

By: West

S.B. No. 1093

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 82nd 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 82nd
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 83rd Legislature, Regular Session, 2013. 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 83rd Legislature, Regular Session, 2013, 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 CIVIL PRACTICE AND REMEDIES CODE

19 SECTION 2.001. The heading to Chapter 83, Civil Practice
20 and Remedies Code, is amended to read as follows:

21 CHAPTER 83. USE OF FORCE OR DEADLY FORCE [~~IN DEFENSE OF PERSON~~]

22 ARTICLE 3. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

23 SECTION 3.001. Article 2.122(a), Code of Criminal
24 Procedure, as amended by Chapters 1223 (S.B. 530) and 1319 (S.B.
25 150), Acts of the 82nd Legislature, Regular Session, 2011, is
26 reenacted and amended to read as follows:

27 (a) The following named criminal investigators of the

1 United States shall not be deemed peace officers, but shall have the
2 powers of arrest, search, and seizure under the laws of this state
3 as to felony offenses only:

4 (1) Special Agents of the Federal Bureau of
5 Investigation;

6 (2) Special Agents of the Secret Service;

7 (3) Special Agents of the United States Immigration
8 and Customs Enforcement;

9 (4) Special Agents of the Bureau of Alcohol, Tobacco,
10 Firearms and Explosives;

11 (5) Special Agents of the United States Drug
12 Enforcement Administration;

13 (6) Inspectors of the United States Postal Inspection
14 Service;

15 (7) Special Agents of the Criminal Investigation
16 Division of the Internal Revenue Service;

17 (8) Civilian Special Agents of the United States Naval
18 Criminal Investigative Service;

19 (9) Marshals and Deputy Marshals of the United States
20 Marshals Service;

21 (10) Special Agents of the United States Department of
22 State, Bureau of Diplomatic Security;

23 (11) Special Agents of the Treasury Inspector General
24 for Tax Administration; ~~and~~

25 (12) Special Agents of the Office of Inspector General
26 of the United States Social Security Administration; and

27 (13) [~~(12)~~] Special Agents of the Office of Inspector

1 General of the United States Department of Veterans Affairs.

2 SECTION 3.002. The heading to Chapter 7A, Code of Criminal
3 Procedure, is amended to read as follows:

4 CHAPTER 7A. PROTECTIVE ORDER FOR CERTAIN VICTIMS OF TRAFFICKING,
5 ~~OR~~ SEXUAL ASSAULT, OR STALKING

6 SECTION 3.003. Article 12.01, Code of Criminal Procedure,
7 as amended by Chapters 1 (S.B. 24), 122 (H.B. 3000), 222 (H.B. 253),
8 and 620 (S.B. 688), Acts of the 82nd Legislature, Regular Session,
9 2011, is reenacted and amended to read as follows:

10 Art. 12.01. FELONIES. Except as provided in Article 12.03,
11 felony indictments may be presented within these limits, and not
12 afterward:

13 (1) no limitation:

14 (A) murder and manslaughter;

15 (B) sexual assault under Section 22.011(a)(2),
16 Penal Code, or aggravated sexual assault under Section
17 22.021(a)(1)(B), Penal Code;

18 (C) sexual assault, if during the investigation
19 of the offense biological matter is collected and subjected to
20 forensic DNA testing and the testing results show that the matter
21 does not match the victim or any other person whose identity is
22 readily ascertained;

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

25 (E) indecency with a child under Section 21.11,
26 Penal Code;

27 (F) an offense involving leaving the scene of an

1 accident under Section 550.021, Transportation Code, if the
2 accident resulted in the death of a person; ~~[or]~~

3 (G) trafficking of persons under Section
4 20A.02(a)(7) or (8), Penal Code; or

5 (H) ~~[(G)]~~ continuous trafficking of persons
6 under Section 20A.03, Penal Code;

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

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

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

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

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

20 (E) sexual assault, except as provided by
21 Subdivision (1);

22 (F) arson;

23 (G) trafficking of persons under Section
24 20A.02(a)(1), (2), (3), or (4), Penal Code; or

25 (H) compelling prostitution under Section
26 43.05(a)(1), Penal Code;

27 (3) seven years from the date of the commission of the

1 offense:

2 (A) misapplication of fiduciary property or
3 property of a financial institution;

4 (B) securing execution of document by deception;

5 (C) a felony violation under Chapter 162, Tax
6 Code;

7 (D) false statement to obtain property or credit
8 under Section 32.32, Penal Code;

9 (E) money laundering;

10 (F) credit card or debit card abuse under Section
11 32.31, Penal Code;

12 (G) fraudulent use or possession of identifying
13 information under Section 32.51, Penal Code; [~~or~~]

14 (H) Medicaid fraud under Section 35A.02, Penal
15 Code; or

16 (I) [~~(H)~~] bigamy under Section 25.01, Penal
17 Code, except as provided by Subdivision (6);

18 (4) five years from the date of the commission of the
19 offense:

20 (A) theft or robbery;

21 (B) except as provided by Subdivision (5),
22 kidnapping or burglary;

23 (C) injury to an elderly or disabled individual
24 that is not punishable as a felony of the first degree under Section
25 22.04, Penal Code;

26 (D) abandoning or endangering a child; or

27 (E) insurance fraud;

1 (5) if the investigation of the offense shows that the
2 victim is younger than 17 years of age at the time the offense is
3 committed, 20 years from the 18th birthday of the victim of one of
4 the following offenses:

5 (A) sexual performance by a child under Section
6 43.25, Penal Code;

7 (B) aggravated kidnapping under Section
8 20.04(a)(4), Penal Code, if the defendant committed the offense
9 with the intent to violate or abuse the victim sexually; or

10 (C) burglary under Section 30.02, Penal Code, if
11 the offense is punishable under Subsection (d) of that section and
12 the defendant committed the offense with the intent to commit an
13 offense described by Subdivision (1)(B) or (D) of this article or
14 Paragraph (B) of this subdivision;

15 (6) ten years from the 18th birthday of the victim of
16 the offense:

17 (A) trafficking of persons under Section
18 20A.02(a)(5) or (6), Penal Code;

19 (B) injury to a child under Section 22.04, Penal
20 Code; ~~[or]~~

21 (C) compelling prostitution under Section
22 43.05(a)(2), Penal Code; or

23 (D) ~~[(B)]~~ bigamy under Section 25.01, Penal
24 Code, if the investigation of the offense shows that the person,
25 other than the legal spouse of the defendant, whom the defendant
26 marries or purports to marry or with whom the defendant lives under
27 the appearance of being married is younger than 18 years of age at

1 the time the offense is committed; or

2 (7) three years from the date of the commission of the
3 offense: all other felonies.

4 SECTION 3.004. Article 13.12, Code of Criminal Procedure,
5 as amended by Chapters 1 (S.B. 24) and 223 (H.B. 260), Acts of the
6 82nd Legislature, Regular Session, 2011, is reenacted to read as
7 follows:

8 Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT,
9 KIDNAPPING, AND SMUGGLING OF PERSONS. Venue for trafficking of
10 persons, false imprisonment, kidnapping, and smuggling of persons
11 is in:

- 12 (1) the county in which the offense was committed; or
13 (2) any county through, into, or out of which the
14 person trafficked, falsely imprisoned, kidnapped, or transported
15 may have been taken.

16 SECTION 3.005. Article 20.151(c), Code of Criminal
17 Procedure, as added by Chapters 1031 (H.B. 2847) and 1341 (S.B.
18 1233), Acts of the 82nd Legislature, Regular Session, 2011, is
19 reenacted and amended to read as follows:

20 (c) Testimony received from a peace officer under this
21 article shall be recorded in the same manner as other testimony
22 taken before the grand jury and shall be preserved.

23 SECTION 3.006. Article 38.31(g)(2), Code of Criminal
24 Procedure, is amended to correct a reference to read as follows:

25 (2) "Qualified interpreter" means an interpreter for
26 the deaf who holds a current legal certificate issued by the
27 National Registry of Interpreters for the Deaf or a current court

1 interpreter certificate issued by the Board for Evaluation of
2 Interpreters at the Department of Assistive and [~~or~~] Rehabilitative
3 Services.

4 SECTION 3.007. Section 21(e), Article 42.12, Code of
5 Criminal Procedure, is amended to correct a reference to read as
6 follows:

7 (e) A court retains jurisdiction to hold a hearing under
8 Subsection (b-2) [~~(b)~~] and to revoke, continue, or modify community
9 supervision, regardless of whether the period of community
10 supervision imposed on the defendant has expired, if before the
11 expiration the attorney representing the state files a motion to
12 revoke, continue, or modify community supervision and a capias is
13 issued for the arrest of the defendant.

14 SECTION 3.008. Section 24, Article 42.12, Code of Criminal
15 Procedure, is amended to correct a reference to read as follows:

16 Sec. 24. DUE DILIGENCE DEFENSE. For the purposes of a
17 hearing under Section 5(b) or 21(b-2) [~~21(b)~~], it is an affirmative
18 defense to revocation for an alleged failure to report to a
19 supervision officer as directed or to remain within a specified
20 place that a supervision officer, peace officer, or other officer
21 with the power of arrest under a warrant issued by a judge for that
22 alleged violation failed to contact or attempt to contact the
23 defendant in person at the defendant's last known residence address
24 or last known employment address, as reflected in the files of the
25 department serving the county in which the order of community
26 supervision was entered.

27 SECTION 3.009. Article 45.0511(p), Code of Criminal

1 Procedure, is amended to correct a reference to read as follows:

2 (p) The court shall advise a defendant charged with a
3 misdemeanor under Section 472.022, Transportation Code, Subtitle
4 C, Title 7, Transportation Code, or Section 729.001(a)(3),
5 Transportation Code, committed while operating a motor vehicle of
6 the defendant's right under this article to successfully complete a
7 driving safety course or, if the offense was committed while
8 operating a motorcycle, a motorcycle operator training course. The
9 right to complete a course does not apply to a defendant charged
10 with:

11 (1) a violation of Section 545.066, 550.022, or
12 550.023, Transportation Code;

13 (2) a serious traffic violation; or

14 (3) an offense to which Section 542.404 [~~or~~
15 ~~729.004(b)~~], Transportation Code, applies.

16 SECTION 3.010. (a) The heading to Article 46B.0095, Code
17 of Criminal Procedure, as amended by Chapters 718 (H.B. 748) and 822
18 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011,
19 is reenacted to read as follows:

20 Art. 46B.0095. MAXIMUM PERIOD OF COMMITMENT OR OUTPATIENT
21 TREATMENT PROGRAM PARTICIPATION DETERMINED BY MAXIMUM TERM FOR
22 OFFENSE.

23 (b) Article 46B.0095(a), Code of Criminal Procedure, as
24 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the
25 82nd Legislature, Regular Session, 2011, is reenacted to read as
26 follows:

27 (a) A defendant may not, under Subchapter D or E or any other

1 provision of this chapter, be committed to a mental hospital or
2 other inpatient or residential facility, ordered to participate in
3 an outpatient treatment program, or subjected to both inpatient and
4 outpatient treatment for a cumulative period that exceeds the
5 maximum term provided by law for the offense for which the defendant
6 was to be tried, except that if the defendant is charged with a
7 misdemeanor and has been ordered only to participate in an
8 outpatient treatment program under Subchapter D or E, the maximum
9 period of restoration is two years.

10 (c) Article 46B.0095(b), Code of Criminal Procedure, as
11 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the
12 82nd Legislature, Regular Session, 2011, is reenacted to read as
13 follows:

14 (b) On expiration of the maximum restoration period under
15 Subsection (a), the mental hospital or other inpatient or
16 residential facility or outpatient treatment program provider
17 identified in the most recent order of commitment or order of
18 outpatient treatment program participation under this chapter
19 shall assess the defendant to determine if civil proceedings under
20 Subtitle C or D, Title 7, Health and Safety Code, are
21 appropriate. The defendant may be confined for an additional
22 period in a mental hospital or other inpatient or residential
23 facility or ordered to participate for an additional period in an
24 outpatient treatment program, as appropriate, only pursuant to
25 civil proceedings conducted under Subtitle C or D, Title 7, Health
26 and Safety Code, by a court with probate jurisdiction.

27 (d) Article 46B.0095(c), Code of Criminal Procedure, as

1 added by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the
2 82nd Legislature, Regular Session, 2011, is reenacted to read as
3 follows:

4 (c) The cumulative period described by Subsection (a):

5 (1) begins on the date the initial order of commitment
6 or initial order for outpatient treatment program participation is
7 entered under this chapter; and

8 (2) in addition to any inpatient or outpatient
9 treatment periods described by Subsection (a), includes any time
10 that, following the entry of an order described by Subdivision (1),
11 the defendant is confined in a correctional facility, as defined by
12 Section 1.07, Penal Code, or is otherwise in the custody of the
13 sheriff during or while awaiting, as applicable:

14 (A) the defendant's transfer to a mental hospital
15 or other inpatient or residential facility;

16 (B) the defendant's release on bail to
17 participate in an outpatient treatment program; or

18 (C) a criminal trial following any temporary
19 restoration of the defendant's competency to stand trial.

20 SECTION 3.011. Article 56.39(a), Code of Criminal
21 Procedure, is amended to update a reference to read as follows:

22 (a) An order for a mental or physical examination or an
23 autopsy as provided by Article 56.38(c)(2) [~~56.38(c)(3)~~] may be
24 made for good cause shown on notice to the individual to be examined
25 and to all persons who have appeared.

26 SECTION 3.012. Article 102.017(d-1), Code of Criminal
27 Procedure, as amended by Chapters 664 (S.B. 1521) and 1031 (H.B.

1 2847), Acts of the 82nd Legislature, Regular Session, 2011, is
2 reenacted and amended to read as follows:

3 (d-1) For purposes of this article, the term "security
4 personnel, services, and items" includes:

5 (1) the purchase or repair of X-ray machines and
6 conveying systems;

7 (2) handheld metal detectors;

8 (3) walkthrough metal detectors;

9 (4) identification cards and systems;

10 (5) electronic locking and surveillance equipment;

11 (6) video teleconferencing systems;

12 (7) bailiffs, deputy sheriffs, deputy constables, or
13 contract security personnel during times when they are providing
14 appropriate security services;

15 (8) signage;

16 (9) confiscated weapon inventory and tracking
17 systems;

18 (10) locks, chains, alarms, or similar security
19 devices;

20 (11) the purchase or repair of bullet-proof glass;

21 (12) continuing education on security issues for court
22 personnel and security personnel; and

23 (13) [~~(12)~~] warrant officers and related equipment.

24 ARTICLE 4. CHANGES RELATING TO EDUCATION CODE

25 SECTION 4.001. Section 21.044, Education Code, as amended
26 by Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd
27 Legislature, Regular Session, 2011, is reenacted and amended to

1 read as follows:

2 Sec. 21.044. EDUCATOR PREPARATION. (a) The board shall
3 propose rules establishing the training requirements a person must
4 accomplish to obtain a certificate, enter an internship, or enter
5 an induction-year program. The board shall specify the minimum
6 academic qualifications required for a certificate.

7 (b) Any minimum academic qualifications for a certificate
8 specified under Subsection (a) that require a person to possess a
9 bachelor's degree must also require that the person receive, as
10 part of the curriculum for that degree, instruction in detection
11 and education of students with dyslexia. This subsection does not
12 apply to a person who obtains a certificate through an alternative
13 certification program adopted under Section 21.049.

14 (c) The instruction under Subsection (b) must:

15 (1) be developed by a panel of experts in the diagnosis
16 and treatment of dyslexia who are:

17 (A) employed by institutions of higher
18 education; and

19 (B) approved by the board; and

20 (2) include information on:

21 (A) characteristics of dyslexia;

22 (B) identification of dyslexia; and

23 (C) effective, multisensory strategies for
24 teaching students with dyslexia.

25 (d) [~~(b)~~] In proposing rules under this section, the board
26 shall specify that to obtain a certificate to teach an "applied STEM
27 course," as that term is defined by Section 28.027, at a secondary

1 school, a person must:

2 (1) pass the certification test administered by the
3 recognized national or international business and industry group
4 that created the curriculum the applied STEM course is based on; and

5 (2) have at a minimum:

6 (A) an associate degree from an accredited
7 institution of higher education; and

8 (B) three years of work experience in an
9 occupation for which the applied STEM course is intended to prepare
10 the student.

11 SECTION 4.002. Section 25.001(e), Education Code, is
12 amended to correct a reference to read as follows:

13 (e) A school district may request that the commissioner
14 waive the requirement that the district admit a foreign exchange
15 student who meets the conditions of Subsection (b)(6) [~~(b)(5)~~].

16 The commissioner shall respond to a district's request not later
17 than the 60th day after the date of receipt of the request. The
18 commissioner shall grant the request and issue a waiver effective
19 for a period not to exceed three years if the commissioner
20 determines that admission of a foreign exchange student would:

21 (1) create a financial or staffing hardship for the
22 district;

23 (2) diminish the district's ability to provide high
24 quality educational services for the district's domestic students;

25 or

26 (3) require domestic students to compete with foreign
27 exchange students for educational resources.

1 SECTION 4.003. Section 28.0212(g), Education Code, as added
2 by Chapter 763 (H.B. 3485), Acts of the 80th Legislature, Regular
3 Session, 2007, is repealed as duplicative of Section 28.0212(e),
4 Education Code, as added by Chapter 1058 (H.B. 2237), Acts of the
5 80th Legislature, Regular Session, 2007.

6 SECTION 4.004. The heading to Section 30A.054, Education
7 Code, is amended to read as follows:

8 Sec. 30A.054. STUDENT PERFORMANCE INFORMATION [~~REPORTS~~].

9 SECTION 4.005. Section 39.0233(a), Education Code, is
10 amended to correct a reference to read as follows:

11 (a) The agency, in coordination with the Texas Higher
12 Education Coordinating Board, shall adopt a series of questions to
13 be included in an end-of-course assessment instrument administered
14 under Section 39.023(c) to be used for purposes of Section 51.3062.
15 The questions adopted under this subsection must be developed in a
16 manner consistent with any college readiness standards adopted
17 under Sections 39.233 [~~39.113~~] and 51.3062.

18 SECTION 4.006. Section 39.0302(a), Education Code, is
19 amended to correct a reference to read as follows:

20 (a) During an agency investigation or audit of a school
21 district under Section 39.0301(e) or (f), an accreditation
22 investigation under Section 39.057(a)(8) [~~39.075(a)(8)~~], or an
23 investigation by the State Board for Educator Certification of an
24 educator for an alleged violation of an assessment instrument
25 security procedure established under Section 39.0301(a), the
26 commissioner may issue a subpoena to compel the attendance of a
27 relevant witness or the production, for inspection or copying, of

1 relevant evidence that is located in this state.

2 SECTION 4.007. The heading to Section 51.403, Education
3 Code, is amended to read as follows:

4 Sec. 51.403. ECONOMIC JUSTIFICATION FOR COURSES; REPORTS OF
5 STUDENT ENROLLMENT AND ACADEMIC PERFORMANCE.

6 SECTION 4.008. Section 51.803(a), Education Code, is
7 amended to correct a reference to read as follows:

8 (a) Subject to Subsection (a-1), each general academic
9 teaching institution shall admit an applicant for admission to the
10 institution as an undergraduate student if the applicant graduated
11 with a grade point average in the top 10 percent of the student's
12 high school graduating class in one of the two school years
13 preceding the academic year for which the applicant is applying for
14 admission and:

15 (1) the applicant graduated from a public or private
16 high school in this state accredited by a generally recognized
17 accrediting organization or from a high school operated by the
18 United States Department of Defense;

19 (2) the applicant:

20 (A) successfully completed:

21 (i) at a public high school, the curriculum
22 requirements established under Section 28.025 for the recommended
23 or advanced high school program; or

24 (ii) at a high school to which Section
25 28.025 does not apply, a curriculum that is equivalent in content
26 and rigor to the recommended or advanced high school program; or

27 (B) satisfied ACT's College Readiness Benchmarks

1 on the ACT assessment applicable to the applicant or earned on the
2 SAT assessment a score of at least 1,500 out of 2,400 or the
3 equivalent; and

4 (3) if the applicant graduated from a high school
5 operated by the United States Department of Defense, the applicant
6 is a Texas resident under Section 54.052 or is entitled to pay
7 tuition fees at the rate provided for Texas residents under Section
8 54.241(d) [~~54.058(d)~~] for the term or semester to which admitted.

9 SECTION 4.009. Section 54.341(b-2), Education Code, which
10 was redesignated from Section 54.203(b-2), Education Code, by
11 Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular
12 Session, 2011, is repealed to conform to the repeal of Section
13 54.203(b-2), Education Code, by Chapter 404 (S.B. 639), Acts of the
14 82nd Legislature, Regular Session, 2011.

15 SECTION 4.010. (a) Sections 54.353 and 54.3531, Education
16 Code, which were added by Section 17, Chapter 359 (S.B. 32), Acts of
17 the 82nd Legislature, Regular Session, 2011, as a nonsubstantive
18 redesignation of the two versions of Section 54.208, Education
19 Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347),
20 Acts of the 81st Legislature, Regular Session, 2009, are reenacted
21 to conform to the reenactment of Section 54.208, Education Code,
22 and the addition of Section 54.2081, Education Code, by Chapter 959
23 (H.B. 1163), Acts of the 82nd Legislature, Regular Session, 2011,
24 to read as follows:

25 Sec. 54.353. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES.
26 (a) The governing board of an institution of higher education
27 shall exempt from the payment of tuition and laboratory fees any

1 student enrolled in one or more courses offered as part of a fire
2 science curriculum who:

3 (1) is employed as a firefighter by a political
4 subdivision of this state; or

5 (2) is currently, and has been for at least one year,
6 an active member of an organized volunteer fire department in this
7 state, as defined by the fire fighters' pension commissioner, who
8 holds:

9 (A) an Accredited Advanced level of
10 certification, or an equivalent successor certification, under the
11 State Firemen's and Fire Marshals' Association of Texas volunteer
12 certification program; or

13 (B) Phase V (Firefighter II) certification, or an
14 equivalent successor certification, under the Texas Commission on
15 Fire Protection's voluntary certification program under Section
16 419.071, Government Code.

17 (b) An exemption provided under this section does not apply
18 to deposits that may be required in the nature of security for the
19 return or proper care of property loaned for the use of students.

20 (c) Notwithstanding Subsection (a), a student who for a
21 semester or term at an institution of higher education receives an
22 exemption under this section may continue to receive the exemption
23 for a subsequent semester or term at any institution only if the
24 student makes satisfactory academic progress toward a degree or
25 certificate at that institution as determined by the institution
26 for purposes of financial aid.

27 (d) Notwithstanding Subsection (a), the exemption provided

1 under this section does not apply to any amount of additional
2 tuition the institution elects to charge a resident undergraduate
3 student under Section 54.014(a) or (f).

4 (e) Notwithstanding Subsection (a), the exemption provided
5 under this section does not apply to any amount of tuition the
6 institution charges a graduate student in excess of the amount of
7 tuition charged to similarly situated graduate students because the
8 student has a number of semester credit hours of doctoral work in
9 excess of the applicable number provided by Section 61.059(1)(1) or
10 (2).

11 (f) The Texas Higher Education Coordinating Board shall
12 adopt:

13 (1) rules governing the granting or denial of an
14 exemption under this section, including rules relating to the
15 determination of a student's eligibility for an exemption; and

16 (2) a uniform listing of degree programs covered by
17 the exemption under this section.

18 Sec. 54.3531. PEACE OFFICERS ENROLLED IN CERTAIN COURSES.

19 (a) The governing board of an institution of higher education
20 shall exempt from the payment of tuition and laboratory fees
21 charged by the institution for a criminal justice or law
22 enforcement course or courses an undergraduate student who:

23 (1) is employed as a peace officer by this state or by
24 a political subdivision of this state;

25 (2) is enrolled in a criminal justice or law
26 enforcement-related degree program at the institution;

27 (3) is making satisfactory academic progress toward

1 the student's degree as determined by the institution; and

2 (4) applies for the exemption at least one week before
3 the last date of the institution's regular registration period for
4 the applicable semester or other term.

5 (b) Notwithstanding Subsection (a), a student may not
6 receive an exemption under this section for any course if the
7 student has previously attempted a number of semester credit hours
8 for courses taken at any institution of higher education while
9 classified as a resident student for tuition purposes in excess of
10 the maximum number of those hours specified by Section 61.0595(a)
11 as eligible for funding under the formulas established under
12 Section 61.059.

13 (c) Notwithstanding Subsection (a), the governing board of
14 an institution of higher education may not provide exemptions under
15 this section to students enrolled in a specific class in a number
16 that exceeds 20 percent of the maximum student enrollment
17 designated by the institution for that class.

18 (d) An exemption provided under this section does not apply
19 to deposits that may be required in the nature of security for the
20 return or proper care of property loaned for the use of students.

21 (e) The Texas Higher Education Coordinating Board shall
22 adopt:

23 (1) rules governing the granting or denial of an
24 exemption under this section, including rules relating to the
25 determination of a student's eligibility for an exemption; and

26 (2) a uniform listing of degree programs covered by
27 the exemption under this section.

1 (f) If the legislature does not specifically appropriate
2 funds to an institution of higher education in an amount sufficient
3 to pay the institution's costs in complying with this section for a
4 semester, the governing board of the institution of higher
5 education shall report to the Senate Finance Committee and the
6 House Appropriations Committee the cost to the institution of
7 complying with this section for that semester.

8 (b) Sections 54.208 and 54.2081, Education Code, are
9 repealed.

10 SECTION 4.011. Section 61.0815(c), Education Code, as
11 amended by Chapter 990 (H.B. 1781), Acts of the 82nd Legislature,
12 Regular Session, 2011, is repealed to conform to the repeal of
13 Section 61.0815, Education Code, by Chapter 1049 (S.B. 5), Acts of
14 the 82nd Legislature, Regular Session, 2011.

15 SECTION 4.012. Section 88.216(a), Education Code, is
16 amended to correct references to read as follows:

17 (a) The Agriculture and Wildlife Research and Management
18 Advisory Committee is an advisory committee of the Texas
19 Agricultural Experiment Station and is composed of:

20 (1) one representative of the Texas Agricultural
21 Experiment Station, appointed by the director of the Texas
22 Agricultural Experiment Station;

23 (2) one representative of the Texas AgriLife
24 [~~Agricultural~~] Extension Service, appointed by the director of the
25 Texas AgriLife [~~Agricultural~~] Extension Service;

26 (3) one representative of Texas Tech University,
27 appointed by the dean of the College of Agriculture of Texas Tech

1 University;

2 (4) one representative of The University of Texas at
3 Austin, appointed by the vice president for research of The
4 University of Texas System;

5 (5) one representative of the Department of
6 Agriculture, appointed by the commissioner of agriculture;

7 (6) one representative of the Parks and Wildlife
8 Department, appointed by the director of the department;

9 (7) one representative of the Texas Water Development
10 Board, appointed by the executive administrator [~~director~~] of the
11 board;

12 (8) one representative of county government,
13 appointed by the governor;

14 (9) one representative of the general public,
15 appointed by the governor;

16 (10) one representative of the agribusiness industry,
17 appointed by the governor;

18 (11) one representative of environmental interests,
19 appointed by the governor;

20 (12) one representative of wildlife interests,
21 appointed by the governor; and

22 (13) one representative of the Texas rice industry,
23 appointed by the governor.

24 SECTION 4.013. Section 130.0012(h), Education Code, is
25 amended to correct a typographical error to read as follows:

26 (h) Each public junior college offering a baccalaureate
27 degree program under this section shall prepare a biennial report

1 on the operation and effectiveness of the junior college's
2 baccalaureate degree programs and shall deliver a copy of the
3 report to the coordinating board in the form and at the time
4 determined by the coordinating board. [~~→~~]

5 ARTICLE 5. CHANGES RELATING TO ELECTION CODE

6 SECTION 5.001. Section 13.031(d), Election Code, as amended
7 by Chapters 1002 (H.B. 2194) and 1164 (H.B. 2817), Acts of the 82nd
8 Legislature, Regular Session, 2011, is reenacted and amended to
9 read as follows:

10 (d) To be eligible for appointment as a volunteer deputy
11 registrar, a person must:

12 (1) be 18 years of age or older;

13 (2) not have been finally convicted of a felony or, if
14 so convicted, must have:

15 (A) fully discharged the person's sentence,
16 including any term of incarceration, parole, or supervision, or
17 completed a period of probation ordered by any court; or

18 (B) been pardoned or otherwise released from the
19 resulting disability to vote; [~~and~~]

20 (3) meet the requirements to be a qualified voter
21 under Section 11.002 except that the person is not required to be a
22 registered voter; and

23 (4) [~~(3)~~] not have been finally convicted of an
24 offense under Section 32.51, Penal Code.

25 SECTION 5.002. Section 15.022(a), Election Code, as amended
26 by Chapters 123 (S.B. 14) and 1002 (H.B. 2194), Acts of the 82nd
27 Legislature, Regular Session, 2011, is reenacted to read as

1 follows:

2 (a) The registrar shall make the appropriate corrections in
3 the registration records, including, if necessary, deleting a
4 voter's name from the suspense list:

5 (1) after receipt of a notice of a change in
6 registration information under Section 15.021;

7 (2) after receipt of a voter's reply to a notice of
8 investigation given under Section 16.033;

9 (3) after receipt of any affidavits executed under
10 Section 63.006, following an election;

11 (4) after receipt of a voter's statement of residence
12 executed under Section 63.0011;

13 (5) before the effective date of the abolishment of a
14 county election precinct or a change in its boundary;

15 (6) after receipt of United States Postal Service
16 information indicating an address reclassification;

17 (7) after receipt of a voter's response under Section
18 15.053; or

19 (8) after receipt of a registration application or
20 change of address under Chapter 20.

21 SECTION 5.003. Section 16.001(d), Election Code, as added
22 by Chapter 650 (S.B. 1046), Acts of the 82nd Legislature, Regular
23 Session, 2011, is repealed as duplicative of Sections 16.001(d) and
24 18.068, Election Code, as added by Chapter 683 (H.B. 174), Acts of
25 the 82nd Legislature, Regular Session, 2011.

26 SECTION 5.004. Section 16.031(b), Election Code, as amended
27 by Chapters 650 (S.B. 1046) and 683 (H.B. 174), Acts of the 82nd

1 Legislature, Regular Session, 2011, is reenacted to read as
2 follows:

3 (b) The registrar shall cancel a voter's registration
4 immediately if the registrar:

5 (1) determines from information received under
6 Section 16.001(c) that the voter is deceased;

7 (2) has personal knowledge that the voter is deceased;

8 (3) receives from a person related within the second
9 degree by consanguinity or affinity, as determined under Chapter
10 573, Government Code, to the voter a sworn statement by that person
11 indicating that the voter is deceased; or

12 (4) receives notice from the secretary of state under
13 Section 18.068 that the voter is deceased.

14 SECTION 5.005. The heading to Section 19.001, Election
15 Code, is amended to read as follows:

16 Sec. 19.001. STATEMENT OF REGISTRATIONS SUBMITTED TO
17 SECRETARY OF STATE [~~COMPTROLLER~~].

18 SECTION 5.006. Section 66.0241, Election Code, as amended
19 by Chapters 123 (S.B. 14) and 1002 (H.B. 2194), Acts of the 82nd
20 Legislature, Regular Session, 2011, is reenacted to read as
21 follows:

22 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
23 must contain:

24 (1) the precinct list of registered voters;

25 (2) the registration correction list;

26 (3) any statements of residence executed under Section
27 63.0011; and

1 (4) any affidavits executed under Section 63.006 or
2 63.011.

3 ARTICLE 6. CHANGES RELATING TO ESTATES CODE

4 SECTION 6.001. Sections 21.001(b) and (c), Estates Code, as
5 effective January 1, 2014, are amended to conform to Section 2.54,
6 Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular
7 Session, 2011, to read as follows:

8 (b) Consistent with the objectives of the statutory
9 revision program, the purpose of this code, except Subtitle
10 [~~Subtitles~~] X [~~and Y~~], Title 2, and Subtitles Y and Z, Title 3, is to
11 make the law encompassed by this code, except Subtitle [~~Subtitles~~]
12 X [~~and Y~~], Title 2, and Subtitles Y and Z, Title 3, more accessible
13 and understandable by:

14 (1) rearranging the statutes into a more logical
15 order;

16 (2) employing a format and numbering system designed
17 to facilitate citation of the law and to accommodate future
18 expansion of the law;

19 (3) eliminating repealed, duplicative,
20 unconstitutional, expired, executed, and other ineffective
21 provisions; and

22 (4) restating the law in modern American English to
23 the greatest extent possible.

24 (c) The provisions of Subtitle [~~Subtitles~~] X [~~and Y~~], Title
25 2, and Subtitles Y and Z, Title 3, are transferred from the Texas
26 Probate Code and redesignated as part of this code, but are not
27 revised as part of the state's continuing statutory revision

1 program.

2 SECTION 6.002. Section 21.002(b), Estates Code, as
3 effective January 1, 2014, is amended to conform to Section 2.54,
4 Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular
5 Session, 2011, to read as follows:

6 (b) Chapter 311, Government Code (Code Construction Act),
7 does not apply to the construction of a provision of Subtitle X [~~or~~
8 ~~Y~~], Title 2, or Subtitle Y or Z, Title 3.

9 SECTION 6.003. Section 21.003(b), Estates Code, as
10 effective January 1, 2014, is amended to conform to Section 2.54,
11 Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular
12 Session, 2011, to read as follows:

13 (b) A reference in Subtitle X [~~or Y~~], Title 2, or Subtitle Y
14 or Z, Title 3, to a chapter, a part, a subpart, a section, or any
15 portion of a section "of this code" is a reference to the chapter,
16 part, subpart, section, or portion of a section as redesignated in
17 the Estates Code, except that:

18 (1) a reference in Subtitle X [~~or Y~~], Title 2, or
19 Subtitle Y or Z, Title 3, to Chapter I is a reference to Chapter I,
20 Estates Code, and to the revision of sections derived from Chapter
21 I, Texas Probate Code, and any reenactments and amendments to those
22 sections; and

23 (2) a reference in Subtitle X [~~or Y~~], Title 2, or
24 Subtitle Y or Z, Title 3, to a chapter, part, subpart, section, or
25 portion of a section that does not exist in the Estates Code is a
26 reference to the revision or redesignation of the corresponding
27 chapter, part, subpart, section, or portion of a section of the

1 Texas Probate Code and any reenactments or amendments.

2 SECTION 6.004. Section 21.005, Estates Code, as effective
3 January 1, 2014, is amended to conform to Section 2.54, Chapter 1338
4 (S.B. 1198), Acts of the 82nd Legislature, Regular Session, 2011,
5 to read as follows:

6 Sec. 21.005. APPLICABILITY OF CERTAIN LAWS.
7 Notwithstanding Section 21.002(b) of this code and Section 311.002,
8 Government Code:

9 (1) Section 311.032(c), Government Code, applies to
10 Subtitle [~~Subtitles~~] X [~~and Y~~], Title 2, and Subtitles Y and Z,
11 Title 3; and

12 (2) Sections 311.005(4) and 311.012(b) and (c),
13 Government Code, apply to Subtitle [~~Subtitles~~] X [~~and Y~~], Title 2,
14 and Subtitles Y and Z, Title 3.

15 SECTION 6.005. Section 22.001(b), Estates Code, as
16 effective January 1, 2014, is amended to conform to Sections 1.02
17 and 3.02(c), Chapter 823 (H.B. 2759), Acts of the 82nd Legislature,
18 Regular Session, 2011, to read as follows:

19 (b) If Title 3 [~~Chapter XIII~~] provides a definition for a
20 term that is different from the definition provided by this
21 chapter, the definition for the term provided by Title 3 [~~Chapter~~
22 ~~XIII~~] applies in that title [~~chapter~~].

23 SECTION 6.006. Section 22.017, Estates Code, as effective
24 January 1, 2014, is amended to conform to Section 2.54, Chapter 1338
25 (S.B. 1198), Acts of the 82nd Legislature, Regular Session, 2011,
26 to read as follows:

27 Sec. 22.017. INDEPENDENT EXECUTOR. "Independent executor"

1 means the personal representative of an estate under independent
2 administration as provided by Chapter 401 and Section 402.001
3 [~~Section 145~~]. The term includes an independent administrator.

4 SECTION 6.007. Section 32.005(b), Estates Code, as
5 effective January 1, 2014, is amended to conform to Section 2.54,
6 Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular
7 Session, 2011, to read as follows:

8 (b) This section shall be construed in conjunction and in
9 harmony with Chapter 401 and Section 402.001 [~~Section 145~~] and all
10 other sections of this title relating to independent executors, but
11 may not be construed to expand the court's control over an
12 independent executor.

13 SECTION 6.008. Subtitle A, Title 2, Estates Code, as
14 effective January 1, 2014, is amended by adding Chapter 34, and a
15 heading is added to that chapter to read as follows:

16 CHAPTER 34. MATTERS RELATING TO CERTAIN OTHER TYPES OF PROCEEDINGS

17 SECTION 6.009. Notwithstanding the transfer of Sections 5B
18 and 5C, Texas Probate Code, to the Estates Code and redesignation as
19 Sections 5B and 5C of that code effective January 1, 2014, by
20 Section 2, Chapter 680 (H.B. 2502), Acts of the 81st Legislature,
21 Regular Session, 2009, Sections 5B and 5C, Texas Probate Code, are
22 transferred to Chapter 34, Estates Code, as added by this Act,
23 redesignated as Sections 34.001 and 34.002, Estates Code, and
24 amended to read as follows:

25 Sec. 34.001 [~~5B~~]. TRANSFER TO STATUTORY PROBATE COURT OF
26 PROCEEDING RELATED TO PROBATE PROCEEDING. (a) A judge of a
27 statutory probate court, on the motion of a party to the action or

1 on the motion of a person interested in an estate, may transfer to
2 the judge's court from a district, county, or statutory court a
3 cause of action related to a probate proceeding pending in the
4 statutory probate court or a cause of action in which a personal
5 representative of an estate pending in the statutory probate court
6 is a party and may consolidate the transferred cause of action with
7 the other proceedings in the statutory probate court relating to
8 that estate.

9 (b) Notwithstanding any other provision of this subtitle,
10 Title 1, Subtitle X, Title 2, Chapter 51, 52, 53, 54, 55, or 151, or
11 Section 351.001, 351.002, 351.053, 351.352, 351.353, 351.354, or
12 351.355 [~~chapter~~], the proper venue for an action by or against a
13 personal representative for personal injury, death, or property
14 damages is determined under Section 15.007, Civil Practice and
15 Remedies Code.

16 Sec. 34.002 [~~5C~~]. ACTIONS TO COLLECT DELINQUENT PROPERTY
17 TAXES. (a) This section applies only to a decedent's estate that:

18 (1) is being administered in a pending probate
19 proceeding;

20 (2) owns or claims an interest in property against
21 which a taxing unit has imposed ad valorem taxes that are
22 delinquent; and

23 (3) is not being administered as an independent
24 administration under Chapter 401 and Section 402.001 [~~Section 145~~
25 ~~of this code~~].

26 (b) Notwithstanding any provision of this code to the
27 contrary, if the probate proceedings are pending in a foreign

1 jurisdiction or in a county other than the county in which the taxes
2 were imposed, a suit to foreclose the lien securing payment of the
3 taxes or to enforce personal liability for the taxes must be brought
4 under Section 33.41, Tax Code, in a court of competent jurisdiction
5 in the county in which the taxes were imposed.

6 (c) If the probate proceedings have been pending for four
7 years or less in the county in which the taxes were imposed, the
8 taxing unit may present a claim for the delinquent taxes against the
9 estate to the personal representative of the estate in the probate
10 proceedings.

11 (d) If the taxing unit presents a claim against the estate
12 under Subsection (c) [~~of this section~~]:

13 (1) the claim of the taxing unit is subject to each
14 applicable provision in Subchapter A, Chapter 124, Subchapter B,
15 Chapter 308, Subchapter F, Chapter 351, and Chapters 355 and 356
16 [~~Parts 4 and 5, Chapter VIII, of this code~~] that relates to a claim
17 or the enforcement of a claim in a probate proceeding; and

18 (2) the taxing unit may not bring a suit in any other
19 court to foreclose the lien securing payment of the taxes or to
20 enforce personal liability for the delinquent taxes before the
21 first day after the fourth anniversary of the date the application
22 for the probate proceeding was filed.

23 (e) To foreclose the lien securing payment of the delinquent
24 taxes, the taxing unit must bring a suit under Section 33.41, Tax
25 Code, in a court of competent jurisdiction for the county in which
26 the taxes were imposed if:

27 (1) the probate proceedings have been pending in that

1 county for more than four years; and

2 (2) the taxing unit did not present a delinquent tax
3 claim under Subsection (c) [~~of this section~~] against the estate in
4 the probate proceeding.

5 (f) In a suit brought under Subsection (e) [~~of this~~
6 ~~section~~], the taxing unit:

7 (1) shall make the personal representative of the
8 decedent's estate a party to the suit; and

9 (2) may not seek to enforce personal liability for the
10 taxes against the estate of the decedent.

11 SECTION 6.010. Section 152.001(b), Estates Code, as
12 effective January 1, 2014, is amended to conform to Section 2.54,
13 Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular
14 Session, 2011, to read as follows:

15 (b) An applicant may file an application under this section
16 only if:

17 (1) an application or affidavit has not been filed and
18 is not pending under Section [~~1457~~] 256.052, 256.054, or 301.052 or
19 Chapter 205 or 401; and

20 (2) the applicant needs to:

21 (A) obtain funds for the payment of the
22 decedent's funeral and burial expenses; or

23 (B) gain access to accommodations rented by the
24 decedent that contain the decedent's personal property and the
25 applicant has been denied access to those accommodations.

26 SECTION 6.011. Section 152.102(b), Estates Code, as
27 effective January 1, 2014, is amended to conform to Section 2,

1 Chapter 707 (H.B. 549), Acts of the 82nd Legislature, Regular
2 Session, 2011, to read as follows:

3 (b) Subsection (a) applies:

4 (1) without regard to whether the decedent died
5 intestate or testate; ~~[and]~~

6 (2) regardless of whether the surviving spouse is
7 designated by the decedent's will as the executor of the decedent's
8 estate; and

9 (3) subject to the prohibition described by Section
10 711.002(1), Health and Safety Code.

11 SECTION 6.012. Section 351.351, Estates Code, as effective
12 January 1, 2014, is amended to conform to Section 2.54, Chapter 1338
13 (S.B. 1198), Acts of the 82nd Legislature, Regular Session, 2011,
14 to read as follows:

15 Sec. 351.351. APPLICABILITY. This subchapter does not
16 apply to:

17 (1) the appointment of an independent executor or
18 administrator under Section 401.002 or 401.003(a) ~~[145(c), (d), or~~
19 ~~(e)]~~; or

20 (2) the appointment of a successor independent
21 executor under Section 404.005 ~~[154A]~~.

22 SECTION 6.013. Section 352.004, Estates Code, as effective
23 January 1, 2014, is amended to conform to Section 2.54, Chapter 1338
24 (S.B. 1198), Acts of the 82nd Legislature, Regular Session, 2011,
25 to read as follows:

26 Sec. 352.004. DENIAL OF COMPENSATION. The court may, on
27 application of an interested person or on the court's own motion,

1 wholly or partly deny a commission allowed by this subchapter if:

2 (1) the court finds that the executor or administrator
3 has not taken care of and managed estate property prudently; or

4 (2) the executor or administrator has been removed
5 under Section 404.003 [~~149C~~] or Subchapter B, Chapter 361.

6 SECTION 6.014. Section 1002.015, Estates Code, as effective
7 January 1, 2014, is amended to conform to Section 1, Chapter 1085
8 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
9 to read as follows:

10 Sec. 1002.015. [~~GUARDIANSHIP MATTER;~~] GUARDIANSHIP
11 PROCEEDING[~~;~~ ~~PROCEEDINGS IN GUARDIANSHIP;~~ ~~PROCEEDINGS FOR~~
12 ~~GUARDIANSHIP~~]. The term [~~terms "guardianship matter,"~~
13 "guardianship proceeding" means [~~proceeding," "proceedings in~~
14 ~~guardianship," and "proceedings for guardianship" are synonymous~~
15 ~~and include~~] a matter or proceeding related [~~relating~~] to a
16 guardianship or any other matter covered [~~addressed~~] by this title,
17 including:

18 (1) the appointment of a guardian of a minor or other
19 incapacitated person, including an incapacitated adult for whom
20 another court obtained continuing, exclusive jurisdiction in a suit
21 affecting the parent-child relationship when the person was a
22 child;

23 (2) an application, petition, or motion regarding
24 guardianship or an alternative to guardianship under this title;

25 (3) a mental health action; and

26 (4) an application, petition, or motion regarding a
27 trust created under Chapter 1301.

1 SECTION 6.015. (a) Subtitle B, Title 3, Estates Code, as
2 effective January 1, 2014, is amended to conform to Sections 2-7,
3 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
4 Session, 2011, and Sections 66.01-66.04, Chapter 4 (S.B. 1), Acts
5 of the 82nd Legislature, 1st Called Session, 2011, by adding
6 Chapters 1021, 1022, and 1023 to read as follows:

7 CHAPTER 1021. GENERAL PROVISIONS

8 Sec. 1021.001. MATTERS RELATED TO GUARDIANSHIP PROCEEDING.

9 (a) For purposes of this code, in a county in which there is no
10 statutory probate court, a matter related to a guardianship
11 proceeding includes:

12 (1) the granting of letters of guardianship;

13 (2) the settling of an account of a guardian and all
14 other matters relating to the settlement, partition, or
15 distribution of a ward's estate;

16 (3) a claim brought by or against a guardianship
17 estate;

18 (4) an action for trial of title to real property that
19 is guardianship estate property, including the enforcement of a
20 lien against the property;

21 (5) an action for trial of the right of property that
22 is guardianship estate property;

23 (6) after a guardianship of the estate of a ward is
24 required to be settled as provided by Section 1204.001:

25 (A) an action brought by or on behalf of the
26 former ward against a former guardian of the ward for alleged
27 misconduct arising from the performance of the person's duties as

1 guardian;

2 (B) an action calling on the surety of a guardian
3 or former guardian to perform in place of the guardian or former
4 guardian, which may include the award of a judgment against the
5 guardian or former guardian in favor of the surety;

6 (C) an action against a former guardian of the
7 former ward that is brought by a surety that is called on to perform
8 in place of the former guardian;

9 (D) a claim for the payment of compensation,
10 expenses, and court costs, and any other matter authorized under
11 Chapter 1155 and Subpart H, Part 2, Subtitle Z; and

12 (E) a matter related to an authorization made or
13 duty performed by a guardian under Chapter 1204; and

14 (7) the appointment of a trustee for a trust created
15 under Section 1301.053 or 1301.054, the settling of an account of
16 the trustee, and all other matters relating to the trust.

17 (b) For purposes of this code, in a county in which there is
18 a statutory probate court, a matter related to a guardianship
19 proceeding includes:

20 (1) all matters and actions described in Subsection
21 (a);

22 (2) a suit, action, or application filed against or on
23 behalf of a guardianship or a trustee of a trust created under
24 Section 1301.053 or 1301.054; and

25 (3) a cause of action in which a guardian in a
26 guardianship pending in the statutory probate court is a party.

1 CHAPTER 1022. JURISDICTION

2 Sec. 1022.001. GENERAL PROBATE COURT JURISDICTION IN
3 GUARDIANSHIP PROCEEDINGS; APPEALS. (a) All guardianship
4 proceedings must be filed and heard in a court exercising original
5 probate jurisdiction. The court exercising original probate
6 jurisdiction also has jurisdiction of all matters related to the
7 guardianship proceeding as specified in Section 1021.001 for that
8 type of court.

9 (b) A probate court may exercise pendent and ancillary
10 jurisdiction as necessary to promote judicial efficiency and
11 economy.

12 (c) A final order issued by a probate court is appealable to
13 the court of appeals.

14 Sec. 1022.002. ORIGINAL JURISDICTION FOR GUARDIANSHIP
15 PROCEEDINGS. (a) In a county in which there is no statutory
16 probate court or county court at law exercising original probate
17 jurisdiction, the county court has original jurisdiction of
18 guardianship proceedings.

19 (b) In a county in which there is no statutory probate
20 court, but in which there is a county court at law exercising
21 original probate jurisdiction, the county court at law exercising
22 original probate jurisdiction and the county court have concurrent
23 original jurisdiction of guardianship proceedings, unless
24 otherwise provided by law. The judge of a county court may hear
25 guardianship proceedings while sitting for the judge of any other
26 county court.

27 (c) In a county in which there is a statutory probate court,

1 the statutory probate court has original jurisdiction of
2 guardianship proceedings.

3 Sec. 1022.003. JURISDICTION OF CONTESTED GUARDIANSHIP
4 PROCEEDING IN COUNTY WITH NO STATUTORY PROBATE COURT OR COUNTY
5 COURT AT LAW. (a) In a county in which there is no statutory
6 probate court or county court at law exercising original probate
7 jurisdiction, when a matter in a guardianship proceeding is
8 contested, the judge of the county court may, on the judge's own
9 motion, or shall, on the motion of any party to the proceeding,
10 according to the motion:

11 (1) request the assignment of a statutory probate
12 court judge to hear the contested matter, as provided by Section
13 25.0022, Government Code; or

14 (2) transfer the contested matter to the district
15 court, which may then hear the contested matter as if originally
16 filed in the district court.

17 (b) If a party to a guardianship proceeding files a motion
18 for the assignment of a statutory probate court judge to hear a
19 contested matter in the proceeding before the judge of the county
20 court transfers the contested matter to a district court under this
21 section, the county judge shall grant the motion for the assignment
22 of a statutory probate court judge and may not transfer the matter
23 to the district court unless the party withdraws the motion.

24 (c) If a judge of a county court requests the assignment of a
25 statutory probate court judge to hear a contested matter in a
26 guardianship proceeding on the judge's own motion or on the motion
27 of a party to the proceeding as provided by this section, the judge

1 may request that the statutory probate court judge be assigned to
2 the entire proceeding on the judge's own motion or on the motion of
3 a party.

4 (d) A party to a guardianship proceeding may file a motion
5 for the assignment of a statutory probate court judge under this
6 section before a matter in the proceeding becomes contested, and
7 the motion is given effect as a motion for assignment of a statutory
8 probate court judge under Subsection (a) if the matter later
9 becomes contested.

10 (e) Notwithstanding any other law, a transfer of a contested
11 matter in a guardianship proceeding to a district court under any
12 authority other than the authority provided by this section:

- 13 (1) is disregarded for purposes of this section; and
14 (2) does not defeat the right of a party to the
15 proceeding to have the matter assigned to a statutory probate court
16 judge in accordance with this section.

17 (f) A statutory probate court judge assigned to a contested
18 matter in a guardianship proceeding or to the entire proceeding
19 under this section has the jurisdiction and authority granted to a
20 statutory probate court by this code. A statutory probate court
21 judge assigned to hear only the contested matter in a guardianship
22 proceeding shall, on resolution of the matter, including any appeal
23 of the matter, return the matter to the county court for further
24 proceedings not inconsistent with the orders of the statutory
25 probate court or court of appeals, as applicable. A statutory
26 probate court judge assigned to the entire guardianship proceeding
27 as provided by Subsection (c) shall, on resolution of the contested

1 matter in the proceeding, including any appeal of the matter,
2 return the entire proceeding to the county court for further
3 proceedings not inconsistent with the orders of the statutory
4 probate court or court of appeals, as applicable.

5 (g) A district court to which a contested matter in a
6 guardianship proceeding is transferred under this section has the
7 jurisdiction and authority granted to a statutory probate court by
8 this code. On resolution of a contested matter transferred to the
9 district court under this section, including any appeal of the
10 matter, the district court shall return the matter to the county
11 court for further proceedings not inconsistent with the orders of
12 the district court or court of appeals, as applicable.

13 (h) If only the contested matter in a guardianship
14 proceeding is assigned to a statutory probate court judge under
15 this section, or if the contested matter in a guardianship
16 proceeding is transferred to a district court under this section,
17 the county court shall continue to exercise jurisdiction over the
18 management of the guardianship, other than a contested matter,
19 until final disposition of the contested matter is made in
20 accordance with this section. Any matter related to a guardianship
21 proceeding in which a contested matter is transferred to a district
22 court may be brought in the district court. The district court in
23 which a matter related to the proceeding is filed may, on the
24 court's own motion or on the motion of any party, find that the
25 matter is not a contested matter and transfer the matter to the
26 county court with jurisdiction of the management of the
27 guardianship.

1 (i) If a contested matter in a guardianship proceeding is
2 transferred to a district court under this section, the district
3 court has jurisdiction of any contested matter in the proceeding
4 that is subsequently filed, and the county court shall transfer
5 those contested matters to the district court. If a statutory
6 probate court judge is assigned under this section to hear a
7 contested matter in a guardianship proceeding, the statutory
8 probate court judge shall be assigned to hear any contested matter
9 in the proceeding that is subsequently filed.

10 (j) The clerk of a district court to which a contested
11 matter in a guardianship proceeding is transferred under this
12 section may perform in relation to the transferred matter any
13 function a county clerk may perform with respect to that type of
14 matter.

15 Sec. 1022.004. JURISDICTION OF CONTESTED GUARDIANSHIP
16 PROCEEDING IN COUNTY WITH NO STATUTORY PROBATE COURT. (a) In a
17 county in which there is no statutory probate court, but in which
18 there is a county court at law exercising original probate
19 jurisdiction, when a matter in a guardianship proceeding is
20 contested, the judge of the county court may, on the judge's own
21 motion, or shall, on the motion of any party to the proceeding,
22 transfer the contested matter to the county court at law. In
23 addition, the judge of the county court, on the judge's own motion
24 or on the motion of a party to the proceeding, may transfer the
25 entire proceeding to the county court at law.

26 (b) A county court at law to which a proceeding is
27 transferred under this section may hear the proceeding as if

1 originally filed in that court. If only a contested matter in the
2 proceeding is transferred, on the resolution of the matter, the
3 matter shall be returned to the county court for further
4 proceedings not inconsistent with the orders of the county court at
5 law.

6 Sec. 1022.005. EXCLUSIVE JURISDICTION OF GUARDIANSHIP
7 PROCEEDING IN COUNTY WITH STATUTORY PROBATE COURT. (a) In a
8 county in which there is a statutory probate court, the statutory
9 probate court has exclusive jurisdiction of all guardianship
10 proceedings, regardless of whether contested or uncontested.

11 (b) A cause of action related to a guardianship proceeding
12 of which the statutory probate court has exclusive jurisdiction as
13 provided by Subsection (a) must be brought in the statutory probate
14 court unless the jurisdiction of the statutory probate court is
15 concurrent with the jurisdiction of a district court as provided by
16 Section 1022.006 or with the jurisdiction of any other court.

17 Sec. 1022.006. CONCURRENT JURISDICTION WITH DISTRICT
18 COURT. A statutory probate court has concurrent jurisdiction with
19 the district court in:

20 (1) a personal injury, survival, or wrongful death
21 action by or against a person in the person's capacity as a
22 guardian; and

23 (2) an action involving a guardian in which each other
24 party aligned with the guardian is not an interested person in the
25 guardianship.

26 Sec. 1022.007. TRANSFER OF PROCEEDING BY STATUTORY PROBATE
27 COURT. (a) A judge of a statutory probate court, on the motion of

1 a party to the action or of a person interested in the guardianship,
2 may:

3 (1) transfer to the judge's court from a district,
4 county, or statutory court a cause of action that is a matter
5 related to a guardianship proceeding pending in the statutory
6 probate court, including a cause of action that is a matter related
7 to a guardianship proceeding pending in the statutory probate court
8 and in which the guardian, ward, or proposed ward in the pending
9 guardianship proceeding is a party; and

10 (2) consolidate the transferred cause of action with
11 the guardianship proceeding to which it relates and any other
12 proceedings in the statutory probate court that are related to the
13 guardianship proceeding.

14 (b) Notwithstanding any other provision of this title, the
15 proper venue for an action by or against a guardian, ward, or
16 proposed ward for personal injury, death, or property damages is
17 determined under Section 15.007, Civil Practice and Remedies Code.

18 Sec. 1022.008. TRANSFER OF CONTESTED GUARDIANSHIP OF THE
19 PERSON OF A MINOR. (a) If an interested person contests an
20 application for the appointment of a guardian of the person of a
21 minor or an interested person seeks the removal of a guardian of the
22 person of a minor, the judge, on the judge's own motion, may
23 transfer all matters related to the guardianship proceeding to a
24 court of competent jurisdiction in which a suit affecting the
25 parent-child relationship under the Family Code is pending.

26 CHAPTER 1023. VENUE

27 Sec. 1023.002. CONCURRENT VENUE AND TRANSFER FOR WANT OF

1 VENUE. (a) If two or more courts have concurrent venue of a
2 guardianship proceeding, the court in which an application for a
3 guardianship proceeding is initially filed has and retains
4 jurisdiction of the proceeding. A proceeding is considered
5 commenced by the filing of an application alleging facts sufficient
6 to confer venue, and the proceeding initially legally commenced
7 extends to all of the property of the guardianship estate.

8 Sec. 1023.003. APPLICATION FOR TRANSFER OF GUARDIANSHIP TO
9 ANOTHER COUNTY. When a guardian or any other person desires to
10 transfer the transaction of the business of the guardianship from
11 one county to another, the person shall file a written application
12 in the court in which the guardianship is pending stating the reason
13 for the transfer.

14 Sec. 1023.004. NOTICE. (a) On filing an application to
15 transfer a guardianship to another county, the sureties on the bond
16 of the guardian shall be cited by personal service to appear and
17 show cause why the application should not be granted.

18 Sec. 1023.005. COURT ACTION. (a) On hearing an
19 application under Section 1023.003, if good cause is not shown to
20 deny the application and it appears that transfer of the
21 guardianship is in the best interests of the ward, the court shall
22 enter an order authorizing the transfer on payment on behalf of the
23 estate of all accrued costs.

24 (b) In an order entered under Subsection (a), the court
25 shall require the guardian, not later than the 20th day after the
26 date the order is entered, to:

27 (1) give a new bond payable to the judge of the court

1 to which the guardianship is transferred; or

2 (2) file a rider to an existing bond noting the court
3 to which the guardianship is transferred.

4 Sec. 1023.006. TRANSFER OF RECORD. When an order of
5 transfer is made under Section 1023.005, the clerk shall record any
6 unrecorded papers of the guardianship required to be recorded. On
7 payment of the clerk's fee, the clerk shall transmit to the county
8 clerk of the county to which the guardianship was ordered
9 transferred:

10 (1) the case file of the guardianship proceedings; and

11 (2) a certified copy of the index of the guardianship
12 records.

13 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring
14 a guardianship does not take effect until:

15 (1) the case file and a certified copy of the index
16 required by Section 1023.006 are filed in the office of the county
17 clerk of the county to which the guardianship was ordered
18 transferred; and

19 (2) a certificate under the clerk's official seal and
20 reporting the filing of the case file and a certified copy of the
21 index is filed in the court ordering the transfer by the county
22 clerk of the county to which the guardianship was ordered
23 transferred.

24 Sec. 1023.008. CONTINUATION OF GUARDIANSHIP. When a
25 guardianship is transferred from one county to another in
26 accordance with this chapter, the guardianship proceeds in the
27 court to which it was transferred as if it had been originally

1 commenced in that court. It is not necessary to record in the
2 receiving court any of the papers in the case that were recorded in
3 the court from which the case was transferred.

4 Sec. 1023.009. NEW GUARDIAN APPOINTED ON TRANSFER. If it
5 appears to the court that transfer of the guardianship is in the
6 best interests of the ward, but that because of the transfer it is
7 not in the best interests of the ward for the guardian of the estate
8 to continue to serve in that capacity, the court may in its order of
9 transfer revoke the letters of guardianship and appoint a new
10 guardian, and the former guardian shall account for and deliver the
11 estate as provided by this title in a case in which a guardian
12 resigns.

13 Sec. 1023.010. REVIEW OF TRANSFERRED GUARDIANSHIP. Not
14 later than the 90th day after the date the transfer of the
15 guardianship takes effect under Section 1023.007, the court to
16 which the guardianship was transferred shall hold a hearing to
17 consider modifying the rights, duties, and powers of the guardian
18 or any other provisions of the transferred guardianship.

19 (b) Subsections (b) and (c), Section 609, Texas Probate
20 Code, are transferred to Chapter 1022, Estates Code, as added by
21 Subsection (a) of this section, and redesignated as Subsections (b)
22 and (c), Section 1022.008, Estates Code.

23 (c) Section 610, Texas Probate Code, is transferred to
24 Chapter 1023, Estates Code, as added by Subsection (a) of this
25 section, and redesignated as Section 1023.001, Estates Code.

26 (d) Subsections (b), (c), and (d), Section 611, Texas
27 Probate Code, are transferred to Chapter 1023, Estates Code, as

1 added by Subsection (a) of this section, and redesignated as
2 Subsections (b), (c), and (d), Section 1023.002, Estates Code.

3 (e) Subsection (b), Section 613, Texas Probate Code, is
4 transferred to Chapter 1023, Estates Code, as added by Subsection
5 (a) of this section, and redesignated as Subsection (b), Section
6 1023.004, Estates Code.

7 SECTION 6.016. Section 1051.001, Estates Code, as effective
8 January 1, 2014, is amended to conform to Section 13, Chapter 1085
9 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
10 to read as follows:

11 Sec. 1051.001. ISSUANCE OF NOTICE OR PROCESS IN GENERAL.

12 (a) Except as provided by Subsection (b), a person is not required
13 to be cited or otherwise given notice in a guardianship proceeding
14 [~~matter~~] except in a situation in which this title expressly
15 provides for citation or the giving of notice.

16 (b) If this title does not expressly provide for citation or
17 the issuance or return of notice in a guardianship proceeding
18 [~~matter~~], the court may require that notice be given. A court that
19 requires that notice be given shall prescribe the form and manner of
20 service of the notice and the return of service.

21 (c) Unless a court order is required by this title, the
22 county clerk without a court order shall issue:

23 (1) necessary citations, writs, and other process in a
24 guardianship proceeding [~~matter~~]; and

25 (2) all notices not required to be issued by a
26 guardian.

27 SECTION 6.017. Section 1051.102, Estates Code, as effective

1 January 1, 2014, is amended to conform to Section 6, Chapter 599
2 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, by
3 adding Subsection (d) to read as follows:

4 (d) The citation must contain a clear and conspicuous
5 statement informing those interested persons of the right provided
6 under Section 1051.252 to be notified of any or all motions,
7 applications, or pleadings relating to the application for the
8 guardianship or any subsequent guardianship proceeding involving
9 the ward after the guardianship is created, if any.

10 SECTION 6.018. Section 1051.103, Estates Code, as effective
11 January 1, 2014, is amended to conform to Section 6, Chapter 599
12 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, to
13 read as follows:

14 Sec. 1051.103. SERVICE OF CITATION FOR APPLICATION FOR
15 GUARDIANSHIP. (a) The sheriff or other officer shall personally
16 serve citation to appear and answer an application for guardianship
17 on:

- 18 (1) a proposed ward who is 12 years of age or older;
19 (2) the proposed ward's parents, if the whereabouts of
20 the parents are known or can be reasonably ascertained;
21 (3) any court-appointed conservator or person having
22 control of the care and welfare of the proposed ward;
23 (4) the proposed ward's spouse, if the whereabouts of
24 the spouse are known or can be reasonably ascertained; and
25 (5) the person named in the application to be
26 appointed guardian, if that person is not the applicant.

27 (b) A citation served as provided by Subsection (a) must

1 contain the statement regarding the right under Section 1051.252
2 that is required in the citation issued under Section 1051.102.

3 SECTION 6.019. Section 1051.104(a), Estates Code, as
4 effective January 1, 2014, is amended to conform to Section 6,
5 Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular
6 Session, 2011, to read as follows:

7 (a) The person filing an application for guardianship shall
8 mail a copy of the application and a notice containing the
9 information required in the citation issued under Section 1051.102
10 by registered or certified mail, return receipt requested, or by
11 any other form of mail that provides proof of delivery, to the
12 following persons, if their whereabouts are known or can be
13 reasonably ascertained:

- 14 (1) each adult child of the proposed ward;
- 15 (2) each adult sibling of the proposed ward;
- 16 (3) the administrator of a nursing home facility or
17 similar facility in which the proposed ward resides;
- 18 (4) the operator of a residential facility in which
19 the proposed ward resides;
- 20 (5) a person whom the applicant knows to hold a power
21 of attorney signed by the proposed ward;
- 22 (6) a person designated to serve as guardian of the
23 proposed ward by a written declaration under Subchapter E, Chapter
24 1104, if the applicant knows of the existence of the declaration;
- 25 (7) a person designated to serve as guardian of the
26 proposed ward in the probated will of the last surviving parent of
27 the proposed ward;

1 (8) a person designated to serve as guardian of the
2 proposed ward by a written declaration of the proposed ward's last
3 surviving parent, if the declarant is deceased and the applicant
4 knows of the existence of the declaration; and

5 (9) each person named as another relative within the
6 third degree by consanguinity [~~next of kin~~] in the application as
7 required by Section 1101.001(b)(11) or (13) if the proposed ward's
8 spouse and each of the proposed ward's parents, adult siblings, and
9 adult children are deceased or there is no spouse, parent, adult
10 sibling, or adult child.

11 SECTION 6.020. Section 1051.152(a), Estates Code, as
12 effective January 1, 2014, is amended to conform to Section 13,
13 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
14 Session, 2011, to read as follows:

15 (a) A citation or notice in a guardianship proceeding
16 [~~matter~~] that is required to be served by posting and is issued in
17 conformity with this title, and the service of and return of the
18 citation or notice, is valid if:

19 (1) a sheriff or constable posts a copy of the citation
20 or notice at the location or locations prescribed by this title; and

21 (2) the posting occurs on a day preceding the return
22 day of service specified in the citation or notice that provides
23 sufficient time for the period the citation or notice must be posted
24 to expire before the specified return day.

25 SECTION 6.021. The heading to Section 1051.253, Estates
26 Code, as effective January 1, 2014, is amended to conform to Chapter
27 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session,

1 2011, to read as follows:

2 Sec. 1051.253. SERVICE OF NOTICE OF INTENTION TO
3 TAKE DEPOSITIONS IN CERTAIN PROCEEDINGS [~~MATTERS~~].

4 SECTION 6.022. Section 1052.051(a), Estates Code, as
5 effective January 1, 2014, is amended to conform to Section 8,
6 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
7 Session, 2011, to read as follows:

8 (a) An application for a guardianship proceeding or a [~~7~~]
9 complaint, petition, or other paper permitted or required by law to
10 be filed with a court in a guardianship proceeding [~~matter~~] must be
11 filed with the county clerk of the appropriate county.

12 SECTION 6.023. Section 1053.051, Estates Code, as effective
13 January 1, 2014, is amended to conform to Section 9, Chapter 1085
14 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
15 to read as follows:

16 Sec. 1053.051. APPLICABILITY OF CERTAIN LAWS. A law
17 regulating costs in ordinary civil cases applies to a guardianship
18 proceeding [~~matter~~] unless otherwise expressly provided by this
19 title.

20 SECTION 6.024. Section 1053.052(a), Estates Code, as
21 effective January 1, 2014, is amended to conform to Section 9,
22 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
23 Session, 2011, to read as follows:

24 (a) The clerk may require a person who files an application,
25 complaint, or opposition relating to a guardianship proceeding
26 [~~matter~~], other than a guardian, attorney ad litem, or guardian ad
27 litem, to provide security for the probable costs of the

1 [~~guardianship~~] proceeding before filing the application,
2 complaint, or opposition.

3 SECTION 6.025. The heading to Subchapter C, Chapter 1053,
4 Estates Code, as effective January 1, 2014, is amended to conform to
5 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
6 Session, 2011, to read as follows:

7 SUBCHAPTER C. PROCEDURES FOR GUARDIANSHIP PROCEEDINGS [~~MATTERS~~]

8 SECTION 6.026. Section 1053.101, Estates Code, as effective
9 January 1, 2014, is amended to conform to Section 10, Chapter 1085
10 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
11 to read as follows:

12 Sec. 1053.101. CALLING OF DOCKETS. The judge in whose court
13 a guardianship proceeding is pending, as determined by the judge,
14 shall:

15 (1) call guardianship proceedings [~~matters~~] in the
16 proceedings' [~~matters'~~] regular order on both the guardianship and
17 claim dockets; and

18 (2) issue necessary orders.

19 SECTION 6.027. Section 1053.102, Estates Code, as effective
20 January 1, 2014, is amended to conform to Section 11, Chapter 1085
21 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
22 to read as follows:

23 Sec. 1053.102. SETTING OF CERTAIN HEARINGS BY CLERK.

24 (a) If a judge is unable to designate the time and place for
25 hearing a guardianship proceeding [~~matter~~] pending in the judge's
26 court because the judge is absent from the county seat or is on
27 vacation, disqualified, ill, or deceased, the county clerk of the

1 county in which the proceeding [~~matter~~] is pending may:

- 2 (1) designate the time and place for hearing;
- 3 (2) enter the setting on the judge's docket; and
- 4 (3) certify on the docket the reason that the judge is
- 5 not acting to set the hearing.

6 (b) If, after the perfection of the service of notices and

7 citations required by law concerning the time and place of hearing,

8 a qualified judge is not present for a hearing set under Subsection

9 (a), the hearing is automatically continued from day to day until a

10 qualified judge is present to hear and make a determination in the

11 proceeding [~~determine the matter~~].

12 SECTION 6.028. Section 1053.103, Estates Code, as effective

13 January 1, 2014, is amended to conform to Section 16, Chapter 1085

14 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,

15 to read as follows:

16 Sec. 1053.103. RENDERING OF DECISIONS, ORDERS, DECREES, AND

17 JUDGMENTS. The court shall render a decision, order, decree, or

18 judgment in a guardianship proceeding [~~matter~~] in open court,

19 except as otherwise expressly provided.

20 SECTION 6.029. Section 1054.002, Estates Code, as effective

21 January 1, 2014, is amended to conform to Section 15, Chapter 1085

22 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,

23 to read as follows:

24 Sec. 1054.002. TERM OF APPOINTMENT. (a) Unless the court

25 determines that the continued appointment of an attorney ad litem

26 appointed under Section 1054.001 is in the ward's best interests,

27 the attorney's term of appointment expires, without a court order,

1 on the date the court:

2 (1) appoints a guardian in accordance with Subchapter
3 D, Chapter 1101;

4 (2) appoints a successor guardian; or

5 (3) [~~2~~] denies the application for appointment of a
6 guardian.

7 (b) The term of appointment of an attorney ad litem
8 appointed under Section 1054.001 continues after the court appoints
9 a temporary guardian under Chapter 1251 unless a court order
10 provides for the termination or expiration of the attorney ad
11 litem's appointment.

12 SECTION 6.030. Subchapter A, Chapter 1054, Estates Code, as
13 effective January 1, 2014, is amended to conform to Section 7,
14 Chapter 599 (S.B. 220), and Chapter 1085 (S.B. 1196), Acts of the
15 82nd Legislature, Regular Session, 2011, by adding Section 1054.006
16 to read as follows:

17 Sec. 1054.006. REPRESENTATION OF WARD OR PROPOSED WARD BY
18 ATTORNEY. (a) The following persons may at any time retain an
19 attorney who holds a certificate required by Subchapter E to
20 represent the person's interests in a guardianship proceeding
21 instead of having those interests represented by an attorney ad
22 litem appointed under Section 1054.001 or another provision of this
23 title:

24 (1) a ward who retains the power to enter into a
25 contract under the terms of the guardianship, subject to Section
26 1202.103; and

27 (2) a proposed ward for purposes of a proceeding for

1 the appointment of a guardian as long as the proposed ward has
2 capacity to contract.

3 (b) If the court finds that the ward or the proposed ward has
4 capacity to contract, the court may remove an attorney ad litem
5 appointed under Section 1054.001 or any other provision of this
6 title that requires the court to appoint an attorney ad litem to
7 represent the interests of a ward or proposed ward and appoint a
8 ward or a proposed ward's retained counsel.

9 SECTION 6.031. Section 1055.002, Estates Code, as effective
10 January 1, 2014, is amended to conform to Section 14, Chapter 1085
11 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
12 to read as follows:

13 Sec. 1055.002. DEFECT IN PLEADING. A court may not
14 invalidate a pleading in a guardianship proceeding [~~matter~~], or an
15 order based on the pleading, on the basis of a defect of form or
16 substance in the pleading unless a timely objection has been made
17 against the defect and the defect has been called to the attention
18 of the court in which the proceeding was or is pending.

19 SECTION 6.032. Subchapter B, Chapter 1055, Estates Code, as
20 effective January 1, 2014, is amended to conform to Section 17 and
21 other provisions of Chapter 1085 (S.B. 1196), Acts of the 82nd
22 Legislature, Regular Session, 2011, by adding Section 1055.053 to
23 read as follows:

24 Sec. 1055.053. LOCATION OF HEARING. (a) Except as
25 provided by Subsection (b), the judge may hold a hearing on a
26 guardianship proceeding involving an adult ward or adult proposed
27 ward at any suitable location in the county in which the

1 guardianship proceeding is pending. The hearing should be held in a
2 physical setting that is not likely to have a harmful effect on the
3 ward or proposed ward.

4 (b) On the request of the adult proposed ward, the adult
5 ward, or the attorney of the proposed ward or ward, the hearing may
6 not be held under the authority of this section at a place other
7 than the courthouse.

8 SECTION 6.033. The heading to Section 1056.001, Estates
9 Code, as effective January 1, 2014, is amended to conform to Chapter
10 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session,
11 2011, to read as follows:

12 Sec. 1056.001. EXECUTIONS IN GUARDIANSHIP PROCEEDINGS
13 [~~MATTERS~~].

14 SECTION 6.034. Sections 1056.001(a) and (b), Estates Code,
15 as effective January 1, 2014, are amended to conform to Section 18,
16 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
17 Session, 2011, to read as follows:

18 (a) An execution in a guardianship proceeding [~~matter~~] must
19 be:

20 (1) directed "to any sheriff or any constable within
21 the State of Texas";

22 (2) attested and signed by the clerk officially under
23 court seal; and

24 (3) made returnable in 60 days.

25 (b) A proceeding under an execution in a guardianship
26 proceeding [~~matter~~] is governed, to the extent applicable, by the
27 laws regulating a proceeding under an execution issued by a

1 district court.

