SECTION 85. Subsection (a), Section 180.056, Finance Code, is amended to read as follows:

(a) An applicant for a residential mortgage loan originator license must complete education courses that include, at a minimum, at least the minimum number of hours and type of courses required by the S.A.F.E. Mortgage Licensing Act and the minimum number of hours of training related to lending standards for the nontraditional mortgage product marketplace required by that Act and any additional requirements established by the regulatory official and adopted by rule of the rulemaking authority.

SECTION 86. Subsection (a), Section 180.251, Finance Code, is amended to read as follows:

(a) The savings and mortgage lending commissioner shall administer and enforce this chapter with respect to individuals licensed under Chapter 156 or 157.

SECTION 87. The following provisions of the Finance Code are repealed:

(1) Section 15.4024;
(2) Sections 156.2015, 156.205, and 156.405;
(3) Subsections (a–1) and (a–2), Section 156.101;
(4) Subsections (b), (b–1), and (b–2), Section 156.201;
(5) Subsection (b), Section 156.102, Subsection (c), Section 156.202, Subsection (c), Section 156.203, Subsection (b), Section 156.204, Subsection (b), Section 156.2041, Subsection (c), Section 156.2043, Subsection (c), Section 156.2044, Section 156.2045, Subsection (a), Section 156.206, Subsections (b), (c), and (d), Section 156.207, and Subsection (c), Section 156.208;
(6) Subsections (b–1), (b–2), and (j), Section 156.208;
(7) Subsection (f), Section 157.003, Finance Code, as added by Chapter 655 (Senate Bill No. 1124), Acts of the 82nd Legislature, Regular Session, 2011;
(8) Subsection (d), Section 157.012, and Subsection (b), Section 157.015; and
(9) Subsection (b), Section 180.251.

SECTION 88. The changes in law made by this Act do not affect any pending proceeding or action brought under Subchapter D, Chapter 156, Finance Code, as that subchapter existed immediately before amendment by this Act, and the former law is continued in effect for that purpose.

SECTION 89. The changes in law made by this Act apply only to a license or registration issued or renewed on or after the effective date of this Act. A license or registration issued or renewed before the effective date of this Act is governed by the law in effect on the date the license or registration was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 90. This Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; passed the House on May 8, 2013: Yeas 146, Nays 1, two present not voting.

Approved May 24, 2013.

Effective September 1, 2013.

CHAPTER 161

S.B. No. 1093

AN ACT

relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 82nd Legislature to other Acts of that legislature.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

(2) conforming codifications enacted by the 82nd Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;

(3) making necessary corrections to enacted codifications; and

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

SECTION 1.002. (a) The repeal of a statute by this Act does not affect an amendment, revision, or reenactment of the statute by the 83rd Legislature, Regular Session, 2013. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(b) If any provision of this Act conflicts with a statute enacted by the 83rd Legislature, Regular Session, 2013, the statute controls.

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

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

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

ARTICLE 2. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE

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

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

ARTICLE 3. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

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

(a) The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

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

(2) Special Agents of the Secret Service;

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

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

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

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

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

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

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

(10) Special Agents of the United States Department of State, Bureau of Diplomatic Security;
(11) Special Agents of the Treasury Inspector General for Tax Administration; and
(12) Special Agents of the Office of Inspector General of the United States Social Security Administration; and
(13) (H) Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs.

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

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

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

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

(1) no limitation:
   (A) murder and manslaughter;
   (B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(2), Penal Code;
   (C) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
   (D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;
   (E) indecency with a child under Section 21.11, Penal Code;
   (F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person; [⇐]
   (G) trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code; or
   (H) continuous trafficking of persons under Section 20A.03, Penal Code;
(2) ten years from the date of the commission of the offense:
   (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
   (B) theft by a public servant of government property over which he exercises control in his official capacity;
   (C) forgery or the uttering, using or passing of forged instruments;
   (D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
   (E) sexual assault, except as provided by Subdivision (1);
   (F) arson;
   (G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or
   (H) compelling prostitution under Section 43.05(a)(1), Penal Code;
(3) seven years from the date of the commission of the offense:
   (A) misapplication of fiduciary property or property of a financial institution;
   (B) securing execution of document by deception;
   (C) a felony violation under Chapter 162, Tax Code;
   (D) false statement to obtain property or credit under Section 32.32, Penal Code;
   (E) money laundering;
   (F) credit card or debit card abuse under Section 32.31, Penal Code;
(G) fraudulent use or possession of identifying information under Section 32.51, Penal Code; or
(H) Medicaid fraud under Section 35A.02, Penal Code; or
(I) [bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6)];
(4) five years from the date of the commission of the offense:
(A) theft or robbery;
(B) except as provided by Subdivision (5), kidnapping or burglary;
(C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
(D) abandoning or endangering a child; or
(E) insurance fraud;
(5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
(A) sexual performance by a child under Section 43.25, Penal Code;
(B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
(C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;
(6) ten years from the 18th birthday of the victim of the offense:
(A) trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;
(B) injury to a child under Section 22.04, Penal Code; or
(C) compelling prostitution under Section 43.05(a)(2), Penal Code; or
(D) [bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or
(7) three years from the date of the commission of the offense: all other felonies.
SECTION 3.004. Article 13.12, Code of Criminal Procedure, as amended by Chapters 1 (S.B. 24) and 223 (H.B. 260), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:
Art. 13.12. TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS. Venue for trafficking of persons, false imprisonment, kidnapping, and smuggling of persons is in:
(1) the county in which the offense was committed; or
(2) any county through, into, or out of which the person trafficked, falsely imprisoned, kidnapped, or transported may have been taken.
SECTION 3.005. Article 20.151(c), Code of Criminal Procedure, as added by Chapters 1031 (H.B. 2847) and 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:
(c) Testimony received from a peace officer under this article shall be recorded in the same manner as other testimony taken before the grand jury and shall be preserved.
SECTION 3.006. Article 38.31(g)(2), Code of Criminal Procedure, is amended to correct a reference to read as follows:
(2) "Qualified interpreter" means an interpreter for the deaf who holds a current legal certificate issued by the National Registry of Interpreters for the Deaf or a current court interpreter certificate issued by the Board for Evaluation of Interpreters at the Department of Assistive and [or] Rehabilitative Services.
SECTION 3.007. Section 21(e), Article 42.12, Code of Criminal Procedure, is amended to correct a reference to read as follows:

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

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

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

SECTION 3.009. Article 45.0511(p), Code of Criminal Procedure, is amended to correct a reference to read as follows:

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

1. a violation of Section 545.066, 550.022, or 550.023, Transportation Code;
2. a serious traffic violation; or
3. an offense to which Section 542.404 [or 729.004(b)], Transportation Code, applies.

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

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

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

(a) A defendant may not, under Subchapter D or E or any other provision of this chapter, be committed to a mental hospital or other inpatient or residential facility, ordered to participate in an outpatient treatment program, or subjected to both inpatient and outpatient treatment for a cumulative period that exceeds the maximum term provided by law for the offense for which the defendant was to be tried, except that if the defendant is charged with a misdemeanor and has been ordered only to participate in an outpatient treatment program under Subchapter D or E, the maximum period of restoration is two years.

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

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

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

(c) The cumulative period described by Subsection (a):
(1) begins on the date the initial order of commitment or initial order for outpatient treatment program participation is entered under this chapter; and
(2) in addition to any inpatient or outpatient treatment periods described by Subsection (a), includes any time that, following the entry of an order described by Subdivision (1), the defendant is confined in a correctional facility, as defined by Section 1.07, Penal Code, or is otherwise in the custody of the sheriff during or while awaiting, as applicable:
(A) the defendant’s transfer to a mental hospital or other inpatient or residential facility;
(B) the defendant’s release on bail to participate in an outpatient treatment program; or
(C) a criminal trial following any temporary restoration of the defendant’s competency to stand trial.

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

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

SECTION 3.012. Article 102.017(d-1), Code of Criminal Procedure, as amended by Chapters 664 (S.B. 1521) and 1031 (H.B. 2847), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(d-1) For purposes of this article, the term “security personnel, services, and items” includes:
(1) the purchase or repair of X-ray machines and conveying systems;
(2) handheld metal detectors;
(3) walkthrough metal detectors;
(4) identification cards and systems;
(5) electronic locking and surveillance equipment;
(6) video teleconferencing systems;
(7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
(8) signage;
(9) confiscated weapon inventory and tracking systems;
(10) locks, chains, alarms, or similar security devices;
(11) the purchase or repair of bullet-proof glass;
(12) continuing education on security issues for court personnel and security personnel; and
(13) warrant officers and related equipment.

ARTICLE 4. CHANGES RELATING TO EDUCATION CODE

SECTION 4.001. Section 21.044, Education Code, as amended by Chapters 635 (S.B. 866) and 926 (S.B. 1820), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Sec. 21.044. EDUCATOR PREPARATION. (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
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(b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.

e) The instruction under Subsection (b) must:

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

(A) employed by institutions of higher education; and
(B) approved by the board; and

(2) include information on:

(A) characteristics of dyslexia;
(B) identification of dyslexia; and
(C) effective, multisensory strategies for teaching students with dyslexia.

(d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section 28.027, at a secondary school, a person must:

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

(2) have at a minimum:

(A) an associate degree from an accredited institution of higher education; and
(B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.

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

(e) A school district may request that the commissioner waive the requirement that the district admit a foreign exchange student who meets the conditions of Subsection (b)(6) [(b)(5)]. The commissioner shall respond to a district's request not later than the 60th day after the date of receipt of the request. The commissioner shall grant the request and issue a waiver effective for a period not to exceed three years if the commissioner determines that admission of a foreign exchange student would:

(1) create a financial or staffing hardship for the district;
(2) diminish the district's ability to provide high quality educational services for the district's domestic students; or
(3) require domestic students to compete with foreign exchange students for educational resources.

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

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

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

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

(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [39.113] and 51.3062.
SECTION 4.006. Section 39.0302(a), Education Code, is amended to correct a reference to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), an accreditation investigation under Section 39.037(a)(9) [39.075(a)(9)], or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure established under Section 39.0301(a), the commissioner may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

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

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

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

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

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

(2) the applicant:

(A) successfully completed:

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

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

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

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

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

SECTION 4.010. (a) Sections 54.353 and 54.3531, Education Code, which were added by Section 17, Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular Session, 2011, as a nonsubstantive redesignation of the two versions of Section 54.208, Education Code, as amended by Chapters 1258 (H.B. 2013) and 1259 (H.B. 2347), Acts of the 81st Legislature, Regular Session, 2009, are reenacted to conform to the reenactment of Section 54.208, Education Code, and the addition of Section 54.2081, Education Code, by Chapter 969 (H.B. 1163), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 54.353. FIREIGHTERS ENROLLED IN FIRE SCIENCE COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter by a political subdivision of this state; or
(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department in this state, as defined by the state fire fighters' pension commissioner, who holds:

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

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

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

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

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

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

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

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

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

Sec. 54.3531. PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

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

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

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

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

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

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

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

(e) The Texas Higher Education Coordinating Board shall adopt:
(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and
(2) a uniform listing of degree programs covered by the exemption under this section.

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

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


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

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

(1) one representative of the Texas Agricultural Experiment Station, appointed by the director of the Texas Agricultural Experiment Station;
(2) one representative of the Texas Agrilife [Aggricultural] Extension Service, appointed by the director of the Texas Agrilife [Aggricultural] Extension Service;
(3) one representative of Texas Tech University, appointed by the dean of the College of Agriculture of Texas Tech University;
(4) one representative of The University of Texas at Austin, appointed by the vice president for research of The University of Texas System;
(5) one representative of the Department of Agriculture, appointed by the commissioner of agriculture;
(6) one representative of the Parks and Wildlife Department, appointed by the director of the department;
(7) one representative of the Texas Water Development Board, appointed by the executive administrator [director] of the board;
(8) one representative of county government, appointed by the governor;
(9) one representative of the general public, appointed by the governor;
(10) one representative of the agribusiness industry, appointed by the governor;
(11) one representative of environmental interests, appointed by the governor;
(12) one representative of wildlife interests, appointed by the governor; and
(13) one representative of the Texas rice industry, appointed by the governor.

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

(h) Each public junior college offering a baccalaureate degree program under this section shall prepare a biennial report on the operation and effectiveness of the junior college's baccalaureate degree programs and shall deliver a copy of the report to the coordinating board in the form and at the time determined by the coordinating board.

ARTICLE 5. CHANGES RELATING TO ELECTION CODE

SECTION 5.001. Section 13.031(d), Election Code, as amended by Chapters 1062 (H.B. 2194) and 1164 (H.B. 2817), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(d) To be eligible for appointment as a volunteer deputy registrar, a person must:
(1) be 18 years of age or older;
(2) not have been finally convicted of a felony or, if so convicted, must have:
(A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5.004. Section 16.031(b), Election Code, as amended by Chapters 650 (S.B. 1046) and 683 (H.B. 174), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

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

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

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

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

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

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

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

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

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

(1) the precinct list of registered voters;

(2) the registration correction list;

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

(4) any affidavits executed under Section 63.006 or 63.011.
ARTICLE 6. CHANGES RELATING TO ESTATES CODE

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

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

(1) rearranging the statutes into a more logical order;
(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;
(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and
(4) restating the law in modern American English to the greatest extent possible.

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

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

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

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

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

(1) a reference in Subtitle X [or Y], Title 2, or Subtitle Y or Z, Title 3, to Chapter I is a reference to Chapter I, Estates Code, and to the revision of sections derived from Chapter I, Texas Probate Code, and any reenactments and amendments to those sections; and
(2) a reference in Subtitle X [or Y], Title 2, or Subtitle Y or Z, Title 3, to a chapter, part, subpart, section, or portion of a section that does not exist in the Estates Code is a reference to the revision or redesignation of the corresponding chapter, part, subpart, section, or portion of a section of the Texas Probate Code and any reenactments or amendments.

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

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

(1) Section 311.032(c), Government Code, applies to Subtitle [Subtitle X and Y], Title 2, and Subtitles Y and Z, Title 3; and
(2) Sections 311.005(4) and 311.012(b) and (c), Government Code, apply to Subtitle [Subtitle X and Y], Title 2, and Subtitles Y and Z, Title 3.

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

(b) If Title 3 [Chapter XIII] provides a definition for a term that is different from the definition provided by this chapter, the definition for the term provided by Title 3 [Chapter XIII] applies in that title [chapter].
SECTION 6.006. Section 22.017, Estates Code, as effective January 1, 2014, is amended to conform to Section 2.54, Chapter 1338 (S.B. 1198), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 22.017. INDEPENDENT EXECUTOR. "Independent executor" means the personal representative of an estate under independent administration as provided by Chapter 401 and Section 402.001 [Section 145]. The term includes an independent administrator.

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

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

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

CHAPTER 34. MATTERS RELATING TO CERTAIN OTHER TYPES OF PROCEEDINGS

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

Sec. 34.001 [5B]. TRANSFER TO STATUTORY PROBATE COURT OF PROCEEDING RELATED TO PROBATE PROCEEDING. (a) A judge of a statutory probate court, on the motion of a party to the action or on the motion of a person interested in an estate, may transfer to the judge's court from a district, county, or statutory court a cause of action related to a probate proceeding pending in the statutory probate court or a cause of action in which a personal representative of an estate pending in the statutory probate court is a party and may consolidate the transferred cause of action with the other proceedings in the statutory probate court relating to that estate.

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

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

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

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

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

(b) Notwithstanding any provision of this code to the contrary, if the probate proceedings are pending in a foreign jurisdiction or in a county other than the county in which the taxes were imposed, a suit to foreclose the lien securing payment of the taxes or to enforce personal liability for the taxes must be brought under Section 33.41, Tax Code, in a court of competent jurisdiction in the county in which the taxes were imposed.

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

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

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

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

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

(1) the probate proceedings have been pending in that county for more than four years; and

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

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

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

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

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

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

(1) an application or affidavit has not been filed and is not pending under Section 256.052, 256.054, or 301.052 or Chapter 205 or 401; and

(2) the applicant needs to:

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

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

SECTION 6.011. Section 152.102(b), Estates Code, as effective January 1, 2014, is amended to conform to Section 2, Chapter 707 (H.B. 549), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(b) Subsection (a) applies:

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

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

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

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

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

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

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

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

Sec. 352.004. DENIAL OF COMPENSATION. The court may, on application of an interested person or on the court's own motion, wholly or partly deny a commission allowed by this subchapter if:
(1) the court finds that the executor or administrator has not taken care of and managed estate property prudently; or
(2) the executor or administrator has been removed under Section 404.003 or Subchapter B, Chapter 361.

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

Sec. 1002.015. [GUARDIANSHIP MATTER; GUARDIANSHIP PROCEEDING; PROCEEDINGS IN GUARDIANSHIP; PROCEEDINGS FOR GUARDIANSHIP]. The term "guardianship matter," "guardianship proceeding," "proceedings in guardianship," and "proceedings for guardianship" are synonymous and include a matter or proceeding related to a guardianship or any other matter covered by this title, including:
(1) the appointment of a guardian of a minor or other incapacitated person, including an incapacitated adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child;
(2) an application, petition, or motion regarding guardianship or an alternative to guardianship under this title;
(3) a mental health action; and
(4) an application, petition, or motion regarding a trust created under Chapter 1301.

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

CHAPTER 1021. GENERAL PROVISIONS

Sec. 1021.001. MATTERS RELATED TO GUARDIANSHIP PROCEEDING. (a) For purposes of this code, in a county in which there is no statutory probate court, a matter related to a guardianship proceeding includes:
(1) the granting of letters of guardianship;
(2) the settling of an account of a guardian and all other matters relating to the settlement, partition, or distribution of a ward’s estate;
(3) a claim brought by or against a guardianship estate;
(4) an action for trial of title to real property that is guardianship estate property, including the enforcement of a lien against the property;
(5) an action for trial of the right of property that is guardianship estate property;
(6) after a guardianship of the estate of a ward is required to be settled as provided by Section 1204.001:
(A) an action brought by or on behalf of the former ward against a former guardian of the ward for alleged misconduct arising from the performance of the person’s duties as guardian;
(B) an action calling on the surety of a guardian or former guardian to perform in place of the guardian or former guardian, which may include the award of a judgment against the guardian or former guardian in favor of the surety;
(C) an action against a former guardian of the former ward that is brought by a surety that is called on to perform in place of the former guardian;
(D) a claim for the payment of compensation, expenses, and court costs, and any other matter authorized under Chapter 1155 and Subpart H, Part 2, Subtitle Z; and
(E) a matter related to an authorization made or duty performed by a guardian under Chapter 1204; and
(7) the appointment of a trustee for a trust created under Section 1301.053 or 1301.054, 
the settling of an account of the trustee, and all other matters relating to the trust. 

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

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

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

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

CHAPTER 1022. JURISDICTION

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

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

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

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

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

(c) In a county in which there is a statutory probate court, the statutory probate court has 
original jurisdiction of guardianship proceedings.

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

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

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

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

(c) If a judge of a county court requests the assignment of a statutory probate court judge 
to hear a contested matter in a guardianship proceeding on the judge's own motion or on the 
motion of a party to the proceeding as provided by this section, the judge may request that 
the statutory probate court judge be assigned to the entire proceeding on the judge's own 
motion or on the motion of a party.

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

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

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

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

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

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

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

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

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

(b) A county court at law to which a proceeding is transferred under this section may hear the proceeding as if originally filed in that court. If only a contested matter in the proceeding is transferred, on the resolution of the matter, the matter shall be returned to the
county court for further proceedings not inconsistent with the orders of the county court at law.

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

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

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

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

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

Sec. 1022.007. TRANSFER OF PROCEEDING BY STATUTORY PROBATE COURT. (a) A judge of a statutory probate court, on the motion of a party to the action or of a person interested in the guardianship, may:

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

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

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

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

CHAPTER 1023. VENUE

Sec. 1023.002. CONCURRENT VENUE AND TRANSFER FOR WANT OF VENUE. (a) If two or more courts have concurrent venue of a guardianship proceeding, the court in which an application for a guardianship proceeding is initially filed has and retains jurisdiction of the proceeding. A proceeding is considered commenced by the filing of an application alleging facts sufficient to confer venue, and the proceeding initially legally commenced extends to all of the property of the guardianship estate.

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

Sec. 1023.004. NOTICE. (a) On filing an application to transfer a guardianship to another county, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the application should not be granted.
Sec. 1023.005. COURT ACTION. (a) On hearing an application under Section 1023.003, if good cause is not shown to deny the application and it appears that transfer of the guardianship is in the best interests of the ward, the court shall enter an order authorizing the transfer on payment on behalf of the estate of all accrued costs.

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

(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or

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

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

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

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

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

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

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

Sec. 1023.008. CONTINUATION OF GUARDIANSHIP. When a guardianship is transferred from one county to another in accordance with this chapter, the guardianship proceeds in the court to which it was transferred as if it had been originally commenced in that court. It is not necessary to record in the receiving court any of the papers in the case that were recorded in the court from which the case was transferred.

(b) Subsections (b) and (c), Section 609, Texas Probate Code, are transferred to Chapter 1022, Estates Code, as added by Subsection (a) of this section, and redesignated as Subsections (b) and (c), Section 1022.006, Estates Code.

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

(d) Subsections (b), (c), and (d), Section 611, Texas Probate Code, are transferred to Chapter 1023, Estates Code, as added by Subsection (a) of this section, and redesignated as Subsections (b), (c), and (d), Section 1023.002, Estates Code.

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

SECTION 6.016. Section 1051.001, Estates Code, as effective January 1, 2014, is amended to conform to Section 13, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:
Sec. 1051.001. ISSUANCE OF NOTICE OR PROCESS IN GENERAL. (a) Except as provided by Subsection (b), a person is not required to be cited or otherwise given notice in a guardianship proceeding [matter] except in a situation in which this title expressly provides for citation or the giving of notice.

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

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

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

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

SECTION 6.017. Section 1051.102, Estates Code, as effective January 1, 2014, is amended to conform to Section 6, Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, by adding Subsection (d) to read as follows:

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

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

Sec. 1051.103. SERVICE OF CITATION FOR APPLICATION FOR GUARDIANSHIP.

(a) The sheriff or other officer shall personally serve citation to appear and answer an application for guardianship on:

(1) a proposed ward who is 12 years of age or older;

(2) the proposed ward’s parents, if the whereabouts of the parents are known or can be reasonably ascertained;

(3) any court-appointed conservator or person having control of the care and welfare of the proposed ward;

(4) the proposed ward’s spouse, if the whereabouts of the spouse are known or can be reasonably ascertained; and

(5) the person named in the application to be appointed guardian, if that person is not the applicant.

(b) A citation served as provided by Subsection (a) must contain the statement regarding the right under Section 1051.252 that is required in the citation issued under Section 1051.102.

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

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

(1) each adult child of the proposed ward;

(2) each adult sibling of the proposed ward;

(3) the administrator of a nursing home facility or similar facility in which the proposed ward resides;

(4) the operator of a residential facility in which the proposed ward resides;

(5) a person whom the applicant knows to hold a power of attorney signed by the proposed ward;
(6) a person designated to serve as guardian of the proposed ward by a written declaration under Subchapter E, Chapter 1104, if the applicant knows of the existence of the declaration;

(7) a person designated to serve as guardian of the proposed ward in the probated will of the last surviving parent of the proposed ward;

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

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

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

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

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

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

SECTION 6.021. The heading to Section 1051.253, Estates Code, as effective January 1, 2014, is amended to conform to Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

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

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

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

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

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

(a) The clerk may require a person who files an application, complaint, or opposition relating to a guardianship proceeding [guardianship] other than a guardian, attorney ad litem, or guardian ad litem, to provide security for the probable costs of the guardianship [guardianship] proceeding before filing the application, complaint, or opposition.

SECTION 6.025. The heading to Subchapter C, Chapter 1053, Estates Code, as effective January 1, 2014, is amended to conform to Chapter 1086 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:
SUBCHAPTER C. PROCEDURES FOR GUARDIANSHIP PROCEEDINGS [MATTERS]

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

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

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

(2) issue necessary orders.

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

Sec. 1053.102. SETTING OF CERTAIN HEARINGS BY CLERK. (a) If a judge is unable to designate the time and place for hearing a guardianship proceeding [matter] pending in the judge's court because the judge is absent from the county seat or is on vacation, disqualified, ill, or deceased, the county clerk of the county in which the proceeding [matter] is pending may:

(1) designate the time and place for hearing;

(2) enter the setting on the judge's docket; and

(3) certify on the docket the reason that the judge is not acting to set the hearing.

(b) If, after the perfection of the service of notices and citations required by law concerning the time and place of hearing, a qualified judge is not present for a hearing set under Subsection (a), the hearing is automatically continued from day to day until a qualified judge is present to hear and make a determination in the proceeding [matter].

SECTION 6.028. Section 1053.103, Estates Code, as effective January 1, 2014, is amended to conform to Section 16, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1053.103. RENDERING OF DECISIONS, ORDERS, DECREES, AND JUDGMENTS. The court shall render a decision, order, decree, or judgment in a guardianship proceeding [matter] in open court, except as otherwise expressly provided.

SECTION 6.029. Section 1054.002, Estates Code, as effective January 1, 2014, is amended to conform to Section 15, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1054.002. TERM OF APPOINTMENT. (a) Unless the court determines that the continued appointment of an attorney ad litem appointed under Section 1054.001 is in the ward's best interests, the attorney's term of appointment expires, without a court order, on the date the court:

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

(2) appoints a successor guardian; or

(3) [c2] denies the application for appointment of a guardian.

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

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

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

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

(2) a proposed ward for purposes of a proceeding for the appointment of a guardian as long as the proposed ward has capacity to contract.

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

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

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

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

Sec. 1055.053. LOCATION OF HEARING. (a) Except as provided by Subsection (b), the judge may hold a hearing on a guardianship proceeding involving an adult ward or adult proposed ward at any suitable location in the county in which the guardianship proceeding is pending. The hearing should be held in a physical setting that is not likely to have a harmful effect on the ward or proposed ward.

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

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

Sec. 1056.001. EXECUTIONS IN GUARDIANSHIP PROCEEDINGS. (a) An execution in a guardianship proceeding must be:

(1) directed “to any sheriff or any constable within the State of Texas”;

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

(3) made returnable in 60 days.

(b) A proceeding under an execution in a guardianship proceeding is governed, to the extent applicable, by the laws regulating a proceeding under an execution issued by a district court.

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

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

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

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

(3) whether guardianship of the person or estate, or both, is sought;
(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the court involved;

(B) the nature of the proceeding; and

(C) any final disposition of the proceeding;

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

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

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

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

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

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

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

(15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 111, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.
SECTION 6.036. Section 1101.104, Estates Code, as effective January 1, 2014, is amended to conform to Section 22, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

(1) [a written letter or certificate that:

[(A)] complies with Sections 1101.103(a) and (b); [and

[(B) states that the physician has made a determination of mental retardation in accordance with Section 593.005, Health and Safety Code] or

(2) shows that [both]:

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

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

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

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

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

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

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

SECTION 6.038. Section 1104.254, Estates Code, as effective January 1, 2014, is amended to conform to Section 10, Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

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

Sec. 1104.352. UNSUITABILITY. A person may not be appointed guardian if the person is a person, institution, or corporation found by the court [finds the person] to be unsuitable.
SECTION 6.040. Section 1151.053(b), Estates Code, as effective January 1, 2014, is amended to conform to Section 26, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

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

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

(1) include:
   (A) all the ward’s real property located in this state; and
   (B) all the ward’s personal property regardless of where the property is located; and

(2) specify:
   (A) which portion of the property is separate property and which is community property; and
   (B) if the property is owned in common with other persons, the ward’s interest in that property [and the names and relationship, if known, of the co-owners].

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

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

(1) the name and, if known, address of each person indebted to the ward; and

(2) regarding each claim:
   (A) the nature of the debt, whether it is a note, bill, bond, or other written obligation, or whether it is an account or verbal contract;
   (B) the date the debt was incurred;
   (C) the date the debt was or is due;
   (D) the amount of the claim, the rate of interest on the claim, and the period for which the claim bears interest; and
   (E) if any portion of the claim is held in common with others, the interest of the estate in the claim [and the names and relationships of the other part owners].

SECTION 6.043. Section 1155.101, Estates Code, as effective January 1, 2014, is amended to conform to Section 19, Chapter 1086 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

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

Sec. 1155.151. COST OF GUARDIANSHIP PROCEEDING [IN GUARDIANSHIP MATTER].
SECTION 6.045. Section 1155.151(a), Estates Code, as effective January 1, 2014, is amended to conform to Section 20, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, and to more closely conform to the source law from which the section was derived to read as follows:

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

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

(1) “Applied income” means the portion of the earned and unearned income of a recipient of medical assistance, or if applicable the recipient and the recipient’s spouse, that is paid under the medical assistance program to an institution or long-term care facility [a nursing home] in which the recipient resides.

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

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

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

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

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

(b) Costs ordered to be deducted under Subsection (a)(2) may include compensation and expenses for an attorney ad litem or guardian ad litem and reasonable attorney’s fees for an attorney representing the guardian. The costs ordered to be paid may exceed $1,000 if the costs in excess of that amount are supported by documentation acceptable to the court and the costs are approved by the court.

(c) A court may not order:

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

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

(B) the first month of medical assistance eligibility for which the recipient is subject to a copayment; or

(2) a deduction for services provided before the effective date of the deduction as provided by Subdivision (1).

SECTION 6.048. The heading to Chapter 1162, Estates Code, as effective January 1, 2014, is amended to conform to Section 27, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

CHAPTER 1162. TAX-MOTIVATED, [AND] CHARITABLE, [AND] NONPROFIT, AND OTHER GIFTS

SECTION 6.049. The heading to Subchapter A, Chapter 1162, Estates Code, as effective January 1, 2014, is amended to conform to Section 28, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:
SUBCHAPTER A. CERTAIN TAX-MOTIVATED GIFTS AND TRANSFERS

SECTION 6.050. Section 1162.001, Estates Code, as effective January 1, 2014, is amended to conform to Section 29, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1162.001. AUTHORITY TO ESTABLISH ESTATE OR OTHER TRANSFER PLAN. On application of the guardian of the estate or any interested person, after the posting of notice and hearing, and on a showing that the ward will probably remain incapacitated during the ward's lifetime, the court may enter an order that authorizes the guardian to apply the principal or income of the ward's estate that is not required for the support of the ward or the ward's family during the ward's lifetime toward the establishment of an estate plan for the purpose of minimizing income, estate, inheritance, or other taxes payable out of the ward's estate, or to transfer a portion of the ward's estate as necessary to qualify the ward for government benefits and only to the extent allowed by applicable state or federal laws, including rules, regarding those benefits. On the ward's behalf, the court may authorize the guardian to make gifts or transfers described by this section, outright or in trust, of the ward's personal property or real estate to or for the benefit of:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1203.051. REMOVAL WITHOUT NOTICE; APPOINTMENT OF GUARDIAN AD LITEM AND ATTORNEY AD LITEM. (a) The court, on the court's own motion or on the motion of an interested person, including the ward, and without notice, may remove a guardian appointed under this title who:

(1) neglects to qualify in the manner and time required by law;
(2) fails to return, not later than the 30th day after the date the guardian qualifies, an inventory of the guardianship estate property and a list of claims that have come to the guardian's knowledge, unless that deadline is extended by court order;

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

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

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

(A) the guardian's whereabouts are unknown;

(B) the guardian is eluding service; or

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

(6) subject to Section 1203.056(a):

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

(B) has engaged in conduct with respect to the ward that would be considered to be abuse, neglect, or exploitation, as those terms are defined by Section 48.002, Human Resources Code, if engaged in with respect to an elderly or disabled person, as defined by that section [neglected or cruelly treated a ward]; or

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

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

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

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

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

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

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

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

(5) the guardian:

(A) becomes incapacitated;

(B) is sentenced to the penitentiary; or

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

(6) the guardian has engaged in conduct with respect to the ward that would be considered to be abuse, neglect, or exploitation, as those terms are defined by Section 48.002, Human Resources Code, if engaged in with respect to an elderly or disabled person, as defined by that section [neglects or cruelly treats the ward];
(7) the guardian neglects to educate or maintain the ward as liberally as the means of the ward's estate and the ward's ability or condition permit;

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

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

(10) the court determines that, because of the dissolution of the joint guardians' marriage, the termination of the guardians' joint appointment and the continuation of only one of the joint guardians as the sole guardian is in the best interest of the ward; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) set aside any order appointing a successor guardian; and

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

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

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

SECTION 6.058. Section 1203.102, Estates Code, as effective January 1, 2014, is amended to conform to Section 11, Chapter 599 (S.B. 220), Acts of the 82nd Legislature, Regular Session, 2011, by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:
(b) The court may appoint a successor guardian under this section without citation or notice if the court finds that a necessity exists for the immediate appointment. Subject to an order of the court, a successor guardian has the rights and powers of the removed guardian.

(c) The appointment of a successor guardian under Subsection (b) does not preclude an interested person from filing an application to be appointed guardian of the ward for whom the successor guardian was appointed. The court shall hold a hearing on an application filed under the circumstances described by this subsection. At the conclusion of the hearing, the court may set aside the appointment of the successor guardian and appoint the applicant as the ward's guardian if the applicant is not disqualified and after considering the requirements of Subchapter B or C, Chapter 1104, as applicable.

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

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

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

1. the ward dies;
2. a minor ward becomes an adult by:
   A. becoming 18 years of age;
   B. removal of disabilities of minority according to the law of this state; or
   C. marriage;
3. an incapacitated ward is decreed as provided by law to have been restored to full legal capacity;
4. the spouse of a married ward has qualified as survivor in community and the ward does not own separate property;
5. the ward's estate is exhausted;
6. the foreseeable income accruing to the ward or to the ward's estate is so negligible that maintaining the guardianship in force would be burdensome;
7. all of the assets of the estate have been placed in a management trust under Chapter 1301 or have been transferred to a pooled trust subaccount in accordance with a court order issued as provided by Chapter 1302, and the court determines that a guardianship of the ward's estate is no longer necessary; or
8. the court determines for any other reason that a guardianship for the ward is no longer necessary.

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

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

Sec. 1301.051. ELIGIBILITY TO APPLY FOR CREATION OF TRUST. The following persons may apply for the creation of a trust under this subchapter:
1. the guardian of a ward;
2. an attorney ad litem or guardian ad litem appointed to represent a ward or the ward's interests;
3. a person interested in the welfare of an alleged incapacitated person who does not have a guardian of the estate; or
4. an attorney ad litem or guardian ad litem appointed to represent an alleged incapacitated person who does not have a guardian; or
(5) a person who has only a physical disability [(B) the interests of a person described by Paragraph (A)].

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

(b) If a proceeding for the appointment of a guardian for an alleged incapacitated person is not pending on the date an application is filed for the creation of a trust under Section 1301.064 for the person, venue for a proceeding to create a trust must be determined in the same manner as venue for a proceeding for the appointment of a guardian is determined under Section 1023.001 (61W).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the trustee may disburse an amount of the trust's principal or income as the trustee determines is necessary to spend for the health, education, maintenance, or support of the [ward or incapacitated] person for whom the trust is created;

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

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

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

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

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

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

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

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

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

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

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

(1) as necessary and without the intervention of:

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

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

(2) to:

(A) the ward's guardian;

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

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

SECTION 6.068. Subchapter D, Chapter 1301, Estates Code, as effective January 1, 2014, is amended to conform to Section 35, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, by adding Section 1301.1535 to read as follows:

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

(b) Not later than the 30th day after the date a trustee to which this section applies receives property into the trust, the trustee shall file with the court in which the guardian-
SECTION 6.069. Section 1301.154, Estates Code, as effective January 1, 2014, is amended to conform to Section 36, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, by amending Subsection (a) and adding Subsection (d) to read as follows:

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

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

SECTION 6.070. Section 1301.201(b), Estates Code, as effective January 1, 2014, is amended to conform to Section 33, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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

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

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

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

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

(a) If the court determines that it is in the best interests of the person for whom a management trust is created, the court may order the transfer of all property in the management trust to a pooled trust subaccount established in accordance with Chapter 1302.

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

SECTION 6.072. Section 1301.203, Estates Code, as effective January 1, 2014, is amended to conform to Section 34, Chapter 1085 (S.B. 1196), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1301.203. TERMINATION OF TRUST. (a) If the person for whom a management trust is created is a minor, the trust terminates on:

(1) the earlier of:

(A) the person's death; or

(B) the person's 18th birthday; or

(2) the date provided by court order, which may not be later than the person's 25th birthday.

(b) If the person for whom a management trust is created is not a minor, the trust terminates on:

(1) according to the terms of the trust;

(2) on the date the court determines that continuing the trust is no longer in the person's best interests, subject to Section 1301.202(c); or

(3) on the person's death.

