SECTION 2. Section 32.31(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

SECTION 3. Section 32.51, Penal Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) An offense described for purposes of punishment by Subsections (c)(1)–(3) is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

SECTION 4. 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 governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the 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 5. This Act takes effect September 1, 2009.

Passed by the House on April 30, 2009: Yeas 131, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2328 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. 2328 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. 2328 on May 31, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 671

H.B. No. 2348

AN ACT
relating to a contract between a water district and a municipality for the provision of fire-fighting services in certain counties.

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

SECTION 1. Subchapter L, Chapter 49, Water Code, is amended by adding Section 49.353 to read as follows:

Sec. 49.353. MUNICIPAL CONTRACT FOR FIRE-FIGHTING SERVICES IN CERTAIN COUNTIES. (a) In this section, “fire-fighting services” has the meaning assigned by Section 49.351.

(b) This section applies only to a district:

(1) located wholly or partly in a county with a population of more than 3.3 million; and

(2) in whose territory an emergency services district that provides fire-fighting services to all or part of the district is wholly or partly located.

(c) Notwithstanding Section 43.0751(f)(2)(B)(iii), Local Government Code, as part of a strategic partnership agreement entered into on or before December 31, 2006, under Section 43.0751, Local Government Code, a district may contract with a municipality whose fire department, on the date the agreement is entered into, has an Insurance Services Office (ISO) Class 1 Public Protection Classification Rating or comparable rating recognized by the state fire marshal for the provision of fire-fighting services to all or part of the district's
territory, without the authorization of the emergency services district that provides fire-fighting services to the district immediately before the date on which the agreement takes effect.

(d) If a district enters into a strategic partnership agreement with a municipality that includes the provision of fire-fighting services under this section, the territory of the district annexed by the municipality for limited purposes and to be served by the municipality under the agreement shall be disannexed from the emergency services district in the manner provided by Section 775.022, Health and Safety Code, for territory that is annexed by a municipality for full purposes.

(e) This section does not apply to a strategic partnership agreement that is:

(1) entered into after December 31, 2006; or

(2) amended after December 31, 2006, to include the provision of fire-fighting services.

SECTION 2. 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 12, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 25, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.

CHAPTER 672

H.B. No. 2368

AN ACT

relating to trusts.

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

SECTION 1. Section 1104.021(a), Insurance Code, is amended to read as follows:

(a) An individual may make a trust agreement providing that the proceeds of a life insurance policy insuring the individual be made payable to a trustee named as beneficiary in the policy. The validity of a trust agreement or declaration of trust that designates a beneficiary of a life insurance policy is not affected by whether any corpus of the trust exists in addition to the right of the trustee to receive insurance proceeds.

SECTION 2. Sections 112.010(c) and (c-1), Property Code, are amended to read as follows:

(c) Except as provided by Subsection (c-1) [of this section], the following persons may disclaim an interest in a trust created in any manner other than by will:

(1) a beneficiary, including a beneficiary of a spendthrift trust;

(2) the personal representative of an incompetent, deceased, unborn or unascertained, or minor beneficiary, with court approval by the court having jurisdiction over the personal representative; and

(3) the independent executor or independent administrator of a deceased beneficiary, without court approval.

(c-1) A person authorized to disclaim an interest in a trust under Subsection (c) [of this section] may not disclaim the interest if the person in the person's [his] capacity as beneficiary, personal representative, [or] independent executor, or independent administrator has either exercised dominion and control over the interest or accepted any benefits from the trust.

SECTION 3. Subchapter A, Chapter 113, Property Code, is amended by adding Section 113.029 to read as follows: 1497