2 SECTION 6.035. Section 1101.001(b), Estates Code, as
3 effective January 1, 2014, is amended to conform to Section 9,
4 Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular
5 Session, 2011, to read as follows:

6 (b) The application must be sworn to by the applicant and
7 state:

8 (1) the proposed ward's name, sex, date of birth, and
9 address;

10 (2) the name, relationship, and address of the person
11 the applicant seeks to have appointed as guardian;

12 (3) whether guardianship of the person or estate, or
13 both, is sought;

14 (4) the nature and degree of the alleged incapacity,
15 the specific areas of protection and assistance requested, and the
16 limitation or termination of rights requested to be included in the
17 court's order of appointment, including a termination of:

18 (A) the right of a proposed ward who is 18 years
19 of age or older to vote in a public election; and

20 (B) the proposed ward's eligibility to hold or
21 obtain a license to operate a motor vehicle under Chapter 521,
22 Transportation Code;

23 (5) the facts requiring the appointment of a guardian;

24 (6) the interest of the applicant in the appointment
25 of a guardian;

26 (7) the nature and description of any kind of
27 guardianship existing for the proposed ward in any other state;

1 (8) the name and address of any person or institution
2 having the care and custody of the proposed ward;

3 (9) the approximate value and description of the
4 proposed ward's property, including any compensation, pension,
5 insurance, or allowance to which the proposed ward may be entitled;

6 (10) the name and address of any person whom the
7 applicant knows to hold a power of attorney signed by the proposed
8 ward and a description of the type of power of attorney;

9 (11) for a proposed ward who is a minor, the following
10 information if known by the applicant:

11 (A) the name of each of the proposed ward's
12 parents and either the parent's address or that the parent is
13 deceased;

14 (B) the name and age of each of the proposed
15 ward's siblings, if any, and either the sibling's address or that
16 the sibling is deceased; and

17 (C) if each of the proposed ward's parents and
18 adult siblings are deceased, the names and addresses of the
19 proposed ward's other living relatives who are related to the
20 proposed ward within the third degree by consanguinity and [~~next of~~
21 ~~kin]~~ who are adults;

22 (12) for a proposed ward who is a minor, whether the
23 minor was the subject of a legal or conservatorship proceeding in
24 the preceding two years and, if so:

25 (A) the court involved;

26 (B) the nature of the proceeding; and

27 (C) any final disposition of the proceeding;

1 (13) for a proposed ward who is an adult, the following
2 information if known by the applicant:

3 (A) the name of the proposed ward's spouse, if
4 any, and either the spouse's address or that the spouse is deceased;

5 (B) the name of each of the proposed ward's
6 parents and either the parent's address or that the parent is
7 deceased;

8 (C) the name and age of each of the proposed
9 ward's siblings, if any, and either the sibling's address or that
10 the sibling is deceased;

11 (D) the name and age of each of the proposed
12 ward's children, if any, and either the child's address or that the
13 child is deceased; and

14 (E) if there is no living spouse, parent, adult
15 sibling, or adult child of the proposed ward, the names and
16 addresses of the proposed ward's other living relatives who are
17 related to the proposed ward within the third degree by
18 consanguinity and [~~next of kin~~] who are adults;

19 (14) facts showing that the court has venue of the
20 proceeding; and

21 (15) if applicable, that the person whom the applicant
22 seeks to have appointed as a guardian is a private professional
23 guardian who is certified under Subchapter C, Chapter 111,
24 Government Code, and has complied with the requirements of
25 Subchapter G, Chapter 1104.

26 SECTION 6.036. Section 1101.104, Estates Code, as effective
27 January 1, 2014, is amended to conform to Section 22, Chapter 1085

1 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
2 to read as follows:

3 Sec. 1101.104. EXAMINATIONS AND DOCUMENTATION REGARDING
4 MENTAL RETARDATION. If mental retardation is the basis of the
5 proposed ward's alleged incapacity, the court may not grant an
6 application to create a guardianship for the proposed ward unless
7 the applicant presents to the court a written letter or certificate
8 that:

9 (1) [~~a written letter or certificate that:~~
10 [~~(A)~~] complies with Sections 1101.103(a) and
11 (b); [~~and~~
12 [~~(B)~~] ~~states that the physician has made a~~
13 ~~determination of mental retardation in accordance with Section~~
14 ~~593.005, Health and Safety Code,~~] or

15 (2) shows that [~~both~~]:
16 (A) [~~written documentation showing that,~~] not
17 earlier than 24 months before the hearing date, the proposed ward
18 has been examined by a physician or psychologist licensed in this
19 state or certified by the Department of Aging and Disability
20 Services to perform the examination, in accordance with rules of
21 the executive commissioner of the Health and Human Services
22 Commission governing examinations of that kind; and

23 (B) the physician's or psychologist's written
24 findings and recommendations to the court include[~~, including~~] a
25 statement as to whether the physician or psychologist has made a
26 determination of mental retardation in accordance with Section
27 593.005, Health and Safety Code.

1 SECTION 6.037. Section 1103.002, Estates Code, as effective
2 January 1, 2014, is amended to conform to Section 21, Chapter 1085
3 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
4 to read as follows:

5 Sec. 1103.002. APPOINTMENT OF CONSERVATOR AS GUARDIAN
6 WITHOUT HEARING. (a) Notwithstanding any other law, if the
7 applicant who files an application under Section 1101.001 or
8 1103.001 is a person who was appointed conservator of a disabled
9 child and the proceeding is a guardianship proceeding described by
10 Section 1002.015(1) in which the proposed ward is the incapacitated
11 adult with respect to whom another court obtained continuing,
12 exclusive jurisdiction in a suit affecting the parent-child
13 relationship when the person was a child [~~for whom a court obtains~~
14 ~~jurisdiction under Section 606(k)~~], the applicant may present to
15 the court a written letter or certificate that meets the
16 requirements of Sections 1101.103(a) and (b).

17 (b) If, on receipt of the letter or certificate described by
18 Subsection (a), the court is able to make the findings required by
19 Section 1101.101, the court, notwithstanding Subchapter C, Chapter
20 1104, shall:

21 (1) appoint the conservator as guardian without
22 conducting a hearing; and

23 (2) to the extent possible preserve the terms of
24 possession and access to the ward that applied before the court
25 obtained jurisdiction of the guardianship proceeding [~~under~~
26 ~~Section 606(k)~~].

27 SECTION 6.038. Section 1104.254, Estates Code, as effective

1 January 1, 2014, is amended to conform to Section 10, Chapter 599
2 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, to
3 read as follows:

4 Sec. 1104.254. EXCEPTION FOR CERTAIN VOLUNTEERS. An
5 individual volunteering with a guardianship program or with the
6 Department of Aging and Disability Services is not required to be
7 certified as provided by Section 1104.251 to provide guardianship
8 services or other services under Section 161.114, Human Resources
9 Code, on the program's or the department's behalf.

10 SECTION 6.039. Section 1104.352, Estates Code, as effective
11 January 1, 2014, is amended to more closely conform to the source
12 law from which the section was derived to read as follows:

13 Sec. 1104.352. UNSUITABILITY. A person may not be
14 appointed guardian if the person is a person, institution, or
15 corporation found by the court [~~finds the person~~] to be unsuitable.

16 SECTION 6.040. Section 1151.053(b), Estates Code, as
17 effective January 1, 2014, is amended to conform to Section 26,
18 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
19 Session, 2011, to read as follows:

20 (b) A guardian of a person younger than 18 [~~16~~] years of age
21 may voluntarily admit the ward [~~an incapacitated person~~] to a
22 public or private inpatient psychiatric facility for care and
23 treatment.

24 SECTION 6.041. Section 1154.051(a), Estates Code, as
25 effective January 1, 2014, is amended to conform to Section 23,
26 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
27 Session, 2011, to read as follows:

1 (a) Not later than the 30th day after the date the guardian
2 of the estate qualifies, unless a longer period is granted by the
3 court, the guardian shall file with the court clerk a single written
4 instrument that contains a verified, full, and detailed inventory
5 of all the ward's property that has come into the guardian's
6 possession or of which the guardian has knowledge. The inventory
7 must:

8 (1) include:

9 (A) all the ward's real property located in this
10 state; and

11 (B) all the ward's personal property regardless
12 of where the property is located; and

13 (2) specify:

14 (A) which portion of the property is separate
15 property and which is community property; and

16 (B) if the property is owned in common with other
17 persons, the ward's interest in that property [~~and the names and~~
18 ~~relationship, if known, of the co-owners~~].

19 SECTION 6.042. Section 1154.052, Estates Code, as effective
20 January 1, 2014, is amended to conform to Section 24, Chapter 1085
21 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
22 to read as follows:

23 Sec. 1154.052. LIST OF CLAIMS. The guardian of the estate
24 shall make and attach to the inventory and appraisal required by
25 Section 1154.051 a complete list of claims due or owing to the ward.
26 The list of claims must state:

27 (1) the name and, if known, address of each person

1 indebted to the ward; and

2 (2) regarding each claim:

3 (A) the nature of the debt, whether it is a note,
4 bill, bond, or other written obligation, or whether it is an account
5 or verbal contract;

6 (B) the date the debt was incurred;

7 (C) the date the debt was or is due;

8 (D) the amount of the claim, the rate of interest
9 on the claim, and the period for which the claim bears interest; and

10 (E) if any portion of the claim is held in common
11 with others, the interest of the estate in the claim [~~and the names~~
12 ~~and relationships of the other part owners~~].

13 SECTION 6.043. Section 1155.101, Estates Code, as effective
14 January 1, 2014, is amended to conform to Section 19, Chapter 1085
15 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
16 to read as follows:

17 Sec. 1155.101. REIMBURSEMENT OF EXPENSES IN GENERAL. A
18 guardian is entitled to reimbursement from the guardianship estate
19 for all necessary and reasonable expenses incurred in performing
20 any duty as a guardian, including reimbursement for the payment of
21 reasonable attorney's fees necessarily incurred by the guardian in
22 connection with the management of the estate or any other
23 [~~guardianship~~] matter in the guardianship.

24 SECTION 6.044. The heading to Section 1155.151, Estates
25 Code, as effective January 1, 2014, is amended to conform to Chapter
26 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session,
27 2011, to read as follows:

1 Sec. 1155.151. COST OF GUARDIANSHIP PROCEEDING [~~IN~~
2 ~~GUARDIANSHIP MATTER~~].

3 SECTION 6.045. Section 1155.151(a), Estates Code, as
4 effective January 1, 2014, is amended to conform to Section 20,
5 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
6 Session, 2011, and to more closely conform to the source law from
7 which the section was derived to read as follows:

8 (a) Except as provided by Subsection (b), in a guardianship
9 proceeding, the cost of the proceeding [~~in a guardianship matter~~],
10 including the cost of the guardian ad litem or court visitor, shall
11 be paid out of the guardianship estate, or the cost of the
12 proceeding shall be paid out of the county treasury if the estate is
13 insufficient to pay the cost, and the court shall issue the judgment
14 accordingly.

15 SECTION 6.046. Section 1155.201(1), Estates Code, as
16 effective January 1, 2014, is amended to conform to Section 8,
17 Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular
18 Session, 2011, to read as follows:

19 (1) "Applied income" means the portion of the earned
20 and unearned income of a recipient of medical assistance, or if
21 applicable the recipient and the recipient's spouse, that is paid
22 under the medical assistance program to an institution or long-term
23 care facility [~~a nursing home~~] in which the recipient resides.

24 SECTION 6.047. Section 1155.202, Estates Code, as effective
25 January 1, 2014, is amended to conform to Section 8, Chapter 599
26 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, to
27 read as follows:

1 Sec. 1155.202. COMPENSATION AND COSTS PAYABLE UNDER MEDICAL
2 ASSISTANCE PROGRAM. (a) Notwithstanding any other provision of
3 this title and to the extent permitted by federal law, a court that
4 appoints a guardian for a recipient of medical assistance who has
5 applied income may order the following to be deducted as an
6 additional personal needs allowance in the computation of the
7 recipient's applied income in accordance with Section 32.02451,
8 Human Resources Code [~~paid under the medical assistance program~~]:

9 (1) compensation to the guardian in an amount not to
10 exceed \$175 per month;

11 (2) costs directly related to establishing or
12 terminating the guardianship, not to exceed \$1,000 except as
13 provided by Subsection (b); and

14 (3) other administrative costs related to the
15 guardianship, not to exceed \$1,000 during any three-year period.

16 (b) Costs ordered to be deducted [~~paid~~] under Subsection
17 (a)(2) may include compensation and expenses for an attorney ad
18 litem or guardian ad litem and reasonable attorney's fees for an
19 attorney representing the guardian. The costs ordered to be paid
20 may exceed \$1,000 if the costs in excess of that amount are
21 supported by documentation acceptable to the court and the costs
22 are approved by the court.

23 (c) A court may not order:

24 (1) that the deduction for compensation and costs
25 under Subsection (a) take effect before the later of:

26 (A) the month in which the court order issued
27 under that subsection is signed; or

1 establishment of an estate plan for the purpose of minimizing
2 income, estate, inheritance, or other taxes payable out of the
3 ward's estate, or to transfer a portion of the ward's estate as
4 necessary to qualify the ward for government benefits and only to
5 the extent allowed by applicable state or federal laws, including
6 rules, regarding those benefits. On the ward's behalf, the court
7 may authorize the guardian to make gifts or transfers described by
8 this section, outright or in trust, of the ward's [~~personal~~]
9 property [~~or real estate~~] to or for the benefit of:

10 (1) an organization to which charitable contributions
11 may be made under the Internal Revenue Code of 1986 and in which it
12 is shown the ward would reasonably have an interest;

13 (2) the ward's spouse, descendant, or other person
14 related to the ward by blood or marriage who is identifiable at the
15 time of the order;

16 (3) a devisee under the ward's last validly executed
17 will, trust, or other beneficial instrument, if the instrument
18 exists; and

19 (4) a person serving as guardian of the ward, if the
20 person is eligible under Subdivision (2) or (3).

21 SECTION 6.051. Section 1162.002, Estates Code, as effective
22 January 1, 2014, is amended to conform to Section 29, Chapter 1085
23 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
24 to read as follows:

25 Sec. 1162.002. ESTATE OR OTHER TRANSFER PLAN: CONTENTS AND
26 MODIFICATION. (a) The person making an application to the court
27 under Section 1162.001 shall:

1 (1) outline the proposed estate or other transfer
2 plan; and

3 (2) state all the benefits that are to be derived from
4 the [~~estate~~] plan.

5 (b) The application must indicate that the planned
6 disposition is consistent with the ward's intentions, if the ward's
7 intentions can be ascertained. If the ward's intentions cannot be
8 ascertained, the ward will be presumed to favor reduction in the
9 incidence of the various forms of taxation, the qualification for
10 government benefits, and the partial distribution of the ward's
11 estate as provided by Sections 1162.001 and 1162.004.

12 (c) A subsequent modification of an approved [~~estate~~] plan
13 may be made by similar application to the court.

14 SECTION 6.052. The heading to Section 1162.003, Estates
15 Code, as effective January 1, 2014, is amended to conform to Chapter
16 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session,
17 2011, to read as follows:

18 Sec. 1162.003. NOTICE OF APPLICATION FOR ESTABLISHMENT OF
19 ESTATE OR OTHER TRANSFER PLAN.

20 SECTION 6.053. Section 1203.051, Estates Code, as effective
21 January 1, 2014, is amended to conform to Section 11, Chapter 599
22 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, to
23 read as follows:

24 Sec. 1203.051. REMOVAL WITHOUT NOTICE; APPOINTMENT OF
25 GUARDIAN AD LITEM AND ATTORNEY AD LITEM. (a) The court, on the
26 court's own motion or on the motion of an interested person,
27 including the ward, and without notice, may remove a guardian

1 appointed under this title who:

2 (1) neglects to qualify in the manner and time
3 required by law;

4 (2) fails to return, not later than the 30th day after
5 the date the guardian qualifies, an inventory of the guardianship
6 estate property and a list of claims that have come to the
7 guardian's knowledge, unless that deadline is extended by court
8 order;

9 (3) if required, fails to give a new bond within the
10 period prescribed;

11 (4) is absent from the state for a consecutive period
12 of three or more months without the court's permission, or removes
13 from the state;

14 (5) cannot be served with notices or other processes
15 because:

16 (A) the guardian's whereabouts are unknown;

17 (B) the guardian is eluding service; or

18 (C) the guardian is a nonresident of this state
19 who does not have a resident agent to accept service of process in
20 any guardianship proceeding or other matter relating to the
21 guardianship;

22 (6) subject to Section 1203.056(a):

23 (A) has misapplied, embezzled, or removed from
24 the state, or is about to misapply, embezzle, or remove from the
25 state, any of the property entrusted to the guardian's care; or

26 (B) has engaged in conduct with respect to the
27 ward that would be considered to be abuse, neglect, or

1 exploitation, as those terms are defined by Section 48.002, Human
2 Resources Code, if engaged in with respect to an elderly or disabled
3 person, as defined by that section [~~neglected or cruelly treated a~~
4 ~~ward~~]; or

5 (7) has neglected to educate or maintain the ward as
6 liberally as the means of the ward and the condition of the ward's
7 estate permit.

8 (b) In a proceeding to remove a guardian under Subsection
9 (a)(6) or (7), the court shall appoint a guardian ad litem as
10 provided by Subchapter B, Chapter 1054, and an attorney ad litem.
11 The attorney ad litem has the duties prescribed by Section
12 1054.004. In the interest of judicial economy, the court may
13 appoint the same person as guardian ad litem and attorney ad litem
14 unless a conflict exists between the interests to be represented by
15 the guardian ad litem and attorney ad litem.

16 SECTION 6.054. Section 1203.052(a), Estates Code, as
17 effective January 1, 2014, is amended to conform to Section 11,
18 Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular
19 Session, 2011, to read as follows:

20 (a) The court may remove a guardian on the court's own
21 motion, or on the complaint of an interested person, after the
22 guardian has been cited by personal service to answer at a time and
23 place set in the notice, if:

24 (1) sufficient grounds appear to support a belief that
25 the guardian has misapplied, embezzled, or removed from the state,
26 or is about to misapply, embezzle, or remove from the state, any of
27 the property entrusted to the guardian's care;

1 (2) the guardian fails to return any account or report
2 that is required by law to be made;

3 (3) the guardian fails to obey a proper order of the
4 court that has jurisdiction with respect to the performance of the
5 guardian's duties;

6 (4) the guardian is proved to have been guilty of gross
7 misconduct or mismanagement in the performance of the guardian's
8 duties;

9 (5) the guardian:

10 (A) becomes incapacitated;

11 (B) is sentenced to the penitentiary; or

12 (C) from any other cause, becomes incapable of
13 properly performing the duties of the guardian's trust;

14 (6) the guardian has engaged in conduct with respect
15 to the ward that would be considered to be abuse, neglect, or
16 exploitation, as those terms are defined by Section 48.002, Human
17 Resources Code, if engaged in with respect to an elderly or disabled
18 person, as defined by that section [~~neglects or cruelly treats the~~
19 ~~ward~~];

20 (7) the guardian neglects to educate or maintain the
21 ward as liberally as the means of the ward's estate and the ward's
22 ability or condition permit;

23 (8) the guardian interferes with the ward's progress
24 or participation in programs in the community;

25 (9) the guardian fails to comply with the requirements
26 of Subchapter G, Chapter 1104;

27 (10) the court determines that, because of the

1 dissolution of the joint guardians' marriage, the termination of
2 the guardians' joint appointment and the continuation of only one
3 of the joint guardians as the sole guardian is in the best interest
4 of the ward; or

5 (11) the guardian would be ineligible for appointment
6 as a guardian under Subchapter H, Chapter 1104.

7 SECTION 6.055. Subchapter B, Chapter 1203, Estates Code, as
8 effective January 1, 2014, is amended to conform to Section 1,
9 Chapter 1218 (S.B. 481), Acts of the 82nd Legislature, Regular
10 Session, 2011, by adding Section 1203.0531 to read as follows:

11 Sec. 1203.0531. NOTICE OF REMOVAL ORDER. The court clerk
12 shall issue notice of an order rendered by the court removing a
13 guardian under Section 1203.051(a)(1), (2), (3), (4), (6), or (7).

14 The notice must:

15 (1) state the names of the ward and the removed
16 guardian;

17 (2) state the date the court signed the order of
18 removal;

19 (3) contain the following statement printed in
20 12-point bold font:

21 "If you have been removed from serving as guardian under
22 Section 1203.051(a)(6)(A) or (B), Estates Code, you have the right
23 to contest the order of removal by filing an application with the
24 court for a hearing under Section 1203.056, Estates Code, to
25 determine whether you should be reinstated as guardian. The
26 application must be filed not later than the 30th day after the date
27 the court signed the order of removal."

1 (4) contain as an attachment a copy of the order of
2 removal; and

3 (5) be personally served on the removed guardian not
4 later than the seventh day after the date the court signed the order
5 of removal.

6 SECTION 6.056. Sections 1203.056(a), (b), and (e), Estates
7 Code, as effective January 1, 2014, are amended to conform to
8 Section 11, Chapter 599 (S.B. 220), and Section 2, Chapter 1218
9 (S.B. 481), Acts of the 82nd Legislature, Regular Session, 2011, to
10 read as follows:

11 (a) The court may remove a guardian under Section
12 1203.051(a)(6)(A) [1203.051(6)(A)] or (B) only on the presentation
13 of clear and convincing evidence given under oath.

14 (b) Not later than the 30th [10th] day after the date the
15 court signs the order of removal, a guardian who is removed under
16 Section 1203.051(a)(6)(A) [1203.051(6)(A)] or (B) may file an
17 application with the court for a hearing to determine whether the
18 guardian should be reinstated.

19 (e) The court shall hold a hearing on an application for
20 reinstatement under this section as soon as practicable after the
21 application is filed, but not later than the 60th day after the date
22 the court signed the order of removal. If, at the conclusion of the
23 [a] hearing [under this section], the court is satisfied by a
24 preponderance of the evidence that the applicant did not engage in
25 the conduct that directly led to the applicant's removal, the court
26 shall:

27 (1) set aside any order appointing a successor

1 guardian; and

2 (2) enter an order reinstating the applicant as
3 guardian of the ward or estate.

4 SECTION 6.057. The heading to Section 1203.102, Estates
5 Code, as effective January 1, 2014, is amended to conform to Section
6 11, Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular
7 Session, 2011, to read as follows:

8 Sec. 1203.102. APPOINTMENT BECAUSE OF RESIGNATION,
9 REMOVAL, OR DEATH; HEARING TO SET ASIDE IMMEDIATE APPOINTMENT.

10 SECTION 6.058. Section 1203.102, Estates Code, as effective
11 January 1, 2014, is amended to conform to Section 11, Chapter 599
12 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, by
13 amending Subsection (b) and adding Subsections (c) and (d) to read
14 as follows:

15 (b) The court may appoint a successor guardian under this
16 section without citation or notice if the court finds that a
17 necessity exists for the immediate appointment. Subject to an
18 order of the court, a successor guardian has the rights and powers
19 of the removed guardian.

20 (c) The appointment of a successor guardian under
21 Subsection (b) does not preclude an interested person from filing
22 an application to be appointed guardian of the ward for whom the
23 successor guardian was appointed. The court shall hold a hearing on
24 an application filed under the circumstances described by this
25 subsection. At the conclusion of the hearing, the court may set
26 aside the appointment of the successor guardian and appoint the
27 applicant as the ward's guardian if the applicant is not

1 disqualified and after considering the requirements of Subchapter B
2 or C, Chapter 1104, as applicable.

3 (d) If the court sets aside the appointment of the successor
4 guardian under this section, the court may require the successor
5 guardian to prepare and file, under oath, an accounting of the
6 estate and to detail the disposition the successor has made of the
7 estate property.

8 SECTION 6.059. Sections 1204.001(b) and (e), Estates Code,
9 as effective January 1, 2014, are amended to conform to Section 25,
10 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
11 Session, 2011, to read as follows:

12 (b) A guardianship of the estate of a ward shall be settled
13 when:

14 (1) the ward dies;

15 (2) a minor ward becomes an adult by:

16 (A) becoming 18 years of age;

17 (B) removal of disabilities of minority
18 according to the law of this state; or

19 (C) marriage;

20 (3) an incapacitated ward is decreed as provided by
21 law to have been restored to full legal capacity;

22 (4) the spouse of a married ward has qualified as
23 survivor in community and the ward does not own separate property;

24 (5) the ward's estate is exhausted;

25 (6) the foreseeable income accruing to the ward or to
26 the ward's estate is so negligible that maintaining the
27 guardianship in force would be burdensome;

1 (7) all of the assets of the estate have been placed in
2 a management trust under Chapter 1301 or have been transferred to a
3 pooled trust subaccount in accordance with a court order issued as
4 provided by Chapter 1302, and the court determines that a
5 guardianship of [~~for~~] the ward's estate [~~ward~~] is no longer
6 necessary; or

7 (8) the court determines for any other reason that a
8 guardianship for the ward is no longer necessary.

9 (e) In the settlement of a guardianship of the estate, the
10 court may appoint an attorney ad litem to represent the ward's
11 interests and may allow the attorney ad litem reasonable
12 compensation to be taxed as costs [~~for services provided by the~~
13 ~~attorney out of the ward's estate~~].

14 SECTION 6.060. Section 1301.051, Estates Code, as effective
15 January 1, 2014, is amended to conform to Section 30, Chapter 1085
16 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
17 to read as follows:

18 Sec. 1301.051. ELIGIBILITY TO APPLY FOR CREATION OF TRUST.
19 The following persons may apply for the creation of a trust under
20 this subchapter:

21 (1) the guardian of a ward;
22 (2) an attorney ad litem or guardian ad litem
23 appointed to represent a ward or the ward's interests;

24 (3) a person interested in the welfare of an alleged
25 incapacitated person who does not have a guardian [~~of the estate~~];
26 [~~or~~]

27 (4) an attorney ad litem or guardian ad litem

1 appointed to represent[+]

2 [~~(A)~~] an alleged incapacitated person who does
3 not have a guardian; or

4 (5) a person who has only a physical disability
5 [~~(B) the interests of a person described by Paragraph (A)~~].

6 SECTION 6.061. Section 1301.052(b), Estates Code, as
7 effective January 1, 2014, is amended to conform a reference to a
8 redesignation made by Section 6.015(c) of this Act to read as
9 follows:

10 (b) If a proceeding for the appointment of a guardian for an
11 alleged incapacitated person is not pending on the date an
12 application is filed for the creation of a trust under Section
13 1301.054 for the person, venue for a proceeding to create a trust
14 must be determined in the same manner as venue for a proceeding for
15 the appointment of a guardian is determined under Section 1023.001
16 [~~610~~].

17 SECTION 6.062. Section 1301.053, Estates Code, as effective
18 January 1, 2014, is amended to conform to Section 30, Chapter 1085
19 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
20 to read as follows:

21 Sec. 1301.053. CREATION OF TRUST [~~FOR WARD~~]. (a) On
22 application by an appropriate person as provided by Section
23 1301.051 and subject to Section 1301.054(a), if applicable, the
24 court with jurisdiction over the proceedings [~~a guardianship~~] may
25 enter an order that creates [~~for the ward's benefit~~] a trust for the
26 management of the [~~guardianship~~] funds of the person with respect
27 to whom the application is filed if the court finds that the

1 creation of the trust is in the person's [~~ward's~~] best interests.

2 (b) The court may [~~shall~~] maintain a trust created under
3 this section under the same cause number as the guardianship
4 proceeding, if the person for whom the trust is created is a ward or
5 proposed ward.

6 SECTION 6.063. Section 1301.054(d), Estates Code, as
7 effective January 1, 2014, is amended to conform to Section 30,
8 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
9 Session, 2011, to read as follows:

10 (d) The court may [~~shall~~] maintain a trust created under
11 this section under the same cause number as the guardianship
12 proceeding, if the person for whom the trust is created is a ward or
13 proposed ward [~~applicable~~].

14 SECTION 6.064. Section 1301.056, Estates Code, as effective
15 January 1, 2014, is amended to conform to Section 30, Chapter 1085
16 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
17 and to more closely conform to the source law from which the section
18 was derived to read as follows:

19 Sec. 1301.056. CONTENTS OF ORDER CREATING TRUST. An order
20 creating a management trust must:

21 (1) direct any [~~a~~] person or entity holding property
22 that belongs to the [~~ward or incapacitated~~] person[~~, as~~
23 ~~applicable,~~] for whom the trust is created or to which that [~~the~~
24 ~~ward or incapacitated~~] person is entitled[~~,~~] to deliver all or part
25 of that property to a person or [~~the~~] corporate fiduciary [~~or other~~
26 ~~person~~] appointed as trustee of the trust; and

27 (2) include terms and limitations placed on the trust.

1 SECTION 6.065. Section 1301.057(c), Estates Code, as
2 effective January 1, 2014, is amended to conform to Section 30,
3 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
4 Session, 2011, to read as follows:

5 (c) The court may appoint a person or entity described by
6 Subsection (d) to serve as trustee of a management trust instead of
7 appointing a financial institution to serve in that capacity if the
8 court finds:

9 (1) that the appointment is in the best interests of
10 the [~~ward or incapacitated~~] person for whom the trust is created;
11 and

12 (2) if the value of the trust's principal is more than
13 \$150,000, that the applicant for the creation of the trust, after
14 the exercise of due diligence, has been unable to find a financial
15 institution in the geographic area willing to serve as trustee.

16 SECTION 6.066. Section 1301.101, Estates Code, as effective
17 January 1, 2014, is amended to conform to Section 31, Chapter 1085
18 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
19 to read as follows:

20 Sec. 1301.101. REQUIRED TERMS. (a) Except as provided by
21 Subsection (c), a management trust must provide that:

22 (1) the ward, ~~[or]~~ incapacitated person, or person who
23 has only a physical disability for whom the trust is created is the
24 sole beneficiary of the trust;

25 (2) the trustee may disburse an amount of the trust's
26 principal or income as the trustee determines is necessary to spend
27 for the health, education, maintenance, or support of the [~~ward or~~

1 ~~incapacitated]~~ person for whom the trust is created;

2 (3) the trust income that the trustee does not
3 disburse under Subdivision (2) must be added to the trust
4 principal;

5 (4) a trustee that is a corporate fiduciary serves
6 without giving a bond; and

7 (5) subject to the court's approval and Subsection
8 (b), the trustee is entitled to receive reasonable compensation for
9 services the trustee provides to the ~~[ward or incapacitated]~~ person
10 for whom the trust is created as the person's trustee.

11 (b) A trustee's compensation under Subsection (a)(5) must
12 be:

13 (1) paid from the management trust's income,
14 principal, or both; and

15 (2) determined, paid, reduced, and eliminated in the
16 same manner as compensation of a guardian ~~[of an estate]~~ under
17 Subchapter A, Chapter 1155.

18 (c) The court creating or modifying a management trust may
19 omit or modify terms required by Subsection (a)(1) or (2) only if
20 the court determines that the omission or modification:

21 (1) is necessary and appropriate for the ~~[ward or~~
22 ~~incapacitated]~~ person for whom the trust is created to be eligible
23 to receive public benefits or assistance under a state or federal
24 program that is not otherwise available to the ~~[ward or~~
25 ~~incapacitated]~~ person; and

26 (2) is in the ~~[ward's or incapacitated person's]~~ best
27 interests of the person for whom the trust is created.

1 SECTION 6.067. Section 1301.102(a), Estates Code, as
2 effective January 1, 2014, is amended to conform to Section 31,
3 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
4 Session, 2011, to read as follows:

5 (a) A management trust may provide that the trustee make a
6 distribution, payment, use, or application of trust funds for the
7 health, education, maintenance, or support of the [~~ward or~~
8 ~~incapacitated~~] person for whom the trust is created or of another
9 person whom the [~~ward or incapacitated~~] person for whom the trust is
10 created is legally obligated to support:

11 (1) as necessary and without the intervention of:

12 (A) a guardian or other representative of the
13 ward; or

14 (B) a representative of the incapacitated person
15 or person who has only a physical disability; and

16 (2) to:

17 (A) the ward's guardian;

18 (B) a person who has physical custody of the
19 [~~ward or incapacitated~~] person for whom the trust is created or of
20 another person whom the [~~ward or incapacitated~~] person for whom the
21 trust is created is legally obligated to support; or

22 (C) a person providing a good or service to the
23 [~~ward or incapacitated~~] person for whom the trust is created or to
24 another person whom the [~~ward or incapacitated~~] person for whom the
25 trust is created is legally obligated to support.

26 SECTION 6.068. Subchapter D, Chapter 1301, Estates Code, as
27 effective January 1, 2014, is amended to conform to Section 35,

1 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
2 Session, 2011, by adding Section 1301.1535 to read as follows:

3 Sec. 1301.1535. INITIAL ACCOUNTING BY CERTAIN TRUSTEES
4 REQUIRED. (a) This section applies only to a trustee of a
5 management trust created for a person for whom a guardianship
6 proceeding is pending on the date the trust is created.

7 (b) Not later than the 30th day after the date a trustee to
8 which this section applies receives property into the trust, the
9 trustee shall file with the court in which the guardianship
10 proceeding is pending a report describing all property held in the
11 trust on the date of the report and specifying the value of the
12 property on that date.

13 SECTION 6.069. Section 1301.154, Estates Code, as effective
14 January 1, 2014, is amended to conform to Section 36, Chapter 1085
15 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
16 by amending Subsection (a) and adding Subsection (d) to read as
17 follows:

18 (a) Except as provided by Subsection (d), the [The] trustee
19 of a management trust shall prepare and file with the court an
20 annual accounting of transactions in the trust in the same manner
21 and form that is required of a guardian under this title.

22 (d) The court may not require a trustee of a trust created
23 for a person who has only a physical disability to prepare and file
24 with the court the annual accounting as described by Subsection
25 (a).

26 SECTION 6.070. Section 1301.201(b), Estates Code, as
27 effective January 1, 2014, is amended to conform to Section 33,

1 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
2 Session, 2011, to read as follows:

3 (b) The following may not revoke a management trust:

4 (1) the ward for whom the trust is created or the
5 guardian of the ward's estate; ~~[or]~~

6 (2) the incapacitated person for whom the trust is
7 created; or

8 (3) the person who has only a physical disability for
9 whom the trust is created.

10 SECTION 6.071. Sections 1301.202(a) and (b), Estates Code,
11 as effective January 1, 2014, are amended to conform to Section 32,
12 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
13 Session, 2011, to read as follows:

14 (a) If the court determines that it is in the best interests
15 of the ~~[a ward or incapacitated]~~ person for whom a management trust
16 is created, the court may order the transfer of all property in the
17 management trust to a pooled trust subaccount established in
18 accordance with Chapter 1302.

19 (b) The transfer of property from the management trust to
20 the pooled trust subaccount shall be treated as a continuation of
21 the management trust and may not be treated as the establishment of
22 a new trust for purposes of 42 U.S.C. Section 1396p(d)(4)(A) or (C)
23 or otherwise for purposes of the management trust beneficiary's
24 ~~[ward's or incapacitated person's]~~ eligibility for medical
25 assistance under Chapter 32, Human Resources Code.

26 SECTION 6.072. Section 1301.203, Estates Code, as effective
27 January 1, 2014, is amended to conform to Section 34, Chapter 1085

1 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
2 to read as follows:

3 Sec. 1301.203. TERMINATION OF TRUST. (a) If the [~~ward or~~
4 ~~incapacitated~~] person for whom a management trust is created is a
5 minor, the trust terminates on:

6 (1) the earlier of:

7 (A) the [~~ward's or incapacitated~~] person's death;
8 or

9 (B) the [~~ward's or incapacitated~~] person's 18th
10 birthday; or

11 (2) the date provided by court order, which may not be
12 later than the [~~ward's or incapacitated~~] person's 25th birthday.

13 (b) If the [~~ward or incapacitated~~] person for whom a
14 management trust is created is not a minor, the trust terminates
15 ~~on~~:

16 (1) according to the terms of the trust;

17 (2) on the date the court determines that continuing
18 the trust is no longer in the [~~ward's or incapacitated~~] person's
19 best interests, subject to Section 1301.202(c); or

20 (3) on [~~(2)~~] the [~~ward's or incapacitated~~] person's
21 death.

22 SECTION 6.073. Section 1301.204, Estates Code, as effective
23 January 1, 2014, is amended to conform to Section 37, Chapter 1085
24 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
25 to read as follows:

26 Sec. 1301.204. DISTRIBUTION OF TRUST PROPERTY. (a) Unless
27 otherwise provided by the court and except as provided by

1 Subsection (b), the trustee of a management trust shall:

2 (1) prepare a final account in the same form and manner
3 that is required of a guardian under Sections 1204.101 and
4 1204.102; and

5 (2) on court approval, distribute the principal or any
6 undistributed income of the trust to:

7 (A) the ward or incapacitated person when the
8 trust terminates on the trust's own terms;

9 (B) the successor trustee on appointment of a
10 successor trustee; or

11 (C) the representative of the deceased ward's or
12 incapacitated person's estate on the ward's or incapacitated
13 person's death.

14 (b) The court may not require a trustee of a trust created
15 for a person who has only a physical disability to prepare and file
16 with the court a final account as described by Subsection (a)(1).
17 The trustee shall distribute the principal and any undistributed
18 income of the trust in the manner provided by Subsection (a)(2) for
19 a trust the beneficiary of which is a ward or incapacitated person.

