(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, [or] 21.11, or 25.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer; or

(5) a person the actor knows is emergency services personnel while the person is providing emergency services.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2009.

Passed by the House on May 7, 2009: Yeas 144, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2240 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 2240 on May 31, 2009: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 2240 on May 31, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 666

H.B. No. 2242

AN ACT

relating to the abolition of the Texas cultural endowment fund.

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

SECTION 1. Sections 444.025(a), (b), and (i), Government Code, are amended to read as follows:

(a) The commission may accept on behalf of the state donations of money, property, and art objects as it determines best further the orderly development of the artistic resources of the state. Money [Except as provided by Subsection (b), money] paid to the commission under this chapter shall be deposited in the Texas Commission on the Arts operating [cultural endowment] fund.

(b) The commission may solicit donations from an appropriate source. [A person may designate a donation as intended for the Texas cultural endowment fund or the Texas]
The text of the document is as follows:

Commission on the Arts operating fund. If the person designates that a donation is intended for a specific fund, the donation shall be deposited in the designated fund.

(i) All money paid to the commission under this chapter, other than money required to be deposited in the Texas cultural endowment fund, is subject to Subchapter F, Chapter 404.

SECTION 2. Section 444.032(c), Government Code, is amended to read as follows:

(c) All proceeds from the sale of compact discs under the project shall be deposited in the Texas Commission on the Arts operating fund under Section 444.027.

SECTION 3. Sections 444.026 and 444.028, Government Code, are repealed.

SECTION 4. (a) Before December 1, 2009, the Texas Commission on the Arts, in consultation with interested stakeholders, shall review donor restrictions on donations to the Texas cultural endowment fund to determine if the donations may be transferred to the Texas Commission on the Arts operating fund.

(b) On December 1, 2009:

(1) the Texas cultural endowment fund is abolished;

(2) the money, including any interest or income earned before December 1, 2009, in the Texas cultural endowment fund that is not subject to donor restrictions prohibiting the transfer is transferred to the Texas Commission on the Arts operating fund; and

(3) the money, including any interest or income earned before December 1, 2009, in the Texas cultural endowment fund that is subject to donor restrictions prohibiting a transfer to the Texas Commission on the Arts operating fund is returned to the donor.

(c) Money transferred under Subsection (b)(2) of this section may not be used to reduce or eliminate appropriations made for the fiscal biennium beginning September 1, 2009, to the Texas Commission on the Arts.

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, 2009.

Passed by the House on May 8, 2009: Yeas 132, Nays 0, 1 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 667

H.B. No. 2276

AN ACT

relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.

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

SECTION 1. Section 156.2512(c)(1), Tax Code, is amended to read as follows:

(1) “Eligible barrier island coastal municipality” means a municipality:

(A) that borders on the Gulf of Mexico;

(B) that is located wholly or partly on a barrier island; and

(C) the boundaries of which are within 30 miles of the United Mexican States or include:

(i) a portion of a national seashore; or

(ii) a national estuarine research reserve.