offense under Subsection (a)(1) is a Class A

1 misdemeanor. An offense under Subsection (a)(2) is a state jail
2 felony, except that an offense under Subsection (a)(2) is a felony
3 of the second degree if the offense is committed against:

4 (1) an [~~the~~] individual [~~is~~] in the custody of the
5 Texas Youth Commission; or

6 (2) a juvenile offender detained in or committed to a
7 correctional facility the operation of which is financed primarily
8 with state funds.

9 SECTION 19.004. Section 46.15(a), Penal Code, as amended by
10 Chapters 1214 (H.B. 1889) and 1222 (H.B. 2300), Acts of the 80th
11 Legislature, Regular Session, 2007, is reenacted and amended to
12 read as follows:

13 (a) Sections 46.02 and 46.03 do not apply to:

14 (1) peace officers or special investigators under
15 Article 2.122, Code of Criminal Procedure, and neither section
16 prohibits a peace officer or special investigator from carrying a
17 weapon in this state, including in an establishment in this state
18 serving the public, regardless of whether the peace officer or
19 special investigator is engaged in the actual discharge of the
20 officer's or investigator's duties while carrying the weapon;

21 (2) parole officers and neither section prohibits an
22 officer from carrying a weapon in this state if the officer is:

23 (A) engaged in the actual discharge of the
24 officer's duties while carrying the weapon; and

25 (B) in compliance with policies and procedures
26 adopted by the Texas Department of Criminal Justice regarding the
27 possession of a weapon by an officer while on duty;

1 (3) community supervision and corrections department
2 officers appointed or employed under Section 76.004, Government
3 Code, and neither section prohibits an officer from carrying a
4 weapon in this state if the officer is:

5 (A) engaged in the actual discharge of the
6 officer's duties while carrying the weapon; and

7 (B) authorized to carry a weapon under Section
8 76.0051, Government Code;

9 (4) a judge or justice of a federal court, the supreme
10 court, the court of criminal appeals, a court of appeals, a district
11 court, a criminal district court, a constitutional county court, a
12 statutory county court, a justice court, or a municipal court who is
13 licensed to carry a concealed handgun under Subchapter H, Chapter
14 411, Government Code;

15 (5) an honorably retired peace officer or federal
16 criminal investigator who holds a certificate of proficiency issued
17 under Section 1701.357, Occupations Code, and is carrying a photo
18 identification that:

19 (A) verifies that the officer honorably retired
20 after not less than 15 years of service as a commissioned officer;
21 and

22 (B) is issued by a state or local law enforcement
23 agency;

24 (6) a district attorney, criminal district attorney,
25 county attorney, or municipal attorney who is licensed to carry a
26 concealed handgun under Subchapter H, Chapter 411, Government Code;

27 [~~or~~]

1 (7) an assistant district attorney, assistant
2 criminal district attorney, or assistant county attorney who is
3 licensed to carry a concealed handgun under Subchapter H, Chapter
4 411, Government Code; or

5 (8) [~~(7)~~] a bailiff designated by an active judicial
6 officer as defined by Section 411.201, Government Code, who is:

7 (A) licensed to carry a concealed handgun under
8 Chapter 411, Government Code; and

9 (B) engaged in escorting the judicial officer.

10 SECTION 19.005. Section 46.15(b), Penal Code, as amended by
11 Chapters 647 (H.B. 964), 693 (H.B. 1815), and 1048 (H.B. 2101), Acts
12 of the 80th Legislature, Regular Session, 2007, is reenacted to
13 read as follows:

14 (b) Section 46.02 does not apply to a person who:

15 (1) is in the actual discharge of official duties as a
16 member of the armed forces or state military forces as defined by
17 Section 431.001, Government Code, or as a guard employed by a penal
18 institution;

19 (2) is traveling;

20 (3) is engaging in lawful hunting, fishing, or other
21 sporting activity on the immediate premises where the activity is
22 conducted, or is en route between the premises and the actor's
23 residence or motor vehicle, if the weapon is a type commonly used in
24 the activity;

25 (4) holds a security officer commission issued by the
26 Texas Private Security Board, if the person:

27 (A) is engaged in the performance of the person's

1 duties as an officer commissioned under Chapter 1702, Occupations
2 Code, or is traveling to or from the person's place of assignment;
3 and

4 (B) is either:

5 (i) wearing the officer's uniform and
6 carrying the officer's weapon in plain view; or

7 (ii) acting as a personal protection
8 officer and carrying the person's security officer commission and
9 personal protection officer authorization;

10 (5) is carrying a concealed handgun and a valid
11 license issued under Subchapter H, Chapter 411, Government Code, to
12 carry a concealed handgun of the same category as the handgun the
13 person is carrying;

14 (6) holds an alcoholic beverage permit or license or
15 is an employee of a holder of an alcoholic beverage permit or
16 license if the person is supervising the operation of the permitted
17 or licensed premises; or

18 (7) is a student in a law enforcement class engaging in
19 an activity required as part of the class, if the weapon is a type
20 commonly used in the activity and the person is:

21 (A) on the immediate premises where the activity
22 is conducted; or

23 (B) en route between those premises and the
24 person's residence and is carrying the weapon unloaded.

25 ARTICLE 20. CHANGES RELATING TO PROPERTY CODE

26 SECTION 20.001. Section 5.008(b), Property Code, as amended
27 by Chapters 448 (H.B. 271), 1051 (H.B. 2118), and 1256 (H.B. 2819),

1 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
2 and amended to read as follows:

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

5 SELLER'S DISCLOSURE NOTICE

6 CONCERNING THE PROPERTY AT _____
7 (Street Address and City)

8 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE
9 OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED
10 BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS
11 OR WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS
12 NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S
13 AGENTS.

14 Seller ___ is ___ is not occupying the Property.

15 If unoccupied, how long since Seller has occupied the Property?

16 _____

17 1. The Property has the items checked below:

18 Write Yes (Y), No (N), or Unknown (U).

- | | | |
|------------------------|----------------------|------------------|
| 19 ___ Range | ___ Oven | ___ Microwave |
| 20 ___ Dishwasher | ___ Trash Compactor | ___ Disposal |
| 21 ___ Washer/Dryer | ___ Window | ___ Rain Gutters |
| 22 Hookups | ___ Screens | |
| 23 ___ Security | ___ Fire Detection | ___ Intercom |
| 24 System | ___ Equipment | System |
| 25 | ___ Smoke Detector | |
| 26 | ___ Smoke Detector - | |
| 27 | Hearing Impaired | |
| 28 | ___ Carbon Monoxide | |
| 29 | Alarm | |
| 30 | ___ Emergency Escape | |
| 31 | Ladder(s) | |
| 32 ___ TV Antenna | ___ Cable TV | ___ Satellite |
| 33 | Wiring | Dish |
| 34 ___ Ceiling Fan(s) | ___ Attic Fan(s) | ___ Exhaust |
| 35 | | Fan(s) |
| 36 ___ Central A/C | ___ Central Heating | ___ Wall/Window |
| 37 | | Air |
| 38 | | Conditioning |
| 39 ___ Plumbing System | ___ Septic System | ___ Public Sewer |
| 40 | | System |
| 41 ___ Patio/Decking | ___ Outdoor Grill | ___ Fences |
| 42 ___ Pool | ___ Sauna | ___ Spa |

H.B. No. 3545

1
2 Pool Equipment Pool Heater Hot Tub
3 Fireplace(s) & Automatic Lawn
4 Chimney Sprinkler
5 (Woodburning) Fireplace(s) &
6 Gas Lines Chimney
7 (Nat./LP) (Mock)
8 Gas Fixtures
9 Garage: Attached Not Attached Carport
10 Garage Door Opener(s): Electronic Control(s)
11 Water Heater: Gas Electric
12 Water Supply: City Well MUD Co-op
13 Roof Type: _____ Age: _____(approx)
14

15 Are you (Seller) aware of any of the above items that are not in
16 working condition, that have known defects, or that are in need of
17 repair? Yes No Unknown.

18 If yes, then describe. (Attach additional sheets if necessary):
19 _____
20 _____

21 2. Does the property have working smoke detectors installed in
22 accordance with the smoke detector requirements of Chapter 766,
23 Health and Safety Code? Yes No Unknown.

24 If the answer to the question above is no or unknown,
25 explain. (Attach additional sheets if necessary):
26 _____
27 _____
28 _____

29 3. Are you (Seller) aware of any known defects/malfunctions in any
30 of the following?

31 Write Yes (Y) if you are aware, write No (N) if you are not aware.
32 Interior Walls Ceilings Floors
33 Exterior Walls Doors Windows
34 Roof Foundation/
35 Slab(s) Basement
36 Walls/Fences Driveways Sidewalks
37 Plumbing/Sewers/ Electrical Lighting

1 Septics Systems

2 ___ Other Structural Components (Describe): _____

3 _____

4 _____

5 If the answer to any of the above is yes, explain. (Attach
6 additional sheets if necessary): _____

7 _____

8 _____

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

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

- | | |
|-----------------------------------|------------------------------|
| 11 ___ Active Termites | ___ Previous Structural |
| 12 (includes | or Roof Repair |
| 13 wood-destroying insects) | |
| 14 ___ Termite or Wood Rot Damage | ___ Hazardous or Toxic Waste |
| 15 Needing Repair | |
| 16 ___ Previous Termite Damage | ___ Asbestos Components |
| 17 ___ Previous Termite | ___ Urea formaldehyde |
| 18 Treatment | ___ Insulation |
| 19 ___ Previous Flooding | ___ Radon Gas |
| 20 ___ Improper Drainage | ___ Lead Based Paint |
| 21 ___ Water Penetration | ___ Aluminum Wiring |
| 22 ___ Located in 100-Year | ___ Previous Fires |
| 23 Floodplain | |
| 24 ___ Present Flood Insurance | ___ Unplatted Easements |
| 25 Coverage | |
| 26 ___ Landfill, Settling, Soil | ___ Subsurface |
| 27 Movement, Fault Lines | Structure or Pits |
| 28 | ___ Previous Use of |
| 29 | Premises for |
| 30 | Manufacture of |
| 31 | Methamphetamine |

32 If the answer to any of the above is yes, explain. (Attach
33 additional sheets if necessary): _____

34 _____

35 _____

36 5. Are you (Seller) aware of any item, equipment, or system in or
37 on the property that is in need of repair? ___ Yes (if you are
38 aware) ___ No (if you are not aware). If yes, explain (attach

1 additional sheets as necessary). _____

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

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

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

7 Homeowners' Association or maintenance fees or assessments.

8 Any "common area" (facilities such as pools, tennis courts,
9 walkways, or other areas) co-owned in undivided interest with
10 others.

11 Any notices of violations of deed restrictions or
12 governmental ordinances affecting the condition or use of the
13 Property.

14 Any lawsuits directly or indirectly affecting the Property.

15 Any condition on the Property which materially affects the
16 physical health or safety of an individual.

17 If the answer to any of the above is yes, explain. (Attach
18 additional sheets if necessary): _____

19 _____

20 _____

21 7 [~~6~~]. If the property is located in a coastal area that is seaward
22 of the Gulf Intracoastal Waterway or within 1,000 feet of the mean
23 high tide bordering the Gulf of Mexico, the property may be subject
24 to the Open Beaches Act or the Dune Protection Act (Chapter 61 or
25 63, Natural Resources Code, respectively) and a beachfront
26 construction certificate or dune protection permit may be required
27 for repairs or improvements. Contact the local government with
28 ordinance authority over construction adjacent to public beaches
29 for more information.

30 _____
31 Date Signature of Seller

32 The undersigned purchaser hereby acknowledges receipt of the
33 foregoing notice and acknowledges the property complies with the
34 smoke detector requirements of Chapter 766, Health and Safety Code,

1 or, if the property does not comply with the smoke detector
2 requirements of Chapter 766, the buyer waives the buyer's rights to
3 have smoke detectors installed in compliance with Chapter 766.

4 _____
5 Date Signature of Purchaser

6 SECTION 20.002. Section 5.014(a), Property Code, is amended
7 to correct references to read as follows:

8 (a) A seller of residential real property that is located in
9 a public improvement district established under Subchapter A,
10 Chapter 372, Local Government Code, or Chapter 382, Local
11 Government Code, and that consists of not more than one dwelling
12 unit located in this state shall give to the purchaser of the
13 property a written notice that reads substantially similar to the
14 following:

15 NOTICE OF OBLIGATION TO PAY PUBLIC IMPROVEMENT DISTRICT ASSESSMENT
16 TO (municipality or county levying assessment) CONCERNING THE
17 PROPERTY AT (street address)

18 As a purchaser of this parcel of real property you are
19 obligated to pay an assessment to a municipality or county for an
20 improvement project undertaken by a public improvement district
21 under Subchapter A, Chapter 372, Local Government Code, or Chapter
22 382, Local Government Code. The assessment may be due annually or
23 in periodic installments. More information concerning the amount
24 of the assessment and the due dates of that assessment may be
25 obtained from the municipality or county levying the assessment.

26 The amount of the assessments is subject to change. Your
27 failure to pay the assessments could result in a lien on and the

1 foreclosure of your property.

2 Date: _____

3 Signature of Purchaser

4 SECTION 20.003. Section 12.0011(c), Property Code, is
5 amended to correct a reference to read as follows:

6 (c) An original signature may not be required for an
7 electronic instrument or other document that complies with the
8 requirements of Chapter 15 of this code, Chapter 195, Local
9 Government Code, Chapter 322 [~~43~~], Business & Commerce Code, or
10 other applicable law.

11 SECTION 20.004. Section 204.003, Property Code, as amended
12 by Chapters 767 (H.B. 3518) and 1367 (H.B. 3674), Acts of the 80th
13 Legislature, Regular Session, 2007, is reenacted and amended to
14 read as follows:

15 Sec. 204.003. APPLICATION OF PROVISIONS OF RESTRICTIVE
16 COVENANTS IN CERTAIN CIRCUMSTANCES. (a) An express designation in
17 a document creating restrictions applicable to a residential real
18 estate subdivision that provides for the extension of, addition to,
19 or modification of existing restrictions by a designated number of
20 owners of real property in the subdivision prevails over the
21 provisions of this chapter.

22 (b) Notwithstanding Subsection (a), for a residential
23 subdivision described by Subsection (c), the provisions of this
24 chapter prevail over an express designation in a document described
25 by Subsection (a) if:

26 (1) the designated number of owners of real property
27 in the subdivision required for approval of an extension of,

1 addition to, or modification of the document is more than 75
2 percent; or

3 (2) the designation prohibits the extension of,
4 addition to, or modification of an existing restriction for a
5 certain time period and that time period has not expired.

6 (c) Subsection (b) applies to a residential subdivision
7 that is located in a county described by Section 204.002(a)(3)
8 other than a gated community with private streets.

9 (d) [~~(b)~~] A document creating restrictions that provides
10 for the extension or renewal of restrictions and does not provide
11 for modification or amendment of restrictions may be modified under
12 this chapter, including modifying the provision that provides for
13 extension or renewal of the restrictions.

14 ARTICLE 21. CHANGES RELATING TO SPECIAL DISTRICT

15 LOCAL LAWS

16 PART A. CHANGES AFFECTING VARIOUS SPECIAL DISTRICTS

17 SECTION 21.001. Section 1013.054(a), Special District
18 Local Laws Code, is amended to conform more closely to the source
19 law from which the section was derived to read as follows:

20 (a) Each director shall qualify for office by executing
21 [~~execute~~] a good and sufficient bond for \$1,000 that is:

- 22 (1) payable to the district; and
23 (2) conditioned on the faithful performance of the
24 director's duties.

25 SECTION 21.002. Section 1022.102, Special District Local
26 Laws Code, is amended to conform more closely to the source law from
27 which the section was derived to read as follows:

1 Sec. 1022.102. RESTRICTION ON POLITICAL SUBDIVISION
2 TAXATION AND DEBT. A political subdivision of this state, other
3 than the district, may not impose a tax or issue bonds or other
4 obligations for hospital purposes or to provide medical care in the
5 district.

6 SECTION 21.003. Section 1023.301, Special District Local
7 Laws Code, is amended to conform more closely to the source law from
8 which the section was derived by adding Subsection (c-1) to read as
9 follows:

10 (c-1) The election shall be called not later than the 60th
11 day after the date the petition is presented to the district.

12 SECTION 21.004. Section 1025.051, Special District Local
13 Laws Code, is amended to conform to Section 1, Chapter 792, Acts of
14 the 80th Legislature, Regular Session, 2007, to read as follows:

15 Sec. 1025.051. BOARD ELECTION; TERM. The district is
16 governed by a board of seven directors elected at large by place for
17 staggered three-year terms. A director's election shall be held
18 each year on the May uniform election date prescribed by Section
19 41.001, Election Code. [~~(a) The board consists of seven directors~~
20 ~~elected from the district at large.~~

21 ~~[(b) Directors serve staggered two-year terms unless~~
22 ~~four-year terms are established under Section 285.081, Health and~~
23 ~~Safety Code.]~~

24 SECTION 21.005. Section 1025.052, Special District Local
25 Laws Code, is amended to conform to Section 1, Chapter 792, Acts of
26 the 80th Legislature, Regular Session, 2007, to read as follows:

27 Sec. 1025.052. NOTICE OF ELECTION. Notice [~~At least 30 days~~

1 ~~before the date]~~ of an election of directors[, ~~notice of the~~
2 ~~election]~~ shall be published one time in a newspaper or newspapers
3 that individually or collectively have general circulation in the
4 district in accordance with Section 4.003, Election Code.

5 SECTION 21.006. Section 1025.053, Special District Local
6 Laws Code, is amended to conform to Section 1, Chapter 792, Acts of
7 the 80th Legislature, Regular Session, 2007, to read as follows:

8 Sec. 1025.053. BALLOT APPLICATION [~~PETITION~~]. A person who
9 wants to have the person's name printed on the ballot as a candidate
10 for director must file an application with the board secretary in
11 accordance with Chapter 144, Election Code [~~a petition requesting~~
12 ~~that action. The petition must be:~~

13 [~~(1) signed by at least 10 voters; and~~

14 [~~(2) filed at least 30 days before the date of the~~
15 ~~election]~~.

16 SECTION 21.007. Section 1025.058, Special District Local
17 Laws Code, is amended to conform to Section 1, Chapter 792, Acts of
18 the 80th Legislature, Regular Session, 2007, to read as follows:

19 Sec. 1025.058. QUORUM. Any four [~~five~~] directors
20 constitute a quorum.

21 SECTION 21.008. Section 1025.059, Special District Local
22 Laws Code, is amended to conform to Section 1, Chapter 792, Acts of
23 the 80th Legislature, Regular Session, 2007, to read as follows:

24 Sec. 1025.059. VOTING REQUIREMENT. A concurrence of four
25 [~~five~~] directors is sufficient in any matter relating to district
26 business.

27 SECTION 21.009. (a) Section 1025.060(c), Special District

1 Local Laws Code, is amended to conform to Section 2, Chapter 792,
2 Acts of the 80th Legislature, Regular Session, 2007, to read as
3 follows:

4 (c) The district administrator serves [~~and any assistant~~
5 ~~administrator serve~~] at the will of the board and is [~~are~~] entitled
6 to the compensation determined by the board.

7 (b) Sections 1025.060(b) and (d), Special District Local
8 Laws Code, are repealed to conform to Section 2, Chapter 792, Acts
9 of the 80th Legislature, Regular Session, 2007.

10 SECTION 21.010. Section 1025.110, Special District Local
11 Laws Code, is amended to conform to Section 5, Chapter 792, Acts of
12 the 80th Legislature, Regular Session, 2007, to read as follows:

13 Sec. 1025.110. CONSTRUCTION CONTRACTS. A construction
14 contract that involves an [~~the~~] expenditure of more than the amount
15 provided by Section 271.024, Local Government Code, may be made
16 only after competitive bidding as provided by Subchapter B, Chapter
17 271 [~~\$10,000 may be made only after advertising in the manner~~
18 ~~provided by Chapter 252 and Subchapter C, Chapter 262], Local
19 Government Code.~~

20 SECTION 21.011. Section 1025.113, Special District Local
21 Laws Code, is amended to conform to Section 2, Chapter 792, Acts of
22 the 80th Legislature, Regular Session, 2007, to read as follows:

23 Sec. 1025.113. CONTRACTS WITH GOVERNMENTAL ENTITIES FOR
24 INVESTIGATORY OR OTHER SERVICES. The board may contract with a
25 political subdivision or governmental agency for the district to
26 provide investigatory or other services regarding [~~as to~~] the
27 medical, hospital, or welfare needs of district inhabitants.

1 SECTION 21.012. Subchapter C, Chapter 1025, Special
2 District Local Laws Code, is amended to conform to Section 3,
3 Chapter 792, Acts of the 80th Legislature, Regular Session, 2007,
4 by adding Section 1025.1145 to read as follows:

5 Sec. 1025.1145. NONPROFIT CORPORATION. (a) The district
6 may create and sponsor a nonprofit corporation under the Business
7 Organizations Code and may contribute money to or solicit money for
8 the corporation.

9 (b) The corporation may use money contributed by the
10 district only to provide health care or other services the district
11 is authorized to provide under this chapter.

12 (c) The corporation may enter into a joint venture with any
13 public or private entity or individual to provide health care or
14 other services the district is authorized to provide under this
15 chapter.

16 (d) The corporation may invest the corporation's money in
17 any manner in which the district may invest the district's money,
18 including investing money as authorized by Chapter 2256, Government
19 Code.

20 (e) The board shall establish controls to ensure that the
21 corporation uses its money as required by this section.

22 SECTION 21.013. Chapter 1025, Special District Local Laws
23 Code, is amended to conform to Section 7, Chapter 792, Acts of the
24 80th Legislature, Regular Session, 2007, and to correct a
25 typographical error by adding Subchapter G to read as follows:

26 SUBCHAPTER G. DISSOLUTION

27 Sec. 1025.301. DISSOLUTION; ELECTION. (a) The district

1 may be dissolved only on approval of a majority of the district
2 voters voting in an election held for that purpose.

3 (b) The board of directors may order an election on the
4 question of dissolving the district and disposing of the district's
5 assets.

6 (c) The board shall order an election on dissolution if the
7 board receives a petition requesting an election that is signed by a
8 number of registered voters of the district equal to at least 20
9 percent of the registered voters in the district.

10 (d) An election on dissolution of the district shall be held
11 not later than the 62nd day after the date the election is ordered.

12 (e) The order calling the election must state:

13 (1) the nature of the election, including the
14 proposition to appear on the ballot;

15 (2) the date of the election;

16 (3) the hours during which the polls will be open; and

17 (4) the location of the polling places.

18 (f) Section 41.001, Election Code, does not apply to an
19 election ordered under this section.

20 Sec. 1025.302. NOTICE OF ELECTION. (a) The board shall
21 give notice of an election under this subchapter by publishing once
22 a week for two consecutive weeks a substantial copy of the election
23 order in a newspaper with general circulation in the district.

24 (b) The first publication must appear not later than the
25 35th day before the date set for the election.

26 Sec. 1025.303. BALLOT. The ballot for an election under
27 this subchapter shall be printed to permit voting for or against the

1 proposition: "The dissolution of the Electra County Hospital
2 District."

3 Sec. 1025.304. ELECTION RESULTS. (a) If a majority of the
4 votes in an election under this subchapter favor dissolution, the
5 board shall order that the district be dissolved.

6 (b) If a majority of the votes in the election do not favor
7 dissolution, the board shall continue to administer the district
8 and another election on the question of dissolution may not be held
9 before the first anniversary of the date of the most recent election
10 to dissolve the district.

11 Sec. 1025.305. TRANSFER OR ADMINISTRATION OF ASSETS. (a)
12 If a majority of the votes in an election under this subchapter
13 favor dissolution, the board shall:

14 (1) transfer to Wichita County or another governmental
15 entity in Wichita County the land, buildings, improvements,
16 equipment, and other assets that belong to the district; or

17 (2) administer the property, assets, and debts until
18 all money has been disposed of and all district debts have been paid
19 or settled.

20 (b) If the board makes the transfer under Subsection (a)(1),
21 the county or entity assumes all debts and obligations of the
22 district at the time of the transfer, and the district is dissolved.

23 (c) If the board does not make the transfer under Subsection
24 (a)(1), the district is dissolved when all district money is
25 disposed of and all district debts are paid or settled.

26 Sec. 1025.306. IMPOSITION OF TAX AND RETURN OF SURPLUS
27 TAXES. (a) After the board finds that the district is dissolved,

1 the board shall:

2 (1) determine the debt owed by the district; and

3 (2) impose on the property included in the district's
4 tax rolls a tax that is in proportion of the debt to the property
5 value.

6 (b) On the payment of all outstanding debts and obligations
7 of the district, the board shall order the secretary to return to
8 each district taxpayer the taxpayer's pro rata share of all unused
9 tax money. A taxpayer may request that the taxpayer's share of
10 surplus tax money be credited to the taxpayer's county taxes. If a
11 taxpayer requests the credit, the board shall direct the secretary
12 to transmit the funds to the county tax assessor-collector.

13 Sec. 1025.307. REPORT; DISSOLUTION ORDER. (a) After the
14 district has paid all its debts and has disposed of all its assets
15 and money as prescribed by this subchapter, the board shall file a
16 written report with the Commissioners Court of Wichita County
17 summarizing the board's actions in dissolving the district.

18 (b) Not later than the 10th day after the date the
19 Commissioners Court of Wichita County receives the report and
20 determines that the requirements of this subchapter have been
21 fulfilled, the commissioners court shall enter an order dissolving
22 the district and releasing the board from any further duty or
23 obligation.

24 SECTION 21.014. Section 1027.301, Special District Local
25 Laws Code, is amended to conform more closely to the source law from
26 which the section was derived by adding Subsection (c-1) to read as
27 follows:

1 (c-1) The election shall be called not later than the 60th
2 day after the date the petition is presented to the district.

3 SECTION 21.015. Section 1033.053(a), Special District
4 Local Laws Code, is amended to conform more closely to the source
5 law from which the section was derived to read as follows:

6 (a) Each director shall qualify for office by executing
7 ~~[execute]~~ a good and sufficient commercial bond for \$1,000 that is:

8 (1) payable to the district; and

9 (2) conditioned on the faithful performance of the
10 director's duties.

11 SECTION 21.016. Section 1042.052(a), Special District
12 Local Laws Code, is amended to conform more closely to the source
13 law from which the section was derived to read as follows:

14 (a) Each appointed director shall qualify for office by
15 executing ~~[execute]~~ a good and sufficient commercial bond for
16 \$1,000 that is:

17 (1) payable to the district; and

18 (2) conditioned on the faithful performance of the
19 director's duties.

20 SECTION 21.017. Section 1043.301, Special District Local
21 Laws Code, is amended to conform more closely to the source law from
22 which the section was derived by adding Subsection (c-1) to read as
23 follows:

24 (c-1) The election shall be called not later than the 60th
25 day after the date the petition is presented to the board.

26 SECTION 21.018. Section 1049.053(a), Special District
27 Local Laws Code, is amended to conform more closely to the source

1 law from which the section was derived to read as follows:

2 (a) Each director shall qualify for office by executing
3 ~~[execute]~~ a good and sufficient commercial bond for \$1,000 that is:

4 (1) payable to the district; and

5 (2) conditioned on the faithful performance of the
6 director's duties.

7 SECTION 21.019. Subchapter B, Chapter 1054, Special
8 District Local Laws Code, is amended to conform to Chapter 115, Acts
9 of the 80th Legislature, Regular Session, 2007, by adding Section
10 1054.0565 to read as follows:

11 Sec. 1054.0565. REMOVAL OF DIRECTOR. (a) It is a ground
12 for removal from the board that a director:

13 (1) is absent from more than three-fourths of the
14 regularly scheduled board meetings that the director is eligible to
15 attend during a calendar year without an excuse approved by a
16 majority vote of the board; or

17 (2) fails to timely pay a federal, state, or local tax,
18 including an ad valorem tax.

19 (b) The validity of an action of the board is not affected by
20 the fact that it is taken when a ground for removal of a director
21 exists.

22 (c) If the administrator or manager of the hospital district
23 has knowledge that a potential ground for removal exists, the
24 administrator or manager shall notify the president of the board of
25 the potential ground. The president shall then notify the county
26 attorney and district attorney that a potential ground for removal
27 exists and request that the county or district attorney bring an

1 action in the nature of quo warranto under Chapter 66, Civil
2 Practice and Remedies Code, as appropriate. If the potential
3 ground for removal involves the president, the administrator or
4 manager shall notify the vice president of the board, who shall then
5 notify the county attorney and district attorney that a potential
6 ground for removal exists and request an action in the nature of quo
7 warranto.

8 SECTION 21.020. Section 1060.054(a), Special District
9 Local Laws Code, is amended to conform more closely to the source
10 law from which the section was derived to read as follows:

11 (a) Each director shall qualify for office by executing
12 ~~[execute]~~ a good and sufficient commercial bond for \$1,000 that is:

- 13 (1) payable to the district; and
14 (2) conditioned on the faithful performance of the
15 director's duties.

16 SECTION 21.021. Section 3503.1015, Special District Local
17 Laws Code, is amended to correct references to read as follows:

18 Sec. 3503.1015. ADDITIONAL POWERS OF OTHER ENTITIES; BONDS.
19 The authority may exercise the powers given to:

20 (1) the governing body of a "unit," as defined by
21 Section 501.002(17), Local Government Code [~~2, Development~~
22 ~~Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil~~
23 ~~Statutes)]], and may issue district bonds for a purpose specified by
24 Subtitle C1, Title 12, Local Government Code [~~that Act~~];~~

25 (2) an emergency services district under Chapter 775,
26 Health and Safety Code; or

27 (3) a rural or urban transit district under Chapter

1 458, Transportation Code.

2 SECTION 21.022. Section 3828.101, Special District Local
3 Laws Code, is amended to correct a reference to read as follows:

4 Sec. 3828.101. GENERAL POWERS AND DUTIES. The district has
5 the powers and duties provided by:

6 (1) the general laws relating to conservation and
7 reclamation districts created under Section 59, Article XVI, Texas
8 Constitution, including Chapters 49 and 54, Water Code, except that
9 the district's bonds and other securities are not subject to the
10 jurisdiction or supervision of the commission under Chapter 49,
11 Water Code, or other law;

12 (2) the general laws relating to road districts and
13 road utility districts created under Section 52(b), Article III,
14 Texas Constitution, including Chapter 441, Transportation Code;

15 (3) Chapter 372 or 382, Local Government Code, in the
16 same manner as a municipality or a county;

17 (4) Chapter 375, Local Government Code; and

18 (5) Chapter 505, Local Government Code.

19 SECTION 21.023. Section 3828.151, Special District Local
20 Laws Code, is amended to correct a reference to read as follows:

21 Sec. 3828.151. GENERAL POWERS REGARDING FINANCIAL
22 MATTERS. The district may:

23 (1) impose an ad valorem tax in accordance with
24 Chapter 375, Local Government Code, on all taxable property in the
25 district;

26 (2) impose an assessment or impact fee in the manner
27 provided for a municipality or county under Chapter 372 or 382,

1 Local Government Code, on all industrial, commercial, and
2 residential property in the district;

3 (3) impose and apply the proceeds from a sales and use
4 tax, and a hotel occupancy tax, as authorized by this chapter;

5 (4) impose a rate, fee, or charge for the use of an
6 improvement project or the consumption of a product resulting from
7 an improvement project;

8 (5) borrow money for a district purpose by issuing or
9 executing bonds, notes, credit agreements, or other obligations of
10 any kind found by the board to be necessary or appropriate for the
11 district purpose;

12 (6) establish, revise, repeal, enforce, collect, and
13 apply the proceeds from a user fee or charge for the enjoyment,
14 sale, rental, or other use of a district facility, service,
15 property, or improvement project;

16 (7) provide or secure the payment or repayment of the
17 costs and expenses of the establishment, administration, and
18 operation of the district and the district's costs or share of the
19 costs of an improvement project or district contractual obligation
20 or indebtedness by or through a lease, installment purchase
21 contract, or other agreement with any person, or the imposition of
22 taxes, user fees, concessions, rentals, or other revenues or
23 resources of the district;

24 (8) establish user charges related to the operation of
25 various public services, including public water supply services,
26 for the collection and treatment of wastewater, and for the
27 operation of storm-water facilities, including the regulation of

1 storm water for the protection of water quality in the district, and
2 for the provision of septic tank maintenance services inside and
3 outside the district;

4 (9) undertake separately or jointly with other persons
5 all or part of the cost of an improvement project, including an
6 improvement project:

7 (A) for improving, enhancing, and supporting
8 public safety and security, fire protection and emergency medical
9 services, and law enforcement in and adjacent to the district; or

10 (B) that confers a general benefit on the entire
11 district or a special benefit on a definable part of the district;
12 and

13 (10) enter into a tax abatement agreement in
14 accordance with the general laws of this state authorizing and
15 applicable to tax abatement agreements by municipalities.

16 SECTION 21.024. Section 3828.152(a), Special District
17 Local Laws Code, is amended to correct a reference to read as
18 follows:

19 (a) The district may impose an impact fee or assessment,
20 including an impact fee or assessment on residential property, only
21 in the manner provided by Chapter 372 or 382, Local Government Code,
22 for a municipality, county, or public improvement district,
23 according to the benefit received by the property.

24 SECTION 21.025. Section 3839.101, Special District Local
25 Laws Code, is amended to correct references to read as follows:

26 Sec. 3839.101. INDUSTRIAL DEVELOPMENT CORPORATION POWERS.
27 The district may exercise the powers given to an industrial

1 development corporation under Chapter 505, Local Government Code
2 [~~Section 4B, Development Corporation Act of 1979 (Article 5190.6,~~
3 ~~Vernon's Texas Civil Statutes)~~], including the power to own,
4 operate, acquire, construct, lease, improve, or maintain a project
5 described by that chapter [~~section~~].

6 SECTION 21.026. Section 3840.101, Special District Local
7 Laws Code, is amended to correct references to read as follows:

8 Sec. 3840.101. ADDITIONAL POWERS OF DISTRICT. The district
9 may exercise the powers given to:

10 (1) an economic development corporation under Chapter
11 505, Local Government Code [~~Section 4B, Development Corporation Act~~
12 ~~of 1979 (Article 5190.6, Vernon's Texas Civil Statutes)~~], including
13 the power to own, operate, acquire, construct, lease, improve, or
14 maintain a project described by that chapter [~~section~~];

15 (2) a housing finance corporation under Chapter 394,
16 Local Government Code, to provide housing or residential
17 development projects in the district; and

18 (3) a sports facility district under Chapter 325,
19 Local Government Code.

20 SECTION 21.027. Section 3842.101, Special District Local
21 Laws Code, is amended to correct references to read as follows:

22 Sec. 3842.101. ADDITIONAL POWERS OF DISTRICT. The district
23 may exercise the powers given to:

24 (1) a corporation under Chapter 505, Local Government
25 Code [~~Section 4B, Development Corporation Act of 1979 (Article~~
26 ~~5190.6, Vernon's Texas Civil Statutes)~~], including the power to
27 own, operate, acquire, construct, lease, improve, or maintain a

1 project described by that chapter [~~section~~]; and

2 (2) a housing finance corporation under Chapter 394,
3 Local Government Code, to provide housing or residential
4 development projects in the district.

5 SECTION 21.028. Section 3846.001, Special District Local
6 Laws Code, is amended to conform to Sections 9 and 11, Chapter 950,
7 Acts of the 80th Legislature, Regular Session, 2007, and to correct
8 a reference by adding Subdivisions (1-a), (1-b), and (3) to read as
9 follows:

10 (1-a) "Community venue project" or "venue project"
11 means a venue and related infrastructure that is planned, acquired,
12 established, developed, constructed, or renovated under this
13 chapter.

14 (1-b) "Development zone" means an economic
15 development zone created by the district under Subchapter F.

16 (3) "Venue" means a convention center facility or
17 related improvement such as a convention center, civic center,
18 civic center building, civic center hotel, auditorium, theater,
19 opera house, music hall, exhibition hall, rehearsal hall, park,
20 zoological park, museum, aquarium, or plaza.

21 SECTION 21.029. The heading to Subchapter D, Chapter 3846,
22 Special District Local Laws Code, is amended to conform to Chapter
23 950, Acts of the 80th Legislature, Regular Session, 2007, to read as
24 follows:

25 SUBCHAPTER D. SALES AND USE TAX; GENERAL FINANCIAL PROVISIONS

26 SECTION 21.030. Section 3846.152(b), Special District
27 Local Laws Code, is amended to conform to Section 3, Chapter 950,

1 Acts of the 80th Legislature, Regular Session, 2007, to read as
2 follows:

3 (b) The board may not call an election to abolish a sales and
4 use tax or to reduce the rate of the sales and use tax below the
5 amount pledged to secure payment of any outstanding district debt
6 or contractual obligation while any district debt or contractual
7 obligation remains outstanding.

8 SECTION 21.031. Section 3846.156, Special District Local
9 Laws Code, is amended to conform to Section 6, Chapter 950, Acts of
10 the 80th Legislature, Regular Session, 2007, to read as follows:

11 Sec. 3846.156. ABOLITION OF LOCAL SALES AND USE TAX. (a)
12 Except as provided by Subsection (b), the [The] board by order may
13 abolish the local sales and use tax rate without an election.

14 (b) The board may not abolish the local sales and use tax
15 while any district debt or contractual obligation remains
16 outstanding if any sales and use tax revenue is pledged to secure
17 payment of the outstanding debt or obligation.

18 SECTION 21.032. Section 3846.158, Special District Local
19 Laws Code, is amended to conform to Section 5, Chapter 950, Acts of
20 the 80th Legislature, Regular Session, 2007, to read as follows:

21 Sec. 3846.158. EFFECTIVE DATE OF SALES AND USE TAX OR TAX
22 CHANGE. The adoption of a sales and use tax rate or a change in the
23 sales and use tax rate takes effect after the expiration of the
24 first complete calendar quarter occurring after the date on which
25 the comptroller receives a notice of the results of the election.

26 SECTION 21.033. Subchapter D, Chapter 3846, Special
27 District Local Laws Code, is amended to conform to Section 2,

1 Chapter 950, Acts of the 80th Legislature, Regular Session, 2007,
2 by adding Section 3846.1585 to read as follows:

3 Sec. 3846.1585. GENERAL AUTHORITY TO IMPOSE TAXES. The
4 district may impose for any district purpose any tax authorized by
5 this chapter.

6 SECTION 21.034. Section 3846.159, Special District Local
7 Laws Code, is amended to conform to Section 1, Chapter 950, Acts of
8 the 80th Legislature, Regular Session, 2007, to read as follows:

9 Sec. 3846.159. AD VALOREM TAX PROHIBITED; EXCEPTION.
10 Except as provided by Subchapter F, the [The] district may not
11 impose an ad valorem tax on property in the district.

12 SECTION 21.035. Section 3846.164(b), Special District
13 Local Laws Code, is amended to conform to Section 10, Chapter 950,
14 Acts of the 80th Legislature, Regular Session, 2007, to read as
15 follows:

16 (b) In addition to the sources described in Subchapter J,
17 Chapter 375, Local Government Code, bonds issued by the district
18 may be secured and made payable, wholly or partly, by a pledge of
19 all or [any] part of the net proceeds the district receives from:

20 (1) a specified portion of not more than 75 percent
21 [one-half] of the maximum sales and use tax amount authorized under
22 Section 3846.152;

23 (2) a specified portion of not more than 90 percent of
24 the maximum sales and use tax imposed by a development zone;

25 (3) an ad valorem tax imposed by a development zone;

26 (4) a hotel occupancy tax;

27 (5) an event admissions tax;

1 (6) an event parking tax; and

2 (7) any other district revenue.

3 SECTION 21.036. Chapter 3846, Special District Local Laws
4 Code, is amended to conform to Section 9, Chapter 950, Acts of the
5 80th Legislature, Regular Session, 2007, by adding Subchapter F to
6 read as follows:

7 SUBCHAPTER F. ECONOMIC DEVELOPMENT ZONES

8 Sec. 3846.251. DEFINITIONS. In this subchapter:

9 (1) "Governing body" means the board of directors of a
10 development zone.

11 (2) "Project" means the development or construction of
12 a building, structure, facility, or other improvement on a parcel
13 or tract in a development zone, or an expansion, enlargement,
14 replacement, or relocation of a building, structure, facility, or
15 other improvement in a development zone. The term includes a
16 contractual obligation to reimburse a developer for money spent by
17 the developer in the construction, development, expansion,
18 enlargement, replacement, or relocation of a building, structure,
19 facility, or other improvement in a development zone.

20 Sec. 3846.252. NATURE OF DEVELOPMENT ZONE. A development
21 zone is a political and corporate body and a political subdivision
22 of the state, separate from the district.

23 Sec. 3846.253. DEVELOPMENT ZONES AUTHORIZED. The board, on
24 its own motion or on receipt of a petition signed by the owners of
25 all real property in a defined area of the district consisting of 25
26 or more contiguous acres of land, by resolution may create,
27 designate, describe, assign a name to, and appoint the governing

1 body for a development zone in the district to promote development
2 or redevelopment of the area, if the board finds that the creation
3 of the zone will further the public purposes of:

4 (1) the development and diversification of the economy
5 of the district and the state;

6 (2) the elimination of unemployment or
7 underemployment in the district and the state;

8 (3) the development or expansion of transportation or
9 commerce in the district and the state; or

10 (4) the promotion and stimulation of business,
11 commercial, and economic activity in the district and the state.

12 Sec. 3846.254. PRELIMINARY FINANCING PLAN REQUIRED. Before
13 designating a development zone, the board must prepare a
14 preliminary financing plan for the zone that includes:

15 (1) estimated project costs, including administrative
16 expenses;

17 (2) a description of the kind, number, and location of
18 all proposed improvement projects in the zone;

19 (3) the estimated amount of:

20 (A) bonded indebtedness to be incurred; or

21 (B) the financial obligation of any other
22 contractual obligation to be incurred;

23 (4) a description of the methods of financing and
24 expected sources of revenue to pay for the costs of proposed
25 improvement projects; and

26 (5) the projected duration of the zone.

27 Sec. 3846.255. RESTRICTION ON DEVELOPMENT ZONE IN

1 RESIDENTIAL AREA. A development zone may not be created if more
2 than 10 percent of the property in the proposed zone, other than
3 property that is publicly owned, is used or planned for use for
4 residential purposes. For purposes of this section, property is
5 used for residential purposes if the property is occupied by a house
6 that has fewer than five living units.

7 Sec. 3846.256. RESOLUTION REQUIRED. The resolution
8 designating an area as a development zone must:

9 (1) describe the boundaries of the zone sufficiently
10 to identify with reasonable certainty the territory included;

11 (2) provide an effective date for the creation of the
12 zone;

13 (3) provide a date for termination of the zone;

14 (4) assign a number to the name of the zone, which must
15 be "East Montgomery County Improvement District Economic
16 Development Zone No. ____";

17 (5) adopt a preliminary financing plan for the zone;

18 (6) provide the number of directors of the governing
19 body of the zone, which must be at least five; and

20 (7) appoint the governing body for the zone or
21 authorize the board to serve ex officio as the governing body of the
22 zone.

23 Sec. 3846.257. CONFIRMATION ELECTION REQUIRED. Upon
24 approval by the board of a resolution designating an area as a
25 development zone, the district shall call a confirmation election
26 to confirm the establishment of the zone in the manner prescribed by
27 Section 49.102, Water Code.

1 Sec. 3846.258. DEVELOPMENT ZONE GOVERNING BODY. (a) A
2 member of the governing body who is not a district director shall be
3 appointed for a term of two years, except that the appointment of
4 the initial members of the governing body may provide for some terms
5 to be limited to one year in order to achieve staggered terms of
6 office. A member who is also a district director shall serve a term
7 concurrent with the director's term on the district board.

8 (b) The district by appointment shall fill a vacancy on the
9 governing body of the zone for the unexpired portion of the term.

10 (c) A member of a governing body must be at least 18 years of
11 age, a citizen of the state, and a person described by Section
12 3846.053(b).

13 (d) A member of the board of directors of the district may be
14 appointed to the governing body.

15 (e) Each member must qualify for office by subscribing to
16 the constitutional oath of office for public officers and
17 furnishing a fidelity bond issued by a responsible surety in the
18 amount of \$10,000 in favor of the development zone to secure
19 faithful performance of the member's duties.

20 Sec. 3846.259. ORGANIZATIONAL MEETING OF DEVELOPMENT ZONE
21 GOVERNING BODY; OFFICERS. (a) Following appointment and
22 qualification, the governing body of the development zone shall
23 meet and organize by electing a president, a vice president, a
24 secretary-treasurer, and other officers the governing body
25 considers appropriate.

26 (b) If the governing body of the development zone is
27 composed entirely of directors of the district, each director of

1 the development zone holds the same office the director holds as a
2 director of the district.

3 Sec. 3846.260. DEVELOPMENT ZONE BOUNDARIES. The boundaries
4 of a development zone may be reduced or enlarged in the manner
5 provided by this subchapter for creation of a zone, except that the
6 boundaries may not be reduced to less than 25 contiguous acres. A
7 confirmation election is not required for an enlargement if:

8 (1) all landowners of the area proposed to be added
9 consent to the enlargement and the tax authorization in the zone;
10 and

11 (2) the enlarged area does not have any registered
12 voters who reside in the area.

13 Sec. 3846.261. PROJECT PLAN AND DEVELOPMENT ZONE FINANCING
14 PLAN REQUIRED. Subject to approval by resolution of the district
15 board, the governing body shall prepare and adopt, and may amend, a
16 project plan and a development zone financing plan for the
17 development zone.

18 Sec. 3846.262. FINANCING AND IMPLEMENTATION OF DEVELOPMENT
19 ZONE PROJECT PLAN. The governing body of a development zone may
20 exercise, or by order may delegate to the district, any powers and
21 duties relating to the financing and implementation of the project
22 plan for the zone, including the power and authority to:

23 (1) issue bonds or notes in the name of the zone in the
24 same manner as Chapter 375, Local Government Code, provides for a
25 municipal management district;

26 (2) impose an ad valorem tax, assessment, or other
27 charge in the zone, in the same manner as Chapter 375, Local

1 Government Code, provides for a municipal management district, and
2 as authorized by Section 3846.265 if the ad valorem tax has been
3 approved by the voters in the development zone at an election held
4 for that purpose; and

5 (3) impose a sales and use tax, as authorized by
6 Section 3846.264, if the sales and use tax has been approved by the
7 voters in the development zone at an election held for that purpose.

8 Sec. 3846.263. AGREEMENTS TO IMPLEMENT PLANS. (a) The
9 board and the governing body each may enter into any agreement
10 considered necessary or convenient to implement a project plan and
11 development zone financing plan and achieve their purposes.

12 (b) An agreement may provide for the regulation or
13 restriction of the use of land by imposing conditions,
14 restrictions, or covenants that run with the land.

15 (c) An agreement may provide that a restriction adopted by
16 the governing body continues in effect after the termination of the
17 development zone.

18 (d) The district and the development zone may agree that the
19 district will provide administration, management, investment,
20 accounting, and other services for the zone in consideration for an
21 administrative fee not to exceed five percent of the gross revenue
22 of the development zone and for the benefits received by the
23 district through the implementation of the project plan for the
24 zone. The district may pledge all or part of the proceeds of its
25 sales and use tax to secure and pay any bonds or other financial
26 obligations of a development zone on approval of the board subject
27 to Section 3846.164.

1 Sec. 3846.264. DEVELOPMENT ZONE SALES AND USE TAX. (a) If
2 approved at an election by a majority of the voters in the
3 development zone voting in an election held for that purpose, the
4 governing body may adopt or repeal a sales and use tax of not more
5 than two percent less the amount of the sales and use tax approved
6 by the district voters under Section 3846.151.

7 (b) An election on the adoption or repeal of the maximum
8 rate of sales and use tax may be held by the governing body as
9 provided by Section 3846.152 as applied to a development zone.

10 (c) An election to adopt the sales and use tax authorized by
11 this section may be held in conjunction with the confirmation
12 election described by Section 3846.257.

13 (d) After adoption at an election, the governing body may
14 impose any portion of the sales and use tax, in increments of not
15 less than one-eighth of one percent, for the benefit of the zone, by
16 order of the governing body.

17 (e) The sales and use tax is in addition to the limited sales
18 and use tax authorized and imposed by the district under Section
19 3846.151.

20 (f) If a political subdivision, including a municipality,
21 imposes a sales and use tax in the development zone, the sales and
22 use tax authorized by this section is reduced as of the date the
23 development zone authorized the sales and use tax so that the
24 combined total of all local sales and use taxes imposed in the
25 development zone does not exceed two percent.

26 (g) The sales and use tax becomes effective on the first day
27 of the calendar quarter following the date the comptroller receives

1 written notice of the imposition of the tax.

2 Sec. 3846.265. DEVELOPMENT ZONE PROPERTY TAX. (a) If
3 approved at an election by a majority of the voters in the
4 development zone voting in an election held for that purpose, the
5 governing body may authorize a tax on all taxable property in a
6 development zone created wholly or partly in the boundaries of East
7 Montgomery County Utility District No. 5, 6, or 7, or Valley Ranch
8 Municipal Utility District No. 1 at a rate not to exceed 10 cents on
9 each \$100 valuation as determined by the Montgomery County
10 Appraisal District.

11 (b) The election may be held in conjunction with the
12 confirmation election held under Section 3846.257.

13 SECTION 21.037. Chapter 3846, Special District Local Laws
14 Code, is amended to conform to Section 11, Chapter 950, Acts of the
15 80th Legislature, Regular Session, 2007, by adding Subchapter G to
16 read as follows:

17 SUBCHAPTER G. COMMUNITY VENUES

18 Sec. 3846.301. VENUE PROJECTS AUTHORIZED. (a) The
19 district by resolution may provide for the planning, acquisition,
20 establishment, development, construction, or renovation of a venue
21 project.

22 (b) The resolution must designate each venue project and
23 each method of financing authorized by this chapter that the
24 district intends to use to finance a project. A resolution may
25 designate more than one method of financing.

26 (c) The district may contract with a public or private
27 person to plan, acquire, establish, develop, construct, or renovate

1 a venue project.

2 Sec. 3846.302. VENUE PROJECT FUND. (a) The district shall
3 establish by resolution a fund known as the community venue project
4 fund. The district shall establish separate accounts in the fund
5 for the various revenue sources.

6 (b) The district shall deposit into the community venue
7 project fund:

8 (1) the proceeds of any tax imposed by the district
9 under Subchapters H and I;

10 (2) all revenue from the sale of bonds or other
11 obligations by the district under this chapter; and

12 (3) any other money required by law to be deposited in
13 the fund.

14 (c) The district may use money in the community venue
15 project fund to:

16 (1) reimburse or pay the costs of planning, acquiring,
17 establishing, developing, constructing, or renovating one or more
18 venue projects in the district;

19 (2) pay the principal of, interest on, and other costs
20 relating to bonds or other obligations issued by the district to
21 refund bonds, notes, or other obligations;

22 (3) pay the costs of operating or maintaining one or
23 more venue projects; or

24 (4) pay the administrative costs of the district
25 associated with the operation and administration of one or more
26 venue projects.

27 (d) Money deposited into the community venue project fund is

1 the property of the district.

2 Sec. 3846.303. BONDS AND OTHER OBLIGATIONS FOR VENUE
3 PROJECTS. The district may issue bonds, including revenue bonds
4 and refunding bonds, or other obligations to pay the costs of the
5 venue project.

6 SECTION 21.038. Chapter 3846, Special District Local Laws
7 Code, is amended to conform to Section 12, Chapter 950, Acts of the
8 80th Legislature, Regular Session, 2007, by adding Subchapter H to
9 read as follows:

10 SUBCHAPTER H. EVENT ADMISSIONS TAX

11 Sec. 3846.351. EVENT ADMISSIONS TAX AUTHORIZED. (a) The
12 district by order may impose a tax on each ticket sold as admission
13 to an event held at a venue project in the district for which the
14 district has issued bonds or undertaken a contractual obligation to
15 reimburse costs expended to plan, acquire, establish, develop,
16 construct, or renovate the venue project.

17 (b) The district may not impose the tax for admission to an
18 event at a venue that is not a community venue project or for which
19 the district has not issued bonds or entered into a contractual
20 obligation to reimburse costs expended to plan, acquire, establish,
21 develop, construct, or renovate the venue project.

22 (c) The district may impose the tax only if a venue project
23 is or will be located in the district.

24 Sec. 3846.352. EVENT ADMISSIONS TAX RATE. (a) The tax
25 authorized by this subchapter is imposed at the tax rate on each
26 ticket sold as admission to an event held at a venue.

27 (b) The amount of the tax may be imposed at any uniform

1 percentage not to exceed 10 percent of the price of the ticket sold
2 as admission to an event held at a venue.

3 (c) The district by order may increase, repeal, or decrease
4 the rate of the tax.

5 Sec. 3846.353. COLLECTION OF EVENT ADMISSIONS TAX. (a) The
6 district by order may require the owner or lessee of a venue project
7 in the district to collect a tax imposed under this subchapter for
8 the benefit of the district.

9 (b) An owner or lessee required to collect the tax shall add
10 the tax to the admissions price, and the tax is a part of the
11 admissions price, a debt owed to the owner or lessee of a venue
12 project by the person admitted, and recoverable at law in the same
13 manner as the admissions price.

14 (c) A person required to collect the tax shall report and
15 send the taxes to the district as provided by the district.

16 (d) The district by order may prescribe penalties,
17 including interest charges, for failure to keep records required by
18 the district, to report when required, or to pay the tax when due.
19 The district may bring suit against a person who fails to collect
20 the tax and to pay it over to the district as required.

21 (e) The district by order may permit a person who is
22 required to collect the tax to retain a percentage of the amount
23 collected and required to be reported as reimbursement to the
24 person for the costs of collecting the tax. The district may
25 provide that the person may retain the amount only if the person
26 pays the tax and files reports as required by the district.

27 (f) The tax is not an occupation tax imposed on the owner or

1 lessee of the venue project.

2 Sec. 3846.354. EFFECTIVE DATE AND ENDING DATE OF EVENT
3 ADMISSIONS TAX. (a) A tax imposed under this subchapter or a
4 change in the rate of the tax takes effect on the date prescribed by
5 the order imposing the tax or changing the rate.

6 (b) Except as provided by Subsection (c), the district may
7 impose the tax only if the district issues bonds or enters into a
8 contractual obligation under Subchapter G.

9 (c) The district may continue to impose the tax after any
10 financial obligations have been fulfilled if the tax revenue is
11 used as authorized by Section 3846.004(e) or 3846.302(c).

12 SECTION 21.039. Chapter 3846, Special District Local Laws
13 Code, is amended to conform to Section 13, Chapter 950, Acts of the
14 80th Legislature, Regular Session, 2007, by adding Subchapter I to
15 read as follows:

16 SUBCHAPTER I. EVENT PARKING TAX

17 Sec. 3846.401. EVENT PARKING TAX AUTHORIZED. (a) The
18 district by order may impose a tax on each motor vehicle parking in
19 a parking facility of a community venue project.

20 (b) The district may impose the tax during any time the
21 parking facility is being used.

22 Sec. 3846.402. EVENT PARKING TAX RATE. (a) The district by
23 order may provide that the tax authorized by this subchapter is
24 imposed at a flat amount on each parked motor vehicle or is imposed
25 as a percentage of the amount charged for event parking by the owner
26 or lessee of the parking facility.

27 (b) Regardless of the method of imposition, the amount of

1 the tax may not exceed the amount allowed by Section 334.202(b),
2 Local Government Code.

3 (c) The district by order may increase, repeal, or decrease
4 the rate of the tax.

5 Sec. 3846.403. COLLECTION OF EVENT PARKING TAX. (a) The
6 district by order may require the owner or lessee of a parking
7 facility to collect a tax imposed under this subchapter for the
8 benefit of the district.

9 (b) An owner or lessee required to collect the tax shall add
10 the tax to the parking charge, and the tax is a part of the parking
11 charge, a debt owed to the parking facility owner or lessee by the
12 person parking, and recoverable at law in the same manner as the
13 parking charge.

14 (c) A person required to collect the tax shall report and
15 send the taxes to the district as provided by the district.

16 (d) The district by order may prescribe penalties,
17 including interest charges, for failure to keep records required by
18 the district, to report when required, or to pay the tax when due.
19 The district may bring suit against a person who fails to collect
20 the tax and to pay it over to the district as required.

21 (e) The district by order may permit a person who is
22 required to collect the tax to retain a percentage of the amount
23 collected and required to be reported as reimbursement to the
24 person for the costs of collecting the tax. The district may
25 provide that the person may retain the amount only if the person
26 pays the tax and files reports as required by the district.

27 (f) The tax is not an occupation tax imposed on the owner or

1 lessee of the parking facility.

2 Sec. 3846.404. EFFECTIVE DATE AND ENDING DATE OF EVENT
3 PARKING TAX. (a) A tax imposed under this subchapter or a change in
4 the rate of the tax takes effect on the date prescribed by the order
5 imposing the tax or changing the rate.

6 (b) Except as provided by Subsection (c), the district may
7 impose the tax only if the district issues bonds or enters into
8 other contractual obligations under Subchapter G.

9 (c) The district may continue to impose the tax after any
10 financial obligations have been fulfilled if the tax revenue is
11 used as authorized by Section 3846.004(e) or 3846.302(c).

12 SECTION 21.040. Chapter 3846, Special District Local Laws
13 Code, is amended to conform to Sections 7 and 8, Chapter 950, Acts
14 of the 80th Legislature, Regular Session, 2007, by adding
15 Subchapter J to read as follows:

16 SUBCHAPTER J. HOTEL OCCUPANCY TAX

17 Sec. 3846.451. DEFINITION. In this subchapter, "hotel" has
18 the meaning assigned by Section 156.001, Tax Code.

19 Sec. 3846.452. APPLICABILITY OF CERTAIN TAX CODE
20 PROVISIONS. (a) Chapter 352, Tax Code, governs a hotel occupancy
21 tax authorized by this subchapter, including the collection of the
22 tax.

23 (b) For purposes of this subchapter, a reference:

24 (1) in Subchapter B, Chapter 351, Tax Code, to a
25 municipality is a reference to the district and a reference to the
26 municipality's officers or governing body is a reference to the
27 board; and

1 (2) in Subchapter A or B, Chapter 352, Tax Code, to a
2 county is a reference to the district and a reference to the
3 county's officers or governing body is a reference to the board.

4 Sec. 3846.453. HOTEL OCCUPANCY TAX AUTHORIZED. The board
5 by order may impose, repeal, increase, or decrease the rate of a tax
6 on a person who, under a lease, concession, permit, right of access,
7 license, contract, or agreement, pays for the use or possession or
8 for the right to the use or possession of a room that:

9 (1) is in a hotel located wholly or partly in the
10 district;

11 (2) costs \$2 or more each day; and

12 (3) is ordinarily used for sleeping.

13 Sec. 3846.454. LIMITATION ON HOTEL OCCUPANCY TAX RATE. The
14 tax rate may not exceed the maximum rate allowed under Section
15 352.003, Tax Code.

16 Sec. 3846.455. USE OF HOTEL OCCUPANCY TAX. (a) The
17 district may use the proceeds from a hotel occupancy tax imposed
18 under this subchapter for any district purpose and for any purpose
19 described by Section 351.101 or 352.1015, Tax Code, to the extent
20 the board considers appropriate.

21 (b) During each interval of three calendar years following
22 the date on which the tax is initially collected, the board may not
23 apply an annual average of more than 10 percent of the amount of tax
24 collected, excluding any interest earnings or investment profits
25 and after a deduction for the costs of imposing and collecting the
26 taxes, for the administrative expenses of the district or a
27 district purpose other than the costs of:

1 (1) advertising and promoting tourism;

2 (2) business development and commerce, including the
3 costs of planning, designing, constructing, acquiring, leasing,
4 financing, owning, operating, maintaining, managing, improving,
5 repairing, rehabilitating, or reconstructing improvement projects
6 for:

7 (A) conferences, conventions, and exhibitions;

8 (B) manufacturer, consumer, or trade shows; and

9 (C) civic, community, or institutional events;

10 (3) encouraging and promoting the arts, including
11 instrumental and vocal music, dance, drama, folk art, creative
12 writing, architecture, design and related fields, painting,
13 sculpture, photography, graphic arts and crafts, motion pictures,
14 radio, television, tape and sound recording, and other arts related
15 to the presentation, performance, execution, and exhibition of
16 these major art forms;

17 (4) historical restoration and preservation projects;

18 and

19 (5) activities, advertising, solicitations, and
20 promotional programs to encourage tourists to visit preserved
21 historic sites or museums.

22 Sec. 3846.456. EXEMPTION FROM HOTEL OCCUPANCY TAX. This
23 subchapter does not apply to a hotel located wholly or partly in the
24 city of Splendora as the boundaries of that city existed on April 1,
25 2007.

26 SECTION 21.041. Section 3848.101, Special District Local
27 Laws Code, is amended to correct references to read as follows:

1 Sec. 3848.101. DEVELOPMENT CORPORATION AND HOUSING
2 CORPORATION POWERS OF DISTRICT. The district may exercise the
3 powers given to:

4 (1) a corporation under Chapter 505, Local Government
5 Code [~~Section 4B, Development Corporation Act of 1979 (Article~~
6 ~~5190.6, Vernon's Texas Civil Statutes)~~], including the power to
7 own, operate, acquire, construct, lease, improve, and maintain the
8 projects described by that chapter [~~section~~]; and

9 (2) a housing finance corporation under Chapter 394,
10 Local Government Code, to provide housing or residential
11 development projects in the district.

12 SECTION 21.042. Section 3849.102, Special District Local
13 Laws Code, is amended to correct references to read as follows:

14 Sec. 3849.102. EXERCISE OF POWERS OF OTHER GOVERNMENTAL
15 ENTITIES. The district has the powers of:

16 (1) a corporation created under Chapter 505, Local
17 Government Code [~~Section 4B, Development Corporation Act of 1979~~
18 ~~(Article 5190.6, Vernon's Texas Civil Statutes)~~], including the
19 power to own, operate, acquire, construct, lease, improve, and
20 maintain projects described by that chapter [~~section~~]; and

21 (2) a housing finance corporation created under
22 Chapter 394, Local Government Code.

23 SECTION 21.043. Section 3850.157, Special District Local
24 Laws Code, is amended to correct references to read as follows:

25 Sec. 3850.157. PUBLIC IMPROVEMENT DISTRICT
26 ASSESSMENTS. An assessment levied in the district for a public
27 improvement district under Subchapter A, Chapter 372, Local

1 Government Code, or Chapter 382, Local Government Code, may be used
2 only under the terms for which the assessment was levied. Money
3 raised by an assessment in the public improvement district under
4 that chapter must be used in the public improvement district, and
5 may not be transferred for use outside the area for which the
6 assessment was originally levied.

7 SECTION 21.044. Section 3851.101, Special District Local
8 Laws Code, is amended to correct references to read as follows:

9 Sec. 3851.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties provided by:

11 (1) the general laws relating to conservation and
12 reclamation districts created under Section 59, Article XVI, Texas
13 Constitution, including Chapters 49 and 54, Water Code;

14 (2) the general laws relating to road districts and
15 road utility districts created under Section 52(b), Article III,
16 Texas Constitution, including Chapter 441, Transportation Code;

17 (3) Subchapter A, Chapter 372, Local Government Code,
18 in the same manner as a municipality or a county; and

19 (4) Chapters [~~Chapter~~] 375 and 505, Local Government
20 Code[, ~~and~~

21 [~~(5) Section 4B, Development Corporation Act of 1979~~
22 [~~Article 5190.6, Vernon's Texas Civil Statutes~~]].

23 SECTION 21.045. Section 3856.101, Special District Local
24 Laws Code, is amended to correct references to read as follows:

25 Sec. 3856.101. ADDITIONAL POWERS OF DISTRICT. The district
26 may exercise the powers given to:

27 (1) a corporation created under Chapter 505, Local

1 Government Code [~~Section 4B, Development Corporation Act of 1979~~
2 ~~(Article 5190.6, Vernon's Texas Civil Statutes)~~], including the
3 power to own, operate, acquire, construct, lease, improve, and
4 maintain projects described by that chapter [~~section~~];

5 (2) a housing finance corporation created under
6 Chapter 394, Local Government Code, to provide housing or
7 residential development projects in the district;

8 (3) a road utility district under Chapter 441,
9 Transportation Code;

10 (4) a navigation district under Subchapters E and M,
11 Chapter 60, Water Code; and

12 (5) a navigation district under Section 61.116, Water
13 Code.

14 SECTION 21.046. Section 3859.101, Special District Local
15 Laws Code, is amended to correct references to read as follows:

16 Sec. 3859.101. DISTRICT POWERS. The district has:

17 (1) all powers necessary to accomplish the purposes
18 for which the district was created;

19 (2) the rights, powers, privileges, authority, and
20 functions of a district created under Chapter 375, Local Government
21 Code;

22 (3) the powers, duties, and contracting authority
23 specified by Subchapters H and I, Chapter 49, Water Code;

24 (4) the powers given to a corporation under Chapter
25 505, Local Government Code [~~Section 4B, Development Corporation Act~~
26 ~~of 1979 (Article 5190.6, Vernon's Texas Civil Statutes)~~], including
27 the power to own, operate, acquire, construct, lease, improve, and

1 maintain the projects described by that chapter [~~section~~]; and

2 (5) the powers of a housing finance corporation
3 created under Chapter 394, Local Government Code.

4 SECTION 21.047. Section 3860.102, Special District Local
5 Laws Code, is amended to correct references to read as follows:

6 Sec. 3860.102. DEVELOPMENT CORPORATION AND HOUSING
7 CORPORATION POWERS OF DISTRICT. The district may exercise the
8 powers given to:

9 (1) a corporation under Chapter 505, Local Government
10 Code [~~Section 4B, Development Corporation Act of 1979 (Article~~
11 ~~5190.6, Vernon's Texas Civil Statutes)~~], including the power to
12 own, operate, acquire, construct, lease, improve, and maintain the
13 projects described by that chapter [~~section~~]; and

14 (2) a housing finance corporation under Chapter 394,
15 Local Government Code, to provide housing or residential
16 development projects in the district.

17 SECTION 21.048. Section 3861.101, Special District Local
18 Laws Code, is amended to correct a reference to read as follows:

19 Sec. 3861.101. GENERAL POWERS AND DUTIES. The district has
20 the powers and duties provided by:

21 (1) the general laws relating to conservation and
22 reclamation districts created under Section 59, Article XVI, Texas
23 Constitution, including Chapters 49 and 54, Water Code, except that
24 the district's bonds and other securities are not subject to the
25 jurisdiction or supervision of the Texas Commission on
26 Environmental Quality under Chapter 49, Water Code, or other law;

27 (2) the general laws relating to road districts and

1 road utility districts created under Section 52(b), Article III,
2 Texas Constitution, including Chapter 441, Transportation Code;

3 (3) Subchapter A, Chapter 372, Local Government Code,
4 in the same manner as a municipality or a county; and

5 (4) Chapters [~~Chapter~~] 375 and 505, Local Government
6 Code[~~, and~~

7 [~~(5) Section 4B, Development Corporation Act of 1979~~
8 (~~Article 5190.6, Vernon's Texas Civil Statutes~~)].

9 SECTION 21.049. The heading to Chapter 5002, Special
10 District Local Laws Code, is amended to conform to Chapter 2, Acts
11 of the 80th Legislature, Regular Session, 2007, to read as follows:

12 CHAPTER 5002. PORT FREEPORT [~~BRAZOS RIVER HARBOR NAVIGATION~~
13 ~~DISTRICT OF BRAZORIA COUNTY~~]

14 SECTION 21.050. Section 5002.001, Special District Local
15 Laws Code, is amended to conform to Chapter 2, Acts of the 80th
16 Legislature, Regular Session, 2007, to read as follows:

17 Sec. 5002.001. DEFINITIONS. In this chapter:

18 (1) "Board" means the port commission [~~board of~~
19 ~~navigation and canal commissioners~~] of the district.

20 (2) "Commissioner" means a port commission [~~board~~]
21 member.

22 (3) "District" means Port Freeport [~~the Brazos River~~
23 ~~Harbor Navigation District of Brazoria County~~].

24 SECTION 21.051. The heading to Section 5002.051, Special
25 District Local Laws Code, is amended to conform to Chapter 2, Acts
26 of the 80th Legislature, Regular Session, 2007, to read as follows:

27 Sec. 5002.051. PORT COMMISSION [~~BOARD OF COMMISSIONERS~~];

1 TERM; ELECTION.

2 SECTION 21.052. The heading to Chapter 5003, Special
3 District Local Laws Code, is amended to conform to Chapter 379, Acts
4 of the 80th Legislature, Regular Session, 2007, to read as follows:

5 CHAPTER 5003. CALHOUN PORT AUTHORITY [~~COUNTY NAVIGATION DISTRICT~~]

6 SECTION 21.053. Sections 5003.001(1) and (3), Special
7 District Local Laws Code, are amended to conform to Chapter 379,
8 Acts of the 80th Legislature, Regular Session, 2007, to read as
9 follows:

10 (1) "Board" means the board of navigation
11 commissioners of the port authority [~~district~~].

12 (3) "Port authority [~~District~~]" means the Calhoun Port
13 Authority [~~County Navigation District~~].

14 SECTION 21.054. Section 5003.002, Special District Local
15 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
16 Legislature, Regular Session, 2007, to read as follows:

17 Sec. 5003.002. NATURE AND PURPOSE OF PORT AUTHORITY
18 [~~DISTRICT~~]. The port authority [~~district~~] is a navigation
19 district. To the extent authorized by this chapter, the port
20 authority [~~district~~] is created to:

21 (1) improve navigation in the port authority
22 [~~district~~]; and

23 (2) maintain, develop, extend, and improve port
24 facilities and wharf and dock facilities in the port authority
25 [~~district~~].

26 SECTION 21.055. Section 5003.003, Special District Local
27 Laws Code, is amended to conform to Chapter 379, Acts of the 80th

1 Legislature, Regular Session, 2007, to read as follows:

2 Sec. 5003.003. LEGISLATIVE FINDINGS. (a) The creation of
3 the port authority [~~district~~] is essential:

4 (1) to accomplish the purposes of Section 59, Article
5 XVI, Texas Constitution;

6 (2) to the general welfare of this state; and

7 (3) for the development of marine shipping.

8 (b) All property in the port authority [~~district~~] benefits
9 from the creation of the port authority [~~district~~] by the
10 improvements to be constructed or acquired by the port authority
11 [~~district~~] in carrying out the port authority's [~~district's~~]
12 purposes.

13 SECTION 21.056. Section 5003.004, Special District Local
14 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
15 Legislature, Regular Session, 2007, to read as follows:

16 Sec. 5003.004. PORT AUTHORITY [~~DISTRICT~~] TERRITORY. The
17 port authority [~~district~~] is composed of all the territory of
18 Calhoun County, including all land and water areas of the county:

19 (1) except for territory included in the West Side
20 Calhoun County Navigation District as described in Volume H, pages
21 568-570, of the minutes of the Commissioners Court of Calhoun
22 County; and

23 (2) as that territory may have been modified under:

24 (A) Section 3 or Section 3a, Chapter 103, Acts of
25 the 41st Legislature, 1st Called Session, 1929 (Article 8263a,
26 Vernon's Texas Civil Statutes), before August 30, 1971;

27 (B) Subchapter H, Chapter 62, Water Code; or

1 (C) other law.

2 SECTION 21.057. The heading to Subchapter B, Chapter 5003,
3 Special District Local Laws Code, is amended to conform to Chapter
4 379, Acts of the 80th Legislature, Regular Session, 2007, to read as
5 follows:

6 SUBCHAPTER B. PORT AUTHORITY [~~DISTRICT~~] ADMINISTRATION

7 SECTION 21.058. Section 5003.051, Special District Local
8 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
9 Legislature, Regular Session, 2007, to read as follows:

10 Sec. 5003.051. BOARD OF NAVIGATION COMMISSIONERS. The port
11 authority [~~district~~] is governed by a board of six commissioners.

12 SECTION 21.059. Sections 5003.052(a) and (b), Special
13 District Local Laws Code, are amended to conform to Chapter 379,
14 Acts of the 80th Legislature, Regular Session, 2007, to read as
15 follows:

16 (a) The board shall from time to time divide the port
17 authority [~~district~~] into six navigation commissioner precincts
18 that are:

- 19 (1) compact and contiguous; and
20 (2) as nearly as practicable, of equal population.

21 (b) The board shall complete any division of the port
22 authority [~~district~~] into new precincts not later than the 90th day
23 before the date of the first election of commissioners from those
24 precincts.

25 SECTION 21.060. Section 5003.053(a), Special District
26 Local Laws Code, is amended to conform to Chapter 379, Acts of the
27 80th Legislature, Regular Session, 2007, to read as follows:

1 (a) The six commissioners elected at the first election
2 after a division of the port authority [~~district~~] into new
3 precincts under Section 5003.052 shall draw lots after the election
4 to select three commissioners to serve two-year terms and three
5 commissioners to serve four-year terms. Successor commissioners
6 serve terms as provided by Subsection (b).

7 SECTION 21.061. Section 5003.055(c), Special District
8 Local Laws Code, is amended to conform to Chapter 379, Acts of the
9 80th Legislature, Regular Session, 2007, to read as follows:

10 (c) The legislature finds that it is in the best interest of
11 public welfare, general benefit, and the assurance of proper
12 development of marine shipping that:

13 (1) the commissioners be representatives of all areas
14 of the port authority [~~district~~]; and

15 (2) if a commissioner no longer resides in the
16 precinct from which elected, the commissioner's office is vacant.

17 SECTION 21.062. Section 5003.101, Special District Local
18 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
19 Legislature, Regular Session, 2007, to read as follows:

20 Sec. 5003.101. GENERAL NAVIGATION DISTRICT POWERS. The
21 port authority [~~district~~] and the board, except as specifically
22 restricted by this chapter, have the powers of government and may
23 exercise the rights, powers, duties, privileges, and functions
24 conferred by Chapter 60, 61, 62, or 63, Water Code, on a navigation
25 district created under Section 59, Article XVI, Texas Constitution,
26 that are appropriate to the accomplishment of the purposes stated
27 in Subchapter A.

1 SECTION 21.063. Sections 5003.102(a), (b), and (c), Special
2 District Local Laws Code, are amended to conform to Chapter 379,
3 Acts of the 80th Legislature, Regular Session, 2007, to read as
4 follows:

5 (a) If authorized by a majority vote of the port authority
6 [~~district~~] voters voting at an election held in the manner provided
7 for a bond election under Subchapter F, Chapter 62, Water Code, the
8 Commissioners Court of Calhoun County may:

9 (1) impose maintenance taxes; or

10 (2) issue tax bonds and impose taxes to pay for the
11 bonds.

12 (b) The commissioners court shall impose the tax for:

13 (1) the maintenance of the port authority [~~district~~]
14 and its property, including facilities; and

15 (2) the payment of the principal of and interest on all
16 bonds or other indebtedness issued by the port authority
17 [~~district~~].

18 (c) The maximum tax rate for both maintenance and
19 indebtedness purposes may not exceed a total of 15 cents on each
20 \$100 of taxable property in the port authority [~~district~~].

21 SECTION 21.064. Section 5003.103, Special District Local
22 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
23 Legislature, Regular Session, 2007, to read as follows:

24 Sec. 5003.103. CHANGE OF PORT AUTHORITY [~~DISTRICT~~] NOT
25 AUTHORIZED. The board may not by a vote change the port authority
26 [~~district~~] from a navigation district to any other type of district
27 authorized by general law.

1 SECTION 21.065. Section 5003.104, Special District Local
2 Laws Code, is amended to conform to Chapter 379, Acts of the 80th
3 Legislature, Regular Session, 2007, to read as follows:

4 Sec. 5003.104. LIMIT ON EMINENT DOMAIN POWER. The port
5 authority [~~district~~] may not exercise the power of eminent domain
6 outside Calhoun County in an area in another navigation district
7 without the consent of the other district.

8 SECTION 21.066. Sections 5003.105(a) and (e), Special
9 District Local Laws Code, are amended to conform to Chapter 379,
10 Acts of the 80th Legislature, Regular Session, 2007, to read as
11 follows:

12 (a) The board may adopt an order or resolution designating
13 an area of land in the port authority [~~district~~] that fronts on
14 navigable water in the port authority [~~district~~] as an industrial
15 area or plant site for the aid of navigation. A defined area may
16 not:

17 (1) be located in the corporate limits of a
18 municipality; or

19 (2) exceed 1,000 yards in depth as measured from the
20 shoreline.

21 (e) The legislature finds that the powers granted and
22 restrictions imposed by this section are necessary:

23 (1) for the proper exercise by the port authority
24 [~~district~~] of the powers granted by Section 59, Article XVI, Texas
25 Constitution, and by this chapter; and

26 (2) to promote and effect the navigation of the inland
27 and coastal waters of the state.

1 SECTION 21.067. Section 6603.102, Special District Local
2 Laws Code, is amended to conform to Chapter 1151, Acts of the 80th
3 Legislature, Regular Session, 2007, by amending Subsection (g) and
4 adding Subsection (j) to read as follows:

5 (g) This section does not apply to[+
6 [~~(1)~~] agricultural activity[~~+or~~
7 [~~(2) any other activity that does not create an~~
8 ~~aggregate impervious area of more than one acre~~].

9 (j) The district may adopt rules to exempt from the
10 requirements of this section a drainage facility or improvement on
11 or to serve a tract of land in the district if the facility or
12 improvement does not create an aggregate impervious area of more
13 than one acre.

14 SECTION 21.068. The heading to Section 8154.101, Special
15 District Local Laws Code, is amended to correct a typographical
16 error to read as follows:

17 Sec. 8154.101. MUNICIPAL [~~MUNICIPALITY~~] UTILITY DISTRICT
18 POWERS AND DUTIES.

19 SECTION 21.069. The heading to Chapter 8156, Special
20 District Local Laws Code, is amended to update the district's name
21 to read as follows:

22 CHAPTER 8156. PASEO DEL ESTE MUNICIPAL UTILITY
23 DISTRICT NO. 11 OF EL PASO COUNTY [~~EL PASO COUNTY~~
24 ~~MUNICIPAL UTILITY DISTRICT NO. 2~~]

25 SECTION 21.070. Section 8156.001, Special District Local
26 Laws Code, is amended to update the district's name to read as
27 follows:

1 Sec. 8156.001. DEFINITION. In this chapter, "district"
2 means Paseo del Este Municipal Utility District No. 11 of El Paso
3 County [~~El Paso County Municipal Utility District No. 2~~].

4 SECTION 21.071. Section 8248.102, Special District Local
5 Laws Code, as added by Chapters 1003 and 1142, Acts of the 80th
6 Legislature, Regular Session, 2007, is reenacted to read as
7 follows:

8 Sec. 8248.102. ANNEXATION. The district or any new
9 district created by the division of the district may not annex the
10 property of a landowner before obtaining written consent from the
11 landowner. The annexation of the property must be completed by the
12 district not later than one year after the district's receipt of the
13 landowner's written consent. A landowner may revoke the
14 landowner's consent to annexation before annexation by notifying
15 the district in writing that the consent is revoked. A landowner's
16 petition for annexation that meets the requirements of Chapter 49
17 or 54, Water Code, shall be considered as the landowner's written
18 consent for the purposes of this section.

19 SECTION 21.072. Section 8183.001(2), Special District
20 Local Laws Code, is repealed because the term defined by that
21 section is not used in the chapter.

22 SECTION 21.073. Section 8199.152(a), Special District
23 Local Laws Code, is amended to correct a reference to read as
24 follows:

25 (a) If authorized at an election held under Section
26 8199.151, the district may impose an operation and maintenance tax
27 on taxable property in the district as provided by Section

1 ~~[Chapter]~~ 49.107, Water Code.

2 SECTION 21.074. Section 8206.152(a), Special District
3 Local Laws Code, is amended to correct a reference to read as
4 follows:

5 (a) If authorized at an election held under Section
6 8206.151, the district may impose an operation and maintenance tax
7 on taxable property in the district as provided by Section
8 ~~[Chapter]~~ 49.107, Water Code.

9 SECTION 21.075. Section 8210.152(a), Special District
10 Local Laws Code, as added by Chapter 582, Acts of the 80th
11 Legislature, Regular Session, 2007, is amended to correct a
12 reference to read as follows:

13 (a) If authorized at an election held under Section
14 8210.151, the district may impose an operation and maintenance tax
15 on taxable property in the district as provided by Section
16 ~~[Chapter]~~ 49.107, Water Code.

17 SECTION 21.076. Section 8211.152(a), Special District
18 Local Laws Code, is amended to correct a reference to read as
19 follows:

20 (a) If authorized at an election held under Section
21 8211.151, the district may impose an operation and maintenance tax
22 on taxable property in the district as provided by Section
23 ~~[Chapter]~~ 49.107, Water Code.

24 SECTION 21.077. Section 8212.152(a), Special District
25 Local Laws Code, is amended to correct a reference to read as
26 follows:

27 (a) If authorized at an election held under Section

1 8212.151, the district may impose an operation and maintenance tax
2 on taxable property in the district as provided by Section
3 [~~Chapter~~] 49.107, Water Code.

4 SECTION 21.078. Section 8216.152(a), Special District
5 Local Laws Code, is amended to correct a reference to read as
6 follows:

7 (a) If authorized at an election held under Section
8 8216.151, the district may impose an operation and maintenance tax
9 on taxable property in the district as provided by Section
10 [~~Chapter~~] 49.107, Water Code.

11 SECTION 21.079. Section 8218.152(a), Special District
12 Local Laws Code, is amended to correct a reference to read as
13 follows:

14 (a) If authorized at an election held under Section
15 8218.151, the district may impose an operation and maintenance tax
16 on taxable property in the district as provided by Section
17 [~~Chapter~~] 49.107, Water Code.

18 SECTION 21.080. Section 8221.152(a), Special District
19 Local Laws Code, is amended to correct a reference to read as
20 follows:

21 (a) If authorized at an election held under Section
22 8221.151, the district may impose an operation and maintenance tax
23 on taxable property in the district as provided by Section
24 [~~Chapter~~] 49.107, Water Code.

25 SECTION 21.081. Section 8222.152(a), Special District
26 Local Laws Code, is amended to correct a reference to read as
27 follows:

1 (a) If authorized at an election held under Section
2 8222.151, the district may impose an operation and maintenance tax
3 on taxable property in the district as provided by Section
4 [~~Chapter~~] 49.107, Water Code.

5 SECTION 21.082. Section 8232.152(a), Special District
6 Local Laws Code, is amended to correct a reference to read as
7 follows:

8 (a) If authorized at an election held under Section
9 8232.151, the district may impose an operation and maintenance tax
10 on taxable property in the district as provided by Section
11 [~~Chapter~~] 49.107, Water Code.

12 SECTION 21.083. Section 8233.152(a), Special District
13 Local Laws Code, is amended to correct a reference to read as
14 follows:

15 (a) If authorized at an election held under Section
16 8233.151, the district may impose an operation and maintenance tax
17 on taxable property in the district as provided by Section
18 [~~Chapter~~] 49.107, Water Code.

19 SECTION 21.084. Section 8241.152(a), Special District
20 Local Laws Code, is amended to correct a reference to read as
21 follows:

22 (a) If authorized at an election held under Section
23 8241.151, the district may impose an operation and maintenance tax
24 on taxable property in the district as provided by Section
25 [~~Chapter~~] 49.107, Water Code.

26 SECTION 21.085. Section 9011.104(b), Special District
27 Local Laws Code, is amended to conform more closely to the source

1 law from which the section was derived to read as follows:

2 (b) The petition must be:

3 (1) signed by at least 10 residents of the district who
4 are registered voters; and

5 (2) presented to the secretary not later than the 11th
6 day before the date of the election.

7 SECTION 21.086. Section 27G(f), Chapter 306, Acts of the
8 49th Legislature, Regular Session, 1945, is amended to correct a
9 typographical error to read as follows:

10 (f) On completion of the evaluation, the commission may
11 issue orders compelling any appropriate and necessary actions by
12 the District under Chapter 49, Water Code, and the commission's
13 rules regulating retail public utilities. If the commission finds
14 that the District is incapable of operating the utility in a manner
15 that provides adequate water service to current and future
16 customers, the commission may include, in the final evaluation, a
17 recommendation that the oversight committee consider the option of
18 initiating the process of receivership appointment to operate the
19 utility under Section 13.412 [~~13.142~~], Water Code.

20 PART B. CNP UTILITY DISTRICT

21 SECTION 21.101. Chapter 9013, Special District Local Laws
22 Code, is transferred to Subtitle F, Title 6, of that code,
23 redesignated as Chapter 8270 of that code, and amended to read as
24 follows:

25 CHAPTER 8270 [~~9013~~]. CNP UTILITY DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 8270.001 [~~9013.001~~]. DEFINITIONS. In this chapter:

1 (1) "Board" means the board of directors of the
2 district.

3 (2) "District" means the CNP Utility District.

4 Sec. 8270.002 [~~9013.002~~]. NATURE OF DISTRICT. The district
5 is a municipal utility district and a conservation and reclamation
6 district in Harris County created under Section 59, Article XVI,
7 Texas Constitution.

8 Sec. 8270.003 [~~9013.003~~]. FINDINGS OF BENEFIT AND PUBLIC
9 PURPOSE. (a) The district is created to serve a public use and
10 benefit.

11 (b) All land and other property included in the boundaries
12 of the district will benefit from the works and projects
13 accomplished by the district under the powers conferred by Section
14 59, Article XVI, Texas Constitution.

15 (c) The creation of the district is essential to accomplish
16 the purposes of Section 59, Article XVI, Texas Constitution.

17 (d) The accomplishment of the purposes stated in this
18 chapter is for the benefit of the people of this state and for the
19 improvement of their property and industries. The district, in
20 carrying out the purposes of this chapter, will be performing an
21 essential public function under the constitution.

22 Sec. 8270.004. STATE POLICY REGARDING WASTE DISPOSAL. The
23 district's powers and duties are subject to the state policy of
24 encouraging the development and use of integrated area-wide waste
25 collection, treatment, and disposal systems to serve the waste
26 disposal needs of this state's residents, if integrated systems can
27 reasonably be provided for an area, so as to avoid the economic

1 burden on residents and the effect on state water quality caused by
2 the construction and operation of numerous small waste collection,
3 treatment, and disposal facilities.

4 [Sections 8270.005-8270.050 reserved for expansion]

5 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT
6 TERRITORY

7 Sec. 8270.051 [~~9013.051~~]. DISTRICT TERRITORY. (a) The
8 district is composed of the territory described by Section 2,
9 Chapter 751, Acts of the 61st Legislature, Regular Session, 1969,
10 as that territory may have been modified under:

11 (1) Subchapter H, Chapter 54 [~~Subchapter O, Chapter~~
12 ~~54~~], Water Code;

13 (2) Subchapter J, Chapter 49, Water Code; [~~or~~]

14 (3) Section 9, Chapter 751, Acts of the 61st
15 Legislature, Regular Session, 1969; or

16 (4) other law.

17 (b) The boundaries and field notes of the district form a
18 closure. A mistake in the field notes or in copying the field notes
19 in the legislative process does not affect:

20 (1) the district's organization, existence, and
21 validity;

22 (2) the district's right to issue any type of bond for
23 a purpose for which the district is created or to pay the principal
24 of and interest on the bond;

25 (3) the district's right to impose a tax; or

26 (4) the legality or operation of the district or the
27 board.

1 Sec. 8270.052 [~~9013.052~~]. EXPANSION OF DISTRICT. (a) If
2 land is added to the district under Section 49.301 [~~or 51.714~~],
3 Water Code, the board may require the petitioners:

4 (1) to assume the petitioners' pro rata share of the
5 voted but unissued bonds of the district; and

6 (2) to authorize the board to impose a tax on the
7 petitioners' property to pay for the bonds after the bonds have been
8 issued.

9 (b) If land is annexed in the manner provided by Section
10 49.302, Water Code, the board may also submit a proposition to the
11 voters of the area to be annexed on the question of the assumption
12 by the area to be annexed of its part of the voted but not yet issued
13 or sold tax or tax-revenue bonds of the district and the imposition
14 of an ad valorem tax on taxable property within the area to be
15 annexed along with a tax on the rest of the district for the payment
16 of the bonds.

17 (c) If the petitioners consent or if the election results
18 favorably, the district may issue its voted but unissued tax or
19 tax-revenue bonds regardless of changes to district boundaries
20 since the original voting or authorization of the bonds.

21 [Sections 8270.053-8270.100 reserved for expansion]

22 SUBCHAPTER C. DISTRICT ADMINISTRATION

23 Sec. 8270.101 [~~9013.101~~]. COMPOSITION OF BOARD. The board
24 consists of five elected directors.

25 Sec. 8270.102 [~~9013.102~~]. DIRECTOR'S BOND. [~~(a)~~] Each
26 director shall give bond in the amount of \$5,000 for the faithful
27 performance of the director's duties.

1 ~~[(b) The bond must be:~~

2 ~~[(1) approved by the county judge and the board,~~

3 ~~[(2) filed in the office of the county clerk of the~~
4 ~~county or counties in which the district is located; and~~

5 ~~[(3) recorded in a record book kept for that purpose in~~
6 ~~the district office.~~

7 ~~[Sec. 9013.103. VACANCY. (a) Except as provided by~~
8 ~~Subsection (b), a vacancy in the office of director shall be filled~~
9 ~~in the manner provided by Section 49.105, Water Code.~~

10 ~~[(b) The county judge of the county in which the district is~~
11 ~~located shall appoint directors to fill all vacancies on the board~~
12 ~~whenever the number of qualified directors is fewer than three.]~~

13 Sec. 8270.103 [~~9013.104~~]. DISTRICT OFFICE. (a) Except as
14 provided by this section, the board shall designate, establish, and
15 maintain a district office as provided by Section 49.062, Water
16 Code.

17 (b) The board may establish a second district office outside
18 the district. If the board establishes a second district office,
19 the board shall give notice of the location of that office by:

20 (1) filing a copy of the board resolution that
21 establishes the location of the office:

22 (A) with the Texas Commission on Environmental
23 Quality; and

24 (B) in the municipal utility [~~water control and~~
25 ~~improvement~~] district records of each county in which the district
26 is located; and

27 (2) publishing notice of the location of the office in

1 a newspaper of general circulation in each county in which the
2 district is located.

3 (c) A district office that is a private residence, office,
4 or dwelling is a public place for matters relating to district
5 business.

6 (d) The board shall provide notice of any change in the
7 location of the district office outside the district in the manner
8 required by Subsection (b).

9 Sec. 8270.104 [~~9013.105~~]. ABSENCE OR INACTION OF [~~OF~~
10 ~~PRESIDENT FROM~~] BOARD PRESIDENT [~~MEETING~~]. (a) When the board
11 president is absent or fails or declines to act, the board vice
12 president shall perform all duties and exercise all power this
13 chapter or general law gives the president.

14 (b) If the board president is absent from a board meeting:

15 (1) the board vice president may:

16 (A) sign an order adopted at the meeting; or

17 (B) implement any other action taken at the
18 meeting; or

19 (2) the board may authorize the president to sign the
20 order or implement the action.

21 [Sections 8270.105-8270.150 reserved for expansion]

22 SUBCHAPTER D. POWERS AND DUTIES

23 Sec. 8270.151 [~~9013.151~~]. MUNICIPAL UTILITY [~~WATER CONTROL~~
24 ~~AND IMPROVEMENT~~] DISTRICT POWERS [~~AND DUTIES~~]. The district has
25 all of the rights, powers, privileges, authority, and functions
26 conferred and imposed by the general laws of the state relating to
27 municipal utility [~~water control and improvement~~] districts

1 created under Section 59, Article XVI, Texas Constitution,
2 including those conferred by Chapters 49 and 54 [~~51~~], Water Code.

3 Sec. 8270.152 [~~9013.152~~]. ADDITIONAL POWERS [~~AND DUTIES~~].

4 (a) The district may:

5 (1) make, purchase, construct, lease, or otherwise
6 acquire property, works, facilities, existing improvements, or
7 improvements to be made, constructed, or acquired that are:

8 (A) inside or outside the district's boundaries;
9 and

10 (B) necessary to carry out the powers granted by
11 this chapter or general law; or

12 (2) enter into a contract with a person on terms the
13 board considers desirable, fair, and advantageous for:

14 (A) the purchase or sale of water;

15 (B) the transportation, treatment, and disposal
16 of the domestic, industrial, or communal wastes of the district or
17 others;

18 (C) the continuing and orderly development of
19 land and property in the district through the purchase,
20 construction, or installation of facilities, works, or
21 improvements that the district is otherwise authorized to do or
22 perform so that, to the greatest extent reasonably possible,
23 considering sound engineering and economic practices, all of the
24 land and property may ultimately receive the services of the
25 facilities, works, or improvements; and

26 (D) the performance of any of the powers granted
27 by this chapter or general law.

1 (b) A contract under Subsection (a)(2) may not have a
2 duration of more than 40 years.

3 Sec. 8270.153 [~~9013.153~~]. EMINENT DOMAIN. The district may
4 exercise the power of eminent domain only:

- 5 (1) in a county in which the district is located; and
6 (2) when necessary to carry out the purposes for which
7 the district was created.

8 Sec. 8270.154 [~~9013.154~~]. COST OF RELOCATING OR ALTERING
9 PROPERTY. (a) In this section, "sole expense" means the actual
10 cost of relocating, raising, lowering, rerouting, or changing the
11 grade of or altering the construction of a facility described by
12 Subsection (b) in providing comparable replacement without
13 enhancement of the facility, after deducting from that cost the net
14 salvage value of the old facility.

15 (b) If the district's exercise of the power of eminent
16 domain, the power of relocation, or any other power conferred by
17 this chapter makes necessary relocating, raising, rerouting,
18 changing the grade, or altering the construction of a highway, a
19 railroad, an electric transmission line, a telegraph or telephone
20 property or facility, or a pipeline, the necessary action shall be
21 accomplished at the sole expense of the district.

22 Sec. 8270.155 [~~9013.155~~]. CONTRACT FOR PURCHASE OF WATER,
23 SEWER, OR DRAINAGE SERVICES; ELECTION NOT REQUIRED. (a) The
24 district may enter into a contract with a political subdivision for
25 water, sewer, or drainage services or any combination of those
26 services without the necessity of an election by any contracting
27 party.

1 (b) The district may pay for an obligation incurred by such
2 a contract by issuing bonds that, if otherwise necessary, have been
3 approved by the voters in the manner provided by this chapter.

4 (c) The district may deliver the district's bonds to any of
5 the following parties that enters into such a contract with the
6 district:

- 7 (1) the United States;
- 8 (2) an agency or instrumentality of the United States;
- 9 (3) this state; or
- 10 (4) an agency or instrumentality of this state.

11 Sec. 8270.156 [~~9013.156~~]. NOTICE OF ELECTION. The board
12 president or secretary may give notice of an election.

13 Sec. 8270.157 [~~9013.157~~]. DISTRICT RULES. The district
14 shall adopt and enforce reasonable and effective rules to secure
15 and maintain safe, sanitary, and adequate plumbing installations,
16 connections, and appurtenances as subsidiary parts of the
17 district's sewerage system to preserve the quality of water within
18 or controlled by the district.

19 [Sections 8270.158-8270.200 reserved for expansion]

20 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

21 Sec. 8270.201 [~~9013.201~~]. TAX METHOD. (a) The board shall
22 use the ad valorem plan of taxation.

23 (b) The board is not required to hold a hearing on the
24 adoption of a plan of taxation.

25 Sec. 8270.202 [~~9013.202~~]. DISTRICT ACCOUNTS. The district
26 shall keep a complete system of the district's accounts.

27 Sec. 8270.203 [~~9013.203~~]. COPY OF AUDIT REPORT. A copy of

1 the audit report prepared under Subchapter G, Chapter 49, Water
2 Code, shall be delivered:

- 3 (1) to each director; and
- 4 (2) on request to a holder of at least 25 percent of
5 the outstanding bonds of the district.

6 Sec. 8270.204 [~~9013.204~~]. PAYMENT OF TAX OR ASSESSMENT NOT
7 REQUIRED. The district is not required to pay a tax or assessment
8 on:

- 9 (1) district property; or
- 10 (2) a purchase made by the district.

11 Sec. 8270.205 [~~9013.205~~]. [~~DIRECTOR AS SHAREHOLDER IN~~]
12 DEPOSITORY. (a) The board shall select one or more banks in this
13 state to act as depository for the district's funds.

14 (b) To the extent that funds in the depository bank are not
15 insured by the Federal Deposit Insurance Corporation, the funds
16 must be secured in the manner provided by law for the security of
17 county funds.

18 (c) A director may be a shareholder in a depository of
19 district funds.

20 [Sections 8270.206-8270.250 reserved for expansion]

21 SUBCHAPTER F. BONDS

22 Sec. 8270.251 [~~9013.251~~]. ISSUANCE OF BONDS. (a) The
23 district may issue bonds payable from taxes or revenue to provide
24 money for any purpose of this chapter, including the acquisition of
25 land.

26 (b) The district must issue bonds in the manner provided by
27 Chapters 49 and 54 [~~51~~], Water Code, except that the district may

1 issue bonds payable solely from net revenue by resolution or order
2 of the board without an election.

3 (c) Bonds issued under this subchapter may be payable from
4 all or any designated part of the revenue of district property and
5 facilities or under a specific contract, as provided in the order or
6 resolution authorizing the issuance of bonds.

7 Sec. 8270.252 [~~9013.252~~]. ADDITIONAL SECURITY. (a) Within
8 the discretion of the board, bonds issued under this subchapter may
9 be additionally secured by a deed of trust or mortgage lien on
10 physical property of the district and franchises, easements, water
11 rights and appropriation permits, leases, contracts, and all rights
12 appurtenant to that property, vesting in the trustee the power to:

- 13 (1) sell the property for payment of the debt;
14 (2) operate the property; and
15 (3) take any other action to secure the bonds.

16 (b) A purchaser under a sale under the deed of trust or
17 mortgage lien of the property:

- 18 (1) is the absolute owner of the property, facilities,
19 and rights purchased; and
20 (2) may maintain and operate the property and
21 facilities.

22 Sec. 8270.253 [~~9013.253~~]. TRUST INDENTURE. A trust
23 indenture created under Section 8270.252 [~~9013.252~~], regardless of
24 the existence of a deed of trust or mortgage lien on the property,
25 may:

- 26 (1) provide for the security of the bonds and the
27 preservation of the trust estate in the manner prescribed by the

1 board;

2 (2) provide for amendment or modification of the trust
3 indenture;

4 (3) provide for the issuance of bonds to replace lost
5 or mutilated bonds;

6 (4) condition the right to spend district money or
7 sell district property on the approval of a licensed engineer
8 selected as provided by the trust indenture; and

9 (5) provide for the investment of district money.

10 Sec. 8270.254 [~~9013.254~~]. ORDER OR RESOLUTION AUTHORIZING
11 ISSUANCE OF CERTAIN BONDS. (a) In an order or resolution
12 authorizing the issuance of revenue, tax-revenue, revenue
13 refunding, or tax-revenue refunding bonds, the board may:

14 (1) provide for:

15 (A) the flow of funds; and

16 (B) the establishment and maintenance of the
17 interest and sinking fund, reserve fund, or other fund;

18 (2) make additional covenants with respect to the
19 bonds and the pledged revenue and the operation and maintenance of
20 the improvements and facilities the revenue of which is pledged,
21 which may include provisions for the operation or leasing of all or
22 part of the improvements and facilities and the use or pledge of
23 money received from the operation contract or lease as the board
24 considers appropriate;

25 (3) prohibit the further issuance of bonds or other
26 obligations payable from the pledged revenue or reserve the right
27 to issue additional bonds to be secured by a pledge of and payable

1 from the revenue on a parity with, or subordinate to, the lien and
2 pledge in support of the bonds being issued, subject to any
3 conditions set forth in the order or resolution; and

4 (4) include any other provision or covenant not
5 prohibited by the Texas Constitution or this chapter.

6 (b) The board may adopt and execute any other proceeding or
7 instrument necessary or convenient in the issuance of the bonds.

8 Sec. 8270.255. USE OF BOND PROCEEDS DURING CONSTRUCTION.

9 (a) The district may appropriate or set aside out of the proceeds
10 from the sale of any bonds issued under this subchapter an amount
11 for the payment of interest, administrative, and operating expenses
12 expected to accrue during a period of construction, as may be
13 provided in the bond orders or resolutions.

14 (b) For purposes of this section, the period of construction
15 may not exceed three years.

16 Sec. 8270.256. REFUNDING BONDS. (a) By order or resolution
17 adopted by the board, the district may issue revenue refunding
18 bonds or tax-revenue refunding bonds to refund revenue bonds or
19 tax-revenue bonds, whether original bonds or refunding bonds,
20 previously issued by the district.

21 (b) The comptroller shall register the refunding bonds on
22 the surrender and cancellation of the bonds to be refunded.

23 (c) Instead of issuing bonds to be registered on the
24 surrender and cancellation of the bonds to be refunded, the
25 district, in the order or resolution authorizing the issuance of
26 the refunding bonds, may provide for the sale of the refunding bonds
27 and the deposit of the proceeds in the place or places where the

1 bonds to be refunded are payable. In that case, the refunding bonds
2 may be issued if an amount sufficient to pay the principal of and
3 interest on the bonds to be refunded to their maturity dates, or to
4 their option dates if according to their terms the bonds have been
5 called for payment before maturity, has been deposited in the place
6 or places where the bonds to be refunded are payable, and the
7 comptroller shall register the refunding bonds without the
8 surrender and cancellation of the bonds to be refunded.

9 ARTICLE 22. CHANGES RELATING TO TAX CODE

10 SECTION 22.001. Section 11.18(d), Tax Code, as amended by
11 Chapters 1034 (H.B. 1742) and 1341 (S.B. 1908), Acts of the 80th
12 Legislature, Regular Session, 2007, is reenacted and amended to
13 read as follows:

14 (d) A charitable organization must be organized exclusively
15 to perform religious, charitable, scientific, literary, or
16 educational purposes and, except as permitted by Subsections (h)
17 and (l), engage exclusively in performing one or more of the
18 following charitable functions:

19 (1) providing medical care without regard to the
20 beneficiaries' ability to pay, which in the case of a nonprofit
21 hospital or hospital system means providing charity care and
22 community benefits in accordance with Section 11.1801;

23 (2) providing support or relief to orphans,
24 delinquent, dependent, or handicapped children in need of
25 residential care, abused or battered spouses or children in need of
26 temporary shelter, the impoverished, or victims of natural disaster
27 without regard to the beneficiaries' ability to pay;

1 (3) providing support to elderly persons, including
2 the provision of recreational or social activities and facilities
3 designed to address the special needs of elderly persons, or to the
4 handicapped, without regard to the beneficiaries' ability to pay;

5 (4) preserving a historical landmark or site;

6 (5) promoting or operating a museum, zoo, library,
7 theater of the dramatic or performing arts, or symphony orchestra
8 or choir;

9 (6) promoting or providing humane treatment of
10 animals;

11 (7) acquiring, storing, transporting, selling, or
12 distributing water for public use;

13 (8) answering fire alarms and extinguishing fires with
14 no compensation or only nominal compensation to the members of the
15 organization;

16 (9) promoting the athletic development of boys or
17 girls under the age of 18 years;

18 (10) preserving or conserving wildlife;

19 (11) promoting educational development through loans
20 or scholarships to students;

21 (12) providing halfway house services pursuant to a
22 certification as a halfway house by the parole [~~pardons and~~
23 ~~paroles~~] division of the Texas Department of Criminal Justice;

24 (13) providing permanent housing and related social,
25 health care, and educational facilities for persons who are 62
26 years of age or older without regard to the residents' ability to
27 pay;

1 (14) promoting or operating an art gallery, museum, or
2 collection, in a permanent location or on tour, that is open to the
3 public;

4 (15) providing for the organized solicitation and
5 collection for distributions through gifts, grants, and agreements
6 to nonprofit charitable, education, religious, and youth
7 organizations that provide direct human, health, and welfare
8 services;

9 (16) performing biomedical or scientific research or
10 biomedical or scientific education for the benefit of the public;

11 (17) operating a television station that produces or
12 broadcasts educational, cultural, or other public interest
13 programming and that receives grants from the Corporation for
14 Public Broadcasting under 47 U.S.C. Section 396, as amended;

15 (18) providing housing for low-income and
16 moderate-income families, for unmarried individuals 62 years of age
17 or older, for handicapped individuals, and for families displaced
18 by urban renewal, through the use of trust assets that are
19 irrevocably and, pursuant to a contract entered into before
20 December 31, 1972, contractually dedicated on the sale or
21 disposition of the housing to a charitable organization that
22 performs charitable functions described by Subdivision (9);

23 (19) providing housing and related services to persons
24 who are 62 years of age or older in a retirement community, if the
25 retirement community provides independent living services,
26 assisted living services, and nursing services to its residents on
27 a single campus:

1 (A) without regard to the residents' ability to
2 pay; or

3 (B) in which at least four percent of the
4 retirement community's combined net resident revenue is provided in
5 charitable care to its residents;

6 (20) providing housing on a cooperative basis to
7 students of an institution of higher education if:

8 (A) the organization is exempt from federal
9 income taxation under Section 501(a), Internal Revenue Code of
10 1986, as amended, by being listed as an exempt entity under Section
11 501(c)(3) of that code;

12 (B) membership in the organization is open to all
13 students enrolled in the institution and is not limited to those
14 chosen by current members of the organization;

15 (C) the organization is governed by its members;
16 and

17 (D) the members of the organization share the
18 responsibility for managing the housing;

19 (21) acquiring, holding, and transferring unimproved
20 real property under an urban land bank demonstration program
21 established under Chapter 379C, Local Government Code, as or on
22 behalf of a land bank; or

23 (22) acquiring, holding, and transferring unimproved
24 real property under an urban land bank program established under
25 Chapter 379E, Local Government Code, as or on behalf of a land bank.

26 SECTION 22.002. Section 11.18(o), Tax Code, as added by
27 Chapters 1034 (H.B. 1742) and 1341 (S.B. 1908), Acts of the 80th

1 Legislature, Regular Session, 2007, is reenacted and amended to
2 read as follows:

3 (o) For purposes of Subsection (a)(2), real property
4 acquired, held, and transferred by an organization that performs
5 the function described by Subsection (d)(21) or (22) is considered
6 to be used exclusively by the qualified charitable organization to
7 perform that function.

8 SECTION 22.003. Section 25.025(a), Tax Code, as amended by
9 Chapters 594 (H.B. 41), 621 (H.B. 455), and 851 (H.B. 1141), Acts of
10 the 80th Legislature, Regular Session, 2007, is reenacted and
11 amended to read as follows:

12 (a) This section applies only to:

13 (1) a current or former peace officer as defined by
14 Article 2.12, Code of Criminal Procedure;

15 (2) a county jailer as defined by Section 1701.001,
16 Occupations Code;

17 (3) an employee of the Texas Department of Criminal
18 Justice;

19 (4) a commissioned security officer as defined by
20 Section 1702.002, Occupations Code;

21 (5) a victim of family violence as defined by Section
22 71.004, Family Code, if as a result of the act of family violence
23 against the victim, the actor is convicted of a felony or a Class A
24 misdemeanor; ~~and~~

25 (6) a federal judge or state judge;

26 (7) ~~(6)~~ a current or former employee of a district
27 attorney, criminal district attorney, or county or municipal

1 attorney whose jurisdiction includes any criminal law or child
2 protective services matters; and

3 (8) [~~(6)~~] an officer or employee of a community
4 supervision and corrections department established under Chapter
5 76, Government Code, who performs a duty described by Section
6 76.004(b) of that code.

7 SECTION 22.004. Section 25.07(b), Tax Code, as amended by
8 Chapters 609 (H.B. 387), 885 (H.B. 2278), and 1169 (H.B. 316), Acts
9 of the 80th Legislature, Regular Session, 2007, is reenacted and
10 amended to read as follows:

11 (b) Except as provided by Sections 11.11(b) and (c), a
12 leasehold or other possessory interest in exempt property may not
13 be listed if:

14 (1) the property is permanent university fund land;

15 (2) the property is county public school fund
16 agricultural land;

17 (3) the property is a part of a public transportation
18 facility owned by a municipality or county and:

19 (A) is an airport passenger terminal building or
20 a building used primarily for maintenance of aircraft or other
21 aircraft services, for aircraft equipment storage, or for air
22 cargo;

23 (B) is an airport fueling system facility;

24 (C) is in a foreign-trade zone:

25 (i) that has been granted to a joint airport
26 board under Subchapter C, Chapter 681, Business & Commerce Code;

27 (ii) the area of which in the portion of the

1 zone located in the airport operated by the joint airport board does
2 not exceed 2,500 acres; and

3 (iii) that is established and operating
4 pursuant to federal law; or

5 (D)(i) is in a foreign trade zone established
6 pursuant to federal law after June 1, 1991, that ~~[which]~~ operates
7 pursuant to federal law;

8 (ii) is contiguous to or has access via a
9 taxiway to an airport located in two counties, one of which has a
10 population of 500,000 or more according to the federal decennial
11 census most recently preceding the establishment of the foreign
12 trade zone; and

13 (iii) is owned, directly or through a
14 corporation organized under the Development Corporation Act
15 (Subtitle C1, Title 12, Local Government Code), by the same
16 municipality that ~~[which]~~ owns the airport;

17 (4) the interest is in a part of:

18 (A) a park, market, fairground, or similar public
19 facility that is owned by a municipality; or

20 (B) a convention center, visitor center, sports
21 facility with permanent seating, concert hall, arena, or stadium
22 that is owned by a municipality as such leasehold or possessory
23 interest serves a governmental, municipal, or public purpose or
24 function when the facility is open to the public, regardless of
25 whether a fee is charged for admission;

26 (5) the interest involves only the right to use the
27 property for grazing or other agricultural purposes; ~~[or]~~

1 (6) the property is:

2 (A) owned by a municipality, a public port, or a
3 navigation district created or operating under Section 59, Article
4 XVI, Texas Constitution, or under a statute enacted under Section
5 59, Article XVI, Texas Constitution; and

6 (B) used as an aid or facility incidental to or
7 useful in the operation or development of a port or waterway or in
8 aid of navigation-related commerce; or

9 (7) [~~(8)~~] the property is part of a rail facility
10 owned by a rural rail transportation district created or operating
11 under Chapter 623, Acts of the 67th Legislature, Regular Session,
12 1981 (Article 6550c, Vernon's Texas Civil Statutes).

13 SECTION 22.005. Section 26.06(d), Tax Code, as amended by
14 Chapters 1105 (H.B. 3495) and 1112 (H.B. 3630), Acts of the 80th
15 Legislature, Regular Session, 2007, is reenacted to read as
16 follows:

17 (d) At the public hearings the governing body shall announce
18 the date, time, and place of the meeting at which it will vote on the
19 proposed tax rate. After each hearing the governing body shall give
20 notice of the meeting at which it will vote on the proposed tax rate
21 and the notice shall be in the same form as prescribed by
22 Subsections (b) and (c), except that it must state the following:

23 "NOTICE OF TAX REVENUE INCREASE

24 "The (name of the taxing unit) conducted public hearings on
25 (date of first hearing) and (date of second hearing) on a proposal
26 to increase the total tax revenues of the (name of the taxing unit)
27 from properties on the tax roll in the preceding year by (percentage

1 by which proposed tax rate exceeds lower of rollback tax rate or
2 effective tax rate calculated under this chapter) percent.

3 "The total tax revenue proposed to be raised last year at last
4 year's tax rate of (insert tax rate for the preceding year) for each
5 \$100 of taxable value was (insert total amount of taxes imposed in
6 the preceding year).

7 "The total tax revenue proposed to be raised this year at the
8 proposed tax rate of (insert proposed tax rate) for each \$100 of
9 taxable value, excluding tax revenue to be raised from new property
10 added to the tax roll this year, is (insert amount computed by
11 multiplying proposed tax rate by the difference between current
12 total value and new property value).

13 "The total tax revenue proposed to be raised this year at the
14 proposed tax rate of (insert proposed tax rate) for each \$100 of
15 taxable value, including tax revenue to be raised from new property
16 added to the tax roll this year, is (insert amount computed by
17 multiplying proposed tax rate by current total value).

18 "The (governing body of the taxing unit) is scheduled to vote
19 on the tax rate that will result in that tax increase at a public
20 meeting to be held on (date of meeting) at (location of meeting,
21 including mailing address) at (time of meeting)."

22 SECTION 22.006. Section 32.06(a-1), Tax Code, as amended by
23 Chapters 1220 (H.B. 2138) and 1329 (S.B. 1520), Acts of the 80th
24 Legislature, Regular Session, 2007, is reenacted and amended to
25 read as follows:

26 (a-1) A person may authorize another person to pay the taxes
27 imposed by a taxing unit on the person's real property by filing

1 with the collector for the unit:

2 (1) a sworn document stating:

3 (A) the authorization;

4 (B) the name and street address of the transferee
5 authorized to pay the taxes of the property owner;

6 (C) a description of the property by street
7 address, if applicable, and legal description; and

8 (D) (4) notice has been given to the property
9 owner that if the property owner is ~~[they are]~~ age 65 or disabled,
10 the property owner ~~[they]~~ may be eligible for a tax deferral under
11 Section 33.06; and

12 (2) the information required by Section 351.054,
13 Finance Code.

14 SECTION 22.007. Section 32.065(d), Tax Code, as amended by
15 Chapters 1220 (H.B. 2138) and 1329 (S.B. 1520), Acts of the 80th
16 Legislature, Regular Session, 2007, is reenacted to read as
17 follows:

18 (d) Chapters 342 and 346, Finance Code, and the provisions
19 of Chapter 343, Finance Code, other than Sections 343.203 and
20 343.205, do not apply to a transaction covered by this section.

21 SECTION 22.008. Section 352.002(a), Tax Code, as amended by
22 Chapters 24 (S.B. 213), 1031 (H.B. 1669), and 1359 (H.B. 1820), Acts
23 of the 80th Legislature, Regular Session, 2007, is reenacted and
24 amended to read as follows:

25 (a) The commissioners courts of the following counties by
26 the adoption of an order or resolution may impose a tax on a person
27 who, under a lease, concession, permit, right of access, license,

1 contract, or agreement, pays for the use or possession or for the
2 right to the use or possession of a room that is in a hotel, costs \$2
3 or more each day, and is ordinarily used for sleeping:

4 (1) a county that has a population of more than 3.3
5 million;

6 (2) a county that has a population of 90,000 or more,
7 borders the United Mexican States, and does not have three or more
8 cities that each have a population of more than 17,500;

9 (3) a county in which there is no municipality;

10 (4) a county in which there is located an Indian
11 reservation under the jurisdiction of the United States government;

12 (5) a county that has a population of 30,000 or less,
13 that has no more than one municipality with a population of less
14 than 2,500, and that borders two counties located wholly in the
15 Edwards Aquifer Authority established by Chapter 626, Acts of the
16 73rd Legislature, Regular Session, 1993;

17 (6) a county that borders the Gulf of Mexico;

18 (7) a county that has a population of less than 5,000,
19 that borders the United Mexican States, and in which there is
20 located a major observatory;

21 (8) a county that has a population of 12,000 or less
22 and borders the Toledo Bend Reservoir;

23 (9) a county that has a population of less than 12,000
24 and an area of less than 275 square miles;

25 (10) a county that has a population of 30,000 or less
26 and borders Possum Kingdom Lake;

27 (11) a county that borders the United Mexican States

1 and has a population of more than 300,000 and less than 600,000;

2 (12) a county that has a population of 35,000 or more
3 and borders or contains a portion of Lake Fork Reservoir;

4 (13) a county that borders the United Mexican States
5 and in which there is located a national recreation area;

6 (14) a county that borders the United Mexican States
7 and in which there is located a national park of more than 400,000
8 acres;

9 (15) a county that has a population of 28,000 or less,
10 that has no more than four municipalities, and that is located
11 wholly in the Edwards Aquifer Authority established by Chapter 626,
12 Acts of the 73rd Legislature, Regular Session, 1993;

13 (16) a county that has a population of 25,000 or less,
14 whose territory is less than 750 square miles, and that has two
15 incorporated municipalities, each with a population of 800 or less,
16 located on the Frio River;

17 (17) a county that has a population of 34,000 or more
18 and borders Lake Buchanan;

19 (18) a county that has a population of more than 45,000
20 and less than 75,000, that borders the United Mexican States, and
21 that borders or contains a portion of Falcon Lake;

22 (19) a county with a population of 21,000 or less that
23 borders the Neches River and in which there is located a national
24 preserve;

25 (20) a county that has a population of 22,500 or less
26 and that borders or contains a portion of Lake Livingston;

27 (21) a county that has a population of less than 22,000

1 and in which the birthplace of a president of the United States is
2 located;

3 (22) a county that has a population of more than 15,000
4 but less than 20,000 and borders Lake Buchanan; ~~and~~

5 (23) a county with a population of less than 10,000
6 that is bordered by the Sulphur River;

7 (24) ~~[(22)]~~ a county that has a population of 16,000
8 or more and borders the entire north shore of Lake Somerville;

9 (25) ~~[(23)]~~ a county that has a population of 20,000
10 or less and that is bordered by the Brazos and Navasota Rivers;

11 (26) ~~[(24)]~~ a county that has a population of more
12 than 15,000 and less than 25,000 and is located on the Trinity and
13 Navasota Rivers; ~~and~~

14 (27) ~~[(25)]~~ a county that has a population of less
15 than 15,000 and that is bordered by the Trinity and Navasota Rivers;

16 (28) ~~[(22)]~~ a county that borders or contains a
17 portion of the Neches River, the Sabine River, and Sabine Lake; and

18 (29) ~~[(23)]~~ a county that borders Whitney Lake.

19 SECTION 22.009. Section 352.002(d), Tax Code, as amended by
20 Chapters 24 (S.B. 213) and 1359 (H.B. 1820), Acts of the 80th
21 Legislature, Regular Session, 2007, is reenacted and amended to
22 read as follows:

23 (d) The tax imposed by a county authorized by Subsection
24 (a)(4), (6), (8), (9), (10), (11), (12), (17), (19), (20), (21),
25 ~~or~~ (23), or (29) to impose the tax does not apply to a hotel
26 located in a municipality that imposes a tax under Chapter 351
27 applicable to the hotel. This subsection does not apply to:

1 (1) a county authorized by Subsection (a)(6) to impose
2 the tax that:

3 (A) has a population of less than 40,000 and
4 adjoins the most populous county in this state; or

5 (B) has a population of more than 200,000 and
6 borders the Neches River; or

7 (2) a county authorized by Subsection (a)(9) to impose
8 the tax that has a population of more than 9,000.

9 SECTION 22.010. Section 352.002(f), Tax Code, as added by
10 Chapter 749 (H.B. 3132), Acts of the 80th Legislature, Regular
11 Session, 2007, is relettered as Section 352.002(g), Tax Code.

12 SECTION 22.011. Section 352.003(h), Tax Code, as added by
13 Chapter 749 (H.B. 3132), Acts of the 80th Legislature, Regular
14 Session, 2007, is relettered as Section 352.003(i), Tax Code, and
15 amended to read as follows:

16 (i) [~~(h)~~] The tax rate in a county authorized to impose the
17 tax under Section 352.002(g) [~~352.002(f)~~] may not exceed two
18 percent of the price paid for a room in a hotel. This subsection
19 expires September 1, 2015.

20 SECTION 22.012. Section 352.003(h), Tax Code, as added by
21 Chapter 1031 (H.B. 1669), Acts of the 80th Legislature, Regular
22 Session, 2007, is relettered as Section 352.003(j), Tax Code, and
23 amended to read as follows:

24 (j) [~~(h)~~] The tax rate in a county authorized to impose the
25 tax under Section 352.002(a)(24), [~~352.002(a)(22), (23), (24), or~~
26 (25), (26), or (27)] may not exceed two percent of the price paid for
27 a room in a hotel.

1 SECTION 22.013. Section 352.003(h), Tax Code, as added by
2 Chapter 1359 (H.B. 1820), Acts of the 80th Legislature, Regular
3 Session, 2007, is relettered as Section 352.003(k), Tax Code, and
4 amended to read as follows:

5 (k) [~~(h)~~] The tax rate in a county authorized to impose the
6 tax under Section 352.002(a)(28) [~~352.002(a)(22)~~] may not exceed
7 two percent of the price paid for a room in a hotel.

8 SECTION 22.014. Section 352.1034(a), Tax Code, as added by
9 Chapter 749 (H.B. 3132), Acts of the 80th Legislature, Regular
10 Session, 2007, is amended to read as follows:

11 (a) This section applies only to a county authorized to
12 impose a tax by Section 352.002(g) [~~352.002(f)~~].

13 SECTION 22.015. Section 352.1034, Tax Code, as added by
14 Chapter 1359 (H.B. 1820), Acts of the 80th Legislature, Regular
15 Session, 2007, is renumbered as Section 352.1035, Tax Code, and
16 amended to read as follows:

17 Sec. 352.1035 [~~352.1034~~]. CERTAIN COUNTIES BORDERING
18 WHITNEY LAKE. The revenue from a tax imposed under this chapter by
19 a county authorized to impose the tax by Section 352.002(a)(29)
20 [~~352.002(a)(23)~~] may be used only for the purpose described in
21 Section 352.101(a)(3) and only in relation to unincorporated areas
22 of the county.

23 ARTICLE 23. CHANGES RELATING TO TRANSPORTATION CODE

24 SECTION 23.001. Section 203.002, Transportation Code, is
25 amended to remove unnecessary subsection lettering to read as
26 follows:

27 Sec. 203.002. MODERN STATE HIGHWAY SYSTEM. [~~(a)~~] To

1 promote public safety, facilitate the movement of traffic, preserve
2 the public's financial investment in highways, promote the national
3 defense, and accomplish the purposes of this chapter, the
4 commission may:

5 (1) lay out, construct, maintain, and operate a modern
6 state highway system, with emphasis on the construction of
7 controlled access highways;

8 (2) plan for future highways; and

9 (3) convert where necessary an existing street, road,
10 or highway into a controlled access highway in accordance with
11 modern standards of speed and safety.

12 SECTION 23.002. Section 361.308, Transportation Code, is
13 transferred to Subchapter A, Chapter 228, Transportation Code, and
14 redesignated as Section 228.0031, Transportation Code, to read as
15 follows:

16 Sec. 228.0031 [~~361.308~~]. AGREEMENTS WITH LOCAL GOVERNMENTS.

17 (a) In this section, "local government" means a:

18 (1) county, municipality, special district, or other
19 political subdivision of this state;

20 (2) local government corporation created under
21 Subchapter D, Chapter 431; or

22 (3) combination of two or more entities described by
23 Subdivision (1) or (2).

24 (b) A local government may enter into an agreement with the
25 department or a private entity under which the local government
26 assists in the financing of the construction, maintenance, and
27 operation of a turnpike project located in the government's

1 jurisdiction in return for a percentage of the revenue from the
2 project.

3 (c) A local government may use any revenue available for
4 road purposes, including bond and tax proceeds, to provide
5 financing under Subsection (b).

6 (d) An agreement under this section between a local
7 government and a private entity must be approved by the department.

8 (e) Revenue received by a local government under an
9 agreement under this section must be used for transportation
10 purposes.

11 SECTION 23.003. Chapter 361, Transportation Code, is
12 repealed.

13 SECTION 23.004. Chapter 371, Transportation Code, as added
14 by Chapters 103 (H.B. 570) and 258 (S.B. 11), Acts of the 80th
15 Legislature, Regular Session, 2007, is reenacted, redesignated as
16 Chapter 372, Transportation Code, and amended to read as follows:

17 CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF

18 TOLL PROJECT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 372.001 [~~371.001~~]. DEFINITIONS. In this chapter:

21 (1) "Toll project" means a toll project described by
22 Section 201.001(b), regardless of whether the toll project:

23 (A) is a part of the state highway system; or

24 (B) is subject to the jurisdiction of the
25 department.

26 (2) "Toll project entity" means an entity authorized
27 by law to acquire, design, construct, finance, operate, and

1 maintain a toll project, including:

2 (A) the department under Chapter 227 or 228;

3 (B) a regional tollway authority under Chapter
4 366;

5 (C) a regional mobility authority under Chapter
6 370; or

7 (D) a county under Chapter 284.

8 SUBCHAPTER B. TOLL PROJECT OPERATION

9 Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION
10 OR LICENSE PLATE INFORMATION. (a) A toll project entity may not
11 use motor vehicle registration or other information derived from a
12 license plate on a vehicle using a toll project, including
13 information obtained by the use of automated enforcement technology
14 described by Section 228.058, for purposes other than those related
15 to:

16 (1) toll collection and toll collection enforcement;
17 and

18 (2) law enforcement purposes on request by a law
19 enforcement agency [~~subject to Section 228.058(d)~~].

20 (b) If a toll project entity enters into an agreement with
21 an entity in another state that involves the exchange of motor
22 vehicle registration or license plate information for toll
23 collection or toll collection enforcement purposes, the agreement
24 must provide that the information may not be used for purposes other
25 than those described in Subsection (a).

26 Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT DISASTER
27 RELIEF ORGANIZATIONS. [~~(a) In this section:~~

1 ~~[(1) "Toll project" means a toll project described by~~
2 ~~Section 201.001(b), regardless of whether the toll project is:~~

3 ~~[(A) a part of the state highway system; or~~
4 ~~[(B) subject to the jurisdiction of the~~
5 ~~department.~~

6 ~~[(2) "Toll project entity" means an entity authorized~~
7 ~~by law to acquire, design, construct, finance, operate, and~~
8 ~~maintain a toll project, including:~~

9 ~~[(A) the department under Chapter 227 or 228;~~
10 ~~[(B) a regional tollway authority under Chapter~~
11 ~~366;~~
12 ~~[(C) a regional mobility authority under Chapter~~
13 ~~370; or~~
14 ~~[(D) a county under Chapter 284.~~

15 ~~[(b)]~~ A toll project entity may not require a vehicle
16 registered under Section 502.203 to pay a toll for the use of a toll
17 project.

18 SECTION 23.005. Section 460.302(f), Transportation Code,
19 is amended to correct a reference to read as follows:

20 (f) In this section, "dedicated or special-purpose sales
21 and use tax" means a tax referred to or described by:

22 (1) Chapter 504 or 505, Local Government Code [~~Section~~
23 ~~4A or 4B, Development Corporation Act of 1979 (Article 5190.6,~~
24 ~~Vernon's Texas Civil Statutes)];~~

25 (2) Section 379A.081, Local Government Code;
26 (3) Section 363.055, Local Government Code; or
27 (4) Section 327.003, Tax Code.

1 SECTION 23.006. Section 522.051(a), Transportation Code,
2 as amended by Chapters 37 (H.B. 84) and 1319 (S.B. 1260), Acts of
3 the 80th Legislature, Regular Session, 2007, is reenacted and
4 amended to read as follows:

5 (a) Except as provided by Subsection (f) and Sections
6 522.013(e), ~~and~~ 522.033, and 522.054, an original commercial
7 driver's license or commercial driver learner's permit expires five
8 years after the applicant's next birthday.

9 SECTION 23.007. Section 550.081, Transportation Code, as
10 amended by Chapters 74 (H.B. 423) and 1407 (S.B. 766), Acts of the
11 80th Legislature, Regular Session, 2007, is reenacted and amended
12 to read as follows:

13 Sec. 550.081. REPORT OF MEDICAL EXAMINER OR JUSTICE OF THE
14 PEACE. (a) In this section, "department" means the Texas
15 Department of Transportation.

16 (b) A medical examiner or justice of the peace acting as
17 coroner in a county that does not have a medical examiner's office
18 or that is not part of a medical examiner's district shall submit a
19 report in writing to the department [~~Texas Department of~~
20 ~~Transportation~~] of the death of a person that was the result of a
21 traffic accident to which this chapter applies and that occurred
22 within the jurisdiction of the medical examiner or justice of the
23 peace in the preceding calendar quarter.

24 (c) ~~(b)~~ The report must be submitted before the 11th day
25 of each calendar month and include:

26 (1) the name of the deceased and a statement as to
27 whether the deceased was:

1 (A) the operator of or a passenger in a vehicle
2 involved in the accident; or

3 (B) a pedestrian or other nonoccupant of a
4 vehicle;

5 (2) the date of the accident and the name of the county
6 in which the accident occurred;

7 (3) the name of any laboratory, medical examiner's
8 office, or other facility that conducted toxicological testing
9 relative to the deceased; and

10 (4) the results of any toxicological testing that was
11 conducted.

12 (d) [~~(e)~~] A report required by this section shall be sent
13 to:

14 (1) the crash records bureau of the department at its
15 headquarters in Austin; or

16 (2) any other office or bureau of the department that
17 the department designates.

18 (e) [~~(d)~~] If toxicological test results are not available
19 to the medical examiner or justice of the peace on the date a report
20 must be submitted, the medical examiner or justice shall:

21 (1) submit a report that includes the statement
22 "toxicological test results unavailable"; and

23 (2) submit a supplement to the report that contains
24 the information required by Subsections (c)(3) [~~(b)(3)~~] and (4) as
25 soon as practicable after the toxicological test results become
26 available.

27 (f) [~~(e)~~] The department shall prepare and when requested

1 supply to medical examiners' offices and justices of the peace the
2 forms necessary to make the reports required by this section.

3 SECTION 23.008. Section 642.001(6), Transportation Code,
4 is amended to correct a reference to read as follows:

5 (6) "Tow truck" has the meaning assigned that term by
6 Section 2308.002, Occupations Code [~~643.001~~].

7 SECTION 23.009. Section 644.101(b), Transportation Code,
8 as amended by Chapters 508 (S.B. 545), 702 (H.B. 2077), and 1030
9 (H.B. 1638), Acts of the 80th Legislature, Regular Session, 2007,
10 is reenacted and amended to read as follows:

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

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

15 (2) a municipality with a population of 25,000 or more
16 any part of which is located in a county with a population of
17 500,000 or more;

18 (3) a municipality with a population of less than
19 25,000:

20 (A) any part of which is located in a county with
21 a population of 2.4 million; and

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

24 (4) a municipality with a population of at least
25 34,000 that is located in a county that borders two or more states;

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

1 (6) a municipality with a population of less than
2 5,000 that is located:

3 (A) adjacent to a bay connected to the Gulf of
4 Mexico; and

5 (B) in a county adjacent to a county with a
6 population greater than 3.3 million.

7 ARTICLE 24. CHANGES RELATING TO WATER CODE

8 SECTION 24.001. Subdivision (15), Section 11.002, Water
9 Code, as added by Chapter 1352 (H.B. 4), Acts of the 80th
10 Legislature, Regular Session, 2007, is repealed.

11 SECTION 24.002. Section 11.152, Water Code, is amended to
12 add a heading and to correct a cross-reference to read as follows:

13 Sec. 11.152. ASSESSMENT OF EFFECTS OF PERMITS ON FISH AND
14 WILDLIFE HABITATS. In its consideration of an application for a
15 permit to store, take, or divert water in excess of 5,000 acre feet
16 per year, the commission shall assess the effects, if any, on the
17 issuance of the permit on fish and wildlife habitats and may require
18 the applicant to take reasonable actions to mitigate adverse
19 impacts on such habitat. In determining whether to require an
20 applicant to mitigate adverse impacts on a habitat, the commission
21 may consider any net benefit to the habitat produced by the project.
22 The commission shall offset against any mitigation required by the
23 U.S. Fish and Wildlife Service pursuant to 33 C.F.R. Parts
24 [Sections] 320-330 any mitigation authorized by this section.

25 SECTION 24.003. Section 11.504, Water Code, is amended to
26 add a heading to read as follows:

27 Sec. 11.504. APPLICABILITY TO CERTAIN MINING-RELATED

1 ACTIVITIES. This Act shall not apply to surface mining and
2 reclamation.

3 SECTION 24.004. Section 11.505, Water Code, is amended to
4 add a heading to read as follows:

5 Sec. 11.505. APPLICABILITY TO STATE REVOLVING LOAN FUND
6 PROGRAM. This Act shall not apply to the state revolving loan
7 fund program.

8 SECTION 24.005. Section 11.506, Water Code, is amended to
9 add a heading to read as follows:

10 Sec. 11.506. CONFLICT BETWEEN STATE AND FEDERAL LAW. If
11 the state definition conflicts with the federal definition in any
12 manner, the federal definition prevails.

13 SECTION 24.006. Section 49.271(c), Water Code, as amended
14 by Chapters 33 (S.B. 657) and 452 (H.B. 576), Acts of the 80th
15 Legislature, Regular Session, 2007, is reenacted to read as
16 follows:

17 (c) The district may adopt minimum criteria for the
18 qualifications of bidders on its construction contracts and for
19 sureties issuing payment and performance bonds. For construction
20 contracts over \$50,000, the district shall require a person who
21 bids to submit a certified or cashier's check on a responsible bank
22 in the state equal to at least two percent of the total amount of the
23 bid, or a bid bond of at least two percent of the total amount of the
24 bid issued by a surety legally authorized to do business in this
25 state, as a good faith deposit to ensure execution of the contract.
26 Notwithstanding any criteria adopted under this subsection, for a
27 contract for more than \$250,000, the district must accept a bid bond

1 in the amount required by the district as a bid deposit if the bid
2 bond meets the other requirements of this subsection. If the
3 successful bidder fails or refuses to enter into a proper contract
4 with the district, or fails or refuses to furnish the payment and
5 performance bonds required by law, the bidder forfeits the deposit.
6 The payment, performance, and bid bonding requirements of this
7 subsection do not apply to a contract for the purchase of equipment,
8 materials, or machinery not otherwise incorporated into a
9 construction project.

10 SECTION 24.007. Section 66.402, Water Code, is amended to
11 add a heading to read as follows:

12 Sec. 66.402. ORDER TO DISSOLVE DISTRICT. (a) After
13 considering the petition and the accompanying evidence, if the
14 commission finds that the work is completed according to the plan
15 and the facilities have been conveyed and that all bonds and other
16 indebtedness have been retired, the commission shall order the
17 district dissolved.

18 (b) If the commission finds that the work has not been
19 completed according to the plan, that all facilities have not been
20 conveyed, or that all bonds and other indebtedness have not been
21 retired, the commission shall issue an order that will ensure that
22 the work is completed by the district, all conveyances are made, and
23 all debt will be retired, and on compliance with this order shall
24 issue an order dissolving the district.

1 than four years.

2 SECTION 25.005. Section 149.005(b), Agriculture Code, is
3 amended to read as follows:

4 (b) A second or subsequent offense under this chapter is
5 punishable by imprisonment in the [~~institutional division of the~~]
6 Texas Department of Criminal Justice for not less than two years nor
7 more than five years.

8 SECTION 25.006. Section 161.141(d), Agriculture Code, is
9 amended to read as follows:

10 (d) A second or subsequent offense under Subsection (c) [~~of~~
11 ~~this section~~] is a felony punishable by:

12 (1) imprisonment in the Texas Department of Criminal
13 Justice [~~Corrections~~] for not less than two years nor more than five
14 years; and

15 (2) a fine of not more than \$10,000.

16 SECTION 25.007. Section 101.69, Alcoholic Beverage Code, is
17 amended to read as follows:

18 Sec. 101.69. FALSE STATEMENT. Except as provided in
19 Section 103.05(d) [~~of this code~~], a person who makes a false
20 statement or false representation in an application for a permit or
21 license or in a statement, report, or other instrument to be filed
22 with the commission and required to be sworn commits an offense
23 punishable by imprisonment in the Texas Department of Criminal
24 Justice [~~penitentiary~~] for not less than 2 nor more than 10 years.

25 SECTION 25.008. Section 103.05(d), Alcoholic Beverage
26 Code, is amended to read as follows:

27 (d) A peace officer who makes a false report of the property

1 seized commits a felony punishable by confinement in the Texas
2 Department of Criminal Justice [~~penitentiary~~] for not less than two
3 years and not more than five years.

4 SECTION 25.009. Section 206.06(f), Alcoholic Beverage
5 Code, is amended to read as follows:

6 (f) A person who violates any provision of this section
7 commits a felony punishable by imprisonment in the Texas Department
8 of Criminal Justice [~~penitentiary~~] for not less than 2 nor more than
9 20 years.

10 SECTION 25.010. Section 15.22(a), Business & Commerce Code,
11 is amended to read as follows:

12 (a) Every person, other than a municipal corporation, who
13 acts in violation of any of the prohibitions in Section 15.05(a) or
14 (b) [~~Subsection (a) or (b) of Section 15.05 of this Act~~] shall be
15 deemed guilty of a felony and upon conviction shall be punished by
16 confinement in the Texas Department of Criminal Justice
17 [~~Corrections~~] for a term of not more than three years or by a fine
18 not to exceed \$5,000 or by both.

19 SECTION 25.011. Section 132.001(a), Civil Practice and
20 Remedies Code, is amended to read as follows:

21 (a) Except as provided by Subsection (b), an unsworn
22 declaration made as provided by this chapter by an inmate in the
23 Texas Department of Criminal Justice [~~Corrections~~] or in a county
24 jail may be used in lieu of a written sworn declaration,
25 verification, certification, oath, or affidavit required by
26 statute or required by a rule, order, or requirement adopted as
27 provided by law.

1 SECTION 25.012. Section 132.003, Civil Practice and
2 Remedies Code, is amended to read as follows:

3 Sec. 132.003. FORM OF DECLARATION. The form of a
4 declaration under this chapter must be substantially as follows:

5 "I, (insert name and inmate identifying number from Texas
6 Department of Criminal Justice [~~Corrections~~] or county jail), being
7 presently incarcerated in (insert Texas Department of Criminal
8 Justice [~~Corrections~~] unit name or county jail name) in
9 _____ County, Texas, declare under penalty of perjury that
10 the foregoing is true and correct. Executed on (date).
11 (signature)"

12 SECTION 25.013. Article 24.13, Code of Criminal Procedure,
13 is amended to read as follows:

14 Art. 24.13. ATTACHMENT FOR CONVICT WITNESSES. All persons
15 who have been or may be convicted in this state [~~State~~], and who are
16 confined in an institution operated by the Texas Department of
17 Criminal Justice [~~Corrections~~] or any jail in this state [~~State~~],
18 shall be permitted to testify in person in any court for the state
19 [~~State~~] and the defendant when the presiding judge finds, after
20 hearing, that the ends of justice require their attendance, and
21 directs that an attachment issue to accomplish the purpose,
22 notwithstanding any other provision of this code [~~Code~~]. Nothing
23 in this article [~~Article~~] shall be construed as limiting the power
24 of the courts of this state [~~State~~] to issue bench warrants.

25 SECTION 25.014. Section 4(c), Article 24.29, Code of
26 Criminal Procedure, is amended to read as follows:

27 (c) The judge, in lieu of directing the person having

1 custody of the witness to produce him in the requesting
2 jurisdiction's court, may direct and require in his order that:

3 (1) an officer of the requesting jurisdiction come to
4 the Texas penal institution in which the witness is confined to
5 accept custody of the witness for physical transfer to the
6 requesting jurisdiction;

7 (2) the requesting jurisdiction provide proper
8 safeguards on his custody while in transit;

9 (3) the requesting jurisdiction be liable for and pay
10 all expenses incurred in producing and returning the witness,
11 including but not limited to food, lodging, clothing, and medical
12 care; and

13 (4) the requesting jurisdiction promptly deliver the
14 witness back to the same or another Texas penal institution as
15 specified by the Texas Department of Criminal Justice [~~Corrections~~]
16 at the conclusion of his testimony.

17 SECTION 25.015. Section 2(e)(2), Article 37.071, Code of
18 Criminal Procedure, is amended to read as follows:

19 (2) The court shall:

20 (A) instruct the jury that if the jury answers
21 that a circumstance or circumstances warrant that a sentence of
22 life imprisonment without parole rather than a death sentence be
23 imposed, the court will sentence the defendant to imprisonment in
24 the [~~institutional division of the~~] Texas Department of Criminal
25 Justice for life without parole; and

26 (B) charge the jury that a defendant sentenced to
27 confinement for life without parole under this article is

1 ineligible for release from the department on parole.

2 SECTION 25.016. Section 2(g), Article 37.071, Code of
3 Criminal Procedure, is amended to read as follows:

4 (g) If the jury returns an affirmative finding on each issue
5 submitted under Subsection (b) and a negative finding on an issue
6 submitted under Subsection (e)(1), the court shall sentence the
7 defendant to death. If the jury returns a negative finding on any
8 issue submitted under Subsection (b) or an affirmative finding on
9 an issue submitted under Subsection (e)(1) or is unable to answer
10 any issue submitted under Subsection (b) or (e), the court shall
11 sentence the defendant to confinement in the [~~institutional~~
12 ~~division of the~~] Texas Department of Criminal Justice for life
13 imprisonment without parole.

14 SECTION 25.017. Section 3(g), Article 37.0711, Code of
15 Criminal Procedure, is amended to read as follows:

16 (g) If the jury returns an affirmative finding on each issue
17 submitted under Subsection (b) [~~of this section~~] and a negative
18 finding on the issue submitted under Subsection (e) [~~of this~~
19 ~~section~~], the court shall sentence the defendant to death. If the
20 jury returns a negative finding on any issue submitted under
21 Subsection (b) [~~of this section~~] or an affirmative finding on the
22 issue submitted under Subsection (e) [~~of this section~~] or is unable
23 to answer any issue submitted under Subsection (b) or (e) [~~of this~~
24 ~~section~~], the court shall sentence the defendant to confinement in
25 the [~~institutional division of the~~] Texas Department of Criminal
26 Justice for life.

27 SECTION 25.018. Sections 3 and 4, Article 42.03, Code of

1 Criminal Procedure, are amended to read as follows:

2 Sec. 3. If a defendant appeals his conviction, is not
3 released on bail, and is retained in a jail as provided in Section
4 7, Article 42.09, pending his appeal, the judge of the court in
5 which the defendant was convicted shall give the defendant credit
6 on his sentence for the time that the defendant has spent in jail
7 pending disposition of his appeal. The court shall endorse on both
8 the commitment and the mandate from the appellate court all credit
9 given the defendant under this section, and the [~~institutional~~
10 ~~division of the~~] Texas Department of Criminal Justice shall grant
11 the credit in computing the defendant's eligibility for parole and
12 discharge.

13 Sec. 4. When a defendant who has been sentenced to
14 imprisonment in the [~~institutional division of the~~] Texas
15 Department of Criminal Justice has spent time in jail pending trial
16 and sentence or pending appeal, the judge of the sentencing court
17 shall direct the sheriff to attach to the commitment papers a
18 statement assessing the defendant's conduct while in jail.

19 SECTION 25.019. Sections 1(a) and (d), Article 42.031, Code
20 of Criminal Procedure, are amended to read as follows:

21 (a) The sheriff of each county may attempt to secure
22 employment for each defendant sentenced to the county jail work
23 release program under Article 42.034 [~~of this code~~] and each
24 defendant confined in the county jail awaiting transfer to the
25 [~~institutional division of the~~] Texas Department of Criminal
26 Justice.

27 (d) If the sheriff does not find employment for a defendant

1 who would otherwise be sentenced to imprisonment in the department
2 [~~institutional division~~], the sheriff shall:

3 (1) transfer the defendant to the sheriff of a county
4 who agrees to accept the defendant as a participant in the county
5 jail work release program; or

6 (2) retain the defendant in the county jail for
7 employment as soon as possible in a jail work release program.

8 SECTION 25.020. Section 3(a), Article 42.031, Code of
9 Criminal Procedure, is amended to read as follows:

10 (a) The sheriff of each county shall classify each felon
11 serving a sentence in the county jail work release program for the
12 purpose of awarding good conduct time credit in the same manner as
13 inmates of the [~~institutional division of the~~] Texas Department of
14 Criminal Justice are classified under Chapter 498, Government Code,
15 and shall award good conduct time in the same manner as the director
16 of the department does in that chapter.

17 SECTION 25.021. Article 42.037(o), Code of Criminal
18 Procedure, is amended to read as follows:

19 (o) The department [~~pardons and paroles division~~] may waive
20 a supervision fee or an administrative fee imposed on an inmate
21 under Section 508.182, Government Code, during any period in which
22 the inmate is required to pay restitution under this article.

23 SECTION 25.022. Article 42.08(b), Code of Criminal
24 Procedure, is amended to read as follows:

25 (b) If a defendant is sentenced for an offense committed
26 while the defendant was an inmate in the [~~institutional division of~~
27 ~~the~~] Texas Department of Criminal Justice and serving a sentence

1 for an offense other than a state jail felony and the defendant has
2 not completed the sentence he was serving at the time of the
3 offense, the judge shall order the sentence for the subsequent
4 offense to commence immediately on completion of the sentence for
5 the original offense.

6 SECTION 25.023. Sections 1, 2, 3, 4, 5, 6, and 7, Article
7 42.09, Code of Criminal Procedure, are amended to read as follows:

8 Sec. 1. Except as provided in Sections 2 and 3, a defendant
9 shall be delivered to a jail or to the [~~institutional division of~~
10 ~~the~~] Texas Department of Criminal Justice when his sentence is
11 pronounced, or his sentence to death is announced, by the court.
12 The defendant's sentence begins to run on the day it is pronounced,
13 but with all credits, if any, allowed by Article 42.03.

14 Sec. 2. If a defendant appeals his conviction and is
15 released on bail pending disposition of his appeal, when his
16 conviction is affirmed, the clerk of the trial court, on receipt of
17 the mandate from the appellate court, shall issue a commitment
18 against the defendant. The officer executing the commitment shall
19 endorse thereon the date he takes the defendant into custody and the
20 defendant's sentence begins to run from the date endorsed on the
21 commitment. The [~~institutional division of the~~] Texas Department
22 of Criminal Justice shall admit the defendant named in the
23 commitment on the basis of the commitment.

24 Sec. 3. If a defendant is convicted of a felony and
25 sentenced to death, life, or a term of more than ten years in the
26 [~~institutional division of the~~] Texas Department of Criminal
27 Justice and he gives notice of appeal, he shall be transferred to

1 the department [~~institutional division~~] on a commitment pending a
2 mandate from the court of appeals or the Court of Criminal Appeals.

3 Sec. 4. If a defendant is convicted of a felony, is eligible
4 for release on bail pending appeal under Article [~~article~~]
5 44.04(b), and gives notice of appeal, he shall be transferred to the
6 [~~Institutional Division of the~~] Texas Department of Criminal
7 Justice on a commitment pending a mandate from the Court of Appeals
8 or the Court of Criminal Appeals upon request in open court or upon
9 written request to the sentencing court. Upon a valid transfer to
10 the department [~~institutional division~~] under this section, the
11 defendant may not thereafter be released on bail pending his
12 appeal.

13 Sec. 5. If a defendant is transferred to the [~~institutional~~
14 ~~division of the~~] Texas Department of Criminal Justice pending
15 appeal under Section 3 or 4, his sentence shall be computed as if no
16 appeal had been taken if the appeal is affirmed.

17 Sec. 6. All defendants who have been transferred to the
18 [~~institutional division of the~~] Texas Department of Criminal
19 Justice pending the appeal of their convictions under this article
20 shall be under the control and authority of the department
21 [~~institutional division~~] for all purposes as if no appeal were
22 pending.

23 Sec. 7. If a defendant is sentenced to a term of
24 imprisonment in the [~~institutional division of the~~] Texas
25 Department of Criminal Justice but is not transferred to the
26 department [~~institutional division~~] under Section 3 or 4 [~~of this~~
27 ~~article~~], the court, before the date on which it would lose

1 jurisdiction under Section 6(a), Article 42.12, [~~of this code,~~
2 shall send to the department a document containing a statement of
3 the date on which the defendant's sentence was pronounced and
4 credits earned by the defendant under Article 42.03 [~~of this code~~
5 as of the date of the statement.

6 SECTION 25.024. Section 8(d), Article 42.09, Code of
7 Criminal Procedure, is amended to read as follows:

8 (d) The correctional institutions [~~institutional~~] division
9 of the Texas Department of Criminal Justice shall make documents
10 received under Subsections (a) and (c) available to the parole
11 [~~pardons and paroles~~] division on the request of the parole
12 [~~pardons and paroles~~] division and shall, on release of a defendant
13 on parole or to mandatory supervision, immediately provide the
14 parole [~~pardons and paroles~~] division with copies of documents
15 received under Subsection (a). The parole [~~pardons and paroles~~]
16 division shall provide to the parole officer appointed to supervise
17 the defendant a comprehensive summary of the information contained
18 in the documents referenced in this section not later than the 14th
19 day after the date of the defendant's release. The summary shall
20 include a current photograph of the defendant and a complete set of
21 the defendant's fingerprints. Upon written request from the county
22 sheriff, the photograph and fingerprints shall be filed with the
23 sheriff of the county to which the parolee is assigned if that
24 county is not the county from which the parolee was sentenced.

25 SECTION 25.025. Section 3g(b), Article 42.12, Code of
26 Criminal Procedure, is amended to read as follows:

27 (b) If there is an affirmative finding under Subsection

1 (a)(2) in the trial of a felony of the second degree or higher that
2 the deadly weapon used or exhibited was a firearm and the defendant
3 is granted community supervision, the court may order the defendant
4 confined in the [~~institutional division of the~~] Texas Department of
5 Criminal Justice for not less than 60 and not more than 120 days. At
6 any time after the defendant has served 60 days in the custody of
7 the department [~~institutional division~~], the sentencing judge, on
8 his own motion or on motion of the defendant, may order the
9 defendant released to community supervision. The department
10 [~~institutional division~~] shall release the defendant to community
11 supervision after he has served 120 days.

12 SECTION 25.026. Section 5(c), Article 42.12, Code of
13 Criminal Procedure, is amended to read as follows:

14 (c) On expiration of a community supervision period imposed
15 under Subsection (a) [~~of this section~~], if the judge has not
16 proceeded to adjudication of guilt, the judge shall dismiss the
17 proceedings against the defendant and discharge him. The judge may
18 dismiss the proceedings and discharge a defendant, other than a
19 defendant charged with an offense requiring the defendant to
20 register as a sex offender under Chapter 62, [~~as added by Chapter~~
21 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~] prior to
22 the expiration of the term of community supervision if in the
23 judge's opinion the best interest of society and the defendant will
24 be served. The judge may not dismiss the proceedings and discharge
25 a defendant charged with an offense requiring the defendant to
26 register under Chapter 62 [~~, as added by Chapter 668, Acts of the~~
27 ~~75th Legislature, Regular Session, 1997~~]. Except as provided by

1 Section 12.42(g), Penal Code, a dismissal and discharge under this
2 section may not be deemed a conviction for the purposes of
3 disqualifications or disabilities imposed by law for conviction of
4 an offense. For any defendant who receives a dismissal and
5 discharge under this section:

6 (1) upon conviction of a subsequent offense, the fact
7 that the defendant had previously received community supervision
8 with a deferred adjudication of guilt shall be admissible before
9 the court or jury to be considered on the issue of penalty;

10 (2) if the defendant is an applicant for a license or
11 is a licensee under Chapter 42, Human Resources Code, the [~~Texas~~]
12 Department of Family and Protective [~~Human~~] Services may consider
13 the fact that the defendant previously has received community
14 supervision with a deferred adjudication of guilt under this
15 section in issuing, renewing, denying, or revoking a license under
16 that chapter; and

17 (3) if the defendant is a person who has applied for
18 registration to provide mental health or medical services for the
19 rehabilitation of sex offenders, the [~~Interagency~~] Council on Sex
20 Offender Treatment may consider the fact that the defendant has
21 received community supervision under this section in issuing,
22 renewing, denying, or revoking a license or registration issued by
23 that council.

24 SECTION 25.027. Sections 6(a) and (b), Article 42.12, Code
25 of Criminal Procedure, are amended to read as follows:

26 (a) For the purposes of this section, the jurisdiction of a
27 court imposing [~~in which~~] a sentence requiring imprisonment in the

1 ~~[institutional division of the]~~ Texas Department of Criminal
2 Justice for an offense other than a state jail felony continues ~~[is~~
3 ~~imposed by the judge of the court shall continue]~~ for 180 days from
4 the date the execution of the sentence actually begins. Before the
5 expiration of 180 days from the date the execution of the sentence
6 actually begins, the judge of the court that imposed such sentence
7 may on his own motion, on the motion of the attorney representing
8 the state, or on the written motion of the defendant, suspend
9 further execution of the sentence and place the defendant on
10 community supervision under the terms and conditions of this
11 article, if in the opinion of the judge the defendant would not
12 benefit from further imprisonment and:

13 (1) the defendant is otherwise eligible for community
14 supervision under this article; and

15 (2) the defendant had never before been incarcerated
16 in a penitentiary serving a sentence for a felony.

17 (b) When the defendant or the attorney representing the
18 state files a written motion requesting suspension by the judge of
19 further execution of the sentence and placement of the defendant on
20 community supervision, and when requested to do so by the judge, the
21 clerk of the court shall request a copy of the defendant's record
22 while imprisoned from the ~~[institutional division of the]~~ Texas
23 Department of Criminal Justice or, if the defendant is confined in
24 county jail, from the sheriff. Upon receipt of such request, the
25 ~~[institutional division of the]~~ Texas Department of Criminal
26 Justice or the sheriff shall forward to the judge, as soon as
27 possible, a full and complete copy of the defendant's record while

1 imprisoned or confined. When the defendant files a written motion
2 requesting suspension of further execution of the sentence and
3 placement on community supervision, he shall immediately deliver or
4 cause to be delivered a true and correct copy of the motion to the
5 office of the attorney representing the state.

6 SECTION 25.028. Sections 8(a) and (b), Article 42.12, Code
7 of Criminal Procedure, are amended to read as follows:

8 (a) For the purposes of this section, the jurisdiction of a
9 court imposing [~~in which~~] a sentence requiring imprisonment in the
10 [~~institutional division of the~~] Texas Department of Criminal
11 Justice for an offense other than a state jail felony continues [~~is~~
12 ~~imposed for conviction of a felony shall continue~~] for 180 days from
13 the date on which the convicted person is received into custody by
14 the department [~~institutional division~~]. After the expiration of
15 75 days but prior to the expiration of 180 days from the date on
16 which the convicted person is received into custody by the
17 department [~~institutional division~~], the judge of the court that
18 imposed the sentence may suspend further execution of the sentence
19 imposed and place the person on community supervision under the
20 terms and conditions of this article, if in the opinion of the judge
21 the person would not benefit from further imprisonment. The court
22 shall clearly indicate in its order recommending the placement of
23 the person in the state boot camp program that the court is not
24 retaining jurisdiction over the person for the purposes of Section
25 6 [~~of this article~~]. A court may recommend a person for placement
26 in the state boot camp program only if:

27 (1) the person is otherwise eligible for community

1 supervision under this article;

2 (2) the person is 17 years of age or older but younger
3 than 26 years and is physically and mentally capable of
4 participating in a program that requires strenuous physical
5 activity; and

6 (3) the person is not convicted of an offense
7 punishable as a state jail felony.

8 (b) On the 76th day after the day on which the convicted
9 person is received into custody by the department [~~institutional~~
10 ~~division~~], the department [~~institutional division~~] shall send the
11 convicting court the record of the person's progress, conduct, and
12 conformity to department [~~institutional division~~] rules.

13 SECTION 25.029. Section 13A(a), Article 42.12, Code of
14 Criminal Procedure, is amended to read as follows:

15 (a) A court granting community supervision to a defendant
16 convicted of an offense for which the court has made an affirmative
17 finding under Article 42.014 [~~of this code~~] shall require as a term
18 of community supervision that the defendant:

19 (1) serve a term of not more than one year imprisonment
20 in the [~~institutional division of the~~] Texas Department of Criminal
21 Justice if the offense is a felony other than an offense under
22 Section 19.02, Penal Code; or

23 (2) serve a term of not more than 90 days confinement
24 in jail if the offense is a misdemeanor.

25 SECTION 25.030. Section 23(b), Article 42.12, Code of
26 Criminal Procedure, is amended to read as follows:

27 (b) No part of the time that the defendant is on community

1 supervision shall be considered as any part of the time that he
2 shall be sentenced to serve, except that on revocation, the judge
3 shall credit to the defendant time served by the defendant as a
4 condition of community supervision in a substance abuse treatment
5 facility operated by the Texas Department of Criminal Justice under
6 Section 493.009, Government Code, or another court-ordered
7 residential program or facility, but only if the defendant
8 successfully completes the treatment program in that facility. The
9 right of the defendant to appeal for a review of the conviction and
10 punishment, as provided by law, shall be accorded the defendant at
11 the time he is placed on community supervision. When he is notified
12 that his community supervision is revoked for violation of the
13 conditions of community supervision and he is called on to serve a
14 sentence in a jail or in the [~~institutional division of the~~] Texas
15 Department of Criminal Justice, he may appeal the revocation.

16 SECTION 25.031. Article X(b), Article 42.19, Code of
17 Criminal Procedure, is amended to read as follows:

18 (b) Powers. The director of the Texas Department of
19 Criminal Justice [~~Corrections~~] is authorized and directed to do all
20 things necessary or incidental to the carrying out of the compact in
21 every particular.

22 SECTION 25.032. Articles 43.101(a) and (b), Code of
23 Criminal Procedure, are amended to read as follows:

24 (a) A defendant confined in county jail awaiting trial or a
25 defendant confined in county jail after conviction of a felony or
26 revocation of community supervision, parole, or mandatory
27 supervision and awaiting transfer to the [~~institutional division of~~

1 ~~the~~] Texas Department of Criminal Justice may volunteer to
2 participate in any work program operated by the sheriff that uses
3 the labor of convicted defendants.

4 (b) The sheriff may accept a defendant as a volunteer under
5 Subsection (a) [~~of this section~~] if the defendant is not awaiting
6 trial for an offense involving violence or is not awaiting transfer
7 to the [~~institutional division of the~~] Texas Department of Criminal
8 Justice after conviction of a felony involving violence, and if the
9 sheriff determines that the inmate has not engaged previously in
10 violent conduct and does not pose a security risk to the general
11 public if allowed to participate in the work program.

12 SECTION 25.033. Article 43.14, Code of Criminal Procedure,
13 is amended to read as follows:

14 Art. 43.14. EXECUTION OF CONVICT. Whenever the sentence of
15 death is pronounced against a convict, the sentence shall be
16 executed at any time after the hour of 6 p.m. on the day set for the
17 execution, by intravenous injection of a substance or substances in
18 a lethal quantity sufficient to cause death and until such convict
19 is dead, such execution procedure to be determined and supervised
20 by the director [~~Director~~] of the correctional institutions
21 [~~institutional~~] division of the Texas Department of Criminal
22 Justice.

23 SECTION 25.034. Article 43.18, Code of Criminal Procedure,
24 is amended to read as follows:

25 Art. 43.18. EXECUTIONER. The director [~~Director~~] of the
26 Texas Department of Criminal Justice [~~Corrections,~~] shall
27 designate an executioner to carry out the death penalty provided by

1 law.

2 SECTION 25.035. Article 43.19, Code of Criminal Procedure,
3 is amended to read as follows:

4 Art. 43.19. PLACE OF EXECUTION. The execution shall take
5 place at a location designated by the Texas Department of Criminal
6 Justice [~~Corrections~~] in a room arranged for that purpose.

7 SECTION 25.036. Article 44.251(b), Code of Criminal
8 Procedure, is amended to read as follows:

9 (b) The court of criminal appeals shall reform a sentence of
10 death to a sentence of confinement in the [~~institutional division~~
11 ~~of the~~] Texas Department of Criminal Justice for life without
12 parole if:

13 (1) the court finds reversible error that affects the
14 punishment stage of the trial other than a finding of insufficient
15 evidence under Subsection (a) [~~of this article~~]; and

16 (2) within 30 days after the date on which the opinion
17 is handed down, the date the court disposes of a timely request for
18 rehearing, or the date that the United States Supreme Court
19 disposes of a timely filed petition for writ of certiorari,
20 whichever date is later, the prosecuting attorney files a motion
21 requesting that the sentence be reformed to confinement for life
22 without parole.

23 SECTION 25.037. Articles 44.2511(b) and (c), Code of
24 Criminal Procedure, are amended to read as follows:

25 (b) The court of criminal appeals shall reform a sentence of
26 death to a sentence of confinement in the [~~institutional division~~
27 ~~of the~~] Texas Department of Criminal Justice for life if the court

1 finds that there is legally insufficient evidence to support an
2 affirmative answer to an issue submitted to the jury under Section
3 3(b), Article 37.0711.

4 (c) The court of criminal appeals shall reform a sentence of
5 death to a sentence of confinement in the [~~institutional division~~
6 ~~of the~~] Texas Department of Criminal Justice for life if:

7 (1) the court finds reversible error that affects the
8 punishment stage of the trial other than a finding of insufficient
9 evidence under Subsection (b); and

10 (2) within 30 days after the date on which the opinion
11 is handed down, the date the court disposes of a timely request for
12 rehearing, or the date that the United States Supreme Court
13 disposes of a timely filed petition for writ of certiorari,
14 whichever date is later, the prosecuting attorney files a motion
15 requesting that the sentence be reformed to confinement for life.

16 SECTION 25.038. Articles 56.03(a), (b), and (h), Code of
17 Criminal Procedure, are amended to read as follows:

18 (a) The Texas Crime Victim Clearinghouse, with the
19 participation of the community justice assistance division of the
20 Texas Department of Criminal Justice [~~Texas Adult Probation~~
21 ~~Commission~~] and the Board of Pardons and Paroles, shall develop a
22 form to be used by law enforcement agencies, prosecutors, and other
23 participants in the criminal justice system to record the impact of
24 an offense on a victim of the offense, guardian of a victim, or a
25 close relative of a deceased victim and to provide the agencies,
26 prosecutors, and participants with information needed to contact
27 the victim, guardian, or relative if needed at any stage of a

1 prosecution of a person charged with the offense. The Texas Crime
2 Victim Clearinghouse, with the participation of the community
3 justice assistance division of the Texas Department of Criminal
4 Justice [~~Texas Adult Probation Commission~~] and the Board of Pardons
5 and Paroles, shall also develop a victims' information booklet that
6 provides a general explanation of the criminal justice system to
7 victims of an offense, guardians of victims, and relatives of
8 deceased victims.

9 (b) The victim impact statement must be in a form designed
10 to inform a victim, guardian of a victim, or a close relative of a
11 deceased victim with a clear statement of rights provided by
12 Article 56.02 [~~of this code~~] and to collect the following
13 information:

14 (1) the name of the victim of the offense or, if the
15 victim has a legal guardian or is deceased, the name of a guardian
16 or close relative of the victim;

17 (2) the address and telephone number of the victim,
18 guardian, or relative through which the victim, guardian of a
19 victim, or a close relative of a deceased victim, may be contacted;

20 (3) a statement of economic loss suffered by the
21 victim, guardian, or relative as a result of the offense;

22 (4) a statement of any physical or psychological
23 injury suffered by the victim, guardian, or relative as a result of
24 the offense, as described by the victim, guardian, relative, or by a
25 physician or counselor;

26 (5) a statement of any psychological services
27 requested as a result of the offense;

1 (6) a statement of any change in the victim's,
2 guardian's, or relative's personal welfare or familial relationship
3 as a result of the offense;

4 (7) a statement as to whether or not the victim,
5 guardian, or relative wishes to be notified in the future of any
6 parole hearing for the defendant and an explanation as to the
7 procedures by which the victim, guardian, or relative may obtain
8 information concerning the release of the defendant from the Texas
9 Department of Criminal Justice [~~Corrections~~]; and

10 (8) any other information, other than facts related to
11 the commission of the offense, related to the impact of the offense
12 on the victim, guardian, or relative.

13 (h) Not later than December 1 of each odd-numbered year, the
14 Texas Crime Victim Clearinghouse, with the participation of the
15 community justice assistance division of the Texas Department of
16 Criminal Justice [~~Texas Adult Probation Commission~~] and the Board
17 of Pardons and Paroles, shall update the victim impact statement
18 form and any other information provided by the commission to
19 victims, guardians of victims, and relatives of deceased victims,
20 if necessary, to reflect changes in law relating to criminal
21 justice and the rights of victims and guardians and relatives of
22 victims.

23 SECTION 25.039. Article 56.04(e), Code of Criminal
24 Procedure, is amended to read as follows:

25 (e) The victim assistance coordinator shall send a copy of a
26 victim impact statement to the court sentencing the defendant. If
27 the court sentences the defendant to imprisonment in the Texas

1 Department of Criminal Justice [~~Corrections~~], it shall attach the
2 copy of the victim impact statement to the commitment papers.

3 SECTION 25.040. Article 56.05(a), Code of Criminal
4 Procedure, is amended to read as follows:

5 (a) The Board of Pardons and Paroles, the community justice
6 assistance division of the Texas Department of Criminal Justice
7 [~~Texas Adult Probation Commission~~], and the Texas Crime Victim
8 Clearinghouse, designated as the planning body for the purposes of
9 this article, shall develop a survey plan to maintain statistics on
10 the numbers and types of persons to whom state and local agencies
11 provide victim impact statements during each year.

12 SECTION 25.041. Articles 56.08(a) and (c), Code of Criminal
13 Procedure, are amended to read as follows:

14 (a) Not later than the 10th day after the date that an
15 indictment or information is returned against a defendant for an
16 offense, the attorney representing the state shall give to each
17 victim of the offense a written notice containing:

18 (1) a brief general statement of each procedural stage
19 in the processing of a criminal case, including bail, plea
20 bargaining, parole restitution, and appeal;

21 (2) notification of the rights and procedures under
22 this chapter;

23 (3) suggested steps the victim may take if the victim
24 is subjected to threats or intimidation;

25 (4) notification of the right to receive information
26 regarding compensation to victims of crime as provided by
27 Subchapter B [~~of this chapter~~], including information about:

1 (A) the costs that may be compensated under
2 Subchapter B [~~of this chapter~~], eligibility for compensation, and
3 procedures for application for compensation under Subchapter B of
4 this chapter;

5 (B) the payment for a medical examination for a
6 victim of a sexual assault under Article 56.06 [~~of this code~~]; and

7 (C) referral to available social service
8 agencies that may offer additional assistance;

9 (5) the name, address, and phone number of the local
10 victim assistance coordinator;

11 (6) the case number and assigned court for the case;

12 (7) the right to file a victim impact statement with
13 the office of the attorney representing the state and the [~~pardons
14 and paroles division of the~~] Texas Department of Criminal Justice;
15 and

16 (8) notification of the right of a victim, guardian of
17 a victim, or close relative of a deceased victim, as defined by
18 Section 508.117, Government Code, to appear in person before a
19 member of the Board of Pardons and Paroles as provided by Section
20 508.153, Government Code.

21 (c) A victim who receives a notice under Subsection (a) [~~of
22 this article~~] and who chooses to receive other notice under law
23 about the same case must keep the following persons informed of the
24 victim's current address and phone number:

25 (1) the attorney representing the state; and

26 (2) the [~~pardons and paroles division of the~~] Texas
27 Department of Criminal Justice if after sentencing the defendant is

1 confined in the department [~~institutional division~~].

2 SECTION 25.042. Articles 56.12(a), (a-1), and (c), Code of
3 Criminal Procedure, are amended to read as follows:

4 (a) The Texas Department of Criminal Justice shall
5 immediately notify the victim of an offense, the victim's guardian,
6 or the victim's close relative, if the victim is deceased, if the
7 victim, victim's guardian, or victim's close relative has notified
8 the department [~~institutional division~~] as provided by Subsection
9 (b) [~~of this article~~], whenever the defendant:

10 (1) escapes from a facility operated by the department
11 for the imprisonment of individuals convicted of felonies other
12 than state jail felonies [~~institutional division~~]; or

13 (2) is transferred from the custody of a facility
14 operated by the department for the imprisonment of individuals
15 convicted of felonies other than state jail felonies [~~institutional~~
16 ~~division~~] to the custody of a peace officer under a writ of
17 attachment or a bench warrant.

18 (a-1) The Texas Department of Criminal Justice shall
19 immediately notify a witness who testified against a defendant at
20 the trial for the offense for which the defendant is incarcerated,
21 the witness's guardian, or the witness's close relative, if the
22 witness is deceased, if the witness, witness's guardian, or
23 witness's close relative has notified the department
24 [~~institutional division~~] as provided by Subsection (b), whenever
25 the defendant:

26 (1) escapes from a facility operated by the department
27 for the imprisonment of individuals convicted of felonies other

1 than state jail felonies [~~institutional division~~]; or

2 (2) is transferred from the custody of a facility
3 operated by the department for the imprisonment of individuals
4 convicted of felonies other than state jail felonies [~~institutional~~
5 ~~division~~] to the custody of a peace officer under a writ of
6 attachment or a bench warrant.

7 (c) In providing notice under Subsection (a)(2) or
8 (a-1)(2), the department [~~institutional division~~] shall include
9 the name, address, and telephone number of the peace officer
10 receiving the defendant into custody. On returning the defendant
11 to the custody of the department [~~institutional division~~], the
12 victim services division of the department [~~Texas Department of~~
13 ~~Criminal Justice~~] shall notify the victim, witness, guardian, or
14 close relative, as applicable, of that fact.

15 SECTION 25.043. Article 59.02(f), Code of Criminal
16 Procedure, is amended to read as follows:

17 (f) Any property that is contraband and has been seized by
18 the [~~institutional division of the~~] Texas Department of Criminal
19 Justice shall be forfeited to the department [~~institutional~~
20 ~~division~~] under the same rules and conditions as for other
21 forfeitures.

22 SECTION 25.044. Article 60.052(c), Code of Criminal
23 Procedure, is amended to read as follows:

24 (c) Information in the corrections tracking system relating
25 to the handling of offenders must include the following information
26 about each imprisonment, confinement, or execution of an offender:

27 (1) the date of the imprisonment or confinement;

- 1 (2) if the offender was sentenced to death:
- 2 (A) the date of execution; and
- 3 (B) if the death sentence was commuted, the
- 4 sentence to which the sentence of death was commuted and the date of
- 5 commutation;
- 6 (3) the date the offender was released from
- 7 imprisonment or confinement and whether the release was a discharge
- 8 or a release on parole or mandatory supervision;
- 9 (4) if the offender is released on parole or mandatory
- 10 supervision:
- 11 (A) the offense for which the offender was
- 12 convicted by offense code and incident number;
- 13 (B) the date the offender was received by an
- 14 office of the parole [~~Board of Pardons and Paroles~~] division;
- 15 (C) the county in which the offender resides
- 16 while under supervision;
- 17 (D) any program in which an offender is placed or
- 18 has previously been placed and the level of supervision the
- 19 offender is placed on while under the jurisdiction of the parole
- 20 [~~Board of Pardons and Paroles~~] division;
- 21 (E) the date a program described by Paragraph (D)
- 22 [~~of this subdivision~~] begins, the date the program ends, and
- 23 whether the program was completed successfully;
- 24 (F) the date a level of supervision described by
- 25 Paragraph (D) [~~of this subdivision~~] begins and the date the level of
- 26 supervision ends;
- 27 (G) if the offender's release status is revoked,

1 the reason for the revocation and the date of revocation;

2 (H) the expiration date of the sentence; and

3 (I) the date of the offender's release from the
4 parole [~~Board of Pardons and Paroles~~] division or the date on which
5 the offender is granted clemency; and

6 (5) if the offender is released under Section 6(a),
7 Article 42.12, [~~of this code~~], the date of the offender's release.

8 SECTION 25.045. Article 60.08(e), Code of Criminal
9 Procedure, is amended to read as follows:

10 (e) A court that orders the release of an offender under
11 Section 6(a), Article 42.12, [~~of this code~~] at a time when the
12 offender is under a bench warrant and not physically imprisoned in
13 the Texas Department of Criminal Justice [~~institutional division~~]
14 shall report the release to the department [~~institutional division~~
15 ~~of the Texas Department of Criminal Justice~~] not later than the
16 seventh day after the date of the release.

17 SECTION 25.046. Article 61.07(c), Code of Criminal
18 Procedure, is amended to read as follows:

19 (c) In determining whether information is required to be
20 removed from an intelligence database under Subsection (b), the
21 two-year period does not include any period during which the child
22 who is the subject of the information is:

23 (1) committed to the Texas Youth Commission for
24 conduct that violates a penal law of the grade of felony; or

25 (2) confined in the [~~institutional division or the~~
26 ~~state jail division of the~~] Texas Department of Criminal Justice.

27 SECTION 25.047. Article 61.08(d), Code of Criminal

1 Procedure, is amended to read as follows:

2 (d) A person who is committed to the Texas Youth Commission
3 or confined in the [~~institutional division or the state jail~~
4 ~~division of the~~] Texas Department of Criminal Justice does not
5 while committed or confined have the right to request review of
6 criminal information under this article.

7 SECTION 25.048. Article 62.053(d), Code of Criminal
8 Procedure, is amended to read as follows:

9 (d) If a person who has a reportable conviction described by
10 Article 62.001(5)(H) or (I) is placed under the supervision of the
11 parole [~~pardons and paroles~~] division of the Texas Department of
12 Criminal Justice or a community supervision and corrections
13 department under Section 510.017, Government Code [~~Article 42.11~~],
14 the division or community supervision and corrections department
15 shall conduct the prerelease notification and registration
16 requirements specified in this article on the date the person is
17 placed under the supervision of the division or community
18 supervision and corrections department. If a person who has a
19 reportable adjudication of delinquent conduct described by Article
20 62.001(5)(H) or (I) is, as permitted by Section 60.002, Family
21 Code, placed under the supervision of the Texas Youth Commission, a
22 public or private vendor operating under contract with the Texas
23 Youth Commission, a local juvenile probation department, or a
24 juvenile secure pre-adjudication or post-adjudication facility,
25 the commission, vendor, probation department, or facility shall
26 conduct the prerelease notification and registration requirements
27 specified in this article on the date the person is placed under the

1 supervision of the commission, vendor, probation department, or
2 facility.

3 SECTION 25.049. Section 31.201(b), Education Code, is
4 amended to read as follows:

5 (b) The commissioner, as provided by rules adopted by the
6 State Board of Education, shall make available on request copies of
7 discontinued textbooks, other than electronic textbooks, for use in
8 libraries maintained in municipal and county jails, ~~[and]~~
9 facilities operated by [of] the [institutional division of the]
10 Texas Department of Criminal Justice for the imprisonment of
11 individuals convicted of felonies other than state jail felonies,
12 and other state agencies.

13 SECTION 25.050. Section 38.008, Education Code, is amended
14 to read as follows:

15 Sec. 38.008. POSTING OF STEROID LAW NOTICE. Each school in
16 a school district in which there is a grade level of seven or higher
17 shall post in a conspicuous location in the school gymnasium and
18 each other place in a building where physical education classes are
19 conducted the following notice:

20 Anabolic steroids are for medical use only.
21 State law prohibits possessing, dispensing,
22 delivering, or administering an anabolic steroid in
23 any manner not allowed by state law. State law
24 provides that body building, muscle enhancement, or
25 the increase of muscle bulk or strength through the use
26 of an anabolic steroid or human growth hormone by a
27 person who is in good health is not a valid medical

1 purpose. Only a medical doctor may prescribe an
2 anabolic steroid or human growth hormone for a person.
3 A violation of state law concerning anabolic steroids
4 or human growth hormones is a criminal offense
5 punishable by confinement in jail or imprisonment in
6 the [~~institutional division of the~~] Texas Department
7 of Criminal Justice.

8 SECTION 25.051. Section 51.921, Education Code, is amended
9 to read as follows:

10 Sec. 51.921. POSTING OF STEROID LAW NOTICE. Each public
11 institution of higher education shall post in a conspicuous
12 location in each gymnasium at the institution the following notice:

13 Anabolic steroids and growth hormones are for
14 medical use only. State law prohibits the possession,
15 dispensing, delivery, or administering of an anabolic
16 steroid or growth hormone in any manner not allowed by
17 state law. State law provides that body building,
18 muscle enhancement, or increasing muscle bulk or
19 strength through the use of an anabolic steroid by a
20 person who is in good health is not a valid medical
21 purpose. Only a medical doctor may prescribe an
22 anabolic steroid or human growth hormone for a person.
23 A violation of state law concerning anabolic steroids
24 or human growth hormones is a criminal offense
25 punishable by confinement in jail or imprisonment in
26 the Texas Department of Criminal Justice
27 [~~Corrections~~].

1 SECTION 25.052. Section 52.40(a), Education Code, is
2 amended to read as follows:

3 (a) The board may cancel the repayment of a loan received by
4 a student who earns a doctorate of psychology degree and who, prior
5 to the date on which repayment of the loan is to commence, is
6 employed by the Department of Aging and Disability Services, the
7 Department of State Health Services, or the Health and Human
8 Services Commission and performs duties formerly performed by
9 employees of the Texas Department of Human Services or Texas
10 Department of Mental Health and Mental Retardation, the Texas Youth
11 Commission, or the [~~Texas Department of Human Services,~~] Texas
12 Department of Criminal Justice [~~Corrections, or Texas Department of~~
13 ~~Mental Health and Mental Retardation prior to the date on which~~
14 ~~repayment of the loan is to commence~~].

15 SECTION 25.053. Section 61.532(a), Education Code, is
16 amended to read as follows:

17 (a) To be eligible to receive repayment assistance, a
18 physician must apply to the coordinating board and have completed
19 at least one year of medical practice:

20 (1) in private practice in an economically depressed
21 or rural medically underserved area of the state;

22 (2) for one of the following state agencies:

23 (A) Texas Department of Health;

24 (B) Texas Department of Mental Health and Mental
25 Retardation;

26 (C) Texas Department of Criminal Justice
27 [~~Corrections~~]; or

1 (D) Texas Youth Commission; or
2 (3) for an approved family practice residency training
3 program established under Subchapter I as a clinical faculty
4 member and have completed training in an approved family practice
5 residency training program on or after July 1, 1994.

6 SECTION 25.054. Section 88.109, Education Code, is amended
7 to read as follows:

8 Sec. 88.109. USE OF CERTAIN DEPARTMENT OF CRIMINAL JUSTICE
9 [~~CORRECTIONS~~] LAND FOR REFORESTATION. The several tracts of land
10 in Cherokee County near Maydelle, consisting of approximately 2,150
11 acres, owned by the Texas Department of Criminal Justice
12 [~~Corrections~~], is set aside for reforestation purposes to be used
13 by Texas A&M University to demonstrate reforestation work.

14 SECTION 25.055. Section 1001.555(d), Education Code, is
15 amended to read as follows:

16 (d) An offense under this section is a felony punishable by
17 imprisonment in the [~~institutional division of the~~] Texas
18 Department of Criminal Justice for a term not to exceed five years.

19 SECTION 25.056. Section 6.004(a), Family Code, is amended
20 to read as follows:

21 (a) The court may grant a divorce in favor of one spouse if
22 during the marriage the other spouse:

23 (1) has been convicted of a felony;

24 (2) has been imprisoned for at least one year in the
25 Texas Department of Criminal Justice [~~state penitentiary~~], a
26 federal penitentiary, or the penitentiary of another state; and

27 (3) has not been pardoned.

1 SECTION 25.057. Section 45.103(b), Family Code, is amended
2 to read as follows:

3 (b) A court may order a change of name under this subchapter
4 for a person with a final felony conviction if, in addition to the
5 requirements of Subsection (a), the person has:

6 (1) received a certificate of discharge by the
7 [~~pardons and paroles division of the~~] Texas Department of Criminal
8 Justice or completed a period of community supervision or juvenile
9 probation ordered by a court and not less than two years have passed
10 from the date of the receipt of discharge or completion of community
11 supervision or juvenile probation; or

12 (2) been pardoned.

13 SECTION 25.058. Sections 54.11(a) and (i), Family Code, are
14 amended to read as follows:

15 (a) On receipt of a referral under Section 61.079(a), Human
16 Resources Code, for the transfer to the [~~institutional division of~~
17 ~~the~~] Texas Department of Criminal Justice of a person committed to
18 the Texas Youth Commission under Section 54.04(d)(3), 54.04(m), or
19 54.05(f), or on receipt of a request by the commission under Section
20 61.081(g), Human Resources Code, for approval of the release under
21 supervision of a person committed to the commission under Section
22 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and
23 place for a hearing on the release of the person.

24 (i) On conclusion of the hearing on a person who is referred
25 for transfer under Section 61.079(a), Human Resources Code, the
26 court may order:

27 (1) the return of the person to the Texas Youth

1 Commission; or

2 (2) the transfer of the person to the custody of the
3 [~~institutional division of the~~] Texas Department of Criminal
4 Justice for the completion of the person's sentence.

5 SECTION 25.059. Section 56.01(c), Family Code, is amended
6 to read as follows:

7 (c) An appeal may be taken:

8 (1) except as provided by Subsection (n), by or on
9 behalf of a child from an order entered under:

10 (A) Section 54.03 with regard to delinquent
11 conduct or conduct indicating a need for supervision;

12 (B) Section 54.04 disposing of the case;

13 (C) Section 54.05 respecting modification of a
14 previous juvenile court disposition; or

15 (D) Chapter 55 by a juvenile court committing a
16 child to a facility for the mentally ill or mentally retarded; or

17 (2) by a person from an order entered under Section
18 54.11(i)(2) transferring the person to the custody of the
19 [~~institutional division of the~~] Texas Department of Criminal
20 Justice.

21 SECTION 25.060. Section 57.002(a), Family Code, is amended
22 to read as follows:

23 (a) A victim, guardian of a victim, or close relative of a
24 deceased victim is entitled to the following rights within the
25 juvenile justice system:

26 (1) the right to receive from law enforcement agencies
27 adequate protection from harm and threats of harm arising from

1 cooperation with prosecution efforts;

2 (2) the right to have the court or person appointed by
3 the court take the safety of the victim or the victim's family into
4 consideration as an element in determining whether the child should
5 be detained before the child's conduct is adjudicated;

6 (3) the right, if requested, to be informed of
7 relevant court proceedings, including appellate proceedings, and
8 to be informed in a timely manner if those court proceedings have
9 been canceled or rescheduled;

10 (4) the right to be informed, when requested, by the
11 court or a person appointed by the court concerning the procedures
12 in the juvenile justice system, including general procedures
13 relating to:

14 (A) the preliminary investigation and deferred
15 prosecution of a case; and

16 (B) the appeal of the case;

17 (5) the right to provide pertinent information to a
18 juvenile court conducting a disposition hearing concerning the
19 impact of the offense on the victim and the victim's family by
20 testimony, written statement, or any other manner before the court
21 renders its disposition;

22 (6) the right to receive information regarding
23 compensation to victims as provided by Subchapter B, Chapter 56,
24 Code of Criminal Procedure, including information related to the
25 costs that may be compensated under that subchapter and the amount
26 of compensation, eligibility for compensation, and procedures for
27 application for compensation under that subchapter, the payment of

1 medical expenses under Section 56.06, Code of Criminal Procedure,
2 for a victim of a sexual assault, and when requested, to referral to
3 available social service agencies that may offer additional
4 assistance;

5 (7) the right to be informed, upon request, of
6 procedures for release under supervision or transfer of the person
7 to the custody of the [~~pardons and paroles division of the~~] Texas
8 Department of Criminal Justice for parole, to participate in the
9 release or transfer for parole process, to be notified, if
10 requested, of the person's release, escape, or transfer for parole
11 proceedings concerning the person, to provide to the Texas Youth
12 Commission for inclusion in the person's file information to be
13 considered by the commission before the release under supervision
14 or transfer for parole of the person, and to be notified, if
15 requested, of the person's release or transfer for parole;

16 (8) the right to be provided with a waiting area,
17 separate or secure from other witnesses, including the child
18 alleged to have committed the conduct and relatives of the child,
19 before testifying in any proceeding concerning the child, or, if a
20 separate waiting area is not available, other safeguards should be
21 taken to minimize the victim's contact with the child and the
22 child's relatives and witnesses, before and during court
23 proceedings;

24 (9) the right to prompt return of any property of the
25 victim that is held by a law enforcement agency or the attorney for
26 the state as evidence when the property is no longer required for
27 that purpose;

1 (10) the right to have the attorney for the state
2 notify the employer of the victim, if requested, of the necessity of
3 the victim's cooperation and testimony in a proceeding that may
4 necessitate the absence of the victim from work for good cause;

5 (11) the right to be present at all public court
6 proceedings related to the conduct of the child as provided by
7 Section 54.08, subject to that section; and

8 (12) any other right appropriate to the victim that a
9 victim of criminal conduct has under Article 56.02, Code of
10 Criminal Procedure.

11 SECTION 25.061. Sections 58.007(a) and (d), Family Code,
12 are amended to read as follows:

13 (a) This section applies only to the inspection and
14 maintenance of a physical record or file concerning a child and the
15 storage of information, by electronic means or otherwise,
16 concerning the child from which a physical record or file could be
17 generated and does not affect the collection, dissemination, or
18 maintenance of information as provided by Subchapter B. This
19 section does not apply to a record or file relating to a child that
20 is:

21 (1) required or authorized to be maintained under the
22 laws regulating the operation of motor vehicles in this state;

23 (2) maintained by a municipal or justice court; or

24 (3) subject to disclosure under Chapter 62, Code of
25 Criminal Procedure[~~, as added by Chapter 668, Acts of the 75th~~
26 ~~Legislature, Regular Session, 1997~~].

27 (d) The law enforcement files and records of a person who is

1 transferred from the Texas Youth Commission to the [~~institutional~~
2 ~~division or the pardons and paroles division of the~~] Texas
3 Department of Criminal Justice may be transferred to a central
4 state or federal depository for adult records on or after the date
5 of transfer.

6 SECTION 25.062. Section 89.101(b), Finance Code, is amended
7 to read as follows:

8 (b) An offense under Subsection (a) is punishable by:

9 (1) a fine not to exceed \$2,500;

10 (2) imprisonment in the [~~institutional division of~~
11 ~~the~~] Texas Department of Criminal Justice for not more than two
12 years; or

13 (3) both the fine and imprisonment.

14 SECTION 25.063. Section 22.012(a), Government Code, is
15 amended to read as follows:

16 (a) Each attorney representing the state in the prosecution
17 of felonies and each district court judge shall, as an official
18 duty, each year complete a course of instruction related to the
19 diversion of offenders from confinement in the Texas Department of
20 Criminal Justice [~~institutional division~~].

21 SECTION 25.064. Section 76.003(c), Government Code, is
22 amended to read as follows:

23 (c) The community justice council shall appoint a community
24 justice task force to provide support staff for the development of a
25 community justice plan. The task force may consist of any number of
26 members, but should include:

27 (1) the county or regional director of the Texas

1 Department of Human Services with responsibility for the area
2 served by the department;

3 (2) the chief of police of the most populous
4 municipality served by the department;

5 (3) the chief juvenile probation officer of the
6 juvenile probation office serving the most populous area served by
7 the department;

8 (4) the superintendent of the most populous school
9 district served by the department;

10 (5) the supervisor of the Department of Public Safety
11 region closest to the department, or the supervisor's designee;

12 (6) the county or regional director of the Texas
13 Department of Mental Health and Mental Retardation with
14 responsibility for the area served by the department;

15 (7) a substance abuse treatment professional
16 appointed by the Council of Governments serving the area served by
17 the department;

18 (8) the department director;

19 (9) the local or regional representative of the parole
20 [~~pardons and paroles~~] division of the Texas Department of Criminal
21 Justice with responsibility for the area served by the department;

22 (10) the representative of the Texas Workforce
23 Commission with responsibility for the area served by the
24 department;

25 (11) the representative of the Department of Assistive
26 and Rehabilitative Services [~~Texas Rehabilitation Commission~~] with
27 responsibility for the area served by the department;

1 (12) a licensed attorney who practices in the area
2 served by the department and whose practice consists primarily of
3 criminal law;

4 (13) a court administrator, if one serves the area
5 served by the department;

6 (14) a representative of a community service
7 organization that provides adult treatment, educational, or
8 vocational services to the area served by the department;

9 (15) a representative of an organization in the area
10 served by the department that is actively involved in issues
11 relating to defendants' rights, chosen by the county commissioners
12 and county judges of the counties served by the department; and

13 (16) an advocate for rights of victims of crime and
14 awareness of issues affecting victims.

15 SECTION 25.065. Section 76.010(a)(2), Government Code, is
16 amended to read as follows:

17 (2) "State jail felony facility" means a facility
18 operated or contracted for by the [~~state jail division of the~~] Texas
19 Department of Criminal Justice under Subchapter A, Chapter 507, for
20 the confinement of individuals convicted of state jail felonies.

21 SECTION 25.066. Sections 76.010(c), (e), and (f),
22 Government Code, are amended to read as follows:

23 (c) The department may authorize expenditures of funds
24 provided by the division to the department for the purposes of
25 providing facilities, equipment, and utilities for community
26 corrections facilities or state jail felony facilities if:

27 (1) the community justice council recommends the

1 expenditures; and

2 (2) the division, or the correctional institutions
3 division of the Texas Department of Criminal Justice [~~state jail~~
4 ~~division~~] in the case of a state jail felony facility, provides
5 funds for the purpose of assisting in the establishment or
6 improvement of the facilities.

7 (e) A department, county, municipality, or a combination
8 involving more than one of those entities may not use a facility or
9 real property purchased, acquired, or improved with state funds
10 unless the division, or the correctional institutions division of
11 the Texas Department of Criminal Justice [~~state jail division~~] in
12 the case of a state jail felony facility, first approves the use.

13 (f) The division or the correctional institutions division
14 of the Texas Department of Criminal Justice [~~state jail division~~],
15 in the case of a state jail felony facility, is entitled to
16 reimbursement from an entity described by Subsection (e) of all
17 state funds used by the entity without the [~~division~~] approval [~~as~~]
18 required by Subsection (e).

19 SECTION 25.067. Section 402.024(a), Government Code, is
20 amended to read as follows:

21 (a) The attorney general shall defend a state district
22 attorney in an action in a federal court if:

23 (1) the district attorney is a defendant because of
24 the district attorney's office;

25 (2) the cause of action accrued while the person
26 filing the action was confined in the [~~a~~] Texas Department of
27 Criminal Justice [~~Corrections facility~~];

1 (3) the district attorney requests the attorney
2 general's assistance in the defense; and

3 (4) there is no action pending against the district
4 attorney in which the attorney general is required to represent the
5 state.

6 SECTION 25.068. Section 403.071(f), Government Code, is
7 amended to read as follows:

8 (f) A person commits an offense if the person knowingly
9 makes a false certificate on a claim against the state for the
10 purpose of authenticating a claim against the state. An offense
11 under this section is punishable by imprisonment in the
12 [~~institutional division of the~~] Texas Department of Criminal
13 Justice for not less than two or more than five years.

14 SECTION 25.069. Section 431.081(b), Government Code, is
15 amended to read as follows:

16 (b) A person is exempt from military duty, except in case of
17 war, insurrection, invasion, or imminent danger of war,
18 insurrection, or invasion if the person is:

- 19 (1) the lieutenant governor;
- 20 (2) a member or officer of the legislature;
- 21 (3) a judge or clerk of a court of record;
- 22 (4) a head of a state agency;
- 23 (5) a sheriff, district attorney, county attorney,
24 county tax assessor-collector, or county commissioner;
- 25 (6) a mayor, council member, alderman, or assessor and
26 collector of a municipality;
- 27 (7) an officer or employee of the Texas Department of

1 Criminal Justice [~~Corrections~~], a state hospital or special school,
2 a public or private hospital, or a nursing home;

3 (8) a member of a regularly organized and paid fire or
4 police department in a municipality, except that a person is not
5 relieved of military duty by joining such a department;

6 (9) a minister of the gospel exclusively engaged in
7 that calling; or

8 (10) a person who conscientiously scruples against
9 bearing arms.

10 SECTION 25.070. Section 434.037, Government Code, is
11 amended to read as follows:

12 Sec. 434.037. ACCESS TO RECORDS. A state eleemosynary or
13 penal institution shall give an officer access to its records to
14 enable the officer to determine the status of a person confined in
15 the institution relating to a benefit to which the person may be
16 entitled. Access to records of a penal institution is governed by
17 rules of the Texas Department of Criminal Justice [~~Corrections~~].

18 SECTION 25.071. Section 551.080, Government Code, is
19 amended to read as follows:

20 Sec. 551.080. BOARD OF PARDONS AND PAROLES. This chapter
21 does not require the Board of Pardons and Paroles to conduct an open
22 meeting to interview or counsel an inmate of [~~a facility of the~~
23 ~~institutional division of~~] the Texas Department of Criminal
24 Justice.

25 SECTION 25.072. Section 557.001(b), Government Code, is
26 amended to read as follows:

27 (b) An offense under this section is a felony punishable by:

1 (1) a fine not to exceed \$20,000;

2 (2) confinement in the [~~institutional division of the~~]
3 Texas Department of Criminal Justice for a term of not less than one
4 year or more than 20 years; or

5 (3) both fine and imprisonment.

6 SECTION 25.073. Section 557.011(b), Government Code, is
7 amended to read as follows:

8 (b) An offense under this section is a felony punishable by
9 confinement in the [~~institutional division of the~~] Texas Department
10 of Criminal Justice for a term of not less than two years or more
11 than 20 years.

12 SECTION 25.074. Section 557.012(b), Government Code, is
13 amended to read as follows:

14 (b) An offense under this section is punishable by:

15 (1) death; or

16 (2) confinement in the [~~institutional division of the~~]
17 Texas Department of Criminal Justice for:

18 (A) life; or

19 (B) a term of not less than two years.

20 SECTION 25.075. Section 615.003, Government Code, is
21 amended to read as follows:

22 Sec. 615.003. APPLICABILITY. This chapter applies only to
23 eligible survivors of the following individuals:

24 (1) an individual elected, appointed, or employed as a
25 peace officer by the state or a political subdivision of the state
26 under Article 2.12, Code of Criminal Procedure, or other law;

27 (2) a paid probation officer appointed by the director

1 of a community supervision and corrections department who has the
2 duties set out in Section 76.002 and the qualifications set out in
3 Section 76.005, or who was appointed in accordance with prior law;

4 (3) a parole officer employed by the [~~pardons and~~
5 ~~paroles division of the~~] Texas Department of Criminal Justice who
6 has the duties set out in Section 508.001 and the qualifications set
7 out in Section 508.113 or in prior law;

8 (4) a paid jailer;

9 (5) a member of an organized police reserve or
10 auxiliary unit who regularly assists peace officers in enforcing
11 criminal laws;

12 (6) a member of the class of employees of the
13 correctional institutions [~~institutional~~] division [~~or the state~~
14 ~~jail division of the Texas Department of Criminal Justice~~] formally
15 designated as custodial personnel under Section 615.006 by the
16 Texas Board of Criminal Justice or its predecessor in function;

17 (7) a jailer or guard of a county jail who is appointed
18 by the sheriff and who:

19 (A) performs a security, custodial, or
20 supervisory function over the admittance, confinement, or
21 discharge of prisoners; and

22 (B) is certified by the Commission on Law
23 Enforcement Officer Standards and Education;

24 (8) a juvenile correctional employee of the Texas
25 Youth Commission;

26 (9) an employee of the Department of Aging and
27 Disability Services or Department of State Health Services [~~Texas~~

1 ~~Department of Mental Health and Mental Retardation]~~ who:

2 (A) works at the department's maximum security
3 unit; or

4 (B) performs on-site services for the Texas
5 Department of Criminal Justice;

6 (10) an individual who is employed by the state or a
7 political or legal subdivision and is subject to certification by
8 the Texas Commission on Fire Protection;

9 (11) an individual employed by the state or a
10 political or legal subdivision whose principal duties are aircraft
11 crash and rescue fire fighting;

12 (12) a member of an organized volunteer fire-fighting
13 unit that:

14 (A) renders fire-fighting services without
15 remuneration; and

16 (B) conducts a minimum of two drills each month,
17 each two hours long;

18 (13) an individual who:

19 (A) performs emergency medical services or
20 operates an ambulance;

21 (B) is employed by a political subdivision of the
22 state or is an emergency medical services volunteer as defined by
23 Section 773.003, Health and Safety Code; and

24 (C) is qualified as an emergency care attendant
25 or at a higher level of training under Section 773.046, 773.047,
26 773.048, 773.049, or 773.0495, Health and Safety Code; or

27 (14) an individual who is employed or formally

1 designated as a chaplain for:

2 (A) an organized volunteer fire-fighting unit or
3 other fire department of this state or of a political subdivision of
4 this state;

5 (B) a law enforcement agency of this state or of a
6 political subdivision of this state; or

7 (C) the Texas Department of Criminal Justice.

8 SECTION 25.076. Section 615.121(a), Government Code, is
9 amended to read as follows:

10 (a) The state shall pay the following benefits to an
11 eligible surviving spouse of a peace officer or an employee of the
12 [~~institutional division or state jail division of the~~] Texas
13 Department of Criminal Justice, as described by Section 615.003(1)
14 or (6), who was killed in the line of duty and who had not qualified
15 for an annuity under an employees' retirement plan:

16 (1) funeral expenses related to the deceased officer
17 or employee; and

18 (2) monthly payments that equal the greater of:

19 (A) the monthly annuity payment the deceased
20 officer or employee would have received if the officer or employee
21 had survived, had retired on the last day of the month in which the
22 officer or employee died, and had been eligible to receive an
23 annuity under an employees' retirement plan; or

24 (B) the minimum monthly annuity payment the
25 deceased officer or employee would have received if the officer or
26 employee had been employed by the state for 10 years, had been paid
27 a salary at the lowest amount provided by the General

1 Appropriations Act for a position of peace officer or employee of
2 the [~~institutional division or state jail division of the~~] Texas
3 Department of Criminal Justice, as described by Section 615.003(1)
4 or (6), and had been eligible to retire under the Employees
5 Retirement System of Texas.

6 SECTION 25.077. Section 615.122, Government Code, is
7 amended to read as follows:

8 Sec. 615.122. PAYMENT TO SURVIVING MINOR CHILDREN. If an
9 eligible surviving spouse who would be entitled to benefits under
10 Section 615.121 does not exist but one or more eligible surviving
11 minor children of the deceased peace officer or employee of the
12 [~~institutional division or state jail division of the~~] Texas
13 Department of Criminal Justice, as described by Section 615.003(1)
14 or (6), do exist, the state shall pay to the guardian or other legal
15 representative of those children the funeral expenses of the
16 deceased officer or employee.

17 SECTION 25.078. Section 618.009(b), Government Code, is
18 amended to read as follows:

19 (b) An offense under this section is a felony punishable by
20 imprisonment in the [~~institutional division of the~~] Texas
21 Department of Criminal Justice for any term of not more than seven
22 years or less than two years.

23 SECTION 25.079. Section 659.301(5), Government Code, is
24 amended to read as follows:

25 (5) "State employee" means an individual who:
26 (A) is a commissioned law enforcement officer of
27 the Department of Public Safety, the Texas Facilities [~~General~~

1 ~~Services~~] Commission, the Texas Alcoholic Beverage Commission, or
2 the [~~institutional division of the~~] Texas Department of Criminal
3 Justice;

4 (B) is a commissioned security officer of the
5 comptroller;

6 (C) is a law enforcement officer commissioned by
7 the Parks and Wildlife Commission;

8 (D) is a commissioned peace officer of an
9 institution of higher education;

10 (E) is an employee or official of the Board of
11 Pardons and Paroles or the parole [~~pardons and paroles~~] division of
12 the Texas Department of Criminal Justice if the employee or
13 official has routine direct contact with inmates of any penal or
14 correctional institution or with administratively released
15 prisoners subject to the board's jurisdiction;

16 (F) has been certified to the Employees
17 Retirement System of Texas under Section 815.505 as having begun
18 employment as a law enforcement officer or custodial officer,
19 unless the individual has been certified to the system as having
20 ceased employment as a law enforcement officer or custodial
21 officer; or

22 (G) before May 29, 1987, received hazardous duty
23 pay based on the terms of any state law if the individual holds a
24 position designated under that law as eligible for the pay.

25 SECTION 25.080. Section 791.021, Government Code, is
26 amended to read as follows:

27 Sec. 791.021. CONTRACTS FOR REGIONAL CORRECTIONAL

1 FACILITIES. The parties to an interlocal contract may contract
2 with the [~~institutional division of the~~] Texas Department of
3 Criminal Justice for the construction, operation, and maintenance
4 of a regional correctional facility if:

5 (1) title to the land on which the facility is to be
6 constructed is deeded to the department [~~institutional division~~];
7 and

8 (2) the parties execute a contract relating to the
9 payment of costs for housing, maintenance, and rehabilitative
10 treatment of persons held in jails who cannot otherwise be
11 transferred under authority of existing statutes to the direct
12 responsibility of the department [~~institutional division~~].

13 SECTION 25.081. Section 811.001(8), Government Code, is
14 amended to read as follows:

15 (8) "Custodial officer" means a member of the
16 retirement system who is employed by the Board of Pardons and
17 Paroles or the Texas Department of Criminal Justice as a parole
18 officer or caseworker or who is employed by the correctional
19 institutions [~~institutional~~] division [~~or the state jail division~~]
20 of the Texas Department of Criminal Justice and certified by the
21 department as having a normal job assignment that requires frequent
22 or infrequent regularly planned contact with, and in close
23 proximity to, inmates or defendants of the correctional
24 institutions [~~institutional~~] division [~~or inmates or defendants~~
25 ~~confined in the state jail division~~] without the protection of
26 bars, doors, security screens, or similar devices and includes
27 assignments normally involving supervision or the potential for

1 supervision of inmates in inmate housing areas, educational or
2 recreational facilities, industrial shops, kitchens, laundries,
3 medical areas, agricultural shops or fields, or in other areas on or
4 away from property of the department [~~institutional division or the~~
5 ~~state jail division~~]. The term includes a member who transfers from
6 the Texas Department of Criminal Justice to the managed health care
7 unit of The University of Texas Medical Branch or the Texas Tech
8 University Health Sciences Center pursuant to Section 9.01, Chapter
9 238, Acts of the 73rd Legislature, 1993, elects at the time of
10 transfer to retain membership in the retirement system, and is
11 certified by the managed health care unit or the health sciences
12 center as having a normal job assignment described by this
13 subdivision.

14 SECTION 25.082. Section 811.102(a), Government Code, is
15 amended to read as follows:

16 (a) An offense under Section 811.101(a) or 811.101(b) is a
17 felony punishable by imprisonment in the Texas Department of
18 Criminal Justice [~~Corrections~~] for not less than one nor more than
19 five years.

20 SECTION 25.083. Sections 813.506(a) and (b), Government
21 Code, are amended to read as follows:

22 (a) The Texas Department of Criminal Justice, the managed
23 health care unit of The University of Texas Medical Branch, and the
24 Texas Tech University Health Sciences Center by rule shall adopt
25 standards for determining eligibility for service credit as a
26 custodial officer, based on the need to encourage early retirement
27 of persons whose duties are hazardous and require them to have

1 routine contact with inmates of or defendants confined in [~~the~~
2 ~~state jail division of~~] the Texas Department of Criminal Justice on
3 a regular basis.

4 (b) To be creditable as custodial officer service, service
5 performed must be performed as a parole officer or caseworker or
6 must meet the requirements of the rules adopted under Subsection
7 (a) and be performed by persons in one of the following job
8 categories:

9 (1) all persons classified as Correctional Officer I
10 through warden, including training officers and special operations
11 reaction team officers;

12 (2) all other employees assigned to work on a unit and
13 whose jobs require routine contact with inmates or defendants
14 [~~confined in the state jail division~~], including but not limited to
15 farm managers, livestock supervisors, maintenance foremen, shop
16 foremen, medical assistants, food service supervisors, stewards,
17 education consultants, commodity specialists, and correctional
18 counselors;

19 (3) employees assigned to administrative offices
20 whose jobs require routine contact with inmates or defendants
21 [~~confined in the state jail division~~] at least 50 percent of the
22 time, including but not limited to investigators, compliance
23 monitors, accountants routinely required to audit unit operations,
24 sociologists, interviewers, classification officers, and
25 supervising counselors; and

26 (4) administrative positions whose jobs require
27 response to emergency situations involving inmates or defendants

1 ~~[confined in the state jail division]~~, including but except as
2 specified not limited to the director, deputy directors, assistant
3 directors, and not more than 25 administrative duty officers.

4 SECTION 25.084. Section 821.102(a), Government Code, is
5 amended to read as follows:

6 (a) An offense under Section 821.101(a) or 821.101(b) is a
7 felony punishable by imprisonment in the Texas Department of
8 Criminal Justice ~~[Corrections]~~ for not less than one nor more than
9 five years.

10 SECTION 25.085. Section 1232.114(b), Government Code, is
11 amended to read as follows:

12 (b) This section does not apply to a minor renovation,
13 repair, or construction project at a facility operated by ~~[of the~~
14 ~~institutional division of]~~ the Texas Department of Criminal Justice
15 for the imprisonment of individuals convicted of felonies other
16 than state jail felonies, as defined by the department ~~[division]~~
17 in cooperation with the commission. Instead of submitting a
18 project analysis, the department ~~[division]~~ may substitute the
19 master plan required to be submitted by Section 1401.121 if the
20 master plan contains information substantially equivalent to the
21 information required to be in a project analysis under Sections
22 2166.151-2166.155.

23 SECTION 25.086. Section 1401.121(a), Government Code, is
24 amended to read as follows:

25 (a) Unless the ~~[institutional division of the]~~ Texas
26 Department of Criminal Justice has submitted to the Bond Review
27 Board a master plan for the construction of corrections facilities,

1 the proceeds of bonds issued under this chapter may not be:

2 (1) distributed to the department [~~division~~]; or

3 (2) used to finance a project of the correctional
4 institutions division of the department.

5 SECTION 25.087. Section 2001.223, Government Code, is
6 amended to read as follows:

7 Sec. 2001.223. EXCEPTIONS FROM DECLARATORY JUDGMENT, COURT
8 ENFORCEMENT, AND CONTESTED CASE PROVISIONS. Section 2001.038 and
9 Subchapters C through H do not apply to:

10 (1) except as provided by Section 531.019, the
11 granting, payment, denial, or withdrawal of financial or medical
12 assistance or benefits under service programs that were operated by
13 the former Texas Department of Human Services before September 1,
14 2003, and are operated on and after that date by the Health and
15 Human Services Commission or a health and human services agency, as
16 defined by Section 531.001;

17 (2) action by the Banking Commissioner or the Finance
18 Commission of Texas regarding the issuance of a state bank or state
19 trust company charter for a bank or trust company to assume the
20 assets and liabilities of a financial institution that the
21 commissioner considers to be in hazardous condition as defined by
22 Section 31.002(a) or 181.002(a), Finance Code, as applicable;

23 (3) a hearing or interview conducted by the Board of
24 Pardons and Paroles or the [~~pardons and paroles division of the~~]
25 Texas Department of Criminal Justice relating to the grant,
26 rescission, or revocation of parole or other form of administrative
27 release; or

1 (4) the suspension, revocation, or termination of the
2 certification of a breath analysis operator or technical supervisor
3 under the rules of the Department of Public Safety.

4 SECTION 25.088. Section 2166.003(b), Government Code, is
5 amended to read as follows:

6 (b) Only Sections 2166.104, 2166.151, 2166.152, 2166.153,
7 2166.154, 2166.155, 2166.251, 2166.252, and Subchapter H apply to
8 a construction project undertaken by or for [~~the institutional~~
9 ~~division of~~] the Texas Department of Criminal Justice for the
10 imprisonment of individuals convicted of felonies other than state
11 jail felonies.

12 SECTION 25.089. Section 2303.402(c), Government Code, is
13 amended to read as follows:

14 (c) For the purposes of this section, an economically
15 disadvantaged individual is an individual who:

16 (1) was unemployed for at least three months before
17 obtaining employment with the qualified business;

18 (2) receives public assistance benefits, including
19 welfare payments or food stamps, based on need and intended to
20 alleviate poverty;

21 (3) is a low-income individual, as defined by Section
22 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

23 (4) is an individual with a disability, as defined by
24 29 U.S.C. Section 705(20)(A);

25 (5) is an inmate, as defined by Section 498.001;

26 (6) is entering the workplace after being confined in
27 a facility operated by [~~the institutional division of the Texas~~

1 ~~Department of Criminal Justice]~~ or under contract with the Texas
2 Department of Criminal Justice for the imprisonment of individuals
3 convicted of felonies other than state jail felonies;

4 (7) has been released by the Texas Youth Commission
5 and is on parole, if state law provides for such a person to be on
6 parole; or

7 (8) meets the current low income or moderate income
8 limits developed under Section 8, United States Housing Act of 1937
9 (42 U.S.C. Section 1437f et seq.).

10 SECTION 25.090. Section 2308.312, Government Code, is
11 amended to read as follows:

12 Sec. 2308.312. CAREER DEVELOPMENT CENTERS. (a) A board
13 shall establish career development centers accessible to students,
14 workers, and persons formerly sentenced to the ~~[institutional~~
15 ~~division or state jail division of the]~~ Texas Department of
16 Criminal Justice throughout the workforce development area. The
17 board shall establish the centers not later than the 180th day after
18 the date the board is certified.

19 (b) Each center shall provide access to information and
20 services available in the workforce development area, including
21 employment services, and shall address the individual needs of
22 students, workers, and persons formerly sentenced to the Texas
23 Department of Criminal Justice ~~[institutional division or state~~
24 ~~jail division]~~.

25 (c) The services must include:

26 (1) labor market information, including:

27 (A) available job openings; and

1 (B) education and training opportunities in the
2 local area, in the state, and, as feasible, in the nation;

3 (2) uniform eligibility requirements and application
4 procedures for all workforce training and services;

5 (3) independent assessment of individual needs and the
6 development of an individual service strategy;

7 (4) centralized and continuous case management and
8 counseling;

9 (5) individual referral for services, including basic
10 education, classroom skills training, on-the-job training, and
11 customized training;

12 (6) support services, including child care
13 assistance, student loans, and other forms of financial assistance
14 required to participate in and complete training; and

15 (7) job training and employment assistance for persons
16 formerly sentenced to the Texas Department of Criminal Justice
17 [~~institutional division or state jail division~~], provided in
18 cooperation with Project RIO.

19 SECTION 25.091. Section 61.003(f), Health and Safety Code,
20 is amended to read as follows:

21 (f) For purposes of this chapter, a person who is an inmate
22 or resident of a state school or institution operated by the Texas
23 Department of Criminal Justice [~~Corrections~~], [~~Texas~~] Department
24 of Aging and Disability Services [~~Mental Health and Mental~~
25 ~~Retardation~~], Department of State Health Services, Texas Youth
26 Commission, Texas School for the Blind, Texas School for the Deaf,
27 or any other state agency or who is an inmate, patient, or resident

1 of a school or institution operated by a federal agency is not
2 considered a resident of a hospital district or of any governmental
3 entity except the state or federal government.

4 SECTION 25.092. Section 161.012(a), Health and Safety Code,
5 is amended to read as follows:

6 (a) A person commits an offense if the person violates
7 Section 161.011. An offense under this subsection is punishable by
8 confinement in the Texas Department of Criminal Justice [~~state~~
9 ~~penitentiary~~] for not more than two years, a fine of not more than
10 \$1,000, or both.

11 SECTION 25.093. Section 242.003, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 242.003. EXEMPTIONS. Except as otherwise provided,
14 this chapter does not apply to:

15 (1) a hotel or other similar place that furnishes only
16 food, lodging, or both, to its guests;

17 (2) a hospital;

18 (3) an establishment conducted by or for the adherents
19 of a well-recognized church or religious denomination for the
20 purpose of providing facilities for the care or treatment of the
21 sick who depend exclusively on prayer or spiritual means for
22 healing, without the use of any drug or material remedy, if the
23 establishment complies with safety, sanitary, and quarantine laws
24 and rules;

25 (4) an establishment that furnishes, in addition to
26 food, shelter, and laundry, only baths and massages;

27 (5) an institution operated by a person licensed by

1 the Texas Board of Chiropractic Examiners;

2 (6) a facility that:

3 (A) primarily engages in training, habilitation,
4 rehabilitation, or education of clients or residents;

5 (B) is operated under the jurisdiction of a state
6 or federal agency, including the Department of Assistive and
7 Rehabilitative Services, Department of Aging and Disability
8 Services, Department of State Health Services, Health and Human
9 Services Commission [~~Texas Rehabilitation Commission, Texas~~
10 ~~Department of Mental Health and Mental Retardation, Texas~~
11 ~~Department of Human Services, Texas Commission for the Blind, Texas~~
12 ~~Commission on Alcohol and Drug Abuse~~], [~~institutional division of~~
13 ~~the~~] Texas Department of Criminal Justice, and Department of
14 Veterans Affairs [~~the Veteran's Administration~~]; and

15 (C) is certified through inspection or
16 evaluation as meeting the standards established by the state or
17 federal agency;

18 (7) a foster care type residential facility that
19 serves fewer than five persons and operates under rules adopted by
20 the Texas Department of Human Services or the executive
21 commissioner of the Health and Human Services Commission, as
22 applicable; and

23 (8) a facility licensed under Chapter 252 or exempt
24 from licensure under Section 252.003.

25 SECTION 25.094. Section 252.003, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 252.003. EXEMPTIONS. Except as otherwise provided by

1 this chapter, this chapter does not apply to an establishment that:

2 (1) provides training, habilitation, rehabilitation,
3 or education to individuals with mental retardation or a related
4 condition;

5 (2) is operated under the jurisdiction of a state or
6 federal agency, including the Department of Assistive and
7 Rehabilitative Services, Department of Aging and Disability
8 Services, Department of State Health Services, Health and Human
9 Services Commission [~~department, the Texas Rehabilitation~~
10 ~~Commission, the Texas Department of Mental Health and Mental~~
11 ~~Retardation, the Texas Commission for the Blind, the Texas~~
12 ~~Commission on Alcohol and Drug Abuse~~], [~~the institutional division~~
13 ~~of the~~] Texas Department of Criminal Justice, and Department of
14 Veterans Affairs [~~or the Veterans' Administration~~];

15 (3) is certified through inspection or evaluation as
16 meeting the standards established by the state or federal agency;
17 and

18 (4) is conducted by or for the adherents of a
19 well-recognized church or religious denomination for the purpose of
20 providing facilities for the care or treatment of the sick who
21 depend exclusively on prayer or spiritual means for healing,
22 without the use of any drug or material remedy, if the establishment
23 complies with safety, sanitary, and quarantine laws and rules.

24 SECTION 25.095. Sections 481.112(e) and (f), Health and
25 Safety Code, are amended to read as follows:

26 (e) An offense under Subsection (a) is punishable by
27 imprisonment in the [~~institutional division of the~~] Texas

1 Department of Criminal Justice for life or for a term of not more
2 than 99 years or less than 10 years, and a fine not to exceed
3 \$100,000, if the amount of the controlled substance to which the
4 offense applies is, by aggregate weight, including adulterants or
5 dilutants, 200 grams or more but less than 400 grams.

6 (f) An offense under Subsection (a) is punishable by
7 imprisonment in the [~~institutional division of the~~] Texas
8 Department of Criminal Justice for life or for a term of not more
9 than 99 years or less than 15 years, and a fine not to exceed
10 \$250,000, if the amount of the controlled substance to which the
11 offense applies is, by aggregate weight, including adulterants or
12 dilutants, 400 grams or more.

13 SECTION 25.096. Section 481.1121(b), Health and Safety
14 Code, is amended to read as follows:

15 (b) An offense under this section is:

16 (1) a state jail felony if the number of abuse units of
17 the controlled substance is fewer than 20;

18 (2) a felony of the second degree if the number of
19 abuse units of the controlled substance is 20 or more but fewer than
20 80;

21 (3) a felony of the first degree if the number of abuse
22 units of the controlled substance is 80 or more but fewer than
23 4,000; and

24 (4) punishable by imprisonment in the [~~institutional~~
25 ~~division of the~~] Texas Department of Criminal Justice for life or
26 for a term of not more than 99 years or less than 15 years and a fine
27 not to exceed \$250,000, if the number of abuse units of the

1 controlled substance is 4,000 or more.

2 SECTION 25.097. Section 481.113(e), Health and Safety Code,
3 is amended to read as follows:

4 (e) An offense under Subsection (a) is punishable by
5 imprisonment in the [~~institutional division of the~~] Texas
6 Department of Criminal Justice for life or for a term of not more
7 than 99 years or less than 10 years, and a fine not to exceed
8 \$100,000, if the amount of the controlled substance to which the
9 offense applies is, by aggregate weight, including adulterants or
10 dilutants, 400 grams or more.

11 SECTION 25.098. Section 481.114(e), Health and Safety Code,
12 is amended to read as follows:

13 (e) An offense under Subsection (a) is punishable by
14 imprisonment in the [~~institutional division of the~~] Texas
15 Department of Criminal Justice for life or for a term of not more
16 than 99 years or less than 10 years, and a fine not to exceed
17 \$100,000, if the amount of the controlled substance to which the
18 offense applies is, by aggregate weight, including any adulterants
19 or dilutants, 400 grams or more.

20 SECTION 25.099. Section 481.115(f), Health and Safety Code,
21 is amended to read as follows:

22 (f) An offense under Subsection (a) is punishable by
23 imprisonment in the [~~institutional division of the~~] Texas
24 Department of Criminal Justice for life or for a term of not more
25 than 99 years or less than 10 years, and a fine not to exceed
26 \$100,000, if the amount of the controlled substance possessed is,
27 by aggregate weight, including adulterants or dilutants, 400 grams

1 or more.

2 SECTION 25.100. Section 481.1151(b), Health and Safety
3 Code, is amended to read as follows:

4 (b) An offense under this section is:

5 (1) a state jail felony if the number of abuse units of
6 the controlled substance is fewer than 20;

7 (2) a felony of the third degree if the number of abuse
8 units of the controlled substance is 20 or more but fewer than 80;

9 (3) a felony of the second degree if the number of
10 abuse units of the controlled substance is 80 or more but fewer than
11 4,000;

12 (4) a felony of the first degree if the number of abuse
13 units of the controlled substance is 4,000 or more but fewer than
14 8,000; and

15 (5) punishable by imprisonment in the [~~institutional~~
16 ~~division of the~~] Texas Department of Criminal Justice for life or
17 for a term of not more than 99 years or less than 15 years and a fine
18 not to exceed \$250,000, if the number of abuse units of the
19 controlled substance is 8,000 or more.

20 SECTION 25.101. Section 481.116(e), Health and Safety Code,
21 is amended to read as follows:

22 (e) An offense under Subsection (a) is punishable by
23 imprisonment in the [~~institutional division of the~~] Texas
24 Department of Criminal Justice for life or for a term of not more
25 than 99 years or less than five years, and a fine not to exceed
26 \$50,000, if the amount of the controlled substance possessed is, by
27 aggregate weight, including adulterants or dilutants, 400 grams or

1 more.

2 SECTION 25.102. Section 481.117(e), Health and Safety Code,
3 is amended to read as follows:

4 (e) An offense under Subsection (a) is punishable by
5 imprisonment in the [~~institutional division of the~~] Texas
6 Department of Criminal Justice for life or for a term of not more
7 than 99 years or less than five years, and a fine not to exceed
8 \$50,000, if the amount of the controlled substance possessed is, by
9 aggregate weight, including adulterants or dilutants, 400 grams or
10 more.

11 SECTION 25.103. Section 481.118(e), Health and Safety Code,
12 is amended to read as follows:

13 (e) An offense under Subsection (a) is punishable by
14 imprisonment in the [~~institutional division of the~~] Texas
15 Department of Criminal Justice for life or for a term of not more
16 than 99 years or less than five years, and a fine not to exceed
17 \$50,000, if the amount of the controlled substance possessed is, by
18 aggregate weight, including adulterants or dilutants, 400 grams or
19 more.

20 SECTION 25.104. Section 481.120(b), Health and Safety Code,
21 is amended to read as follows:

22 (b) An offense under Subsection (a) is:

23 (1) a Class B misdemeanor if the amount of marihuana
24 delivered is one-fourth ounce or less and the person committing the
25 offense does not receive remuneration for the marihuana;

26 (2) a Class A misdemeanor if the amount of marihuana
27 delivered is one-fourth ounce or less and the person committing the

1 offense receives remuneration for the marihuana;

2 (3) a state jail felony if the amount of marihuana
3 delivered is five pounds or less but more than one-fourth ounce;

4 (4) a felony of the second degree if the amount of
5 marihuana delivered is 50 pounds or less but more than five pounds;

6 (5) a felony of the first degree if the amount of
7 marihuana delivered is 2,000 pounds or less but more than 50 pounds;
8 and

9 (6) punishable by imprisonment in the [~~institutional~~
10 ~~division of the~~] Texas Department of Criminal Justice for life or
11 for a term of not more than 99 years or less than 10 years, and a
12 fine not to exceed \$100,000, if the amount of marihuana delivered is
13 more than 2,000 pounds.

14 SECTION 25.105. Section 481.121(b), Health and Safety Code,
15 is amended to read as follows:

16 (b) An offense under Subsection (a) is:

17 (1) a Class B misdemeanor if the amount of marihuana
18 possessed is two ounces or less;

19 (2) a Class A misdemeanor if the amount of marihuana
20 possessed is four ounces or less but more than two ounces;

21 (3) a state jail felony if the amount of marihuana
22 possessed is five pounds or less but more than four ounces;

23 (4) a felony of the third degree if the amount of
24 marihuana possessed is 50 pounds or less but more than 5 pounds;

25 (5) a felony of the second degree if the amount of
26 marihuana possessed is 2,000 pounds or less but more than 50 pounds;
27 and

1 (6) punishable by imprisonment in the [~~institutional~~
2 ~~division of the~~] Texas Department of Criminal Justice for life or
3 for a term of not more than 99 years or less than 5 years, and a fine
4 not to exceed \$50,000, if the amount of marihuana possessed is more
5 than 2,000 pounds.

6 SECTION 25.106. Section 481.126(a), Health and Safety Code,
7 is amended to read as follows:

8 (a) A person commits an offense if the person:

9 (1) barter property or expends funds the person knows
10 are derived from the commission of an offense under this chapter
11 punishable by imprisonment in the [~~institutional division of the~~]
12 Texas Department of Criminal Justice for life;

13 (2) barter property or expends funds the person knows
14 are derived from the commission of an offense under Section
15 481.121(a) that is punishable under Section 481.121(b)(5);

16 (3) barter property or finances or invests funds the
17 person knows or believes are intended to further the commission of
18 an offense for which the punishment is described by Subdivision
19 (1); or

20 (4) barter property or finances or invests funds the
21 person knows or believes are intended to further the commission of
22 an offense under Section 481.121(a) that is punishable under
23 Section 481.121(b)(5).

24 SECTION 25.107. Section 533.085(a), Health and Safety Code,
25 is amended to read as follows:

26 (a) With the written approval of the governor, the
27 department may contract with[+]

1 ~~[(1)]~~ the ~~[institutional division of the]~~ Texas
2 Department of Criminal Justice to transfer facilities to that
3 department or otherwise provide facilities for:

4 (1) inmates with mental illness or mental retardation
5 in the custody of that department; or ~~[and]~~

6 (2) ~~[the pardons and paroles division of the Texas~~
7 ~~Department of Criminal Justice to transfer facilities to that board~~
8 ~~or otherwise provide facilities for]~~ persons with mental illness or
9 mental retardation paroled or released under that department's
10 ~~[board's]~~ supervision.

11 SECTION 25.108. Section 574.041(a), Health and Safety Code,
12 is amended to read as follows:

13 (a) In an order for temporary or extended mental health
14 services specifying inpatient care, the court shall commit the
15 patient to a designated inpatient mental health facility. The
16 court shall commit the patient to:

17 (1) a mental health facility deemed suitable by the
18 local mental health authority for the area;

19 (2) a private mental hospital under Section 574.042;

20 (3) a hospital operated by a federal agency under
21 Section 574.043; or

22 (4) an inpatient mental health facility of the
23 ~~[institutional division of the]~~ Texas Department of Criminal
24 Justice under Section 574.044.

25 SECTION 25.109. Section 574.044, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 574.044. COMMITMENT TO FACILITY OF ~~[THE INSTITUTIONAL~~

1 ~~DIVISION OF THE~~] TEXAS DEPARTMENT OF CRIMINAL JUSTICE. The court
2 shall commit an inmate patient to an inpatient mental health
3 facility of the [~~institutional division of the~~] Texas Department of
4 Criminal Justice if the court enters an order requiring temporary
5 mental health services for the inmate patient under an application
6 filed by a psychiatrist [~~for the institutional division~~] under
7 Section 501.057, Government Code.

8 SECTION 25.110. The heading to Section 575.016, Health and
9 Safety Code, is amended to read as follows:

10 Sec. 575.016. TRANSFER FROM FACILITY OF [~~THE INSTITUTIONAL~~
11 ~~DIVISION OF THE~~] TEXAS DEPARTMENT OF CRIMINAL JUSTICE.

12 SECTION 25.111. Section 575.016(a), Health and Safety Code,
13 is amended to read as follows:

14 (a) The [~~institutional division of the~~] Texas Department of
15 Criminal Justice shall transfer a patient committed to an
16 [~~institutional division~~] inpatient mental health facility under
17 Section 574.044 to a noncorrectional mental health facility on the
18 day the inmate is released on parole or mandatory supervision.

19 SECTION 25.112. Sections 614.002(e) and (j), Health and
20 Safety Code, are amended to read as follows:

21 (e) The executive head of each of the following agencies,
22 divisions of agencies, or associations, or that person's designated
23 representative, shall serve as a member of the committee:

24 (1) the correctional institutions [~~institutional~~]
25 division of the Texas Department of Criminal Justice;

26 (2) the Department of State Health Services;

27 (3) the parole [~~pardons and paroles~~] division of the

1 Texas Department of Criminal Justice;
2 (4) the community justice assistance division of the
3 Texas Department of Criminal Justice;
4 (5) [~~the state jail division of the Texas Department~~
5 ~~of Criminal Justice,~~
6 ~~(6)~~ the Texas Juvenile Probation Commission;
7 (6) [~~(7)~~] the Texas Youth Commission;
8 (7) [~~(8)~~] the Department of Assistive and
9 Rehabilitative Services;
10 (8) [~~(9)~~] the Texas Education Agency;
11 (9) [~~(10)~~] the Correctional Managed Health Care
12 Committee;
13 (10) [~~(11)~~] the Mental Health Association in Texas;
14 (11) [~~(12)~~] the Board of Pardons and Paroles;
15 (12) [~~(13)~~] the Commission on Law Enforcement Officer
16 Standards and Education;
17 (13) [~~(14)~~] the Texas Council of Community Mental
18 Health and Mental Retardation Centers;
19 (14) [~~(15)~~] the Commission on Jail Standards;
20 (15) [~~(16)~~] the Texas Council for Developmental
21 Disabilities;
22 (16) [~~(17)~~] the Texas Association for Retarded
23 Citizens;
24 (17) [~~(18)~~] the National Alliance for the Mentally Ill
25 of Texas;
26 (18) [~~(19)~~] the Parent Association for the Retarded of
27 Texas, Inc.;

1 (19) [~~(20)~~] the Health and Human Services Commission;

2 and

3 (20) [~~(21)~~] the Department of Aging and Disability
4 Services.

5 (j) A representative designated by the executive head of a
6 state agency must be an officer or employee of the agency when
7 designated and while serving on the committee[~~, except the~~
8 ~~representative designated by the director of the Criminal Justice~~
9 ~~Policy Council must be an employee of that council].~~

10 SECTION 25.113. Section 12.002(b), Human Resources Code, is
11 amended to read as follows:

12 (b) An offense under this section is a felony punishable by
13 confinement in the Texas Department of Criminal Justice [~~state~~
14 ~~penitentiary~~] for a term of not less than two or more than seven
15 years.

16 SECTION 25.114. Sections 61.084(b) and (c), Human Resources
17 Code, are amended to read as follows:

18 (b) The commission shall discharge without a court hearing a
19 person committed to it for a determinate sentence under Section
20 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
21 who has not been transferred to the [~~institutional division of the~~
22 Texas Department of Criminal Justice under a court order on the date
23 that the time spent by the person in detention in connection with
24 the committing case plus the time spent at the Texas Youth
25 Commission under the order of commitment equals the period of the
26 sentence.

27 (c) The commission shall transfer to the [~~institutional~~

1 ~~division of the~~] Texas Department of Criminal Justice a person who
2 is the subject of an order under Section 54.11(i)(2), Family Code,
3 transferring the person to the custody of the [~~institutional~~
4 ~~division of the~~] Texas Department of Criminal Justice for the
5 completion of the person's sentence.

6 SECTION 25.115. Section 61.0841(b), Human Resources Code,
7 is amended to read as follows:

8 (b) The commission shall provide instruction for parole
9 officers of the Texas Department of Criminal Justice [~~pardons and~~
10 ~~paroles division~~] relating to juvenile programs at the commission.
11 The commission and the department [~~pardons and paroles division~~]
12 shall enter into a memorandum of understanding relating to the
13 administration of this subsection.

14 SECTION 25.116. Section 80.003(a), Human Resources Code, is
15 amended to read as follows:

16 (a) The department shall provide medical care for a child
17 born to a woman who, at the time of giving birth, is imprisoned in
18 the Texas Department of Criminal Justice [~~Correction~~] if there is
19 no other source of payment for the medical care.

20 SECTION 25.117. Section 81.017(a), Human Resources Code, is
21 amended to read as follows:

22 (a) The commission and each of the following agencies shall
23 adopt a memorandum of understanding to coordinate the delivery of
24 services to persons who are deaf or hard of hearing and to reduce
25 duplication of services:

26 (1) the [~~Texas~~] Department of Aging and Disability
27 [~~Human~~] Services;

1 (2) the [~~Texas~~] Department of State Health Services
2 [Mental Health and Mental Retardation];

3 (3) the Texas Workforce Commission;

4 (4) the [~~Texas Department of~~] Health and Human
5 Services Commission;

6 (5) the Texas Higher Education Coordinating Board;

7 (6) the Texas Education Agency;

8 (7) the [~~Texas~~] Department of Assistive and
9 Rehabilitative Services [~~on Aging~~];

10 (8) the Texas School for the Deaf;

11 (9) [~~the Texas Rehabilitation Commission,~~

12 [~~(10)~~] the [~~institutional division of the~~] Texas
13 Department of Criminal Justice; and

14 (10) [~~(11)~~] any other state agency that provides or is
15 required by law to provide services to persons who are deaf or hard
16 of hearing.

17 SECTION 25.118. Section 111.058, Human Resources Code, is
18 amended to read as follows:

19 Sec. 111.058. CRIMINAL CONVICTION RECORD INFORMATION.

20 (a) The commission may obtain criminal conviction record
21 information from [~~the pardons and paroles division and~~
22 ~~institutional division of~~] the Texas Department of Criminal Justice
23 and from the Texas Department of Public Safety if the conviction
24 records relate to:

25 (1) an applicant selected for employment with the
26 commission;

27 (2) an applicant for rehabilitation services; or

1 (3) a client of the commission.

2 (b) The [~~pardons and paroles division and institutional~~
3 ~~division of the~~] Texas Department of Criminal Justice and the Texas
4 Department of Public Safety upon request shall supply to the
5 commission criminal conviction record information relating to
6 applicants selected for employment with the commission, applicants
7 for rehabilitation services, or clients of the commission. The
8 commission shall treat all criminal conviction record information
9 as privileged and confidential and for commission use only.

10 SECTION 25.119. Section 122.010, Human Resources Code, is
11 amended to read as follows:

12 Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL
13 JUSTICE. The council may cooperate with [~~the institutional~~
14 ~~division of~~] the Texas Department of Criminal Justice to accomplish
15 the purposes of this chapter and to contribute to the economy of
16 state government. The council and the department may enter into
17 contractual agreements, cooperative working relationships, or
18 other arrangements necessary for effective coordination and the
19 realization of the objectives of both entities.

20 SECTION 25.120. Section 841.704(c), Insurance Code, is
21 amended to read as follows:

22 (c) An offense under this section is punishable by
23 imprisonment in the [~~institutional division of the~~] Texas
24 Department of Criminal Justice for a term of not less than one year.

25 SECTION 25.121. Section 882.702(b), Insurance Code, is
26 amended to read as follows:

27 (b) An offense under this section is punishable by

1 imprisonment in the [~~institutional division of the~~] Texas
2 Department of Criminal Justice for a term of not more than five
3 years or less than one year.

4 SECTION 25.122. Section 883.703(b), Insurance Code, is
5 amended to read as follows:

6 (b) An offense under this section is a felony punishable by
7 confinement in the [~~institutional division of the~~] Texas Department
8 of Criminal Justice for not less than 5 years or more than 10 years.

9 SECTION 25.123. Section 887.701(b), Insurance Code, is
10 amended to read as follows:

11 (b) An offense under this section is punishable by
12 imprisonment in the [~~institutional division of the~~] Texas
13 Department of Criminal Justice for a term of not more than 10 years
14 or less than 2 years.

15 SECTION 25.124. Section 887.702(b), Insurance Code, is
16 amended to read as follows:

17 (b) An offense under this section is punishable by
18 imprisonment in the [~~institutional division of the~~] Texas
19 Department of Criminal Justice for a term of not more than 10 years
20 or less than 2 years.

21 SECTION 25.125. Section 887.703(b), Insurance Code, is
22 amended to read as follows:

23 (b) An offense under this section is punishable by
24 imprisonment in the [~~institutional division of the~~] Texas
25 Department of Criminal Justice for a term of not more than 10 years
26 or less than 2 years.

27 SECTION 25.126. Section 912.802(c), Insurance Code, is

1 amended to read as follows:

2 (c) An offense under this section is punishable by
3 imprisonment in the [~~institutional division of the~~] Texas
4 Department of Criminal Justice for a term of not more than 10 years
5 or less than 2 years.

6 SECTION 25.127. Section 912.803(b), Insurance Code, is
7 amended to read as follows:

8 (b) An offense under this section is punishable by
9 imprisonment in the [~~institutional division of the~~] Texas
10 Department of Criminal Justice for a term of not more than 10 years
11 or less than 2 years.

12 SECTION 25.128. Section 912.804(b), Insurance Code, is
13 amended to read as follows:

14 (b) An offense under this section is punishable by:

15 (1) a fine of not more than \$500; or

16 (2) confinement in jail or imprisonment in the
17 [~~institutional division of the~~] Texas Department of Criminal
18 Justice for a term of not more than two years.

19 SECTION 25.129. Section 244.006, Local Government Code, is
20 amended to read as follows:

21 Sec. 244.006. EXEMPTIONS. This subchapter does not apply
22 to the operation of a correctional or rehabilitation facility at a
23 location subject to this subchapter if:

24 (1) on September 1, 1997, the correctional or
25 rehabilitation facility was in operation, under construction,
26 under contract for operation or construction, or planned for
27 construction at the location on land owned or leased by an agency or

1 political subdivision of the state and designated for use as a
2 correctional or rehabilitation facility;

3 (2) the correctional or rehabilitation facility was in
4 operation or under construction before the establishment of a
5 residential area the location of which makes the facility subject
6 to this subchapter;

7 (3) the correctional or rehabilitation facility is a
8 temporary correctional or rehabilitation facility that will be
9 operated at the location for less than one year;

10 (4) the correctional or rehabilitation facility is
11 required to obtain a special use permit or a conditional use permit
12 from the municipality in which the facility is located before
13 beginning operation;

14 (5) the correctional or rehabilitation facility is an
15 expansion of a facility operated by the correctional institutions
16 [~~institutional~~] division of the Texas Department of Criminal
17 Justice for the imprisonment of individuals convicted of felonies
18 other than state jail felonies or by the Texas Youth Commission;

19 (6) the correctional or rehabilitation facility is a
20 county jail or a pre-adjudication or post-adjudication juvenile
21 detention facility operated by a county or county juvenile board;

22 (7) the facility is:

23 (A) a juvenile probation office located at, and
24 operated in conjunction with, a juvenile justice alternative
25 education center; and

26 (B) used exclusively by students attending the
27 juvenile justice alternative education center;

1 (8) the facility is a public or private institution of
2 higher education or vocational training to which admission is open
3 to the general public;

4 (9) the facility is operated primarily as a treatment
5 facility for juveniles under contract with the [~~Texas~~] Department
6 of Aging and Disability Services or the Department of State Health
7 Services [~~Mental Health and Mental Retardation~~] or a local mental
8 health or mental retardation authority;

9 (10) the facility is operated as a juvenile justice
10 alternative education program;

11 (11) the facility:

12 (A) is not operated primarily as a correctional
13 or rehabilitation facility; and

14 (B) only houses persons or children described by
15 Section 244.001(1)(B) for a purpose related to treatment or
16 education; or

17 (12) the facility is a probation or parole office
18 located in a commercial use area.

19 SECTION 25.130. Section 331.010(b), Local Government Code,
20 is amended to read as follows:

21 (b) The governor and the Texas Board of Criminal Justice
22 [~~Corrections~~] may permit the use of state inmates and defendants
23 confined in state jail felony facilities [~~convicts~~] for the
24 improvement and maintenance of parks acquired under this chapter
25 under agreements made by the Parks and Wildlife Department and the
26 municipality or county.

27 SECTION 25.131. Section 34.002, Natural Resources Code, is

1 amended to read as follows:

2 Sec. 34.002. APPLICATION OF CHAPTER. (a) The provisions of
3 this chapter apply to:

4 (1) land owned by the Texas Parks and Wildlife
5 Department;

6 (2) land owned by the Texas Department of Criminal
7 Justice [~~Corrections~~].

8 (b) If title to land subject to the provisions of the
9 Relinquishment Act is acquired by the Texas Parks and Wildlife
10 Department or the Texas Department of Criminal Justice
11 [~~Corrections~~], the land is not subject to lease by a board created
12 under the provisions of this chapter but shall be leased in the
13 manner provided for the leasing of unsold public school land.

14 SECTION 25.132. Section 34.011, Natural Resources Code, is
15 amended to read as follows:

16 Sec. 34.011. BOARDS FOR LEASE. Boards for lease are
17 created to lease land owned by the Texas Parks and Wildlife
18 Department and the Texas Department of Criminal Justice
19 [~~Corrections~~].

20 SECTION 25.133. Section 85.386, Natural Resources Code, is
21 amended to read as follows:

22 Sec. 85.386. FORGING NAMES ON PERMITS AND TENDERS. A
23 person shall be imprisoned in the Texas Department of Criminal
24 Justice [~~penitentiary~~] for not less than two nor more than five
25 years if he:

26 (1) forges the name of an agent, officer, or employee
27 of the commission to a permit or tender of the commission relating

1 to oil or gas or any product or by-product of oil or gas;

2 (2) forges the name of any person to such a tender or
3 permit; or

4 (3) knowingly uses a forged instrument to induce
5 another to handle or transport oil or gas or any product or
6 by-product of oil or gas.

7 SECTION 25.134. Section 85.387, Natural Resources Code, is
8 amended to read as follows:

9 Sec. 85.387. PROCURING TENDERS AND PERMITS. A person shall
10 be imprisoned in the Texas Department of Criminal Justice
11 [~~penitentiary~~] for not less than two nor more than five years if he:

12 (1) knowingly procures or causes an agent, officer, or
13 employee of the commission to approve or issue a permit or tender of
14 the commission relating to oil or gas or any product or by-product
15 of oil or gas that includes a statement or representation that is
16 false and that materially misrepresents the true facts respecting
17 the oil or gas or any product or by-product of either; or

18 (2) procures or causes an agent, officer, or employee
19 of the commission to issue to him a permit or tender relating to oil
20 or gas or any product or by-product of either with the intent to
21 defraud.

22 SECTION 25.135. Section 88.134(b), Natural Resources Code,
23 is amended to read as follows:

24 (b) A person who violates any other provision of this
25 chapter other than those covered by Subsection (a) [~~of this~~
26 ~~section~~], a person who fails to comply with any of the other terms
27 of this chapter, a person who fails to comply with the terms of a

1 rule or order adopted by the governmental agency under the terms of
2 this chapter, or a person who violates any of the rules or orders of
3 the governmental agency adopted under the provisions of this
4 chapter on conviction is considered guilty of a felony and on
5 conviction shall be punished by imprisonment in the Texas
6 Department of Criminal Justice [~~state penitentiary~~] for a term of
7 not less than two nor more than four years.

8 SECTION 25.136. Section 91.143(b), Natural Resources Code,
9 is amended to read as follows:

10 (b) A person commits an offense if the person violates this
11 section. An offense under this section is a felony punishable by:

12 (1) imprisonment in the [~~institutional division of~~
13 ~~the~~] Texas Department of Criminal Justice for a term of not less
14 than two years or more than five years;

15 (2) a fine of not more than \$10,000; or

16 (3) both the imprisonment and the fine.

17 SECTION 25.137. Section 117.053(b), Natural Resources
18 Code, is amended to read as follows:

19 (b) An offense under this section is punishable by a fine of
20 not more than \$25,000, confinement in the Texas Department of
21 Criminal Justice [~~Corrections~~] for a term of not more than five
22 years, or both such fine and imprisonment.

23 SECTION 25.138. Section 117.054(b), Natural Resources
24 Code, is amended to read as follows:

25 (b) An offense under this section is punishable by a fine of
26 not more than \$25,000, confinement in the Texas Department of
27 Criminal Justice [~~Corrections~~] for a term of not more than 15 years,

1 or both such fine and imprisonment.

2 SECTION 25.139. Section 161.401, Natural Resources Code, is
3 amended to read as follows:

4 Sec. 161.401. PENALTY FOR CERTAIN TRANSACTIONS. Any
5 person, seller, veteran, or appraiser who knowingly makes, utters,
6 publishes, passes, or uses any false, fictitious, or forged paper,
7 document, contract, affidavit, application, assignment, or other
8 instrument in writing in connection with or pertaining to any
9 transaction under this chapter is guilty of a felony and on
10 conviction shall be punished by imprisonment in the Texas
11 Department of Criminal Justice [~~state penitentiary~~] for not less
12 than two nor more than 10 years, or by a fine of not less than \$1,000
13 nor more than \$10,000, or by both.

14 SECTION 25.140. Section 161.402, Natural Resources Code, is
15 amended to read as follows:

16 Sec. 161.402. PENALTY RELATING TO CERTAIN PURCHASES, SALES,
17 AND REALES OF LAND. A person who knowingly files a false,
18 fictitious, or forged paper, document, contract, affidavit,
19 application, assignment, or other instrument in writing relating to
20 the purchase, sale, or resale of land under this chapter is guilty
21 of a felony and on conviction shall be punished by imprisonment in
22 the Texas Department of Criminal Justice [~~state penitentiary~~] for
23 not less than two nor more than 10 years or by a fine of not less
24 than \$1,000 nor more than \$10,000, or by both.

25 SECTION 25.141. Section 161.403, Natural Resources Code, is
26 amended to read as follows:

27 Sec. 161.403. PENALTY FOR DEFRAUDING VETERAN AND STATE. A

1 person who defrauds a veteran of his rights and benefits under this
2 chapter by an act of fraud, duress, deceit, coercion, or
3 misrepresentation or a person who uses the purposes or provisions
4 of this chapter to defraud the state or any veteran by an act of
5 fraud, duress, coercion, misrepresentation, or deceit, is guilty of
6 a felony, and on conviction shall be punished by imprisonment in the
7 Texas Department of Criminal Justice [~~state penitentiary~~] for not
8 less than two nor more than 10 years or by a fine of not less than
9 \$1,000 nor more than \$10,000, or by both.

10 SECTION 25.142. Section 1701.310(e), Occupations Code, is
11 amended to read as follows:

12 (e) A person trained and certified by the Texas Department
13 of Criminal Justice to serve as a corrections officer in that
14 agency's correctional institutions [~~institutional or state jail~~]
15 division is not required to complete the training requirements of
16 this section to be appointed a part-time county jailer.
17 Examinations under Section 1701.304 and psychological and physical
18 examinations under Section 1701.306 apply.

19 SECTION 25.143. Section 12.407(a), Parks and Wildlife Code,
20 is amended to read as follows:

21 (a) An individual adjudged guilty of a Parks and Wildlife
22 Code felony shall be punished by confinement in the [~~institutional~~
23 ~~division of the~~] Texas Department of Criminal Justice for any term
24 of not more than 10 years or less than two years.

25 SECTION 25.144. Section 1.07(a)(27), Penal Code, is
26 repealed.

27 SECTION 25.145. Section 12.31(a), Penal Code, is amended to

1 read as follows:

2 (a) An individual adjudged guilty of a capital felony in a
3 case in which the state seeks the death penalty shall be punished by
4 imprisonment in the Texas Department of Criminal Justice
5 [~~institutional division~~] for life without parole or by death. An
6 individual adjudged guilty of a capital felony in a case in which
7 the state does not seek the death penalty shall be punished by
8 imprisonment in the Texas Department of Criminal Justice
9 [~~institutional division~~] for life without parole.

10 SECTION 25.146. Section 12.32(a), Penal Code, is amended to
11 read as follows:

12 (a) An individual adjudged guilty of a felony of the first
13 degree shall be punished by imprisonment in the Texas Department of
14 Criminal Justice [~~institutional division~~] for life or for any term
15 of not more than 99 years or less than 5 years.

16 SECTION 25.147. Section 12.33(a), Penal Code, is amended to
17 read as follows:

18 (a) An individual adjudged guilty of a felony of the second
19 degree shall be punished by imprisonment in the Texas Department of
20 Criminal Justice [~~institutional division~~] for any term of not more
21 than 20 years or less than 2 years.

22 SECTION 25.148. Section 12.34(a), Penal Code, is amended to
23 read as follows:

24 (a) An individual adjudged guilty of a felony of the third
25 degree shall be punished by imprisonment in the Texas Department of
26 Criminal Justice [~~institutional division~~] for any term of not more
27 than 10 years or less than 2 years.

1 SECTION 25.149. Section 12.41, Penal Code, is amended to
2 read as follows:

3 Sec. 12.41. CLASSIFICATION OF OFFENSES OUTSIDE THIS CODE.
4 For purposes of this subchapter, any conviction not obtained from a
5 prosecution under this code shall be classified as follows:

6 (1) "felony of the third degree" if imprisonment in
7 the Texas Department of Criminal Justice or another [a]
8 penitentiary is affixed to the offense as a possible punishment;

9 (2) "Class B misdemeanor" if the offense is not a
10 felony and confinement in a jail is affixed to the offense as a
11 possible punishment;

12 (3) "Class C misdemeanor" if the offense is punishable
13 by fine only.

14 SECTION 25.150. Section 12.42(d), Penal Code, is amended to
15 read as follows:

16 (d) Except as provided by Subsection (c)(2), if it is shown
17 on the trial of a felony offense other than a state jail felony
18 punishable under Section 12.35(a) that the defendant has previously
19 been finally convicted of two felony offenses, and the second
20 previous felony conviction is for an offense that occurred
21 subsequent to the first previous conviction having become final, on
22 conviction he shall be punished by imprisonment in the
23 [~~institutional division of the~~] Texas Department of Criminal
24 Justice for life, or for any term of not more than 99 years or less
25 than 25 years.

26 SECTION 25.151. Section 322, Texas Probate Code, is amended
27 to read as follows:

1 Sec. 322. CLASSIFICATION OF CLAIMS AGAINST ESTATES OF
2 DECEDENT. Claims against an estate of a decedent shall be
3 classified and have priority of payment, as follows:

4 Class 1. Funeral expenses and expenses of last sickness for
5 a reasonable amount to be approved by the court, not to exceed a
6 total of Fifteen Thousand Dollars, with any excess to be classified
7 and paid as other unsecured claims.

8 Class 2. Expenses of administration and expenses incurred
9 in the preservation, safekeeping, and management of the estate,
10 including fees and expenses awarded under Section 243 of this code,
11 and unpaid expenses of administration awarded in a guardianship of
12 the decedent.

13 Class 3. Secured claims for money under Section 306(a)(1),
14 including tax liens, so far as the same can be paid out of the
15 proceeds of the property subject to such mortgage or other lien, and
16 when more than one mortgage, lien, or security interest shall exist
17 upon the same property, they shall be paid in order of their
18 priority.

19 Class 4. Claims for the principal amount of and accrued
20 interest on delinquent child support and child support arrearages
21 that have been confirmed and reduced to money judgment, as
22 determined under Subchapter F, Chapter 157, Family Code, and claims
23 for unpaid child support obligations under Section 154.015, Family
24 Code.

25 Class 5. Claims for taxes, penalties, and interest due
26 under Title 2, Tax Code; Chapter 8, Title 132, Revised Statutes;
27 Section 81.111, Natural Resources Code; the Municipal Sales and Use

1 Tax Act (Chapter 321, Tax Code); Section 451.404, Transportation
2 Code; or Subchapter I, Chapter 452, Transportation Code.

3 Class 6. Claims for the cost of confinement established by
4 the [~~institutional division of the~~] Texas Department of Criminal
5 Justice under Section 501.017, Government Code.

6 Class 7. Claims for repayment of medical assistance
7 payments made by the state under Chapter 32, Human Resources Code,
8 to or for the benefit of the decedent.

9 Class 8. All other claims.

10 SECTION 25.152. Section 11.11(g), Tax Code, is amended to
11 read as follows:

12 (g) For purposes of this section, an improvement is owned by
13 the state and is used for public purposes if it is:

14 (1) located on land owned by the Texas Department of
15 Criminal Justice [~~Corrections~~];

16 (2) leased and used by the department; and

17 (3) subject to a lease-purchase agreement providing
18 that legal title to the improvement passes to the department at the
19 end of the lease period.

20 SECTION 25.153. Section 26.044(d), Tax Code, is amended to
21 read as follows:

22 (d) In this section, "state criminal justice mandate" means
23 the amount spent by the county in the previous 12 months providing
24 for the maintenance and operation cost of keeping inmates in
25 county-paid facilities after they have been sentenced to the
26 [~~institutional division of the~~] Texas Department of Criminal
27 Justice as certified by the county auditor based on information

1 provided by the county sheriff, minus the amount received from
2 state revenue for reimbursement of such costs.

3 SECTION 25.154. Section 154.520(b), Tax Code, is amended to
4 read as follows:

5 (b) An offense under this section is a felony punishable by
6 confinement in the Texas Department of Criminal Justice [~~state~~
7 ~~penitentiary~~] for not less than 2 years nor more than 20 years.

8 SECTION 25.155. Section 55.252, Utilities Code, is amended
9 to read as follows:

10 Sec. 55.252. 900 SERVICE USED BY PROBATIONERS OR
11 PAROLEES. (a) This section applies only to a telecommunications
12 utility that transports or provides an intrastate 900 service that
13 is:

14 (1) covered by a contract authorized by Chapter 76 or
15 508, Government Code; and

16 (2) used by a defendant under the supervision of a
17 community supervision and corrections department or the parole
18 [~~pardons and paroles~~] division of the Texas Department of Criminal
19 Justice to:

20 (A) pay a fee or cost; or

21 (B) comply with telephone reporting
22 requirements.

23 (b) A telecommunications utility may adjust or authorize
24 the adjustment of an end-user's bill for 900 service described by
25 Subsection (a) only with the consent of the contracting community
26 supervision and corrections department or the contracting parole
27 [~~pardons and paroles~~] division of the Texas Department of Criminal

1 Justice.

2 SECTION 25.156. Section 186.032(b), Utilities Code, is
3 amended to read as follows:

4 (b) An offense under this section is a misdemeanor
5 punishable by a fine of not more than \$500, by confinement in jail
6 for not more than 60 days, or by both, unless the person has been
7 previously convicted of an offense under this section. A second or
8 subsequent offense is a felony punishable by a fine of not more than
9 \$5,000, by imprisonment in the Texas Department of Criminal Justice
10 [~~penitentiary~~] for not less than two years and not more than five
11 years, or by both.

12 ARTICLE 26. REPEAL OF CERTAIN UNCONSTITUTIONAL CIVIL STATUTES

13 SECTION 26.001. The following acts and articles as compiled
14 in Vernon's Texas Civil Statutes are repealed as unconstitutional:

- 15 (1) Article 118d;
- 16 (2) Articles 165a, 165b, 165c, 165d, 165e, 165f, 165g,
17 165h, 165i, 165j, 165k, 165l, and 165m;
- 18 (3) Article 326q;
- 19 (4) Article 835d;
- 20 (5) Articles 911c and 911e;
- 21 (6) Articles 2116a and 2116b;
- 22 (7) Article 2615f-2;
- 23 (8) Article 3263b;
- 24 (9) Articles 4512a-1, 4512a-2, 4512a-3, 4512a-4,
25 4512a-5, 4512a-6, 4512a-7, 4512a-8, 4512a-9, 4512a-10, 4512a-11,
26 4512a-12, 4512a-13, 4512a-14, 4512a-15, 4512a-16, 4512a-17, and
27 4512a-18;

1 (10) Article 6699b; and

2 (11) Articles 7294a and 7294b.

3 ARTICLE 27. RENUMBERING

4 SECTION 27.001. The following provisions of enacted codes
5 are renumbered or relettered to eliminate duplicate citations or to
6 relocate misplaced provisions:

7 (1) Subsections (e), (f), and (g), Section 201.026,
8 Agriculture Code, as added by Chapter 1189 (H.B. 3355), Acts of the
9 77th Legislature, Regular Session, 2001, and Subsections (h), (i),
10 and (j), Section 201.026, Agriculture Code, are relettered as
11 Subsections (h), (i), (j), (k), (l), and (m), Section 201.026,
12 Agriculture Code, respectively.

13 (2) Subsection (g), Article 45.049, Code of Criminal
14 Procedure, as added by Chapter 1263 (H.B. 3060), Acts of the 80th
15 Legislature, Regular Session, 2007, is relettered as Subsection
16 (i), Article 45.049, Code of Criminal Procedure.

17 (3) Article 62.0015, Code of Criminal Procedure, as
18 added by Chapter 685 (H.B. 668), Acts of the 76th Legislature,
19 Regular Session, 1999, is transferred to Subchapter A, Chapter 63,
20 Code of Criminal Procedure, and renumbered as Article 63.0015, Code
21 of Criminal Procedure.

22 (4) Subsection (f), Section 11.163, Education Code, as
23 added by Chapter 10 (S.B. 135), Acts of the 80th Legislature,
24 Regular Session, 2007, is transferred to Section 11.1513, Education
25 Code, and relettered as Subsection (j), Section 11.1513, Education
26 Code.

27 (5) Section 29.095, Education Code, as added by

1 Chapter 893 (H.B. 2504), Acts of the 80th Legislature, Regular
2 Session, 2007, is renumbered as Section 29.099, Education Code.

3 (6) Section 38.019, Education Code, as added by
4 Chapter 1371 (S.B. 7), Acts of the 80th Legislature, Regular
5 Session, 2007, is renumbered as Section 38.0181, Education Code.

6 (7) Section 51.969, Education Code, as added by
7 Chapter 889 (H.B. 2426), Acts of the 80th Legislature, Regular
8 Session, 2007, is renumbered as Section 51.971, Education Code.

9 (8) Section 51.969, Education Code, as added by
10 Chapters 1352 (H.B. 4) and 1430 (S.B. 3), Acts of the 80th
11 Legislature, Regular Session, 2007, is renumbered as Section
12 51.972, Education Code.

13 (9) Section 54.5395, Education Code, as added by
14 Chapter 555 (S.B. 1417), Acts of the 80th Legislature, Regular
15 Session, 2007, is renumbered as Section 54.5398, Education Code.

16 (10) Section 61.0901, Education Code, as added by
17 Chapter 507 (S.B. 469), Acts of the 80th Legislature, Regular
18 Session, 2007, is renumbered as Section 61.0903, Education Code.

19 (11) Subsection (e), Section 13.002, Election Code, as
20 added by Chapter 614 (H.B. 417), Acts of the 80th Legislature,
21 Regular Session, 2007, is relettered as Subsection (g), Section
22 13.002, Election Code.

23 (12) Section 61.013, Election Code, as added by
24 Chapter 697 (H.B. 1921), Acts of the 80th Legislature, Regular
25 Session, 2007, is renumbered as Section 61.014, Election Code.

26 (13) Subsection (v), Section 54.04, Family Code, as
27 added by Chapter 908 (H.B. 2884), Acts of the 80th Legislature,

1 Regular Session, 2007, is relettered as Subsection (x), Section
2 54.04, Family Code.

3 (14) Section 54.0481, Family Code, as added by Chapter
4 908 (H.B. 2884), Acts of the 80th Legislature, Regular Session,
5 2007, is renumbered as Section 54.0482, Family Code.

6 (15) Subsection (g), Section 162.304, Family Code, as
7 added by Chapter 267 (H.B. 2702), Acts of the 80th Legislature,
8 Regular Session, 2007, is relettered as Subsection (i), Section
9 162.304, Family Code.

10 (16) Section 156.214, Finance Code, as added by
11 Chapter 905 (H.B. 2783), Acts of the 80th Legislature, Regular
12 Session, 2007, is renumbered as Section 156.215, Finance Code.

13 (17) Chapter 351, Finance Code, as added by Chapter
14 135 (H.B. 1344), Acts of the 80th Legislature, Regular Session,
15 2007, is renumbered as Chapter 352, Finance Code, and Sections
16 351.001, 351.002, 351.003, 351.004, 351.005, 351.006, 351.007, and
17 351.008, Finance Code, as added by that Act, are renumbered as
18 Sections 352.001, 352.002, 352.003, 352.004, 352.005, 352.006,
19 352.007, and 352.008, Finance Code, respectively.

20 (18) Subsection (c), Section 27.031, Government Code,
21 as added by Chapter 383 (S.B. 618), Acts of the 80th Legislature,
22 Regular Session, 2007, is relettered as Subsection (d), Section
23 27.031, Government Code.

24 (19) Sections 30.3601, 30.3602, 30.3603, and 30.3604,
25 Government Code, as added by Chapter 235 (H.B. 259), Acts of the
26 75th Legislature, Regular Session, 1997, are transferred to
27 Subchapter U, Chapter 30, Government Code, and renumbered as

1 Sections 30.007801, 30.007802, 30.007803, and 30.007804,
2 Government Code, respectively.

3 (20) Section 402.031, Government Code, as added by
4 Chapter 285 (H.B. 716), Acts of the 80th Legislature, Regular
5 Session, 2007, is renumbered as Section 402.033, Government Code.

6 (21) Section 402.031, Government Code, as added by
7 Chapter 81 (H.B. 1676), Acts of the 80th Legislature, Regular
8 Session, 2007, is renumbered as Section 402.034, Government Code.

9 (22) Subsection (h), Section 411.042, Government
10 Code, as added by Chapter 1372 (S.B. 9), Acts of the 80th
11 Legislature, Regular Session, 2007, is relettered as Subsection
12 (j), Section 411.042, Government Code.

13 (23) Section 411.1406, Government Code, as added by
14 Chapter 15 (S.B. 505), Acts of the 80th Legislature, Regular
15 Session, 2007, is renumbered as Section 411.1408, Government Code.

16 (24) Section 411.1406, Government Code, as added by
17 Chapter 406 (S.B. 885), Acts of the 80th Legislature, Regular
18 Session, 2007, is renumbered as Section 411.1409, Government Code.

19 (25) Subsection (c), Section 411.179, Government
20 Code, as added by Chapter 594 (H.B. 41), Acts of the 80th
21 Legislature, Regular Session, 2007, is relettered as Subsection
22 (d), Section 411.179, Government Code.

23 (26) Section 418.111, Government Code, as added by
24 Chapter 338 (S.B. 61), Acts of the 80th Legislature, Regular
25 Session, 2007, is renumbered as Section 418.1101, Government Code.

26 (27) Section 418.112, Government Code, as added by
27 Chapter 338 (S.B. 61), Acts of the 80th Legislature, Regular

1 Session, 2007, is renumbered as Section 418.1102, Government Code.

2 (28) Section 431.0291, Government Code, as added by
3 Chapter 1381 (S.B. 1058), Acts of the 80th Legislature, Regular
4 Session, 2007, is renumbered as Section 431.0295, Government Code.

5 (29) Section 434.017, Government Code, as added by
6 Chapter 364 (S.B. 310), Acts of the 80th Legislature, Regular
7 Session, 2007, is renumbered as Section 434.018, Government Code.

8 (30) Section 434.107, Government Code, as added by
9 Chapter 1381 (S.B. 1058), Acts of the 80th Legislature, Regular
10 Session, 2007, is renumbered as Section 434.108, Government Code.

11 (31) Subchapter P, Chapter 487, Government Code, as
12 added by Chapter 712 (H.B. 2235), Acts of the 80th Legislature,
13 Regular Session, 2007, is relettered as Subchapter Q, Chapter 487,
14 Government Code, and Sections 487.701, 487.702, and 487.703,
15 Government Code, as added by that Act, are renumbered as Sections
16 487.751, 487.752, and 487.753, Government Code, respectively.

17 (32) Section 493.026, Government Code, as added by
18 Chapter 263 (S.B. 103), Acts of the 80th Legislature, Regular
19 Session, 2007, is renumbered as Section 493.028, Government Code.

20 (33) Section 495.025, Government Code, as added by
21 Chapter 100 (S.B. 1580), Acts of the 80th Legislature, Regular
22 Session, 2007, is renumbered as Section 495.027, Government Code.

23 (34) Section 501.059, Government Code, as added by
24 Chapter 1227 (H.B. 2389), Acts of the 80th Legislature, Regular
25 Session, 2007, is renumbered as Section 501.065, Government Code.

26 (35) Section 531.019, Government Code, as added by
27 Chapter 1110 (H.B. 3575), Acts of the 80th Legislature, Regular

1 Session, 2007, is renumbered as Section 531.0191, Government Code.

2 (36) Section 531.02413, Government Code, as added by
3 Chapter 605 (H.B. 321), Acts of the 80th Legislature, Regular
4 Session, 2007, is renumbered as Section 531.02415, Government Code.

5 (37) Subchapter M, Chapter 531, Government Code, as
6 added by Chapter 348 (S.B. 156), Acts of the 80th Legislature,
7 Regular Session, 2007, is relettered as Subchapter Q, Chapter 531,
8 Government Code, and Sections 531.451, 531.452, 531.453, 531.454,
9 531.455, 531.456, 531.457, 531.458, 531.459, and 531.460,
10 Government Code, as added by that Act, are renumbered as Sections
11 531.651, 531.652, 531.653, 531.654, 531.655, 531.656, 531.657,
12 531.658, 531.659, and 531.660, Government Code, respectively.

13 (38) Section 533.019, Government Code, as added by
14 Chapter 730 (H.B. 2636), Acts of the 80th Legislature, Regular
15 Session, 2007, is renumbered as Section 533.020, Government Code.

16 (39) Section 552.148, Government Code, as added by
17 Chapter 471 (H.B. 2188), Acts of the 80th Legislature, Regular
18 Session, 2007, is renumbered as Section 552.149, Government Code.

19 (40) Subchapter H, Chapter 614, Government Code, as
20 added by Chapter 1215 (H.B. 1915), Acts of the 80th Legislature,
21 Regular Session, 2007, is relettered as Subchapter I, Chapter 614,
22 Government Code.

23 (41) Subchapter H, Chapter 614, Government Code, as
24 added by Chapter 1159 (H.B. 12), Acts of the 80th Legislature,
25 Regular Session, 2007, is relettered as Subchapter J, Chapter 614,
26 Government Code, and Sections 614.151 and 614.152, Government Code,
27 as added by that Act, are renumbered as Sections 614.171 and

1 614.172, Government Code, respectively.

2 (42) Subchapter H, Chapter 614, Government Code, as
3 added by Chapter 1248 (H.B. 2667), Acts of the 80th Legislature,
4 Regular Session, 2007, is relettered as Subchapter K, Chapter 614,
5 Government Code, and Sections 614.121 and 614.122, Government Code,
6 as added by that Act, are renumbered as Sections 614.191 and
7 614.192, Government Code, respectively.

8 (43) Section 662.053, Government Code, as added by
9 Chapter 386 (S.B. 640), Acts of the 80th Legislature, Regular
10 Session, 2007, is renumbered as Section 662.054, Government Code.

11 (44) Section 662.103, Government Code, as added by
12 Chapter 651 (H.B. 1045), Acts of the 80th Legislature, Regular
13 Session, 2007, is renumbered as Section 662.105, Government Code.

14 (45) Section 2155.452, Government Code, as added by
15 Chapter 258 (S.B. 11), Acts of the 80th Legislature, Regular
16 Session, 2007, is renumbered as Section 2155.453, Government Code.

17 (46) Section 2165.008, Government Code, as added by
18 Chapter 939 (H.B. 3693), Acts of the 80th Legislature, Regular
19 Session, 2007, is renumbered as Section 2165.009, Government Code.

20 (47) Section 2252.904, Government Code, as added by
21 Chapter 979 (S.B. 924), Acts of the 80th Legislature, Regular
22 Session, 2007, is renumbered as Section 2252.905, Government Code.

23 (48) Chapter 2264, Government Code, as added by
24 Chapter 939 (H.B. 3693), Acts of the 80th Legislature, Regular
25 Session, 2007, is renumbered as Chapter 2265, Government Code, and
26 Section 2264.001, Government Code, as added by that Act, is
27 renumbered as Section 2265.001, Government Code.

1 (49) Chapter 2264, Government Code, as added by
2 Chapter 1224 (H.B. 2365), Acts of the 80th Legislature, Regular
3 Session, 2007, is renumbered as Chapter 2266, Government Code, and
4 Sections 2264.001, 2264.002, 2264.051, 2264.052, 2264.053,
5 2264.101, 2264.102, 2264.103, 2264.104, 2264.105, 2264.106, and
6 2264.107, Government Code, as added by that Act, are renumbered as
7 Sections 2266.001, 2266.002, 2266.051, 2266.052, 2266.053,
8 2266.101, 2266.102, 2266.103, 2266.104, 2266.105, 2266.106, and
9 2266.107, Government Code, respectively.

10 (50) Sections 109.001, 109.002, 109.003, 109.004,
11 109.005, 109.006, 109.007, 109.008, 109.009, 109.010, 109.011,
12 109.012, 109.013, and 109.014, Health and Safety Code, as
13 renumbered from Sections 113.001, 113.002, 113.003, 113.004,
14 113.005, 113.006, 113.007, 113.008, 113.009, 113.010, 113.011,
15 113.012, 113.013, and 113.014, Health and Safety Code,
16 respectively, by Chapter 921 (H.B. 3167), Acts of the 80th
17 Legislature, Regular Session, 2007, are designated as Subchapter A,
18 Chapter 109, Health and Safety Code, to conform to Chapter 645 (H.B.
19 921), Acts of the 80th Legislature, Regular Session, 2007, and the
20 heading to Subchapter A, Chapter 113, Health and Safety Code, as
21 added by that Act, is transferred to Chapter 109, Health and Safety
22 Code, and redesignated as the heading to Subchapter A, Chapter 109,
23 Health and Safety Code.

24 (51) Subchapter B, Chapter 113, Health and Safety
25 Code, as added by Chapter 645 (H.B. 921), Acts of the 80th
26 Legislature, Regular Session, 2007, is transferred to Chapter 109,
27 Health and Safety Code, and redesignated as Subchapter B, Chapter

1 109, Health and Safety Code, and Sections 113.051, 113.052,
2 113.053, 113.054, 113.055, 113.056, and 113.057, Health and Safety
3 Code, as added by that Act, are renumbered as Sections 109.051,
4 109.052, 109.053, 109.054, 109.055, 109.056, and 109.057, Health
5 and Safety Code, respectively.

6 (52) Section 161.0102, Health and Safety Code, as
7 added by Chapter 258 (S.B. 11), Acts of the 80th Legislature,
8 Regular Session, 2007, is renumbered as Section 161.0104, Health
9 and Safety Code.

10 (53) Section 161.0107, Health and Safety Code, as
11 added by Chapter 59 (H.B. 1379), Acts of the 80th Legislature,
12 Regular Session, 2007, is renumbered as Section 161.0109, Health
13 and Safety Code.

14 (54) Section 341.0357, Health and Safety Code, as
15 added by Chapter 861 (H.B. 1391), Acts of the 80th Legislature,
16 Regular Session, 2007, is renumbered as Section 341.0358, Health
17 and Safety Code.

18 (55) Subdivision (7-a), Section 382.003, Health and
19 Safety Code, as added by Chapter 262 (S.B. 12), Acts of the 80th
20 Legislature, Regular Session, 2007, is renumbered as Subdivision
21 (7-b), Section 382.003, Health and Safety Code.

22 (56) Subsection (f), Section 401.301, Health and
23 Safety Code, as added by Chapter 1332 (S.B. 1604), Acts of the 80th
24 Legislature, Regular Session, 2007, is relettered as Subsection
25 (g), Section 401.301, Health and Safety Code.

26 (57) Subchapter C, Chapter 32, Human Resources Code,
27 as added by Chapter 268 (S.B. 10), Acts of the 80th Legislature,

1 Regular Session, 2007, is relettered as Subchapter E, Chapter 32,
2 Human Resources Code, and Sections 32.101 and 32.102, Human
3 Resources Code, as added by that Act, are renumbered as Sections
4 32.201 and 32.202, Human Resources Code, respectively.

5 (58) Subchapter C, Chapter 32, Human Resources Code,
6 as added by Chapter 795 (S.B. 22), Acts of the 80th Legislature,
7 Regular Session, 2007, is relettered as Subchapter F, Chapter 32,
8 Human Resources Code, and Sections 32.101, 32.102, 32.103, 32.104,
9 32.105, 32.106, and 32.107, Human Resources Code, as added by that
10 Act, are renumbered as Sections 32.251, 32.252, 32.253, 32.254,
11 32.255, 32.256, and 32.257, Human Resources Code, respectively.

12 (59) Section 61.0763, Human Resources Code, as added
13 by Chapter 847 (H.B. 1111), Acts of the 80th Legislature, Regular
14 Session, 2007, is renumbered as Section 61.0765, Human Resources
15 Code.

16 (60) Chapter 228, Insurance Code, as added by Chapter
17 932 (H.B. 3315), Acts of the 80th Legislature, Regular Session,
18 2007, is renumbered as Chapter 229, Insurance Code, and Sections
19 228.001 and 228.002, Insurance Code, as added by that Act, are
20 renumbered as Sections 229.001 and 229.002, Insurance Code,
21 respectively.

22 (61) Subchapter G, Chapter 544, Insurance Code, as
23 added by Chapter 748 (H.B. 2810), Acts of the 79th Legislature,
24 Regular Session, 2005, is relettered as Subchapter K, Chapter 544,
25 Insurance Code, and Sections 544.301, 544.302, and 544.303,
26 Insurance Code, as added by that Act, are renumbered as Sections
27 544.501, 544.502, and 544.503, Insurance Code, respectively.

1 (62) Chapter 1215, Insurance Code, as added by Chapter
2 1322 (S.B. 1391), Acts of the 80th Legislature, Regular Session,
3 2007, is renumbered as Chapter 1216, Insurance Code, and Sections
4 1215.001, 1215.002, 1215.003, and 1215.004, Insurance Code, as
5 added by that Act, are renumbered as Sections 1216.001, 1216.002,
6 1216.003, and 1216.004, Insurance Code, respectively.

7 (63) Section 1570.056, Insurance Code, as added by
8 Chapter 728 (H.B. 2018), Acts of the 79th Legislature, Regular
9 Session, 2005, is renumbered as Section 1507.056, Insurance Code.

10 (64) Section 43.035, Local Government Code, as added
11 by Chapter 1097 (H.B. 3367), Acts of the 80th Legislature, Regular
12 Session, 2007, is renumbered as Section 43.036, Local Government
13 Code.

14 (65) Chapter 177, Local Government Code, as added by
15 Chapter 985 (S.B. 1207), Acts of the 80th Legislature, Regular
16 Session, 2007, is renumbered as Chapter 178, Local Government Code,
17 and Sections 177.001, 177.051, 177.052, 177.053, 177.054, 177.055,
18 and 177.056, Local Government Code, as added by that Act, are
19 renumbered as Sections 178.001, 178.051, 178.052, 178.053,
20 178.054, 178.055, and 178.056, Local Government Code,
21 respectively.

22 (66) Section 401.006, Local Government Code, as added
23 by Chapter 874 (H.B. 1656), Acts of the 80th Legislature, Regular
24 Session, 2007, is transferred to Chapter 551, Local Government
25 Code, and renumbered as Section 551.006, Local Government Code.

26 (67) Section 401.006, Local Government Code, as added
27 by Chapters 1352 (H.B. 4) and 1430 (S.B. 3), Acts of the 80th

1 Legislature, Regular Session, 2007, is transferred to Chapter 551,
2 Local Government Code, and renumbered as Section 551.007, Local
3 Government Code.

4 (68) Section 402.911, Local Government Code, as added
5 by Chapter 1430 (S.B. 3), Acts of the 80th Legislature, Regular
6 Session, 2007, is transferred to Subchapter Z, Chapter 552, Local
7 Government Code, and renumbered as Section 552.911, Local
8 Government Code.

9 (69) Section 412.017, Local Government Code, as added
10 by Chapter 858 (H.B. 1314), Acts of the 80th Legislature, Regular
11 Session, 2007, is transferred to Subchapter B, Chapter 562, Local
12 Government Code, and renumbered as Section 562.017, Local
13 Government Code.

14 (70) Section 412.017, Local Government Code, as added
15 by Chapter 1104 (H.B. 3475), Acts of the 80th Legislature, Regular
16 Session, 2007, is transferred to Subchapter B, Chapter 562, Local
17 Government Code, and renumbered as Section 562.018, Local
18 Government Code.

19 (71) Subchapter P, Chapter 91, Natural Resources Code,
20 as added by Chapter 210 (H.B. 630), Acts of the 80th Legislature,
21 Regular Session, 2007, is relettered as Subchapter Q, Chapter 91,
22 Natural Resources Code, and Sections 91.701, 91.702, 91.703,
23 91.704, and 91.705, Natural Resources Code, as added by that Act,
24 are renumbered as Sections 91.751, 91.752, 91.753, 91.754, and
25 91.755, Natural Resources Code, respectively.

26 (72) Subsection (k), Section 1101.455, Occupations
27 Code, as added by Chapter 1411 (S.B. 914), Acts of the 80th

1 Legislature, Regular Session, 2007, is relettered as Subsection
2 (1), Section 1101.455, Occupations Code.

3 (73) Section 1702.286, Occupations Code, as added by
4 Chapter 1102 (H.B. 2243), Acts of the 79th Legislature, Regular
5 Session, 2005, is renumbered as Section 1702.2865, Occupations
6 Code.

7 (74) Section 2301.361, Occupations Code, as added by
8 Chapter 1363 (H.B. 2559), Acts of the 80th Legislature, Regular
9 Session, 2007, is renumbered as Section 2301.362, Occupations Code.

10 (75) Section 2303.160, Occupations Code, as added by
11 Chapter 1046 (H.B. 2094), Acts of the 80th Legislature, Regular
12 Session, 2007, is renumbered as Section 2303.161, Occupations Code.

13 (76) Section 5.016, Property Code, as added by Chapter
14 843 (H.B. 1038), Acts of the 80th Legislature, Regular Session,
15 2007, is renumbered as Section 5.018, Property Code.

16 (77) Subsection (f), Section 82.051, Property Code, as
17 added by Chapter 1092 (H.B. 3232), Acts of the 80th Legislature,
18 Regular Session, 2007, is relettered as Subsection (g), Section
19 82.051, Property Code.

20 (78) Chapter 8159, Special District Local Laws Code,
21 as added by Chapter 920 (H.B. 3166), Acts of the 80th Legislature,
22 Regular Session, 2007, is renumbered as Chapter 8294, Special
23 District Local Laws Code, and Sections 8159.001, 8159.002,
24 8159.003, 8159.004, 8159.051, 8159.101, 8159.102, 8159.103, and
25 8159.104, Special District Local Laws Code, as added by that Act,
26 are renumbered as Sections 8294.001, 8294.002, 8294.003, 8294.004,
27 8294.051, 8294.101, 8294.102, 8294.103, and 8294.104, Special

1 District Local Laws Code, respectively.

2 (79) Chapter 8160, Special District Local Laws Code,
3 as added by Chapter 920 (H.B. 3166), Acts of the 80th Legislature,
4 Regular Session, 2007, is renumbered as Chapter 8295, Special
5 District Local Laws Code, and Sections 8160.001, 8160.002,
6 8160.003, 8160.004, 8160.051, and 8160.101, Special District Local
7 Laws Code, as added by that Act, are renumbered as Sections
8 8295.001, 8295.002, 8295.003, 8295.004, 8295.051, and 8295.101,
9 Special District Local Laws Code, respectively.

10 (80) Chapter 8163, Special District Local Laws Code,
11 as added by Chapter 920 (H.B. 3166), Acts of the 80th Legislature,
12 Regular Session, 2007, is renumbered as Chapter 8296, Special
13 District Local Laws Code, and Sections 8163.001, 8163.002,
14 8163.003, 8163.004, 8163.051, and 8163.101, Special District Local
15 Laws Code, as added by that Act, are renumbered as Sections
16 8296.001, 8296.002, 8296.003, 8296.004, 8296.051, and 8296.101,
17 Special District Local Laws Code, respectively.

18 (81) Chapter 8164, Special District Local Laws Code,
19 as added by Chapter 920 (H.B. 3166), Acts of the 80th Legislature,
20 Regular Session, 2007, is renumbered as Chapter 8298, Special
21 District Local Laws Code, and Sections 8164.001, 8164.002,
22 8164.003, 8164.004, 8164.051, 8164.052, 8164.053, 8164.054,
23 8164.055, 8164.101, 8164.102, 8164.103, 8164.104, 8164.105,
24 8164.106, 8164.107, 8164.151, 8164.152, 8164.153, 8164.154,
25 8164.155, and 8164.201, Special District Local Laws Code, as added
26 by that Act, are renumbered as Sections 8298.001, 8298.002,
27 8298.003, 8298.004, 8298.051, 8298.052, 8298.053, 8298.054,

1 8298.055, 8298.101, 8298.102, 8298.103, 8298.104, 8298.105,
2 8298.106, 8298.107, 8298.151, 8298.152, 8298.153, 8298.154,
3 8298.155, and 8298.201, Special District Local Laws Code,
4 respectively.

5 (82) Chapter 8208, Special District Local Laws Code,
6 as added by Chapter 1314 (S.B. 1069), Acts of the 80th Legislature,
7 Regular Session, 2007, is renumbered as Chapter 8299, Special
8 District Local Laws Code, and Sections 8208.001, 8208.002,
9 8208.003, 8208.004, 8208.051, 8208.052, 8208.053, 8208.054,
10 8208.055, 8208.056, 8208.101, 8208.102, 8208.103, 8208.151, and
11 8208.201, Special District Local Laws Code, as added by that Act,
12 are renumbered as Sections 8299.001, 8299.002, 8299.003, 8299.004,
13 8299.051, 8299.052, 8299.053, 8299.054, 8299.055, 8299.056,
14 8299.101, 8299.102, 8299.103, 8299.151, and 8299.201, Special
15 District Local Laws Code, respectively.

16 (83) Chapter 8210, Special District Local Laws Code,
17 as added by Chapter 170 (S.B. 1977), Acts of the 80th Legislature,
18 Regular Session, 2007, is renumbered as Chapter 8300, Special
19 District Local Laws Code, and Sections 8210.001, 8210.002,
20 8210.003, 8210.004, 8210.005, 8210.051, 8210.052, 8210.053,
21 8210.101, 8210.102, 8210.103, 8210.151, 8210.152, 8210.201, and
22 8210.202, Special District Local Laws Code, as added by that Act,
23 are renumbered as Sections 8300.001, 8300.002, 8300.003, 8300.004,
24 8300.005, 8300.051, 8300.052, 8300.053, 8300.101, 8300.102,
25 8300.103, 8300.151, 8300.152, 8300.201, and 8300.202, Special
26 District Local Laws Code, respectively.

27 (84) Chapter 8269, Special District Local Laws Code,

1 as added by Chapter 1430 (S.B. 3), Acts of the 80th Legislature,
2 Regular Session, 2007, is renumbered as Chapter 8301, Special
3 District Local Laws Code, and Sections 8269.001, 8269.002,
4 8269.003, 8269.004, 8269.005, 8269.021, 8269.022, 8269.023,
5 8269.024, 8269.025, 8269.026, 8269.051, 8269.052, 8269.101,
6 8269.102, 8269.103, 8269.104, 8269.151, 8269.152, 8269.201, and
7 8269.202, Special District Local Laws Code, as added by that Act,
8 are renumbered as Sections 8301.001, 8301.002, 8301.003, 8301.004,
9 8301.005, 8301.021, 8301.022, 8301.023, 8301.024, 8301.025,
10 8301.026, 8301.051, 8301.052, 8301.101, 8301.102, 8301.103,
11 8301.104, 8301.151, 8301.152, 8301.201, and 8301.202, Special
12 District Local Laws Code, respectively.

13 (85) Chapter 9009, Special District Local Laws Code,
14 as added by Chapter 920 (H.B. 3166), Acts of the 80th Legislature,
15 Regular Session, 2007, is renumbered as Chapter 9015, Special
16 District Local Laws Code, and Sections 9009.001, 9009.002,
17 9009.003, 9009.004, 9009.051, 9009.052, 9009.101, 9009.102,
18 9009.103, 9009.104, 9009.105, 9009.106, 9009.107, 9009.108,
19 9009.109, 9009.151, 9009.152, 9009.153, 9009.154, 9009.155,
20 9009.156, 9009.157, 9009.158, 9009.201, 9009.202, 9009.203,
21 9009.204, 9009.205, 9009.251, 9009.252, 9009.253, 9009.254,
22 9009.255, 9009.301, 9009.302, 9009.303, 9009.351, 9009.352,
23 9009.353, 9009.354, 9009.355, 9009.356, 9009.357, 9009.358,
24 9009.359, 9009.360, 9009.361, 9009.362, 9009.363, 9009.364, and
25 9009.365, Special District Local Laws Code, as added by that Act,
26 are renumbered as Sections 9015.001, 9015.002, 9015.003, 9015.004,
27 9015.051, 9015.052, 9015.101, 9015.102, 9015.103, 9015.104,

1 9015.105, 9015.106, 9015.107, 9015.108, 9015.109, 9015.151,
2 9015.152, 9015.153, 9015.154, 9015.155, 9015.156, 9015.157,
3 9015.158, 9015.201, 9015.202, 9015.203, 9015.204, 9015.205,
4 9015.251, 9015.252, 9015.253, 9015.254, 9015.255, 9015.301,
5 9015.302, 9015.303, 9015.351, 9015.352, 9015.353, 9015.354,
6 9015.355, 9015.356, 9015.357, 9015.358, 9015.359, 9015.360,
7 9015.361, 9015.362, 9015.363, 9015.364, and 9015.365, Special
8 District Local Laws Code, respectively.

9 (86) Section 11.253, Tax Code, as added by Chapter 842
10 (H.B. 1022), Acts of the 80th Legislature, Regular Session, 2007,
11 is renumbered as Section 11.254, Tax Code.

12 (87) Subsection (c-1), Section 162.227, Tax Code, as
13 added by Chapter 911 (H.B. 2982), Acts of the 80th Legislature,
14 Regular Session, 2007, is relettered as Subsection (c-2), Section
15 162.227, Tax Code.

16 (88) Section 313.008, Tax Code, as added by Chapter
17 1270 (H.B. 3430), Acts of the 80th Legislature, Regular Session,
18 2007, is renumbered as Section 313.009, Tax Code.

19 (89) Section 201.617, Transportation Code, as added by
20 Chapter 474 (H.B. 137), Acts of the 79th Legislature, Regular
21 Session, 2005, is renumbered as Section 201.620, Transportation
22 Code.

23 (90) Section 201.805, Transportation Code, as added by
24 Chapter 1407 (S.B. 766), Acts of the 80th Legislature, Regular
25 Session, 2007, is renumbered as Section 201.806, Transportation
26 Code.

27 (91) Section 201.907, Transportation Code, as added by

1 Chapter 1086 (H.B. 1925), Acts of the 79th Legislature, Regular
2 Session, 2005, is renumbered as Section 201.908, Transportation
3 Code.

4 (92) Section 225.044, Transportation Code, as added by
5 Chapter 1420 (H.B. 2812), Acts of the 77th Legislature, Regular
6 Session, 2001, is renumbered as Section 225.071, Transportation
7 Code.

8 (93) Section 225.059, Transportation Code, as added by
9 Chapter 546 (H.B. 1136), Acts of the 79th Legislature, Regular
10 Session, 2005, is renumbered as Section 225.072, Transportation
11 Code.

12 (94) Section 225.059, Transportation Code, as added by
13 Chapter 286 (H.B. 540), Acts of the 79th Legislature, Regular
14 Session, 2005, is renumbered as Section 225.0591, Transportation
15 Code.

16 (95) Subsection (a-1), Section 225.0591,
17 Transportation Code, as renumbered from Section 225.059,
18 Transportation Code, by this section, is relettered as Subsection
19 (a), Section 225.0591, Transportation Code.

20 (96) Section 225.066, Transportation Code, as added by
21 Chapter 99 (H.B. 2296), Acts of the 80th Legislature, Regular
22 Session, 2007, is renumbered as Section 225.073, Transportation
23 Code.

24 (97) Section 225.066, Transportation Code, as added by
25 Chapter 1160 (H.B. 53), Acts of the 80th Legislature, Regular
26 Session, 2007, is renumbered as Section 225.074, Transportation
27 Code.

1 (98) Section 225.069, Transportation Code, as added by
2 Chapter 1160 (H.B. 53), Acts of the 80th Legislature, Regular
3 Session, 2007, is renumbered as Section 225.075, Transportation
4 Code.

5 (99) Section 225.070, Transportation Code, as added by
6 Chapter 1160 (H.B. 53), Acts of the 80th Legislature, Regular
7 Session, 2007, is renumbered as Section 225.076, Transportation
8 Code.

9 (100) Subsection (b), Section 391.091, Transportation
10 Code, as added by Chapter 743 (H.B. 3330), Acts of the 78th
11 Legislature, Regular Session, 2003, is relettered as Subsection
12 (b-1), Section 391.091, Transportation Code.

13 (101) Subsection (c), Section 394.021, Transportation
14 Code, as added by Chapter 1083 (H.B. 2944), Acts of the 80th
15 Legislature, Regular Session, 2007, is relettered as Subsection
16 (b-1), Section 394.021, Transportation Code.

17 (102) Subsection (c), Section 502.409, Transportation
18 Code, as added by Chapter 1027 (H.B. 1623), Acts of the 80th
19 Legislature, Regular Session, 2007, is relettered as Subsection
20 (d), Section 502.409, Transportation Code.

21 (103) Subsection (h), Section 504.315, Transportation
22 Code, as added by Chapter 1166 (H.B. 191), Acts of the 80th
23 Legislature, Regular Session, 2007, is relettered as Subsection
24 (i), Section 504.315, Transportation Code.

25 (104) Subsection (d), Section 521.049, Transportation
26 Code, as added by Chapter 424 (S.B. 1372), Acts of the 80th
27 Legislature, Regular Session, 2007, is relettered as Subsection

1 (f), Section 521.049, Transportation Code.

2 (105) Subsection (f), Section 521.421, Transportation
3 Code, as added by Chapter 510 (S.B. 1403), Acts of the 75th
4 Legislature, Regular Session, 1997, is relettered as Subsection
5 (j), Section 521.421, Transportation Code.

6 (106) Subsection (j), Section 522.029, Transportation
7 Code, as added by Chapter 1319 (S.B. 1260), Acts of the 80th
8 Legislature, Regular Session, 2007, is relettered as Subsection
9 (k), Section 522.029, Transportation Code.

10 (107) Section 522.054, Transportation Code, as added
11 by Chapter 424 (S.B. 1372), Acts of the 80th Legislature, Regular
12 Session, 2007, is renumbered as Section 522.0541, Transportation
13 Code.

14 (108) Section 545.426, Transportation Code, as added
15 by Chapter 424 (S.B. 1372), Acts of the 80th Legislature, Regular
16 Session, 2007, is renumbered as Section 545.427, Transportation
17 Code.

18 (109) Section 643.209, Transportation Code, is
19 transferred to Subchapter E, Chapter 2308, Occupations Code, and
20 renumbered as Section 2308.209, Occupations Code.

21 (110) Subsection (i), Section 39.107, Utilities Code,
22 as added by Chapter 527 (S.B. 831), Acts of the 80th Legislature,
23 Regular Session, 2007, is relettered as Subsection (j), Section
24 39.107, Utilities Code.

25 (111) Section 39.9051, Utilities Code, as added by
26 Chapter 262 (S.B. 12), Acts of the 80th Legislature, Regular
27 Session, 2007, is renumbered as Section 39.9053, Utilities Code.

1 (112) Section 27.023, Water Code, as added by Chapter
2 901 (H.B. 2654), Acts of the 80th Legislature, Regular Session,
3 2007, is renumbered as Section 27.025, Water Code.

4 SECTION 27.002. The following changes are made to conform
5 the provisions amended to the renumbering and relettering changes
6 made by Section 27.001 of this Act:

7 (1) Subsection (j), Section 201.026, Agriculture
8 Code, as relettered from Subsection (g), Section 201.026,
9 Agriculture Code, by this article, is amended to read as follows:

10 (j) [~~(g)~~] The Texas Commission on Environmental Quality may
11 not require a landowner who requests and complies with a water
12 quality management plan under Subsection (i) [~~(f)~~] to record the
13 burial of animal carcasses in the county deed records or report the
14 burial to the commission.

15 (2) Subsection (b), Section 33.052, Election Code, is
16 amended to read as follows:

17 (b) For purposes of this section, a watcher is considered to
18 have served continuously if the watcher leaves the polling place
19 for the purpose of using a wireless communication device prohibited
20 from use in the polling place under Section 61.014 [~~61.013~~] and the
21 watcher promptly returns.

22 (3) Subsection (a), Section 62.0111, Election Code, is
23 amended to read as follows:

24 (a) At the discretion of the presiding judge, notice of the
25 prohibition of the use of certain devices under Section 61.014
26 [~~61.013~~] may be posted at one or more locations in the polling place
27 where it can be read by persons waiting to vote.

1 (4) Subsection (a), Section 352.002, Finance Code, as
2 renumbered from Section 351.002, Finance Code, by this article, is
3 amended to read as follows:

4 (a) A person may not, individually or in conjunction or
5 cooperation with another person, act as a facilitator unless the
6 person is:

7 (1) engaged in the business of preparing tax returns,
8 or employed by a person engaged in the business of preparing tax
9 returns;

10 (2) primarily involved in financial services or tax
11 preparations;

12 (3) authorized by the Internal Revenue Service as an
13 e-file provider; and

14 (4) registered with the commissioner as a facilitator
15 under Section 352.003 [~~351.003~~].

16 (5) Subsection (a), Section 352.004, Finance Code, as
17 renumbered from Section 351.004, Finance Code, by this article, is
18 amended to read as follows:

19 (a) A facilitator to which Section 352.002 [~~351.002~~]
20 applies shall discuss with and clearly disclose to a borrower,
21 after the borrower's tax return has been prepared and before the
22 loan is closed:

23 (1) the refund anticipation loan fee schedule;

24 (2) a written statement disclosing:

25 (A) that a refund anticipation loan is a loan and
26 is not the borrower's actual income tax refund;

27 (B) that the taxpayer may file an income tax

1 return electronically without applying for a refund anticipation
2 loan;

3 (C) that the borrower is responsible for
4 repayment of the loan and related fees if the tax refund is not paid
5 or is insufficient to repay the loan;

6 (D) any fee that will be charged if the loan is
7 not approved;

8 (E) the average time, as published by the
9 Internal Revenue Service, within which a taxpayer can expect to
10 receive a refund for an income tax return filed:

11 (i) electronically, and the refund is:

12 (a) deposited directly into the
13 taxpayer's bank account; or

14 (b) mailed to the taxpayer; and

15 (ii) by mail, and the refund is:

16 (a) deposited directly into the
17 taxpayer's financial institution account; or

18 (b) mailed to the taxpayer;

19 (F) that the Internal Revenue Service does not
20 guarantee:

21 (i) payment of the full amount of the
22 anticipated refund; or

23 (ii) a specific date on which it will mail a
24 refund or deposit the refund into a taxpayer's financial
25 institution account; and

26 (G) the estimated time within which the proceeds
27 of the refund anticipation loan will be paid to the borrower if the

1 loan is approved; and

2 (3) the following information, specific to the
3 borrower:

4 (A) the estimated total fees for the loan; and

5 (B) the estimated annual percentage rate for the
6 loan, calculated using the guidelines established under the Truth
7 in Lending Act (15 U.S.C. Section 1601 et seq.).

8 (6) Subsection (a), Section 411.179, Government Code,
9 is amended to read as follows:

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

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

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

16 (3) a statement of the category or categories of
17 handguns the license holder may carry as provided by Subsection
18 (b);

19 (4) a color photograph of the license holder;

20 (5) the license holder's full name, date of birth, hair
21 and eye color, height, weight, and signature;

22 (6) the license holder's residence address or, as
23 provided by Subsection (d) [~~(c)~~], the street address of the
24 courthouse in which the license holder or license holder's spouse
25 serves as a federal judge or the license holder serves as a state
26 judge; and

27 (7) the number of a driver's license or an

1 identification certificate issued to the license holder by the
2 department.

3 (7) Subsection (c), Section 531.654, Government Code,
4 as renumbered from Section 531.454, Government Code, by this
5 article, is amended to read as follows:

6 (c) The application prescribed by the commission must:

7 (1) require the applicant to provide data on the
8 number of low-income, first-time mothers residing in the community
9 in which the applicant proposes to operate or expand a partnership
10 program and provide a description of existing services available to
11 those mothers;

12 (2) describe the ongoing monitoring and evaluation
13 process to which a grant recipient is subject under Section 531.659
14 [~~531.459~~], including the recipient's obligation to collect and
15 provide information requested by the commission under Section
16 531.659(c) [~~531.459(c)~~]; and

17 (3) require the applicant to provide other relevant
18 information as determined by the commission.

19 (8) Section 531.655, Government Code, as renumbered
20 from Section 531.455, Government Code, by this article, is amended
21 to read as follows:

22 Sec. 531.655 [~~531.455~~]. ADDITIONAL CONSIDERATIONS IN
23 AWARDED GRANTS. In addition to the factors described by Sections
24 531.652(b) [~~531.452(b)~~] and 531.653 [~~531.453~~], in determining
25 whether to award a grant to an applicant under this subchapter, the
26 commission shall consider:

27 (1) the demonstrated need for a partnership program in

1 the community in which the applicant proposes to operate or expand
2 the program, which may be determined by considering:

3 (A) the poverty rate, the crime rate, the number
4 of births to Medicaid recipients, the rate of poor birth outcomes,
5 and the incidence of child abuse and neglect during a prescribed
6 period in the community; and

7 (B) the need to enhance school readiness in the
8 community;

9 (2) the applicant's ability to participate in ongoing
10 monitoring and performance evaluations under Section 531.659
11 [~~531.459~~], including the applicant's ability to collect and provide
12 information requested by the commission under Section 531.659(c)
13 [~~531.459(c)~~];

14 (3) the applicant's ability to adhere to the
15 partnership program standards adopted under Section 531.656
16 [~~531.456~~];

17 (4) the applicant's ability to develop broad-based
18 community support for implementing or expanding a partnership
19 program, as applicable; and

20 (5) the applicant's history of developing and
21 sustaining innovative, high-quality programs that meet the needs of
22 families and communities.

23 (9) Subsections (a) and (b), Section 531.659,
24 Government Code, as renumbered from Section 531.459, Government
25 Code, by this article, are amended to read as follows:

26 (a) The commission, with the assistance of the Nurse-Family
27 Partnership National Service Office, shall:

1 (1) adopt performance indicators that are designed to
2 measure a grant recipient's performance with respect to the
3 partnership program standards adopted by the commission under
4 Section 531.656 [~~531.456~~];

5 (2) use the performance indicators to continuously
6 monitor and formally evaluate on an annual basis the performance of
7 each grant recipient; and

8 (3) prepare and submit an annual report, not later
9 than December 1 of each year, to the Senate Health and Human
10 Services Committee, or its successor, and the House Human Services
11 Committee, or its successor, regarding the performance of each
12 grant recipient during the preceding state fiscal year with respect
13 to providing partnership program services.

14 (b) The report required under Subsection (a)(3) must
15 include:

16 (1) the number of low-income, first-time mothers to
17 whom each grant recipient provided partnership program services
18 and, of that number, the number of mothers who established the
19 paternity of an alleged father as a result of services provided
20 under the program;

21 (2) the extent to which each grant recipient made
22 regular visits to mothers during the period described by Section
23 531.653(4) [~~531.453(4)~~]; and

24 (3) the extent to which each grant recipient adhered
25 to the Nurse-Family Partnership National Service Office's program
26 model, including the extent to which registered nurses:

27 (A) conducted home visitations comparable in

1 frequency, duration, and content to those delivered in Nurse-Family
2 Partnership National Service Office clinical trials; and

3 (B) assessed the health and well-being of mothers
4 and children participating in the partnership programs in
5 accordance with indicators of maternal, child, and family health
6 defined by the commission in consultation with the Nurse-Family
7 Partnership National Service Office.

8 (10) Subsection (d), Section 361.086, Health and
9 Safety Code, is amended to read as follows:

10 (d) A separate permit is not required for activities
11 authorized by a general permit issued under Section 27.025
12 [~~27.023~~], Water Code.

13 (11) Subsection (a), Section 91.027, Human Resources
14 Code, is amended to read as follows:

15 (a) To the extent that funds are available under Sections
16 521.421(j) [~~521.421(f), as added by Chapter 510, Acts of the 75th~~
17 ~~Legislature, Regular Session, 1997,~~] and 521.422(b),
18 Transportation Code, the commission shall operate a Blindness
19 Education, Screening, and Treatment Program to provide:

20 (1) blindness prevention education and screening and
21 treatment to prevent blindness for residents who are not covered
22 under an adequate health benefit plan; and

23 (2) transition services to blind disabled individuals
24 eligible for vocational rehabilitation services under Section
25 91.052.

26 (12) Section 1216.003, Insurance Code, as renumbered
27 from Section 1215.003, Insurance Code, by this article, is amended

1 to read as follows:

2 Sec. 1216.003 [~~1215.003~~]. EXCEPTION. This chapter does not
3 apply to:

4 (1) a plan that provides coverage:

5 (A) only for a specified disease;

6 (B) only for accidental death or dismemberment;

7 (C) for wages or payments in lieu of wages for a
8 period during which an employee is absent from work because of
9 sickness or injury;

10 (D) as a supplement to a liability insurance
11 policy;

12 (E) only for dental or vision care;

13 (F) only for indemnity for hospital confinement;

14 or

15 (G) only for health care services provided to an
16 enrollee while the enrollee is traveling to, visiting, or residing
17 in a foreign country;

18 (2) a Medicare supplemental policy as defined by
19 Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

20 (3) a workers' compensation insurance policy;

21 (4) medical payment insurance coverage provided under
22 a motor vehicle insurance policy; or

23 (5) a long-term care insurance policy, including a
24 nursing home fixed indemnity policy, unless the commissioner
25 determines that the policy provides benefit coverage so
26 comprehensive that the policy is a health benefit plan as described
27 by Section 1216.002 [~~1215.002~~].

1 (13) Subdivisions (2) and (4), Section 1651.101,
2 Insurance Code, are amended to read as follows:

3 (2) "Dollar-for-dollar asset disregard" and "asset
4 protection" have the meanings assigned by Section 32.251 [~~32.101~~],
5 Human Resources Code.

6 (4) "Partnership for long-term care program" means the
7 program established under Subchapter F [~~E~~], Chapter 32, Human
8 Resources Code, and this subchapter.

9 (14) Subsection (b), Section 178.056, Local
10 Government Code, as renumbered from Section 177.056, Local
11 Government Code, by this article, is amended to read as follows:

12 (b) If the special district is located wholly or partly in
13 more than one county and if the action of more than one
14 commissioners court was needed under Section 178.055(b)(2)
15 [~~177.055(b)(2)~~] to remove the director, the commissioners court of
16 each of those counties must agree on the appointment.

17 (15) Section 8299.003, Special District Local Laws
18 Code, as renumbered from Section 8208.003, Special District Local
19 Laws Code, by this article, is amended to read as follows:

20 Sec. 8299.003 [~~8208.003~~]. CONFIRMATION ELECTION REQUIRED.
21 If the creation of the district is not confirmed at a confirmation
22 election held under Section 8299.055 [~~8208.055~~] before September 1,
23 2011:

24 (1) the district is dissolved September 1, 2011,
25 except that:

26 (A) any debts incurred shall be paid;

27 (B) any assets that remain after the payment of

1 debts shall be transferred to Fort Bend County; and

2 (C) the organization of the district shall be
3 maintained until all debts are paid and remaining assets are
4 transferred; and

5 (2) this chapter expires September 1, 2014.

6 (16) Subsection (b), Section 8299.053, Special
7 District Local Laws Code, as renumbered from Section 8208.053,
8 Special District Local Laws Code, by this article, is amended to
9 read as follows:

10 (b) Notwithstanding Section 8299.051(b) [~~8208.051(b)~~], the
11 terms of the first three directors named in Subsection (a) expire on
12 the uniform election date in May 2008, and the terms of the last two
13 directors named in Subsection (a) expire on the uniform election
14 date in May 2010.

15 (17) Section 8299.054, Special District Local Laws
16 Code, as renumbered from Section 8208.054, Special District Local
17 Laws Code, by this article, is amended to read as follows:

18 Sec. 8299.054 [~~8208.054~~]. CONSENT OF MUNICIPALITY
19 REQUIRED. The initial directors may not hold an election under
20 Section 8299.055 [~~8208.055~~] until each municipality in whose
21 corporate limits or extraterritorial jurisdiction the district is
22 located has adopted a resolution consenting to the creation of the
23 district.

24 (18) Section 8299.056, Special District Local Laws
25 Code, as renumbered from Section 8208.056, Special District Local
26 Laws Code, by this article, is amended to read as follows:

27 Sec. 8299.056 [~~8208.056~~]. EXPIRATION. Sections 8299.053

1 ~~[8208.053]~~, 8299.054 [~~8208.054~~], and 8299.055 [~~8208.055~~] and this
2 section expire September 1, 2011.

3 (19) Section 8299.151, Special District Local Laws
4 Code, as renumbered from Section 8208.151, Special District Local
5 Laws Code, by this article, is amended to read as follows:

6 Sec. 8299.151 [~~8208.151~~]. TAX TO REPAY BONDS. The district
7 may impose a tax to pay the principal of or interest on bonds issued
8 under Section 8299.201 [~~8208.201~~].

9 (20) Section 8299.201, Special District Local Laws
10 Code, as renumbered from Section 8208.201, Special District Local
11 Laws Code, by this article, is amended to read as follows:

12 Sec. 8299.201 [~~8208.201~~]. AUTHORITY TO ISSUE BONDS AND
13 OTHER OBLIGATIONS. (a) The district may issue bonds or other
14 obligations as provided by Chapters 49 and 54, Water Code, to
15 finance the construction, maintenance, or operation of projects
16 under Sections 8299.101 [~~8208.101~~] and 8299.102 [~~8208.102~~].

17 (b) The district may not issue bonds to finance projects
18 authorized by Section 8299.102 [~~8208.102~~] unless the issuance is
19 approved by a vote of a two-thirds majority of the voters of the
20 district voting at an election called for that purpose.

21 (c) Bonds or other obligations issued or incurred to finance
22 projects authorized by Section 8299.102 [~~8208.102~~] may not exceed
23 one-fourth of the assessed value of the real property in the
24 district.

25 (21) Subsection (b), Section 8300.051, Special
26 District Local Laws Code, as renumbered from Section 8210.051,
27 Special District Local Laws Code, by this article, is amended to

1 read as follows:

2 (b) Except as provided by Section 8300.053 [~~8210.053~~],
3 directors serve staggered four-year terms.

4 (22) Subsection (a), Section 8300.152, Special
5 District Local Laws Code, as renumbered from Section 8210.152,
6 Special District Local Laws Code, by this article, is amended to
7 read as follows:

8 (a) If authorized at an election held in accordance with
9 Section 8300.151 [~~8210.151~~], the district may impose an operation
10 and maintenance tax on taxable property in the district in
11 accordance with the provisions of Section [~~Chapter~~] 49.107, Water
12 Code.

13 (23) Section 8301.003, Special District Local Laws
14 Code, as renumbered from Section 8269.003, Special District Local
15 Laws Code, by this article, is amended to read as follows:

16 Sec. 8301.003 [~~8269.003~~]. CONFIRMATION ELECTION REQUIRED.
17 If the creation of the district is not confirmed at a confirmation
18 election held under Section 8301.023 [~~8269.023~~] before September 1,
19 2012:

20 (1) the district is dissolved September 1, 2012,
21 except that:

22 (A) any debts incurred shall be paid;

23 (B) any assets that remain after the payment of
24 debts shall be transferred to Hays County; and

25 (C) the organization of the district shall be
26 maintained until all debts are paid and remaining assets are
27 transferred; and

1 (2) this chapter expires September 1, 2015.

2 (24) Subsection (d), Section 8301.021, Special
3 District Local Laws Code, as renumbered from Section 8269.021,
4 Special District Local Laws Code, by this article, is amended to
5 read as follows:

6 (d) Temporary directors serve until the earlier of:

7 (1) the date directors are elected under Section
8 8301.023 [~~8269.023~~]; or

9 (2) the date this chapter expires under Section
10 8301.003 [~~8269.003~~].

11 (25) Section 8301.024, Special District Local Laws
12 Code, as renumbered from Section 8269.024, Special District Local
13 Laws Code, by this article, is amended to read as follows:

14 Sec. 8301.024 [~~8269.024~~]. INITIAL ELECTED DIRECTORS;
15 TERMS. The directors elected under Section 8301.023 [~~8269.023~~]
16 shall draw lots to determine which two serve until the first
17 regularly scheduled election of directors under Section 8301.052
18 [~~8269.052~~] and which three shall serve until the second regularly
19 scheduled election of directors.

20 (26) Section 8301.025, Special District Local Laws
21 Code, as renumbered from Section 8269.025, Special District Local
22 Laws Code, by this article, is amended to read as follows:

23 Sec. 8301.025 [~~8269.025~~]. DATE OF FIRST REGULARLY
24 SCHEDULED ELECTION OF DIRECTORS. The board by order may postpone
25 the first election under Section 8301.052 [~~8269.052~~] following the
26 confirmation and initial directors' election held under Section
27 8301.023 [~~8269.023~~] if:

1 (1) the election would otherwise occur not later than
2 the 60th day after the date on which the confirmation election is
3 held; or

4 (2) the board determines that there is not sufficient
5 time to comply with the requirements of law and to order the
6 election.

7 (27) Subsection (a), Section 8301.151, Special
8 District Local Laws Code, as renumbered from Section 8269.151,
9 Special District Local Laws Code, by this article, is amended to
10 read as follows:

11 (a) Except as provided by Section 8301.201(b)
12 [~~8269.201(b)~~], the district may issue, without an election, bonds
13 and other obligations secured by revenue or contract payments from
14 any source other than ad valorem taxation.

15 (28) Subsection (a), Section 8301.152, Special
16 District Local Laws Code, as renumbered from Section 8269.152,
17 Special District Local Laws Code, by this article, is amended to
18 read as follows:

19 (a) If authorized at an election held under Section 8301.151
20 [~~8269.151~~], the district may impose an operation and maintenance
21 tax on taxable property in the district in accordance with Section
22 49.107, Water Code.

23 (29) Subsections (b) and (c), Section 8301.201,
24 Special District Local Laws Code, as renumbered from Section
25 8269.201, Special District Local Laws Code, by this article, are
26 amended to read as follows:

27 (b) The district may not issue bonds to finance projects

1 authorized by Section 8301.103 [~~8269.103~~] unless the issuance is
2 approved by a vote of a two-thirds majority of the voters of the
3 district voting at an election called for that purpose.

4 (c) Bonds or other obligations issued or incurred to finance
5 projects authorized by Section 8301.103 [~~8269.103~~] may not exceed
6 one-fourth of the assessed value of the real property in the
7 district.

8 (30) Section 9015.051, Special District Local Laws
9 Code, as renumbered from Section 9009.051, Special District Local
10 Laws Code, by this article, is amended to read as follows:

11 Sec. 9015.051 [~~9009.051~~]. AUTHORITY TERRITORY. The
12 authority is composed of the territory that was contained in the
13 city on January 1, 1981, as that territory may have been modified
14 under:

15 (1) Subchapter J, Chapter 49, Water Code;

16 (2) Section 5, Chapter 12, Acts of the 57th
17 Legislature, 3rd Called Session, 1962 (Article 8280-270, Vernon's
18 Texas Civil Statutes);

19 (3) Section 9015.052 [~~9009.052~~]; or

20 (4) other law.

21 (31) Subsection (g), Section 9015.052, Special
22 District Local Laws Code, as renumbered from Section 9009.052,
23 Special District Local Laws Code, by this article, is amended to
24 read as follows:

25 (g) An election held under Subsection (f) shall be held in
26 the same manner as an election under Section 9015.354 [~~9009.354~~]
27 for the issuance of bonds payable wholly or partly from taxes.

1 (32) Section 9015.254, Special District Local Laws
2 Code, as renumbered from Section 9009.254, Special District Local
3 Laws Code, by this article, is amended to read as follows:

4 Sec. 9015.254 [~~9009.254~~]. JUDICIAL NOTICE OF RULES. A
5 court shall take judicial notice of a rule adopted under this
6 subchapter and published as required by Section 9015.253
7 [~~9009.253~~], and the court shall consider the rule to be similar in
8 nature to a penal ordinance of a municipality.

9 (33) Subsection (k), Section 22.01, Tax Code, is
10 amended to read as follows:

11 (k) Notwithstanding Subsections (a) and (b), an individual
12 who has been granted or has applied for an exemption from taxation
13 under Section 11.254 [~~11.253~~] for a motor vehicle the individual
14 owns is not required to render the motor vehicle for taxation.

15 (34) Subsection (b), Section 521.427, Transportation
16 Code, is amended to read as follows:

17 (b) Subsection (a) does not apply to:

18 (1) the portion of a fee collected under Section
19 521.421(b) or Section 521.421(f), as added by Chapter 1156, Acts of
20 the 75th Legislature, Regular Session, 1997, that is required by
21 Section 662.011 to be deposited to the credit of the motorcycle
22 education fund account;

23 (2) a fee collected under Section 521.421(j)
24 [~~521.421(f), as added by Chapter 510, Acts of the 75th Legislature,~~
25 ~~Regular Session, 1997~~];

26 (3) a fee collected under Section 521.421(g); or

27 (4) a fee collected under Section 521.422(b) or (c).

1 (35) Subsection (a), Section 522.029, Transportation
2 Code, is amended to read as follows:

3 (a) The fee for a commercial driver's license or commercial
4 driver learner's permit issued by the department is \$60, except as
5 provided by Subsections (f), (h), ~~[and]~~ (j), and (k).

6 (36) Section 522.055, Transportation Code, is amended
7 to read as follows:

8 Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt
9 of notice from the other state that the grounds for denial of the
10 renewal of the commercial driver's license based on the license
11 holder's previous failure to appear or failure to pay a fine and
12 costs previously reported by that state under Section 522.0541
13 [~~522.054~~] have ceased to exist, the department shall renew the
14 person's commercial driver's license.

15 (37) Subsection (a), Section 2308.209, Occupations
16 Code, as renumbered from Section 643.209, Transportation Code, by
17 this article, is repealed.

18 SECTION 27.003. If the number, letter, or designation
19 assigned by Section 27.001 of this Act conflicts with a number,
20 letter, or designation assigned by another Act of the 81st
21 Legislature:

22 (1) the other Act controls, and the change made by
23 Section 27.001 of this Act has no effect; and

24 (2) any change made by Section 27.002 of this Act to
25 conform to that change made by Section 27.001 of this Act has no
26 effect.

1 ARTICLE 28. EFFECTIVE DATE

2 SECTION 28.001. This Act takes effect September 1, 2009.