SECTION 3. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

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, 2009.

Passed by the House on April 22, 2009: Yeas 149, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2555 on May 31, 2009: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective except as shown in § 2(d).

CHAPTER 1138

H.B. No. 2609

AN ACT

relating to the prosecution and punishment of the offense of criminal trespass.

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

SECTION 1. Subsection (a), Section 30.05, Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [he] enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, or an aircraft or other vehicle, [of another] without effective consent [or he enters or remains in a building of another without effective consent] and the person [he]:

(1) had notice that the entry was forbidden; or

(2) received notice to depart but failed to do so.

SECTION 2. Subsection (b), Section 30.05, Penal Code, is amended by adding Subdivisions (8), (9), (10), and (11) to read as follows:

(8) “Protected freshwater area” has the meaning assigned by Section 90.001, Parks and Wildlife Code.

(9) “Recognized state” means another state with which the attorney general of this state, with the approval of the governor of this state, negotiated an agreement after determining that the other state:

(A) has firearm proficiency requirements for peace officers; and

(B) fully recognizes the right of peace officers commissioned in this state to carry weapons in the other state.

(10) “Recreational vehicle park” means a tract of land that has rental spaces for two or more recreational vehicles, as defined by Section 522.004, Transportation Code.

(11) “Residential land” means real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use.

SECTION 3. Subsections (d) and (e), Section 30.06, Penal Code, are amended to read as follows:

(d) An offense under this section [Subsection (e) is a Class C misdemeanor unless it is committed in a habitation or unless the actor carries a deadly weapon on or about the actor’s person during the commission of the offense, in which event it is a Class A misdemeanor. An offense under Subsection (a) is:

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);
(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of the boundary of the land; or
(B) on residential land and within 100 feet of a protected freshwater area; and

(3) [that the offense is] a Class A misdemeanor if:

(A) [(i)] the offense is committed:

(i) [(A)] in a habitation or a shelter center;

(ii) [(B)] on a Superfund site; or

(iii) [(C)] on or in a critical infrastructure facility; or

(B) [(2)] the person [actor] carries a deadly weapon [on or about his person] during the commission of the offense.

(e) It is a defense to prosecution under this section that the actor at the time of the offense was [A person commits an offense if without express consent or if without authorization provided by any law, whether in writing or other form, the person;

(1) a firefighter or emergency medical services personnel, as defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances [enters or remains on agricultural land of another];

(2) a person who was:

(A) an employee or agent of:

(i) an electric utility, as defined by Section 31.002, Utilities Code;

(ii) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(iii) a video service provider or cable service provider, as defined by Section 66.002, Utilities Code;

(iv) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code; or

(v) a pipeline used for the transportation or sale of oil, gas, or related products; and

(B) performing a duty within the scope of that employment or agency; or

(3) a person who was:

(A) employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property; and

(B) performing a duty within the scope of that employment or agency [is on the agricultural land and within 100 feet of the boundary of the land when apprehended; and

[(3) had notice that the entry was forbidden or received notice to depart but failed to do so].

SECTION 4. Subsections (c) and (j), Section 30.05, Penal Code, are repealed.

SECTION 5. 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 was committed before that date.

SECTION 6. This Act takes effect September 1, 2009.

Passed by the House on May 13, 2009: Yeas 140, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2609 on May 29, 2009: Yeas 142, Nays 1, 3 present, not voting; passed by the Senate, with amendments, on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.
CHAPTER 1139

H.B. No. 2619

AN ACT
relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

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

ARTICLE 1. NONSUBSTANTIVE REVISION OF LOCAL LAWS

SECTION 1.01. Subtitle A, Title 3, Special District Local Laws Code, is amended by adding Chapters 1035, 1056, 1061, 1063, 1064, 1067, 1072, 1073, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, and 1097 to read as follows:

CHAPTER 1035. DEWITT MEDICAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1035.001. DEFINITIONS
Sec. 1035.002. AUTHORITY FOR CREATION
Sec. 1035.003. POLITICAL SUBDIVISION
Sec. 1035.004. DISTRICT TERRITORY
Sec. 1035.005. CORRECTION OF INVALID PROCEDURES
Sec. 1035.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE OBLIGATION

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1035.051. BOARD ELECTION; TERM
Sec. 1035.052. NOTICE OF ELECTION
Sec. 1035.053. QUALIFICATIONS FOR OFFICE
Sec. 1035.054. BOND; RECORD OF BOND AND OATH OR AFFIRMATION OF OFFICE
Sec. 1035.055. BOARD VACANCY
Sec. 1035.056. OFFICERS
Sec. 1035.057. COMPENSATION; EXPENSES
Sec. 1035.058. VOTING REQUIREMENT
Sec. 1035.059. DISTRICT ADMINISTRATOR
Sec. 1035.060. GENERAL DUTIES OF DISTRICT ADMINISTRATOR
Sec. 1035.061. RECRUITMENT OF MEDICAL STAFF AND EMPLOYEES
Sec. 1035.062. CONTINUING EDUCATION; RETRAINING
Sec. 1035.063. DOCTORS AND OTHER EMPLOYEES

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1035.101. DISTRICT RESPONSIBILITY
Sec. 1035.102. RESTRICTION ON POLITICAL SUBDIVISION TAXATION AND DEBT
Sec. 1035.103. MANAGEMENT AND CONTROL
Sec. 1035.104. HOSPITAL SYSTEM
Sec. 1035.105. PROVISION OF CERTAIN HEALTH SERVICES
Sec. 1035.106. EMINENT DOMAIN
Sec. 1035.107. GIFTS AND ENDOWMENTS
Sec. 1035.108. CONTRACT WITH NIXON HOSPITAL DISTRICT
Sec. 1035.109. PAYMENT FOR TREATMENT; PROCEDURES