

AN ACT

relating to the promotion of efficiencies in and the administration of certain district court and county services and functions.

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

SECTION 1. Section 144.041, Agriculture Code, is amended by adding Subsection (h) to read as follows:

(h) A county clerk may accept electronic filing or rerecording of an earmark, brand, tattoo, electronic device, or other type of mark for which a recording is required under this chapter or other law.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.31 to read as follows:

Art. 2.31. COUNTY JAILERS. A jailer licensed under Chapter 1701, Occupations Code, may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2.13(b)(2), including:

- (1) a warrant under Chapter 15, 17, or 18;
- (2) a capias under Chapter 17 or 23;
- (3) a subpoena under Chapter 20 or 24; or
- (4) an attachment under Chapter 20 or 24.

SECTION 3. Subsection (a), Article 20.011, Code of Criminal Procedure, is amended to read as follows:

1 (a) Only the following persons may be present in a grand  
2 jury room while the grand jury is conducting proceedings:

3 (1) grand jurors;

4 (2) bailiffs;

5 (3) the attorney representing the state;

6 (4) witnesses while being examined or when necessary  
7 to assist the attorney representing the state in examining other  
8 witnesses or presenting evidence to the grand jury;

9 (5) interpreters, if necessary; ~~and~~

10 (6) a stenographer or person operating an electronic  
11 recording device, as provided by Article 20.012; and

12 (7) a person operating a video teleconferencing system  
13 for use under Article 20.151.

14 SECTION 4. Subsection (b), Article 20.02, Code of Criminal  
15 Procedure, is amended to read as follows:

16 (b) A grand juror, bailiff, interpreter, stenographer or  
17 person operating an electronic recording device, ~~or~~ person  
18 preparing a typewritten transcription of a stenographic or  
19 electronic recording, or person operating a video teleconferencing  
20 system for use under Article 20.151 who discloses anything  
21 transpiring before the grand jury, regardless of whether the thing  
22 transpiring is recorded, in the course of the official duties of the  
23 grand jury, is ~~shall be~~ liable to a fine as for contempt of the  
24 court, not exceeding \$500 ~~[five hundred dollars]~~, imprisonment not  
25 exceeding 30 ~~[thirty]~~ days, or both the ~~[such]~~ fine and  
26 imprisonment.

27 SECTION 5. Chapter 20, Code of Criminal Procedure, is

1 amended by adding Article 20.151 to read as follows:

2 Art. 20.151. CERTAIN TESTIMONY BY VIDEO TELECONFERENCING.

3 (a) With the consent of the foreman of the grand jury and the  
4 attorney representing the state, a peace officer summoned to  
5 testify before the grand jury may testify through the use of a  
6 closed circuit video teleconferencing system that provides an  
7 encrypted, simultaneous, compressed full motion video and  
8 interactive communication of image and sound between the peace  
9 officer, the attorney representing the state, and the grand jury.

10 (b) In addition to being administered the oath described by  
11 Article 20.16(a), before being interrogated, a peace officer  
12 testifying through the use of a closed circuit video  
13 teleconferencing system under this article shall affirm that:

14 (1) no person other than a person in the grand jury  
15 room is capable of hearing the peace officer's testimony; and

16 (2) the peace officer's testimony is not being  
17 recorded or otherwise preserved by any person at the location from  
18 which the peace officer is testifying.

19 (c) Testimony received from a peace officer under this  
20 article shall be recorded and preserved.

21 SECTION 6. Article 27.18, Code of Criminal Procedure, is  
22 amended by amending Subsection (c) and adding Subsections (c-1) and  
23 (c-2) to read as follows:

24 (c) A recording of the communication shall be made and  
25 preserved until all appellate proceedings have been disposed of. A  
26 court reporter or court recorder is not required to transcribe or  
27 make a separate recording of a plea taken under this article unless

1 an appeal is taken in the case and a party requests a transcript.

