Sec. 791.035. REGULATION OF TRAFFIC IN SPECIAL DISTRICTS. The commissioners court of a county may enter into an interlocal contract with the board of a special district to apply the county’s traffic regulations to a public road in the county that is owned, operated, and maintained by the district if the commissioners court finds that it is in the county’s interest to regulate traffic on the public road.

SECTION 2. Section 251.151, Transportation Code, is amended to read as follows:

Sec. 251.151. AUTHORITY OF COMMISSIONERS COURT TO REGULATE CERTAIN ROADS. (a) The commissioners court of a county may regulate traffic on a county road or on real property owned by the county that is under the jurisdiction of the commissioners court.

(b) The commissioners court of a county may by order apply the county’s traffic regulations to a public road in the county that is owned, operated, and maintained by a special district and located wholly or partly in the county if the commissioners court and the board of the district have entered into an interlocal contract under Section 791.035, Government Code.

(c) A public road that is subject to an order under Subsection (b) is considered to be a county road for purposes of applying a traffic regulation to the public road.

SECTION 3. Subsection (a), Section 251.155, Transportation Code, is amended to read as follows:

(a) The commissioners court of a county may adopt regulations establishing a system of traffic control devices in restricted traffic zones on:

(1) property described by Section 251.151(a); and

(2) property abutting a public road that is the subject of an order under Section 251.151(b) if the property is owned by the district that is subject to the order or is a public right-of-way.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 28, Nays 2; passed the House, with amendment, on May 20, 2013: Yeas 144, Nays 0, one present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1212

S.B. No. 1413

AN ACT
relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

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

SECTION 1. Subsections (a) and (b), Section 19, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon’s Texas Civil Statutes), are amended to read as follows:

(a) In each municipality and other political subdivision to which this Act applies and that has a fire department that does not consist exclusively of volunteers, the fire fighters' retirement system is governed by a board of trustees consisting of:

(1) in a municipality, the mayor of the municipality or the mayor’s designated representative; in an emergency services district, the president of the board of emergency services commissioners; or in another political subdivision, the chief operating officer of
the political subdivision] or the chief operating officer's designated representative, as applicable;

(2) the chief financial officer of the municipality or other political subdivision or, if there is no officer denominated as chief financial officer, the person who performs the duties of chief financial officer or a person designated by the chief financial officer or by the person performing the duties of chief financial officer;

(3) three members of the retirement system elected by participating members as provided by Subsection (b) of this section; and

(4) two persons who reside in this state [in the municipality or other political subdivision or within the extraterritorial jurisdiction of the municipality], who are not officers or employees of the municipality or other political subdivision, and who are elected by a majority vote of the members of the board of trustees determined as provided by Subdivisions (1), (2), and (3) of this subsection.

(b) During each period that begins on December 1 of one year and ends on January 31 of the following year, the participating members of a fire fighters' retirement system in a municipality or other political subdivision subject to this section shall elect by secret ballot and certify to the governing body of the municipality or other political subdivision a member to the board of trustees to serve a term of three years. To be elected a member of a board of trustees under this subsection, a person must be a participating member of the retirement system and receive a majority of the votes cast in the election, and at least 50 percent of all participating members of the retirement system must vote in the election. Provided, however, that if only a single person is nominated for the board of trustees position being filled, that person may be elected by acclamation by those participating members present for the election meeting, without the necessity of a secret ballot.

SECTION 2. Subsection (b), Section 25, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon’s Texas Civil Statutes), is amended to read as follows:

(b) The annual amount of payments from a fund under this section, excluding legal and medical fees, may not exceed:

1. 1 percent of the market [book] value of the assets of the fund for the first $1 million in market [book] value; and

2. 1/4 of 1 percent of the market [book] value of the assets of the fund that exceeds $1 million.

SECTION 3. Subsections (b) and (c), Section 30, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon’s Texas Civil Statutes), are amended to read as follows:

(b) Contributions picked up as provided by this section shall be treated as employer contributions in determining tax treatment of the amounts under the Internal Revenue Code of 1986. [Each municipality or other political subdivision picking up contributions shall continue, however, to compute federal income tax withholding as if these contributions were employee wages until the first payroll period that begins after the date the fire fighters’ pension commission files with the secretary of state a notice stating that the United States Internal Revenue Service has determined or a federal court has ruled that under Section 414(b), Internal Revenue Code of 1986 (26 U.S.C. Section 414(h)), the contributions are not includable in the gross income of a member until they are distributed or made available.] Employee contributions picked up as provided by this section shall be deposited to the credit of the individual account of each affected member and shall be treated for all other purposes of this Act as if the contributions had been deducted from the compensation of members. Picked up contributions are not includable in a computation of contribution rates of the municipality or other political subdivision.

(c) A pick up of employee contributions takes effect in a municipality or other political subdivision on January 1 of the year following the year in which:

1. the governing body of the municipality or other political subdivision by ordinance has adopted the pick up; and

2. the pick up has been approved by majority vote of the participating members of the retirement system at an election by secret ballot at which at least 50 percent of the participating members vote[ed]...
[3] The fire fighters' pension commissioner has filed with the secretary of state a notice stating that the United States Internal Revenue Service has issued a determination that the plan covering employees of the municipality or other political subdivision is a qualified retirement plan under Section 401(a), Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)), and that its related trust is tax exempt under Section 501(a) of that code (26 U.S.C. Section 501(a)).

SECTION 4. Subsection (e), Section 19, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is repealed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on May 3, 2013: Yeas 30, Nays 0; passed the House on May 22, 2013: Yeas 148, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1213

S.B. No. 1419

AN ACT relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

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

SECTION 1. Subsections (a) and (c), Article 45.056, Code of Criminal Procedure, are amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; [or]

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, to jointly employ a case manager to provide services described by Subdivisions (1) and (2).

(c) An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code (A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council may employ one or more juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases).