

By: West
(King of Zavala)

S.B. No. 1303

A BILL TO BE ENTITLED

AN ACT

1
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, and to conforming codifications
5 enacted by the 81st Legislature to other Acts of that legislature.

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

7 ARTICLE 1. GENERAL PROVISIONS

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

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

15 (2) conforming codifications enacted by the 81st
16 Legislature to other Acts of that legislature that amended the laws
17 codified or added new law to subject matter codified;

18 (3) making necessary corrections to enacted
19 codifications; and

20 (4) renumbering or otherwise redesignating titles,
21 chapters, and sections of codes that duplicate title, chapter, or
22 section designations.

23 SECTION 1.002. (a) The repeal of a statute by this Act does
24 not affect an amendment, revision, or reenactment of the statute by

1 the 82nd Legislature, Regular Session, 2011. The amendment,
2 revision, or reenactment is preserved and given effect as part of
3 the code provision that revised the statute so amended, revised, or
4 reenacted.

5 (b) If any provision of this Act conflicts with a statute
6 enacted by the 82nd Legislature, Regular Session, 2011, the statute
7 controls.

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

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

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

18 ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

19 SECTION 2.001. Section 16.005(b), Agriculture Code, as
20 amended by Chapters 1295 (H.B. 2318) and 1312 (H.B. 2582), Acts of
21 the 81st Legislature, Regular Session, 2009, is reenacted to read
22 as follows:

23 (b) For each fiscal year, the office may not impose fees on a
24 producer for more than 18 million gallons of fuel ethanol,
25 biodiesel, or renewable diesel or MMBtu of renewable methane
26 produced at any one registered plant.

27 SECTION 2.002. Section 16.006(c), Agriculture Code, as

1 amended by Chapters 1295 (H.B. 2318) and 1312 (H.B. 2582), Acts of
2 the 81st Legislature, Regular Session, 2009, is reenacted to read
3 as follows:

4 (c) For each fiscal year a producer may not receive grants
5 for more than 18 million gallons of fuel ethanol, biodiesel, or
6 renewable diesel or MMBtu of renewable methane produced at any one
7 registered plant.

8 SECTION 2.003. The heading to Section 58.057, Agriculture
9 Code, is repealed to conform to the repeal of Sections 58.057(a),
10 (c), and (e), Agriculture Code, by Chapter 506 (S.B. 1016), Acts of
11 the 81st Legislature, Regular Session, 2009, and the transfer of
12 Sections 58.057(b) and (d), Agriculture Code, to Section 58.032,
13 Agriculture Code, by Chapter 506 (S.B. 1016), Acts of the 81st
14 Legislature, Regular Session, 2009.

15 SECTION 2.004. Section 203.052(c), Agriculture Code, as
16 amended by Chapters 200 (H.B. 3442) and 983 (S.B. 1828), Acts of the
17 78th Legislature, Regular Session, 2003, is reenacted to read as
18 follows:

19 (c) At the hearing, representatives of a district and any
20 other person may appear and present testimony including information
21 and suggestions for any changes in the proposed plan. The board
22 shall:

23 (1) enter any written comments received on the
24 proposed plan into the record of the hearing; and

25 (2) consider all written comments and testimony before
26 taking final action on the proposed plan.

27 SECTION 2.005. Section 302.002, Agriculture Code, is

1 amended to conform to Chapters 816 (S.B. 279) and 1245 (S.B. 1700),
2 Acts of the 78th Legislature, Regular Session, 2003, to read as
3 follows:

4 Sec. 302.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

5 (1) "Commission" means the Texas Commission of
6 Licensing and Regulation.

7 (2) "Department" means the Texas Department of
8 Licensing and Regulation.

9 (3) "Weather [~~,"~~ "weather] modification and control"
10 means changing or controlling, or attempting to change or control,
11 by artificial methods the natural development of atmospheric cloud
12 forms or precipitation forms that occur in the troposphere.

13 ARTICLE 3. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

14 SECTION 3.001. Section 48.03, Alcoholic Beverage Code, is
15 amended to correct a reference to read as follows:

16 Sec. 48.03. ELIGIBILITY FOR PERMIT. The commission or
17 administrator may issue a passenger train beverage permit to any
18 corporation organized under the Business Organizations Code or
19 former Title 112, Revised Statutes, or under the Rail Passenger
20 Service Act of 1970, as amended (45 U.S.C.A. Section 501 et seq.),
21 operating a commercial passenger train service in or through the
22 state. Application and payment of the fee shall be made directly to
23 the commission.

24 ARTICLE 4. CHANGES RELATING TO BUSINESS & COMMERCE CODE

25 SECTION 4.001. Sections 35.60 and 35.63, Business &
26 Commerce Code, are repealed to conform to the repeal of Chapter 35,
27 Business & Commerce Code, by Chapter 885 (H.B. 2278), Acts of the

1 80th Legislature, Regular Session, 2007.

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

3 SECTION 5.001. Section 64.072(d), Civil Practice and
4 Remedies Code, is amended to correct references to read as follows:

5 (d) A court may not extend a corporate receivership for more
6 than five years beyond the original three years, except that the
7 court may extend for any additional period the receivership of a
8 corporation organized [~~and existing~~] under former Article
9 3.05(A)(2), Texas Miscellaneous Corporation Laws Act (Article
10 1302-3.05, Vernon's Texas Civil Statutes), Section 2.006, Business
11 Organizations Code, before September 1, 2009, or a railroad
12 corporation organized under the Business Organizations Code or
13 former Title 112, Revised Statutes.

14 SECTION 5.002. Section 125.061(3), Civil Practice and
15 Remedies Code, is amended to correct a reference to read as follows:

16 (3) "Gang activity" means the following types of
17 conduct:

18 (A) organized criminal activity as described by
19 Section 71.02, Penal Code;

20 (B) terroristic threat as described by Section
21 22.07, Penal Code;

22 (C) coercing, soliciting, or inducing gang
23 membership as described by Section 71.022(a) or (a-1) [~~22.015~~],
24 Penal Code;

25 (D) criminal trespass as described by Section
26 30.05, Penal Code;

27 (E) disorderly conduct as described by Section

1 42.01, Penal Code;

2 (F) criminal mischief as described by Section
3 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;

4 (G) a graffiti offense in violation of Section
5 28.08, Penal Code, that:

6 (i) causes a pecuniary loss of \$500 or more;

7 or

8 (ii) occurs at a school, an institution of
9 higher education, a place of worship or human cemetery, a public
10 monument, or a community center that provides medical, social, or
11 educational programs;

12 (H) a weapons offense in violation of Chapter 46,
13 Penal Code; or

14 (I) unlawful possession of a substance or other
15 item in violation of Chapter 481, Health and Safety Code.

16 ARTICLE 6. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

17 SECTION 6.001. Article 2.27, Code of Criminal Procedure, as
18 amended by Chapters 867 (S.B. 669) and 1210 (S.B. 1074), Acts of the
19 78th Legislature, Regular Session, 2003, is reenacted and amended
20 to read as follows:

21 Art. 2.27. INVESTIGATION OF CERTAIN REPORTS ALLEGING ABUSE.

22 (a) On receipt of a report that is assigned the highest priority in
23 accordance with rules adopted by the Department of Family and
24 Protective [~~and Regulatory~~] Services under Section 261.301(d),
25 Family Code, and that alleges an immediate risk of physical or
26 sexual abuse of a child that could result in the death of or serious
27 harm to the child by a person responsible for the care, custody, or

1 welfare of the child, a peace officer from the appropriate local law
2 enforcement agency shall investigate the report jointly with the
3 department or with the agency responsible for conducting an
4 investigation under Subchapter E, Chapter 261, Family Code. As soon
5 as possible after being notified by the department of the report,
6 but not later than 24 hours after being notified, the peace officer
7 shall accompany the department investigator in initially
8 responding to the report.

9 (b) On receipt of a report of abuse or neglect or other
10 complaint of a resident of a nursing home, convalescent home, or
11 other related institution under Section 242.126(c)(1), Health and
12 Safety Code, the appropriate local law enforcement agency shall
13 investigate the report as required by Section 242.135, Health and
14 Safety Code.

15 SECTION 6.002. Section 1, Article 55.02, Code of Criminal
16 Procedure, is amended to correct a reference to read as follows:

17 Sec. 1. At the request of the defendant and after notice to
18 the state, the trial court presiding over the case in which the
19 defendant was acquitted, if the trial court is a district court, or
20 a district court in the county in which the trial court is located
21 shall enter an order of expunction for a person entitled to
22 expunction under Article 55.01(a)(1)(A) [~~article 55.01(a)(1)(a)~~]
23 not later than the 30th day after the date of the acquittal. Upon
24 acquittal, the trial court shall advise the defendant of the right
25 to expunction. The defendant shall provide to the district court
26 all of the information required in a petition for expunction under
27 Section 2(b). The attorney for the defendant in the case in which

1 the defendant was acquitted, if the defendant was represented by
2 counsel, or the attorney for the state, if the defendant was not
3 represented by counsel, shall prepare the order for the court's
4 signature.

5 SECTION 6.003. Article 59.01(2), Code of Criminal
6 Procedure, as amended by Chapters 153 (S.B. 2225), 1130 (H.B.
7 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular
8 Session, 2009, is reenacted and amended to read as follows:

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

11 (A) used in the commission of:

12 (i) any first or second degree felony under
13 the Penal Code;

14 (ii) any felony under Section 15.031(b),
15 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30,
16 31, 32, 33, 33A, or 35, Penal Code;

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

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

23 (B) used or intended to be used in the commission
24 of:

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

27 (ii) any felony under Chapter 483, Health

1 and Safety Code;

2 (iii) a felony under Chapter 153, Finance
3 Code;

4 (iv) any felony under Chapter 34, Penal
5 Code;

6 (v) a Class A misdemeanor under Subchapter
7 B, Chapter 365, Health and Safety Code, if the defendant has been
8 previously convicted twice of an offense under that subchapter;

9 (vi) any felony under Chapter 152, Finance
10 Code;

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

14 (viii) a Class B misdemeanor under Chapter
15 522, Business & Commerce Code;

16 (ix) a Class A misdemeanor under Section
17 306.051, Business & Commerce Code; ~~or~~

18 (x) any offense under Section 42.10, Penal
19 Code;

20 (xi) ~~(x)~~ any offense under Section
21 46.06(a)(1) or 46.14, Penal Code; or

22 (xii) ~~(x)~~ any offense under Chapter 71,
23 Penal Code;

24 (C) the proceeds gained from the commission of a
25 felony listed in Paragraph (A) or (B) of this subdivision, a
26 misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii)
27 ~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of violence;

1 (D) acquired with proceeds gained from the
2 commission of a felony listed in Paragraph (A) or (B) of this
3 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x),
4 (xi), or (xii) [~~(B)(viii) or (x)~~] of this subdivision, or a crime of
5 violence; or

6 (E) used to facilitate or intended to be used to
7 facilitate the commission of a felony under Section 15.031 or
8 43.25, Penal Code.

9 SECTION 6.004. Article 59.011, Code of Criminal Procedure,
10 as added by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357
11 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is
12 reenacted and amended to read as follows:

13 Art. 59.011. ELECTION OF FORFEITURE PROCEEDING. If
14 property described by Article 59.01(2)(B)(x), (xi), or (xii) is
15 subject to forfeiture under this chapter and Article 18.18, the
16 attorney representing the state may proceed under either this
17 chapter or that article.

18 SECTION 6.005. Article 62.051(c), Code of Criminal
19 Procedure, as amended by Chapters 661 (H.B. 2153) and 755 (S.B.
20 689), Acts of the 81st Legislature, Regular Session, 2009, is
21 reenacted and amended to read as follows:

22 (c) The registration form shall require:

23 (1) the person's full name, date of birth, sex, race,
24 height, weight, eye color, hair color, social security number,
25 driver's license number, and shoe size;

26 (1-a) [~~and~~] the address at which the person resides
27 or intends to reside or, if the person does not reside or intend to

1 reside at a physical address, a detailed description of each
2 geographical location at which the person resides or intends to
3 reside;

4 (1-b) [~~and~~] each alias used by the person and any home,
5 work, or cellular telephone number of the person;

6 (2) a recent color photograph or, if possible, an
7 electronic digital image of the person and a complete set of the
8 person's fingerprints;

9 (3) the type of offense the person was convicted of,
10 the age of the victim, the date of conviction, and the punishment
11 received;

12 (4) an indication as to whether the person is
13 discharged, paroled, or released on juvenile probation, community
14 supervision, or mandatory supervision;

15 (5) an indication of each license, as defined by
16 Article 62.005(g), that is held or sought by the person;

17 (6) an indication as to whether the person is or will
18 be employed, carrying on a vocation, or a student at a particular
19 public or private institution of higher education in this state or
20 another state, and the name and address of that institution;

21 (7) the identification of any online identifier
22 established or used by the person; and

23 (8) any other information required by the department.

24 SECTION 6.006. Article 102.0045(d), Code of Criminal
25 Procedure, is amended to correct a reference to read as follows:

26 (d) Fees deposited in the jury service fund under this
27 article [~~section~~] are exempt from the application of Section

1 403.095, Government Code.

2 SECTION 6.007. Article 102.0185(c), Code of Criminal
3 Procedure, is amended to correct a reference to read as follows:

4 (c) Costs imposed under this article are collected in the
5 ~~[same]~~ manner provided by Subchapter B, Chapter 133, Local
6 Government Code ~~[as other costs collected under Article 102.075]~~.

7 SECTION 6.008. Articles 102.056(c) and (d), Code of
8 Criminal Procedure, are amended to correct references to read as
9 follows:

10 (c) Notwithstanding any other provision of this article
11 ~~[section]~~, the criminal justice division shall allocate to a local
12 unit of government or combination of local units of government
13 located in an impacted region occurring as the result of the
14 establishment of a significant new naval military facility an
15 amount that exceeds by 10 percent the amount it would otherwise
16 receive under this article ~~[section]~~.

17 (d) In this article, ~~[section]~~ "significant new naval
18 military facility" and "impacted region" have the meanings assigned
19 by Section 4, Article 1, National Defense Impacted Region
20 Assistance Act of 1985.

21 ARTICLE 7. CHANGES RELATING TO EDUCATION CODE

22 SECTION 7.001. Section 12.013(b), Education Code, is
23 amended to correct a reference to read as follows:

24 (b) A home-rule school district is subject to:

25 (1) a provision of this title establishing a criminal
26 offense;

27 (2) a provision of this title relating to limitations

1 on liability; and

2 (3) a prohibition, restriction, or requirement, as
3 applicable, imposed by this title or a rule adopted under this
4 title, relating to:

5 (A) the Public Education Information Management
6 System (PEIMS) to the extent necessary to monitor compliance with
7 this subchapter as determined by the commissioner;

8 (B) educator certification under Chapter 21 and
9 educator rights under Sections 21.407, 21.408, and 22.001;

10 (C) criminal history records under Subchapter C,
11 Chapter 22;

12 (D) student admissions under Section 25.001;

13 (E) school attendance under Sections 25.085,
14 25.086, and 25.087;

15 (F) inter-district or inter-county transfers of
16 students under Subchapter B, Chapter 25;

17 (G) elementary class size limits under Section
18 25.112, in the case of any campus in the district that fails to
19 satisfy any standard under Section 39.054(e) [~~39.054(d)~~];

20 (H) high school graduation under Section 28.025;

21 (I) special education programs under Subchapter
22 A, Chapter 29;

23 (J) bilingual education under Subchapter B,
24 Chapter 29;

25 (K) prekindergarten programs under Subchapter E,
26 Chapter 29;

27 (L) safety provisions relating to the

1 transportation of students under Sections 34.002, 34.003, 34.004,
2 and 34.008;

3 (M) computation and distribution of state aid
4 under Chapters 31, 42, and 43;

5 (N) extracurricular activities under Section
6 33.081;

7 (O) health and safety under Chapter 38;

8 (P) public school accountability under
9 Subchapters B, C, D, E, and J, Chapter 39;

10 (Q) equalized wealth under Chapter 41;

11 (R) a bond or other obligation or tax rate under
12 Chapters 42, 43, and 45; and

13 (S) purchasing under Chapter 44.

14 SECTION 7.002. Section 12.119(c), Education Code, is
15 amended to correct a reference to read as follows:

16 (c) On request, the State Board of Education shall provide
17 the information required by this section and Section 12.111(a)(8)
18 [~~12.111(8)~~] to a member of the public. The board may charge a
19 reasonable fee to cover the board's cost in providing the
20 information.

21 SECTION 7.003. Section 21.4551(c), Education Code, is
22 amended to correct a reference to read as follows:

23 (c) The commissioner by rule shall require a teacher to
24 attend a reading academy if the teacher provides instruction in
25 reading, mathematics, science, or social studies to students at the
26 sixth, seventh, or eighth grade level at a campus that fails to
27 satisfy any standard under Section 39.054(e) [~~39.054(d)~~] on the

1 basis of student performance on the reading assessment instrument
2 administered under Section 39.023(a) to students in any grade level
3 at the campus.

4 SECTION 7.004. Section 21.705, Education Code, as amended
5 by Chapters 1262 (H.B. 709) and 1328 (H.B. 3646), Acts of the 81st
6 Legislature, Regular Session, 2009, is reenacted to read as
7 follows:

8 Sec. 21.705. AWARD PAYMENTS. A school district must use at
9 least 60 percent of grant funds awarded to the district under this
10 subchapter to directly award classroom teachers and principals who
11 effectively improve student achievement as determined by
12 meaningful, objective measures. The remaining funds must be used
13 only to:

14 (1) provide teacher induction and mentoring support,
15 including stipends to effective mentors or teacher coaches;

16 (2) provide stipends to classroom teachers who are
17 certified in a subject that is designated by the commissioner as
18 commonly experiencing a critical shortage of teachers;

19 (3) provide stipends to classroom teachers who are
20 certified under Subchapter B in the main subject area in which they
21 teach;

22 (4) provide stipends to recruit and retain classroom
23 teachers and principals with proven records of success for
24 improving student performance who are assigned to campuses at which
25 the district has experienced difficulty assigning or retaining
26 teachers;

27 (5) provide stipends to classroom teachers who hold

1 advanced certification from an organization that certifies at least
2 2,500 teachers in the United States each year based on the teachers'
3 satisfaction, through study, expert evaluation, self-assessment,
4 and peer review, of high and rigorous standards for accomplished
5 teaching;

6 (6) provide awards to other campus employees who
7 demonstrate excellence;

8 (7) implement the components of a Teacher Advancement
9 Program (TAP), including:

10 (A) an instructionally focused accountability
11 system; and

12 (B) the adjustment of teaching schedules to
13 permit ongoing applied professional growth; or

14 (8) provide funding for previously developed
15 incentive programs.

16 SECTION 7.005. Section 25.087(b), Education Code, as
17 amended by Chapters 517 (S.B. 1134) and 595 (H.B. 192), Acts of the
18 81st Legislature, Regular Session, 2009, is reenacted and amended
19 to read as follows:

20 (b) A school district shall excuse a student from attending
21 school for:

22 (1) the following purposes, including travel for those
23 purposes:

24 (A) observing religious holy days;

25 (B) attending a required court appearance;

26 (C) appearing at a governmental office to
27 complete paperwork required in connection with the student's

1 application for United States citizenship; ~~[or]~~

2 (D) taking part in a United States naturalization
3 oath ceremony; or

4 (E) ~~[(C)]~~ serving as an election clerk; or

5 (2) a temporary absence resulting from health care
6 professionals if that student commences classes or returns to
7 school on the same day of the appointment.

8 SECTION 7.006. Section 28.0211(k), Education Code, is
9 amended to correct a reference to read as follows:

10 (k) The commissioner shall adopt rules as necessary to
11 implement this section, including rules concerning when school
12 districts shall administer assessment instruments required under
13 this section and which administration of the assessment instruments
14 will be used for purposes of Section 39.054 ~~[39.051]~~.

15 SECTION 7.007. Section 29.202(a), Education Code, is
16 amended to correct a reference to read as follows:

17 (a) A student is eligible to receive a public education
18 grant or to attend another public school in the district in which
19 the student resides under this subchapter if the student is
20 assigned to attend a public school campus:

21 (1) at which 50 percent or more of the students did not
22 perform satisfactorily on an assessment instrument administered
23 under Section 39.023(a) or (c) in any two of the preceding three
24 years; or

25 (2) that, at any time in the preceding three years,
26 failed to satisfy any standard under Section 39.054(e) ~~[39.054(d)]~~.

27 SECTION 7.008. Section 30A.002(b), Education Code, as

1 amended by Chapters 850 (S.B. 2248) and 1328 (H.B. 3646), Acts of
2 the 81st Legislature, Regular Session, 2009, is reenacted and
3 amended to read as follows:

4 (b) A student is eligible to enroll full-time in courses
5 provided through the state virtual school network only if the
6 student:

7 (1) [~~the student~~] was enrolled in a public school in
8 this state in the preceding school year; or

9 (2) [~~(3) the student~~] has been placed in substitute
10 care in this state, regardless of whether the student was enrolled
11 in a public school in this state in the preceding school year.

12 SECTION 7.009. Section 32.261(b), Education Code, is
13 amended to correct a reference to read as follows:

14 (b) To the extent possible considering other statutory
15 requirements, the commissioner and agency shall encourage the use
16 of textbook funds and technology allotment funds under Section
17 32.005 [~~31.021(b)(2)~~] in a manner that facilitates the development
18 and use of the portal.

19 SECTION 7.010. The heading to Section 39.106, Education
20 Code, is amended to read as follows:

21 Sec. 39.106. CAMPUS INTERVENTION TEAM DUTIES.

22 SECTION 7.011. The heading to Section 39.113, Education
23 Code, is amended to read as follows:

24 Sec. 39.113. CAMPUS INTERVENTION TEAM MEMBERS.

25 SECTION 7.012. Section 41.124(c), Education Code, is
26 amended to correct a reference to read as follows:

27 (c) A school district that receives tuition for a student

1 from a school district with a wealth per student that exceeds the
2 equalized wealth level may not claim attendance for that student
3 for purposes of Chapters 42 and 46 and the technology allotment
4 under Section 32.005 [~~31.021(b)(2)~~].

5 SECTION 7.013. Section 45.261(d), Education Code, is
6 amended to correct a reference to read as follows:

7 (d) If a school district fails to comply with the
8 commissioner's order under Subsection (c), the commissioner may
9 impose any sanction on the district authorized to be imposed on a
10 district under Subchapter E [~~G~~], Chapter 39, including appointment
11 of a board of managers or annexation to another district,
12 regardless of the district's accreditation status or the duration
13 of a particular accreditation status.

14 SECTION 7.014. Section 54.211, Education Code, as amended
15 by Chapters 45 (S.B. 43) and 1372 (S.B. 939), Acts of the 81st
16 Legislature, Regular Session, 2009, is reenacted and amended to
17 read as follows:

18 Sec. 54.211. EXEMPTIONS FOR STUDENTS UNDER CONSERVATORSHIP
19 OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. (a) A student is
20 exempt from the payment of tuition and fees authorized in this
21 chapter, including tuition and fees charged by an institution of
22 higher education for a dual credit course or other course for which
23 a high school student may earn joint high school and college credit,
24 if the student:

25 (1) was under the conservatorship of the Department of
26 Family and Protective Services:

27 (A) on the day preceding the student's 18th

1 birthday;

2 (B) on or after the day of the student's 14th
3 birthday, if the student was also eligible for adoption on or after
4 that day;

5 (C) on the day the student graduated from high
6 school or received the equivalent of a high school diploma;

7 (D) on the day preceding:

8 (i) the date the student is adopted, if that
9 date is on or after September 1, 2009; or

10 (ii) the date permanent managing
11 conservatorship of the student is awarded to a person other than the
12 student's parent, if that date is on or after September 1, 2009; or

13 (E) [~~(D)~~] during an academic term in which the
14 student was enrolled in a dual credit course or other course for
15 which a high school student may earn joint high school and college
16 credit; and

17 (2) enrolls in an institution of higher education as
18 an undergraduate student or in a dual credit course or other course
19 for which a high school student may earn joint high school and
20 college credit not later than the student's 25th birthday.

21 (b) The Texas Education Agency and the Texas Higher
22 Education Coordinating Board shall develop outreach programs to
23 ensure that students in the conservatorship of the Department of
24 Family and Protective Services and in grades 9-12 are aware of the
25 availability of the exemption from the payment of tuition and fees
26 provided by this section.

27 SECTION 7.015. Section 56.302(a), Education Code, is

1 amended to read as follows:

2 (a) Except as provided under Section 56.310(c), the student
3 financial assistance program authorized by this subchapter is known
4 as the Toward EXcellence [~~Excellence~~], Access, & Success (TEXAS)
5 grant program, and an individual grant awarded under this
6 subchapter is known as a TEXAS grant.

7 SECTION 7.016. Section 61.083, Education Code, is repealed
8 to conform to the repeal of Sections 61.083(b), (c), and (d),
9 Education Code, by Section 13(4), Chapter 823 (H.B. 2448), Acts of
10 the 74th Legislature, Regular Session, 1995.

11 SECTION 7.017. Section 132.053(a), Education Code, is
12 amended to correct a reference to read as follows:

13 (a) The commission may establish rules that waive, alter,
14 suspend, or replace any of the following provisions governing small
15 career schools and colleges:

16 (1) the fee schedule authorized under Section 132.201,
17 provided that fees under a fee schedule established by rule may not
18 be less than the reasonable administrative cost for regulation or
19 more than the amount that a small career school or college would
20 otherwise pay if it were not classified as a small career school or
21 college;

22 (2) participation in the career school or college
23 tuition trust account required by Section 132.2415;

24 (3) the refund policy provisions of Section 132.061;

25 (4) the examination of a school or college for
26 compliance under Section 132.056(f);

27 (5) the reporting requirements of Section

1 132.055(b)(15) [~~132.055(e)~~]; and

2 (6) the term for which a certificate of approval is
3 issued under Section 132.056(b), provided that a rule adopted under
4 this section may not provide for a term that exceeds three years or
5 is less than one year.

6 SECTION 7.018. (a) Section 142.001(3), Education Code, as
7 amended by Chapters 1250 (H.B. 58) and 1335 (S.B. 44), Acts of the
8 81st Legislature, Regular Session, 2009, is reenacted and amended
9 to read as follows:

10 (3) "Eligible institution" means:

11 (A) an institution of higher education[~~, as~~
12 ~~defined by Section 61.003~~]; or

13 (B) a private or independent institution of
14 higher education[~~, as defined by Section 61.003~~].

15 (b) Section 142.001(3-a), Education Code, as added by
16 Chapter 1335 (S.B. 44), Acts of the 81st Legislature, Regular
17 Session, 2009, is amended to conform to Chapter 1250 (H.B. 58), Acts
18 of the 81st Legislature, Regular Session, 2009, to read as follows:

19 (3-a) "Institution of higher education," [~~and~~
20 "medical and dental unit," and "private or independent institution
21 of higher education" have the meanings assigned by Section 61.003.

22 ARTICLE 8. CHANGES RELATING TO ESTATES CODE

23 SECTION 8.001. Section 52.001(a), Estates Code, as
24 effective January 1, 2014, is amended to conform to Section 2,
25 Chapter 602 (H.B. 585), Acts of the 81st Legislature, Regular
26 Session, 2009, to read as follows:

27 (a) The county clerk shall maintain a record book titled

1 "Judge's Probate Docket" and shall record in the book:

2 (1) the name of each person with respect to whom, or
3 with respect to whose estate, proceedings are commenced or sought
4 to be commenced;

5 (2) the name of each executor, administrator, or
6 applicant for letters testamentary or of administration;

7 (3) the date each original application for probate
8 proceedings is filed;

9 (4) a notation [~~minute~~] of each order, judgment,
10 decree, and proceeding that occurs in each estate, including the
11 date it occurs; and

12 (5) the docket number of each estate as assigned under
13 Subsection (b).

14 SECTION 8.002. Section 55.251, Estates Code, as effective
15 January 1, 2014, is amended to more closely conform to the source
16 law from which it was derived to read as follows:

17 Sec. 55.251. REVISION AND CORRECTION OF ORDER OR JUDGMENT
18 IN PROBATE PROCEEDING. (a) An interested person may, by a bill of
19 review filed in the court in which the probate proceedings were
20 held, have an order or judgment rendered by the court revised and
21 corrected on a showing of error in the order or judgment, as
22 applicable.

23 (b) A bill of review to revise and correct an order or
24 judgment may not be filed more than two years after the date of the
25 order or judgment, as applicable.

26 SECTION 8.003. Section 55.252, Estates Code, as effective
27 January 1, 2014, is amended to more closely conform to the source

1 law from which it was derived to read as follows:

2 Sec. 55.252. INJUNCTION. A process or action under a court
3 order or judgment subject to a bill of review filed under Section
4 55.251 may be stayed only by writ of injunction.

5 SECTION 8.004. Section 113.051(a), Estates Code, as
6 effective January 1, 2014, is amended to conform to Section 2,
7 Chapter 929 (H.B. 3075), Acts of the 81st Legislature, Regular
8 Session, 2009, to read as follows:

9 (a) A contract of deposit that contains provisions
10 substantially the same as in the form provided by Section 113.052
11 establishes the type of account selected by a party. This chapter
12 governs an account selected under the form[~~, other than a~~
13 ~~single-party account without a P.O.D. designation~~].

14 SECTION 8.005. Section 113.052, Estates Code, as effective
15 January 1, 2014, is amended to conform to Section 2, Chapter 929
16 (H.B. 3075), Acts of the 81st Legislature, Regular Session, 2009,
17 to read as follows:

18 Sec. 113.052. FORM. A financial institution may use the
19 following form to establish the type of account selected by a party:

20 UNIFORM SINGLE-PARTY OR MULTIPLE-PARTY ACCOUNT SELECTION
21 FORM NOTICE: The type of account you select may determine how
22 property passes on your death. Your will may not control the
23 disposition of funds held in some of the following accounts. You
24 may choose to designate one or more convenience signers on an
25 account, even if the account is not a convenience account. A
26 designated convenience signer may make transactions on your behalf
27 during your lifetime, but does not own the account during your

1 lifetime. The designated convenience signer owns the account on
2 your death only if the convenience signer is also designated as a
3 P.O.D. payee or trust account beneficiary.

4 Select one of the following accounts by placing your initials
5 next to the account selected:

6 ___ (1) SINGLE-PARTY ACCOUNT WITHOUT "P.O.D." (PAYABLE ON
7 DEATH) DESIGNATION. The party to the account owns the account. On
8 the death of the party, ownership of the account passes as a part of
9 the party's estate under the party's will or by intestacy.

10 Enter the name of the party:

11 _____

12 Enter the name(s) of the convenience signer(s), if you want
13 one or more convenience signers on this account:

14 _____

15 _____

16 ___ (2) SINGLE-PARTY ACCOUNT WITH "P.O.D." (PAYABLE ON
17 DEATH) DESIGNATION. The party to the account owns the account. On
18 the death of the party, ownership of the account passes to the
19 P.O.D. beneficiaries of the account. The account is not a part of
20 the party's estate.

21 Enter the name of the party:

22 _____

23 Enter the name or names of the P.O.D. beneficiaries:

24 _____

25 _____

26 Enter the name(s) of the convenience signer(s), if you want
27 one or more convenience signers on this account:

1 _____

2 _____

3 ___ (3) MULTIPLE-PARTY ACCOUNT WITHOUT RIGHT OF
4 SURVIVORSHIP. The parties to the account own the account in
5 proportion to the parties' net contributions to the account. The
6 financial institution may pay any sum in the account to a party at
7 any time. On the death of a party, the party's ownership of the
8 account passes as a part of the party's estate under the party's
9 will or by intestacy.

10 Enter the names of the parties:

11 _____

12 _____

13 _____

14 Enter the name(s) of the convenience signer(s), if you want
15 one or more convenience signers on this account:

16 _____

17 _____

18 ___ (4) MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP.
19 The parties to the account own the account in proportion to the
20 parties' net contributions to the account. The financial
21 institution may pay any sum in the account to a party at any time.
22 On the death of a party, the party's ownership of the account passes
23 to the surviving parties.

24 Enter the names of the parties:

25 _____

26 _____

27 Enter the name(s) of the convenience signer(s), if you want

1 one or more convenience signers on this account:

2 _____
3 _____

4 ____ (5) MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP
5 AND P.O.D. (PAYABLE ON DEATH) DESIGNATION. The parties to the
6 account own the account in proportion to the parties' net
7 contributions to the account. The financial institution may pay
8 any sum in the account to a party at any time. On the death of the
9 last surviving party, the ownership of the account passes to the
10 P.O.D. beneficiaries.

11 Enter the names of the parties:

12 _____
13 _____

14 Enter the name or names of the P.O.D. beneficiaries:

15 _____
16 _____

17 Enter the name(s) of the convenience signer(s), if you want
18 one or more convenience signers on this account:

19 _____
20 _____

21 ____ (6) CONVENIENCE ACCOUNT. The parties to the account own
22 the account. One or more convenience signers to the account may
23 make account transactions for a party. A convenience signer does
24 not own the account. On the death of the last surviving party,
25 ownership of the account passes as a part of the last surviving
26 party's estate under the last surviving party's will or by
27 intestacy. The financial institution may pay funds in the account

1 to a convenience signer before the financial institution receives
2 notice of the death of the last surviving party. The payment to a
3 convenience signer does not affect the parties' ownership of the
4 account.

5 Enter the names of the parties:

6 _____
7 _____

8 Enter the name(s) [~~names~~] of the convenience signer(s)
9 [~~signers~~]:

10 _____
11 _____

12 ____ (7) TRUST ACCOUNT. The parties named as trustees to the
13 account own the account in proportion to the parties' net
14 contributions to the account. A trustee may withdraw funds from the
15 account. A beneficiary may not withdraw funds from the account
16 before all trustees are deceased. On the death of the last
17 surviving trustee, the ownership of the account passes to the
18 beneficiary. The trust account is not a part of a trustee's estate
19 and does not pass under the trustee's will or by intestacy, unless
20 the trustee survives all of the beneficiaries and all other
21 trustees.

22 Enter the name or names of the trustees:

23 _____
24 _____

25 Enter the name or names of the beneficiaries:

26 _____
27 _____

1 Enter the name(s) of the convenience signer(s), if you want
2 one or more convenience signers on this account:

3 _____
4 _____

5 SECTION 8.006. (a) Subchapter C, Chapter 113, Estates
6 Code, as effective January 1, 2014, is amended to conform to Section
7 1, Chapter 929 (H.B. 3075), Acts of the 81st Legislature, Regular
8 Session, 2009, by adding Section 113.106 to read as follows:

9 Sec. 113.106. OWNERSHIP AND OPERATION OF OTHER ACCOUNT WITH
10 CONVENIENCE SIGNER. (a) An account established by one or more
11 parties at a financial institution that is not designated as a
12 convenience account, but is instead designated as a single-party
13 account or another type of multiple-party account, may provide that
14 the sums on deposit may be paid or delivered to the parties or to one
15 or more convenience signers "for the convenience of the parties."

16 (b) Except as provided by Section 113.1541:

17 (1) the provisions of Sections 113.105, 113.206, and
18 113.208 apply to an account described by Subsection (a), including
19 provisions relating to the ownership of the account during the
20 lifetimes and on the deaths of the parties and provisions relating
21 to the powers and duties of the financial institution at which the
22 account is established; and

23 (2) any other law relating to a convenience signer
24 applies to a convenience signer designated as provided by this
25 section to the extent the law applies to a convenience signer on a
26 convenience account.

27 (b) Subchapter D, Chapter 113, Estates Code, as effective

1 January 1, 2014, is amended to conform to Section 1, Chapter 929
2 (H.B. 3075), Acts of the 81st Legislature, Regular Session, 2009,
3 by adding Section 113.1541 to read as follows:

4 Sec. 113.1541. OWNERSHIP OF OTHER ACCOUNT WITH CONVENIENCE
5 SIGNER ON DEATH OF LAST SURVIVING PARTY. On the death of the last
6 surviving party to an account that has a convenience signer
7 designated as provided by Section 113.106, the convenience signer
8 does not have a right of survivorship in the account and the estate
9 of the last surviving party owns the account unless the convenience
10 signer is also designated as a P.O.D. payee or as a beneficiary.

11 (c) Section 438B, Texas Probate Code, is repealed.

12 SECTION 8.007. Section 202.102, Estates Code, as effective
13 January 1, 2014, is amended to conform to Section 4, Chapter 602
14 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009, to
15 read as follows:

16 Sec. 202.102. TRANSFER OF RECORDS. The clerk of the court
17 from which a proceeding to declare heirship is transferred under
18 Section 202.101 shall, on entry of the order under that section,
19 send to the clerk of the court named in the order a certified
20 transcript of all pleadings, ~~[docket]~~ entries in the judge's
21 probate docket, and orders of the court in the proceeding. The
22 clerk of the court to which the proceeding is transferred shall:

- 23 (1) file the transcript;
24 (2) record the transcript in the judge's probate
25 docket ~~[minutes]~~ of that ~~[the]~~ court; and
26 (3) docket the proceeding.

27 SECTION 8.008. Section 202.151, Estates Code, as effective

1 January 1, 2014, is amended to conform to Section 5, Chapter 602
2 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009, to
3 read as follows:

4 Sec. 202.151. WRITTEN EVIDENCE IN PROCEEDING TO DECLARE
5 HEIRSHIP. The court may require that all or any part of the
6 evidence admitted in a proceeding to declare heirship be:

7 (1) reduced to writing and subscribed and sworn to by
8 the witnesses, respectively; and

9 (2) filed in the proceeding and recorded in the judge's
10 probate docket [~~minutes of the court~~].

11 SECTION 8.009. (a) Chapter 254, Estates Code, as effective
12 January 1, 2014, is amended to conform to Section 1, Chapter 414
13 (H.B. 1969), Acts of the 81st Legislature, Regular Session, 2009,
14 by adding Section 254.005 to read as follows:

15 Sec. 254.005. FORFEITURE CLAUSE. A provision in a will that
16 would cause a forfeiture of a devise or void a devise or provision
17 in favor of a person for bringing any court action, including
18 contesting a will, is unenforceable if:

19 (1) probable cause exists for bringing the action; and

20 (2) the action was brought and maintained in good
21 faith.

22 (b) Section 64, Texas Probate Code, is repealed.

23 SECTION 8.010. Section 256.052(a), Estates Code, as
24 effective January 1, 2014, is amended to conform to Section 1,
25 Chapter 633 (H.B. 1460), Acts of the 81st Legislature, Regular
26 Session, 2009, to read as follows:

27 (a) An application for the probate of a written will must

1 state and aver the following to the extent each is known to the
2 applicant or can, with reasonable diligence, be ascertained by the
3 applicant:

4 (1) each applicant's name and domicile;

5 (2) the testator's name, domicile, and, if known, age,
6 on the date of the testator's death;

7 (3) the fact, time, and place of the testator's death;

8 (4) facts showing that the court with which the
9 application is filed has venue;

10 (5) that the testator owned property, including a
11 statement generally describing the property and the property's
12 probable value;

13 (6) the date of the will;

14 (7) the name and residence of:

15 (A) any executor named in the will or, if no
16 executor is named, of the person to whom the applicant desires that
17 letters be issued; and

18 (B) each subscribing witness to the will, if any;

19 (8) whether one or more children born to or adopted by
20 the testator after the testator executed the will survived the
21 testator and, if so, the name of each of those children;

22 (9) whether a marriage of the testator was ever
23 dissolved after the will was made, whether by divorce, annulment,
24 or a declaration that the marriage was void, [~~divorced~~] and, if so,
25 when and from whom;

26 (10) whether the state, a governmental agency of the
27 state, or a charitable organization is named in the will as a

1 devisee; and

2 (11) that the executor named in the will, the
3 applicant, or another person to whom the applicant desires that
4 letters be issued is not disqualified by law from accepting the
5 letters.

6 SECTION 8.011. Section 257.051(a), Estates Code, as
7 effective January 1, 2014, is amended to conform to Section 1,
8 Chapter 634 (H.B. 1461), Acts of the 81st Legislature, Regular
9 Session, 2009, to read as follows:

10 (a) An application for the probate of a will as a muniment of
11 title must state and aver the following to the extent each is known
12 to the applicant or can, with reasonable diligence, be ascertained
13 by the applicant:

14 (1) each applicant's name and domicile;

15 (2) the testator's name, domicile, and, if known, age,
16 on the date of the testator's death;

17 (3) the fact, time, and place of the testator's death;

18 (4) facts showing that the court with which the
19 application is filed has venue;

20 (5) that the testator owned property, including a
21 statement generally describing the property and the property's
22 probable value;

23 (6) the date of the will;

24 (7) the name and residence of:

25 (A) any executor named in the will; and

26 (B) each subscribing witness to the will, if any;

27 (8) whether one or more children born to or adopted by

1 the testator after the testator executed the will survived the
2 testator and, if so, the name of each of those children;

3 (9) that the testator's estate does not owe an unpaid
4 debt, other than any debt secured by a lien on real estate;

5 (10) whether a marriage of the testator was ever
6 dissolved after the will was made, whether by divorce, annulment,
7 or a declaration that the marriage was void, [~~divorced~~] and, if so,
8 when and from whom; and

9 (11) whether the state, a governmental agency of the
10 state, or a charitable organization is named in the will as a
11 devisee.

12 SECTION 8.012. Section 305.055, Estates Code, as effective
13 January 1, 2014, is amended to conform to Section 8, Chapter 602
14 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009, to
15 read as follows:

16 Sec. 305.055. FILING AND RECORDING OF OATH. An oath shall
17 be:

18 (1) filed with the clerk of the court granting the
19 letters testamentary or of administration, as applicable; and

20 (2) recorded in the judge's probate docket [~~minutes of~~
21 ~~that court~~].

22 SECTION 8.013. Section 305.251(a), Estates Code, as
23 effective January 1, 2014, is amended to more closely conform to the
24 source law from which it was derived to read as follows:

25 (a) A personal representative may be required to give a new
26 bond if:

27 (1) a surety on a bond dies, removes beyond the limits

1 ~~[moves out]~~ of this state, or becomes insolvent;

2 (2) in the court's opinion:

3 (A) the sureties on a bond are insufficient; or

4 (B) a bond is defective;

5 (3) the amount of a bond is insufficient;

6 (4) a surety on a bond petitions the court to be
7 discharged from future liability on the bond; or

8 (5) a bond and the record of the bond have been lost or
9 destroyed.

10 SECTION 8.014. Section 309.051(b), Estates Code, as
11 effective January 1, 2014, is amended to more closely conform to the
12 source law from which it was derived to read as follows:

13 (b) The personal representative shall:

14 (1) set out in the inventory the representative's
15 appraisal of the fair market value on the date of the decedent's
16 death of each item in the inventory; or

17 (2) if the court has appointed one or more appraisers
18 for the estate ~~[under Subchapter A]~~:

19 (A) determine the fair market value of each item
20 in the inventory with the assistance of the appraiser or
21 appraisers; and

22 (B) set out that appraisal in the inventory.

23 SECTION 8.015. Section 355.102(g), Estates Code, as
24 effective January 1, 2014, is amended to conform to Section 25.151,
25 Chapter 87 (S.B. 1969), Acts of the 81st Legislature, Regular
26 Session, 2009, to read as follows:

27 (g) Class 6 claims are composed of claims for the cost of

1 confinement established by the [~~institutional division of the~~]
2 Texas Department of Criminal Justice under Section 501.017,
3 Government Code.

4 SECTION 8.016. Section 357.002(b), Estates Code, as
5 effective January 1, 2014, is amended to more closely conform to the
6 source law from which it was derived to read as follows:

7 (b) If the court finds that granting an application filed
8 under Subsection (a) is in the interest of the estate, the court
9 shall grant the application and issue an order that:

10 (1) describes the property to be rented; and

11 (2) states whether the property will be rented at
12 public auction or privately, whether for cash or on credit, and if
13 on credit, the extent of the credit and the period for which the
14 property may be rented.

15 SECTION 8.017. Section 358.152(d), Estates Code, as
16 effective January 1, 2014, is amended to conform to Section 9,
17 Chapter 602 (H.B. 585), Acts of the 81st Legislature, Regular
18 Session, 2009, to read as follows:

19 (d) The agreement may not be recorded in the judge's probate
20 docket [~~minutes~~].

21 SECTION 8.018. Section 362.009, Estates Code, as effective
22 January 1, 2014, is amended to conform to Section 10, Chapter 602
23 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009, to
24 read as follows:

25 Sec. 362.009. MONEY DUE TO ESTATE PENDING FINAL DISCHARGE.
26 Money or another thing of value that becomes due to the estate while
27 an account for final settlement is pending may be paid, delivered,

1 or tendered to the personal representative until the order of final
2 discharge of the representative is entered in the judge's probate
3 docket [~~minutes of the court~~]. The representative shall issue a
4 receipt for the money or other thing of value to the obligor or
5 payor. On issuance of the receipt, the obligor or payor is
6 discharged of the obligation for all purposes.

7 SECTION 8.019. Sections 501.004(a) and (b), Estates Code,
8 as effective January 1, 2014, are amended to conform to Section 6,
9 Chapter 602 (H.B. 585), Acts of the 81st Legislature, Regular
10 Session, 2009, to read as follows:

11 (a) If a foreign will submitted for ancillary probate in
12 this state has been admitted to probate or otherwise established in
13 the jurisdiction in which the testator was domiciled at the time of
14 the testator's death, it is the ministerial duty of the court clerk
15 to record the will and the evidence of the will's probate or other
16 establishment in the judge's probate docket [~~minutes of the court~~].

17 (b) If a foreign will submitted for ancillary probate in
18 this state has been admitted to probate or otherwise established in
19 a jurisdiction other than the jurisdiction in which the testator
20 was domiciled at the time of the testator's death, and a contest
21 against the ancillary probate is not filed as authorized by Chapter
22 504, the court clerk shall record the will and the evidence of the
23 will's probate or other establishment in the judge's probate docket
24 [~~minutes of the court~~].

25 SECTION 8.020. Section 504.051, Estates Code, as effective
26 January 1, 2014, is amended to conform to Section 7, Chapter 602
27 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009, to

1 read as follows:

2 Sec. 504.051. NOTICE OF WILL CONTEST IN FOREIGN
3 JURISDICTION. Verified notice that a proceeding to contest a will
4 probated or established in a foreign jurisdiction has been
5 commenced in that jurisdiction may be filed and recorded in the
6 judge's probate docket [~~minutes~~] of the court in this state in which
7 the foreign will was probated, or in the deed records of any county
8 of this state in which the foreign will was recorded, within the
9 time limits for the contest of a foreign will in this state.

10 SECTION 8.021. Section 551.006(b), Estates Code, as
11 effective January 1, 2014, is amended to conform to Section 11,
12 Chapter 602 (H.B. 585), Acts of the 81st Legislature, Regular
13 Session, 2009, to read as follows:

14 (b) The court clerk shall record the comptroller's receipt
15 in the judge's probate docket [~~minutes of the court~~].

16 SECTION 8.022. Section 22.023, Estates Code, as effective
17 January 1, 2014, is repealed to conform to Section 19(2), Chapter
18 602 (H.B. 585), Acts of the 81st Legislature, Regular Session,
19 2009.

20 SECTION 8.023. Section 53.105, Estates Code, as effective
21 January 1, 2014, is repealed to conform to Section 3, Chapter 602
22 (H.B. 585), Acts of the 81st Legislature, Regular Session, 2009.

23 SECTION 8.024. It is the intent of the legislature that,
24 with respect to any provision of the Texas Probate Code that is
25 transferred by Chapter 680 (H.B. 2502), Acts of the 81st
26 Legislature, Regular Session, 2009, to the Estates Code and
27 redesignated as a provision of that code effective January 1, 2014,

1 the transferred provision include all amendments to that provision
2 enacted by the 81st, 82nd, and 83rd Legislatures and any
3 reenactments of the provision by those legislatures.

4 SECTION 8.025. (a) This section applies in addition to the
5 saving provisions specified by Sections 311.031(c) and (d),
6 Government Code (Code Construction Act).

7 (b) The repeal of a statute by Chapter 680 (H.B. 2502), Acts
8 of the 81st Legislature, Regular Session, 2009, does not affect an
9 amendment, revision, or reenactment of the statute by the 82nd or
10 83rd Legislature. The amendment, revision, or reenactment made by
11 the 82nd or 83rd Legislature is preserved and given effect as part
12 of the code provision that revised the statute so amended, revised,
13 or reenacted.

14 (c) If any provision of Title 1 or Subtitle B, C, D, E, F, G,
15 H, J, K, or L, Title 2, Estates Code, as enacted by Chapter 680 (H.B.
16 2502), Acts of the 81st Legislature, Regular Session, 2009,
17 effective January 1, 2014, conflicts with a statute enacted by the
18 82nd or 83rd Legislature, the statute controls.

19 SECTION 8.026. (a) Except as otherwise provided by this
20 section, this article takes effect January 1, 2014.

21 (b) Sections 8.024 and 8.025 take effect September 1, 2011.

22 ARTICLE 9. CHANGES RELATING TO FAMILY CODE

23 SECTION 9.001. Section 154.062(c), Family Code, as amended
24 by Chapters 767 (S.B. 865), 834 (S.B. 1820), and 1118 (H.B. 1151),
25 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
26 and amended to read as follows:

27 (c) Resources do not include:

- 1 (1) return of principal or capital;
- 2 (2) accounts receivable;
- 3 (3) benefits paid in accordance with the Temporary
4 Assistance for Needy Families program or another federal public
5 assistance program [~~programs~~]; or
- 6 (4) payments for foster care of a child.

7 SECTION 9.002. Section 263.502(c), Family Code, as amended
8 by Chapters 108 (H.B. 1629) and 1372 (S.B. 939), Acts of the 81st
9 Legislature, Regular Session, 2009, is reenacted and amended to
10 read as follows:

11 (c) The placement review report must identify the
12 department's permanency goal for the child and must:

- 13 (1) evaluate whether the child's current placement is
14 appropriate for meeting the child's needs;
- 15 (2) evaluate whether efforts have been made to ensure
16 placement of the child in the least restrictive environment
17 consistent with the best interest and special needs of the child if
18 the child is placed in institutional care;
- 19 (3) contain a transition plan for a child who is at
20 least 16 years of age that identifies the services and specific
21 tasks that are needed to assist the child in making the transition
22 from substitute care to adult living and describes the services
23 that are being provided through the Transitional Living Services
24 Program operated by the department;
- 25 (4) evaluate whether the child's current educational
26 placement is appropriate for meeting the child's academic needs;
- 27 (5) identify other plans or services that are needed

1 to meet the child's special needs or circumstances;

2 (6) describe the efforts of the department or
3 authorized agency to place the child for adoption if parental
4 rights to the child have been terminated and the child is eligible
5 for adoption, including efforts to provide adoption promotion and
6 support services as defined by 42 U.S.C. Section 629a and other
7 efforts consistent with the federal Adoption and Safe Families Act
8 of 1997 (Pub. L. No. 105-89); ~~and~~

9 (7) for a child for whom the department has been named
10 managing conservator in a final order that does not include
11 termination of parental rights, describe the efforts of the
12 department to find a permanent placement for the child, including
13 efforts to:

14 (A) work with the caregiver with whom the child
15 is placed to determine whether that caregiver is willing to become a
16 permanent placement for the child;

17 (B) locate a relative or other suitable
18 individual to serve as permanent managing conservator of the child;
19 and

20 (C) evaluate any change in a parent's
21 circumstances to determine whether:

22 (i) the child can be returned to the parent;

23 or

24 (ii) parental rights should be terminated;

25 and

26 (8) ~~(7)~~ with respect to a child committed to the
27 Texas Youth Commission or released under supervision by the Texas

1 Youth Commission:

2 (A) evaluate whether the child's needs for
3 treatment and education are being met;

4 (B) describe, using information provided by the
5 Texas Youth Commission, the child's progress in any rehabilitation
6 program administered by the Texas Youth Commission; and

7 (C) recommend other plans or services to meet the
8 child's needs.

9 SECTION 9.003. Section 263.503, Family Code, as amended by
10 Chapters 108 (H.B. 1629) and 1372 (S.B. 939), Acts of the 81st
11 Legislature, Regular Session, 2009, is reenacted and amended to
12 read as follows:

13 Sec. 263.503. PLACEMENT REVIEW HEARINGS; PROCEDURE.

14 (a) At each placement review hearing, the court shall determine
15 whether:

16 (1) the child's current placement is necessary, safe,
17 and appropriate for meeting the child's needs, including with
18 respect to a child placed outside of the state, whether the
19 placement continues to be appropriate and in the best interest of
20 the child;

21 (2) efforts have been made to ensure placement of the
22 child in the least restrictive environment consistent with the best
23 interest and special needs of the child if the child is placed in
24 institutional care;

25 (3) the services that are needed to assist a child who
26 is at least 16 years of age in making the transition from substitute
27 care to independent living are available in the community;

1 (4) other plans or services are needed to meet the
2 child's special needs or circumstances;

3 (5) the department or authorized agency has exercised
4 due diligence in attempting to place the child for adoption if
5 parental rights to the child have been terminated and the child is
6 eligible for adoption;

7 (6) for a child for whom the department has been named
8 managing conservator in a final order that does not include
9 termination of parental rights, a permanent placement, including
10 appointing a relative as permanent managing conservator or
11 returning the child to a parent, is appropriate for the child;

12 (7) for a child whose permanency goal is another
13 planned, permanent living arrangement, the department has:

14 (A) documented a compelling reason why adoption,
15 permanent managing conservatorship with a relative or other
16 suitable individual, or returning the child to a parent is not in
17 the child's best interest; and

18 (B) identified a family or other caring adult who
19 has made a permanent commitment to the child; ~~and~~

20 (8) the department or authorized agency has made
21 reasonable efforts to finalize the permanency plan that is in
22 effect for the child; and

23 (9) ~~(7)~~ if the child is committed to the Texas Youth
24 Commission or released under supervision by the Texas Youth
25 Commission, the child's needs for treatment, rehabilitation, and
26 education are being met.

27 (b) For a child for whom the department has been named

1 managing conservator in a final order that does not include
2 termination of parental rights, the court may order the department
3 to provide services to a parent for not more than six months after
4 the date of the placement review hearing if:

5 (1) the child has not been placed with a relative or
6 other individual, including a foster parent, who is seeking
7 permanent managing conservatorship of the child; and

8 (2) the court determines that further efforts at
9 reunification with a parent are:

10 (A) in the best interest of the child; and

11 (B) likely to result in the child's safe return
12 to the child's parent.

13 ARTICLE 10. CHANGES RELATING TO FINANCE CODE

14 SECTION 10.001. Section 157.012, Finance Code, as added by
15 Chapters 1104 (H.B. 10) and 1147 (H.B. 2779), Acts of the 81st
16 Legislature, Regular Session, 2009, is reenacted to read as
17 follows:

18 Sec. 157.012. LICENSE REQUIRED FOR CERTAIN EMPLOYEES OF
19 MORTGAGE BANKERS. (a) In this section, "Nationwide Mortgage
20 Licensing System and Registry" and "residential mortgage loan
21 originator" have the meanings assigned by Section 180.002.

22 (b) An employee of a mortgage banker may not act in the
23 capacity of a residential mortgage loan originator unless the
24 employee:

25 (1) is licensed under this chapter and enrolled with
26 the Nationwide Mortgage Licensing System and Registry as required
27 by Section 180.052; and

1 (2) complies with other applicable requirements of
2 Chapter 180 and rules adopted by the finance commission under that
3 chapter.

4 (c) The finance commission may adopt rules under this
5 chapter as required to carry out the intentions of the federal
6 Secure and Fair Enforcement for Mortgage Licensing Act of 2008
7 (Pub. L. No. 110-289).

8 (d) To be eligible to be licensed as a residential mortgage
9 loan originator, an employee of a mortgage banker, in addition to
10 the requirements of Subsection (b), must:

11 (1) satisfy the commissioner as to the employee's good
12 moral character, including the employee's honesty,
13 trustworthiness, and integrity;

14 (2) not be in violation of this chapter or a rule
15 adopted under this chapter; and

16 (3) provide the commissioner with satisfactory
17 evidence that the employee meets the qualifications provided by
18 Chapter 180.

19 SECTION 10.002. Section 348.208(b), Finance Code, as
20 amended by Chapters 36 (S.B. 778) and 149 (S.B. 1966), Acts of the
21 81st Legislature, Regular Session, 2009, is reenacted and amended
22 to read as follows:

23 (b) A retail installment contract may include as a separate
24 charge an amount for:

25 (1) motor vehicle property damage or bodily injury
26 liability insurance;

27 (2) mechanical breakdown insurance;

1 (3) participation in a motor vehicle theft protection
2 plan;

3 (4) insurance to reimburse the retail buyer for the
4 amount computed by subtracting the proceeds of the buyer's basic
5 collision policy on the motor vehicle from the amount owed on the
6 vehicle if the vehicle has been rendered a total loss;

7 (5) a warranty or service contract relating to the
8 motor vehicle; ~~[or]~~

9 (6) an identity recovery service contract defined by
10 Section 1306.003, Occupations Code; or

11 (7) ~~[(6)]~~ a debt cancellation agreement if the
12 agreement is included as a term of a retail installment contract
13 under Section 348.124.

14 ARTICLE 11. CHANGES RELATING TO GOVERNMENT CODE

15 PART A. GENERAL CHANGES

16 SECTION 11.001. Section 76.011(b), Government Code, is
17 amended to correct a reference to read as follows:

18 (b) The department may use money deposited in the special
19 fund of the county treasury for the department under Article
20 103.004(d) ~~[103.004(b)]~~, Code of Criminal Procedure, only for the
21 same purposes for which state aid may be used under this chapter.

22 SECTION 11.002. Section 316.002(a), Government Code, is
23 amended to correct a reference to read as follows:

24 (a) Before the Legislative Budget Board submits the budget
25 as prescribed by Section 322.008(c) ~~[322.008(b)]~~, the board shall
26 establish:

27 (1) the estimated rate of growth of the state's economy

1 from the current biennium to the next biennium;

2 (2) the level of appropriations for the current
3 biennium from state tax revenues not dedicated by the constitution;
4 and

5 (3) the amount of state tax revenues not dedicated by
6 the constitution that could be appropriated for the next biennium
7 within the limit established by the estimated rate of growth of the
8 state's economy.

9 SECTION 11.003. Section 403.302(d), Government Code, as
10 amended by Chapters 1186 (H.B. 3676) and 1328 (H.B. 3646), Acts of
11 the 81st Legislature, Regular Session, 2009, is reenacted to read
12 as follows:

13 (d) For the purposes of this section, "taxable value" means
14 the market value of all taxable property less:

15 (1) the total dollar amount of any residence homestead
16 exemptions lawfully granted under Section 11.13(b) or (c), Tax
17 Code, in the year that is the subject of the study for each school
18 district;

19 (2) one-half of the total dollar amount of any
20 residence homestead exemptions granted under Section 11.13(n), Tax
21 Code, in the year that is the subject of the study for each school
22 district;

23 (3) the total dollar amount of any exemptions granted
24 before May 31, 1993, within a reinvestment zone under agreements
25 authorized by Chapter 312, Tax Code;

26 (4) subject to Subsection (e), the total dollar amount
27 of any captured appraised value of property that:

1 (A) is within a reinvestment zone created on or
2 before May 31, 1999, or is proposed to be included within the
3 boundaries of a reinvestment zone as the boundaries of the zone and
4 the proposed portion of tax increment paid into the tax increment
5 fund by a school district are described in a written notification
6 provided by the municipality or the board of directors of the zone
7 to the governing bodies of the other taxing units in the manner
8 provided by Section 311.003(e), Tax Code, before May 31, 1999, and
9 within the boundaries of the zone as those boundaries existed on
10 September 1, 1999, including subsequent improvements to the
11 property regardless of when made;

12 (B) generates taxes paid into a tax increment
13 fund created under Chapter 311, Tax Code, under a reinvestment zone
14 financing plan approved under Section 311.011(d), Tax Code, on or
15 before September 1, 1999; and

16 (C) is eligible for tax increment financing under
17 Chapter 311, Tax Code;

18 (5) the total dollar amount of any captured appraised
19 value of property that:

20 (A) is within a reinvestment zone:

21 (i) created on or before December 31, 2008,
22 by a municipality with a population of less than 18,000; and

23 (ii) the project plan for which includes
24 the alteration, remodeling, repair, or reconstruction of a
25 structure that is included on the National Register of Historic
26 Places and requires that a portion of the tax increment of the zone
27 be used for the improvement or construction of related facilities

1 or for affordable housing;

2 (B) generates school district taxes that are paid
3 into a tax increment fund created under Chapter 311, Tax Code; and

4 (C) is eligible for tax increment financing under
5 Chapter 311, Tax Code;

6 (6) the total dollar amount of any exemptions granted
7 under Section 11.251 or 11.253, Tax Code;

8 (7) the difference between the comptroller's estimate
9 of the market value and the productivity value of land that
10 qualifies for appraisal on the basis of its productive capacity,
11 except that the productivity value estimated by the comptroller may
12 not exceed the fair market value of the land;

13 (8) the portion of the appraised value of residence
14 homesteads of individuals who receive a tax limitation under
15 Section 11.26, Tax Code, on which school district taxes are not
16 imposed in the year that is the subject of the study, calculated as
17 if the residence homesteads were appraised at the full value
18 required by law;

19 (9) a portion of the market value of property not
20 otherwise fully taxable by the district at market value because of:

21 (A) action required by statute or the
22 constitution of this state that, if the tax rate adopted by the
23 district is applied to it, produces an amount equal to the
24 difference between the tax that the district would have imposed on
25 the property if the property were fully taxable at market value and
26 the tax that the district is actually authorized to impose on the
27 property, if this subsection does not otherwise require that

1 portion to be deducted; or

2 (B) action taken by the district under Subchapter
3 B or C, Chapter 313, Tax Code, before the expiration of the
4 subchapter;

5 (10) the market value of all tangible personal
6 property, other than manufactured homes, owned by a family or
7 individual and not held or used for the production of income;

8 (11) the appraised value of property the collection of
9 delinquent taxes on which is deferred under Section 33.06, Tax
10 Code;

11 (12) the portion of the appraised value of property
12 the collection of delinquent taxes on which is deferred under
13 Section 33.065, Tax Code; and

14 (13) the amount by which the market value of a
15 residence homestead to which Section 23.23, Tax Code, applies
16 exceeds the appraised value of that property as calculated under
17 that section.

18 SECTION 11.004. Section 403.302(m), Government Code, as
19 added by Chapter 1186 (H.B. 3676), Acts of the 81st Legislature,
20 Regular Session, 2009, is amended to conform to Section 80, Chapter
21 1328 (H.B. 3646), Acts of the 81st Legislature, Regular Session,
22 2009, to read as follows:

23 (m) Subsection (d)(9) [~~(d)(10)~~] does not apply to property
24 that was the subject of an application under Subchapter B or C,
25 Chapter 313, Tax Code, made after May 1, 2009, that the comptroller
26 recommended should be disapproved.

27 SECTION 11.005. Section 411.081(i), Government Code, as

1 amended by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B.
2 1599), and 1027 (H.B. 4343), Acts of the 81st Legislature, Regular
3 Session, 2009, is reenacted and amended to read as follows:

4 (i) A criminal justice agency may disclose criminal history
5 record information that is the subject of an order of nondisclosure
6 under Subsection (d) to the following noncriminal justice agencies
7 or entities only:

8 (1) the State Board for Educator Certification;

9 (2) a school district, charter school, private school,
10 regional education service center, commercial transportation
11 company, or education shared service arrangement;

12 (3) the Texas Medical Board;

13 (4) the Texas School for the Blind and Visually
14 Impaired;

15 (5) the Board of Law Examiners;

16 (6) the State Bar of Texas;

17 (7) a district court regarding a petition for name
18 change under Subchapter B, Chapter 45, Family Code;

19 (8) the Texas School for the Deaf;

20 (9) the Department of Family and Protective Services;

21 (10) the Texas Youth Commission;

22 (11) the Department of Assistive and Rehabilitative
23 Services;

24 (12) the Department of State Health Services, a local
25 mental health service, a local mental retardation authority, or a
26 community center providing services to persons with mental illness
27 or retardation;

- 1 (13) the Texas Private Security Board;
- 2 (14) a municipal or volunteer fire department;
- 3 (15) the Texas Board of Nursing;
- 4 (16) a safe house providing shelter to children in
5 harmful situations;
- 6 (17) a public or nonprofit hospital or hospital
7 district;
- 8 (18) the Texas Juvenile Probation Commission;
- 9 (19) the securities commissioner, the banking
10 commissioner, the savings and mortgage lending commissioner, or the
11 credit union commissioner;
- 12 (20) the Texas State Board of Public Accountancy;
- 13 (21) the Texas Department of Licensing and Regulation;
- 14 (22) the Health and Human Services Commission;
- 15 (23) the Department of Aging and Disability Services;
- 16 (24) the Texas Education Agency; ~~and~~
- 17 (25) the Guardianship Certification Board; ~~and~~
- 18 (26) a county clerk's office in relation to a
19 proceeding for the appointment of a guardian under Chapter XIII,
20 Texas Probate Code;
- 21 (27) ~~(25)~~ the Department of Information Resources
22 but only regarding an employee, applicant for employment,
23 contractor, subcontractor, intern, or volunteer who provides
24 network security services under Chapter 2059 to:
- 25 (A) the Department of Information Resources; or
- 26 (B) a contractor or subcontractor of the
27 Department of Information Resources;

1 (28) [~~(25)~~] the Court Reporters Certification Board;
2 and

3 (29) [~~(25)~~] the Texas Department of Insurance.

4 SECTION 11.006. Section 411.122(d), Government Code, as
5 amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933
6 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009,
7 is reenacted to read as follows:

8 (d) The following state agencies are subject to this
9 section:

10 (1) Texas Appraiser Licensing and Certification
11 Board;

12 (2) Texas Board of Architectural Examiners;

13 (3) Texas Board of Chiropractic Examiners;

14 (4) State Board of Dental Examiners;

15 (5) Texas Board of Professional Engineers;

16 (6) Texas Funeral Service Commission;

17 (7) Texas Board of Professional Geoscientists;

18 (8) Department of State Health Services, except as
19 provided by Section 411.110, and agencies attached to the
20 department, including:

21 (A) Texas State Board of Examiners of Dietitians;

22 (B) Texas State Board of Examiners of Marriage
23 and Family Therapists;

24 (C) Midwifery Board;

25 (D) Texas State Perfusionist Advisory Committee;

26 (E) Texas State Board of Examiners of
27 Professional Counselors;

- 1 (F) Texas State Board of Social Worker Examiners;
2 (G) State Board of Examiners for Speech-Language
3 Pathology and Audiology;
4 (H) Advisory Board of Athletic Trainers;
5 (I) State Committee of Examiners in the Fitting
6 and Dispensing of Hearing Instruments;
7 (J) Texas Board of Licensure for Professional
8 Medical Physicists; and
9 (K) Texas Board of Orthotics and Prosthetics;
10 (9) Texas Board of Professional Land Surveying;
11 (10) Texas Department of Licensing and Regulation,
12 except as provided by Section 411.093;
13 (11) Texas Commission on Environmental Quality;
14 (12) Texas Board of Occupational Therapy Examiners;
15 (13) Texas Optometry Board;
16 (14) Texas State Board of Pharmacy;
17 (15) Texas Board of Physical Therapy Examiners;
18 (16) Texas State Board of Plumbing Examiners;
19 (17) Texas State Board of Podiatric Medical Examiners;
20 (18) Texas State Board of Examiners of Psychologists;
21 (19) Texas Real Estate Commission;
22 (20) Texas Department of Transportation;
23 (21) State Board of Veterinary Medical Examiners;
24 (22) Texas Department of Housing and Community
25 Affairs;
26 (23) secretary of state;
27 (24) state fire marshal;

- 1 (25) Texas Education Agency;
- 2 (26) Department of Agriculture; and
- 3 (27) Texas Department of Motor Vehicles.

4 SECTION 11.007. Section 411.190(d-1), Government Code, as
5 added by Sections 5.11 and 11.15, Chapter 1146 (H.B. 2730), Acts of
6 the 81st Legislature, Regular Session, 2009, is reenacted to read
7 as follows:

8 (d-1) The department shall ensure that an applicant may
9 renew certification under Subsection (d) from any county in this
10 state by using an online format to complete the required retraining
11 courses if:

12 (1) the applicant is renewing certification for the
13 first time; or

14 (2) the applicant completed the required retraining
15 courses in person the previous time the applicant renewed
16 certification.

17 SECTION 11.008. Section 418.016, Government Code, as
18 amended by Chapters 990 (H.B. 3851) and 1280 (H.B. 1831), Acts of
19 the 81st Legislature, Regular Session, 2009, is reenacted and
20 amended to read as follows:

21 Sec. 418.016. SUSPENSION OF CERTAIN LAWS AND RULES.

22 (a) The governor may suspend the provisions of any regulatory
23 statute prescribing the procedures for conduct of state business or
24 the orders or rules of a state agency if strict compliance with the
25 provisions, orders, or rules would in any way prevent, hinder, or
26 delay necessary action in coping with a disaster.

27 (b) Upon declaration of a state of disaster, enforcement of

1 the regulation of on-premise outdoor signs under Subchapter A,
2 Chapter 216, Local Government Code, by a municipality that is
3 located in a county within, or that is located in a county adjacent
4 to a county within, the disaster area specified by the declaration
5 is suspended to allow licensed or admitted insurance carriers or
6 licensed agents acting on behalf of insurance carriers to erect
7 temporary claims service signage for not more than 30 days or until
8 the end of the declaration of disaster, whichever is earlier.

9 (c) A temporary claims service sign shall not:

10 (1) be larger than forty square feet in size; ~~and~~

11 (2) be more than five feet in height; and

12 (3) be placed in the right of way.

13 (d) ~~(4)~~ At the end of the 30 days or the end of the
14 declaration of disaster, whichever is earlier, the insurance
15 carrier or its licensed agents must remove the temporary claims
16 service signage that was erected.

17 (e) ~~(b)~~ On request of a political subdivision, the
18 governor may waive or suspend a deadline imposed by a statute or the
19 orders or rules of a state agency on the political subdivision,
20 including a deadline relating to a budget or ad valorem tax, if the
21 waiver or suspension is reasonably necessary to cope with a
22 disaster.

23 SECTION 11.009. Section 418.042(a), Government Code, as
24 amended by Chapters 365 (H.B. 1326) and 1280 (H.B. 1831), Acts of
25 the 81st Legislature, Regular Session, 2009, is reenacted and
26 amended to read as follows:

27 (a) The division shall prepare and keep current a

1 comprehensive state emergency management plan. The plan may
2 include:

3 (1) provisions for prevention and minimization of
4 injury and damage caused by disaster;

5 (2) provisions for prompt and effective response to
6 disaster;

7 (3) provisions for emergency relief;

8 (4) provisions for energy emergencies;

9 (5) identification of areas particularly vulnerable
10 to disasters;

11 (6) recommendations for zoning, building
12 restrictions, and other land-use controls, safety measures for
13 securing mobile homes or other nonpermanent or semipermanent
14 structures, and other preventive and preparedness measures
15 designed to eliminate or reduce disasters or their impact;

16 (7) provisions for assistance to local officials in
17 designing local emergency management plans;

18 (8) authorization and procedures for the erection or
19 other construction of temporary works designed to protect against
20 or mitigate danger, damage, or loss from flood, fire, or other
21 disaster;

22 (9) preparation and distribution to the appropriate
23 state and local officials of state catalogs of federal, state, and
24 private assistance programs;

25 (10) organization of manpower and channels of
26 assistance;

27 (11) coordination of federal, state, and local

1 emergency management activities;

2 (12) coordination of the state emergency management
3 plan with the emergency management plans of the federal government;

4 (13) coordination of federal and state energy
5 emergency plans;

6 (14) provisions for providing information to local
7 officials on activation of the Emergency Alert System established
8 under 47 C.F.R. Part 11;

9 (15) a database of public facilities that may be used
10 under Section 418.017 to shelter individuals during a disaster,
11 including air-conditioned facilities for shelter during an extreme
12 heat disaster and fortified structures for shelter during a wind
13 disaster; ~~and~~

14 (16) provisions for quickly replenishing the food
15 supplies of area food banks or food pantries following a disaster;
16 and

17 (17) ~~(16)~~ other necessary matters relating to
18 disasters.

19 SECTION 11.010. Section 418.043, Government Code, as
20 amended by Chapters 1280 (H.B. 1831) and 1408 (H.B. 4409), Acts of
21 the 81st Legislature, Regular Session, 2009, is reenacted and
22 amended to read as follows:

23 Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

24 (1) determine requirements of the state and its
25 political subdivisions for food, clothing, and other necessities in
26 event of a disaster;

27 (2) procure and position supplies, medicines,

- 1 materials, and equipment;
- 2 (3) adopt standards and requirements for local and
3 interjurisdictional emergency management plans;
- 4 (4) periodically review local and interjurisdictional
5 emergency management plans;
- 6 (5) coordinate deployment of mobile support units;
- 7 (6) establish and operate training programs and
8 programs of public information or assist political subdivisions and
9 emergency management agencies to establish and operate the
10 programs;
- 11 (7) make surveys of public and private industries,
12 resources, and facilities in the state that are necessary to carry
13 out the purposes of this chapter;
- 14 (8) plan and make arrangements for the availability
15 and use of any private facilities, services, and property and
16 provide for payment for use under terms and conditions agreed on if
17 the facilities are used and payment is necessary;
- 18 (9) establish a register of persons with types of
19 training and skills important in disaster mitigation,
20 preparedness, response, and recovery;
- 21 (10) establish a register of mobile and construction
22 equipment and temporary housing available for use in a disaster;
- 23 (11) assist political subdivisions in developing
24 plans for the humane evacuation, transport, and temporary
25 sheltering of service animals and household pets in a disaster;
- 26 (12) prepare, for issuance by the governor, executive
27 orders and regulations necessary or appropriate in coping with

1 disasters;

2 (13) cooperate with the federal government and any
3 public or private agency or entity in achieving any purpose of this
4 chapter and in implementing programs for disaster mitigation,
5 preparation, response, and recovery;

6 (14) develop a plan to raise public awareness and
7 expand the capability of the information and referral network under
8 Section 531.0312;

9 (15) improve the integration of volunteer groups,
10 including faith-based organizations, into emergency management
11 plans;

12 (16) cooperate with the Federal Emergency Management
13 Agency to create uniform guidelines for acceptable home repairs
14 following disasters and promote public awareness of the guidelines;

15 (17) cooperate with state agencies to:

16 (A) encourage the public to participate in
17 volunteer emergency response teams and organizations that respond
18 to disasters; and

19 (B) provide information on those programs in
20 state disaster preparedness and educational materials and on
21 Internet websites;

22 (18) establish a liability awareness program for
23 volunteers, including medical professionals; ~~and~~

24 (19) define "individuals with special needs" in the
25 context of a disaster; and

26 (20) ~~(15)~~ do other things necessary, incidental, or
27 appropriate for the implementation of this chapter.

1 SECTION 11.011. Section 434.017(a), Government Code, as
2 amended by Chapters 840 (S.B. 1940) and 1385 (S.B. 1655), Acts of
3 the 81st Legislature, Regular Session, 2009, is reenacted and
4 amended to read as follows:

5 (a) The fund for veterans' assistance is a special fund in
6 the state treasury outside the general revenue fund. The fund is
7 composed of:

8 (1) money transferred to the fund at the direction of
9 the legislature;

10 (2) gifts and grants contributed to the fund;

11 (3) the earnings of the fund; ~~and~~

12 (4) money transferred to the fund from proceeds of the
13 lottery game operated under Section 466.027 or transferred to the
14 fund under Section 466.408(b); and

15 (5) ~~(2)~~ money deposited to the credit of the fund
16 under Section 502.1746, Transportation Code.

17 SECTION 11.012. Section 511.009(a), Government Code, as
18 amended by Chapters 977 (H.B. 3654) and 1215 (S.B. 1009), Acts of
19 the 81st Legislature, Regular Session, 2009, is reenacted to read
20 as follows:

21 (a) The commission shall:

22 (1) adopt reasonable rules and procedures
23 establishing minimum standards for the construction, equipment,
24 maintenance, and operation of county jails;

25 (2) adopt reasonable rules and procedures
26 establishing minimum standards for the custody, care, and treatment
27 of prisoners;

1 (3) adopt reasonable rules establishing minimum
2 standards for the number of jail supervisory personnel and for
3 programs and services to meet the needs of prisoners;

4 (4) adopt reasonable rules and procedures
5 establishing minimum requirements for programs of rehabilitation,
6 education, and recreation in county jails;

7 (5) revise, amend, or change rules and procedures if
8 necessary;

9 (6) provide to local government officials
10 consultation on and technical assistance for county jails;

11 (7) review and comment on plans for the construction
12 and major modification or renovation of county jails;

13 (8) require that the sheriff and commissioners of each
14 county submit to the commission, on a form prescribed by the
15 commission, an annual report on the conditions in each county jail
16 within their jurisdiction, including all information necessary to
17 determine compliance with state law, commission orders, and the
18 rules adopted under this chapter;

19 (9) review the reports submitted under Subdivision (8)
20 and require commission employees to inspect county jails regularly
21 to ensure compliance with state law, commission orders, and rules
22 and procedures adopted under this chapter;

23 (10) adopt a classification system to assist sheriffs
24 and judges in determining which defendants are low-risk and
25 consequently suitable participants in a county jail work release
26 program under Article 42.034, Code of Criminal Procedure;

27 (11) adopt rules relating to requirements for

1 segregation of classes of inmates and to capacities for county
2 jails;

3 (12) require that the chief jailer of each municipal
4 lockup submit to the commission, on a form prescribed by the
5 commission, an annual report of persons under 17 years of age
6 securely detained in the lockup, including all information
7 necessary to determine compliance with state law concerning secure
8 confinement of children in municipal lockups;

9 (13) at least annually determine whether each county
10 jail is in compliance with the rules and procedures adopted under
11 this chapter;

12 (14) require that the sheriff and commissioners court
13 of each county submit to the commission, on a form prescribed by the
14 commission, an annual report of persons under 17 years of age
15 securely detained in the county jail, including all information
16 necessary to determine compliance with state law concerning secure
17 confinement of children in county jails;

18 (15) schedule announced and unannounced inspections
19 of jails under the commission's jurisdiction using the risk
20 assessment plan established under Section 511.0085 to guide the
21 inspections process;

22 (16) adopt a policy for gathering and distributing to
23 jails under the commission's jurisdiction information regarding:

24 (A) common issues concerning jail
25 administration;

26 (B) examples of successful strategies for
27 maintaining compliance with state law and the rules, standards, and

1 procedures of the commission; and

2 (C) solutions to operational challenges for
3 jails;

4 (17) report to the Texas Correctional Office on
5 Offenders with Medical or Mental Impairments on a jail's compliance
6 with Article 16.22, Code of Criminal Procedure;

7 (18) adopt reasonable rules and procedures
8 establishing minimum requirements for jails to:

9 (A) determine if a prisoner is pregnant; and

10 (B) ensure that the jail's health services plan
11 addresses medical and mental health care, including nutritional
12 requirements, and any special housing or work assignment needs for
13 persons who are confined in the jail and are known or determined to
14 be pregnant; and

15 (19) provide guidelines to sheriffs regarding
16 contracts between a sheriff and another entity for the provision of
17 food services to or the operation of a commissary in a jail under
18 the commission's jurisdiction, including specific provisions
19 regarding conflicts of interest and avoiding the appearance of
20 impropriety.

21 SECTION 11.013. Section 552.149(d), Government Code, as
22 added by Chapters 555 (S.B. 1813) and 1153 (H.B. 2941), Acts of the
23 81st Legislature, Regular Session, 2009, and renumbered from
24 Section 552.148(d), Government Code, by Chapter 87 (S.B. 1969),
25 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
26 to read as follows:

27 (d) Notwithstanding Subsection (a) or Section 403.304, so

1 as to assist a school district in the preparation of a protest filed
2 or to be filed under Section 403.303, the school district or an
3 agent of the school district may, on request, obtain from the
4 comptroller or the appraisal district any information, including
5 confidential information, obtained by the comptroller or the
6 appraisal district that relates to the appraisal of property
7 involved in the comptroller's finding that is being protested.
8 Confidential information obtained by a school district or an agent
9 of the school district under this subsection:

10 (1) remains confidential in the possession of the
11 school district or agent; and

12 (2) may not be disclosed to a person who is not
13 authorized to receive or inspect the information.

14 SECTION 11.014. Section 814.102, Government Code, is
15 amended to correct a reference to read as follows:

16 Sec. 814.102. ELIGIBILITY OF ELECTED MEMBERS FOR SERVICE
17 RETIREMENT. Except as provided by rule adopted under Section
18 813.304(d) or Section 803.202(a)(2) [~~803.202(2)~~], a member who has
19 service credit in the elected class of membership, is eligible to
20 retire and receive a service retirement annuity if the member:

21 (1) is at least 60 years old and has 8 years of service
22 credit in that class; or

23 (2) is at least 50 years old and has 12 years of
24 service credit in that class.

25 SECTION 11.015. Section 824.602(a), Government Code, as
26 amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the
27 79th Legislature, Regular Session, 2005, is reenacted to read as

1 follows:

2 (a) Subject to Section 825.506, the retirement system may
3 not, under Section 824.601, withhold a monthly benefit payment if
4 the retiree is employed in a Texas public educational institution:

5 (1) as a substitute only with pay not more than the
6 daily rate of substitute pay established by the employer and, if the
7 retiree is a disability retiree, the employment has not exceeded a
8 total of 90 days in the school year;

9 (2) in a position, other than as a substitute, on no
10 more than a one-half time basis for the month;

11 (3) in one or more positions on as much as a full-time
12 basis, if the work occurs in not more than six months of a school
13 year that begins after the retiree's effective date of retirement;

14 (4) in a position, other than as a substitute, on no
15 more than a one-half time basis for no more than 90 days in the
16 school year, if the retiree is a disability retiree;

17 (5) in a position as a classroom teacher on as much as
18 a full-time basis, if the retiree has retired under Section
19 824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,
20 Education Code, to teach the subjects assigned, is teaching in an
21 acute shortage area as determined by the board of trustees of a
22 school district as provided by Subsection (m), and has been
23 separated from service with all public schools for at least 12
24 months;

25 (6) in a position as a principal, including as an
26 assistant principal, on as much as a full-time basis, if the retiree
27 has retired under Section 824.202(a) or (a-1) without reduction for

1 retirement at an early age, is certified under Subchapter B,
2 Chapter 21, Education Code, to serve as a principal, and has been
3 separated from service with all public schools for at least 12
4 months;

5 (7) as a bus driver for a school district on as much as
6 a full-time basis, if the retiree has retired under Section
7 824.202(a) or (a-1), and the retiree's primary employment is as a
8 bus driver; or

9 (8) as a faculty member, during the period beginning
10 with the 2005 fall semester and ending on the last day of the 2015
11 spring semester, in an undergraduate professional nursing program
12 or graduate professional nursing program, as defined by Section
13 54.221, Education Code, and if the retiree has been separated from
14 service with all public schools for at least 12 months.

15 SECTION 11.016. Section 1403.002(a), Government Code, is
16 amended to correct a reference to read as follows:

17 (a) As provided by Section 49-1 [~~49-1~~], Article III, Texas
18 Constitution, the authority shall, in accordance with requests from
19 the office of the governor:

20 (1) issue general obligation bonds and notes in an
21 aggregate amount not to exceed \$175 million, as authorized by the
22 office of the governor under Subsection (b); and

23 (2) as directed by the Texas Department of
24 Transportation, distribute the proceeds from the sale of the bonds
25 and notes to counties to provide financial assistance for colonia
26 access roadway projects to serve border colonias.

27 SECTION 11.017. Section 2054.352(a), Government Code, as

1 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
2 81st Legislature, Regular Session, 2009, is reenacted to read as
3 follows:

4 (a) The following licensing entities shall participate in
5 the system established under Section 2054.353:

- 6 (1) Texas Board of Chiropractic Examiners;
- 7 (2) Court Reporters Certification Board;
- 8 (3) State Board of Dental Examiners;
- 9 (4) Texas Funeral Service Commission;
- 10 (5) Texas Board of Professional Land Surveying;
- 11 (6) Texas Medical Board;
- 12 (7) Texas Board of Nursing;
- 13 (8) Texas Optometry Board;
- 14 (9) Department of Agriculture, for licenses issued
15 under Chapter 1951, Occupations Code;
- 16 (10) Texas State Board of Pharmacy;
- 17 (11) Executive Council of Physical Therapy and
18 Occupational Therapy Examiners;
- 19 (12) Texas State Board of Plumbing Examiners;
- 20 (13) Texas State Board of Podiatric Medical Examiners;
- 21 (14) Texas State Board of Examiners of Psychologists;
- 22 (15) State Board of Veterinary Medical Examiners;
- 23 (16) Texas Real Estate Commission;
- 24 (17) Texas Appraiser Licensing and Certification
25 Board;
- 26 (18) Texas Department of Licensing and Regulation;
- 27 (19) Texas State Board of Public Accountancy;

- 1 (20) State Board for Educator Certification;
- 2 (21) Texas Board of Professional Engineers;
- 3 (22) Department of State Health Services;
- 4 (23) Texas Board of Architectural Examiners;
- 5 (24) Texas Racing Commission;
- 6 (25) Commission on Law Enforcement Officer Standards
7 and Education; and
- 8 (26) Texas Private Security Board.

9 SECTION 11.018. Section 2113.011(e), Government Code, is
10 amended to correct a reference to read as follows:

11 (e) This section does not prohibit the use of appropriated
12 money for publicity functions authorized under Chapter 204,
13 Transportation Code [~~Chapter 193, Acts of the 56th Legislature,~~
14 ~~Regular Session, 1959 (Article 6144e, Vernon's Texas Civil~~
15 ~~Statutes)]].~~

16 PART B. UPDATE OF COURT FEES AND COSTS

17 SECTION 11.101. (a) Section 101.0611, Government Code, is
18 amended to read as follows:

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

- 22 (1) appellate judicial system filing fees for:
 - 23 (A) First or Fourteenth Court of Appeals District
24 (Sec. 22.2021, Government Code) . . . not more than \$5;
 - 25 (B) Second Court of Appeals District
26 (Sec. 22.2031, Government Code) . . . not more than \$5;
 - 27 (C) Third Court of Appeals District

1 (Sec. 22.2041, Government Code) . . . \$5;

2 (D) Fourth Court of Appeals District

3 (Sec. 22.2051, Government Code) . . . not more than \$5;

4 (E) Fifth Court of Appeals District

5 (Sec. 22.2061, Government Code) . . . not more than \$5;

6 (E-1) Sixth Court of Appeals District (Sec.

7 22.2071, Government Code) . . . \$5;

8 (E-2) Seventh Court of Appeals District (Sec.

9 22.2081, Government Code) . . . \$5;

10 (F) Ninth Court of Appeals District

11 (Sec. 22.2101, Government Code) . . . \$5;

12 (G) Eleventh Court of Appeals District

13 (Sec. 22.2121, Government Code) . . . \$5;

14 (G-1) Twelfth Court of Appeals District (Sec.

15 22.2131, Government Code) . . . \$5; and

16 (H) Thirteenth Court of Appeals District

17 (Sec. 22.2141, Government Code) . . . not more than \$5;

18 (2) when administering a case for the Rockwall County

19 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and

20 court costs as if the case had been filed in district court;

21 (3) additional filing fees:

22 (A) for each suit filed for insurance contingency

23 fund, if authorized by the county commissioners court (Sec. 51.302,

24 Government Code) . . . not to exceed \$5;

25 (B) to fund the improvement of Dallas County

26 civil court facilities, if authorized by the county commissioners

27 court (Sec. 51.705, Government Code) . . . not more than \$15;

1 (B-1) to fund the improvement of Bexar County
2 court facilities, if authorized by the county commissioners court
3 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

4 (C) to fund the improvement of Hays County court
5 facilities, if authorized by the county commissioners court
6 (Sec. 51.707, Government Code) . . . not more than \$15; and

7 (D) to fund the preservation of court records
8 (Sec. 51.708, Government Code) . . . not more than \$10;

9 (4) for filing a suit, including an appeal from an
10 inferior court:

11 (A) for a suit with 10 or fewer plaintiffs
12 (Sec. 51.317, Government Code) . . . \$50;

13 (B) for a suit with at least 11 but not more than
14 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

15 (C) for a suit with at least 26 but not more than
16 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

17 (D) for a suit with at least 101 but not more than
18 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

19 (E) for a suit with at least 501 but not more than
20 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

21 (F) for a suit with more than 1,000 plaintiffs
22 (Sec. 51.317, Government Code) . . . \$200;

23 (5) for filing a cross-action, counterclaim,
24 intervention, contempt action, motion for new trial, or third-party
25 petition (Sec. 51.317, Government Code) . . . \$15;

26 (6) for issuing a citation or other writ or process not
27 otherwise provided for, including one copy, when requested at the

- 1 time a suit or action is filed (Sec. 51.317, Government Code) . . .
2 \$8;
- 3 (7) for records management and preservation
4 (Sec. 51.317, Government Code) . . . \$10;
- 5 (7-a) for district court records archiving, if adopted
6 by the county commissioners court (Sec. 51.317(b)(5), Government
7 Code) . . . not more than \$5;
- 8 (8) for issuing a subpoena, including one copy
9 (Sec. 51.318, Government Code) . . . \$8;
- 10 (9) for issuing a citation, commission for deposition,
11 writ of execution, order of sale, writ of execution and order of
12 sale, writ of injunction, writ of garnishment, writ of attachment,
13 or writ of sequestration not provided for in Section 51.317, or any
14 other writ or process not otherwise provided for, including one
15 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 16 (10) for searching files or records to locate a cause
17 when the docket number is not provided (Sec. 51.318, Government
18 Code) . . . \$5;
- 19 (11) for searching files or records to ascertain the
20 existence of an instrument or record in the district clerk's office
21 (Sec. 51.318, Government Code) . . . \$5;
- 22 (12) for abstracting a judgment (Sec. 51.318,
23 Government Code) . . . \$8;
- 24 (13) for approving a bond (Sec. 51.318, Government
25 Code) . . . \$4;
- 26 (14) for a certified copy of a record, judgment,
27 order, pleading, or paper on file or of record in the district

1 clerk's office, including certificate and seal, for each page or
2 part of a page (Sec. 51.318, Government Code) . . . \$1;

3 (15) for a noncertified copy, for each page or part of
4 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

5 (16) fee for performing a service:

6 (A) related to the matter of the estate of a
7 deceased person (Sec. 51.319, Government Code) . . . the same fee
8 allowed the county clerk for those services;

9 (B) related to the matter of a minor
10 (Sec. 51.319, Government Code) . . . the same fee allowed the
11 county clerk for the service;

12 (C) of serving process by certified or registered
13 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
14 constable is authorized to charge for the service under Section
15 118.131, Local Government Code; and

16 (D) prescribed or authorized by law but for which
17 no fee is set (Sec. 51.319, Government Code) . . . a reasonable
18 fee;

19 (17) jury fee (Sec. 51.604, Government Code) . . .
20 \$30;

21 (18) additional filing fee for family protection on
22 filing a suit for dissolution of a marriage under Chapter 6, Family
23 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

24 (19) at a hearing held by an associate judge in Dallas
25 County, a court cost to preserve the record, in the absence of a
26 court reporter, by other means (Sec. 54.509, Government Code) . . .
27 as assessed by the referring court or associate judge; and

1 (20) at a hearing held by an associate judge in Duval
2 County, a court cost to preserve the record (Sec. 54.1151,
3 Government Code) . . . as imposed by the referring court or
4 associate judge.

5 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
6 101.06116, and 101.06117, Government Code, are repealed.

7 SECTION 11.102. (a) Section 101.0811, Government Code, is
8 amended to conform to Chapters 1072 (H.B. 4741) and 1103 (H.B.
9 4833), Acts of the 81st Legislature, Regular Session, 2009, and is
10 further amended to read as follows:

11 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND
12 COSTS: GOVERNMENT CODE. The clerk of a statutory county court
13 shall collect fees and costs under the Government Code as follows:

- 14 (1) appellate judicial system filing fees:
 - 15 (A) First or Fourteenth Court of Appeals District
16 (Sec. 22.2021, Government Code) . . . not more than \$5;
 - 17 (B) Second Court of Appeals District
18 (Sec. 22.2031, Government Code) . . . not more than \$5;
 - 19 (C) Third Court of Appeals District
20 (Sec. 22.2041, Government Code) . . . \$5;
 - 21 (D) Fourth Court of Appeals District
22 (Sec. 22.2051, Government Code) . . . not more than \$5;
 - 23 (E) Fifth Court of Appeals District
24 (Sec. 22.2061, Government Code) . . . not more than \$5;
 - 25 (E-1) Sixth Court of Appeals District (Sec.
26 22.2071, Government Code) . . . \$5;
 - 27 (E-2) Seventh Court of Appeals District (Sec.

- 1 22.2081, Government Code) . . . \$5;
2 (F) Ninth Court of Appeals District
3 (Sec. 22.2101, Government Code) . . . \$5;
4 (G) Eleventh Court of Appeals District
5 (Sec. 22.2121, Government Code) . . . \$5;
6 (G-1) Twelfth Court of Appeals District (Sec.
7 22.2131, Government Code) . . . \$5; and
8 (H) Thirteenth Court of Appeals District
9 (Sec. 22.2141, Government Code) . . . not more than \$5;
10 (2) an official court reporter fee, County Court at
11 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
12 (3) in Brazoria County, in matters of concurrent
13 jurisdiction with the district court, fees (Sec. 25.0222,
14 Government Code) . . . as prescribed by law for district judges
15 according to the nature of the matter;
16 (4) a court reporter fee when testimony is taken in a
17 county court at law in McLennan County (Sec. 25.1572, Government
18 Code) . . . \$3;
19 (5) a stenographer fee, if a record or part of a record
20 is made:
21 (A) in a county court at law in Hidalgo County
22 (Sec. 25.1102, Government Code) . . . \$20; and
23 (B) in a county court at law in Nolan County
24 (Sec. 25.1792, Government Code) . . . \$25;
25 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;
26 (7) an additional filing fee:
27 (A) for each civil case filed to be used for

1 court-related purposes for the support of the judiciary
2 (Sec. 51.702, Government Code) . . . \$40;

3 (B) to fund the improvement of Dallas County
4 civil court facilities, if authorized by the county commissioners
5 court (Sec. 51.705, Government Code) . . . not more than \$15;

6 (B-1) to fund the improvement of Bexar County
7 court facilities, if authorized by the county commissioners court
8 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

9 (C) to fund the improvement of Hays County court
10 facilities, if authorized by the county commissioners court
11 (Sec. 51.707, Government Code) . . . not more than \$15; and

12 (D) to fund the preservation of court records
13 (Sec. 51.708, Government Code) . . . not more than \$10;

14 (8) the official court reporter's fee taxed as costs in
15 civil actions in a statutory county court:

16 (A) in Bexar County Courts at Law~~+~~
17 [~~(i)~~] Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~and~~
18 12, 13, 14, and 15 (Sec. 25.0172, Government Code) . . . taxed in

19 the same manner as the fee is taxed in district court; ~~and~~
20 [~~(ii) No. 2 (Sec. 25.0172, Government Code)~~
21 ~~. . . \$3.~~]

22 (B) in Galveston County (Sec. 25.0862,
23 Government Code) . . . taxed in the same manner as the fee is taxed
24 in civil cases in the district courts; and

25 (C) in Parker County (Sec. 25.1862, Government
26 Code) . . . taxed in the same manner as the fee is taxed in civil
27 cases in the district courts;

1 (9) a stenographer's fee as costs in each civil,
2 criminal, and probate case in which a record is made by the official
3 court reporter in a statutory county court in Nolan County
4 (Sec. 25.1792, Government Code) . . . \$25;

5 (10) in Nueces County, in matters of concurrent
6 jurisdiction with the district court, with certain exceptions, fees
7 (Sec. 25.1802, Government Code) . . . equal to those in district
8 court cases; and

9 (11) a fee not otherwise listed in this subchapter
10 that is required to be collected under Section 25.0008, Government
11 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,
12 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,
13 Victoria, and Williamson . . . as prescribed by law relating to
14 county judges' fees.

15 (b) Sections 101.08111, 101.08112, 101.08113, 101.08114,
16 and 101.08115, Government Code, are repealed.

17 SECTION 11.103. Section 101.0812, Government Code, is
18 amended to conform to Chapter 334 (H.B. 890), Acts of the 81st
19 Legislature, Regular Session, 2009, to read as follows:

20 Sec. 101.0812. STATUTORY COUNTY COURT FEES AND
21 COSTS: HEALTH AND SAFETY CODE. The clerk of a statutory county
22 court shall collect fees and costs under the Health and Safety Code
23 as follows:

24 (1) for filing an application for registration of
25 death (Sec. 193.007, Health and Safety Code) . . . \$1;

26 (2) fee for judge's services on an application for
27 court-ordered mental health services (Sec. 574.031, Health and

1 Safety Code) . . . not to exceed \$50;

2 (3) fee for prosecutor's services on an application
3 for court-ordered mental health services (Sec. 574.031, Health and
4 Safety Code) . . . not to exceed \$50;

5 (4) for a hearing or proceeding under the Texas Mental
6 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
7 (Secs. 571.017 and 571.018, Health and Safety Code) . . .
8 reasonable compensation to the following persons appointed under
9 the Texas Mental Health Code:

- 10 (A) attorneys;
- 11 (B) physicians;
- 12 (C) language interpreters;
- 13 (D) sign interpreters; and
- 14 (E) associate judges [~~masters~~];

15 (5) for a hearing or proceeding under the Texas Mental
16 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
17 (Sec. 571.018, Health and Safety Code):

- 18 (A) attorney's fees;
- 19 (B) physician examination fees;
- 20 (C) expense of transportation to a mental health
21 facility or to a federal agency not to exceed \$50 if transporting
22 within the same county and not to exceed the reasonable cost of
23 transportation if transporting between counties;
- 24 (D) costs and salary supplements authorized
25 under Section 574.031, Health and Safety Code; and
- 26 (E) prosecutors' fees authorized under Section
27 574.031, Health and Safety Code;

1 (6) expenses of transporting certain patients from the
2 county of treatment to a hearing in the county in which the
3 proceedings originated (Sec. 574.008, Health and Safety Code)
4 . . . actual expenses unless certain arrangements are made to hold
5 the hearing in the county in which the patient is receiving
6 services;

7 (7) expenses for expert witness testimony for an
8 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
9 authorized by the court as reimbursement to the attorney ad litem,
10 court-approved expenses;

11 (8) fee for judge's services for holding a hearing on
12 an application for court-ordered mental health services
13 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
14 judge, not to exceed \$50;

15 (9) expenses to reimburse judge for holding a hearing
16 in a hospital or location other than the county courthouse
17 (Sec. 574.031, Health and Safety Code) . . . reasonable and
18 necessary expenses as certified; and

19 (10) fee for services of a prosecuting attorney,
20 including costs incurred for preparation of documents related to a
21 hearing on an application for court-ordered mental health services
22 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
23 judge, not to exceed \$50.

24 SECTION 11.104. The heading to Section 101.0817, Government
25 Code, as effective April 1, 2011, is amended to read as follows:

26 Sec. 101.0817. STATUTORY COUNTY COURT FEES AND
27 COSTS: TRANSPORTATION CODE [~~UNDER OTHER LAWS~~].

1 SECTION 11.105. (a) Section 101.1011, Government Code, is
2 amended to read as follows:

3 Sec. 101.1011. STATUTORY PROBATE COURT FEES AND
4 COSTS: GOVERNMENT CODE. The clerk of a statutory probate court
5 shall collect fees and costs under the Government Code as follows:

6 (1) appellate judicial system filing fees:

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

9 (B) Second Court of Appeals District
10 (Sec. 22.2031, Government Code) . . . not more than \$5;

11 (C) Third Court of Appeals District
12 (Sec. 22.2041, Government Code) . . . \$5;

13 (D) Fourth Court of Appeals District
14 (Sec. 22.2051, Government Code) . . . not more than \$5;

15 (E) Fifth Court of Appeals District
16 (Sec. 22.2061, Government Code) . . . not more than \$5;

17 (E-1) Sixth Court of Appeals District (Sec.
18 22.2071, Government Code) . . . \$5;

19 (E-2) Seventh Court of Appeals District (Sec.
20 22.2081, Government Code) . . . \$5;

21 (F) Ninth Court of Appeals District
22 (Sec. 22.2101, Government Code) . . . \$5;

23 (G) Eleventh Court of Appeals District
24 (Sec. 22.2121, Government Code) . . . \$5;

25 (G-1) Twelfth Court of Appeals District (Sec.
26 22.2131, Government Code) . . . \$5; and

27 (H) Thirteenth Court of Appeals District

1 (Sec. 22.2141, Government Code) . . . not more than \$5;

2 (2) additional filing fees as follows:

3 (A) for certain cases to be used for
4 court-related purposes for support of the judiciary (Sec. 51.704,
5 Government Code) . . . \$40;

6 (B) to fund the improvement of Dallas County
7 civil court facilities, if authorized by the county commissioners
8 court (Sec. 51.705, Government Code) . . . not more than \$15;

9 (B-1) to fund the improvement of Bexar County
10 court facilities, if authorized by the county commissioners court
11 (Sec. 51.706, Government Code) . . . not more than \$15; and

12 (C) to fund the improvement of Hays County court
13 facilities, if authorized by the county commissioners court
14 (Sec. 51.707, Government Code) . . . not more than \$15;

15 (3) jury fee for civil case (Sec. 51.604, Government
16 Code) . . . \$22;

17 (4) the expense of preserving the record as a court
18 cost, if imposed on a party by the referring court or associate
19 judge (Sec. 54.612, Government Code) . . . actual cost; and

20 (5) a fee not otherwise listed in this subchapter that
21 is required to be collected under Section 25.0029, Government Code
22 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
23 to county judges' fees.

24 (b) Sections 101.10111, 101.10112, 101.10113, and
25 101.10114, Government Code, are repealed.

26 SECTION 11.106. Section 101.1012, Government Code, is
27 amended to conform to Chapter 334 (H.B. 890), Acts of the 81st

1 Legislature, Regular Session, 2009, to read as follows:

2 Sec. 101.1012. STATUTORY PROBATE COURT FEES AND COSTS:
3 HEALTH AND SAFETY CODE. The clerk of a statutory probate court
4 shall collect fees and costs under the Health and Safety Code as
5 follows:

6 (1) for filing an application for registration of
7 death (Sec. 193.007, Health and Safety Code) . . . \$1;

8 (2) fee for judge's services on an application for
9 court-ordered mental health services (Sec. 574.031, Health and
10 Safety Code) . . . not to exceed \$50;

11 (3) fee for prosecutor's services on an application
12 for court-ordered mental health services (Sec. 574.031, Health and
13 Safety Code) . . . not to exceed \$50;

14 (4) for a hearing or proceeding under the Texas Mental
15 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
16 (Secs. 571.017 and 571.018, Health and Safety Code) . . .
17 reasonable compensation to the following persons appointed under
18 the Texas Mental Health Code:

- 19 (A) attorneys;
- 20 (B) physicians;
- 21 (C) language interpreters;
- 22 (D) sign interpreters; and
- 23 (E) associate judges [~~masters~~];

24 (5) for a hearing or proceeding under the Texas Mental
25 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
26 (Sec. 571.018, Health and Safety Code):

- 27 (A) attorney's fees;

- 1 (B) physician examination fees;
- 2 (C) expense of transportation to a mental health
3 facility or to a federal agency not to exceed \$50 if transporting
4 within the same county and not to exceed the reasonable cost of
5 transportation if transporting between counties;
- 6 (D) costs and salary supplements authorized
7 under Section 574.031, Health and Safety Code; and
- 8 (E) prosecutors' fees authorized under Section
9 574.031, Health and Safety Code;
- 10 (6) expenses of transporting certain patients from the
11 county of treatment to a hearing in the county in which the
12 proceedings originated (Sec. 574.008, Health and Safety Code)
13 . . . actual expenses unless certain arrangements are made to hold
14 the hearing in the county in which the patient is receiving
15 services;
- 16 (7) expenses for expert witness testimony for an
17 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
18 authorized by the court as reimbursement to the attorney ad litem,
19 court-approved expenses;
- 20 (8) fee for judge's services for holding a hearing on
21 an application for court-ordered mental health services
22 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
23 judge, not to exceed \$50;
- 24 (9) expenses to reimburse judge for holding a hearing
25 in a hospital or location other than the county courthouse
26 (Sec. 574.031, Health and Safety Code) . . . reasonable and
27 necessary expenses as certified; and

1 (10) fee for services of a prosecuting attorney,
2 including costs incurred for preparation of documents related to a
3 hearing on an application for court-ordered mental health services
4 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
5 judge, not to exceed \$50.

6 SECTION 11.107. (a) Section 101.1212, Government Code, is
7 amended to read as follows:

8 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
9 CODE. The clerk of a county court shall collect the following fees
10 and costs under the Government Code:

11 (1) appellate judicial system filing fees:

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

14 (B) Second Court of Appeals District
15 (Sec. 22.2031, Government Code) . . . not more than \$5;

16 (C) Third Court of Appeals District
17 (Sec. 22.2041, Government Code) . . . \$5;

18 (D) Fourth Court of Appeals District
19 (Sec. 22.2051, Government Code) . . . not more than \$5;

20 (E) Fifth Court of Appeals District
21 (Sec. 22.2061, Government Code) . . . not more than \$5;

22 (E-1) Sixth Court of Appeals District
23 (Sec. 22.2071, Government Code) . . . \$5;

24 (E-2) Seventh Court of Appeals District
25 (Sec. 22.2081, Government Code) . . . \$5;

26 (F) Ninth Court of Appeals District
27 (Sec. 22.2101, Government Code) . . . \$5;

1 (G) Eleventh Court of Appeals District
2 (Sec. 22.2121, Government Code) . . . \$5;

3 (G-1) Twelfth Court of Appeals District
4 (Sec. 22.2131, Government Code) . . . \$5; and

5 (H) Thirteenth Court of Appeals District
6 (Sec. 22.2141, Government Code) . . . not more than \$5;

7 (2) a jury fee (Sec. 51.604, Government Code) . . .
8 \$22; ~~and~~

9 (3) a filing fee in each civil case filed to be used
10 for court-related purposes for the support of the judiciary
11 (Sec. 51.703, Government Code) . . . \$40; and

12 (4) a filing fee to fund the preservation of court
13 records (Sec. 51.708, Government Code) . . . not more than \$10.

14 (b) Sections 101.12121, 101.12122, 101.12123, and
15 101.12124, Government Code, are repealed.

16 SECTION 11.108. Section 101.1213, Government Code, is
17 amended to conform to Chapter 334 (H.B. 890), Acts of the 81st
18 Legislature, Regular Session, 2009, to read as follows:

19 Sec. 101.1213. COUNTY COURT FEES AND COSTS: HEALTH AND
20 SAFETY CODE. The clerk of a county court shall collect the
21 following fees and costs under the Health and Safety Code:

22 (1) for filing an application for registration of
23 death (Sec. 193.007, Health and Safety Code) . . . \$1;

24 (2) fee for judge's services on an application for
25 court-ordered mental health services (Sec. 574.031, Health and
26 Safety Code) . . . not to exceed \$50;

27 (3) fee for prosecutor's services on an application

1 for court-ordered mental health services (Sec. 574.031, Health and
2 Safety Code) . . . not to exceed \$50;

3 (4) for a hearing or proceeding under the Texas Mental
4 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
5 (Secs. 571.017 and 571.018, Health and Safety Code) . . .
6 reasonable compensation to the following persons appointed under
7 the Texas Mental Health Code:

- 8 (A) attorneys;
- 9 (B) physicians;
- 10 (C) language interpreters;
- 11 (D) sign interpreters; and
- 12 (E) associate judges [~~masters~~];

13 (5) for a hearing or proceeding under the Texas Mental
14 Health Code (Subtitle C, Title 7, Health and Safety Code) as costs
15 (Sec. 571.018, Health and Safety Code):

- 16 (A) attorney's fees;
- 17 (B) physician examination fees;
- 18 (C) expense of transportation to a mental health
19 facility or to a federal agency not to exceed \$50 if transporting
20 within the same county and not to exceed the reasonable cost of
21 transportation if transporting between counties;
- 22 (D) costs and salary supplements authorized
23 under Section 574.031, Health and Safety Code; and
- 24 (E) prosecutors' fees authorized under Section
25 574.031, Health and Safety Code;

26 (6) expenses of transporting certain patients from the
27 county of treatment to a hearing in the county in which the

1 proceedings originated (Sec. 574.008, Health and Safety Code)
2 . . . actual expenses unless certain arrangements are made to hold
3 the hearing in the county in which the patient is receiving
4 services;

5 (7) expenses for expert witness testimony for an
6 indigent patient (Sec. 574.010, Health and Safety Code) . . . if
7 authorized by the court as reimbursement to the attorney ad litem,
8 court-approved expenses;

9 (8) fee for judge's services for holding a hearing on
10 an application for court-ordered mental health services
11 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
12 judge, not to exceed \$50;

13 (9) expenses to reimburse judge for holding a hearing
14 in a hospital or location other than the county courthouse
15 (Sec. 574.031, Health and Safety Code) . . . reasonable and
16 necessary expenses as certified; and

17 (10) fee for services of a prosecuting attorney,
18 including costs incurred for preparation of documents related to a
19 hearing on an application for court-ordered mental health services
20 (Sec. 574.031, Health and Safety Code) . . . as assessed by the
21 judge, not to exceed \$50.

22 SECTION 11.109. Subchapter G, Chapter 101, Government Code,
23 is amended by amending Section 101.1216 and adding Section 101.1217
24 to read as follows:

25 Sec. 101.1216. COUNTY COURT FEES AND COSTS: TRANSPORTATION
26 CODE [~~UNDER OTHER LAWS~~]. The clerk of a county court shall collect
27 a [~~the following fees and costs:~~

1 ~~[(1)]~~ fee of \$10 under Section 112.059, Transportation
2 Code, for a county attorney in a suit regarding a railroad company's
3 failure to keep a roadbed and right-of-way in proper condition.

4 Sec. 101.1217. COUNTY COURT FEES AND COSTS UNDER OTHER
5 LAWS. The clerk of a county court shall collect an [~~Art. 6327,~~
6 Vernon's Texas Civil Statutes) . . . \$10, and

7 ~~[(2)]~~ appeal bond in the amount of \$100 from a
8 petitioner or taxpayer in a water control and preservation district
9 under Article [~~Art.] 7818, Vernon's Texas Civil Statutes[)]~~
10 \$100].

11 SECTION 11.110. Section 102.021, Government Code, as
12 amended by Chapters 902 (H.B. 666) and 1209 (S.B. 727), Acts of the
13 81st Legislature, Regular Session, 2009, is reenacted to read as
14 follows:

15 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
16 PROCEDURE. A person convicted of an offense shall pay the following
17 under the Code of Criminal Procedure, in addition to all other
18 costs:

19 (1) court cost on conviction of any offense, other
20 than a conviction of an offense relating to a pedestrian or the
21 parking of a motor vehicle (Art. 102.0045, Code of Criminal
22 Procedure) . . . \$4;

23 (2) a fee for services of prosecutor (Art. 102.008,
24 Code of Criminal Procedure) . . . \$25;

25 (3) fees for services of peace officer:
26 (A) issuing a written notice to appear in court
27 for certain violations (Art. 102.011, Code of Criminal Procedure)

- 1 . . . \$5;
- 2 (B) executing or processing an issued arrest
3 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal
4 Procedure) . . . \$50;
- 5 (C) summoning a witness (Art. 102.011, Code of
6 Criminal Procedure) . . . \$5;
- 7 (D) serving a writ not otherwise listed
8 (Art. 102.011, Code of Criminal Procedure) . . . \$35;
- 9 (E) taking and approving a bond and, if
10 necessary, returning the bond to courthouse (Art. 102.011, Code of
11 Criminal Procedure) . . . \$10;
- 12 (F) commitment or release (Art. 102.011, Code of
13 Criminal Procedure) . . . \$5;
- 14 (G) summoning a jury (Art. 102.011, Code of
15 Criminal Procedure) . . . \$5;
- 16 (H) attendance of a prisoner in habeas corpus
17 case if prisoner has been remanded to custody or held to bail
18 (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 19 (I) mileage for certain services performed
20 (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile;
21 and
- 22 (J) services of a sheriff or constable who serves
23 process and attends examining trial in certain cases (Art. 102.011,
24 Code of Criminal Procedure) . . . not to exceed \$5;
- 25 (4) services of a peace officer in conveying a witness
26 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
27 \$10 per day or part of a day, plus actual necessary travel expenses;

- 1 (5) overtime of peace officer for time spent
2 testifying in the trial or traveling to or from testifying in the
3 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 4 (6) court costs on an offense relating to rules of the
5 road, when offense occurs within a school crossing zone
6 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 7 (7) court costs on an offense of passing a school bus
8 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 9 (8) court costs on an offense of truancy or
10 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
11 . . . \$20;
- 12 (9) cost for visual recording of intoxication arrest
13 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
14 \$15;
- 15 (10) cost of certain evaluations (Art. 102.018, Code
16 of Criminal Procedure) . . . actual cost;
- 17 (11) additional costs attendant to certain
18 intoxication convictions under Chapter 49, Penal Code, for
19 emergency medical services, trauma facilities, and trauma care
20 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 21 (12) additional costs attendant to certain child
22 sexual assault and related convictions, for child abuse prevention
23 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- 24 (13) court cost for DNA testing for certain felonies
25 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;
- 26 (14) court cost for DNA testing for the offense of
27 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of

1 Criminal Procedure) . . . \$50;

2 (15) court cost for DNA testing for certain felonies
3 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

4 (16) if required by the court, a restitution fee for
5 costs incurred in collecting restitution installments and for the
6 compensation to victims of crime fund (Art. 42.037, Code of
7 Criminal Procedure) . . . \$12;

8 (17) if directed by the justice of the peace or
9 municipal court judge hearing the case, court costs on conviction
10 in a criminal action (Art. 45.041, Code of Criminal Procedure)
11 . . . part or all of the costs as directed by the judge; and

12 (18) costs attendant to convictions under Chapter 49,
13 Penal Code, and under Chapter 481, Health and Safety Code, to help
14 fund drug court programs established under Chapter 469, Health and
15 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

16 SECTION 11.111. Section 102.061, Government Code, as
17 amended by Chapters 87 (S.B. 1969), 1172 (H.B. 3389), and 1183 (H.B.
18 3637), Acts of the 81st Legislature, Regular Session, 2009, is
19 reenacted and amended to read as follows:

20 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
21 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of
22 a statutory county court shall collect fees and costs under the Code
23 of Criminal Procedure on conviction of a defendant as follows:

24 (1) a jury fee (Art. 102.004, Code of Criminal
25 Procedure) . . . \$20;

26 (2) a fee for services of the clerk of the court
27 (Art. 102.005, Code of Criminal Procedure) . . . \$40;

1 (3) a records management and preservation services fee
2 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

3 (4) a county and district court technology fee
4 (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

5 (5) a security fee on a misdemeanor offense
6 (Art. 102.017, Code of Criminal Procedure) . . . \$3;

7 (6) a juvenile delinquency prevention and graffiti
8 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
9 \$50; ~~and~~

10 (7) a juvenile case manager fee (Art. 102.0174, Code
11 of Criminal Procedure) . . . not to exceed \$5; and

12 (8) [~~(7)~~] a civil justice fee (Art. 102.022, Code of
13 Criminal Procedure) . . . \$0.10.

14 SECTION 11.112. Section 102.081, Government Code, as
15 amended by Chapters 87 (S.B. 1969), 1172 (H.B. 3389), and 1183 (H.B.
16 3637), Acts of the 81st Legislature, Regular Session, 2009, is
17 reenacted and amended to read as follows:

18 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
19 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
20 court shall collect fees and costs under the Code of Criminal
21 Procedure on conviction of a defendant as follows:

22 (1) a jury fee (Art. 102.004, Code of Criminal
23 Procedure) . . . \$20;

24 (2) a fee for clerk of the court services
25 (Art. 102.005, Code of Criminal Procedure) . . . \$40;

26 (3) a records management and preservation services fee
27 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

1 (4) a county and district court technology fee
2 (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

3 (5) a security fee on a misdemeanor offense
4 (Art. 102.017, Code of Criminal Procedure) . . . \$3;

5 (6) a juvenile delinquency prevention and graffiti
6 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
7 \$50; ~~and~~

8 (7) a juvenile case manager fee (Art. 102.0174, Code
9 of Criminal Procedure) . . . not to exceed \$5; and

10 (8) [~~(7)~~] a civil justice fee (Art. 102.022, Code of
11 Criminal Procedure) . . . \$0.10.

12 SECTION 11.113. Section 103.021, Government Code, is
13 amended to conform to Chapter 1276 (H.B. 1506), Acts of the 81st
14 Legislature, Regular Session, 2009, to read as follows:

15 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
16 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
17 or a party to a civil suit, as applicable, shall pay the following
18 fees and costs under the Code of Criminal Procedure if ordered by
19 the court or otherwise required:

20 (1) a personal bond fee (Art. 17.42, Code of Criminal
21 Procedure) . . . the greater of \$20 or three percent of the amount
22 of the bail fixed for the accused;

23 (2) cost of electronic monitoring as a condition of
24 release on personal bond (Art. 17.43, Code of Criminal Procedure)
25 . . . actual cost;

26 (3) a fee for verification of and monitoring of motor
27 vehicle ignition interlock (Art. 17.441, Code of Criminal

- 1 Procedure) . . . not to exceed \$10;
- 2 (3-a) costs associated with operating a global
3 positioning monitoring system as a condition of release on bond
4 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
5 subject to a determination of indigency;
- 6 (3-b) costs associated with providing a defendant's
7 victim with an electronic receptor device as a condition of the
8 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
9 Procedure) . . . actual costs, subject to a determination of
10 indigency;
- 11 (4) repayment of reward paid by a crime stoppers
12 organization on conviction of a felony (Art. 37.073, Code of
13 Criminal Procedure) . . . amount ordered;
- 14 (5) reimbursement to general revenue fund for payments
15 made to victim of an offense as condition of community supervision
16 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
17 a misdemeanor offense or \$100 for a felony offense;
- 18 (6) payment to a crime stoppers organization as
19 condition of community supervision (Art. 42.12, Code of Criminal
20 Procedure) . . . not to exceed \$50;
- 21 (7) children's advocacy center fee (Art. 42.12, Code
22 of Criminal Procedure) . . . not to exceed \$50;
- 23 (8) family violence center fee (Art. 42.12, Code of
24 Criminal Procedure) . . . \$100;
- 25 (9) community supervision fee (Art. 42.12, Code of
26 Criminal Procedure) . . . not less than \$25 or more than \$60 per
27 month;

1 (10) additional community supervision fee for certain
2 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
3 month;

4 (11) for certain financially able sex offenders as a
5 condition of community supervision, the costs of treatment,
6 specialized supervision, or rehabilitation (Art. 42.12, Code of
7 Criminal Procedure) . . . all or part of the reasonable and
8 necessary costs of the treatment, supervision, or rehabilitation as
9 determined by the judge;

10 (12) fee for failure to appear for trial in a justice
11 or municipal court if a jury trial is not waived (Art. 45.026, Code
12 of Criminal Procedure) . . . costs incurred for impaneling the
13 jury;

14 (13) costs of certain testing, assessments, or
15 programs during a deferral period (Art. 45.051, Code of Criminal
16 Procedure) . . . amount ordered;

17 (14) special expense on dismissal of certain
18 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
19 . . . not to exceed amount of fine assessed;

20 (15) an additional fee:

21 (A) for a copy of the defendant's driving record
22 to be requested from the Department of Public Safety by the judge
23 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
24 to the sum of the fee established by Section 521.048,
25 Transportation Code, and the TexasOnline fee;

26 (B) as an administrative fee for requesting a
27 driving safety course or a course under the motorcycle operator

1 training and safety program for certain traffic offenses to cover
2 the cost of administering the article (Art. 45.0511(f)(1), Code of
3 Criminal Procedure) . . . not to exceed \$10; or

4 (C) for requesting a driving safety course or a
5 course under the motorcycle operator training and safety program
6 before the final disposition of the case (Art. 45.0511(f)(2), Code
7 of Criminal Procedure) . . . not to exceed the maximum amount of the
8 fine for the offense committed by the defendant;

9 (16) a request fee for teen court program (Art.
10 45.052, Code of Criminal Procedure) . . . \$20, if the court
11 ordering the fee is located in the Texas-Louisiana border region,
12 but otherwise not to exceed \$10;

13 (17) a fee to cover costs of required duties of teen
14 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
15 court ordering the fee is located in the Texas-Louisiana border
16 region, but otherwise \$10;

17 (18) a mileage fee for officer performing certain
18 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
19 mile;

20 (19) certified mailing of notice of hearing date (Art.
21 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

22 (20) certified mailing of certified copies of an order
23 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
24 plus postage;

25 (20-a) a fee to defray the cost of notifying state
26 agencies of orders of expungement (Art. 45.0216, Code of Criminal
27 Procedure) . . . \$30 per application;

1 (20-b) a fee to defray the cost of notifying state
2 agencies of orders of expunction (Art. 45.055, Code of Criminal
3 Procedure) . . . \$30 per application;

4 (21) sight orders:

5 (A) if the face amount of the check or sight order
6 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
7 . . . not to exceed \$10;

8 (B) if the face amount of the check or sight order
9 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
10 Criminal Procedure) . . . not to exceed \$15;

11 (C) if the face amount of the check or sight order
12 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
13 Criminal Procedure) . . . not to exceed \$30;

14 (D) if the face amount of the check or sight order
15 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
16 Criminal Procedure) . . . not to exceed \$50; and

17 (E) if the face amount of the check or sight order
18 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
19 . . . not to exceed \$75;

20 (22) fees for a pretrial intervention program:

21 (A) a supervision fee (Art. 102.012(a), Code of
22 Criminal Procedure) . . . \$60 a month plus expenses; and

23 (B) a district attorney, criminal district
24 attorney, or county attorney administrative fee (Art. 102.0121,
25 Code of Criminal Procedure) . . . not to exceed \$500;

26 (23) parking fee violations for child safety fund in
27 municipalities with populations:

1 (A) greater than 850,000 (Art. 102.014, Code of
2 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

3 (B) less than 850,000 (Art. 102.014, Code of
4 Criminal Procedure) . . . not to exceed \$5;

5 (24) an administrative fee for collection of fines,
6 fees, restitution, or other costs (Art. 102.072, Code of Criminal
7 Procedure) . . . not to exceed \$2 for each transaction; and

8 (25) a collection fee, if authorized by the
9 commissioners court of a county or the governing body of a
10 municipality, for certain debts and accounts receivable, including
11 unpaid fines, fees, court costs, forfeited bonds, and restitution
12 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
13 percent of an amount more than 60 days past due.

14 SECTION 11.114. Section 103.026, Government Code, is
15 amended to conform to Chapters 767 (S.B. 865) and 1035 (H.B. 4424),
16 Acts of the 81st Legislature, Regular Session, 2009, to read as
17 follows:

18 Sec. 103.026. MISCELLANEOUS FEES AND COSTS: FAMILY CODE.
19 Fees and costs shall be paid or collected under the Family Code as
20 follows:

21 (1) costs of determining and sending information
22 concerning the identity of the court with continuing, exclusive
23 jurisdiction if charged by the bureau of vital statistics (Sec.
24 108.006, Family Code) . . . reasonable fee;

25 (2) initial operations fee paid to the domestic
26 relations office on each filing of an original [a] suit affecting
27 the parent-child relationship, motion for modification, or motion

1 for enforcement, if authorized by the administering entity (Sec.
2 203.005, Family Code) . . . not to exceed \$15;

3 (3) initial child support service fee paid to the
4 domestic relations office in certain counties on the filing of an
5 original [a] suit affecting the parent-child relationship, if
6 authorized by the administering entity (Sec. 203.005, Family Code)
7 . . . not to exceed \$36;

8 (4) service fee for services of a domestic relations
9 office, if authorized by the administering entity (Sec. 203.005,
10 Family Code) . . . not to exceed \$3 per month;

11 (5) fee to reimburse a domestic relations office for a
12 fee paid for filing an administrative writ of withholding (Secs.
13 158.503 and 203.005, Family Code) . . . the amount of the fee paid;

14 (6) fee from a Title IV-D agency for each item of
15 process to each individual on whom service is required, including
16 service by certified or registered mail (Sec. 231.202, Family Code)
17 . . . the amount that a sheriff or constable may charge for serving
18 process under Section 118.131, Local Government Code; and

19 (7) a fee for mailing an order vacating or staying an
20 order suspending a license to the appropriate licensing authority
21 (Sec. 232.013, Family Code) . . . \$5 for each order mailed.

22 SECTION 11.115. Section 103.027, Government Code, is
23 amended to read as follows:

24 Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT
25 CODE. Fees and costs shall be paid or collected under the
26 Government Code as follows:

27 (1) filing a certified copy of a judicial finding of

1 fact and conclusion of law if charged by the secretary of state
2 (Sec. 51.905, Government Code) . . . \$15;

3 (2) cost paid by each surety posting the bail bond for
4 an offense other than a misdemeanor punishable by fine only under
5 Chapter 17, Code of Criminal Procedure, for the assistant
6 prosecutor supplement fund and the fair defense account
7 (Sec. 41.258, Government Code) . . . \$15, provided the cost does
8 not exceed \$30 for all bail bonds posted at that time for an
9 individual and the cost is not required on the posting of a personal
10 or cash bond;

11 (3) to participate in a court proceeding in this
12 state, a nonresident attorney fee [~~for civil legal services to the~~
13 ~~indigent~~] (Sec. 82.0361, Government Code) . . . \$250 except as
14 waived or reduced under supreme court rules for representing an
15 indigent person;

16 (4) on a party's appeal of a final decision in a
17 contested case, the cost of preparing the original or a certified
18 copy of the record of the agency proceeding, if required by the
19 agency's rule, as a court cost (Sec. 2001.177, Government Code)
20 . . . as assessed by the court, all or part of the cost of
21 preparation;

22 (5) compensation to a referee in juvenile court in
23 Wichita County taxed as costs if the judge determines the parties
24 are able to pay the costs (Sec. 54.403, Government Code) . . . as
25 determined by the judge; and

26 (6) the expense of preserving the record as a court
27 cost in Brazos County if imposed on a party by the referring court

1 or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

2 SECTION 11.116. Section 103.029, Government Code, is
3 amended to conform to Chapter 840 (S.B. 1940), Acts of the 81st
4 Legislature, Regular Session, 2009, to read as follows:

5 Sec. 103.029. MISCELLANEOUS FEES AND COSTS: HEALTH AND
6 SAFETY CODE. Fees and costs shall be paid or collected under the
7 Health and Safety Code as follows:

8 (1) a program fee for a drug court program established
9 under Section 469.002, Health and Safety Code (Sec. 469.004, Health
10 and Safety Code) . . . not to exceed \$1,000; [~~and~~]

11 (2) an alcohol or controlled substance testing,
12 counseling, and treatment fee (Sec. 469.004, Health and Safety
13 Code) . . . the amount necessary to cover the costs of testing,
14 counseling, and treatment;

15 (3) a reasonable program fee for a veterans court
16 program (Sec. 617.006, Health and Safety Code) . . . not to exceed
17 \$1,000; and

18 (4) a testing, counseling, and treatment fee for
19 testing, counseling, or treatment performed or provided under a
20 veterans court program (Sec. 617.006, Health and Safety Code) . . .
21 the amount necessary to cover the costs of testing, counseling, or
22 treatment.

23 SECTION 11.117. Section 103.030, Government Code, is
24 amended to read as follows:

25 Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL
26 GOVERNMENT CODE. Fees and costs shall be paid or collected under
27 the Local Government Code as follows:

1 (1) services by the offices of the sheriff and
2 constables (Sec. 118.131, Local Government Code) . . . amount set
3 by county commissioners court;

4 (2) a filing fee or recording fee for each page of a
5 legal paper presented for filing or recording that fails to meet
6 certain requirements regarding paper size, weight, substance,
7 headings, legibility, the presence of typed or printed names under
8 each signature, and number and size of riders or attachments
9 (Sec. 191.007, Local Government Code) . . . twice the regular
10 filing fee or recording fee provided by statute for that page,
11 rider, or attachment;

12 (3) a processing fee as authorized by the
13 commissioners court for the payment by credit card of a fee, court
14 cost, or other charge processed by a county or precinct officer
15 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
16 reasonably related to the expense incurred by the county or
17 precinct officer but not to exceed five percent of the amount of the
18 fee, court cost, or other charge being paid;

19 (4) a processing fee as authorized by the governing
20 body of the municipality for the payment by credit card of a fee,
21 court cost, or other charge processed by a municipal official
22 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
23 reasonably related to the expense incurred by the municipal
24 official but not to exceed five percent of the amount of the fee,
25 court cost, or other charge being paid;

26 (5) a handling fee, if authorized by the commissioners
27 court under Section 132.002, Local Government Code, for

1 electronically processing the payment of a fee, fine, court cost,
2 or other charge (Secs. 132.002 and 132.003, Local Government Code):

3 (A) charged at a flat rate that does not exceed \$5
4 for each payment transaction; or

5 (B) charged at a rate reasonably related to the
6 expense incurred in processing a payment and that does not exceed
7 five percent of the amount of the fee, court cost, or other charge
8 being paid; and

9 (6) a fee, if authorized by the commissioners court,
10 collected by a county or precinct officer on behalf of the county
11 from a person making payment by credit card of a fee, court cost, or
12 other charge (Sec. 132.003, Local Government Code) . . . an amount
13 equal to the amount of any transaction fee charged to the county by
14 a vendor providing services in connection with payments made by
15 credit card.

16 ARTICLE 12. CHANGES RELATING TO HEALTH AND SAFETY CODE

17 SECTION 12.001. Section 146.009, Health and Safety Code, is
18 repealed to conform to the repeal of Section 146.009, Health and
19 Safety Code, by Chapter 1528 (S.B. 932), Acts of the 76th
20 Legislature, Regular Session, 1999.

21 SECTION 12.002. Section 251.012, Health and Safety Code, as
22 amended by Chapters 839 (S.B. 1932) and 1280 (H.B. 1831), Acts of
23 the 81st Legislature, Regular Session, 2009, is reenacted to read
24 as follows:

25 Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The
26 following facilities are not required to be licensed under this
27 chapter:

1 (1) a home and community support services agency
2 licensed under Chapter 142 with a home dialysis designation;

3 (2) a hospital licensed under Chapter 241 that
4 provides dialysis only to:

5 (A) individuals receiving inpatient services
6 from the hospital; or

7 (B) individuals receiving outpatient services
8 due to a disaster declared by the governor or a federal disaster
9 declared by the president of the United States occurring in this
10 state or another state during the term of the disaster declaration;
11 or

12 (3) the office of a physician unless the office is used
13 primarily as an end stage renal disease facility.

14 SECTION 12.003. Sections 314.003(a) and (d), Health and
15 Safety Code, are amended to conform to Section 17.01(25), Chapter
16 76 (S.B. 959), Acts of the 74th Legislature, Regular Session, 1995,
17 to read as follows:

18 (a) The attorney general, at any time after an application
19 is filed under Section 314.002(b) [~~313.002(b)~~], may require by
20 civil investigative demand the attendance and testimony of
21 witnesses and the production of documents in Travis County or the
22 county in which the applicants are located for the purpose of
23 investigating whether the cooperative agreement satisfies the
24 standards set forth in Section 314.002 [~~313.002~~]. All nonpublic
25 documents produced and testimony given to the attorney general are
26 subject to the prohibitions on disclosure and use of Section
27 15.10(i), Business & Commerce Code. The attorney general may seek

1 an order from the district court compelling compliance with a civil
2 investigative demand issued under this section.

3 (d) In any action brought under Subsection (b), the
4 applicants for a certificate bear the burden of establishing by
5 clear and convincing evidence that in accordance with Sections
6 314.002(e) [~~313.002(e)~~] and (f), the likely benefits resulting from
7 the cooperative agreement outweigh any disadvantages attributable
8 to a reduction in competition that may result from the agreement.
9 In assessing disadvantages attributable to a reduction in
10 competition likely to result from the agreement, the court may draw
11 upon the determinations of federal and Texas courts concerning
12 unreasonable restraint of trade under 15 U.S.C. Sections 1 and 2,
13 and Chapter 15, Business & Commerce Code.

14 SECTION 12.004. Section 382.209(c), Health and Safety Code,
15 is amended to correct references to read as follows:

16 (c) The rules adopted under Subsection (a) must provide
17 procedures for ensuring that a program implemented under authority
18 of that subsection does not apply to a vehicle that is:

19 (1) registered under Section 504.501 or 504.502
20 [~~502.274 or 502.275~~], Transportation Code; and

21 (2) not regularly used for transportation during the
22 normal course of daily activities.

23 SECTION 12.005. Section 382.213(c), Health and Safety Code,
24 is amended to correct references to read as follows:

25 (c) A vehicle identified by a local advisory panel as an
26 existing or future collectible vehicle under Section 382.211 may be
27 sold to an individual if the vehicle:

- 1 (1) is repaired and brought into compliance;
- 2 (2) is removed from the state;
- 3 (3) is removed from an affected county; or
- 4 (4) is stored for future restoration and cannot be
- 5 registered in an affected county except under Section 504.501 or
- 6 504.502 [~~502.274 or 502.275~~], Transportation Code.

7 SECTION 12.006. Section 386.252(a), Health and Safety Code,
8 as amended by Chapters 1125 (H.B. 1796) and 1232 (S.B. 1759), Acts
9 of the 81st Legislature, Regular Session, 2009, is reenacted and
10 amended to read as follows:

11 (a) Money in the fund may be used only to implement and
12 administer programs established under the plan and shall be
13 allocated as follows:

14 (1) for the diesel emissions reduction incentive
15 program, 87.5 percent of the money in the fund, of which:

16 (A) not more than four percent may be used for the
17 clean school bus program;

18 (B) not more than 10 percent may be used for
19 on-road diesel purchase or lease incentives; [~~and~~]

20 (C) a specified amount may be used for the new
21 technology implementation grant program, from which a defined
22 amount may be set aside for electricity storage projects related to
23 renewable energy; and

24 (D) five percent shall be used for the clean
25 fleet program;

26 (2) for the new technology research and development
27 program, nine percent of the money in the fund, of which:

1 (A) up to \$200,000 is allocated for a health
2 effects study;

3 (B) \$500,000 is to be deposited in the state
4 treasury to the credit of the clean air account created under
5 Section 382.0622 to supplement funding for air quality planning
6 activities in affected counties;

7 (C) not less than 20 percent is to be allocated
8 each year to support research related to air quality as provided by
9 Section 387.010; and

10 (D) the balance is allocated each year to the
11 commission to be used to:

12 (i) implement and administer the new
13 technology research and development program for the purpose of
14 identifying, testing, and evaluating new emissions-reducing
15 technologies with potential for commercialization in this state and
16 to facilitate their certification or verification; and

17 (ii) contract with the Energy Systems
18 Laboratory at the Texas Engineering Experiment Station for \$216,000
19 annually for the development and annual computation of creditable
20 statewide emissions reductions obtained through wind and other
21 renewable energy resources for the state implementation plan; and

22 (3) two percent is allocated to the commission and 1.5
23 percent is allocated to the laboratory for administrative costs
24 incurred by the commission and the laboratory.

25 SECTION 12.007. Section 481.074(o), Health and Safety Code,
26 as amended by Chapters 349 (S.B. 1188) and 1345 (S.B. 410), Acts of
27 the 79th Legislature, Regular Session, 2005, is reenacted to read

1 as follows:

2 (o) A pharmacist may dispense a Schedule II controlled
3 substance pursuant to a facsimile copy of an official prescription
4 completed in the manner required by Section 481.075 and transmitted
5 by the practitioner or the practitioner's agent to the pharmacy if:

6 (1) the prescription is written for:

7 (A) a Schedule II narcotic or nonnarcotic
8 substance for a patient in a long-term care facility (LTCF), and the
9 practitioner notes on the prescription "LTCF patient";

10 (B) a Schedule II narcotic product to be
11 compounded for the direct administration to a patient by
12 parenteral, intravenous, intramuscular, subcutaneous, or
13 intraspinal infusion; or

14 (C) a Schedule II narcotic substance for a
15 patient with a medical diagnosis documenting a terminal illness or
16 a patient enrolled in a hospice care program certified or paid for
17 by Medicare under Title XVIII, Social Security Act (42 U.S.C.
18 Section 1395 et seq.), as amended, by Medicaid, or by a hospice
19 program that is licensed under Chapter 142, and the practitioner or
20 the practitioner's agent notes on the prescription "terminally ill"
21 or "hospice patient"; and

22 (2) after transmitting the prescription, the
23 prescribing practitioner or the practitioner's agent:

24 (A) writes across the face of the official
25 prescription "VOID--sent by fax to (name and telephone number of
26 receiving pharmacy)"; and

27 (B) files the official prescription in the

1 patient's medical records instead of delivering it to the patient.

2 SECTION 12.008. Section 711.0515, Health and Safety Code,
3 as added by Chapters 263 (H.B. 1468) and 914 (H.B. 2927), Acts of
4 the 81st Legislature, Regular Session, 2009, is reenacted to read
5 as follows:

6 Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE
7 RELIEF. In addition to bringing an action under Section 711.051,
8 the attorney general at the request of the Texas Funeral Service
9 Commission may bring an action for injunctive relief to enforce
10 this chapter or a rule or order adopted by the commission under this
11 chapter.

12 ARTICLE 13. CHANGES RELATING TO HUMAN RESOURCES CODE

13 SECTION 13.001. Section 48.401, Human Resources Code, as
14 amended by Chapters 284 (S.B. 643) and 763 (S.B. 806), Acts of the
15 81st Legislature, Regular Session, 2009, is reenacted and amended
16 to read as follows:

17 Sec. 48.401. DEFINITIONS. In this subchapter:

18 (1) "Agency" means:

19 (A) an entity licensed under Chapter 142, Health
20 and Safety Code;

21 (B) a person exempt from licensing under Section
22 142.003(a)(19), Health and Safety Code;

23 (C) a facility licensed under Chapter 252, Health
24 and Safety Code; or

25 (D) an entity investigated by the department
26 under Subchapter F or under Section 261.404, Family Code.

27 (2) "Commissioner" means the commissioner of the

1 Department of Family and Protective Services.

2 (3) "Employee" means a person who:

3 (A) works for an agency;

4 (B) provides personal care services, active
5 treatment, or any other personal services to an individual
6 receiving agency services or to an individual who is a child for
7 whom an investigation is authorized under Section 261.404, Family
8 Code; and

9 (C) is not licensed by the state to perform the
10 services the person performs for the agency.

11 (4) "Employee misconduct registry" means the employee
12 misconduct registry established under Chapter 253, Health and
13 Safety Code.

14 (5) "Reportable conduct" includes:

15 (A) abuse or neglect that causes or may cause
16 death or harm to an individual receiving agency services;

17 (B) sexual abuse of an individual receiving
18 agency services;

19 (C) financial exploitation of an individual
20 receiving agency services in an amount of \$25 or more; and

21 (D) emotional, verbal, or psychological abuse
22 that causes harm to an individual receiving agency services.

23 ARTICLE 14. CHANGES RELATING TO INSURANCE CODE

24 SECTION 14.001. Section 1506.155(a-1), Insurance Code, as
25 amended by Chapters 533 (S.B. 1403) and 550 (S.B. 1771), Acts of the
26 81st Legislature, Regular Session, 2009, is reenacted to read as
27 follows:

1 (a-1) Except as provided by Section 1506.056, pool coverage
2 for an individual eligible pursuant to Section 1506.153(b) or (c)
3 excludes charges or expenses incurred before the first anniversary
4 of the effective date of coverage with regard to any condition for
5 which:

6 (1) the existence of symptoms would cause an
7 ordinarily prudent person to seek diagnosis, care, or treatment
8 within the six-month period preceding the effective date of
9 coverage; or

10 (2) medical advice, care, or treatment was recommended
11 or received during the six-month period preceding the effective
12 date of coverage.

13 SECTION 14.002. Section 1601.101(c), Insurance Code, is
14 amended to more closely conform to the source law from which the
15 section was derived to read as follows:

16 (c) An individual is eligible to participate in the uniform
17 program as provided by Subsection (a) if the individual:

18 (1) receives compensation for services performed for
19 the system;

20 (2) is employed at least 20 hours a week [~~only~~]; and

21 (3) is not permitted to be a member of the Teacher
22 Retirement System of Texas because the individual is solely
23 employed by the system in a position that as a condition of
24 employment requires the individual to be enrolled as a student in
25 the system in graduate-level courses.

26 ARTICLE 15. CHANGES RELATING TO LABOR CODE

27 SECTION 15.001. Section 407A.357(b), Labor Code, as amended

1 by Chapter 265 (H.B. 7), Acts of the 79th Legislature, Regular
2 Session, 2005, is repealed to conform to the repeal of Section
3 407A.357, Labor Code, by Chapter 1055 (H.B. 1353), Acts of the 79th
4 Legislature, Regular Session, 2005.

5 ARTICLE 16. CHANGES RELATING TO LOCAL GOVERNMENT CODE

6 SECTION 16.001. The heading to Section 84.008, Local
7 Government Code, is amended to conform to Chapter 541 (H.B. 2083),
8 Acts of the 75th Legislature, Regular Session, 1997, to read as
9 follows:

10 Sec. 84.008. JOINT EMPLOYMENT OF COUNTY AUDITOR [~~IN~~
11 ~~COUNTIES WITH POPULATION OF LESS THAN 25,000~~].

12 SECTION 16.002. Section 146.003(d), Local Government Code,
13 is amended to correct a typographical error to read as follows:

14 (d) This chapter does not authorize an agreement regarding
15 pension or pension-related matters governed by Chapter 358, Acts of
16 the 48th Legislature, Regular Session, 1943 (Article 6243g,
17 Vernon's Texas Civil Statutes [~~Statutes~~]), or a successor statute.

18 SECTION 16.003. Section 155.021, Local Government Code, is
19 amended to correct a reference to read as follows:

20 Sec. 155.021. DEDUCTIONS ENUMERATED. The county treasurer
21 or, if another officer is specified by law, that other officer shall
22 make the deductions from, or take other similar actions with regard
23 to, the compensation of county employees as required:

24 (1) for employee contributions for coverage under the
25 federal social security program in accordance with Chapter 606,
26 Government Code;

27 (2) for the purchase of annuities or for contributions

1 to investments for employees in accordance with Chapter 22, Acts of
2 the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5,
3 Vernon's Texas Civil Statutes);

4 (3) for the purchase of United States savings bonds
5 for employees in accordance with Chapter 608 [~~606~~], Government
6 Code;

7 (4) for employee participation in a deferred
8 compensation plan in accordance with Chapter 609, Government Code;
9 or

10 (5) for employee contributions to a retirement system
11 in accordance with Section 845.403, Government Code.

12 SECTION 16.004. Sections 214.003(b) and (d), Local
13 Government Code, are amended to correct references to read as
14 follows:

15 (b) Except as provided by Subsection (c), the court may
16 appoint as a receiver for the property a nonprofit organization
17 with a demonstrated record of rehabilitating properties if the
18 court finds that:

19 (1) the structures on the property are in violation of
20 the standards set forth in Section 214.001(b) and an ordinance
21 described by Subsection (a);

22 (2) notice of violation was given to the record owner
23 of the property; and

24 (3) a public hearing as required by Section 214.001(b)
25 [~~214.001(d)~~] has been conducted.

26 (d) For the purposes of this section, if the record owner
27 does not appear at the hearing required by Section 214.001(b)

1 [~~214.001(d)~~], the hearing shall be conducted as if the owner had
2 personally appeared.

3 SECTION 16.005. Section 271.182, Local Government Code, as
4 amended by Chapters 135 (S.B. 1047) and 725 (S.B. 229), Acts of the
5 81st Legislature, Regular Session, 2009, is reenacted and amended
6 to read as follows:

7 Sec. 271.182. APPLICABILITY. (a) This subchapter applies
8 to a local governmental entity with a population of more than
9 100,000 within its geographic boundaries or service area.

10 (b) [~~(c)~~] This subchapter applies to a municipally owned
11 combined electric, water, and wastewater utility situated in an
12 economically distressed area and located within 30 miles of the
13 Lower Texas Gulf Coast. For this subchapter, "combined" means that
14 the utilities are managed and controlled by one board whose members
15 are appointed by the governing body of the municipality and that the
16 financing of capital improvements is secured from the revenues of
17 all three utilities.

18 SECTION 16.006. Section 552.053(e), Local Government Code,
19 as added by Chapters 278 (S.B. 874) and 539 (S.B. 1522), Acts of the
20 81st Legislature, Regular Session, 2009, is reenacted and amended
21 to read as follows:

22 (e) The following property is exempt from drainage charges
23 under Section 552.047 and all ordinances, resolutions, and rules
24 adopted under this subchapter:

25 (1) property owned by a county in which a municipality
26 described by Section 552.044(8)(A) is located; and

27 (2) property owned by a school district located wholly

1 or partly in a municipality described by Section 552.044(8)(A).

2 ARTICLE 17. CHANGES RELATING TO NATURAL RESOURCES CODE

3 SECTION 17.001. Section 40.251(g), Natural Resources Code,
4 is amended to conform to the repeal of Section 40.053, Natural
5 Resources Code, by Chapter 146 (S.B. 619), Acts of the 78th
6 Legislature, Regular Session, 2003, to read as follows:

7 (g) It is a defense to prosecution for a criminal offense
8 under Subchapter C, D, or E of this chapter that the conduct
9 complained of was committed pursuant to response or cleanup
10 operations and was authorized by the national contingency plan [~~or~~
11 ~~the state coastal discharge contingency plan~~], by a discharge
12 response plan required under this chapter, or by an authorized
13 federal or state official.

14 SECTION 17.002. Section 81.01015, Natural Resources Code,
15 as effective April 1, 2011, is repealed to conform to Section 4(38),
16 Chapter 614 (H.B. 874), Acts of the 81st Legislature, Regular
17 Session, 2009.

18 SECTION 17.003. Section 117.012(n), Natural Resources
19 Code, is amended to correct a reference to read as follows:

20 (n) In this subsection, "telecommunications service" and
21 "information service" have the meanings assigned by 47 U.S.C.
22 Section 153. Notwithstanding Subsection (a), this title does not
23 grant the commission jurisdiction or right-of-way management
24 authority over a provider of telecommunications service or
25 information service. A provider of telecommunications service or
26 information service shall comply with all applicable safety
27 standards, including those provided by Subchapter H [~~E~~], Chapter

1 756, Health and Safety Code.

2 ARTICLE 18. CHANGES RELATING TO OCCUPATIONS CODE

3 SECTION 18.001. Section 303.005(h), Occupations Code, as
4 amended by Section 18 and repealed by Section 21(6), Chapter 803
5 (S.B. 993), Acts of the 80th Legislature, Regular Session, 2007, is
6 reenacted to read as follows:

7 (h) A person may not suspend or terminate the employment of,
8 or otherwise discipline or discriminate against, a nurse who in
9 good faith requests a peer review determination under this section
10 or a person who advises a nurse of the nurse's right to request a
11 determination or of the procedures for requesting a determination.
12 A violation of this subsection is subject to Section 301.413.

13 SECTION 18.002. Section 1301.002(5), Occupations Code, as
14 amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of
15 the 81st Legislature, Regular Session, 2009, is reenacted to read
16 as follows:

17 (5) "Master plumber" means a person licensed under
18 this chapter who:

19 (A) is skilled in the design, planning, and
20 superintending of plumbing and in the practical installation,
21 repair, and servicing of plumbing;

22 (B) has worked as a journeyman plumber:

23 (i) for at least four years; or

24 (ii) for at least one year and has
25 successfully completed a training program approved by the United
26 States Department of Labor Office of Apprenticeship or another
27 nationally recognized apprentice training program accepted by the

1 board;

2 (C) performs or supervises plumbing work;

3 (D) has passed the required examination; and

4 (E) has fulfilled the other requirements of the
5 board.

6 SECTION 18.003. Section 1301.002(10), Occupations Code, as
7 amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of
8 the 81st Legislature, Regular Session, 2009, is reenacted and
9 amended to read as follows:

10 (10) "Tradesman plumber-limited license holder" means
11 a person who:

12 (A) has completed at least 4,000 hours working
13 under the direct supervision of a journeyman or master plumber as a
14 plumber's apprentice;

15 (B) has passed the required examination; ~~and~~

16 (C) constructs and installs plumbing for
17 one-family or two-family dwellings under the supervision of a
18 responsible master plumber; and

19 (D) has fulfilled the other requirements of the
20 board.

21 SECTION 18.004. Section 1802.253(a), Occupations Code, as
22 amended by Chapters 816 (S.B. 279) and 1215 (S.B. 1147), Acts of the
23 78th Legislature, Regular Session, 2003, is reenacted to read as
24 follows:

25 (a) Before denying an application for a license, the
26 commission shall:

27 (1) set the matter for a hearing to be conducted by the

1 State Office of Administrative Hearings; and

2 (2) before the hearing date, notify the applicant in
3 writing of:

4 (A) the charges alleged or the question to be
5 determined at the hearing; and

6 (B) the date and location of the hearing.

7 SECTION 18.005. Section 2308.256(a), Occupations Code, as
8 amended by Chapter 1310 (H.B. 2571), Acts of the 81st Legislature,
9 Regular Session, 2009, is repealed to conform to the repeal of
10 Section 2308.256, Occupations Code, by Chapter 757 (S.B. 702), Acts
11 of the 81st Legislature, Regular Session, 2009.

12 SECTION 18.006. Section 2308.453, Occupations Code, as
13 amended by Chapters 845 (S.B. 2153) and 1310 (H.B. 2571), Acts of
14 the 81st Legislature, Regular Session, 2009, is reenacted to read
15 as follows:

16 Sec. 2308.453. JURISDICTION. A hearing under this chapter
17 shall be in the justice court having jurisdiction in:

18 (1) the precinct from which the motor vehicle was
19 towed; or

20 (2) for booted vehicles, the precinct in which the
21 parking facility is located.

22 SECTION 18.007. Section 2308.455, Occupations Code, as
23 amended by Chapters 845 (S.B. 2153) and 1310 (H.B. 2571), Acts of
24 the 81st Legislature, Regular Session, 2009, is reenacted to read
25 as follows:

26 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
27 Section 2308.454 must include:

- 1 (1) a statement of:
- 2 (A) the person's right to submit a request within
3 14 days for a court hearing to determine whether probable cause
4 existed to remove, or install a boot on, the vehicle;
- 5 (B) the information that a request for a hearing
6 must contain; and
- 7 (C) any filing fee for the hearing;
- 8 (2) the name, address, and telephone number of the
9 towing company that removed the vehicle or the booting company that
10 booted the vehicle;
- 11 (3) the name, address, and telephone number of the
12 vehicle storage facility in which the vehicle was placed;
- 13 (4) the name, street address including city, state,
14 and zip code, and telephone number of the person, parking facility
15 owner, or law enforcement agency that authorized the removal of the
16 vehicle; and
- 17 (5) the name, address, and telephone number of the
18 justice court having jurisdiction in the precinct in which the
19 parking facility is located.

20 SECTION 18.008. Section 2308.456(a), Occupations Code, as
21 amended by Chapters 845 (S.B. 2153) and 1310 (H.B. 2571), Acts of
22 the 81st Legislature, Regular Session, 2009, is reenacted to read
23 as follows:

24 (a) Except as provided by Subsections (c) and (c-1), a
25 person entitled to a hearing under this chapter must deliver a
26 written request for the hearing to the court before the 14th day
27 after the date the vehicle was removed and placed in the vehicle

1 storage facility or booted, excluding Saturdays, Sundays, and legal
2 holidays.

3 ARTICLE 19. CHANGES RELATING TO PARKS AND WILDLIFE CODE

4 SECTION 19.001. Section 12.302, Parks and Wildlife Code, is
5 amended to correct a reference to read as follows:

6 Sec. 12.302. VALUE OF FISH, SHELLFISH, REPTILE, AMPHIBIAN,
7 BIRD, OR ANIMAL. For purposes of this subchapter and for
8 determining damages under Section 7.109 [~~Subsection (b), Section~~
9 ~~26.124~~], Water Code, the commission shall adopt rules to establish
10 guidelines for determining the value of injured or destroyed fish,
11 shellfish, reptiles, amphibians, birds, and animals.

12 SECTION 19.002. Sections 62.013(b) and (c), Parks and
13 Wildlife Code, as amended by Chapters 989 (H.B. 1959) and 1156 (H.B.
14 3144), Acts of the 79th Legislature, Regular Session, 2005, are
15 reenacted to read as follows:

16 (b) A person who violates Section 62.003, 62.004, 62.005,
17 62.0065, 62.011(c), or 350.001 or a rule adopted under Section
18 62.0065 commits an offense that is a Class A Parks and Wildlife Code
19 misdemeanor, unless it is shown at the trial of the defendant for a
20 violation of that section or rule, as appropriate, that the
21 defendant has been convicted one or more times before the trial date
22 of a violation of that section or rule, as appropriate, in which
23 case the offense is a Parks and Wildlife Code state jail felony.

24 (c) In addition to the punishments provided in Subsections
25 (a) and (b), a person who violates Section 62.003, 62.004, 62.005,
26 62.0065, 62.011(c), or 350.001 or a rule adopted under Section
27 62.0065 is punishable by the revocation or suspension under Section

1 12.5015 of hunting and fishing licenses and permits.

2 ARTICLE 20. CHANGES RELATING TO PENAL CODE

3 SECTION 20.001. Section 30.05(h), Penal Code, is amended to
4 correct references to read as follows:

5 (h) At the punishment stage of a trial in which the attorney
6 representing the state seeks the increase in punishment provided by
7 Subsection (d)(3)(A)(iii) [~~(d)(1)(C)~~], the defendant may raise the
8 issue as to whether the defendant entered or remained on or in a
9 critical infrastructure facility as part of a peaceful or lawful
10 assembly, including an attempt to exercise rights guaranteed by
11 state or federal labor laws. If the defendant proves the issue in
12 the affirmative by a preponderance of the evidence, the increase in
13 punishment provided by Subsection (d)(3)(A)(iii) [~~(d)(1)(C)~~] does
14 not apply.

15 SECTION 20.002. Section 46.11(c)(1), Penal Code, is amended
16 to read as follows:

17 (1) "Premises" has the meaning [~~"Institution of higher
18 education" and "premises" have the meanings~~] assigned by Section
19 481.134, Health and Safety Code.

20 SECTION 20.003. Section 71.02(a), Penal Code, as amended by
21 Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554),
22 Acts of the 81st Legislature, Regular Session, 2009, is reenacted
23 and amended to read as follows:

24 (a) A person commits an offense if, with the intent to
25 establish, maintain, or participate in a combination or in the
26 profits of a combination or as a member of a criminal street gang,
27 the person commits or conspires to commit one or more of the

1 following:

2 (1) murder, capital murder, arson, aggravated
3 robbery, robbery, burglary, theft, aggravated kidnapping,
4 kidnapping, aggravated assault, aggravated sexual assault, sexual
5 assault, forgery, deadly conduct, assault punishable as a Class A
6 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
7 motor vehicle;

8 (2) any gambling offense punishable as a Class A
9 misdemeanor;

10 (3) promotion of prostitution, aggravated promotion
11 of prostitution, or compelling prostitution;

12 (4) unlawful manufacture, transportation, repair, or
13 sale of firearms or prohibited weapons;

14 (5) unlawful manufacture, delivery, dispensation, or
15 distribution of a controlled substance or dangerous drug, or
16 unlawful possession of a controlled substance or dangerous drug
17 through forgery, fraud, misrepresentation, or deception;

18 (6) any unlawful wholesale promotion or possession of
19 any obscene material or obscene device with the intent to wholesale
20 promote the same;

21 (7) any offense under Subchapter B, Chapter 43,
22 depicting or involving conduct by or directed toward a child
23 younger than 18 years of age;

24 (8) any felony offense under Chapter 32;

25 (9) any offense under Chapter 36;

26 (10) any offense under Chapter 34 or 35;

27 (11) any offense under Section 37.11(a);

- 1 (12) any offense under Chapter 20A;
- 2 (13) any offense under Section 37.10; [~~or~~]
- 3 (14) any offense under Section 38.06, 38.07, 38.09, or
- 4 38.11;
- 5 (15) [~~(14)~~] any offense under Section 42.10; or
- 6 (16) [~~(14)~~] any offense under Section 46.06(a)(1) or
- 7 46.14.

8 ARTICLE 21. CHANGES RELATING TO PROPERTY CODE

9 SECTION 21.001. Sections 92.009(a) and (j), Property Code,
10 are amended to conform to the amendments made by Section 1, Chapter
11 869 (S.B. 1334), Acts of the 74th Legislature, Regular Session,
12 1995, to read as follows:

13 (a) If a landlord has locked a tenant out of leased premises
14 in violation of Section 92.0081 [~~92.008~~], the tenant may recover
15 possession of the premises as provided by this section.

16 (j) This section does not affect a tenant's right to pursue
17 a separate cause of action under Section 92.0081 [~~92.008~~].

18 SECTION 21.002. Sections 116.005(d) and (e), Property Code,
19 are amended to conform to the amendments made by Section 25, Chapter
20 148 (H.B. 1190), Acts of the 79th Legislature, Regular Session,
21 2005, to read as follows:

22 (d) If Subsection (c)(4), (5) [~~(c)(5)~~], (6), or (7)[~~or~~
23 ~~(8)~~] applies to a trustee and there is more than one trustee, a
24 cotrustee to whom the provision does not apply may make the
25 adjustment unless the exercise of the power by the remaining
26 trustee or trustees is not permitted by the terms of the trust.

27 (e) A trustee may release the entire power conferred by

1 Subsection (a) or may release only the power to adjust from income
2 to principal or the power to adjust from principal to income if the
3 trustee is uncertain about whether possessing or exercising the
4 power will cause a result described in Subsections (c)(1)-(5)
5 [~~Subsection (c)(1)-(6)~~] or Subsection (c)(7) [~~(c)(8)~~] or if the
6 trustee determines that possessing or exercising the power will or
7 may deprive the trust of a tax benefit or impose a tax burden not
8 described in Subsection (c). The release may be permanent or for a
9 specified period, including a period measured by the life of an
10 individual.

11 SECTION 21.003. Section 123.005, Property Code, as amended
12 by Chapters 133 (S.B. 918) and 1351 (S.B. 408), Acts of the 81st
13 Legislature, Regular Session, 2009, is reenacted and amended to
14 read as follows:

15 Sec. 123.005. BREACH OF FIDUCIARY DUTY: VENUE. Venue in a
16 proceeding brought by the attorney general alleging breach of a
17 fiduciary duty by a charitable entity or a fiduciary or managerial
18 agent of a charitable trust shall be a court of competent
19 jurisdiction in Travis County or in the county where the defendant
20 resides or has its principal office. To the extent of a conflict
21 between this section [~~subsection~~] and any provision of the Texas
22 Probate Code providing for venue of a proceeding brought with
23 respect to a charitable trust created by a will that has been
24 admitted to probate, this section [~~subsection~~] controls.

25 ARTICLE 22. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

26 SECTION 22.001. Section 1016.053, Special District Local
27 Laws Code, is amended to more closely reflect the source law from

1 which that section was derived and to conform to Election Code
2 requirements to read as follows:

3 Sec. 1016.053. BALLOT PETITION. A person who wants to have
4 the person's name printed on the ballot as a candidate for director
5 must file with the board secretary a petition requesting that
6 action. The petition must be:

7 (1) signed by at least 10 registered taxpaying voters;
8 and

9 (2) filed by the deadline imposed by Section 144.005,
10 Election Code [at least 25 days before the date of the election].

11 SECTION 22.002. (a) Subchapter B, Chapter 1056, Special
12 District Local Laws Code, as effective April 1, 2011, is amended to
13 conform to Section 1, Chapter 1410 (H.B. 4730), Acts of the 81st
14 Legislature, Regular Session, 2009, by adding Section 1056.0515 to
15 read as follows:

16 Sec. 1056.0515. QUALIFICATIONS FOR OFFICE. (a) To be
17 qualified to serve as a manager, a person must be:

18 (1) a resident of the district; and

19 (2) a registered voter.

20 (b) A district employee may not serve as a manager.

21 (b) Section 1056.054, Special District Local Laws Code, as
22 effective April 1, 2011, is amended to conform to Section 1, Chapter
23 1410 (H.B. 4730), Acts of the 81st Legislature, Regular Session,
24 2009, to read as follows:

25 Sec. 1056.054. OFFICERS. (a) The board shall select from
26 among the managers a chair and a vice chair [~~presiding officer, who~~
27 ~~shall preside over the board~~].

1 (b) The board shall appoint a secretary, who need not be a
2 manager [~~A presiding officer pro tem shall preside in the absence of~~
3 ~~the presiding officer~~].

4 (c) Each officer of the board serves a one-year term [~~The~~
5 ~~district administrator or any manager may be appointed secretary~~].

6 (d) The board shall fill a vacancy in a board office for the
7 remainder of the unexpired term.

8 (c) Section 1056.057, Special District Local Laws Code, as
9 effective April 1, 2011, is amended to conform to Section 1, Chapter
10 1410 (H.B. 4730), Acts of the 81st Legislature, Regular Session,
11 2009, to read as follows:

12 Sec. 1056.057. RECORDS OF PROCEEDINGS. [~~(a)~~] The board
13 shall require the secretary to keep suitable records of all
14 proceedings of each board meeting in accordance with Subchapter B,
15 Chapter 551, Government Code.

16 [~~(b) After each meeting:~~

17 [~~(1) the manager presiding at the meeting shall read~~
18 ~~and sign the record, and~~

19 [~~(2) the secretary shall attest the record.~~]

20 (d) Section 1056.058, Special District Local Laws Code, as
21 effective April 1, 2011, is amended to conform to Section 1, Chapter
22 1410 (H.B. 4730), Acts of the 81st Legislature, Regular Session,
23 2009, by adding Subsection (e) to read as follows:

24 (e) The board may pay for the bond with district money.

25 (e) Section 1056.064, Special District Local Laws Code, as
26 effective April 1, 2011, is repealed to conform to Section 1,
27 Chapter 1410 (H.B. 4730), Acts of the 81st Legislature, Regular

1 Session, 2009.

2 (f) Section 1, Chapter 1410 (H.B. 4730), Acts of the 81st
3 Legislature, Regular Session, 2009, is repealed.

4 SECTION 22.003. (a) Subchapter B, Chapter 1056, Special
5 District Local Laws Code, as effective April 1, 2011, is amended to
6 conform to Section 2, Chapter 1410 (H.B. 4730), Acts of the 81st
7 Legislature, Regular Session, 2009, by adding Section 1056.0625 to
8 read as follows:

9 Sec. 1056.0625. EMPLOYMENT OF PHYSICIANS AND OTHER HEALTH
10 CARE PROVIDERS. (a) The board may employ physicians or other
11 health care providers as the board considers necessary for the
12 efficient operation of the district.

13 (b) The board shall adopt and maintain policies to ensure
14 that a physician employed under this section exercises independent
15 medical judgment when providing care to patients at the hospital
16 operated by the district. The policies adopted under this
17 subsection must include policies relating to:

- 18 (1) credentialing;
- 19 (2) quality assurance;
- 20 (3) utilization review;
- 21 (4) peer review;
- 22 (5) medical decision-making; and
- 23 (6) due process.

24 (c) A physician employed by the district under this section
25 is subject to the same standards and procedures regarding
26 credentialing, peer review, quality of care, and privileges as a
27 physician not employed by the district.

1 (d) The district shall give equal consideration regarding
2 the issuance of credentials and privileges to physicians employed
3 by the hospital and physicians not employed by the district.

4 (e) A physician employed by the district shall retain
5 independent medical judgment in providing care to patients at the
6 hospital operated by the district and may not be penalized for
7 reasonably advocating for patient care.

8 (f) This section may not be construed as altering, voiding,
9 or prohibiting any relationship between a hospital and a physician,
10 including a contract or arrangement with an approved nonprofit
11 health corporation that is certified under Section 162.001(b),
12 Occupations Code, and that holds a certificate of authority issued
13 under Chapter 844, Insurance Code.

14 (g) A contract to employ a physician under this section may
15 not include a covenant not to compete on termination of the
16 contract.

17 (h) This section may not be construed to authorize the board
18 to supervise or control the practice of medicine, as prohibited by
19 Subtitle B, Title 3, Occupations Code.

20 (b) Section 2, Chapter 1410 (H.B. 4730), Acts of the 81st
21 Legislature, Regular Session, 2009, is repealed.

22 SECTION 22.004. (a) Section 1056.201, Special District
23 Local Laws Code, as effective April 1, 2011, is amended to conform
24 to Section 3, Chapter 1410 (H.B. 4730), Acts of the 81st
25 Legislature, Regular Session, 2009, to read as follows:

26 Sec. 1056.201. GENERAL OBLIGATION BONDS. The board may
27 issue and sell general obligation bonds [~~as district obligations~~]

1 for any purpose relating to:

2 (1) the purchase, construction, acquisition, repair,
3 or renovation of buildings or improvements; and

4 (2) equipping buildings and improvements for hospital
5 purposes.

6 (b) The heading to Section 1056.202, Special District Local
7 Laws Code, as effective April 1, 2011, is amended to conform to
8 Section 3, Chapter 1410 (H.B. 4730), Acts of the 81st Legislature,
9 Regular Session, 2009, to read as follows:

10 Sec. 1056.202. TAX TO PAY GENERAL OBLIGATION BONDS.

11 (c) Section 1056.203, Special District Local Laws Code, as
12 effective April 1, 2011, is amended to conform to Section 3, Chapter
13 1410 (H.B. 4730), Acts of the 81st Legislature, Regular Session,
14 2009, to read as follows:

15 Sec. 1056.203. GENERAL OBLIGATION BOND ELECTION. (a) The
16 district may issue general obligation bonds only if the bonds are
17 authorized by a majority of the district voters voting at an
18 election held for that purpose [~~in accordance with the provisions~~
19 ~~of Chapter 1251, Government Code, relating to county bonds~~].

20 (b) The board, in ordering the election, shall provide for
21 clerks as in county elections and shall specify:

22 (1) the date of the election;

23 (2) the location of the polling places;

24 (3) the presiding and alternate election judges for
25 each polling place;

26 (4) the amount of the bonds to be authorized; and

27 (5) the maximum maturity of the bonds.

1 (c) The board shall give notice of the bond election in the
2 manner provided by Section 1251.003, Government Code.

3 (d) Chapter 41, Election Code, does not apply to an election
4 held under this section.

5 (e) The board shall declare the results of [call] the
6 election.

7 (d) Subchapter E, Chapter 1056, Special District Local Laws
8 Code, as effective April 1, 2011, is amended to conform to Section
9 3, Chapter 1410 (H.B. 4730), Acts of the 81st Legislature, Regular
10 Session, 2009, by adding Section 1056.2035 to read as follows:

11 Sec. 1056.2035. REVENUE BONDS. (a) The board may issue
12 revenue bonds to:

13 (1) purchase, construct, acquire, repair, renovate,
14 or equip buildings or improvements for hospital purposes; or

15 (2) acquire sites to be used for hospital purposes.

16 (b) The bonds must be payable from and secured by a pledge of
17 all or part of the revenue derived from the operation of the
18 district's hospitals.

19 (c) The bonds may be additionally secured by a mortgage or
20 deed of trust lien on all or part of district property.

21 (d) The bonds must be issued in the manner and in accordance
22 with the procedures and requirements prescribed by Sections
23 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health
24 and Safety Code, for issuance of revenue bonds by county hospital
25 authorities.

26 (e) Section 3, Chapter 1410 (H.B. 4730), Acts of the 81st
27 Legislature, Regular Session, 2009, is repealed.

1 SECTION 22.005. (a) Subchapter E, Chapter 1056, Special
2 District Local Laws Code, as effective April 1, 2011, is amended to
3 conform to Section 4, Chapter 1410 (H.B. 4730), Acts of the 81st
4 Legislature, Regular Session, 2009, by adding Sections 1056.206 and
5 1056.207 to read as follows:

6 Sec. 1056.206. ADDITIONAL MEANS OF SECURING REPAYMENT OF
7 BONDS. In addition to the authority to issue general obligation
8 bonds and revenue bonds under this subchapter, the board may
9 provide for the security and payment of district bonds from a pledge
10 of a combination of ad valorem taxes as authorized by Section
11 1056.202 and revenue and other sources authorized by Section
12 1056.2035.

13 Sec. 1056.207. USE OF BOND PROCEEDS. The district may use
14 the proceeds of bonds issued under this subchapter to pay:

15 (1) any expense the board determines is reasonable and
16 necessary to issue, sell, and deliver the bonds;

17 (2) interest payments on the bonds during a period of
18 acquisition or construction of a project or facility to be provided
19 through the bonds, not to exceed five years;

20 (3) costs related to the operation and maintenance of
21 a project or facility to be provided through the bonds:

22 (A) during an estimated period of acquisition or
23 construction, not to exceed five years; and

24 (B) for one year after the project or facility is
25 acquired or constructed;

26 (4) costs related to the financing of the bond funds,
27 including debt service reserve and contingency funds;

1 (5) costs related to the bond issuance;

2 (6) costs related to the acquisition of land or
3 interests in land for a project or facility to be provided through
4 the bonds; and

5 (7) costs of construction of a project or facility to
6 be provided through the bonds, including the payment of related
7 professional services and expenses.

8 (b) Section 4, Chapter 1410 (H.B. 4730), Acts of the 81st
9 Legislature, Regular Session, 2009, is repealed.

10 SECTION 22.006. (a) Chapter 1056, Special District Local
11 Laws Code, as effective April 1, 2011, is amended to conform to
12 Section 5, Chapter 1410 (H.B. 4730), Acts of the 81st Legislature,
13 Regular Session, 2009, by adding Subchapter G to read as follows:

14 SUBCHAPTER G. DISSOLUTION

15 Sec. 1056.301. DISSOLUTION; ELECTION. (a) The district
16 may be dissolved only on approval of a majority of the voters of the
17 district voting in an election held for that purpose.

18 (b) The board may order an election on the question of
19 dissolving the district and disposing of the district's assets and
20 obligations.

21 (c) The board shall order an election if the board receives
22 a petition requesting an election that is signed by at least 15
23 percent of the registered district voters.

24 (d) The order calling the election must state:

25 (1) the nature of the election, including the
26 proposition to appear on the ballot;

27 (2) the date of the election;

1 (3) the hours during which the polls will be open; and

2 (4) the location of the polling places.

3 (e) Section 41.001(a), Election Code, does not apply to an
4 election ordered under this section.

5 Sec. 1056.302. NOTICE OF ELECTION. (a) The board shall
6 give notice of an election under this subchapter by publishing once
7 a week for two consecutive weeks a substantial copy of the election
8 order in a newspaper with general circulation in the district.

9 (b) The first publication of the notice must appear not
10 later than the 35th day before the date of the election.

11 Sec. 1056.303. BALLOT. The ballot for an election under
12 this subchapter must be printed to permit voting for or against the
13 proposition: "The dissolution of the Martin County Hospital
14 District."

15 Sec. 1056.304. ELECTION RESULTS. (a) If a majority of the
16 votes in an election under this subchapter favor dissolution, the
17 board shall find that the district is dissolved.

18 (b) If a majority of the votes in the election do not favor
19 dissolution, the board shall continue to administer the district
20 and another election on the question of dissolution may not be held
21 before the first anniversary of the date of the most recent election
22 on the question of dissolution.

23 Sec. 1056.305. TRANSFER OR ADMINISTRATION OF ASSETS.
24 (a) If a majority of the votes in the election held under this
25 subchapter favor dissolution, the board shall:

26 (1) transfer the land, buildings, improvements,
27 equipment, and other assets that belong to the district to Martin

1 County or another governmental entity in Martin County; or
2 (2) administer the property, assets, and debts until
3 all money has been disposed of and all district debts have been paid
4 or settled.

5 (b) If the district makes the transfer under Subsection
6 (a)(1), the county or entity assumes all debts and obligations of
7 the district at the time of the transfer, and the district is
8 dissolved.

9 (c) If Subsection (a)(1) does not apply and the board
10 administers the property, assets, and debts of the district under
11 Subsection (a)(2), the district is dissolved when all money has
12 been disposed of and all district debts have been paid or settled.

13 Sec. 1056.306. IMPOSITION OF TAX AND RETURN OF SURPLUS
14 TAXES. (a) After the board finds that the district is dissolved,
15 the board shall:

16 (1) determine the debt owed by the district; and
17 (2) impose on the property included in the district's
18 tax rolls a tax that is in proportion of the debt to the property
19 value.

20 (b) On the payment of all outstanding debts and obligations
21 of the district, the board shall order the secretary to return to
22 each district taxpayer the taxpayer's pro rata share of all unused
23 tax money.

24 (c) A taxpayer may request that the taxpayer's share of
25 surplus tax money be credited to the taxpayer's county taxes. If a
26 taxpayer requests the credit, the board shall direct the secretary
27 to transmit the money to the county tax assessor-collector.

1 Sec. 1056.307. REPORT; DISSOLUTION ORDER. (a) After the
2 district has paid all its debts and has disposed of all its money
3 and other assets as prescribed by this subchapter, the board shall
4 file a written report with the Commissioners Court of Martin County
5 summarizing the board's actions in dissolving the district.

6 (b) Not later than the 10th day after the date the
7 Commissioners Court of Martin County receives the report and
8 determines that the requirements of this subchapter have been
9 fulfilled, the commissioners court shall enter an order dissolving
10 the district and releasing the board from any further duty or
11 obligation.

12 (b) Section 5, Chapter 1410 (H.B. 4730), Acts of the 81st
13 Legislature, Regular Session, 2009, is repealed.

14 SECTION 22.007. (a) Subchapter C, Chapter 1063, Special
15 District Local Laws Code, as effective April 1, 2011, is amended to
16 conform to Section 1, Chapter 1402 (H.B. 1517), Acts of the 81st
17 Legislature, Regular Session, 2009, by adding Section 1063.1175 to
18 read as follows:

19 Sec. 1063.1175. ADDITIONAL POWERS RELATED TO INDIGENT
20 HEALTH CARE. In addition to the powers otherwise provided by this
21 chapter, the district may exercise any power granted to a county or
22 a public hospital by Sections 61.035, 61.057, 61.058, and 61.059,
23 Health and Safety Code, as those sections existed on September 30,
24 2009, including the power to require a person to comply with a
25 corresponding duty.

26 (b) Section 1, Chapter 1402 (H.B. 1517), Acts of the 81st
27 Legislature, Regular Session, 2009, is repealed.

1 SECTION 22.008. (a) Subchapter E, Chapter 1067, Special
2 District Local Laws Code, as effective April 1, 2011, is amended to
3 conform to Section 1, Chapter 641 (H.B. 1686), Acts of the 81st
4 Legislature, Regular Session, 2009, by adding Sections 1067.209 and
5 1067.210 to read as follows:

6 Sec. 1067.209. ADDITIONAL MEANS OF SECURING REPAYMENT OF
7 BONDS. In addition to the authority to issue general obligation
8 bonds and revenue bonds under this subchapter, the board may
9 provide for the security and payment of district bonds from a pledge
10 of a combination of ad valorem taxes as authorized by Section
11 1067.202 and revenue and other sources authorized by Section
12 1067.206.

13 Sec. 1067.210. USE OF BOND PROCEEDS. The district may use
14 the proceeds of bonds issued under this subchapter to pay:

15 (1) any expense the board determines is reasonable and
16 necessary to issue, sell, and deliver the bonds;

17 (2) interest payments on the bonds during a period of
18 acquisition or construction of a project or facility to be provided
19 through the bonds, not to exceed five years;

20 (3) costs related to the operation and maintenance of
21 a project or facility to be provided through the bonds:

22 (A) during an estimated period of acquisition or
23 construction, not to exceed five years; and

24 (B) for one year after the project or facility is
25 acquired or constructed;

26 (4) costs related to the financing of the bond funds,
27 including debt service reserve and contingency funds;

1 (5) costs related to the bond issuance;

2 (6) costs related to the acquisition of land or
3 interests in land for a project or facility to be provided through
4 the bonds; and

5 (7) costs of construction of a project or facility to
6 be provided through the bonds, including the payment of related
7 professional services and expenses.

8 (b) Section 1, Chapter 641 (H.B. 1686), Acts of the 81st
9 Legislature, Regular Session, 2009, is repealed.

10 SECTION 22.009. (a) Section 1067.157(a), Special District
11 Local Laws Code, as effective April 1, 2011, is amended to conform
12 to Section 2, Chapter 641 (H.B. 1686), Acts of the 81st Legislature,
13 Regular Session, 2009, to read as follows:

14 (a) The board may borrow money at a rate not to exceed the
15 maximum annual percentage rate allowed by law for district
16 obligations at the time the loan is made [~~if the board declares~~
17 ~~that:~~

18 ~~[(1) money is not available to meet authorized~~
19 ~~obligations of the district; and~~

20 ~~[(2) an emergency exists].~~

21 (b) Section 2, Chapter 641 (H.B. 1686), Acts of the 81st
22 Legislature, Regular Session, 2009, is repealed.

23 SECTION 22.010. Section 1067.157(d), Special District
24 Local Laws Code, as effective April 1, 2011, is repealed to conform
25 to Section 3, Chapter 641 (H.B. 1686), Acts of the 81st Legislature,
26 Regular Session, 2009.

27 SECTION 22.011. (a) Chapter 1073, Special District Local

1 Laws Code, as effective April 1, 2011, is amended to conform to
2 Article 2, Chapter 876 (S.B. 2517), Acts of the 81st Legislature,
3 Regular Session, 2009, by adding Subchapter H to read as follows:

4 SUBCHAPTER H. DISSOLUTION OF NORTH RUNNELS COUNTY HOSPITAL

5 DISTRICT ON CREATION OF RUNNELS COUNTY HOSPITAL DISTRICT

6 Sec. 1073.351. DISSOLUTION; ELECTION. (a) The board may
7 order an election on the question of the dissolution of the
8 district, creation of the Runnels County Hospital District,
9 transfer of the district's assets and obligations to the Runnels
10 County Hospital District, and assumption of the district's
11 outstanding debts by the Runnels County Hospital District.

12 (b) The board shall order the election if:

13 (1) the board receives a petition requesting an
14 election that is signed by at least 50 of the district's registered
15 voters; or

16 (2) the board receives notice that the board of
17 directors of the Ballinger Memorial Hospital District intends to
18 order an election to dissolve the Ballinger Memorial Hospital
19 District and create the Runnels County Hospital District under
20 Subchapter D-1, Chapter 1004.

21 (c) If the board intends to hold an election under this
22 subchapter, the board shall notify the board of directors of the
23 Ballinger Memorial Hospital District and the Runnels County
24 Commissioners Court of that intention.

25 (d) The election held under this subchapter shall be held on
26 the same date as the election to dissolve the Ballinger Memorial
27 Hospital District and create the Runnels County Hospital District

1 under Subchapter D-1, Chapter 1004, and the election in the portion
2 of the county not included in a hospital district to create the
3 Runnels County Hospital District. The board shall coordinate with
4 the board of directors of the Ballinger Memorial Hospital District
5 and the Commissioners Court of Runnels County in setting the
6 election date under this section.

7 (e) The order calling the election must state:

8 (1) the nature of the election, including the
9 proposition that is to appear on the ballot;

10 (2) the date of the election;

11 (3) the hours during which the polls will be open; and

12 (4) the location of the polling places.

13 (f) Section 41.001, Election Code, does not apply to an
14 election ordered under this section.

15 Sec. 1073.352. NOTICE OF ELECTION. (a) The board shall
16 give notice of an election under this subchapter by publishing a
17 substantial copy of the election order in a newspaper with general
18 circulation in the district once a week for two consecutive weeks.

19 (b) The first publication must appear not later than the
20 35th day before the date set for the election.

21 Sec. 1073.353. BALLOT. The ballot for an election under
22 this subchapter must be printed to permit voting for or against the
23 proposition: "The dissolution of the North Runnels County Hospital
24 District and the creation of the Runnels County Hospital District,
25 providing for the imposition of an ad valorem tax at a rate not to
26 exceed ____ cents (insert any rate not to exceed 75 cents) on each
27 \$100 valuation of taxable property in Runnels County, and providing

1 for the transfer to and assumption by the Runnels County Hospital
2 District of all outstanding bonds and other obligations issued for
3 hospital purposes by the North Runnels County Hospital District,
4 Runnels County, and any part of a municipality located in Runnels
5 County, and the transfer of the existing North Runnels County
6 Hospital District's assets to the Runnels County Hospital
7 District."

8 Sec. 1073.354. ELECTION RESULTS. (a) The board shall find
9 that the district is dissolved if:

10 (1) a majority of the votes in an election under this
11 section favor dissolution of the district and creation of the
12 Runnels County Hospital District;

13 (2) a majority of the votes in an election held on the
14 same date under Subchapter D-1, Chapter 1004, favor dissolution of
15 the Ballinger Memorial Hospital District and creation of the
16 Runnels County Hospital District; and

17 (3) a cumulative majority of the votes in all three
18 elections held on the question of creating the Runnels County
19 Hospital District favor creation of the district.

20 (b) If a majority of the votes in either election under
21 Subsection (a)(1) or (2) do not favor dissolution of the district
22 and creation of the Runnels County Hospital District, or if a
23 cumulative majority of the votes in all three elections held on the
24 question of creating the Runnels County Hospital District do not
25 favor creation of the district, the board shall continue to
26 administer the district, and another election on the question of
27 dissolution under this section may not be held before the first

1 anniversary of the date of the most recent election under this
2 section to dissolve the district.

3 Sec. 1073.355. TRANSFER OR ADMINISTRATION OF ASSETS.

4 (a) If a majority of the votes in both elections under
5 Sections 1073.354(a)(1) and (2) favor dissolution of the district
6 and creation of the Runnels County Hospital District, and a
7 cumulative majority of the votes in all three elections held on the
8 question of creating the Runnels County Hospital District favor
9 creation of the district, the board shall transfer the land,
10 buildings, improvements, equipment, and other assets belonging to
11 the district to the Runnels County Hospital District.

12 (b) On the date the district makes the transfer under
13 Subsection (a), the Runnels County Hospital District assumes all
14 debts and obligations of the district at the time of the transfer.
15 The district is dissolved at the time of the transfer and the board
16 is released from any further duty or obligation.

17 Sec. 1073.356. REFERENCE IN OTHER LAW. On the dissolution
18 of the North Runnels County Hospital District and the approval of
19 the creation of the Runnels County Hospital District, a reference
20 in any law to the North Runnels County Hospital District means the
21 Runnels County Hospital District.

22 Sec. 1073.357. EXPIRATION. If the dissolution of the North
23 Runnels County Hospital District and creation of the Runnels County
24 Hospital District are not approved at an election held not later
25 than June 19, 2014, this subchapter expires.

26 (b) Article 2, Chapter 876 (S.B. 2517), Acts of the 81st
27 Legislature, Regular Session, 2009, is repealed.

1 SECTION 22.012. (a) Section 1083.051, Special District
2 Local Laws Code, as effective April 1, 2011, is amended to conform
3 to Section 1, Chapter 570 (S.B. 2093), Acts of the 81st Legislature,
4 Regular Session, 2009, to read as follows:

5 Sec. 1083.051. BOARD ELECTION; TERM. (a) The district is
6 governed by a board of five directors elected as follows:

7 (1) two directors are elected from each commissioners
8 precinct included in the district; and

9 (2) one director is elected from the district at large
10 [from single-member voting precincts].

11 (b) Unless four-year terms are established under Section
12 285.081, Health and Safety Code:

13 (1) directors serve staggered two-year terms; and

14 (2) a directors' election shall be held each year on
15 the May uniform election date prescribed by Section 41.001,
16 Election Code, to elect the appropriate number of directors [on the
17 date that the election of public school trustees is held].

18 (b) Section 1083.052, Special District Local Laws Code, as
19 effective April 1, 2011, is amended to conform to Section 1,
20 Chapter 570 (S.B. 2093), Acts of the 81st Legislature, Regular
21 Session, 2009, to read as follows:

22 Sec. 1083.052. NOTICE OF ELECTION. Notice [~~At least 10 days~~
23 ~~before the date~~] of a directors' election [~~, notice of the election~~]
24 shall be published [~~one time~~] in a newspaper of general circulation
25 in Wheeler County in accordance with Section 4.003, Election Code.

26 (c) Section 1083.053, Special District Local Laws Code, as
27 effective April 1, 2011, is amended to conform to Section 1,

1 Chapter 570 (S.B. 2093), Acts of the 81st Legislature, Regular
2 Session, 2009, to read as follows:

3 Sec. 1083.053. BALLOT APPLICATION [~~PETITION~~]. A person
4 seeking to have the person's name printed on the ballot as a
5 candidate for director must file an application in accordance with
6 Chapter 144, Election Code, with the board secretary [~~a petition~~
7 ~~requesting that action~~]. [~~The petition must be:~~

8 [~~(1) signed by not fewer than five registered voters~~
9 ~~who reside in the voting precinct the candidate seeks to represent;~~
10 ~~and~~

11 [~~(2) filed at least 25 days before the date of the~~
12 ~~election.~~]

13 (d) Section 1083.054, Special District Local Laws Code, as
14 effective April 1, 2011, is amended to conform to Section 1,
15 Chapter 570 (S.B. 2093), Acts of the 81st Legislature, Regular
16 Session, 2009, to read as follows:

17 Sec. 1083.054. QUALIFICATIONS FOR OFFICE. (a) A person may
18 not be elected or appointed as a director unless the person is:

19 (1) [~~is~~] a resident of the district [~~voting precinct~~
20 ~~the person is elected or appointed to represent~~];

21 (2) a registered voter [~~owns property in the district~~
22 ~~subject to taxation~~]; and

23 (3) [~~is~~] more than 18 years of age at the time of
24 election or appointment.

25 (b) A person who is elected from a commissioners precinct or
26 who is appointed to fill a vacancy for a commissioners precinct must
27 be a resident of that precinct.

1 (c) A district employee may not serve as a director.

2 (e) Section 1, Chapter 570 (S.B. 2093), Acts of the 81st
3 Legislature, Regular Session, 2009, is repealed.

4 SECTION 22.013. (a) Section 1083.152, Special District
5 Local Laws Code, as effective April 1, 2011, is amended to conform
6 to Section 2, Chapter 570 (S.B. 2093), Acts of the 81st Legislature,
7 Regular Session, 2009, to read as follows:

8 Sec. 1083.152. FISCAL YEAR. (a) The district operates on
9 a fiscal year established by the board [~~that begins on October 1 and~~
10 ~~ends on September 30~~].

11 (b) The fiscal year may not be changed:

12 (1) if revenue bonds are outstanding; or

13 (2) more than once in a 24-month period.

14 (b) Section 2, Chapter 570, (S.B. 2093) Acts of the 81st
15 Legislature, Regular Session, 2009, is repealed.

16 SECTION 22.014. (a) Subchapter E, Chapter 1083, Special
17 District Local Laws Code, as effective April 1, 2011, is amended to
18 conform to Section 3, Chapter 570 (S.B. 2093), Acts of the 81st
19 Legislature, Regular Session, 2009, by adding Section 1083.2045 to
20 read as follows:

21 Sec. 1083.2045. REVENUE BONDS. (a) The board may issue
22 revenue bonds to:

23 (1) purchase, construct, acquire, repair, renovate,
24 or equip buildings or improvements for hospital system purposes; or

25 (2) acquire sites to be used for hospital system
26 purposes.

27 (b) The bonds must be payable from and secured by a pledge of

1 all or part of the revenue derived from the operation of the
2 district's hospitals.

3 (c) The bonds may be additionally secured by a mortgage or
4 deed of trust lien on all or part of the district property.

5 (d) The bonds must be issued in the manner and in accordance
6 with the procedures and requirements prescribed by Sections
7 264.042, 264.043, and 264.046-264.049, Health and Safety Code, for
8 issuance of revenue bonds by a county hospital authority.

9 (b) Subchapter E, Chapter 1083, Special District Local Laws
10 Code, as effective April 1, 2011, is amended to conform to Section
11 3, Chapter 570 (S.B. 2093), Acts of the 81st Legislature, Regular
12 Session, 2009, by adding Sections 1083.207 and 1083.208 to read as
13 follows:

14 Sec. 1083.207. ADDITIONAL MEANS OF SECURING REPAYMENT OF
15 BONDS. (a) In addition to the authority to issue general
16 obligation bonds and revenue bonds under this subchapter, the board
17 may provide for the security and payment of district bonds from a
18 pledge of a combination of ad valorem taxes as authorized by Section
19 1083.202 and revenue and other sources as authorized by Section
20 1083.2045.

21 (b) Bonds, other than refunding bonds, that the board
22 proposes to secure wholly or partly by an ad valorem tax must be
23 approved at an election held in the district in accordance with
24 Section 1083.203.

25 Sec. 1083.208. USE OF BOND PROCEEDS. The district may use
26 the proceeds of bonds issued under this subchapter to pay:

27 (1) any expense the board determines is reasonable and

1 necessary to issue, sell, and deliver the bonds;

2 (2) interest payments on the bonds during a period of
3 acquisition or construction of a project or facility to be provided
4 through the bonds, not to exceed five years;

5 (3) costs related to the operation and maintenance of
6 a project or facility to be provided through the bonds:

7 (A) during an estimated period of acquisition or
8 construction, not to exceed five years; and

9 (B) for one year after the project or facility is
10 acquired or constructed;

11 (4) costs related to the financing of the bond funds,
12 including debt service reserve and contingency funds;

13 (5) costs related to the bond issuance;

14 (6) costs related to the acquisition of land or
15 interests in land for a project or facility to be provided through
16 the bonds; and

17 (7) costs of construction of a project or facility to
18 be provided through the bonds, including the payment of related
19 professional services and expenses.

20 (c) Section 3, Chapter 570 (S.B. 2093), Acts of the 81st
21 Legislature, Regular Session, 2009, is repealed.

22 SECTION 22.015. (a) Chapter 1083, Special District Local
23 Laws Code, as effective April 1, 2011, is amended to conform to
24 Section 4, Chapter 570 (S.B. 2093), Acts of the 81st Legislature,
25 Regular Session, 2009, by adding Subchapter G to read as follows:

26 SUBCHAPTER G. DISSOLUTION

27 Sec. 1083.301. DISSOLUTION; ELECTION. (a) The district

1 may be dissolved only if the dissolution is approved by a majority
2 of the registered voters of the district voting in an election held
3 for that purpose.

4 (b) The board may order an election on the question of
5 dissolving the district and disposing of the district's assets and
6 obligations.

7 (c) The board shall order an election if the board receives
8 a petition requesting an election that is signed by a number of
9 registered voters of the district equal to at least 15 percent of
10 the registered voters in the district.

11 (d) Section 41.001, Election Code, does not apply to an
12 election ordered under this subchapter.

13 (e) The order calling an election under this subchapter must
14 state:

15 (1) the nature of the election, including the
16 proposition that is to appear on the ballot;

17 (2) the date of the election;

18 (3) the hours during which the polls will be open; and

19 (4) the location of the polling places.

20 Sec. 1083.302. NOTICE OF ELECTION. (a) The board shall
21 give notice of the election by publishing a substantial copy of the
22 election order in a newspaper with general circulation in the
23 district once a week for two consecutive weeks.

24 (b) The first publication must appear not later than the
25 35th day before the date set for the election.

26 Sec. 1083.303. BALLOT. The ballot for the election must be
27 printed to permit voting for or against the proposition: "The

1 dissolution of the North Wheeler County Hospital District."

2 Sec. 1083.304. ELECTION RESULTS. (a) If a majority of the
3 votes in the election favor dissolution, the board shall find that
4 the district is dissolved.

5 (b) If a majority of the votes in the election do not favor
6 dissolution, the board shall continue to administer the district,
7 and another election on the question of dissolution may not be held
8 before the first anniversary of the most recent election to
9 dissolve the district.

10 Sec. 1083.305. TRANSFER OR ADMINISTRATION OF ASSETS.

11 (a) If a majority of the votes in the election favor dissolution,
12 the board shall:

13 (1) transfer the land, buildings, improvements,
14 equipment, and other assets that belong to the district to Wheeler
15 County or another governmental entity in Wheeler County; or

16 (2) administer the property, assets, and debts until
17 all money has been disposed of and all district debts have been paid
18 or settled.

19 (b) If the district transfers the land, buildings,
20 improvements, equipment, and other assets to Wheeler County or
21 another governmental entity, the county or entity assumes all debts
22 and obligations of the district at the time of the transfer, and the
23 district is dissolved.

24 (c) If the district does not transfer the land, buildings,
25 improvements, equipment, and other assets to Wheeler County or
26 another governmental entity, the board shall administer the
27 property, assets, and debts of the district until all funds have

1 been disposed of and all district debts have been paid or settled,
2 at which time the district is dissolved.

3 Sec. 1083.306. IMPOSITION OF TAX AND RETURN OF SURPLUS
4 TAXES. (a) After the board finds that the district is dissolved,
5 the board shall:

- 6 (1) determine any debt owed by the district; and
7 (2) impose on the property included in the district's
8 tax rolls a tax that is in proportion of the debt to the property
9 value.

10 (b) When all outstanding debts and obligations of the
11 district are paid, the board shall order the secretary to return to
12 each district taxpayer the taxpayer's pro rata share of all unused
13 tax money.

14 (c) A taxpayer may request that the taxpayer's share of
15 surplus tax money be credited to the taxpayer's county taxes. If a
16 taxpayer requests the credit, the board shall direct the secretary
17 to transmit the money to the county tax assessor-collector.

18 Sec. 1083.307. REPORT; DISSOLUTION ORDER. (a) After the
19 district has paid all its debts and has disposed of all its assets
20 and money as prescribed by this subchapter, the board shall file a
21 written report with the Commissioners Court of Wheeler County
22 summarizing the board's actions in dissolving the district.

23 (b) Not later than the 10th day after the date it receives
24 the report and determines that the requirements of this section
25 have been fulfilled, the Commissioners Court of Wheeler County
26 shall enter an order dissolving the district and releasing the
27 board from any further duty or obligation.

1 (b) Section 4, Chapter 570 (S.B. 2093), Acts of the 81st
2 Legislature, Regular Session, 2009, is repealed.

3 SECTION 22.016. (a) Subchapter D, Chapter 1088, Special
4 District Local Laws Code, as effective April 1, 2011, is amended to
5 conform to Section 1, Chapter 921 (H.B. 2994), Acts of the 81st
6 Legislature, Regular Session, 2009, by adding Section 1088.161 to
7 read as follows:

8 Sec. 1088.161. AUTHORITY TO BORROW MONEY; SECURITY.

9 (a) The board may borrow money at a rate not to exceed the maximum
10 annual percentage rate allowed by law for district obligations at
11 the time the loan is made.

12 (b) To secure a loan, the board may pledge:

13 (1) district revenue that is not pledged to pay the
14 district's bonded indebtedness;

15 (2) a district tax to be imposed by the district during
16 the 12-month period following the date of the pledge that is not
17 pledged to pay the principal of or interest on district bonds; or

18 (3) a district bond that has been authorized but not
19 sold.

20 (c) A loan for which taxes or bonds are pledged must mature
21 not later than the first anniversary of the date the loan is made. A
22 loan for which district revenue is pledged must mature not later
23 than the fifth anniversary of the date the loan is made.

24 (b) Section 1, Chapter 921 (H.B. 2994), Acts of the 81st
25 Legislature, Regular Session, 2009, is repealed.

26 SECTION 22.017. (a) Subchapter E, Chapter 1088, Special
27 District Local Laws Code, as effective April 1, 2011, is amended to

1 conform to Section 2, Chapter 921 (H.B. 2994), Acts of the 81st
2 Legislature, Regular Session, 2009, by adding Sections 1088.208 and
3 1088.209 to read as follows:

4 Sec. 1088.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF
5 BONDS. In addition to the authority to issue general obligation
6 bonds and revenue bonds under this subchapter, the board may
7 provide for the security and payment of district bonds from a pledge
8 of a combination of ad valorem taxes as authorized by Section
9 1088.202 and revenue and other sources as authorized by Section
10 1088.206.

11 Sec. 1088.209. USE OF BOND PROCEEDS. The district may use
12 the proceeds of bonds issued under this subchapter to pay:

13 (1) any expense the board determines is reasonable and
14 necessary to issue, sell, and deliver the bonds;

15 (2) interest payments on the bonds during a period of
16 acquisition or construction of a project or facility to be provided
17 through the bonds, not to exceed five years;

18 (3) costs related to the operation and maintenance of
19 a project or facility to be provided through the bonds:

20 (A) during an estimated period of acquisition or
21 construction, not to exceed five years; and

22 (B) for one year after the project or facility is
23 acquired or constructed;

24 (4) costs related to the financing of the bond funds,
25 including debt service reserve and contingency funds;

26 (5) costs related to the bond issuance;

27 (6) costs related to the acquisition of land or

1 interests in land for a project or facility to be provided through
2 the bonds; and

3 (7) costs of construction of a project or facility to
4 be provided through the bonds, including the payment of related
5 professional services and expenses.

6 (b) Section 2, Chapter 921 (H.B. 2994), Acts of the 81st
7 Legislature, Regular Session, 2009, is repealed.

8 SECTION 22.018. Section 3854.151, Special District Local
9 Laws Code, as effective April 1, 2011, is amended to correct a
10 reference to read as follows:

11 Sec. 3854.151. GENERAL POWERS. The district has:

12 (1) all the rights, powers, and privileges conferred
13 by the general law of this state applicable to districts created
14 under:

15 (A) Chapter 375, Local Government Code;

16 (B) Chapter 172, Transportation Code, or Chapter
17 623, Acts of the 67th Legislature, Regular Session, 1981 (former
18 Article 6550c, Vernon's Texas Civil Statutes);

19 (C) Chapter 441, Transportation Code; and

20 (D) Chapter 54, Water Code;

21 (2) the rights, powers, and privileges granted to
22 districts by:

23 (A) Subchapters E and M, Chapter 60, Water Code;

24 and

25 (B) Section 61.116, Water Code; and

26 (3) all the powers granted to municipal management
27 districts under Sections 375.092 and 375.111, Local Government

1 Code, to provide any services or for any project the district is
2 authorized to acquire, construct, or improve under this chapter.

3 SECTION 22.019. (a) Subchapter C, Chapter 8272, Special
4 District Local Laws Code, as effective April 1, 2011, is amended to
5 conform to Section 1, Chapter 590 (S.B. 2482), Acts of the 81st
6 Legislature, Regular Session, 2009, by adding Section 8272.105 to
7 read as follows:

8 Sec. 8272.105. BONDS FOR RECREATIONAL FACILITIES. Section
9 49.4645(f), Water Code, does not apply to the district.

10 (b) Section 1, Chapter 590 (S.B. 2483), Acts of the 81st
11 Legislature, Regular Session, 2009, is repealed.

12 SECTION 22.020. (a) Section 8282.253(a), Special District
13 Local Laws Code, as effective April 1, 2011, is amended to conform
14 to Section 1, Chapter 582 (S.B. 2462), Acts of the 81st Legislature,
15 Regular Session, 2009, to read as follows:

16 (a) To pay all or part of the costs of an improvement project
17 or service under Section 8282.154, the board may issue bonds in one
18 or more series payable from and secured by ad valorem taxes,
19 assessments, impact fees, revenues, payments pursuant to an
20 agreement made under Section 311.010(b), Tax Code, dedicating
21 revenue from a tax increment fund, grants, gifts, contracts, or
22 leases or any combination of those sources of money.

23 (b) Section 8282.253, Special District Local Laws Code, as
24 effective April 1, 2011, is amended to conform to Section 1, Chapter
25 582 (S.B. 2462), Acts of the 81st Legislature, Regular Session,
26 2009, by adding Subsection (d) to read as follows:

27 (d) Sections 49.181 and 49.182, Water Code, do not apply to:

1 (1) bonds issued by the district and payable from:

2 (A) assessments imposed by the district under
3 Section 8282.154 that are paid in full on the first conveyance of
4 land after imposition of the assessment; or

5 (B) payments pursuant to an agreement made under
6 Section 311.010(b), Tax Code, dedicating revenue from a tax
7 increment fund; or

8 (2) a project that is financed by an issuance of bonds
9 described by Subdivision (1).

10 (c) Section 1, Chapter 582 (S.B. 2462), Acts of the 81st
11 Legislature, Regular Session, 2009, is repealed.

12 SECTION 22.021. (a) Section 8826.053, Special District
13 Local Laws Code, as effective April 1, 2011, is amended to conform
14 to Section 1, Chapter 1088 (H.B. 4785), Acts of the 81st
15 Legislature, Regular Session, 2009, to read as follows:

16 Sec. 8826.053. ELECTION DATE. On the uniform election date
17 [~~first Tuesday after the first Monday~~] in May [~~November~~] of each
18 even-numbered year, the appropriate number of directors shall be
19 elected.

20 (b) Section 8826.151, Special District Local Laws Code, as
21 effective April 1, 2011, is amended to conform to Section 2, Chapter
22 1088 (H.B. 4785), Acts of the 81st Legislature, Regular Session,
23 2009, to read as follows:

24 Sec. 8826.151. FEES. Unless exempt under this chapter or
25 Chapter 36, Water Code, the board may establish by schedule and
26 impose:

27 (1) a production fee based on the amount of

1 groundwater authorized by permit to be withdrawn from a well or the
2 amount of groundwater actually withdrawn from a well in an amount
3 not to exceed 17 cents per thousand gallons [~~under Section 36.205,~~
4 ~~Water Code~~];

5 (2) an export fee for groundwater transferred out of
6 the district in an amount not to exceed 150 percent of the maximum
7 wholesale water rate charged by the City of Houston; and

8 (3) other fees as authorized by Chapter 36, Water
9 Code.

10 (c) Sections 1 and 2, Chapter 1088 (H.B. 4785), Acts of the
11 81st Legislature, Regular Session, 2009, are repealed.

12 SECTION 22.022. Section 8829.102(a), Special District
13 Local Laws Code, is amended to more closely conform to the source
14 law from which the section was derived to read as follows:

15 (a) In recognition of the need for uniform regional
16 monitoring and regulation of common, scientifically recognized
17 groundwater sources, and within designated management areas, the
18 district shall establish rules that:

19 (1) require the permitting of each water well that is:

20 (A) not exempted [~~exempt~~] from permitting by
21 Chapter 36, Water Code; and

22 (B) capable of producing more than 25,000 gallons
23 each day;

24 (2) provide for the prevention of waste, as defined by
25 Section 36.001, Water Code;

26 (3) provide for timely capping or plugging of
27 abandoned wells; and

1 (4) require reports to be filed with the district on
2 each new, nonexempt water well.

3 SECTION 22.023. Subchapter A, Chapter 8831, Special
4 District Local Laws Code, is amended to more closely conform to the
5 source law from which that subchapter was derived by adding Section
6 8831.005 to read as follows:

7 Sec. 8831.005. CONFLICTS OF LAW. The following provisions
8 prevail over a conflicting or inconsistent provision of this
9 chapter:

- 10 (1) Sections 36.1071-36.108, Water Code;
- 11 (2) Sections 36.159-36.161, Water Code; and
- 12 (3) Subchapter I, Chapter 36, Water Code.

13 SECTION 22.024. Subchapter A, Chapter 8836, Special
14 District Local Laws Code, is amended to more closely conform to the
15 source law from which that subchapter was derived by adding Section
16 8836.006 to read as follows:

17 Sec. 8836.006. CONFLICTS OF LAW. The following provisions
18 prevail over a conflicting or inconsistent provision of this
19 chapter:

- 20 (1) Sections 36.1071-36.108, Water Code;
- 21 (2) Sections 36.159-36.161, Water Code; and
- 22 (3) Subchapter I, Chapter 36, Water Code.

23 SECTION 22.025. Subchapter A, Chapter 8849, Special
24 District Local Laws Code, is amended to more closely conform to the
25 source law from which that subchapter was derived by adding Section
26 8849.005 to read as follows:

27 Sec. 8849.005. CONFLICTS OF LAW. The following provisions

1 prevail over a conflicting or inconsistent provision of this
2 chapter:

- 3 (1) Sections 36.1071-36.1073, Water Code;
4 (2) Sections 36.159-36.161, Water Code; and
5 (3) Subchapter I, Chapter 36, Water Code.

6 SECTION 22.026. Section 8844.004, Special District Local
7 Laws Code, as effective April 1, 2011, is amended to correct a
8 reference to read as follows:

9 Sec. 8844.004. DISTRICT TERRITORY. The district is
10 composed of the territory located in Gillespie County, unless the
11 district's territory has been modified under:

- 12 (1) Subchapter B [~~this subchapter~~]; or
13 (2) other law.

14 ARTICLE 23. CHANGES RELATING TO TAX CODE

15 SECTION 23.001. Section 11.18(d), Tax Code, as reenacted
16 and amended by Chapters 1246 (S.B. 2442) and 1314 (H.B. 2628), Acts
17 of the 81st Legislature, Regular Session, 2009, is reenacted and
18 amended to read as follows:

19 (d) A charitable organization must be organized exclusively
20 to perform religious, charitable, scientific, literary, or
21 educational purposes and, except as permitted by Subsections (h)
22 and (l), engage exclusively in performing one or more of the
23 following charitable functions:

- 24 (1) providing medical care without regard to the
25 beneficiaries' ability to pay, which in the case of a nonprofit
26 hospital or hospital system means providing charity care and
27 community benefits in accordance with Section 11.1801;

1 (2) providing support or relief to orphans,
2 delinquent, dependent, or handicapped children in need of
3 residential care, abused or battered spouses or children in need of
4 temporary shelter, the impoverished, or victims of natural disaster
5 without regard to the beneficiaries' ability to pay;

6 (3) providing support without regard to the
7 beneficiaries' ability to pay to:

8 (A) elderly persons, including the provision of:
9 (i) recreational or social activities; and
10 (ii) facilities designed to address the
11 special needs of elderly persons; or

12 (B) the handicapped, including training and
13 employment:

14 (i) in the production of commodities; or
15 (ii) in the provision of services under 41
16 U.S.C. Sections 46-48c;

17 (4) preserving a historical landmark or site;

18 (5) promoting or operating a museum, zoo, library,
19 theater of the dramatic or performing arts, or symphony orchestra
20 or choir;

21 (6) promoting or providing humane treatment of
22 animals;

23 (7) acquiring, storing, transporting, selling, or
24 distributing water for public use;

25 (8) answering fire alarms and extinguishing fires with
26 no compensation or only nominal compensation to the members of the
27 organization;

- 1 (9) promoting the athletic development of boys or
2 girls under the age of 18 years;
- 3 (10) preserving or conserving wildlife;
- 4 (11) promoting educational development through loans
5 or scholarships to students;
- 6 (12) providing halfway house services pursuant to a
7 certification as a halfway house by the parole division of the Texas
8 Department of Criminal Justice;
- 9 (13) providing permanent housing and related social,
10 health care, and educational facilities for persons who are 62
11 years of age or older without regard to the residents' ability to
12 pay;
- 13 (14) promoting or operating an art gallery, museum, or
14 collection, in a permanent location or on tour, that is open to the
15 public;
- 16 (15) providing for the organized solicitation and
17 collection for distributions through gifts, grants, and agreements
18 to nonprofit charitable, education, religious, and youth
19 organizations that provide direct human, health, and welfare
20 services;
- 21 (16) performing biomedical or scientific research or
22 biomedical or scientific education for the benefit of the public;
- 23 (17) operating a television station that produces or
24 broadcasts educational, cultural, or other public interest
25 programming and that receives grants from the Corporation for
26 Public Broadcasting under 47 U.S.C. Section 396, as amended;
- 27 (18) providing housing for low-income and

1 moderate-income families, for unmarried individuals 62 years of age
2 or older, for handicapped individuals, and for families displaced
3 by urban renewal, through the use of trust assets that are
4 irrevocably and, pursuant to a contract entered into before
5 December 31, 1972, contractually dedicated on the sale or
6 disposition of the housing to a charitable organization that
7 performs charitable functions described by Subdivision (9);

8 (19) providing housing and related services to persons
9 who are 62 years of age or older in a retirement community, if the
10 retirement community provides independent living services,
11 assisted living services, and nursing services to its residents on
12 a single campus:

13 (A) without regard to the residents' ability to
14 pay; or

15 (B) in which at least four percent of the
16 retirement community's combined net resident revenue is provided in
17 charitable care to its residents;

18 (20) providing housing on a cooperative basis to
19 students of an institution of higher education if:

20 (A) the organization is exempt from federal
21 income taxation under Section 501(a), Internal Revenue Code of
22 1986, as amended, by being listed as an exempt entity under Section
23 501(c)(3) of that code;

24 (B) membership in the organization is open to all
25 students enrolled in the institution and is not limited to those
26 chosen by current members of the organization;

27 (C) the organization is governed by its members;

1 and

2 (D) the members of the organization share the
3 responsibility for managing the housing;

4 (21) acquiring, holding, and transferring unimproved
5 real property under an urban land bank demonstration program
6 established under Chapter 379C, Local Government Code, as or on
7 behalf of a land bank;

8 (22) acquiring, holding, and transferring unimproved
9 real property under an urban land bank program established under
10 Chapter 379E, Local Government Code, as or on behalf of a land bank;
11 [~~or~~]

12 (23) providing housing and related services to
13 individuals who:

14 (A) are unaccompanied and homeless and have a
15 disabling condition; and

16 (B) have been continuously homeless for a year or
17 more or have had at least four episodes of homelessness in the
18 preceding three years; or

19 (24) [~~(23)~~] operating a radio station that broadcasts
20 educational, cultural, or other public interest programming,
21 including classical music, and that in the preceding five years has
22 received or been selected to receive one or more grants from the
23 Corporation for Public Broadcasting under 47 U.S.C. Section 396, as
24 amended.

25 SECTION 23.002. Section 26.08(p), Tax Code, as added by
26 Chapters 1240 (S.B. 2274) and 1328 (H.B. 3646), Acts of the 81st
27 Legislature, Regular Session, 2009, is reenacted to read as

1 follows:

2 (p) Notwithstanding Subsections (i), (n), and (o), if for
3 the preceding tax year a school district adopted a maintenance and
4 operations tax rate that was less than the district's effective
5 maintenance and operations tax rate for that preceding tax year,
6 the rollback tax rate of the district for the current tax year is
7 calculated as if the district adopted a maintenance and operations
8 tax rate for the preceding tax year that was equal to the district's
9 effective maintenance and operations tax rate for that preceding
10 tax year.

11 SECTION 23.003. Section 151.316(a), Tax Code, as amended by
12 Chapters 1162 (H.B. 3144) and 1373 (S.B. 958), Acts of the 81st
13 Legislature, Regular Session, 2009, is reenacted to read as
14 follows:

15 (a) The following items are exempted from the taxes imposed
16 by this chapter:

- 17 (1) horses, mules, and work animals;
- 18 (2) animal life the products of which ordinarily
19 constitute food for human consumption;
- 20 (3) feed for farm and ranch animals;
- 21 (4) feed for animals that are held for sale in the
22 regular course of business;
- 23 (5) seeds and annual plants the products of which:
- 24 (A) ordinarily constitute food for human
25 consumption;
- 26 (B) are to be sold in the regular course of
27 business; or

1 (C) are used to produce feed for animals exempted
2 by this section;

3 (6) fertilizers, fungicides, insecticides,
4 herbicides, defoliants, and desiccants exclusively used or
5 employed on a farm or ranch in the production of:

6 (A) food for human consumption;

7 (B) feed for animal life; or

8 (C) other agricultural products to be sold in the
9 regular course of business;

10 (7) machinery and equipment exclusively used or
11 employed on a farm or ranch in the building or maintaining of roads
12 or water facilities or in the production of:

13 (A) food for human consumption;

14 (B) grass;

15 (C) feed for animal life; or

16 (D) other agricultural products to be sold in the
17 regular course of business;

18 (8) machinery and equipment exclusively used in, and
19 pollution control equipment required as a result of, the
20 processing, packing, or marketing of agricultural products by an
21 original producer at a location operated by the original producer
22 for processing, packing, or marketing the producer's own products
23 if:

24 (A) 50 percent or more of the products processed,
25 packed, or marketed at or from the location are produced by the
26 original producer and not purchased or acquired from others; and

27 (B) the producer does not process, pack, or

1 market for consideration any agricultural products that belong to
2 other persons in an amount greater than five percent of the total
3 agricultural products processed, packed, or marketed by the
4 producer;

5 (9) ice exclusively used by commercial fishing boats
6 in the storing of aquatic species including but not limited to
7 shrimp, other crustaceans, finfish, mollusks, and other similar
8 creatures;

9 (10) tangible personal property, including a tire,
10 sold or used to be installed as a component part of a motor vehicle,
11 machinery, or other equipment exclusively used or employed on a
12 farm or ranch in the building or maintaining of roads or water
13 facilities or in the production of:

14 (A) food for human consumption;

15 (B) grass;

16 (C) feed for animal life; or

17 (D) other agricultural products to be sold in the
18 regular course of business;

19 (11) machinery and equipment exclusively used in an
20 agricultural aircraft operation, as defined by 14 C.F.R. Section
21 137.3; and

22 (12) tangible personal property incorporated into a
23 structure that is used for the disposal of poultry carcasses in
24 accordance with Section 26.303, Water Code.

25 SECTION 23.004. Section 351.101(a), Tax Code, as amended by
26 Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098),
27 Acts of the 81st Legislature, Regular Session, 2009, is reenacted

1 and amended to read as follows:

2 (a) Revenue from the municipal hotel occupancy tax may be
3 used only to promote tourism and the convention and hotel industry,
4 and that use is limited to the following:

5 (1) the acquisition of sites for and the construction,
6 improvement, enlarging, equipping, repairing, operation, and
7 maintenance of convention center facilities or visitor information
8 centers, or both;

9 (2) the furnishing of facilities, personnel, and
10 materials for the registration of convention delegates or
11 registrants;

12 (3) advertising and conducting solicitations and
13 promotional programs to attract tourists and convention delegates
14 or registrants to the municipality or its vicinity;

15 (4) the encouragement, promotion, improvement, and
16 application of the arts, including instrumental and vocal music,
17 dance, drama, folk art, creative writing, architecture, design and
18 allied fields, painting, sculpture, photography, graphic and craft
19 arts, motion pictures, radio, television, tape and sound recording,
20 and other arts related to the presentation, performance, execution,
21 and exhibition of these major art forms;

22 (5) historical restoration and preservation projects
23 or activities or advertising and conducting solicitations and
24 promotional programs to encourage tourists and convention
25 delegates to visit preserved historic sites or museums:

26 (A) at or in the immediate vicinity of convention
27 center facilities or visitor information centers; or

1 (B) located elsewhere in the municipality or its
2 vicinity that would be frequented by tourists and convention
3 delegates;

4 (6) for a municipality located in a county with a
5 population of one million or less, expenses, including promotion
6 expenses, directly related to a sporting event in which the
7 majority of participants are tourists who substantially increase
8 economic activity at hotels and motels within the municipality or
9 its vicinity;

10 (7) subject to Section 351.1076, the promotion of
11 tourism by the enhancement and upgrading of existing sports
12 facilities or fields, including facilities or fields for baseball,
13 softball, soccer, and flag football, if:

14 (A) the municipality owns the facilities or
15 fields;

16 (B) the municipality:

17 (i) has a population of 80,000 or more and
18 is located in a county that has a population of 350,000 or less;

19 (ii) has a population of at least 65,000 but
20 not more than 70,000 and is located in a county that has a
21 population of 155,000 or less;

22 (iii) has a population of at least 34,000
23 but not more than 36,000 and is located in a county that has a
24 population of 90,000 or less;

25 (iv) has a population of at least 13,000 but
26 less than 39,000 and is located in a county that has a population of
27 at least 200,000;

1 (v) has a population of at least 65,000 but
2 less than 80,000 and no part of which is located in a county with a
3 population greater than 150,000; or

4 (vi) is located in a county that:

5 (a) is adjacent to the Texas-Mexico
6 border;

7 (b) has a population of at least
8 500,000; and

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

11 (C) the sports facilities and fields have been
12 used, in the preceding calendar year, a combined total of more than
13 10 times for district, state, regional, or national sports
14 tournaments; ~~and~~

15 (8) for a municipality with a population of at least
16 65,000 but less than 80,000, no part of which is located in a county
17 with a population greater than 150,000, the construction,
18 improvement, enlarging, equipping, repairing, operation, and
19 maintenance of a coliseum or multiuse facility;

20 (9) ~~(8)~~ signage directing the public to sights and
21 attractions that are visited frequently by hotel guests in the
22 municipality; and

23 (10) ~~(8)~~ the construction of a recreational venue in
24 the immediate vicinity of area hotels, if:

25 (A) the municipality:

26 (i) is a general-law municipality;

27 (ii) has a population of not more than 900;

1 and

2 (iii) does not impose an ad valorem tax;

3 (B) not more than \$100,000 of municipal hotel
4 occupancy tax revenue is used for the construction of the
5 recreational venue;

6 (C) a majority of the hotels in the municipality
7 request the municipality to construct the recreational venue;

8 (D) the recreational venue will be used primarily
9 by hotel guests; and

10 (E) the municipality will pay for maintenance of
11 the recreational venue from the municipality's general fund.

12 ARTICLE 24. CHANGES RELATING TO TRANSPORTATION CODE

13 PART A. GENERAL CHANGES

14 SECTION 24.001. Section 91.004(c), Transportation Code, as
15 amended by Chapters 16 (H.B. 2434) and 85 (S.B. 1540), Acts of the
16 81st Legislature, Regular Session, 2009, is reenacted and amended
17 to read as follows:

18 (c) Subsection (b) does not apply to money appropriated or
19 allocated:

20 (1) to a transit authority described by Chapter 451, a
21 transportation authority described by Chapter 452 or 460, or a
22 transit department described by Chapter 453; or

23 (2) for use by:

24 (A) a port authority or navigation district
25 created or operating under Section 52, Article III, or Section 59,
26 Article XVI, Texas Constitution; or

27 (B) a district created under:

- 1 (i) Chapter 171;
- 2 (ii) Chapter 172 of this code or Chapter
- 3 623, Acts of the 67th Legislature, Regular Session, 1981 (former
- 4 Article 6550c, Vernon's Texas Civil Statutes);
- 5 (iii) Chapter 173 of this code or former
- 6 Article 6550c-1, Revised Statutes; or
- 7 (iv) Chapter 174 of this code or former
- 8 Article 6550c-3, Revised Statutes.

9 SECTION 24.002. Section 171.256(a), Transportation Code,
10 is amended to correct a reference to read as follows:

11 (a) Section 173.256(d) [~~8(d), Article 6550c-1, Revised~~
12 ~~Statutes~~], relating to the limit on payments made by a local
13 government, does not apply to a district to which Section 171.053
14 applies.

15 SECTION 24.003. (a) Section 173.052, Transportation Code,
16 as effective April 1, 2011, is amended to conform to Section 1,
17 Chapter 749 (S.B. 581), Acts of the 81st Legislature, Regular
18 Session, 2009, to read as follows:

19 Sec. 173.052. ADDITION OF POLITICAL SUBDIVISION OR OTHER
20 PUBLIC ENTITY TO DISTRICT. The following political subdivisions
21 and other public entities may become a part of a district with the
22 approval of the governing body of the political subdivision or
23 public entity:

24 (1) a county located adjacent to the county in which a
25 creating municipality is located; [~~and~~]

26 (2) a municipality with a population of more than
27 18,000 located in a county described by Subdivision (1); and

1 (3) a public entity located in a county that has become
2 part of the district.

3 (b) Section 1, Chapter 749 (S.B. 581), Acts of the 81st
4 Legislature, Regular Session, 2009, which amended Subsection (c),
5 Section 2, Article 6550c-1, Revised Statutes, is repealed.

6 SECTION 24.004. (a) Section 173.102(a), Transportation
7 Code, as effective April 1, 2011, is amended to conform to Section
8 2, Chapter 749 (S.B. 581), Acts of the 81st Legislature, Regular
9 Session, 2009, to read as follows:

10 (a) The board is composed of:

11 (1) two public directors appointed by the commission;

12 (2) one elected member of the governing body of each
13 political subdivision that has become a part of the district under
14 Subchapter B;

15 (3) one elected director appointed by the regional
16 planning organization of which a creating municipality is a part;

17 (4) one director appointed by each creating
18 municipality to represent the business community of the
19 municipality;

20 (5) one director appointed by each authority created
21 under Chapter 451 that serves a creating municipality;

22 (6) one director appointed by each county in which a
23 creating municipality is located to represent transportation
24 providers that provide service to rural areas in the county; ~~and~~

25 (7) one member appointed by each public entity that
26 has become a part of the district under Section 173.052; and

27 (8) one director appointed by all other directors to

1 represent all municipalities in the district that do not otherwise
2 have representation on the board who is an elected official of one
3 of those municipalities.

4 (b) Subchapter D, Chapter 173, Transportation Code, as
5 effective April 1, 2011, is amended to conform to Section 2, Chapter
6 749 (S.B. 581), Acts of the 81st Legislature, Regular Session,
7 2009, by adding Section 173.161 to read as follows:

8 Sec. 173.161. CHANGING NAME OF DISTRICT. The board shall
9 adopt a name for the district and may by resolution change the name
10 of the district.

11 (c) Section 2, Chapter 749 (S.B. 581), Acts of the 81st
12 Legislature, Regular Session, 2009, which amended Section 3,
13 Article 6550c-1, Revised Statutes, by amending Subsection (b) and
14 adding Subsection (i), is repealed.

15 SECTION 24.005. (a) Section 173.201, Transportation Code,
16 as effective April 1, 2011, is amended to conform to Section 3,
17 Chapter 749 (S.B. 581), Acts of the 81st Legislature, Regular
18 Session, 2009, to read as follows:

19 Sec. 173.201. GENERAL AUTHORITY OVER COMMUTER RAIL
20 FACILITIES. A district may acquire, construct, develop, own,
21 operate, and maintain intermodal and commuter rail facilities, or
22 intercity or other types of passenger rail services, inside, or
23 connect political subdivisions in, the district.

24 (b) Section 3, Chapter 749 (S.B. 581), Acts of the 81st
25 Legislature, Regular Session, 2009, which amended Subsection (e),
26 Section 4, Article 6550c-1, Revised Statutes, is repealed.

27 SECTION 24.006. Section 501.035(b), Transportation Code,

1 is amended to correct a reference to read as follows:

2 (b) In this section, "former military vehicle" has the
3 meaning assigned by Section 504.502(i) [~~502.275(e)~~].

4 SECTION 24.007. Section 502.1715(c), Transportation Code,
5 as amended by Chapters 892 (S.B. 1670) and 1108 (H.B. 2337), Acts of
6 the 79th Legislature, Regular Session, 2005, is reenacted to read
7 as follows:

8 (c) Fees collected under this section shall be deposited to
9 the credit of the state highway fund. Subject to appropriation, the
10 money may be used by the Department of Public Safety, the Texas
11 Department of Insurance, the Department of Information Resources,
12 and the department to carry out Subchapter N, Chapter 601.

13 SECTION 24.008. Section 521.054(a), Transportation Code,
14 as amended by Chapters 316 (H.B. 598) and 1146 (H.B. 2730), Acts of
15 the 81st Legislature, Regular Session, 2009, is reenacted to read
16 as follows:

17 (a) This section applies to a person who:

18 (1) after applying for or being issued a license or
19 certificate moves to a new residence address;

20 (2) has used the procedure under Section 521.121(c)
21 and whose status as a federal judge, a state judge, or the spouse of
22 a federal or state judge becomes inapplicable; or

23 (3) changes the person's name by marriage or
24 otherwise.

25 SECTION 24.009. Section 521.121(a), Transportation Code,
26 as amended by Chapters 316 (H.B. 598) and 1146 (H.B. 2730), Acts of
27 the 81st Legislature, Regular Session, 2009, is reenacted to read

1 as follows:

2 (a) The driver's license must include:

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

5 (2) a color photograph of the entire face of the
6 holder;

7 (3) the full name and date of birth of the holder;

8 (4) a brief description of the holder; and

9 (5) the license holder's residence address or, for a
10 license holder using the procedure under Subsection (c), the street
11 address of the courthouse in which the license holder or license
12 holder's spouse serves as a federal judge or state judge.

13 SECTION 24.010. Section 521.121(d), Transportation Code,
14 as added by Chapter 1146 (H.B. 2730), Acts of the 81st Legislature,
15 Regular Session, 2009, is repealed as duplicative of Section
16 521.121(c), Transportation Code, as added by Chapter 316 (H.B.
17 598), Acts of the 81st Legislature, Regular Session, 2009.

18 SECTION 24.011. Section 521.142(c), Transportation Code,
19 as amended by Chapters 316 (H.B. 598) and 1146 (H.B. 2730), Acts of
20 the 81st Legislature, Regular Session, 2009, is reenacted to read
21 as follows:

22 (c) The application must state:

23 (1) the sex of the applicant;

24 (2) the residence address of the applicant, or if the
25 applicant is a federal judge, a state judge, or the spouse of a
26 federal or state judge using the procedure developed under Section
27 521.121(c), the street address of the courthouse in which the

1 applicant or the applicant's spouse serves as a federal judge or a
2 state judge;

3 (3) whether the applicant has been licensed to drive a
4 motor vehicle before;

5 (4) if previously licensed, when and by what state or
6 country;

7 (5) whether that license has been suspended or revoked
8 or a license application denied;

9 (6) the date and reason for the suspension,
10 revocation, or denial;

11 (7) whether the applicant is a citizen of the United
12 States; and

13 (8) the county of residence of the applicant.

14 SECTION 24.012. Section 548.052, Transportation Code, is
15 amended to correct a reference to read as follows:

16 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This
17 chapter does not apply to:

18 (1) a trailer, semitrailer, pole trailer, or mobile
19 home moving under or bearing a current factory-delivery license
20 plate or current in-transit license plate;

21 (2) a vehicle moving under or bearing a paper dealer
22 in-transit tag, machinery license, disaster license, parade
23 license, prorated tab, one-trip permit, antique license, temporary
24 24-hour permit, or permit license;

25 (3) a trailer, semitrailer, pole trailer, or mobile
26 home having an actual gross weight or registered gross weight of
27 4,500 pounds or less;

1 (4) farm machinery, road-building equipment, a farm
2 trailer, or a vehicle required to display a slow-moving-vehicle
3 emblem under Section 547.703;

4 (5) a former military vehicle, as defined by Section
5 504.502 [~~502.275~~];

6 (6) a vehicle qualified for a tax exemption under
7 Section 152.092, Tax Code; or

8 (7) a vehicle for which a certificate of title has been
9 issued but that is not required to be registered.

10 SECTION 24.013. Section 548.508, Transportation Code, is
11 amended to correct a reference to read as follows:

12 Sec. 548.508. DISPOSITION OF FEES. Except as provided by
13 Sections [~~382.037 and~~] 382.0622 and 382.202, Health and Safety
14 Code, and Section 548.5055, each fee collected by the department
15 under this subchapter shall be deposited to the credit of the Texas
16 mobility fund.

17 SECTION 24.014. Section 551.301, Transportation Code, as
18 amended by Chapters 281 (H.B. 2702) and 1242 (H.B. 1596), Acts of
19 the 79th Legislature, Regular Session, 2005, and Chapter 722 (S.B.
20 129), Acts of the 81st Legislature, Regular Session, 2009, is
21 reenacted to read as follows:

22 Sec. 551.301. DEFINITION. In this subchapter,
23 "neighborhood electric vehicle" means a vehicle that can attain a
24 maximum speed of 35 miles per hour on a paved level surface and
25 otherwise complies with Federal Motor Vehicle Safety Standard 500
26 (49 C.F.R. Section 571.500).

27 SECTION 24.015. Section 551.351, Transportation Code, is

1 amended to conform to Chapters 281 (H.B. 2702) and 1242 (H.B. 1596),
2 Acts of the 79th Legislature, Regular Session, 2005, to read as
3 follows:

4 Sec. 551.351. DEFINITIONS [~~DEFINITION~~]. In this
5 subchapter:

6 (1) "Motor-assisted scooter":

7 (A) [~~,"motor-assisted scooter"~~] means a
8 self-propelled device with:

9 (i) [~~(1)~~] at least two wheels in contact
10 with the ground during operation;

11 (ii) [~~(2)~~] a braking system capable of
12 stopping the device under typical operating conditions;

13 (iii) [~~(3)~~] a gas or electric motor not
14 exceeding 40 cubic centimeters;

15 (iv) [~~(4)~~] a deck designed to allow a
16 person to stand or sit while operating the device; and

17 (v) [~~(5)~~] the ability to be propelled by
18 human power alone; and

19 (B) does not include a pocket bike or a
20 minimotorbike.

21 (2) "Pocket bike or minimotorbike" means a
22 self-propelled vehicle that is equipped with an electric motor or
23 internal combustion engine having a piston displacement of less
24 than 50 cubic centimeters, is designed to propel itself with not
25 more than two wheels in contact with the ground, has a seat or
26 saddle for the use of the operator, is not designed for use on a
27 highway, and is ineligible for a certificate of title under Chapter

1 501. The term does not include:

2 (A) a moped or motorcycle;

3 (B) an electric bicycle or motor-driven cycle, as
4 defined by Section 541.201;

5 (C) a motorized mobility device, as defined by
6 Section 542.009;

7 (D) an electric personal assistive mobility
8 device, as defined by Section 551.201; or

9 (E) a neighborhood electric vehicle, as defined
10 by Section 551.301.

11 SECTION 24.016. Section 601.052(c)(1), Transportation
12 Code, is amended to correct a reference to read as follows:

13 (1) "Former military vehicle" has the meaning assigned
14 by Section 504.502(i) [~~502.275(e)~~].

15 SECTION 24.017. Section 681.008(b), Transportation Code,
16 as amended by Chapters 115 (H.B. 2020) and 319 (H.B. 618), Acts of
17 the 81st Legislature, Regular Session, 2009, is reenacted to read
18 as follows:

19 (b) A vehicle on which license plates described by
20 Subsection (a)(2) or issued under Section 504.202, Section
21 504.315(c), (d), (e), (f), or (g), or Section 504.316 are displayed
22 is exempt from the payment of a parking fee collected through a
23 parking meter charged by a governmental authority other than a
24 branch of the federal government, when being operated by or for the
25 transportation of:

26 (1) the person who registered the vehicle under
27 Section 504.202(a), Section 504.315(c), (d), (e), (f), or (g), or

1 Section 504.316;

2 (2) a person described in Section 504.202(b) if the
3 vehicle is registered under that subsection; or

4 (3) the owner or operator of a vehicle displaying
5 license plates described by Subsection (a)(2).

6 SECTION 24.018. Section 707.017, Transportation Code, as
7 amended by Chapters 266 (H.B. 2530), 542 (S.B. 1617), and 933 (H.B.
8 3097), Acts of the 81st Legislature, Regular Session, 2009, is
9 reenacted to read as follows:

10 Sec. 707.017. ENFORCEMENT. (a) If the owner of a motor
11 vehicle is delinquent in the payment of a civil penalty imposed
12 under this chapter, the county assessor-collector or the Texas
13 Department of Motor Vehicles may refuse to register a motor vehicle
14 alleged to have been involved in the violation.

15 (b) This section does not apply to the registration of a
16 motor vehicle under Section 501.0234.

17 PART B. CODIFICATION OF CERTAIN RAILROAD PROVISIONS IN
18 TRANSPORTATION CODE

19 SECTION 24.101. Title 5, Transportation Code, is amended to
20 codify Chapter 11 (S.B. 56), General Laws, Acts of the 39th
21 Legislature, Regular Session, 1925 (Articles 6559a, 6559b, 6559c,
22 6559d, 6559e, and 6559f, Vernon's Texas Civil Statutes); Chapter
23 232 (S.B. 839), Acts of the 67th Legislature, Regular Session, 1981
24 (Article 6419a, Vernon's Texas Civil Statutes); Chapter 214 (S.B.
25 1102), Acts of the 71st Legislature, Regular Session, 1989 (Article
26 6492a, Vernon's Texas Civil Statutes); Chapter 350 (S.B. 1101),
27 Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c,

1 Vernon's Texas Civil Statutes); Section 1, Chapter 101 (S.B. 169),
2 Acts of the 40th Legislature, Regular Session, 1927 (Article 6541a,
3 Vernon's Texas Civil Statutes); Section 1, Chapter 209 (H.B. 95),
4 Acts of the 45th Legislature, Regular Session, 1937 (Article 6541b,
5 Vernon's Texas Civil Statutes); and Section 1, Chapter 256 (H.B.
6 12), Acts of the 40th Legislature, Regular Session, 1927 (Article
7 6550a1, Vernon's Texas Civil Statutes), by adding Subtitle Z to
8 read as follows:

9 SUBTITLE Z. MISCELLANEOUS PROVISIONS

10 CHAPTER 191. STRUCTURES AND MATERIALS NEAR RAILROAD OR RAILWAY

11 Sec. 191.001. HEIGHT OF STRUCTURES OVER TRACKS. (a) In
12 this section, "structure" includes a bridge, viaduct, overheadway,
13 footbridge, or wire.

14 (b) The bottom of the lowest sill, girder, or crossbeam or
15 the lowest downward projection of a structure built by the state, a
16 county or municipality, or a railroad company or other corporation,
17 firm, partnership, or individual over the tracks of a railway or
18 railroad shall be placed at least 22 feet above the top of the rails
19 of the tracks.

20 (c) A roof projection built from a loading platform along a
21 railroad main track, siding track, spur, or switch shall be at least
22 22 feet above the rails of the track.

23 Sec. 191.002. DISTANCE OF STRUCTURES AND MATERIALS FROM
24 TRACKS. (a) A loading platform, house, fence, or other structure
25 built, and lumber, wood, or other material placed, along a railroad
26 in this state, either on or near the right-of-way of a main line or
27 on or near a spur, switch, or siding of the railroad, shall be built

1 or placed so that the nearest edge of the platform, the wall of the
2 building, or the material is at least 8-1/2 feet from the center of
3 the main line, spur, switch, or siding.

4 (b) The edge of a roof projection from a loading platform
5 along a railroad main track, siding track, spur, or switch shall be
6 at least 8-1/2 feet horizontally from the center of the track.

7 Sec. 191.003. EXCEPTION. Sections 191.001 and 191.002 do
8 not apply to:

9 (1) a structure that had been built or was in the
10 course of construction on June 18, 1925, or for the building of
11 which material had been purchased on that date as provided by a
12 prior contract or plan; or

13 (2) material that had been placed on June 18, 1925, or
14 purchased for placing on that date as provided by a prior contract
15 or plan.

16 Sec. 191.004. RULES. The department shall adopt rules in
17 accordance with this chapter.

18 Sec. 191.005. WAIVER OF PROVISION. (a) On filing of an
19 application and after notice to the attorney general, the
20 department, for good cause shown, may by order permit a railroad
21 company or other corporation, firm, partnership, or individual or a
22 county or municipality to deviate from a provision of this chapter
23 in accordance with the order.

24 (b) An action in accordance with an order issued under this
25 section is not considered to violate this chapter.

26 Sec. 191.006. CIVIL PENALTY. (a) The attorney general
27 shall immediately bring an action against a railroad company or

1 other corporation, firm, partnership, or individual who violates
2 this chapter to collect a civil penalty in an amount of not less
3 than \$100 or more than \$1,000 for each violation. Each day that a
4 violation continues is a separate violation.

5 (b) The attorney general may bring a single action for
6 multiple violations by the same corporation, firm, partnership, or
7 individual.

8 CHAPTER 192. ENGINEER'S OPERATOR PERMIT AND TRAIN OPERATOR PERMIT

9 Sec. 192.001. ISSUANCE OF PERMIT. (a) A railroad company
10 shall issue an engineer's operator permit to each person whom the
11 company employs to operate or permits to operate a railroad
12 locomotive in this state.

13 (b) A railroad company shall issue a train operator permit
14 to each person:

15 (1) whom the company employs to operate or permits to
16 operate a train in this state; and

17 (2) who has not been issued an engineer's operator
18 permit.

19 Sec. 192.002. PERMIT REQUIRED. (a) A person operating a
20 railroad locomotive in this state shall have in the person's
21 immediate possession an engineer's operator permit issued under
22 this chapter.

23 (b) A person operating a train in this state, other than a
24 person issued a permit under Section 192.001(a), shall have in the
25 person's immediate possession a train operator permit issued under
26 this chapter.

27 Sec. 192.003. FORM OF PERMIT. A permit issued under this

1 chapter must include the permit holder's name, address, physical
2 description, photograph, and date of birth.

3 Sec. 192.004. PROOF OF IDENTIFICATION. If a peace officer
4 requires a person to show proof of identification in connection
5 with the person's operation of a railroad locomotive or train, the
6 person:

7 (1) shall display the person's permit issued under
8 this chapter; and

9 (2) may not be required to display a driver's license
10 issued under Chapter 521 or commercial driver's license issued
11 under Chapter 522.

12 Sec. 192.005. RECORD OF ACCIDENT OR VIOLATION. If a person
13 operating a railroad locomotive or train is involved in an accident
14 with another train or a motor vehicle or is arrested for violation
15 of a law relating to the person's operation of a railroad locomotive
16 or train:

17 (1) the number of or other identifying information on
18 the person's driver's license or commercial driver's license may not
19 be included in any report of the accident or violation; and

20 (2) the person's involvement in the accident or
21 violation may not be recorded in the person's individual driving
22 record maintained by the Department of Public Safety.

23 CHAPTER 193. HAZARDOUS MATERIALS

24 Sec. 193.001. HAZARDOUS MATERIALS; PACKING AND
25 TRANSPORTATION. (a) Except as provided by Subsection (b), the
26 department by rule may adopt any requirement that:

27 (1) relates to the safe packing or transportation of

1 hazardous materials; and

2 (2) is consistent with Chapter 51, Title 49, United
3 States Code, or regulations adopted under that law.

4 (b) The department may not adopt a requirement for the
5 transportation of hazardous materials by vessel or by aircraft.

6 (c) The department may adopt any administrative rules
7 necessary to implement this section.

8 Sec. 193.002. HAZARDOUS MATERIALS; REPORTS. (a) In this
9 section, "hazardous material" means any substance the
10 transportation of which by railroad is included within the coverage
11 of rail car placarding requirements of regulations adopted by the
12 United States Department of Transportation and published in Title
13 49, Code of Federal Regulations.

14 (b) A railroad company that transports hazardous materials
15 in or through this state shall file with the department a copy of
16 each hazardous materials incident report that the company files
17 with the United States Department of Transportation under 49 C.F.R.
18 Section 171.16. The copy must be filed not later than the 15th day
19 after the date the incident that forms the basis of the report is
20 discovered.

21 (c) Not later than April 1 of each year, a railroad company
22 that transports hazardous materials in or through the state shall
23 provide to the department:

24 (1) a map depicting the location of each railroad main
25 line and branch line that the company owns, leases, or operates in
26 the state;

27 (2) a map delineating the geographical limits of the

1 company operating divisions or districts and identifying the
2 principal operating officer for the company in each operating
3 division or district;

4 (3) a primary and secondary telephone number for the
5 company dispatcher responsible for train operations in each
6 operating division or district;

7 (4) a list of each type of hazardous material by hazard
8 class and the quantity of the material transported over each
9 railroad line owned, leased, or operated by the company during the
10 preceding year; and

11 (5) the name and address of the company employee in
12 charge of training persons to handle an incident related to
13 hazardous materials.

14 (d) For the purposes of Subsection (c)(4), "hazard class"
15 means any one of the following, as defined by 49 C.F.R. Part 173,
16 or, with respect to hazardous waste, listed as a substance subject
17 to 40 C.F.R. Part 262:

18 (1) radioactive material;

19 (2) explosives, Class A;

20 (3) explosives, Class B;

21 (4) poison A;

22 (5) poison B;

23 (6) flammable gas;

24 (7) nonflammable gas;

25 (8) flammable liquid;

26 (9) oxidizer;

27 (10) flammable solid;

- 1 (11) corrosive material;
- 2 (12) combustible liquid;
- 3 (13) etiologic agent;
- 4 (14) other regulated material (ORM); or
- 5 (15) hazardous waste.

6 (e) If a substance fits the definition of more than one
7 hazard class, the substance must be classified in accordance with
8 the sequence stated in 49 C.F.R. Section 173.2a.

9 (f) The department shall compile information submitted to
10 the department under this section for distribution to local
11 emergency management agencies located in jurisdictions containing
12 reported railroad operations.

13 (g) At least once each year the Texas Division of Emergency
14 Management shall distribute the information compiled by the
15 department to the appropriate officials for inclusion in local
16 emergency management plans established under Subchapter E, Chapter
17 418, Government Code.

18 CHAPTER 194. PROVISION OF UTILITIES BY CERTAIN RAILWAY

19 CORPORATIONS

20 Sec. 194.001. EXTENSION OF UTILITY LINES. (a) This
21 section applies only to a corporation organized under the laws of
22 this state that is authorized to:

23 (1) construct, acquire, and operate electric or other
24 lines of railway in and between municipalities in this state; and

25 (2) acquire, hold, and operate other public utilities
26 in and adjacent to the municipalities in or through which the
27 corporation operates.

1 (b) A corporation described by Subsection (a) may extend its
2 electric light, power, or gas lines to supply light, power, or gas,
3 as appropriate, to the public residing beyond the territory
4 adjacent to the municipalities in or through which the corporation
5 operates.

6 (c) For the purpose of extending a line described by
7 Subsection (b), the corporation has the same rights and powers of
8 extension held by a public service corporation engaged in the
9 supply and sale of electric light, power, or gas as provided by law.

10 (d) The authority granted under this section does not
11 expressly or impliedly repeal any antitrust law of this state.

12 Sec. 194.002. DISTRIBUTION OF GAS OR ELECTRICITY FOLLOWING
13 ABANDONMENT OF STREET RAILWAY. (a) This section applies only to a
14 private corporation that on April 26, 1937, was authorized by its
15 charter and the statutes of this state to operate street and
16 interurban railways and had the power to distribute and sell gas or
17 electricity to the public.

18 (b) During the unexpired period of its corporate charter, a
19 corporation that abandons or discontinues or has abandoned or
20 discontinued the operation of its railways or motor buses
21 substituted for the railways may continue to distribute and sell
22 electricity or gas as authorized by its corporate charter and
23 statutes in the same manner as if the abandonment or
24 discontinuation had not occurred.

25 [Chapters 195-198 reserved for expansion]

26 CHAPTER 199. MISCELLANEOUS PROVISIONS

27 Sec. 199.001. AERIAL OR OTHER TRAMWAY TO MINE. (a) This

1 section applies only to a person, firm, corporation, limited
2 partnership, joint stock association, or other association that
3 owns, constructs, operates, or manages an aerial or other tramway
4 in this state between a mine, smelter, or railway.

5 (b) An entity described by Subsection (a) may hold and
6 acquire by purchase or condemnation right-of-way. In the exercise
7 of this right, the entity:

8 (1) is considered to be a common carrier;

9 (2) is subject to the jurisdiction and control of the
10 department; and

11 (3) may exercise the power of eminent domain under
12 which the entity may enter and condemn land, right-of-way,
13 easements, or property of any person or corporation necessary for
14 the construction, maintenance, or operation of the entity's aerial
15 or other tramway.

16 (c) The power of eminent domain under Subsection (b) is
17 exercised in the manner provided by law for the condemnation of land
18 and acquisition of right-of-way by a railroad company.

19 SECTION 24.102. The following provisions are repealed:

20 (1) Chapter 232 (S.B. 839), Acts of the 67th
21 Legislature, Regular Session, 1981 (Article 6419a, Vernon's Texas
22 Civil Statutes);

23 (2) Chapter 350 (S.B. 1101), Acts of the 71st
24 Legislature, Regular Session, 1989 (Article 6419c, Vernon's Texas
25 Civil Statutes);

26 (3) Chapter 214 (S.B. 1102), Acts of the 71st
27 Legislature, Regular Session, 1989 (Article 6492a, Vernon's Texas

1 Civil Statutes);

2 (4) Section 1, Chapter 101 (S.B. 169), Acts of the 40th
3 Legislature, Regular Session, 1927 (Article 6541a, Vernon's Texas
4 Civil Statutes);

5 (5) Section 1, Chapter 209 (H.B. 95), Acts of the 45th
6 Legislature, Regular Session, 1937 (Article 6541b, Vernon's Texas
7 Civil Statutes);

8 (6) Chapter 337 (S.B. 193), Acts of the 45th
9 Legislature, Regular Session, 1937 (Article 6548a, Vernon's Texas
10 Civil Statutes);

11 (7) Section 1, Chapter 256 (H.B. 12), Acts of the 40th
12 Legislature, Regular Session, 1927 (Article 6550a1, Vernon's Texas
13 Civil Statutes); and

14 (8) Chapter 11 (S.B. 56), General Laws, Acts of the
15 39th Legislature, Regular Session, 1925 (Articles 6559a, 6559b,
16 6559c, 6559d, 6559e, and 6559f, Vernon's Texas Civil Statutes).

17 ARTICLE 25. CHANGES RELATING TO UTILITIES CODE

18 SECTION 25.001. Section 15.024(c), Utilities Code, as
19 amended by Chapters 1212 (S.B. 560) and 1579 (S.B. 86), Acts of the
20 76th Legislature, Regular Session, 1999, is reenacted to read as
21 follows:

22 (c) A penalty may not be assessed under this section if the
23 person against whom the penalty may be assessed remedies the
24 violation before the 31st day after the date the person receives the
25 notice under Subsection (b). A person who claims to have remedied
26 an alleged violation has the burden of proving to the commission
27 that the alleged violation was remedied and was accidental or

1 inadvertent. This subsection does not apply to a violation of
2 Chapter 17, 55, or 64.

3 SECTION 25.002. Section 121.201(d), Utilities Code, is
4 amended to correct a reference to read as follows:

5 (d) In this subsection, "telecommunications service" and
6 "information service" have the meanings assigned by 47 U.S.C.
7 Section 153. Notwithstanding Subsection (a), this title does not
8 grant the railroad commission jurisdiction or right-of-way
9 management authority over a provider of telecommunications service
10 or information service. A provider of telecommunications service
11 or information service shall comply with all applicable safety
12 standards, including those provided by Subchapter H [~~G~~], Chapter
13 756, Health and Safety Code.

14 ARTICLE 26. CHANGES RELATING TO WATER CODE

15 SECTION 26.001. Section 11.128, Water Code, is amended to
16 correct a reference to read as follows:

17 Sec. 11.128. PAYMENT OF FEE. If the applicant is not
18 exempted from payment of the filing fee under Section 12.112 of this
19 code, he shall pay the filing fee prescribed by Section 5.701(c)
20 [~~12.111(b) of this code~~] at the time he files the application. The
21 commission shall not record, file, or consider the application
22 until the executive director certifies to the commission that the
23 fee is paid.

24 SECTION 26.002. Section 11.143(h), Water Code, is amended
25 to correct a reference to read as follows:

26 (h) The applicant shall pay the filing fee prescribed by
27 Section 5.701(c) [~~12.111(b) of this code~~] at the time he files the

1 application.

2 SECTION 26.003. Section 26.129, Water Code, is amended to
3 correct a reference to read as follows:

4 Sec. 26.129. DUTY OF PARKS AND WILDLIFE DEPARTMENT. The
5 Parks and Wildlife Department and its authorized employees shall
6 enforce the provisions of this chapter to the extent that any
7 violation affects aquatic life and wildlife as provided in Section
8 7.109 [~~26.124(b) of this code~~].

9 SECTION 26.004. Section 26.264(a), Water Code, is amended
10 to conform to the repeal of Section 40.053, Natural Resources Code,
11 by Chapter 146 (S.B. 619), Acts of the 78th Legislature, Regular
12 Session, 2003, to read as follows:

13 (a) Except as provided in Chapter 40, Natural Resources
14 Code, the commission shall be the state's lead agency in spill
15 response, shall conduct spill response for the state, and shall
16 otherwise administer this subchapter. The commission shall conduct
17 spill response and cleanup for spills and discharges of hazardous
18 substances other than oil in or threatening coastal waters
19 [~~according to the applicable provisions of the state coastal~~
20 ~~discharge contingency plan promulgated by the commission under~~
21 ~~Section 40.053, Natural Resources Code~~]. The commission shall
22 cooperate with other agencies, departments, and subdivisions of
23 this state and of the United States in implementing this
24 subchapter. In the event of a discharge or spill and after
25 reasonable effort to obtain entry rights from each property owner
26 involved, if any, the executive director may enter affected
27 property to carry out necessary spill response actions.

1 SECTION 26.005. Section 26.264(k), Water Code, is amended
2 to correct a reference to read as follows:

3 (k) In the event that a discharge or spill presents or
4 threatens to present an occurrence of disaster proportions, the
5 governor shall utilize the authority granted him under Chapter 418,
6 Government Code, [~~the Texas Disaster Act of 1975 (Article 6889-7,~~
7 ~~Vernon's Texas Civil Statutes)~~] to make available and bring to bear
8 all resources of the state to prevent or lessen the impact of such a
9 disaster.

10 SECTION 26.006. Section 49.103(g), Water Code, is amended
11 to correct a reference to read as follows:

12 (g) A district may, if required under this section to change
13 the terms of office of directors to four-year terms or to change the
14 date on which the district holds a director election, extend the
15 terms of office of directors serving the district on the effective
16 date of Chapter 1070 (S.B. 1865) [~~H.B. No. 2236~~], Acts of the 75th
17 Legislature, Regular Session, 1997, to continue the terms until the
18 next appropriate election date in an even-numbered year. A
19 district that is required under this section to change the terms of
20 office of directors to staggered terms may require directors of the
21 district to draw lots to achieve staggered terms.

22 SECTION 26.007. Section 60.4035(a), Water Code, as amended
23 by Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st
24 Legislature, Regular Session, 2009, is reenacted to read as
25 follows:

26 (a) Notwithstanding the competitive bidding requirements
27 and proposal procedures of this subchapter and Subchapter O and the

1 requirements of Sections 60.408(a), (b), (c), (d), and (e), the
2 executive director of a district or an officer of a district
3 authorized in writing by the port commission may make emergency
4 purchases or contracts or emergency amendments to existing purchase
5 orders or contracts in an amount that exceeds the amount authorized
6 under Section 60.403(a) for routine purchases or contracts if
7 necessary:

8 (1) to preserve or protect the public health and
9 safety of the residents of the district;

10 (2) to preserve the property of the district in the
11 case of a public calamity;

12 (3) to repair unforeseen damage to the property of the
13 district; or

14 (4) to respond to security directives issued by:

15 (A) the federal Department of Homeland Security,
16 including the Transportation Security Administration;

17 (B) the United States Coast Guard;

18 (C) the federal Department of Transportation,
19 including the Maritime Administration; or

20 (D) another federal or state agency responsible
21 for domestic security.

22 SECTION 26.008. Section 60.404(a), Water Code, as amended
23 by Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st
24 Legislature, Regular Session, 2009, is reenacted to read as
25 follows:

26 (a) If the materials, supplies, machinery, equipment, or
27 other items to be purchased or contracted for are valued at an

1 amount greater than the amount authorized under Section 60.403(a)
2 for routine purchases or contracts, notice shall be published as
3 provided by this section.

4 SECTION 26.009. Section 60.406(a), Water Code, as amended
5 by Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st
6 Legislature, Regular Session, 2009, is reenacted to read as
7 follows:

8 (a) Except as otherwise provided by Section 60.4035 or
9 60.412, before a district or port authority may purchase one or more
10 items under a contract that will require an expenditure of more than
11 the amount authorized under Section 60.403(a) for routine purchases
12 or contracts, the port commission of that district or port
13 authority must comply with the competitive bidding requirements or
14 proposal procedures provided by this subchapter or Subchapter O.
15 All bids must be sealed.

16 SECTION 26.010. Section 60.414, Water Code, is amended to
17 correct a reference to read as follows:

18 Sec. 60.414. APPLICATION OF OTHER LAW. If a district or
19 port authority is subject to the requirements of Subchapter B,
20 Chapter 271, Local Government Code [~~Chapter 770, Acts of the 66th~~
21 ~~Legislature, Regular Session, 1979 (Article 2368a.3, Vernon's~~
22 ~~Texas Civil Statutes)], those requirements are in addition to the
23 requirements of this subchapter.~~

24 ARTICLE 27. REDESIGNATIONS

25 SECTION 27.001. The following provisions of enacted codes
26 are redesignated to eliminate duplicate citations or to relocate
27 misplaced provisions:

1 (1) Subsection (a-1), Section 125.045, Civil Practice
2 and Remedies Code, as added by Chapters 258 (S.B. 11), 849 (H.B.
3 1121), and 990 (S.B. 1288), Acts of the 80th Legislature, Regular
4 Session, 2007, is redesignated as Subsection (a-2), Section
5 125.045, Civil Practice and Remedies Code.

6 (2) Section 9, Article 42.01, Code of Criminal
7 Procedure, as added by Chapter 1400 (H.B. 221), Acts of the 81st
8 Legislature, Regular Session, 2009, is redesignated as Section 10,
9 Article 42.01, Code of Criminal Procedure.

10 (3) Section 13E, Article 42.12, Code of Criminal
11 Procedure, as added by Chapter 755 (S.B. 689), Acts of the 81st
12 Legislature, Regular Session, 2009, is redesignated as Section 13G,
13 Article 42.12, Code of Criminal Procedure.

14 (4) Subdivision (11), Article 62.001, Code of Criminal
15 Procedure, as added by Chapter 755 (S.B. 689), Acts of the 81st
16 Legislature, Regular Session, 2009, is redesignated as Subdivision
17 (12), Article 62.001, Code of Criminal Procedure.

18 (5) Subsection (d), Section 28.002, Education Code, as
19 added by Chapter 895 (H.B. 3), Acts of the 81st Legislature, Regular
20 Session, 2009, is redesignated as Subsection (c-2), Section 28.002,
21 Education Code.

22 (6) Section 39.205, Education Code, as added by
23 Chapter 393 (H.B. 1705), Acts of the 81st Legislature, Regular
24 Session, 2009, is transferred to Subchapter D, Chapter 39,
25 Education Code, and redesignated as Section 39.086, Education Code.

26 (7) Section 51.969, Education Code, as added by
27 Chapter 889 (H.B. 2426), Acts of the 80th Legislature, Regular

1 Session, 2007, is redesignated as Section 51.976, Education Code.

2 (8) Subchapter O, Chapter 61, Education Code, as added
3 by Chapter 609 (S.B. 487), Acts of the 73rd Legislature, Regular
4 Session, 1993, is redesignated as Subchapter P, Chapter 61,
5 Education Code.

6 (9) Subchapter P, Chapter 61, Education Code, as added
7 by Chapter 682 (H.B. 1261), Acts of the 73rd Legislature, Regular
8 Session, 1993, and redesignated and amended by Chapter 260 (S.B.
9 1), Acts of the 74th Legislature, Regular Session, 1995, is
10 redesignated as Subchapter Q, Chapter 61, Education Code.

11 (10) Subchapter Q, Chapter 61, Education Code, as
12 added by Chapter 265 (H.B. 2978), Acts of the 80th Legislature,
13 Regular Session, 2007, is redesignated as Subchapter P-1, Chapter
14 61, Education Code.

15 (11) Section 15.4024, Finance Code, as added by
16 Chapter 695 (H.B. 2735), Acts of the 81st Legislature, Regular
17 Session, 2009, is redesignated as Section 15.4025, Finance Code.

18 (12) Subdivision (1-a), Section 348.001, Finance
19 Code, as added by Chapter 149 (S.B. 1966), Acts of the 81st
20 Legislature, Regular Session, 2009, is redesignated as Subdivision
21 (1-b), Section 348.001, Finance Code.

22 (13) Subsection (c), Section 348.501, Finance Code, as
23 added by Chapter 676 (H.B. 2438), Acts of the 81st Legislature,
24 Regular Session, 2009, is redesignated as Subsection (d), Section
25 348.501, Finance Code.

26 (14) Subsection (m), Section 403.302, Government
27 Code, as added by Chapter 288 (H.B. 8), Acts of the 81st

1 Legislature, Regular Session, 2009, is redesignated as Subsection
2 (m-1), Section 403.302, Government Code.

3 (15) Section 411.052, Government Code, as added by
4 Chapter 1179 (H.B. 3594), Acts of the 81st Legislature, Regular
5 Session, 2009, is redesignated as Section 411.053, Government Code.

6 (16) Section 418.050, Government Code, as added by
7 Chapter 1146 (H.B. 2730), Acts of the 81st Legislature, Regular
8 Session, 2009, is redesignated as Section 418.0501, Government
9 Code.

10 (17) Section 419.908, Government Code, as added by
11 Chapter 994 (H.B. 3866), Acts of the 81st Legislature, Regular
12 Session, 2009, is redesignated as Section 419.909, Government Code.

13 (18) Section 501.091, Government Code, as added by
14 Chapter 1389 (S.B. 1847), Acts of the 81st Legislature, Regular
15 Session, 2009, is redesignated as Section 501.101, Government Code.

16 (19) Section 501.091, Government Code, as added by
17 Chapter 180 (H.B. 1736), Acts of the 81st Legislature, Regular
18 Session, 2009, is redesignated as Section 501.102, Government Code.

19 (20) Section 552.151, Government Code, as added by
20 Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular
21 Session, 2009, is redesignated as Section 552.152, Government Code.

22 (21) Section 811.010, Government Code, as added by
23 Chapter 232 (S.B. 1589), Acts of the 81st Legislature, Regular
24 Session, 2009, is redesignated as Section 811.012, Government Code.

25 (22) Section 2305.201, Government Code, is
26 transferred to Subchapter B, Chapter 403, Government Code, and
27 redesignated as Section 403.028, Government Code.

1 (23) Section 2306.6736, Government Code, as added by
2 Chapter 1423 (S.B. 1717), Acts of the 81st Legislature, Regular
3 Session, 2009, is redesignated as Section 2306.6738, Government
4 Code.

5 (24) Section 33.017, Health and Safety Code, as added
6 by Chapter 179 (H.B. 1672), Acts of the 81st Legislature, Regular
7 Session, 2009, is redesignated as Section 33.018, Health and Safety
8 Code.

9 (25) Chapter 115, Health and Safety Code, as added by
10 Chapter 733 (S.B. 395), Acts of the 81st Legislature, Regular
11 Session, 2009, is redesignated as Chapter 116, Health and Safety
12 Code, and Sections 115.001, 115.002, 115.003, 115.004, 115.005,
13 115.006, 115.007, 115.008, 115.009, 115.010, 115.011, and 115.012,
14 Health and Safety Code, as added by that Act, are redesignated as
15 Sections 116.001, 116.002, 116.003, 116.004, 116.005, 116.006,
16 116.007, 116.008, 116.009, 116.010, 116.011, and 116.012, Health
17 and Safety Code, respectively.

18 (26) Subchapter J, Chapter 242, Health and Safety
19 Code, is redesignated as Subchapter H-2, Chapter 242, Health and
20 Safety Code.

21 (27) Subsection (a-1), Section 250.003, Health and
22 Safety Code, as added by Chapter 436 (H.B. 2191), Acts of the 81st
23 Legislature, Regular Session, 2009, is redesignated as Subsection
24 (a-2), Section 250.003, Health and Safety Code.

25 (28) Chapter 254, Health and Safety Code, as added by
26 Chapter 1106 (H.B. 216), Acts of the 81st Legislature, Regular
27 Session, 2009, is redesignated as Chapter 260, Health and Safety

1 Code, and Sections 254.001, 254.002, 254.003, 254.004, 254.005,
2 254.006, 254.007, 254.008, 254.009, 254.010, and 254.011, Health
3 and Safety Code, as added by that Act, are redesignated as Sections
4 260.001, 260.002, 260.003, 260.004, 260.005, 260.006, 260.007,
5 260.008, 260.009, 260.010, and 260.011, Health and Safety Code,
6 respectively.

7 (29) Sections 382.501 and 382.502, Health and Safety
8 Code, as added as part of Subchapter J, Chapter 382, Health and
9 Safety Code, by Section 29, Chapter 1125 (H.B. 1796), Acts of the
10 81st Legislature, Regular Session, 2009, are redesignated as
11 Sections 382.451 and 382.452, Health and Safety Code, respectively.

12 (30) Chapter 391, Health and Safety Code, as added by
13 Chapter 1232 (S.B. 1759), Acts of the 81st Legislature, Regular
14 Session, 2009, is redesignated as Chapter 392, Health and Safety
15 Code, and Sections 391.001, 391.002, 391.003, 391.004, 391.005,
16 391.006, 391.007, and 391.008, Health and Safety Code, as added by
17 that Act, are redesignated as Sections 392.001, 392.002, 392.003,
18 392.004, 392.005, 392.006, 392.007, and 392.008, Health and Safety
19 Code, respectively.

20 (31) Subchapter I, Chapter 775, Health and Safety
21 Code, as added by Chapter 537 (S.B. 1485), Acts of the 81st
22 Legislature, Regular Session, 2009, is redesignated as Subchapter
23 J, Chapter 775, Health and Safety Code.

24 (32) Section 32.0424, Human Resources Code, as added
25 by Chapter 832 (S.B. 1804), Acts of the 81st Legislature, Regular
26 Session, 2009, is redesignated as Section 32.0425, Human Resources
27 Code.

1 (33) Section 32.060, Human Resources Code, as added by
2 Chapter 204 (H.B. 4), Acts of the 78th Legislature, Regular
3 Session, 2003, is redesignated as Section 32.062, Human Resources
4 Code.

5 (34) Subdivision (20), Section 42.002, Human
6 Resources Code, as added by Chapter 46 (S.B. 95), Acts of the 81st
7 Legislature, Regular Session, 2009, is redesignated as Subdivision
8 (22), Section 42.002, Human Resources Code.

9 (35) Section 161.076, Human Resources Code, as added
10 by Chapter 269 (S.B. 37), Acts of the 81st Legislature, Regular
11 Session, 2009, is redesignated as Section 161.078, Human Resources
12 Code.

13 (36) Section 161.076, Human Resources Code, as added
14 by Chapter 726 (S.B. 271), Acts of the 81st Legislature, Regular
15 Session, 2009, is redesignated as Section 161.079, Human Resources
16 Code.

17 (37) Section 161.077, Human Resources Code, as added
18 by Chapter 904 (H.B. 748), Acts of the 81st Legislature, Regular
19 Session, 2009, is redesignated as Section 161.080, Human Resources
20 Code.

21 (38) Section 161.077, Human Resources Code, as added
22 by Chapter 759 (S.B. 705), Acts of the 81st Legislature, Regular
23 Session, 2009, is redesignated as Section 161.081, Human Resources
24 Code.

25 (39) Subchapter F, Chapter 161, Human Resources Code,
26 as added by Chapter 95 (H.B. 703), Acts of the 81st Legislature,
27 Regular Session, 2009, is redesignated as Subchapter I, Chapter

1 161, Human Resources Code, and Sections 161.151, 161.152, and
2 161.153, Human Resources Code, as added by that Act, are
3 redesignated as Sections 161.351, 161.352, and 161.353, Human
4 Resources Code, respectively.

5 (40) Section 561.106, Insurance Code, is redesignated
6 as Section 562.106, Insurance Code.

7 (41) Subchapter D, Chapter 4004, Insurance Code, as
8 added by Chapter 326 (H.B. 739), Acts of the 81st Legislature,
9 Regular Session, 2009, is redesignated as Subchapter F, Chapter
10 4004, Insurance Code, and Sections 4004.151, 4004.152, 4004.153,
11 4004.154, and 4004.155, Insurance Code, as added by that Act, are
12 redesignated as Sections 4004.251, 4004.252, 4004.253, 4004.254,
13 and 4004.255, Insurance Code, respectively.

14 (42) Section 302.016, Labor Code, as added by Chapter
15 460 (H.B. 2580), Acts of the 81st Legislature, Regular Session,
16 2009, is redesignated as Section 302.017, Labor Code.

17 (43) Subsection (n), Section 232.029, Local
18 Government Code, as added by Chapter 546 (S.B. 1676), Acts of the
19 81st Legislature, Regular Session, 2009, is redesignated as
20 Subsection (p), Section 232.029, Local Government Code.

21 (44) Chapter 120, Natural Resources Code, as added by
22 Chapter 224 (S.B. 1387), Acts of the 81st Legislature, Regular
23 Session, 2009, is redesignated as Chapter 121, Natural Resources
24 Code, and Sections 120.001, 120.002, 120.003, and 120.004, Natural
25 Resources Code, as added by that Act, are redesignated as Sections
26 121.001, 121.002, 121.003, and 121.004, Natural Resources Code,
27 respectively.

1 (45) Chapter 167, Occupations Code, as added by
2 Chapter 775 (S.B. 911), Acts of the 81st Legislature, Regular
3 Session, 2009, is redesignated as Chapter 168, Occupations Code,
4 and Sections 167.001, 167.002, 167.051, 167.052, 167.053, 167.101,
5 167.102, 167.151, 167.152, 167.201, and 167.202, Occupations Code,
6 as added by that Act, are redesignated as Sections 168.001,
7 168.002, 168.051, 168.052, 168.053, 168.101, 168.102, 168.151,
8 168.152, 168.201, and 168.202, Occupations Code, respectively.

9 (46) Subsections (e) and (f), Section 1301.551,
10 Occupations Code, as added by Chapter 804 (S.B. 1410), Acts of the
11 81st Legislature, Regular Session, 2009, are redesignated as
12 Subsections (i) and (j), Section 1301.551, Occupations Code,
13 respectively.

14 (47) Section 1701.258, Occupations Code, as added by
15 Chapter 794 (S.B. 1237), Acts of the 81st Legislature, Regular
16 Session, 2009, is redesignated as Section 1701.259, Occupations
17 Code.

18 (48) Subsection (h), Section 1701.402, Occupations
19 Code, as added by Chapter 1002 (H.B. 4009), Acts of the 81st
20 Legislature, Regular Session, 2009, is redesignated as Subsection
21 (j), Section 1701.402, Occupations Code.

22 (49) Section 2308.257, Occupations Code, as added by
23 Chapter 757 (S.B. 702), Acts of the 81st Legislature, Regular
24 Session, 2009, is redesignated as Section 2308.2555, Occupations
25 Code.

26 (50) Subsection (c), Section 2308.451, Occupations
27 Code, as added by Chapter 1310 (H.B. 2571), Acts of the 81st

1 Legislature, Regular Session, 2009, is redesignated as Subsection
2 (c-1), Section 2308.451, Occupations Code.

3 (51) Subsection (c), Section 2308.454, Occupations
4 Code, as added by Chapter 1310 (H.B. 2571), Acts of the 81st
5 Legislature, Regular Session, 2009, is redesignated as Subsection
6 (e), Section 2308.454, Occupations Code.

7 (52) Section 113.029, Property Code, as added by
8 Chapter 754 (S.B. 666), Acts of the 81st Legislature, Regular
9 Session, 2009, is redesignated as Section 113.030, Property Code.

10 (53) Chapter 1072, Special District Local Laws Code,
11 as added by Chapter 1139 (H.B. 2619), Acts of the 81st Legislature,
12 Regular Session, 2009, is redesignated as Chapter 1118, Special
13 District Local Laws Code, and Sections 1072.001, 1072.002,
14 1072.003, 1072.004, 1072.005, 1072.006, 1072.051, 1072.052,
15 1072.053, 1072.054, 1072.055, 1072.056, 1072.057, 1072.058,
16 1072.059, 1072.060, 1072.061, 1072.062, 1072.063, 1072.064,
17 1072.101, 1072.102, 1072.103, 1072.104, 1072.105, 1072.106,
18 1072.107, 1072.108, 1072.109, 1072.110, 1072.111, 1072.112,
19 1072.113, 1072.114, 1072.115, 1072.116, 1072.151, 1072.152,
20 1072.153, 1072.154, 1072.155, 1072.156, 1072.201, 1072.202,
21 1072.203, 1072.204, 1072.205, 1072.206, 1072.207, 1072.208,
22 1072.251, 1072.252, and 1072.253, Special District Local Laws Code,
23 as added by that Act, are redesignated as Sections 1118.001,
24 1118.002, 1118.003, 1118.004, 1118.005, 1118.006, 1118.051,
25 1118.052, 1118.053, 1118.054, 1118.055, 1118.056, 1118.057,
26 1118.058, 1118.059, 1118.060, 1118.061, 1118.062, 1118.063,
27 1118.064, 1118.101, 1118.102, 1118.103, 1118.104, 1118.105,

1 1118.106, 1118.107, 1118.108, 1118.109, 1118.110, 1118.111,
2 1118.112, 1118.113, 1118.114, 1118.115, 1118.116, 1118.151,
3 1118.152, 1118.153, 1118.154, 1118.155, 1118.156, 1118.201,
4 1118.202, 1118.203, 1118.204, 1118.205, 1118.206, 1118.207,
5 1118.208, 1118.251, 1118.252, and 1118.253, Special District Local
6 Laws Code, respectively.

7 (54) Section 8828.053, Special District Local Laws
8 Code, as added by Section 1.04, Chapter 1139 (H.B. 2619), Acts of
9 the 81st Legislature, Regular Session, 2009, is redesignated as
10 Section 8288.053, Special District Local Laws Code.

11 (55) Subsection (p), Section 11.18, Tax Code, as added
12 by Chapter 1246 (S.B. 2442), Acts of the 81st Legislature, Regular
13 Session, 2009, is redesignated as Subsection (q), Section 11.18,
14 Tax Code.

15 (56) Subsection (c), Section 23.01, Tax Code, as added
16 by Chapter 1405 (H.B. 3613), Acts of the 81st Legislature, Regular
17 Session, 2009, is redesignated as Subsection (d), Section 23.01,
18 Tax Code.

19 (57) Subsection (c), Section 23.01, Tax Code, as added
20 by Chapter 1211 (S.B. 771), Acts of the 81st Legislature, Regular
21 Session, 2009, is redesignated as Subsection (e), Section 23.01,
22 Tax Code.

23 (58) Section 171.1016, Tax Code, is transferred to
24 Subchapter C, Chapter 171, Tax Code.

25 (59) Section 225.059, Transportation Code, as added by
26 Chapter 546 (H.B. 1136), Acts of the 79th Legislature, Regular
27 Session, 2005, is redesignated as Section 225.0741, Transportation

1 Code.

2 (60) Subdivision (1-a), Section 502.001,
3 Transportation Code, as added by Chapter 1173 (H.B. 3433), Acts of
4 the 81st Legislature, Regular Session, 2009, is redesignated as
5 Subdivision (1-b), Section 502.001, Transportation Code.

6 (61) Section 504.660, Transportation Code, as added by
7 Chapter 397 (H.B. 1749), Acts of the 81st Legislature, Regular
8 Session, 2009, is redesignated as Section 504.659, Transportation
9 Code.

10 (62) Section 521.060, Transportation Code, as added by
11 Section 13.02, Chapter 1146 (H.B. 2730), Acts of the 81st
12 Legislature, Regular Session, 2009, is redesignated as Section
13 521.061, Transportation Code.

14 (63) Section 521.060, Transportation Code, as added by
15 Section 6.07, Chapter 1146 (H.B. 2730), Acts of the 81st
16 Legislature, Regular Session, 2009, is redesignated as Section
17 521.062, Transportation Code.

18 (64) Section 551.304, Transportation Code, is
19 transferred to Subchapter E, Chapter 551, Transportation Code, and
20 redesignated as Section 551.353, Transportation Code.

21 (65) Subsection (f), Section 681.003, Transportation
22 Code, as added by Chapter 531 (S.B. 1367), Acts of the 81st
23 Legislature, Regular Session, 2009, is redesignated as Subsection
24 (g), Section 681.003, Transportation Code.

25 (66) Subsection (h), Section 27.051, Water Code, as
26 added by Chapter 966 (S.B. 2), Acts of the 77th Legislature, Regular
27 Session, 2001, is redesignated as Subsection (i), Section 27.051,

1 Water Code.

2 SECTION 27.002. The following changes are made to conform
3 the provisions amended to the redesignating changes made by Section
4 27.001 of this Act:

5 (1) Subdivision (2), Subsection (f), Article 38.43,
6 Code of Criminal Procedure, is amended to read as follows:

7 (2) In a county with a population less than 100,000,
8 the attorney representing the state, clerk, or other officer in
9 possession of any evidence to which this subsection applies shall
10 ensure the preservation of the evidence by promptly delivering the
11 evidence to the Department of Public Safety for storage in
12 accordance with Section 411.053 [~~411.052~~], Government Code, and
13 department rules.

14 (2) Subdivision (14), Subsection (b), Section 7.021,
15 Education Code, is amended to read as follows:

16 (14) The agency shall cooperate with the Texas Higher
17 Education Coordinating Board in connection with the Texas
18 partnership and scholarship program under Subchapter Q [~~P~~], Chapter
19 61.

20 (3) Subdivision (39), Subsection (b), Section 7.055,
21 Education Code, is amended to read as follows:

22 (39) The commissioner shall cooperate with the Texas
23 Higher Education Coordinating Board in connection with the Texas
24 partnership and scholarship program under Subchapter Q [~~P~~], Chapter
25 61.

26 (4) Subsection (c), Section 116.005, Health and Safety
27 Code, as redesignated from Subsection (c), Section 115.005, Health

1 and Safety Code, by Section 27.001 of this Act, is amended to read
2 as follows:

3 (c) A vacancy on the council shall be filled for the
4 remainder of the unexpired term in the same manner as provided by
5 Section 116.003(a) [~~115.003(a)~~].

6 (5) Section 247.004, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 247.004. EXEMPTIONS. This chapter does not apply to:

9 (1) a boarding home facility as defined by Section
10 260.001 [~~254.001~~];

11 (2) an establishment conducted by or for the adherents
12 of the Church of Christ, Scientist, for the purpose of providing
13 facilities for the care or treatment of the sick who depend
14 exclusively on prayer or spiritual means for healing without the
15 use of any drug or material remedy if the establishment complies
16 with local safety, sanitary, and quarantine ordinances and
17 regulations;

18 (3) a facility conducted by or for the adherents of a
19 qualified religious society classified as a tax-exempt
20 organization under an Internal Revenue Service group exemption
21 ruling for the purpose of providing personal care services without
22 charge solely for the society's professed members or ministers in
23 retirement, if the facility complies with local safety, sanitation,
24 and quarantine ordinances and regulations; or

25 (4) a facility that provides personal care services
26 only to persons enrolled in a program that is funded in whole or in
27 part by the department and that is monitored by the department or

1 its designated local mental retardation authority in accordance
2 with standards set by the department.

3 (6) Section 260.003, Health and Safety Code, as
4 redesignated from Section 254.003, Health and Safety Code, by
5 Section 27.001 of this Act, is amended to read as follows:

6 Sec. 260.003 [~~254.003~~]. MODEL STANDARDS. The executive
7 commissioner shall develop and publish in the Texas Register model
8 standards for the operation of a boarding home facility relating
9 to:

10 (1) the construction or remodeling of a boarding home
11 facility, including plumbing, heating, lighting, ventilation, and
12 other housing conditions, to ensure the residents' health, safety,
13 comfort, and protection from fire hazard;

14 (2) sanitary and related conditions in a boarding home
15 facility and its surroundings, including insect and rodent control,
16 water supply, sewage disposal, food handling, and general hygiene
17 to ensure the residents' health, safety, and comfort;

18 (3) the reporting and investigation of injuries,
19 incidents, and unusual accidents and the establishment of other
20 policies and procedures necessary to ensure resident health and
21 safety;

22 (4) assistance with self-administering medication;

23 (5) requirements for in-service education of the
24 facility's staff;

25 (6) criminal history record checks; and

26 (7) assessment and periodic monitoring to ensure that
27 a resident:

1 (A) does not require the boarding home facility
2 to provide personal care, nursing, or other services not listed in
3 Section 260.001(2) [~~254.001(2)~~]; and

4 (B) is capable of self-administering medication
5 or is aware of what the resident's medications look like and knows
6 when the medications should be taken but requires assistance with
7 self-administering medication.

8 (7) Section 260.004, Health and Safety Code, as
9 redesignated from Section 254.004, Health and Safety Code, by
10 Section 27.001 of this Act, is amended to read as follows:

11 Sec. 260.004 [~~254.004~~]. LOCAL REGULATION. A county or
12 municipality may require a person to obtain a permit from the county
13 or municipality to operate a boarding home facility within the
14 county's or municipality's jurisdiction. A county or municipality
15 may adopt the standards developed by the executive commissioner
16 under Section 260.003 [~~254.003~~] and require a boarding home
17 facility that holds a permit issued by the county or municipality to
18 comply with the adopted standards.

19 (8) Section 260.005, Health and Safety Code, as
20 redesignated from Section 254.005, Health and Safety Code, by
21 Section 27.001 of this Act, is amended to read as follows:

22 Sec. 260.005 [~~254.005~~]. PERMIT PROCEDURES; FEES; FINES.
23 (a) A county or municipality that requires a person to obtain a
24 boarding home facility permit as authorized by Section 260.004
25 [~~254.004~~] may establish procedures for the submission of a boarding
26 home facility permit application and for the issuance, denial,
27 renewal, suspension, and revocation of the permit.

1 (b) A county or municipality that requires a person to
2 obtain a boarding home facility permit as authorized under Section
3 260.004 [~~254.004~~] may set reasonable fees for issuance of the
4 permit, renewal of the permit, and inspections and may impose fines
5 for noncompliance with the county or municipal boarding home
6 facility regulations. The fees collected and fines imposed by the
7 county or municipality must be used to administer the county or
8 municipal permitting program or for other purposes directly related
9 to providing boarding home facility or other assisted living
10 services to elderly persons and persons with disabilities.

11 (c) A person required to obtain a boarding home facility
12 permit from a county or municipality as authorized under Section
13 260.004 [~~254.004~~] shall pay any fees required or fines imposed by
14 the county or municipality.

15 (9) Subsection (a), Section 260.010, Health and Safety
16 Code, as redesignated from Subsection (a), Section 254.010, Health
17 and Safety Code, by Section 27.001 of this Act, is amended to read
18 as follows:

19 (a) Not later than September 30 of each year following the
20 establishment of a county or municipal permitting requirement under
21 this chapter, each county or municipality that requires a person to
22 obtain a boarding home facility permit under Section 260.004
23 [~~254.004~~] shall submit to the commission a report. The report must
24 include:

25 (1) the total number of:

26 (A) boarding home facilities permitted during
27 the preceding state fiscal year;

1 (B) boarding home facility applications denied
2 permitting, including a summary of cause for denial; and

3 (C) boarding home facility permits active on
4 August 31 of the preceding state fiscal year;

5 (2) the total number of residents reported housed in
6 each boarding home facility reported;

7 (3) the total number of inspections conducted at each
8 boarding home facility by the county or municipality that requires
9 the permit; and

10 (4) the total number of permits revoked or suspended
11 as a result of an inspection described by Subdivision (3) and a
12 summary of the outcome for the residents displaced by revocation or
13 suspension of a permit.

14 (10) Subsection (a), Section 614.021, Health and
15 Safety Code, is amended to read as follows:

16 (a) In this section, "wrongfully imprisoned person" has the
17 meaning assigned by Section 501.102 [~~501.091~~], Government Code.

18 (11) Subsection (n), Section 32.021, Human Resources
19 Code, is amended to read as follows:

20 (n) An assessment of monetary penalties under this section
21 is subject to arbitration under Subchapter H-2 [~~J~~], Chapter 242,
22 Health and Safety Code.

23 (12) Subsection (a), Section 142.006, Human Resources
24 Code, is amended to read as follows:

25 (a) A juvenile probation officer may carry a firearm in the
26 course of the officer's official duties if:

27 (1) the juvenile probation officer possesses a

1 certificate of firearms proficiency issued by the Commission on Law
2 Enforcement Officer Standards and Education under Section 1701.259
3 [~~1701.258~~], Occupations Code;

4 (2) the chief juvenile probation officer of the
5 juvenile probation department that employs the juvenile probation
6 officer authorizes the juvenile probation officer to carry a
7 firearm in the course of the officer's official duties; and

8 (3) the juvenile probation officer has been employed
9 for at least one year by the juvenile probation department
10 described by Subdivision (2).

11 (13) Section 4004.254, Insurance Code, as
12 redesignated from Section 4004.154, Insurance Code, by Section
13 27.001 of this Act, is amended to read as follows:

14 Sec. 4004.254 [~~4004.154~~]. PROGRAM CERTIFICATION
15 REQUIREMENTS. (a) Subchapter C, including the authorization to
16 contract with an independent contractor under Section 4004.104,
17 applies to programs used to satisfy the requirements of Sections
18 4004.252 [~~4004.152~~] and 4004.253 [~~4004.153~~]. For the purpose of
19 administering this subchapter, professional training courses shall
20 be considered to be continuing education courses under Subchapter
21 C.

22 (b) The commissioner by rule shall adopt criteria for the
23 programs used to satisfy the requirements of Sections 4004.252
24 [~~4004.152~~] and 4004.253 [~~4004.153~~] that are designed to ensure that
25 an agent has knowledge, understanding, and professional competence
26 concerning a Medicare-related product. The rules adopted under
27 this subsection may incorporate by reference any requirements

1 established by the Centers for Medicare and Medicaid Services or
2 any other appropriate federal agency.

3 (14) Section 168.152, Occupations Code, as
4 redesignated from Section 167.152, Occupations Code, by Section
5 27.001 of this Act, is amended to read as follows:

6 Sec. 168.152 [~~167.152~~]. REQUIREMENTS FOR RENEWAL.

7 (a) The owner or operator of a pain management clinic may apply to
8 renew a certificate issued to the clinic under this chapter by:

9 (1) submitting a renewal application to the board on
10 the form prescribed by the board before the expiration of the grace
11 period under Section 168.151 [~~167.151~~]; and

12 (2) complying with any other requirements adopted by
13 board rule.

14 (b) If a certificate is not renewed before the expiration of
15 the grace period under Section 168.151 [~~167.151~~], the pain
16 management clinic must reapply for an original certificate to
17 operate the clinic.

18 (15) Subsection (b), Section 1118.054, Special
19 District Local Laws Code, as redesignated from Subsection (b),
20 Section 1072.054, Special District Local Laws Code, by Section
21 27.001 of this Act, is amended to read as follows:

22 (b) The appointed director must have the qualifications
23 required by Section 1118.052 [~~1072.052~~].

24 (16) Subsection (b), Section 27.045, Water Code, is
25 amended to read as follows:

26 (b) Fees collected by the railroad commission under this
27 section shall be deposited to the credit of the anthropogenic

1 carbon dioxide storage trust fund established under Section 121.003
2 [~~120.003~~], Natural Resources Code.

3 SECTION 27.003. If the number, letter, or other designation
4 assigned by Section 27.001 of this Act conflicts with a designation
5 assigned by another Act of the 82nd Legislature:

6 (1) the other Act controls, and the change made by
7 Section 27.001 of this Act has no effect; and

8 (2) any change made by Section 27.002 of this Act to
9 conform to that change made by Section 27.001 of this Act has no
10 effect.

11 ARTICLE 28. EFFECTIVE DATE

12 SECTION 28.001. This Act takes effect September 1, 2011.