2 (c-1) The defendant may obtain a copy of a [the] recording  
3 made under Subsection (c) on payment of a reasonable amount to cover  
4 the costs of reproduction or, if the defendant is indigent, the  
5 court shall provide a copy to the defendant without charging a cost  
6 for the copy.

7 (c-2) The loss or destruction of or failure to make a video  
8 recording of a plea entered under this article is not alone  
9 sufficient grounds for a defendant to withdraw the defendant's plea  
10 or to request the court to set aside a conviction, sentence, or  
11 plea.

12 SECTION 7. Article 38.073, Code of Criminal Procedure, is  
13 amended to read as follows:

14 Art. 38.073. TESTIMONY OF INMATE WITNESSES. In a  
15 proceeding in the prosecution of a criminal offense in which an  
16 inmate in the custody of the Texas Department of Criminal Justice is  
17 required to testify as a witness, any deposition or testimony of the  
18 inmate witness may be conducted by a video teleconferencing system  
19 in the manner described by Article 27.18 [~~electronic means, in the~~  
20 ~~same manner as permitted in civil cases under Section 30.012, Civil~~  
21 ~~Practice and Remedies Code~~].

22 SECTION 8. Article 49.25, Code of Criminal Procedure, is  
23 amended by adding Section 13A to read as follows:

24 Sec. 13A. FEES. (a) A medical examiner may charge  
25 reasonable fees for services provided by the office of medical  
26 examiner under this article, including cremation approvals, court  
27 testimonies, consultations, and depositions.

1        (b) The commissioners court must approve the amount of the  
2 fee before the fee may be assessed. The fee may not exceed the  
3 amount necessary to provide the services described by Subsection  
4 (a).

5        (c) The fee may not be assessed against the county's  
6 district attorney or a county office.

7        SECTION 9. Section 31.037, Election Code, is amended to  
8 read as follows:

9        Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The  
10 employment of the county elections administrator may be suspended,  
11 with or without pay, or terminated at any time for good and  
12 sufficient cause on the four-fifths vote of the county election  
13 commission and approval of that action by a majority vote of the  
14 commissioners court.

15        SECTION 10. Subsection (b), Section 203.005, Family Code,  
16 is amended to read as follows:

17        (b) The first payment of a fee under Subsection (a)(5)  
18 [(a)(4)] is due on the date that the person required to pay support  
19 is ordered to begin child support, alimony, or separate maintenance  
20 payments. Subsequent payments of the fee are due annually and in  
21 advance.

22        SECTION 11. Subsections (b) and (e), Section 51.318,  
23 Government Code, are amended to read as follows:

24        (b) The fees are:

25            (1) for issuing a subpoena, including one copy . . . \$8

26            (2) for issuing a citation, commission for deposition,  
27 writ of execution, order of sale, writ of execution and order of

1 sale, writ of injunction, writ of garnishment, writ of attachment,  
2 or writ of sequestration not provided for in Section 51.317, or any  
3 other writ or process not otherwise provided for, including one  
4 copy if required by law . . . . . \$8

5 (3) for searching files or records to locate a cause  
6 when the docket number is not provided . . . . . \$5

7 (4) for searching files or records to ascertain the  
8 existence of an instrument or record in the district clerk's  
9 office . . . . . \$5

10 (5) for abstracting a judgment . . . . . \$8

11 (6) for approving a bond . . . . . \$4

12 (7) for a certified copy of a record, judgment, order,  
13 pleading, or paper on file or of record in the district clerk's  
14 office, including certificate and seal, for each page or part of a  
15 page . . . . . not to exceed \$1

16 (8) for a noncertified copy, for each page or part of a  
17 page . . . . . not to exceed \$1.

18 (e) The district clerk may not charge [~~the~~] United States  
19 Immigration and Customs Enforcement or United States Citizenship  
20 and Immigration Services [~~Naturalization Service~~] a fee for a copy  
21 of any document on file or of record in the clerk's office relating  
22 to an individual's criminal history, regardless of whether the  
23 document is certified.

24 SECTION 12. Section 57.002, Government Code, is amended by  
25 adding Subsection (d-1) to read as follows:

26 (d-1) Subject to Subsection (e), a court in a county to  
27 which Section 21.021, Civil Practice and Remedies Code, applies may

1 appoint a spoken language interpreter who is not a licensed court  
2 interpreter.

3 SECTION 13. Section 101.0611, Government Code, is amended  
4 to read as follows:

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

- 8 (1) appellate judicial system filing fees for:
  - 9 (A) First or Fourteenth Court of Appeals District  
10 (Sec. 22.2021, Government Code) . . . not more than \$5;
  - 11 (B) Second Court of Appeals District (Sec.  
12 22.2031, Government Code) . . . not more than \$5;
  - 13 (C) Third Court of Appeals District (Sec.  
14 22.2041, Government Code) . . . \$5;
  - 15 (D) Fourth Court of Appeals District (Sec.  
16 22.2051, Government Code) . . . not more than \$5;
  - 17 (E) Fifth Court of Appeals District (Sec.  
18 22.2061, Government Code) . . . not more than \$5;
  - 19 (F) Ninth Court of Appeals District (Sec.  
20 22.2101, Government Code) . . . \$5;
  - 21 (G) Eleventh Court of Appeals District (Sec.  
22 22.2121, Government Code) . . . \$5; and
  - 23 (H) Thirteenth Court of Appeals District (Sec.  
24 22.2141, Government Code) . . . not more than \$5;

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

- 1           (3) additional filing fees:
- 2               (A) for each suit filed for insurance contingency  
3 fund, if authorized by the county commissioners court (Sec. 51.302,  
4 Government Code) . . . not to exceed \$5;
- 5               (B) to fund the improvement of Dallas County  
6 civil court facilities, if authorized by the county commissioners  
7 court (Sec. 51.705, Government Code) . . . not more than \$15; and
- 8               (C) to fund the improvement of Hays County court  
9 facilities, if authorized by the county commissioners court (Sec.  
10 51.707, Government Code) . . . not more than \$15;
- 11           (4) for filing a suit, including an appeal from an  
12 inferior court:
- 13               (A) for a suit with 10 or fewer plaintiffs (Sec.  
14 51.317, Government Code) . . . \$50;
- 15               (B) for a suit with at least 11 but not more than  
16 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 17               (C) for a suit with at least 26 but not more than  
18 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 19               (D) for a suit with at least 101 but not more than  
20 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 21               (E) for a suit with at least 501 but not more than  
22 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 23               (F) for a suit with more than 1,000 plaintiffs  
24 (Sec. 51.317, Government Code) . . . \$200;
- 25           (5) for filing a cross-action, counterclaim,  
26 intervention, contempt action, motion for new trial, or third-party  
27 petition (Sec. 51.317, Government Code) . . . \$15;

1           (6) for issuing a citation or other writ or process not  
2 otherwise provided for, including one copy, when requested at the  
3 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
4 \$8;

5           (7) for records management and preservation (Sec.  
6 51.317, Government Code) . . . \$10;

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

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

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

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

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

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

25           (14) for a certified copy of a record, judgment,  
26 order, pleading, or paper on file or of record in the district  
27 clerk's office, including certificate and seal, for each page or

1 part of a page (Sec. 51.318, Government Code) . . . not to exceed  
2 \$1;

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

5 (16) fee for performing a service:

6 (A) related to the matter of the estate of a  
7 deceased person (Sec. 51.319, Government Code) . . . the same fee  
8 allowed the county clerk for those services;

9 (B) related to the matter of a minor (Sec.  
10 51.319, Government Code) . . . the same fee allowed the county  
11 clerk for the service;

12 (C) of serving process by certified or registered  
13 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
14 constable is authorized to charge for the service under Section  
15 118.131, Local Government Code; and

16 (D) prescribed or authorized by law but for which  
17 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

18 (17) jury fee (Sec. 51.604, Government Code) . . .  
19 \$30;

20 (18) additional filing fee for family protection on  
21 filing a suit for dissolution of a marriage under Chapter 6, Family  
22 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

23 (19) at a hearing held by an associate judge in Dallas  
24 County, a court cost to preserve the record, in the absence of a  
25 court reporter, by other means (Sec. 54.509, Government Code) . . .  
26 as assessed by the referring court or associate judge; and

27 (20) at a hearing held by an associate judge in Duval

1 County, a court cost to preserve the record (Sec. 54.1151,  
2 Government Code) . . . as imposed by the referring court or  
3 associate judge.

4 SECTION 14. Section 551.0415, Government Code, is amended  
5 to read as follows:

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

16 (b) For purposes of Subsection (a), "items of community  
17 interest" includes:

18 (1) expressions of thanks, congratulations, or  
19 condolence;

20 (2) information regarding holiday schedules;

21 (3) an honorary or salutary recognition of a public  
22 official, public employee, or other citizen, except that a  
23 discussion regarding a change in the status of a person's public  
24 office or public employment is not an honorary or salutary  
25 recognition for purposes of this subdivision;

26 (4) a reminder about an upcoming event organized or  
27 sponsored by the governing body;

1           (5) information regarding a social, ceremonial, or  
2 community event organized or sponsored by an entity other than the  
3 governing body that was attended or is scheduled to be attended by a  
4 member of the governing body or an official or employee of the  
5 municipality or county; and

6           (6) announcements involving an imminent threat to the  
7 public health and safety of people in the municipality or county  
8 that has arisen after the posting of the agenda.

9           SECTION 15. Subsection (a), Section 551.0725, Government  
10 Code, is amended to read as follows:

11           (a) The commissioners court of a county [~~with a population~~  
12 ~~of 400,000 or more~~] may conduct a closed meeting to deliberate  
13 business and financial issues relating to a contract being  
14 negotiated if, before conducting the closed meeting:

15           (1) the commissioners court votes unanimously that  
16 deliberation in an open meeting would have a detrimental effect on  
17 the position of the commissioners court in negotiations with a  
18 third person; and

19           (2) the attorney advising the commissioners court  
20 issues a written determination that deliberation in an open meeting  
21 would have a detrimental effect on the position of the  
22 commissioners court in negotiations with a third person.

23           SECTION 16. Subdivision (5), Section 61.002, Health and  
24 Safety Code, is amended to read as follows:

25           (5) "General revenue levy" means:

26           (A) the property taxes imposed by a county that  
27 are not dedicated to:

1                    (i) the construction and maintenance of  
2 farm-to-market roads under Article VIII, Section 1-a, Texas  
3 Constitution;

4                    (ii) ~~[or to]~~ flood control under Article  
5 VIII, Section 1-a, ~~[of the]~~ Texas Constitution;

6                    (iii) ~~[or that are not dedicated to]~~ the  
7 further maintenance of the public roads under Article VIII, Section  
8 9, ~~[of the]~~ Texas Constitution; or

9                    (iv) the payment of principal or interest  
10 on county debt; and

11                    (B) the sales and use tax revenue to be received  
12 by the county during the calendar year in which the state fiscal  
13 year begins under Chapter 323, Tax Code, as determined under  
14 Section 26.041(d), Tax Code.

15                    SECTION 17. Subsection (a), Section 132.002, Local  
16 Government Code, is amended to read as follows:

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

25                    SECTION 18. Subchapter Z, Chapter 157, Local Government  
26 Code, is amended by adding Section 157.9031 to read as follows:

27                    Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR

1 CERTAIN COVERAGE. A self-insuring county or the intergovernmental  
2 pool operating under Chapter 119, under policies concerning the  
3 provision of coverages adopted by the county's commissioners court  
4 or the pool's governing body, may require reimbursement for the  
5 provision of punitive damage coverage from a person to whom the  
6 county or intergovernmental pool provides coverage.

7 SECTION 19. Subsections (b) and (f), Section 270.007, Local  
8 Government Code, are amended to read as follows:

9 (b) A [~~Notwithstanding the provisions of Subsections (f)~~  
10 ~~and (g), a~~] county may exclusively contract with a person to market  
11 the application or system. If the original contract for  
12 development of the application or system under Subsection (a) does  
13 not include a provision for marketing the application or system, a  
14 [A] contract under this subsection shall be awarded [only] in  
15 compliance with Section 262.030, [Local Government Code],  
16 concerning the alternative competitive procedure for insurance or  
17 high technology items.

18 (f) Except as provided by Subsection (b), [~~upon request of~~  
19 ~~any person,~~] a county may [~~shall~~] sell or license software under  
20 this section for a price negotiated between the county and the  
21 purchaser or licensee, including another governmental entity  
22 [person, not to exceed the developmental cost to the county.  
23 Developmental cost shall only include costs incurred under a  
24 contract to procure the software or direct employee costs incurred  
25 to develop the software. This subsection does not apply to any  
26 county software that protects county computer systems from  
27 unauthorized use or access].

1 SECTION 20. Subsection (e), Section 352.081, Local  
2 Government Code, is amended to read as follows:

3 (e) An order adopted under this section expires, as  
4 applicable, on the date:

5 (1) a determination is made under Subsection (b) that  
6 drought conditions no longer exist; or

7 (2) a determination is made by the commissioners  
8 court, or the county judge or fire marshal if designated for that  
9 purpose by the commissioners court, that the circumstances  
10 identified under Subsection (c)(2) no longer exist.

11 SECTION 21. Section 387.003, Local Government Code, is  
12 amended by amending Subsections (a), (b), (b-1), (c), (e), (f), and  
13 (h) and adding Subsections (a-1), (i), and (j) to read as follows:

14 (a) The commissioners court of the county may call an  
15 election on the question of creating a county assistance district  
16 under this chapter. More than one county assistance district may be  
17 created in a county, but not more than one district may be created  
18 in a commissioners precinct.

19 (a-1) A district may ~~to~~ perform the following functions in  
20 the district:

21 (1) the construction, maintenance, or improvement of  
22 roads or highways;

23 (2) the provision of law enforcement and detention  
24 services;

25 (3) the maintenance or improvement of libraries,  
26 museums, parks, or other recreational facilities;

27 (4) the provision of services that benefit the public

1 health or welfare, including the provision of firefighting and fire  
2 prevention services; or

3 (5) the promotion of economic development and tourism.

4 (b) The order calling the election must:

5 (1) define the boundaries of the district to include  
6 any portion of the county in which the combined tax rate of all  
7 local sales and use taxes imposed, including the rate to be imposed  
8 by the district if approved at the election, would not exceed the  
9 maximum combined rate of sales and use taxes imposed by political  
10 subdivisions of this state that is prescribed by Sections 321.101  
11 and 323.101, Tax Code [~~two percent~~]; and

12 (2) call for the election to be held within those  
13 boundaries.

14 (b-1) If the proposed district includes any territory of a  
15 municipality, the commissioners court shall send notice by  
16 certified mail to the governing body of the municipality of the  
17 commissioners court's intent to create the district. If the  
18 municipality has created a development corporation under Chapter  
19 504 or 505, the commissioners court shall also send the notice to  
20 the board of directors of the corporation. The commissioners court  
21 must send the notice not later than the 60th day before the date the  
22 commissioners court orders the election. The governing body of the  
23 municipality may exclude the territory of the municipality from the  
24 proposed district by sending notice by certified mail to the  
25 commissioners court of the governing body's desire to exclude the  
26 municipal territory from the district. The governing body must  
27 send the notice not later than the 45th day after the date the

1 governing body receives notice from the commissioners court under  
2 this subsection. The territory of a municipality that is excluded  
3 under this subsection may subsequently be included in:

4 (1) the district in an election held under Subsection  
5 (f) with the consent of the municipality; or

6 (2) another district after complying with the  
7 requirements of this subsection and after an election under  
8 Subsection (f).

9 (c) The ballot at the election must be printed to permit  
10 voting for or against the proposition: "Authorizing the creation  
11 of the \_\_\_\_ County Assistance District No.\_\_\_\_ (insert name of  
12 district) and the imposition of a sales and use tax at the rate of  
13 \_\_\_\_ [~~of one~~] percent (insert [~~one-eighth, one-fourth,~~  
14 ~~three-eighths, or one-half, as~~] appropriate rate) for the purpose  
15 of financing the operations of the district."

16 (e) If a majority of the votes received at the election are  
17 against the creation of the district, the district is not created  
18 and the county at any time may call one or more elections [~~another~~  
19 ~~election~~] on the question of creating one or more [~~a~~] county  
20 assistance districts [~~district may not be held in the county before~~  
21 ~~the first anniversary of the most recent election concerning the~~  
22 ~~creation of a district~~].

23 (f) The commissioners court may call an election to be held  
24 in an area of the county that is not located in a district created  
25 under this section to determine whether the area should be included  
26 in the district and whether the district's sales and use tax should  
27 be imposed in the area. An election may not be held in an area in

1 which the combined tax rate of all local sales and use taxes  
2 imposed, including the rate to be imposed by the district if  
3 approved at the election, would exceed the maximum combined rate of  
4 sales and use taxes imposed by political subdivisions of this state  
5 that is prescribed by Sections 321.101 and 323.101, Tax Code [~~two~~  
6 ~~percent~~].

7 (h) If more than one election to authorize a local sales and  
8 use tax is held on the same day in the area of a proposed district or  
9 an area proposed to be added to a district and if the resulting  
10 approval by the voters would cause the imposition of a local sales  
11 and use tax in any area to exceed the maximum combined rate of sales  
12 and use taxes of political subdivisions of this state that is  
13 prescribed by Sections 321.101 and 323.101, Tax Code [~~two percent~~],  
14 only a tax authorized at an election under this section may be  
15 imposed.

16 (i) In addition to the authority to include an area in a  
17 district under Subsection (f), the governing body of a district by  
18 order may include an area in the district on receipt of a petition  
19 or petitions signed by the owner or owners of the majority of the  
20 land in the area to be included in the district. If there are no  
21 registered voters in the area to be included in the district, no  
22 election is required.

23 (j) The commissioners court by order may exclude an area  
24 from the district if the district has no outstanding bonds payable  
25 wholly or partly from sales and use taxes and the exclusion does not  
26 impair any outstanding district debt or contractual obligation.

27 SECTION 22. Section 387.005, Local Government Code, is

1 amended to read as follows:

2           Sec. 387.005. GOVERNING BODY. (a) The commissioners court  
3 of the county in which the district is created by order shall  
4 provide that:

5                   (1) the commissioners court is the governing body of  
6 the district; or

7                   (2) the commissioners court shall appoint a governing  
8 body of the district.

9           (b) A member of the governing body of the district  
10 [~~commissioners court~~] is not entitled to compensation for service  
11 [~~on the governing body of the district~~] but is entitled to  
12 reimbursement for actual and necessary expenses.

13           (c) A board of directors appointed by the commissioners  
14 court under this section shall consist of five directors who serve  
15 staggered terms of two years. To be eligible to serve as a  
16 director, a person must be at least 18 years of age and a resident of  
17 the county in which the district is located. The initial directors  
18 shall draw lots to achieve staggered terms, with three of the  
19 directors serving one-year terms and two of the directors serving  
20 two-year terms.

21           SECTION 23. Subsection (a), Section 387.006, Local  
22 Government Code, is amended to read as follows:

23           (a) A district may:

24                   (1) perform any act necessary to the full exercise of  
25 the district's functions;

26                   (2) accept a grant or loan from:

27                           (A) the United States;

1 (B) an agency or political subdivision of this  
2 state; or

3 (C) a public or private person;

4 (3) acquire, sell, lease, convey, or otherwise dispose  
5 of property or an interest in property under terms determined by the  
6 district;

7 (4) employ necessary personnel; ~~and~~

8 (5) adopt rules to govern the operation of the  
9 district and its employees and property; and

10 (6) enter into agreements with municipalities  
11 necessary or convenient to achieve the district's purposes,  
12 including agreements regarding the duration, rate, and allocation  
13 between the district and the municipality of sales and use taxes.

14 SECTION 24. Subsection (b), Section 387.007, Local  
15 Government Code, is amended to read as follows:

16 (b) A district may not adopt a sales and use tax under this  
17 chapter if the adoption of the tax would result in a combined tax  
18 rate of all local sales and use taxes that would exceed the maximum  
19 combined rate prescribed by Sections 321.101 and 323.101, Tax Code,  
20 ~~[of more than two percent]~~ in any location in the district.

21 SECTION 25. Section 387.009, Local Government Code, is  
22 amended to read as follows:

23 Sec. 387.009. TAX RATE. The rate of a tax adopted under  
24 this chapter must be in increments of one-eighth~~[, one-fourth,~~  
25 ~~three-eighths, or one-half]~~ of one percent.

26 SECTION 26. Subsections (a), (b), and (c), Section 387.010,  
27 Local Government Code, are amended to read as follows:

1 (a) A district that has adopted a sales and use tax under  
2 this chapter may, by order and subject to Section 387.007(b):

3 (1) reduce~~[, change]~~ the rate of the tax or repeal the  
4 tax without an election, except that the district may not repeal the  
5 sales and use tax or reduce the rate of the sales and use tax below  
6 the amount pledged to secure payment of an outstanding district  
7 debt or contractual obligation;

8 (2) increase the rate of the sales and use tax, if the  
9 increased rate of the sales and use tax will not exceed the rate  
10 approved at an election held under Section 387.003; or

11 (3) increase the rate of the sales and use tax to a  
12 rate that exceeds the rate approved at an election held under  
13 Section 387.003 after ~~[if]~~ the increase ~~[change or repeal]~~ is  
14 approved by a majority of the votes received in the district at an  
15 election held for that purpose.

16 (b) The tax may be changed under Subsection (a) in one or  
17 more increments of one-eighth of one percent ~~[to a maximum of~~  
18 ~~one-half of one percent]~~.

19 (c) The ballot for an election to increase ~~[change]~~ the tax  
20 shall be printed to permit voting for or against the proposition:  
21 "The increase ~~[change]~~ of a sales and use tax for the \_\_\_\_ County  
22 Assistance District No. \_\_\_\_ (insert name of district) from the rate  
23 of \_\_\_\_ ~~[of one]~~ percent (insert ~~[one-fourth, three-eighths, or~~  
24 ~~one-half, as]~~ appropriate rate) to the rate of \_\_\_\_ ~~[of one]~~ percent  
25 (insert ~~[one-fourth, three-eighths, or one-half, as]~~ appropriate  
26 rate)."

27 SECTION 27. Section 387.012, Local Government Code, is

1 amended to read as follows:

2       Sec. 387.012. EFFECTIVE DATE OF TAX. The adoption of the  
3 tax, the increase or reduction [~~change~~] of the tax rate, or the  
4 repeal of the tax takes effect on the first day of the first  
5 calendar quarter occurring after the expiration of the first  
6 complete quarter occurring after the date the comptroller receives  
7 a copy of the order of the district's governing body [~~notice of the~~  
8 ~~results of the election~~] adopting, increasing, reducing  
9 [~~changing~~], or repealing the tax.

10       SECTION 28. Chapter 51, Property Code, is amended by adding  
11 Section 51.0022 to read as follows:

12       Sec. 51.0022. FORECLOSURE DATA COLLECTION. (a) In this  
13 section, "department" means the Texas Department of Housing and  
14 Community Affairs.

15       (b) A person filing a notice of sale of residential property  
16 under Section 51.002(b) must submit to the county clerk a completed  
17 form that provides the zip code for the property.

18       (c) On completion of a sale of real property, the trustee or  
19 sheriff shall submit to the county clerk a completed form that  
20 contains information on whether the property is residential and the  
21 zip code of the property.

22       (d) Not later than the 30th day after the date of receipt of  
23 a form under this section, the county clerk shall transmit the form  
24 to the department.

25       (e) The board of the department shall prescribe the forms  
26 required under this section. The forms may only request  
27 information on whether the property is residential and the zip code

1 of the property.

2 (f) The department shall report the information received  
3 under this section quarterly to the legislature in a format  
4 established by the board of the department by rule.

5 SECTION 29. Sections 86.022 and 112.008 and Subsection  
6 (d), Section 387.010, Local Government Code, are repealed.

7 SECTION 30. (a) Subsection (a), Article 20.011, and  
8 Subsection (b), Article 20.02, Code of Criminal Procedure, as  
9 amended by this Act, and Article 20.151, Code of Criminal  
10 Procedure, as added by this Act, apply only to testimony before a  
11 grand jury that is impaneled on or after the effective date of this  
12 Act.

13 (b) Article 27.18, Code of Criminal Procedure, as amended by  
14 this Act, applies to a plea of guilty or nolo contendere entered on  
15 or after the effective date of this Act, regardless of whether the  
16 offense with reference to which the plea is entered is committed  
17 before, on, or after that date.

18 (c) Article 38.073, Code of Criminal Procedure, as amended  
19 by this Act, applies only to the testimony of an inmate witness that  
20 is taken on or after the effective date of this Act.

21 (d) Section 13A, Article 49.25, Code of Criminal Procedure,  
22 as added by this Act, applies only to a service provided by a  
23 medical examiner's office on or after the effective date of this  
24 Act. A service provided before the effective date of this Act is  
25 covered by the law in effect on the date the service was provided,  
26 and the former law is continued in effect for that purpose.

27 (e) Subsection (b), Section 51.318, and Section 101.0611,

1 Government Code, as amended by this Act, apply only to a request for  
2 a certified copy of a record, judgment, order, pleading, or paper on  
3 file or of record in the district clerk's office, including  
4 certificate and seal, made on or after the effective date of this  
5 Act. A request made before the effective date of this Act is  
6 covered by the law in effect when the request was made, and the  
7 former law is continued in effect for that purpose.

8 (f) Subsection (d-1), Section 57.002, Government Code, as  
9 added by this Act, applies only to the appointment of a court  
10 interpreter under Chapter 57, Government Code, as amended by this  
11 Act, on or after the effective date of this Act. The appointment of  
12 a court interpreter before the effective date of this Act is  
13 governed by the law in effect when the interpreter was appointed,  
14 and the former law is continued in effect for that purpose.

15 (g) Subsection (a), Section 551.0725, Government Code, as  
16 amended by this Act, applies only to a meeting held on or after the  
17 effective date of this Act. A meeting held before the effective  
18 date of this Act is governed by the law in effect on the date the  
19 meeting is held, and the former law is continued in effect for that  
20 purpose.

21 (h) Subsections (b) and (f), Section 270.007, Local  
22 Government Code, as amended by this Act, apply only to a contract  
23 entered into on or after the effective date of this Act. A contract  
24 entered into before the effective date of this Act is governed by  
25 the law in effect when the contract was entered into, and the former  
26 law is continued in effect for that purpose.

27 (i) The board of the Texas Department of Housing and

1 Community Affairs shall adopt the forms and rules required by  
2 Section 51.0022, Property Code, as added by this Act, not later than  
3 January 1, 2012.

4 (j) The change in law made by Section 51.0022, Property  
5 Code, as added by this Act, applies only to a notice of sale filed on  
6 or after January 1, 2012. A notice of sale filed before January 1,  
7 2012, is governed by the law in effect immediately before the  
8 effective date of this Act, and the former law is continued in  
9 effect for that purpose.

10 SECTION 31. This Act takes effect immediately if it  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution.  
13 If this Act does not receive the vote necessary for immediate  
14 effect, this Act takes effect September 1, 2011.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1233 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 27, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1233 passed the House, with amendments, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor