

By: Coleman

H.B. No. 3474

A BILL TO BE ENTITLED

1 AN ACT
2 relating to powers, duties, and services of counties and entities
3 serving counties, certain voting procedures for county and other
4 local elections, and the study of county population growth;
5 imposing a civil penalty.

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

7 SECTION 1. Article 26.05(b), Code of Criminal Procedure, is
8 amended to read as follows:

9 (b) All payments made under this article shall be paid in
10 accordance with a schedule of fees adopted by formal action of the
11 judges of the county courts, statutory county courts, and district
12 courts trying criminal cases in each county. Not later than the
13 90th day before the first day of the county's fiscal year, [On
14 adoption of] a schedule of fees for that fiscal year must be adopted
15 and [as provided by this subsection,] a copy of the schedule must
16 [shall] be sent to the commissioners court of the county.

17 SECTION 2. Section 3, Article 42.09, Code of Criminal
18 Procedure, is amended to read as follows:

19 Sec. 3. If a defendant ~~[is]~~ convicted of a felony is ~~[and]~~
20 sentenced to death or to ~~[7]~~ life ~~[, or a term of more than ten~~
21 ~~years]~~ in the Texas Department of Criminal Justice or is ineligible
22 for release on bail pending appeal under Article 44.04(b) and ~~[he]~~
23 gives notice of appeal, the defendant ~~[he]~~ shall be transferred to
24 the department on a commitment pending a mandate from the court of

1 appeals or the Court of Criminal Appeals.

2 SECTION 3. The heading to Section 31.092, Election Code, is
3 amended to read as follows:

4 Sec. 31.092. CONTRACT FOR ELECTION SERVICES AUTHORIZED FOR
5 COUNTY ELECTION OFFICER.

6 SECTION 4. Section 31.092, Election Code, is amended by
7 adding Subsection (f) to read as follows:

8 (f) The county election officer may set a deadline for the
9 submission of a request to enter into a contract to perform election
10 services under this section.

11 SECTION 5. The heading to Section 31.093, Election Code, is
12 amended to read as follows:

13 Sec. 31.093. [~~DUTY TO~~] CONTRACT FOR ELECTION SERVICES
14 AUTHORIZED FOR COUNTY ELECTIONS ADMINISTRATOR.

15 SECTION 6. Section 31.093, Election Code, is amended by
16 amending Subsection (a) and adding Subsection (c) to read as
17 follows:

18 (a) If requested to do so by a political subdivision or
19 political party, the county elections administrator may [~~shall~~]
20 enter into a contract to furnish the election services requested,
21 in accordance with a cost schedule agreed on by the contracting
22 parties.

23 (c) The county elections administrator may set a deadline
24 for the submission of a request to enter into a contract to provide
25 election services under this section.

26 SECTION 7. Section 84.001(d), Election Code, is amended to
27 read as follows:

1 (d) An application must be submitted [~~by mail~~] to the early
2 voting clerk for the election who serves the election precinct of
3 the applicant's residence.

4 SECTION 8. Section 84.007(b), Election Code, is amended to
5 read as follows:

6 (b) An application must be submitted to the early voting
7 clerk by:

8 (1) mail;

9 (2) common or contract carrier; [~~or~~]

10 (3) telephonic facsimile machine, if a machine is
11 available in the clerk's office; or

12 (4) electronic submission of the application, if
13 authorized by the clerk.

14 SECTION 9. Subchapter B, Chapter 84, Election Code, is
15 amended by adding Section 84.038 to read as follows:

16 Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION FOR
17 CERTAIN VOTERS. The cancellation of an application for a ballot to
18 be voted by mail under Section 84.032(c), (d), or (e) does not
19 cancel the application with respect to a subsequent election to
20 which the same application applies under Section 86.0015(b).

21 SECTION 10. Section 86.006, Election Code, is amended by
22 amending Subsection (a) and adding Subsection (a-1) to read as
23 follows:

24 (a) A marked ballot voted under this chapter must be
25 returned to the early voting clerk in the official carrier
26 envelope. The carrier envelope may be delivered in another
27 envelope and must be transported and delivered only by:

- 1 (1) mail;
2 (2) [~~or by~~] common or contract carrier; or
3 (3) subject to Subsection (a-1), in-person delivery by
4 the voter who voted the ballot.

5 (a-1) The voter may deliver a marked ballot in person to the
6 early voting clerk's office only while the polls are open on
7 election day. A voter who delivers a marked ballot in person must
8 present an acceptable form of identification described by Section
9 63.0101.

10 SECTION 11. Subchapter B, Chapter 826, Health and Safety
11 Code, is amended by adding Section 826.018 to read as follows:

12 Sec. 826.018. LOCAL RABIES CONTROL PROGRAMS. (a) This
13 section applies to a veterinarian who:

- 14 (1) is employed by a county; and
15 (2) administers or supervises the administration of
16 rabies vaccine as part of a local rabies control program
17 established by a county or municipality under this chapter.

18 (b) A veterinarian described by Subsection (a) is not
19 required to establish a veterinarian-client-patient relationship
20 before administering rabies vaccine or supervising the
21 administration of rabies vaccine.

22 (c) To the extent of any conflict between this section and
23 any other law or rule relating to the administration of rabies
24 vaccine, this section controls.

25 SECTION 12. Subchapter B, Chapter 232, Local Government
26 Code, is amended by adding Section 232.0375 to read as follows:

27 Sec. 232.0375. ALTERNATIVE ENFORCEMENT; CITATION. (a) As

1 an alternative to an action to recover a civil penalty under Section
2 232.037(a)(3) for the enforcement of a rule or requirement adopted
3 by the commissioners court under this subchapter that prohibits
4 more than one single-family, detached dwelling to be located on
5 each lot, the commissioners court may authorize a county employee
6 to issue a citation to a subdivider for a violation of the rule or
7 requirement.

8 (b) The commissioners court may designate the county
9 employee as a county inspector.

10 (c) The commissioners court may adopt a standard civil
11 penalty, in an amount authorized under Section 232.035(c), to be
12 assessed for the violation for which the citation may be issued by
13 the county employee under Subsection (a), except the penalty amount
14 assessed by each citation may not exceed a total penalty of \$10,000.
15 Each day a violation continues or occurs may be considered a
16 separate violation for purposes of imposing a penalty.

17 (d) The county employee may issue subsequent citations to a
18 subdivider for a violation if the subdivider fails to correct the
19 violation for which a citation has been issued.

20 (e) A subdivider who is issued a citation under this section
21 may pay the civil penalty or contest the penalty in justice court.
22 Venue for an action under this subsection is the justice court in
23 the justice precinct in which the violation occurred.

24 (f) A civil penalty recovered under this section shall be
25 deposited in the county treasury to the credit of the general fund.

26 (g) The commissioners court by order may adopt rules to
27 implement this section.

1 SECTION 13. Subchapter C, Chapter 232, Local Government
2 Code, is amended by adding Section 232.0805 to read as follows:

3 Sec. 232.0805. ALTERNATIVE ENFORCEMENT; CITATION. (a) As
4 an alternative to an action to recover a civil penalty under
5 Section 232.080(a)(3) for the enforcement of a rule or requirement
6 adopted by the commissioners court under this subchapter that
7 prohibits more than one single-family, detached dwelling to be
8 located on each lot, the commissioners court may authorize a county
9 employee to issue a citation to a subdivider for a violation of the
10 rule or requirement.

11 (b) The commissioners court may designate the county
12 employee as a county inspector.

13 (c) The commissioners court may adopt a standard civil
14 penalty, in an amount authorized under Section 232.079(b), to be
15 assessed for the violation for which the citation may be issued by
16 the county employee under Subsection (a), except the penalty amount
17 assessed by each citation may not exceed a total penalty of \$10,000.
18 Each day a violation continues or occurs may be considered a
19 separate violation for purposes of imposing a penalty.

20 (d) The county employee may issue subsequent citations to a
21 subdivider for a violation if the subdivider fails to correct the
22 violation for which a citation has been issued.

23 (e) A subdivider who is issued a citation under this section
24 may pay the civil penalty or contest the penalty in justice court.
25 Venue for an action under this subsection is the justice court in
26 the justice precinct in which the violation occurred.

27 (f) A civil penalty recovered under this section shall be

1 deposited in the county treasury to the credit of the general fund.

2 (g) The commissioners court by order may adopt rules to
3 implement this section.

4 SECTION 14. Section 233.061(a), Local Government Code, is
5 amended to read as follows:

6 (a) The commissioners court of a county [~~with a population~~
7 ~~of over 250,000 or a county adjacent to a county with a population~~
8 ~~of over 250,000~~] may adopt a fire code and rules necessary to
9 administer and enforce the fire code.

10 SECTION 15. Section 263.251(a), Local Government Code, is
11 amended to read as follows:

12 (a) The commissioners court of a county may adopt a
13 procedure by which the county may:

14 (1) lease to another entity advertising space located:

15 (A) in or on a building or part of a building
16 owned by the county;

17 (B) on personal property [~~a vehicle~~] owned by the
18 county;

19 (C) on an official county website; [~~or~~]

20 (D) in or on a building or part of a building
21 leased by the county, with the building owner's consent; or

22 (E) on personal property [~~a vehicle~~] leased by
23 the county, with the property [~~vehicle~~] owner's consent; or

24 (2) sell advertising space located on correspondence
25 distributed by the county through the United States Postal Service.

26 SECTION 16. The heading to Section 271.9051, Local
27 Government Code, is amended to read as follows:

1 Sec. 271.9051. CONSIDERATION OF LOCATION OF BIDDER'S
2 PRINCIPAL PLACE OF BUSINESS IN CERTAIN MUNICIPALITIES AND COUNTIES.

3 SECTION 17. Sections 271.9051(a), (b), and (c), Local
4 Government Code, are amended to read as follows:

5 (a) This section applies only to a municipality or county
6 that is authorized under this title to purchase real property or
7 personal property that is not affixed to real property.

8 (b) In purchasing under this title any real property,
9 personal property that is not affixed to real property, or
10 services, if a municipality or county receives one or more
11 competitive sealed bids from a bidder whose principal place of
12 business is in the municipality or county and whose bid is within
13 five percent of the lowest bid price received by the municipality or
14 county from a bidder who is not a resident of the municipality or
15 county, the municipality or county may enter into a contract for
16 construction services in an amount of less than \$100,000 or a
17 contract for other purchases in an amount of less than \$500,000
18 with:

19 (1) the lowest bidder; or

20 (2) the bidder whose principal place of business is in
21 the municipality or county if the governing body of the
22 municipality or county determines, in writing, that the local
23 bidder offers the municipality or county the best combination of
24 contract price and additional economic development opportunities
25 for the municipality or county created by the contract award,
26 including the employment of residents of the municipality or county
27 and increased tax revenues to the municipality or county.

1 (c) This section does not prohibit a municipality or county
2 from rejecting all bids.

3 SECTION 18. Section 72.101(a), Property Code, is amended to
4 read as follows:

5 (a) Except as provided by this section and Sections 72.1015,
6 72.1016, 72.1017, [~~and~~] 72.102, and 72.104, personal property is
7 presumed abandoned if, for longer than three years:

8 (1) the existence and location of the owner of the
9 property is unknown to the holder of the property; and

10 (2) according to the knowledge and records of the
11 holder of the property, a claim to the property has not been
12 asserted or an act of ownership of the property has not been
13 exercised.

14 SECTION 19. Subchapter B, Chapter 72, Property Code, is
15 amended by adding Section 72.104 to read as follows:

16 Sec. 72.104. TANGIBLE PERSONAL PROPERTY HELD BY COUNTY.
17 Tangible personal property that is found on county land or in a
18 county park, facility, or right-of-way is presumed abandoned if,
19 for longer than 60 days:

20 (1) the personal property is held by the county;

21 (2) the existence and location of the owner of the
22 personal property is unknown to the county; and

23 (3) according to the knowledge and records of the
24 county, a claim to the personal property has not been asserted or an
25 act of ownership of the personal property has not been exercised.

26 SECTION 20. Section 644.101(c), Transportation Code, is
27 amended to read as follows:

1 (c) A sheriff or a deputy sheriff of a county bordering the
2 United Mexican States or of a county with a population of 700,000
3 [~~one million~~] or more is eligible to apply for certification under
4 this section.

5 SECTION 21. (a) In this section, "task force" means the Task
6 Force to Study Population Growth in Texas established under this
7 section.

8 (b) The Task Force to Study Population Growth in Texas is
9 established for the purposes of assessing the effects of population
10 growth in this state on:

- 11 (1) housing;
- 12 (2) businesses in this state;
- 13 (3) available land resources; and
- 14 (4) the state's economy.

15 (c) The task force is composed of the following nine
16 members:

- 17 (1) three state or local officials appointed by the
18 governor;
- 19 (2) three state or local officials appointed by the
20 lieutenant governor; and
- 21 (3) three state or local officials appointed by the
22 speaker of the house of representatives.

23 (d) The members of the task force shall elect a presiding
24 officer.

25 (e) The offices of the governor, lieutenant governor, and
26 speaker of the house of representatives shall provide staff support
27 to the task force.

1 (f) The task force shall hold public hearings to achieve the
2 purposes described by Subsection (b).

3 (g) A member of the task force is not entitled to receive
4 compensation for service on the task force but is entitled to
5 reimbursement of the travel expenses incurred by the member while
6 conducting the business of the task force.

7 (h) The task force may accept gifts and grants from any
8 source to be used to carry out a function of the task force.

9 (i) Not later than November 1, 2016, the task force shall
10 submit a final report to the governor, the lieutenant governor, the
11 speaker of the house of representatives, and the appropriate
12 standing committees of the legislature. The report shall include a
13 summary and analysis of:

- 14 (1) hearings and studies conducted by the task force;
15 (2) legislation proposed by the task force; and
16 (3) other findings and recommendations made by the
17 task force.

18 (j) Not later than December 1, 2015, the governor, the
19 lieutenant governor, and the speaker of the house of
20 representatives shall make the appointments to the task force as
21 described under Subsection (c).

22 (k) The task force is abolished and this section expires
23 August 31, 2017.

24 SECTION 22. (a) Article 26.05(b), Code of Criminal
25 Procedure, as amended by this Act, applies only to the adoption of a
26 schedule of fees for a county fiscal year starting on or after
27 January 1, 2016.

1 (b) Sections 232.0375 and 232.0805, Local Government Code,
2 as added by this Act, apply only to a violation that occurs on or
3 after the effective date of this Act. A violation that occurs
4 before that date is governed by the law in effect on the date the
5 violation occurred, and the former law is continued in effect for
6 that purpose. For purposes of this section, each day a violation
7 continues or occurs is considered a separate violation.

8 (c) Section 271.9051, Local Government Code, as amended by
9 this Act, applies only to a contract for which the initial notice
10 soliciting bids is given on or after the effective date of this Act.
11 A contract for which the initial notice soliciting bids is given
12 before the effective date of this Act is governed by the law in
13 effect when the initial notice is given, and the former law is
14 continued in effect for that purpose.

15 SECTION 23. This Act takes effect September 1, 2015.