20 SECTION 6.074. Section 1302.002, Estates Code, as effective
21 January 1, 2014, is amended to conform to Section 39, Chapter 1085
22 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011,
23 to read as follows:

24 Sec. 1302.002. APPLICATION TO ESTABLISH SUBACCOUNT. The
25 following persons [~~A person interested in the welfare of a minor, a~~
26 ~~disabled person, or any other incapacitated person~~] may apply to
27 the court for the establishment of a subaccount for the benefit of a

1 ~~[the] minor[, disabled person,]~~ or other incapacitated person, an
2 alleged incapacitated person, or a disabled person who is not an
3 incapacitated person:

4 (1) the guardian of the incapacitated person;

5 (2) a person who has filed an application for the
6 appointment of a guardian for the alleged incapacitated person;

7 (3) an attorney ad litem or guardian ad litem
8 appointed to represent:

9 (A) the incapacitated person who is a ward or
10 that person's interests; or

11 (B) the alleged incapacitated person who does not
12 have a guardian; or

13 (4) the disabled person [as the beneficiary].

14 SECTION 6.075. The heading to Part 2, Subtitle Y, Title 3,
15 Estates Code, as effective January 1, 2014, is amended to conform to
16 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
17 Session, 2011, to read as follows:

18 PART 2. GUARDIANSHIP PROCEEDINGS [~~AND MATTERS~~]

19 SECTION 6.076. The heading to Subtitle Z, Title 3, Estates
20 Code, as effective January 1, 2014, is amended to read as follows:

21 SUBTITLE Z. TEXAS PROBATE CODE: [+] ADDITIONAL GUARDIANSHIP
22 PROVISIONS

23 SECTION 6.077. The heading to Part 2, Subtitle Z, Title 3,
24 Estates Code, as effective January 1, 2014, is amended to conform to
25 Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular
26 Session, 2011, to read as follows:

27 PART 2. GUARDIANSHIP PROCEEDINGS [~~AND MATTERS~~]

1 SECTION 6.078. (a) Sections 3.01(b) and (c), Chapter 823
2 (H.B. 2759), Acts of the 82nd Legislature, Regular Session, 2011,
3 which transferred to the Estates Code Sections 605, 606, 607, 608,
4 609, 610, 611, 612, 613, 614, 615, 616, 617, and 618, Texas Probate
5 Code, are repealed.

6 (b) Subtitle Y, Title 2, Estates Code, as effective January
7 1, 2014, is repealed.

8 (c) Subparts A and B, Part 2, Subtitle Y, Title 3, Estates
9 Code, as effective January 1, 2014, are repealed.

10 SECTION 6.079. This article takes effect January 1, 2014.

11 ARTICLE 7. CHANGES RELATING TO FAMILY CODE

12 SECTION 7.001. Section 51.03(b), Family Code, as amended by
13 Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of the 82nd
14 Legislature, Regular Session, 2011, is reenacted and amended to
15 read as follows:

16 (b) Conduct indicating a need for supervision is:

17 (1) subject to Subsection (f), conduct, other than a
18 traffic offense, that violates:

19 (A) the penal laws of this state of the grade of
20 misdemeanor that are punishable by fine only; or

21 (B) the penal ordinances of any political
22 subdivision of this state;

23 (2) the absence of a child on 10 or more days or parts
24 of days within a six-month period in the same school year or on
25 three or more days or parts of days within a four-week period from
26 school;

27 (3) the voluntary absence of a child from the child's

1 home without the consent of the child's parent or guardian for a
2 substantial length of time or without intent to return;

3 (4) conduct prohibited by city ordinance or by state
4 law involving the inhalation of the fumes or vapors of paint and
5 other protective coatings or glue and other adhesives and the
6 volatile chemicals itemized in Section 485.001, Health and Safety
7 Code;

8 (5) an act that violates a school district's
9 previously communicated written standards of student conduct for
10 which the child has been expelled under Section 37.007(c),
11 Education Code;

12 (6) conduct that violates a reasonable and lawful
13 order of a court entered under Section 264.305; ~~[or]~~

14 (7) notwithstanding Subsection (a)(1), conduct
15 described by Section 43.02(a)(1) or (2), Penal Code; or

16 (8) ~~[(7)]~~ conduct that violates Section 43.261, Penal
17 Code.

18 SECTION 7.002. Section 54.021(a), Family Code, as amended
19 by Chapters 148 (H.B. 734) and 1098 (S.B. 1489), Acts of the 82nd
20 Legislature, Regular Session, 2011, is reenacted to read as
21 follows:

22 (a) The juvenile court may waive its exclusive original
23 jurisdiction and transfer a child to the constitutional county
24 court, if the county has a population of 1.75 million or more, or to
25 an appropriate justice or municipal court, with the permission of
26 the county, justice, or municipal court, for disposition in the
27 manner provided by Subsection (b) if the child is 12 years of age or

1 older and is alleged to have engaged in conduct described in Section
2 51.03(b)(2). A waiver of jurisdiction under this subsection may be
3 for an individual case or for all cases in which a child is alleged
4 to have engaged in conduct described in Section 51.03(b)(2). The
5 waiver of a juvenile court's exclusive original jurisdiction for
6 all cases in which a child is alleged to have engaged in conduct
7 described in Section 51.03(b)(2) is effective for a period of one
8 year.

9 SECTION 7.003. Section 58.003(d), Family Code, as amended
10 by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of the 82nd
11 Legislature, Regular Session, 2011, is reenacted and amended to
12 read as follows:

13 (d) The court may grant to a child the relief authorized in
14 Subsection (a), (c-1), [~~ex~~] (c-3), or (c-5) at any time after final
15 discharge of the child or after the last official action in the case
16 if there was no adjudication, subject, if applicable, to Subsection
17 (e). If the child is referred to the juvenile court for conduct
18 constituting any offense and at the adjudication hearing the child
19 is found to be not guilty of each offense alleged, the court shall
20 immediately and without any additional hearing order the sealing of
21 all files and records relating to the case.

22 SECTION 7.004. Section 58.106(a), Family Code, as amended
23 by Chapters 186 (S.B. 1241), 653 (S.B. 1106), and 1098 (S.B. 1489),
24 Acts of the 82nd Legislature, Regular Session, 2011, is reenacted
25 and amended to read as follows:

26 (a) Except as otherwise provided by this section,
27 information contained in the juvenile justice information system is

1 confidential information for the use of the department and may not
2 be disseminated by the department except:

3 (1) with the permission of the juvenile offender, to
4 military personnel of this state or the United States;

5 (2) to a person or entity to which the department may
6 grant access to adult criminal history records as provided by
7 Section 411.083, Government Code;

8 (3) to a juvenile justice agency;

9 (4) to the Texas Youth Commission and the Texas
10 Juvenile Probation Commission for analytical purposes;

11 (5) to the office of independent ombudsman of the
12 Texas Youth Commission; and

13 (6) to a county, justice, or municipal court
14 exercising jurisdiction over a juvenile, including a court
15 exercising jurisdiction over a juvenile under Section 54.021.

16 ARTICLE 8. CHANGES RELATING TO FINANCE CODE

17 SECTION 8.001. Section 14.2015(a), Finance Code, as amended
18 by Chapters 1182 (H.B. 3453) and 1302 (H.B. 2594), Acts of the 82nd
19 Legislature, Regular Session, 2011, is reenacted to read as
20 follows:

21 (a) Except as provided by Subsection (b), information or
22 material obtained or compiled by the commissioner in relation to an
23 examination or investigation by the commissioner or the
24 commissioner's representative of a license holder, registrant,
25 applicant, or other person under Subtitle B or C, Title 4,
26 Subchapter G of Chapter 393, or Chapter 394 is confidential and may
27 not be disclosed by the commissioner or an officer or employee of

1 the Office of Consumer Credit Commissioner, including:

2 (1) information obtained from a license holder,
3 registrant, applicant, or other person examined or investigated
4 under Subtitle B or C, Title 4, Subchapter G of Chapter 393, or
5 Chapter 394;

6 (2) work performed by the commissioner or the
7 commissioner's representative on information obtained from a
8 license holder, registrant, applicant, or other person for the
9 purposes of an examination or investigation conducted under
10 Subtitle B or C, Title 4, Chapter 393 with respect to a credit
11 access business, or Chapter 394;

12 (3) a report on an examination or investigation of a
13 license holder, registrant, applicant, or other person conducted
14 under Subtitle B or C, Title 4, Chapter 393 with respect to a credit
15 access business, or Chapter 394; and

16 (4) any written communications between the license
17 holder, registrant, applicant, or other person, as applicable, and
18 the commissioner or the commissioner's representative relating to
19 or referencing an examination or investigation conducted under
20 Subtitle B or C, Title 4, Chapter 393 with respect to a credit
21 access business, or Chapter 394.

22 SECTION 8.002. Section 348.005, Finance Code, is amended to
23 correct a reference to read as follows:

24 Sec. 348.005. ITEMIZED CHARGE. An amount in a retail
25 installment contract is an itemized charge if the amount is not
26 included in the cash price and is the amount of:

27 (1) fees for registration, certificate of title, and

1 license and any additional registration fees charged by a full
2 service deputy under Section 520.008 [~~502.114~~], Transportation
3 Code;

4 (2) any taxes;

5 (3) fees or charges prescribed by law and connected
6 with the sale or inspection of the motor vehicle; and

7 (4) charges authorized for insurance, service
8 contracts, warranties, or a debt cancellation agreement by
9 Subchapter C.

10 SECTION 8.003. Section 353.006, Finance Code, is amended to
11 correct a reference to read as follows:

12 Sec. 353.006. ITEMIZED CHARGE. An amount in a retail
13 installment contract is an itemized charge if the amount is not
14 included in the cash price and is the amount of:

15 (1) fees for registration, certificate of title, and
16 license and any additional registration fees charged by a full
17 service deputy under Section 520.008 [~~502.114~~], Transportation
18 Code;

19 (2) any taxes;

20 (3) fees or charges prescribed by law and connected
21 with the sale or inspection of the commercial vehicle;

22 (4) charges authorized for insurance, service
23 contracts, and warranties by Subchapter C; and

24 (5) advances or payments authorized under Section
25 353.402(b) or (c) made by the retail seller to or for the benefit of
26 the retail buyer.

1 ARTICLE 9. CHANGES RELATING TO GOVERNMENT CODE

2 PART A. GENERAL CHANGES

3 SECTION 9.001. Section 411.091(b), Government Code, is
4 amended to correct a reference to read as follows:

5 (b) Criminal history record information obtained by the
6 commission under Subsection (a) [~~(a)(1)~~] may be used only for the
7 enforcement and administration of the Alcoholic Beverage Code.

8 SECTION 9.002. Section 411.105, Government Code, is amended
9 to conform to the repeal of Section 901.412, Occupations Code, by
10 Chapter 315 (H.B. 2144), Acts of the 80th Legislature, Regular
11 Session, 2007, to read as follows:

12 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. The Texas
14 State Board of Public Accountancy is entitled to obtain from the
15 department criminal history record information maintained by the
16 department that relates to a person who is:

17 (1) an applicant for certification as a certified
18 public accountant under Chapter 901, Occupations Code; or

19 (2) an applicant to take the uniform CPA examination
20 under that Act [~~, or~~

21 [~~(3) an applicant to register under Section 901.412,~~
22 ~~Occupations Code]~~.

23 SECTION 9.003. Section 411.114(a)(3), Government Code, as
24 amended by Chapters 598 (S.B. 218), 1056 (S.B. 221), and 1082 (S.B.
25 1178), Acts of the 82nd Legislature, Regular Session, 2011, is
26 reenacted and amended to read as follows:

27 (3) The Department of Family and Protective Services

1 is entitled to obtain from the department criminal history record
2 information maintained by the department that relates to a person
3 who is:

4 (A) a volunteer or applicant volunteer with a
5 local affiliate in this state of Big Brothers/Big Sisters of
6 America;

7 (B) a volunteer or applicant volunteer with the
8 "I Have a Dream/Houston" program;

9 (C) a volunteer or applicant volunteer with an
10 organization that provides court-appointed special advocates for
11 abused or neglected children;

12 (D) a person providing, at the request of the
13 child's parent, in-home care for a child who is the subject of a
14 report alleging the child has been abused or neglected;

15 (E) a volunteer or applicant volunteer with a
16 Texas chapter of the Make-a-Wish Foundation of America;

17 (F) a person providing, at the request of the
18 child's parent, in-home care for a child only if the person gives
19 written consent to the release and disclosure of the information;

20 (G) a child who is related to the caretaker, as
21 determined under Section 42.002, Human Resources Code, and who
22 resides in or is present in a child-care facility or family home,
23 other than a child described by Subdivision (2)(C), or any other
24 person who has unsupervised access to a child in the care of a
25 child-care facility or family home;

26 (H) an applicant for a position with the
27 Department of Family and Protective Services, other than a position

1 described by Subdivision (2)(D), regardless of the duties of the
2 position;

3 (I) a volunteer or applicant volunteer with the
4 Department of Family and Protective Services, other than a
5 registered volunteer, regardless of the duties to be performed;

6 (J) a person providing or applying to provide
7 in-home, adoptive, or foster care for children to the extent
8 necessary to comply with Subchapter B, Chapter 162, Family Code;

9 (K) a Department of Family and Protective
10 Services employee, other than an employee described by Subdivision
11 (2)(H), regardless of the duties of the employee's position;

12 (L) a relative of a child in the care of the
13 Department of Family and Protective Services, to the extent
14 necessary to comply with Section 162.007, Family Code;

15 (M) a person, other than an alleged perpetrator
16 in a report described in Subdivision (2)(I), living in the
17 residence in which the alleged victim of the report resides;

18 (N) a contractor or an employee of a contractor
19 who delivers services to a ward of the Department of Family and
20 Protective Services under a contract with the estate of the ward;

21 (O) a person who seeks unsupervised visits with a
22 ward of the Department of Family and Protective Services, including
23 a relative of the ward;

24 (P) an employee, volunteer, or applicant
25 volunteer of a children's advocacy center under Subchapter E,
26 Chapter 264, Family Code, including a member of the governing board
27 of a center; [~~or~~]

1 (Q) an employee of, an applicant for employment
2 with, or a volunteer or an applicant volunteer with an entity or
3 person that contracts with the Department of Family and Protective
4 Services and has access to confidential information in the
5 department's records, if the employee, applicant, volunteer, or
6 applicant volunteer has or will have access to that confidential
7 information;

8 (R) [~~(Q)~~] an employee of or volunteer at, or an
9 applicant for employment with or to be a volunteer at, an entity
10 that provides supervised independent living services to a young
11 adult receiving extended foster care services from the Department
12 of Family and Protective Services; or

13 (S) [~~(R)~~] a person 14 years of age or older who
14 will be regularly or frequently working or staying in a host home
15 that is providing supervised independent living services to a young
16 adult receiving extended foster care services from the Department
17 of Family and Protective Services.

18 SECTION 9.004. Section 411.135(a), Government Code, is
19 amended to update a reference to read as follows:

20 (a) Any person is entitled to obtain from the department:

21 (1) any information described as public information
22 under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter~~
23 ~~668, Acts of the 75th Legislature, Regular Session, 1997,~~]
24 including, to the extent available, a recent photograph of each
25 person subject to registration under that chapter; and

26 (2) criminal history record information maintained by
27 the department that relates to the conviction of or a grant of

1 deferred adjudication to a person for any criminal offense,
2 including arrest information that relates to the conviction or
3 grant of deferred adjudication.

4 SECTION 9.005. The heading to Section 413.016, Government
5 Code, is amended to read as follows:

6 Sec. 413.016. [~~REPORT ON~~] INMATE RELEASE STATISTICS.

7 SECTION 9.006. Section 419.907(a), Government Code, is
8 amended to correct a typographical error to read as follows:

9 (a) To the extent feasible, the commission, the state fire
10 marshal, and the Texas Forest Service shall collocate office space
11 outside of Travis County used for related functions performed
12 [~~performed~~] by the three entities.

13 SECTION 9.007. Section 432.068(c), Government Code, is
14 amended to correct references to read as follows:

15 (c) A person charged with any offense is not liable to be
16 tried by court-martial or punished under Section 432.015 [~~432.021~~]
17 if the offense was committed more than two years before the date of
18 receipt of sworn charges and specifications by an officer
19 exercising summary court-martial jurisdiction over the command, or
20 before the imposition of punishment under Section 432.015
21 [~~432.021~~].

22 SECTION 9.008. Section 432.094(c), Government Code, is
23 amended to correct a reference to read as follows:

24 (c) The keepers, officers, and wardens of city or county
25 jails and other jails, penitentiaries, or prisons designated by the
26 governor or by a person authorized by the governor to act under
27 Section 432.011 [~~432.014~~], shall receive persons ordered into

1 confinement before trial and persons committed to confinement by a
2 military court and shall confine them according to law. The keeper,
3 officer, or warden may not require payment of a fee or charge for
4 receiving or confining a person.

5 SECTION 9.009. Section 442.007, Government Code, is amended
6 to correct a reference to read as follows:

7 Sec. 442.007. STATE ARCHEOLOGICAL PROGRAM. (a) The
8 commission, through the state archeologist, shall direct the state
9 archeological program.

10 (b) The program must include:

11 (1) a continuing inventory of nonrenewable
12 archeological resources;

13 (2) evaluation of known sites through testing and
14 excavation;

15 (3) maintenance of extensive field and laboratory
16 data, including data on collections of antiquities;

17 (4) consultation with state agencies and
18 organizations and local groups concerning archeological and
19 historical problems; and

20 (5) publication of the results of the program through
21 various sources, including a regular series of reports.

22 (c) The commission may enter into contracts or cooperative
23 agreements with the federal government, other state agencies, state
24 or private museums or educational institutions, or qualified
25 individuals for prehistoric or historic archeological
26 investigations, surveys, excavations, or restorations in this
27 state.

1 (d) The state archeologist has general jurisdiction and
2 supervision over archeological work, reports, surveys,
3 excavations, and archeological programs of the commission and of
4 cooperating state agencies.

5 (e) The duties of the state archeologist include:

6 (1) maintaining an inventory of significant historic
7 or prehistoric sites of archeological or historic interest;

8 (2) providing public information and education in the
9 fields of archeology and history;

10 (3) conducting surveys and excavations with respect to
11 significant archeological or historic sites in this state;

12 (4) preparing reports and publications concerning the
13 work of the office of the state archeologist;

14 (5) doing cooperative and contract work in prehistoric
15 and historic archeology with other state agencies, the federal
16 government, state or private institutions, or individuals;

17 (6) maintaining and determining the repository of
18 catalogued collections of artifacts and other materials of
19 archeological or historic interest; and

20 (7) preserving the archeological and historical
21 heritage of this state.

22 (f) [~~(e)~~] The state archeologist shall withhold from
23 disclosure to the public information relating to the location or
24 character of archeological or historic resources if the state
25 archeologist determines that the disclosure of the information may
26 create a substantial risk of harm, theft, or destruction to the
27 resources or to the area or place where the resources are located.

1 SECTION 9.010. Section 499.027(b), Government Code, as
2 amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the
3 82nd Legislature, Regular Session, 2011, is reenacted and amended
4 to read as follows:

5 (b) An inmate is not eligible under this subchapter to be
6 considered for release to intensive supervision parole if:

7 (1) the inmate is awaiting transfer to the
8 institutional division, or serving a sentence, for an offense for
9 which the judgment contains an affirmative finding under Section
10 3g(a)(2), Article 42.12, Code of Criminal Procedure;

11 (2) the inmate is awaiting transfer to the
12 institutional division, or serving a sentence, for an offense
13 listed in one of the following sections of the Penal Code:

14 (A) Section 19.02 (murder);

15 (B) Section 19.03 (capital murder);

16 (C) Section 19.04 (manslaughter);

17 (D) Section 20.03 (kidnapping);

18 (E) Section 20.04 (aggravated kidnapping);

19 (F) Section 21.11 (indecent with a child);

20 (G) Section 22.011 (sexual assault);

21 (H) Section 22.02 (aggravated assault);

22 (I) Section 22.021 (aggravated sexual assault);

23 (J) Section 22.04 (injury to a child, elderly
24 individual, or disabled individual);

25 (K) Section 25.02 (prohibited sexual conduct);

26 (L) Section 25.08 (sale or purchase of a child);

27 (M) Section 28.02 (arson);

- 1 (N) Section 29.02 (robbery);
- 2 (O) Section 29.03 (aggravated robbery);
- 3 (P) Section 30.02 (burglary), if the offense is
- 4 punished as a first-degree felony under that section;
- 5 (Q) Section 43.04 (aggravated promotion of
- 6 prostitution);
- 7 (R) Section 43.05 (compelling prostitution);
- 8 (S) Section 43.24 (sale, distribution, or
- 9 display of harmful material to minor);
- 10 (T) Section 43.25 (sexual performance by a
- 11 child);
- 12 (U) Section 46.10 (deadly weapon in penal
- 13 institution);
- 14 (V) Section 15.01 (criminal attempt), if the
- 15 offense attempted is listed in this subsection;
- 16 (W) Section 15.02 (criminal conspiracy), if the
- 17 offense that is the subject of the conspiracy is listed in this
- 18 subsection;
- 19 (X) Section 15.03 (criminal solicitation), if
- 20 the offense solicited is listed in this subsection;
- 21 (Y) Section 21.02 (continuous sexual abuse of
- 22 young child or children); ~~[ex]~~
- 23 (Z) Section 20A.02 (trafficking of persons); or
- 24 (AA) ~~[(Z)]~~ Section 20A.03 (continuous
- 25 trafficking of persons); or
- 26 (3) the inmate is awaiting transfer to the
- 27 institutional division, or serving a sentence, for an offense under

1 Chapter 481, Health and Safety Code, punishable by a minimum term of
2 imprisonment or a maximum fine that is greater than the minimum term
3 of imprisonment or the maximum fine for a first degree felony.

4 SECTION 9.011. Section 508.149(a), Government Code, as
5 amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the
6 82nd Legislature, Regular Session, 2011, is reenacted and amended
7 to read as follows:

8 (a) An inmate may not be released to mandatory supervision
9 if the inmate is serving a sentence for or has been previously
10 convicted of:

11 (1) an offense for which the judgment contains an
12 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
13 Criminal Procedure;

14 (2) a first degree felony or a second degree felony
15 under Section 19.02, Penal Code;

16 (3) a capital felony under Section 19.03, Penal Code;

17 (4) a first degree felony or a second degree felony
18 under Section 20.04, Penal Code;

19 (5) an offense under Section 21.11, Penal Code;

20 (6) a felony under Section 22.011, Penal Code;

21 (7) a first degree felony or a second degree felony
22 under Section 22.02, Penal Code;

23 (8) a first degree felony under Section 22.021, Penal
24 Code;

25 (9) a first degree felony under Section 22.04, Penal
26 Code;

27 (10) a first degree felony under Section 28.02, Penal

- 1 Code;
- 2 (11) a second degree felony under Section 29.02, Penal
- 3 Code;
- 4 (12) a first degree felony under Section 29.03, Penal
- 5 Code;
- 6 (13) a first degree felony under Section 30.02, Penal
- 7 Code;
- 8 (14) a felony for which the punishment is increased
- 9 under Section 481.134 or Section 481.140, Health and Safety Code;
- 10 (15) an offense under Section 43.25, Penal Code;
- 11 (16) an offense under Section 21.02, Penal Code;
- 12 (17) a first degree felony under Section 15.03, Penal
- 13 Code;
- 14 (18) an offense under Section 43.05, Penal Code; ~~or~~
- 15 (19) an offense under Section 20A.02, Penal Code; or
- 16 (20) ~~(18)~~ an offense under Section 20A.03, Penal
- 17 Code.

18 SECTION 9.012. Section 535.051(b), Government Code, as

19 amended by Chapters 298 (H.B. 1965) and 1176 (H.B. 3278), Acts of

20 the 82nd Legislature, Regular Session, 2011, is reenacted and

21 amended to read as follows:

22 (b) The chief administrative officer of each of the

23 following state agencies, in consultation with the governor, shall

24 designate one employee from the agency to serve as a liaison for

25 faith- and community-based organizations:

- 26 (1) the Texas Department of Rural Affairs;
- 27 (2) the Texas Commission on Environmental Quality;

- 1 (3) the Texas Department of Criminal Justice;
2 (4) the Texas Department of Housing and Community
3 Affairs;
4 (5) the Texas Juvenile Justice Department [~~Probation~~
5 ~~Commission~~];
6 (6) the Texas Veterans Commission;
7 (7) the Texas Workforce Commission;
8 (8) [~~the Texas Youth Commission~~;
9 ~~(10)~~] the office of the governor;
10 (9) [~~(11)~~] the Department of Public Safety;
11 (10) [~~(12)~~] the Texas Department of Insurance;
12 (11) [~~(13)~~] the Public Utility Commission of Texas;
13 (12) [~~(14)~~] the office of the attorney general;
14 (13) [~~(15)~~] the Department of Agriculture;
15 (14) [~~(16)~~] the office of the comptroller;
16 (15) [~~(17)~~] the Department of Information Resources;
17 (16) [~~(18)~~] the Office of State-Federal Relations;
18 (17) [~~(19)~~] the office of the secretary of state; and
19 (18) [~~(20)~~] other state agencies as determined by the
20 governor.

21 SECTION 9.013. Section 551.0415, Government Code, as
22 amended by Chapters 1007 (H.B. 2313) and 1341 (S.B. 1233), Acts of
23 the 82nd Legislature, Regular Session, 2011, is reenacted and
24 amended to read as follows:

25 Sec. 551.0415. GOVERNING BODY OF MUNICIPALITY OR COUNTY:
26 REPORTS ABOUT ITEMS OF COMMUNITY INTEREST REGARDING WHICH NO ACTION
27 WILL BE TAKEN. (a) Notwithstanding Sections 551.041 and 551.042,

1 a quorum of the governing body of a municipality or county may
2 receive from [~~municipal or county~~] staff of the political
3 subdivision and a member of the governing body may make a report
4 about items of community interest during a meeting of the governing
5 body without having given notice of the subject of the report as
6 required by this subchapter if no action is taken and, except as
7 provided by Section 551.042, possible action is not discussed
8 regarding the information provided in the report.

9 (b) For purposes of Subsection (a), "items of community
10 interest" includes:

11 (1) expressions of thanks, congratulations, or
12 condolence;

13 (2) information regarding holiday schedules;

14 (3) an honorary or salutary recognition of a public
15 official, public employee, or other citizen, except that a
16 discussion regarding a change in the status of a person's public
17 office or public employment is not an honorary or salutary
18 recognition for purposes of this subdivision;

19 (4) a reminder about an upcoming event organized or
20 sponsored by the governing body;

21 (5) information regarding a social, ceremonial, or
22 community event organized or sponsored by an entity other than the
23 governing body that was attended or is scheduled to be attended by a
24 member of the governing body or an official or employee of the
25 political subdivision [~~municipality or county~~]; and

26 (6) announcements involving an imminent threat to the
27 public health and safety of people in the political subdivision

1 [~~municipality or county~~] that has arisen after the posting of the
2 agenda.

3 SECTION 9.014. The heading to Section 552.274, Government
4 Code, is amended to read as follows:

5 Sec. 552.274. REPORT [~~REPORTS~~] BY ATTORNEY GENERAL [~~AND~~
6 ~~STATE AGENCIES~~] ON COST OF COPIES.

7 SECTION 9.015. Section 814.0096(b), Government Code, as
8 added by Chapter 280 (H.B. 1608), Acts of the 82nd Legislature,
9 Regular Session, 2011, is repealed as duplicative of Section
10 814.0096(b), Government Code, as added by Chapter 1249 (S.B. 1664),
11 Acts of the 82nd Legislature, Regular Session, 2011.

12 SECTION 9.016. Section 814.0096(d), Government Code, as
13 added by Chapters 280 (H.B. 1608) and 1249 (S.B. 1664), Acts of the
14 82nd Legislature, Regular Session, 2011, is reenacted to read as
15 follows:

16 (d) If necessary, the board of trustees and the state
17 employee charitable campaign policy committee may make the annuity
18 deduction authorization under Section 814.0095(a) available in
19 stages to subgroups of the retirement system's annuity recipients
20 as money becomes available to cover the expenses under Subsection
21 (b) of this section.

22 SECTION 9.017. The heading to Subchapter G, Chapter 1473,
23 Government Code, is amended to conform to changes made to that
24 subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
25 Legislature, Regular Session, 2011, to read as follows:

1 SUBCHAPTER G. BONDS FOR WORKHOUSES AND FARMS IN COUNTIES WITH A
2 POPULATION OF MORE THAN 1.5 MILLION [~~900,000~~]

3 SECTION 9.018. The heading to Subchapter H, Chapter 1473,
4 Government Code, is amended to conform to changes made to that
5 subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
6 Legislature, Regular Session, 2011, to read as follows:

7 SUBCHAPTER H. CERTIFICATES OF INDEBTEDNESS FOR CRIME DETECTION
8 FACILITIES IN COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION
9 [~~900,000~~]

10 SECTION 9.019. Section 2155.150(a), Government Code, is
11 amended to correct references to read as follows:

12 (a) The Railroad Commission of Texas is delegated all
13 purchasing functions relating to purchases under:

14 (1) Chapter 89, Natural Resources Code; or

15 (2) Sections 81.067 and 81.068 [~~91.111 and 91.112~~],
16 Natural Resources Code.

17 SECTION 9.020. Section 2157.0611, Government Code, is
18 repealed to conform to the repeal of Section 2157.0611 by Chapter
19 1081 (H.B. 2918), Acts of the 80th Legislature, Regular Session,
20 2007, and to the other changes made by Chapter 1081 to Subchapter B,
21 Chapter 2157, Government Code.

22 PART B. UPDATE OF COURT FEES AND COSTS

23 SECTION 9.101. (a) Section 101.0611, Government Code, is
24 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
25 Legislature, 1st Called Session, 2011, and is further amended to
26 read as follows:

27 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT

1 CODE. The clerk of a district court shall collect fees and costs
2 under the Government Code as follows:

3 (1) appellate judicial system filing fees for:

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

6 (B) Second Court of Appeals District (Sec.
7 22.2031, Government Code) . . . not more than \$5;

8 (C) Third Court of Appeals District (Sec.
9 22.2041, Government Code) . . . \$5;

10 (D) Fourth Court of Appeals District (Sec.
11 22.2051, Government Code) . . . not more than \$5;

12 (E) Fifth Court of Appeals District (Sec.
13 22.2061, Government Code) . . . not more than \$5;

14 (E-1) Sixth Court of Appeals District (Sec.
15 22.2071, Government Code) . . . \$5;

16 (E-2) Seventh Court of Appeals District (Sec.
17 22.2081, Government Code) . . . \$5;

18 (E-3) Eighth Court of Appeals District (Sec.
19 22.2091, Government Code) . . . \$5;

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

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

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

26 (H) Thirteenth Court of Appeals District (Sec.
27 22.2141, Government Code) . . . not more than \$5;

1 (2) when administering a case for the Rockwall County
2 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
3 court costs as if the case had been filed in district court;

4 (3) additional filing fees:

5 (A) for each suit filed for insurance contingency
6 fund, if authorized by the county commissioners court (Sec. 51.302,
7 Government Code) . . . not to exceed \$5;

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

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

14 (C) to fund the improvement of Hays County court
15 facilities, if authorized by the county commissioners court (Sec.
16 51.707, Government Code) . . . not more than \$15; and

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

19 (4) for filing a suit, including an appeal from an
20 inferior court:

21 (A) for a suit with 10 or fewer plaintiffs (Sec.
22 51.317, Government Code) . . . \$50;

23 (B) for a suit with at least 11 but not more than
24 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

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

27 (D) for a suit with at least 101 but not more than

- 1 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 2 (E) for a suit with at least 501 but not more than
3 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 4 (F) for a suit with more than 1,000 plaintiffs
5 (Sec. 51.317, Government Code) . . . \$200;
- 6 (5) for filing a cross-action, counterclaim,
7 intervention, contempt action, motion for new trial, or third-party
8 petition (Sec. 51.317, Government Code) . . . \$15;
- 9 (6) for issuing a citation or other writ or process not
10 otherwise provided for, including one copy, when requested at the
11 time a suit or action is filed (Sec. 51.317, Government Code) . . .
12 \$8;
- 13 (7) for records management and preservation (Sec.
14 51.317, Government Code) . . . \$10;
- 15 (7-a) for district court records archiving, if adopted
16 by the county commissioners court (Sec. 51.317(b)(5), Government
17 Code) . . . not more than \$5;
- 18 (8) for issuing a subpoena, including one copy (Sec.
19 51.318, Government Code) . . . \$8;
- 20 (9) for issuing a citation, commission for deposition,
21 writ of execution, order of sale, writ of execution and order of
22 sale, writ of injunction, writ of garnishment, writ of attachment,
23 or writ of sequestration not provided for in Section 51.317, or any
24 other writ or process not otherwise provided for, including one
25 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
- 26 (10) for searching files or records to locate a cause
27 when the docket number is not provided (Sec. 51.318, Government

1 Code) . . . \$5;

2 (11) for searching files or records to ascertain the
3 existence of an instrument or record in the district clerk's office
4 (Sec. 51.318, Government Code) . . . \$5;

5 (12) for abstracting a judgment (Sec. 51.318,
6 Government Code) . . . \$8;

7 (13) for approving a bond (Sec. 51.318, Government
8 Code) . . . \$4;

9 (14) for a certified copy of a record, judgment,
10 order, pleading, or paper on file or of record in the district
11 clerk's office, including certificate and seal, for each page or
12 part of a page (Sec. 51.318, Government Code) . . . not to exceed
13 \$1;

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

16 (16) fee for performing a service:

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

20 (B) related to the matter of a minor (Sec.
21 51.319, Government Code) . . . the same fee allowed the county
22 clerk for the service;

23 (C) of serving process by certified or registered
24 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
25 constable is authorized to charge for the service under Section
26 118.131, Local Government Code; and

27 (D) prescribed or authorized by law but for which

1 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

2 (17) jury fee (Sec. 51.604, Government Code) . . .
3 \$30;

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

7 (19) at a hearing held by an associate judge appointed
8 under Subchapter B, Chapter 54A, Government Code [~~in Dallas~~
9 ~~County~~], a court cost to preserve the record, in the absence of a
10 court reporter, by any [~~other~~] means approved by the associate
11 judge (Sec. 54A.110 [~~54.509~~], Government Code) . . . as assessed by
12 the referring court or associate judge[~~, and~~

13 [~~(20) at a hearing held by an associate judge in Duval~~
14 ~~County, a court cost to preserve the record (Sec. 54.1151,~~
15 ~~Government Code) . . . as imposed by the referring court or~~
16 ~~associate judge].~~

17 (b) Section 101.06119, Government Code, is repealed.

18 SECTION 9.102. (a) Section 101.0811, Government Code, is
19 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
20 Legislature, 1st Called Session, 2011, and is further amended to
21 read as follows:

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

25 (1) appellate judicial system filing fees:

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

- 1 (B) Second Court of Appeals District (Sec.
2 22.2031, Government Code) . . . not more than \$5;
- 3 (C) Third Court of Appeals District (Sec.
4 22.2041, Government Code) . . . \$5;
- 5 (D) Fourth Court of Appeals District (Sec.
6 22.2051, Government Code) . . . not more than \$5;
- 7 (E) Fifth Court of Appeals District (Sec.
8 22.2061, Government Code) . . . not more than \$5;
- 9 (E-1) Sixth Court of Appeals District (Sec.
10 22.2071, Government Code) . . . \$5;
- 11 (E-2) Seventh Court of Appeals District (Sec.
12 22.2081, Government Code) . . . \$5;
- 13 (E-3) Eighth Court of Appeals District (Sec.
14 22.2091, Government Code) . . . \$5;
- 15 (F) Ninth Court of Appeals District (Sec.
16 22.2101, Government Code) . . . \$5;
- 17 (G) Eleventh Court of Appeals District (Sec.
18 22.2121, Government Code) . . . \$5;
- 19 (G-1) Twelfth Court of Appeals District (Sec.
20 22.2131, Government Code) . . . \$5; and
- 21 (H) Thirteenth Court of Appeals District (Sec.
22 22.2141, Government Code) . . . not more than \$5;
- 23 (2) an official court reporter fee, County Court at
24 Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
- 25 (3) in Brazoria County, in matters of concurrent
26 jurisdiction with the district court, fees (Sec. 25.0222,
27 Government Code) . . . as prescribed by law for district judges

1 according to the nature of the matter;

2 (4) a court reporter fee when testimony is taken in a
3 county court at law in McLennan County (Sec. 25.1572, Government
4 Code) . . . \$3;

5 (5) a stenographer fee, if a record or part of a record
6 is made:

7 (A) in a county court at law in Hidalgo County
8 (Sec. 25.1102, Government Code) . . . \$20; and

9 (B) in a county court at law in Nolan County (Sec.
10 25.1792, Government Code) . . . \$25;

11 (6) jury fee (Sec. 51.604, Government Code) . . . \$22;

12 (7) an additional filing fee:

13 (A) for each civil case filed to be used for
14 court-related purposes for the support of the judiciary (Sec.
15 51.702, Government Code) . . . \$40;

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

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

22 (C) to fund the improvement of Hays County court
23 facilities, if authorized by the county commissioners court (Sec.
24 51.707, Government Code) . . . not more than \$15; and

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

27 (8) the official court reporter's fee taxed as costs in

1 civil actions in a statutory county court:

2 (A) in Bexar County Courts at Law Nos. 3, 4, 5,
3 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government
4 Code) . . . taxed in the same manner as the fee is taxed in district
5 court;

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

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

12 (9) a stenographer's fee as costs in each civil,
13 criminal, and probate case in which a record is made by the official
14 court reporter in a statutory county court in Nolan County (Sec.
15 25.1792, Government Code) . . . \$25;

16 (10) in Nueces County, in matters of concurrent
17 jurisdiction with the district court, with certain exceptions, fees
18 (Sec. 25.1802, Government Code) . . . equal to those in district
19 court cases; ~~and~~

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

26 (12) at a hearing held by an associate judge appointed
27 under Subchapter B, Chapter 54A, Government Code, a court cost to

1 preserve the record, in the absence of a court reporter, by any
2 means approved by the associate judge (Sec. 54A.110, Government
3 Code) . . . as assessed by the referring court or associate judge.

4 (b) Section 101.08116, Government Code, is repealed.

5 SECTION 9.103. (a) Section 101.1011, Government Code, is
6 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
7 Legislature, 1st Called Session, 2011, and is further amended to
8 read as follows:

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

12 (1) appellate judicial system filing fees:

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

15 (B) Second Court of Appeals District (Sec.
16 22.2031, Government Code) . . . not more than \$5;

17 (C) Third Court of Appeals District (Sec.
18 22.2041, Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 22.2051, Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 22.2061, Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 22.2071, Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 22.2081, Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 22.2091, Government Code) . . . \$5;

2 (F) Ninth Court of Appeals District (Sec.
3 22.2101, Government Code) . . . \$5;

4 (G) Eleventh Court of Appeals District (Sec.
5 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 (Sec.
9 22.2141, Government Code) . . . not more than \$5;

10 (2) additional filing fees as follows:

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

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

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

20 (C) to fund the improvement of Hays County court
21 facilities, if authorized by the county commissioners court (Sec.
22 51.707, Government Code) . . . not more than \$15;

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

25 (4) the expense of preserving the record as a court
26 cost, if imposed on a party by the referring court or associate
27 judge (Sec. 54A.211 [~~54.612~~], Government Code) . . . actual cost;

1 and

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

6 (b) Section 101.10115, Government Code, is repealed.

7 SECTION 9.104. (a) Section 101.1212, Government Code, is
8 amended to read as follows:

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

12 (1) appellate judicial system filing fees:

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

15 (B) Second Court of Appeals District (Sec.
16 22.2031, Government Code) . . . not more than \$5;

17 (C) Third Court of Appeals District (Sec.
18 22.2041, Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 22.2051, Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 22.2061, Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 22.2071, Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 22.2081, Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 22.2091, Government Code) . . . \$5;

2 (F) Ninth Court of Appeals District (Sec.
3 22.2101, Government Code) . . . \$5;

4 (G) Eleventh Court of Appeals District (Sec.
5 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 (Sec.
9 22.2141, Government Code) . . . not more than \$5;

10 (2) a jury fee (Sec. 51.604, Government Code) . . .
11 \$22;

12 (3) a filing fee in each civil case filed to be used
13 for court-related purposes for the support of the judiciary (Sec.
14 51.703, Government Code) . . . \$40; and

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

17 (b) Section 101.12125, Government Code, is repealed.

18 SECTION 9.105. Section 103.0211, Government Code, is
19 amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd
20 Legislature, 1st Called Session, 2011, and is further amended to
21 read as follows:

22 Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
23 CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party
24 to a civil suit, as applicable, shall pay the following fees and
25 costs under the Government Code if ordered by the court or otherwise
26 required:

27 (1) a court reporter fee when testimony is taken:

1 (A) in a criminal court in Dallas County (Sec.
2 25.0593, Government Code) . . . \$3;

3 (B) in a county criminal court of appeals in
4 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

5 (C) in a county court at law in McLennan County
6 (Sec. 25.1572, Government Code) . . . \$3; and

7 (D) in a county criminal court in Tarrant County
8 (Sec. 25.2223, Government Code) . . . \$3;

9 (2) a court reporter service fee if the courts have
10 official court reporters (Sec. 51.601, Government Code) . . . \$15
11 or, in specified counties, \$30;

12 (3) a speedy trial rights waiver motion filing fee in
13 El Paso County (Sec. 54.745, Government Code) . . . \$100;

14 (4) [~~costs for use of magistrate in Brazos County~~
15 ~~(Sec. 54.1116, Government Code) . . . not to exceed \$50;~~

16 [~~(5)~~] the costs of a criminal magistrate if the court
17 determines that the nonprevailing party is able to defray the
18 costs:

19 (A) in Bexar County (Sec. 54.913, Government
20 Code) . . . magistrate's fees;

21 (B) in Dallas County (Sec. 54.313, Government
22 Code) . . . magistrate's fees;

23 (C) in Lubbock County (Sec. 54.883, Government
24 Code) . . . magistrate's fees;

25 (D) in Tarrant County (Sec. 54.663, Government
26 Code) . . . magistrate's fees; and

27 (E) in Travis County (Sec. 54.983, Government

1 Code) . . . magistrate's fees; [~~and~~
2 [~~(F) in Williamson County (Sec. 54.958,~~
3 ~~Government Code) . . . expense of the magistrate,~~]

4 (5) [~~(6)~~] an administrative fee for participation in
5 certain community supervision programs (Sec. 76.015, Government
6 Code) . . . not less than \$25 and not more than \$60 per month; and

7 (6) [~~(7)~~] fee paid on filing a petition for an order of
8 nondisclosure of criminal history record information in certain
9 cases (Sec. 411.081, Government Code) . . . \$28.

10 SECTION 9.106. (a) Section 103.0212, Government Code, is
11 amended to read as follows:

12 Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
13 CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a
14 civil suit, as applicable, shall pay the following fees and costs
15 under the Family Code if ordered by the court or otherwise required:

16 (1) in family matters:

17 (A) issuing writ of withholding (Sec. 8.262,
18 Family Code) . . . \$15;

19 (B) filing copy of writ of withholding to
20 subsequent employer (Sec. 8.267, Family Code) . . . \$15;

21 (C) issuing and delivering modified writ of
22 withholding or notice of termination (Sec. 8.302, Family Code)
23 . . . \$15;

24 (D) issuing and delivering notice of termination
25 of withholding (Sec. 8.303, Family Code) . . . \$15;

26 (E) issuance of change of name certificate (Sec.
27 45.106, Family Code) . . . \$10;

- 1 (F) protective order fee (Sec. 81.003, Family
2 Code) . . . \$16;
- 3 (G) filing suit requesting adoption of child
4 (Sec. 108.006, Family Code) . . . \$15;
- 5 (H) filing fees for suits affecting parent-child
6 relationship (Sec. 110.002, Family Code):
- 7 (i) suit or motion for modification (Sec.
8 110.002, Family Code) . . . \$15;
- 9 (ii) motion for enforcement (Sec. 110.002,
10 Family Code) . . . \$15;
- 11 (iii) notice of application for judicial
12 writ of withholding (Sec. 110.002, Family Code) . . . \$15;
- 13 (iv) motion to transfer (Sec. 110.002,
14 Family Code) . . . \$15;
- 15 (v) petition for license suspension (Sec.
16 110.002, Family Code) . . . \$15;
- 17 (vi) motion to revoke a stay of license
18 suspension (Sec. 110.002, Family Code) . . . \$15; and
- 19 (vii) motion for contempt (Sec. 110.002,
20 Family Code) . . . \$15;
- 21 (I) order or writ of income withholding to be
22 delivered to employer (Sec. 110.004, Family Code) . . . not to
23 exceed \$15;
- 24 (J) filing fee for transferred case (Sec.
25 110.005, Family Code) . . . \$45;
- 26 (K) filing a writ of withholding (Sec. 158.319,
27 Family Code) . . . \$15;

1 (L) filing a request for modified writ of
2 withholding or notice of termination (Sec. 158.403, Family Code)
3 . . . not to exceed \$15;

4 (M) filing an administrative writ to employer
5 (Sec. 158.503, Family Code) . . . not to exceed \$15; and

6 (N) genetic testing fees in relation to a child
7 born to a gestational mother (Sec. 160.762, Family Code) . . . as
8 assessed by the court; and

9 (2) in juvenile court:

10 (A) fee schedule for deferred prosecution
11 services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

12 (B) a request fee for a teen court program (Sec.
13 54.032, Family Code) . . . \$20, if the court ordering the fee is
14 located in the Texas-Louisiana border region, but otherwise not to
15 exceed \$10;

16 (C) court costs for juvenile probation diversion
17 fund (Sec. 54.0411, Family Code) . . . \$20;

18 (D) a juvenile delinquency prevention fee (Sec.
19 54.0461, Family Code) . . . \$50;

20 (E) a court fee for child's probationary period
21 (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;

22 (F) a fee to cover costs of required duties of
23 teen court (Sec. 54.032, Family Code) . . . \$20, if the court
24 ordering the fee is located in the Texas-Louisiana border region,
25 but otherwise not to exceed \$10;

26 (G) a fee for DNA testing on commitment to
27 certain facilities (Sec. 54.0462, Family Code) . . . \$50; [~~and~~]

1 (H) a fee for DNA testing after placement on
2 probation or as otherwise required by law (Sec. 54.0462, Family
3 Code) . . . \$34;

4 (I) a program fee for a teen dating violence
5 court program (Sec. 54.0325, Family Code) . . . \$10; and

6 (J) a fee to cover the cost to the court of
7 administering a teen dating violence court program (Sec. 54.0325,
8 Family Code) . . . not to exceed \$10.

9 (b) Section 103.0210, Government Code, is repealed.

10 SECTION 9.107. Section 103.027, Government Code, is amended
11 to conform to Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st
12 Called Session, 2011, to read as follows:

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

16 (1) filing a certified copy of a judicial finding of
17 fact and conclusion of law if charged by the secretary of state
18 (Sec. 51.905, Government Code) . . . \$15;

19 (2) cost paid by each surety posting the bail bond for
20 an offense other than a misdemeanor punishable by fine only under
21 Chapter 17, Code of Criminal Procedure, for the assistant
22 prosecutor supplement fund and the fair defense account (Sec.
23 41.258, Government Code) . . . \$15, provided the cost does not
24 exceed \$30 for all bail bonds posted at that time for an individual
25 and the cost is not required on the posting of a personal or cash
26 bond;

27 (3) to participate in a court proceeding in this

1 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
2 . . . \$250 except as waived or reduced under supreme court rules for
3 representing an indigent person; and

4 (4) on a party's appeal of a final decision in a
5 contested case, the cost of preparing the original or a certified
6 copy of the record of the agency proceeding, if required by the
7 agency's rule, as a court cost (Sec. 2001.177, Government Code)
8 . . . as assessed by the court, all or part of the cost of
9 preparation[+]

10 [~~(5) compensation to a referee in juvenile court in~~
11 ~~Wichita County taxed as costs if the judge determines the parties~~
12 ~~are able to pay the costs (Sec. 54.403, Government Code) . . . as~~
13 ~~determined by the judge; and~~

14 [~~(6) the expense of preserving the record as a court~~
15 ~~cost in Brazos County if imposed on a party by the referring court~~
16 ~~or magistrate (Sec. 54.1111, Government Code) . . . actual cost].~~

17 SECTION 9.108. (a) Section 103.029, Government Code, is
18 amended to read as follows:

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

22 (1) a program fee for a drug court program established
23 under Section 469.002, Health and Safety Code (Sec. 469.004, Health
24 and Safety Code) . . . not to exceed \$1,000;

25 (2) an alcohol or controlled substance testing,
26 counseling, and treatment fee (Sec. 469.004, Health and Safety
27 Code) . . . the amount necessary to cover the costs of testing,

1 counseling, and treatment;

2 (3) a reasonable program fee for a veterans court
3 program (Sec. 617.006, Health and Safety Code) . . . not to exceed
4 \$1,000; ~~and~~

5 (4) a testing, counseling, and treatment fee for
6 testing, counseling, or treatment performed or provided under a
7 veterans court program (Sec. 617.006, Health and Safety Code) . . .
8 the amount necessary to cover the costs of testing, counseling, or
9 treatment; and

10 (5) a program fee for a first offender prostitution
11 prevention program (Sec. 169.005, Health and Safety Code) . . .
12 reasonable amount not to exceed \$1,000.

13 (b) Section 103.0291, Government Code, is repealed.

14 SECTION 9.109. (a) Section 103.033, Government Code, is
15 amended to conform to Chapter 182 (H.B. 1156), Acts of the 78th
16 Legislature, Regular Session, 2003, and is further amended to read
17 as follows:

18 Sec. 103.033. MISCELLANEOUS FEES AND COSTS: THE
19 SECURITIES ACT [~~VERNON'S TEXAS CIVIL STATUTES~~]. A fee [~~Fees and~~
20 ~~costs~~] shall be [~~paid or~~] collected [~~under Vernon's Texas Civil~~
21 ~~Statutes as follows:~~

22 [~~(1) an appraiser's fee as court costs for determining~~
23 ~~the fair value of the shares of the shareholders entitled to payment~~
24 ~~for their shares in a real estate investment trust (Sec. 25.20, Art.~~
25 ~~6138A, Vernon's Texas Civil Statutes) . . . a reasonable fee; and~~

26 [(2) a fee] for the sale of securities under an
27 offering that has not been registered, if the transaction or

1 securities are not exempt under Section 35-2, The Securities Act
2 (Article [~~Art.~~] 581-35-2, Vernon's Texas Civil Statutes), in an
3 amount [~~..... as~~] set by the securities commissioner or court, but
4 not to exceed six times the amount that would have been paid if the
5 issuer had filed an application to register the securities and paid
6 the fee prescribed based on the amount of sales made in this state
7 within the prior three years, plus interest on that amount from the
8 date of the first sale made in this state until the date the fee is
9 paid.

10 (b) Section 103.032, Government Code, is repealed.

11 ARTICLE 10. CHANGES RELATING TO HEALTH AND SAFETY CODE

12 SECTION 10.001. The heading to Subchapter A, Chapter 285,
13 Health and Safety Code, is amended to conform to changes made to
14 that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
15 Legislature, Regular Session, 2011, to read as follows:

16 SUBCHAPTER A. PAYMENT OF HOSPITAL DISTRICT OPERATING EXPENSES IN
17 CERTAIN POPULOUS COUNTIES [~~OF AT LEAST 450,000~~]

18 SECTION 10.002. The heading to Subchapter B, Chapter 285,
19 Health and Safety Code, is amended to conform to changes made to
20 that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
21 Legislature, Regular Session, 2011, to read as follows:

22 SUBCHAPTER B. PARKING STATIONS NEAR HOSPITALS IN COUNTIES OF AT
23 LEAST 1.5 MILLION [~~900,000~~]

24 SECTION 10.003. (a) Section 386.252(f), Health and Safety
25 Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd
26 Legislature, Regular Session, 2011, is repealed as duplicative of
27 Section 386.252(f), Health and Safety Code, as added by Chapter 892

1 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.

2 (b) Chapter 393, Health and Safety Code, as added by Chapter
3 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011,
4 is repealed as duplicative of Chapter 394, Health and Safety Code,
5 as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature,
6 Regular Session, 2011.

7 (c) Chapter 394, Health and Safety Code, as added by Chapter
8 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011,
9 is repealed as duplicative of Chapter 393, Health and Safety Code,
10 as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature,
11 Regular Session, 2011.

12 SECTION 10.004. Section 533.032(g), Health and Safety Code,
13 as amended by Chapter 1050 (S.B. 71), Acts of the 82nd Legislature,
14 Regular Session, 2011, and repealed by Chapter 1083 (S.B. 1179),
15 Acts of the 82nd Legislature, Regular Session, 2011, is reenacted
16 to read as follows:

17 (g) The department shall:

18 (1) attach the report required by Subsection (c) to
19 the department's legislative appropriations request for each
20 biennium;

21 (2) at the time the department presents its
22 legislative appropriations request, present the report to the:

- 23 (A) governor;
- 24 (B) governor's budget office;
- 25 (C) lieutenant governor;
- 26 (D) speaker of the house of representatives;
- 27 (E) Legislative Budget Board; and

1 (F) Health and Human Services Commission; and
2 (3) update the department's long-range plan biennially
3 and include the report in the plan.

4 SECTION 10.005. The heading to Section 691.008, Health and
5 Safety Code, is amended to read as follows:

6 Sec. 691.008. FEES; ~~REPORTS,~~ AUDITS.

7 SECTION 10.006. Section 692A.020(i), Health and Safety
8 Code, is amended to correct a reference to read as follows:

9 (i) The Department of Public Safety shall remit to the
10 comptroller the money collected under Sections 521.421(g) and
11 521.422(c), Transportation Code, as provided by those
12 subsections. A county assessor-collector shall remit to the
13 comptroller any money collected under Section 502.405 [~~502.1745~~],
14 Transportation Code, as provided by that section. Money remitted
15 to the comptroller in accordance with those sections that is
16 appropriated to the department shall be disbursed to the nonprofit
17 organization administering the registry under this section under
18 the terms of the contract between the department and the
19 organization to pay the costs of:

20 (1) maintaining, operating, and updating the
21 Internet-based registry and establishing procedures for an
22 individual to be added to the registry;

23 (2) designing and distributing educational materials
24 for prospective donors as required under this section; and

25 (3) providing education under this chapter.

26 SECTION 10.007. Section 711.008(b), Health and Safety Code,
27 as amended by Chapters 721 (H.B. 788) and 1017 (H.B. 2643), Acts of

1 the 82nd Legislature, Regular Session, 2011, is reenacted and
2 amended to read as follows:

3 (b) Subsection (a) does not apply to:

4 (1) a cemetery heretofore established and operating;

5 (2) the establishment and use of a columbarium by an
6 organized religious society or sect that is exempt from income
7 taxation under Section 501(a), Internal Revenue Code of 1986, by
8 being listed under Section 501(c)(3) of that code, as part of or
9 attached to the principal church building owned by the society or
10 sect;

11 (3) the establishment and use of a columbarium by an
12 organized religious society or sect that is exempt from income
13 taxation under Section 501(a), Internal Revenue Code of 1986, by
14 being listed under Section 501(c)(3) of that code, on land that:

15 (A) is owned by the society or sect; and

16 (B) is part of the campus on which an existing
17 principal church building is located;

18 (4) the establishment and use of a columbarium on the
19 campus of a private or independent institution of higher education,
20 as defined by Section 61.003, Education Code, that is wholly or
21 substantially controlled, managed, owned, or supported by or
22 otherwise affiliated with an organized religious society or sect
23 that is exempt from income taxation under Section 501(a), Internal
24 Revenue Code of 1986, by being listed under Section 501(c)(3) of
25 that code, if a place of worship is located on the campus;

26 (5) the establishment and use of a mausoleum that is:

27 (A) constructed beneath the principal church

1 building owned by an organized religious society or sect that:

2 (i) is exempt from income taxation under
3 Section 501(a), Internal Revenue Code of 1986, by being listed
4 under Section 501(c)(3) of that code; and

5 (ii) has recognized religious traditions
6 and practices of interring the remains of ordained clergy in or
7 below the principal church building; and

8 (B) used only for the interment of the remains of
9 ordained clergy of that organized religious society or sect; ~~or~~

10 (6) the establishment and operation, if authorized in
11 accordance with Subsection (h), of a perpetual care cemetery by an
12 organized religious society or sect that:

13 (A) is exempt from income taxation under Section
14 501(a), Internal Revenue Code of 1986, by being listed under
15 Section 501(c)(3) of that code;

16 (B) has been in existence for at least five
17 years;

18 (C) has at least \$500,000 in assets; and

19 (D) establishes and operates the cemetery on land
20 that:

21 (i) is owned by the society or sect;

22 (ii) together with any other land owned by
23 the society or sect and adjacent to the land on which the cemetery
24 is located, is not less than 10 acres; and

25 (iii) is in a municipality with a
26 population of at least one million that is located predominantly in
27 a county that has a total area of less than 1,000 square miles; or

1 (7) [~~(6)~~] the establishment and use of a private
2 family cemetery by an organization that is exempt from income
3 taxation under Section 501(a), Internal Revenue Code of 1986, by
4 being listed under Section 501(c)(3) of that code, on land that is:

5 (A) owned by the organization; and

6 (B) located in a county:

7 (i) with a population of more than 125,000;

8 and

9 (ii) that is adjacent to a county that has a
10 population of more than 1.5 million and in which more than 75
11 percent of the population lives in a single municipality.

12 SECTION 10.008. Section 711.009(c), Health and Safety Code,
13 is amended to correct a typographical error to read as follows:

14 (c) This section applies only to a cemetery located in a
15 municipality with a population [~~popluation~~] of 40,000 or more or in
16 a county with a population of 290,000 or more.

17 SECTION 10.009. The heading to Subchapter C, Chapter 772,
18 Health and Safety Code, is amended to conform to changes made to
19 that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
20 Legislature, Regular Session, 2011, to read as follows:

21 SUBCHAPTER C. EMERGENCY COMMUNICATION DISTRICTS: COUNTIES WITH
22 POPULATION OVER 1.5 MILLION [~~860,000~~]

23 SECTION 10.010. The heading to Subchapter E, Chapter 772,
24 Health and Safety Code, is amended to conform to changes made to
25 that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
26 Legislature, Regular Session, 2011, to read as follows:

1 SUBCHAPTER E. EMERGENCY COMMUNICATION SERVICE: COUNTIES WITH
2 POPULATION OVER TWO [~~1.5~~] MILLION

3 ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

4 SECTION 11.001. Section 843.461(b), Insurance Code, is
5 amended to more closely conform to the source law from which the
6 section was derived to read as follows:

7 (b) The commissioner may take an enforcement action listed
8 in Subsection (a) against a health maintenance organization if the
9 commissioner finds that the health maintenance organization:

10 (1) is operating in a manner that is:

11 (A) significantly contrary to its basic
12 organizational documents or health care plan; or

13 (B) contrary to the manner described in and
14 reasonably inferred from other information submitted under Section
15 843.078, 843.079, or 843.080;

16 (2) issues an evidence of coverage or uses a schedule
17 of charges for health care services that does not comply with the
18 requirements of Sections 843.346, 1271.001-1271.005, 1271.007,
19 1271.151, 1271.152, and 1271.156, and Subchapters B, C, E, F, and G,
20 Chapter 1271;

21 (3) does not meet the requirements of Section
22 843.082(1);

23 (4) provides a health care plan that does not provide
24 or arrange for basic health care services, provides a limited
25 health care service plan that does not provide or arrange for the
26 plan's limited health care services, or provides a single health
27 care service plan that does not provide or arrange for a single

1 health care service;

2 (5) cannot fulfill its obligation to provide:

3 (A) health care services as required under its
4 health care plan;

5 (B) limited health care services as required
6 under its limited health care service plan; or

7 (C) a single health care service as required
8 under its single health care service plan;

9 (6) is no longer financially responsible and may
10 reasonably be expected to be unable to meet its obligations to
11 enrollees or prospective enrollees;

12 (7) has not implemented the complaint system required
13 by Section 843.251 in a manner to resolve reasonably valid
14 complaints;

15 (8) has advertised or merchandised its services in an
16 untrue, misrepresentative, misleading, deceptive, or unfair manner
17 or a person on behalf of the health maintenance organization has
18 advertised or merchandised the health maintenance organization's
19 services in an untrue, misrepresentative, misleading, deceptive,
20 or unfair [~~untrue~~] manner;

21 (9) would be hazardous to its enrollees if it
22 continued in operation;

23 (10) has not complied substantially with:

24 (A) this chapter or a rule adopted under this
25 chapter; or

26 (B) Section 1367.053, Subchapter A, Chapter
27 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as

1 applicable to a health maintenance organization, or Chapter 1271 or
2 1272 or a rule adopted under one of those provisions; or

3 (11) has not taken corrective action the commissioner
4 considers necessary to correct a failure to comply with this
5 chapter, any applicable provision of this code, or any applicable
6 rule or order of the commissioner not later than the 30th day after
7 the date of notice of the failure or within any longer period
8 specified in the notice and determined by the commissioner to be
9 reasonable.

10 ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

11 SECTION 12.001. Section 106.002, Local Government Code, is
12 amended to correct a reference to read as follows:

13 Sec. 106.002. DEPOSITS TO FUND. The following money shall
14 be deposited in the fund:

15 (1) court costs collected under Article 102.014, Code
16 of Criminal Procedure; and

17 (2) optional motor vehicle registration fees remitted
18 to the municipality by the county under Section 502.403 [~~502.173~~],
19 Transportation Code.

20 SECTION 12.002. Section 132.002(a), Local Government Code,
21 as amended by Chapters 1022 (H.B. 2717) and 1341 (S.B. 1233), Acts
22 of the 82nd Legislature, Regular Session, 2011, is reenacted and
23 amended to read as follows:

24 (a) The commissioners court of a county may authorize a
25 county or precinct officer who collects fees, fines, court costs,
26 or other charges on behalf of the county or the state to accept
27 payment by credit card, or [~~or by~~] the electronic processing of

1 checks, or other electronic means of a fee, fine, court costs, or
2 other charge. The commissioners court may also authorize a county
3 or precinct officer to collect and retain a fee for processing the
4 payment by credit card, [~~or by~~] the electronic processing of
5 checks, or other electronic means.

6 SECTION 12.003. The heading to Subchapter E, Chapter 214,
7 Local Government Code, is amended to conform to changes made to that
8 subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd
9 Legislature, Regular Session, 2011, to read as follows:

10 SUBCHAPTER E. COMMERCIAL BUILDING PERMITS IN CERTAIN POPULOUS
11 MUNICIPALITIES [~~WITH POPULATION OF MORE THAN 900,000~~]

12 SECTION 12.004. Section 232.040(b), Local Government Code,
13 is amended to correct a reference to read as follows:

14 (b) Except as provided by Subsection (c), a lot in a
15 subdivision may not be sold if the lot lacks water and sewer
16 services as required by this subchapter unless the lot is platted or
17 replatted as required by this subchapter. A subdivider or agent of a
18 subdivider may not transfer a lot through an executory contract or
19 other similar conveyance to evade the requirements of this
20 subchapter. The prohibition in this subsection includes the sale
21 of a lot:

22 (1) by a subdivider who regains possession of a lot
23 previously exempt under Subsection (c) through the exercise of a
24 remedy described in Section 5.064 [~~5.061~~], Property Code; or

25 (2) for which it is shown at a proceeding brought in
26 the district court in which the property is located that the sale of
27 a lot otherwise exempt under Subsection (c) was made for the purpose

1 of evading the requirements of this subchapter.

2 SECTION 12.005. Section 240.048, Local Government Code, is
3 amended to correct a reference to read as follows:

4 Sec. 240.048. EXCEPTIONS. This subchapter does not apply
5 to:

6 (1) a private water well drilled:

7 (A) on a parcel of land that:

8 (i) is 10 acres or more in size; or

9 (ii) is qualified open-space land, as
10 defined by Section 23.51, Tax Code;

11 (B) within the boundaries of a groundwater
12 conservation district;

13 (C) within the boundaries of a subsidence
14 district other than the Harris-Galveston [~~Coastal~~] Subsidence
15 District; or

16 (D) incident to the exploration, development, or
17 production of oil, gas, or other minerals; or

18 (2) a public water system that has been permitted
19 under rules adopted by the Texas Commission on Environmental
20 Quality.

21 SECTION 12.006. Section 351.045, Local Government Code, as
22 added by Chapters 759 (H.B. 1566), 760 (H.B. 1567), and 975 (H.B.
23 1568), Acts of the 82nd Legislature, Regular Session, 2011, is
24 reenacted to read as follows:

25 Sec. 351.045. EMPLOYMENT OF HEALTH CARE PROVIDERS.

26 (a) The commissioners court of a county may appoint, contract for,
27 or employ licensed physicians, dentists, or other health care

1 providers to provide health care services to inmates in the custody
2 of the sheriff.

3 (b) This section may not be construed as authorizing a
4 commissioners court to supervise or control the practice of
5 medicine as prohibited by Subtitle B, Title 3, Occupations Code, or
6 to supervise or control the practice of dentistry as prohibited by
7 Subtitle D, Title 3, Occupations Code.

8 ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

9 SECTION 13.001. Section 62.001(e), Natural Resources Code,
10 is amended to correct references to read as follows:

11 (e) The provisions of this chapter do not permit any
12 interference with the right the public has under the provisions of
13 Subchapter B, ~~of~~ Chapter 61, ~~of this code~~ to the free and
14 unrestricted use of, and to ingress and egress to, the area
15 bordering on the Gulf of Mexico from mean low tide to the line of
16 vegetation, as that term is defined in ~~[Subsection (2),]~~ Section
17 61.001 ~~[of this code]~~. A county, county official, or anyone acting
18 under the authority of this chapter may not exercise any authority,
19 contract out a right to exercise authority, or otherwise delegate
20 authority beyond that specifically granted to it in Sections 61.122
21 through 61.128 ~~[of this code]~~ over that area notwithstanding any of
22 the specific provisions of this chapter. The rights established in
23 Subchapters B and D, ~~of~~ Chapter 61, ~~of this code~~ are paramount
24 over the rights or interests that might otherwise be created by the
25 provisions of this chapter, and nothing in this chapter encroaches
26 on those rights or upon land, or interests in land, that may
27 ultimately be held subject to those rights.

1 SECTION 13.002. Section 62.091(a), Natural Resources Code,
2 is amended to correct a reference to read as follows:

3 (a) The following land is under the jurisdiction of the
4 board:

- 5 (1) public beaches owned in fee by the county; and
- 6 (2) land used as parks in connection with public
7 beaches not located inside the boundaries of an incorporated city
8 and not inside the area bordering on the Gulf of Mexico from the
9 line of mean low tide to the line of vegetation as that term is
10 defined in Section 61.001 [~~61.001(2) of this code~~].

11 ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

12 SECTION 14.001. The heading to Section 203.154, Occupations
13 Code, is amended to read as follows:

14 Sec. 203.154. [~~ANNUAL REPORT,~~] REPORTS ON MIDWIFERY.

15 SECTION 14.002. The heading to Section 452.159, Occupations
16 Code, is amended to read as follows:

17 Sec. 452.159. BIENNIAL REPORT [~~ANNUAL REPORTS~~].

18 SECTION 14.003. Section 801.353(d-1), Occupations Code, as
19 added by Chapters 231 (H.B. 413) and 411 (S.B. 811), Acts of the
20 82nd Legislature, Regular Session, 2011, is reenacted and amended
21 to read as follows:

22 (d-1) The privilege provided by this section is waived by
23 the client or the owner of the animal treated by the veterinarian in
24 a proceeding to substantiate and collect on a claim for the
25 provision of or a debt incurred for veterinary services.

26 SECTION 14.004. Section 1103.403(b), Occupations Code, is
27 amended to correct an error in punctuation to read as follows:

1 (b) Not later than the 10th day after the date an appraiser
2 changes the appraiser's address, e-mail address, or telephone
3 number, the appraiser shall [+] notify the board of the change and
4 pay any required fee.

5 SECTION 14.005. Section 1602.262(a), Occupations Code, as
6 amended by Chapters 331 (H.B. 2727) and 1241 (S.B. 1170), Acts of
7 the 82nd Legislature, Regular Session, 2011, is reenacted to read
8 as follows:

9 (a) An applicant for a license under this chapter is
10 entitled to the license if the applicant:

- 11 (1) meets the applicable eligibility requirements;
- 12 (2) passes the applicable examination;
- 13 (3) pays the required fee;
- 14 (4) has not committed an act that constitutes a ground
15 for denial of the license; and
- 16 (5) submits an application on a form prescribed by the
17 department.

18 ARTICLE 15. CHANGES RELATING TO PARKS AND WILDLIFE CODE

19 SECTION 15.001. Section 47.001(9), Parks and Wildlife Code,
20 is amended to correct a reference to read as follows:

21 (9) "Place of business" means a permanent structure on
22 land or a motor vehicle required to be registered under Section
23 502.040 [~~502.002~~], Transportation Code, where aquatic products or
24 orders for aquatic products are received or where aquatic products
25 are sold or purchased but does not include a boat or any type of
26 floating device, a public cold storage vault, the portion of a
27 structure that is used as a residence, or a vehicle from which no

1 orders are taken or no shipments or deliveries are made other than
2 to the place of business of a licensee in this state.

3 ARTICLE 16. CHANGES RELATING TO PENAL CODE

4 SECTION 16.001. Section 12.42(b), Penal Code, as amended by
5 Chapters 834 (H.B. 3384) and 1119 (H.B. 3), Acts of the 82nd
6 Legislature, Regular Session, 2011, is reenacted and amended to
7 read as follows:

8 (b) Except as provided by Subsection (c)(2) or (c)(4), as
9 amended by Chapter 1119 (H.B. 3), Acts of the 82nd Legislature,
10 Regular Session, 2011, if it is shown on the trial of a felony of the
11 second degree that the defendant has previously been finally
12 convicted of a felony other than a state jail felony punishable
13 under Section 12.35(a), on conviction the defendant shall be
14 punished for a felony of the first degree.

15 SECTION 16.002. Section 12.42(d), Penal Code, as amended by
16 Chapters 834 (H.B. 3384) and 1119 (H.B. 3), Acts of the 82nd
17 Legislature, Regular Session, 2011, is reenacted and amended to
18 read as follows:

19 (d) Except as provided by Subsection (c)(2) or (c)(4), as
20 amended by Chapter 1119 (H.B. 3), Acts of the 82nd Legislature,
21 Regular Session, 2011, if it is shown on the trial of a felony
22 offense other than a state jail felony punishable under Section
23 12.35(a) that the defendant has previously been finally convicted
24 of two felony offenses, and the second previous felony conviction
25 is for an offense that occurred subsequent to the first previous
26 conviction having become final, on conviction the defendant shall
27 be punished by imprisonment in the Texas Department of Criminal

1 Justice for life, or for any term of not more than 99 years or less
2 than 25 years. A previous conviction for a state jail felony
3 punishable under Section 12.35(a) may not be used for enhancement
4 purposes under this subsection.

5 SECTION 16.003. Section 12.42(f), Penal Code, is amended to
6 conform to the repeal of Section 12.42(e), Penal Code, by Chapter
7 834 (H.B. 3384), Acts of the 82nd Legislature, Regular Session,
8 2011, and to correct a reference to read as follows:

9 (f) For the purposes of Subsections (a), (b), and (c)(1),
10 [~~and (e),~~] an adjudication by a juvenile court under Section 54.03,
11 Family Code, that a child engaged in delinquent conduct on or after
12 January 1, 1996, constituting a felony offense for which the child
13 is committed to the Texas Juvenile Justice Department [~~Youth~~
14 ~~Commission~~] under Section 54.04(d)(2), (d)(3), or (m), Family Code,
15 or Section 54.05(f), Family Code, is a final felony conviction.

16 SECTION 16.004. Section 37.01(2), Penal Code, is amended to
17 correct a reference to read as follows:

- 18 (2) "Governmental record" means:
- 19 (A) anything belonging to, received by, or kept
20 by government for information, including a court record;
- 21 (B) anything required by law to be kept by others
22 for information of government;
- 23 (C) a license, certificate, permit, seal, title,
24 letter of patent, or similar document issued by government, by
25 another state, or by the United States;
- 26 (D) a standard proof of motor vehicle liability
27 insurance form described by Section 601.081, Transportation Code, a

1 certificate of an insurance company described by Section 601.083 of
2 that code, a document purporting to be such a form or certificate
3 that is not issued by an insurer authorized to write motor vehicle
4 liability insurance in this state, an electronic submission in a
5 form described by Section 502.046(i) [~~502.153(i)~~], Transportation
6 Code, or an evidence of financial responsibility described by
7 Section 601.053 of that code;

8 (E) an official ballot or other election record;
9 or

10 (F) the written documentation a mobile food unit
11 is required to obtain under Section 437.0074, Health and Safety
12 Code.

13 SECTION 16.005. Section 71.02(a), Penal Code, as amended by
14 Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd
15 Legislature, Regular Session, 2011, is reenacted and amended to
16 read as follows:

17 (a) A person commits an offense if, with the intent to
18 establish, maintain, or participate in a combination or in the
19 profits of a combination or as a member of a criminal street gang,
20 the person commits or conspires to commit one or more of the
21 following:

22 (1) murder, capital murder, arson, aggravated
23 robbery, robbery, burglary, theft, aggravated kidnapping,
24 kidnapping, aggravated assault, aggravated sexual assault, sexual
25 assault, forgery, deadly conduct, assault punishable as a Class A
26 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
27 motor vehicle;

- 1 (2) any gambling offense punishable as a Class A
2 misdemeanor;
- 3 (3) promotion of prostitution, aggravated promotion
4 of prostitution, or compelling prostitution;
- 5 (4) unlawful manufacture, transportation, repair, or
6 sale of firearms or prohibited weapons;
- 7 (5) unlawful manufacture, delivery, dispensation, or
8 distribution of a controlled substance or dangerous drug, or
9 unlawful possession of a controlled substance or dangerous drug
10 through forgery, fraud, misrepresentation, or deception;
- 11 (5-a) causing the unlawful delivery, dispensation, or
12 distribution of a controlled substance or dangerous drug in
13 violation of Subtitle B, Title 3, Occupations Code;
- 14 (6) any unlawful wholesale promotion or possession of
15 any obscene material or obscene device with the intent to wholesale
16 promote the same;
- 17 (7) any offense under Subchapter B, Chapter 43,
18 depicting or involving conduct by or directed toward a child
19 younger than 18 years of age;
- 20 (8) any felony offense under Chapter 32;
- 21 (9) any offense under Chapter 36;
- 22 (10) any offense under Chapter 34, 35, or 35A;
- 23 (11) any offense under Section 37.11(a);
- 24 (12) any offense under Chapter 20A;
- 25 (13) any offense under Section 37.10;
- 26 (14) any offense under Section 38.06, 38.07, 38.09, or
27 38.11;

- 1 (15) any offense under Section 42.10;
2 (16) any offense under Section 46.06(a)(1) or 46.14;
3 ~~or~~
4 (17) any offense under Section 20.05; or
5 (18) [~~(17)~~] any offense classified as a felony under
6 the Tax Code.

7 ARTICLE 17. CHANGES RELATING TO PROPERTY CODE

8 SECTION 17.001. Section 51.002(i), Property Code, as added
9 by Chapters 252 (H.B. 1127) and 592 (S.B. 101), Acts of the 82nd
10 Legislature, Regular Session, 2011, is reenacted to read as
11 follows:

12 (i) Notice served on a debtor under this section must state
13 the name and address of the sender of the notice and contain, in
14 addition to any other statements required under this section, a
15 statement that is conspicuous, printed in boldface or underlined
16 type, and substantially similar to the following: "Assert and
17 protect your rights as a member of the armed forces of the United
18 States. If you are or your spouse is serving on active military
19 duty, including active military duty as a member of the Texas
20 National Guard or the National Guard of another state or as a member
21 of a reserve component of the armed forces of the United States,
22 please send written notice of the active duty military service to
23 the sender of this notice immediately."

24 SECTION 17.002. (a) Section 209.003(e), Property Code, as
25 added by Chapters 1142 (H.B. 1821) and 1282 (H.B. 1228), Acts of the
26 82nd Legislature, Regular Session, 2011, is reenacted to conform to
27 Section 209.003(e), Property Code, as added by Chapter 1026 (H.B.

1 2761), Acts of the 82nd Legislature, Regular Session, 2011, and
2 Section 209.003(e), Property Code, as added by Chapter 1217 (S.B.
3 472), Acts of the 82nd Legislature, Regular Session, 2011, to read
4 as follows:

5 (e) The following provisions of this chapter do not apply to
6 a property owners' association that is a mixed-use master
7 association that existed before January 1, 1974, and that does not
8 have the authority under a dedicatory instrument or other governing
9 document to impose fines:

- 10 (1) Section 209.005(c);
- 11 (2) Section 209.0056;
- 12 (3) Section 209.0057;
- 13 (4) Section 209.0058;
- 14 (5) Section 209.00592; and
- 15 (6) Section 209.0062.

16 (b) Section 209.003(e), Property Code, as added by Chapter
17 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session,
18 2011, and Section 209.003(e), Property Code, as added by Chapter
19 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session,
20 2011, are repealed.

21 SECTION 17.003. Sections 209.0058, 209.0059, 209.00592,
22 and 209.00593, Property Code, as added by Chapter 1217 (S.B. 472),
23 Acts of the 82nd Legislature, Regular Session, 2011, are repealed
24 as duplicative of Sections 209.0058, 209.0059, 209.00591, and
25 209.00592, Property Code, as added by Chapter 1026 (H.B. 2761),
26 Acts of the 82nd Legislature, Regular Session, 2011.

27 SECTION 17.004. Section 209.0062, Property Code, as added

1 by Chapter 1142 (H.B. 1821), Acts of the 82nd Legislature, Regular
2 Session, 2011, is repealed as duplicative of Section 209.0062,
3 Property Code, as added by Chapter 1282 (H.B. 1228), Acts of the
4 82nd Legislature, Regular Session, 2011.

5 ARTICLE 18. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

6 PART A. GENERAL CHANGES

7 SECTION 18.001. Section 1072.021, Special District Local
8 Laws Code, is amended to add a heading to read as follows:

9 Sec. 1072.021. ELECTION ON CREATION OF DISTRICT. (a) The
10 Commissioners Court of Runnels County shall order an election for
11 the registered voters of Runnels County who do not reside in the
12 Ballinger Memorial Hospital District or the North Runnels County
13 Hospital District on the question of creating the Runnels County
14 Hospital District if the commissioners court receives notice that:

15 (1) the board of directors of the Ballinger Memorial
16 Hospital District intends to order an election to dissolve the
17 Ballinger Memorial Hospital District and create the Runnels County
18 Hospital District under Subchapter D-1, Chapter 1004; and

19 (2) the board of directors of the North Runnels County
20 Hospital District intends to order an election to dissolve the
21 North Runnels County Hospital District and create the Runnels
22 County Hospital District under Section 20c, Chapter 206, Acts of
23 the 61st Legislature, Regular Session, 1969.

24 (b) The Commissioners Court of Runnels County shall notify
25 the boards of directors of the Ballinger Memorial Hospital District
26 and the North Runnels County Hospital District that the
27 commissioners court intends to hold the election under this

1 section.

2 (c) The election held under this section shall be held on
3 the same date as the elections to dissolve the Ballinger Memorial
4 Hospital District and the North Runnels County Hospital District
5 and to create the Runnels County Hospital District. The
6 Commissioners Court of Runnels County shall coordinate with the
7 boards of directors of the Ballinger Memorial Hospital District and
8 the North Runnels County Hospital District in setting the election
9 date under this section.

10 (d) The order calling the election under this section must
11 state:

12 (1) the nature of the election, including the
13 proposition that is to appear on the ballot;

14 (2) the date of the election;

15 (3) the hours during which the polls will be open; and

16 (4) the location of the polling places.

17 (e) Section 41.001, Election Code, does not apply to an
18 election ordered under this section.

19 (f) The Commissioners Court of Runnels County shall give
20 notice of an election under this section by publishing a
21 substantial copy of the election order in a newspaper with general
22 circulation in Runnels County once a week for two consecutive
23 weeks. The first publication must appear not later than the 35th
24 day before the date set for the election.

25 (g) The ballot for an election under this section must be
26 printed to permit voting for or against the proposition: "The
27 creation of the Runnels County Hospital District, providing for the

1 imposition of an ad valorem tax at a rate not to exceed ____ cents
2 (insert any rate not to exceed 75 cents) on each \$100 valuation of
3 taxable property in Runnels County.

4 (h) The Commissioners Court of Runnels County shall find
5 that the Runnels County Hospital District is created if:

6 (1) a majority of the votes in an election held on the
7 same date under Subchapter D-1, Chapter 1004, favor dissolution of
8 the Ballinger Memorial Hospital District and creation of the
9 Runnels County Hospital District;

10 (2) a majority of the votes in an election held on the
11 same date under Section 20c, Chapter 206, Acts of the 61st
12 Legislature, Regular Session, 1969, favor dissolution of the North
13 Runnels County Hospital District and creation of the Runnels County
14 Hospital District; and

15 (3) a cumulative majority of the votes held in the
16 election called by the commissioners court and in the elections
17 described by Subdivisions (1) and (2) favor creation of the Runnels
18 County Hospital District.

19 SECTION 18.002. (a) Section 1103.052, Special District
20 Local Laws Code, as effective April 1, 2013, is amended to conform
21 to Section 1, Chapter 400, Acts of the 82nd Legislature, Regular
22 Session, 2011, to read as follows:

23 Sec. 1103.052. NOTICE OF ELECTION. Notice [~~At least 10 days~~
24 ~~before the date~~] of a directors' election[~~, notice of the election~~]
25 must be published in accordance with Section 4.003, Election Code
26 [~~one time in a newspaper of general circulation in Swisher County~~].

27 (b) Section 1103.053, Special District Local Laws Code, as

1 effective April 1, 2013, is amended to conform to Section 1, Chapter
2 400, Acts of the 82nd Legislature, Regular Session, 2011, to read as
3 follows:

4 Sec. 1103.053. BALLOT APPLICATION [~~PETITION~~]. A person who
5 wants to have the person's name printed on the ballot as a candidate
6 for director must file with the board secretary an application in
7 accordance with Chapter 144 [~~a petition requesting that action.~~
8 ~~The petition must be:~~

9 [~~(1) signed by not less than 25 registered voters; and~~
10 [~~(2) filed by the deadline imposed by Section~~
11 ~~144.005]~~, Election Code.

12 (c) Section 1103.054(a), Special District Local Laws Code,
13 as effective April 1, 2013, is amended to conform to Section 1,
14 Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011,
15 to read as follows:

16 (a) A person must at the time of election or appointment as
17 director:

18 (1) be a registered voter of the district [~~own~~
19 ~~property subject to taxation in the district~~]; and

20 (2) be at least 18 years of age.

21 (d) Section 1, Chapter 400, Acts of the 82nd Legislature,
22 Regular Session, 2011, is repealed.

23 SECTION 18.003. (a) Subchapter D, Chapter 1103, Special
24 District Local Laws Code, as effective April 1, 2013, is amended to
25 conform to Section 2, Chapter 400, Acts of the 82nd Legislature,
26 Regular Session, 2011, by adding Section 1103.156 to read as
27 follows:

1 Sec. 1103.156. AUTHORITY TO BORROW MONEY; SECURITY.

2 (a) The board may borrow money at a rate not to exceed the maximum
3 annual percentage rate allowed by law for district obligations at
4 the time the loan is made.

5 (b) To secure a loan, the board may pledge:

6 (1) district revenue that is not pledged to pay the
7 district's bonded indebtedness;

8 (2) district taxes to be imposed by the district
9 during the 12-month period following the date of the pledge that are
10 not pledged to pay the principal of or interest on district bonds;

11 or

12 (3) district bonds that have been authorized but not
13 sold.

14 (c) A loan for which taxes or bonds are pledged must mature
15 not later than the first anniversary of the date the loan is made. A
16 loan for which district revenue is pledged must mature not later
17 than the fifth anniversary of the date the loan is made.

18 (b) Subchapter E, Chapter 1103, Special District Local Laws
19 Code, as effective April 1, 2013, is amended to conform to Section
20 2, Chapter 400, Acts of the 82nd Legislature, Regular Session,
21 2011, by adding Sections 1103.2045, 1103.208, and 1103.209 to read
22 as follows:

23 Sec. 1103.2045. REVENUE BONDS. (a) The board may issue
24 revenue bonds to:

25 (1) purchase, construct, acquire, repair, or renovate
26 buildings or improvements;

27 (2) equip buildings or improvements for hospital

1 purposes; or

2 (3) acquire real property for hospital purposes.

3 (b) Revenue bonds must be payable from and secured by a
4 pledge of all or part of the revenue derived from the operation of
5 the district's hospital system.

6 (c) Revenue bonds may be additionally secured by a mortgage
7 or deed of trust on all or part of district property.

8 (d) Revenue bonds must be issued in the manner provided by
9 Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049,
10 Health and Safety Code, for issuance of revenue bonds by a county
11 hospital authority.

12 Sec. 1103.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF
13 BONDS. In addition to the authority to issue general obligation
14 bonds and revenue bonds under this chapter, the board may provide
15 for the security and payment of district bonds from a pledge of a
16 combination of ad valorem taxes as authorized by Section 1103.202
17 and revenue and other sources as authorized by Section 1103.2045.

18 Sec. 1103.209. USE OF BOND PROCEEDS. The district may use
19 the proceeds of bonds issued under this chapter to pay:

20 (1) any expense the board determines is reasonable and
21 necessary to issue, sell, and deliver the bonds;

22 (2) interest payments on the bonds during a period of
23 acquisition or construction of a project or facility to be provided
24 through the bonds, not to exceed five years;

25 (3) costs related to the operation and maintenance of
26 a project or facility to be provided through the bonds:

27 (A) during an estimated period of acquisition or

1 construction, not to exceed five years; and

2 (B) for one year after the project or facility is
3 acquired or constructed;

4 (4) costs related to the financing of the bond funds,
5 including debt service reserve and contingency funds;

6 (5) costs related to the bond issuance;

7 (6) costs related to the acquisition of land or
8 interests in land for a project or facility to be provided through
9 the bonds; and

10 (7) construction costs of a project or facility to be
11 provided through the bonds, including the payment of related
12 professional services and expenses.

13 (c) Section 2, Chapter 400, Acts of the 82nd Legislature,
14 Regular Session, 2011, is repealed.

15 SECTION 18.004. (a) Section 1108.058, Special District
16 Local Laws Code, as effective April 1, 2013, is amended to conform
17 to Section 1, Chapter 472, Acts of the 82nd Legislature, Regular
18 Session, 2011, to read as follows:

19 Sec. 1108.058. QUORUM; VOTING REQUIREMENT. (a) Any five
20 [~~four~~] directors constitute a quorum.

21 (b) A concurrence of five [~~four~~] directors is sufficient in
22 any matter relating to district business.

23 (b) Section 1, Chapter 472, Acts of the 82nd Legislature,
24 Regular Session, 2011, is repealed.

25 SECTION 18.005. Section 6905.161(f), Special District
26 Local Laws Code, is amended to more closely conform to the source
27 law from which the section was derived to read as follows:

1 (f) A public agency or political subdivision, including the
2 City of Beeville, may enter into a contract or agreement with the
3 district [~~authority~~] for a water supply as provided by Section
4 6905.160.

5 SECTION 18.006. Section 8813.001(6), Special District
6 Local Laws Code, is amended to correct a reference to read as
7 follows:

8 (6) "Groundwater reduction plan" means a plan adopted
9 or implemented to supply water, reduce reliance on groundwater,
10 regulate groundwater pumping and usage, or require and allocate
11 water usage among persons in order to comply with or exceed
12 requirements imposed by the Fort Bend Subsidence District or the
13 Harris-Galveston [~~Coastal~~] Subsidence District, as applicable,
14 including any applicable groundwater reduction requirements.

15 SECTION 18.007. Section 8813.007(b), Special District
16 Local Laws Code, is amended to correct references to read as
17 follows:

18 (b) This chapter does not prevail over or preempt a
19 provision of Chapter 36, Water Code, or Chapter 8801 or 8834 of this
20 code[, ~~or Chapter 1045, Acts of the 71st Legislature, Regular~~
21 ~~Session, 1989,~~] that is being implemented by the Harris-Galveston
22 [~~Coastal~~] Subsidence District or Fort Bend Subsidence District, as
23 applicable.

24 SECTION 18.008. Section 8813.008, Special District Local
25 Laws Code, is amended to correct a reference to read as follows:

26 Sec. 8813.008. FINDING OF BENEFIT. All the land, property,
27 and persons included within the boundaries of the authority will be

1 directly benefited by the works, projects, improvements, and
2 services to be provided by the authority under powers conferred by
3 Section 59, Article XVI, Texas Constitution, and this chapter. The
4 authority is created to serve a public use and benefit. The
5 creation of the authority will serve to promote the health, safety,
6 and general welfare of persons within the authority and the general
7 public. Any fees, user fees, rates, charges, or special
8 assessments imposed by the authority under this chapter are
9 necessary to pay for the costs of accomplishing the purposes of the
10 authority as set forth in Section 59, Article XVI, Texas
11 Constitution, and this chapter, including:

- 12 (1) the reduction of groundwater withdrawals;
- 13 (2) the facilitation of compliance with the
14 requirements of the Fort Bend Subsidence District or the
15 Harris-Galveston [~~Coastal~~] Subsidence District, as applicable; and
- 16 (3) the provision of services, facilities, and
17 systems.

18 SECTION 18.009. Section 8813.101(a), Special District
19 Local Laws Code, is amended to correct a reference to read as
20 follows:

- 21 (a) The authority may:
- 22 (1) provide for the conservation, preservation,
23 protection, recharge, and prevention of waste of groundwater, and
24 for the reduction of groundwater withdrawals as necessary to
25 develop, implement, or enforce a groundwater reduction plan, in a
26 manner consistent with the purposes of Section 59, Article XVI,
27 Texas Constitution, and facilitate compliance with Fort Bend

1 Subsidence District or Harris-Galveston [~~Coastal~~] Subsidence
2 District, as applicable, rules, orders, regulations, or
3 requirements;

4 (2) acquire or develop surface water and groundwater
5 supplies from sources inside or outside the boundaries of the
6 authority, conserve, store, transport, treat, purify, distribute,
7 sell, and deliver water to or among persons inside and outside the
8 boundaries of the authority, and allocate water among persons
9 participating in the authority's groundwater reduction plan
10 whether they are located inside or outside the authority's
11 boundaries;

12 (3) enter into contracts with persons inside or
13 outside the authority on terms and conditions the board considers
14 desirable, fair, and advantageous for the performance of its
15 rights, powers, and authority under this chapter;

16 (4) coordinate water services provided inside,
17 outside, or into the authority;

18 (5) provide wholesale and retail water services to any
19 users or customers within the authority's boundaries without being
20 required to execute contracts with those users or customers;

21 (6) adopt policies establishing whether, when, and the
22 manner in which the authority uses requests for proposals in
23 obtaining services, including professional services;

24 (7) determine whether to adopt administrative
25 policies in addition to those required by Section 49.199, Water
26 Code; and

27 (8) administer and enforce this chapter.

1 SECTION 18.010. Section 8813.103(d), Special District
2 Local Laws Code, is amended to correct a reference to read as
3 follows:

4 (d) For wells located in Harris County or Fort Bend County,
5 the board shall exempt from the charge under Subsection (b) classes
6 of wells that are not subject to any groundwater reduction
7 requirement imposed by the Harris-Galveston [~~Coastal~~] Subsidence
8 District or the Fort Bend Subsidence District, as applicable. If
9 any of those classes of wells become subject to a groundwater
10 reduction requirement imposed by the applicable subsidence
11 district, the authority may impose the charge under Subsection (b)
12 on those classes. The board by rule may exempt any other classes of
13 wells from the charge under Subsection (b). The board may not apply
14 the charge under Subsection (b) to a well:

15 (1) with a casing diameter of less than five inches
16 that serves only a single-family dwelling; or

17 (2) regulated under Chapter 27, Water Code.

18 SECTION 18.011. Sections 8813.105(e) and (j), Special
19 District Local Laws Code, are amended to correct references to read
20 as follows:

21 (e) Written notice containing the information required by
22 Subsection (d) shall be mailed by certified mail, return receipt
23 requested, not later than the 30th day before the date of the
24 hearing. The notice shall be mailed to each person within the
25 authority who holds a permit for a well issued by the
26 Harris-Galveston [~~Coastal~~] Subsidence District or Fort Bend
27 Subsidence District, as applicable, and whose well is subject to a

1 groundwater reduction requirement imposed by that district. The
2 Harris-Galveston [~~Coastal~~] Subsidence District and Fort Bend
3 Subsidence District shall provide to the authority a list of
4 persons who hold such a permit.

5 (j) The board shall apportion the cost of an improvement
6 project or services to be assessed against the property in the
7 authority according to the special benefits that accrue to the
8 property because of the improvement project or services. The board
9 may assess the cost only according to the number of gallons of
10 groundwater pumped from wells within the authority that are subject
11 to a groundwater reduction requirement imposed by the
12 Harris-Galveston [~~Coastal~~] Subsidence District or Fort Bend
13 Subsidence District, as applicable. The board may not assess the
14 cost according to groundwater pumped from:

15 (1) a well with a casing diameter of less than five
16 inches that serves only a single-family dwelling; or

17 (2) a well that is regulated by Chapter 27, Water Code.

18 SECTION 18.012. Section 8813.111(a), Special District
19 Local Laws Code, is amended to correct a reference to read as
20 follows:

21 (a) The authority may wholly or partly develop, prepare,
22 revise, adopt, implement, enforce, manage, or participate in a
23 groundwater reduction plan that is applicable only to the authority
24 and one or more persons outside the authority. The authority may
25 require that any groundwater reduction plan that the authority
26 wholly or partly develops, prepares, revises, adopts, implements,
27 enforces, or manages or in which the authority participates be the

1 exclusive groundwater reduction plan that is binding and mandatory
2 on some or all of the territory, persons, or wells located within
3 the authority. A groundwater reduction plan may:

4 (1) specify the measures to be taken to reduce
5 groundwater withdrawals;

6 (2) identify alternative sources of water, including
7 water from the authority, to be provided to those affected;

8 (3) identify the rates, terms, and conditions under
9 which alternative sources of water will be provided, which may be
10 changed from time to time as considered necessary by the authority;

11 (4) specify the dates and extent to which persons or
12 districts within the authority's boundaries shall reduce or cease
13 reliance on groundwater and accept water from alternative sources,
14 including water from the authority;

15 (5) include other terms and measures that are
16 consistent with the powers and duties of the authority;

17 (6) exceed the minimum requirements imposed by the
18 Harris-Galveston [~~Coastal~~] Subsidence District or Fort Bend
19 Subsidence District, as applicable, including any applicable
20 groundwater reduction requirements; and

21 (7) be amended from time to time at the discretion of
22 the authority.

23 SECTION 18.013. Section 8813.112(c), Special District
24 Local Laws Code, is amended to correct a reference to read as
25 follows:

26 (c) The authority by rule may require that the plans and
27 specifications of water lines to be constructed within the

1 authority that are designed or intended to serve more than one
2 district or more than one person owning or holding a well permit
3 issued by the Harris-Galveston [~~Coastal~~] Subsidence District or
4 Fort Bend Subsidence District, as applicable, be approved by the
5 authority before the commencement of construction of the water
6 lines.

7 SECTION 18.014. Section 8815.001(10), Special District
8 Local Laws Code, is amended to correct a reference to read as
9 follows:

10 (10) "Subsidence district" means the Harris-Galveston
11 [~~Coastal~~] Subsidence District.

12 SECTION 18.015. Section 8825.109, Special District Local
13 Laws Code, is amended to correct a reference to read as follows:

14 Sec. 8825.109. COORDINATION WITH OTHER ENTITIES. The
15 district may:

16 (1) coordinate activities with the Central
17 Carrizo-Wilcox Coordinating Council and appoint a nonvoting
18 representative to the Central Carrizo-Wilcox Coordinating Council;
19 and

20 (2) coordinate activities with the Harris-Galveston
21 [~~Coastal~~] Subsidence District or other groundwater conservation
22 districts to manage portions of the Gulf Coast Aquifer.

23 SECTION 18.016. Section 8832.001(3), Special District
24 Local Laws Code, is amended to correct a typographical error to read
25 as follows:

26 (3) "District" means the Mesquite [~~Mequite~~]
27 Groundwater Conservation District.

1 SECTION 18.017. (a) Section 8851.053, Special District
2 Local Laws Code, as effective April 1, 2013, is amended to conform
3 to Section 1, Chapter 199, Acts of the 82nd Legislature, Regular
4 Session, 2011, to read as follows:

5 Sec. 8851.053. ELECTION DATE. On the uniform election date
6 in November [~~May~~] of each even-numbered year, the appropriate
7 number of directors shall be elected.

8 (b) Section 1, Chapter 199, Acts of the 82nd Legislature,
9 Regular Session, 2011, is repealed.

10 SECTION 18.018. (a) Section 8857.053, Special District
11 Local Laws Code, as effective April 1, 2013, is amended to conform
12 to Sections 1.01 and 1.02, Chapter 1267, Acts of the 82nd
13 Legislature, Regular Session, 2011, to read as follows:

14 Sec. 8857.053. ELECTION DATE. On the uniform election date
15 in November [~~May~~] of each even-numbered year, the appropriate
16 number of directors shall be elected.

17 (b) Sections 1.01 and 1.02, Chapter 1267, Acts of the 82nd
18 Legislature, Regular Session, 2011, are repealed.

19 SECTION 18.019. (a) Sections 8857.102(b) and (c), Special
20 District Local Laws Code, as effective April 1, 2013, are amended to
21 conform to Sections 2.02 and 2.03, Chapter 1267, Acts of the 82nd
22 Legislature, Regular Session, 2011, to read as follows:

23 (b) The district may contract with other governmental
24 entities [~~, including a river authority in the district,~~] to perform
25 district functions.

26 (c) The district may not contract with a [A] river authority
27 to [~~that contracts with the district under Subsection (b) may~~]

1 perform district functions except as provided by Chapter 791,
2 Government Code [~~the contract~~].

3 (b) Sections 2.02 and 2.03, Chapter 1267, Acts of the 82nd
4 Legislature, Regular Session, 2011, are repealed.

5 SECTION 18.020. (a) Subchapter C, Chapter 8857, Special
6 District Local Laws Code, as effective April 1, 2013, is amended to
7 conform to Section 2.01, Chapter 1267, Acts of the 82nd
8 Legislature, Regular Session, 2011, by adding Section 8857.103 to
9 read as follows:

10 Sec. 8857.103. NO EMINENT DOMAIN POWER. The district may
11 not exercise the powers granted by Section 36.105, Water Code.

12 (b) Section 2.01, Chapter 1267, Acts of the 82nd
13 Legislature, Regular Session, 2011, is repealed.

14 PART B. AMENDMENTS MADE TO CONFORM TO CHANGES IN ELECTION CODE

15 SECTION 18.101. The following changes are made to conform
16 provisions of the Special District Local Laws Code, as effective
17 April 1, 2013, to Section 41.0052, Election Code, as amended by
18 Chapters 505 (H.B. 1545) and 1318 (S.B. 100), Acts of the 82nd
19 Legislature, Regular Session, 2011:

20 (1) Section 1034.051(b), Special District Local Laws
21 Code, is amended to read as follows:

22 (b) Unless four-year terms are established under Section
23 285.081, Health and Safety Code:

24 (1) directors serve staggered two-year terms; and

25 (2) an election shall be held annually on the May
26 uniform election date, or another date authorized by law, to elect
27 the appropriate number of directors.

1 (2) Section 1069.051(b), Special District Local Laws
2 Code, is amended to read as follows:

3 (b) Unless four-year terms are established under Section
4 285.081, Health and Safety Code:

5 (1) directors serve staggered two-year terms; and

6 (2) an election shall be held annually on the May
7 uniform election date, or another date authorized by law, to elect
8 the appropriate number of directors.

9 (3) Section 1074.051(c), Special District Local Laws
10 Code, is amended to read as follows:

11 (c) A directors' election to elect two directors shall be
12 held annually on the May uniform election date or another date
13 authorized by law.

14 (4) Section 1086.051(c), Special District Local Laws
15 Code, is amended to read as follows:

16 (c) A directors' election shall be held annually on the May
17 uniform election date, or another date authorized by law, to elect
18 the appropriate number of directors.

19 (5) Section 1098.051(c), Special District Local Laws
20 Code, is amended to read as follows:

21 (c) A directors' election shall be held annually on the May
22 uniform election date prescribed by Section 41.001, Election Code,
23 or another date authorized by law.

24 (6) Section 1099.051(b), Special District Local Laws
25 Code, is amended to read as follows:

26 (b) Unless four-year terms are established under Section
27 285.081, Health and Safety Code:

1 (1) directors serve staggered two-year terms with the
2 terms of two or three directors expiring each year as appropriate;
3 and

4 (2) a directors' election shall be held annually on the
5 May uniform election date, or another date authorized by law, to
6 elect the appropriate number of directors.

7 (7) Section 1100.051(b), Special District Local Laws
8 Code, is amended to read as follows:

9 (b) Unless four-year terms are established under Section
10 285.081, Health and Safety Code:

11 (1) directors serve staggered two-year terms; and

12 (2) an election shall be held annually on the May
13 uniform election date, or another date authorized by law, to elect
14 the appropriate number of directors.

15 (8) Section 1101.051(c), Special District Local Laws
16 Code, is amended to read as follows:

17 (c) An election shall be held in each even-numbered year on
18 the May uniform election date prescribed under Section 41.001,
19 Election Code, or another date authorized by law, to elect the
20 appropriate number of directors.

21 (9) Section 1102.051(b), Special District Local Laws
22 Code, is amended to read as follows:

23 (b) Unless four-year terms are established under Section
24 285.081, Health and Safety Code:

25 (1) directors serve two-year terms; and

26 (2) an election shall be held annually on the May
27 uniform election date prescribed under Section 41.001, Election

1 Code, or another date authorized by law.

2 (10) Section 1103.051(c), Special District Local Laws
3 Code, is amended to read as follows:

4 (c) An election shall be held annually on the May uniform
5 election date, or another date authorized by law, [~~in May of each~~
6 ~~year~~] to elect the appropriate number of directors.

7 (11) Section 1105.051(b), Special District Local Laws
8 Code, is amended to read as follows:

9 (b) Unless four-year terms are established under Section
10 285.081, Health and Safety Code:

11 (1) directors serve staggered two-year terms with the
12 terms of three or four directors expiring each year as appropriate;
13 and

14 (2) a directors' election shall be held annually on the
15 May uniform election date or another date authorized by law.

16 (12) Section 8838.053, Special District Local Laws
17 Code, is amended to read as follows:

18 Sec. 8838.053. ELECTION DATE. Each even-numbered year, on
19 [~~On~~] the uniform election date in May or another date authorized by
20 law [~~of each even-numbered year~~], the appropriate number of
21 directors shall be elected.

22 (13) Section 8843.053, Special District Local Laws
23 Code, is amended to read as follows:

24 Sec. 8843.053. ELECTION DATE. Each year on [~~On~~] the uniform
25 election date in May or another date authorized by law [~~of each~~
26 ~~year~~], the appropriate number of directors shall be elected.

27 (14) Section 8845.053, Special District Local Laws

1 Code, is amended to read as follows:

2 Sec. 8845.053. ELECTION DATE. Each even-numbered year, an
3 election shall be held on the uniform election date in May or
4 another date authorized by law to elect the appropriate number of
5 directors.

6 SECTION 18.102. Section 1102.301(d), Special District
7 Local Laws Code, as effective April 1, 2013, is repealed to conform
8 to Section 3.005, Election Code, as amended by Chapter 1318 (S.B.
9 100), Acts of the 82nd Legislature, Regular Session, 2011.

10 ARTICLE 19. CHANGES RELATING TO TAX CODE

11 SECTION 19.001. Section 25.025(a), Tax Code, as amended by
12 Chapters 348 (H.B. 3307) and 953 (H.B. 1046), Acts of the 82nd
13 Legislature, Regular Session, 2011, is reenacted and amended to
14 read as follows:

15 (a) This section applies only to:

16 (1) a current or former peace officer as defined by
17 Article 2.12, Code of Criminal Procedure;

18 (2) a county jailer as defined by Section 1701.001,
19 Occupations Code;

20 (3) an employee of the Texas Department of Criminal
21 Justice;

22 (4) a commissioned security officer as defined by
23 Section 1702.002, Occupations Code;

24 (5) a victim of family violence as defined by Section
25 71.004, Family Code, if as a result of the act of family violence
26 against the victim, the actor is convicted of a felony or a Class A
27 misdemeanor;

1 (6) a federal judge, a state judge, or the spouse of a
2 federal judge or state judge;

3 (7) a current or former employee of a district
4 attorney, criminal district attorney, or county or municipal
5 attorney whose jurisdiction includes any criminal law or child
6 protective services matters;

7 (8) an officer or employee of a community supervision
8 and corrections department established under Chapter 76,
9 Government Code, who performs a duty described by Section 76.004(b)
10 of that code;

11 (9) a criminal investigator of the United States as
12 described by Article 2.122(a), Code of Criminal Procedure;

13 (10) a police officer or inspector of the United
14 States Federal Protective Service; ~~and~~

15 (11) a current or former United States attorney or
16 assistant United States attorney and the spouse and child of the
17 attorney; and

18 (12) ~~(11)~~ a current or former employee of the office
19 of the attorney general who is or was assigned to a division of that
20 office the duties of which involve law enforcement.

21 SECTION 19.002. Sections 25.25(g-1) and (g-2), Tax Code,
22 are amended to correct references to read as follows:

23 (g-1) In a suit filed under Subsection (g), if a hearing to
24 review and determine compliance with Section 25.26 ~~[42.08]~~ is
25 requested, the movant must mail notice of the hearing by certified
26 mail, return receipt requested, to the collector for each taxing
27 unit that imposes taxes on the property not later than the 45th day

1 before the date of the hearing.

2 (g-2) Regardless of whether the collector for the taxing
 3 unit receives a notice under Subsection (g-1), a taxing unit that
 4 imposes taxes on the property may intervene in a suit filed under
 5 Subsection (g) and participate in the proceedings for the limited
 6 purpose of determining whether the property owner has complied with
 7 Section 25.26 [~~42.08~~]. The taxing unit is entitled to process for
 8 witnesses and evidence and to be heard by the court.

9 SECTION 19.003. Section 26.012(9), Tax Code, is amended to
 10 clarify a mathematical formula to read as follows:

11 (9) "Effective maintenance and operations rate" means
 12 a rate expressed in dollars per \$100 of taxable value and calculated
 13 according to the following formula:

14 EFFECTIVE MAINTENANCE AND OPERATIONS RATE = (LAST YEAR'S
 15 LEVY[+] - [~~-~~]LAST YEAR'S DEBT LEVY[+] - [~~-~~]LAST YEAR'S JUNIOR
 16 COLLEGE LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)

17 SECTION 19.004. Sections 31.031(b), (c), and (d), Tax Code,
 18 are amended to correct references to read as follows:

19 (b) If the individual fails to make a payment before the
 20 applicable date provided by Subsection (a-1) [~~(a)~~], the unpaid
 21 amount is delinquent and incurs a penalty of six percent and
 22 interest as provided by Section 33.01(c). The penalty provided by
 23 Section 33.01(a) does not apply to the unpaid amount.

24 (c) An individual may pay more than the amount due for each
 25 installment and the amount in excess of the amount due shall be
 26 credited to the next installment. An individual may not pay less
 27 than the total amount due for each installment unless the collector

1 provides for the acceptance of partial payments under this section.
2 If the collector accepts a partial payment, penalties and interest
3 are incurred only by the amount of each installment that remains
4 unpaid on the applicable date provided by Subsection (a-1) [~~(a)~~].

5 (d) If the delinquency date for taxes to which this section
6 applies is postponed to May 1 or a later date, the collector shall
7 extend each installment deadline provided by Subsection (a-1) [~~(a)~~]
8 by the number of months that the delinquency date was postponed.

9 SECTION 19.005. Section 42.01, Tax Code, as amended by
10 Chapters 322 (H.B. 2476), 771 (H.B. 1887), and 793 (H.B. 2220), Acts
11 of the 82nd Legislature, Regular Session, 2011, is reenacted and
12 amended to read as follows:

13 Sec. 42.01. RIGHT OF APPEAL BY PROPERTY OWNER. (a) A
14 property owner is entitled to appeal:

15 (1) an order of the appraisal review board
16 determining:

17 (A) a protest by the property owner as provided
18 by Subchapter C of Chapter 41;

19 (B) a determination of an appraisal review board
20 on a motion filed under Section 25.25; [~~or~~]

21 (C) a determination of an appraisal review board
22 that the property owner has forfeited the right to a final
23 determination of a motion filed under Section 25.25 or of a protest
24 under Section 41.411 for failing to comply with the prepayment
25 requirements of Section 25.26 or 41.4115, as applicable; or

26 (D) [~~(C)~~] a determination of an appraisal review
27 board of eligibility for a refund requested under Section 23.1243;

1 or

2 (2) an order of the comptroller issued as provided by
3 Subchapter B, Chapter 24, apportioning among the counties the
4 appraised value of railroad rolling stock owned by the property
5 owner.

6 (b) A property owner who establishes that the owner did not
7 forfeit the right to a final determination of a motion or of a
8 protest in an appeal under Subsection (a)(1)(C) is entitled to a
9 final determination of the court, as applicable:

10 (1) of the motion filed under Section 25.25; or

11 (2) of the protest under Section 41.411 of the failure
12 of the chief appraiser or appraisal review board to provide or
13 deliver a notice to which the property owner is entitled, and, if
14 failure to provide or deliver the notice is established, of a
15 protest made by the property owner on any other grounds of protest
16 authorized by this title relating to the property to which the
17 notice applies.

18 SECTION 19.006. Section 42.21(b), Tax Code, is amended to
19 correct a reference to read as follows:

20 (b) A petition for review brought under Section 42.02 must
21 be brought against the owner of the property involved in the
22 appeal. A petition for review brought under Section 42.031 must be
23 brought against the appraisal district and against the owner of the
24 property involved in the appeal. A petition for review brought
25 under [~~Subdivision (2) of~~] Section 42.01(a)(2) [~~42.01~~] or [~~under~~
26 ~~Section~~] 42.03 must be brought against the comptroller. Any other
27 petition for review under this chapter must be brought against the

1 appraisal district. A petition for review may not be brought
2 against the appraisal review board. An appraisal district may hire
3 an attorney that represents the district to represent the appraisal
4 review board established for the district to file an answer and
5 obtain a dismissal of a suit filed against the appraisal review
6 board in violation of this subsection.

7 SECTION 19.007. Section 152.0412(j), Tax Code, is amended
8 to correct a reference to read as follows:

9 (j) The requirements of Section 501.145 [~~520.031~~],
10 Transportation Code, continue to apply to a transferee of a used
11 motor vehicle who obtains an appraisal under Subsection (d)(2), and
12 obtaining an appraisal does not modify those requirements.

13 SECTION 19.008. Section 152.043, Tax Code, is amended to
14 correct a reference to read as follows:

15 Sec. 152.043. COLLECTION OF TAX ON MOTOR VEHICLES OPERATED
16 BY NONRESIDENTS. A person doing business in this state who
17 registers a motor vehicle under Section 502.091 [~~502.054~~],
18 Transportation Code, shall pay the tax imposed by Section 152.022
19 of this code to the comptroller on or before the day the motor
20 vehicle is brought into Texas.

21 SECTION 19.009. Section 152.082, Tax Code, is amended to
22 correct a reference to read as follows:

23 Sec. 152.082. SALE OF MOTOR VEHICLE TO OR USE OF MOTOR
24 VEHICLE BY PUBLIC AGENCY. The taxes imposed by this chapter do not
25 apply to the sale of a motor vehicle to or use of a motor vehicle by
26 a public agency if the motor vehicle is operated with an exempt
27 license plate issued under Section 502.451 [~~502.201 or 502.206~~],

1 Transportation Code.

2 SECTION 19.010. Section 152.083(b), Tax Code, is amended to
3 correct a reference to read as follows:

4 (b) This exemption applies only if the person purchasing the
5 motor vehicle to be leased presents the tax assessor-collector a
6 form prescribed and provided by the comptroller and showing:

- 7 (1) the identification of the motor vehicle;
8 (2) the name and address of the lessor and the lessee;
9 and

10 (3) verification by an officer of the public agency to
11 which the motor vehicle will be leased that the agency will operate
12 the vehicle with an exempt license plate issued under Section
13 502.451 [~~502.201 or 502.206~~], Transportation Code.

14 SECTION 19.011. Section 152.087, Tax Code, is amended to
15 correct a reference to read as follows:

16 Sec. 152.087. FIRE TRUCKS AND EMERGENCY MEDICAL SERVICES
17 VEHICLES. The taxes imposed by this chapter do not apply to the
18 purchase, rental, or use of a fire truck, emergency medical
19 services vehicle as defined by Section 773.003, Health and Safety
20 Code, or other motor vehicle used exclusively for fire-fighting
21 purposes or for emergency medical services when purchased by:

- 22 (1) a volunteer fire department;
23 (2) a nonprofit emergency medical service provider
24 that receives a federal income tax exemption under Section 501(a),
25 Internal Revenue Code of 1986, as an organization described by
26 Section 501(c)(3), Internal Revenue Code of 1986; or
27 (3) an emergency medical service provider to which

1 Section 502.456 [~~502.204~~], Transportation Code, applies.

2 SECTION 19.012. Section 351.101(a), Tax Code, is amended to
3 correct a typographical error to read as follows:

4 (a) Revenue from the municipal hotel occupancy tax may be
5 used only to promote tourism and the convention and hotel industry,
6 and that use is limited to the following:

7 (1) the acquisition of sites for and the construction,
8 improvement, enlarging, equipping, repairing, operation, and
9 maintenance of convention center facilities or visitor information
10 centers, or both;

11 (2) the furnishing of facilities, personnel, and
12 materials for the registration of convention delegates or
13 registrants;

14 (3) advertising and conducting solicitations and
15 promotional programs to attract tourists and convention delegates
16 or registrants to the municipality or its vicinity;

17 (4) the encouragement, promotion, improvement, and
18 application of the arts, including instrumental and vocal music,
19 dance, drama, folk art, creative writing, architecture, design and
20 allied fields, painting, sculpture, photography, graphic and craft
21 arts, motion pictures, radio, television, tape and sound recording,
22 and other arts related to the presentation, performance, execution,
23 and exhibition of these major art forms;

24 (5) historical restoration and preservation projects
25 or activities or advertising and conducting solicitations and
26 promotional programs to encourage tourists and convention
27 delegates to visit preserved historic sites or museums:

1 (A) at or in the immediate vicinity of convention
2 center facilities or visitor information centers; or

3 (B) located elsewhere in the municipality or its
4 vicinity that would be frequented by tourists and convention
5 delegates;

6 (6) for a municipality located in a county with a
7 population of one million or less, expenses, including promotion
8 expenses, directly related to a sporting event in which the
9 majority of participants are tourists who substantially increase
10 economic activity at hotels and motels within the municipality or
11 its vicinity;

12 (7) subject to Section 351.1076, the promotion of
13 tourism by the enhancement and upgrading of existing sports
14 facilities or fields, including facilities or fields for baseball,
15 softball, soccer, and flag football, if:

16 (A) the municipality owns the facilities or
17 fields;

18 (B) the municipality:

19 (i) has a population of 80,000 or more and
20 is located in a county that has a population of 350,000 or less;

21 (ii) has a population of at least 75,000 but
22 not more than 95,000 and is located in a county that has a
23 population of less than 200,000 but more than 160,000;

24 (iii) has a population of at least 36,000
25 but not more than 39,000 and is located in a county that has a
26 population of 100,000 or less that is not adjacent to a county with
27 a population of more than two million;

1 (iv) has a population of at least 13,000 but
2 less than 39,000 and is located in a county that has a population of
3 at least 200,000;

4 (v) has a population of at least 70,000 but
5 less than 90,000 and no part of which is located in a county with a
6 population greater than 150,000;

7 (vi) is located in a county that:

8 (a) is adjacent to the Texas-Mexico
9 border;

10 (b) has a population of at least
11 500,000; and

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

14 (vii) has a population of at least 25,000
15 but not more than ~~that~~ 26,000 and is located in a county that has a
16 population of 90,000 or less; and

17 (C) the sports facilities and fields have been
18 used, in the preceding calendar year, a combined total of more than
19 10 times for district, state, regional, or national sports
20 tournaments;

21 (8) for a municipality with a population of at least
22 70,000 but less than 90,000, no part of which is located in a county
23 with a population greater than 150,000, the construction,
24 improvement, enlarging, equipping, repairing, operation, and
25 maintenance of a coliseum or multiuse facility;

26 (9) signage directing the public to sights and
27 attractions that are visited frequently by hotel guests in the

1 municipality;

2 (10) the construction of a recreational venue in the
3 immediate vicinity of area hotels, if:

4 (A) the municipality:

5 (i) is a general-law municipality;

6 (ii) has a population of not more than 900;

7 and

8 (iii) does not impose an ad valorem tax;

9 (B) not more than \$100,000 of municipal hotel
10 occupancy tax revenue is used for the construction of the
11 recreational venue;

12 (C) a majority of the hotels in the municipality
13 request the municipality to construct the recreational venue;

14 (D) the recreational venue will be used primarily
15 by hotel guests; and

16 (E) the municipality will pay for maintenance of
17 the recreational venue from the municipality's general fund;

18 (11) the construction, improvement, enlarging,
19 equipping, repairing, operation, and maintenance of a coliseum or
20 multiuse facility, if the municipality:

21 (A) has a population of at least 90,000 but less
22 than 120,000; and

23 (B) is located in two counties, at least one of
24 which contains the headwaters of the San Gabriel River; and

25 (12) for a municipality with a population of more than
26 175,000 but less than 225,000 that is located in two counties, each
27 of which has a population of less than 200,000, the construction,

1 improvement, enlarging, equipping, repairing, operation, and
2 maintenance of a coliseum or multiuse facility and related
3 infrastructure or a venue, as defined by Section 334.001(4), Local
4 Government Code, that is related to the promotion of tourism.

5 ARTICLE 20. CHANGES RELATING TO TRANSPORTATION CODE

6 SECTION 20.001. (a) Section 222.107(h), Transportation
7 Code, as amended by Chapters 475 (H.B. 563) and 1345 (S.B. 1420),
8 Acts of the 82nd Legislature, Regular Session, 2011, is reenacted
9 to read as follows:

10 (h) The commissioners court may:

11 (1) from taxes collected on property in a zone, pay
12 into a tax increment account for the zone an amount equal to the tax
13 increment produced by the county less any amounts allocated under
14 previous agreements, including agreements under Section 381.004,
15 Local Government Code, or Chapter 312, Tax Code;

16 (2) by order or resolution enter into an agreement
17 with the owner of any real property located in the transportation
18 reinvestment zone to abate all or a portion of the ad valorem taxes
19 or to grant other relief from the taxes imposed by the county on the
20 owner's property in an amount not to exceed the amount calculated
21 under Subsection (a)(1) for that year;

22 (3) by order or resolution elect to abate all or a
23 portion of the ad valorem taxes imposed by the county on all real
24 property in a zone; or

25 (4) grant other relief from ad valorem taxes on
26 property in a zone.

27 (b) Section 222.107(h-1), Transportation Code, as added by

1 Chapter 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular
2 Session, 2011, is reenacted and amended to conform to Section
3 222.107(h), Transportation Code, as amended by Chapter 475 (H.B.
4 563), Acts of the 82nd Legislature, Regular Session, 2011, to read
5 as follows:

6 (h-1) All abatements or other relief granted by the
7 commissioners court in a transportation reinvestment zone must be
8 equal in rate. In any ad valorem tax year, the total amount of the
9 taxes abated or the total amount of relief granted under this
10 section may not exceed the amount calculated under Subsection
11 (a)(1) for that year, less any amounts allocated under previous
12 agreements, including agreements under Chapter 381 [~~Section~~
13 ~~381.004~~], Local Government Code, or Chapter 312, Tax Code.

14 SECTION 20.002. Section 228.055(e), Transportation Code,
15 is amended to correct a reference to read as follows:

16 (e) It is an exception to the application of Subsection (a)
17 or (c) if the registered owner of the vehicle transferred ownership
18 of the vehicle to another person before the event of nonpayment
19 under Section 228.054 occurred or before the date the vehicle was
20 driven or towed through a toll collection facility that results in a
21 notice issued under Section 228.0545, submitted written notice of
22 the transfer to the department in accordance with Section 501.147
23 [~~520.023~~], and, before the 30th day after the date the notice of
24 nonpayment is mailed, provides to the department the name and
25 address of the person to whom the vehicle was transferred. If the
26 former owner of the vehicle provides the required information
27 within the period prescribed, the department may send a notice of

1 nonpayment to the person to whom ownership of the vehicle was
2 transferred at the address provided by the former owner by first
3 class mail before the 30th day after the date of receipt of the
4 required information from the former owner. The department may
5 send all subsequent notices of nonpayment associated with the
6 vehicle to the person to whom ownership of the vehicle was
7 transferred at the address provided by the former owner or an
8 alternate address provided by the subsequent owner or derived
9 through other reliable means. The subsequent owner of the vehicle
10 for which the proper toll was not paid who is mailed a written
11 notice of nonpayment under this subsection and fails to pay the
12 proper toll and administrative fee within the time specified by the
13 notice of nonpayment commits an offense. The subsequent owner
14 shall pay a separate toll and administrative fee for each event of
15 nonpayment under Section 228.054 or 228.0545. Each failure to pay
16 a toll or administrative fee under this subsection is a separate
17 offense.

18 SECTION 20.003. Section 284.0701(e), Transportation Code,
19 is amended to correct a reference to read as follows:

20 (e) It is an exception to the application of Subsection (a)
21 or (c) if the registered owner of the vehicle transferred ownership
22 of the vehicle to another person before the event of nonpayment
23 under Section 284.070 occurred, submitted written notice of the
24 transfer to the Texas Department of Motor Vehicles in accordance
25 with Section 501.147 [~~520.023~~], and before the 30th day after the
26 date the notice of nonpayment is mailed, provides to the county the
27 name and address of the person to whom the vehicle was

1 transferred. If the former owner of the vehicle provides the
2 required information within the period prescribed, the county may
3 send a notice of nonpayment to the person to whom ownership of the
4 vehicle was transferred at the address provided by the former owner
5 by first-class mail before the 30th day after the date of receipt of
6 the required information from the former owner. The subsequent
7 owner of the vehicle for which the proper toll was not paid who is
8 mailed a written notice of nonpayment under this subsection and
9 fails to pay the proper toll and administrative cost within the time
10 specified by the notice of nonpayment commits an offense. The
11 subsequent owner shall pay a separate toll and administrative cost
12 for each event of nonpayment under Section 284.070. Each failure
13 to pay a toll or administrative cost under this subsection is a
14 separate offense.

15 SECTION 20.004. Section 370.177(f), Transportation Code,
16 is amended to correct a reference to read as follows:

17 (f) It is an exception to the application of Subsection (b)
18 or (d) that the registered owner of the vehicle transferred
19 ownership of the vehicle to another person before the event of
20 nonpayment under Subsection (a) occurred, submitted written notice
21 of the transfer to the department in accordance with Section
22 501.147 [~~520.023~~], and before the 30th day after the date the notice
23 of nonpayment is mailed, provides to the authority the name and
24 address of the person to whom the vehicle was transferred. If the
25 former owner of the vehicle provides the required information
26 within the period prescribed, the authority may send a notice of
27 nonpayment to the person to whom ownership of the vehicle was

1 transferred at the address provided by the former owner by first
2 class mail before the 30th day after the date of receipt of the
3 required information from the former owner. The subsequent owner
4 of the vehicle for which the proper toll was not paid who is mailed a
5 written notice of nonpayment under this subsection and fails to pay
6 the proper toll and administrative fee within the time specified by
7 the notice of nonpayment commits an offense. The subsequent owner
8 shall pay a separate toll and administrative fee for each event of
9 nonpayment under Subsection (a). Each failure to pay a toll or
10 administrative fee under this subsection is a separate offense.

11 SECTION 20.005. Section 370.314(b), Transportation Code,
12 as amended by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,
13 Regular Session, 2011, is repealed to conform to the repeal of
14 Section 370.314, Transportation Code, by Chapter 1345 (S.B. 1420),
15 Acts of the 82nd Legislature, Regular Session, 2011.

16 SECTION 20.006. Section 372.052, Transportation Code, is
17 amended to correct a reference to read as follows:

18 Sec. 372.052. VEHICLES USED BY NONPROFIT DISASTER RELIEF
19 ORGANIZATIONS. A toll project entity may not require a vehicle
20 registered under Section 502.454 [~~502.203~~] to pay a toll for the use
21 of a toll project.

22 SECTION 20.007. Section 501.0925(j), Transportation Code,
23 is amended to correct a reference to read as follows:

24 (j) Section 501.1001(c) applies [~~Sections 501.092(c), (d),~~
25 ~~and (e) apply~~] to a motor vehicle acquired by an insurance company
26 as described in Subsection (a), (c), or (f).

27 SECTION 20.008. Sections 501.1001(c) and (d),

1 Transportation Code, as redesignated from Sections 501.092(c) and
2 (d), Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the
3 82nd Legislature, Regular Session, 2011, are reenacted to
4 incorporate amendments to Sections 501.092(c) and (d),
5 Transportation Code, made by Chapters 1136 (H.B. 1422) and 1296
6 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011,
7 to read as follows:

8 (c) An insurance company or other person who acquires
9 ownership of a motor vehicle other than a nonrepairable or salvage
10 motor vehicle may voluntarily and on proper application obtain a
11 salvage vehicle title, salvage record of title, nonrepairable
12 vehicle title, or nonrepairable record of title for the vehicle.

13 (d) This subsection applies only to a motor vehicle in this
14 state that is a self-insured motor vehicle and that is damaged to
15 the extent it becomes a nonrepairable or salvage motor vehicle. The
16 owner of a motor vehicle to which this subsection applies shall
17 submit to the department before the 31st business day after the date
18 of the damage, in a manner prescribed by the department, a statement
19 that the motor vehicle was self-insured and damaged. When the owner
20 submits a report, the owner shall surrender the ownership document
21 and apply for a nonrepairable vehicle title, nonrepairable record
22 of title, salvage vehicle title, or salvage record of title.

23 SECTION 20.009. Section 502.1585(b), Transportation Code,
24 is amended to correct a reference to read as follows:

25 (b) Notwithstanding Section 502.044 [~~502.158~~], the owner of
26 a motor vehicle or a trailer may designate an initial or a renewal
27 registration period for that vehicle so that the registration

1 period for the vehicle or trailer expires on the same date as the
2 registration period for another vehicle or trailer previously
3 registered by that owner.

4 SECTION 20.010. Section 502.168, Transportation Code, is
5 amended to correct a reference to read as follows:

6 Sec. 502.168. FEE: MOTOR BUS. The fee for a registration
7 year for registration of a motor bus is the fee prescribed by
8 Section 502.252 [~~502.161~~] or 502.253 [~~502.162~~], as applicable.

9 SECTION 20.011. Section 502.405(b), Transportation Code,
10 as redesignated from Section 502.1745(b), Transportation Code, by
11 Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
12 Session, 2011, is reenacted to incorporate amendments to Section
13 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904)
14 and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular
15 Session, 2011, to read as follows:

16 (b) A person may elect to pay an additional fee of \$1 for the
17 registration or renewal of registration of a motor vehicle to pay
18 the costs of the Glenda Dawson Donate Life-Texas Registry
19 established under Chapter 692A, Health and Safety Code.
20 Notwithstanding any other provision of this chapter, all fees
21 collected under this subsection shall be remitted to the
22 comptroller, who shall maintain the identity of the source of the
23 fees.

24 SECTION 20.012. Section 502.407(b), Transportation Code,
25 is amended to correct a reference to read as follows:

26 (b) A justice of the peace or municipal court judge having
27 jurisdiction of the offense may:

1 (1) dismiss a charge of driving with an expired motor
2 vehicle registration if the defendant:

3 (A) remedies the defect not later than the 20th
4 working day after the date of the offense or before the defendant's
5 first court appearance date, whichever is later; and

6 (B) establishes that the fee prescribed by
7 Section 502.045 [~~502.176~~] has been paid; and

8 (2) assess an administrative fee not to exceed \$20
9 when the charge is dismissed.

10 SECTION 20.013. Section 502.410(b), Transportation Code,
11 is amended to correct references to read as follows:

12 (b) Subsection (a) does not apply to a statement or
13 application filed or given under Section 502.060, 502.092, 502.093,
14 502.094, 502.095, [~~502.184, 502.352, 502.353, 502.354, 502.355,~~]
15 504.201, [504.411, or] 504.508, or 504.515.

16 SECTION 20.014. Section 502.491, Transportation Code, as
17 redesignated from Section 502.451, Transportation Code, by Chapter
18 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session,
19 2011, is reenacted to incorporate amendments to Section 502.451,
20 Transportation Code, made by Chapters 432 (S.B. 1057) and 1296
21 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011,
22 and amended to read as follows:

23 Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On
24 the sale or transfer of a motor vehicle, the registration insignia
25 issued for the motor vehicle shall be removed. The registration
26 period remaining at the time of sale or transfer expires at the time
27 of sale or transfer.

1 ~~[(a-1) On the sale of a used motor vehicle by a dealer, the~~
2 ~~dealer shall issue to the buyer new registration documents for an~~
3 ~~entire registration year.]~~

4 (b) On a sale or transfer of a motor vehicle in which neither
5 party holds a general distinguishing number issued under Chapter
6 503, the part of the registration period remaining at the time of
7 the sale or transfer shall continue with the vehicle being sold or
8 transferred and does not transfer with the license plates or
9 registration validation insignia. To continue the remainder of the
10 registration period, the purchaser or transferee must file the
11 documents required under Section 501.145.

12 (c) On the sale or transfer of a motor vehicle to a dealer,
13 as defined by Section 503.001, who holds a general distinguishing
14 number issued under Chapter 503, the registration period remaining
15 at the time of the sale or transfer expires at the time of the sale
16 or transfer. On the sale of a used motor vehicle by a dealer, the
17 dealer shall issue to the buyer new registration documents for an
18 entire registration year.

19 SECTION 20.015. Section 520.006(a-1), Transportation Code,
20 as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of
21 the 82nd Legislature, Regular Session, 2011, is reenacted to read
22 as follows:

23 (a-1) A county assessor-collector collecting fees on behalf
24 of a county that has been declared as a disaster area for purposes
25 of Section 501.023 or 502.040 may retain the commission for fees
26 collected, but shall allocate the fees to the county declared as a
27 disaster area.

1 SECTION 20.016. Sections 521.057(a) and (b),
2 Transportation Code, are amended to update references to read as
3 follows:

4 (a) On receipt of a court order issued under Article 42.016,
5 Code of Criminal Procedure, the department shall ensure that any
6 driver's license record or personal identification certificate
7 record maintained by the department for the person includes an
8 indication that the person is subject to the registration
9 requirements of Chapter 62, Code of Criminal Procedure~~[, as added~~
10 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~
11 ~~1997]~~.

12 (b) The department shall include the indication required by
13 Subsection (a) in any driver's license record or personal
14 identification certificate record maintained by the department for
15 the person until the expiration of the person's duty to register
16 under Chapter 62, Code of Criminal Procedure~~[, as added by Chapter~~
17 ~~668, Acts of the 75th Legislature, Regular Session, 1997]~~.

18 SECTION 20.017. Section 521.082(b), Transportation Code,
19 is amended to correct a reference to read as follows:

20 (b) For the purposes of Subsection (a)(3), seating capacity
21 is computed in accordance with Section 502.253 ~~[502.162]~~, except
22 that the operator's seat is included in the computation.

23 SECTION 20.018. Section 521.295(a), Transportation Code,
24 is amended to correct a reference to read as follows:

25 (a) If the department suspends a person's license under
26 Section 521.292 or revokes a person's license under Section 521.294
27 ~~[or 521.2965]~~, the department shall send a notice of suspension or

1 revocation by first class mail to the person's address in the
2 records of the department.

3 SECTION 20.019. Section 521.3465(a), Transportation Code,
4 is amended to correct a reference to read as follows:

5 (a) A license is automatically suspended on final
6 conviction of the license holder of:

7 (1) an offense under Section 502.475(a)(4)
8 [~~502.409(a)(4)~~]; or

9 (2) an offense under Section 548.603(a)(1) that
10 involves a fictitious safety inspection certificate.

11 SECTION 20.020. Section 545.353(h-2), Transportation Code,
12 is amended to update a reference to read as follows:

13 (h-2) Notwithstanding Section 545.352(b) [~~, as amended by~~
14 ~~Chapters 663 (H.B. 385) and 739 (H.B. 1075), Acts of the 76th~~
15 ~~Legislature, Regular Session, 1999~~], the commission may establish a
16 speed limit not to exceed 85 miles per hour on a part of the state
17 highway system if:

18 (1) that part of the highway system is designed to
19 accommodate travel at that established speed or a higher speed; and

20 (2) the commission determines, after an engineering
21 and traffic investigation, that the established speed limit is
22 reasonable and safe for that part of the highway system.

23 SECTION 20.021. Section 545.413(e), Transportation Code,
24 is amended to correct a reference to read as follows:

25 (e) It is a defense to prosecution under this section that:

26 (1) the person possesses a written statement from a
27 licensed physician stating that for a medical reason the person

1 should not wear a safety belt;

2 (2) the person presents to the court, not later than
3 the 10th day after the date of the offense, a statement from a
4 licensed physician stating that for a medical reason the person
5 should not wear a safety belt;

6 (3) the person is employed by the United States Postal
7 Service and performing a duty for that agency that requires the
8 operator to service postal boxes from a vehicle or that requires
9 frequent entry into and exit from a vehicle;

10 (4) the person is engaged in the actual delivery of
11 newspapers from a vehicle or is performing newspaper delivery
12 duties that require frequent entry into and exit from a vehicle;

13 (5) the person is employed by a public or private
14 utility company and is engaged in the reading of meters or
15 performing a similar duty for that company requiring the operator
16 to frequently enter into and exit from a vehicle;

17 (6) the person is operating a commercial vehicle
18 registered as a farm vehicle under the provisions of Section
19 502.433 [~~502.163~~] that does not have a gross weight, registered
20 weight, or gross weight rating of 48,000 pounds or more; or

21 (7) the person is the operator of or a passenger in a
22 vehicle used exclusively to transport solid waste and performing
23 duties that require frequent entry into and exit from the vehicle.

24 SECTION 20.022. Section 547.304(a), Transportation Code,
25 is amended to correct a reference to read as follows:

26 (a) A provision of this chapter that requires a vehicle to
27 be equipped with fixed electric lights does not apply to a farm

1 trailer or fertilizer trailer registered under Section 502.146
2 [~~504.504~~] or a boat trailer with a gross weight of 3,000 pounds or
3 less if the trailer is not operated at a time or under a condition
4 specified by Section 547.302(a).

5 SECTION 20.023. Section 621.002(a), Transportation Code,
6 is amended to correct a reference to read as follows:

7 (a) A copy of the registration receipt issued under Section
8 502.057 [~~502.178~~] for a commercial motor vehicle, truck-tractor,
9 trailer, or semitrailer shall be:

10 (1) carried on the vehicle when the vehicle is on a
11 public highway; and

12 (2) presented to an officer authorized to enforce this
13 chapter on request of the officer.

14 SECTION 20.024. Section 621.102, Transportation Code, as
15 amended by Chapters 571 (H.B. 3309) and 1345 (S.B. 1420), Acts of
16 the 82nd Legislature, Regular Session, 2011, is reenacted to read
17 as follows:

18 Sec. 621.102. AUTHORITY TO SET MAXIMUM WEIGHTS. (a) The
19 executive director of the Texas Department of Transportation may
20 set the maximum single axle weight, tandem axle weight, or gross
21 weight of a vehicle, or maximum single axle weight, tandem axle
22 weight, or gross weight of a combination of vehicles and loads, that
23 may be moved over a state highway or a farm or ranch road if the
24 executive director finds that heavier maximum weight would rapidly
25 deteriorate or destroy the road or a bridge or culvert along the
26 road. A maximum weight set under this subsection may not exceed
27 the maximum set by statute for that weight.

1 (b) The executive director of the Texas Department of
2 Transportation must make the finding under this section on an
3 engineering and traffic investigation and in making the finding
4 shall consider the width, condition, and type of pavement
5 structures and other circumstances on the road.

6 (c) A maximum weight or load set under this section becomes
7 effective on a highway or road when appropriate signs giving notice
8 of the maximum weight or load are erected on the highway or road by
9 the Texas Department of Transportation.

10 (d) A vehicle operating under a permit issued under Section
11 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or
12 623.212 may operate under the conditions authorized by the permit
13 over a road for which the executive director of the Texas Department
14 of Transportation has set a maximum weight under this section.

15 (e) For the purpose of this section, a farm or ranch road is
16 a state highway that is shown in the records of the commission to be
17 a farm-to-market or ranch-to-market road.

18 (f) This section does not apply to a vehicle delivering
19 groceries, farm products, or liquefied petroleum gas.

20 SECTION 20.025. Section 622.074, Transportation Code, is
21 amended to correct a reference to read as follows:

22 Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This
23 subchapter does not apply to:

24 (1) farm equipment used for a purpose other than
25 construction;

26 (2) special mobile equipment owned by a dealer or
27 distributor;

1 (3) a vehicle used to propel special mobile equipment
2 that is registered as a farm vehicle as defined by Section 502.433
3 [~~502.163~~]; or

4 (4) equipment while being used by a commercial hauler
5 to transport special mobile equipment under hire of a person who
6 derives \$500 in gross receipts annually from a farming or ranching
7 enterprise.

8 SECTION 20.026. Section 622.901, Transportation Code, is
9 amended to correct a reference to read as follows:

10 Sec. 622.901. WIDTH EXCEPTIONS. The width limitation
11 provided by Section 621.201 does not apply to:

12 (1) highway building or maintenance machinery that is
13 traveling:

14 (A) during daylight on a public highway other
15 than a highway that is part of the national system of interstate and
16 defense highways; or

17 (B) for not more than 50 miles on a highway that
18 is part of the national system of interstate and defense highways;

19 (2) a vehicle traveling during daylight on a public
20 highway other than a highway that is part of the national system of
21 interstate and defense highways or traveling for not more than 50
22 miles on a highway that is part of the national system of interstate
23 and defense highways if the vehicle is:

24 (A) a farm tractor or implement of husbandry; or

25 (B) a vehicle on which a farm tractor or
26 implement of husbandry, other than a tractor or implement being
27 transported from one dealer to another, is being moved by the owner

1 of the tractor or implement or by an agent or employee of the owner:

2 (i) to deliver the tractor or implement to a
3 new owner;

4 (ii) to transport the tractor or implement
5 to or from a mechanic for maintenance or repair; or

6 (iii) in the course of an agricultural
7 operation;

8 (3) machinery that is used solely for drilling water
9 wells, including machinery that is a unit or a unit mounted on a
10 conventional vehicle or chassis, and that is traveling:

11 (A) during daylight on a public highway other
12 than a highway that is part of the national system of interstate and
13 defense highways; or

14 (B) for not more than 50 miles on a highway that
15 is part of the national system of interstate and defense highways;

16 (4) a vehicle owned or operated by a public, private,
17 or volunteer fire department;

18 (5) a vehicle registered under Section 502.431
19 [~~502.164~~]; or

20 (6) a recreational vehicle to which Section 622.903
21 applies.

22 SECTION 20.027. Section 623.144, Transportation Code, is
23 amended to correct a reference to read as follows:

24 Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this
25 subchapter may be issued only if the vehicle is registered under
26 Chapter 502 for the maximum gross weight applicable to the vehicle
27 under Section 621.101 or has the distinguishing license plates as

1 provided by Section 502.146 [~~504.504~~] if applicable to the vehicle.

2 SECTION 20.028. Section 623.149(a), Transportation Code,
3 is amended to correct a reference to read as follows:

4 (a) The department may establish criteria to determine
5 whether oil well servicing, oil well clean out, or oil well drilling
6 machinery or equipment is subject to registration under Chapter 502
7 or eligible for the distinguishing license plate provided by
8 Section 502.146 [~~504.504~~].

9 SECTION 20.029. Section 623.194, Transportation Code, is
10 amended to correct a reference to read as follows:

11 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
12 subchapter may be issued only if the vehicle to be moved is
13 registered under Chapter 502 for the maximum gross weight
14 applicable to the vehicle under Section 621.101 or has the
15 distinguishing license plates as provided by Section 502.146
16 [~~504.504~~] if applicable to the vehicle.

17 SECTION 20.030. Section 623.199(a), Transportation Code,
18 is amended to correct a reference to read as follows:

19 (a) The department may establish criteria to determine
20 whether an unladen lift equipment motor vehicle that because of its
21 design for use as lift equipment exceeds the maximum weight and
22 width limitations prescribed by statute is subject to registration
23 under Chapter 502 or eligible for the distinguishing license plate
24 provided by Section 502.146 [~~504.504~~].

25 SECTION 20.031. Section 642.003, Transportation Code, is
26 amended to correct references to read as follows:

27 Sec. 642.003. NONAPPLICABILITY. Section 642.002 does not

1 apply to a commercial motor vehicle, road-tractor, or truck-tractor
2 that is:

- 3 (1) registered under Section 502.433 [~~502.163~~];
- 4 (2) required to be registered under Section 113.131,
5 Natural Resources Code;
- 6 (3) operated in private carriage that is subject to
7 Title 49, Code of Federal Regulations, Part 390.21 [~~397.21~~];
- 8 (4) operated under the direct control, supervision, or
9 authority of a public utility, as recognized by the legislature,
10 that is otherwise visibly marked; or
- 11 (5) transporting timber products in their natural
12 state from first point of production or harvest to first point of
13 processing.

14 SECTION 20.032. Section 648.051(b), Transportation Code,
15 is amended to correct a reference to read as follows:

16 (b) This subchapter supersedes that portion of any paired
17 city, paired state, or similar understanding governing foreign
18 commercial motor vehicles or motor carriers entered into under
19 Section 502.091 [~~502.054~~] or any other law.

20 SECTION 20.033. Section 1001.101(2), Transportation Code,
21 is amended to correct a reference to read as follows:

- 22 (2) "License" includes:
 - 23 (A) a motor carrier registration issued under
24 Chapter 643;
 - 25 (B) a motor vehicle dealer, salvage dealer,
26 manufacturer, distributor, representative, converter, or agent
27 license issued by the department;

1 (C) specially designated or specialized license
2 plates issued under Chapter 504; and

3 (D) an apportioned registration issued according
4 to the International Registration Plan under Section 502.091
5 [~~502.054~~].

6 ARTICLE 21. CHANGES RELATING TO WATER CODE

7 SECTION 21.001. The heading to Section 5.178, Water Code,
8 is amended to read as follows:

9 Sec. 5.178. [~~ANNUAL~~ ~~REPORTS,~~] BIENNIAL REPORTS
10 [~~APPENDICES~~].

11 SECTION 21.002. Section 36.121, Water Code, as amended by
12 Chapters 1042 (H.B. 3109) and 1163 (H.B. 2702), Acts of the 82nd
13 Legislature, Regular Session, 2011, is reenacted to read as
14 follows:

15 Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS
16 OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section
17 36.117, a district that is created under this chapter on or after
18 September 1, 1991, shall exempt from regulation under this chapter
19 a well and any water produced or to be produced by a well that is
20 located in a county that has a population of 14,000 or less if the
21 water is to be used solely to supply a municipality that has a
22 population of 121,000 or less and the rights to the water produced
23 from the well are owned by a political subdivision that is not a
24 municipality, or by a municipality that has a population of 115,000
25 or less, and that purchased, owned, or held rights to the water
26 before the date on which the district was created, regardless of the
27 date the well is drilled or the water is produced. The district may

1 not prohibit the political subdivision or municipality from
2 transporting produced water inside or outside the district's
3 boundaries.

4 SECTION 21.003. Section 36.205(e), Water Code, is amended
5 to correct a reference to read as follows:

6 (e) Subsection (c) does not apply to the following
7 districts:

8 (1) the Edwards Aquifer Authority;

9 (2) the Fort Bend Subsidence District;

10 (3) the Harris-Galveston [~~Coastal~~] Subsidence
11 District;

12 (4) the Barton Springs-Edwards Aquifer Conservation
13 District; or

14 (5) any district that collects a property tax and that
15 was created before September 1, 1999, unless otherwise authorized
16 by special law.

17 SECTION 21.004. Section 49.181(h), Water Code, as amended
18 by Chapters 36 (S.B. 914) and 156 (H.B. 1901), Acts of the 82nd
19 Legislature, Regular Session, 2011, is reenacted and amended to
20 read as follows:

21 (h) This section does not apply to:

22 (1) a district if:

23 (A) the district's boundaries include one entire
24 county;

25 (B) the district was created by a special Act of
26 the legislature and:

27 (i) the district is located entirely within

1 one county;

2 (ii) the district is located entirely
3 within one or more home-rule municipalities;

4 (iii) the total taxable value of the real
5 property and improvements to the real property zoned by one or more
6 home-rule municipalities for residential purposes and located
7 within the district does not exceed 25 percent of the total taxable
8 value of all taxable property in the district, as shown by the most
9 recent certified appraisal tax roll prepared by the appraisal
10 district for the county; and

11 (iv) the district was not required by law to
12 obtain commission approval of its bonds before the effective date
13 of this section;

14 (C) the district is a special water authority;

15 (D) the district is governed by a board of
16 directors appointed in whole or in part by the governor, a state
17 agency, or the governing body or chief elected official of a
18 municipality or county and does not provide, or propose to provide,
19 water, sewer, drainage, reclamation, or flood control services to
20 residential retail or commercial customers as its principal
21 function;

22 (E) the district on September 1, 2003:

23 (i) is a municipal utility district that
24 includes territory in only two counties;

25 (ii) has outstanding long-term
26 indebtedness that is rated BBB or better by a nationally recognized
27 rating agency for municipal securities; and

1 (iii) has at least 5,000 active water
2 connections; or

3 (F) [~~(6)~~] the district:

4 (i) [~~(A)~~] is a conservation and reclamation
5 district created under Section 59, Article XVI, Texas Constitution,
6 that includes territory in at least three counties; and

7 (ii) [~~(B)~~] has the rights, powers,
8 privileges, and functions applicable to a river authority under
9 Chapter 30; or

10 (2) a public utility agency created under Chapter 572,
11 Local Government Code, any of the public entities participating in
12 which are districts if at least one of those districts is a district
13 described by Subdivision (1)(E).

14 SECTION 21.005. Section 49.2145(a), Water Code, is amended
15 to correct a reference to read as follows:

16 (a) This section applies only to a district located in:

17 (1) a county included in the Harris-Galveston
18 [~~Coastal~~] Subsidence District; or

19 (2) a county included in the Fort Bend Subsidence
20 District.

21 ARTICLE 22. REDESIGNATIONS

22 SECTION 22.001. The following provisions of enacted codes
23 are redesignated to eliminate duplicate citations:

24 (1) Chapter 21, Business & Commerce Code, as added by
25 Chapter 1242 (S.B. 1320), Acts of the 82nd Legislature, Regular
26 Session, 2011, is redesignated as Chapter 21A, Business & Commerce
27 Code, and Sections 21.001, 21.002, and 21.003, Business & Commerce

1 Code, as added by that Act, are redesignated as Sections 21A.001,
2 21A.002, and 21A.003, Business & Commerce Code, respectively.

3 (2) Chapter 57, Business & Commerce Code, as added by
4 Chapter 979 (H.B. 1711), Acts of the 82nd Legislature, Regular
5 Session, 2011, is redesignated as Chapter 58, Business & Commerce
6 Code, and Sections 57.001, 57.002, 57.003, 57.004, and 57.005,
7 Business & Commerce Code, as added by that Act, are redesignated as
8 Sections 58.001, 58.002, 58.003, 58.004, and 58.005, Business &
9 Commerce Code, respectively.

10 (3) Chapter 106, Business & Commerce Code, as added by
11 Chapter 164 (H.B. 2468), Acts of the 82nd Legislature, Regular
12 Session, 2011, is redesignated as Chapter 107, Business & Commerce
13 Code, and Sections 106.001, 106.002, 106.003, 106.004, and 106.005,
14 Business & Commerce Code, as added by that Act, are redesignated as
15 Sections 107.001, 107.002, 107.003, 107.004, and 107.005, Business
16 & Commerce Code, respectively.

17 (4) Chapter 106, Business & Commerce Code, as added by
18 Chapter 579 (H.B. 3487), Acts of the 82nd Legislature, Regular
19 Session, 2011, is redesignated as Chapter 108, Business & Commerce
20 Code, and Sections 106.001, 106.002, 106.003, and 106.004, Business
21 & Commerce Code, as added by that Act, are redesignated as Sections
22 108.001, 108.002, 108.003, and 108.004, Business & Commerce Code,
23 respectively.

24 (5) Article 6.09, Code of Criminal Procedure, as added
25 by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature, Regular
26 Session, 2011, is redesignated as Article 6.10, Code of Criminal
27 Procedure.

1 (6) Article 38.46, Code of Criminal Procedure, as
2 added by Chapter 104 (S.B. 1680), Acts of the 82nd Legislature,
3 Regular Session, 2011, is redesignated as Article 38.47, Code of
4 Criminal Procedure.

5 (7) Article 42.0182, Code of Criminal Procedure, as
6 added by Chapter 327 (H.B. 2624), Acts of the 82nd Legislature,
7 Regular Session, 2011, is redesignated as Article 42.0183, Code of
8 Criminal Procedure.

9 (8) Subsections (f), (g), and (h), Article 45.056,
10 Code of Criminal Procedure, as added by Chapter 1055 (S.B. 209),
11 Acts of the 82nd Legislature, Regular Session, 2011, are
12 redesignated as Subsections (i), (j), and (k), Article 45.056, Code
13 of Criminal Procedure, respectively.

14 (9) Section 51.969, Education Code, as added by
15 Chapter 889 (H.B. 2426), Acts of the 80th Legislature, Regular
16 Session, 2007, is redesignated as Section 51.977, Education Code.

17 (10) Section 51.976, Education Code, as added by
18 Chapter 703 (H.B. 452), Acts of the 82nd Legislature, Regular
19 Session, 2011, is redesignated as Section 51.978, Education Code.

20 (11) Section 56.007, Education Code, as added by
21 Chapter 415 (S.B. 851), Acts of the 82nd Legislature, Regular
22 Session, 2011, is redesignated as Section 56.008, Education Code.

23 (12) Subsection (b-1), Section 61.059, Education
24 Code, as added by Chapter 1183 (H.B. 3468), Acts of the 82nd
25 Legislature, Regular Session, 2011, is redesignated as Subsection
26 (b-2), Section 61.059, Education Code.

27 (13) Subsection (e), Section 12.006, Election Code, as

1 added by Chapter 507 (H.B. 1570), Acts of the 82nd Legislature,
2 Regular Session, 2011, is redesignated as Subsection (f), Section
3 12.006, Election Code.

4 (14) Section 18.068, Election Code, as added by
5 Chapter 1164 (H.B. 2817), Acts of the 82nd Legislature, Regular
6 Session, 2011, is redesignated as Section 18.069, Election Code.

7 (15) Subsection (c), Section 41.0052, Election Code,
8 as added by Chapter 519 (H.B. 2144), Acts of the 82nd Legislature,
9 Regular Session, 2011, is redesignated as Subsection (e), Section
10 41.0052, Election Code.

11 (16) Subsections (c-3) and (c-4), Section 58.003,
12 Family Code, as added by Chapter 1322 (S.B. 407), Acts of the 82nd
13 Legislature, Regular Session, 2011, are redesignated as
14 Subsections (c-5) and (c-6), Section 58.003, Family Code,
15 respectively.

16 (17) Section 263.007, Family Code, as added by Chapter
17 791 (H.B. 2170), Acts of the 82nd Legislature, Regular Session,
18 2011, is redesignated as Section 263.008, Family Code.

19 (18) Subsection (f), Section 157.003, Finance Code, as
20 added by Chapter 588 (S.B. 17), Acts of the 82nd Legislature,
21 Regular Session, 2011, is redesignated as Subsection (h), Section
22 157.003, Finance Code.

23 (19) Subchapter JJ, Chapter 54, Government Code, as
24 added by Chapter 863 (H.B. 3844), Acts of the 82nd Legislature,
25 Regular Session, 2011, is redesignated as Subchapter DD, Chapter
26 54, Government Code, and Sections 54.1951, 54.1952, 54.1953,
27 54.1954, and 54.1955, Government Code, as added by that Act, are

1 redesignated as Sections 54.1501, 54.1502, 54.1503, 54.1504, and
2 54.1505, Government Code, respectively.

3 (20) Section 411.1146, Government Code, as added by
4 Chapter 1245 (S.B. 1518), Acts of the 82nd Legislature, Regular
5 Session, 2011, is redesignated as Section 411.1147, Government
6 Code.

7 (21) Subchapter N, Chapter 411, Government Code, as
8 added by Chapter 1234 (S.B. 694), Acts of the 82nd Legislature,
9 Regular Session, 2011, is redesignated as Subchapter O, Chapter
10 411, Government Code.

11 (22) Section 552.153, Government Code, as added by
12 Chapter 455 (S.B. 1667), Acts of the 82nd Legislature, Regular
13 Session, 2011, is redesignated as Section 552.154, Government Code.

14 (23) Chapter 2267, Government Code, as added by
15 Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular
16 Session, 2011, is redesignated as Chapter 2269, Government Code,
17 and Sections 2267.001, 2267.002, 2267.003, 2267.004, 2267.005,
18 2267.006, 2267.007, 2267.008, 2267.009, 2267.010, 2267.051,
19 2267.052, 2267.053, 2267.054, 2267.055, 2267.056, 2267.057,
20 2267.058, 2267.059, 2267.101, 2267.102, 2267.103, 2267.104,
21 2267.105, 2267.106, 2267.151, 2267.152, 2267.153, 2267.154,
22 2267.155, 2267.201, 2267.202, 2267.203, 2267.204, 2267.205,
23 2267.206, 2267.207, 2267.208, 2267.251, 2267.252, 2267.253,
24 2267.254, 2267.255, 2267.256, 2267.257, 2267.258, 2267.301,
25 2267.302, 2267.303, 2267.304, 2267.305, 2267.306, 2267.307,
26 2267.308, 2267.309, 2267.310, 2267.311, 2267.351, 2267.352,
27 2267.353, 2267.354, 2267.355, 2267.356, 2267.357, 2267.358,

1 2267.359, 2267.360, 2267.361, 2267.362, 2267.363, 2267.364,
 2 2267.365, 2267.366, 2267.367, 2267.401, 2267.402, 2267.403,
 3 2267.404, 2267.405, 2267.406, 2267.407, 2267.408, 2267.409,
 4 2267.410, 2267.411, 2267.451, and 2267.452, Government Code, as
 5 added by that Act, are redesignated as Sections 2269.001, 2269.002,
 6 2269.003, 2269.004, 2269.005, 2269.006, 2269.007, 2269.008,
 7 2269.009, 2269.010, 2269.051, 2269.052, 2269.053, 2269.054,
 8 2269.055, 2269.056, 2269.057, 2269.058, 2269.059, 2269.101,
 9 2269.102, 2269.103, 2269.104, 2269.105, 2269.106, 2269.151,
 10 2269.152, 2269.153, 2269.154, 2269.155, 2269.201, 2269.202,
 11 2269.203, 2269.204, 2269.205, 2269.206, 2269.207, 2269.208,
 12 2269.251, 2269.252, 2269.253, 2269.254, 2269.255, 2269.256,
 13 2269.257, 2269.258, 2269.301, 2269.302, 2269.303, 2269.304,
 14 2269.305, 2269.306, 2269.307, 2269.308, 2269.309, 2269.310,
 15 2269.311, 2269.351, 2269.352, 2269.353, 2269.354, 2269.355,
 16 2269.356, 2269.357, 2269.358, 2269.359, 2269.360, 2269.361,
 17 2269.362, 2269.363, 2269.364, 2269.365, 2269.366, 2269.367,
 18 2269.401, 2269.402, 2269.403, 2269.404, 2269.405, 2269.406,
 19 2269.407, 2269.408, 2269.409, 2269.410, 2269.411, 2269.451, and
 20 2269.452, Government Code, respectively.

21 (24) Section 61.067, Health and Safety Code, as added
 22 by Chapter 1206 (S.B. 304), Acts of the 82nd Legislature, Regular
 23 Session, 2011, is redesignated as Section 61.068, Health and Safety
 24 Code.

25 (25) Section 241.007, Health and Safety Code, as added
 26 by Chapter 299 (H.B. 1983), Acts of the 82nd Legislature, Regular
 27 Session, 2011, is redesignated as Section 241.008, Health and

1 Safety Code.

2 (26) Section 281.0283, Health and Safety Code, as
3 added by Chapter 524 (H.B. 2351), Acts of the 82nd Legislature,
4 Regular Session, 2011, is redesignated as Section 281.0284, Health
5 and Safety Code.

6 (27) Subchapter E, Chapter 311, Health and Safety
7 Code, as added by Chapter 55 (S.B. 894), Acts of the 82nd
8 Legislature, Regular Session, 2011, is redesignated as Subchapter
9 F, Chapter 311, Health and Safety Code, and Sections 311.061,
10 311.062, and 311.063, Health and Safety Code, as added by that Act,
11 are redesignated as Sections 311.081, 311.082, and 311.083, Health
12 and Safety Code, respectively.

13 (28) Subsection (a-1), Section 711.002, Health and
14 Safety Code, as added by Chapter 95 (H.B. 74), Acts of the 82nd
15 Legislature, Regular Session, 2011, is redesignated as Subsection
16 (a-2), Section 711.002, Health and Safety Code.

17 (29) Subdivision (19), Section 773.003, Health and
18 Safety Code, as added by Chapter 853 (S.B. 1412), Acts of the 72nd
19 Legislature, Regular Session, 1991, is redesignated as Subdivision
20 (7-a), Section 773.003, Health and Safety Code.

21 (30) Subsection (f), Section 42.041, Human Resources
22 Code, as added by Chapter 343 (H.B. 3051), Acts of the 82nd
23 Legislature, Regular Session, 2011, is redesignated as Subsection
24 (g), Section 42.041, Human Resources Code.

25 (31) Subsections (f) and (g), Section 42.0421, Human
26 Resources Code, as added by Chapter 882 (S.B. 260), Acts of the 82nd
27 Legislature, Regular Session, 2011, are redesignated as

1 Subsections (h) and (i), Section 42.0421, Human Resources Code,
2 respectively.

3 (32) Section 42.0443, Human Resources Code, as added
4 by Chapter 253 (H.B. 1555), Acts of the 75th Legislature, Regular
5 Session, 1997, is redesignated as Section 42.04425, Human Resources
6 Code.

7 (33) Subsection (c), Section 42.021, Local Government
8 Code, as added by Chapter 215 (H.B. 91), Acts of the 82nd
9 Legislature, Regular Session, 2011, is redesignated as Subsection
10 (d), Section 42.021, Local Government Code.

11 (34) Subsection (c), Section 271.060, Local
12 Government Code, as added by Chapter 479 (H.B. 679), Acts of the
13 82nd Legislature, Regular Session, 2011, is redesignated as
14 Subsection (d), Section 271.060, Local Government Code.

15 (35) Section 1103.157, Occupations Code, as added by
16 Chapter 256 (H.B. 1146), Acts of the 82nd Legislature, Regular
17 Session, 2011, is redesignated as Section 1103.159, Occupations
18 Code.

19 (36) Subdivision (17), Section 31.003, Parks and
20 Wildlife Code, as added by Chapter 720 (H.B. 787), Acts of the 82nd
21 Legislature, Regular Session, 2011, is redesignated as Subdivision
22 (18), Section 31.003, Parks and Wildlife Code.

23 (37) Subsection (a-1), Section 31.121, Parks and
24 Wildlife Code, as added by Chapter 789 (H.B. 2141), Acts of the 82nd
25 Legislature, Regular Session, 2011, is redesignated as Subsection
26 (a-2), Section 31.121, Parks and Wildlife Code.

27 (38) Subdivision (2), Subsection (c), Section 38.04,

1 Penal Code, as added by Chapter 391 (S.B. 496), Acts of the 82nd
2 Legislature, Regular Session, 2011, is redesignated as Subdivision
3 (3), Subsection (c), Section 38.04, Penal Code.

4 (39) Chapter 64, Property Code, as added by Chapter
5 918 (S.B. 1368), Acts of the 82nd Legislature, Regular Session,
6 2011, is redesignated as Chapter 65, Property Code, and Sections
7 64.001, 64.002, 64.003, and 64.004, Property Code, as added by that
8 Act, are redesignated as Sections 65.001, 65.002, 65.003, and
9 65.004, Property Code, respectively.

10 (40) Section 202.011, Property Code, as added by
11 Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular
12 Session, 2011, is redesignated as Section 202.012, Property Code.

13 (41) Subsection (c), Section 23.21, Tax Code, as added
14 by Chapter 1309 (H.B. 3133), Acts of the 82nd Legislature, Regular
15 Session, 2011, is redesignated as Subsection (e), Section 23.21,
16 Tax Code.

17 (42) Subsection (c), Section 41.47, Tax Code, as added
18 by Chapter 322 (H.B. 2476), Acts of the 82nd Legislature, Regular
19 Session, 2011, is redesignated as Subsection (c-1), Section 41.47,
20 Tax Code.

21 (43) Subsection (h-1), Section 222.107,
22 Transportation Code, as added by Chapter 475 (H.B. 563), Acts of the
23 82nd Legislature, Regular Session, 2011, is redesignated as
24 Subsection (h-2), Section 222.107, Transportation Code.

25 (44) Section 223.2012, Transportation Code, as added
26 by Chapter 459 (S.B. 1719), Acts of the 82nd Legislature, Regular
27 Session, 2011, is redesignated as Section 223.2013, Transportation

1 Code.

2 (45) Section 225.082, Transportation Code, as added by
3 Chapter 45 (H.B. 1409), Acts of the 82nd Legislature, Regular
4 Session, 2011, is redesignated as Section 225.085, Transportation
5 Code.

6 (46) Section 225.082, Transportation Code, as added by
7 Chapter 830 (H.B. 3208), Acts of the 82nd Legislature, Regular
8 Session, 2011, is redesignated as Section 225.086, Transportation
9 Code.

10 (47) Section 225.082, Transportation Code, as added by
11 Chapter 1314 (H.B. 3841), Acts of the 82nd Legislature, Regular
12 Session, 2011, is redesignated as Section 225.087, Transportation
13 Code.

14 (48) Section 225.083, Transportation Code, as added by
15 Chapter 652 (S.B. 1100), Acts of the 82nd Legislature, Regular
16 Session, 2011, is redesignated as Section 225.088, Transportation
17 Code.

18 (49) Section 225.084, Transportation Code, as added by
19 Chapter 859 (H.B. 3837), Acts of the 82nd Legislature, Regular
20 Session, 2011, is redesignated as Section 225.089, Transportation
21 Code.

22 (50) Section 225.084, Transportation Code, as added by
23 Chapter 1117 (S.B. 1925), Acts of the 82nd Legislature, Regular
24 Session, 2011, is redesignated as Section 225.090, Transportation
25 Code.

26 (51) Subsection (a), Section 504.315, Transportation
27 Code, as added by Chapter 460 (S.B. 1755), Acts of the 82nd

1 Legislature, Regular Session, 2011, is redesignated as Subsection
2 (b), Section 504.315, Transportation Code.

3 (52) Section 504.317, Transportation Code, as added by
4 Chapter 1281 (H.B. 1178), Acts of the 82nd Legislature, Regular
5 Session, 2011, is redesignated as Section 504.318, Transportation
6 Code.

7 (53) Section 504.660, Transportation Code, as added by
8 Chapter 397 (H.B. 1749), Acts of the 81st Legislature, Regular
9 Session, 2009, is redesignated as Section 504.661, Transportation
10 Code.

11 (54) Section 56.032, Utilities Code, as added by
12 Chapter 98 (S.B. 980), Acts of the 82nd Legislature, Regular
13 Session, 2011, is redesignated as Section 56.033, Utilities Code.

14 SECTION 22.002. The following changes are made to conform
15 the provisions amended to the redesignating changes made by Section
16 22.001 of this Act:

17 (1) Subsection (b), Section 58.003, Business &
18 Commerce Code, as redesignated from Subsection (b), Section 57.003,
19 Business & Commerce Code, by Section 22.001 of this Act, is amended
20 to read as follows:

21 (b) A disaster remediation contractor:

22 (1) may not require a person to make a full or partial
23 payment under a contract before the contractor begins work;

24 (2) may not require that the amount of any partial
25 payment under the contract exceed an amount reasonably
26 proportionate to the work performed, including any materials
27 delivered; and

1 (3) shall include in any contract for disaster
2 remediation services the following statement in conspicuous,
3 boldfaced type of at least 10 points in size: "This contract is
4 subject to Chapter 58 [~~57~~], Business & Commerce Code. A contractor
5 may not require a full or partial payment before the contractor
6 begins work and may not require partial payments in an amount that
7 exceeds an amount reasonably proportionate to the work performed,
8 including any materials delivered."

9 (2) Section 107.005, Business & Commerce Code, as
10 redesignated from Section 106.005, Business & Commerce Code, by
11 Section 22.001 of this Act, is amended to read as follows:

12 Sec. 107.005 [~~106.005~~]. SUIT FOR CIVIL PENALTY. The
13 attorney general or a county or district attorney may bring an
14 action to recover a civil penalty imposed under Section 107.004
15 [~~106.004~~].

16 (3) Section 108.004, Business & Commerce Code, as
17 redesignated from Section 106.004, Business & Commerce Code, by
18 Section 22.001 of this Act, is amended to read as follows:

19 Sec. 108.004 [~~106.004~~]. CIVIL PENALTY. The owner or
20 operator of a commercial lodging establishment or restaurant that
21 violates Section 108.002 [~~106.002~~] is liable for a civil penalty in
22 an amount not to exceed \$200 for each violation.

23 (4) Subsection (k), Article 45.056, Code of Criminal
24 Procedure, as redesignated from Subsection (h), Article 45.056,
25 Code of Criminal Procedure, by Section 22.001 of this Act, is
26 amended to read as follows:

27 (k) [~~(h)~~] Subsections (i) [~~(f)~~] and (j) [~~(g)~~] do not apply

1 to:

2 (1) a part-time judge; or

3 (2) a county judge of a county court that has one or
4 more appointed full-time magistrates under Section 54.1172,
5 Government Code.

6 (5) Subsection (a), Section 44.031, Education Code, is
7 amended to read as follows:

8 (a) Except as provided by this subchapter, all school
9 district contracts for the purchase of goods and services, except
10 contracts for the purchase of produce or vehicle fuel, valued at
11 \$50,000 or more in the aggregate for each 12-month period shall be
12 made by the method, of the following methods, that provides the best
13 value for the district:

14 (1) competitive bidding for services other than
15 construction services;

16 (2) competitive sealed proposals for services other
17 than construction services;

18 (3) a request for proposals, for services other than
19 construction services;

20 (4) an interlocal contract;

21 (5) a method provided by Chapter 2269 [~~2267~~],
22 Government Code, for construction services;

23 (6) the reverse auction procedure as defined by
24 Section 2155.062(d), Government Code; or

25 (7) the formation of a political subdivision
26 corporation under Section 304.001, Local Government Code.

27 (6) Subsection (j), Section 44.901, Education Code, is

1 amended to read as follows:

2 (j) Chapter 2269 [~~2267~~], Government Code, does not apply to
3 this section.

4 (7) Subsection (k), Section 51.927, Education Code, is
5 amended to read as follows:

6 (k) Chapter 2269 [~~2267~~], Government Code, does not apply to
7 this section.

8 (8) Subsection (c-6), Section 58.003, Family Code, as
9 redesignated from Subsection (c-4), Section 58.003, Family Code, by
10 Section 22.001 of this Act, is amended to read as follows:

11 (c-6) [~~(c-4)~~] A prosecuting attorney or juvenile probation
12 department may maintain until a child's 17th birthday a separate
13 record of the child's name and date of birth and the date on which
14 the child successfully completed the educational program, if the
15 child's records are sealed under Subsection (c-5) [~~(c-3)~~]. The
16 prosecuting attorney or juvenile probation department, as
17 applicable, shall send the record to the court as soon as
18 practicable after the child's 17th birthday to be added to the
19 child's other sealed records.

20 (9) Section 2166.2525, Government Code, is amended to
21 read as follows:

22 Sec. 2166.2525. DETERMINATION OF CONTRACTING METHOD. The
23 method of contracting allowed under this subchapter for design and
24 construction services is any method provided by Chapter 2269
25 [~~2267~~].

26 (10) Subsection (k), Section 2166.406, Government
27 Code, is amended to read as follows:

1 (k) Chapter 2269 [~~2267~~] does not apply to this section.

2 (11) Subsection (d), Section 2269.254, Government
3 Code, as redesignated from Subsection (d), Section 2267.254,
4 Government Code, by Section 22.001 of this Act, is amended to read
5 as follows:

6 (d) Not later than the seventh day after the date the
7 contract is awarded, the governmental entity shall make the
8 rankings determined under Section 2269.253(g) [~~2267.253(g)~~]
9 public.

10 (12) Subsection (d), Section 2269.308, Government
11 Code, as redesignated from Subsection (d), Section 2267.308,
12 Government Code, by Section 22.001 of this Act, is amended to read
13 as follows:

14 (d) Not later than the seventh day after the date the
15 contract is awarded, the governmental entity shall make the
16 rankings determined under Section 2269.307(f) [~~2267.307(f)~~]
17 public.

18 (13) Subsection (d), Section 2269.353, Government
19 Code, as redesignated from Subsection (d), Section 2267.353,
20 Government Code, by Section 22.001 of this Act, is amended to read
21 as follows:

22 (d) A governmental entity shall make a formal finding on the
23 criteria described by Subsection (c) before preparing a request for
24 qualifications under Section 2269.357 [~~2267.357~~].

25 (14) Section 2269.357, Government Code, as
26 redesignated from Section 2267.357, Government Code, by Section
27 22.001 of this Act, is amended to read as follows:

1 Sec. 2269.357 [~~2267.357~~]. REQUEST FOR QUALIFICATIONS.

2 (a) The governmental entity shall prepare a request for
3 qualifications that includes:

4 (1) information on the civil works project site;

5 (2) project scope;

6 (3) project budget;

7 (4) project schedule;

8 (5) criteria for selection under Section 2269.359
9 [~~2267.359~~] and the weighting of the criteria; and

10 (6) other information that may assist potential
11 design-build firms in submitting proposals for the project.

12 (b) The governmental entity shall also prepare a design
13 criteria package as described by Section 2269.358 [~~2267.358~~].

14 (15) Section 2269.360, Government Code, as
15 redesignated from Section 2267.360, Government Code, by Section
16 22.001 of this Act, is amended to read as follows:

17 Sec. 2269.360 [~~2267.360~~]. SELECTION OF DESIGN-BUILD
18 FIRM. The governmental entity shall select a design-build firm
19 using a combination of technical and cost proposals as provided by
20 Section 2269.361 [~~2267.361~~].

21 (16) Subsection (a), Section 2269.361, Government
22 Code, as redesignated from Subsection (a), Section 2267.361,
23 Government Code, by Section 22.001 of this Act, is amended to read
24 as follows:

25 (a) A governmental entity shall request proposals from
26 design-build firms identified under Section 2269.359(c)
27 [~~2267.359(c)~~]. A firm must submit a proposal not later than the

1 180th day after the date the governmental entity makes a public
2 request for the proposals from the selected firms. The request for
3 proposals must include:

- 4 (1) a design criteria package;
- 5 (2) if the project site is identified, a geotechnical
6 baseline report or other information that provides the design-build
7 firm minimum geotechnical design parameters to submit a proposal;
- 8 (3) detailed instructions for preparing the technical
9 proposal and the items to be included, including a description of
10 the form and level of completeness of drawings expected; and
- 11 (4) the relative weighting of the technical and price
12 proposals and the formula by which the proposals will be evaluated
13 and ranked.

14 (17) Section 2269.362, Government Code, as
15 redesignated from Section 2267.362, Government Code, by Section
16 22.001 of this Act, is amended to read as follows:

17 Sec. 2269.362 [~~2267.362~~]. NEGOTIATION. After selecting
18 the highest-ranked design-build firm under Section 2269.361
19 [~~2267.361~~], the governmental entity shall first attempt to
20 negotiate a contract with the selected firm. If the governmental
21 entity is unable to negotiate a satisfactory contract with the
22 selected firm, the entity shall, formally and in writing, end all
23 negotiations with that firm and proceed to negotiate with the next
24 firm in the order of the selection ranking until a contract is
25 reached or negotiations with all ranked firms end.

26 (18) Subsection (c), Section 2269.364, Government
27 Code, as redesignated from Subsection (c), Section 2267.364,

1 Government Code, by Section 22.001 of this Act, is amended to read
2 as follows:

3 (c) The governmental entity may offer an unsuccessful
4 design-build firm that submits a response to the entity's request
5 for additional information under Section 2269.361 [~~2267.361~~] a
6 stipend for preliminary engineering costs associated with the
7 development of the proposal. The stipend must be one-half of one
8 percent of the contract amount and must be specified in the initial
9 request for proposals. If the offer is accepted and paid, the
10 governmental entity may make use of any work product contained in
11 the proposal, including the techniques, methods, processes, and
12 information contained in the proposal. The use by the governmental
13 entity of any design element contained in an unsuccessful proposal
14 is at the sole risk and discretion of the entity and does not confer
15 liability on the recipient of the stipend under this subsection.

16 (19) Subsection (c), Section 2269.367, Government
17 Code, as redesignated from Subsection (c), Section 2267.367,
18 Government Code, by Section 22.001 of this Act, is amended to read
19 as follows:

20 (c) If the governmental entity awards a design-build
21 contract under Section 2269.362 [~~2267.362~~], the design-build firm
22 shall deliver the bonds not later than the 10th day after the date
23 the design-build firm executes the contract unless the design-build
24 firm furnishes a bid bond or other financial security acceptable to
25 the governmental entity to ensure that the design-build firm will
26 furnish the required performance and payment bonds before the
27 commencement of construction.

1 (20) Subsection (a), Section 252.021, Local
2 Government Code, is amended to read as follows:

3 (a) Before a municipality may enter into a contract that
4 requires an expenditure of more than \$50,000 from one or more
5 municipal funds, the municipality must:

6 (1) comply with the procedure prescribed by this
7 subchapter and Subchapter C for competitive sealed bidding or
8 competitive sealed proposals;

9 (2) use the reverse auction procedure, as defined by
10 Section 2155.062(d), Government Code, for purchasing; or

11 (3) comply with a method described by Chapter 2269
12 [~~2267~~], Government Code.

13 (21) Subsection (d), Section 252.022, Local
14 Government Code, is amended to read as follows:

15 (d) This chapter does not apply to an expenditure described
16 by Section 252.021(a) if the governing body of a municipality
17 determines that a method described by Chapter 2269 [~~2267~~],
18 Government Code, provides a better value for the municipality with
19 respect to that expenditure than the procedures described in this
20 chapter and the municipality adopts and uses a method described in
21 that chapter [~~subchapter~~] with respect to that expenditure.

22 (22) Subsections (d-1) and (e), Section 252.043, Local
23 Government Code, are amended to read as follows:

24 (d-1) A contract for construction of a project described by
25 Subsection (d) that requires an expenditure of \$1.5 million or less
26 may be awarded using the competitive sealed proposal procedure
27 prescribed by Subchapter D, Chapter 2269 [~~2267~~], Government Code.

1 (e) If the competitive sealed bidding requirement applies
2 to the contract for construction of a facility, as that term is
3 defined by Section 2269.001 [~~2267.001~~], Government Code, the
4 contract must be awarded to the lowest responsible bidder or
5 awarded under the method described by Chapter 2269 [~~2267~~],
6 Government Code.

7 (23) Subsections (a) and (b-1), Section 262.023, Local
8 Government Code, are amended to read as follows:

9 (a) Before a county may purchase one or more items under a
10 contract that will require an expenditure exceeding \$50,000, the
11 commissioners court of the county must:

12 (1) comply with the competitive bidding or competitive
13 proposal procedures prescribed by this subchapter;

14 (2) use the reverse auction procedure, as defined by
15 Section 2155.062(d), Government Code, for purchasing; or

16 (3) comply with a method described by Chapter 2269
17 [~~2267~~], Government Code.

18 (b-1) A county that complies with a method described by
19 Chapter 2269 [~~2267~~], Government Code, as provided by Subsection
20 (a)(3), to enter into a contract for which payment will be made
21 through anticipation notes authorized by Chapter 1431, Government
22 Code, may not issue anticipation notes for the payment of that
23 contract in an amount that exceeds the lesser of:

24 (1) 20 percent of the county's budget for the fiscal
25 year in which the county enters into the contract; or

26 (2) \$10 million.

27 (24) Section 271.054, Local Government Code, is

1 amended to read as follows:

2 Sec. 271.054. COMPETITIVE PROCUREMENT REQUIREMENT. Before
3 the governing body of an issuer may enter into a contract requiring
4 an expenditure by or imposing an obligation or liability on the
5 issuer, or on a subdivision of the issuer if the issuer is a county,
6 of more than \$50,000, the governing body must:

7 (1) submit the proposed contract to competitive
8 procurement; or

9 (2) use an alternate method of project delivery
10 authorized by Chapter 2269 [~~2267~~], Government Code.

11 (25) Section 302.007, Local Government Code, is
12 amended to read as follows:

13 Sec. 302.007. EXEMPTION FROM OTHER CONTRACTING LAW.
14 Chapter 2269 [~~2267~~], Government Code, does not apply to this
15 chapter.

16 (26) Section 335.077, Local Government Code, is
17 amended to read as follows:

18 Sec. 335.077. EXEMPTION FROM CONSTRUCTION CONTRACTING LAW.
19 Chapter 2269 [~~2267~~], Government Code, does not apply to this
20 chapter.

21 (27) Subsection (a-4), Section 1956.040, Occupations
22 Code, is amended to read as follows:

23 (a-4) A municipality or county may retain 10 percent of the
24 money collected from a fine for a conviction of an offense under
25 Subsection (a-1) as a service fee for that collection and the clerk
26 of the court shall remit the remainder of the fine collected for
27 conviction of an offense under Subsection (a-1) to the comptroller

1 in the manner provided for the remission of fees to the comptroller
2 under Subchapter B, Chapter 133, Local Government Code. The
3 comptroller shall deposit proceeds received under this subsection
4 to the credit of an account in the general revenue fund, and those
5 proceeds may be appropriated only to the department and used to:

6 (1) finance the department's administration of
7 Subchapters A, A-1, A-2, and A-3; and

8 (2) fund grants distributed under the prevention of
9 scrap metal theft grant program established under Subchapter Q [~~N~~],
10 Chapter 411, Government Code.

11 (28) Subsection (b), Section 24.004, Property Code, is
12 amended to read as follows:

13 (b) A justice court does not have jurisdiction in a forcible
14 entry and detainer or forcible detainer suit and shall dismiss the
15 suit if the defendant files a sworn statement alleging the suit is
16 based on a deed executed in violation of Chapter 21A [~~21~~], Business
17 & Commerce Code.

18 (29) Section 65.002, Property Code, as redesignated
19 from Section 64.002, Property Code, by Section 22.001 of this Act,
20 is amended to read as follows:

21 Sec. 65.002 [~~64.002~~]. CONDITIONS FOR AUTHORITY TO ACT AS
22 AGENT FOR CO-OWNER. A co-owner of residential property may act in
23 the name of and on behalf of another co-owner, whether known or
24 unknown, as the co-owner's statutory agent and attorney-in-fact for
25 the purposes described by Section 65.004 [~~64.004~~] if:

26 (1) the co-owner has occupied the property for more
27 than five years;

1 (2) the co-owner has a residence homestead exemption
2 for the property under Section 11.13, Tax Code;

3 (3) for the five years preceding the date the
4 documents required by Section 65.003 [~~64.003~~] are filed, the
5 occupying co-owner has paid all assessed ad valorem taxes without
6 delinquency and without contribution from the other co-owner; and

7 (4) the occupying co-owner files the documents
8 required by Section 65.003 [~~64.003~~].

9 (30) Section 65.003, Property Code, as redesignated
10 from Section 64.003, Property Code, by Section 22.001 of this Act,
11 is amended to read as follows:

12 Sec. 65.003 [~~64.003~~]. REQUIRED DOCUMENTATION. The
13 occupying co-owner may establish the authority to act as an agent
14 and attorney-in-fact for another co-owner by filing in the office
15 of the county clerk of the county in which the real property is
16 located:

17 (1) an affidavit of the occupying co-owner affirming
18 the facts described by Sections 65.002(1)-(3) [~~64.002(1)-(3)~~];

19 (2) the affidavits of two additional affiants
20 personally familiar with the co-owner's occupancy of the real
21 property corroborating the occupancy during the preceding five
22 years; and

23 (3) a certificate of the tax assessor-collector for
24 the county in which the real property is located affirming that the
25 co-owner has paid all taxes assessed against the real property for
26 the preceding five years without delinquency.

27 (31) Section 1002.110, Special District Local Laws

1 Code, is amended to read as follows:

2 Sec. 1002.110. PUBLIC WORKS CONTRACTS. With respect to the
3 construction of public works, the district has all of the powers and
4 duties conferred on a municipality under Chapter 2269 [~~2267~~],
5 Government Code, with respect to the construction of a
6 facility. To the extent of any conflict, this section prevails
7 over any other law relating to the construction of public works
8 engaged in by the district.

9 (32) Subsection (b), Section 1024.105, Special
10 District Local Laws Code, is amended to read as follows:

11 (b) The board may act as a governmental entity under Chapter
12 2269 [~~2267~~], Government Code, for purposes of using the procurement
13 procedures authorized by that chapter. For purposes of this
14 subsection, notice under Section 2269.052(c) [~~2267.052(c)~~],
15 Government Code, must be provided by the district in the same manner
16 as provided for a conservation and reclamation district created
17 under Section 59, Article XVI, Texas Constitution.

18 (33) Subsection (d-1), Section 366.185,
19 Transportation Code, is amended to read as follows:

20 (d-1) The rules adopted under Subsection (d) may not
21 materially conflict with the design-build procedures provided by
22 Subchapter H, Chapter 2269 [~~2267~~], Government Code, and shall
23 provide materially similar injunctive and declaratory action
24 enforcement rights regarding the improper disclosure or use of
25 unique or nonordinary information as provided in that subchapter.

26 (34) Section 451.8025, Transportation Code, is
27 amended to read as follows:

1 Sec. 451.8025. EXEMPTION FROM OTHER CONTRACTING LAW.
2 Chapter 2269 [~~2267~~], Government Code, does not apply to this
3 subchapter.

4 (35) Section 452.1095, Transportation Code, is
5 amended to read as follows:

6 Sec. 452.1095. EXEMPTION FROM OTHER CONTRACTING LAW FOR
7 CERTAIN AUTHORITIES. (a) Chapter 2269 [~~2267~~], Government Code,
8 does not apply to an authority consisting of one subregion governed
9 by a subregional board created under Subchapter O.

10 (b) An authority to which this section applies may adopt
11 design-build procedures that do not materially conflict with
12 Subchapter H, Chapter 2269 [~~2267~~], Government Code.

13 (36) Subsections (c) and (d), Section 460.406,
14 Transportation Code, are amended to read as follows:

15 (c) The board of directors may authorize the negotiation of
16 a contract without competitive sealed bids or proposals if:

17 (1) the aggregate amount involved in the contract is
18 \$50,000 or less;

19 (2) the contract is for construction for which not
20 more than one bid or proposal is received;

21 (3) the contract is for services or property for which
22 there is only one source or for which it is otherwise impracticable
23 to obtain competition;

24 (4) the contract is to respond to an emergency for
25 which the public exigency does not permit the delay incident to the
26 competitive process;

27 (5) the contract is for personal or professional

1 services or services for which competitive bidding is precluded by
2 law;

3 (6) the contract, without regard to form and which may
4 include bonds, notes, loan agreements, or other obligations, is for
5 the purpose of borrowing money or is a part of a transaction
6 relating to the borrowing of money, including:

7 (A) a credit support agreement, such as a line or
8 letter of credit or other debt guaranty;

9 (B) a bond, note, debt sale or purchase, trustee,
10 paying agent, remarketing agent, indexing agent, or similar
11 agreement;

12 (C) an agreement with a securities dealer,
13 broker, or underwriter; and

14 (D) any other contract or agreement considered by
15 the board of directors to be appropriate or necessary in support of
16 the authority's financing activities;

17 (7) the contract is for work that is performed and paid
18 for by the day as the work progresses;

19 (8) the contract is for the purchase of land or a
20 right-of-way;

21 (9) the contract is for the purchase of personal
22 property sold:

23 (A) at an auction by a state licensed auctioneer;

24 (B) at a going out of business sale held in
25 compliance with Subchapter F, Chapter 17, Business & Commerce Code;
26 or

27 (C) by a political subdivision of this state, a

1 state agency, or an entity of the federal government;

2 (10) the contract is for services performed by blind
3 or severely disabled persons;

4 (11) the contract is for the purchase of electricity;
5 or

6 (12) the contract is one awarded for alternate project
7 delivery under Subchapters E, F, and G, Chapter 2269 [~~2267~~],
8 Government Code.

9 (d) For the purposes of entering into a contract authorized
10 by Subsection (c)(12), an authority is considered a "governmental
11 entity" as described by Section 2269.002 [~~2267.002~~], Government
12 Code.

13 (37) Subsection (d), Section 60.401, Water Code, is
14 amended to read as follows:

15 (d) Chapter 2269 [~~2267~~], Government Code, does not apply to
16 this subchapter.

17 (38) Subsection (c), Section 60.452, Water Code, is
18 amended to read as follows:

19 (c) Chapter 2269 [~~2267~~], Government Code, does not apply to
20 this subchapter.

21 ARTICLE 23. EFFECTIVE DATE

22 SECTION 23.001. Except as otherwise provided by this Act,
23 this Act takes effect September 1, 2013.