(b) Subsection (f), Section 42.08, Tax Code, as added by this Act, applies to an appeal under Chapter 42, Tax Code, that is:

(1) filed on or after the effective date of this Act; or
(2) pending on the effective date of this Act.

SECTION 3. 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 the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 531

S.B. No. 1367

AN ACT

relating to parking placard or specialty license plate applications by persons with a mobility problem caused by an impairment of vision.

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

SECTION 1. Subsection (a), Section 504.201, Transportation Code, is amended by adding Subdivision (3) to read as follows:

(3) “Practice of optometry” and “practice of therapeutic optometry” have the meanings assigned by Section 351.002, Occupations Code.

SECTION 2. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the initial application for specialty license plates under this section must be accompanied by a written statement from a physician who is licensed to practice medicine in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, “podiatry” has the meaning assigned by Section 681.001. The statement must certify that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person’s ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

(1) the person with a disability:
   (A) has had a limb, hand, or foot amputated; or
   (B) must use a wheelchair; and
(2) the applicant and the county assessor-collector processing the application execute an affidavit attesting to the person’s disability.

(d-1) If the initial application for specialty license plates under this section is made by or on behalf of a person who is legally blind, the written statement required by Subsection (d) may be issued by a person licensed to engage in the practice of optometry or the practice of therapeutic optometry in this state or a state adjacent to this state.

SECTION 3. Section 681.003, Transportation Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:
(e) If a first application for a disabled parking placard under this section is made by or on behalf of a person with:

(1) a mobility problem caused by a disorder of the foot, the notarized written statement or written prescription required by Subsection (c) may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state; or

(2) a disability caused by an impairment of vision as provided by Section 681.001(2), the notarized written statement or written prescription required by Subsection (c) may be issued by a person licensed to engage in the practice of optometry or the practice of therapeutic optometry in this state or a state adjacent to this state.

(f) In this section, “practice of optometry” and “practice of therapeutic optometry” have the meanings assigned by Section 351.002, Occupations Code.

SECTION 4. The changes in law made by this Act apply only to an application for a disabled parking placard or disabled license plates submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2009.

Passed the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 141, Nays 2, two present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 532
S.B. No. 1377
AN ACT
relating to the administration of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

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

SECTION 1. Article 56.54, Code of Criminal Procedure, is amended by adding Subsection (m) to read as follows:

(m) Not later than September 15 of each year, the attorney general, after consulting with the comptroller, shall certify the amount of money remaining in the compensation to victims of crime auxiliary fund at the end of the preceding state fiscal year. If the amount remaining in the fund exceeds $5 million, as soon as practicable after the date of certification, the attorney general may transfer from that excess amount in the compensation to victims of crime auxiliary fund to the compensation to victims of crime fund an amount that is not more than 50 percent of the excess amount in the auxiliary fund, to be used only for the purpose of making compensation payments during the fiscal year in which the amount is transferred.

SECTION 2. Subsection (b), Article 56.541, Code of Criminal Procedure, is amended to read as follows:

(b) At the time the attorney general certifies the estimates made under Subsection (a), the attorney general shall also certify for the next state fiscal biennium the amount of excess money in the compensation to victims of crime fund available for the purposes of Subsection (c), calculated by multiplying the amount estimated under Subsection (a)(2) by 105 percent, and subtracting that product from the sum of the amounts estimated under Subsections (a)(1) and (a)(3).

SECTION 3. The attorney general may not transfer money under Subsection (m), Article 56.54, Code of Criminal Procedure, as added by this Act, before the 2011 state fiscal year.

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