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

Sec. 1301.204. DISTRIBUTION OF TRUST PROPERTY. (a) Unless otherwise provided by the court and except as provided by Subsection (b), the trustee of a management trust shall:
(1) prepare a final account in the same form and manner that is required of a guardian under Sections 1204.101 and 1204.102; and

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

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

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

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

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

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

Sec. 1302.002. APPLICATION TO ESTABLISH SUBACCOUNT. The following persons [A person interested in the welfare of a minor, a disabled person, or any other incapacitated person] may apply to the court for the establishment of a subaccount for the benefit of a [the] minor [or disabled person] or other incapacitated person, an alleged incapacitated person, or a disabled person who is not an incapacitated person:

(1) the guardian of the incapacitated person;

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

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

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

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

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

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

PART 2. GUARDIANSHIP PROCEEDINGS [AND MATTERS]

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

SUBTITLE Z. TEXAS PROBATE CODE: [i] ADDITIONAL GUARDIANSHIP PROVISIONS

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

PART 2. GUARDIANSHIP PROCEEDINGS [AND MATTERS]

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

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

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

SECTION 6.079. This article takes effect January 1, 2014.
ARTICLE 7. CHANGES RELATING TO FAMILY CODE

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

(b) Conduct indicating a need for supervision is:

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

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

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

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

(3) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

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

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

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

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

(8) [(-7)] conduct that violates Section 43.261, Penal Code.

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

(a) The juvenile court may waive its exclusive original jurisdiction and transfer a child to the constitutional county court, if the county has a population of 1.75 million or more, or to an appropriate justice or municipal court, with the permission of the county, justice, or municipal court, for disposition in the manner provided by Subsection (b) if the child is 12 years of age or older and is alleged to have engaged in conduct described in Section 51.03(b)(2). A waiver of jurisdiction under this subsection may be for an individual case or for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2). The waiver of a juvenile court's exclusive original jurisdiction for all cases in which a child is alleged to have engaged in conduct described in Section 51.03(b)(2) is effective for a period of one year.

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

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

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

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:
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(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

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

(3) to a juvenile justice agency;

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

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

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

ARTICLE 8. CHANGES RELATING TO FINANCE CODE

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

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

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

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

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

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

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

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

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a full service deputy under Section 530.008 [5244d], Transportation Code;

(2) any taxes;

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

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

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

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

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a full service deputy under Section 530.008 [5244d], Transportation Code;
(2) any taxes;
(3) fees or charges prescribed by law and connected with the sale or inspection of the commercial vehicle;
(4) charges authorized for insurance, service contracts, and warranties by Subchapter C; and
(5) advances or payments authorized under Section 353.402(b) or (c) made by the retail seller to or for the benefit of the retail buyer.

ARTICLE 9. CHANGES RELATING TO GOVERNMENT CODE
PART A. GENERAL CHANGES

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

(b) Criminal history record information obtained by the commission under Subsection (a) may be used only for the enforcement and administration of the Alcoholic Beverage Code.

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

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

(1) an applicant for certification as a certified public accountant under Chapter 901, Occupations Code; or
(2) an applicant to take the uniform CPA examination under that Act.

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

(3) The Department of Family and Protective Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;
(B) a volunteer or applicant volunteer with the “I Have a Dream/Houston” program;
(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;
(D) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected;
(E) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America;
(F) a person providing, at the request of the child's parent, in-home care for a child only if the person gives written consent to the release and disclosure of the information;
(G) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, and who resides in or is present in a child-care facility or family home, other than a child described by Subdivision (2)(C), or any other person who has unsupervised access to a child in the care of a child-care facility or family home;
(H) an applicant for a position with the Department of Family and Protective Services, other than a position described by Subdivision (2)(D), regardless of the duties of the position;
(I) a volunteer or applicant volunteer with the Department of Family and Protective Services, other than a registered volunteer, regardless of the duties to be performed;
(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;

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

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

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

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

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

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

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

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

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

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

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

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

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication.

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

Sec. 413.016. [REPOP.T] INMATE RELEASE STATISTICS.

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

(a) To the extent feasible, the commission, the state fire marshal, and the Texas Forest Service shall colocate office space outside of Travis County used for related functions performed by the three entities.

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

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

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

(c) The keepers, officers, and wardens of city or county jails and other jails, penitentiaries, or prisons designated by the governor or by a person authorized by the governor to act under Section 432.011, shall receive persons ordered into confinement before trial and persons committed to confinement by a military court and shall confine them according to law. The keeper, officer, or warden may not require payment of a fee or charge for receiving or confining a person.

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

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

(b) The program must include:

(1) a continuing inventory of nonrenewable archeological resources;
(2) evaluation of known sites through testing and excavation;
(3) maintenance of extensive field and laboratory data, including data on collections of antiquities;
(4) consultation with state agencies and organizations and local groups concerning archeological and historical problems; and
(5) publication of the results of the program through various sources, including a regular series of reports.

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

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

(e) The duties of the state archeologist include:

(1) maintaining an inventory of significant historic or prehistoric sites of archeological or historic interest;
(2) providing public information and education in the fields of archeology and history;
(3) conducting surveys and excavations with respect to significant archeological or historic sites in this state;
(4) preparing reports and publications concerning the work of the office of the state archeologist;
(5) doing cooperative and contract work in prehistoric and historic archeology with other state agencies, the federal government, state or private institutions, or individuals;
(6) maintaining and determining the repository of catalogued collections of artifacts and other materials of archeological or historic interest; and
(7) preserving the archeological and historical heritage of this state.

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

SECTION 9.010. Section 499.027(b), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:
An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

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

2. the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:
   - Section 19.02 (murder);
   - Section 19.03 (capital murder);
   - Section 19.04 (manslaughter);
   - Section 20.03 (kidnapping);
   - Section 20.04 (aggravated kidnapping);
   - Section 21.11 (indecent conduct with a child);
   - Section 22.011 (sexual assault);
   - Section 22.02 (aggravated assault);
   - Section 22.021 (aggravated sexual assault);
   - Section 22.04 (injury to a child, elderly individual, or disabled individual);
   - Section 25.02 (prohibited sexual conduct);
   - Section 25.08 (sale or purchase of a child);
   - Section 28.02 (arson);
   - Section 29.02 (robbery);
   - Section 29.03 (aggravated robbery);
   - Section 30.02 (burglary), if the offense is punished as a first-degree felony under that section;
   - Section 43.04 (aggravated promotion of prostitution);
   - Section 43.05 (compelling prostitution);
   - Section 43.24 (sale, distribution, or display of harmful material to minor);
   - Section 43.25 (sexual performance by a child);
   - Section 46.10 (deadly weapon in penal institution);
   - Section 15.01 (criminal attempt), if the offense attempted is listed in this subsection;
   - Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection;
   - Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection;
   - Section 21.02 (continuous sexual abuse of young child or children); [or]
   - Section 20A.02 (trafficking of persons); or
   - Section 20A.03 (continuous trafficking of persons); or

3. the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

SECTION 9.011. Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

1. an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;
(2) a first degree felony or a second degree felony under Section 19.02, Penal Code;
(3) a capital felony under Section 19.03, Penal Code;
(4) a first degree felony or a second degree felony under Section 20.04, Penal Code;
(5) an offense under Section 21.11, Penal Code;
(6) a felony under Section 22.011, Penal Code;
(7) a first degree felony or a second degree felony under Section 22.02, Penal Code;
(8) a first degree felony under Section 22.021, Penal Code;
(9) a first degree felony under Section 22.04, Penal Code;
(10) a first degree felony under Section 23.02, Penal Code;
(11) a second degree felony under Section 23.02, Penal Code;
(12) a first degree felony under Section 23.03, Penal Code;
(13) a first degree felony under Section 30.02, Penal Code;
(14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;
(15) an offense under Section 43.25, Penal Code;
(16) an offense under Section 21.02, Penal Code;
(17) a first degree felony under Section 15.03, Penal Code;
(18) an offense under Section 43.05, Penal Code; or
(19) an offense under Section 20A.02, Penal Code; or
(20) [448] an offense under Section 20A.03, Penal Code.

SECTION 9.012. Section 535.051(b), Government Code, as amended by Chapters 298 (H.B. 1965) and 1176 (H.B. 3278), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(b) The chief administrative officer of each of the following state agencies, in consultation with the governor, shall designate one employee from the agency to serve as a liaison for faith- and community-based organizations:

(1) the Texas Department of Rural Affairs;
(2) the Texas Commission on Environmental Quality;
(3) the Texas Department of Criminal Justice;
(4) the Texas Department of Housing and Community Affairs;
(5) the Texas Juvenile Justice Department [Probation Commission];
(6) the Texas Veterans Commission;
(7) the Texas Workforce Commission;
(8) [the Texas Youth Commission];
[449] the office of the governor;
(9) [444] the Department of Public Safety;
(10) [442] the Texas Department of Insurance;
(11) [443] the Public Utility Commission of Texas;
(12) [444] the office of the attorney general;
(13) [445] the Department of Agriculture;
(14) [446] the office of the comptroller;
(15) [447] the Department of Information Resources;
(16) [448] the Office of State–Federal Relations;
(17) [449] the office of the secretary of state; and
(18) [449] other state agencies as determined by the governor.
SECTION 9.013. Section 551.0415, Government Code, as amended by Chapters 1007 (H.B. 2313) and 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Sec. 551.0415. GOVERNING BODY OF MUNICIPALITY OR COUNTY: REPORTS ABOUT ITEMS OF COMMUNITY INTEREST REGARDING WHICH NO ACTION WILL BE TAKEN. (a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from [municipal or county] staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), “items of community interest” includes:

(1) expressions of thanks, congratulations, or condolence;
(2) information regarding holiday schedules;
(3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person’s public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
(4) a reminder about an upcoming event organized or sponsored by the governing body;
(5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision [municipality or county]; and
(6) announcements involving an imminent threat to the public health and safety of people in the political subdivision [municipality or county] that has arisen after the posting of the agenda.

SECTION 9.014. The heading to Section 552.274, Government Code, is amended to read as follows:

Sec. 552.274. REPORT [REPORTS] BY ATTORNEY GENERAL [AND STATE AGENCIES] ON COST OF COPIES.

SECTION 9.015. Section 814.0096(b), Government Code, as added by Chapter 280 (H.B. 1608), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 814.0096(b), Government Code, as added by Chapter 1249 (S.B. 1664), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 9.016. Section 814.0096(d), Government Code, as added by Chapters 280 (H.B. 1608) and 1249 (S.B. 1664), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(d) If necessary, the board of trustees and the state employee charitable campaign policy committee may make the annuity deduction authorization under Section 814.0095(a) available in stages to subgroups of the retirement system’s annuity recipients as money becomes available to cover the expenses under Subsection (b) of this section.

SECTION 9.017. The heading to Subchapter G, Chapter 1473, Government Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER G. BONDS FOR WORKHOUSES AND FARMS IN COUNTIES WITH A POPULATION OF MORE THAN 1.5 MILLION [990,000]

SECTION 9.018. The heading to Subchapter H, Chapter 1473, Government Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

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SUBCHAPTER H. CERTIFICATES OF INDEBTEDNESS FOR CRIME DETECTION FACILITIES IN COUNTIES WITH POPULATION OF MORE THAN 1.5 MILLION

SECTION 9.019. Section 2155.150(a), Government Code, is amended to correct references to read as follows:

(a) The Railroad Commission of Texas is delegated all purchasing functions relating to purchases under:

(1) Chapter 89, Natural Resources Code; or
(2) Sections 81.067 and 81.068 [91.111 and 91.112], Natural Resources Code.


PART B. UPDATE OF COURT FEES AND COSTS

SECTION 9.101. (a) Section 101.0611, Government Code, is amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, and is further amended to read as follows:

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

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than $5;
(B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... not more than $5;
(C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... $5;
(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than $5;
(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than $5;
(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... $5;
(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... $5;
(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... $5;
(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... $5;
(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... $5;
(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... $5; and
(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than $5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) ... civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) ... not to exceed $5;
(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than $15;
(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than $15;
(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) ... not more than $15; and
(D) to fund the preservation of court records (Sec. 51.708, Government Code) ... not more than $10;

(4) for filing a suit, including an appeal from an inferior court:
   (A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) ... $50;
   (B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) ... $75;
   (C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) ... $100;
   (D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) ... $125;
   (E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... $150;
   (F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) ... $200;

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

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) ... $8;

(7) for records management and preservation (Sec. 51.317, Government Code) ... $10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) ... not more than $5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) ... $8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) ... $8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) ... $5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk’s office (Sec. 51.318, Government Code) ... $5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) ... $8;

(13) for approving a bond (Sec. 51.318, Government Code) ... $4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk’s office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) ... not to exceed $1;

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

(16) fee for performing a service:
   (A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for those services;
   (B) related to the matter of a minor (Sec. 51.319, Government Code) ... the same fee allowed the county clerk for the service;
   (C) of serving process by certified or registered mail (Sec. 51.319, Government Code) ... the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and
   (D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) ... a reasonable fee;

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

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) ... not to exceed $15; and
(19) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code [in Dallas County], a court cost to preserve the record, in the absence of a court reporter, by any [other] means approved by the associate judge (Sec. 54A.110 [54.509], Government Code) ... as assessed by the referring court or associate judge; and

(20) at a hearing held by an associate judge in Duval County, a court cost to preserve the record (Sec. 51.1151, Government Code) ... as imposed by the referring court or associate judge.

(b) Section 101.06119, Government Code, is repealed.

SECTION 9.102. (a) Section 101.08101, Government Code, is amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, and is further amended to read as follows:

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

(1) appellate judicial system filing fees:
   (A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) ... not more than $5;
   (B) Second Court of Appeals District (Sec. 22.2031, Government Code) ... not more than $5;
   (C) Third Court of Appeals District (Sec. 22.2041, Government Code) ... $5;
   (D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) ... not more than $5;
   (E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) ... not more than $5;
   (E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) ... $5;
   (E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) ... $5;
   (E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... $5;
   (F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) ... $5;
   (G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... $5;
   (G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... $5; and
   (H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than $5;

(2) an official court reporter fee, County Court at Law No. 2 of Bexar County (Sec. 25.0172, Government Code) ... $3;

(3) in Brazoria County, in matters of concurrent jurisdiction with the district court, fees (Sec. 25.0222, Government Code) ... as prescribed by law for district judges according to the nature of the matter;

(4) a court reporter fee when testimony is taken in a county court at law in McLennan County (Sec. 25.1572, Government Code) ... $3;

(5) a stenographer fee, if a record or part of a record is made:
   (A) in a county court at law in Hidalgo County (Sec. 25.1102, Government Code) ... $20; and
   (B) in a county court at law in Nolan County (Sec. 25.1792, Government Code) ... $25;

(6) jury fee (Sec. 51.604, Government Code) ... $22;

(7) an additional filing fee:
   (A) for each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.702, Government Code) ... $40;
   (B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) ... not more than $15;
(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) ... not more than $15;

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

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

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

(A) in Bexar County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code) ... taxed in the same manner as the fee is taxed in district court;

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

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

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

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

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

(12) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) ... as assessed by the referring court or associate judge.

(b) Section 101.08116, Government Code, is repealed.

SECTION 9.103. (a) Section 101.1011, Government Code, is amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, and is further amended to read as follows:

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

(1) appellate judicial system filing fees:

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

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

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

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

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

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

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

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) ... $5;

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

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) ... $5;
(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) ... $5; and
(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) ... not more than $5;
(2) additional filing fees as follows:
   (A) for certain cases to be used for court-related purposes for support of the judiciary
       (Sec. 51.704, Government Code) ... $40;
   (B) to fund the improvement of Dallas County civil court facilities, if authorized by the
       county commissioners court (Sec. 51.705, Government Code) ... not more than $15;
   (B-1) to fund the improvement of Bexar County court facilities, if authorized by the
       county commissioners court (Sec. 51.706, Government Code) ... not more than $15; and
   (C) to fund the improvement of Hays County court facilities, if authorized by the
       county commissioners court (Sec. 51.707, Government Code) ... not more than $15;
(3) jury fee for civil case (Sec. 51.604, Government Code) ... $22;
(4) the expense of preserving the record as a court cost, if imposed on a party by the
       referring court or associate judge (Sec. 51.604, Government Code) ... actual cost;
   and
(5) a fee not otherwise listed in this subchapter that is required to be collected under
   Section 25.0029, Government Code (Sec. 25.0029, Government Code) ... as prescribed by
   law relating to county judges' fees.
(b) Section 101.10115, Government Code, is repealed.
SECTION 9.104. (a) Section 101.1212, Government Code, is amended to read as follows:
Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. The
clerk of a county court shall collect the following fees and costs under the Government Code:
(1) appellate judicial system filing fees:
   (A) First or Fourteenth Court of Appeals District (Sec. 22.2201, Government Code) ... not more than $5;
   (B) Second Court of Appeals District (Sec. 22.2201, Government Code) ... not more than $5;
   (C) Third Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (D) Fourth Court of Appeals District (Sec. 22.2201, Government Code) ... not more than $5;
   (E) Fifth Court of Appeals District (Sec. 22.2201, Government Code) ... not more than $5;
   (E-1) Sixth Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (E-2) Seventh Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (E-3) Eighth Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (F) Ninth Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (G) Eleventh Court of Appeals District (Sec. 22.2201, Government Code) ... $5;
   (G-1) Twelfth Court of Appeals District (Sec. 22.2201, Government Code) ... $5; and
   (H) Thirteenth Court of Appeals District (Sec. 22.2201, Government Code) ... not more than $5;
(2) a jury fee (Sec. 51.604, Government Code) ... $22;
(3) a filing fee in each civil case filed to be used for court-related purposes for the
    support of the judiciary (Sec. 51.703, Government Code) ... $40; and
(4) a filing fee to fund the preservation of court records (Sec. 51.704, Government Code)
    ... not more than $10.
(b) Section 101.12125, Government Code, is repealed.
SECTION 9.105. Section 103.0211, Government Code, is amended to conform to Chapter 3
(H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, and is further amended to
read as follows:
Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

1. A court reporter fee when testimony is taken:
   a. In a criminal court in Dallas County (Sec. 25.0593, Government Code) ... $3;
   b. In a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) ... $3;
   c. In a county court at law in McLennan County (Sec. 25.1572, Government Code) ... $3; and
   d. In a county criminal court in Tarrant County (Sec. 25.2223, Government Code) ... $3;

2. A court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) ... $15 or, in specified counties, $30;

3. A speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) ... $100;

4. Costs for use of magistrate in Brazos County (Sec. 54.1116, Government Code) ... not to exceed $50;

5. The costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:
   a. In Bexar County (Sec. 54.913, Government Code) ... magistrate's fees;
   b. In Dallas County (Sec. 54.313, Government Code) ... magistrate's fees;
   c. In Lubbock County (Sec. 54.883, Government Code) ... magistrate's fees;
   d. In Tarrant County (Sec. 54.663, Government Code) ... magistrate's fees; and
   e. In Travis County (Sec. 54.983, Government Code) ... magistrate's fees; and
   f. In Williamson County (Sec. 54.95, Government Code) ... expense of the magistrate;

6. An administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) ... not less than $25 and not more than $60 per month; and

7. Fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Sec. 411.081, Government Code) ... $28.

SECTION 9.106. (a) Section 103.0212, Government Code, is amended to read as follows:

Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Family Code if ordered by the court or otherwise required:

1. In family matters:
   a. Issuing writ of withholding (Sec. 8.262, Family Code) ... $15;
   b. Filing copy of writ of withholding to subsequent employer (Sec. 8.267, Family Code) ... $15;
   c. Issuing and delivering modified writ of withholding or notice of termination (Sec. 8.302, Family Code) ... $15;
   d. Issuing and delivering notice of termination of withholding (Sec. 8.303, Family Code) ... $15;
   e. Issuance of change of name certificate (Sec. 45.106, Family Code) ... $10;
   f. Protective order fee (Sec. 81.003, Family Code) ... $16;
   g. Filing suit requesting adoption of child (Sec. 108.006, Family Code) ... $15;
   h. Filing fees for suits affecting parent-child relationship (Sec. 110.002, Family Code):
      i. Suit or motion for modification (Sec. 110.002, Family Code) ... $15;
(ii) motion for enforcement (Sec. 110.002, Family Code) ... $15;
(iii) notice of application for judicial writ of withholding (Sec. 110.002, Family Code) ... $15;
(iv) motion to transfer (Sec. 110.002, Family Code) ... $15;
(v) petition for license suspension (Sec. 110.002, Family Code) ... $15;
(vi) motion to revoke a stay of license suspension (Sec. 110.002, Family Code) ... $15; and
(vii) motion for contempt (Sec. 110.002, Family Code) ... $15;
(I) order or writ of income withholding to be delivered to employer (Sec. 110.004, Family Code) ... not to exceed $15;
(J) filing fee for transferred case (Sec. 110.005, Family Code) ... $45;
(K) filing a writ of withholding (Sec. 158.319, Family Code) ... $15;
(L) filing a request for modified writ of withholding or notice of termination (Sec. 158.403, Family Code) ... not to exceed $15;
(M) filing an administrative writ to employer (Sec. 158.503, Family Code) ... not to exceed $15; and
(N) genetic testing fees in relation to a child born to a gestational mother (Sec. 160.762, Family Code) ... as assessed by the court; and
(2) in juvenile court:
(A) fee schedule for deferred prosecution services (Sec. 53.03, Family Code) ... maximum fee of $15 a month;
(B) a request fee for a teen court program (Sec. 54.032, Family Code) ... $20, if the court ordering the fee is located in the Texas–Louisiana border region, but otherwise not to exceed $10;
(C) court costs for juvenile probation diversion fund (Sec. 54.0411, Family Code) ... $20;
(D) a juvenile delinquency prevention fee (Sec. 54.0461, Family Code) ... $50;
(E) a court fee for child’s probationary period (Sec. 54.061, Family Code) ... not to exceed $15 a month;
(F) a fee to cover costs of required duties of teen court (Sec. 54.032, Family Code) ... $20, if the court ordering the fee is located in the Texas–Louisiana border region, but otherwise not to exceed $10;
(G) a fee for DNA testing on commitment to certain facilities (Sec. 54.0462, Family Code) ... $50; [and]
(H) a fee for DNA testing after placement on probation or as otherwise required by law (Sec. 54.0462, Family Code) ... $34;
(I) a program fee for a teen dating violence court program (Sec. 54.0325, Family Code) ... $15; and
(J) a fee to cover the cost to the court of administering a teen dating violence court program (Sec. 54.0325, Family Code) ... not to exceed $10.
(b) Section 103.0210, Government Code, is repealed.
SECTION 9.107. Section 103.027, Government Code, is amended to conform to Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, to read as follows:
Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. Fees and costs shall be paid or collected under the Government Code as follows:
(1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) ... $15;
(2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) ... $15, provided the cost does not exceed $30 for all bail bonds posted
at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) ... $250 except as waived or reduced under supreme court rules for representing an indigent person; and

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

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

(6) the expense of preserving the record as a court cost in Brazos County if imposed on a party by the referring court or magistrate (Sec. 54.1111, Government Code) ... actual cost.

SECTION 9.108. (a) Section 103.029, Government Code, is amended to read as follows:

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

(1) a program fee for a drug court program established under Section 469.002, Health and Safety Code (Sec. 469.004, Health and Safety Code) ... not to exceed $1,000;

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

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

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

(5) a program fee for a first offender prostitution prevention program (Sec. 169.005, Health and Safety Code) ... reasonable amount not to exceed $1,000.

(b) Section 103.0291, Government Code, is repealed.

SECTION 9.109. (a) Section 103.033, Government Code, is amended to conform to Chapter 182 (H.B. 1156), Acts of the 78th Legislature, Regular Session, 2003, and is further amended to read as follows:

Sec. 103.033. MISCELLANEOUS FEES AND COSTS: THE SECURITIES ACT [VERNON'S TEXAS CIVIL STATUTES]. A fee [Fees and costs] shall be [paid or] collected under Vernon's Texas Civil Statutes as follows:

(1) an appraiser's fee as court costs for determining the fair value of the shares of the shareholders entitled to payment for their shares in a real estate investment trust (Sec. 25.20, Art. 6139A, Vernon's Texas Civil Statutes) ... a reasonable fee; and

(2) a fee for the sale of securities under an offering that has not been registered, if the transaction or securities are not exempt under Section 35-2, The Securities Act (Article [Art.] 581-35-2, Vernon's Texas Civil Statutes), in an amount[--- as] set by the securities commissioner or court, but not to exceed six times the amount that would have been paid if the issuer had filed an application to register the securities and paid the fee prescribed based on the amount of sales made in this state within the prior three years, plus interest on that amount from the date of the first sale made in this state until the date the fee is paid.

(b) Section 103.032, Government Code, is repealed.
ARTICLE 10. CHANGES RELATING TO HEALTH AND SAFETY CODE

SECTION 10.001. The heading to Subchapter A, Chapter 285, Health and Safety Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER A. PAYMENT OF HOSPITAL DISTRICT OPERATING EXPENSES IN CERTAIN POPULOUS COUNTIES [OF AT LEAST 450,000]

SECTION 10.002. The heading to Subchapter B, Chapter 285, Health and Safety Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER B. PARKING STATIONS NEAR HOSPITALS IN COUNTIES OF AT LEAST 1.5 MILLION [900,000]

SECTION 10.003. (a) Section 386.252(f), Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 386.252(f), Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.

(b) Chapter 393, Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Chapter 394, Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.

(c) Chapter 394, Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Chapter 393, Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 10.004. Section 533.032(g), Health and Safety Code, as amended by Chapter 1050 (S.B. 71), Acts of the 82nd Legislature, Regular Session, 2011, and repealed by Chapter 1083 (S.B. 1179), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(g) The department shall:

(1) attach the report required by Subsection (c) to the department's legislative appropriations request for each biennium;

(2) at the time the department presents its legislative appropriations request, present the report to the:

(A) governor;

(B) governor's budget office;

(C) lieutenant governor;

(D) speaker of the house of representatives;

(E) Legislative Budget Board; and

(F) Health and Human Services Commission; and

(3) update the department's long-range plan biennially and include the report in the plan.

SECTION 10.005. The heading to Section 691.008, Health and Safety Code, is amended to read as follows:

Sec. 691.008. FEES; [REPORTS;] AUDITS.

SECTION 10.006. Section 692A.020(i), Health and Safety Code, is amended to correct a reference to read as follows:

(i) The Department of Public Safety shall remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. A county assessor-collector shall remit to the comptroller any money collected under Section 502.405 [502A.74], Transportation Code, as provided by that section. Money
remitted to the comptroller in accordance with those sections that is appropriated to the
department shall be disbursed to the nonprofit organization administering the registry under
this section under the terms of the contract between the department and the organization to
pay the costs of:

(1) maintaining, operating, and updating the Internet-based registry and establishing
procedures for an individual to be added to the registry;

(2) designing and distributing educational materials for prospective donors as required
under this section; and

(3) providing education under this chapter.

SECTION 10.006. Section 711.008(b), Health and Safety Code, as amended
by Chapters 721 (H.B. 788) and 1017 (H.B. 2643), Acts of the 82nd Legislature, Regular Session, 2011, is
reenacted and amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a cemetery heretofore established and operating;

(2) the establishment and use of a columbarium by an organized religious society or sect
that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986,
by being listed under Section 501(c)(3) of that code, as part of or attached to the principal
church building owned by the society or sect;

(3) the establishment and use of a columbarium by an organized religious society or sect
that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986,
by being listed under Section 501(c)(3) of that code, on land that:

(A) is owned by the society or sect; and

(B) is part of the campus on which an existing principal church building is located;

(4) the establishment and use of a columbarium on the campus of a private or indepen-
dent institution of higher education, as defined by Section 61.003, Education Code, that is
wholly or substantially controlled, managed, owned, or supported by or otherwise affiliated
with an organized religious society or sect that is exempt from income taxation under
Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of
that code, if a place of worship is located on the campus;

(5) the establishment and use of a mausoleum that is:

(A) constructed beneath the principal church building owned by an organized religious
society or sect that:

(i) is exempt from income taxation under Section 501(a), Internal Revenue Code of
1986, by being listed under Section 501(c)(3) of that code; and

(ii) has recognized religious traditions and practices of interring the remains of
ordained clergy in or below the principal church building; and

(B) used only for the interment of the remains of ordained clergy of that organized
religious society or sect; [or]

(6) the establishment and operation, if authorized in accordance with Subsection (h), of a
perpetual care cemetery by an organized religious society or sect that:

(A) is exempt from income taxation under Section 501(a), Internal Revenue Code of
1986, by being listed under Section 501(c)(3) of that code;

(B) has been in existence for at least five years;

(C) has at least $500,000 in assets; and

(D) establishes and operates the cemetery on land that:

(i) is owned by the society or sect;

(ii) together with any other land owned by the society or sect and adjacent to the
land on which the cemetery is located, is not less than 10 acres; and

(iii) is in a municipality with a population of at least one million that is located
predominantly in a county that has a total area of less than 1,000 square miles; or
(7) [(6)] the establishment and use of a private family cemetery by an organization that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, on land that is:

(A) owned by the organization; and
(B) located in a county:

(i) with a population of more than 125,000; and
(ii) that is adjacent to a county that has a population of more than 1.5 million and in which more than 75 percent of the population lives in a single municipality.

SECTION 10.008. Section 711.009(c), Health and Safety Code, is amended to correct a typographical error to read as follows:

(c) This section applies only to a cemetery located in a municipality with a population of 40,000 or more or in a county with a population of 290,000 or more.

SECTION 10.009. The heading to Subchapter C, Chapter 772, Health and Safety Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER C. EMERGENCY COMMUNICATION DISTRICTS: COUNTIES WITH POPULATION OVER 1.5 MILLION [961,000]

SECTION 10.010. The heading to Subchapter E, Chapter 772, Health and Safety Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER E. EMERGENCY COMMUNICATION SERVICE: COUNTIES WITH POPULATION OVER TWO [2] MILLION

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

SECTION 11.001. Section 843.461(b), Insurance Code, is amended to more closely conform to the source law from which the section was derived to read as follows:

(b) The commissioner may take an enforcement action listed in Subsection (a) against a health maintenance organization if the commissioner finds that the health maintenance organization:

(1) is operating in a manner that is:

(A) significantly contrary to its basic organizational documents or health care plan; or
(B) contrary to the manner described in and reasonably inferred from other information submitted under Section 843.078, 843.079, or 843.098;

(2) issues an evidence of coverage or uses a schedule of charges for health care services that does not comply with the requirements of Sections 843.346, 1271.001-1271.005, 1271.007, and 1271.151, and Subchapters B, C, E, F, and G, Chapter 1271;

(3) does not meet the requirements of Section 843.082(1);

(4) provides a health care plan that does not provide or arrange for basic health care services, provides a limited health care service plan that does not provide or arrange for the plan's limited health care services, or provides a single health care service plan that does not provide or arrange for a single health care service;

(5) cannot fulfill its obligation to provide:

(A) health care services as required under its health care plan;
(B) limited health care services as required under its limited health care service plan; or
(C) a single health care service as required under its single health care service plan;

(6) is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;
(7) has not implemented the complaint system required by Section 843.251 in a manner to resolve reasonably valid complaints;

(8) has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive, or unfair manner or a person on behalf of the health maintenance organization has advertised or merchandised the health maintenance organization’s services in an untrue, misrepresentative, misleading, deceptive, or unfair manner;

(9) would be hazardous to its enrollees if it continued in operation;

(10) has not complied substantially with:
(A) this chapter or a rule adopted under this chapter; or
(B) Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, or Chapter 1271 or 1272 or a rule adopted under one of those provisions; or

(11) has not taken corrective action the commissioner considers necessary to correct a failure to comply with this chapter, any applicable provision of this code, or any applicable rule or order of the commissioner not later than the 30th day after the date of notice of the failure or within any longer period specified in the notice and determined by the commissioner to be reasonable.

ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

SECTION 12.001. Section 106.002, Local Government Code, is amended to correct a reference to read as follows:

Sec. 106.002. DEPOSITS TO FUND. The following money shall be deposited in the fund:

(1) court costs collected under Article 102.014, Code of Criminal Procedure; and

(2) optional motor vehicle registration fees remitted to the municipality by the county under Section 502.403, Transportation Code.

SECTION 12.002. Section 132.002(a), Local Government Code, as amended by Chapters 1022 (H.B. 2717) and 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) The commissioners court of a county may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by credit card, the electronic processing of checks, or other electronic means of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to collect and retain a fee for processing the payment by credit card, the electronic processing of checks, or other electronic means.

SECTION 12.003. The heading to Subchapter E, Chapter 214, Local Government Code, is amended to conform to changes made to that subchapter by Chapter 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

SUBCHAPTER E. COMMERCIAL BUILDING PERMITS IN CERTAIN POPULOUS MUNICIPALITIES [WITH POPULATION OF MORE THAN 900,000]

SECTION 12.004. Section 232.040(b), Local Government Code, is amended to correct a reference to read as follows:

(b) Except as provided by Subsection (c), a lot in a subdivision may not be sold if the lot lacks water and sewer services as required by this subchapter unless the lot is platted or replatted as required by this subchapter. A subdivider or agent of a subdivider may not transfer a lot through an executory contract or other similar conveyance to evade the requirements of this subchapter. The prohibition in this subsection includes the sale of a lot:

(1) by a subdivider who regains possession of a lot previously exempt under Subsection (c) through the exercise of a remedy described in Section 5.064, Property Code; or

(2) for which it is shown at a proceeding brought in the district court in which the property is located that the sale of a lot otherwise exempt under Subsection (c) was made for the purpose of evading the requirements of this subchapter.
SECTION 12.005. Section 240.048, Local Government Code, is amended to correct a reference to read as follows:

Sec. 240.048. EXCEPTIONS. This subchapter does not apply to:

(1) a private water well drilled:

(A) on a parcel of land that:

(i) is 10 acres or more in size; or
(ii) is qualified open-space land, as defined by Section 23.51, Tax Code;

(B) within the boundaries of a groundwater conservation district;

(C) within the boundaries of a subsidence district other than the Harris-Galveston [Coastal] Subsidence District; or

(D) incident to the exploration, development, or production of oil, gas, or other minerals; or

(2) a public water system that has been permitted under rules adopted by the Texas Commission on Environmental Quality.

SECTION 12.006. Section 351.045, Local Government Code, as added by Chapters 759 (H.B. 1566), 760 (H.B. 1567), and 975 (H.B. 1568), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

Sec. 351.045. EMPLOYMENT OF HEALTH CARE PROVIDERS. (a) The commissioners court of a county may appoint, contract for, or employ licensed physicians, dentists, or other health care providers to provide health care services to inmates in the custody of the sheriff.

(b) This section may not be construed as authorizing a commissioners court to supervise or control the practice of medicine as prohibited by Subtitle B, Title 3, Occupations Code, or to supervise or control the practice of dentistry as prohibited by Subtitle D, Title 3, Occupations Code.

ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

SECTION 13.001. Section 62.001(e), Natural Resources Code, is amended to correct references to read as follows:

(e) The provisions of this chapter do not permit any interference with the right the public has under the provisions of Subchapter B, [of Chapter 61, [of this code] to the free and unrestricted use of, and to ingress and egress to, the area bordering on the Gulf of Mexico from mean low tide to the line of vegetation, as that term is defined in [Subsection (2),] Section 61.001 [of this code]. A county, county official, or anyone acting under the authority of this chapter may not exercise any authority, contract out a right to exercise authority, or otherwise delegate authority beyond that specifically granted to it in Sections 61.122 through 61.128 [of this code] over that area notwithstanding any of the specific provisions of this chapter. The rights established in Subchapters B and D, [of Chapter 61, [of this code] are paramount over the rights or interests that might otherwise be created by the provisions of this chapter, and nothing in this chapter encroaches on those rights or upon land, or interests in land, that may ultimately be held subject to those rights.

SECTION 13.002. Section 62.091(a), Natural Resources Code, is amended to correct a reference to read as follows:

(a) The following land is under the jurisdiction of the board:

(1) public beaches owned in fee by the county; and

(2) land used as parks in connection with public beaches not located inside the boundaries of an incorporated city and not inside the area bordering on the Gulf of Mexico from the line of mean low tide to the line of vegetation as that term is defined in Section 61.001 [61.001(2) of this code].

ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

SECTION 14.001. The heading to Section 203.154, Occupations Code, is amended to read as follows:

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Sec. 203.154. [ANNUAL REPORT] REPORTS ON MIDWIFERY.

SECTION 14.002. The heading to Section 452.159, Occupations Code, is amended to read as follows:

Sec. 452.159. BIENNIAL REPORT [ANNUAL REPORTS].

SECTION 14.003. Section 801.353(d-1), Occupations Code, as added by Chapters 231 (H.B. 413) and 411 (S.B. 811), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(d-1) The privilege provided by this section is waived by the client or the owner of the animal treated by the veterinarian in a proceeding to substantiate and collect on a claim for the provision of or a debt incurred for veterinary services.

SECTION 14.004. Section 1103.403(b), Occupations Code, is amended to correct an error in punctuation to read as follows:

(b) Not later than the 10th day after the date an appraiser changes the appraiser's address, e-mail address, or telephone number, the appraiser shall [i] notify the board of the change and pay any required fee.

SECTION 14.005. Section 1602.262(a), Occupations Code, as amended by Chapters 331 (H.B. 2727) and 1241 (S.B. 1170), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(a) An applicant for a license under this chapter is entitled to the license if the applicant:

(1) meets the applicable eligibility requirements;
(2) passes the applicable examination;
(3) pays the required fee;
(4) has not committed an act that constitutes a ground for denial of the license; and
(5) submits an application on a form prescribed by the department.

ARTICLE 15. CHANGES RELATING TO PARKS AND WILDLIFE CODE

SECTION 15.001. Section 47.001(9), Parks and Wildlife Code, is amended to correct a reference to read as follows:

(9) "Place of business" means a permanent structure on land or a motor vehicle required to be registered under Section 502.040 [502.002], Transportation Code, where aquatic products or orders for aquatic products are received or where aquatic products are sold or purchased but does not include a boat or any type of floating device, a public cold storage vault, the portion of a structure that is used as a residence, or a vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in this state.

ARTICLE 16. CHANGES RELATING TO PENAL CODE

SECTION 16.001. Section 12.42(b), Penal Code, as amended by Chapters 834 (H.B. 3384) and 1119 (H.B. 3), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(b) Except as provided by Subsection (c)(2) or (c)(4), as amended by Chapter 1119 (H.B. 3), Acts of the 82nd Legislature, Regular Session, 2011, if it is shown on the trial of a felony of the second degree that the defendant has previously been finally convicted of a felony other than a state jail felony punishable under Section 12.35(a), on conviction the defendant shall be punished for a felony of the first degree.

SECTION 16.002. Section 12.42(d), Penal Code, as amended by Chapters 834 (H.B. 3384) and 1119 (H.B. 3), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(d) Except as provided by Subsection (c)(2) or (c)(4), as amended by Chapter 1119 (H.B. 3), Acts of the 82nd Legislature, Regular Session, 2011, if it is shown on the trial of a felony offense other than a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having
become final, on conviction the defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years. A previous conviction for a state jail felony punishable under Section 12.35(a) may not be used for enhancement purposes under this subsection.

SECTION 16.003. Section 12.42(f), Penal Code, is amended to conform to the repeal of Section 12.42(e), Penal Code, by Chapter 834 (H.B. 3384), Acts of the 82nd Legislature, Regular Session, 2011, and to correct a reference to read as follows:

(f) For the purposes of Subsections (a), (b), and (c)(1), [and (e)], an adjudication by a juvenile court under Section 54.03, Family Code, that a child engaged in delinquent conduct on or after January 1, 1996, constituting a felony offense for which the child is committed to the Texas Juvenile Justice Department [Youth Commission] under Section 54.04(d)(2), (d)(3), or (m), Family Code, or Section 54.05(f), Family Code, is a final felony conviction.

SECTION 16.004. Section 37.01(2), Penal Code, is amended to correct a reference to read as follows:

(2) “Governmental record” means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

(B) anything required by law to be kept by others for information of government;

(C) a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States;

(D) a standard proof of motor vehicle liability insurance form described by Section 601.081, Transportation Code, a certificate of an insurance company described by Section 601.083 of that code, a document purporting to be such a form or certificate that is not issued by an insurer authorized to write motor vehicle liability insurance in this state, an electronic submission in a form described by Section 502.046(i) [502.53(i)], Transportation Code, or an evidence of financial responsibility described by Section 601.053 of that code;

(E) an official ballot or other election record; or

(F) the written documentation a mobile food unit is required to obtain under Section 437.0074, Health and Safety Code.

SECTION 16.005. Section 71.02(a), Penal Code, as amended by Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;
any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34, 35, or 35A;

(11) any offense under Section 37.11(a);

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10;

(14) any offense under Section 38.06, 38.07, 38.09, or 38.11;

(15) any offense under Section 42.10;

(16) any offense under Section 46.06(a)(1) or 46.14; [see] any offense under Section 46.06(a)(1) or 46.14; [see]

(17) any offense under Section 20.05; or

(18) any offense classified as a felony under the Tax Code.

ARTICLE 17. CHANGES RELATING TO PROPERTY CODE

SECTION 17.001. Section 51.002(i), Property Code, as added by Chapters 252 (H.B. 1127) and 592 (S.B. 101), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(i) Notice served on a debtor under this section must state the name and address of the sender of the notice and contain, in addition to any other statements required under this section, a statement that is conspicuous, printed in boldface or underlined type, and substantially similar to the following: "Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately."

SECTION 17.002. (a) Section 209.003(e), Property Code, as added by Chapters 1142 (H.B. 1821) and 1282 (H.B. 1228), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to conform to Section 209.003(e), Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session, 2011, and Section 209.003(e), Property Code, as added by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(e) The following provisions of this chapter do not apply to a property owners’ association that is a mixed-use master association that existed before January 1, 1974, and that does not have the authority under a dedicatory instrument or other governing document to impose fines:

(1) Section 209.005(c);

(2) Section 209.0056;

(3) Section 209.0057;

(4) Section 209.0058;

(5) Section 209.0059; and

(6) Section 209.0062.

(b) Section 209.003(e), Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session, 2011, and Section 209.003(e), Property Code, as added by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session, 2011, are repealed.

SECTION 17.004. Section 209.0062, Property Code, as added by Chapter 1142 (H.B. 1821), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 209.0062, Property Code, as added by Chapter 1282 (H.B. 1228), Acts of the 82nd Legislature, Regular Session, 2011.

ARTICLE 18. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

PART A. GENERAL CHANGES

SECTION 18.001. Section 1072.021, Special District Local Laws Code, is amended to add a heading to read as follows:

Sec. 1072.021. ELECTION ON CREATION OF DISTRICT. (a) The Commissioners Court of Runnels County shall order an election for the registered voters of Runnels County who do not reside in the Ballinger Memorial Hospital District or the North Runnels County Hospital District on the question of creating the Runnels County Hospital District if the commissioners court receives notice that:

(1) the board of directors of the Ballinger Memorial Hospital District intends to order an election to dissolve the Ballinger Memorial Hospital District and create the Runnels County Hospital District under Subchapter D-1, Chapter 1004; and

(2) the board of directors of the North Runnels County Hospital District intends to order an election to dissolve the North Runnels County Hospital District and create the Runnels County Hospital District under Section 20c, Chapter 206, Acts of the 61st Legislature, Regular Session, 1969.

(b) The Commissioners Court of Runnels County shall notify the boards of directors of the Ballinger Memorial Hospital District and the North Runnels County Hospital District that the commissioners court intends to hold the election under this section.

(c) The election held under this section shall be held on the same date as the elections to dissolve the Ballinger Memorial Hospital District and the North Runnels County Hospital District and to create the Runnels County Hospital District. The Commissioners Court of Runnels County shall coordinate with the boards of directors of the Ballinger Memorial Hospital District and the North Runnels County Hospital District in setting the election date under this section.

(d) The order calling the election under this section must state:

(1) the nature of the election, including the proposition that is to appear on the ballot;

(2) the date of the election;

(3) the hours during which the polls will be open; and

(4) the location of the polling places.

(e) Section 41.001, Election Code, does not apply to an election ordered under this section.

(f) The Commissioners Court of Runnels County shall give notice of an election under this section by publishing a substantial copy of the election order in a newspaper with general circulation in Runnels County once a week for two consecutive weeks. The first publication must appear not later than the 35th day before the date set for the election.

(g) The ballot for an election under this section must be printed to permit voting for or against the proposition: “The creation of the Runnels County Hospital District, providing for the imposition of an ad valorem tax at a rate not to exceed ___ cents (insert any rate not to exceed 75 cents) on each $100 valuation of taxable property in Runnels County.

(h) The Commissioners Court of Runnels County shall find that the Runnels County Hospital District is created if:

(1) a majority of the votes in an election held on the same date under Subchapter D-1, Chapter 1004, favor dissolution of the Ballinger Memorial Hospital District and creation of the Runnels County Hospital District;

(2) a majority of the votes in an election held on the same date under Section 20c, Chapter 206, Acts of the 61st Legislature, Regular Session, 1969, favor dissolution of the
North Runnels County Hospital District and creation of the Runnels County Hospital District; and

(3) a cumulative majority of the votes held in the election called by the commissioners court and in the elections described by Subdivisions (1) and (2) favor creation of the Runnels County Hospital District.

SECTION 18.002. (a) Section 1103.052, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 1, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1103.052. NOTICE OF ELECTION. Notice [At least 10 days before the date] of a directors' election [notice of the election] must be published in accordance with Section 4.003, Election Code [one time in a newspaper of general circulation in Swisher County].

(b) Section 1103.053, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 1, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1103.053. BALLOT APPLICATION [PETITION]. A person who wants to have the person's name printed on the ballot as a candidate for director must file [the application] with the board [the petition] an application in accordance with Chapter 144 [petition requesting that action]. The petition must be:

(1) signed by not less than 25 registered voters, and
(2) filed by the deadline imposed by Section 144.005, Election Code.

(c) Section 1103.054(a), Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 1, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(a) A person must at the time of election or appointment as director:

(1) be a registered voter of the district (one's property subject to taxation in the district); and
(2) be at least 18 years of age.

(d) Section 1, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 18.003. (a) Subchapter D, Chapter 1103, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 2, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, by adding Section 1103.156 to read as follows:

Sec. 1103.156. AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made.

(b) To secure a loan, the board may pledge:

(1) district revenue that is not pledged to pay the district's bonded indebtedness;
(2) district taxes to be imposed by the district during the 12-month period following the date of the pledge that are not pledged to pay the principal of or interest on district bonds; or
(3) district bonds that have been authorized but not sold.

(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made.

(b) Subchapter E, Chapter 1103, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 2, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, by adding Sections 1103.2045, 1103.208, and 1103.209 to read as follows:

Sec. 1103.2045. REVENUE BONDS. (a) The board may issue revenue bonds to:

(1) purchase, construct, acquire, repair, or renovate buildings or improvements;
(2) equip buildings or improvements for hospital purposes; or
(3) acquire real property for hospital purposes.
(b) Revenue bonds must be payable from and secured by a pledge of all or part of the revenue derived from the operation of the district's hospital system.

(c) Revenue bonds may be additionally secured by a mortgage or deed of trust on all or part of district property.

(d) Revenue bonds must be issued in the manner provided by Sections 264.042, 264.043, 264.046, 264.047, 264.048, and 264.049, Health and Safety Code, for issuance of revenue bonds by a county hospital authority.

Sec. 1103.208. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation bonds and revenue bonds under this chapter, the board may provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes as authorized by Section 1103.202 and revenue and other sources as authorized by Section 1103.2045.

Sec. 1103.209. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under this chapter to pay:

(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;

(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the operation and maintenance of a project or facility to be provided through the bonds:

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the bond issuance;

(6) costs related to the acquisition of land or interests in land for a project or facility to be provided through the bonds; and

(7) construction costs of a project or facility to be provided through the bonds, including the payment of related professional services and expenses.

(c) Section 2, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 18.004. (a) Section 1108.058, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 1, Chapter 472, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 1108.058. QUORUM; VOTING REQUIREMENT. (a) Any five [few] directors constitute a quorum.

(b) A concurrence of five [few] directors is sufficient in any matter relating to district business.

(b) Section 1, Chapter 472, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 18.005. Section 6905.161(f), Special District Local Laws Code, is amended to more closely conform to the source law from which the section was derived to read as follows:

(f) A public agency or political subdivision, including the City of Beeville, may enter into a contract or agreement with the district [authority] for a water supply as provided by Section 6905.160.

SECTION 18.006. Section 8813.001(6), Special District Local Laws Code, is amended to correct a reference to read as follows:

(6) “Groundwater reduction plan” means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and usage, or require and allocate water usage among persons in order to comply with or exceed requirements imposed by the Fort Bend Subsidence District or the Harris–Galveston [Coastal] Subsidence District, as applicable, including any applicable groundwater reduction requirements.
SECTION 18.007. Section 8813.007(b), Special District Local Laws Code, is amended to correct references to read as follows:

(b) This chapter does not prevail over or preempt a provision of Chapter 36, Water Code, or Chapter 8801 or 8834 of this code, or Chapter 1045, Acts of the 71st Legislature, Regular Session, 1991, that is being implemented by the Harris-Galveston Coastal Subsidence District or Fort Bend Subsidence District, as applicable.

SECTION 18.008. Section 8813.008, Special District Local Laws Code, is amended to correct a reference to read as follows:

Sec. 8813.008. FINDING OF BENEFIT. All the land, property, and persons included within the boundaries of the authority will be directly benefited by the works, projects, improvements, and services to be provided by the authority under powers conferred by Section 59, Article XVI, Texas Constitution, and this chapter. The authority is created to serve a public use and benefit. The creation of the authority will serve to promote the health, safety, and general welfare of persons within the authority and the general public. Any fees, user fees, rates, charges, or special assessments imposed by the authority under this chapter are necessary to pay for the costs of accomplishing the purposes of the authority as set forth in Section 59, Article XVI, Texas Constitution, and this chapter, including:

1. the reduction of groundwater withdrawals;
2. the facilitation of compliance with the requirements of the Fort Bend Subsidence District or the Harris-Galveston [Coastal] Subsidence District, as applicable; and
3. the provision of services, facilities, and systems.

SECTION 18.009. Section 8813.101(a), Special District Local Laws Code, is amended to correct a reference to read as follows:

(a) The authority may:
1. provide for the conservation, preservation, protection, recharge, and prevention of waste of groundwater, and for the reduction of groundwater withdrawals as necessary to develop, implement, or enforce a groundwater reduction plan, in a manner consistent with the purposes of Section 59, Article XVI, Texas Constitution, and facilitate compliance with Fort Bend Subsidence District or Harris-Galveston [Coastal] Subsidence District, as applicable, and
2. acquire or develop surface water and groundwater supplies from sources inside or outside the boundaries of the authority, conserve, store, transport, treat, purify, distribute, sell, and deliver water to or among persons inside and outside the boundaries of the authority, and allocate water among persons participating in the authority’s groundwater reduction plan whether they are located inside or outside the authority’s boundaries;
3. enter into contracts with persons inside or outside the authority on terms and conditions the board considers desirable, fair, and advantageous for the performance of its rights, powers, and authority under this chapter;
4. coordinate water services provided inside, outside, or into the authority;
5. provide wholesale and retail water services to any users or customers within the authority’s boundaries without being required to execute contracts with those users or customers;
6. adopt policies establishing whether, when, and the manner in which the authority uses requests for proposals in obtaining services, including professional services;
7. determine whether to adopt administrative policies in addition to those required by Section 49.199, Water Code; and
8. administer and enforce this chapter.

SECTION 18.010. Section 8813.103(d), Special District Local Laws Code, is amended to correct a reference to read as follows:

(d) For wells located in Harris County or Fort Bend County, the board shall exempt from the charge under Subsection (b) classes of wells that are not subject to any groundwater reduction requirement imposed by the Harris-Galveston [Coastal] Subsidence District or the Fort Bend Subsidence District, as applicable. If any of those classes of wells become subject to a groundwater reduction requirement imposed by the applicable subsidence district, the
authority may impose the charge under Subsection (b) on those classes. The board by rule may exempt any other classes of wells from the charge under Subsection (b). The board may not apply the charge under Subsection (b) to a well:

(1) with a casing diameter of less than five inches that serves only a single-family dwelling; or

(2) regulated under Chapter 27, Water Code.

SECTION 18.011. Sections 8813.105(e) and (j), Special District Local Laws Code, are amended to correct references to read as follows:

(e) Written notice containing the information required by Subsection (d) shall be mailed by certified mail, return receipt requested, not later than the 30th day before the date of the hearing. The notice shall be mailed to each person within the authority who holds a permit for a well issued by the Harris-Galveston [Coastal] Subsidence District or Fort Bend Subsidence District, as applicable, and whose well is subject to a groundwater reduction requirement imposed by that district. The Harris-Galveston [Coastal] Subsidence District and Fort Bend Subsidence District shall provide to the authority a list of persons who hold such a permit.

(j) The board shall apportion the cost of an improvement project or services to be assessed against the property in the authority according to the special benefits that accrue to the property because of the improvement project or services. The board may assess the cost only according to the number of gallons of groundwater pumped from wells within the authority that are subject to a groundwater reduction requirement imposed by the Harris-Galveston [Coastal] Subsidence District or Fort Bend Subsidence District, as applicable. The board may not assess the cost according to groundwater pumped from:

(1) a well with a casing diameter of less than five inches that serves only a single-family dwelling; or

(2) a well that is regulated by Chapter 27, Water Code.

SECTION 18.012. Section 8813.111(a), Special District Local Laws Code, is amended to correct a reference to read as follows:

(a) The authority may wholly or partly develop, prepare, revise, adopt, implement, enforce, manage, or participate in a groundwater reduction plan that is applicable only to the authority and one or more persons outside the authority. The authority may require that any groundwater reduction plan that the authority wholly or partly develops, prepares, revises, adopts, implements, enforces, or manages or in which the authority participates be the exclusive groundwater reduction plan that is binding and mandatory on some or all of the territory, persons, or wells located within the authority. A groundwater reduction plan may:

(1) specify the measures to be taken to reduce groundwater withdrawals;

(2) identify alternative sources of water, including water from the authority, to be provided to those affected;

(3) identify the rates, terms, and conditions under which alternative sources of water will be provided, which may be changed from time to time as considered necessary by the authority;

(4) specify the dates and extent to which persons or districts within the authority's boundaries shall reduce or cease reliance on groundwater and accept water from alternative sources, including water from the authority;

(5) include other terms and measures that are consistent with the powers and duties of the authority;

(6) exceed the minimum requirements imposed by the Harris-Galveston [Coastal] Subsidence District or Fort Bend Subsidence District, as applicable, including any applicable groundwater reduction requirements; and

(7) be amended from time to time at the discretion of the authority.

SECTION 18.013. Section 8813.112(c), Special District Local Laws Code, is amended to correct a reference to read as follows:

(c) The authority by rule may require that the plans and specifications of water lines to be constructed within the authority that are designed or intended to serve more than one district
or more than one person owning or holding a well permit issued by the Harris–Galveston [Coastal] Subsidence District or Fort Bend Subsidence District, as applicable, be approved by the authority before the commencement of construction of the water lines.

SECTION 18.014. Section 8815.001(10), Special District Local Laws Code, is amended to correct a reference to read as follows:

(10) “Subsidence district” means the Harris–Galveston [Coastal] Subsidence District.

SECTION 18.015. Section 8825.109, Special District Local Laws Code, is amended to correct a reference to read as follows:

Sec. 8825.109. COORDINATION WITH OTHER ENTITIES. The district may:

(1) coordinate activities with the Central Carrizo–Wilcox Coordinating Council and appoint a nonvoting representative to the Central Carrizo–Wilcox Coordinating Council; and

(2) coordinate activities with the Harris–Galveston [Coastal] Subsidence District or other groundwater conservation districts to manage portions of the Gulf Coast Aquifer.

SECTION 18.016. Section 8832.001(3), Special District Local Laws Code, is amended to correct a typographical error to read as follows:


SECTION 18.017. (a) Section 8851.053, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 1, Chapter 199, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 8851.053. ELECTION DATE. On the uniform election date in November [May] of each even-numbered year, the appropriate number of directors shall be elected.

(b) Section 1, Chapter 199, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 18.018. (a) Section 8857.053, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Sections 1.01 and 1.02, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

Sec. 8857.053. ELECTION DATE. On the uniform election date in November [May] of each even-numbered year, the appropriate number of directors shall be elected.

(b) Sections 1.01 and 1.02, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, are repealed.

SECTION 18.019. (a) Subchapter C, Chapter 8857, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Sections 2.02 and 2.03, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(b) The district may contract with other governmental entities [including a river authority in the district] to perform district functions.

(c) The district may not contract with a [A] river authority to [that contracts with the district under Subsection (b)] perform district functions except as provided by Chapter 791, Government Code [the contract].

(b) Sections 2.02 and 2.03, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, are repealed.

SECTION 18.020. (a) Subchapter C, Chapter 8857, Special District Local Laws Code, as effective April 1, 2013, is amended to conform to Section 2.01, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, by adding Section 8857.103 to read as follows:

Sec. 8857.103. NO EMINENT DOMAIN POWER. The district may not exercise the powers granted by Section 36.155, Water Code.

(b) Section 2.01, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

PART B. AMENDMENTS MADE TO CONFORM TO CHANGES IN ELECTION CODE

SECTION 18.101. The following changes are made to conform provisions of the Special District Local Laws Code, as effective April 1, 2013, to Section 41.0052, Election Code, as
amended by Chapters 505 (H.B. 1545) and 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011:

(1) Section 1034.051(b), Special District Local Laws Code, is amended to read as follows:
   (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
      (1) directors serve staggered two-year terms; and
      (2) an election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(2) Section 1069.051(b), Special District Local Laws Code, is amended to read as follows:
   (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
      (1) directors serve staggered two-year terms; and
      (2) an election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(3) Section 1074.051(c), Special District Local Laws Code, is amended to read as follows:
   (c) A directors' election to elect two directors shall be held annually on the May uniform election date or another date authorized by law.

(4) Section 1086.051(c), Special District Local Laws Code, is amended to read as follows:
   (c) A directors' election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(5) Section 1098.051(c), Special District Local Laws Code, is amended to read as follows:
   (c) A directors' election shall be held annually on the May uniform election date prescribed by Section 41.001, Election Code, or another date authorized by law.

(6) Section 1099.051(b), Special District Local Laws Code, is amended to read as follows:
   (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
      (1) directors serve staggered two-year terms with the terms of two or three directors expiring each year as appropriate; and
      (2) a directors' election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(7) Section 1100.051(b), Special District Local Laws Code, is amended to read as follows:
   (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
      (1) directors serve staggered two-year terms; and
      (2) an election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(8) Section 1101.051(c), Special District Local Laws Code, is amended to read as follows:
   (c) An election shall be held in each even-numbered year on the May uniform election date prescribed under Section 41.001, Election Code, or another date authorized by law, to elect the appropriate number of directors.

(9) Section 1102.051(b), Special District Local Laws Code, is amended to read as follows:
   (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
      (1) directors serve two-year terms; and
      (2) an election shall be held annually on the May uniform election date prescribed under Section 41.001, Election Code, or another date authorized by law.

(10) Section 1103.051(c), Special District Local Laws Code, is amended to read as follows:
    (c) An election shall be held annually on the May uniform election date, or another date authorized by law, to elect the appropriate number of directors.

(11) Section 1105.051(b), Special District Local Laws Code, is amended to read as follows:
    (b) Unless four-year terms are established under Section 285.081, Health and Safety Code:
        (1) directors serve staggered two-year terms with the terms of three or four directors expiring each year as appropriate; and

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(2) A directors' election shall be held annually on the May uniform election date or another date authorized by law.

(12) Section 8838.053, Special District Local Laws Code, is amended to read as follows:
Sec. 8838.053. ELECTION DATE. Each even-numbered year, on [On] the uniform election date in May or another date authorized by law [of each even-numbered year], the appropriate number of directors shall be elected.

(13) Section 8843.053, Special District Local Laws Code, is amended to read as follows:
Sec. 8843.053. ELECTION DATE. Each year on [On] the uniform election date in May or another date authorized by law [of each year], the appropriate number of directors shall be elected.

(14) Section 8845.053, Special District Local Laws Code, is amended to read as follows:
Sec. 8845.053. ELECTION DATE. Each even-numbered year, an election shall be held on the uniform election date in May or another date authorized by law to elect the appropriate number of directors.

SECTION 18.102. Section 1102.301(d), Special District Local Laws Code, as effective April 1, 2013, is repealed to conform to Section 3.005, Election Code, as amended by Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011.

ARTICLE 19. CHANGES RELATING TO TAX CODE

SECTION 19.001. Section 25.025(a), Tax Code, as amended by Chapters 348 (H.B. 3307) and 953 (H.B. 1046), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:
(a) This section applies only to:
(1) A current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;
(2) A county jailer as defined by Section 1701.001, Occupations Code;
(3) An employee of the Texas Department of Criminal Justice;
(4) A commissioned security officer as defined by Section 1702.002, Occupations Code;
(5) A victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;
(6) A federal judge, a state judge, or the spouse of a federal judge or state judge;
(7) A current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
(8) An officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;
(9) A criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;
(10) A police officer or inspector of the United States Federal Protective Service; [and]
(11) A current or former United States attorney or assistant United States attorney and the spouse and child of the attorney; and
(12) (444) A current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement.

SECTION 19.002. Sections 25.25(g-1) and (g-2), Tax Code, are amended to correct references to read as follows:
(g-1) In a suit filed under Subsection (g), if a hearing to review and determine compliance with Section 25.26 [428] is requested, the movant must mail notice of the hearing by certified mail, return receipt requested, to the collector for each taxing unit that imposes taxes on the property not later than the 45th day before the date of the hearing.

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(g-2) Regardless of whether the collector for the taxing unit receives a notice under Subsection (g-1), a taxing unit that imposes taxes on the property may intervene in a suit filed under Subsection (g) and participate in the proceedings for the limited purpose of determining whether the property owner has complied with Section 25.26 [42.08]. The taxing unit is entitled to process for witnesses and evidence and to be heard by the court.

SECTION 19.003. Section 26.012(9), Tax Code, is amended to clarify a mathematical formula to read as follows:

(9) “Effective maintenance and operations rate” means a rate expressed in dollars per $100 of taxable value and calculated according to the following formula:

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\text{EFFECTIVE MAINTENANCE AND OPERATIONS RATE} = \frac{\text{LAST YEAR'S LEVY} - \text{LAST YEAR'S DEBT LEVY} - \text{LAST YEAR'S JUNIOR COLLEGE LEVY}}{\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE}}
\]

SECTION 19.004. Sections 31.031(b), (c), and (d), Tax Code, are amended to correct references to read as follows:

(b) If the individual fails to make a payment before the applicable date provided by Subsection (a-1), the unpaid amount is delinquent and incurs a penalty of six percent and interest as provided by Section 33.01(c). The penalty provided by Section 33.01(a) does not apply to the unpaid amount.

(c) An individual may pay more than the amount due for each installment and the amount in excess of the amount due shall be credited to the next installment. An individual may not pay less than the total amount due for each installment unless the collector provides for the acceptance of partial payments under this section. If the collector accepts a partial payment, penalties and interest are incurred only by the amount of each installment that remains unpaid on the applicable date provided by Subsection (a-1).

(d) If the delinquency date for taxes to which this section applies is postponed to May 1 or a later date, the collector shall extend each installment deadline provided by Subsection (a-1) by the number of months that the delinquency date was postponed.

SECTION 19.005. Section 42.01, Tax Code, as amended by Chapters 322 (H.B. 2476), 771 (H.B. 1887), and 793 (H.B. 2220), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Sec. 42.01. RIGHT OF APPEAL BY PROPERTY OWNER. (a) A property owner is entitled to appeal:

(1) an order of the appraisal review board determining:
   (A) a protest by the property owner as provided by Subchapter C of Chapter 41;
   (B) a determination of an appraisal review board on a motion filed under Section 25.25;
   (C) a determination of an appraisal review board that the property owner has forfeited the right to a final determination of a motion filed under Section 25.25 or of a protest under Section 41.411 for failing to comply with the prepayment requirements of Section 25.26 or 41.4115, as applicable; or
   (D) a determination of an appraisal review board of eligibility for a refund requested under Section 23.1243; or
(2) an order of the comptroller issued as provided by Subchapter B, Chapter 24, apportioning among the counties the appraised value of railroad rolling stock owned by the property owner.

(b) A property owner who establishes that the owner did not forfeit the right to a final determination of a motion or of a protest in an appeal under Subsection (a)(1)(C) is entitled to a final determination of the court, as applicable:

(1) of the motion filed under Section 25.25; or
(2) of the protest under Section 41.411 of the failure of the chief appraiser or appraisal review board to provide or deliver a notice to which the property owner is entitled, and, if failure to provide or deliver the notice is established, of a protest made by the property owner on any other grounds of protest authorized by this title relating to the property to which the notice applies.
SECTION 19.006. Section 42.21(b), Tax Code, is amended to correct a reference to read as follows:

(b) A petition for review brought under Section 42.02 must be brought against the owner of the property involved in the appeal. A petition for review brought under Section 42.031 must be brought against the appraisal district and against the owner of the property involved in the appeal. A petition for review brought under [Subdivision (2) of Section 42.01(a)(2)] [42.04] or [under Section] 42.03 must be brought against the comptroller. Any other petition for review under this chapter must be brought against the appraisal district. A petition for review may not be brought against the appraisal review board. An appraisal district may hire an attorney that represents the district to represent the appraisal review board established for the district to file an answer and obtain a dismissal of a suit filed against the appraisal review board in violation of this subsection.

SECTION 19.007. Section 152.0412(j), Tax Code, is amended to correct a reference to read as follows:

(j) The requirements of Section 501.145 [520.031], Transportation Code, continue to apply to a transferee of a used motor vehicle who obtains an appraisal under Subsection (d)(2), and obtaining an appraisal does not modify those requirements.

SECTION 19.008. Section 152.043, Tax Code, is amended to correct a reference to read as follows:

Sec. 152.043. COLLECTION OF TAX ON MOTOR VEHICLES OPERATED BY NON-RESIDENTS. A person doing business in this state who registers a motor vehicle under Section 502.091 [502.054], Transportation Code, shall pay the tax imposed by Section 152.022 of this code to the comptroller on or before the day the motor vehicle is brought into Texas.

SECTION 19.009. Section 152.082, Tax Code, is amended to correct a reference to read as follows:

Sec. 152.082. SALE OF MOTOR VEHICLE TO OR USE OF MOTOR VEHICLE BY PUBLIC AGENCY. The taxes imposed by this chapter do not apply to the purchase, rental, or use of a motor vehicle by a public agency if the motor vehicle is operated with an exempt license plate issued under Section 502.451 [502.201 or 502.206], Transportation Code.

SECTION 19.010. Section 152.083(b), Tax Code, is amended to correct a reference to read as follows:

(b) This exemption applies only if the person purchasing the motor vehicle to be leased presents the tax assessor-collector a form prescribed and provided by the comptroller and showing:

(1) the identification of the motor vehicle;
(2) the name and address of the lessor and the lessee; and
(3) verification by an officer of the public agency to which the motor vehicle will be leased that the agency will operate the vehicle with an exempt license plate issued under Section 502.451 [502.201 or 502.206], Transportation Code.

SECTION 19.011. Section 152.087, Tax Code, is amended to correct a reference to read as follows:

Sec. 152.087. FIRE TRUCKS AND EMERGENCY MEDICAL SERVICES VEHICLES. The taxes imposed by this chapter do not apply to the purchase, rental, or use of a fire truck, emergency medical services vehicle as defined by Section 773.003, Health and Safety Code, or other motor vehicle used exclusively for fire-fighting purposes or for emergency medical services when purchased by:

(1) a volunteer fire department;
(2) a nonprofit emergency medical service provider that receives a federal income tax exemption under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3), Internal Revenue Code of 1986; or
(3) an emergency medical service provider to which Section 502.456 [502.294], Transportation Code, applies.

SECTION 19.012. Section 351.101(a), Tax Code, is amended to correct a typographical error to read as follows:

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(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
   (A) at or in the immediate vicinity of convention center facilities or visitor information centers; or
   (B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:
   (A) the municipality owns the facilities or fields;
   (B) the municipality:
      (i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;
      (ii) has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000;
      (iii) has a population of at least 36,000 but not more than 39,000 and is located in a county that has a population of 100,000 or less that is not adjacent to a county with a population of more than two million;
      (iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;
      (v) has a population of at least 70,000 but less than 90,000 and no part of which is located in a county with a population greater than 150,000;
      (vi) is located in a county that:
         (a) is adjacent to the Texas-Mexico border;
         (b) has a population of at least 500,000; and
         (c) does not have a municipality with a population greater than 500,000; or
      (C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;

(8) for a municipality with a population of at least 70,000 but less than 90,000, no part of which is located in a county with a population greater than 150,000, the construction,
improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

(10) the construction of a recreational venue in the immediate vicinity of area hotels, if:
(A) the municipality:
   (i) is a general-law municipality;
   (ii) has a population of not more than 900; and
   (iii) does not impose an ad valorem tax;
(B) not more than $100,000 of municipal hotel occupancy tax revenue is used for the construction of the recreational venue;
(C) a majority of the hotels in the municipality request the municipality to construct the recreational venue;
(D) the recreational venue will be used primarily by hotel guests; and
(E) the municipality will pay for maintenance of the recreational venue from the municipality’s general fund;

(11) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:
(A) has a population of at least 90,000 but less than 120,000; and
(B) is located in two counties, at least one of which contains the headwaters of the San Gabriel River; and

(12) for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

ARTICLE 20. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 20.001. (a) Section 222.107(h), Transportation Code, as amended by Chapters 475 (H.B. 563) and 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(h) The commissioners court may:
(1) from taxes collected on property in a zone, pay into a tax increment account for the zone an amount equal to the tax increment produced by the county less any amounts allocated under previous agreements, including agreements under Section 381.004, Local Government Code, or Chapter 312, Tax Code;
(2) by order or resolution enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the county on the owner’s property in an amount not to exceed the amount calculated under Subsection (a)(1) for that year;
(3) by order or resolution elect to abate all or a portion of the ad valorem taxes imposed by the county on all real property in a zone; or
(4) grant other relief from ad valorem taxes on property in a zone.

(b) Section 222.107(h–1), Transportation Code, as added by Chapter 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to conform to Section 222.107(h), Transportation Code, as amended by Chapter 475 (H.B. 563), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(h–1) All abatements or other relief granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In any ad valorem tax year, the total amount of the taxes abated or the total amount of relief granted under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under
previous agreements, including agreements under Chapter 381 [Section 381.004], Local Government Code, or Chapter 312, Tax Code.

SECTION 20.002. Section 228.055(e), Transportation Code, is amended to correct a reference to read as follows:

(e) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545, submitted written notice of the transfer to the department in accordance with Section 501.147 [520.023], and, before the 30th day after the date the notice of nonpayment is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent notices of nonpayment associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

SECTION 20.003. Section 284.0701(e), Transportation Code, is amended to correct a reference to read as follows:

(e) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under Section 284.070 occurred, submitted written notice of the transfer to the Texas Department of Motor Vehicles in accordance with Section 501.147 [520.023], and before the 30th day after the date the notice of nonpayment is mailed, provides to the county the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the county may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first-class mail before the 30th day after the date of receipt of the required information from the former owner. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative cost for each event of nonpayment under Section 284.070. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

SECTION 20.004. Section 370.177(f), Transportation Code, is amended to correct a reference to read as follows:

(f) It is an exception to the application of Subsection (b) or (d) that the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under Subsection (a) occurred, submitted written notice of the transfer to the department in accordance with Section 501.147 [520.023], and before the 30th day after the date the notice of nonpayment is mailed, provides to the authority the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the authority may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first-class mail before the 30th day after the date of receipt of the required information from the former owner. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 370.170. Each failure to pay a toll or administrative fee under this subsection is a separate offense.
toll and administrative fee for each event of nonpayment under Subsection (a). Each failure to pay a toll or administrative fee under this subsection is a separate offense.

SECTION 20.005. Section 370.314(b), Transportation Code, as amended by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, is repealed to conform to the repeal of Section 370.314, Transportation Code, by Chapter 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 20.006. Section 372.052, Transportation Code, is amended to correct a reference to read as follows:

Sec. 372.052. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. A toll project entity may not require a vehicle registered under Section 502.434 (502.203) to pay a toll for the use of a toll project.

SECTION 20.007. Section 501.0925(i), Transportation Code, is amended to correct a reference to read as follows:

(j) Section 501.1001(c) applies (Sections 501.092(c), (d), and (e) apply) to a motor vehicle acquired by an insurance company as described in Subsection (a), (c), or (f).

SECTION 20.008. Sections 501.1001(c) and (d), Transportation Code, as redesignated from Sections 501.092(c) and (d), Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, are reenacted to incorporate amendments to Sections 501.092(c) and (d), Transportation Code, made by Chapters 1136 (H.B. 1422) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(c) An insurance company or other person who acquires ownership of a motor vehicle other than a nonrepairable or salvage motor vehicle may voluntarily and on proper application obtain a salvage vehicle title, salvage record of title, nonrepairable vehicle title, or nonrepairable record of title for the vehicle.

(d) This subsection applies only to a motor vehicle in this state that is a self-insured motor vehicle and that is damaged to the extent it becomes a nonrepairable or salvage motor vehicle. The owner of a motor vehicle to which this subsection applies shall submit to the department before the 31st business day after the date of the damage, in a manner prescribed by the department, a statement that the motor vehicle was self-insured and damaged. When the owner submits a report, the owner shall surrender the ownership document and apply for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title.

SECTION 20.009. Section 502.1585(b), Transportation Code, is amended to correct a reference to read as follows:

(b) Notwithstanding Section 502.044 (502.15), the owner of a motor vehicle or a trailer may designate an initial or a renewal registration period for that vehicle so that the registration period for the vehicle or trailer expires on the same date as the registration period for another vehicle or trailer previously registered by that owner.

SECTION 20.010. Section 502.168, Transportation Code, is amended to correct a reference to read as follows:

Sec. 502.168. FEE: MOTOR BUS. The fee for a registration year for registration of a motor bus is the fee prescribed by Section 502.252 (502.161) or 502.253 (502.162), as applicable.

SECTION 20.011. Section 502.405(b), Transportation Code, as redesignated from Section 502.1745(b), Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to read as follows:

(b) A person may elect to pay an additional fee of $1 for the registration or renewal of registration of a motor vehicle to pay the costs of the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code. Notwithstanding any other provision of this chapter, all fees collected under this subsection shall be remitted to the comptroller, who shall maintain the identity of the source of the fees.
SECTION 20.012. Section 502.407(b), Transportation Code, is amended to correct a reference to read as follows:

(b) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge of driving with an expired motor vehicle registration if the defendant:

(A) remedies the defect not later than the 20th working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and
(B) establishes that the fee prescribed by Section 502.045 [502.175] has been paid; and

(2) assess an administrative fee not to exceed $20 when the charge is dismissed.

SECTION 20.013. Section 502.410(b), Transportation Code, is amended to correct references to read as follows:

(b) Subsection (a) does not apply to a statement or application filed or given under Section 502.060, 502.082, 502.093, 502.094, 502.095, 502.184, 502.253, 502.253, 502.254, 502.355, 504.201, [504.411, or] 504.508, or 504.515.

SECTION 20.014. Section 502.491, Transportation Code, as redesignated from Section 502.451, Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.451, Transportation Code, made by Chapters 432 (S.B. 1057) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended to read as follows:

Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On the sale or transfer of a motor vehicle, the registration insignia issued for the motor vehicle shall be removed. The registration period remaining at the time of sale or transfer expires at the time of sale or transfer. [a-1] On the sale of a used motor vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.

(b) On a sale or transfer of a motor vehicle in which neither party holds a general distinguishing number issued under Chapter 503, the part of the registration period remaining at the time of the sale or transfer shall continue with the vehicle being sold or transferred and does not transfer with the license plates or registration validation insignia. To continue the remainder of the registration period, the purchaser or transferee must file the documents required under Section 501.145.

(c) On the sale or transfer of a motor vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the registration period remaining at the time of the sale or transfer expires at the time of the sale or transfer. On the sale of a used motor vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.

SECTION 20.015. Section 520.006(a-1), Transportation Code, as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

(a-1) A county assessor-collector collecting fees on behalf of a county that has been declared as a disaster area for purposes of Section 501.023 or 502.040 may retain the commission for fees collected, but shall allocate the fees to the county declared as a disaster area.

SECTION 20.016. Sections 521.067(a) and (b), Transportation Code, are amended to update references to read as follows:

(a) On receipt of a court order issued under Article 42.016, Code of Criminal Procedure, the department shall ensure that any driver's license record or personal identification certificate record maintained by the department for the person includes an indication that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure [as added by Chapter 688, Acts of the 75th Legislature, Regular Session, 1997].

(b) The department shall include the indication required by Subsection (a) in any driver's license record or personal identification certificate record maintained by the department for the person until the expiration of the person's duty to register under Chapter 62, Code of
SECTION 20.017. Section 521.082(b), Transportation Code, is amended to correct a reference to read as follows:

(b) For the purposes of Subsection (a)(3), seating capacity is computed in accordance with Section 502.253 (502.163), except that the operator's seat is included in the computation.

SECTION 20.018. Section 521.295(a), Transportation Code, is amended to correct a reference to read as follows:

(a) If the department suspends a person's license under Section 521.292 or revokes a person's license under Section 521.294 (521.3965), the department shall send a notice of suspension or revocation by first class mail to the person's address in the records of the department.

SECTION 20.019. Section 545.353(b–2), Transportation Code, is amended to update a reference to read as follows:

(b–2) Notwithstanding Section 545.352(b), as amended by Chapters 663 (H.B. 385) and 739 (H.B. 1075), Acts of the 76th Legislature, Regular Session, 1999, the commission may establish a speed limit not to exceed 85 miles per hour on a part of the state highway system if:

1. that part of the highway system is designed to accommodate travel at that established speed or a higher speed; and
2. the commission determines, after an engineering and traffic investigation, that the established speed limit is reasonable and safe for that part of the highway system.

SECTION 20.020. Section 545.413(e), Transportation Code, is amended to correct a reference to read as follows:

(e) It is a defense to prosecution under this section that:

1. the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
2. the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
3. the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
4. the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
5. the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
6. the person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.133 (502.163) that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; or
7. the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

SECTION 20.021. Section 547.304(a), Transportation Code, is amended to correct a reference to read as follows:

(a) A provision of this chapter that requires a vehicle to be equipped with fixed electric lights does not apply to a farm trailer or fertilizer trailer registered under Section 502.146 (502.504) or a boat trailer with a gross weight of 3,000 pounds or less if the trailer is not operated at a time or under a condition specified by Section 547.302(a).

SECTION 20.022. Section 621.002(a), Transportation Code, is amended to correct a reference to read as follows:
(a) A copy of the registration receipt issued under Section 502.057 [502.478] for a commercial motor vehicle, truck-tractor, trailer, or semitrailer shall be:

(1) carried on the vehicle when the vehicle is on a public highway; and

(2) presented to an officer authorized to enforce this chapter on request of the officer.

SECTION 20.023. Section 621.102, Transportation Code, as amended by Chapters 571 (H.B. 3309) and 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

Sec. 621.102. AUTHORITY TO SET MAXIMUM WEIGHTS. (a) The executive director of the Texas Department of Transportation may set the maximum single axle weight, tandem axle weight, or gross weight of a vehicle, or maximum single axle weight, tandem axle weight, or gross weight of a combination of vehicles and loads, that may be moved over a state highway or a farm or ranch road if the executive director finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge or culvert along the road. A maximum weight set under this subsection may not exceed the maximum set by statute for that weight.

(b) The executive director of the Texas Department of Transportation must make the finding under this section on an engineering and traffic investigation and in making the finding shall consider the width, condition, and type of pavement structures and other circumstances on the road.

(c) A maximum weight or load set under this section becomes effective on a highway or road when appropriate signs giving notice of the maximum weight or load are erected on the highway or road by the Texas Department of Transportation.

(d) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

(e) For the purpose of this section, a farm or ranch road is a state highway that is shown in the records of the commission to be a farm-to-market or ranch-to-market road.

(f) This section does not apply to a vehicle delivering groceries, farm products, or liquefied petroleum gas.

SECTION 20.024. Section 622.074, Transportation Code, is amended to correct a reference to read as follows:

Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:

(1) farm equipment used for a purpose other than construction;

(2) special mobile equipment owned by a dealer or distributor;

(3) a vehicle used to propel special mobile equipment that is registered as a farm vehicle as defined by Section 502.133 [502.463]; or

(4) equipment while being used by a commercial hauler to transport special mobile equipment under hire of a person who derives $500 in gross receipts annually from a farming or ranching enterprise.

SECTION 20.025. Section 622.901, Transportation Code, is amended to correct a reference to read as follows:

Sec. 622.901. WIDTH EXCEPTIONS. The width limitation provided by Section 621.201 does not apply to:

(1) highway building or maintenance machinery that is traveling:

(A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or

(B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;

(2) a vehicle traveling during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways or traveling for not more
than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is:

(A) a farm tractor or implement of husbandry; or

(B) a vehicle on which a farm tractor or implement of husbandry, other than a tractor or implement being transported from one dealer to another, is being moved by the owner of the tractor or implement or by an agent or employee of the owner:

(i) to deliver the tractor or implement to a new owner;

(ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or

(iii) in the course of an agricultural operation;

(3) machinery that is used solely for drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or chassis, and that is traveling:

(A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or

(B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;

(4) a vehicle owned or operated by a public, private, or volunteer fire department;

(5) a vehicle registered under Section 502.431 [502.164]; or

(6) a recreational vehicle to which Section 622.903 applies.

SECTION 20.026. Section 623.144, Transportation Code, is amended to correct a reference to read as follows:

Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.116 [504.504] if applicable to the vehicle.

SECTION 20.027. Section 623.149(a), Transportation Code, is amended to correct a reference to read as follows:

(a) The department may establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.116 [504.504].

SECTION 20.028. Section 623.194, Transportation Code, is amended to correct a reference to read as follows:

Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the vehicle to be moved is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.116 [504.504] if applicable to the vehicle.

SECTION 20.029. Section 623.199(a), Transportation Code, is amended to correct a reference to read as follows:

(a) The department may establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.116 [504.504].

SECTION 20.030. Section 642.003, Transportation Code, is amended to correct references to read as follows:

Sec. 642.003. NONAPPLICABILITY. Section 642.002 does not apply to a commercial motor vehicle, road-tractor, or truck-tractor that is:

(1) registered under Section 502.433 [502.163];

(2) required to be registered under Section 113.131, Natural Resources Code;

(3) operated in private carriage that is subject to Title 49, Code of Federal Regulations, Part 390.21 [397-21].
(4) operated under the direct control, supervision, or authority of a public utility, as recognized by the legislature, that is otherwise visibly marked; or

(5) transporting timber products in their natural state from first point of production or harvest to first point of processing.

SECTION 20.031. Section 648.051(b), Transportation Code, is amended to correct a reference to read as follows:

(b) This subchapter supersedes that portion of any paired city, paired state, or similar understanding governing foreign commercial motor vehicles or motor carriers entered into under Section 502.091 or any other law.

SECTION 20.032. Section 1001.101(2), Transportation Code, is amended to correct a reference to read as follows:

(2) "License" includes:

(A) a motor carrier registration issued under Chapter 643;

(B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;

(C) specially designated or specialized license plates issued under Chapter 504; and

(D) an apportioned registration issued according to the International Registration Plan under Section 502.091.

ARTICLE 21. CHANGES RELATING TO WATER CODE

SECTION 21.001. The heading to Section 5.178, Water Code, is amended to read as follows:

Sec. 5.178. [ANNUAL REPORTS; BIENNIAL REPORTS [APPENDICES].

SECTION 21.002. Section 36.121, Water Code, as amended by Chapters 1042 (H.B. 3109) and 1163 (H.B. 2702), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Sec. 36.121. LIMITATION ON RULEMAKING POWER OF DISTRICTS OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section 36.117, a district that is created under this chapter on or after September 1, 1991, shall exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of 121,000 or less and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of 115,000 or less, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced. The district may not prohibit the political subdivision or municipality from transporting produced water inside or outside the district’s boundaries.

SECTION 21.003. Section 36.205(e), Water Code, is amended to correct a reference to read as follows:

(e) Subsection (c) does not apply to the following districts:

(1) the Edwards Aquifer Authority;

(2) the Fort Bend Subsidence District;

(3) the Harris-Galveston Subsidence District;

(4) the Barton Springs-Edwards Aquifer Conservation District; or

(5) any district that collects a property tax and that was created before September 1, 1999, unless otherwise authorized by special law.

SECTION 21.004. Section 49.181(h), Water Code, as amended by Chapters 36 (S.B. 914) and 156 (H.B. 1901), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(h) This section does not apply to:

(1) a district if:
(A) the district's boundaries include one entire county;
(B) the district was created by a special Act of the legislature and:
   (i) the district is located entirely within one county;
   (ii) the district is located entirely within one or more home-rule municipalities;
   (iii) the total taxable value of the real property and improvements to the real property zoned by one or more home-rule municipalities for residential purposes and located within the district does not exceed 25 percent of the total taxable value of all taxable property in the district, as shown by the most recent certified appraisal tax roll prepared by the appraisal district for the county; and
   (iv) the district was not required by law to obtain commission approval of its bonds before the effective date of this section;
(C) the district is a special water authority;
(D) the district is governed by a board of directors appointed in whole or in part by the governor, a state agency, or the governing body or chief elected official of a municipality or county and does not provide, or propose to provide, water, sewer, drainage, reclamation, or flood control services to residential retail or commercial customers as its principal function;
(E) the district on September 1, 2003:
   (i) is a municipal utility district that includes territory in only two counties;
   (ii) has outstanding long-term indebtedness that is rated BBB or better by a nationally recognized rating agency for municipal securities; and
   (iii) has at least 5,000 active water connections; or
(F) the district:
   (i) is a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution, that includes territory in at least three counties; and
   (ii) has the rights, powers, privileges, and functions applicable to a river authority under Chapter 30.

SECTION 21.005. Section 49.2145(a), Water Code, is amended to correct a reference to read as follows:
(a) This section applies only to a district located in:
   (1) a county included in the Harris–Galveston [Coastal] Subsidence District; or
   (2) a county included in the Fort Bend Subsidence District.

ARTICLE 22. REDESIGNATIONS

SECTION 22.001. The following provisions of enacted codes are redesignated to eliminate duplicate citations:

(1) Chapter 21, Business & Commerce Code, as added by Chapter 1242 (S.B. 1320), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Chapter 21A, Business & Commerce Code, and Sections 21.001, 21.002, and 21.003, Business & Commerce Code, as added by that Act, are redesignated as Sections 21A.001, 21A.002, and 21A.003, Business & Commerce Code, respectively.

(2) Chapter 57, Business & Commerce Code, as added by Chapter 979 (H.B. 1711), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Chapter 58, Business & Commerce Code, and Sections 57.001, 57.002, 57.003, 57.004, and 57.005, Business & Commerce Code, as added by that Act, are redesignated as Sections 58.001, 58.002, 58.003, 58.004, and 58.005, Business & Commerce Code, respectively.

(3) Chapter 106, Business & Commerce Code, as added by Chapter 164 (H.B. 2468), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Chapter 107, Business & Commerce Code, and Sections 106.001, 106.002, 106.003, 106.004, and 106.005, Business & Commerce Code, respectively.
Commerce Code, as added by that Act, are redesignated as Sections 107.001, 107.002, 107.003, 107.004, and 107.005, Business & Commerce Code, respectively.

(4) Chapter 106, Business & Commerce Code, as added by Chapter 579 (H.B. 3487), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Chapter 108, Business & Commerce Code, and Sections 106.001, 106.002, 106.003, and 106.004, Business & Commerce Code, as added by that Act, are redesignated as Sections 108.001, 108.002, 108.003, and 108.004, Business & Commerce Code, respectively.


(7) Article 42.0182, Code of Criminal Procedure, as added by Chapter 327 (H.B. 2624), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Article 42.0183, Code of Criminal Procedure.

(8) Subsections (f), (g), and (h), Article 45.056, Code of Criminal Procedure, as added by Chapter 1055 (S.B. 209), Acts of the 82nd Legislature, Regular Session, 2011, are redesignated as Subsections (i), (j), and (k), Article 45.056, Code of Criminal Procedure, respectively.

(9) Section 51.969, Education Code, as added by Chapter 889 (H.B. 2426), Acts of the 80th Legislature, Regular Session, 2007, is redesignated as Section 51.977, Education Code.

(10) Section 51.976, Education Code, as added by Chapter 703 (H.B. 452), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 51.978, Education Code.

(11) Section 56.007, Education Code, as added by Chapter 415 (S.B. 851), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 56.008, Education Code.

(12) Subsection (b-1), Section 61.059, Education Code, as added by Chapter 1183 (H.B. 3468), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (b-2), Section 61.059, Education Code.

(13) Subsection (e), Section 12.006, Election Code, as added by Chapter 507 (H.B. 1570), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (f), Section 12.006, Election Code.

(14) Section 18.068, Election Code, as added by Chapter 1164 (H.B. 2817), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 18.069, Election Code.

(15) Subsection (c), Section 41.0052, Election Code, as added by Chapter 519 (H.B. 2144), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (e), Section 41.0052, Election Code.

(16) Subsections (c-3) and (c-4), Section 58.003, Family Code, as added by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature, Regular Session, 2011, are redesignated as Subsections (c-5) and (c-6), Section 58.003, Family Code, respectively.

(17) Section 263.007, Family Code, as added by Chapter 791 (H.B. 2170), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 263.008, Family Code.

(18) Subsection (f), Section 157.003, Finance Code, as added by Chapter 588 (S.B. 17), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (h), Section 157.003, Finance Code.


(20) Section 411.1146, Government Code, as added by Chapter 1245 (S.B. 1518), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 411.1147, Government Code.

(22) Section 552.153, Government Code, as added by Chapter 455 (S.B. 1667), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 552.154, Government Code.


(27) Subchapter E, Chapter 311, Health and Safety Code, as added by Chapter 55 (S.B. 894), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subchapter F, Chapter 311, Health and Safety Code, and Sections 311.061, 311.062, and 311.063, Health and Safety Code, as added by that Act, are redesignated as Sections 311.061, 311.062, and 311.063, Health and Safety Code, respectively.

(28) Subsection (a-1), Section 711.002, Health and Safety Code, as added by Chapter 95 (H.B. 74), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (a-2), Section 711.002, Health and Safety Code.


(30) Subsection (f), Section 42.041, Human Resources Code, as added by Chapter 343 (H.B. 3051), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (g), Section 42.041, Human Resources Code.

(31) Subsections (f) and (g), Section 42.0421, Human Resources Code, as added by Chapter 882 (S.B. 260), Acts of the 82nd Legislature, Regular Session, 2011, are redesignated as Subsections (h) and (i), Section 42.0421, Human Resources Code, respectively.
Section 42.0443, Human Resources Code, as added by Chapter 253 (H.B. 1555), Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Section 42.04425, Human Resources Code.

Subsection (c), Section 42.021, Local Government Code, as added by Chapter 215 (H.B. 91), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (d), Section 42.021, Local Government Code.

Subsection (c), Section 271.060, Local Government Code, as added by Chapter 479 (H.B. 679), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (d), Section 271.060, Local Government Code.

Section 1103.157, Occupations Code, as added by Chapter 256 (H.B. 1146), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 1103.159, Occupations Code.

Subdivision (17), Section 31.003, Parks and Wildlife Code, as added by Chapter 720 (H.B. 787), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subdivision (18), Section 31.003, Parks and Wildlife Code.

Subsection (a–1), Section 31.121, Parks and Wildlife Code, as added by Chapter 789 (H.B. 2141), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (a–2), Section 31.121, Parks and Wildlife Code.

Subdivision (2), Subsection (c), Section 38.04, Penal Code, as added by Chapter 391 (S.B. 496), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subdivision (3), Subsection (c), Section 38.04, Penal Code.

Chapter 64, Property Code, as added by Chapter 918 (S.B. 1368), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Chapter 65, Property Code, and Sections 64.001, 64.002, 64.003, and 64.004, Property Code, as added by that Act, are redesignated as Sections 65.001, 65.002, 65.003, and 65.004, Property Code, respectively.

Section 202.011, Property Code, as added by Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 202.012, Property Code.

Subsection (c), Section 23.21, Tax Code, as added by Chapter 1309 (H.B. 3133), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (e), Section 23.21, Tax Code.

Subsection (c), Section 41.47, Tax Code, as added by Chapter 222 (H.B. 2476), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (c–1), Section 41.47, Tax Code.

Subsection (h–1), Section 222.107, Transportation Code, as added by Chapter 475 (H.B. 663), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (h–2), Section 222.107, Transportation Code.

Section 223.2012, Transportation Code, as added by Chapter 459 (S.B. 1719), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 223.2013, Transportation Code.

Section 225.082, Transportation Code, as added by Chapter 45 (H.B. 1409), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.085, Transportation Code.

Section 225.082, Transportation Code, as added by Chapter 830 (H.B. 3208), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.085, Transportation Code.

Section 225.082, Transportation Code, as added by Chapter 1314 (H.B. 3841), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.087, Transportation Code.

Section 225.083, Transportation Code, as added by Chapter 652 (S.B. 1100), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.088, Transportation Code.

Section 225.084, Transportation Code, as added by Chapter 869 (H.B. 3837), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.089, Transportation Code.
Section 225.084, Transportation Code, as added by Chapter 1117 (S.B. 1925), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 225.090, Transportation Code.

Subsection (a), Section 504.315, Transportation Code, as added by Chapter 460 (S.B. 1755), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Subsection (b), Section 504.315, Transportation Code.

Section 504.317, Transportation Code, as added by Chapter 1281 (H.B. 1178), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 504.318, Transportation Code.

Section 504.660, Transportation Code, as added by Chapter 397 (H.B. 1749), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 504.661, Transportation Code.

Section 56.032, Utilities Code, as added by Chapter 98 (S.B. 980), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 56.033, Utilities Code.

SECTION 22.002. The following changes are made to conform the provisions amended to the redesignating changes made by Section 22.001 of this Act:

(1) Subsection (b), Section 58.003, Business & Commerce Code, as redesignated from Subsection (b), Section 57.003, Business & Commerce Code, by Section 22.001 of this Act, is amended to read as follows:

(b) A disaster remediation contractor:

(1) may not require a person to make a full or partial payment under a contract before the contractor begins work;

(2) may not require that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed, including any materials delivered; and

(3) shall include in any contract for disaster remediation services the following statement in conspicuous, boldfaced type of at least 10 points in size: "This contract is subject to Chapter 58 [57], Business & Commerce Code. A contractor may not require a full or partial payment before the contractor begins work and may not require partial payments in an amount that exceeds an amount reasonably proportionate to the work performed, including any materials delivered."

(2) Section 107.005, Business & Commerce Code, as redesignated from Section 106.005, Business & Commerce Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 107.005 [106.005]. SUIT FOR CIVIL PENALTY. The attorney general or a county or district attorney may bring an action to recover a civil penalty imposed under Section 107.004 [106.004].

(3) Section 108.004, Business & Commerce Code, as redesignated from Section 106.004, Business & Commerce Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 108.004 [106.004]. CIVIL PENALTY. The owner or operator of a commercial lodging establishment or restaurant that violates Section 108.002 [106.002] is liable for a civil penalty in an amount not to exceed $200 for each violation.

(4) Subsection (k), Article 45.056, Code of Criminal Procedure, as redesignated from Subsection (h), Article 45.056, Code of Criminal Procedure, by Section 22.001 of this Act, is amended to read as follows:

(k) [45.056] Subsections (i) [45.055] and (j) [45.054] do not apply to:

(1) a part-time judge; or

(2) a county judge of a county court that has one or more appointed full-time magistrates under Section 54.1172, Government Code.

(5) Subsection (a), Section 44.031, Education Code, is amended to read as follows:

(a) Except as provided by this subchapter, all school district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at $50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the district:

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(1) competitive bidding for services other than construction services;
(2) competitive sealed proposals for services other than construction services;
(3) a request for proposals, for services other than construction services;
(4) an interlocal contract;
(5) a method provided by Chapter 2269, Government Code, for construction services;
(6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
(7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

(6) Subsection (j), Section 44.901, Education Code, is amended to read as follows:
(j) Chapter 2269, Government Code, does not apply to this section.

(7) Subsection (k), Section 51.927, Education Code, is amended to read as follows:
(k) Chapter 2269, Government Code, does not apply to this section.

(8) Subsection (c-6), Section 58.003, Family Code, as redesignated from Subsection (c-4), Section 58.003, Family Code, by Section 22.001 of this Act, is amended to read as follows:
(c-6) A prosecuting attorney or juvenile probation department may maintain until a child's 17th birthday a separate record of the child's name and date of birth and the date on which the child successfully completed the educational program, if the child's records are sealed under Subsection (c-5) [(e-3)]. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 17th birthday to be added to the child's other sealed records.

(9) Section 2166.2525, Government Code, is amended to read as follows:
Sec. 2166.2525. DETERMINATION OF CONTRACTING METHOD. The method of contracting allowed under this subchapter for design and construction services is any method provided by Chapter 2269.

(10) Subsection (k), Section 2166.406, Government Code, is amended to read as follows:
(k) Chapter 2269 does not apply to this section.

(11) Subsection (d), Section 2269.254, Government Code, as redesignated from Subsection (d), Section 2267.254, Government Code, by Section 22.001 of this Act, is amended to read as follows:
(d) Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the rankings determined under Section 2269.253 public.

(12) Subsection (d), Section 2269.308, Government Code, as redesignated from Subsection (d), Section 2267.308, Government Code, by Section 22.001 of this Act, is amended to read as follows:
(d) Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the rankings determined under Section 2267.307 public.

(13) Subsection (d), Section 2269.353, Government Code, as redesignated from Subsection (d), Section 2267.353, Government Code, by Section 22.001 of this Act, is amended to read as follows:
(d) A governmental entity shall make a formal finding on the criteria described by Subsection (c) before preparing a request for qualifications under Section 2267.357.

(14) Section 2269.357, Government Code, as redesignated from Section 2267.357, Government Code, by Section 22.001 of this Act, is amended to read as follows:
Sec. 2269.357. REQUEST FOR QUALIFICATIONS. (a) The governmental entity shall prepare a request for qualifications that includes:
(1) information on the civil works project site;
(2) project scope;
(3) project budget;
(4) project schedule;
(5) criteria for selection under Section 2269.359 [2267.359] and the weighting of the criteria; and

(6) other information that may assist potential design-build firms in submitting proposals for the project.

(b) The governmental entity shall also prepare a design criteria package as described by Section 2269.358 [2267.358].

(15) Section 2269.360, Government Code, as redesignated from Section 2267.360, Government Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 2269.360 [2267.360]. SELECTION OF DESIGN-BUILD FIRM. The governmental entity shall select a design-build firm using a combination of technical and cost proposals as provided by Section 2269.361 [2267.361].

(16) Subsection (a), Section 2269.361, Government Code, as redesignated from Subsection (a), Section 2267.361, Government Code, by Section 22.001 of this Act, is amended to read as follows:

(a) A governmental entity shall request proposals from design-build firms identified under Section 2269.359(c) [2267.359(e)]. A firm must submit a proposal not later than the 180th day after the date the governmental entity makes a public request for the proposals from the selected firms. The request for proposals must include:

(1) a design criteria package;

(2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;

(3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and

(4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

(17) Section 2269.362, Government Code, as redesignated from Section 2267.362, Government Code, by Section 22.001 of this Act, is amended to read as follows:

Sec. 2269.362 [2267.262]. NEGOTIATION. After selecting the highest-ranked design-build firm under Section 2269.361 [2267.361], the governmental entity shall first attempt to negotiate a contract with the selected firm. If the governmental entity is unable to negotiate a satisfactory contract with the selected firm, the entity shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

(18) Subsection (c), Section 2269.364, Government Code, as redesignated from Subsection (c), Section 2267.364, Government Code, by Section 22.001 of this Act, is amended to read as follows:

(c) The governmental entity may offer an unsuccessful design-build firm that submits a response to the entity's request for additional information under Section 2269.361 [2267.361] a stipend for preliminary engineering costs associated with the development of the proposal. The stipend must be one-half of one percent of the contract amount and must be specified in the initial request for proposals. If the offer is accepted and paid, the governmental entity may make use of any work product contained in the proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the governmental entity of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the entity and does not confer liability on the recipient of the stipend under this subsection.

(19) Subsection (c), Section 2269.367, Government Code, as redesignated from Subsection (c), Section 2267.367, Government Code, by Section 22.001 of this Act, is amended to read as follows:

(c) If the governmental entity awards a design-build contract under Section 2269.362 [2267.362], the design-build firm shall deliver the bonds not later than the 10th day after the date the design-build firm executes the contract unless the design-build firm furnishes a bid
bond or other financial security acceptable to the governmental entity to ensure that the
design-build firm will furnish the required performance and payment bonds before the
commencement of construction.

(20) Subsection (a), Section 252.021, Local Government Code, is amended to read as
follows:
(a) Before a municipality may enter into a contract that requires an expenditure of more
than $50,000 from one or more municipal funds, the municipality must:
(1) comply with the procedure prescribed by this subchapter and Subchapter C for
competitive sealed bidding or competitive sealed proposals;
(2) use the reverse auction procedure, as defined by Section 2155.062(d), Government
Code, for purchasing; or
(3) comply with a method described by Chapter 2269 [2267], Government Code.

(21) Subsection (d), Section 252.022, Local Government Code, is amended to read as
follows:
(d) This chapter does not apply to an expenditure described by Section 252.021(a) if the
governing body of a municipality determines that a method described by Chapter 2269 [2267],
Government Code, provides a better value for the municipality with respect to that expendi-
ture than the procedures described in this chapter and the municipality adopts and uses a
method described in that chapter [subehapter] with respect to that expenditure.

(22) Subsections (d-1) and (e), Section 252.043, Local Government Code, are amended to
read as follows:
(d-1) A contract for construction of a project described by Subsection (d) that requires an
expenditure of $1.5 million or less may be awarded using the competitive sealed proposal
procedure prescribed by Subchapter D, Chapter 2269 [2267], Government Code.
(e) If the competitive sealed bidding requirement applies to the contract for construction of
a facility, as that term is defined by Section 2269.001 [2267], Government Code, the
contract must be awarded to the lowest responsible bidder or awarded under the method
described by Chapter 2269 [2267], Government Code.

(23) Subsections (a) and (b-1), Section 262.023, Local Government Code, are amended to
read as follows:
(a) Before a county may purchase one or more items under a contract that will require an
expenditure exceeding $50,000, the commissioners court of the county must:
(1) comply with the competitive bidding or competitive proposal procedures prescribed
by this subchapter;
(2) use the reverse auction procedure, as defined by Section 2155.062(d), Government
Code, for purchasing; or
(3) comply with a method described by Chapter 2269 [2267], Government Code.
(b-1) A county that complies with a method described by Chapter 2269 [2267], Government
Code, as provided by Subsection (a)(3), to enter into a contract for which payment will be
made through anticipation notes authorized by Chapter 1431, Government Code, may not
issue anticipation notes for the payment of that contract in an amount that exceeds the lesser
of:
(1) 20 percent of the county's budget for the fiscal year in which the county enters into
the contract; or
(2) $10 million.

(24) Section 271.054, Local Government Code, is amended to read as follows:
Sec. 271.054. COMPETITIVE PROCUREMENT REQUIREMENT. Before the govern-
ing body of an issuer may enter into a contract requiring an expenditure by or imposing an
obligation or liability on the issuer, or on a subdivision of the issuer if the issuer is a county,
of more than $50,000, the governing body must:
(1) submit the proposed contract to competitive procurement; or
(2) use an alternate method of project delivery authorized by Chapter 2269 [2267], Government Code.

(25) Section 302.007, Local Government Code, is amended to read as follows:
Sec. 302.007. EXEMPTION FROM OTHER CONTRACTING LAW. Chapter 2269 [2267], Government Code, does not apply to this chapter.

(26) Section 335.077, Local Government Code, is amended to read as follows:
Sec. 335.077. EXEMPTION FROM CONSTRUCTION CONTRACTING LAW. Chapter 2269 [2267], Government Code, does not apply to this chapter.

(27) Subsection (a-4), Section 1956.040, Occupations Code, is amended to read as follows:
   (a-4) A municipality or county may retain 10 percent of the money collected from a fine for a conviction of an offense under Subsection (a-1) as a service fee for that collection and the clerk of the court shall remit the remainder of the fine collected for conviction of an offense under Subsection (a-1) to the comptroller in the manner provided for the remission of fees to the comptroller under Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit proceeds received under this subsection to the credit of an account in the general revenue fund, and those proceeds may be appropriated only to the department and used to:
   (1) finance the department's administration of Subchapters A, A-1, A-2, and A-3; and
   (2) fund grants distributed under the prevention of scrap metal theft grant program established under Subchapter O [N], Chapter 411, Government Code.

(28) Subsection (b), Section 24.004, Property Code, is amended to read as follows:
   (b) A justice court does not have jurisdiction in a forcible entry and detainer or forcible detainer suit and shall dismiss the suit if the defendant files a sworn statement alleging the suit is based on a deed executed in violation of Chapter 21A [24], Business & Commerce Code.

(29) Section 65.002, Property Code, as redesignated from Section 64.002, Property Code, by Section 22.001 of this Act, is amended to read as follows:
Sec. 65.002 [64.002]. CONDITIONS FOR AUTHORITY TO ACT AS AGENT FOR CO-OWNER. A co-owner of residential property may act in the name of and on behalf of another co-owner, whether known or unknown, as the co-owner's statutory agent and attorney-in-fact for the purposes described by Section 65.004 [64.004] if:
   (1) the co-owner has occupied the property for more than five years;
   (2) the co-owner has a residence homestead exemption for the property under Section 11.13, Tax Code;
   (3) for the five years preceding the date the documents required by Section 65.003 [64.003] are filed, the occupying co-owner has paid all assessed ad valorem taxes without delinquency and without contribution from the other co-owner; and
   (4) the occupying co-owner files the documents required by Section 65.003 [64.003].

(30) Section 65.003, Property Code, as redesignated from Section 64.003, Property Code, by Section 22.001 of this Act, is amended to read as follows:
Sec. 65.003 [64.003]. REQUIRED DOCUMENTATION. The occupying co-owner may establish the authority to act as an agent and attorney-in-fact for another co-owner by filing in the office of the county clerk of the county in which the real property is located:
   (1) an affidavit of the occupying co-owner affirming the facts described by Sections 65.002(1)–(3) [64.002(1)–(3)];
   (2) the affidavits of two additional affiants personally familiar with the co-owner's occupancy of the real property corroborating the occupancy during the preceding five years; and
   (3) a certificate of the tax assessor-collector for the county in which the real property is located affirming that the co-owner has paid all taxes assessed against the real property for the preceding five years without delinquency.

(31) Section 1002.110, Special District Local Laws Code, is amended to read as follows:
Sec. 1002.110. PUBLIC WORKS CONTRACTS. With respect to the construction of public works, the district has all of the powers and duties conferred on a municipality under Chapter 2269, Government Code, with respect to the construction of a facility. To the extent of any conflict, this section prevails over any other law relating to the construction of public works engaged in by the district.

(32) Subsection (b), Section 1024.105, Special District Local Laws Code, is amended to read as follows:

(b) The board may act as a governmental entity under Chapter 2269, Government Code, for purposes of using the procurement procedures authorized by that chapter. For purposes of this subsection, notice under Section 2269.052(c), Government Code, must be provided by the district in the same manner as provided for a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution.

(33) Subsection (d-1), Section 366.185, Transportation Code, is amended to read as follows:

(d-1) The rules adopted under Subsection (d) may not materially conflict with the design-build procedures provided by Subchapter H, Chapter 2269, Government Code, and shall provide materially similar injunctive and declaratory action enforcement rights regarding the improper disclosure or use of unique or nonordinary information as provided in that subchapter.

(34) Section 451.8025, Transportation Code, is amended to read as follows:

Sec. 451.8025. EXEMPTION FROM OTHER CONTRACTING LAW. Chapter 2269, Government Code, does not apply to this subchapter.

(35) Section 452.1095, Transportation Code, is amended to read as follows:

Sec. 452.1095. EXEMPTION FROM OTHER CONTRACTING LAW FOR CERTAIN AUTHORITIES. (a) Chapter 2269, Government Code, does not apply to an authority consisting of one subregion governed by a subregional board created under Subchapter O.

(b) An authority to which this section applies may adopt design-build procedures that do not materially conflict with Subchapter H, Chapter 2269, Government Code.

(36) Subsections (c) and (d), Section 460.406, Transportation Code, are amended to read as follows:

(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:

(1) the aggregate amount involved in the contract is $50,000 or less;

(2) the contract is for construction for which not more than one bid or proposal is received;

(3) the contract is for services or property for which there is only one source or for which it is otherwise impracticable to obtain competition;

(4) the contract is to respond to an emergency for which the public exigency does not permit the delay incident to the competitive process;

(5) the contract is for personal or professional services or services for which competitive bidding is precluded by law;

(6) the contract, without regard to form and which may include bonds, notes, loan agreements, or other obligations, is for the purpose of borrowing money or is a part of a transaction relating to the borrowing of money, including:

(A) a credit support agreement, such as a line or letter of credit or other debt guaranty;

(B) a bond, note, debt sale or purchase, trustee, paying agent, remarketing agent, indexing agent, or similar agreement;

(C) an agreement with a securities dealer, broker, or underwriter; and

(D) any other contract or agreement considered by the board of directors to be appropriate or necessary in support of the authority's financing activities.
(7) the contract is for work that is performed and paid for by the day as the work progresses;
(8) the contract is for the purchase of land or a right-of-way;
(9) the contract is for the purchase of personal property sold:
   (A) at an auction by a state licensed auctioneer;
   (B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or
   (C) by a political subdivision of this state, a state agency, or an entity of the federal government;
(10) the contract is for services performed by blind or severely disabled persons;
(11) the contract is for the purchase of electricity; or
(12) the contract is one awarded for alternate project delivery under Subchapters E, F, and G, Chapter 2269 [2267], Government Code.
(d) For the purposes of entering into a contract authorized by Subsection (c)(12), an authority is considered a “governmental entity” as described by Section 2269.002 [2267.002], Government Code.

(37) Subsection (d), Section 60.401, Water Code, is amended to read as follows:
(d) Chapter 2269 [2267], Government Code, does not apply to this subchapter.
(38) Subsection (c), Section 60.452, Water Code, is amended to read as follows:
(c) Chapter 2269 [2267], Government Code, does not apply to this subchapter.

ARTICLE 23. EFFECTIVE DATE

SECTION 23.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

Passed the Senate on April 11, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 9, 2013: Yeas 30, Nays 0; passed the House, with amendment, on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 24, 2013.

Effective September 1, 2013, except as otherwise provided by this Act.

CHAPTER 162

S.B. No. 1191

AN ACT

relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.

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

SECTION 1. Subsection (a), Section 323.002, Health and Safety Code, is amended to read as follows:
(a) Each health care facility that has an emergency department shall comply with Section 323.004. At the request of the department, a health care facility that has an emergency department shall submit to the department for approval a plan for providing the services required by Section 323.004 to sexual assault survivors who arrive for treatment at the emergency department of the health care facility.

SECTION 2. Section 323.004, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), (b-1), and (d) to read as follows:
(a) Except as otherwise provided by Subsection (a-2), after [After] a sexual assault survivor arrives at a health care facility following an alleged sexual assault, the facility shall: