(2) the retention and inspection of records relating to the sale or resale of the exclusive right of sepulture in a plot;

(3) changes in the management or control of a cemetery broker's business; and

(4) any other matter relating to the enforcement and administration of Subchapters C and C-1.

(c) A fee set by the commission may not produce unnecessary fund balances.

Sec. 711.083. RECORDS; EXAMINATION. (a) A person acting as a cemetery broker shall maintain records in accordance with this subchapter and Section 711.0381.

(b) The department shall examine the records of each person acting as a cemetery broker if the commissioner determines the examination is necessary to:

(1) safeguard the interests of purchasers and beneficiaries of the exclusive right of sepulture in a plot; and

(2) efficiently enforce applicable law.

(c) A person may maintain and provide a record required to be maintained under this section in an electronic format if the record is reliable and can be retrieved in a timely manner.

Sec. 711.084. EXAMINATION FEE. (a) For each examination conducted under Section 711.083, the commissioner or the commissioner's agent shall impose on the cemetery broker a fee in an amount set by the commission under Section 711.082.

(b) The amount of the fee must be sufficient to cover:

(1) the cost of the examination, including:

   (A) salary and travel expenses for department employees, including travel to and from the place where the records are kept; and

   (B) any other expense necessarily incurred in conducting the examination;

(2) the equitable or proportionate cost of maintaining and operating the department; and

(3) the cost of enforcing this subchapter.

SECTION 11. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. Except as provided by Subsection (b) of this section, if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) Section 711.0381 and Subchapter C-1, Chapter 711, Health and Safety Code, as added by this Act, take effect January 1, 2014.

Passed by the House on April 30, 2013: Yeas 137, Nays 7, 1 present, not voting; passed by the Senate on May 17, 2013: Yeas 20, Nays 10.

Approved June 14, 2013.

Effective September 1, 2013, except as provided by § 11(b).

CHAPTER 221
H.B. No. 62

AN ACT

relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.010 to read as follows:
Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND REHABILITATION FACILITIES PROHIBITED. (a) A justice or judge, as applicable, of the supreme court, the court of criminal appeals, a court of appeals, a district court, a county court, a county court at law, or a statutory probate court may not, on the date the person takes office as a justice or judge or while serving as a justice or judge, have a significant interest in a business entity that owns, manages, or operates:

(1) a community residential facility described by Section 508.119;

(2) a correctional or rehabilitation facility subject to Chapter 244, Local Government Code; or

(3) any other facility intended to accomplish a purpose or provide a service described by Section 508.119(a) to a person convicted of a misdemeanor or felony or found to have engaged in delinquent conduct who is housed in the facility:

(A) while serving a sentence of confinement following conviction of an offense or an adjudication of delinquent conduct; or

(B) as a condition of community supervision, probation, parole, or mandatory supervision.

(b) A justice or judge is considered to have a significant interest in a business entity described by Subsection (a) for purposes of this section if:

(1) the justice or judge owns any voting stock or share or has a direct investment in the business entity that represents the lesser of at least 10 percent or $15,000 of the fair market value of the business entity; or

(2) the justice or judge receives money from the business entity.

(c) A violation of this section by a justice or judge is considered a violation of Canon 4D(1), Code of Judicial Conduct. A justice or judge who has an interest in a business entity that is prohibited by this section must report the interest to the State Commission on Judicial Conduct.

SECTION 2. This Act takes effect January 1, 2015.

Passed by the House on April 25, 2013: Yeas 136, Nays 0, 2 present, not voting: passed by the Senate on May 17, 2013: Yeas 29, Nays 0.

Approved June 14, 2013.

Effective January 1, 2015.

CHAPTER 222

H.B. No. 86

AN ACT

relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 325, Government Code, is amended by adding Section 325.0115 to read as follows:

Sec. 325.0115. CRITERIA FOR REVIEW OF CERTAIN AGENCIES. (a) In this section:

(1) “License” means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession.

(2) “Public interest” means protection from a present and recognizable harm to public health, safety, or welfare. The term does not include speculative threats, or other non-demonstrable menaces to public health, safety, or welfare. For the purposes of this subdivision, the term “welfare” includes the financial health of the public when the absence