

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-EIGHTH DAY**

(Continued)

(Thursday, May 23, 2019)

**AFTER RECESS**

The Senate met at 1:30 p.m. and was called to order by President Pro Tempore Watson.

The Reverend Jason Wilder, Elgin Church of Christ, Elgin, was introduced by the President Pro Tempore and offered the invocation as follows:

Dear God and creator of all things, I humbly come to You as our source of life, love, peace, and goodness. Father, Your holy word teaches that You are the ultimate authority, king of all kings and lord of all lords, and that there is no authority except that which You have established. So, Father, I thank You for these men and women who serve in this body. I pray that You will bring peace into their lives, into their homes, into their families, and that You will give them wisdom so that they will act in ways that bring glory to You and peace to our land. Lord, I come to You confessing that we are not always the people You would have us to be. I have called good evil and evil good and for that I beg Your forgiveness. Purify us, Lord, from all ways that are not of You and give us a new heart and renewed spirit. I pray that You will give us pure convictions and then give us the boldness to pursue those convictions. I pray for love not hate, mercy not vengeance, and I pray for unity not division. I ask all these things in the name of my savior, Jesus Christ. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 177** Bonnen, Dennis  
In memory of former House Speaker Pro Tempore D. R. "Tom" Uher of Bay City.

**HCR 180** Parker  
Congratulating Representative Tom Craddick and Nadine Craddick on their 50th wedding anniversary.

**SB 8** Perry Sponsor: Larson  
Relating to state and regional flood planning.  
(Amended)

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 4347** (146 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 4749**  
House Conferees: Schaefer - Chair/Craddick/Hefner/Lang/Shahen

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Mark Nadeau of San Antonio, accompanied by Christine Camacho, as the Physician of the Day.

The Senate welcomed Dr. Nadeau and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**(President in Chair)**

### GUESTS PRESENTED

Senator Huffman, joined by Senators Zaffirini and Bettencourt, was recognized and introduced to the Senate Chief Justice Nathan Hecht, Justice Jeffrey Boyd, and Justice John Devine.

The Senate welcomed its guests.

**(Senator Bettencourt in Chair)**

### SENATE RESOLUTION 814

Senator Lucio offered the following resolution:

**SR 814**, Congratulating Elaine Mendoza on her election as chair of The Texas A&M University System Board of Regents.

LUCIO	JOHNSON	WATSON
ALVARADO	MENÉNDEZ	WEST
BETTENCOURT	MILES	WHITMIRE
FLORES	POWELL	ZAFFIRINI
HINOJOSA	RODRÍGUEZ	

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted without objection.

#### **GUESTS PRESENTED**

Senator Lucio, joined by Senators Menéndez, Schwertner, Zaffirini, Flores, Hinojosa, Kolkhorst, and Fallon, was recognized and introduced to the Senate Elaine Mendoza and her husband, Larry Gay; daughters, Contessa Gay and Francesca Gay; and John Sharp.

The Senate welcomed its guests.

#### **GUEST PRESENTED**

Senator Paxton, joined by Senators Johnson and Hall, was recognized and introduced to the Senate the 2018 Dallas Police Department Officer of the Year Brian Nolf.

The Senate welcomed its guest.

#### **GUEST PRESENTED**

Senator Flores was recognized and introduced to the Senate his staff assistant Marshal Hoak and congratulated him on his graduation from The University of Texas at Austin.

The Senate welcomed its guest.

#### **GUESTS PRESENTED**

Senator Menéndez, joined by Senator Hinojosa, was recognized and introduced to the Senate The University of Texas Rio Grande Valley Legislative Internship Program representatives: Khalid Aboujamous, Erick Longoria, Giovanni Rosas Escobedo, Javier Bustos, Jesús Galindo, Ylana Robles, Jacquelynn Hernandez, Bertha Lance, Mónica García, and Representative Oscar Longoria.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Buckingham, joined by Senator Perry, was recognized and introduced to the Senate Stefanie M. Watkins Nance and members of the 7th Aerospace Medicine Squadron.

The Senate welcomed its guests.

### SENATE BILL 1928 WITH HOUSE AMENDMENT

Senator Fallon called **SB 1928** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Floor Amendment No. 1 on Third Reading

Amend **SB 1928** (house committee report), on third reading, as follows:

(1) On page 1, line 7, strike "Subdivision (1-c)" and substitute "Subdivisions (1-c) and (1-d)".

(2) On page 1, between lines 10 and 11, insert the following:

(1-b) "Complaint" means any petition or other pleading which, for the first time, raises a claim against a licensed or registered professional for damages arising out of the provision of professional services by the licensed or registered professional.

(3) On page 1, line 11, strike "(1-b)" and substitute "(1-c)".

(4) On page 1, line 19, strike "(1-c)" and substitute "(1-d)".

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 1928**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 1283 WITH HOUSE AMENDMENT

Senator Miles called **SB 1283** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Floor Amendment No. 1

Amend **SB 1283** (house committee report) as follows:

(1) On page 2, line 3, strike "an" and substitute "any".

(2) On page 2, line 5, between "drug" and the underlined period, insert ", except to minimize fraud, waste, or abuse".

(3) On page 10, line 10, strike "an" and substitute "any".

(4) On page 10, line 12, between "drug" and the underlined semicolon, insert ", except to minimize fraud, waste, or abuse".

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 1283**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 1494 WITH HOUSE AMENDMENTS

Senator Paxton called **SB 1494** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### Floor Amendment No. 1

Amend **SB 1494** (house committee printing) as follows:

(1) On page 4, line 3, between "caseworker" and "or" insert ", adult protective services caseworker,".

(2) On page 4, line 7, between "caseworker" and "or" insert ", adult protective services caseworker,".

(3) On page 6, line 12, between "caseworker" and "or" insert ", adult protective services caseworker,".

(4) On page 6, line 14, between "caseworker" and "or" insert ", adult protective services caseworker,".

(5) On page 10, line 3, between "caseworker" and "or" insert ", adult protective services caseworker,".

(6) On page 10, line 5, between "caseworker" and "or" insert ", adult protective services caseworker,".

### **Floor Amendment No. 2**

Amend **SB 1494** (house committee report) as follows:

(1) On page 4, line 1, strike "or" and substitute "[or]".

(2) On page 4, line 8, between "department" and the bracket, insert the following:  
; or

(17) a state officer elected statewide or a member of the legislature, regardless of whether the officer or member complies with Section 552.024 or 552.1175

(3) On page 6, line 10, strike "and".

(4) On page 6, line 16, between "department" and the period, insert the following:  
; and

(16) state officers elected statewide and members of the legislature

(5) On page 10, line 1, strike "and".

(6) On page 10, line 7, between "department" and the period, insert the following:  
; and

(25) a state officer elected statewide or a member of the legislature

The amendments were read.

Senator Paxton moved to concur in the House amendments to **SB 1494**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 38 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 38** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

### **Floor Amendment No. 1**

Amend **SB 38** (house committee report) on page 1, line 24, by striking "(F)" and substituting "(E)".

**Floor Amendment No. 2**

Amend **SB 38** (house committee report) on page 2 by striking lines 15 through 17 and substituting the following:

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

**Floor Amendment No. 3**

Amend **SB 38** (house committee report) as follows:

(1) On page 1, line 4, strike "Section 37.151(6), Education Code, is" and substitute "Sections 37.151(5) and (6), Education Code, are".

(2) On page 1, between lines 5 and 6, insert the following:

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in a University Interscholastic League or National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 38**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**SENATE BILL 1887 WITH HOUSE AMENDMENT**

Senator Huffman called **SB 1887** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 1887** (house committee printing) as follows:

(1) On page 1, strike lines 15-18 and substitute the following:

(h) A judge exercising jurisdiction over a child in a suit instituted under Subtitle E, Title 5, may refer any aspect of a suit involving the child that is instituted under this title to the appropriate associate judge appointed under Subchapter C, Chapter 201, serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents to the referral. The scope of an

(2) On page 1, lines 20 and 21, strike "juvenile court".

(3) On page 1, line 24, through page 2, line 1, strike "FOR ADJUDICATION OR DISPOSITION." and substitute "TO COMBINE PROCEEDINGS. (a)".

- (4) On page 2, at the end of line 2, insert "district or statutory county".
- (5) On page 2, line 3, strike "a county" and substitute "another county".
- (6) Strike page 2, lines 4-7, and substitute the following:

child in a suit instituted under Subtitle E, Title 5. A case may only be transferred under this section with the consent of the judge of the court to which the case is being transferred.

(b) Notwithstanding Section 51.04, a district or statutory county court to which a case is transferred under this section has jurisdiction over the transferred case regardless of whether the court is a designated juvenile court or alternative juvenile court in the county.

(c) If the court exercising jurisdiction over the child under Subtitle E, Title 5, consents to a transfer under this section, the juvenile court shall file the transfer order with the clerk of the transferring court. On receipt and without a hearing or further order from the juvenile court, the clerk of the transferring court shall transfer the files, including transcripts of records and documents for the case as soon as practicable but not later than the 10th day after the date an order of transfer is filed.

(d) On receipt of the pleadings, documents, and orders from the transferring court, the clerk of the receiving court shall notify the judge of the receiving court, all parties, and the clerk of the transferring court.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1887**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 1164 WITH HOUSE AMENDMENT**

Senator Rodríguez called **SB 1164** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1164** (house committee report) on page 1, line 10, by striking "final".

The amendment was read.

Senator Rodríguez moved to concur in the House amendment to **SB 1164**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 2119 WITH HOUSE AMENDMENTS**

Senator Alvarado called **SB 2119** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 2119** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the transfer of the regulation of motor fuel metering and motor fuel quality from the Department of Agriculture to the Texas Department of Licensing and Regulation; providing civil and administrative penalties; creating criminal offenses; requiring occupational licenses; authorizing fees.

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

SECTION 1. Subtitle A, Title 14, Occupations Code, is amended by adding Chapter 2310 to read as follows:

CHAPTER 2310. MOTOR FUEL METERING AND QUALITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2310.001. DEFINITIONS. (a) In this chapter:

(1) "Commercial weighing or measuring device" means a weighing or measuring device used in a commercial transaction.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Dealer" means a person who:

(A) is the operator of a service station or other retail outlet; and

(B) delivers motor fuel into the fuel tanks of motor vehicles or motor boats.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Executive director" means the executive director of the department.

(6) "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(7) "Motor fuel metering device" means a commercial weighing or measuring device used for motor fuel sales.

(8) "Operator" or "user" means a person in possession or control of a weighing or measuring device.

(9) "Sell" includes barter or exchange.

(10) "Weighing or measuring device" means a scale or a mechanical or electronic device used to dispense or deliver a motor fuel by weight, volume, flow rate, or other measure or to compute the charge for a service related to motor fuel.

(11) "Weight or measure of a motor fuel" means the weight or measure of a motor fuel as determined by a weighing or measuring device.

(b) A reference to the weight of a motor fuel in this chapter is a reference to the net weight of the motor fuel.

Sec. 2310.002. ENFORCEMENT OF CHAPTER. (a) Notwithstanding any other law, the department shall administer and enforce the provisions of this chapter and shall regulate all motor fuel metering devices sold or offered for sale in this state. The department may purchase apparatus as necessary for the administration of this chapter.

(b) To the extent this chapter conflicts with Chapter 13, Agriculture Code, with regard to motor fuel metering devices, this chapter controls.

(c) The department may contract with one or more license holders under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, to perform



the department's duties under this chapter related to motor fuel metering devices. A reference in this chapter to the commission or department in the context of a contracted service means the contractor. Sec. 2310.003. CIVIL PENALTY; INJUNCTION. (a) A person who violates Subchapter B or C or a rule adopted under Subchapter B or C is liable to the state for a civil penalty not to exceed \$500 for each violation. Each day a violation continues may be considered a separate violation for purposes of a civil penalty assessment.

(b) On request of the executive director, the attorney general or the county attorney or district attorney of the county in which the violation is alleged to have occurred shall file suit to collect the penalty.

(c) A civil penalty collected under this section shall be deposited in the state treasury to the credit of the general revenue fund. A civil penalty recovered in a suit first instituted by one or more local governments under this section shall be equally divided between this state and each local government that first instituted the suit, with 50 percent of the recovery deposited to the credit of the general revenue fund and the other 50 percent distributed equally to each local government.

(d) The executive director is entitled to appropriate injunctive relief to prevent or abate a violation of this chapter or a rule adopted under this chapter. On request of the executive director, the attorney general or the county or district attorney of the county in which the alleged violation is threatened or is occurring shall file suit for the injunctive relief. Venue is in the county in which the alleged violation is threatened or is occurring.

(e) The department and the attorney general may each recover reasonable expenses incurred in obtaining injunctive relief and civil penalties under this section, including investigative costs, court costs, reasonable attorney's fees, witness fees, and deposition expenses. The expenses recovered by the department may be appropriated only to the department for the administration and enforcement of this chapter. The expenses recovered by the attorney general may be appropriated only to the attorney general.

#### SUBCHAPTER B. STANDARD WEIGHTS AND MEASURES FOR MOTOR FUEL

Sec. 2310.051. LEGAL STANDARDS. (a) The legal standard for the weight or measure of a motor fuel in this state is the standard weight or measure adopted and used by the government of the United States for that motor fuel. If the United States does not provide a standard weight or measure for a motor fuel, the standard for the motor fuel is that established by this subchapter.

(b) The commission may adopt rules for the purpose of administering this subchapter and bringing about uniformity between the standards established under this subchapter and the standards established by federal law.

(c) Except as otherwise provided by an express contract, a contract for work or sales by weight or measure of a motor fuel shall be construed in accordance with the standards of this subchapter.

(d) The standards of this subchapter shall be the guide for making any adjustment of weighing or measuring devices under the law of this state.

Sec. 2310.052. STANDARD FOR LIQUID MOTOR FUEL. (a) This section does not apply to compressed natural gas or liquefied natural gas.

(b) The standard unit of measure of capacity for liquid motor fuels is the gallon.

(c) Except as provided by Subsections (d) and (e), all other measures of capacity for liquid motor fuels are derived from the gallon by continual division by two, making half gallons, quarts, pints, half pints, and gills.

(d) A mechanism or machine that is adapted to measure and deliver liquid motor fuels by volume and that indicates fractional parts of a gallon shall indicate the fractional parts either in terms of binary submultiple subdivisions or in terms of tenths of a gallon.

(e) For purposes of the retail sale of motor fuel only, the liquid gallon contains 231 cubic inches without adjustment based on the temperature of the liquid.

Sec. 2310.053. EXEMPTION OF CERTAIN MOTOR FUEL METERING DEVICES. (a) The commission by rule may exempt a motor fuel metering device from a requirement established by this chapter if the commission determines that imposing or enforcing the requirement:

(1) is not cost-effective for the department;

(2) is not feasible with current resources or standards; or

(3) will not substantially benefit or protect consumers.

(b) A motor fuel metering device is exempt from the requirements of this chapter if the motor fuel metering device is not used to:

(1) calculate the amount of motor fuel sold in a commercial transaction; or

(2) compute the charge for service.

Sec. 2310.054. SALE OF MOTOR FUEL BY PROPER MEASURE. (a) Except as otherwise provided by this section, motor fuel shall be sold by liquid measure.

(b) Compressed natural gas and liquefied natural gas shall be sold by weight.

(c) A person violates this chapter if, in violation of this section, the person sells motor fuel by other than weight or liquid measure.

Sec. 2310.055. PRICE ADVERTISEMENT; MISREPRESENTATION OF PRICE OR QUANTITY. (a) If a price sign, card, tag, poster, or other advertisement displaying the price of motor fuel includes a whole number and a fraction, the figures in the fraction shall be of proportionate size and legibility to those of the whole number.

(b) A person violates this chapter if the person:

(1) misrepresents the price of motor fuel sold or offered or exposed for sale;

or

(2) represents the price or the quantity of motor fuel sold or offered or exposed for sale in a manner intended or tending to mislead or deceive an actual or prospective customer.

Sec. 2310.056. FALSE REPRESENTATION OF MOTOR FUEL QUANTITY. A person violates this chapter if the person or the person's representative or agent:

(1) sells or offers or exposes for sale a quantity of motor fuel that is less than the quantity the person represents; or

(2) as a buyer furnishing the weight or measure of a motor fuel by which the amount of the motor fuel is determined, takes or attempts to take more than the quantity the person represents.

Sec. 2310.057. USE OF INCORRECT MOTOR FUEL METERING DEVICE.

(a) A person commits an offense if the person or the person's representative or agent knowingly uses an incorrect weighing or measuring device in:

(1) buying or selling motor fuel;

(2) computing a charge for services rendered on the basis of weight or measure; or

(3) determining the weight or measure of motor fuel, if a charge is made for the determination.

(b) For the purpose of this section, a weighing or measuring device is incorrect if it:

(1) does not conform as closely as practicable to the official standards;

(2) is not accurate;

(3) is of a construction that is not reasonably permanent in adjustment or does not correctly repeat its indications;

(4) facilitates the perpetration of fraud; or

(5) does not conform to the specifications and tolerances under Section 2310.107.

Sec. 2310.058. SALE OF MOTOR FUEL IN VIOLATION OF SUBCHAPTER. A person violates this chapter if the person or the person's representative or agent sells or keeps, offers, or exposes for sale motor fuel in violation of this subchapter.

Sec. 2310.059. TESTING BY DEPARTMENT. (a) The department shall from time to time weigh or measure an amount of motor fuel that is kept or offered for sale, sold, or in the process of delivery, in order to determine:

(1) if the motor fuel is of the amount or quantity represented; or

(2) if the motor fuel is being offered for sale or sold in accordance with law.

(b) If the department finds that any lot of motor fuel contains less of the motor fuel than the amount represented, the department may seize the motor fuel as evidence.

(c) A person commits an offense if the person or the person's employee or agent refuses to exhibit motor fuel being sold or offered for sale at a given weight or quantity, or ordinarily sold in that manner, to the department for testing and proving as to quantity.

Sec. 2310.060. STOP-SALE ORDER. (a) If the department has reason to believe that motor fuel is being sold or kept, offered, or exposed for sale in violation of this chapter or that motor fuel is being sold or offered for sale by or through the use of a motor fuel metering device that is in violation of this chapter, the executive director may issue an order to stop the sale of the motor fuel. The executive director shall issue the order to the owner or custodian of the motor fuel or seller of the motor fuel. The person receiving the order may not sell the motor fuel until discharged by a court under Subsection (b) or until the executive director finds that the motor fuel or motor fuel metering device is in compliance with this chapter.

(b) The owner, custodian, or seller of motor fuel prohibited from sale by an order of the executive director is entitled to sue in a court where the motor fuel is found or is being sold or offered for sale for a judgment as to the justification of the order and for the discharge of the motor fuel in accordance with the findings of the court.

(c) This section does not limit the right of the department to proceed as authorized by other sections of this code.

Sec. 2310.061. PENALTIES; DEFENSE. (a) An offense under Section 2310.057 or 2310.059 is a Class C misdemeanor.

(b) It is a defense to prosecution or to the imposition of a civil or administrative penalty for a violation of Section 2310.057 or 2310.059 that a discrepancy between the actual weight or volume at the time of sale to a consumer or a discrepancy between the fill of a container and the capacity of the container is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

#### SUBCHAPTER C. INSPECTION AND REGISTRATION OF MOTOR FUEL METERING DEVICES

Sec. 2310.101. AUTHORITY TO INSPECT. (a) If the department has reason to believe that a motor fuel metering device is being used for a commercial transaction and the device is not registered with the department, the department may inspect the device and the records of the owner, operator, or user of the device that relate to use of the device to determine whether the device is in compliance with this chapter.

(b) The department has reason to believe a motor fuel metering device is being used for a commercial transaction if:

(1) the motor fuel metering device is found near motor fuel being sold or offered for sale by weight or measure and the device appears to be under the control or in the possession of the person selling the motor fuel or offering the motor fuel for sale; or

(2) other available evidence is sufficient for a prudent person to believe that the motor fuel metering device is being used for a commercial transaction.

Sec. 2310.104. COMPLAINTS REGARDING MOTOR FUEL METERING DEVICES. In accordance with Chapter 51, the executive director shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department. The department shall provide to the person filing the complaint and to each person who is a subject of the complaint information about the department's policies and procedures relating to complaint investigation and resolution.

Sec. 2310.105. REPAIR OR DESTRUCTION OF INCORRECT MOTOR FUEL METERING DEVICES. (a) If, in the judgment of the department, a motor fuel metering device found to be incorrect is not capable of being repaired, the department may condemn, seize, and destroy the device.

(b) If, in the judgment of the department, an incorrect motor fuel metering device is capable of being repaired, the department shall place on the device a tag or other mark with the words "Out of Order." The owner or user of the motor fuel

metering device may not use it until it is reinspected and released for use by the department or inspected and released for use in any other manner authorized by commission rule.

(c) The owner, operator, or user of a motor fuel metering device may not destroy, replace, or otherwise dispose of a device declared to be incorrect or condemned under this section except as provided by commission rule.

Sec. 2310.106. INSPECTION OF STANDARDS USED TO PERFORM DEVICE MAINTENANCE ACTIVITIES. (a) In this section, "state metrology laboratory" means the metrology laboratory maintained by the Department of Agriculture under Subchapter C, Chapter 13, Agriculture Code.

(b) The commission may adopt rules to regulate the frequency and place of inspection and correction of the standards for motor fuel used by an individual or business licensed by the department to perform device maintenance activities under Subchapter D or an individual or business licensed under Subchapter I, Chapter 13, Agriculture Code.

(c) The department may inspect any standard for motor fuel used by an individual or business licensed by the department to perform device maintenance activities described by Subchapter D or an individual or business licensed under Subchapter I, Chapter 13, Agriculture Code, if the department has reason to believe a standard is no longer in compliance with this chapter.

(d) The department shall keep a record of the inspection and character of standards for motor fuel inspected under this section.

(e) The state metrology laboratory shall purchase additional sets of standards as necessary for use by a department inspector or other department personnel.

(f) The state metrology laboratory shall inspect and correct the standards for motor fuel used by a department inspector, another department employee, an individual or business licensed by the department to perform device maintenance activities under Subchapter D, or an individual or business licensed under Subchapter I, Chapter 13, Agriculture Code.

(g) The department and the state metrology laboratory shall enter into a memorandum of understanding to implement this section. The memorandum of understanding must provide department personnel and persons licensed under Subchapter D with access to state metrology laboratory services equal to the access provided to Department of Agriculture personnel and persons licensed under Subchapter I, Chapter 13, Agriculture Code, and under equivalent terms and conditions.

Sec. 2310.107. TOLERANCES. Specifications and tolerances for motor fuel metering devices shall be the same as those recommended by the National Institute of Standards and Technology.

Sec. 2310.108. FEES. The commission by rule shall establish fees in amounts reasonable and necessary to cover the cost of administering this chapter.

Sec. 2310.109. REFUSING TO ALLOW TEST OF MOTOR FUEL METERING DEVICE. (a) A person commits an offense if the person refuses to allow a motor fuel metering device under the person's control or in the person's possession to be inspected, tested, or examined by the department, and the inspection, test, or examination is required or authorized by this chapter.

(b) A person commits an offense if the person hinders or obstructs in any way the department, a department inspector, or other department employee in the performance of official duties.

(c) A person commits an offense if the person removes or obliterates a tag or device placed or required by the department to be placed on a motor fuel metering device under this chapter.

Sec. 2310.110. SALE OR USE OF INCORRECT MOTOR FUEL METERING DEVICE. (a) The department may condemn and prohibit the sale or distribution of any incorrect motor fuel metering device that is sold, offered for sale, or about to be sold in this state.

(b) A person commits an offense if the person or the person's representative or agent knowingly:

(1) offers or exposes for sale, hire, or award or sells an incorrect motor fuel metering device;

(2) possesses an incorrect motor fuel metering device; or

(3) sells, offers for sale, uses, or possesses for the purpose of sale or use a device or instrument to be used to falsify or intended to falsify a weight or measure for motor fuel.

Sec. 2310.111. DISPOSING OF CONDEMNED MOTOR FUEL METERING DEVICE. A person commits an offense if the person or the person's representative or agent disposes of a motor fuel metering device condemned under Section 2310.105 or 2310.110 in a manner contrary to those sections.

Sec. 2310.112. PENALTIES. An offense under Section 2310.109, 2310.110, or 2310.111 is a Class C misdemeanor.

#### SUBCHAPTER D. LICENSING OF MOTOR FUEL METERING DEVICE SERVICE TECHNICIANS AND MOTOR FUEL METERING DEVICE SERVICE COMPANIES

Sec. 2310.151. DEFINITIONS. In this subchapter:

(1) "Device maintenance activities" means activities described by Section 2310.152.

(2) "License holder" means a person who holds a motor fuel metering device service company license or a motor fuel metering device service technician license.

(3) "Service company" means a person who holds a motor fuel metering device service company license issued by the department under this subchapter.

(4) "Service technician" means an individual who holds a motor fuel metering device service technician license issued by the department under this subchapter.

Sec. 2310.152. DEVICE MAINTENANCE ACTIVITIES. A person performs device maintenance activities if the person or the person's employee:

(1) places a motor fuel metering device in service;

(2) installs, calibrates, inspects, tests, or repairs a motor fuel metering device; or

(3) removes an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other form of use prohibition placed on a motor fuel metering device by the department.

Sec. 2310.153. POWERS AND DUTIES OF DEPARTMENT. (a) To verify compliance with licensing requirements, trade practices, commission rules, and this chapter, the department may periodically or in response to a complaint or previous violation inspect an applicant's or license holder's:

- (1) facilities;
- (2) inspecting and testing equipment and procedures;
- (3) repair and calibration equipment, standards, and procedures;
- (4) transportation equipment; and
- (5) invoices, work orders, and other records related to device maintenance

activities.

(b) The department may periodically or in response to a complaint or previous violation monitor and inspect or test motor fuel metering devices that have been inspected and tested by a license holder and any standards used by the license holder during an inspection or test.

(c) The commission by rule may adopt additional requirements for the issuance of a license and for the denial of an application for a license or renewal of a license. Rules adopted by the commission under this subsection must be designed to protect the public health, safety, and welfare and ensure the proper inspection, testing, and operation of motor fuel metering devices.

(d) The commission may adopt other rules necessary for the regulation of device maintenance activities, for the proper operation of motor fuel metering devices, and to protect the health, safety, and welfare of the public and license holders.

(e) The department may specify the date, time, and place for any inspection authorized by this section.

Sec. 2310.154. EXEMPTIONS FROM LICENSE REQUIREMENTS. (a) A person is not required to hold a license issued under this subchapter if the person:

(1) is a department employee who is performing device maintenance activities in the scope of the person's duties for the department;

(2) is the owner or operator of a motor fuel metering device or an employee of the owner or operator of a motor fuel metering device and the person:

(A) completely removes the motor fuel metering device from the location at which the device was installed, including a device subject to an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other item placed on the device by the department to prohibit use of the device; and

(B) notifies the department of the motor fuel metering device's removal not later than the 10th day after the date the device was removed in the manner provided by commission rule;

(3) performs device maintenance activities only on a motor fuel metering device that is:

(A) exempt from the inspection and registration requirements of Sections 2310.102 and 2310.103 under commission rules; and

(B) not required to be inspected by other commission rules; or

(4) is a license holder under Subchapter I, Chapter 13, Agriculture Code.

(b) The department is not required to hold a license issued under this subchapter or Subchapter I, Chapter 13, Agriculture Code.

Sec. 2310.155. SERVICE TECHNICIAN LICENSE REQUIRED. Unless exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities unless the individual holds a service technician license issued by the department under this subchapter.

Sec. 2310.156. SERVICE COMPANY LICENSE REQUIRED. (a) Unless exempt from the license requirement, a person may not employ or contract with an individual who performs or offers to perform device maintenance activities unless the person holds a service company license issued by the department under this subchapter.

(b) Unless exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities as a sole proprietor unless the individual holds a service technician license and a service company license issued by the department under this subchapter.

Sec. 2310.157. APPLICATION FOR LICENSE. (a) An applicant for a license under this subchapter must submit to the department:

- (1) an application form prescribed by the department;
- (2) any other information required by the department; and
- (3) a fee in an amount set by the department.

(b) The department shall conduct a criminal background check on each applicant who submits an application for a license under this subchapter and on any controlling person of the applicant. The department may, as permitted by law:

- (1) examine any criminal conviction, guilty plea, or deferred adjudication of the applicant or controlling person; and
- (2) obtain any criminal history or record of the applicant or controlling person.

Sec. 2310.158. SERVICE TECHNICIAN LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service technician license.

(b) The commission by rule may require an applicant for the issuance or renewal of a service technician license to:

- (1) provide proof that the applicant has completed an academic, trade, or professional course of instruction approved by the department; and
- (2) pass a written test, a practical skills test, or both.

Sec. 2310.159. SERVICE COMPANY LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service company license.

(b) An applicant for the issuance or renewal of a license under this section must:

- (1) submit to the department a certificate of insurance evidencing that the applicant has an insurance policy that meets the requirements of Section 2310.160 effective for the period for which the license is to be issued or renewed; and
- (2) meet any other requirements provided by commission rule.

Sec. 2310.160. INSURANCE POLICY REQUIRED FOR SERVICE COMPANY. A service company shall maintain a current effective liability insurance policy issued by an insurance company authorized to do business in this state or by a



surplus lines insurer that meets the requirements of Chapter 981, Insurance Code, and rules adopted by the commissioner of insurance in an amount set by commission rule and based on the type of licensed activities to be performed.

Sec. 2310.161. TERM OF LICENSE. A license issued under this subchapter is valid for one or two years as established by commission rule.

Sec. 2310.162. LICENSE RENEWAL. The commission by rule shall establish the requirements for renewing a license and issuing a renewal license under this chapter, including payment of applicable fees.

Sec. 2310.163. PRACTICE BY LICENSE HOLDER. (a) A license holder shall perform device maintenance activities in compliance with commission rules.

(b) A license holder may use only equipment approved by the department, as provided by commission rules, when performing device maintenance activities.

Sec. 2310.164. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section 2310.155 or 2310.156 or causes another person to violate Section 2310.155 or 2310.156.

(b) An offense under Subsection (a) is a Class B misdemeanor, unless the person has been previously convicted of an offense under this section, in which case the offense is a Class A misdemeanor.

#### SUBCHAPTER E. SALE, DELIVERY, AND QUALITY OF MOTOR FUEL

Sec. 2310.201. NOTICE OF SALE OF ALCOHOL AND FUEL MIXTURE. (a) A dealer may not sell or offer for sale motor fuel from a motor fuel pump supplied by a storage tank into which motor fuel, in a mixture in which at least one percent of the mixture measured by volume is ethanol or methanol, has been delivered within the 60-day period preceding the date of sale or offer of sale unless the dealer prominently displays on the pump from which the mixture is sold a sign that:

(1) is displayed on each side of the motor fuel pump on which the price of the motor fuel mixture sold from the pump is displayed;

(2) states "Contains Ethanol" or "Contains Methanol," as applicable;

(3) appears in contrasting colors with block letters at least one-half inch high and one-fourth inch wide; and

(4) is displayed in a clear, conspicuous, and prominent manner, visible to customers using either side of the pump.

(b) This section does not prohibit the posting of any other alcohol or additive information. Other alcohol or additive information and any relevant posting are subject to regulation by the department.

Sec. 2310.202. MINIMUM MOTOR FUEL QUALITY AND TESTING STANDARDS. (a) The commission by rule shall adopt minimum motor fuel quality and testing standards for motor fuel that is sold or offered for sale in this state. The standards must comply with the nationally recognized minimum standards established by:

(1) the American Society for Testing and Materials, for motor fuels other than motor fuels blended with ethanol; and

(2) the National Institute of Standards and Technology, for motor fuels blended with ethanol.

(b) The commission may adopt rules as necessary to bring about uniformity between the standards established under this subchapter and the nationally recognized standards described by Subsection (a).

Sec. 2310.203. TESTING OF MOTOR FUEL QUALITY. (a) The department or a representative of the department may collect samples and conduct testing at any location where motor fuel is kept, transferred, sold, or offered for sale to verify that the motor fuel complies with the minimum standards required by Section 2310.202.

(b) The collection of samples and conducting of testing at a dealer's location must be performed by a license holder under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, under contract with the dealer. The license holder is considered a representative of the department for purposes of this section.

(c) On arriving at a facility to conduct testing under Subsection (a), a representative of the department shall notify the owner or manager of the facility of the representative's presence and purpose. The department representative shall follow the most recent applicable procedures specified by the American Society for Testing and Materials (ASTM) International Standard D4057, D4177, D5842, or D5854 for the collection, sampling, and handling of fuel to prepare for laboratory analysis.

(d) A person commits an offense if the person refuses to allow a department representative to collect samples or conduct motor fuel testing under Subsection (a).

(e) An offense under Subsection (d) is a Class C misdemeanor.

Sec. 2310.204. RULES; FEES. (a) The commission may adopt rules consistent with this subchapter for the regulation of the sale of motor fuels, including motor fuels that contain ethanol and methanol.

(b) The commission by rule may impose a fee for testing, inspection, or the performance of other services provided as determined necessary by the commission in the administration of this subchapter. A fee imposed under this subsection shall be collected from each dealer, distributor, and supplier, as defined by Section 162.001, Tax Code, on a periodic basis determined by the commission without regard to whether the motor fuel is subject to regulation under this subchapter.

(c) The commission by rule shall prescribe the form for reporting and remitting the fees imposed under this section.

(d) Fees collected under this section may be used only to administer and enforce this subchapter.

Sec. 2310.205. CIVIL PENALTY. A person who sells or offers for sale motor fuel in violation of this subchapter or a rule adopted under this subchapter is liable to this state for a civil penalty of not less than \$200 and not more than \$2,500.

Sec. 2310.206. ADMINISTRATIVE PENALTY. The commission may impose an administrative penalty on a person under Subchapter F, Chapter 51, if the person sells or offers for sale motor fuel in violation of this subchapter or a rule adopted under this subchapter.

SECTION 2. Sections 13.1015 and 13.1016, Agriculture Code, are transferred to Subchapter C, Chapter 2310, Occupations Code, as added by this Act, redesignated as Sections 2310.102 and 2310.103, Occupations Code, and amended to read as follows:

Sec. 2310.102 [~~13.1015~~]. INSPECTION OF MOTOR FUEL METERING DEVICES. (a) Unless a motor fuel metering device is exempt from the application of this section by commission [~~department~~] rule, a motor fuel metering device shall be inspected, tested, and calibrated for correctness by a license holder under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, at least once every two years if the device is:

(1) kept for sale, sold, or used by a proprietor, agent, lessee, or employee in proving the measure of motor fuel; or

(2) purchased, offered, or submitted by a proprietor, agent, lessee, or employee for sale, hire, or award.

(b) Inspection, testing, and calibration under this section must be performed by a license holder under Subchapter D of this chapter or Subchapter I, Chapter 13, Agriculture Code, under contract with the operator or user of the motor fuel metering device.

Sec. 2310.103 [~~13.1016~~]. REQUIRED REGISTRATION OF MOTOR FUEL METERING DEVICES. (a) Unless a motor fuel metering device is exempt from the application of this section by commission [~~department~~] rule, a person who owns or operates a motor fuel metering device shall register the device with the department before using the device for a commercial transaction.

(b) An application for a device registration must:

(1) be submitted to the department on a form prescribed by the department;

(2) be accompanied by any other document or form required by the department;

(3) include any fees [~~the registration fee~~] required under Section 2310.108 [~~13.1151~~]; and

(4) include documentation of compliance with Section 2310.102 [~~13.1015~~].

(c) A registration under this section is valid for one or two years as [~~year unless a different period is~~] established by commission [~~department~~] rule. The registration must be renewed at or before the end of each registration period and the application for renewal must include documentation of compliance with Section 2310.102 [~~13.1015~~].

(d) If a person fails to register or renew a registration as required by this section, the department may not issue a certificate to operate the motor fuel metering device. The department shall issue the certificate when the operator submits to the department the items required by Subsection (b).

(e) The department may assess a late fee if the registration of one or more devices located on a premises is renewed after the end of the registration period because of a registration error, including one or more devices not properly registered, failure to register the correct type of device, or failure to timely register a previously registered device. The amount of the late fee [~~penalty~~] may not exceed \$50 per device, with a maximum penalty amount of \$500 per year for the premises.

SECTION 3. Section 12.020(c), Agriculture Code, is amended to read as follows:

(c) The provisions of law subject to this section and the applicable penalty amounts are as follows:

Provision	Amount of Penalty
Chapters 13, 14A, <del>17</del> , 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, 125, 132, and 134	not more than \$5,000
Subchapters A, B, and C, Chapter 71	not more than \$5,000
Chapter 14	not more than \$10,000
Chapter 1951, Occupations Code	not more than \$5,000
Chapter 153, Natural Resources Code	not more than \$5,000
Section 91.009	not more than \$5,000.

SECTION 4. Section 13.001, Agriculture Code, is amended by adding Subsection (c) to read as follows:

(c) In this chapter, "commodity" does not include motor fuel.

SECTION 5. Section 13.024(b), Agriculture Code, is amended to read as follows:

(b) Except as provided by Subsection ~~[Subsections]~~ (c) ~~[and (d)]~~, all other measures of capacity for liquids are derived from the gallon by continual division by two, making half gallons, quarts, pints, half pints, and gills.

SECTION 6. Section 13.114, Agriculture Code, is amended to read as follows:

Sec. 13.114. TOLERANCES. The department shall establish specifications and tolerances for commercial weighing or measuring devices used in this state. The specifications and tolerances shall be similar to those recommended by the National Institute of Standards and Technology~~[, except that the specifications and tolerances for motor fuel metering devices shall be the same as those recommended by the National Institute of Standards and Technology].~~

SECTION 7. Section 162.009, Tax Code, is amended to read as follows:

Sec. 162.009. AUTHORITY TO STOP AND EXAMINE. To enforce this chapter, the comptroller or a peace officer may stop a motor vehicle that appears to be operating with or transporting motor fuel to examine the shipping document, cargo manifest, or invoices required to be carried, examine a license or copy of a license that may be required to be carried, take samples from the fuel supply or cargo tanks, and make any other investigation that could reasonably be made to determine whether the taxes have been paid or accounted for by a license holder or a person required to be licensed. The comptroller, a peace officer, an employee of the attorney general's office, an employee of the Texas Commission on Environmental Quality, or an employee of the Texas Department of Licensing and Regulation ~~[Agriculture]~~ may take samples of motor fuel from a storage tank or container to:

- (1) determine if the fuel contains hazardous waste or is adulterated; or
- (2) allow the comptroller to determine whether taxes on the fuel have been paid or accounted for to this state.

SECTION 8. Section 162.403, Tax Code, is amended to read as follows:

Sec. 162.403. CRIMINAL OFFENSES. Except as provided by Section 162.404, a person commits an offense if the person:

- (1) refuses to stop and permit the inspection and examination of a motor vehicle transporting or using motor fuel on the demand of a peace officer or the comptroller;

(2) is required to hold a valid trip permit or interstate trucker's license, but operates a motor vehicle in this state without a valid trip permit or interstate trucker's license;

(3) transports gasoline or diesel fuel in any cargo tank that has a connection by pipe, tube, valve, or otherwise with the fuel injector or carburetor or with the fuel supply tank feeding the fuel injector or carburetor of the motor vehicle transporting the product;

(4) sells or delivers gasoline or diesel fuel from a fuel supply tank that is connected with the fuel injector or carburetor of a motor vehicle;

(5) owns or operates a motor vehicle for which reports or mileage records are required by this chapter without an operating odometer or other device in good working condition to record accurately the miles traveled;

(6) sells or delivers dyed diesel fuel for the operation of a motor vehicle on a public highway;

(7) uses dyed diesel fuel for the operation of a motor vehicle on a public highway except as allowed under Section 162.235;

(8) refuses to permit the comptroller or the attorney general to inspect, examine, or audit a book or record required to be kept by a license holder, other user, or any person required to hold a license under this chapter;

(9) refuses to permit the comptroller or the attorney general to inspect or examine any plant, equipment, materials, or premises where motor fuel is produced, processed, blended, stored, sold, delivered, or used;

(10) refuses to permit the comptroller, the attorney general, an employee of either of those officials, a peace officer, an employee of the Texas Commission on Environmental Quality, or an employee of the Texas Department of Licensing and Regulation [Agriculture] to measure or gauge the contents of or take samples from a storage tank or container on premises where motor fuel is produced, processed, blended, stored, sold, delivered, or used;

(11) is a license holder, a person required to be licensed, or another user and fails or refuses to make or deliver to the comptroller a report required by this chapter to be made and delivered to the comptroller;

(12) is an importer who does not obtain an import verification number when required by this chapter;

(13) purchases motor fuel for export, on which the tax imposed by this chapter has not been paid, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any other state or country other than the originally designated state or country without first obtaining a diversion number;

(14) conceals motor fuel with the intent of engaging in any conduct proscribed by this chapter or refuses to make sales of motor fuel on the volume-corrected basis prescribed by this chapter;

(15) refuses, while transporting motor fuel, to stop the motor vehicle the person is operating when called on to do so by a person authorized to stop the motor vehicle;

(16) refuses to surrender a motor vehicle and cargo for impoundment after being ordered to do so by a person authorized to impound the motor vehicle and cargo;

(17) mutilates, destroys, or secretes a book or record required by this chapter to be kept by a license holder, other user, or person required to hold a license under this chapter;

(18) is a license holder, other user, or other person required to hold a license under this chapter, or the agent or employee of one of those persons, and makes a false entry or fails to make an entry in the books and records required under this chapter to be made by the person or fails to retain a document as required by this chapter;

(19) transports in any manner motor fuel under a false cargo manifest or shipping document, or transports in any manner motor fuel to a location without delivering at the same time a shipping document relating to that shipment;

(20) engages in a motor fuel transaction that requires that the person have a license under this chapter without then and there holding the required license;

(21) makes and delivers to the comptroller a report required under this chapter to be made and delivered to the comptroller, if the report contains false information;

(22) forges, falsifies, or alters an invoice or shipping document prescribed by law;

(23) makes any statement, knowing said statement to be false, in a claim for a tax refund filed with the comptroller;

(24) furnishes to a licensed supplier or distributor a signed statement for purchasing diesel fuel tax-free and then uses the tax-free diesel fuel to operate a diesel-powered motor vehicle on a public highway;

(25) holds an aviation fuel dealer's license and makes a taxable sale or use of any gasoline or diesel fuel;

(26) fails to remit any tax funds collected or required to be collected by a license holder, another user, or any other person required to hold a license under this chapter;

(27) makes a sale of dyed diesel fuel tax-free into a storage facility of a person who:

(A) is not licensed as a distributor, as an aviation fuel dealer, or as a dyed diesel fuel bonded user; or

(B) does not furnish to the licensed supplier or distributor a signed statement prescribed in Section 162.206;

(28) makes a sale of gasoline tax-free to any person who is not licensed as an aviation fuel dealer;

(29) purchases any motor fuel tax-free when not authorized to make a tax-free purchase under this chapter;

(30) purchases motor fuel with the intent to evade any tax imposed by this chapter or accepts a delivery of motor fuel by any means and does not at the same time accept or receive a shipping document relating to the delivery;

(31) transports motor fuel for which a cargo manifest or shipping document is required to be carried without possessing or exhibiting on demand by an officer authorized to make the demand a cargo manifest or shipping document containing the information required to be shown on the manifest or shipping document;

(32) imports, sells, uses, blends, distributes, or stores motor fuel within this state on which the taxes imposed by this chapter are owed but have not been first paid to or reported by a license holder, another user, or any other person required to hold a license under this chapter;

(33) blends products together to produce a blended fuel that is offered for sale, sold, or used and that expands the volume of the original product to evade paying applicable motor fuel taxes;

(34) evades or attempts to evade in any manner a tax imposed on motor fuel by this chapter;

(35) delivers compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle and the person does not hold a valid compressed natural gas and liquefied natural gas dealer's license; or

(36) makes a tax-free delivery of compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle, unless the delivery is exempt from tax under Section 162.356.

SECTION 9. The following provisions of the Agriculture Code are repealed:

- (1) Section 13.001(a)(1-a);
- (2) Section 13.024(d);
- (3) Section 13.029(b);
- (4) Section 13.101(e);
- (5) Section 13.1011(e);
- (6) Section 13.1017;
- (7) Section 13.1151(b); and
- (8) Chapter 17.

SECTION 10. (a) All rules, fees, policies, procedures, decisions, and forms of the commissioner of agriculture or the Department of Agriculture that relate to a program or activity transferred under this Act and that are in effect on the effective date of the transfer remain in effect until changed by the Texas Commission of Licensing and Regulation or Texas Department of Licensing and Regulation, as appropriate.

(b) A license, permit, certificate of registration, notice, or other authorization issued by the Department of Agriculture for a program or activity transferred under this Act is continued in effect as a license, permit, certificate, notice, or other authorization of the Texas Department of Licensing and Regulation on and after the effective date of the transfer.

(c) A complaint, investigation, contested case, or other proceeding before the commissioner of agriculture, the Department of Agriculture, or the State Office of Administrative Hearings relating to a program or activity transferred under this Act that is pending on the effective date of the transfer is transferred without change in status to the Texas Commission of Licensing and Regulation or Texas Department of Licensing and Regulation, as appropriate.

(d) All money, contracts, leases, property, software source code and documentation, records, and obligations of the Department of Agriculture relating to a program or activity transferred under this Act are transferred to the Texas Department of Licensing and Regulation on the effective date of the transfer of the program or activity.

(e) The unexpended and unobligated balance of any money appropriated by the legislature relating to a program or activity transferred under this Act is transferred to the Texas Department of Licensing and Regulation on the effective date of the transfer of the program or activity.

(f) Unless the context indicates otherwise, on or after the effective date of the transfer a reference in law or administrative rule to the commissioner of agriculture or the Department of Agriculture with respect to a program or activity transferred under this Act means the Texas Commission of Licensing and Regulation or Texas Department of Licensing and Regulation, as appropriate.

SECTION 11. (a) As soon as practicable after the effective date of this Act, the Department of Agriculture and the Texas Department of Licensing and Regulation shall adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities under this Act. The transition plan must provide for the transfer to be completed not later than September 1, 2020.

(b) The Department of Agriculture shall provide the Texas Department of Licensing and Regulation with access to any systems, facilities, or information necessary for the Texas Department of Licensing and Regulation to accept a program or activity transferred under this Act.

(c) The Texas Department of Licensing and Regulation may establish and lead a stakeholder workgroup to provide input, advice, and recommendations to the Department of Agriculture and Texas Department of Licensing and Regulation on the orderly transfer of powers, duties, functions, programs, and activities under this Act. The Texas Department of Licensing and Regulation shall establish the size, composition, and scope of the stakeholder workgroup.

(d) On the date specified in the transition plan required under Subsection (a) of this section for the transfer of a program or activity transferred by this Act to the Texas Department of Licensing and Regulation, all full-time equivalent employee positions at the Department of Agriculture that directly and indirectly concern the administration or enforcement of the program or activity being transferred become positions at the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation shall post the positions for hiring and, when filling the positions, shall give consideration to, but is not required to hire, an applicant who, immediately before the date of the transfer, was an employee at the Department of Agriculture involved in administering or enforcing the transferred program or activity.

(e) Subsection (c) of this section and this subsection expire October 1, 2020.

SECTION 12. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2020.

(b) Sections 10 and 11 of this Act take effect September 1, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 2119** as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber the SECTIONS of the bill as appropriate:



SECTION \_\_\_\_\_. Sections 17.001, 17.0515, 17.052, 17.053, 17.054, 17.055, 17.152, 17.153, and 17.154, Agriculture Code, are transferred to Subchapter E, Chapter 2310, Occupations Code, as added by this Act, redesignated as Sections 2310.2001, 2310.2011, 2310.2012, 2310.2013, 2310.2014, 2310.2015, 2310.207, 2310.208, and 2310.209, Occupations Code, and amended to read as follows:

Sec. 2310.2001 [~~17.001~~]. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Automotive fuel rating" has the meaning assigned by 15 U.S.C. Section 2821.

(2) "Dealer" means a person who:

(A) is the operator of a service station or other retail outlet; and

(B) delivers motor fuel into the fuel tanks of motor vehicles or motor boats.

(3) "Distributor" has the meaning assigned by Section 162.001, Tax Code.

(4) "Jobber" means a person who purchases tax-paid gasoline for resale or distribution at wholesale.

(5) "Motor fuel" has the meaning assigned by Section 162.001, Tax Code.

(6) "Supplier" has the meaning assigned by Section 162.001, Tax Code.

(7) "Wholesaler" means a person who purchases tax-paid gasoline for resale or distribution at wholesale.

Sec. 2310.2011 [~~17.0515~~]. NOTICE OF MOTOR FUEL TAX RATES. (a) The department shall display on each motor fuel pump from which motor fuel is sold at retail a notice of the current rates of the federal and state motor fuel taxes. The notice must:

(1) display the current rate of each tax, in cents per gallon, for each type of motor fuel;

(2) be displayed on each face of the motor fuel pump on which the price of the motor fuel sold from the pump is displayed; and

(3) be displayed in a clear, conspicuous, and prominent manner.

(b) The department shall include the notice required under Subsection (a) with any other notice displayed or required by commission [~~department~~] rule to be displayed [~~including a "Fuel Feedback?" sticker~~].

Sec. 2310.2012 [~~17.052~~]. DOCUMENTATION OF MOTOR FUEL MIXTURE SALES. (a) Except as provided by Subsection (b), a distributor, supplier, wholesaler, or jobber of motor fuel may not deliver to an outlet in this state a motor fuel mixture that contains ethanol or methanol exceeding one percent by volume of the mixture unless, at the time of the delivery of the mixture, the person also delivers to the outlet receiving the delivery a manifest, bill of sale, bill of lading, or other document evidencing delivery of the mixture, that includes a statement containing:

(1) the percentage of ethanol or methanol contained in the mixture; and

(2) the types and percentages of any associated cosolvents contained in the mixture.

(b) Subsection (a) does not apply to a delivery made into the fuel supply tanks of a motor vehicle.

(c) The commission [~~commissioner~~] by rule may prescribe the form of the statement required by Subsection (a).

Sec. 2310.2013 [~~17.053~~]. RECORD OF DELIVERY DOCUMENTS; INSPECTION AUTHORIZED. (a) Each dealer shall keep a copy of each document required to be delivered to the dealer by Section 2310.2012 [~~17.052~~] until the fourth anniversary of the delivery date.

(b) Each distributor, supplier, wholesaler, and jobber of motor fuel shall keep a copy of each document required to be delivered to the dealer by Section 2310.2012 [~~17.052~~] until the fourth anniversary of the delivery date.

(c) The department [~~commissioner~~] or an authorized representative of the department [~~commissioner~~] may inspect documents described by this section. On written notice issued [~~presented~~] by the department [~~commissioner~~] or an authorized representative of the department [~~commissioner~~] to any employee at a dealer's station or retail outlet or mailed to the principal place of business of a dealer, distributor, supplier, wholesaler, or jobber, the dealer, distributor, supplier, wholesaler, or jobber shall provide the department [~~commissioner~~] or authorized representative of the department [~~commissioner~~] with the documents described by this section within the period specified in the notice.

(d) The commission [~~commissioner~~] by rule may:

(1) require each dealer, distributor, supplier, wholesaler, and jobber to maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records, including electronically stored information, showing or describing the purchase, sale, delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents, including electronically stored information, showing or describing the installation, maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing devices to record, display, or produce receipts or audit trails concerning the purchase, sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of motor fuel purchased, sold, delivered, or distributed by the dealer, distributor, supplier, wholesaler, or jobber; and

(2) prescribe:

(A) the manner of filing documents or records required to be kept under this section or by commission [~~department~~] rule; and

(B) the time, place, and manner of inspection of the documents or records.

Sec. 2310.2014 [~~17.054~~]. DOCUMENTS RELATING TO POSTING OR CERTIFICATION OF AUTOMOTIVE FUEL RATINGS. (a) Each dealer shall keep for at least one year a copy of:

(1) each delivery ticket or letter of certification on which the dealer based a posting of the automotive fuel rating of motor fuel contained in a motor fuel pump;

(2) each delivery ticket or letter of certification that is required to be delivered to the dealer under 16 C.F.R. Part 306; and

(3) records of any automotive fuel rating determination made by the dealer under 16 C.F.R. Part 306.

(b) Each distributor or supplier shall keep for at least one year at the distributor's or supplier's principal place of business a copy of each delivery ticket or letter of certification required to be delivered by the distributor or supplier to a dealer in this state under 16 C.F.R. Part 306.

(c) The department [~~commissioner~~] or an authorized representative of the department [~~commissioner~~] may inspect a document required to be kept under this section. On written notice issued [~~presented~~] by the department [~~commissioner~~] or an authorized representative of the department [~~commissioner~~] to any employee at a dealer's station or retail outlet or mailed to the dealer's principal place of business, the dealer shall provide the department [~~commissioner~~] or authorized representative of the department [~~commissioner~~] with the documents described by this section within the period specified in the notice.

(d) The commission [~~commissioner~~] by rule may:

(1) require each dealer to maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records, including electronically stored information, showing or describing the purchase, sale, delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents, including electronically stored information, showing or describing the installation, maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing devices to record, display, or produce receipts or audit trails concerning the purchase, sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of motor fuel purchased, sold, delivered, or distributed by the dealer; and

(2) prescribe:

(A) the manner of filing documents or records required to be kept under this section or by commission [~~department~~] rule; and

(B) the time, place, and manner of inspection of the documents or records.

Sec. 2310.2015 [~~17.055~~]. SALE OF MOTOR FUEL WITH INACCURATE AUTOMOTIVE FUEL RATING. (a) A dealer may not sell or offer for sale from a motor fuel pump motor fuel that has an automotive fuel rating lower than the rating for that motor fuel posted on the pump.

(b) A distributor or supplier of motor fuel may not deliver or transfer to a dealer in this state motor fuel that has an automotive fuel rating lower than the certification of the rating the distributor or supplier is required to make to the dealer under federal law.

Sec. 2310.207 [~~17.152~~]. CIVIL ACTION. (a) If a dealer or a distributor, supplier, wholesaler, or jobber of motor fuel violates Section 2310.201, 2310.202, 2310.203, 2310.204, or 2310.205 [~~17.051~~, ~~17.052~~, ~~17.053~~, ~~17.054~~, or ~~17.055~~], a motor fuel user who purchased the motor fuel and sustained damages or who has a complaint about the product may bring an action against the dealer, distributor, supplier, wholesaler, or jobber.

(b) The action may be brought, without regard to the specific amount of damages, in the district court in any county in which:

(1) the dealer, distributor, supplier, wholesaler, or jobber transacts business;

or

(2) the dealer resides.

(c) The court shall award to a motor fuel user who prevails in an action under this section:

(1) the amount of actual damages;

(2) equitable relief as determined by the court to be necessary to remedy the effects of the violation, including a declaratory judgment, permanent injunctive relief, and temporary injunctive relief; and

(3) court costs and attorney's fees that are reasonable in relation to the amount of work expended.

(d) In addition to the remedies provided under Subsection (c), on finding that the defendant wilfully or knowingly violated Section 2310.201, 2310.2012, or 2310.2013 [~~17.051, 17.052, or 17.053~~], the trier of fact shall award not more than three times the amount of actual damages.

(e) A violation of Section 2310.201, 2310.2012, 2310.2013, 2310.2014, or 2310.2015 [~~17.051, 17.052, 17.053, 17.054, or 17.055~~] also constitutes a deceptive trade practice under Subchapter E, Chapter 17, Business & Commerce Code.

(f) An action alleging a violation of Section 2310.201, 2310.2012, 2310.2013, 2310.2014, or 2310.2015 [~~17.051, 17.052, 17.053, 17.054, or 17.055~~] must be commenced and prosecuted not later than the second anniversary of the date on which the cause of action accrues.

Sec. 2310.208 [~~17.153~~]. CIVIL PENALTY. A dealer, distributor, supplier, wholesaler, or jobber who violates Section 2310.201, 2310.2012, 2310.2013, 2310.2014, or 2310.2015 [~~17.051, 17.052, 17.053, 17.054, or 17.055~~] is liable to this state for a civil penalty of not less than \$200 and not more than \$10,000.

Sec. 2310.209 [~~17.154~~]. CRIMINAL OFFENSES. (a) A person commits an offense if the person knowingly violates Section 2310.201, 2310.2012, 2310.2013, 2310.2014, or 2310.2015 [~~17.051, 17.052, 17.053, 17.054, or 17.055~~] or a rule adopted by the commission [~~commissioner~~] to enforce or implement those sections.

(b) A person commits an offense if the person knowingly:

(1) refuses to permit an authorized [a] person [~~authorized by Section 17.102~~] to test any motor fuel sold or held for sale in this state;

(2) refuses to permit inspection of any document required to be kept or delivered by this subchapter [~~chapter~~] on request of a person authorized to inspect the documents under Section 2310.2013 or 2310.2014 [~~17.053 or 17.054~~]; or

(3) mutilates, destroys, secretes, forges, or falsifies any document, record, report, or sign required to be delivered, kept, filed, or posted by this subchapter [~~chapter~~] or any rule adopted by the commission [~~commissioner~~] to enforce this subchapter [~~chapter~~].

(c) An offense under Subsection (a) is a Class C misdemeanor.

(d) An offense under Subsection (b) is a Class B misdemeanor.

(e) The department or executive director [~~commissioner or the authorized representative of the commissioner~~] may request the appropriate prosecuting attorney to prosecute a violation of this chapter.

(2) On page 32, line 16, strike "and".

(3) On page 32, strike line 17 and substitute the following:

(8) the heading to Chapter 17;

(9) the heading to Subchapter A, Chapter 17;

(10) the heading to Subchapter B, Chapter 17;

(11) Section 17.051;

(12) Subchapter B-1, Chapter 17;

(13) Subchapter C, Chapter 17;

(14) the heading to Subchapter D, Chapter 17;

(15) Section 17.151;

(16) Section 17.155; and

(17) Section 17.156.

### **Floor Amendment No. 2**

Amend **CSSB 2119** (house committee report) as follows:

(1) On page 32, line 24, following the period, insert "The Department of Agriculture may not, on or after the effective date of this Act, change a rule, fee, policy, procedure, decision, or form that relates to a program or activity transferred under this Act."

(2) On page 33, line 11, following the period, insert "The Department of Agriculture may not, on or after the effective date of this Act, take any action on a complaint, investigation, contested case, or other proceeding relating to a program or activity transferred under this Act without the approval of the executive director of the Texas Department of Licensing and Regulation or a person designated by the executive director of that department."

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 2119** on third reading, in the SECTION of the bill providing effective dates for the Act (SECTION 12(b) of the house committee report version of the bill), by striking "September 1, 2019" and substituting "immediately if this Act 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 those sections of this Act to have immediate effect, those sections take effect September 1, 2019".

The amendments were read.

Senator Alvarado moved to concur in the House amendments to **SB 2119**.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Fallon, Lucio, Paxton, Perry.

## GUESTS PRESENTED

Senator Perry, joined by Senators Hinojosa, Kolkhorst, Buckingham, Zaffirini, Miles, Menéndez, and Nichols, was recognized and introduced to the Senate Representative Tom Craddick and his wife, Nadine, accompanied by their grandchildren, Catherine Craddick and Tripp Craddick, and congratulated them on 50 years of marriage.

The Senate welcomed its guests.

## SENATE BILL 2315 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 2315** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### Amendment

Amend **SB 2315** by substituting in lieu thereof the following:

### A BILL TO BE ENTITLED AN ACT

relating to the creation and operations of a health care provider participation program by the Nueces County Hospital District.

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

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298C to read as follows:

### CHAPTER 298C. NUECES COUNTY HOSPITAL DISTRICT HEALTH CARE PROVIDER PARTICIPATION PROGRAM SUBCHAPTER A. GENERAL PROVISIONS

Sec. 298C.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of hospital managers of the district.
- (2) "District" means the Nueces County Hospital District.
- (3) "Institutional health care provider" means a hospital that is not owned and operated by a federal or state government and provides inpatient hospital services.
- (4) "Paying provider" means an institutional health care provider required to make a mandatory payment under this chapter.
- (5) "Program" means the health care provider participation program authorized by this chapter.

Sec. 298C.002. APPLICABILITY. This chapter applies only to the Nueces County Hospital District.

Sec. 298C.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board may authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board, subject to the provisions of this chapter.

Sec. 298C.004. EXPIRATION. (a) Subject to Section 298C.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2021.

(b) This chapter expires December 31, 2021.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 298C.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board may require a mandatory payment authorized under this chapter by an institutional health care provider located in the district only in the manner provided by this chapter.

Sec. 298C.052. RULES AND PROCEDURES. The board may adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Sec. 298C.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider located in the district to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 298C.101. HEARING. (a) In each fiscal year that the board authorizes a program under this chapter, the board shall hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the board shall publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each institutional health care provider located in the district.

Sec. 298C.102. DEPOSITORY. (a) If the board requires a mandatory payment authorized under this chapter, the board shall designate one or more banks as a depository for the district's local provider participation fund.

(b) All funds collected under this chapter shall be secured in the manner provided for securing other district funds.

Sec. 298C.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) If the district requires a mandatory payment authorized under this chapter, the district shall create a local provider participation fund.

(b) The local provider participation fund consists of:

(1) all revenue received by the district attributable to mandatory payments authorized under this chapter;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer under the program, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund of the district may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide the nonfederal share of Medicaid payments for:

(A) uncompensated care payments to hospitals in the Medicaid managed care service area in which the district is located, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(B) delivery system reform incentive payments, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(C) uniform rate enhancements for hospitals in the Medicaid managed care service area in which the district is located;

(D) payments available under another waiver program authorizing payments that are substantially similar to Medicaid payments to hospitals described by Paragraph (A), (B), or (C); or

(E) any reimbursement to hospitals for which federal matching funds are available;

(2) subject to Section 298C.151(d), pay the administrative expenses of the district in administering the program, including collateralization of deposits;

(3) refund a mandatory payment collected in error from a paying provider;

(4) refund to paying providers a proportionate share of the money that the district:

(A) receives from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments or uniform rate enhancements described by Subdivision (1)(C); or

(B) determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments or uniform rate enhancements described by Subdivision (1)(C);

(5) transfer funds to the Health and Human Services Commission if the district is legally required to transfer the funds to address a disallowance of federal matching funds with respect to programs for which the district made intergovernmental transfers described by Subdivision (1); and

(6) reimburse the district if the district is required by the rules governing the uniform rate enhancement program described by Subdivision (1)(C) to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund is not sufficient to fund that rate enhancement program.

(d) Money in the local provider participation fund may not be commingled with other district funds.

(e) Notwithstanding any other provision of this chapter, with respect to an intergovernmental transfer of funds described by Subsection (c)(1) made by the district, any funds received by the state, district, or other entity as a result of that transfer may not be used by the state, district, or any other entity to expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).



SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298C.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a) Except as provided by Subsection (e), if the board authorizes a health care provider participation program under this chapter, the board may require a mandatory payment to be assessed, either annually or periodically throughout the fiscal year at the discretion of the board, on the net patient revenue of each institutional health care provider located in the district. The board shall provide an institutional health care provider written notice of each assessment under this subsection, and the provider has 30 calendar days following the date of receipt of the notice to pay the assessment. In the first fiscal year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the most recent fiscal year for which that data was reported. If the institutional health care provider did not report any data under those sections, the provider's net patient revenue is the amount of that revenue as contained in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. If the mandatory payment is required, the district shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment assessed under this chapter by the board must be uniformly proportionate with the amount of net patient revenue generated by each paying provider in the district as permitted under federal law. A health care provider participation program authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) If the board requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

(d) Subject to Subsection (c), if the board requires a mandatory payment authorized under this chapter, the board shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the district for activities under this chapter and to fund an intergovernmental transfer described by Section 298C.103(c)(1). The annual amount of revenue from mandatory payments that shall be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

(e) A paying provider may not add a mandatory payment required under this section as a surcharge to a patient.

(f) A mandatory payment assessed under this chapter is not a tax for hospital purposes for purposes of Section 4, Article IX, Texas Constitution, or Section 281.045 of this code.

Sec. 298C.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) The district may designate an official of the district or contract with another person to assess and collect the mandatory payments authorized under this chapter.

(b) The person charged by the district with the assessment and collection of mandatory payments shall charge and deduct from the mandatory payments collected for the district a collection fee in an amount not to exceed the person's usual and customary charges for like services.

(c) If the person charged with the assessment and collection of mandatory payments is an official of the district, any revenue from a collection fee charged under Subsection (b) shall be deposited in the district general fund and, if appropriate, shall be reported as fees of the district.

Sec. 298C.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize the district to establish a program to enable the district to collect mandatory payments from institutional health care providers to fund the nonfederal share of a Medicaid supplemental payment program or the Medicaid managed care rate enhancements for hospitals to support the provision of health care by institutional health care providers located in the district.

(b) This chapter does not authorize the district to collect mandatory payments for the purpose of raising general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for hospitals and to cover the administrative expenses of the district associated with activities under this chapter.

(c) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the board may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services. A rule adopted under this section may not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider in the district beyond the provisions of this chapter. This section does not require the board to adopt a rule.

(d) The district may only assess and collect a mandatory payment authorized under this chapter if a waiver program, uniform rate enhancement, or reimbursement described by Section 298C.103(c)(1) is available to at least one institutional health care provider located in the district.

SECTION 2. As soon as practicable after the expiration of the authority of the Nueces County Hospital District to administer and operate a health care provider participation program under Chapter 298C, Health and Safety Code, as added by this Act, the board of hospital managers of the Nueces County Hospital District shall transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district under Section 298C.103, Health and Safety Code, as added by this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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, 2019.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 2315**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### ACKNOWLEDGMENT

The Presiding Officer acknowledged the presence of Railroad Commissioner Christi Craddick.

The Senate welcomed its guest.

### SENATE BILL 1827 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 1827** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### Amendment

Amend **SB 1827** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the possession and emergency administration of an epinephrine auto-injector by law enforcement agencies and peace officers.

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

SECTION 1. Chapter 1701, Occupations Code, is amended by adding Subchapter O to read as follows:

#### SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

Sec. 1701.701. DEFINITIONS. In this subchapter:

(1) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(2) "Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine intended for use to treat anaphylaxis.

(3) "Physician" means a person who holds a license to practice medicine in this state.

Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with this subchapter.

(b) A peace officer may possess and administer an epinephrine auto-injector only if the peace officer has successfully completed training in the use of the device in a course approved by the commission.

(c) The commission, in consultation with the Department of State Health Services, shall approve a training course on the administration of an epinephrine auto-injector.

Sec. 1701.703. PRESCRIPTION OF EPINEPHRINE. (a) A physician, or a person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe epinephrine auto-injectors in the name of a law enforcement agency.

(b) A physician or other person who prescribes epinephrine auto-injectors under Subsection (a) shall provide the law enforcement agency with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

(c) A standing order under Subsection (b) is not required to be patient-specific. An epinephrine auto-injector may be administered under this subchapter to a person without a previously established physician-patient relationship.

(d) Notwithstanding any other law, supervision or delegation by a physician is considered adequate if the physician:

(1) periodically reviews the order; and

(2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) An order issued under this section must contain:

(1) the name and signature of the prescribing physician or other person;

(2) the name of the law enforcement agency to which the order is issued;

(3) the quantity of epinephrine auto-injectors to be obtained and maintained under the order; and

(4) the date the order was issued.

(f) A pharmacist may dispense an epinephrine auto-injector to a law enforcement agency without requiring the name of or any other identifying information relating to the user.

Sec. 1701.704. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS. A law enforcement agency that acquires and possesses epinephrine auto-injectors under this subchapter shall adopt and implement a policy regarding the maintenance, administration, and disposal of the epinephrine auto-injectors. The policy must:

(1) establish a process for the agency to check the inventory of epinephrine auto-injectors at regular intervals for expiration and replacement; and

(2) require that the epinephrine auto-injectors be stored in a secure location.

Sec. 1701.705. NOTIFICATION OF ADMINISTRATION OF EPINEPHRINE AUTO-INJECTOR. After an officer administers an epinephrine auto-injector under this subchapter, the law enforcement agency shall notify the physician or other person who prescribed the epinephrine auto-injector of:

(1) the age of the person to whom the epinephrine auto-injector was administered; and

(2) the number of epinephrine auto-injector doses administered to the person.

Sec. 1701.706. GIFTS, GRANTS, AND DONATIONS. A law enforcement agency may accept gifts, grants, donations, and federal and local money to implement this subchapter.

Sec. 1701.707. NOT PRACTICE OF HEALTH CARE. The administration by a peace officer of an epinephrine auto-injector to a person in accordance with the requirements of this subchapter or commission rules does not constitute the unlawful practice of any health care profession.

Sec. 1701.708. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, action relating to the prescription of an epinephrine auto-injector to a law enforcement agency or the administration of an epinephrine auto-injector by a peace officer is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

(1) issuing an order for epinephrine auto-injectors;

(2) supervising or delegating the administration of an epinephrine auto-injector;

(3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

(4) prescribing an epinephrine auto-injector;

(5) dispensing an epinephrine auto-injector;

(6) administering, or assisting in administering, an epinephrine auto-injector;

(7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans;  
or

(8) undertaking any other act permitted or required under this subchapter.

(b) The immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

(d) An act or omission described by this subchapter does not create a cause of action.

Sec. 1701.709. GOVERNMENTAL IMMUNITY NOT WAIVED. This subchapter does not waive governmental immunity from suit or liability.

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Commission on Law Enforcement shall approve a training course consistent with Section 1701.702, Occupations Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2019.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 1827**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 810 WITH HOUSE AMENDMENT**

Senator Perry called **SB 810** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 810** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the identification of breeder deer.

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

SECTION 1. Section 43.3561, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) In this section:

(1) "Button back" means the portion of an identification tag used to secure the tag to the breeder deer.

(2) "Electronic identification device" means a button tag or implant that uses radio frequency identification technology.

(3) "Identification tag" means a tag attached to the ear of a breeder deer for the purposes of identification that meets the requirements of this section.

(4) "Unique identifier" means five alphanumeric characters assigned by the department to uniquely identify a breeder deer.

(b) Not later than March 31 of the year following the year in which a ~~the~~ breeder deer is born, ~~the~~ ~~a~~ breeder deer ~~held in a permitted deer breeding facility~~ must be identified by:

(1) attaching an ~~placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable~~ identification tag to the pinna of either ear of the breeder deer in a manner so that the face of the tag is clearly visible on the anterior side of the ear; and

(2) applying a single electronic identification device ~~bearing an alphanumeric number of not more than four characters assigned by the department to the breeding facility in which the breeder deer was born and unique to that breeder deer~~.

(c) Except for a replacement identification tag described by Subsection (h), an identification tag applied under Subsection (b):

(1) must:

(A) be commercially manufactured;

(B) bear on the face and button back the unique identifier for the breeder deer to which it is attached in text placed by the manufacturer with characters on the face not less than 5/16 inch wide and 1/2 inch tall and spaced not less than 1/16 inch apart;

(C) be securely affixed so as not to be dislodged or removed easily;

(D) be made of a material that is not likely to disintegrate or decompose; and

(E) have sufficient contrast between the color of the text and the color of the tag to make the text characters clearly visible; and

(2) may bear additional information, provided that a dividing line placed by the manufacturer below the unique identifier separates the unique identifier from the additional information.

(d) The text of the unique identifier may be larger than the dimensions described by Subsection (c)(1)(B) but must maintain the same proportion of height and width.

(e) A breeder deer born before January 1, 2022, may be identified as described by Subsection (c) or (h). A breeder deer born on or after January 1, 2022, must be identified first as described by Subsection (c) before the breeder deer may be identified as described by Subsection (h).

(f) An electronic identification device applied under Subsection (b)(2) must be approved by the United States Department of Agriculture and have an associated 15-digit animal identification number that begins with 840. If the electronic identification device is a button tag, the button tag must be attached to the pinna of either ear of the breeder deer. If the electronic identification device is an implant, the implant may not be implanted in edible muscle. No person may remove an electronic identification device.

(g) The department shall create and maintain a database containing electronic identification device numbers entered by deer breeders. An electronic identification device applied under Subsection (b)(2) is valid for purposes of Subsection (b) only if the number associated with the device has been entered into the department database and corresponds with the unique identifier assigned to the breeder deer to or in which the device is attached or implanted. In making a determination to destroy a deer under Section 43.953, the department shall consider an electronic identification device that meets the requirements of this section as evidence of positive identification for a breeder deer that cannot be identified by either the identification tag or tattoo required by Subsection (b) or (j), provided that the deer breeder entered the electronic identification device number into the database before the identity of the breeder deer was in question as determined by the department.

(h) A deer breeder immediately shall replace an identification tag that has been dislodged, damaged, or removed by means other than human agency to the extent that the identification tag does not meet the requirements of Subsections (b) and (c) with another identification tag that meets the requirements of Subsections (b) and (c), except that a deer breeder may create and attach a replacement identification tag. A replacement identification tag must:

(1) be clearly visible;

(2) have legible text written with a tag pen manufactured for use with the tag; and

(3) meet the requirements of Subsections (b)(1) and (c), except for the requirement that the text be placed on the tag by the manufacturer.

(i) A deer breeder is not required to remove the tag for any purpose but may remove the tag and replace the tag immediately to meet the requirements of this section.

(j) ~~(h)~~ A person may not remove or knowingly permit the removal of a breeder deer held in a facility by a permittee under this subchapter unless the breeder deer has been identified by applying a tattoo to the inner portion of either ear of the deer that:

(1) is made with commercially available #300 or 5/16 inch tattoo letters and numbers;

(2) is legible, permanent, and green or black; and

(3) bears the same unique identifier printed on the identification tag attached to the deer under Subsection (c) [permanently and legibly tattooed in one ear with the unique identification number assigned to the breeder in lawful possession of the breeder deer and specific to the breeding facility in which the breeder deer was born or initially introduced if from an out of state source].

(k) ~~(e)~~ A person may not knowingly accept or permit the acceptance of a breeder deer into a facility regulated under this subchapter unless the breeder deer has been identified as required by this section [permanently and legibly tattooed in one ear with the unique identification number assigned to the breeder in lawful possession of the breeder deer and specific to the facility in which the breeder deer was born or initially introduced if from an out of state source].

SECTION 2. Section 43.351(5), Parks and Wildlife Code, is repealed.

SECTION 3. The changes in law made by this Act to Section 43.3561, Parks and Wildlife Code, apply only to a breeder deer born on or after January 1, 2020. A breeder deer born before January 1, 2020, is governed by the law in effect at the time the breeder deer was born, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2019.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 810**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Whitmire.

### **SENATE BILL 708 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 708** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 708** (house committee report) as follows:

(1) On page 2, strike lines 18-21 and substitute the following:  
fatalities for children four years of age and younger, aggregated by the age of the injured or deceased child, including information collected by the department, that occurred:

(A) at each licensed day-care center; and

(B) at a location other than a licensed day-care center;

(2) On page 3, line 2, strike "and".

(3) On page 3, line 5, between "(3)" and the underlined period, insert the following:

; and



(5) a comparison on whether children under the supervision of a licensed day-care center are more likely than children outside the supervision of a licensed day-care center to suffer a serious injury or death.

(f) The commission, in collaboration with the department and using existing resources, shall research, collect, compile, and publish on the commission's Internet website, in a way that allows meaningful comparison on a pro-rata basis of the relative frequency of each event included in the information required under Subsection (b)(4) and (5), the following data aggregated by child age regarding incidents at a location other than a licensed day-care center that threaten or impair the basic health, safety, or welfare of a child:

(1) the number of confirmed serious injuries to children; and

(2) the number of child fatalities.

(g) The commission may collaborate with one or more state agencies to perform a duty under Subsections (e) and (f)

(4) On page 3, strike line 11 and substitute "legislative and regulatory recommendations".

### **Floor Amendment No. 2**

Amend **SB 708** (house committee printing) on page 2, between lines 10 and 11, by inserting the following:

(c-1) The commission, using existing resources, shall collect and publish on the commission's Internet website data on the total number of employees who left employment with each licensed day-care center during the preceding calendar year.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 708**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hall, Kolkhorst.

### **SENATE BILL 479 WITH HOUSE AMENDMENT**

Senator Watson called **SB 479** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Amendment**

Amend **SB 479** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the inclusion in the definition of a medical and dental unit of the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley and the participation of those schools in certain programs and funding.

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

SECTION 1. Section 51.821(4), Education Code, is amended to read as follows:

(4) "Participating medical school" means each of the following entities:

(A) the medical school at The University of Texas Health Science Center at Houston;

(B) the medical school at The University of Texas Southwestern Medical Center;

(C) the medical school at The University of Texas Health Science Center at San Antonio;

(D) the medical school at The University of Texas Medical Branch at Galveston;

(E) the medical school at the Texas Tech University Health Sciences Center at Lubbock;

(F) the medical school at the Texas Tech University Health Sciences Center at El Paso;

(G) the Baylor College of Medicine;

(H) the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth; ~~and~~

(I) the medical school at The Texas A&M University System Health Science Center;

(J) the medical school at The University of Texas at Austin; and

(K) the medical school at The University of Texas Rio Grande Valley.

SECTION 2. Section 61.003(5), Education Code, is amended to read as follows:

(5) "Medical and dental unit" means The Texas A&M University System Health Science Center and its component institutions, agencies, and programs; the Texas Tech University Health Sciences Center; the Texas Tech University Health Sciences Center at El Paso; The University of Texas Medical Branch at Galveston; The University of Texas Southwestern Medical Center; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Cancer Center; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the Dell Medical School at The University of Texas at Austin; the School of Medicine at The University of Texas Rio Grande Valley ~~[The University of Texas Health Science Center South Texas and its component institutions, if established under Subchapter N, Chapter 74];~~ the nursing institutions of The Texas A&M University System and The University of Texas System; and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

SECTION 3. Section 63.002(c), Education Code, is amended to read as follows:

(c) The amount available for distribution from the fund may be appropriated only for programs that benefit medical research, health education, or treatment programs at the following health-related institutions of higher education:

(1) The University of Texas Health Science Center at San Antonio;

(2) The University of Texas M. D. Anderson Cancer Center;

(3) The University of Texas Southwestern Medical Center;

(4) The University of Texas Medical Branch at Galveston;  
(5) The University of Texas Health Science Center at Houston;  
(6) The University of Texas Health Science Center at Tyler;  
(7) The University of Texas Health Science Center–South Texas and its component institutions, if established under Subchapter N, Chapter 74;  
(8) The Texas A&M University Health Science Center;  
(9) the University of North Texas Health Science Center at Fort Worth;  
(10) the Texas Tech University Health Sciences Center;  
(11) the Texas Tech University Health Sciences Center at El Paso; ~~and~~  
(12) the Dell Medical School at The University of Texas at Austin; and  
(13) Baylor College of Medicine, if a contract between Baylor College of Medicine and the Texas Higher Education Coordinating Board is in effect under Section 61.092.

SECTION 4. (a) As soon as practicable after the effective date of this Act, the medical schools at The University of Texas at Austin and The University of Texas Rio Grande Valley each shall:

(1) enter into the agreement with the Joint Admission Medical Program Council required by Section 51.829, Education Code; and

(2) select an appropriate faculty member to represent the respective medical school on the council.

(b) The medical schools at The University of Texas at Austin and The University of Texas Rio Grande Valley each shall provide internships and mentoring under the Joint Admission Medical Program as appropriate beginning not later than the 2020-2021 academic year, but are not required before the 2022-2023 academic year to admit participating students to the medical schools under the program.

SECTION 5. The Dell Medical School at The University of Texas at Austin is eligible to receive funding under Subchapter A, Chapter 63, Education Code, beginning with allocations for the state fiscal year that begins September 1, 2019.

SECTION 6. 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, 2019.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 479**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1852 WITH HOUSE AMENDMENT**

Senator Paxton called **SB 1852** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1852** (house committee printing) as follows:

(1) On page 1, line 20, strike "The change in law made by this Act" and substitute "Chapter 1507, Insurance Code, as amended by this Act,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subtitle G, Title 8, Insurance Code, is amended by adding Chapter 1509 to read as follows:

CHAPTER 1509. SHORT-TERM LIMITED-DURATION INSURANCE

Sec. 1509.001. DEFINITION. In this chapter, "short-term limited-duration insurance" has the meaning assigned by 26 C.F.R. Section 54.9801-2.

Sec. 1509.002. POLICY DISCLOSURE FORM. (a) The commissioner by rule shall prescribe a disclosure form to be provided with a short-term limited-duration insurance policy and application.

(b) The disclosure form must be in an easily readable font at least 14-point in size and include:

(1) the duration of coverage;

(2) a statement:

(A) of the number of times the policy may be renewed or that the policy may not be renewed, as applicable;

(B) that the expiration of short-term coverage is not a qualifying life event that would make a person eligible for a special enrollment period; and

(C) that the policy may expire outside of the open enrollment period;

(3) to the extent the information is available, the dates of the next three open enrollment periods under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) following the date the policy expires;

(4) whether the policy contains any limitations or exclusions to preexisting conditions;

(5) the maximum dollar amount payable under the policy;

(6) the deductibles under the policy and the health care services to which the deductibles apply;

(7) whether the following health care services are covered, including:

(A) prescription drug coverage;

(B) mental health services;

(C) substance abuse treatment;

(D) maternity care;

(E) hospitalization;

(F) surgery;

(G) emergency health care; and

(H) preventive health care; and

(8) any other information the commissioner determines is important for a purchaser of a short-term limited-duration insurance policy.

(c) An insurer issuing a short-term limited-duration insurance policy shall adopt procedures in accordance with commissioner rule to obtain a signed form from the insured acknowledging receipt of the disclosure form described by this section. The rule must allow for electronic acknowledgment. The insurer shall retain an acknowledgment form until the fifth anniversary of the date the insurer receives the form, and the insurer shall make the form available to the department on request.

SECTION \_\_\_\_\_. Not later than January 1, 2020, the commissioner of insurance shall prescribe the disclosure form required by Section 1509.002, Insurance Code, as added by this Act.

SECTION \_\_\_\_\_. Chapter 1509, Insurance Code, as added by this Act, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. An insurance policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 1852**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 952 WITH HOUSE AMENDMENT**

Senator Watson called **SB 952** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 952** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to standards for nutrition, physical activity, and screen time for certain child-care facilities and homes.

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

SECTION 1. Section 42.042, Human Resources Code, is amended by adding Subsections (e-3), (e-4), and (e-5) to read as follows:

(e-3) The minimum standards for a day-care center or registered family home adopted under Subsection (e) must be consistent with:

(1) American Academy of Pediatrics standards for physical activity and screen time as published in Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th Edition; and

(2) the nutrition standards in the Child and Adult Care Food Program administered by the Department of Agriculture.

(e-4) A day-care center or registered family home is not required to participate in or comply with the reporting requirements of the Child and Adult Care Food Program administered by the Department of Agriculture.

(e-5) If the commission determines that the economic impact of requiring a day-care center or registered family home to comply with a minimum standard adopted under Subsection (e-3) is sufficiently great to make compliance impractical, the commission may require the day-care center or registered family home to meet the guidelines of the minimum standard through an alternative method.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 3. This Act takes effect September 1, 2019.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 952**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Buckingham, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Fallon.

### **SENATE BILL 747 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 747** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 747** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to required notice of the cost and health benefit plan coverage of newborn screening tests.

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

SECTION 1. Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.019 to read as follows:

Sec. 33.019. NOTICE OF COST AND CLAIM PROCESS. (a) The department shall publish on its Internet website the cost of and instructions on the full claim and reimbursement process for a newborn screening test kit to be used to comply with the test requirements of Section 33.011.

(b) The department may change the cost published under Subsection (a) not later than the 90th day before the date the department publishes notice of the change on its Internet website. If the department changes the cost under this subsection, the department shall retain a record of the previous cost until the first anniversary of the date of the change.

SECTION 2. Section 1271.154, Insurance Code, is amended to read as follows:

Sec. 1271.154. WELL-CHILD CARE FROM BIRTH. (a) In this section, "well-child care from birth" has the meaning used under Section 1302, Public Health Service Act (42 U.S.C. Section 300e-1), and its subsequent amendments. The term includes administration of newborn screening required by the [Texas] Department of State Health Services and the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

(b) A health maintenance organization shall ensure that each health care plan provided by the health maintenance organization includes well-child care from birth that complies with:

(1) federal requirements adopted under Chapter XI, Public Health Service Act (42 U.S.C. Section 300e et seq.), and its subsequent amendments; and

(2) the rules adopted by the executive commissioner [~~Texas Department~~] of the Health and Human Services Commission to implement those requirements, including rules on the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

SECTION 3. Section 1367.003, Insurance Code, is amended to read as follows:

Sec. 1367.003. CERTAIN LIMITATIONS ON COVERAGE FOR NEWBORN CHILDREN PROHIBITED. A health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children may not be issued in this state if the plan excludes or limits:

(1) initial coverage of a newborn child for a period of time; [~~or~~]

(2) coverage for congenital defects of a newborn child; or

(3) coverage for administration of the newborn screening tests required by Section 33.011, Health and Safety Code, including for the cost of a newborn screening test kit in the amount provided by the Department of State Health Services on its Internet website under Section 33.019 of that code on the date the test was administered.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this Act.

SECTION 5. The change in law made by this Act applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 747** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 33.004(f), Health and Safety Code, is amended to read as follows:

(f) The executive commissioner by rule shall [~~may~~] establish the amounts charged for newborn screening fees, including fees assessed for follow-up services, tracking confirmatory testing, and diagnosis. In adopting rules under this subsection, the executive commissioner shall ensure that amounts charged for newborn screening fees are sufficient to cover the costs of performing the screening.

SECTION \_\_\_\_\_. Chapter 33, Health and Safety Code, is amended by adding Subchapter D to read as follows:

#### SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

Sec. 33.051. DEFINITION. In this subchapter, "account" means the newborn screening preservation account established under Section 33.052.

Sec. 33.052. CREATION OF ACCOUNT. (a) The newborn screening preservation account is a dedicated account in the general revenue fund. Money in the account may be appropriated only to the department and only for the purpose of carrying out the newborn screening program established under this chapter.

(b) On November 1 of each year, the comptroller shall transfer to the account any unexpended and unencumbered money from Medicaid reimbursements collected by the department for newborn screening services during the preceding state fiscal year.

(c) The account is composed of:

(1) money transferred to the account under Subsection (b);

(2) gifts, grants, donations, and legislative appropriations; and

(3) interest earned on the investment of money in the account.

(d) Section 403.0956, Government Code, does not apply to the account.

(e) The department administers the account. The department may solicit and receive gifts, grants, and donations from any source for the benefit of the account.

Sec. 33.053. DEDICATED USE. (a) The department may use any money remaining in the account after paying the costs of operating the newborn screening program established under this chapter only to:

(1) pay the costs of offering additional newborn screening tests not offered under this chapter before September 1, 2019, including the operational costs incurred during the first year of implementing the additional tests; and

(2) pay for capital assets, equipment, and renovations for the laboratory established by the department to ensure the continuous operation of the newborn screening program.

(b) The department may not use money from the account for the department's general operating expenses.

Sec. 33.054. REPORT. If the department requires an additional newborn screening test under Subchapter B the costs of which are funded with money appropriated from the newborn screening preservation account, the department shall, not later than September 1 of each even-numbered year, prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over the department a written report that:

(1) summarizes the implementation plan for the test, including anticipated completion dates for implementing the test and potential barriers to conducting the test; and

(2) summarizes the actions taken by the department to fund and implement the test during the preceding two years.

SECTION \_\_\_\_. Notwithstanding Section 33.054, Health and Safety Code, as added by this Act, the Department of State Health Services shall submit the first report required by that section not later than December 1, 2019.

(2) On page 3, line 9, strike "The change in law made by this Act applies" and substitute "Section 33.019, Health and Safety Code, as added by this Act, and Sections 1271.154 and 1367.003, Insurance Code, as amended by this Act, apply".

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 747**.



The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 943 WITH HOUSE AMENDMENT**

Senator Watson called **SB 943** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 943** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the disclosure of certain contracting information under the public information law.

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

SECTION 1. Section 552.003, Government Code, is amended by amending Subdivision (1) and adding Subdivision (7) to read as follows:

(1) "Governmental body":

(A) means:

(i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

(ii) a county commissioners court in the state;

(iii) a municipal governing body in the state;

(iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

(v) a school district board of trustees;

(vi) a county board of school trustees;

(vii) a county board of education;

(viii) the governing board of a special district;

(ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;

(x) a local workforce development board created under Section 2308.253;

(xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; ~~and~~

(xii) a confinement facility operated under a contract with any division of the Texas Department of Criminal Justice;

(xiii) a civil commitment housing facility owned, leased, or operated by a vendor under contract with the state as provided by Chapter 841, Health and Safety Code;

(xiv) an entity that receives public funds in the current or preceding state fiscal year to manage the daily operations or restoration of the Alamo, or an entity that oversees such an entity; and

(xv) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds; and

(B) does not include:

(i) the judiciary; or

(ii) an economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts if:

(a) the entity does not receive \$1 million or more in public funds from a single state agency or political subdivision in the current or preceding state fiscal year; or

(b) the entity:

(1) either:

(A) does not have the authority to make decisions or recommendations on behalf of a state agency or political subdivision regarding tax abatements or tax incentives; or

(B) does not require an officer of the state agency or political subdivision to hold office as a member of the board of directors of the entity;

(2) does not use staff or office space of the state agency or political subdivision for no or nominal consideration, unless the space is available to the public;

(3) to a reasonable degree, tracks the entity's receipt and expenditure of public funds separately from the entity's receipt and expenditure of private funds; and

(4) provides at least quarterly public reports to the state agency or political subdivision regarding work performed on behalf of the state agency or political subdivision.

(7) "Contracting information" means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor:

(A) information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;

(B) solicitation or bid documents relating to a contract with a governmental body;

(C) communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

(D) documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and

(E) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

SECTION 2. Subchapter B, Chapter 552, Government Code, is amended by adding Section 552.0222 to read as follows:

Sec. 552.0222. DISCLOSURE OF CONTRACTING INFORMATION.

(a) Contracting information is public and must be released unless excepted from disclosure under this chapter.

(b) The exceptions to disclosure provided by Sections 552.110 and 552.1101 do not apply to the following types of contracting information:

(1) a contract described by Section 2261.253(a), excluding any information that was properly redacted under Subsection (e) of that section;

(2) a contract described by Section 322.020(c), excluding any information that was properly redacted under Subsection (d) of that section;

(3) the following contract or offer terms or their functional equivalent:

(A) any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price;

(B) a description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract;

(C) the delivery and service deadlines;

(D) the remedies for breach of contract;

(E) the identity of all parties to the contract;

(F) the identity of all subcontractors in a contract;

(G) the affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor;

(H) the execution dates;

(I) the effective dates; and

(J) the contract duration terms, including any extension options; or

(4) information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding:

(A) a breach of contract;

(B) a contract variance or exception;

(C) a remedial action;

(D) an amendment to a contract;

(E) any assessed or paid liquidated damages;

(F) a key measures report;

(G) a progress report; and

(H) a final payment checklist.

(c) Notwithstanding Subsection (b), information described by Subdivisions (3)(A) and (B) of that subsection that relates to a retail electricity contract may not be disclosed until the delivery start date.

SECTION 3. Section 552.104(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if a governmental body demonstrates that release of the [it is] information [that, if released,] would harm its interests by providing an [give] advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive

situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future.

SECTION 4. Section 552.110, Government Code, is amended to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION. (a) In this section, "trade secret" means all forms and types of information, including business, scientific, technical, economic, or engineering information, and any formula, design, prototype, pattern, plan, compilation, program device, program, code, device, method, technique, process, procedure, financial data, or list of actual or potential customers or suppliers, whether tangible or intangible and whether or however stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if:

(1) the owner of the trade secret has taken reasonable measures under the circumstances to keep the information secret; and

(2) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information.

(b) Except as provided by Section 552.0222, information [A trade secret obtained from a person and privileged or confidential by statute or judicial decision] is excepted from the requirements of Section 552.021 if it is demonstrated based on specific factual evidence that the information is a trade secret.

(c) Except as provided by Section 552.0222, commercial [(b) Commercial] or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021.

SECTION 5. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1101 to read as follows:

Sec. 552.1101. EXCEPTION: CONFIDENTIALITY OF PROPRIETARY INFORMATION. (a) Except as provided by Section 552.0222, information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from the requirements of Section 552.021 if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that disclosure of the information would:

(1) reveal an individual approach to:

(A) work;

(B) organizational structure;

(C) staffing;

(D) internal operations;

(E) processes; or

(F) discounts, pricing methodology, pricing per kilowatt hour, cost data, or other pricing information that will be used in future solicitation or bid documents;  
and

(2) give advantage to a competitor.

(b) The exception to disclosure provided by Subsection (a) does not apply to:

(1) information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body; or

(2) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

(c) The exception to disclosure provided by Subsection (a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Section 552.305(b) for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor. A governmental body shall decline to release information as provided by Section 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to assert the exception to disclosure provided by Subsection (a).

SECTION 6. Section 552.131, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An economic development entity whose mission or purpose is to develop and promote the economic growth of a state agency or political subdivision with which the entity contracts may assert the exceptions under this section in the manner described by Section 552.305(b) with respect to information that is in the economic development entity's custody or control.

SECTION 7. Sections 552.305(a) and (d), Government Code, are amended to read as follows:

(a) In a case in which information is requested under this chapter and a person's privacy or property interests may be involved, including a case under Section 552.101, ~~552.104,~~ 552.110, 552.1101, ~~552.114,~~ 552.131, or 552.143, a governmental body may decline to release the information for the purpose of requesting an attorney general decision.

(d) If release of a person's proprietary information may be subject to exception under Section 552.101, 552.110, 552.1101, 552.113, ~~552.131,~~ or 552.143, the governmental body that requests an attorney general decision under Section 552.301 shall make a good faith attempt to notify that person of the request for the attorney general decision. Notice under this subsection must:

(1) be in writing and sent within a reasonable time not later than the 10th business day after the date the governmental body receives the request for the information; and

(2) include:

(A) a copy of the written request for the information, if any, received by the governmental body; and

(B) a statement, in the form prescribed by the attorney general, that the person is entitled to submit in writing to the attorney general within a reasonable time not later than the 10th business day after the date the person receives the notice:

(i) each reason the person has as to why the information should be withheld; and

(ii) a letter, memorandum, or brief in support of that reason.

SECTION 8. Section 552.321, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A requestor may file suit for a writ of mandamus compelling a governmental body or an entity to comply with the requirements of Subchapter J.

SECTION 9. Chapter 552, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ADDITIONAL PROVISIONS RELATED TO CONTRACTING INFORMATION

Sec. 552.371. CERTAIN ENTITIES REQUIRED TO PROVIDE CONTRACTING INFORMATION TO GOVERNMENTAL BODY IN CONNECTION WITH REQUEST. (a) This section applies to an entity that is not a governmental body that executes a contract with a governmental body that:

(1) has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body; or

(2) results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body.

(b) This section applies to a written request for public information received by a governmental body that is a party to a contract described by Subsection (a) for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the governmental body.

(c) A governmental body that receives a written request for information described by Subsection (b) shall request that the entity provide the information to the governmental body. The governmental body must send the request in writing to the entity not later than the third business day after the date the governmental body receives the written request described by Subsection (b).

(d) Notwithstanding Section 552.301:

(1) a request for an attorney general's decision under Section 552.301(b) to determine whether contracting information subject to a written request described by Subsection (b) falls within an exception to disclosure under this chapter is considered timely if made not later than the 13th business day after the date the governmental body receives the written request described by Subsection (b);

(2) the statement and copy described by Section 552.301(d) is considered timely if provided to the requestor not later than the 13th business day after the date the governmental body receives the written request described by Subsection (b);

(3) a submission described by Section 552.301(e) is considered timely if submitted to the attorney general not later than the 18th business day after the date the governmental body receives the written request described by Subsection (b); and

(4) a copy described by Section 552.301(e-1) is considered timely if sent to the requestor not later than the 18th business day after the date the governmental body receives the written request described by Subsection (b).

(e) Section 552.302 does not apply to information described by Subsection (b) if the governmental body:

(1) complies with the requirements of Subsection (c) in a good faith effort to obtain the information from the contracting entity;

(2) is unable to meet a deadline described by Subsection (d) because the contracting entity failed to provide the information to the governmental body not later than the 13th business day after the date the governmental body received the written request for the information; and

(3) if applicable and notwithstanding the deadlines prescribed by Sections 552.301(b), (d), (e), and (e-1), complies with the requirements of those subsections not later than the eighth business day after the date the governmental body receives the information from the contracting entity.

(f) Nothing in this section affects the deadlines or duties of a governmental body under Section 552.301 regarding information the governmental body maintains, including contracting information.

Sec. 552.372. BIDS AND CONTRACTS. (a) A contract described by Section 552.371 must require a contracting entity to:

(1) preserve all contracting information related to the contract as provided by the records retention requirements applicable to the governmental body for the duration of the contract;

(2) promptly provide to the governmental body any contracting information related to the contract that is in the custody or possession of the entity on request of the governmental body; and

(3) on completion of the contract, either:

(A) provide at no cost to the governmental body all contracting information related to the contract that is in the custody or possession of the entity; or

(B) preserve the contracting information related to the contract as provided by the records retention requirements applicable to the governmental body.

(b) Unless Section 552.374(c) applies, a bid for a contract described by Section 552.371 and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include "bid" or "contract" as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter."

(c) A governmental body may not accept a bid for a contract described by Section 552.371 or award the contract to an entity that the governmental body has determined has knowingly or intentionally failed to comply with this subchapter in a previous bid or contract described by that section unless the governmental body determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of this subchapter.

Sec. 552.373. NONCOMPLIANCE WITH PROVISION OF SUBCHAPTER. A governmental body that is the party to a contract described by Section 552.371 shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of this subchapter applicable to the entity. The notice must:

(1) be in writing;

(2) state the requirement of this subchapter that the entity has violated; and

(3) unless Section 552.374(c) applies, advise the entity that the governmental body may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the 10th business day after the date the governmental body provides the notice.

Sec. 552.374. TERMINATION OF CONTRACT FOR NONCOMPLIANCE.

(a) Subject to Subsection (c), a governmental body may terminate a contract described by Section 552.371 if:

(1) the governmental body provides notice under Section 552.373 to the entity that is party to the contract;

(2) the contracting entity does not cure the violation in the period prescribed by Section 552.373;

(3) the governmental body determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of this subchapter; and

(4) the governmental body determines that the entity has not taken adequate steps to ensure future compliance with the requirements of this subchapter.

(b) For the purpose of Subsection (a), an entity has taken adequate steps to ensure future compliance with this subchapter if:

(1) the entity produces contracting information requested by the governmental body that is in the custody or possession of the entity not later than the 10th business day after the date the governmental body makes the request; and

(2) the entity establishes a records management program to enable the entity to comply with this subchapter.

(c) A governmental body may not terminate a contract under this section if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the contract's proceeds are used to pay debt service of a public security or loan.

Sec. 552.375. OTHER CONTRACT PROVISIONS. Nothing in this subchapter prevents a governmental body from including and enforcing more stringent requirements in a contract to increase accountability or transparency.

Sec. 552.376. CAUSE OF ACTION NOT CREATED. This subchapter does not create a cause of action to contest a bid for or the award of a contract with a governmental body.

SECTION 10. The changes in law made by this Act apply only to a request for public information that is received by a governmental body or an officer for public information on or after the effective date of this Act.

SECTION 11. Subchapter J, Chapter 552, Government Code, as added by this Act, applies only to a contract described by that subchapter that is executed on or after the effective date of this Act.

SECTION 12. This Act takes effect January 1, 2020.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 943**.

The motion prevailed by the following vote: Yeas 31, Nays 0.



**SENATE BILL 1640 WITH HOUSE AMENDMENT**

Senator Watson called **SB 1640** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 1640** (house committee report) on page 1, line 24, between "members" and the underlined semicolon, by inserting "but the members engaging in the series of communications constitute a quorum of members".

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1640**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 709 WITH HOUSE AMENDMENT**

Senator West called **SB 709** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 709** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the allocation and use of the annual constitutional appropriation to certain agencies and institutions of higher education.

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

SECTION 1. Section 62.021, Education Code, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-3) to read as follows:

(a) In each state fiscal year beginning with the state fiscal year ending August 31, 2021 ~~[2016]~~, an eligible institution is entitled to receive an amount allocated in accordance with this section from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

(1) \$4,933,200 ~~[\$3,374,275]~~ to Midwestern State University;

(2) to the following component institutions of the University of North Texas

System:

- (A) \$37,346,563 [~~\$25,041,370~~] to the University of North Texas;
- (B) \$15,125,502 [~~\$11,394,570~~] to the University of North Texas Health Science Center at Fort Worth; and
- (C) \$3,354,441 [~~\$1,408,669~~] to the University of North Texas at Dallas[, ~~\$135,593 of which must be used for the University of North Texas at Dallas College of Law~~];
- (3) \$11,277,793 [~~\$7,757,442~~] to Stephen F. Austin State University;
- (4) to the following component institutions of the Texas State University System:
- (A) \$13,141,181 [~~\$9,401,255~~] to Lamar University;
- (B) \$2,553,130 [~~\$1,720,347~~] to the Lamar Institute of Technology;
- (C) \$1,488,396 [~~\$1,129,562~~] to Lamar State College–Orange;
- (D) \$2,217,102 [~~\$1,438,523~~] to Lamar State College–Port Arthur;
- (E) \$18,236,811 [~~\$11,553,239~~] to Sam Houston State University;
- (F) \$37,606,478 [~~\$24,775,170~~] to Texas State University;
- (G) \$2,151,723 [~~\$1,423,682~~] to Sul Ross State University; and
- (H) \$472,890 [~~\$273,825~~] to Sul Ross State University–Rio Grande College;
- (5) \$11,719,335 [~~\$7,773,229~~] to Texas Southern University;
- (6) to the following component institutions of the Texas Tech University System:
- (A) \$49,874,746 [~~\$32,817,206~~] to Texas Tech University;
- (B) \$21,652,392 [~~\$15,581,597~~] to Texas Tech University Health Sciences Center;
- (C) \$6,792,999 [~~\$3,546,735~~] to Angelo State University; and
- (D) \$5,557,572 [~~\$4,156,050~~] to Texas Tech University Health Sciences Center–El Paso;
- (7) \$14,554,133 [~~\$9,897,706~~] to Texas Woman's University;
- (8) to the following component institutions of the University of Houston System:
- (A) \$54,514,004 [~~\$35,180,036~~] to the University of Houston;
- (B) \$3,542,817 [~~\$2,850,574~~] to the University of Houston–Victoria;
- (C) \$7,726,043 [~~\$5,336,744~~] to the University of Houston–Clear Lake;
- and
- (D) \$10,828,344 [~~\$7,835,252~~] to the University of Houston–Downtown;
- (9) to the following component institutions of The Texas A&M University System:
- (A) \$11,478,824 [~~\$7,424,229~~] to Texas A&M University–Corpus Christi;
- (B) \$7,462,394 [~~\$4,473,273~~] to Texas A&M International University;
- (C) \$8,858,060 [~~\$5,977,371~~] to Texas A&M University–Kingsville;
- (D) \$7,446,495 [~~\$4,776,272~~] to West Texas A&M University;
- (E) \$11,123,859 [~~\$7,190,875~~] to Texas A&M University–Commerce;
- and
- (F) \$2,050,273 [~~\$1,215,922~~] to Texas A&M University–Texarkana; and

(10) ~~\$8,662,500~~ ~~[\$5,775,000]~~ to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:

- (A) Texas State Technical College–Harlingen;
- (B) Texas State Technical College–Marshall;
- (C) Texas State Technical College–West Texas; ~~and~~
- (D) Texas State Technical College–Waco;
- (E) Texas State Technical College–Fort Bend; and
- (F) Texas State Technical College–North Texas.

(a-1) In ~~[each state fiscal year beginning with]~~ the state fiscal year ending August 31, ~~2020~~ ~~[2017]~~, an eligible institution is entitled to receive an amount allocated in accordance with this subsection from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

- (1) \$5,061,412 to Midwestern State University;
- (2) to the following component institutions of the University of North Texas

System:

- (A) \$37,562,056 to the University of North Texas;
- (B) \$17,091,856 to the University of North Texas Health Science Center at Fort Worth; and

(C) \$2,113,004 to the University of North Texas at Dallas~~[-\$203,390 of which must be used for the University of North Texas at Dallas College of Law];~~

- (3) \$11,636,163 to Stephen F. Austin State University;
- (4) to the following component institutions of the Texas State University

System:

- (A) \$14,101,882 to Lamar University;
- (B) \$2,580,521 to the Lamar Institute of Technology;
- (C) \$1,694,343 to Lamar State College–Orange;
- (D) \$2,157,784 to Lamar State College–Port Arthur;
- (E) \$17,329,858 to Sam Houston State University;
- (F) \$37,162,755 to Texas State University;
- (G) \$2,135,523 to Sul Ross State University; and
- (H) \$410,738 to Sul Ross State University–Rio Grande College;

- (5) \$11,659,843 to Texas Southern University;

- (6) to the following component institutions of the Texas Tech University

System:

- (A) \$49,225,809 to Texas Tech University;
- (B) \$23,372,396 to Texas Tech University Health Sciences Center;
- (C) \$5,320,102 to Angelo State University; and
- (D) \$6,234,075 to Texas Tech University Health Sciences Center—El

Paso;

- (7) \$14,846,558 to Texas Woman's University;
- (8) to the following component institutions of the University of Houston

System:

- (A) \$52,770,054 to the University of Houston;
- (B) \$4,275,861 to the University of Houston—Victoria;
- (C) \$8,005,116 to the University of Houston—Clear Lake; and
- (D) \$11,752,877 to the University of Houston—Downtown;

- (9) to the following component institutions of The Texas A&M University

System:

- (A) \$11,136,344 to Texas A&M University—Corpus Christi;
- (B) \$6,709,910 to Texas A&M International University;
- (C) \$8,966,056 to Texas A&M University—Kingsville;
- (D) \$7,164,408 to West Texas A&M University;
- (E) \$10,786,313 to Texas A&M University—Commerce; and
- (F) \$1,823,883 to Texas A&M University—Texarkana; and

(10) \$8,662,500 to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:

- (A) Texas State Technical College—Harlingen;
- (B) Texas State Technical College—Marshall;
- (C) Texas State Technical College—West Texas; ~~and~~
- (D) Texas State Technical College—Waco;
- (E) Texas State Technical College—Fort Bend; and
- (F) Texas State Technical College—North Texas.

(a-3) This subsection and Subsection (a-1) expire September 1, 2020.

(b) Each governing board participating in the distribution of funds as described in this section may expend the funds without limitation, and as the governing board may decide in its sole discretion, for any and all purposes described in Section 17, Article VII, Texas [Section 17, of the] Constitution, including to purchase or contract for cloud computing services or other intangible assets with an expected useful life or for a contract period of more than one year [of Texas; provided, however, that for new construction, major repair and rehabilitation projects, and land acquisition projects, those funds may not be expended without the prior approval of the legislature or the approval, review, or endorsement, as applicable, of the coordinating board; and provided further that review and approval of major repair and rehabilitation shall apply only to projects in excess of \$600,000].

(c) Each governing board participating in the distribution of funds as described in this section may issue bonds and notes as authorized in Section 17, Article VII, Texas [Section 17, of the] Constitution [of Texas]. [For purposes of this chapter, the governing board of Texas Tech University may issue bonds and notes as authorized in Article VII, Section 17, of the Constitution of Texas, on behalf of both Texas Tech

~~University and Texas Tech University Health Sciences Center, and the annual appropriations of both institutions may be combined and pledged by the governing body of Texas Tech University in support of such bonds and notes.]~~

SECTION 2. Sections 62.021(a-2) and (f), Education Code, are repealed.

SECTION 3. (a) The amounts allocated under Section 62.021(a-1), Education Code, as amended by this Act, apply to the state fiscal year beginning September 1, 2019.

(b) The amounts allocated under Section 62.021(a), Education Code, as amended by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2020.

SECTION 4. This Act takes effect August 31, 2019.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 709**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 2535 WITH HOUSE AMENDMENT**

Senator Fallon called **SB 2535** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 2535** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the powers and duties of the Lakehaven Municipal Utility District; providing authority to issue bonds; providing authority to impose a tax.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8093 to read as follows:

#### CHAPTER 8093. LAKEHAVEN MUNICIPAL UTILITY DISTRICT SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8093.0101. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Farmersville, Texas.
- (3) "District" means the Lakehaven Municipal Utility District.

Sec. 8093.0102. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8093.0201. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8093.0202. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8093.0203. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8093.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

Sec. 8093.0301. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. (a) Except as provided by Section 8093.0303, the district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for a road project authorized by Section 8093.0203.

(b) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

(c) At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Sec. 8093.0302. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

Sec. 8093.0303. CONDITION PRECEDENT TO ISSUING BONDS OR OTHER OBLIGATIONS. (a) The district may not issue bonds or other obligations under this subchapter unless the district has entered into a contract with the city, Collin County, or another entity:

(1) for adequate supplemental police, fire, and emergency services for the district; and

(2) that is approved by the Commissioners Court of Collin County under Subsection (c).

(b) A contract under Subsection (a) may include a provision that the contract takes effect only on the approval of the Commissioners Court of Collin County and the voters in the district voting in an election held for that purpose.

(c) The Commissioners Court of Collin County shall review a contract under Subsection (a) and evaluate the supplemental police, fire, and emergency services provided in the contract. If the commissioners court determines that the contract provides adequate services, the commissioners court shall adopt a resolution stating that the contract has met the requirements of Subsection (a).

#### SUBCHAPTER D. CITY PERMITTING AUTHORITY IN DISTRICT

Sec. 8093.0401. CITY AUTHORITY. (a) The city has exclusive authority in the district to issue all building permits, certificates of occupancy, and any certificate or permit issued by the city relating to business activities.

(b) A fee for a permit or certificate issued by the city for use in the district may not exceed the fees charged for the same permit or certificate issued for use in the corporate limits of the city.

(c) A permit or certificate issued by the city for use in the district is subject to the terms of a development agreement made under Section 212.172, Local Government Code.

SECTION 2. The Lakehaven Municipal Utility District retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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, 2019.

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 2535**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE ON HOUSE BILL 234**  
**(Motion In Writing)**

Senator Nelson called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 234** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 234** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Campbell, Whitmire, Huffman, and Nichols.

**CONFERENCE COMMITTEE ON HOUSE BILL 812**  
**(Motion In Writing)**

Senator Whitmire called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 812** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 812** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Huffman, Buckingham, Miles, and Perry.

**CONFERENCE COMMITTEE ON HOUSE BILL 684**  
**(Motion In Writing)**

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 684** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 684** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Lucio, Bettencourt, Campbell, and Paxton.



**CONFERENCE COMMITTEE ON HOUSE BILL 1504**  
**(Motion In Writing)**

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1504** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1504** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Birdwell, Watson, Buckingham, and Hall.

**CONFERENCE COMMITTEE ON HOUSE BILL 2402**  
**(Motion In Writing)**

Senator Fallon called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2402** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2402** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Fallon, Chair; Hancock, Flores, Alvarado, and Paxton.

**SENATE BILL 11 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Taylor called **SB 11** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 11** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to policies, procedures, and measures for school safety and mental health promotion in public schools.

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

SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061 to read as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) The commissioner shall adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

(1) the design and construction of new facilities; and

(2) the improvement, renovation, and retrofitting of existing facilities.

(c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment.

SECTION 2. Chapter 8, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES  
FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. In this subchapter, "local mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE.

(a) A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services. In making a hiring decision under this section, the local mental health authority shall consult with the regional education service center.

(b) If two or more local mental health authorities provide services in a region served by a regional education service center, the local mental health authority that primarily operates in the county in which the center is located shall employ the non-physician mental health professional and, in making any hiring decision, consult with other local mental health authorities and the regional education service center providing services in that region.

Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) A local mental health authority that employs a non-physician mental health professional under Section 8.152 and the regional education service center shall collaborate in carrying out this subchapter.

(b) Each regional education service center shall provide for a non-physician mental health professional employed for the region served by the center with a space for the professional to carry out the professional's duties under Section 8.155. The local mental health authority that employs the professional shall pay the center a reasonable negotiated cost recovery fee for providing the space and administrative support outlined in the memorandum of understanding under Subsection (c). The fee may not exceed \$15,000 unless a larger fee is agreed to by the local mental health authority and center.

(c) A local mental health authority and a regional education service center shall enter into a memorandum of understanding for the administration of this section.

Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. The local mental health authority that employs a non-physician mental health professional under Section 8.152 shall:

(1) supervise the professional in carrying out the professional's duties under Section 8.155; and

(2) consult with any other local mental health authorities in the region and the regional education service center in supervising the professional and seek input from the center regarding the professional's performance.

Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A non-physician mental health professional employed under Section 8.152 shall collaborate with the regional education service center that focuses on mental health initiatives and act as a resource for the regional education service center and school district personnel by:

(1) helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;

(2) assisting personnel to implement initiatives related to mental health or substance use under:

(A) state law;

(B) rules adopted by a state agency;

(C) interagency memoranda of understanding; or

(D) programs related to the state law, rules, or memoranda of understanding;

(3) ensuring personnel are aware of:

(A) the list of recommended best practice-based programs and research-based practices developed under Section 161.325, Health and Safety Code;

(B) other public and private mental health and substance use prevention, treatment, and recovery programs available in the school district, including evidence-based programs provided by a local mental health authority and other public or private mental health providers; and

(C) other resources available from the Health and Human Services Commission to support school districts, students, or students' families;

(4) on a monthly basis, facilitating mental health first aid training;

(5) on a monthly basis, facilitating training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma; and

(6) on a monthly basis, facilitating training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to:

(A) use alcohol, cigarettes, or illegal drugs; or

(B) misuse prescription drugs.

(b) A non-physician mental health professional employed under Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.

Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED.

This subchapter does not require a school district to participate in training provided by a non-physician mental health professional or otherwise use the professional as a resource.

Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to which money is appropriated to carry out this subchapter shall ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals under this subchapter.

Sec. 8.158. REPORT. (a) Before the last business day of each calendar year, each local mental health authority that employs and supervises a non-physician mental health professional under this subchapter shall prepare and submit a report to the Health and Human Services Commission regarding the outcomes for school districts and students resulting from services provided by the non-physician mental health professional.

(b) Not later than January 31 of the following calendar year, the Health and Human Services Commission shall compile the information submitted under this section and prepare and provide a preliminary report to the agency for review and input. After receiving the agency's recommendations on the preliminary report, the commission shall prepare and submit a final report to the agency, the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over mental health, and each standing committee of the legislature having primary jurisdiction over public education.

SECTION 3. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c). The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; ~~and~~

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children; and

(10) the trauma-informed care policy required under Section 38.036.

SECTION 4. Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

- (D) accelerated instruction under Section 28.0211;
- (E) high school graduation requirements under Section 28.025;
- (F) special education programs under Subchapter A, Chapter 29;
- (G) bilingual education under Subchapter B, Chapter 29;
- (H) prekindergarten programs under Subchapter E or E-1, Chapter 29;
- (I) extracurricular activities under Section 33.081;
- (J) discipline management practices or behavior management techniques under Section 37.0021;
- (K) health and safety under Chapter 38;
- (L) public school accountability under Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- (M) the requirement under Section 21.006 to report an educator's misconduct;
- (N) intensive programs of instruction under Section 28.0213;
- (O) the right of a school employee to report a crime, as provided by Section 37.148; ~~and~~
- (P) bullying prevention policies and procedures under Section 37.0832;
- (Q) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; ~~and~~
- (R) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;
- (S) ~~(P)~~ a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
- (T) healthy relationships education under Section 28.004(q); and
- (U) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071.

SECTION 5. Sections 21.054(d) and (d-2), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

- (1) collecting and analyzing information that will improve effectiveness in the classroom;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) digital learning, digital teaching, and integrating technology into classroom instruction;
- (4) educating diverse student populations, including:
  - (A) students with disabilities, including mental health disorders;
  - (B) students who are educationally disadvantaged;
  - (C) students of limited English proficiency; and
  - (D) students at risk of dropping out of school; ~~and~~
- (5) understanding appropriate relationships, boundaries, and communications between educators and students; and~~[-]~~

(6) [(d-2) Continuing education requirements for a classroom teacher may include instruction regarding] how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(d-2) The instruction required under Subsection (d)(6) must:

(1) comply with the training required by Section 38.036(c)(1); and

(2) be approved by the commissioner.

SECTION 6. Section 25.081(a), Education Code, is amended to read as follows:

(a) Except as authorized under Subsection (b) of this section, Section 25.0815, Section 25.084, or Section 29.0821, for each school year each school district must operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

SECTION 7. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0815 to read as follows:

Sec. 25.0815. OPERATION AND INSTRUCTIONAL TIME WAIVERS FOR SCHOOL SAFETY TRAINING. (a) The commissioner shall provide a waiver allowing for fewer minutes of operation and instructional time than required under Section 25.081(a) for a school district that requires each educator employed by the district to attend an approved school safety training course.

(b) A waiver under this section:

(1) must allow sufficient time for the school district's educators to attend the school safety training course; and

(2) may not:

(A) result in an inadequate number of minutes of instructional time for students; or

(B) reduce the number of minutes of operation and instructional time by more than 420 minutes.

(c) To be approved under this section, a school safety training course must apply to the Texas School Safety Center. The Texas School Safety Center may approve a training course if the course satisfies the training requirements as determined by the center.

(d) The commissioner may adopt rules to implement this section.

SECTION 8. Section 28.002, Education Code, is amended by adding Subsection (z) to read as follows:

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

SECTION 9. Section 28.004, Education Code, is amended by amending Subsection (c) and adding Subsections (q) and (r) to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in health education;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

(A) health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;

(F) school health services;

(G) counseling and guidance services;

(H) a safe and healthy school environment; and

(I) school employee wellness;

(3) appropriate grade levels and methods of instruction for human sexuality instruction and healthy relationships education;

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services;

(B) counseling and guidance services;

(C) a safe and healthy school environment; and

(D) school employee wellness; ~~and~~

(5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and

(6) strategies to increase parental awareness regarding:

(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

(q) The board of trustees shall determine the specific content of the district's healthy relationships education with the advice of the local school health advisory council. The curriculum for the healthy relationships education must be age-appropriate and supported by research that is peer-reviewed, conducted in compliance with accepted scientific methods, and recognized as accurate by leading professional organizations and agencies with relevant experience. As age-appropriate, the curriculum must promote relationship, communication, and decision-making skills, including strategies to:

(1) develop healthy, age-appropriate relationships;

(2) develop healthy life skills, including critical thinking, problem solving, effective communication, and responsible decision making about relationships; and

(3) promote effective communication between adolescents and their parents, legal guardians, or other family members about relationships.

(r) In this section, "age-appropriate" means suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.



SECTION 10. Section 37.0812, Education Code, is amended to read as follows:

Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. A school district ~~[with an enrollment of 30,000 or more students]~~ that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

SECTION 11. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (f) to read as follows:

(a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable ~~[in conjunction with the governor's office of homeland security]~~. The plan must provide for:

(1) ~~[district employee]~~ training in responding to an emergency for district employees, including substitute teachers;

(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

(4) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(5) ~~(3)~~ measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(6) ~~(4)~~ the implementation of a safety and security audit as required by Subsection (b).

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a person included in the registry established by the Texas School Safety Center under Section 37.2091 ~~[comparable public or private entity]~~.

(b-1) In a school district's safety and security audit required under Subsection (b), the district must certify that the district used the funds provided to the district through the school safety allotment under Section 42.168 only for the purposes provided by that section.

(c) A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center. The report provided to the Texas School Safety Center under this subsection must be signed by:

(1) for a school district, the district's board of trustees and superintendent;

or

(2) for a public junior college district, the president of the junior college district.

(f) A school district shall include in its multihazard emergency operations plan:

(1) a chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

(2) provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by the agency or the Texas School Safety Center;

(3) provisions for ensuring the safety of students in portable buildings;

(4) provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

(5) provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(6) provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that:

(A) are aligned with best practice-based programs and research-based practices recommended under Section 161.325, Health and Safety Code;

(B) include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

(C) include training on integrating psychological safety strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i) members of the district's school safety and security committee under Section 37.109;

(ii) district school counselors and mental health professionals; and

(iii) educators and other district personnel as determined by the district;

(D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

SECTION 12. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

Sec. 37.1081. PUBLIC HEARING ON MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE. (a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or 37.2071(g), the board shall hold a public hearing to notify the public of:

(1) the district's failure to:

(A) submit or correct deficiencies in a multihazard emergency operations plan; or

(B) report the results of a safety and security audit to the Texas School Safety Center as required by law;

(2) the dates during which the district has not been in compliance; and

(3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

(b) The school district shall provide the information required under Subsection (a)(3) in writing to each person in attendance at the hearing.

(c) The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this section.

(d) A school district required to hold a public hearing under Subsection (a) shall provide written confirmation to the Texas School Safety Center that the district held the hearing.

Sec. 37.1082. MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS. (a) If the agency receives notice from the Texas School Safety Center of a school district's failure to submit a multihazard emergency operations plan, the commissioner may appoint a conservator for the district under Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan.

(b) If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Chapter 39A to oversee the operations of the district.

(c) The commissioner may adopt rules as necessary to administer this section.

SECTION 13. Section 37.109, Education Code, is amended by adding Subsections (a-1), (c), and (d) and amending Subsection (b) to read as follows:

(a-1) The committee, to the greatest extent practicable, must include:

(1) one or more representatives of an office of emergency management of a county or city in which the district is located;

(2) one or more representatives of the local police department or sheriff's office;

(3) one or more representatives of the district's police department, if applicable;

(4) the president of the district's board of trustees;

(5) a member of the district's board of trustees other than the president;

(6) the district's superintendent;

(7) one or more designees of the district's superintendent, one of whom must be a classroom teacher in the district;

(8) if the district partners with an open-enrollment charter school to provide instruction to students, a member of the open-enrollment charter school's governing body or a designee of the governing body; and

(9) two parents or guardians of students enrolled in the district.

(b) The committee shall:

(1) participate on behalf of the district in developing and implementing emergency plans consistent with the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plans reflect specific campus, facility, or support services needs;

(2) periodically provide recommendations to the district's board of trustees and district administrators regarding updating the district multihazard emergency operations plan required by Section 37.108(a) in accordance with best practices identified by the agency, the Texas School Safety Center, or a person included in the registry established by the Texas School Safety Center under Section 37.2091;

(3) provide the district with any campus, facility, or support services information required in connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the Texas School Safety Center; ~~and~~

(4) ~~(3)~~ review each report required to be submitted by the district to the Texas School Safety Center to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center; and

(5) consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses.

(c) Except as otherwise provided by this subsection, the committee shall meet at least once during each academic semester and at least once during the summer. A committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule shall meet at least three times during each calendar year, with an interval of at least two months between each meeting.

(d) The committee is subject to Chapter 551, Government Code, and may meet in executive session as provided by that chapter. Notice of a committee meeting must be posted in the same manner as notice of a meeting of the district's board of trustees.

SECTION 14. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.113, 37.114, and 37.115 to read as follows:

Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT OR TERRORISTIC THREAT. A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable.

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. The commissioner, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules:

(1) providing procedures for evacuating and securing school property during an emergency; and

(2) designating the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills, including designating the number of:

(A) evacuation fire exit drills; and

(B) lockdown, lockout, shelter-in-place, and evacuation drills.

Sec. 37.115. THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM AND TEAM. (a) In this section:

(1) "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

(A) specific interventions, including mental health or behavioral supports;

(B) in-school suspension;

(C) out-of-school suspension; or

(D) the student's expulsion or removal to a disciplinary alternative education program or a juvenile justice alternative education program.

(2) "Team" means a threat assessment and safe and supportive school team established by the board of trustees of a school district under this section.

(b) The agency, in coordination with the Texas School Safety Center, shall adopt rules to establish a safe and supportive school program. The rules shall incorporate research-based best practices for school safety, including providing for:

(1) physical and psychological safety;

(2) a multiphase and multihazard approach to prevention, mitigation, preparedness, response, and recovery in a crisis situation;

(3) a systemic and coordinated multitiered support system that addresses school climate, the social and emotional domain, and behavioral and mental health; and

(4) multidisciplinary and multiagency collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of teams.

(c) The board of trustees of each school district shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program under Subsection (b) at the district campus served by the team. The policies and procedures adopted under this section must:

(1) be consistent with the model policies and procedures developed by the Texas School Safety Center;

(2) require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; and

(3) require each team established under this section to report the information required under Subsection (j) regarding the team's activities to the agency.

(d) The superintendent of the district shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that each district campus is assigned a team.

(e) The superintendent of a school district may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility under this subsection must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

(f) Each team shall:

(1) conduct a threat assessment that includes:

(A) assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted under Subsection (c); and

(B) gathering and analyzing data to determine the level of risk and appropriate intervention, including:

(i) referring a student for mental health assessment; and

(ii) implementing an escalation procedure, if appropriate based on the team's assessment, in accordance with district policy;

(2) provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

(3) support the district in implementing the district's multihazard emergency operations plan.

(g) On a determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately

attempt to inform the parent or person standing in parental relation to the student. The requirements of this subsection do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

(h) A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

(i) A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

(j) A team must report to the agency in accordance with guidelines developed by the agency the following information regarding the team's activities and other information for each school district campus the team serves:

(1) the occupation of each person appointed to the team;

(2) the number of threats and a description of the type of the threats reported to the team;

(3) the outcome of each assessment made by the team, including:

(A) any disciplinary action taken, including a change in school placement;

(B) any action taken by law enforcement; or

(C) a referral to or change in counseling, mental health, special education, or other services;

(4) the total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:

(A) citations issued for Class C misdemeanor offenses;

(B) arrests;

(C) incidents of uses of restraint;

(D) changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program;

(E) referrals to or changes in counseling, mental health, special education, or other services;

(F) placements in in-school suspension or out-of-school suspension and incidents of expulsion;

(G) unexcused absences of 15 or more days during the school year; and

(H) referrals to juvenile court for truancy; and

(5) the number and percentage of school personnel trained in:

(A) a best-practices program or research-based practice under Section 161.325, Health and Safety Code, including the number and percentage of school personnel trained in:

(i) suicide prevention; or

(ii) grief and trauma-informed practices;

(B) mental health or psychological first aid for schools;

(C) training relating to the safe and supportive school program established under Subsection (b); or

(D) any other program relating to safety identified by the commissioner.

(k) The commissioner may adopt rules to implement this section.

SECTION 15. Section 37.207, Education Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) In addition to a review of a district's multihazard emergency operations plan under Section 37.2071, the center may require a district to submit its plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards.

(d) If a district fails to report the results of its audit as required under Subsection (b), the center shall provide the district with written notice that the district has failed to report its audit results and must immediately report the results to the center.

(e) If six months after the date of the initial notification required by Subsection (d) the district has still not reported the results of its audit to the center, the center shall notify the agency and the district of the district's requirement to conduct a public hearing under Section 37.1081. This subsection applies only to a school district.

SECTION 16. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.2071 to read as follows:

Sec. 37.2071. DISTRICT MULTHAZARD EMERGENCY OPERATIONS PLAN REVIEW AND VERIFICATION. (a) The center shall establish a random or need-based cycle for the center's review and verification of school district and public junior college district multihazard emergency operations plans adopted under Section 37.108. The cycle must provide for each district's plan to be reviewed at regular intervals as determined by the center.

(b) A school district or public junior college district shall submit its multihazard emergency operations plan to the center on request of the center and in accordance with the center's review cycle developed under Subsection (a).

(c) The center shall review each district's multihazard emergency operations plan submitted under Subsection (b) and:

(1) verify the plan meets the requirements of Section 37.108; or

(2) provide the district with written notice:

(A) describing the plan's deficiencies; and

(B) stating that the district must correct the deficiencies in its plan and

resubmit the revised plan to the center.

(d) If a district fails to submit its multihazard emergency operations plan to the center for review, the center shall provide the district with written notice stating that the district:

(1) has failed to submit a plan; and

(2) must submit a plan to the center for review and verification.

(e) The center may approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.



(f) If three months after the date of initial notification of a plan's deficiencies under Subsection (c)(2) or failure to submit a plan under Subsection (d) a district has not corrected the plan deficiencies or has failed to submit a plan, the center shall provide written notice to the district and agency that the district has not complied with the requirements of this section and must comply immediately.

(g) If a school district still has not corrected the plan deficiencies or has failed to submit a plan six months after the date of initial notification under Subsection (c)(2) or (d), the center shall provide written notice to the school district stating that the district must hold a public hearing under Section 37.1081.

(h) If a school district has failed to submit a plan, the notice required by Subsection (g) must state that the commissioner is authorized to appoint a conservator under Section 37.1082.

(i) Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans under this section is not subject to disclosure under Chapter 552, Government Code.

SECTION 17. Section 37.2091(d), Education Code, is amended to read as follows:

(d) The center shall verify the information provided by a person under Subsection (c) to confirm ~~[registry is intended to serve only as an informational resource for school districts and institutions of higher education. The inclusion of a person in the registry is not an indication of]~~ the person's qualifications and ~~[or]~~ ability to provide school safety or security consulting services before adding the person to the registry ~~[or that the center endorses the person's school safety or security consulting services].~~

SECTION 18. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.220 to read as follows:

Sec. 37.220. MODEL THREAT ASSESSMENT TEAM POLICIES AND PROCEDURES. (a) The center, in coordination with the agency, shall develop model policies and procedures to assist school districts in establishing and training threat assessment teams.

(b) The model policies and procedures developed under Subsection (a) must include procedures, when appropriate, for:

(1) the referral of a student to a local mental health authority or health care provider for evaluation or treatment;

(2) the referral of a student for a full individual and initial evaluation for special education services under Section 29.004; and

(3) a student or school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

SECTION 19. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036 to read as follows:

Sec. 38.036. TRAUMA-INFORMED CARE POLICY. (a) Each school district shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. A district must include the policy in the district improvement plan required under Section 11.252.

(b) A policy required by this section must address:

(1) using resources developed by the agency, methods for:

(A) increasing staff and parent awareness of trauma-informed care; and

(B) implementation of trauma-informed practices and care by district

and campus staff; and

(2) available counseling options for students affected by trauma or grief.

(c) The methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care must include training as provided by this subsection. The training must be provided:

(1) through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code;

(2) as part of any new employee orientation for all new school district educators; and

(3) to existing school district educators on a schedule adopted by the agency by rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field.

(d) For any training under Subsection (c), each school district shall maintain records that include the name of each district staff member who participated in the training.

(e) Each school district shall report annually to the agency the following information for the district as a whole and for each school campus:

(1) the number of teachers, principals, and counselors employed by the district who have completed training under this section; and

(2) the total number of teachers, principals, and counselors employed by the district.

(f) If a school district determines that the district does not have sufficient resources to provide the training required under Subsection (c), the district may partner with a community mental health organization to provide training that meets the requirements of Subsection (c) at no cost to the district.

(g) The commissioner shall adopt rules as necessary to administer this section.

SECTION 20. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.168 to read as follows:

Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

(A) improvements to school infrastructure;

(B) the use or installation of physical barriers; and

(C) the purchase and maintenance of:

(i) security cameras or other security equipment; and

(ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district; and

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, including:

(i) providing mental health personnel and support;

(ii) providing behavioral health services; and

(iii) establishing threat reporting systems.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.

(e) The commissioner may adopt rules to implement this section.

SECTION 21. Section 45.001(a), Education Code, is amended to read as follows:

(a) The governing board of an independent school district, including the city council or commission that has jurisdiction over a municipally controlled independent school district, the governing board of a rural high school district, and the commissioners court of a county, on behalf of each common school district under its jurisdiction, may:

(1) issue bonds for:

(A) the construction, acquisition, and equipment of school buildings in the district;

(B) the acquisition of property or the refinancing of property financed under a contract entered under Subchapter A, Chapter 271, Local Government Code, regardless of whether payment obligations under the contract are due in the current year or a future year;

(C) the purchase of the necessary sites for school buildings; ~~and~~

(D) the purchase of new school buses;

(E) the retrofitting of school buses with emergency, safety, or security equipment; and

(F) the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes; and

(2) ~~may~~ levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to Section 45.003.

SECTION 22. Section 161.325(d), Health and Safety Code, is amended to read as follows:

(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

(2) include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3) ~~(2)~~ include a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(4) ~~(3)~~ establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(5) ~~(4)~~ set out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

SECTION 23. Section 1701.263(b), Occupations Code, is amended to read as follows:

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district ~~[with an enrollment of 30,000 or more students]~~ to successfully complete an education and training program described by this section before or within 180 ~~[120]~~ days of the officer's commission by or placement in the district or a campus of the district. The program must:

(1) consist of at least 16 hours of training;

(2) be approved by the commission; and

(3) provide training in accordance with the curriculum developed under Section 1701.262 in each subject area listed in Subsection (c) of that section.

SECTION 24. Not later than January 1, 2020:

(1) the Texas School Safety Center shall:

(A) develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings; and

(B) provide information regarding the list of best practices to school districts using portable buildings for student instruction;

(2) the commissioner of education shall adopt or amend rules as required by Section 7.061, Education Code, as added by this Act; and

(3) the commissioner of education, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules as required by Section 37.114, Education Code, as added by this Act.

SECTION 25. (a) Notwithstanding Section 1701.263(b), Occupations Code, as amended by this Act, a school district peace officer or school resource officer who commences employment with or commences providing law enforcement at a school district with an enrollment of fewer than 30,000 students on a date occurring before September 1, 2019, shall complete the training required by Section 1701.263, Occupations Code, as amended by this Act, as soon as practicable and not later than August 31, 2020. This subsection does not apply to an officer who is exempt from the training established under Section 1701.263, Occupations Code, as amended by this Act, because the officer has completed the training described by Subsection (b-1) of that section.

(b) Not later than October 1, 2019, a school district with an enrollment of fewer than 30,000 students shall adopt the training policy for school district peace officers and school resource officers required by Section 37.0812, Education Code, as amended by this Act.

SECTION 26. (a) Except as provided by Subsection (b) of this section, Section 28.002(z), Education Code, as added by this Act, and Section 28.004, Education Code, as amended by this Act, apply beginning with the 2019-2020 school year.

(b) Sections 12.104(b)(2)(T) and 28.004(q) and (r), Education Code, as added by this Act, and Section 28.004(c)(3), Education Code, as amended by this Act, apply beginning with the 2020-2021 school year.

SECTION 27. The Texas Education Agency and the Texas School Safety Center are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency or the Texas School Safety Center may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 28. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 29. 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, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 11** (house committee report) on page 28, between lines 18 and 19, by inserting the following appropriately lettered subsection and relettering subsequent subsections of the section accordingly:

( ) A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent required by this subsection must be submitted on a form

developed by the school district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

### **Floor Amendment No. 2**

Amend **CSSB 11** (house committee report) by striking SECTION 2 of the bill (page 2, line 1, through page 6, line 15) and renumbering subsequent SECTIONS of the bill accordingly.

### **Floor Amendment No. 3**

Amend **CSSB 11** (house committee report) as follows:

(1) On page 13, line 20, immediately following "by", insert "amending Subsection (a) and".

(2) On page 13, between lines 21 and 22, insert the following:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on:

(i) physical health, including the importance of proper nutrition and exercise;

(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

(iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications;

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

(H) personal financial literacy.

(3) On page 42, lines 14 and 15, strike "Section 28.002(z), Education Code, as added by this Act, and Section" and substitute "Sections 28.002 and".

### **Floor Amendment No. 4**

Amend **CSSB 11** (house committee report) as follows:

(1) On page 14, line 7, strike "(q) and (r)" and substitute "(o), (q), and (r)".

(2) On page 15, between lines 21 and 22, insert the following:

(o) The local school health advisory council shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services.

#### **Floor Amendment No. 5**

Amend **CSSB 11** (house committee report) on page 20, line 4, between "safety" and "strategies", by inserting "and suicide prevention".

#### **Floor Amendment No. 6**

Amend **CSSB 11** (house committee report) as follows:

(1) On page 37, line 23, strike "and".

(2) On page 38, line 4, between "systems" and the underlined period, insert the following appropriately lettered paragraph and reletter subsequent paragraphs of the subdivision accordingly:

; and

( ) providing programs related to suicide prevention, intervention, and postvention

#### **Floor Amendment No. 7**

Amend **CSSB 11** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 21.451(d), Education Code, is amended to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution;

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37;

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(E) digital learning;

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include suicide prevention training that must be provided:

(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and

(B) to existing school district and open-enrollment charter school educators at least once every five years [~~on a schedule adopted by the agency by rule~~].

**Floor Amendment No. 8**

Amend **CSSB 11** (house committee report), by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 38, Education Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. MENTAL HEALTH RESOURCES

Sec. 38.251. RUBRIC TO IDENTIFY RESOURCES. (a) The agency shall develop a rubric for use by regional education service centers in identifying resources related to student mental health that are available to schools in their respective regions. The agency shall develop the rubric in conjunction with:

- (1) the Health and Human Services Commission;
- (2) the Department of Family and Protective Services;
- (3) the Texas Juvenile Justice Department;
- (4) the Texas Higher Education Coordinating Board;
- (5) the Texas Workforce Commission; and
- (6) any other state agency the agency considers appropriate.

(b) The rubric developed by the agency must provide for the identification of resources relating to:

- (1) training and technical assistance on practices that support the mental health of students;
- (2) school-based programs that provide prevention or intervention services to students;
- (3) community-based programs that provide school-based or school-connected prevention or intervention services to students;
- (4) Communities In Schools programs described by Subchapter E, Chapter 33;
- (5) school-based mental health providers; and
- (6) public and private funding sources available to address the mental health of students.

(c) Not later than December 1 of each odd-numbered year, the agency shall revise the rubric as necessary to reflect changes in resources that may be available to schools and provide the rubric to each regional education service center.

Sec. 38.252. REGIONAL INVENTORY OF MENTAL HEALTH RESOURCES. (a) Each regional education service center shall use the rubric developed under Section 38.251 to identify resources related to student mental health available to schools in the center's region, including evidence-based and promising programs and best practices, that:

- (1) create school environments that support the social, emotional, and academic development of students;
- (2) identify students who may need additional behavioral or mental health support before issues arise;
- (3) provide early, effective interventions to students in need of additional support;
- (4) connect students and their families to specialized services in the school or community when needed; and



(5) assist schools in aligning resources necessary to address the mental health of students.

(b) A regional education service center may consult with any entity the center considers necessary in identifying resources under Subsection (a), including:

- (1) school districts;
- (2) local mental health authorities;
- (3) community mental health services providers;
- (4) education groups;
- (5) hospitals; and
- (6) institutions of higher education.

(c) Not later than March 1 of each even-numbered year, each regional education service center shall:

(1) use the revised rubric received from the agency under Section 38.251 to identify, in the manner provided by this section, any additional resources that may be available to schools in the center's region; and

(2) submit to the agency a report on resources identified through the process, including any additional resources identified under Subdivision (1).

Sec. 38.253. STATEWIDE INVENTORY OF MENTAL HEALTH RESOURCES. (a) The agency shall develop a list of statewide resources available to school districts to address the mental health of students, including:

(1) training and technical assistance on practices that support the mental health of students;

(2) school-based programs that provide prevention or intervention services to students;

(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;

(4) school-based mental health providers; and

(5) public and private funding sources available to address the mental health of students.

(b) In developing the list required under Subsection (a), the agency shall collaborate with:

(1) the Health and Human Services Commission;

(2) the Department of Family and Protective Services;

(3) the Texas Juvenile Justice Department;

(4) the Texas Higher Education Coordinating Board;

(5) the Texas Workforce Commission;

(6) one or more representatives of Communities In Schools programs described by Subchapter E, Chapter 33, who are designated by the Communities In Schools State Office;

(7) hospitals or other health care providers;

(8) community service providers;

(9) parent, educator, and advocacy groups; and

(10) any entity the agency determines can assist the agency in compiling the list.

(c) The agency shall include on the list any resource available through an entity identified as a resource under Subsection (b), including an entity described by Subsection (b), that provides evidence-based and promising programs and best practices that:

(1) create school environments that support the social, emotional, and academic development of students;

(2) identify students who may need additional behavioral or mental health support before issues arise;

(3) provide early, effective interventions to students in need of additional support; and

(4) connect students and their families to specialized services in the school or community when needed.

(d) The agency shall revise the list not later than March 1 of each even-numbered year.

Sec. 38.254. STATEWIDE PLAN FOR STUDENT MENTAL HEALTH. (a) The agency shall develop a statewide plan to ensure all students have access to adequate mental health resources. The agency shall include in the plan:

(1) a description of any revisions made to the rubric required by Section 38.251;

(2) the results of the most recent regional inventory of mental health resources required by Section 38.252, including any additional resources identified;

(3) the results of the most recent statewide inventory of mental health resources required by Section 38.253, including any additional resources identified;

(4) the agency's goals for student mental health access to be applied across the state, including goals relating to:

(A) methods to objectively measure positive school climate;

(B) increasing the availability of early, effective school-based or school-connected mental health interventions and resources for students in need of additional support; and

(C) increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school;

(5) a list of actions the commissioner may take without legislative action to help all districts reach the agency's goals described by the plan; and

(6) recommendations to the legislature on methods to ensure that all districts can meet the agency's goals described in the plan through legislative appropriations or other action by the legislature.

(b) In developing the agency's goals under Subsection (a)(4), the agency shall consult with any person the agency believes is necessary to the development of the goals, including:

(1) educators;

(2) mental health practitioners;

(3) advocacy groups; and

(4) parents.

(c) The agency shall revise the plan not later than April 1 of each even-numbered year.

(d) As soon as practicable after completing or revising the plan, the agency shall:

- (1) submit an electronic copy of the plan to the legislature;
- (2) post the plan on the agency's Internet website; and
- (3) hold public meetings in each regional education service center's region to present the statewide plan and shall provide an opportunity for public comment at each meeting.

Sec. 38.255. AGENCY USE OF STATEWIDE PLAN. (a) The agency shall use the statewide plan for student mental health required by Section 38.254 to develop and revise the agency's long-term strategic plan.

(b) The agency shall use the recommendations to the legislature required by Section 38.254(a)(6) to develop each agency legislative appropriations request.

Sec. 38.256. REPORTS TO LEGISLATURE. In addition to any other information required to be provided to the legislature under this chapter, not later than November 1 of each even-numbered year the agency shall provide to the legislature:

- (1) a description of any changes the agency has made to the rubric required by Section 38.251; and
- (2) an analysis of each region's progress toward meeting the agency's goals developed under Section 38.254.

SECTION \_\_\_\_. (a) Not later than December 1, 2019, the Texas Education Agency shall develop and distribute to each regional education service center the rubric required by Section 38.251, Education Code, as added by this Act.

(b) Not later than March 1, 2020:

(1) each regional education service center shall complete the regional inventory of mental health resources required by Section 38.252, Education Code, as added by this Act, and report to the Texas Education Agency on the resources identified through the inventory; and

(2) the Texas Education Agency shall complete the statewide inventory of mental health resources required by Section 38.253, Education Code, as added by this Act, and develop a list of resources available to school districts statewide to address the mental health of students.

(c) Not later than April 1, 2020, the Texas Education Agency shall develop the statewide plan for student mental health required by Section 38.254, Education Code, as added by this Act, submit an electronic copy of the plan to the legislature, and post the plan on the agency's Internet website.

### **Floor Amendment No. 9**

Amend the Allison Amendment No. 8 to **CSSB 11** (house committee printing) by inserting the following appropriately numbered SECTIONS as follows:

(1) On page 1, between lines 15 and 16, insert the following appropriately numbered subdivision and renumber any remaining subdivisions accordingly:

"( ) the Texas Child Mental Health Consortium;"

(2) On page 3, between lines 30 and 31, insert the following appropriately numbered subdivision and renumber any remaining subdivisions accordingly:

"( ) the Texas Child Mental Health Consortium;"

(3) Insert the following appropriately numbered SECTIONS and renumber any remaining SECTIONS accordingly:

SECTION \_\_\_\_\_. Subtitle G, Title 2, Education Code, is amended by adding Chapter 39 to read as follows:

CHAPTER 39. TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. DEFINITIONS. In this chapter:

- (1) "Community mental health provider" means an entity that provides mental health care services at a local level, including a local mental health authority.
- (2) "Consortium" means the Texas Child Mental Health Care Consortium.
- (3) "Executive committee" means the executive committee of the consortium.

SUBCHAPTER B. CONSORTIUM

Sec. 39.051. ESTABLISHMENT; PURPOSE. The Texas Mental Health Care Consortium is established to:

- (1) leverage the expertise and capacity of the health-related institutions of higher education listed in Section 39.052 to address urgent mental health challenges related to, and improve the mental health care system in this state, for children and adolescents; and
- (2) enhance the state's ability to address mental health care needs of children and adolescents through collaboration of the health-related institutions of higher education listed in Section 39.052.

Sec. 39.052. COMPOSITION. The consortium is composed of:

- (1) the following health-related institutions of higher education:
  - (A) Baylor College of Medicine;
  - (B) Texas A&M University System Health Science Center;
  - (C) Texas Tech University Health Sciences Center;
  - (D) Texas Tech University Health Sciences Center at El Paso;
  - (E) University of North Texas Health Science Center at Fort Worth;
  - (F) The Dell Medical School at The University of Texas at Austin;
  - (G) The University of Texas M.D. Anderson Cancer Center;
  - (H) The University of Texas Medical Branch at Galveston;
  - (I) The University of Texas Health Science Center at Houston;
  - (J) The University of Texas Health Science Center at San Antonio;
  - (K) The University of Texas Rio Grande Valley School of Medicine;
  - (L) The University of Texas Health Science Center at Tyler; and
  - (M) The University of Texas Southwestern Medical Center;
- (2) the Health and Human Services Commission;
- (3) the Texas Higher Education Coordinating Board;
- (4) three nonprofit organizations that focus on mental health care, designated by a majority of the members described by Subdivision (1); and
- (5) any other entity that the executive committee considers necessary.

Sec. 39.053. ADMINISTRATIVE ATTACHMENT. The consortium is administratively attached to the Texas Higher Education Coordinating Board for the purpose of receiving and administering appropriations and other funds under this chapter. The board is not responsible for providing to the consortium staff human resources, contract monitoring, purchasing, or any other administrative support services.

SUBCHAPTER C. EXECUTIVE COMMITTEE

Sec. 39.0101. EXECUTIVE COMMITTEE COMPOSITION. (a) The consortium is governed by an executive committee composed of the following members:

(1) the chair of the academic department of psychiatry of each of the health-related institutions of higher education listed in Section 39.052 or a licensed psychiatrist, including a child-adolescent psychiatrist, designated by the chair to serve in the chair's place;

(2) a representative of the Health and Human Services Commission with expertise in the delivery of mental health care services, appointed by the executive commissioner;

(3) a representative of the Health and Human Services Commission with expertise in mental health facilities, appointed by the executive commissioner;

(4) a representative of the Texas Higher Education Coordinating Board, appointed by the commissioner of the coordinating board;

(5) a representative of each nonprofit organization described by Section 39.052 that is part of the consortium, designated by a majority of the members described by Subdivision (1);

(6) a representative of a hospital system in this state, designated by a majority of the members described by Subdivision (1); and

(7) any other representative designated:

(A) under Subsection (b); or

(B) by a majority of the members described by Subdivision (1) at the request of the executive committee.

(b) The president of each of the health-related institutions of higher education listed in Section 39.052 may designate a representative to serve on the executive committee.

Sec. 39.0102. VACANCY. A vacancy on the executive committee shall be filled in the same manner as the original appointment.

Sec. 39.0103. PRESIDING OFFICER. The executive committee shall elect a presiding officer from among the membership of the executive committee.

Sec. 39.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL. The consortium shall designate a member of the executive committee to represent the consortium on the statewide behavioral health coordinating council.

Sec. 39.0105. GENERAL DUTIES. The executive committee shall:

(1) coordinate the provision of funding to the health-related institutions of higher education listed in Section 39.052 to carry out the purposes of this chapter;

(2) establish procedures and policies for the administration of funds under this chapter;

(3) monitor funding and agreements entered into under this chapter to ensure recipients of funding comply with the terms and conditions of the funding and agreements; and

(4) establish procedures to document compliance by executive committee members and staff with applicable laws governing conflicts of interest.

SUBCHAPTER D. ACCESS TO CARE

Sec. 39.0151. CHILD PSYCHIATRY ACCESS NETWORK AND TELEMEDICINE AND TELEHEALTH PROGRAMS. (a) The consortium shall establish a network of comprehensive child psychiatry access centers. A center established under this section shall:

(1) be located at a health-related institution of higher education listed in Section 39.052; and

(2) provide consultation services and training opportunities for non-physician mental health professionals employed under Section 8.152, pediatricians, and primary care providers operating in the center's geographic region to better care for children and youth with behavioral health needs.

(b) The consortium shall establish or expand telemedicine or telehealth programs for identifying and assessing behavioral health needs and providing access to mental health care services. The consortium shall implement this subsection with a focus on the behavioral health needs of at-risk children and adolescents.

(c) A health-related institution of higher education listed in Section 39.052 may enter into a memorandum of understanding with a community mental health provider to:

(1) establish a center under Subsection (a); or

(2) establish or expand a program under Subsection (b).

(d) The consortium shall leverage the resources of a hospital system under Subsection (a) or (b) if the hospital system:

(1) provides consultation services and training opportunities for non-physician mental health professionals employed under Section 8.152, pediatricians, and primary care providers that are consistent with those described by Subsection (a); and

(2) has an existing telemedicine or telehealth program for identifying and assessing the behavioral health needs of and providing access to mental health care services for children and adolescents.

Sec. 39.0152. CONSENT REQUIRED FOR SERVICES TO MINOR. (a) A person may provide mental health care services to a child younger than 18 years of age through a program established under this subchapter only if the person obtains the written consent of the parent of legal guardian of the child.

(b) The consortium shall develop and post on its Internet website a model form for a parent or legal guardian to provide consent under this section.

(c) This section does not apply to services provided by a school counselor in accordance with Section 33.05, 33.06, or 33.07, Education Code.

Sec. 39.0153. REIMBURSEMENT FOR SERVICES. A child psychiatry access center established under Section 39.0151(a) may not submit an insurance claim or charge a pediatrician or primary care provider a fee for providing consultation services or training opportunities under this section.

SUBCHAPTER E. CHILD MENTAL HEALTH WORKFORCE

Sec. 39.0201. CHILD PSYCHIATRY WORKFORCE EXPANSION. (a) The executive committee may provide funding to a health-related institution of higher education listed in Section 39.052 for the purposes of funding:

(1) two full-time psychiatrists who treat children and adolescents to serve as academic medical director at a facility operated by a community mental health provider; and

(2) two new resident rotation positions.

(b) An academic medical director described by Subsection (a) shall collaborate and coordinate with a community mental health provider to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at a facility operated by the community mental health provider.

(c) An institution of higher education that receives funding under Subsection (a) shall require that psychiatric residents participate in rotations through the facility operated by the community mental health provider in accordance with Subsection (b).

Sec. 39.0202. CHILD AND ADOLESCENT PSYCHIATRY FELLOWSHIP.

(a) The executive committee may provide funding to a health-related institution of higher education listed in Section 39.052 for the purpose of funding a physician fellowship position that will lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents.

(b) The funding provided to a health-related institution of higher education under this section must be used to increase the number of fellowship positions at the institution and may not be used to replace existing funding for the institution.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Sec. 39.0251. BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the consortium shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that outlines:

(1) the activities and objectives of the consortium;

(2) the health-related institutions of higher education listed in Section 39.052 that receive funding by the executive committee; and

(3) any legislative recommendations based on the activities and objectives described by Subdivision (1).

Sec. 39.0252. APPROPRIATION CONTINGENCY. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this chapter.

SECTION \_\_\_\_. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission, the commissioner of the Texas Higher Education Coordinating Board, and the members of the executive committee described by Section 39.0101(a)(1), Education Code, as added by this Act, shall make the appointments and designations required by Section 39.0101, Education Code, as added by this Act.

The amendments were read.

Senator Taylor submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 11** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor, Chair; Nelson, Lucio, Watson, and Campbell.

**SENATE BILL 20 WITH HOUSE AMENDMENTS  
(Motion In Writing)**

Senator Huffman called **SB 20** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 20** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to services and compensation available to victims of those offenses, and to orders of nondisclosure for persons who committed certain of those offenses.

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

ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING  
OF PERSONS

SECTION 1.01. Section 20A.01, Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Coercion" as defined by Section 1.07 includes destroying, concealing, confiscating, or withholding from a person, or threatening to destroy, conceal, confiscate, or withhold from a person, the person's actual or purported:

(A) government records; or

(B) identifying information or documents.

SECTION 1.02. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or



(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section [~~both sections~~]; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section [~~both sections~~]; or

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

SECTION 1.03. The following provisions are repealed:

(1) Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017; and

(2) Section 20A.02(a-1), Penal Code.

SECTION 1.04. The change in law made by this article 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 on the date 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.

## ARTICLE 2. COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES

SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.515 to read as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(a), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision.

(b) Except as provided by Subsection (e), on a defendant's conviction of a state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35, Penal Code.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(d) A judge who requires a defendant to participate in a commercially sexually exploited persons court program under Subsection (c) may suspend in whole or in part the imposition of the program fee described by Section 126.006, Government Code.

(e) In any case in which the jury assesses punishment, the judge must follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. If a jury assessing punishment does not recommend community supervision, the judge must order the sentence to be executed in whole.

(f) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

SECTION 2.02. Article 42A.551(d), Code of Criminal Procedure, is amended to read as follows:

(d) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subsection (a) or to which Article 42A.515 applies, subject to Subsection (e), the judge may:

- (1) suspend the imposition of the sentence and place the defendant on community supervision; or
- (2) order the sentence to be executed:
  - (A) in whole; or
  - (B) in part, with a period of community supervision to begin immediately on release of the defendant from confinement.

SECTION 2.03. Section 402.035, Government Code, is amended by adding Subsection (f-3) to read as follows:

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

SECTION 2.04. The change in law made by this article 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 on the date 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.

### ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

SECTION 3.01. Section 43.01, Penal Code, is amended by amending Subdivisions (1) and (1-a) and adding Subdivisions (1-b), (1-c), (1-d), and (1-e) to read as follows:

(1) "Access software provider" means a provider of software, including client or server software, or enabling tools that perform one or more of the following functions:

(A) filter, screen, allow, or disallow content;

(B) select, analyze, or digest content; or

(C) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

(1-a) [~~(1)~~] "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person.

(1-b) [~~(1-a)~~] "Fee" means the payment or offer of payment in the form of money, goods, services, or other benefit.

(1-c) "Information content provider" means any person or entity that is wholly or partly responsible for the creation or development of information provided through the Internet or any other interactive computer service.

(1-d) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides access to the Internet or a system operated or service offered by a library or educational institution.

(1-e) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is amended by adding Sections 43.031 and 43.041 to read as follows:

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor:

(1) has been previously convicted of an offense under this section or Section 43.041; or

(2) engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense.

Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION.

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor:

(1) has been previously convicted of an offense under this section; or

(2) engages in conduct described by Subsection (a) involving two or more persons younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the persons at the time of the offense.

SECTION 3.03. Section 98A.001, Civil Practice and Remedies Code, is amended by adding Subdivisions (1-a) and (4-a) to read as follows:

(1-a) "Aggravated online promotion of prostitution" means conduct that constitutes an offense under Section 43.041, Penal Code.

(4-a) "Online promotion of prostitution" means conduct that constitutes an offense under Section 43.031, Penal Code.

SECTION 3.04. Section 98A.002(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A defendant is liable to a victim of compelled prostitution, as provided by this chapter, for damages arising from the compelled prostitution if the defendant:

(1) engages in compelling prostitution with respect to the victim;

(2) knowingly or intentionally engages in promotion of prostitution, online promotion of prostitution, aggravated promotion of prostitution, or aggravated online promotion of prostitution that results in compelling prostitution with respect to the victim; or

(3) purchases an advertisement that the defendant knows or reasonably should know constitutes promotion of prostitution or aggravated promotion of prostitution, and the publication of the advertisement results in compelling prostitution with respect to the victim.

SECTION 3.05. Article 18A.101, Code of Criminal Procedure, is amended to read as follows:

Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE ISSUED. A judge of competent jurisdiction may issue an interception order only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of:

(1) a felony under any of the following provisions of the Health and Safety Code:

- (A) Chapter 481, other than felony possession of marihuana;
- (B) Chapter 483; or
- (C) Section 485.032;

(2) an offense under any of the following provisions of the Penal Code:

- (A) Section 19.02;
- (B) Section 19.03;
- (C) Section 20.03;
- (D) Section 20.04;
- (E) Chapter 20A;

(F) Chapter 34, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;

- (G) Section 38.11;
- (H) Section 43.04;
- (I) Section 43.041;
- (J) Section 43.05; or
- (K) [~~(K)~~] Section 43.26; or

(3) an attempt, conspiracy, or solicitation to commit an offense listed in Subdivision (1) or (2).

SECTION 3.06. Article 56.32(a)(14), Code of Criminal Procedure, is amended to read as follows:

(14) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services, including sexual conduct, and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code.

SECTION 3.07. Article 56.81(7), Code of Criminal Procedure, is amended to read as follows:

(7) "Trafficking of persons" means any conduct that constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

- (A) engaging in forced labor or services; or
- (B) otherwise becoming a victim of the offense.

SECTION 3.08. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 3.09. Section 499.027(b), Government Code, is amended to read as follows:

(b) An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

(1) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

(2) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 20.03 (kidnapping);

(E) Section 20.04 (aggravated kidnapping);

(F) Section 21.11 (indecenty with a child);

(G) Section 22.011 (sexual assault);

(H) Section 22.02 (aggravated assault);

(I) Section 22.021 (aggravated sexual assault);

(J) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(K) Section 25.02 (prohibited sexual conduct);

(L) Section 25.08 (sale or purchase of a child);

(M) Section 28.02 (arson);

(N) Section 29.02 (robbery);

(O) Section 29.03 (aggravated robbery);

(P) Section 30.02 (burglary), if the offense is punished as a first-degree felony under that section;

(Q) Section 43.04 (aggravated promotion of prostitution);

(R) Section 43.05 (compelling prostitution);

(S) Section 43.24 (sale, distribution, or display of harmful material to minor);

(T) Section 43.25 (sexual performance by a child);

(U) Section 46.10 (deadly weapon in penal institution);

(V) Section 15.01 (criminal attempt), if the offense attempted is listed in this subsection;

(W) Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection;

(X) Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection;

(Y) Section 21.02 (continuous sexual abuse of young child or children);

(Z) Section 20A.02 (trafficking of persons); ~~[or]~~

(AA) Section 20A.03 (continuous trafficking of persons); or

(BB) Section 43.041 (aggravated online promotion of prostitution); or

(3) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

SECTION 3.10. Section 169.002(b), Health and Safety Code, is amended to read as follows:

(b) A defendant is eligible to participate in a first offender prostitution prevention program established under this chapter only if:

(1) the attorney representing the state consents to the defendant's participation in the program; and

(2) the court in which the criminal case is pending finds that the defendant has not been previously convicted of:

(A) an offense under Section 20A.02, 43.02, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

(B) an offense listed in Article 42A.054(a), Code of Criminal Procedure; or

(C) an offense punishable as a felony under Chapter 481.

SECTION 3.11. Section 20A.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;



(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

#### ARTICLE 4. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

SECTION 4.01. Section 411.0728, Government Code, is amended to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies only to a person[-

~~(1)] who is convicted of or placed on deferred adjudication community supervision [under Chapter 42A, Code of Criminal Procedure, after conviction] for an offense under:~~

~~(1) [(A)] Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1) of that code;~~

~~(2) [(B)] Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1) of that code;~~

~~(3) [(C)] Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2) of that code; or~~

~~(4) [(D)] Section 43.02, Penal Code[-; or~~

~~(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor; and~~

~~(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure].~~

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) [~~411.074~~] may petition the court that convicted the person or placed the

person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code [~~trafficking of persons~~].

(b-1) A petition under Subsection (b) must:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for [~~seeking~~] an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a) on or after the date on which the person's first petition [~~previously received an order of nondisclosure~~] under this section was submitted.

(b-2) On the filing of the petition under Subsection (b), the clerk of the court shall promptly serve a copy of the petition and any supporting document on the appropriate office of the attorney representing the state. Any response to the petition by the attorney representing the state must be filed not later than the 20th business day after the date of service under this subsection.

(b-3) A person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and may request consolidation of those petitions, in a district court in the county where the person was most recently convicted or placed on deferred adjudication community supervision as described by this subsection. On receipt of a request for consolidation, the court shall consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county in which the offenses described by Subsection (a) occurred. For each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and[~~7~~] an opportunity for a hearing, [a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in

~~the best interest of justice,]~~ the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice [for which the defendant was placed on community supervision as described by Subsection (a)].

(c-1) In determining whether a person committed an offense described by Subsection (a) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may consider any order of nondisclosure previously granted to the person under this section.

(d) A person may petition the applicable court [that placed the person on community supervision] for an order of nondisclosure of criminal history record information under this section only on or after the first anniversary of the date the person:

(1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or

(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision [person's conviction is set aside as described by Subsection (a)].

SECTION 4.02. Article 56.021, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a) of that section; and

(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 4.03. Section 126.004, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A program established under this chapter shall provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information under Section 411.0728.

#### ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. This Act takes effect September 1, 2019.

#### Floor Amendment No. 1

Amend **CSSB 20** by adding a new appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_ . Section 85.006(a), Family Code, is amended to read as follows:

(a) Notwithstanding Rule 107, Texas Rules of Civil Procedure, a ~~[A]~~ court may render a protective order that is binding on a respondent who does not attend a hearing if:

- (1) the respondent received service of the application and notice of the hearing; and
- (2) proof of service was filed with the court before the hearing.

### Floor Amendment No. 2

Amend **CSSB 20** (house committee printing) as follows:

- (1) On page 1, strike lines 13 through 20.
- (2) On page 4, strike lines 7 through 12 and substitute the following appropriately numbered SECTION:

SECTION 1. \_\_\_\_. Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

- (3) Renumber SECTIONS of ARTICLE 1 of the bill accordingly.

### Floor Amendment No. 3

Amend **CSSB 20** (house committee report) as follows:

- (1) On page 5, line 1, following the underlined period, add the following:  
This subsection does not apply to a defendant who has previously been convicted of any other Class B misdemeanor under Section 43.02(c), Penal Code.

(2) On page 5, lines 3 and 4, strike "state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35(a)" and substitute "Class A misdemeanor under Section 43.02(c)".

(3) On page 5, lines 7-9, strike "state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35" and substitute "Class A misdemeanor under Section 43.02(c)".

- (4) On page 13, strike lines 6 and 7 and substitute the following:

SECTION 2.05. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsections (c) and (c-1) to read as follows:

(b-1) A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is[ ~~a~~

~~(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or~~

~~(2) a Class A misdemeanor [state jail felony] if the actor has previously been convicted three or more times of an offense under Subsection (a).~~

(5) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_. COURT COST ON CONVICTION OF CERTAIN OFFENSES

SECTION \_\_\_\_.01. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows:

Art. 102.023. COURT COSTS: COMMERCIAL SEXUAL EXPLOITATION VICTIM FUND. (a) The commercial sexual exploitation victim fund is a dedicated account in the general revenue fund.

(b) A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay as a cost of court \$500 on conviction of the offense.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed on the person; or

(2) the person receives community supervision, including deferred adjudication community supervision.

(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury.

(e) The custodian of a county treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) If no funds due as costs under this article are deposited in a county treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the commercial sexual exploitation victim fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office to enable that division to provide funds for services and programs directed toward victims of conduct that constitutes an offense under Section 20A.02 or 43.05, Penal Code, including:

(1) diversion programs for victims who have been charged with an offense;

(2) housing;

(3) vocational services;

(4) counseling;

(5) substance abuse recovery services;

(6) mental health services; and

(7) prostitution prevention programs.

(h) Funds collected under this article are subject to audit by the comptroller.

SECTION \_\_\_\_.02. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.02111 to read as follows:

Sec. 102.02111. ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense under Section 20A.02, 20A.03, or 43.02(b), Penal Code, shall pay, in addition to all other costs, a court cost on conviction to benefit victims of commercial sexual exploitation in this state (Art. 102.023, Code of Criminal Procedure). . . \$500.

SECTION \_\_\_\_.03. The change in law made by this article applies only to a cost on conviction for 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

on the date 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.

### Floor Amendment No. 5

Amend **CSSB 20** (house committee report) as follows:

Add the following appropriately numbered SECTION and renumber subsequent SECTIONS appropriately:

SECTION (\_\_\_\_). Amend Article 12.03(d), Code of Criminal Procedure, to read as follows:

(d) Any [Except as otherwise provided by this chapter, any] offense that bears the title "aggravated" shall carry a [the same] limitation period of five years [as the primary crime] unless a limitation period has otherwise been specifically provided for that aggravated offense under another provision of this chapter.

### Floor Amendment No. 1 on Third Reading

Amend **SB 20** on third reading as follows:

(1) In the SECTION of the bill adding Article 42A.515, Code of Criminal Procedure, as amended by Amendment No. 3 by González of Dallas (Bar Code #861706) on second reading, strike added Subsections (a), (b), and (c) of that article and substitute the following:

(a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other Class B misdemeanor under Section 43.02(c), Penal Code.

(b) Except as provided by Subsection (e), on a defendant's conviction of a Class A misdemeanor under Section 43.02(c), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other Class A misdemeanor under Section 43.02(c), Penal Code.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(2) In the SECTION of the bill amending Section 411.042(b), Government Code, as amended by Amendment No. 3 by González of Dallas (Bar Code #861706) on second reading, strike Subdivision (5) of that subsection and substitute the following:

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_. \_\_. Section 43.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) A person may not be prosecuted for an offense under Subsection (a) that the person committed when younger than 18 years of age.

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is[-

~~(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or~~

~~(2) a Class A misdemeanor [state jail felony] if the actor has previously been convicted three or more times of an offense under Subsection (a).~~

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 20** on third reading as follows:

(1) Strike the ARTICLE of the bill entitled "TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS", as amended by Amendment No. 2 by Murphy (Bar Code #861989) on second reading.

(2) Add the following appropriately numbered ARTICLE to the bill:

ARTICLE \_\_. TRAFFICKING OF PERSONS AND CONTINUOUS  
TRAFFICKING OF PERSONS

SECTION \_\_. \_\_. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section [~~both sections~~]; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section [~~both sections~~]; or

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

SECTION \_\_.\_\_. Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION \_\_.\_\_. The change in law made by this article 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 on the date 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.

(3) Renumber the ARTICLES and SECTIONS of the bill accordingly.

The amendments were read.

Senator Huffman submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 20** before appointment.



There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Hughes, Zaffirini, and Paxton.

**SENATE BILL 583 WITH HOUSE AMENDMENT**  
**(Motion In Writing)**

Senator Hinojosa called **SB 583** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 583** (house committee report) on page 2, by striking lines 7 and 8 and substituting the following:

(1) the court has reason to appoint other counsel, provided that in a capital murder case, the court makes a finding of good cause on the record for appointing that counsel; [✕]

The amendment was read.

Senator Huffman submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 583** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Whitmire, Huffman, Flores, and Perry.

**SENATE BILL 616 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Birdwell called **SB 616** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 616** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the Department of Public Safety of the State of Texas, the conditional transfer of the driver licensing program to the Texas Department of Motor Vehicles, the abolition of the Texas Private Security Board, the transfer of the motorcycle and off-highway vehicle operator training programs to the

Texas Department of Licensing and Regulation, and the regulation of other programs administered by the Department of Public Safety; imposing an administrative penalty; authorizing and repealing the authorization for fees.

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

ARTICLE 1. CONTINUATION OF DEPARTMENT OF PUBLIC SAFETY AND MISCELLANEOUS ADMINISTRATIVE PROVISIONS

SECTION 1.001. Section 411.002(c), Government Code, is amended to read as follows:

(c) The Department of Public Safety of the State of Texas is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and Subsections (a) and (b) expire September 1, 2031 ~~[2019]~~.

SECTION 1.002. Section 411.0031, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [legislation that created] the department's operations [department and the commission];

(2) the programs, functions, rules, and budget of [operated by] the department;

(3) the scope of and limitations on the rulemaking authority of the commission [role and functions of the department];

(4) the results of the most recent formal audit [rules] of the department[; with an emphasis on the rules that relate to disciplinary and investigatory authority];

(5) [the current budget for the department;

~~[(6) the results of the most recent formal audit of the department;~~

~~[(7) the requirements of:~~

(A) laws relating to [the] open meetings, [law, Chapter 551;

~~[(B) the] public information, [law, Chapter 552;~~

~~[(C) the] administrative procedure, [law, Chapter 2001;] and disclosing~~

conflicts of interest

~~[(D) other laws relating to public officials, including conflict of interest laws]; and~~

(B) other laws applicable to members of the commission in performing their duties; and

(6) [(8)] any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(d) The director shall create a training manual that includes the information required by Subsection (b). The director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 1.003. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0045 to read as follows:

Sec. 411.0045. PHYSICAL FITNESS PROGRAMS. The commission shall adopt:

(1) physical fitness programs in accordance with Section 614.172; and

(2) a resolution certifying that the programs adopted under Subdivision (1) are consistent with generally accepted scientific standards and meet all applicable requirements of state and federal labor and employment law.

SECTION 1.004. Article 59.11, Code of Criminal Procedure, is repealed.

SECTION 1.005. The Department of Public Safety shall:

(1) develop and implement best practices for the collection, protection, and sharing of personal information held by the department; and

(2) not later than September 1, 2020, submit to the legislature a report regarding the department's development and implementation of the best practices under Subdivision (1).

## ARTICLE 2. BORDER SECURITY

SECTION 2.001. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.055 to read as follows:

Sec. 411.055. ANNUAL REPORT ON BORDER CRIME AND OTHER CRIMINAL ACTIVITY. (a) Not later than May 30 of each year, the department shall submit to the legislature a report on border crime and other criminal activity. The report must include:

(1) statistics for each month of the preceding calendar year and yearly totals of all border crime, as defined by Section 772.0071, and other criminal activity, including transnational criminal activity, the department determines relates to border security that occurred in each county included in a department region that is adjacent to the Texas-Mexico border; and

(2) statewide crime statistics for the crimes reported under Subdivision (1).

(b) In compiling the information for the report, the department shall use information available in the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation and the Texas Incident-Based Reporting System of the department.

## ARTICLE 3. METAL RECYCLING, VEHICLE INSPECTION, AND PROVISIONS APPLYING TO MORE THAN ONE REGULATORY PROGRAM

SECTION 3.001. Section 411.0891, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Subject to Section 411.087, the department is authorized to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or the department that relates to a person who:

(1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;

(2) is an applicant for or holds a registration issued by the department under Chapter 487, Health and Safety Code, to be a director, manager, or employee of a dispensing organization, as defined by Section 487.001 ~~[a chemical precursor transfer permit issued by the director under Section 481.078]~~, Health and Safety Code;

(3) is an applicant for or holds an authorization issued by the department under Section 521.2476, Transportation Code, to do business in this state as a vendor of ignition interlock devices ~~[a chemical laboratory apparatus transfer permit issued by the director under Section 481.081, Health and Safety Code];~~

(4) is an applicant for or holds certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter; or

(5) is an applicant for or holds a certificate of registration issued by the department under Chapter 1956, Occupations Code, to act as a metal recycling entity [approval or has been approved as a program sponsor by the department under Chapter 662, Transportation Code, is an applicant for certification by the department as an instructor under that chapter, or holds an instructor certificate issued under that chapter].

(d) The department may require any person for whom the department is authorized to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or the department under Subsection (a) to submit a complete and legible set of fingerprints to the department on a form prescribed by the department for the purpose of obtaining criminal history record information.

SECTION 3.002. Chapter 411, Government Code, is amended by adding Subchapters Q and R to read as follows:

SUBCHAPTER Q. POWERS AND DUTIES RELATED TO CERTAIN  
REGULATORY PROGRAMS

Sec. 411.501. DEFINITION. In this subchapter, "license" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by a person to engage in a particular activity, business, occupation, or profession.

Sec. 411.502. APPLICABILITY. Except as otherwise provided by this subchapter, this subchapter applies to a program, and persons regulated under the program, administered by the department under the following laws, including rules adopted under those laws:

- (1) Section 411.0625;
- (2) Chapter 487, Health and Safety Code;
- (3) Chapter 1702, Occupations Code;
- (4) Chapter 1956, Occupations Code;
- (5) Section 521.2476, Transportation Code; and
- (6) Subchapter G, Chapter 548, Transportation Code.

Sec. 411.503. FINAL ENFORCEMENT AUTHORITY. (a) This section does not apply to an administrative action against a person who violates a law or rule governing the program administered by the department under Chapter 1702, Occupations Code.

(b) Except as provided by Section 411.506(b), the commission shall make the final determination in an administrative action against a person for a violation of a law or rule governing a program or person subject to this subchapter.

(c) The commission may not delegate the duty under Subsection (b).

Sec. 411.504. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department regarding a violation of a law or rule governing a program or person subject to this subchapter.

The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) On written request, the department shall inform the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the information would jeopardize an ongoing investigation.

(e) The commission shall adopt rules to:

(1) implement this section; and

(2) establish a procedure for the investigation and resolution of complaints, including a procedure for documenting complaints to the department from the time of the submission of the initial complaint to the final disposition of the complaint.

Sec. 411.505. INVESTIGATIONS. The department may conduct investigations as necessary to enforce a law or rule governing a program or person subject to this subchapter.

Sec. 411.506. INFORMAL COMPLAINT RESOLUTION AND INFORMAL PROCEEDINGS. (a) The commission by rule shall establish procedures for the informal resolution of complaints filed with the department related to a violation of a law or rule governing a program or person subject to this subchapter, including procedures governing:

(1) informal disposition of a contested case under Section 2001.056; and

(2) an informal proceeding held in compliance with Section 2001.054.

(b) Any settlement agreement arising from the procedures described by Subsection (a) must be approved by the director or the director's designee.

Sec. 411.507. LICENSE DENIAL; ADMINISTRATIVE SANCTION. (a) This section applies to a person required to obtain a license under a program subject to this subchapter.

(b) The commission may deny an application for, revoke, suspend, or refuse to renew a license or may reprimand a license holder for a violation of a law or rule governing a program subject to this subchapter.

(c) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the person to:

(1) report regularly to the department on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the department; or

(3) continue or renew education until the person attains a degree of competency satisfactory to the commission in those areas that are the basis for the probation.

(d) The commission shall develop a penalty schedule for each program subject to this subchapter consisting of administrative sanctions authorized under Subsections (b) and (c) based on the severity and frequency of a violation of a law or rule related to the program.

Sec. 411.508. RIGHT TO NOTICE AND HEARING; ADMINISTRATIVE PROCEDURE. (a) For each program subject to this subchapter, a person is entitled to notice and a hearing if the commission proposes to:

- (1) deny an application for, revoke, suspend, or refuse to renew a license;
- (2) reprimand a license holder; or
- (3) place a license holder on probation.

(b) Except as provided by Subchapter R, Chapter 1702, Occupations Code, a proceeding to impose an administrative sanction as described by Subsection (a) is a contested case under Chapter 2001.

(c) Unless otherwise provided by law, judicial review of an administrative sanction or penalty imposed by the commission is under the substantial evidence rule as provided by Subchapter G, Chapter 2001.

Sec. 411.509. CEASE AND DESIST ORDER. The department may issue a cease and desist order if the department determines that the action is necessary to prevent a violation of a law or rule governing a program or person subject to this subchapter.

Sec. 411.510. INJUNCTIVE RELIEF. (a) On request of the department, the attorney general shall institute an action for injunctive relief to restrain a person in violation of or threatening to violate a law or rule governing a program or person subject to this subchapter.

(b) An action filed under this section shall be filed in a district court in:

- (1) Travis County; or
- (2) the county in which the violation allegedly occurred or is threatened to occur.

(c) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

Sec. 411.511. STAGGERED RENEWAL; PRORATION OF LICENSE FEE. (a) The commission by rule may adopt a system under which licenses expire on various dates during the year.

(b) A license issued under a program governed by this subchapter may not expire later than the second anniversary of the date the license is issued.

(c) For the year in which the expiration date of a license is changed, the department shall prorate license fees on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.

Sec. 411.512. ANNUAL REGULATORY REPORT. (a) The department shall annually make available on the department's Internet website a report of regulatory statistics for the preceding state fiscal year for each program subject to this subchapter and aggregate information on all the programs.

(b) The report must include, as applicable, information regarding:

- (1) the number of licenses issued under the program;
- (2) the number and types of complaints received and resolved by the department;

(3) the number of investigations conducted by the department; and

(4) the number and types of disciplinary actions taken by the department.

SUBCHAPTER R. ADMINISTRATIVE PENALTY

Sec. 411.521. DEFINITION. In this subchapter, "license" has the meaning assigned by Section 411.501.

Sec. 411.522. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies to a program, and persons regulated under the program, to which Section 411.502 applies.

(b) The procedures of this subchapter governing a proceeding to impose an administrative penalty on a person who violates a law or rule of the program administered by the department under Chapter 1702, Occupations Code, apply to the extent the procedures are consistent with Subchapter R, Chapter 1702, Occupations Code.

Sec. 411.523. IMPOSITION OF PENALTY. The commission may impose an administrative penalty against a person who violates:

(1) a law establishing a program subject to this subchapter; or

(2) a rule adopted or order issued by the commission under a law described by Subdivision (1).

Sec. 411.524. AMOUNT OF PENALTY. (a) If the relevant law establishing a program subject to this subchapter does not state the maximum amount of an administrative penalty under that law, the amount of the penalty shall be assessed by the commission in an amount not to exceed \$5,000 per day for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount of the penalty shall be based on:

(1) the seriousness of the violation;

(2) the respondent's history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts made by the respondent to correct the violation; and

(5) any other matter that justice may require.

(c) The commission shall establish a written enforcement plan that provides notice to license holders of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the department determines the amount of a proposed administrative penalty.

Sec. 411.525. IMPOSITION OF SANCTION. A proceeding under this subchapter imposing an administrative penalty may be combined with a proceeding to impose an administrative sanction. If a sanction is imposed in a proceeding under this subchapter, the requirements of this subchapter apply to the imposition of the sanction.

Sec. 411.526. NOTICE OF VIOLATION AND PENALTY. If, after investigation of a possible violation and the facts surrounding the possible violation, the department determines that a violation occurred, the department shall issue to the respondent a notice of alleged violation stating:

(1) a brief summary of the alleged violation;

(2) the amount of the recommended administrative penalty; and

(3) that the respondent has the right to a hearing to contest the alleged violation, the amount of the penalty, or both.

Sec. 411.527. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the respondent receives the notice, the respondent may:

(1) accept the department's determination and recommended administrative penalty; or

(2) make a written request for a hearing on that determination.

(b) If the respondent accepts the department's determination, the commission by order may approve the determination and require the person to pay the recommended penalty.

Sec. 411.528. HEARING ON RECOMMENDATIONS. (a) If the respondent requests a hearing, the hearing shall be conducted by the department or the State Office of Administrative Hearings.

(b) The State Office of Administrative Hearings shall consider the department's applicable substantive rules and policies when conducting a hearing under this subchapter.

(c) A department hearing officer or an administrative law judge at the State Office of Administrative Hearings, as applicable, shall:

(1) make findings of fact and conclusions of law; and

(2) promptly issue to the commission a proposal for decision as to the occurrence of the violation and the amount of any proposed administrative penalty.

Sec. 411.529. DECISION BY COMMISSION. (a) Based on the findings of fact, conclusions of law, and proposal for decision, the commission by order may determine that:

(1) a violation occurred and impose an administrative penalty; or

(2) a violation did not occur.

(b) The department shall give notice of the order to the respondent.

(c) The order under this section must include:

(1) separate statements of the findings of fact and conclusions of law;

(2) the amount of any penalty imposed;

(3) a statement of the right of the respondent to judicial review of the order;

and

(4) any other information required by law.

Sec. 411.530. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the commission's order becomes final, the respondent shall:

(1) pay the penalty; or

(2) file a petition for judicial review contesting the order and:

(A) forward the penalty to the department for deposit in an escrow account; or

(B) give the department a supersedeas bond in a form approved by the department that:

(i) is for the amount of the penalty; and

(ii) is effective until judicial review of the decision is final.



(b) A respondent who is financially unable to comply with Subsection (a)(2) is entitled to judicial review if the respondent files with the court, as part of the respondent's petition for judicial review, a sworn statement that the respondent is unable to meet the requirements of Subsection (a)(2).

Sec. 411.531. COLLECTION OF PENALTY. If the person on whom the administrative penalty is imposed violates Section 411.530(a), the department or the attorney general may bring an action to collect the penalty.

Sec. 411.532. REMITTANCE OF PENALTY AND INTEREST. (a) If, after judicial review, the administrative penalty is reduced or not imposed, the department shall:

(1) remit to the person the appropriate amount, plus accrued interest, if the person paid the amount of the penalty; or

(2) execute a release of the bond, if the person posted a supersedeas bond.

(b) The interest paid under Subsection (a)(1) is accrued at the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid to the department and ending on the date the penalty is remitted.

Sec. 411.533. ADMINISTRATIVE PROCEDURE. (a) The commission by rule shall prescribe procedures for the determination and appeal of a decision to impose an administrative penalty.

(b) A proceeding under this subchapter to impose an administrative penalty is a contested case under Chapter 2001.

SECTION 3.003. Section 1956.151, Occupations Code, is amended to read as follows:

Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION. The commission [~~department~~] shall deny an application for a certificate of registration, suspend or revoke a certificate of registration, or reprimand a person who is registered under this chapter if the person:

(1) obtains a certificate of registration by means of fraud, misrepresentation, or concealment of a material fact;

(2) sells, barter, or offers to sell or barter a certificate of registration;

(3) violates a provision of this chapter or a rule adopted under this chapter;

or

(4) violates Section 1956.021.

SECTION 3.004. Sections 548.405(a), (c), and (g), Transportation Code, are amended to read as follows:

(a) The commission [~~department~~] may deny a person's application for a certificate, revoke or suspend the certificate of a person, inspection station, or inspector, place on probation a person who holds a suspended certificate, or reprimand a person who holds a certificate if:

(1) the station or inspector conducts an inspection, fails to conduct an inspection, or issues a certificate:

(A) in violation of this chapter or a rule adopted under this chapter; or

(B) without complying with the requirements of this chapter or a rule adopted under this chapter;

(2) the person, station, or inspector commits an offense under this chapter or violates this chapter or a rule adopted under this chapter;

(3) the applicant or certificate holder does not meet the standards for certification under this chapter or a rule adopted under this chapter;

(4) the station or inspector does not maintain the qualifications for certification or does not comply with a certification requirement under this subchapter ~~[Subchapter G]~~;

(5) the certificate holder or the certificate holder's agent, employee, or representative commits an act or omission that would cause denial, revocation, or suspension of a certificate to an individual applicant or certificate holder; or

(6) the station or inspector does not pay a fee required by Subchapter H; ~~or~~  
~~[(7) the inspector or owner of an inspection station is convicted of a:~~

~~[(A) felony or Class A or Class B misdemeanor;~~

~~[(B) similar crime under the jurisdiction of another state or the federal government that is punishable to the same extent as a felony or a Class A or Class B misdemeanor in this state; or~~

~~[(C) crime under the jurisdiction of another state or the federal government that would be a felony or a Class A or Class B misdemeanor if the crime were committed in this state].~~

(c) If the commission ~~[department]~~ suspends a certificate because of a violation of Subchapter F, the suspension must be for a period of not less than six months. ~~[The suspension may not be probated or deferred.]~~

(g) The commission ~~[department]~~ may not suspend, revoke, or deny all certificates of a person who holds more than one inspection station certificate based on a suspension, revocation, or denial of one of that person's inspection station certificates without proof of culpability related to a prior action under this subsection.

SECTION 3.005. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4055 to read as follows:

Sec. 548.4055. RULES REGARDING CRIMINAL CONVICTIONS. The commission shall adopt rules necessary to comply with Chapter 53, Occupations Code, with respect to the certification of persons under this subchapter. The commission's rules must list the specific offenses for each category of persons regulated under this subchapter for which a conviction would constitute grounds for the commission to take action under Section 53.021, Occupations Code.

SECTION 3.006. Sections 548.407(d) and (e), Transportation Code, are amended to read as follows:

(d) The commission ~~[department]~~ may provide that a revocation or suspension takes effect on receipt of notice under Subsection (b) if the commission ~~[department]~~ finds that the action is necessary to prevent or remedy a threat to public health, safety, or welfare. Violations that present a threat to public health, safety, or welfare include:

(1) issuing a passing vehicle inspection report or submitting inspection information to the department's database with knowledge that the issuance or submission is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently representing to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) issuing a vehicle inspection report or submitting inspection information to the department's database:

(A) without authorization to issue the report or submit the information;

or

(B) without inspecting the vehicle;

(4) issuing a passing vehicle inspection report or submitting inspection information to the department's database for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(5) knowingly issuing a passing vehicle inspection report or submitting inspection information to the department's database:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(6) refusing to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(7) charging for an inspection an amount greater than the authorized fee;

(8) a violation of Subchapter F;

(9) a violation of Section 548.603; or

(10) a conviction of a felony or a Class A or B misdemeanor that directly relates to or affects the duties or responsibilities of a vehicle inspection station or inspector or a conviction of a similar crime under the jurisdiction of another state or the federal government.

(e) The commission may adopt rules to implement this section. [For purposes of Subsection (d)(10), a person is convicted of an offense if a court enters against the person an adjudication of the person's guilt, including an order of probation or deferred adjudication.]

SECTION 3.007. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.410 to read as follows:

Sec. 548.410. EXPIRATION OF CERTIFICATE. A certificate issued to an inspector or an inspection station under this subchapter expires as determined by the department under Section 411.511, Government Code, but not later than the second anniversary of the date the certificate is issued.

SECTION 3.008. Section 548.506, Transportation Code, is amended to read as follows:

Sec. 548.506. FEE FOR CERTIFICATION AS INSPECTOR. (a) The commission by rule shall establish reasonable and necessary fees for certification as an inspector.

(b) The fees established under this section may not be less than an amount equal to:

(1) [An applicant for certification as an inspector must submit with the applicant's first application a fee of] \$25 for initial certification until August 31 of the even-numbered year following the date of certification; and

(2) [~~To be certified after August 31 of that year, the applicant must pay~~ \$25 as a certificate fee for each subsequent two-year period.

SECTION 3.009. Section 548.507, Transportation Code, is amended to read as follows:

Sec. 548.507. FEE FOR CERTIFICATION AS INSPECTION STATION. (a) The commission by rule shall establish reasonable and necessary fees for certification as an inspection station.

(b) The fees established under this section may not be less than:

(1) except [~~Except~~] as provided by Subdivision (2) or (3):

(A) [~~Subsection (b) or (c), after an applicant for certification as an inspection station is notified that the application will be approved, the applicant must pay a fee of~~] \$100 for certification until August 31 of the odd-numbered year after the date of appointment as an inspection station; and

(B) [~~To be certified after August 31 of that year, the applicant must pay a fee of~~] \$100 for certification for each subsequent two-year period;

(2) if [~~(b) if~~] an applicant for certification as an inspection station has been convicted of a violation of this chapter relating to an emissions inspection under Subchapter F:

(A) [~~after notification that the application will be approved, the applicant must pay a fee of~~] \$500 for certification until August 31 of the odd-numbered year after the date of appointment as an inspection station; and

(B) [~~To be certified after August 31 of that year, the applicant must pay a fee of~~] \$100 for certification for each subsequent two-year period; and

(3) if [~~(c) if~~] an applicant for certification as an inspection station has been convicted of two or more violations of this chapter relating to an emissions inspection under Subchapter F:

(A) [~~after notification that the application will be approved, the applicant must pay a fee of~~] \$1,500 for certification until August 31 of the odd-numbered year after the date of appointment as an inspection station; and

(B) [~~To be certified after August 31 of that year, the applicant must pay a fee of~~] \$100 for certification for each subsequent two-year period.

SECTION 3.010. The following provisions are repealed:

(1) Sections 1956.014(b) and (c), Occupations Code;

(2) Sections 1956.041(b-2), (c), (d), (e), and (f), Occupations Code;

(3) Section 1956.152, Occupations Code;

(4) Sections 548.405(b), (h), and (i), Transportation Code;

(5) Section 548.406, Transportation Code;

(6) Sections 548.407(f), (g), (h), (i), (j), (k), and (l), Transportation Code;

and

(7) Section 548.409, Transportation Code.

SECTION 3.011. As soon as practicable after the effective date of this Act, the Public Safety Commission shall adopt rules necessary to implement the changes in law made by this Act to Chapter 411, Government Code, Chapter 1956, Occupations Code, and Chapter 548, Transportation Code.

SECTION 3.012. Section 411.0891, Government Code, and Sections 548.405 and 548.407, Transportation Code, as amended by this Act, apply only to an application for the issuance or renewal of a license submitted on or after the effective date of this Act. An application for the issuance or renewal of a license submitted before that date 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 3.013. Section 548.405(c), Transportation Code, as amended by this Act, applies only to a person placed on probation on or after the effective date of this Act. A person placed on probation before the effective date of this Act is governed by the law in effect on the date the person was placed on probation, and the former law is continued in effect for that purpose.

SECTION 3.014. Section 1956.041, Occupations Code, and Sections 548.405 and 548.407, Transportation Code, as amended by this Act, apply only to a proceeding initiated on or after the effective date of this Act. A proceeding initiated before the effective date of this Act is governed by the law in effect on the date the proceeding was initiated, and the former law is continued in effect for that purpose.

#### ARTICLE 4. CERTAIN PROGRAMS REGULATING CONTROLLED SUBSTANCES, PRECURSOR CHEMICALS, AND LABORATORY APPARATUSES

SECTION 4.001. Sections 481.077(c), (i), and (k), Health and Safety Code, are amended to read as follows:

(c) This section does ~~[and Section 481.078 do]~~ not apply to a person to whom a registration has been issued by the Federal Drug Enforcement Agency or who is exempt from such registration.

(i) A manufacturer, wholesaler, retailer, or other person who ~~[receives from a source outside this state a chemical precursor subject to Subsection (a) or who]~~ discovers a loss or theft of a chemical precursor subject to Subsection (a) shall:

(1) submit a report of the transaction to the director in accordance with department rule; and

(2) include in the report:

(A) any difference between the amount of the chemical precursor actually received and the amount of the chemical precursor shipped according to the shipping statement or invoice; or

(B) the amount of the loss or theft.

(k) A ~~[Unless the person is the holder of only a permit issued under Section 481.078(5)(1), a]~~ manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any chemical precursor subject to Subsection (a), or a ~~[permit holder,]~~ commercial purchaser~~;~~ or other person who receives a chemical precursor subject to Subsection (a):

(1) shall maintain records and inventories in accordance with rules established by the director;

(2) shall allow a member of the department or a peace officer to conduct audits and inspect records of purchases and sales and all other records made in accordance with this section at any reasonable time; and

(3) may not interfere with the audit or with the full and complete inspection or copying of those records.

SECTION 4.002. The heading to Section 481.080, Health and Safety Code, is amended to read as follows:

Sec. 481.080. CHEMICAL LABORATORY APPARATUS RECORD-KEEPING REQUIREMENTS ~~[AND PENALTIES]~~.

SECTION 4.003. Sections 481.080(d), (j), and (l), Health and Safety Code, are amended to read as follows:

(d) This section ~~does [and Section 481.081 do]~~ not apply to a person to whom a registration has been issued by the Federal Drug Enforcement Agency or who is exempt from such registration.

(j) A manufacturer, wholesaler, retailer, or other person who ~~[receives from a source outside this state a chemical laboratory apparatus subject to Subsection (a) or who]~~ discovers a loss or theft of such an apparatus shall:

(1) submit a report of the transaction to the director in accordance with department rule; and

(2) include in the report:

(A) any difference between the number of the apparatus actually received and the number of the apparatus shipped according to the shipping statement or invoice; or

(B) the number of the loss or theft.

(l) This subsection applies to a manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any chemical laboratory apparatus subject to Subsection (a) and to a ~~[permit holder,]~~ commercial purchaser~~[-]~~ or other person who receives such an apparatus ~~[unless the person is the holder of only a permit issued under Section 481.081(b)(1)].~~ A person covered by this subsection:

(1) shall maintain records and inventories in accordance with rules established by the director;

(2) shall allow a member of the department or a peace officer to conduct audits and inspect records of purchases and sales and all other records made in accordance with this section at any reasonable time; and

(3) may not interfere with the audit or with the full and complete inspection or copying of those records.

SECTION 4.004. Section 481.111(a), Health and Safety Code, is amended to read as follows:

(a) The provisions of this chapter relating to the possession and distribution of peyote do not apply to the use of peyote by a member of the Native American Church in bona fide religious ceremonies of the church or to ~~[- However,]~~ a person who supplies the substance to the church ~~[must register and maintain appropriate records of receipts and disbursements in accordance with rules adopted by the director]~~. An exemption granted to a member of the Native American Church under this section does not apply to a member with less than 25 percent Indian blood.

SECTION 4.005. Section 481.136(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person sells, transfers, furnishes, or receives a chemical precursor subject to Section 481.077(a) and the person:

(1) ~~[does not hold a chemical precursor transfer permit as required by Section 481.078 at the time of the transaction;~~

~~(2)~~ does not comply with Section 481.077 or 481.0771;

~~(2)~~ ~~(3)~~ knowingly makes a false statement in a report or record required by Section 481.077 or ~~(7)~~ 481.0771 ~~or 481.078~~; or

~~(3)~~ ~~(4)~~ knowingly violates a rule adopted under Section 481.077 or ~~(7)~~ 481.0771 ~~or 481.078~~.

SECTION 4.006. Section 481.138(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person sells, transfers, furnishes, or receives a chemical laboratory apparatus subject to Section 481.080(a) and the person:

~~(1) [does not have a chemical laboratory apparatus transfer permit as required by Section 481.081 at the time of the transaction];~~

~~(2)~~ does not comply with Section 481.080;

~~(2)~~ ~~(3)~~ knowingly makes a false statement in a report or record required by Section 481.080 ~~or 481.081~~; or

~~(3)~~ ~~(4)~~ knowingly violates a rule adopted under Section 481.080 ~~or 481.081~~.

SECTION 4.007. Section 481.301, Health and Safety Code, is amended to read as follows:

Sec. 481.301. IMPOSITION OF PENALTY. The department may impose an administrative penalty on a person who violates Section 481.067, 481.077, 481.0771, or ~~481.078~~, 481.080 ~~or 481.081~~ or a rule or order adopted under any of those sections.

SECTION 4.008. Section 487.053(b), Health and Safety Code, is amended to read as follows:

(b) Subject to Section 411.503, Government Code, the ~~The~~ department shall enforce compliance of licensees and registrants and shall adopt procedures for suspending or revoking a license or registration issued under this chapter and for renewing a license or registration issued under this chapter.

SECTION 4.009. Sections 487.104(b) and (c), Health and Safety Code, are amended to read as follows:

(b) If the department denies the issuance or renewal of a license under Subsection (a), the applicant is entitled to a hearing. Chapter 2001, Government Code, applies to a proceeding under this section. ~~[The department shall give written notice of the grounds for denial to the applicant at least 30 days before the date of the hearing.]~~

(c) A license issued or renewed under this section expires as determined by the department in accordance with Section 411.511, Government Code ~~[on the second anniversary of the date of issuance or renewal, as applicable].~~

SECTION 4.010. Section 487.105(c), Health and Safety Code, is amended to read as follows:

(c) The department shall conduct a criminal history background check on each individual whose name is provided to the department under Subsection (a) or (b). The director by rule shall:

(1) require each individual whose name is provided to the department under Subsection (a) or (b) [determine the manner by which an individual is required] to submit a complete set of fingerprints to the department on a form prescribed by the department for purposes of a criminal history background check under this section; and

(2) establish criteria for determining whether an individual passes the criminal history background check for the purposes of this section.

SECTION 4.011. The following provisions of the Health and Safety Code are repealed:

- (1) Sections 481.077(e), (f), (g), and (h);
- (2) Section 481.078;
- (3) Sections 481.080(f), (g), (h), and (i); and
- (4) Section 481.081.

SECTION 4.012. As soon as practicable after the effective date of this Act, the public safety director of the Department of Public Safety shall adopt rules to implement the changes made by Section 487.105(c), Health and Safety Code, as amended by this Act.

SECTION 4.013. The changes in law made by this Act to Chapter 481, Health and Safety Code, apply only to an offense or violation committed on or after the effective date of this Act. An offense or violation committed before the effective date of this Act is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 4.014. On the effective date of this Act, a permit issued under former Section 481.078 or 481.081, Health and Safety Code, expires.

#### ARTICLE 5. PRIVATE SECURITY

SECTION 5.001. Section 1702.002, Occupations Code, is amended by amending Subdivisions (2), (5), (5-a), (17), and (21) and adding Subdivisions (4), (5-b), (5-c), and (8-a) to read as follows:

(2) "Branch office" means an office that is:

(A) identified to the public as a place from which business is conducted, solicited, or advertised; and

(B) at a place other than the principal place of business as shown in department [board] records.

(4) "Commission" means the Public Safety Commission.

(5) "Commissioned security officer" means a security officer to whom a security officer commission has been issued by the department [board].

(5-a) "Committee" means the Texas Private Security Advisory Committee established under this chapter.

(5-b) "Company license" means a license issued by the department that entitles a person to operate as a security services contractor or investigations company.

(5-c) "Department" means the Department of Public Safety of the State of Texas.



(8-a) "Individual license" means a license issued by the department that entitles an individual to perform a service regulated by this chapter for a company license holder, including a personal protection officer license.

(17) "Personal protection officer license [~~endorsement~~]" means a license [~~permit~~] issued by the department [~~board~~] that entitles an individual to act as a personal protection officer.

(21) "Security officer commission" means an authorization issued by the department [~~board~~] that entitles a security officer to carry a firearm.

SECTION 5.002. Section 1702.004, Occupations Code, is amended to read as follows:

Sec. 1702.004. GENERAL SCOPE OF REGULATION. (a) The department [~~board, in addition to performing duties required by other law or exercising powers granted by other law~~]:

- (1) licenses investigations companies and security services contractors;
- (2) issues commissions to certain security officers;
- (3) licenses [~~issues endorsements to~~] certain security officers engaged in the personal protection of individuals;
- (4) licenses [~~registers and endorses~~]:
  - (A) certain individuals connected with a company license holder; and
  - (B) certain individuals employed in a field connected to private investigation or private security; and
- (5) regulates company license holders, security officers, [~~registrants,~~] and individual license [~~endorsement~~] holders under this chapter.

(b) The commission [~~board~~] shall adopt rules necessary to comply with Chapter 53. In its rules under this section, the commission [~~board~~] shall list the specific offenses for each category of regulated persons for which a conviction would constitute grounds for the department [~~board~~] to take action under Section 53.021.

SECTION 5.003. Section 1702.005, Occupations Code, is amended to read as follows:

Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY; REFERENCES. (a) [~~The board created under Section 1702.021 is a part of the department.~~] The department shall administer this chapter [~~through the board~~].

(b) A reference in this chapter or another law to the Texas Commission on Private Security or the Texas Private Security Board means the department [~~board~~].

SECTION 5.004. The heading to Subchapter B, Chapter 1702, Occupations Code, is amended to read as follows:

SUBCHAPTER B. TEXAS PRIVATE SECURITY ADVISORY COMMITTEE  
[BOARD]

SECTION 5.005. Section 1702.021, Occupations Code, is amended to read as follows:

Sec. 1702.021. COMMITTEE [~~BOARD~~] MEMBERSHIP; APPLICABILITY OF OTHER LAW. (a) The Texas Private Security Advisory Committee [~~Board~~] consists of seven members appointed by the commission [~~governor with the advice and consent of the senate~~] as follows:

- (1) three public members, each of whom is a citizen of the United States;
- (2) one member who is licensed under this chapter as a private investigator;

(3) one member who is licensed under this chapter as an alarm systems company;

(4) one member who is licensed under this chapter as the owner or operator of a guard company; and

(5) one member who is licensed under this chapter as a locksmith.

(b) Appointments to the committee [~~board~~] shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(c) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee or to the appointment of the committee's presiding officer.

SECTION 5.006. Section 1702.023, Occupations Code, is amended to read as follows:

Sec. 1702.023. ELIGIBILITY OF PUBLIC MEMBERS. The committee's [~~board's~~] public members must be representatives of the general public. A person may not be a public member of the committee [~~board~~] if the person or the person's spouse:

(1) is registered, commissioned, certified, or licensed by a regulatory agency in the field of private investigations or private security;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department [~~board~~];

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department [~~board~~]; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the department [~~board~~] other than compensation or reimbursement authorized by law for committee [~~board~~] membership, attendance, or expenses.

SECTION 5.007. Sections 1702.024(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a committee [~~board~~] member, and may not be a department employee whose primary duties include private security regulation and who is employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of private investigation or private security; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of private investigation or private security.

(c) A person may not be a committee [~~board~~] member or act as general counsel to the committee or department [~~board or agency~~] if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the committee [~~agency~~].

SECTION 5.008. Section 1702.025, Occupations Code, is amended to read as follows:

Sec. 1702.025. TERMS; VACANCIES. (a) The committee [board] members serve staggered six-year terms, with the terms of two or three members expiring on January 31 of each odd-numbered year.

(b) If a vacancy occurs during the term of a committee [board] member, the commission [governor] shall appoint a new member to fill the unexpired term.

SECTION 5.009. Section 1702.026, Occupations Code, is amended to read as follows:

Sec. 1702.026. OFFICERS. (a) The commission [governor] shall designate one committee [board] member as presiding officer to serve in that capacity at the will of the commission [governor]. The commission [governor] shall designate the presiding officer without regard to race, creed, color, disability, sex, religion, age, or national origin.

(b) The committee [board] shall elect from among its members an assistant presiding officer and a secretary to serve two-year terms beginning on September 1 of each odd-numbered year.

(c) The presiding officer of the committee [board] or, in the absence of the presiding officer, the assistant presiding officer shall preside at each committee [board] meeting and perform the other duties prescribed by this chapter.

SECTION 5.010. Sections 1702.027(a) and (b), Occupations Code, are amended to read as follows:

(a) It is a ground for removal from the committee [board] that a member:

(1) does not have the qualifications required by Section 1702.021 at the time of appointment [taking office];

(2) does not maintain the qualifications required by Section 1702.021 during service on the committee [board];

(3) is ineligible for membership under Section 1702.023 or 1702.024;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled committee [board] meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the committee [board].

(b) The validity of an action of the committee [board] is not affected by the fact that it is taken when a ground for removal of a committee [board] member exists.

SECTION 5.011. Section 1702.029, Occupations Code, is amended to read as follows:

Sec. 1702.029. MEETINGS. The committee [board] shall meet at least quarterly [at regular intervals to be decided by the board].

SECTION 5.012. Subchapter B, Chapter 1702, Occupations Code, is amended by adding Sections 1702.031 and 1702.032 to read as follows:

Sec. 1702.031. DUTIES OF ADVISORY COMMITTEE. The committee shall provide advice and recommendations to the department and commission on technical matters relevant to the administration of this chapter and the regulation of private security industries.

Sec. 1702.032. COMMISSION LIAISON. The commission shall designate a commission member to serve as a liaison to the committee.

SECTION 5.013. Section 1702.041, Occupations Code, is amended to read as follows:

Sec. 1702.041. CHIEF ADMINISTRATOR. (a) The chief administrator is responsible for the administration of this chapter under the direction of the public safety director [~~board~~]. The chief administrator shall perform duties as prescribed by the public safety director [~~board and the department~~].

(b) The chief administrator is a full-time employee of the department. A committee [~~board~~] member may not serve as chief administrator.

SECTION 5.014. Section 1702.044, Occupations Code, is amended to read as follows:

Sec. 1702.044. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The chief administrator or the chief administrator's designee shall provide to committee [~~board~~] members and to department [~~agency~~] employees, as often as necessary, information regarding the requirements for service as a committee member [~~office~~] or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

SECTION 5.015. The heading to Subchapter D, Chapter 1702, Occupations Code, is amended to read as follows:

#### SUBCHAPTER D. POWERS AND DUTIES [~~OF BOARD~~]

SECTION 5.016. Section 1702.061, Occupations Code, is amended to read as follows:

Sec. 1702.061. GENERAL POWERS AND DUTIES [~~OF BOARD~~]. (a) [~~The board shall perform the functions and duties provided by this chapter.~~

[(b)] The commission [~~board~~] shall adopt rules and general policies to guide the department [~~agency~~] in the administration of this chapter.

(b) [(c)] The rules and policies adopted by the commission [~~board~~] under Subsection (a) [(b)] must be consistent with this chapter and other commission [~~board~~] rules adopted under this chapter and with any other applicable law, state rule, or federal regulation.

(c) [(d)] The commission [~~board~~] has the powers and duties to:

(1) determine the qualifications of company license holders, individual license holders [~~registrants, endorsement holders~~], and commissioned security officers;

(2) investigate alleged violations of this chapter and of commission [~~board~~] rules;

(3) adopt rules necessary to implement this chapter; and

(4) establish and enforce standards governing the safety and conduct of each person regulated [~~licensed, registered, or commissioned~~] under this chapter.

[(e)] ~~The board shall have a seal in the form prescribed by the board.~~

SECTION 5.017. Section 1702.062, Occupations Code, is amended to read as follows:

Sec. 1702.062. FEES. (a) The commission [~~board~~] by rule shall establish reasonable and necessary fees that produce sufficient revenue to administer this chapter. The fees may not produce unnecessary fund balances.

(b) The department [board] may charge a fee each time the department [board] requires a person regulated under this chapter to resubmit a set of fingerprints for processing by the department [board] during the application process for a company license, individual license, [registration, endorsement,] or security officer commission. The commission [board] shall set the fee in an amount that is reasonable and necessary to cover the administrative expenses related to processing the fingerprints.

(c) A person whose pocket card has not expired is not eligible to receive from the department [board] another pocket card in the same classification in which the pocket card is held.

SECTION 5.018. The heading to Section 1702.063, Occupations Code, is amended to read as follows:

Sec. 1702.063. [BOARD] USE OF FINES.

SECTION 5.019. Section 1702.0635, Occupations Code, is amended to read as follows:

Sec. 1702.0635. RESTRICTIONS ON CERTAIN RULES. The commission [board] may not adopt rules or establish unduly restrictive experience or education requirements that limit a person's ability to be licensed as an electronic access control device company or be licensed [registered] as an electronic access control device installer.

SECTION 5.020. Section 1702.064, Occupations Code, is amended to read as follows:

Sec. 1702.064. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The commission [board] may not adopt rules restricting advertising or competitive bidding by a person regulated under this chapter [by the board] except to prohibit false, misleading, or deceptive practices by the person.

(b) The commission [board] may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated under this chapter [by the board] a rule that:

- (1) restricts the person's use of any medium for advertising;
- (2) restricts the person's personal appearance or use of the person's personal voice in an advertisement;
- (3) relates to the size or duration of an advertisement by the person; or
- (4) restricts the person's advertisement under a trade name.

SECTION 5.021. Section 1702.0645, Occupations Code, is amended to read as follows:

Sec. 1702.0645. PAYMENT OF FEES AND FINES. (a) The commission [board] may adopt rules regarding the method of payment of a fee or a fine assessed under this chapter.

(b) Rules adopted under this section may:

- (1) authorize the use of electronic funds transfer or a valid credit card issued by a financial institution chartered by a state or the federal government or by a nationally recognized credit organization approved by the department [board]; and
- (2) require the payment of a discount or a reasonable service charge for a credit card payment in addition to the fee or the fine.

SECTION 5.022. Section 1702.067, Occupations Code, is amended to read as follows:

Sec. 1702.067. ~~[BOARD]~~ RECORDS; EVIDENCE. An official record of the department related to this chapter ~~[board]~~ or an affidavit by the chief administrator as to the content of the record is prima facie evidence of a matter required to be kept by the department ~~[board]~~.

SECTION 5.023. Section 1702.068, Occupations Code, is amended to read as follows:

Sec. 1702.068. APPEAL BOND NOT REQUIRED. The department ~~[board]~~ is not required to give an appeal bond in any cause arising under this chapter.

SECTION 5.024. The heading to Subchapter E, Chapter 1702, Occupations Code, is amended to read as follows:

SUBCHAPTER E. PUBLIC INTEREST INFORMATION ~~[AND COMPLAINT PROCEDURES]~~

SECTION 5.025. Section 1702.084, Occupations Code, is amended to read as follows:

Sec. 1702.084. PUBLIC ACCESS TO CERTAIN RECORDS OF DISCIPLINARY ACTIONS. (a) The department ~~[board]~~ shall make available to the public through a toll-free telephone number, Internet website, or other easily accessible medium determined by the department ~~[board]~~ the following information relating to a disciplinary action taken during the preceding three years regarding a person regulated under this chapter ~~[by the board]~~:

- (1) the identity of the person;
- (2) the nature of the complaint that was the basis of the disciplinary action taken against the person; and
- (3) the disciplinary action taken by the commission ~~[board]~~.

(b) In providing the information, the department ~~[board]~~ shall present the information in an impartial manner, use language that is commonly understood, and, if possible, avoid jargon specific to the security industry.

(c) The department ~~[board]~~ shall update the information on a monthly basis.

(d) The department ~~[board]~~ shall maintain the confidentiality of information regarding the identification of a complainant.

SECTION 5.026. Section 1702.085, Occupations Code, is amended to read as follows:

Sec. 1702.085. CONFIDENTIALITY OF RECORDS. Records maintained by the department under this chapter on the home address, home telephone number, driver's license number, or social security number of an applicant or a company license holder, individual license holder ~~[registrant]~~, or security officer commission holder are confidential and are not subject to mandatory disclosure under Chapter 552, Government Code.

SECTION 5.027. Section 1702.102(a), Occupations Code, is amended to read as follows:

(a) Unless the person holds a license as a security services contractor, a person may not:

- (1) act as an alarm systems company, armored car company, courier company, guard company, or ~~[guard dog company]~~ locksmith company~~[-, or private security consultant company]~~;
- (2) offer to perform the services of a company in Subdivision (1); or

(3) engage in business activity for which a license is required under this chapter.

SECTION 5.028. Section 1702.1025(b), Occupations Code, is amended to read as follows:

(b) A person licensed as an electronic access control device company may not install alarm systems unless otherwise licensed [~~or registered~~] to install alarm systems under this chapter.

SECTION 5.029. Section 1702.103, Occupations Code, is amended to read as follows:

Sec. 1702.103. CLASSIFICATION AND LIMITATION OF COMPANY LICENSES. (a) The company license classifications are:

(1) Class A: investigations company license, covering operations of an investigations company;

(2) Class B: security services contractor license, covering operations of a security services contractor;

(3) Class C: covering the operations included within Class A and Class B;

(4) Class F: level III training school license; and

(5) Class O: alarm level I training school license[;]

~~[(6) Class P: private business letter of authority license;~~

~~[(7) Class X: government letter of authority license; and~~

~~[(8) Class T: telematics license].~~

(b) A company license described by this chapter does not authorize the company license holder to perform a service for which the company license holder has not qualified. A person may not engage in an operation outside the scope of that person's company license. The department [~~board~~] shall indicate on the company license the services the company license holder is authorized to perform. The company license holder may not perform a service unless it is indicated on the company license.

(c) A company license is not assignable unless the assignment is approved in advance by the department [~~board~~].

(d) The commission [~~board~~] shall prescribe by rule the procedure under which a company license may be terminated.

(e) The commission [~~board~~] by rule may establish other company license classifications for activities expressly regulated by this chapter and may establish qualifications and practice requirements consistent with this chapter for those company license classifications.

SECTION 5.030. Section 1702.110, Occupations Code, is amended to read as follows:

Sec. 1702.110. APPLICATION FOR COMPANY LICENSE. (a) An application for a company license under this chapter must be in the form prescribed by the department [~~board~~] and include:

(1) the full name and business address of the applicant;

(2) the name under which the applicant intends to do business;

(3) a statement as to the general nature of the business in which the applicant intends to engage;

(4) a statement as to the classification for which the applicant requests qualification;

(5) if the applicant is an entity other than an individual, the full name and residence address of each partner, officer who oversees the security-related aspects of the business, and director of the applicant~~[-, and of the applicant's manager];~~

(6) if the applicant is an individual, the fingerprints of the applicant or, if the applicant is an entity other than an individual, of each officer who oversees the security-related aspects of the business and of each partner or shareholder who owns at least a 25 percent interest in the applicant, provided in the manner prescribed by the department ~~[board];~~

(7) a verified statement of the applicant's experience qualifications in the particular classification in which the applicant is applying;

(8) a report from the department stating the applicant's record of any convictions for a Class B misdemeanor or equivalent offense or a greater offense;

(9) the social security number of the individual making the application; and

(10) other information, evidence, statements, or documents required by the department ~~[board].~~

(b) An applicant for a company license as a security services contractor shall maintain a physical address within this state and provide that address to the department ~~[board].~~ The commission ~~[board]~~ shall adopt rules to enable an out-of-state company license holder to comply with this subsection.

(c) The department may return an application for a company license as incomplete if the applicant submits payment of a fee that is returned for insufficient funds and the applicant has received notice and an opportunity to provide payment in full.

SECTION 5.031. Section 1702.112, Occupations Code, is amended to read as follows:

Sec. 1702.112. FORM OF COMPANY LICENSE. The department ~~[board]~~ shall prescribe the form of a company license~~[-, including a branch office license].~~ The company license must include:

(1) the name of the company license holder;

(2) the name under which the company license holder is to operate;

(3) the company license number and the date the company license was issued; and

(4) a photograph of the company license holder, affixed to the company license at the time the company license is issued by the department ~~[board].~~

SECTION 5.032. The heading to Section 1702.113, Occupations Code, is amended to read as follows:

Sec. 1702.113. GENERAL QUALIFICATIONS FOR COMPANY LICENSE~~[-, CERTIFICATE OF REGISTRATION,] OR SECURITY OFFICER COMMISSION.~~

SECTION 5.033. Section 1702.113(a), Occupations Code, is amended to read as follows:

(a) An applicant for a company license~~[-, certificate of registration, endorsement,] or security officer commission [or the applicant's manager]~~ must be at least 18 years of age and must not:

(1) at the time of application be charged under an information or indictment with the commission of a Class A or Class B misdemeanor or felony offense determined to be disqualifying by commission ~~[board]~~ rule;



(2) have been found by a court to be incompetent by reason of a mental defect or disease and not have been restored to competency;

(3) have been dishonorably discharged from the United States armed services, discharged from the United States armed services under other conditions determined by the commission [~~board~~] to be prohibitive, or dismissed from the United States armed services if a commissioned officer in the United States armed services; or

(4) be required to register in this or any other state as a sex offender[~~, unless the applicant is approved by the board under Section 1702.3615~~].

SECTION 5.034. Section 1702.114, Occupations Code, is amended to read as follows:

Sec. 1702.114. ADDITIONAL QUALIFICATIONS FOR INVESTIGATIONS COMPANY LICENSE. (a) An applicant for a company license to engage in the business of an investigations company [~~or the applicant's manager~~] must have, before the date of the application, three consecutive years' experience in the investigative field as an employee[~~, manager,~~] or owner of an investigations company or satisfy other requirements set by the commission [~~board~~].

(b) The applicant's experience must be:

(1) reviewed by the department [~~board or the chief administrator~~]; and

(2) determined to be adequate to qualify the applicant to engage in the business of an investigations company.

SECTION 5.035. Section 1702.115, Occupations Code, is amended to read as follows:

Sec. 1702.115. ADDITIONAL QUALIFICATIONS FOR SECURITY SERVICES CONTRACTOR LICENSE. (a) An applicant for a company license to engage in the business of a security services contractor [~~or the applicant's manager~~] must have, before the date of the application, two consecutive years' experience in each security services field for which the person applies as an employee[~~, manager,~~] or owner of a security services contractor or satisfy other requirements set by the commission [~~board~~].

(b) The applicant's experience must have been obtained legally and must be:

(1) reviewed by the department [~~board or the chief administrator~~]; and

(2) determined to be adequate to qualify the applicant to engage in the business of a security services contractor.

SECTION 5.036. Section 1702.117, Occupations Code, is amended to read as follows:

Sec. 1702.117. EXAMINATION. (a) The department [~~board~~] shall require an applicant for a company license under this chapter [~~or the applicant's manager~~] to demonstrate qualifications in the person's company license classification, including knowledge of applicable state laws and commission [~~board~~] rules, by taking an examination to be determined by the commission [~~board~~].

(b) Payment of the application fee entitles the applicant [~~or the applicant's manager~~] to take one examination without additional charge. A person who fails the examination must pay a reexamination fee to take a subsequent examination.

(c) The commission [board] shall set the reexamination fee in an amount not to exceed the amount of the renewal fee for the company license classification for which application was made.

(d) The department [board] shall develop and provide to a person who applies to take the examination under Subsection (a) material containing all applicable state laws and commission [board] rules.

SECTION 5.037. Section 1702.118, Occupations Code, is amended to read as follows:

Sec. 1702.118. EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes a licensing examination under this chapter, the department [board] shall notify the person of the examination results.

(b) If an examination is graded or reviewed by a testing service:

(1) the department [board] shall notify the person of the examination results not later than the 14th day after the date the department [board] receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the department [board] shall notify the person of the reason for the delay before the 90th day.

(c) The department [board] may require a testing service to notify a person of the results of the person's examination.

(d) If requested in writing by a person who fails a licensing examination administered under this chapter, the department [board] shall furnish the person with an analysis of the person's performance on the examination.

SECTION 5.038. Section 1702.1183, Occupations Code, is amended to read as follows:

Sec. 1702.1183. RECIPROCAL COMPANY LICENSE FOR CERTAIN APPLICANTS. (a) The department [board] may waive any prerequisite to obtaining a company license for an applicant who holds a company license issued by another jurisdiction with which this state has a reciprocity agreement.

(b) The commission [board] may make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity.

(c) The commission [board] shall adopt rules under which the commission [board] may waive any prerequisite to obtaining a company license for, and credit experience for a company license requirement to, an individual who the commission [board] determines has acceptable experience gained during service in a branch of the United States armed forces, including the United States Coast Guard.

SECTION 5.039. Section 1702.1186, Occupations Code, is amended to read as follows:

Sec. 1702.1186. PROVISIONAL COMPANY LICENSE. (a) The department [board] may issue a provisional company license to an applicant currently licensed in another jurisdiction who seeks an equivalent company license in this state and who:

(1) has been licensed in good standing as an investigations company or security services contractor for at least two years in another jurisdiction, including a foreign country, that has licensing requirements substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the commission [board] relating to the practice of private investigations or security services contracting; and

(3) is sponsored by a person licensed by the department [board] under this chapter with whom the provisional company license holder will practice during the time the person holds a provisional company license.

(b) A provisional company license is valid until the date the department [board] approves or denies the provisional company license holder's application for a company license. The department [board] shall issue a company license under this chapter to the provisional company license holder if:

(1) the provisional company license holder is eligible to be licensed under Section 1702.1183; or

(2) the provisional company license holder:

(A) passes the part of the examination under Section 1702.117(a) that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of an investigations company or security services contractor in this state;

(B) is verified by the department [board] as meeting the academic and experience requirements for a company license under this chapter; and

(C) satisfies any other licensing requirements under this chapter.

(c) The department [board] must approve or deny a provisional company license holder's application for a company license not later than the 180th day after the date the provisional company license is issued. The department [board] may extend the 180-day period if the results of an examination have not been received by the department [board] before the end of that period.

(d) The commission [board] may establish a fee for provisional company licenses in an amount reasonable and necessary to cover the cost of issuing the company license.

SECTION 5.040. Section 1702.122, Occupations Code, is amended to read as follows:

Sec. 1702.122. TEMPORARY CONTINUATION OF COMPANY LICENSE HOLDER'S BUSINESS. Under the terms provided by commission [board] rule, a company license holder's business may continue for a temporary period if the individual on the basis of whose qualifications a company license under this chapter has been obtained ceases to be connected with the company license holder.

SECTION 5.041. Section 1702.123, Occupations Code, is amended to read as follows:

Sec. 1702.123. INSURANCE; BOND. (a) A company license holder shall maintain on file with the department [board] at all times the surety bond and certificate of insurance required by this chapter.

(b) The commission [board] shall immediately suspend the company license of a company license holder who violates Subsection (a).

(c) The commission [board] may rescind the company license suspension if the company license holder provides proof to the commission [board] that the bond or the insurance coverage is still in effect. The company license holder must provide the proof in a form satisfactory to the commission [board] not later than the 10th day after the date the company license is suspended.

(d) After suspension of the company license, the commission [board] may not reinstate the company license until an application, in the form prescribed by the commission [board], is filed accompanied by a proper bond, insurance certificate, or both. The commission [board] may deny the application notwithstanding the applicant's compliance with this section:

(1) for a reason that would justify suspending, revoking, or denying a company license; or

(2) if, during the suspension, the applicant performs a practice for which a company license is required.

SECTION 5.042. Sections 1702.124(a), (b), and (f), Occupations Code, are amended to read as follows:

(a) An applicant is not eligible for a company license unless the applicant provides as part of the application:

(1) a certificate of insurance or other documentary evidence of a general liability insurance policy countersigned by an insurance agent licensed in this state; or

(2) a certificate of insurance for surplus lines coverage obtained under Chapter 981, Insurance Code, through a licensed Texas surplus lines agent resident in this state.

(b) The general liability insurance policy must be conditioned to pay on behalf of the company license holder damages that the company license holder becomes legally obligated to pay because of bodily injury, property damage, or personal injury, caused by an event involving the principal, or an officer, agent, or employee of the principal, in the conduct of any activity or service for which the company license holder is licensed under this chapter.

(f) In addition to the requirements of this section, an applicant or company license holder shall provide and maintain a certificate of insurance or other documentary evidence of insurance sufficient to cover all of the business activities of the applicant or company license holder related to private security.

SECTION 5.043. Section 1702.125, Occupations Code, is amended to read as follows:

Sec. 1702.125. BOND REQUIREMENT. A bond executed and filed with the department [board] under this chapter remains in effect until the surety terminates future liability by providing to the department [board] at least 30 days' notice of the intent to terminate liability.

SECTION 5.044. Section 1702.127, Occupations Code, is amended to read as follows:

Sec. 1702.127. COMPANY LICENSE HOLDER EMPLOYEES; RECORDS.

(a) A company license holder may be legally responsible for the conduct in the company license holder's business of each employee of the company license holder while the employee is performing assigned duties for the company license holder.

(b) A company license holder shall maintain a record containing information related to the company license holder's employees as required by the commission [~~board~~].

(c) A company license holder shall maintain for inspection by the department at the company license holder's principal place of business or branch office two recent color photographs, of a type required by the commission [~~board~~], of each applicant, individual license holder [~~registrant~~], commissioned security officer, and employee of the company license holder.

(d) A company license holder shall maintain records required under this chapter at a physical address within this state and provide that address to the department [~~board~~].

SECTION 5.045. Section 1702.128, Occupations Code, is amended to read as follows:

Sec. 1702.128. POSTING OF COMPANY LICENSE REQUIRED. A company license holder shall at all times post[~~:~~

[~~(+)~~] the person's license in a conspicuous place in:

(1) the principal place of business of the company license holder; and

(2) each branch office [~~license in a conspicuous place in each branch office~~]

of the company license holder.

SECTION 5.046. Section 1702.129, Occupations Code, is amended to read as follows:

Sec. 1702.129. NOTICE OF CERTAIN CHANGES; BRANCH OFFICES.

(a) A company license holder shall notify the department [~~board~~] not later than the 14th day after the date of:

(1) a change of address for the company license holder's principal place of business;

(2) a change of a name under which the company license holder does business; or

(3) a change in the company license holder's officers or partners.

(b) A company license holder shall notify the department [~~board~~] in writing not later than the 14th day after the date a branch office:

(1) is established;

(2) is closed; or

(3) changes address or location.

SECTION 5.047. Section 1702.130(a), Occupations Code, is amended to read as follows:

(a) A company license holder, or an officer, director, partner, [~~manager,~~] or employee of a company license holder, may not:

(1) use a title, an insignia, or an identification card, wear a uniform, or make a statement with the intent to give an impression that the person is connected with the federal government, a state government, or a political subdivision of a state government; or

(2) use a title, an insignia, or an identification card or wear a uniform containing the designation "police."

SECTION 5.048. Section 1702.131, Occupations Code, is amended to read as follows:

Sec. 1702.131. ADVERTISING. An advertisement by a company license holder soliciting or advertising business must contain the company license holder's company name and address as stated in department [~~board~~] records.

SECTION 5.049. Section 1702.132, Occupations Code, is amended to read as follows:

Sec. 1702.132. REPORTS TO EMPLOYER OR CLIENT. (a) A written report submitted to a company license holder's employer or client may only be submitted by the company license holder [~~or manager~~] or a person authorized by a company license holder [~~or manager~~]. The person submitting the report shall exercise diligence in determining whether the information in the report is correct.

(b) A company license holder or an officer, director, partner, [~~manager~~] or employee of a company license holder may not knowingly make a false report to the employer or client for whom information is obtained.

SECTION 5.050. Section 1702.133, Occupations Code, is amended to read as follows:

Sec. 1702.133. CONFIDENTIALITY; INFORMATION RELATING TO CRIMINAL OFFENSE. (a) A company license holder or an officer, director, or partner[~~or manager~~] of a company license holder may not disclose to another information obtained by the person for an employer or client except:

- (1) at the direction of the employer or client; or
- (2) as required by state law or court order.

(b) A company license holder or an officer, director, or partner[~~or manager~~] of a company license holder shall disclose to a law enforcement officer or a district attorney, or that individual's representative, information the person obtains that relates to a criminal offense. A private investigator who is working under the direct supervision of a licensed attorney satisfies this requirement by disclosing the information to the supervising attorney.

SECTION 5.051. The heading to Section 1702.134, Occupations Code, is amended to read as follows:

Sec. 1702.134. COMPANY LICENSE HOLDER EXEMPTIONS FROM CERTAIN LOCAL REGULATIONS.

SECTION 5.052. Sections 1702.134(a) and (b), Occupations Code, are amended to read as follows:

(a) A company license holder or an employee of a company license holder is not required to obtain an authorization, permit, franchise, or license from, pay another fee or franchise tax to, or post a bond in a municipality, county, or other political subdivision of this state to engage in business or perform a service authorized under this chapter.

(b) A municipality, county, or other political subdivision of this state may not require a payment for the use of municipal, county, or other public facilities in connection with a business or service provided by a company license holder, except that a municipality may impose and collect:

- (1) a reasonable charge for the use of a central alarm installation located in a police office that is owned, operated, or monitored by the municipality; and
- (2) reasonable inspection and reinspection fees in connection with a device that causes at least five false alarms in a 12-month period.

SECTION 5.053. Section 1702.161(b), Occupations Code, is amended to read as follows:

(b) An individual employed as a security officer may not knowingly carry a firearm during the course of performing duties as a security officer unless the department [board] has issued a security officer commission to the individual.

SECTION 5.054. Section 1702.162, Occupations Code, is amended to read as follows:

Sec. 1702.162. EMPLOYER'S APPLICATION FOR SECURITY OFFICER COMMISSION. The employer of a security officer who applies for a security officer commission for the officer must submit an application to the department [board] on a form provided by the department [board].

SECTION 5.055. Section 1702.163(a), Occupations Code, is amended to read as follows:

(a) An applicant employed by a company license holder is not eligible for a security officer commission unless the applicant submits as part of the application satisfactory evidence that the applicant has:

(1) completed the basic training course at a school or under an instructor approved by the department [board];

(2) met each qualification established by this chapter and administrative rule;

(3) achieved the score required by the department [board] on the examination under Section 1702.1685; and

(4) demonstrated to the satisfaction of the firearm training instructor that the applicant has complied with other department [board] standards for minimum marksmanship competency with a handgun.

SECTION 5.056. Section 1702.165, Occupations Code, is amended to read as follows:

Sec. 1702.165. ISSUANCE OF SECURITY OFFICER COMMISSION; POCKET CARD. (a) The ~~[board, with the concurrence of the]~~ department:

(1) may issue a security officer commission to an individual employed as a uniformed security officer; and

(2) shall issue a security officer commission to a qualified employee of an armored car company that is a carrier conducting the armored car business under a federal or state permit or certificate.

(b) A security officer commission issued under this section must be in the form of a pocket card designed by the department [board] that identifies the security officer.

SECTION 5.057. Section 1702.167, Occupations Code, is amended to read as follows:

Sec. 1702.167. TERMINATION OF EMPLOYMENT AS COMMISSIONED SECURITY OFFICER; TRANSFER OF COMMISSION. The holder of a security officer commission who terminates employment with one employer may transfer the individual's commission to a new employer if, not later than the 14th day after the date the individual begins the new employment, the new employer notifies the department [board] of the transfer of employment on a form prescribed by the department [board], accompanied by payment of the employee information update fee.

SECTION 5.058. Sections 1702.1675(a), (b), (c), (d), (e), (f), and (i), Occupations Code, are amended to read as follows:

(a) The commission [~~board~~] shall establish a basic training course for commissioned security officers. The course must include, at a minimum:

- (1) general security officer training issues;
- (2) classroom instruction on handgun proficiency; and
- (3) range instruction on handgun proficiency.

(b) The course must be offered and taught by schools and instructors approved by the department [~~board~~]. To receive department [~~board~~] approval, a school or an instructor must submit an application to the department [~~board~~] on a form provided by the department [~~board~~].

(c) The basic training course established under this section [~~approved by the board~~] must consist of a minimum of 30 hours.

(d) The general security officer training portion of the course must include instruction on:

- (1) [~~board rules and~~] applicable rules and state laws;
- (2) field note taking and report writing; and
- (3) any other topics of security officer training curriculum the department [~~board~~] considers necessary.

(e) The department [~~board~~] shall develop a commissioned security officer training manual that contains applicable state laws and [~~board~~] rules to be used in the instruction and training of commissioned security officers.

(f) The commission [~~board~~] shall adopt rules necessary to administer the provisions of this section concerning the training requirements of this chapter.

(i) The commission [~~board~~] by rule shall establish minimum standards for handgun proficiency that are at least as stringent as the standards for handgun proficiency developed [~~by the public safety director~~] under Section 411.188, Government Code.

SECTION 5.059. Section 1702.168, Occupations Code, is amended to read as follows:

Sec. 1702.168. FIREARM REQUIREMENTS. (a) In addition to the requirements of Section 1702.163(a), the commission [~~board~~] by rule shall establish other qualifications for individuals who are employed in positions requiring the carrying of firearms. The qualifications may include:

- (1) physical and mental standards; and
- (2) [~~standards of good moral character; and~~

(~~3~~) other requirements that relate to the competency and reliability of individuals to carry firearms.

(b) The commission [~~board~~] shall prescribe appropriate forms and adopt rules by which evidence is presented that the requirements are fulfilled.

SECTION 5.060. Sections 1702.1685(b) and (d), Occupations Code, are amended to read as follows:

(b) Only a department-approved [~~board-approved~~] instructor may administer the handgun proficiency examination.

(d) The school shall maintain the records of the required proficiency and make the records available for inspection by the department [~~board~~].



SECTION 5.061. Section 1702.171, Occupations Code, is amended to read as follows:

Sec. 1702.171. SECURITY OFFICER COMMISSION RECORDS. The commission [board] shall adopt rules for the maintenance of records relating to an individual to whom the department [board] has issued a security officer commission.

SECTION 5.062. The heading to Subchapter H, Chapter 1702, Occupations Code, is amended to read as follows:

SUBCHAPTER H. EMPLOYMENT OF COMMISSIONED SECURITY OFFICER BY CERTAIN PERSONS; ~~[LETTER OF AUTHORITY]~~ REQUIREMENTS

SECTION 5.063. Section 1702.181, Occupations Code, is amended to read as follows:

Sec. 1702.181. NOTICE AND REGISTRATION ~~[LETTER OF AUTHORITY]~~ REQUIRED; REGISTRY. (a) The security department of a private business or a political subdivision may not employ a commissioned security officer unless the security department provides notice to the department in the form prescribed by the commission of:

(1) the security department's intent to employ a commissioned security officer and register with the department under this section;

(2) the name, title, and contact information of the person serving in the security department as the contact for the department; and

(3) any change in the information provided in Subdivision (1) or (2) [holds a letter of authority].

(b) The department shall maintain a registry of security departments that provide notice under Subsection (a) and the name, title, and contact information of the person serving as contact for each security department.

SECTION 5.064. The heading to Subchapter I, Chapter 1702, Occupations Code, is amended to read as follows:

SUBCHAPTER I. PERSONAL PROTECTION OFFICER LICENSE ~~[ENDORSEMENT]~~ REQUIREMENTS

SECTION 5.065. Section 1702.201, Occupations Code, is amended to read as follows:

Sec. 1702.201. PERSONAL PROTECTION OFFICER LICENSE ~~[ENDORSEMENT]~~ REQUIRED. An individual may not act as a personal protection officer unless the individual holds a personal protection officer license [endorsement].

SECTION 5.066. Section 1702.203, Occupations Code, is amended to read as follows:

Sec. 1702.203. APPLICATION FOR PERSONAL PROTECTION OFFICER LICENSE ~~[ENDORSEMENT]~~. An applicant for a personal protection officer license [endorsement] must submit a written application on a form prescribed by the commission [board].

SECTION 5.067. Section 1702.204, Occupations Code, is amended to read as follows:

Sec. 1702.204. PERSONAL PROTECTION OFFICER LICENSE ~~[ENDORSEMENT]~~; QUALIFICATIONS. (a) An applicant for a personal protection officer license [endorsement] must be at least 21 years of age and must provide:

(1) a certificate of completion of the basic security officer training course;

- (2) proof that the applicant:
- (A) has been issued a security officer commission;
  - (B) is employed at the time of application by an investigations company or guard company licensed by the department [~~board~~]; and
  - (C) has completed the required training in nonlethal self-defense or defense of a third person; and
- (3) proof of completion and the results of the Minnesota Multiphasic Personality Inventory psychological testing.

(b) The commission [~~board~~] by rule shall require an applicant for a personal protection officer license [~~endorsement~~] to complete the Minnesota Multiphasic Personality Inventory test. The department [~~board~~] may use the results of the test to evaluate the applicant's psychological fitness.

SECTION 5.068. Section 1702.205(a), Occupations Code, is amended to read as follows:

(a) The commission [~~board~~] shall establish a 15-hour course for a personal protection officer consisting of training in nonlethal self-defense or defense of a third person.

SECTION 5.069. Section 1702.206(a), Occupations Code, is amended to read as follows:

(a) An individual acting as a personal protection officer may not carry a firearm unless the officer:

- (1) is either:
  - (A) engaged in the exclusive performance of the officer's duties as a personal protection officer for the employer under whom the officer's personal protection officer license [~~endorsement~~] is issued; or
  - (B) traveling to or from the officer's place of assignment; and
- (2) carries the officer's security officer commission and personal protection officer license [~~endorsement~~] on the officer's person while performing the officer's duties or traveling as described by Subdivision (1) and presents the commission and license [~~endorsement~~] on request.

SECTION 5.070. The heading to Subchapter J, Chapter 1702, Occupations Code, is amended to read as follows:

~~SUBCHAPTER J. LICENSING AND [REGISTRATION AND ENDORSEMENT REQUIREMENTS;] DUTIES OF INDIVIDUALS [REGISTRANT AND ENDORSEMENT HOLDER]~~

SECTION 5.071. Section 1702.221, Occupations Code, is amended to read as follows:

Sec. 1702.221. INDIVIDUAL LICENSE [~~REGISTRATION AND ENDORSEMENT~~] REQUIRED. (a) To perform any activity regulated by this chapter, the individual must:

- (1) [~~register in accordance with the requirements of this chapter and related administrative rules;~~]
- (~~2~~) obtain the proper individual license [~~endorsement~~] under Subsection (b); and
- (~~2~~) [~~3~~] be employed by a company license holder [~~licensed under this chapter~~].

(b) An individual must obtain the appropriate individual license ~~[endorsement]~~ in accordance with the requirements of this chapter and related administrative rules if the individual:

(1) is employed as:

- (A) an alarm instructor;
- (B) an alarm systems installer;
- (C) an alarm systems monitor;
- (D) an electronic access control device installer;
- (E) a level 3 classroom or firearm instructor;
- (F) a locksmith;
- (G) ~~[a dog trainer;~~
- ~~[(H) a manager or branch office manager;~~
- ~~[(H) a noncommissioned security officer;~~
- ~~[(H) [(G) a level 4 personal protection instructor;~~
- ~~[(I) [(K) a private investigator; or~~
- ~~[(J) [(L) a private security consultant;~~
- ~~[(M) a security salesperson; or~~
- ~~[(N) an individual whose duties include performing another activity for~~

which an individual license ~~[endorsement]~~ is required under Subsection (e); or

(2) is an owner who owns at least a 51 percent interest in a company license holder ~~[who oversees the security-related aspects of the business, officer, partner, or shareholder of a license holder].~~

(c) Licensure ~~[Registration and endorsement]~~ under this chapter does not preclude an individual from performing additional duties or services authorized by the individual's employer that are not regulated by this chapter. An individual who performs more than one of the services that require an individual license ~~[an endorsement]~~ under this section must obtain an individual license ~~[an endorsement]~~ for each service.

(d) In addition to the services listed in Subsection (b), a person holding a security officer commission must also obtain an individual license ~~[an endorsement]~~ for personal protection if the individual performs the services described by Section 1702.202.

(e) The commission ~~[board]~~ by rule may require a person to hold an individual license ~~[an endorsement]~~ for performing any other activity expressly regulated by this chapter.

SECTION 5.072. Section 1702.2226(b), Occupations Code, is amended to read as follows:

(b) A person licensed ~~[registered]~~ as an electronic access control device installer may not install alarm systems unless the person holds an individual license ~~[an endorsement]~~ under this chapter as an alarm systems installer.

SECTION 5.073. Section 1702.229, Occupations Code, is amended to read as follows:

Sec. 1702.229. QUALIFICATIONS FOR INDIVIDUAL LICENSE ~~[REGISTRATION]~~. (a) An applicant for an individual license ~~[registration]~~ must meet the qualifications required under Section 1702.113 for a company license applicant.

(b) The commission [~~In accordance with the requirements of Section 1702.0611, the board~~] by rule may adopt additional qualifications for an individual to obtain an individual license [~~be registered~~] under this subchapter.

SECTION 5.074. Section 1702.230, Occupations Code, is amended to read as follows:

Sec. 1702.230. APPLICATION FOR INDIVIDUAL LICENSE [~~REGISTRATION OR ENDORSEMENT~~]. (a) An application for an individual license [~~registration or endorsement~~] must be verified and include:

(1) the applicant's full name, residence address, residence telephone number, date and place of birth, and social security number;

(2) a statement that:

(A) lists each name used by the applicant, other than the name by which the applicant is known at the time of application, and an explanation stating each place where each name was used, the date of each use, and a full explanation of the reasons the name was used; or

(B) states that the applicant has never used a name other than the name by which the applicant is known at the time of application;

(3) the name and address of the applicant's employer [~~and, if applicable, the applicant's consulting firm~~];

(4) the date the employment described by Subdivision (3) commenced;

(5) a letter from the company license holder requesting that the applicant be issued an individual license [~~be registered or endorsed~~];

(6) the title of the position occupied by the applicant and a description of the applicant's duties;

(7) the required fees, including the criminal history check fee established under Section 1702.282;

(8) fingerprints of the applicant provided in the manner prescribed by the department [~~board~~]; and

(9) any other information, evidence, statement, or document required by the department [~~board~~].

(b) The employer of the applicant shall make a reasonable attempt to verify the information required under Subsection (a)(1) before the earlier of:

(1) the date the application is submitted; or

(2) the date the applicant begins to perform the duties of employment that require an individual license [~~registration~~].

(c) An applicant must submit an application that substantially meets the requirements of this section before employment in a capacity for which an individual license [~~registration~~] is required.

(d) For purposes of Subsection (a), an application is not considered to be verified until the department [~~board~~] has received electronic verification from the department or the Federal Bureau of Investigation, as applicable, that the applicant has submitted the applicant's fingerprints.

(e) The department [~~board~~] shall make information available to the public concerning whether an applicant for an individual license [~~registration or endorsement~~] has met the requirements under this chapter for performing a service for which the individual license [~~registration or endorsement~~] is required.

(f) If information concerning an applicant is not made available under Subsection (e) before the 48th hour after the time the applicant's fingerprints are submitted in accordance with Subsection (a), the applicant may begin performing the duties of employment for which the individual license ~~[registration or endorsement]~~ is required, other than duties as a commissioned security officer, if the employer or its agent:

(1) verifies through the department's publicly accessible website that the applicant is:

(A) not disqualified for the individual license ~~[registration or endorsement]~~ based on the applicant's criminal history; and

(B) not required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) maintains in the applicant's employee file a copy of the search results obtained under Subdivision (1).

SECTION 5.075. Section 1702.2305, Occupations Code, is amended to read as follows:

Sec. 1702.2305. PROVISIONAL INDIVIDUAL LICENSE ~~[REGISTRATION]~~. (a) The department ~~[board]~~ may issue a provisional individual license ~~[registration]~~ to an applicant currently licensed ~~[registered]~~ in another jurisdiction who seeks an equivalent license ~~[registration]~~ in this state and who:

(1) has been licensed ~~[registered]~~ in good standing in the field in which the individual license ~~[registration]~~ is sought for at least two years in another jurisdiction, including a foreign country, that has licensing ~~[registration]~~ requirements substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the commission ~~[board]~~ relating to practice in the field in which the individual license ~~[registration]~~ is sought; and

(3) is employed by a company license holder ~~[person licensed by the board under this chapter]~~ with whom the provisional individual license holder ~~[registration holder]~~ will practice during the time the person holds a provisional individual license ~~[registration]~~.

(b) A provisional individual license ~~[registration]~~ is valid until the date the department ~~[board]~~ approves or denies the provisional individual license ~~[registration]~~ holder's application for an individual license ~~[a registration]~~. The department ~~[board]~~ shall issue an individual license ~~[a registration]~~ under this chapter to the provisional individual license ~~[registration]~~ holder if the provisional individual license ~~[registration]~~ holder is eligible to be licensed ~~[registered]~~ under this chapter.

(c) The department ~~[board]~~ must approve or deny a provisional individual license ~~[registration]~~ holder's application for an individual license ~~[a registration]~~ not later than the 180th day after the date the provisional individual license ~~[registration]~~ is issued. The department ~~[board]~~ may extend the 180-day period if the results of an examination have not been received by the department ~~[board]~~ before the end of that period.

(d) The commission ~~[board]~~ may establish a fee for a provisional individual license ~~[registration]~~ in an amount reasonable and necessary to cover the cost of issuing the individual license ~~[registration]~~.

SECTION 5.076. Section 1702.232, Occupations Code, is amended to read as follows:

Sec. 1702.232. POCKET CARDS. (a) The department [~~board~~] shall issue a pocket card for each individual license holder [~~registrant~~] under this chapter. A pocket card for an owner[~~, officer, partner, or shareholder~~] of a company license holder shall be issued to the company license holder.

(b) The department [~~board~~] shall determine the size, design, and content of the pocket card.

(c) The pocket card must:

(1) state the name of the individual license holder [~~registrant~~];

(2) contain a color photograph, affixed to the pocket card by the department [~~board~~] at the time the card is issued, and the signature of the individual license holder [~~registrant~~]; and

(3) state the date the card was issued and the card's expiration date[~~, and~~

~~[(4) state each endorsement held by the registrant and the date the endorsement expires].~~

SECTION 5.077. Section 1702.233, Occupations Code, is amended to read as follows:

Sec. 1702.233. DURATION OF POCKET CARDS. A pocket card issued for an individual license holder [~~a registrant is valid for two years and~~] expires on the date the individual license [~~registration~~] expires under Section 1702.301(b) [~~1702.301(d), (e), or (f)~~].

SECTION 5.078. Section 1702.234, Occupations Code, is amended to read as follows:

Sec. 1702.234. [~~REGISTRATION AND ENDORSEMENT~~] TRANSFER OF INDIVIDUAL LICENSE. An individual license holder [~~A registrant~~] may transfer the holder's license [~~registrant's registration and endorsements~~] from one employer to another employer if, not later than the 14th day after the date the individual license holder [~~registrant~~] begins the new employment, the new employer notifies the department [~~board~~] of the transfer of employment on a form prescribed by the commission [~~board~~] accompanied by payment of the employee information update fee.

SECTION 5.079. Section 1702.235, Occupations Code, is amended to read as follows:

Sec. 1702.235. PREEMPLOYMENT CHECK FOR NONCOMMISSIONED SECURITY OFFICERS. A person may not hire a noncommissioned security officer unless the person conducts a preemployment check as required by commission [~~board~~] rule.

SECTION 5.080. Section 1702.236, Occupations Code, is amended to read as follows:

Sec. 1702.236. EXAMINATION AND TRAINING REQUIREMENTS FOR ELECTRONIC ACCESS CONTROL DEVICE INSTALLERS. (a) The department [~~board~~] shall require an individual who applies for an individual license [~~endorsement~~] as an electronic access control device installer to pass an examination given by the department [~~board~~] or a person approved by the department [~~board~~]. The examination must cover material related to access control.

(b) ~~The commission [On and after September 1, 2005, the board]~~ by rule may allow an electronic access control device installer to obtain or renew an individual license [endorsement] by fulfilling the requirements of a commission-approved [board approved], industry-based educational training program.

SECTION 5.081. Section 1702.239, Occupations Code, is amended to read as follows:

Sec. 1702.239. TRAINING REQUIREMENTS FOR ALARM SYSTEMS INSTALLER ~~[AND SECURITY SALESPERSON]~~; EXAMINATION. (a) The commission [board] may require that an individual employed as an alarm systems installer ~~[or security salesperson]~~ hold a certification by a commission-approved [board approved] training program to renew an individual license [endorsement]. The commission [board] may approve only nationally recognized training programs that consist of at least 16 hours of classroom study in the areas of work allowed by the individual license [endorsement]. To be approved, a training program must offer at least two certification programs each year, sufficient to complete the requirements of this subsection, within 100 miles of each county in the state that has a population of more than 500,000.

(b) The commission [board] may require an individual who has completed a training program under Subsection (a) to pass an examination given by the department [board] or by a person approved by the department [board]. The commission [board] may approve examinations in conjunction with training programs approved under Subsection (a). The individual's performance on the examination must demonstrate the individual's qualifications to perform the duties allowed by the individual's individual license [endorsement].

(c) ~~[An individual who holds a registration on September 30, 1993, is not required to comply with requirements adopted under Subsections (a) and (b) during the time the individual maintains the registration with the individual's current license holder.~~

~~(d)~~ If the commission [board] requires certification or examination under this section, the commission [board] shall adopt [implement] rules to require that to renew an individual license [endorsement], an individual who is employed as an alarm systems installer ~~[or a security salesperson]~~ and who has already once renewed the individual license [endorsement] must obtain continuing education credits related to the line of work for which the individual is licensed. If the commission [board] requires the continuing education, the chief administrator must approve classes offered by nationally recognized organizations, and participants in the classes must qualify according to commission [board] rules.

SECTION 5.082. Section 1702.240, Occupations Code, is amended to read as follows:

Sec. 1702.240. ~~[REGISTRATION]~~ EXEMPTIONS FOR UNDERCOVER AGENT. (a) For the purposes of this section, "undercover agent" means an individual hired by a person to perform a job in or for that person, and while performing that job, to act as an undercover agent, an employee, or an independent contractor of a company license holder, but supervised by a company license holder.

(b) An employee of a company license holder who is employed exclusively as an undercover agent is not required to obtain an individual license ~~[register with the board]~~.

SECTION 5.083. Section 1702.241, Occupations Code, is amended to read as follows:

Sec. 1702.241. JURISPRUDENCE EXAMINATION. (a) The commission ~~[board]~~ may develop and the department may administer at least twice each calendar year a jurisprudence examination to determine the knowledge that an applicant for an individual license ~~[endorsement]~~ has of this chapter, commission ~~[board]~~ rules, and any other applicable laws of this state affecting the applicant's activities regulated under this chapter.

(b) Before the department ~~[board]~~ may administer a jurisprudence examination under this section, the commission ~~[board]~~ shall adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results. The department ~~[board]~~ may design different examinations for different types of individual licenses ~~[endorsements]~~.

SECTION 5.084. Section 1702.282, Occupations Code, is amended to read as follows:

Sec. 1702.282. CRIMINAL HISTORY CHECK. (a) The department ~~[board]~~ shall conduct a criminal history check, including a check of any criminal history record information maintained by the Federal Bureau of Investigation, in the manner provided by Subchapter F, Chapter 411, Government Code, on each applicant for a license or ~~[, registration,]~~ security officer commission issued under this chapter ~~[, letter of approval, permit, endorsement, or certification]~~. As part of its criminal history check, the department ~~[board]~~ may request that the applicant provide certified copies of relevant court documents or other records. The failure to provide the requested records within a reasonable time as determined by the department ~~[board]~~ may result in the application being considered incomplete. An applicant is not eligible for a license or security officer ~~[, registration,]~~ commission issued under this chapter ~~[, letter of approval, permit, endorsement, or certification]~~ if the check reveals that the applicant has committed an act that constitutes grounds for the denial of the license or ~~[, registration,]~~ commission ~~[, letter of approval, permit, endorsement, or certification]~~. Except as provided by Subsection (d), each applicant shall submit at the time of application, including an application for the renewal of a license or security officer ~~[, registration,]~~ commission issued under this chapter ~~[, letter of approval, permit, endorsement, or certification]~~, fingerprints in the manner prescribed by the department ~~[board]~~ accompanied by the fee set by the commission ~~[board]~~.

(b) Before beginning employment as a commissioned security officer, the applicant must be approved by the department ~~[board]~~ based on the results of the check under Subsection (a). To continue employment in a capacity regulated under this chapter other than as a commissioned security officer, the applicant must be approved by the department ~~[board]~~ based on the results of the check under Subsection (a) not later than the 120th day after the date the applicant begins employment in that capacity.



(c) A license ~~or [registration,]~~ security officer commission ~~[letter of approval, permit, endorsement, or certification]~~ issued by the department ~~[board]~~ is conditional on the department's review ~~[board's receipt]~~ of criminal history record information.

(d) An applicant who is a peace officer is not required to submit fingerprints with the applicant's application. On request, the law enforcement agency or other entity that employs the peace officer or the entity that maintains the peace officer's fingerprints shall provide the fingerprints for the peace officer to the department ~~[board]~~. The applicant shall provide sufficient information to the department ~~[board]~~ to enable the department ~~[board]~~ to obtain the fingerprints under this subsection.

(e) On receipt of notice that a check of the applicant's criminal record has uncovered an unresolved and potentially disqualifying arrest that occurred before the 10th anniversary of the date the application is filed, the applicant must provide a letter of reference from the county sheriff, prosecuting attorney, or judge of the county in which the applicant was arrested stating that a record of a disposition related to the arrest does not exist, and to the best of the county sheriff's, prosecuting attorney's, or judge's knowledge the applicant is free of any disqualifying convictions. If the applicant fails to provide either the letter of reference or documentary proof of the final disposition of the arrest, the application is considered incomplete and the applicant may not be issued a license or security officer ['] commission ~~[endorsement, or certificate of registration]~~ under this chapter.

SECTION 5.085. Section 1702.283, Occupations Code, is amended to read as follows:

Sec. 1702.283. CRUELTY TO ANIMALS. A person who has been convicted of cruelty to animals under Section 42.09 or 42.092, Penal Code, ~~is~~

~~(1) is ineligible for a license as a guard dog company or for endorsement as a dog trainer; and~~

~~(2)~~ may not be employed to work with dogs as a security officer by a security services contractor or security department of a private business that uses dogs to protect individuals or property or to conduct investigations.

SECTION 5.086. Section 1702.284(a), Occupations Code, is amended to read as follows:

(a) Information contained in alarm systems records maintained by a governmental body that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the department ~~[board]~~, to the alarm company to which the confidential records relate, or as otherwise required by state law or court order.

SECTION 5.087. Section 1702.285, Occupations Code, is amended to read as follows:

Sec. 1702.285. FALSE REPRESENTATION. A person may not represent falsely that the person:

(1) is employed by a company license holder; or

(2) has a license or security officer commission ~~[is licensed, registered, endorsed, or commissioned]~~ under this chapter.

SECTION 5.088. Sections 1702.288(a), (d), and (f), Occupations Code, are amended to read as follows:

(a) The commission [~~board~~] shall adopt rules in accordance with this section that require a company license holder acting as an alarm systems company under this chapter to inform each of the license holder's clients that the client is entitled to receive a written contract for alarm system services that contains the client's fee arrangement and other relevant information about services to be rendered.

(d) The rules shall require that, not later than the seventh day after the date of entering into a contract for services regulated by the department [~~board~~] with another alarm systems company or alarm systems monitor, an alarm systems company shall:

(1) notify the recipient of those services of the name, address, and telephone number and individual to contact at the company that purchased the contract;

(2) notify the recipient of services at the time the contract is negotiated that another licensed company may provide any of the services requested by subcontracting or outsourcing those services; and

(3) if any of the services are subcontracted or outsourced to a licensed third party, notify the recipient of services, by mail, of the name, address, phone number, and license number of the company providing those services.

(f) A company license holder acting as an alarm systems company does not have to provide the notice required under Subsection (d) if the contact information, including the address and the telephone numbers for the alarm systems company, has not changed.

SECTION 5.089. Section 1702.289, Occupations Code, is amended to read as follows:

Sec. 1702.289. INSPECTIONS. (a) An employee or agent of the department [~~or board, as applicable,~~] who enters the place of business of a person regulated under this chapter for the purpose of conducting an inspection or audit must:

(1) notify the manager or owner of the business of the presence of the person conducting the inspection or audit; and

(2) present the manager or owner of the business with credentials that identify the person conducting the inspection or audit as an employee or agent of the department [~~or board~~].

(b) This section does not prohibit the department [~~or board~~] from conducting an undercover investigation or covert audit in order to determine compliance with this chapter or a rule adopted under this chapter.

SECTION 5.090. Sections 1702.301(b), (c), and (h), Occupations Code, are amended to read as follows:

(b) A company license, individual license, and security officer commission expire on the dates determined by the commission under Section 411.511, Government Code, but not later than [~~expires on~~] the second anniversary of the date the license or commission is issued.

(c) A personal protection officer license [~~endorsement~~] expires on the date determined by the commission under Section 411.511, Government Code, but not later than [~~on~~] the expiration date of the security officer commission under which the license [~~individual's endorsement~~] is issued.

(h) A license~~[, registration, or endorsement]~~ issued under this chapter, other than one specified in this section, expires on the date determined by the commission under Section 411.511, Government Code, but not later than the second anniversary of the date the license is issued ~~[specified by this chapter or by board rule].~~

SECTION 5.091. Sections 1702.302(a), (b), (c), and (e), Occupations Code, are amended to read as follows:

(a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the department ~~[board]~~ before the expiration date of the license. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the department ~~[board]~~ a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose license has been expired for longer than 90 days but less than one year may renew the license by paying to the department ~~[board]~~ a renewal fee that is equal to two times the normally required renewal fee.

(e) Not later than the 30th day before the date a person's license is scheduled to expire, the department ~~[board]~~ shall send written notice of the impending expiration to the person at the person's last known address according to the department's ~~[board's]~~ records.

SECTION 5.092. Section 1702.303, Occupations Code, is amended to read as follows:

Sec. 1702.303. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal may obtain a new license without reexamination. The person must pay to the department ~~[board]~~ a fee that is equal to two times the normally required renewal fee for the license.

SECTION 5.093. Sections 1702.308(b) and (c), Occupations Code, are amended to read as follows:

(b) The department ~~[board]~~ shall recognize, prepare, or administer continuing education programs for company license holders, commissioned security officers, and individual license ~~[endorsement]~~ holders. The commission ~~[board]~~ shall set the minimum number of hours that must be completed and the types of programs that may be offered.

(c) A company license holder, commissioned security officer, or individual license ~~[endorsement]~~ holder must participate in the programs to the extent required by the commission ~~[board]~~ to keep the person's license or ~~[, or endorsement].~~ A company license holder, commissioned security officer, or individual license ~~[endorsement]~~ holder shall submit evidence of compliance with the commission's ~~[board's]~~ continuing education requirements in a manner prescribed by the department ~~[board]~~.

SECTION 5.094. Section 1702.309(a), Occupations Code, is amended to read as follows:

(a) The commission ~~[board]~~ by rule shall develop a continuing education course required for renewal of a security officer commission. Only a department-approved ~~[board-approved]~~ instructor may administer the continuing education course. The course must include at least six hours of instruction determined by the department ~~[chief administrator of the board]~~.

SECTION 5.095. Sections 1702.321(b), (c), and (e), Occupations Code, are amended to read as follows:

(b) The provisions of this chapter relating to security officer commissions apply to a person employed by a political subdivision whose duties include serving as a security guard, security watchman, or security patrolman on property owned or operated by the political subdivision if the governing body of the political subdivision files a written request with the department ~~[board]~~ for the department ~~[board]~~ to issue a commission to the political subdivision's employees with those duties.

(c) The department ~~[board]~~ may not charge a fee for issuing a commission to an officer under Subsection (b). The department ~~[board]~~ shall issue to the officer a pocket card designating the political subdivision that employs the officer.

(e) The department ~~[board]~~ may approve a security officer training program conducted by the political subdivision in accordance with Sections 1702.1675 and 1702.168.

SECTION 5.096. Sections 1702.323(c) and (c-1), Occupations Code, are amended to read as follows:

(c) The security department of a private business may not hire or employ an individual to perform a duty described by Section 1702.222 if the individual has been convicted of a crime that would otherwise preclude the individual from being licensed ~~[registered]~~ under this chapter. The private business shall maintain the individual's criminal history record on file at the business and shall make the record available for inspection by the department ~~[Department of Public Safety]~~.

(c-1) Although the security department of a private business that hires or employs an individual as a private security officer to possess a firearm in the course and scope of the individual's duties is required to apply for a security officer commission for the individual under this chapter, the security department of a private business is not required to apply ~~[to the board]~~ for any license under this chapter.

SECTION 5.097. Section 1702.331(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) an alarm systems company that sells, installs, services, monitors, or responds to only personal emergency response systems;

(2) an alarm systems installer who installs, maintains, or repairs only personal emergency response systems; and

(3) ~~[a manager or branch office manager of an alarm systems company described by Subdivision (1);~~

~~[(4) a security salesperson who is employed by an alarm systems company described by Subdivision (1) to sell services offered by the company; and~~

~~[(5)] an owner[, officer, partner, or shareholder] of an alarm systems company described by Subdivision (1).~~

SECTION 5.098. Sections 1702.332(c) and (d), Occupations Code, are amended to read as follows:

(c) To qualify for the exemption provided by Subsection (b), a telematics service provider shall~~[-~~

~~[(4)]~~ establish business practices and procedures that are at least as stringent as the guidelines established by the Association of Public Safety Communications Officials International regarding the communication of information from telematics service providers to public safety agencies~~[-, and~~

~~[(2) pay an annual fee of \$2,500 to the department].~~

(d) The commission ~~[department]~~ may adopt rules necessary to carry out the purposes of this section, including rules to determine whether a telematics service provider is complying with Subsection (c).

SECTION 5.099. Section 1702.361, Occupations Code, is amended to read as follows:

Sec. 1702.361. DENIAL AND DISCIPLINARY ACTIONS; GROUNDS.

(a) The commission ~~[department]~~, for conduct described by Subsection (b), may:

(1) deny an application or revoke, suspend, or refuse to renew a license~~[-, registration, endorsement,]~~ or security officer commission;

(2) reprimand a license holder~~[-, registrant,]~~ or commissioned security officer; or

(3) place on probation a person whose license~~[-, registration, endorsement,]~~ or security officer commission has been suspended.

(b) The commission ~~[department]~~ shall take disciplinary action described by Subsection (a) on proof:

(1) that the applicant, license holder, ~~[manager or]~~ majority owner of a license holder, ~~[registrant, endorsement holder,]~~ or commissioned security officer has:

(A) violated this chapter or a rule adopted under this chapter;

(B) become ineligible for licensure~~[-, registration, or endorsement under Section 1702.113,]~~ or a security officer commission under Section 1702.163, if applicable, other than an action for which the department has taken summary action under Section 1702.364;

(C) engaged in fraud, deceit, or misrepresentation;

(D) made a material misstatement in an application for or renewal of a license~~[-, registration, endorsement,]~~ or commission;

(E) failed to pay in full an administrative penalty assessed under Subchapter R, Chapter 411, Government Code ~~[Q]~~, for which the commission ~~[board]~~ has issued a final order; or

(F) performed any service for which an individual license ~~[endorsement]~~ is required under this chapter and either:

(i) was not employed with a company licensed under this chapter at the time the service was performed; or

(ii) performed the service for a company licensed under this chapter that was not listed on the individual's individual license ~~[registration]~~ without informing the department ~~[board]~~ of the individual's employment with the company within a reasonable period; or

~~[(G) failed to qualify a new manager within the time required by board rule following the termination of a manager; or]~~

(2) that the company license holder employing an individual license holder ~~[of a registrant]~~ or commissioned security officer has submitted to the department sufficient evidence that the individual license holder ~~[registrant]~~ or commissioned security officer:

(A) engaged in fraud or deceit while employed by the company license holder; or

(B) committed theft while performing work as an individual license holder ~~[a registrant]~~ or commissioned security officer.

(c) The commission ~~[department]~~ may place on probation a person whose license is suspended. If a person's suspension of a license is probated, the commission ~~[department]~~ may require the person:

(1) to report regularly to the department on matters that are the basis of the suspension;

(2) to limit practice to the areas prescribed by the commission ~~[department]~~;

or

(3) to continue or review professional education until the person attains a degree of skill satisfactory to the commission ~~[department]~~ in those areas that are the basis of the probation.

(d) The commission ~~[department]~~ may revoke a license~~[-certificate, registration, endorsement,]~~ or security officer commission if the person holding that credential under this chapter submits payment of a fee or penalty that is returned for insufficient funds and the person has received notice and an opportunity to provide payment in full.

SECTION 5.100. Section 1702.363, Occupations Code, is amended to read as follows:

Sec. 1702.363. RIGHT TO HEARING ~~[APPLICATION OF ADMINISTRATIVE PROCEDURE ACT]~~. Except as provided by Section ~~[Sections 1702.3615(b) and]~~ 1702.364, a person regulated under this chapter against whom the commission ~~[board]~~ has taken action is entitled to a hearing before the State Office of Administrative Hearings. ~~[A proceeding under this section is a contested case that is governed by Chapter 2001, Government Code.]~~

SECTION 5.101. Sections 1702.364(a), (b), (c), (d), (e), and (f), Occupations Code, are amended to read as follows:

(a) On receiving written notice from a law enforcement agency that a person has been charged with or convicted of an offense that would make the person ineligible for a license~~[-certificate of registration, endorsement,]~~ or security officer commission under Section 1702.113 or 1702.163, or a rule adopted under Section 1702.004(b), the commission ~~[department]~~ shall:

(1) summarily deny the person's application for a license~~[-registration, endorsement,]~~ or security officer commission;

(2) in the event of pending charges, summarily suspend the person's license~~[-certificate of registration, endorsement,]~~ or security officer commission; or

(3) in the event of a conviction, summarily revoke the person's license~~[-certificate of registration, endorsement,]~~ or security officer commission.

(b) To initiate a proceeding to take action under Subsection (a), the department must serve notice to the person. The notice must:

(1) inform the person of the person's right to a [~~preliminary~~] hearing before the department or the department's designee;

(2) state the basis for the summary action; and

(3) be personally served on the person or the person's authorized representative, or sent to the person by certified or registered mail, return receipt requested, to the person's mailing address as it appears in the department's records.

(c) The action is effective at the time notice is served. The person shall immediately surrender to the department any [~~certificate of registration,~~] security officer commission, pocket card, or other form of identification issued by the department.

(d) At a [~~preliminary~~] hearing under this section, the person must show cause why:

(1) the application should not have been denied;

(2) the [~~registration,~~] license[~~, endorsement,~~] or security officer commission should not have been suspended; or

(3) the [~~registration,~~] license[~~, endorsement,~~] or commission should not have been revoked.

(e) Subchapter R applies [~~Chapter 2001, Government Code, does not apply~~] to a proceeding under this section for the summary denial of an application for or the summary suspension or revocation of a license or security officer commission [~~the department's initial action under this section or to a preliminary hearing before the department under this section~~].

(f) The dismissal of a complaint, information, or indictment or an acquittal releases the person from automatic grounds for a summary denial of an application or summary suspension of a license or [~~registration, endorsement, or~~] security officer commission under this section. A conviction for the offense giving rise to a summary suspension is automatic grounds for immediate, summary revocation.

SECTION 5.102. Section 1702.365, Occupations Code, is amended to read as follows:

Sec. 1702.365. ABDUCTION OF CHILD. The commission [~~board~~] shall revoke a person's license[~~, registration, endorsement,~~] or security officer commission or deny a person's application for, or renewal of, a license[~~, registration, endorsement,~~] or security officer commission on proof that the person or an agent of the person has, after the date of application for a license[~~, registration, endorsement,~~] or security officer commission, abducted or attempted to abduct by force or the threat of force or by misrepresentation, stealth, or unlawful entry a child who at the time of the abduction or attempt is under the care and control of a person who:

(1) has custody or physical possession of the child under a court order; or

(2) is exercising the care and control with the consent of a person who has custody or physical possession of the child under a court order.

SECTION 5.103. Sections 1702.367(a), (c), (d), and (e), Occupations Code, are amended to read as follows:

(a) For an investigation conducted under this chapter, if necessary to enforce this chapter or the commission [board's] rules adopted under this chapter, the department may issue an administrative subpoena to any person in this state compelling:

- (1) the production of information or documents; or
- (2) the attendance and testimony of a witness.

(c) A person required to testify or to produce a record or document on any matter properly under inquiry by the department [board] who refuses to testify or to produce the record or document on the ground that the testimony or the production of the record or document would incriminate or tend to incriminate the person is nonetheless required to testify or to produce the record or document. A person who is required to testify or to produce a record or document under this subsection is not subject to indictment or prosecution for a transaction, matter, or thing concerning which the person truthfully testifies or produces evidence.

(d) If a witness refuses to obey a subpoena or to give evidence relevant to proper inquiry by the department [board], the department [board] may petition a district court of the county in which the hearing is held to compel the witness to obey the subpoena or to give the evidence. The court shall immediately issue process to the witness and shall hold a hearing on the petition as soon as possible.

(e) An investigator employed by the department [board] may take statements under oath in an investigation of a matter covered by this chapter.

SECTION 5.104. Section 1702.368, Occupations Code, is amended to read as follows:

Sec. 1702.368. NOTIFICATION OF CONVICTION FOR CERTAIN OFFENSES. The department shall notify the ~~[board and the]~~ police department of the municipality and the sheriff's department of the county in which a person licensed~~;~~ ~~registered,~~ or commissioned under this chapter resides of the conviction of the person for a Class B misdemeanor or equivalent offense or a greater offense.

SECTION 5.105. Section 1702.372, Occupations Code, is amended to read as follows:

Sec. 1702.372. RECUSAL OF COMMISSION [BOARD] MEMBER. (a) A commission [board] member who participated in the investigation of a complaint of a violation of this chapter or in informal settlement negotiations regarding the complaint:

- (1) may not vote on the matter at a commission [board] meeting related to the complaint; and
- (2) shall state at the meeting the reason for which the member is prohibited from voting on the matter.

(b) A statement under Subsection (a)(2) shall be entered into the minutes of the meeting.

SECTION 5.106. Section 1702.381(b), Occupations Code, is amended to read as follows:

(b) A person who contracts with or employs a person who is required to hold a license~~;~~ ~~registration, endorsement,~~ or security officer commission under this chapter knowing that the person does not hold the required license~~;~~ ~~registration,~~



~~endorsement,]~~ or commission or who otherwise, at the time of contract or employment, is in violation of this chapter may be assessed a civil penalty to be paid to the state in an amount not to exceed \$10,000 for each violation.

SECTION 5.107. Section 1702.386(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person contracts with or employs a person who is required to hold a license~~], registration, endorsement,]~~ or commission under this chapter knowing that the person does not hold the required license~~], registration, endorsement,]~~ or commission or who otherwise, at the time of contract or employment, is in violation of this chapter.

SECTION 5.108. Section 1702.3863(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person contracts with or is employed by a bail bond surety as defined by Chapter 1704 to secure the appearance of a person who has violated Section 38.10, Penal Code, unless the person is:

- (1) a peace officer;
- (2) an individual ~~[endorsed or]~~ licensed as a private investigator ~~[or the manager of a licensed investigations company];~~ or
- (3) a commissioned security officer employed by a licensed guard company.

SECTION 5.109. Section 1702.387(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person fails to surrender or immediately return to the department [board] the person's ~~[registration,]~~ commission, pocket card, or other identification issued to the person by the department under this chapter [board] on notification of a summary suspension or summary denial under Section 1702.364.

SECTION 5.110. Section 1702.3875(a), Occupations Code, is amended to read as follows:

- (a) A person commits an offense if the person:
- (1) impersonates a commissioned or noncommissioned security officer with the intent to induce another to submit to the person's pretended authority or to rely on the person's pretended acts of a security officer; or
  - (2) knowingly purports to exercise any function that requires licensure [registration] as a noncommissioned security officer or a security officer commission.

SECTION 5.111. Section 1702.388(b), Occupations Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is a felony of the third degree if the person has previously been convicted under this chapter of failing to hold a license, ~~[registration, endorsement,]~~ certificate of insurance, or commission that the person is required to hold under this chapter.

SECTION 5.112. Chapter 1702, Occupations Code, is amended by adding Subchapter R to read as follows:

#### SUBCHAPTER R. HEARING AND APPEALS PROCEDURE

Sec. 1702.451. RULES; APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. (a) The commission and the State Office of Administrative Hearings shall adopt rules to administer this subchapter.

(b) Chapter 2001, Government Code, applies to a proceeding under this subchapter to the extent consistent with this subchapter.

Sec. 1702.452. HEARING. (a) If a person regulated under this chapter against whom the commission has taken action under this chapter or Chapter 411, Government Code, requests a hearing:

(1) the hearing shall be heard by an administrative law judge employed by the State Office of Administrative Hearings; and

(2) the issue that must be proved by a preponderance of the evidence is whether the person engaged in the conduct that constitutes the grounds for the commission's action against the person.

(b) If the administrative law judge finds in the affirmative on the issue under Subsection (a)(2), the commission's action is sustained.

(c) If the administrative law judge does not find in the affirmative on the issue under Subsection (a)(2), the commission shall:

(1) reverse or withdraw its action against the person, as appropriate; and

(2) issue:

(A) an order of reversal or withdrawal under Subdivision (1); and

(B) notice of the reversal or withdrawal to the person.

(d) The decision of the administrative law judge is final when issued and signed.

Sec. 1702.453. APPEAL. A person against whom the commission's action is sustained under Section 1702.452(b) may appeal the decision by filing a petition in a district court in Travis County not later than the 30th day after the date the administrative law judge's decision is final. The administrative law judge's final decision is immediately appealable without the requirement of a motion for rehearing.

Sec. 1702.454. STANDARD FOR JUDICIAL REVIEW. A person who is aggrieved by a final decision of an administrative law judge under this subchapter is entitled to judicial review under the substantial evidence rule.

SECTION 5.113. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check as required by that chapter [~~under Section 411.119~~], if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 5.114. (a) Section 411.119, Government Code, is repealed.

(b) The following provisions of the Occupations Code are repealed:

- (1) Section 1702.002(1-b);
- (2) Section 1702.002(3);
- (3) Section 1702.002(6-b);
- (4) Section 1702.002(11);
- (5) Section 1702.002(12);
- (6) Section 1702.002(13);
- (7) Section 1702.002(14);
- (8) Section 1702.002(19);
- (9) Section 1702.002(20);
- (10) Section 1702.027(c);
- (11) Section 1702.028;
- (12) Section 1702.030;
- (13) Section 1702.043;
- (14) Section 1702.047;
- (15) Section 1702.0611;
- (16) Section 1702.0612;
- (17) Section 1702.066;
- (18) Section 1702.081;
- (19) Section 1702.082;
- (20) Section 1702.083;
- (21) Section 1702.1045;
- (22) Section 1702.109;
- (23) Section 1702.111;
- (24) Section 1702.113(d);
- (25) Section 1702.116;
- (26) Section 1702.119;
- (27) Section 1702.120;
- (28) Section 1702.121;
- (29) Section 1702.183;
- (30) Section 1702.225;
- (31) Section 1702.227;
- (32) Section 1702.228;
- (33) Sections 1702.301(a), (d), (e), (f), and (g);
- (34) Section 1702.304;
- (35) Section 1702.307;
- (36) Section 1702.3615;
- (37) Section 1702.362;
- (38) Sections 1702.364(g), (h), and (i);
- (39) Section 1702.371;
- (40) Section 1702.385; and
- (41) Subchapter Q, Chapter 1702.

SECTION 5.115. (a) On September 1, 2019, the terms of the members serving on the Texas Private Security Board expire and the Texas Private Security Board is abolished.

(b) As soon as practicable after the effective date of this Act, the Public Safety Commission shall appoint members to the Texas Private Security Advisory Committee in accordance with Section 1702.021, Occupations Code, as amended by this Act. A board member whose term expired under Subsection (a) of this section is eligible for reappointment to the advisory committee.

(c) The members of the Texas Private Security Board whose terms expire under Subsection (a) of this section shall continue to provide advice to the Department of Public Safety until a majority of the members of the Texas Private Security Advisory Committee are appointed under Subsection (b) of this section and qualified.

SECTION 5.116. (a) In this section:

- (1) "Commission" means the Public Safety Commission.
- (2) "Department" means the Department of Public Safety.
- (3) "Former board" means the Texas Private Security Board.

(b) On September 1, 2019:

(1) all functions and activities performed by the former board immediately before that date are transferred to the department;

(2) all rules, fees, policies, procedures, decisions, and forms adopted by the former board are continued in effect as rules, fees, policies, procedures, decisions, and forms of the commission or the department, as applicable, and remain in effect until amended or replaced by the commission or department;

(3) a complaint, investigation, contested case, or other proceeding before the former board that is pending on September 1, 2019, is transferred without change in status to the department or the commission, as appropriate;

(4) all money, contracts, leases, property, and obligations of the former board are transferred to the department;

(5) all property in the custody of the former board is transferred to the department; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former board is transferred to the department.

(c) The former board shall provide the department with access to any systems or information necessary for the department to accept the program transferred under this Act.

(d) A license, certificate, or other authorization issued by the former board is continued in effect as a license, certificate, or other authorization of the department.

SECTION 5.117. On September 1, 2019, the following expire:

(1) any license, registration, endorsement, or other authorization required to operate as a guard dog company or trainer of a dog used to protect persons or property or to conduct investigations, as described by Chapter 1702, Occupations Code, as that chapter existed immediately before the effective date of this Act; and

(2) any license, registration, endorsement, or other authorization required to operate as a security salesperson, private security consultant, or private security consulting company, as described by Chapter 1702, Occupations Code, as that chapter existed immediately before the effective date of this Act.

SECTION 5.118. As soon as practicable after the effective date of this Act:

(1) the Public Safety Commission shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1702, Occupations Code; and

(2) the State Office of Administrative Hearings shall adopt rules necessary to implement Subchapter R, Chapter 1702, Occupations Code, as added by this Act.

SECTION 5.119. The changes in law made by this Act amending Chapter 1702, Occupations Code, do not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

SECTION 5.120. (a) A violation of Chapter 1702, Occupations Code, that is repealed or amended by this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

(b) For purposes of this section, a violation was committed before the effective date of this Act if any element of the violation occurred before that date.

ARTICLE 6. CONDITIONAL TRANSFER OF DRIVER'S LICENSE PROGRAMS  
FROM DEPARTMENT OF PUBLIC SAFETY TO DEPARTMENT OF MOTOR  
VEHICLES

SECTION 6.001. Sections 521.001(a)(1-a) and (2), Transportation Code, are amended to read as follows:

(1-a) "Department" means the Texas Department of Motor Vehicles [~~Public Safety~~].

(2) "Director" means the executive [~~public safety~~] director of the department.

SECTION 6.002. Section 521.001(c), Transportation Code, is amended to read as follows:

(c) The department by rule may define types of vehicles that are "motorcycles" for the purposes of this chapter, in addition to those defined under Subsection (a)(6-a), ~~and [The Texas Department of Motor Vehicles by rule may define the types of vehicles that are "motoreyeles"]~~ for the purposes of Chapters 501, 502, and 503. This subsection applies only to vehicles manufactured by a manufacturer licensed under Chapter 2301, Occupations Code.

SECTION 6.003. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.0015 to read as follows:

Sec. 521.0015. STATUTORY REFERENCES. A statutory reference to the Department of Public Safety means the Texas Department of Motor Vehicles if the statutory reference concerns:

(1) the administration of the programs established by this chapter, Chapter 522, and other law that license a person to operate a motor vehicle, as defined by Section 501.002, or a commercial motor vehicle, as defined by Section 522.003, in this state; or

(2) the administration of Chapter 521A.

SECTION 6.004. (a) In this section:

(1) "Former administrator" means the Department of Public Safety.

(2) "Licensing program" means:

(A) the programs established by Chapters 521 and 522, Transportation Code, and other law, that license a person to operate in this state a motor vehicle, as defined by Section 501.002, Transportation Code, or a commercial motor vehicle, as defined by Section 522.003, Transportation Code; and

(B) the program to issue election identification certificates under Chapter 521A, Transportation Code.

(3) "New administrator" means the Texas Department of Motor Vehicles.

(4) "Work group" means the work group established under Subsection (b) of this section.

(b) As soon as practicable after the effective date of this section, the former administrator and the new administrator shall establish a work group to plan the transfer of the licensing program from the former administrator to the new administrator.

(c) The work group shall:

(1) adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities related to the licensing program, including:

(A) a plan that ensures the transfer of the licensing program will be completed on or before August 31, 2021; and

(B) completion dates for substantial phases of the licensing program's transfer;

(2) implement the transition plan described by Subdivision (1) of this subsection; and

(3) provide a quarterly report of the work group's progress in developing and implementing the transition plan described by Subdivision (1) of this subsection to:

(A) the presiding officer of each house of the legislature;

(B) the governor; and

(C) the Sunset Advisory Commission.

(d) To prepare for the transfer, the former administrator shall provide the new administrator with access to any systems, information, property, records, or personnel necessary for the new administrator to administer the licensing program transferred under this article.

(e) As soon as practicable after the effective date of this section:

(1) the new administrator shall study the most effective use of available state and county resources, including personnel, property, and resources potentially available through the adoption of intergovernmental agreements, to administer the licensing program, prioritizing:

(A) administrative efficiency and cost savings; and

(B) accessibility of the licensing program for the citizens of this state, including citizens residing in rural areas of this state; and

(2) the former administrator shall assist in the study described by Subdivision (1) of this subsection as requested by the new administrator.

(f) On September 1, 2021:

(1) all licensing program functions and activities performed by the former administrator immediately before that date are transferred to the new administrator;

(2) all licensing program rules, fees, policies, procedures, decisions, and forms adopted by the former administrator are continued in effect as rules, fees, policies, procedures, decisions, and forms of the new administrator and remain in effect until amended or replaced by the new administrator;

(3) a licensing program complaint, investigation, contested case, or other proceeding before the former administrator that is pending on September 1, 2021, is transferred without change in status to the new administrator;

(4) all licensing program money, contracts, leases, property, and obligations of the former administrator are transferred to the new administrator;

(5) all licensing program property in the custody of the former administrator is transferred to the new administrator; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature to the former administrator for the purpose of administering the licensing program is transferred to the new administrator.

(g) On September 1, 2021, a license, certificate, endorsement, or other form of authorization issued by the former administrator and related to the licensing program is continued in effect as a license, certificate, endorsement, or other form of authorization of the new administrator.

(h) On September 1, 2021, all full-time equivalent employee positions at the former administrator that primarily concern the administration or enforcement of the licensing program become positions at the new administrator.

SECTION 6.005. (a) In this section, "driver's license program" means:

(1) the programs established by Chapters 521 and 522, Transportation Code, and other law, that license a person to operate in this state a motor vehicle, as defined by Section 501.002, Transportation Code, or a commercial motor vehicle, as defined by Section 522.003, Transportation Code; and

(2) the program to issue election identification certificates under Chapter 521A, Transportation Code.

(b) The Department of Public Safety shall enter into a contract with an independent, third-party contractor designated by the comptroller of public accounts to conduct a feasibility study that examines and makes recommendations on the management and operating structure of the driver's license program and the opportunities and challenges of transferring the driver's license program.

(c) Not later than September 1, 2020, the contractor described by Subsection (b) of this section shall submit a report on the study conducted under that subsection to the legislature, the governor, the Sunset Advisory Commission, the Department of Public Safety, and the Texas Department of Motor Vehicles.

(d) In conducting the study required by Subsection (b) of this section, the Department of Public Safety, the Texas Department of Motor Vehicles, or the independent, third-party contractor described by that subsection may not disclose any personal information obtained in conducting the study. In this subsection, "personal information" means information that identifies a holder of a driver's license or election identification certificate, including a name, address, date of birth, social security number, telephone number, physical characteristic, or similar identifier.

SECTION 6.006. (a) Subject to Subsection (b) of this section, this article takes effect immediately if this Act 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 article takes effect September 1, 2019.



(b) Sections 6.001, 6.002, 6.003, and 6.004 of this article take effect only if the report required by Section 6.005 of this article is not submitted within the period prescribed by that section.

ARTICLE 7. EXPIRATION DATES OF DRIVER'S LICENSES AND  
COMMERCIAL DRIVER'S LICENSES

SECTION 7.001. Sections 521.271(a) and (b), Transportation Code, are amended to read as follows:

(a) Each original driver's license, provisional license, learner license, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the eighth [~~sixth~~] anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) a learner license expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:

(1) the eighth [~~sixth~~] anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the eighth [~~sixth~~] anniversary of the expiration date before renewal; or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION 7.002. Sections 521.421(a) and (b), Transportation Code, are amended to read as follows:

(a) The fee for issuance or renewal of a license not otherwise provided for by this section is \$32 [~~\$24~~].

(b) The fee for renewal of a Class M license or for renewal of a license that includes authorization to operate a motorcycle is \$43 [~~\$32~~].

SECTION 7.003. Section 521.421(f), Transportation Code, as added by Chapter 1372 (H.B. No. 1200), Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(f) If a Class A, B, or C driver's license includes an authorization to operate a motorcycle or moped, the fee for the driver's license is increased by \$11 [~~\$8~~].

SECTION 7.004. Section 522.029, Transportation Code, is amended by amending Subsection (a) and adding Subsection (m) to read as follows:

(a) The fee for a commercial driver's license issued by the department is \$96 [~~\$60~~], except as provided by Subsections (f), (h), (j), [~~and~~] (k), and (m).

(m) The fee for a commercial driver's license with a hazardous materials endorsement issued by the department is \$60, except as provided by Subsections (h), (j), and (k).

SECTION 7.005. Section 522.051, Transportation Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsections (i), (j), (k), and (l) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (f) and (i) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license expires eight [~~five~~] years after the applicant's next birthday.

(b) Except as provided by Subsection (j) and Section 522.054, a commercial driver's license issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license expires eight [~~five~~] years after the applicant's next birthday.

(c) Except as provided by Subsection (k) and Section 522.054, a commercial driver's license issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license or that has been expired for less than one year expires eight [~~five~~] years after the expiration date shown on the Class A, B, C, or M license.

(d) Except as provided by Subsection (l) and Section 522.054, a commercial driver's license issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires eight [~~five~~] years after the applicant's last birthday.

(f) Except as provided by Section 522.013, a non-domiciled commercial driver's license other than a temporary non-domiciled commercial driver's license under Section 522.013(e) expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the eighth [~~fifth~~] anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States.

(i) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license with a hazardous materials endorsement expires five years after the applicant's next birthday.

(j) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license expires five years after the applicant's next birthday.

(k) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(l) Except as provided by Section 522.054, a commercial driver's license with a hazardous materials endorsement issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

SECTION 7.006. Section 522.052, Transportation Code, is amended by amending Subsections (b) and (c) and adding Subsections (k) and (l) to read as follows:

(b) Except as provided by Section 522.054, a renewal of a commercial driver's license that has been expired for less than one year expires eight [~~five~~] years after the expiration date shown on the commercial driver's license.

(c) Except as provided by Section 522.054, a renewal of a commercial driver's license that has been expired for at least one year but not more than two years expires seven [~~six~~] years after the applicant's last birthday.

(k) Except as provided by Section 522.054, a renewal of a commercial driver's license with a hazardous materials endorsement that has been expired for less than one year expires five years after the expiration date shown on the commercial driver's license.

(l) Except as provided by Section 522.054, a renewal of a commercial driver's license with a hazardous materials endorsement that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

SECTION 7.007. The changes in law made by this Act to Sections 521.271 and 521.421, Transportation Code, apply only to a driver's license issued or renewed on or after June 1, 2020. A driver's license issued or renewed before June 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7.008. The changes in law made by this Act to Sections 522.029, 522.051, and 522.052, Transportation Code, apply only to a commercial driver's license issued or renewed on or after June 1, 2020. A commercial driver's license issued or renewed before June 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

#### ARTICLE 8. MOTORCYCLE AND OFF-HIGHWAY VEHICLE OPERATOR TRAINING PROGRAMS

SECTION 8.001. Chapter 662, Transportation Code, is amended by adding Section 662.0005 to read as follows:

Sec. 662.0005. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(4) "Instructor" means an individual who holds a license issued under this chapter that entitles the individual to provide instruction on motorcycle operation and safety as an employee of or under contract with a motorcycle school.

(5) "Motorcycle school" means a person who holds a license issued under this chapter that entitles the person to offer and conduct courses on motorcycle operation and safety for consideration as part of the motorcycle operator training and safety program.

SECTION 8.002. Section 662.001, Transportation Code, is amended to read as follows:

Sec. 662.001. ADMINISTRATION OF PROGRAM ~~[DESIGNATED STATE AGENCY]~~. The department ~~[governor]~~ shall ~~[designate a state agency to establish and]~~ administer a motorcycle operator training and safety program and enforce the laws governing the program.

SECTION 8.003. The heading to Section 662.002, Transportation Code, is amended to read as follows:

Sec. 662.002. PURPOSE OF PROGRAM~~[-CURRICULUM]~~.

SECTION 8.004. Chapter 662, Transportation Code, is amended by adding Sections 662.0033, 662.0035, and 662.0037 to read as follows:

Sec. 662.0033. MINIMUM CURRICULUM STANDARDS. (a) The commission by rule shall establish minimum curriculum standards for courses provided under the motorcycle operator training and safety program.

(b) The department shall approve all courses that meet the curriculum standards established under Subsection (a).

(c) In establishing the minimum curriculum standards for entry-level courses, the commission shall consider the standards for motorcycle operator training and safety courses adopted by the National Highway Traffic Safety Administration.

Sec. 662.0035. FEES. The commission may set fees in amounts reasonable and necessary to cover the costs of administering this chapter, including fees for:

(1) the issuance and renewal of a motorcycle school license and instructor license; and

(2) courses provided under the motorcycle operator training and safety program.

Sec. 662.0037. MOTORCYCLE SAFETY ADVISORY BOARD. (a) The commission shall establish an advisory board to advise the department on matters related to the motorcycle operator training and safety program established under this chapter.

(b) The advisory board must consist of nine members appointed by the presiding officer of the commission, on approval of the commission, as follows:

(1) three members:

(A) each of whom must be a licensed instructor or represent a licensed motorcycle school; and

(B) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter;

(2) one member who represents the motorcycle dealer retail industry;

(3) one representative of a law enforcement agency;

(4) one representative of the Texas A&M Transportation Institute;

(5) one representative of the Texas A&M Engineering Extension Service;

and

(6) two public members who hold a valid Class M driver's license issued under Chapter 521.

(c) The advisory board members serve staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.

(d) If a vacancy occurs on the advisory board, the presiding officer of the commission, on approval of the commission, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

(e) The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a one-year term. The presiding officer of the advisory board may vote on any matter before the advisory board.

(f) The advisory board shall meet at the call of the executive director or the presiding officer of the commission.

(g) An advisory board member may not receive compensation for service on the advisory board but is entitled to reimbursement for actual and necessary expenses incurred in performing the functions as a member of the advisory board, subject to the General Appropriations Act.

(h) Chapter 2110, Government Code, does not apply to the advisory board.

(i) The department may call a joint meeting of the advisory board and the advisory committee established under Section 1001.058, Education Code, for the committees to collaborate on matters determined by the department.

SECTION 8.005. Section 662.005, Transportation Code, is amended to read as follows:

Sec. 662.005. CONTRACTS. (a) The department [~~designated state agency~~] may [~~license or~~] contract with qualified persons, including institutions of higher education, to:

(1) offer and conduct motorcycle operator training and safety courses under the [~~administer or operate the motorcycle operator training and safety~~] program; or

(2) research motorcycle safety in this state.

(b) The department shall consult with the motorcycle safety advisory board regarding any proposal to contract under this section.

SECTION 8.006. Section 662.006(a), Transportation Code, is amended to read as follows:

(a) A person may not offer or conduct training in motorcycle operation for consideration unless the person:

(1) is licensed as a motorcycle school under this chapter;

(2) offers and conducts training in accordance with a motorcycle operator training curriculum approved by the department; and

(3) employs or contracts with an instructor licensed under this chapter to conduct the training [by or contracts with the designated state agency].

SECTION 8.007. Chapter 662, Transportation Code, is amended by adding Sections 662.0062, 662.0064, and 662.0068 to read as follows:

Sec. 662.0062. ELIGIBILITY; APPLICATION. (a) To be eligible for an instructor license, an applicant must:

(1) have completed a commission-approved training program on motorcycle operator training and safety instruction administered by the Texas A&M Engineering Extension Service;

(2) have held for the two years preceding the date of submitting the application a valid driver's license that entitles the applicant to operate a motorcycle on a public road; and

(3) have accumulated less than 10 points under the driver responsibility program established by Chapter 708.

(b) The commission by rule may adopt additional requirements for issuance of an instructor license.

(c) To be eligible for a motorcycle school license, an applicant must meet the minimum standards established by commission rule for:

(1) health and safety;

(2) the school's facility; and

(3) consumer protection.

(d) The department shall issue a license to an applicant who meets the eligibility requirements established under this chapter and department rule and who pays the required fee.

(e) The department may prescribe an application form for applicants to submit when applying for a license under this section.

Sec. 662.0064. INSTRUCTOR TRAINING; ADMINISTRATOR. The Texas A&M Engineering Extension Service, in consultation with the department, shall administer the training program required by Section 662.0062(a)(1).

Sec. 662.0068. PROGRAM CERTIFICATES. The department shall issue a certificate of completion to a person who completes a department-approved motorcycle operator training and safety course conducted by a motorcycle school on receipt of notice from the motorcycle school that conducted the course. The department may develop a process that allows a motorcycle school to issue a certificate of completion to the person.

SECTION 8.008. Section 662.008, Transportation Code, is amended to read as follows:

Sec. 662.008. DENIAL, SUSPENSION, OR REVOCATION [CANCELLATION] OF INSTRUCTOR OR MOTORCYCLE SCHOOL LICENSE [APPROVAL]. (a) The executive director or commission [designated state agency] may deny an application for, suspend, or revoke a license issued [cancel its approval for a program sponsor to conduct or for an instructor to teach a course offered] under this chapter if the applicant, instructor, or motorcycle school [sponsor]:

(1) does not satisfy the requirements established under this chapter to receive or retain the license ~~[approval]~~;

(2) permits fraud or engages in a fraudulent practice with reference to an application for ~~[to]~~ the license ~~[agency]~~;

(3) induces or countenances fraud or a fraudulent practice by a person applying for a driver's license or permit;

(4) permits fraud or engages in a fraudulent practice in an action between the applicant or license holder and the public; or

(5) fails to comply with this chapter or rules adopted under this chapter ~~[of the state agency]~~.

(b) Following denial of an application for a license or the<sup>[7]</sup> suspension<sup>[7]</sup> or revocation of a license issued under this chapter ~~[cancellation of the approval of a program sponsor or an instructor]~~, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code.

SECTION 8.009. Section 662.009, Transportation Code, is amended to read as follows:

Sec. 662.009. RULES. The commission ~~[designated state agency]~~ may adopt rules to administer this chapter.

SECTION 8.010. Section 662.010, Transportation Code, is amended to read as follows:

Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER LAW. Chapter 1001, Education Code ~~[332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29e), Vernon's Texas Civil Statutes)]~~, does not apply to training offered or conducted under this chapter.

SECTION 8.011. Section 662.011, Transportation Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Money deposited to the credit of the motorcycle education fund account may be used only to defray the cost of:

(1) administering the motorcycle operator training and safety program; ~~[and]~~

(2) conducting the motorcyclist safety and share the road campaign described by Section 201.621; and

(3) administering the grant program under Section 662.0115.

(d) The department may apply for and accept gifts, grants, and donations from any organization to be deposited in the motorcycle education fund account for the purpose of improving motorcycle safety in this state.

SECTION 8.012. Chapter 662, Transportation Code, is amended by adding Section 662.0115 to read as follows:

Sec. 662.0115. MOTORCYCLE SAFETY GRANT PROGRAM. (a) Using money from the motorcycle education fund account, the department may establish and administer a grant program to improve motorcycle safety in this state.

(b) The department may award a person a grant to:

(1) promote the motorcycle operator training and safety program or any other motorcycle safety program in this state;

(2) increase the number of individuals seeking motorcycle operator training or licensure as an instructor to conduct motorcycle operator training; or

(3) support any other goal reasonably likely to improve motorcycle safety in this state.

(c) To administer the grant program, the department shall prescribe:

(1) grant application procedures;

(2) guidelines relating to grant amounts; and

(3) criteria for evaluating grant applications.

(d) The department shall consult with the motorcycle safety advisory board regarding any proposal to award a grant under this section.

(e) An institution of higher education is eligible to receive a grant awarded under this section and, if applicable, may use the grant money awarded to perform a duty imposed under Section 662.0064 or 662.013.

SECTION 8.013. Section 662.012, Transportation Code, is amended to read as follows:

Sec. 662.012. REPORTS. (a) The department [~~designated state agency~~] shall require each motorcycle school [~~provider of a motorcycle operator training and safety program~~] to report on the school's program in the form and manner prescribed by the department [~~compile and forward to the agency each month a report on the provider's programs~~]. The report must include:

(1) the number and types of courses provided in the reporting period;

(2) the number of persons who took each course in the reporting period;

(3) the number of instructors available to provide training under the school's [~~provider's~~] program in the reporting period;

(4) information collected by surveying persons taking each course as to the length of any waiting period the person experienced before being able to enroll in the course;

(5) the number of persons on a waiting list for a course at the end of the reporting period; and

(6) any other information the department [~~agency~~] reasonably requires.

(b) The department [~~designated state agency~~] shall maintain [~~a compilation of~~] the reports submitted under Subsection (a) on a by-site basis. [~~The agency shall update the compilation as soon as practicable after the beginning of each month.~~]

(c) The department [~~designated state agency~~] shall provide without charge a copy of the most recent reports submitted [~~compilation~~] under Subsection (a) [~~(b)~~] to any member of the legislature on request.

SECTION 8.014. Chapter 662, Transportation Code, is amended by adding Section 662.013 to read as follows:

Sec. 662.013. RESEARCH, ADVOCACY, AND EDUCATION. The Texas A&M Transportation Institute, in consultation with the department, shall:

(1) research motorcycle safety in this state;

(2) provide advocacy on motorcycle safety issues in this state; and

(3) provide education to the public on motorcycle safety issues in this state.

SECTION 8.015. Section 663.001, Transportation Code, is amended by amending Subdivision (1-b) and adding Subdivisions (1-c) and (1-d) to read as follows:



(1-b) "Commission" means the Texas Commission of Licensing and Regulation.

(1-c) "Department" means the Texas Department of Licensing and Regulation.

(1-d) "Off-highway vehicle" means:

(A) an all-terrain vehicle or recreational off-highway vehicle, as those terms are defined by Section 502.001; or

(B) a utility vehicle.

SECTION 8.016. Section 663.011, Transportation Code, is amended to read as follows:

Sec. 663.011. ADMINISTRATION OF PROGRAM [~~DESIGNATED DIVISION OR STATE AGENCY~~]. The department [~~governor~~] shall [~~designate a division of the governor's office or a state agency to establish and~~] administer an off-highway vehicle operator education and certification program and enforce the laws governing the program.

SECTION 8.017. Section 663.013, Transportation Code, is amended to read as follows:

Sec. 663.013. PROGRAM STANDARDS [~~OFF-HIGHWAY VEHICLE SAFETY COORDINATOR~~]. (a) The department [~~designated division or state agency shall employ an off-highway vehicle safety coordinator.~~

~~[(b) The coordinator]~~ shall supervise the off-highway vehicle operator education and certification program and shall determine:

- (1) locations at which courses will be offered;
- (2) fees for the courses;
- (3) qualifications of instructors;
- (4) course curriculum; and
- (5) standards for operator safety certification.

~~(b) [(e)]~~ In establishing standards for instructors, curriculum, and operator certification, the department [~~coordinator~~] shall consult and be guided by standards established by recognized off-highway vehicle safety organizations.

SECTION 8.018. Section 663.014, Transportation Code, is amended to read as follows:

Sec. 663.014. CONTRACTS. To administer the education program and certify off-highway vehicle operators, the department [~~designated division or state agency~~] may contract with nonprofit safety organizations, nonprofit educational organizations, institutions of higher education, or agencies of local governments.

SECTION 8.019. Section 663.015(a), Transportation Code, is amended to read as follows:

(a) If the department [~~off-highway vehicle safety coordinator~~] determines that vehicle operation is not feasible in a program component or at a particular program location, the operator education and certification program for persons who are at least 14 years of age may use teaching or testing methods that do not involve the actual operation of an off-highway vehicle.

SECTION 8.020. Section 663.017, Transportation Code, is amended to read as follows:

Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The executive director or commission [~~designated division or state agency~~] may deny, suspend, or cancel its approval for a program sponsor to conduct or for an instructor to teach a course offered under this chapter if the applicant, sponsor, or instructor:

(1) does not satisfy the requirements established under this chapter to receive or retain approval;

(2) permits fraud or engages in fraudulent practices with reference to an application to the department [~~division or agency~~];

(3) induces or countenances fraud or fraudulent practices by a person applying for a driver's license or permit;

(4) permits or engages in a fraudulent practice in an action between the applicant or license holder and the public; or

(5) fails to comply with rules of the department [~~division or agency~~].

(b) Before the executive director or commission [~~designated division or agency~~] may deny, suspend, or cancel the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code.

SECTION 8.021. Section 663.018, Transportation Code, is amended to read as follows:

Sec. 663.018. RULES. The commission [~~designated division or state agency~~] may adopt rules to administer this chapter.

SECTION 8.022. Section 663.019, Transportation Code, is amended to read as follows:

Sec. 663.019. EXEMPTIONS. The commission [~~designated division or state agency~~] by rule may temporarily exempt the residents of any county from Section 663.015 or from Section 663.031(a)(1) until the appropriate education and certification program is established at a location that is reasonably accessible to the residents of that county.

SECTION 8.023. Section 663.033(d), Transportation Code, is amended to read as follows:

(d) The department or executive director [~~coordinator~~] may exempt off-highway vehicles that are participating in certain competitive events from the requirements of this section.

SECTION 8.024. Section 663.037(e), Transportation Code, is amended to read as follows:

(e) The commission [~~director of the Department of Public Safety~~] shall adopt standards and specifications that apply to the color, size, and mounting position of the flag required under Subsections (d)(2) and (g)(2).

SECTION 8.025. Sections 662.002(b), 662.003, 662.004, and 662.007, Transportation Code, are repealed.

SECTION 8.026. (a) In this section:

(1) "Department" means the Department of Public Safety.

(2) "Program" means the motorcycle operator training and safety program established under Chapter 662, Transportation Code, as that chapter existed before the effective date of this Act.

(b) As soon as practicable after the effective date of this article and not later than August 31, 2020, the department shall dispose of motorcycles and other equipment related to the program that the department possesses or has leased to entities offering training under the program. The plan must conform with the requirements of Subsection (c) of this section.

(c) The department shall dispose of the motorcycles and other equipment related to the program in the following manner:

(1) not later than February 28, 2020, the department shall provide to any entity to whom the department leased a motorcycle or other equipment related to the program a reasonable period determined by the department to purchase from the department or return the motorcycle or other equipment;

(2) after the expiration of the period described by Subdivision (1) of this subsection, but not later than May 31, 2020, the department shall:

(A) determine the need of the Texas Department of Licensing and Regulation, the Texas A&M Transportation Institute, and the Texas A&M Engineering Extension Service for motorcycles and other equipment necessary to provide motorcycle operator training for the instructors under the program; and

(B) subject to the need determined under Paragraph (A) of this subdivision and the availability of motorcycles and other equipment related to the program, transfer the motorcycles and equipment to the Texas Department of Licensing and Regulation, institute, or service under that paragraph, as applicable; and

(3) after the determination and any transfer under Subdivision (2) of this subsection, but not later than August 31, 2020, inform the Texas Facilities Commission under Section 2175.182, Government Code, that any remaining motorcycles and related equipment of the program are surplus or salvage property and must be disposed of in accordance with Chapter 2175, Government Code.

(d) Except for the fee described by Section 2175.188, Government Code, all revenue generated by the disposition of motorcycles and other equipment related to the program under this section shall be deposited in the motorcycle education fund account established under Section 662.011, Transportation Code.

(e) Not later than August 31, 2020, the department and the Texas Department of Licensing and Regulation shall enter into a memorandum of understanding regarding any property acquired by the department by lease or purchase using money from the motorcycle education fund account established under Section 662.011, Transportation Code, to ensure that the Department of Public Safety appropriately compensates the fund for those assets.

SECTION 8.027. (a) In this section:

(1) "Former administrator" means the Texas Department of Public Safety.

(2) "Licensing commission" means the Texas Commission of Licensing and Regulation.

(3) "Licensing department" means the Texas Department of Licensing and Regulation.

(4) "Program" means the:

(A) motorcycle operator training and safety program under Chapter 662, Transportation Code; and

(B) off-highway vehicle operator education and certification program under Chapter 663, Transportation Code.

(b) On September 1, 2020:

(1) all functions and activities related to the program performed by the former administrator immediately before that date are transferred to the licensing department;

(2) all rules, fees, policies, procedures, decisions, and forms related to the program adopted by the former administrator are continued in effect as rules, fees, policies, procedures, decisions, and forms of the licensing commission or the licensing department, as applicable, and remain in effect until amended or replaced by the licensing commission or licensing department;

(3) a complaint, investigation, contested case, or other proceeding related to the program before the former administrator that is pending on September 1, 2020, is transferred without change in status to the licensing department or the licensing commission, as appropriate;

(4) all money, contracts, leases, property, and obligations related to the program of the former administrator are transferred to the licensing department;

(5) all property related to the program in the custody of the former administrator is transferred to the licensing department; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former administrator for the purpose of administering the program is transferred to the licensing department.

(c) The former administrator shall provide the licensing department with access to any systems or information necessary for the department to accept the program transferred under this Act.

(d) A license or certificate issued by the former administrator is continued in effect as a license or certificate of the licensing department.

(e) On September 1, 2020, all full-time equivalent employee positions at the former administrator that primarily concern the administration or enforcement of the program become positions at the licensing department.

SECTION 8.028. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2020.

(b) Section 8.026 of this article takes effect immediately if this Act 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, Section 8.026 takes effect on the 91st day after the last day of the legislative session.

#### ARTICLE 9. EFFECTIVE DATE

SECTION 9.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

#### Floor Amendment No. 1

Amend **CSSB 616** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber the SECTIONS of that article accordingly:

SECTION 5.\_\_\_\_. Section 1702.028, Occupations Code, is amended to read as follows:

Sec. 1702.028. ~~[PER DIEM.] REIMBURSEMENT. [(a) A board member is entitled to a per diem as set by legislative appropriation for each day the member engages in the business of the board.~~

~~[(b) A committee member may not receive compensation for service on the advisory committee but is entitled to reimbursement for actual and necessary [travel] expenses incurred in performing the functions as a member of the committee, subject to [while conducting board business, including expenses for transportation, meals, and lodging, as prescribed by] the General Appropriations Act.~~

(2) On page 103, strike line 19 and renumber the subdivisions of the subsection accordingly.

### **Floor Amendment No. 2**

Amend **CSSB 616** (house committee printing) as follows:

(1) On page 112, lines 14 and 15, strike "designated by the comptroller of public accounts".

(2) On page 112, between lines 19 and 20, insert the following:

(b-1) The solicitation documents for the contract described by Subsection (b) of this section must be submitted to the contract advisory team for review under Subchapter C, Chapter 2262, Government Code, before the Department of Public Safety may solicit any contractor for the contract, including publishing advertising regarding the contract.

The amendments were read.

Senator Birdwell submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 616** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Nichols, Campbell, Watson, and Hall.

### **SENATE BILL 619 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Birdwell called **SB 619** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 619** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

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

ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 1.01. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended to read as follows:

Sec. 825.006. SUNSET PROVISION. The board of trustees of the Teacher Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2021 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.02. ANATOMICAL BOARD OF THE STATE OF TEXAS. Subchapter A, Chapter 691, Health and Safety Code, is amended by adding Section 691.003 to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2021.

SECTION 1.03. TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. (a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2021.

(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.

SECTION 1.04. TEXAS RACING COMMISSION. Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2021 [~~2023~~].

ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 2.01. LIMITED REVIEW OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 531.0206(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

(1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section 531.0204;

(2) an evaluation and recommendations regarding the need to continue the Department of State Health Services as a state agency separate from the commission;

(3) an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services as a state agency separate from the commission; and

(4) ~~(3)~~ any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

SECTION 2.02. OFFICE OF INSPECTOR GENERAL, HEALTH AND HUMAN SERVICES COMMISSION. (a) Section 531.102, Government Code, is amended by adding Subsection (y) to read as follows:

(y) The Sunset Advisory Commission shall conduct a special-purpose review of the overall performance of the commission's office of inspector general. In conducting the review, the Sunset Advisory Commission shall particularly focus on the office's investigations and the effectiveness and efficiency of the office's processes. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed. The office is not abolished solely because the office is not explicitly continued following the review required by this subsection. This subsection expires September 1, 2023.

(b) Section 14, Chapter 945 (S.B. 207), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 2.03. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007(a), Government Code, is amended to read as follows:

(a) The committee is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2023 ~~[2024]~~.

SECTION 2.04. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2023 ~~[2024]~~.

SECTION 2.05. DIVISION OF WORKERS' COMPENSATION, TEXAS DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is amended to read as follows:

(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers' compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, 2023 ~~[2024]~~, or another date designated by the legislature.

SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:

Sec. 404.003. SUNSET PROVISION. The office of injured employee counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 ~~[2024]~~.

SECTION 2.07. UPPER GUADALUPE RIVER AUTHORITY. Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023 ~~[2024]~~, and every 12th year after that year.

### ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 3.01. STATE COMMISSION ON JUDICIAL CONDUCT. Section 33.003, Government Code, is amended to read as follows:

Sec. 33.003. SUNSET PROVISION. The State Commission on Judicial Conduct is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, ~~[2023]~~ and every 12th year after that year, ~~[2023]~~ are reviewed.

SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION. Section 152.001, Government Code, is amended to read as follows:

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, ~~[2023]~~ and every 12th year after that year, ~~[2023]~~ are reviewed.

SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2025 ~~[2024]~~.

SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section 2054.005(a), Government Code, is amended to read as follows:

(a) The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2025 ~~[2024]~~.

SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section 8501.0015(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2025 ~~[2023]~~, and every 12th year after that year.



SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section 8504.0021(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2025 [~~2024~~], and every 12th year after that year.

SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2025 [~~2023~~].

SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2023~~].

SECTION 3.09. SABINE RIVER AUTHORITY OF TEXAS. Section 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, is amended to read as follows:

(a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2025 [~~2024~~], and every 12th year after that year.

SECTION 3.10. TRINITY RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2025 [~~2023~~], and every 12th year after that year.

#### ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2027 [~~2025~~].

(b) As part of the Sunset Advisory Commission's review of the agency under Subsection (a), the commission in coordination with the agency shall select for review three regional education service centers that serve diverse geographic areas of the state and diverse population sizes. The commission's review of the agency must include an evaluation of the agency's oversight of the centers.

SECTION 4.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL. Section 33.254, Education Code, is amended to read as follows:

Sec. 33.254. SUNSET PROVISION. The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this subchapter expires September 1, 2027 [~~2023~~].

SECTION 4.03. TEXAS A&M FOREST SERVICE. Section 88.1016, Education Code, is amended to read as follows:

Sec. 88.1016. SUNSET PROVISION. The Texas A&M Forest Service is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Texas A&M Forest Service is abolished September 1, 2027 [~~2023~~].

SECTION 4.04. TEXAS CIVIL COMMITMENT OFFICE. Section 420A.004, Government Code, is amended to read as follows:

Sec. 420A.004. SUNSET PROVISION. The Texas Civil Commitment Office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.05. TEXAS FACILITIES COMMISSION. Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002. SUNSET PROVISION. The Texas Facilities Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle, except for Chapter 2170 and Section 2157.121, expires September 1, 2027 [~~2024~~].

SECTION 4.06. MATERNAL MORTALITY AND MORBIDITY TASK FORCE. Section 34.018, Health and Safety Code, is amended to read as follows:

Sec. 34.018. SUNSET PROVISION. The task force is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.07. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE. Section 117.002, Health and Safety Code, is amended to read as follows:

Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health Funding and Policy Committee is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.08. PERINATAL ADVISORY COUNCIL. Section 241.187(l), Health and Safety Code, is amended to read as follows:

(l) The advisory council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory council is abolished and this section expires September 1, 2027 [~~2025~~].

SECTION 4.09. DEPARTMENT OF STATE HEALTH SERVICES. Section 1001.003, Health and Safety Code, is amended to read as follows:

Sec. 1001.003. SUNSET PROVISION. The Department of State Health Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.10. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 40.003, Human Resources Code, is amended to read as follows:

Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.11. STATE USE PROGRAM, TEXAS WORKFORCE COMMISSION. Section 122.0012(b), Human Resources Code, is amended to read as follows:

(b) The Texas Workforce Commission's authority to administer and oversee the program administered under this chapter is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2027 [~~2021~~], unless continued in existence as provided by Chapter 325, Government Code.

#### ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM. Section 865.0011, Government Code, is amended to read as follows:

Sec. 865.0011. SUNSET REVIEW. The state board of the pension system is subject to review under Chapter 325 (Texas Sunset Act) but is not abolished under that chapter. The state board shall be reviewed during the period in which state agencies scheduled to be abolished in 2029 [~~2025~~], and every 12th year after that year, are reviewed.

#### ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The following laws are repealed:

- (1) Section 8.010, Education Code; and
- (2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 6.02. STATE PROCUREMENT SYSTEM AND RELATED COMPTROLLER AUTHORITY. Sections 2151.0041 and 2151.0042, Government Code, are repealed.

SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is repealed.

SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS. Section 173.005, Transportation Code, is repealed.

#### ARTICLE 7. SUNSET REVIEW PROCESS

SECTION 7.01. DEFINITIONS. Section 325.002(1), Government Code, is amended to read as follows:

- (1) "State agency" means an entity [~~agency~~] expressly made subject to this chapter.

SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003, Government Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1) and (e-1) to read as follows:

(a) The Sunset Advisory Commission is a legislative agency that consists of five members of the senate and one public member appointed by the lieutenant governor and five members of the house of representatives and one public member appointed by the speaker of the house. The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.

(a-1) A public member acts on behalf of the legislature when participating on the commission in furtherance of the legislature's duty to provide oversight of executive branch agencies' implementation of legislative priorities.

(e) Members other than the lieutenant governor and the speaker are subject to the following restrictions:

(1) after a legislative member ~~[an individual]~~ serves two terms ~~[six years]~~ on the commission or a public member serves three terms on the commission, the individual is not eligible for appointment to another term or part of a term;

(2) a legislative member who serves a full term may not be appointed to an immediately succeeding term; and

(3) a public member may not serve more than two consecutive terms, and, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

(e-1) If an individual serves for less than a full term, the term is not counted toward determining the individual's eligibility to serve on the commission under Subsection (e)(1) unless the individual was a member of the commission for each public hearing at which the state agencies being reviewed during the individual's term were discussed.

SECTION 7.03. PUBLIC HEARINGS. Section 325.009, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), the commission may not discuss in a public hearing the application to an agency of the criteria provided in Section 325.011(14). The commission staff shall notify the commission of any findings and recommendations regarding the criteria provided in Section 325.011(14).

SECTION 7.04. REPORTS. Section 325.010(b), Government Code, is amended to read as follows:

(b) In the report the commission shall include:

(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);

(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); and

(3) other information the commission considers necessary for a complete review of the agency.

SECTION 7.05. RECOMMENDATIONS. Section 325.0126, Government Code, is amended to read as follows:

Sec. 325.0126. MONITORING OF RECOMMENDATIONS. During each legislative session, the staff of the commission shall:

(1) monitor legislation affecting agencies that have undergone sunset review immediately before the legislative session;

(2) notify ~~[and shall periodically report to]~~ the members of the commission about any amendment to the legislation prepared under Section 325.012(c) that modifies the commission's ~~[on proposed changes which would modify prior]~~ recommendations for a state agency; and

(3) provide legislative services to support the passage of the legislation prepared under Section 325.012(c) ~~[of the commission].~~

SECTION 7.06. CONFIDENTIALITY OF INFORMATION. Section 325.019, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Communications, including conversations, correspondence, and electronic communications, between the commission or its staff and a state agency that relate to a request by the commission for assistance in conducting a review under this chapter are confidential. A state agency's internal communications related to a request for assistance by the commission are confidential, including any information prepared or maintained by the state agency at the request of the commission or its staff. With respect to a document, file, or other record prepared or maintained by the state agency that was created in the normal course of the agency's business and not at the request of the commission, the confidentiality created by this subsection applies only to information in the possession of the commission.

SECTION 7.07. RIVER AUTHORITIES. Section 325.025(b), Government Code, as amended by Chapters 975 (S.B. 2262) and 1046 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b) This section applies to the:

- (1) Angelina and Neches River Authority;
- (2) Bandera County River Authority and Groundwater District;
- (3) Brazos River Authority;
- (4) Guadalupe-Blanco River Authority;
- (5) Lavaca-Navidad River Authority;
- (6) Lower Colorado River Authority;
- (7) Lower Neches Valley Authority;
- (8) Nueces River Authority;
- (9) Red River Authority of Texas;
- (10) Sabine River Authority of Texas;
- (11) San Antonio River Authority;
- (12) San Jacinto River Authority;
- (13) Sulphur River Basin Authority;
- (14) Trinity River Authority of Texas;
- (15) Upper Colorado River Authority; and
- (16) Upper Guadalupe River Authority.

#### ARTICLE 8. TRANSITION AND EFFECTIVE DATE

SECTION 8.01. TRANSITION. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.02. EFFECTIVE DATE. 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, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 619** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill as appropriate:

SECTION 1. \_\_. SPECIAL SERVICES FUNCTIONS OF THE TEXAS EDUCATION AGENCY. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0105 to read as follows:

Sec. 29.0105. SUNSET REVIEW OF SPECIAL SERVICES. (a) Separate from the review of the agency required under Section 7.004, the agency is subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the efficacy and effectiveness with which the agency administers the agency's special services functions, including the agency's supervisory and monitoring functions relating to the provision of special services, except that those functions may not be abolished. The review shall be conducted during the period in which state agencies abolished in 2021 are reviewed.

(b) This section expires September 1, 2021.

### **Floor Amendment No. 2**

Amend Amendment No. 1 by Meyer to **CSSB 619** on page 1, line 13, between "including" and "the" by inserting "implementation of the special education strategic plan and".

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 619** on third reading by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering SECTIONS of ARTICLE 2 as appropriate:

SECTION 2. \_\_. REVIEW OF PROGRAMS TRANSFERRED TO TEXAS DEPARTMENT OF LICENSING AND REGULATION. Subchapter A, Chapter 51, Occupations Code, is amended by adding Section 51.0021 to read as follows:

Sec. 51.0021. SUNSET REVIEW OF TRANSFERRED PROGRAMS. (a) Separate from the review of the commission and department required under Section 51.002, the commission and department are subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the programs transferred to the department on or after September 1, 2016. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed.

(b) This section expires September 1, 2023.

The amendments were read.

Senator Birdwell submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 619** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Buckingham, Watson, Nichols, and Hall.

**SENATE BILL 1151 WITH HOUSE AMENDMENTS**  
**(Motion in Writing)**

Senator Huffman called **SB 1151** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1151** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons.

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

SECTION 1. Section 411.109(a), Government Code, is amended to read as follows:

(a) The comptroller is entitled to obtain from the department criminal history record information maintained by the department that the comptroller believes is necessary for the enforcement or administration of Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code, including criminal history record information that relates to a person who is:

(1) an applicant for a permit under any of those chapters;

(2) a permit holder under any of those chapters;

(3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under any of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;

(4) believed to have violated any of those chapters; ~~or~~

(5) being considered by the comptroller for employment as a peace officer;

or

(6) receiving, scheduled to receive, or applying to receive compensation under Chapter 103, Civil Practice and Remedies Code.

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, 2019.

**Floor Amendment No. 1**

Amend **CSSB 1151** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 103.001(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. The [This subsection does not entitle the] person's spouse and dependents may be included in the person's [or other dependent or family member to group health benefit plan] coverage as if the person were an employee of the department. Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

SECTION \_\_\_\_\_. Section 1551.115, Insurance Code, is amended to read as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103, Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of the Texas Department of Criminal Justice would be entitled to ~~[coverage, except that this section does not entitle the person's spouse or other dependent or family member to]~~ coverage.

SECTION \_\_\_\_\_. A person who, before the effective date of this Act, obtained group health benefit plan coverage under Section 103.001(d), Civil Practice and Remedies Code, as the law existed before the effective date of this Act, may elect to include the person's spouse and dependents in the person's coverage as provided by Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act. An election under this section must be made:

- (1) not later than March 1, 2020; or
- (2) during any subsequent open enrollment period applicable to employees of the Texas Department of Criminal Justice.

SECTION \_\_\_\_\_. (a) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of the opportunity to obtain group health benefit plan coverage for a spouse or dependent under Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act.

(b) The comptroller shall provide the notice required by Subsection (a) of this section by:

- (1) certified mail to a person's last known address; and



(2) phone call to the phone number that the comptroller has on file for the person.

### **Floor Amendment No. 2**

Amend **CSSB 1151** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 103.0535, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) An election under this section must be made not later than the 45th day after the date:

(1) on which the claimant files with the comptroller the application required by Section 103.051; or

(2) on which the claimant experiences one of the following life-changing events:

(A) marriage or divorce of the claimant;

(B) the addition of a dependent of the claimant; or

(C) the death of a dependent, spouse, or beneficiary of the claimant.

(d-1) An election under Subsection (d) must be made on a form prescribed by the comptroller that:

(1) identifies the claimant's spouse or designated beneficiary according to Section 103.0536; and

(2) specifies the option selected under Subsection (c).

SECTION \_\_\_\_\_. (a) Notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, a person entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, who started receiving annuity payments before the effective date of this Act may elect to receive any remaining payments as alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. The value of alternative annuity payments elected under this subsection must be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. This subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

(b) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of:

(1) the opportunity described by Subsection (a) of this section to elect to receive alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act; and

(2) the opportunity to elect to receive alternative annuity payments after a life-changing event under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act.

(c) The comptroller shall provide the notice required by Subsection (b) of this section by:

- (1) certified mail to a person's last known address; and
- (2) phone call to the phone number that the comptroller has on file for the person.

The amendments were read.

Senator Huffman submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1151** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Creighton, Nichols, and Zaffirini.

**SENATE BILL 1207 WITH HOUSE AMENDMENTS  
(Motion In Writing)**

Senator Perry called **SB 1207** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1207** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program.

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

SECTION 1. Section 531.001, Government Code, is amended by adding Subdivision (4-c) to read as follows:

(4-c) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

SECTION 2. Section 531.02444, Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) The executive commissioner shall develop and implement:

(1) a Medicaid buy-in program for persons with disabilities as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

(2) subject to Subsection (d) as authorized by the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid buy-in program for children with disabilities that are [✂] described by 42 U.S.C. Section 1396a(cc)(1) and whose family incomes do not exceed 300 percent of the applicable federal poverty level.

(d) The executive commissioner by rule shall increase the maximum family income prescribed by Subsection (a)(2) for determining eligibility of children with disabilities for the buy-in program under that subdivision to the maximum family income amount for which federal matching funds are available, considering available appropriations for that purpose.

(e) The commission shall, at the request of a child's legally authorized representative, conduct a disability determination assessment of the child to determine the child's eligibility for the buy-in program under Subsection (a)(2). The commission shall directly conduct the disability determination assessment and may not contract with a Medicaid managed care organization or other entity to conduct the assessment.

SECTION 3. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.024162, 531.024163, 531.024164, 531.0601, 531.0602, and 531.06021 to read as follows:

Sec. 531.024162. NOTICE REQUIREMENTS REGARDING MEDICAID COVERAGE OR PRIOR AUTHORIZATION DENIAL AND INCOMPLETE REQUESTS. (a) The commission shall ensure that notice sent by the commission or a Medicaid managed care organization to a Medicaid recipient or provider regarding the denial of coverage or prior authorization for a service includes:

(1) information required by federal and state law and applicable regulations;

(2) for the recipient, a clear and easy-to-understand explanation of the reason for the denial; and

(3) for the provider, a thorough and detailed clinical explanation of the reason for the denial, including, as applicable, information required under Subsection (b).

(b) The commission or a Medicaid managed care organization that receives from a provider a coverage or prior authorization request that contains insufficient or inadequate documentation to approve the request shall issue a notice to the provider and the Medicaid recipient on whose behalf the request was submitted. The notice issued under this subsection must:

(1) include a section specifically for the provider that contains:

(A) a clear and specific list and description of the documentation necessary for the commission or organization to make a final determination on the request;

(B) the applicable timeline, based on the requested service, for the provider to submit the documentation and a description of the reconsideration process described by Section 533.00284, if applicable; and

(C) information on the manner through which a provider may contact a Medicaid managed care organization or other entity as required by Section 531.024163; and

(2) be sent to the provider:

(A) using the provider's preferred method of contact most recently provided to the commission or the Medicaid managed care organization and using any alternative and known methods of contact; and

(B) as applicable, through an electronic notification on an Internet portal.

Sec. 531.024163. ACCESSIBILITY OF INFORMATION REGARDING MEDICAID PRIOR AUTHORIZATION REQUIREMENTS. (a) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to ensure that the organization or entity maintains on the organization's or entity's Internet website in an easily searchable and accessible format:

(1) the applicable timelines for prior authorization requirements, including:

(A) the time within which the organization or entity must make a determination on a prior authorization request;

(B) a description of the notice the organization or entity provides to a provider and Medicaid recipient on whose behalf the request was submitted regarding the documentation required to complete a determination on a prior authorization request; and

(C) the deadline by which the organization or entity is required to submit the notice described by Paragraph (B); and

(2) an accurate and up-to-date catalogue of coverage criteria and prior authorization requirements, including:

(A) for a prior authorization requirement first imposed on or after September 1, 2019, the effective date of the requirement;

(B) a list or description of any supporting or other documentation necessary to obtain prior authorization for a specified service; and

(C) the date and results of each review of the prior authorization requirement conducted under Section 533.00283, if applicable.

(b) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to:

(1) adopt and maintain a process for a provider or Medicaid recipient to contact the organization or entity to clarify prior authorization requirements or to assist the provider in submitting a prior authorization request; and

(2) ensure that the process described by Subdivision (1) is not arduous or overly burdensome to a provider or recipient.

Sec. 531.024164. EXTERNAL MEDICAL REVIEW. (a) In this section, "external medical reviewer" and "reviewer" mean a third-party medical review organization that provides objective, unbiased medical necessity determinations conducted by clinical staff with education and practice in the same or similar practice area as the procedure for which an independent determination of medical necessity is sought in accordance with applicable state law and rules.

(b) The commission shall contract with an independent external medical reviewer to conduct external medical reviews and review:

(1) the resolution of a Medicaid recipient appeal related to a reduction in or denial of services on the basis of medical necessity in the Medicaid managed care program; or

(2) a denial by the commission of eligibility for a Medicaid program in which eligibility is based on a Medicaid recipient's medical and functional needs.

(c) A Medicaid managed care organization may not have a financial relationship with or ownership interest in the external medical reviewer with which the commission contracts.

(d) The external medical reviewer with which the commission contracts must:

(1) be overseen by a medical director who is a physician licensed in this state; and

(2) employ or be able to consult with staff with experience in providing private duty nursing services and long-term services and supports.

(e) The commission shall establish a common procedure for reviews. Medical necessity under the procedure must be based on publicly available, up-to-date, evidence-based, and peer-reviewed clinical criteria. The reviewer shall conduct the review within a period specified by the commission. The commission shall also establish a procedure for expedited reviews that allows the reviewer to identify an appeal that requires an expedited resolution.

(f) An external medical review described by Subsection (b)(1) occurs after the internal Medicaid managed care organization appeal and before the Medicaid fair hearing and is granted when a Medicaid recipient contests the internal appeal decision of the Medicaid managed care organization. An external medical review described by Subsection (b)(2) occurs after the eligibility denial and before the Medicaid fair hearing. The Medicaid recipient or applicant, or the recipient's or applicant's parent or legally authorized representative, must affirmatively opt out of the external medical review to proceed to a Medicaid fair hearing without first participating in the external medical review.

(g) The external medical reviewer's determination of medical necessity establishes the minimum level of services a Medicaid recipient must receive, except that the level of services may not exceed the level identified as medically necessary by the ordering health care provider.

(h) The external medical reviewer shall require a Medicaid managed care organization, in an external medical review relating to a reduction in services, to submit a detailed reason for the reduction and supporting documents.

Sec. 531.0601. LONG-TERM CARE SERVICES WAIVER PROGRAM INTEREST LISTS. (a) This section applies only to a child who is enrolled in the medically dependent children (MDCP) waiver program but becomes ineligible for services under the program because the child no longer meets:

(1) the level of care criteria for medical necessity for nursing facility care; or

(2) the age requirement for the program.

(b) A legally authorized representative of a child who is notified by the commission that the child is no longer eligible for the medically dependent children (MDCP) waiver program following a Medicaid fair hearing, or without a Medicaid fair hearing if the representative opted in writing to forego the hearing, may request that the commission:

(1) return the child to the interest list for the program unless the child is ineligible due to the child's age; or

(2) place the child on the interest list for another Section 1915(c) waiver program.

(c) At the time a child's legally authorized representative makes a request under Subsection (b), the commission shall:

(1) for a child who becomes ineligible for the reason described by Subsection (a)(1), place the child:

(A) on the interest list for the medically dependent children (MDCP) waiver program in the first position on the list; or

(B) except as provided by Subdivision (3), on the interest list for another Section 1915(c) waiver program in a position relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program;

(2) except as provided by Subdivision (3), for a child who becomes ineligible for the reason described by Subsection (a)(2), place the child on the interest list for another Section 1915(c) waiver program in a position relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program; or

(3) for a child who becomes ineligible for a reason described by Subsection (a) and who is already on an interest list for another Section 1915(c) waiver program, move the child to a position on the interest list relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program, if that date is earlier than the date the child was initially placed on the interest list for the other waiver program.

(d) At the time the commission provides notice to a legally authorized representative that a child is no longer eligible for the medically dependent children (MDCP) waiver program following a Medicaid fair hearing, or without a Medicaid fair hearing if the representative opted in writing to forego the hearing, the commission shall inform the representative in writing about the options under this section for placing the child on an interest list.

Sec. 531.0602. MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM REASSESSMENTS. (a) The commission shall ensure that the care coordinator for a Medicaid managed care organization under the STAR Kids managed care program provides the results of the annual medical necessity determination reassessment to the parent or legally authorized representative of a recipient receiving benefits under the medically dependent children (MDCP) waiver program for review. The commission shall ensure the provision of the results does not delay the determination of the services to be provided to the recipient or the ability to authorize and initiate services.

(b) The commission shall require the parent's or representative's signature to verify the parent or representative received the results of the reassessment from the care coordinator under Subsection (a). A Medicaid managed care organization may not delay the delivery of care pending the signature.

(c) The commission shall provide a parent or representative who disagrees with the results of the reassessment an opportunity to dispute the reassessment with the Medicaid managed care organization through a peer-to-peer review with the treating physician of choice.

(d) This section does not affect any rights of a recipient to appeal a reassessment determination through the Medicaid managed care organization's internal appeal process or through the Medicaid fair hearing process.

Sec. 531.06021. MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM QUALITY MONITORING; REPORT. (a) The commission, through the state's external quality review organization, shall:

(1) conduct annual surveys of Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program, or their representatives, using the Consumer Assessment of Healthcare Providers and Systems;

(2) conduct annual focus groups with recipients described by Subdivision (1) or their representatives on issues identified through:

(A) the Consumer Assessment of Healthcare Providers and Systems;

(B) other external quality review organization activities; or

(C) stakeholders, including the STAR Kids Managed Care Advisory Committee described by Section 533.00254; and

(3) as frequently as feasible but not less frequently than annually, calculate Medicaid managed care organizations' performance on performance measures using available data sources such as the STAR Kids Screening and Assessment Instrument or the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures.

(b) Not later than the 30th day after the last day of each state fiscal quarter, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and each standing legislative committee with primary jurisdiction over Medicaid a report containing, for the most recent state fiscal quarter, the following information and data related to access to care for Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program:

(1) enrollment in the Medicaid buy-in for children program implemented under Section 531.02444;

(2) requests relating to interest list placements under Section 531.0601;

(3) use of the Medicaid escalation help line established under Section 533.00253;

(4) use, requests to opt out, and outcomes of the external medical review procedure established under Section 531.024164; and

(5) complaints relating to the medically dependent children (MDCP) waiver program, categorized by disposition.

SECTION 4. Section 533.00253(a)(1), Government Code, is amended to read as follows:

(1) "Advisory committee" means the STAR Kids Managed Care Advisory Committee described by ~~established under~~ Section 533.00254.

SECTION 5. Section 533.00253, Government Code, is amended by adding Subsections (c-1), (c-2), (f), (g), and (h) to read as follows:

(c-1) To improve the care needs assessment tool used for purposes of a care needs assessment provided as a component of care management services and to improve the initial assessment and reassessment processes, the commission in consultation and collaboration with the advisory committee shall consider changes that will:

(1) reduce the amount of time needed to complete the care needs assessment initially and at reassessment; and

(2) improve training and consistency in the completion of the care needs assessment using the tool and in the initial assessment and reassessment processes across different Medicaid managed care organizations and different service coordinators within the same Medicaid managed care organization.

(c-2) To the extent feasible and allowed by federal law, the commission shall streamline the STAR Kids managed care program annual care needs reassessment process for a child who has not had a significant change in function that may affect medical necessity.

(f) The commission shall operate a Medicaid escalation help line through which Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program and their legally authorized representatives, parents, guardians, or other representatives have access to assistance. The escalation help line must be:

(1) dedicated to assisting families of Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program in navigating and resolving issues related to the STAR Kids managed care program; and

(2) operational at all times, including evenings, weekends, and holidays.

(g) The commission shall ensure staff operating the Medicaid escalation help line:

(1) return a telephone call not later than two hours after receiving the call during standard business hours; and

(2) return a telephone call not later than four hours after receiving the call during evenings, weekends, and holidays.

(h) The commission shall require a Medicaid managed care organization participating in the STAR Kids managed care program to:

(1) designate an individual as a single point of contact for the Medicaid escalation help line; and

(2) authorize that individual to take action to resolve escalated issues.

SECTION 6. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00254, 533.00282, 533.00283, 533.00284, and 533.038 to read as follows:

Sec. 533.00254. STAR KIDS MANAGED CARE ADVISORY COMMITTEE.

(a) The STAR Kids Managed Care Advisory Committee established by the executive commissioner under Section 531.012 shall:

(1) advise the commission on the operation of the STAR Kids managed care program under Section 533.00253; and

(2) make recommendations for improvements to that program.

(b) On September 1, 2023:

(1) the advisory committee is abolished; and



(2) this section expires.

Sec. 533.00282. UTILIZATION REVIEW AND PRIOR AUTHORIZATION PROCEDURES. (a) Section 4201.304(a)(2), Insurance Code, does not apply to a Medicaid managed care organization or a utilization review agent who conducts utilization reviews for a Medicaid managed care organization.

(b) In addition to the requirements of Section 533.005, a contract between a Medicaid managed care organization and the commission must require that:

(1) before issuing an adverse determination on a prior authorization request, the organization provide the physician requesting the prior authorization with a reasonable opportunity to discuss the request with another physician who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted; and

(2) the organization review and issue determinations on prior authorization requests with respect to a recipient who is not hospitalized at the time of the request according to the following time frames:

(A) within three business days after receiving the request; or

(B) within the time frame and following the process established by the commission if the organization receives a request for prior authorization that does not include sufficient or adequate documentation.

(c) The commission shall establish a process consistent with 42 C.F.R. Section 438.210 for use by a Medicaid managed care organization that receives a prior authorization request, with respect to a recipient who is not hospitalized at the time of the request, that does not include sufficient or adequate documentation. The process must provide a time frame within which a provider may submit the necessary documentation.

Sec. 533.00283. ANNUAL REVIEW OF PRIOR AUTHORIZATION REQUIREMENTS. (a) Each Medicaid managed care organization shall develop and implement a process to conduct an annual review of the organization's prior authorization requirements, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program. In conducting a review, the organization must:

(1) solicit, receive, and consider input from providers in the organization's provider network; and

(2) ensure that each prior authorization requirement is based on accurate, up-to-date, evidence-based, and peer-reviewed clinical criteria that distinguish, as appropriate, between categories, including age, of recipients for whom prior authorization requests are submitted.

(b) A Medicaid managed care organization may not impose a prior authorization requirement, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program, unless the organization has reviewed the requirement during the most recent annual review required under this section.

Sec. 533.00284. RECONSIDERATION FOLLOWING ADVERSE DETERMINATIONS ON CERTAIN PRIOR AUTHORIZATION REQUESTS. (a) In addition to the requirements of Section 533.005, a contract between a Medicaid

managed care organization and the commission must include a requirement that the organization establish a process for reconsidering an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation.

(b) The process for reconsidering an adverse determination on a prior authorization request under this section must:

(1) allow a provider to, not later than the seventh business day following the date of the determination, submit any documentation that was identified as insufficient or inadequate in the notice provided under Section 531.024162;

(2) allow the provider requesting the prior authorization to discuss the request with another provider who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted;

(3) require the Medicaid managed care organization to, not later than the first business day following the date the provider submits sufficient and adequate documentation under Subdivision (1), amend the determination on the prior authorization request as necessary, considering the additional documentation; and

(4) comply with 42 C.F.R. Section 438.210.

(c) An adverse determination on a prior authorization request is considered a denial of services in an evaluation of the Medicaid managed care organization only if the determination is not amended under Subsection (b)(3) to approve the request.

(d) The process for reconsidering an adverse determination on a prior authorization request under this section does not affect:

(1) any related timelines, including the timeline for an internal appeal, a Medicaid fair hearing, or a review conducted by an independent review organization;  
or

(2) any rights of a recipient to appeal a determination on a prior authorization request.

Sec. 533.038. COORDINATION OF BENEFITS. (a) In this section, "Medicaid wrap-around benefit" means a Medicaid-covered service, including a pharmacy or medical benefit, that is provided to a recipient with both Medicaid and primary health benefit plan coverage when the recipient has exceeded the primary health benefit plan coverage limit or when the service is not covered by the primary health benefit plan issuer.

(b) The commission, in coordination with Medicaid managed care organizations, shall develop and adopt a clear policy for a Medicaid managed care organization to ensure the coordination and timely delivery of Medicaid wrap-around benefits for recipients with both primary health benefit plan coverage and Medicaid coverage. In developing the policy, the commission shall consider requiring a Medicaid managed care organization to allow, notwithstanding Sections 531.073 and 533.005(a)(23) or any other law, a recipient using a prescription drug for which the recipient's primary health benefit plan issuer previously provided coverage to continue receiving the prescription drug without requiring additional prior authorization.

(c) To further assist with the coordination of benefits and to the extent allowed under federal requirements for third-party liability, the commission, in coordination with Medicaid managed care organizations, shall develop and maintain a list of services that are not traditionally covered by primary health benefit plan coverage that a Medicaid managed care organization may approve without having to coordinate with the primary health benefit plan issuer and that can be resolved through third-party liability resolution processes. The commission shall periodically review and update the list.

(d) A Medicaid managed care organization that in good faith and following commission policies provides coverage for a Medicaid wrap-around benefit shall include the cost of providing the benefit in the organization's financial reports. The commission shall include the reported costs in computing capitation rates for the managed care organization.

(e) If the commission determines that a recipient's primary health benefit plan issuer should have been the primary payor of a claim, the Medicaid managed care organization that paid the claim shall work with the commission on the recovery process and make every attempt to reduce health care provider and recipient abrasion.

(f) The executive commissioner may seek a waiver from the federal government as needed to:

(1) address federal policies related to coordination of benefits and third-party liability; and

(2) maximize federal financial participation for recipients with both primary health benefit plan coverage and Medicaid coverage.

(g) The commission may include in the Medicaid managed care eligibility files an indication of whether a recipient has primary health benefit plan coverage or is enrolled in a group health benefit plan for which the commission provides premium assistance under the health insurance premium payment program. For recipients with that coverage or for whom that premium assistance is provided, the files may include the following up-to-date, accurate information related to primary health benefit plan coverage to the extent the information is available to the commission:

(1) the health benefit plan issuer's name and address and the recipient's policy number;

(2) the primary health benefit plan coverage start and end dates; and

(3) the primary health benefit plan coverage benefits, limits, copayment, and coinsurance information.

(h) To the extent allowed by federal law, the commission shall maintain processes and policies to allow a health care provider who is primarily providing services to a recipient through primary health benefit plan coverage to receive Medicaid reimbursement for services ordered, referred, or prescribed, regardless of whether the provider is enrolled as a Medicaid provider. The commission shall allow a provider who is not enrolled as a Medicaid provider to order, refer, or prescribe services to a recipient based on the provider's national provider identifier number and may not require an additional state provider identifier number to receive reimbursement for the services. The commission may seek a waiver of Medicaid provider enrollment requirements for providers of recipients with primary health benefit plan coverage to implement this subsection.

(i) The commission shall develop a clear and easy process, to be implemented through a contract, that allows a recipient with complex medical needs who has established a relationship with a specialty provider to continue receiving care from that provider.

SECTION 7. (a) Section 531.02444(e), Government Code, as added by this Act, applies to a request for a disability determination assessment to determine eligibility for the Medicaid buy-in for children program made on or after the effective date of this Act.

(b) Section 531.0601, Government Code, as added by this Act, applies only to a child who becomes ineligible for the medically dependent children (MDCP) waiver program on or after December 1, 2019.

(c) Section 531.0602, Government Code, as added by this Act, applies only to a reassessment of a child's eligibility for the medically dependent children (MDCP) waiver program made on or after December 1, 2019.

(d) Notwithstanding Section 531.06021, Government Code, as added by this Act, the Health and Human Services Commission shall submit the first report required by that section not later than September 30, 2020, for the state fiscal quarter ending August 31, 2020.

(e) Not later than March 1, 2020, the Health and Human Services Commission shall:

(1) develop a plan to improve the care needs assessment tool and the initial assessment and reassessment processes as required by Sections 533.00253(c-1) and (c-2), Government Code, as added by this Act; and

(2) post the plan on the commission's Internet website.

(f) Sections 533.00282 and 533.00284, Government Code, as added by this Act, apply only to a contract between the Health and Human Services Commission and a Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(g) The Health and Human Services Commission shall seek to amend contracts entered into with Medicaid managed care organizations under Chapter 533, Government Code, before the effective date of this Act to include the provisions required by Sections 533.00282 and 533.00284, Government Code, as added by this Act.

SECTION 8. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 9. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 10. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 11. This Act takes effect September 1, 2019.

**Floor Amendment No. 1**

Amend **CSSB 1207** (house committee report) as follows:

(1) On page 1, line 13, strike "(d) and (e)" and substitute "(d), (e), and (f)".

(2) On page 2, line 7, immediately following the underlined period, insert the following:

In determining eligibility for that program, the commission shall average contractual or seasonal income over the period the income is intended to cover or the period covered by the contract, as indicated by the individual earning the income.

(3) On page 2, between lines 14 and 15, insert the following:

(f) The commission shall develop and make available to the public a standard screening tool that uses clear, basic criteria to provide information about whether a child may meet the financial and disability-related eligibility requirements for the buy-in program under Subsection (a)(2).

(4) On page 2, line 22, strike "of coverage or" and substitute ", partial denial, reduction, or termination of coverage or denial of".

( ) On page 2, line 23, between "service" and "includes" insert "must be mailed 10 business days in advance and postmarked, and"

(5) On page 2, strike lines 26-27 and substitute the following:

(2) for the recipient:

(A) a clear and easy-to-understand explanation of the reason for the decision, including a clear explanation of the medical basis, applying the policy or accepted standard of medical practice to the recipient's particular medical circumstances;

(B) a copy of the information sent to the provider; and

(C) an educational component that includes a description of the recipient's rights, an explanation of the process related to appeals and Medicaid fair hearings, and a description of the role of an external medical review; and

(6) On page 3, line 2, strike "denial" and substitute "decision".

(7) Strike page 3, line 22, through page 4, line 1, and substitute the following:

(2) be sent:

(A) to the provider:

(i) using the provider's preferred method of communication, to the extent practicable using existing resources; and

(ii) as applicable, through an electronic notification on an Internet portal; and

(B) to the recipient using the recipient's preferred method of communication, to the extent practicable using existing resources.

(8) On page 5, strike lines 2-3 and substitute the following:

(C) the date and results of each review conducted under Section 533.00283(b),

(9) On page 6, line 15, after "reviews." insert "To the maximum extent possible, the procedure shall reduce administrative burden on providers and the submission of duplicative information or documents."

(10) On page 6, line 19, between "procedure" and "for", insert "and time frame".

(11) On page 6, strike lines 20-21 and substitute the following:

reviewer to:

(1) identify an appeal that requires an expedited resolution; and

(2) resolve the review of the appeal within a specified period.

(12) On page 7, between lines 14 and 15, insert the following appropriately lettered subsection:

( ) To the extent money is appropriated for this purpose, the commission shall publish data regarding prior authorizations reviewed by the external medical reviewer, including the rate of prior authorization denials overturned by the external medical reviewer and additional information the commission and the external medical reviewer determine appropriate.

(13) Strike page 9, lines 11-13 and substitute the following:  
commission shall inform the representative in writing about:

(1) the options under this section for placing the child on an interest list; and

(2) the process for applying for the Medicaid buy-in program for children with disabilities implemented under Section 531.02444, and the availability of the disability determination assessment for that program described by Section 531.02444(e)."

(14) On page 9, line 15, between "PROGRAM" and "REASSESSMENTS", insert "ASSESSMENTS AND".

(15) On page 9, lines 17-18, strike "annual medical necessity determination reassessment" and substitute "initial assessment or annual reassessment of medical necessity".

(16) On page 9, line 27, between "the" and "reassessment", insert "initial assessment or".

(17) On page 10, line 4, between "the" and "reassessment", insert "initial assessment or".

(18) On page 10, line 5, strike "to dispute the reassessment" and substitute "to request to dispute the results".

(19) On page 10, line 9, strike "a" and substitute "an initial assessment or".

(20) On page 11, line 1, between "(3)" and "as", insert "in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254 and".

( ) On page 11, line 4, strike "the STAR Kids Screening and Assessment Instrument or the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures." and insert "COIIN Project".

(21) On page 11, line 21, between "533.00253" and the underlined semicolon, insert ", if the help line was operational during the applicable state fiscal quarter".

(22) On page 12, line 6, strike "and (h)" and substitute "(h), (i), and (j)".

( ) On page 12, line 27, between "(MCDP)" and "waiver" insert "the deaf blind multiple disabilities (DBMD)".

( ) On page 12, line 27, strike "program" and insert "programs".

(23) On page 13, line 7, between "program" and the underlined semicolon, insert ", including complying with requirements related to the continuation of benefits during an internal appeal, a Medicaid fair hearing, or a review conducted by an external medical reviewer".

( ) On page 13, after line 22, insert "(g) The commission shall assess the utilization of the escalation help line and determine the feasibility of expanding the help line to additional Medicaid programs that serve medically fragile children by September 1, 2020."

(24) On page 13, between lines 22 and 23, insert the following:

(i) Subsections (f), (g), and (h) and this subsection expire September 1, 2024.

(j) Not later than September 1, 2020, the commission shall evaluate risk-adjustment methods used for recipients under the STAR Kids managed care program, including recipients with private health benefit plan coverage, in the quality-based payment program under Chapter 536 to ensure that higher-volume providers are not unfairly penalized. During the evaluation period, the commission may exclude recipients under the STAR Kids managed care program, including recipients with private health benefit plan coverage, from the potentially preventable event rate methodology. This subsection expires January 1, 2021.

(25) On page 13, line 25, between the comma and "and", insert "533.002841,".

(26) On page 15, line 8, strike "The" and substitute "In consultation with the state Medicaid managed care advisory committee, the".

(27) On page 15, line 9, strike "42 C.F.R. Section 438.210".

(28) On page 15, line 14, immediately following the underlined period, insert the following:

The time frame must be longer than the time frame specified by Subsection (b)(2)(A) within which a Medicaid managed care organization must issue a determination on a prior authorization request.

( ) On page 15, line 16, between "organization" and "shall", insert ", in consultation with the organization's provider advisory group required by contract."

(29) On page 16, line 2, add subsection "(c) The commission shall periodically review managed care organizations to ensure compliance with Subsection (a) ."

(30) On page 16, line 9, between "(a)" and "In", insert "In consultation with the state Medicaid managed care advisory committee, the commission shall establish a uniform process and timeline for Medicaid managed care organizations to reconsider an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation.".

(31) On page 16, line 12, strike "establish a process for" and substitute "implement the process and timeline."

(33) On page 16, line 16, strike "for reconsidering an adverse determination on a prior authorization request under this section" and substitute "and timeline".

(34) On page 16, lines 18-19, strike ", not later than the seventh business day following the date of the determination,".

(35) On page 16, line 27, immediately following the underlined semicolon, insert "and".

(36) On page 17, strike lines 1-4 and substitute the following:

(3) require the Medicaid managed care organization to amend the determination on the prior authorization

(37) On page 17, line 5, strike the underlined semicolon and substitute an underlined period.

(38) On page 17, strike lines 6-7.

(39) On page 17, line 12, between "process" and "for", insert "and timeline".

(40) On page 17, line 13, strike "does" and substitute "do".

(41) On page 17, line 17, strike "independent review organization" and substitute "external medical reviewer".

(42) On page 17, between lines 19 and 20, insert the following:

Sec. 533.002841. MAXIMUM PERIOD FOR PRIOR AUTHORIZATION DECISION; ACCESS TO CARE. The time frames prescribed by the utilization review and prior authorization procedures described by Section 533.00282 and the timeline for reconsidering an adverse determination on a prior authorization described by Section 533.00284 together may not exceed the time frame for a decision under federally prescribed time frames. It is the intent of the legislature that these provisions allow sufficient time to provide necessary documentation and avoid unnecessary denials without delaying access to care.

(43) On page 18, line 1, between "organizations" and the underlined comma, insert "and in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254".

(44) On page 18, strike lines 12-27 and reletter subsequent subsections and any cross-references to those subsections accordingly.

(45) On page 21, line 24, strike "The" and substitute "As soon as practicable after the effective date of this Act but not later than September 1, 2020, the".

( ) Insert new "Sec. \_\_\_\_ . ELIGIBILITY OF CERTAIN CHILDREN FOR MEDICALLY DEPENDENT CHILDREN PROGRAM AND DEAF BLIND MULTIPLE DISABILITIES. (a) Notwithstanding any other law and to the extent allowed by federal law, when determining eligibility for the medically dependent children (MDCP) and deaf blind multiple disabilities (DBMD) waiver programs or a "Money Follows the Person" demonstration project, the commission shall consider if a child:

(1) is diagnosed as having a condition included in the list of compassionate allowances conditions published by the United States Social Security Administration;  
or

(2) receives Medicaid hospice or palliative care services.

(b) If a child is determined eligible for the MDCP or DBMD waiver programs under Subsection (a), enrollment in the MDCP or DBMD waiver programs is contingent on the availability of a waiver slot. If a slot is not immediately available, the commission shall place the child on the interest list for the MDCP or DBMD waiver programs in the first position on the list."

( ) Section 533.00253 is amended by amending Subsection (c)(4) to read as follows: (4) provide a care needs assessment for a recipient [~~that is comprehensive, holistic, consumer directed, evidence-based, and takes into consideration social and medical issues, for purposes of prioritizing the recipient's needs that threaten independent living~~]



**Floor Amendment No. 1 on Third Reading**

Amend **SB 1207** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0605 to read as follows:

Sec. 531.0605. MEDICALLY DEPENDENT CHILDREN PROGRAM ELIGIBILITY REQUIREMENTS; NURSING FACILITY LEVEL OF CARE. To the extent allowed by federal law, the commission may not require that a child reside in a nursing facility for an extended period of time to meet the nursing facility level of care required for the child to be determined eligible for the medically dependent children (MDCP) waiver program.

The amendments were read.

Senator Perry submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1207** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Kolkhorst, Watson, Flores, and Nelson.

**SENATE BILL 2342 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Creighton called **SB 2342** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 2342** (house committee report) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 6 and 7) and substitute "Section 22.004, Government Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:".

(2) On page 1, strike lines 12-15 and substitute the following:  
controversy, inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind, does not exceed \$100,000. The rules shall address the need for

(3) On page 1, between lines 23 and 24, insert the following:

(h-1) In addition to the rules adopted under Subsection (h), the supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000. The rules shall balance the need for lowering discovery costs in

these actions against the complexity of and discovery needs in these actions. The supreme court may not adopt rules under this subsection that conflict with other statutory law.

(4) On page 3, line 3, strike "is \$250,000 or more" and substitute "exceeds \$250,000".

(5) On page 15, strike line 2 and substitute "22.004(h-1), Government Code, as added by this Act."

## **Floor Amendment No. 2**

Amend **SB 2342** (house committee report) as follows:

(1) On page 1, line 24, strike "Section 25.0003(c), Government Code, is amended" and substitute "Section 25.0003, Government Code, is amended by amending Subsection (c) and adding Subsection (c-1)".

(2) On page 2, line 2, strike "In" and substitute "Subject to Subsection (c-1), in [H]".

(3) On page 2, between lines 14 and 15, insert the following:

(c-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (c) for a statutory county court of the county is limited to civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs as alleged on the face of the petition.

(4) On page 2, line 16, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(5) On page 3, line 2, strike "In" and substitute "Subject to Subsection (d), in".

(6) On page 3, between lines 5 and 6, insert the following:

(d) A commissioners court of a county by majority vote may require a jury to be composed of fewer than 12 jurors for a matter pending in a statutory county court of the county in which the amount in controversy is \$250,000 or more.

(7) On page 13, line 22, strike "Section 26.042(a), Government Code, is amended" and substitute "Section 26.042, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(8) On page 13, line 24, strike "A" and substitute "Subject to Subsection (a-1), a [A]".

(9) Between page 13, line 27, and page 14, line 1, insert the following:

(a-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (a) for the county court of the county is limited to civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest.

(10) On page 14, line 1, strike "Section 27.031(a), Government Code, is amended" and substitute "Section 27.031, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(11) On page 14, line 3, strike "In" and substitute "Subject to Subsection (a-1), in [H]".

(12) On page 14, between lines 15 and 16, insert the following:

(a-1) A commissioners court of a county by majority vote may provide that the original jurisdiction provided by Subsection (a) for justice courts of the county is limited to civil matters in which the amount in controversy is not more than \$10,000, exclusive of interest.

### **Floor Amendment No. 3**

Amend **SB 2342** (committee printing) by adding on page 3 after line 5 the following:

(c-1) Subsection (c) does not apply to a county in which statutory county courts have concurrent jurisdiction with State district courts regardless of the amount in controversy unless specifically ordered by the commissioners court of the county.

### **Floor Amendment No. 4**

Amend **SB 2342** (house committee report) as follows:

(1) On page 13, line 24, between "court" and "has", insert:  
"in a county with a population of less than 250,000".

(2) On page 13, insert the following after line 27:

(a-1) A county court in a county with a population of 250,000 or more has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest.

(3) On page 14, line 4, between "court" and "has", insert:  
"in a county with a population of less than 250,000".

(4) On page 14, between lines 17 and 18, insert:

(a-1) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court in a county with a population of 250,000 or more has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer;

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and

(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

### **Floor Amendment No. 5**

Amend **SB 2342** (house committee printing) by adding the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. The changes in law made by this Act do not apply to a historic courthouse as defined by Section 442.001, Government Code, until September 1, 2020.

The amendments were read.

Senator Creighton submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2342** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Fallon, Flores, Huffman, and Lucio.

**SENATE BILL 2432 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Taylor called **SB 2432** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 2432** as follows:

In Section 1, strike "engages" from (G) (page 2, line 15), and add is determined by a threat assessment team to have engaged

**Floor Amendment No. 2**

Amend **SB 2432** (house committee printing) on page 2, line 16, by striking "42.07(a)(1), (2)" and substituting "42.07(a)(2)".

The amendments were read.

Senator Taylor submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2432** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Taylor, Chair; Hughes, Hall, Bettencourt, and Campbell.

**SENATE BILL 2551 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Hinojosa called **SB 2551** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 2551** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to liability, payment, and death benefits for certain workers' compensation claims.

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

SECTION 1. Section 607.055, Government Code, is amended to read as follows:

Sec. 607.055. CANCER. (a) A firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed the cancer during the course and scope of employment as a firefighter or emergency medical technician if:

(1) the firefighter or emergency medical technician:

(A) regularly responded on the scene to calls involving fires or fire fighting; or

(B) regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician; and

(2) the cancer is [~~known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen, as~~] described by Subsection (b).

(b) This section applies only to:

(1) cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain;

(2) non-Hodgkin's lymphoma;

(3) multiple myeloma;

(4) malignant melanoma; and

(5) renal cell carcinoma [a type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer].

SECTION 2. Section 409.021, Labor Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) An insurance carrier is not required to comply with Subsection (a) if the claim results from an employee's disability or death for which a presumption is claimed to be applicable under Subchapter B, Chapter 607, Government Code, and, not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the insurance carrier has provided the employee and the division with a notice that describes all steps taken by the insurance carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury. The commissioner shall adopt rules as necessary to implement this subsection.

SECTION 3. Section 409.022, Labor Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An insurance carrier has not committed an administrative violation if the carrier has sent notice to the employee as required by Subsection (d) or Section 409.021(a-3).

SECTION 4. Section 415.021, Labor Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) In determining whether to assess an administrative penalty involving a claim in which the insurance carrier provided notice under Section 409.021(a-3), the commissioner shall consider whether:

(1) the employee cooperated with the insurance carrier's investigation of the claim;

(2) the employee timely authorized access to the applicable medical records before the insurance carrier's deadline to:

(A) begin payment of benefits; or

(B) notify the division and the employee of the insurance carrier's refusal to pay benefits; and

(3) the insurance carrier conducted an investigation of the claim, applied the statutory presumptions under Subchapter B, Chapter 607, Government Code, and expedited medical benefits under Section 504.055.

SECTION 5. Section 504.053(e), Labor Code, is amended to read as follows:

(e) Nothing in this chapter waives sovereign immunity or creates a new cause of action, except that a political subdivision that self-insures either individually or collectively is liable for:

(1) sanctions, administrative penalties, and other remedies authorized under Chapter 415;

(2) attorney's fees as provided by Section 408.221(c); and

(3) attorney's fees as provided by Section 417.003.

SECTION 6. Subchapter D, Chapter 504, Labor Code, is amended by adding Section 504.074 to read as follows:

Sec. 504.074. SELF-INSURANCE ACCOUNT FOR CERTAIN DEATH BENEFITS. (a) A pool or a political subdivision that self-insures may establish an account for the payment of death benefits for a compensable injury to a firefighter or emergency medical technician described by Section 607.055, Government Code.

(b) An account established under this section may accumulate assets in an amount that the pool or political subdivision, in its sole discretion, determines is necessary in order to pay death benefits described by Subsection (a). The establishment of an account under this section or the amount of assets accumulated in the account does not affect the liability of a pool or political subdivision for the payment of death benefits.

(c) Chapter 2256, Government Code, does not apply to the investment of assets in an account established under this section. A pool or political subdivision investing or reinvesting the assets of an account shall exercise the judgment and care, under the circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, considering the probable income to be derived and the probable safety of capital. A determination of whether the pool or political subdivision exercised prudence in making an investment decision shall be made by considering the investment of all assets of the account rather than by considering the prudence of a single investment.

SECTION 7. Section 607.055, Government Code, as amended by this Act, applies only to a claim for workers' compensation benefits filed on or after the effective date of this Act. A claim filed before that date is governed by the law as it existed on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 8. The commissioner of workers' compensation shall adopt rules as required by or necessary to implement this Act not later than January 1, 2020.

SECTION 9. (a) Section 504.053(e)(1), Labor Code, as added by this Act, applies only to an administrative violation that occurs on or after the effective date of this Act. An administrative violation that occurs before the effective date of this Act is governed by the law applicable to the violation immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 504.053(e)(2), Labor Code, as added by this Act, applies only to a claim for workers' compensation benefits filed on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 10. 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, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 2551** (house committee report) as follows:

(1) On page 2, line 25, between "violation" and "if", by inserting "under Section 409.021".

(2) On page 2, line 26, between "Subsection (d)" and "or", insert "of this section".

(3) On page 4, lines 4-5, strike "CERTAIN DEATH BENEFITS" and substitute "DEATH BENEFITS AND LIFETIME INCOME BENEFITS".

(4) On page 4, strike lines 6 through 8 and substitute the following:  
may establish an account for the payment of death benefits and lifetime income benefits under Chapter 408.

(5) On page 4, line 12, strike "described by Subsection (a)" and substitute "and lifetime income benefits".

(6) On page 4, line 15, between "benefits" and the underlined period, insert "and lifetime income benefits".

(7) On page 4, strike lines 18 through 27, and substitute the following:  
A pool or political subdivision investing or reinvesting the assets of an account shall discharge its duties solely in the interest of current and future beneficiaries:

(1) for the exclusive purposes of:

(A) providing death benefits and lifetime income benefits to current and future beneficiaries; and

(B) defraying reasonable expenses of administering the account;

(2) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(3) by diversifying the investments of the account to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(4) in accordance with the documents and instruments governing the account to the extent that the documents and instruments are consistent with this section.

(d) In choosing and contracting for professional investment management services for an account established under this section and in continuing the use of an investment manager, the pool or political subdivision must act prudently and in the interest of the current and future beneficiaries of the account.

### **Floor Amendment No. 2**

Amend **CSSB 2551** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 607.058, Government Code, is amended to read as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about ~~[caused]~~ the individual's disease or illness, without which the disease or illness would not have occurred.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about ~~[caused]~~ the individual's disease or illness, without which the disease or illness would not have occurred.

(c) In addressing an argument based on a rebuttal offered under this section, an administrative law judge shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion that, based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(2) On page 5, line 1, strike "Section 607.055" and substitute "Sections 607.055 and 607.058".

(3) On page 5, line 2, strike "applies" and substitute "apply".

### **Floor Amendment No. 3**

Amend **CSSB 2551** (house committee report) on page 5 by striking lines 10 through 22 and substituting the following:



SECTION 9. (a) Section 504.053(e)(1), Labor Code, as added by this Act, applies to an administrative violation proceeding that is pending on or initiated on or after the effective date of this Act.

(b) Section 504.053(e)(2), Labor Code, as added by this Act, applies to a cause of action that is pending on or filed on or after the effective date of this Act.

The amendments were read.

Senator Hinojosa submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2551** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Campbell, Hancock, Nichols, and Whitmire.

### **SENATE BILL 2182 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Nelson called **SB 2182** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 2182** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.

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

SECTION 1. Sections 5A(a)(4) and (5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(4) "Event" means a Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the X Games, the National Hockey League All-Star Game, the Major League Baseball All-Star Game, a game of the National Collegiate Athletic Association Bowl Championship Series or its successor or a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason playoff or championship game, the National Collegiate Athletic Association men's or women's lacrosse championships, a World Cup Soccer game, the World Cup soccer tournament, the Major League Soccer All-Star Game, the Major League Soccer Cup, the Professional Rodeo Cowboys Association National Finals Rodeo, an Elite Rodeo Association World Championship, the United States Open Championship, the World Games, a national collegiate

championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity, including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, the Amateur Athletic Union Junior Olympic Games, a mixed martial arts championship, the Breeders' Cup World Championships, a Formula One automobile race, the Moto Grand Prix of the United States, the National Association for Stock Car Auto Racing (NASCAR) All-Star Race, the season-ending Championship Race for the National Association for Stock Car Auto Racing (NASCAR), the AAA Texas National Hot Rod Association (NHRA) Fall Nationals, the Academy of Country Music Awards, the National Cutting Horse Association Triple Crown, a national political convention of the Republican National Committee or the Democratic National Committee, a presidential general election debate, or the largest event held each year at a sports entertainment venue in this state with a permanent seating capacity, including grandstand and premium seating, of not less than 125,000 as of September 1, 2019. The term includes any activities related to or associated with an event.

(5) "Site selection organization" means:

(A) the National Football League, the National Collegiate Athletic Association, the National Basketball Association, ESPN or an affiliate, the National Hockey League, Major League Baseball, the Federation Internationale de Football Association (FIFA), the International World Games Association, the National Association for Stock Car Auto Racing (NASCAR), the National Hot Rod Association (NHRA), Dorna Sports, the Amateur Athletic Union, the Professional Rodeo Cowboys Association, the Elite Rodeo Association, Major League Soccer, the United States Golf Association, or the United States Olympic Committee;

(B) the national governing body of a sport that is recognized by the United States Olympic Committee, the National Thoroughbred Racing Association, Formula One Management Limited, or the Federation Internationale de l'Automobile;

(C) the Academy of Country Music;

(D) the National Cutting Horse Association;

(E) the Republican National Committee or the Democratic National Committee;

(F) the Ultimate Fighting Championship; or

(G) the Commission on Presidential Debates.

SECTION 2. Section 5A(a-2), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended to read as follows:

(a-2) Subsection (a-1)(1) of this section does not apply to an event that is the largest event held each year at a sports entertainment venue in this state with a permanent seating capacity, including grandstand and premium seating, of not less than 125,000 as of September 1, 2019. If an endorsing municipality or endorsing county requests the department to make a determination under Subsection (b) of this section for an event described by this subsection, the provisions of this section apply to that event as if it satisfied the eligibility requirements for an event under Subsection (a-1)(1) of this section.

SECTION 3. This Act takes effect September 1, 2019.

### Floor Amendment No. 1

Amend **CSSB 2182** (house committee printing) as follows:

(1) On page 2, line 12, between "Crown," and "a national", insert "a world-renowned exhibition or festival that is recognized by the International World Exhibition & Festival Organization,".

(2) On page 3, strike lines 9-12 and substitute the following:

(E) the International World Exhibition & Festival Organization;

(F) the Republican National Committee or the Democratic National Committee;

(G) [~~F~~] the Ultimate Fighting Championship; or

(H) [~~G~~] the Commission on Presidential Debates.

### Floor Amendment No. 2

Amend **CSSB 2182** (house committee printing) as follows:

(1) On page 3, strike lines 13-15 and substitute the following:

SECTION 2. Section 5A, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subsections (a-1) and (a-2) and adding Subsection (a-5) to read as follows:

(a-1) An event not listed in Subsection (a)(4) of this section is ineligible for funding under this section. A listed event may receive funding through the Major Events Reimbursement Program under this section only if:

(1) a site selection organization selects a site located in this state for the event to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, or an event support contract, one time each year for the period of years, after considering, through a highly competitive selection process, one or more sites that are not located in this state;

(2) a site selection organization selects a site in this state as:

(A) the sole site for the event; or

(B) the sole site for the event in a region composed of this state and one or more adjoining states;

(3) the event is held not more than one time in any year;

(4) the amount of the incremental increase in tax receipts determined by the department under Subsection (b) of this section equals or exceeds \$1 million, provided that for an event scheduled to be held each year for a period of years under an event contract or event support contract, the incremental increase in tax receipts shall be calculated as if the event did not occur in the prior year; and

(5) not later than the 30th day before the first day of the event, a site selection organization or the organization hosting the event submits a plan to prevent the trafficking of persons in connection with the event to the office of the attorney general, the human trafficking prevention task force established under Section 402.035, Government Code, and the chief of the Texas Division of Emergency Management.

(2) On page 3, strike line 26 and substitute the following:

(a-5) If the department determines an event is ineligible to receive funding through the Major Events Reimbursement Program due solely to a failure to timely submit a plan as required by Subsection (a-1)(5) of this section, the event may receive funding through the program if:

(1) the plan required by that subdivision is submitted to the required entities not later than seven days before the event begins and is implemented during the event; and

(2) all other requirements for funding under this section, including those imposed by Subsections (d-1) and (w) of this section, are satisfied not later than the 60th day after the last day of the fiscal year in which the event occurs, provided submission of the plan required by Subsection (a-1)(5) of this section was not previously required under this section for that event.

SECTION 3. Section 5A(a-1), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by this Act, and Section 5A(a-5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as added by this Act, apply to an event that occurs before, on, or after the effective date of this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this section, 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 on the 91st day after the last day of the legislative session.

(b) Sections 5A(a)(4) and (5) and (a-2), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by this Act, take effect September 1, 2019.

### **Floor Amendment No. 1 on Third Reading**

Amend **CSSB 2182** on third reading as follows:

(1) On page 2, line 12, between "festival" and "that is", insert "chronicling the life of Nelson Mandela".

The amendments were read.

Senator Nelson submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2182** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Nichols, Campbell, Hinojosa, and Birdwell.

**SENATE BILL 289 WITH HOUSE AMENDMENTS**

Senator Lucio called **SB 289** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 289** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to disaster housing recovery.

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

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. DISASTER HOUSING RECOVERY

Sec. 418.131. DEFINITIONS. In this subchapter:

(1) "Center" means the Hazard Reduction and Recovery Center at Texas A&M University.

(2) "Local government" means a county, municipality, or council of government that has jurisdiction in a first tier coastal county, as defined by Section 2210.003, Insurance Code.

(3) "Plan" means a local housing recovery plan developed under Section 418.133.

Sec. 418.132. DUTIES OF GENERAL LAND OFFICE OR DESIGNATED STATE AGENCY. (a) Unless the governor designates a state agency under Subsection (d), the General Land Office shall receive and administer federal and state funds appropriated for long-term disaster recovery.

(b) The General Land Office shall:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency, as appropriate, on plans developed under Section 418.133;

(2) seek prior approval from the Federal Emergency Management Agency and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans accepted by the General Land Office under Section 418.135; and

(3) maintain a division with adequate staffing and other administrative support to review plans developed under Section 418.133.

(c) The General Land Office may adopt rules as necessary to implement the General Land Office's duties under this subchapter.

(d) The governor may designate a state agency to be responsible for long-term disaster recovery under this subchapter instead of the General Land Office. If the governor designates a state agency under this subsection, a reference to the General Land Office in this subchapter means the designated state agency.

Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local government may develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a disaster.

(b) In developing the plan, a local government shall seek input from:

(1) stakeholders in the community, including residents, local businesses, and community-based organizations; and

(2) neighboring local governments.

(c) A local government may submit a plan developed and adopted under Subsection (a) to the center for certification.

Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall review and certify plans submitted to the center by local governments.

(b) The center shall establish criteria for certifying a plan. The center may not certify a plan unless the plan:

(1) identifies areas in the local government's boundaries that are vulnerable to disasters;

(2) identifies sources of post-disaster housing assistance and recovery funds;

(3) provides procedures for rapidly responding to a disaster, including procedures for:

(A) assessing and reporting housing damage, disaggregated by insured and uninsured losses, to the governor;

(B) providing fair and efficient access to disaster recovery assistance for residents;

(C) determining residents' eligibility for disaster recovery assistance;

(D) educating residents about the rebuilding process and providing outreach and case management services; and

(E) prequalifying and training local professionals needed for disaster recovery;

(4) allows for the temporary waiver or modification of an existing local code, ordinance, or regulation on an emergency basis that may apply in the event of a disaster declaration in order to expedite the process of providing temporary housing or rebuilding residential structures for persons displaced by a disaster;

(5) provides procedures to encourage residents to rebuild outside of the vulnerable areas identified under Subdivision (1);

(6) provides procedures to maximize the use of local businesses, contractors, and supplies to rebuild to the extent possible;

(7) provides procedures to maximize cost efficiency;

(8) provides for the provision of:

(A) temporary housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within six months following the disaster; and

(B) permanent replacement housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within three years following the disaster;

(9) specifies whether the local government that submitted the plan or the General Land Office, as determined by the General Land Office, will administer disaster rebuilding activities under the plan;

(10) provides a procedure through which the local government that submits the plan is required to, between every four to seven years:

(A) review the plan to ensure continued local community support;

(B) provide the center with, as necessary, revisions to the plan based on the review conducted under Paragraph (A); and

(C) provide the center with a resolution or proclamation adopted by the local government that certifies continued local community support for the plan; and

(11) complies with applicable state and federal law.

(c) If the center determines that a plan does not meet the criteria prescribed by Subsection (b), the center shall identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria.

(d) The center shall provide training to local governments and community-based organizations on developing a plan. A local government that submits a plan to the center for certification under this section shall designate at least one representative to attend the center's training. The training must include information relating to:

(1) previous experiences with housing recovery from disasters;

(2) best practices for achieving rapid and efficient construction of permanent replacement housing;

(3) federal and state laws and regulations on disaster recovery;

(4) methods for identifying and planning for vulnerable areas and populations before a disaster; and

(5) cost-effective land use and building practices.

(e) The center shall create and maintain mapping and data resources related to disaster recovery and planning, including the Texas Coastal Communities Planning Atlas.

(f) The center shall assist a local government on request in identifying areas that are vulnerable to disasters.

(g) The center shall provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to disasters.

(h) The center may seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its duties under this section.

Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY GENERAL LAND OFFICE. (a) The center shall submit to the General Land Office a plan certified by the center under Section 418.134.

(b) The General Land Office shall review the plan and consult with the center and the local government about any potential improvements the General Land Office may identify. In reviewing the plan, the General Land Office shall give deference to the local government regarding matters in the local government's discretion.

(c) On completion of the review, the General Land Office shall accept the plan unless the General Land Office determines that the plan does not:

(1) satisfy the criteria for a certified plan under Section 418.134(b);

(2) provide for the rapid and efficient construction of permanent replacement housing; or

(3) comply with applicable state and federal law.

(d) If the General Land Office rejects a plan under this section, the General Land Office may require the local government to revise and resubmit the plan.

(e) At any point after the General Land Office accepts a plan under this section, the General Land Office may withdraw acceptance of the plan and require the plan to be revised and resubmitted for acceptance or rejection under this section.

(f) The General Land Office may limit the number of plans it reviews annually under this section.

Sec. 418.136. EFFECT OF ACCEPTANCE. (a) A plan accepted by the General Land Office under Section 418.135 is valid for four years and may be implemented during that period without further acceptance if a disaster occurs.

(b) In accordance with rules adopted by the General Land Office, on or before expiration, the plan may be reviewed by the center and the General Land Office, updated if necessary, and resubmitted to the General Land Office for acceptance or rejection.

SECTION 2. Not later than January 1, 2021, the General Land Office and the Hazard Reduction and Recovery Center at Texas A&M University shall prepare and submit to the legislature a written report that:

(1) summarizes the success of the planning process under Subchapter F-1, Chapter 418, Government Code, as added by this Act; and

(2) recommends any statutory or legislative changes necessary to improve the planning process, including whether to expand the number of local governments eligible to participate in the planning process.

SECTION 3. The General Land Office or another state agency designated by the governor under Section 418.132, Government Code, as added by this Act, is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the General Land Office or other state agency may, but is not required to, implement the provision using other appropriations available for that purpose.

SECTION 4. This Act takes effect September 1, 2019.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 289** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.054 to read as follows:

Sec. 418.054. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:



(1) any appropriate state agencies, including institutions of higher education; and

(2) organized volunteer groups.

(c) The disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. A report must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Once each quarter, the disaster recovery task force shall brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

The amendments were read.

Senator Lucio moved to concur in the House amendments to **SB 289**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 68 WITH HOUSE AMENDMENT**

Senator Nelson called **SB 68** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 68** as follows:

In SECTION 1 of **SB 68** at page 1, line 10, after the period, insert "The board shall not perform a review under this section of state agencies listed in Section 325.025(b), Government Code, because these agencies are not subject to the legislative appropriations process."

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 68**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1823 WITH HOUSE AMENDMENT**

Senator Campbell called **SB 1823** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 1823** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the regulation of state banks, state trust companies, and third-party service providers of state banks and state trust companies.

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

SECTION 1. Section 31.002(a)(55-a), Finance Code, is amended to read as follows:

(55-a) "Third-party service provider" means a person who performs activities relating to the business of banking on behalf of a depository institution for the depository institution's customers or on behalf of another person directly engaged in providing financial services for the person's customers. The term:

(A) includes a person who:

(i) provides data processing services;

(ii) performs activities in support of the provision of financial services, including lending, transferring funds, fiduciary activities, trading activities, and deposit taking activities; ~~or~~

(iii) for the purpose of furnishing to third parties reports indicating a person's creditworthiness, credit standing, or credit capacity, regularly engages in the practice of assembling or evaluating, and maintaining, public record information and credit account information from persons who furnish that information regularly and in the ordinary course of business; or

(iv) provides Internet-related services, including web services, processing electronic bill payments, developing and maintaining mobile applications, system and software development and maintenance, and security monitoring; and

(B) does not include a provider of an interactive computer service or a general audience Internet or communications platform, except to the extent that the service or platform is specially designed or adapted for the business of banking and activities relating to the business of banking.

SECTION 2. Section 31.105, Finance Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Except to the extent disclosure is necessary to locate and produce responsive records or obtain legal representation and subject to Subsection (g), a subpoena issued under this section may provide that the person to whom the subpoena is directed or any person who comes into receipt of the subpoena may not:

(1) disclose that the subpoena has been issued;

(2) disclose or describe any records requested in the subpoena;

(3) disclose whether records have been furnished in response to the subpoena; or

(4) if the subpoena requires a person to be examined under oath, disclose or describe the examination, including the questions asked, the testimony given, or the transcript produced.

(g) A subpoena issued under this section may prohibit the disclosure of information described by Subsection (f) only if the banking commissioner finds, and the subpoena states, that:

(1) the subpoena, the examination, or the records relate to an ongoing investigation; and

(2) the disclosure could significantly impede or jeopardize the investigation.

SECTION 3. Section 31.107, Finance Code, is amended by adding Subsection (e) to read as follows:

(e) A third-party service provider that refuses to submit to examination or to pay an assessed fee for examination under this section is subject to an enforcement action under Chapter 35. With respect to a third-party service provider's refusal to submit to

examination, the banking commissioner may notify all state banks of the refusal and warn that continued use of the third-party service provider may constitute an unsafe and unsound banking practice.

SECTION 4. Section 33.005, Finance Code, is amended to read as follows:

Sec. 33.005. EXEMPTIONS. The following acquisitions are exempt from Section 33.001:

(1) an acquisition of securities in connection with the exercise of a security interest or otherwise in full or partial satisfaction of a debt previously contracted for in good faith and the acquiring person files written notice of acquisition with the banking commissioner before the person votes the securities acquired;

(2) an acquisition of voting securities in any class or series by a controlling person who has previously complied with and received approval under this subchapter or who was identified as a controlling person in a prior application filed with and approved by the banking commissioner;

(3) an acquisition or transfer by operation of law, will, or intestate succession and the acquiring person files written notice of acquisition with the banking commissioner before the person votes the securities acquired;

(4) a transaction subject to Chapter 202 if:

(A) the acquiring bank holding company currently owns and controls a state bank; or

(B) the post-transaction controlling person:

(i) has previously complied with and received approval as a controlling person under this subchapter; or

(ii) is identified as the controlling person in a merger or other acquisition-related application filed with the banking commissioner concurrently with the submission required by Section 202.001; and

(5) a transaction exempted by the banking commissioner or by rules adopted under this subtitle because the transaction is not within the purposes of this subchapter or the regulation of the transaction is not necessary or appropriate to achieve the objectives of this subchapter.

SECTION 5. Section 35.010(c), Finance Code, is amended to read as follows:

(c) If the banking commissioner determines after the hearing that the alleged conduct occurred and that the conduct constitutes a violation, the banking commissioner may impose an administrative penalty against a bank or other person, as applicable, in an amount:

(1) if imposed against a bank, ~~[not less than \$500 and]~~ not more than \$10,000 for each violation for each day the violation continues, except that the maximum administrative penalty that may be imposed is the lesser of \$500,000 or one percent of the bank's assets; or

(2) if imposed against a person other than a bank, ~~[not less than \$500 and]~~ not more than \$5,000 for each violation for each day the violation continues, except that the maximum administrative penalty that may be imposed is \$250,000.

SECTION 6. Section 35.203, Finance Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) Except to the extent disclosure is necessary to locate and produce responsive records or obtain legal representation and subject to Subsection (i), a subpoena issued under this section may provide that the person to whom the subpoena is directed or any person who comes into receipt of the subpoena may not:

(1) disclose that the subpoena has been issued;

(2) disclose or describe any records requested in the subpoena;

(3) disclose whether records have been furnished in response to the subpoena; or

(4) if the subpoena requires a person to be examined under oath, disclose or describe the examination, including the questions asked, the testimony given, or the transcript produced.

(i) A subpoena issued under this section may prohibit the disclosure of information described by Subsection (h) only if the banking commissioner finds, and the subpoena states, that:

(1) the subpoena, the examination, or the records relate to an ongoing investigation; and

(2) the disclosure could significantly impede or jeopardize the investigation.

SECTION 7. Sections 181.002(a)(47-b) and (49), Finance Code, are amended to read as follows:

(47-b) "Third-party service provider" means a person who performs activities relating to the trust business on behalf of a trust institution for the trust institution's customers or on behalf of another person directly engaged in providing financial services for the person's customers. The term:

(A) includes a person who:

(i) provides data processing services;

(ii) performs activities in support of the provision of financial services, including lending, transferring funds, fiduciary activities, trading activities, and deposit taking activities; ~~(iii)~~

(iii) for the purpose of furnishing to third parties reports indicating a person's creditworthiness, credit standing, or credit capacity, regularly engages in the practice of assembling or evaluating, and maintaining, public record information and credit account information from persons who furnish that information regularly and in the ordinary course of business; or

(iv) provides Internet-related services, including web services, processing electronic bill payments, developing and maintaining mobile applications, system and software development and maintenance, and security monitoring; and

(B) does not include a provider of an interactive computer service or a general audience Internet or communications platform, except to the extent that the service or platform is specially designed or adapted for the trust business and activities relating to the trust business.

(49) "Trust business" means the business of a company holding itself out to the public as a fiduciary for hire or compensation to hold or administer accounts. The term includes:

(A) the business of a trustee or custodian of an individual retirement account described by Section 408(a), Internal Revenue Code of 1986; and

(B) the business of an administrator or servicer of individual retirement accounts described by Section 408(a), Internal Revenue Code of 1986, who ~~[possesses or controls any assets, including cash, of those accounts and who]~~ makes the administrator's or servicer's services available to the public for hire or compensation.

SECTION 8. Section 181.104, Finance Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) Except to the extent disclosure is necessary to locate and produce responsive records or obtain legal representation and subject to Subsection (i), a subpoena issued under this section may provide that the person to whom the subpoena is directed or any person who comes into receipt of the subpoena may not:

(1) disclose that the subpoena has been issued;

(2) disclose or describe any records requested in the subpoena;

(3) disclose whether records have been furnished in response to the subpoena; or

(4) if the subpoena requires a person to be examined under oath, disclose or describe the examination, including the questions asked, the testimony given, or the transcript produced.

(i) A subpoena issued under this section may prohibit the disclosure of information described by Subsection (h) only if the banking commissioner finds, and the subpoena states, that:

(1) the subpoena, the examination, or the records relate to an ongoing investigation; and

(2) the disclosure could significantly impede or jeopardize the investigation.

SECTION 9. Section 181.106, Finance Code, is amended by adding Subsection (d) to read as follows:

(d) A third-party service provider that refuses to submit to examination or to pay an assessed fee for examination under this section is subject to an enforcement action under Chapter 185. With respect to a third-party service provider's refusal to submit to examination, the banking commissioner may notify all state trust companies of the refusal and warn that continued use of the third-party service provider may constitute an unsafe and unsound fiduciary practice.

SECTION 10. Section 185.010(c), Finance Code, is amended to read as follows:

(c) If the banking commissioner determines after the hearing that the alleged conduct occurred and that the conduct constitutes a violation, the banking commissioner may impose an administrative penalty against a state trust company or other person, as applicable, in an amount:

(1) if imposed against a state trust company, ~~[not less than \$500 and]~~ not more than \$10,000 for each violation for each day the violation continues, except that the maximum administrative penalty that may be imposed is the lesser of \$500,000 or one percent of the state trust company's assets; or

(2) if imposed against a person other than a state trust company, ~~[not less than \$500 and]~~ not more than \$5,000 for each violation for each day the violation continues, except that the maximum administrative penalty that may be imposed is \$250,000.

SECTION 11. Section 185.202, Finance Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) Except to the extent disclosure is necessary to locate and produce responsive records or obtain legal representation and subject to Subsection (i), a subpoena issued under this section may provide that the person to whom the subpoena is directed or any person who comes into receipt of the subpoena may not:

(1) disclose that the subpoena has been issued;

(2) disclose or describe any records requested in the subpoena;

(3) disclose whether records have been furnished in response to the subpoena; or

(4) if the subpoena requires a person to be examined under oath, disclose or describe the examination, including the questions asked, the testimony given, or the transcript produced.

(i) A subpoena issued under this section may prohibit the disclosure of information described by Subsection (h) only if the banking commissioner finds, and the subpoena states, that:

(1) the subpoena, the examination, or the records relate to an ongoing investigation; and

(2) the disclosure could significantly impede or jeopardize the investigation.

SECTION 12. This Act takes effect September 1, 2019.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1823**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**(President in Chair)**

### **SENATE BILL 22 WITH HOUSE AMENDMENT**

Senator Campbell called **SB 22** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 23**

Amend **SB 22** (house committee report) as follows:

(1) On page 4, between lines 13 and 14, insert the following:

Sec. 2272.005. CONSTRUCTION OF CHAPTER. This chapter may not be construed to restrict a municipality or county from prohibiting abortion.

(2) Add the following appropriately numbered SECTION to the bill and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person or entity, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 22**.

Senator Campbell withdrew the motion to concur.

**(Senator Menéndez in Chair)**

**SENATE BILL 2223 WITH HOUSE AMENDMENT**

Senator Creighton called **SB 2223** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 2223** (house committee printing) as follows:

(1) Strike page 3, line 5, through page 4, line 14, and renumber SECTIONS of the bill accordingly.

(2) Strike page 5, lines 11 through 14, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. This Act takes effect September 1, 2019.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 2223**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Miles, Whitmire.

**SENATE BILL 748 WITH HOUSE AMENDMENT**

Senator Kolkhorst called **SB 748** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 2**

Amend **SB 748** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02163 to read as follows:

Sec. 531.02163. STUDY ON PROVIDING CERTAIN MATERNAL CARE MEDICAID SERVICES THROUGH TELEMEDICINE MEDICAL SERVICES AND TELEHEALTH SERVICES. (a) Not later than September 1, 2020, the commission shall conduct a study on the benefits and costs of permitting reimbursement under Medicaid for prenatal and postpartum care delivered through telemedicine medical services and telehealth services.

(b) This section expires September 1, 2021.

SECTION \_\_\_\_\_. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0996 to read as follows:

Sec. 531.0996. PREGNANCY MEDICAL HOME PILOT PROGRAM. (a) The commission shall develop a pilot program to establish pregnancy medical homes that provide coordinated evidence-based maternity care management to women who reside in a pilot program area and are recipients of Medicaid through a Medicaid managed care model or arrangement under Chapter 533. The commission shall implement the pilot program in:

(1) at least two counties with populations of more than two million;

(2) at least one county with a population of more than 100,000 and less than 500,000; and

(3) at least one rural county with high rates of maternal mortality and morbidity as determined by the commission in consultation with the Maternal Mortality and Morbidity Task Force established under Chapter 34, Health and Safety Code.

(b) In implementing the pilot program, the commission shall ensure each pregnancy medical home provides a maternity management team that:

(1) consists of health care providers, including obstetricians, gynecologists, family physicians, physician assistants, certified nurse midwives, nurse practitioners, and social workers, who provide health care services at the same location;

(2) conducts a risk assessment of each pilot program participant on her entry into the program to determine the risk classification for her pregnancy;

(3) based on the assessment conducted under Subdivision (2), establishes an individual pregnancy care plan for each participant; and

(4) follows each participant throughout her pregnancy to reduce poor birth outcomes.

(c) The commission may incorporate as a component of the pilot program financial incentives for health care providers who participate in a maternity management team.

(d) The commission may waive a requirement of this section for a pregnancy medical home located in a rural county.

(e) Notwithstanding Section 531.02176, the commission may:

(1) provide home telemonitoring services and necessary durable medical equipment to pilot program participants who are at risk of experiencing pregnancy-related complications, as determined by a physician, to the extent the commission anticipates the services and equipment will reduce unnecessary emergency room visits or hospitalizations; and

(2) reimburse providers under Medicaid for the provision of home telemonitoring services and durable medical equipment under the pilot program.

(f) Not later than January 1, 2021, the commission shall submit to the legislature a report on the pilot program. The report must include:

(1) an evaluation of the pilot program's success in reducing poor birth outcomes; and

(2) a recommendation on whether the pilot program should continue, be expanded, or be terminated.

(g) The executive commissioner may adopt rules to implement this section.



(h) This section expires September 1, 2023.

SECTION \_\_\_\_. Chapter 34, Health and Safety Code, is amended by adding Sections 34.0158 and 34.0159 to read as follows:

Sec. 34.0158. REPORT ON ACTIONS TO ADDRESS MATERNAL MORTALITY RATES. Not later than December 1 of each even-numbered year, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the appropriate standing committees of the legislature a written report summarizing the actions taken to address maternal morbidity and reduce maternal mortality rates. The report must include information from programs and initiatives created to address maternal morbidity and reduce maternal mortality rates in this state, including:

- (1) Medicaid;
- (2) the children's health insurance program, including the perinatal program;
- (3) the Healthy Texas Women program;
- (4) the Family Planning Program;
- (5) this state's program under the Maternal and Child Health Services Block Grant Act (42 U.S.C. Section 701 et seq.);
- (6) the Perinatal Advisory Council;
- (7) state health plans; and
- (8) the Healthy Texas Babies program.

Sec. 34.0159. PROGRAM EVALUATIONS. The commission, in collaboration with the task force and other interested parties, shall:

- (1) explore options for expanding the pilot program for pregnancy medical homes established under Section 531.0996, Government Code;
- (2) explore methods for increasing the benefits provided under Medicaid, including specialty care and prescriptions, for women at greater risk of a high-risk pregnancy or premature delivery;
- (3) evaluate the impact of supplemental payments made to obstetrics providers for pregnancy risk assessments on increasing access to maternal health services;
- (4) evaluate a waiver to fund managed care organization payments for case management and care coordination services for women at high risk of severe maternal morbidity on conclusion of their eligibility for Medicaid;
- (5) evaluate the average time required for pregnant women to complete the Medicaid enrollment process;
- (6) evaluate the use of Medicare codes for Medicaid care coordination;
- (7) study the impact of programs funded from the Teen Pregnancy Prevention Program federal grant and evaluate whether the state should continue funding the programs; and
- (8) evaluate the use of telemedicine medical services for women during pregnancy and the postpartum period.

SECTION \_\_\_\_. Chapter 34, Health and Safety Code, is amended by adding Sections 34.019, 34.020, and 34.021 to read as follows:

Sec. 34.019. DATA COLLECTION. The task force, under the direction of the department, shall annually collect information relating to maternity care and postpartum depression in this state. The information must be based on statistics for the preceding year and include the:

(1) number of births by Medicaid recipients;  
(2) number of births by women with health benefit plan coverage;  
(3) number of Medicaid recipients screened for postpartum depression;  
(4) number of women screened for postpartum depression under health benefit plan coverage;

(5) number of women treated for postpartum depression under health benefit plan coverage;

(6) number of women screened for postpartum depression under the Healthy Texas Women program;

(7) number of women treated for postpartum depression under the Healthy Texas Women program;

(8) number of claims for postpartum depression treatment paid by the Healthy Texas Women program;

(9) number of claims for postpartum depression treatment rejected by the Healthy Texas Women program;

(10) postpartum depression screening and treatment billing codes and the number of claims for each billing code under the Healthy Texas Women program;

(11) average number of days from the date of a postpartum depression screening to the date the patient begins treatment under Medicaid;

(12) average number of days from the date of a postpartum depression screening to the date the patient begins treatment under the Healthy Texas Women program;

(13) number of women who screened positive for postpartum depression under Medicaid and the average number of days following childbirth for the screening to occur;

(14) number of women who screened positive for postpartum depression under health benefit plan coverage and the average number of days following childbirth for the screening to occur; and

(15) number of women who screened positive for postpartum depression under the Healthy Texas Women program and the average number of days following childbirth for the screening to occur.

Sec. 34.020. PROGRAM TO DELIVER PRENATAL AND POSTPARTUM CARE THROUGH TELEHEALTH OR TELEMEDICINE MEDICAL SERVICES IN CERTAIN COUNTIES. (a) In this section:

(1) "Postpartum care" and "prenatal care" have the meanings assigned by Section 32.002.

(2) "Telehealth service" and "telemedicine medical service" have the meanings assigned by Section 111.001, Occupations Code.

(b) The commission, in consultation with the task force, shall develop a program to deliver prenatal and postpartum care through telehealth services or telemedicine medical services to pregnant women with a low risk of experiencing pregnancy-related complications, as determined by a physician. The commission shall implement the program in:

(1) at least two counties with populations of more than two million;

(2) at least one county with a population of more than 100,000 and less than 500,000; and

(3) at least one rural county with high rates of maternal mortality and morbidity as determined by the commission in consultation with the task force.

(c) The commission shall develop criteria for selecting participants for the program by analyzing information in the reports prepared by the task force under this chapter and the outcomes of the study conducted under Section 531.02163, Government Code.

(d) In developing and administering the program, the commission shall endeavor to use innovative, durable medical equipment to monitor fetal and maternal health.

(e) Notwithstanding Section 531.02176, Government Code, and if the commission determines it is feasible and cost-effective, the commission may:

(1) provide home telemonitoring services and necessary durable medical equipment to women participating in the program to the extent the commission anticipates the services and equipment will reduce unnecessary emergency room visits or hospitalizations; and

(2) reimburse providers under Medicaid for the provision of home telemonitoring services and durable medical equipment under the program.

(f) Not later than January 1, 2021, the commission shall submit to the legislature a report on the program that evaluates the program's success in delivering prenatal and postpartum care through telehealth services or telemedicine medical services under Subsection (b).

Sec. 34.021. APPLICATION FOR FEDERAL GRANTS. (a) The executive commissioner shall apply to the United States Department of Health and Human Services for grants under the federal Preventing Maternal Deaths Act of 2018 (Pub. L. No. 115-344).

(b) This section expires September 1, 2027.

SECTION \_\_\_\_. Section 81.090(c), Health and Safety Code, is amended to read as follows:

(c) A physician or other person in attendance at a delivery shall:

(1) take or cause to be taken a sample of blood or other appropriate specimen from the mother on admission for delivery; and

(2) submit the sample to an appropriately certified laboratory for diagnostic testing approved by the United States Food and Drug Administration for hepatitis B infection and syphilis.

SECTION \_\_\_\_. Chapter 1001, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. HIGH-RISK MATERNAL CARE COORDINATION SERVICES  
PILOT PROGRAM

Sec. 1001.261. DEFINITIONS. In this subchapter:

(1) "Pilot program" means the high-risk maternal care coordination services pilot program established under this subchapter.

(2) "Promotora" or "community health worker" has the meaning assigned by Section 48.001.

Sec. 1001.262. ESTABLISHMENT OF PILOT PROGRAM; RULES. (a) The department shall develop and implement a high-risk maternal care coordination services pilot program in one or more geographic areas in this state.

(b) In implementing the pilot program, the department shall:

(1) conduct a statewide assessment of training courses provided by promotoras or community health workers that target women of childbearing age;

(2) study existing models of high-risk maternal care coordination services;

(3) identify, adapt, or create a risk assessment tool to identify pregnant women who are at a higher risk for poor pregnancy, birth, or postpartum outcomes; and

(4) create educational materials for promotoras and community health workers that include information on the:

(A) assessment tool described by Subdivision (3); and

(B) best practices for high-risk maternal care.

(c) The executive commissioner shall adopt rules as necessary to implement this subchapter and prescribe the types of information to be collected during the course of the pilot program and included in the report described by Section 1001.264.

Sec. 1001.263. DUTIES OF DEPARTMENT. (a) The department shall provide to each geographic area selected for the pilot program the support, resources, technical assistance, training, and guidance necessary to:

(1) screen all or a sample of pregnant patients with the assessment tool described by Section 1001.262(b)(3); and

(2) integrate community health worker services for women with high-risk pregnancies in:

(A) providing patient education on health-enhancing behaviors and chronic disease management and prevention;

(B) facilitating care coordination and navigation activities; and

(C) identifying and reducing barriers to the women's access to health care.

(b) The department shall develop training courses to prepare promotoras and community health workers in educating and supporting women at high risk for serious complications during the pregnancy and postpartum periods.

Sec. 1001.264. PILOT PROGRAM REPORT. (a) Not later than December 1 of each even-numbered year, the department shall prepare and submit a report on the pilot program to the executive commissioner and the chairs of the standing committees of the senate and the house of representatives with primary jurisdiction over public health and human services. The report may be submitted with the report required under Section 34.0156.

(b) The report submitted under this section must include an evaluation from the commissioner of the pilot program's effectiveness.

(c) The report submitted under this section must include a recommendation from the department on whether the pilot program should continue, be expanded, or be terminated.

Sec. 1001.265. EXPIRATION. This subchapter expires September 1, 2023.

SECTION \_\_\_\_. Notwithstanding Subchapter K, Chapter 1001, Health and Safety Code, as added by this Act, the Department of State Health Services and the executive commissioner of the Health and Human Services Commission are not required to comply with that subchapter unless a specific appropriation for the implementation of the subchapter is provided in a general appropriations act of the 86th Legislature.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall apply to the United States Department of Health and Human Services for grants as required by Section 34.021, Health and Safety Code, as added by this Act.

SECTION \_\_\_\_\_. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 748**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 8** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 1824** (140 Yeas, 1 Nays, 2 Present, not voting)

**HB 1900** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 2048** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 4531** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 4614** (116 Yeas, 19 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 766**

House Conferees: Huberty - Chair/Guillen/Howard/Stucky/Walle

**HB 1177**

House Conferees: Phelan - Chair/Bonnen, Greg/Metcalf/Nevárez/White

**HB 1523**

House Conferees: Nevárez - Chair/Harless/Lambert/Paddie/Thompson, Senfronia

**HB 1711**

House Conferees: Paddie - Chair/Canales/Landgraf/Nevárez/Price

**HB 1734**

House Conferees: Holland - Chair/Johnson, Julie/Leach/Martinez/Meyer

**HB 1735**

House Conferees: Howard - Chair/Button/Frullo/Lozano/Turner, Chris

**HB 2726**

House Conferees: Kuempel - Chair/Kacal/Morrison/Wilson/Zedler

**HB 2847**

House Conferees: Goldman - Chair/Geren/Hernandez/King, Tracy O./Paddie

**HB 2984**

House Conferees: Allison - Chair/Capriglione/González, Mary/King, Ken/Minjarez

**HB 3148**

House Conferees: Parker - Chair/Allison/Frank/Ortega/Springer

**HB 3557**

House Conferees: Paddie - Chair/Craddick/Leach/Moody/Zwiener

**HB 3582**

House Conferees: Murr - Chair/Moody/Pacheco/Smith/Wray

**HJR 34**

House Conferees: Shine - Chair/Burrows/Darby/Martinez Fischer/Murphy

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### RECESS

On motion of Senator Watson, the Senate at 4:33 p.m. recessed until 5:15 p.m. today.

### AFTER RECESS

The Senate met at 5:38 p.m. and was called to order by Senator Menéndez.

**SENATE BILL 132 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Hinojosa called **SB 132** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 132** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 377.072(c), Local Government Code, is amended to read as follows:

(c) Except as provided by Subsections (d) and (e), the district may use money in the development project fund only to:

(1) pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located:

(A) in the district; or

(B) outside the district, if:

(i) the project is located in the extraterritorial jurisdiction of the municipality that created the district;

(ii) the project is a development project as that term is defined by Section 377.001(3)(A);

(iii) the board determines that the development project will provide an economic benefit to the district; and

(iv) the following entities, as applicable, by resolution approve the development project:

(a) the municipality that created the district; and

(b) each municipality in whose extraterritorial jurisdiction the project is located;

(2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the district or to refund bonds or other obligations; or

(3) pay the costs of operating or maintaining one or more development projects during the planning, acquisition, establishment, development, construction, or renovation or while bonds or other obligations for the planning, acquisition, establishment, development, construction, or renovation are outstanding.

**Floor Amendment No. 2**

Amend **SB 132** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subtitle F, Title 4, Government Code, is amended by adding Chapter 487A to read as follows:

CHAPTER 487A. RURAL AND OPPORTUNITY FUNDS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 487A.0001. GENERAL DEFINITIONS. In this chapter:

(1) "Closing date" means the date a rural and opportunity fund has collected all of the amounts described by Section 487A.0056(a)(1).

(2) "Growth investment" means any capital or equity investment by a rural and opportunity fund in a targeted small business or any loan by a rural and opportunity fund to a targeted small business with a stated maturity date of at least one year after the date of issuance.

(3) "Office" means the Texas Economic Development and Tourism Office.

(4) "Qualified area" means:

(A) an area:

(i) other than a municipality with a population of more than 50,000 or an urbanized area contiguous and adjacent to the municipality; or

(ii) determined to be rural in character by the United States under secretary of agriculture for rural development or the successor in function to that position; or

(B) a qualified opportunity zone as defined by Section 1400Z-1, Internal Revenue Code of 1986.

(5) "Rural and opportunity fund" means an entity approved by the office as a rural and opportunity fund.

Sec. 487A.0002. DEFINITION: AFFILIATE. (a) In this chapter, "affiliate" means an entity that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another entity.

(b) For purposes of Subsection (a), an entity is controlled by another entity if the controlling entity:

(1) holds, directly or indirectly, the majority voting or ownership interest in the controlled entity; or

(2) has control over the day-to-day operations of the controlled entity by contract or by law.

Sec. 487A.0003. DEFINITION: CREDIT-ELIGIBLE CAPITAL CONTRIBUTION. (a) In this chapter and subject to Subsection (b), "credit-eligible capital contribution" means an investment of cash that equals the amount specified on a tax credit certificate issued by the office under Section 487A.0055(b) made by an entity that is subject to state premium tax liability, as defined by Section 232.0001, Insurance Code.

(b) An investment made by an entity qualifies as a credit-eligible capital contribution only if the entity making the investment receives in exchange for the investment:

(1) an equity interest in the rural and opportunity fund; or

(2) at par value or premium, a debt instrument that has a maturity date of at least five years from the closing date and a repayment schedule that is no faster than level principal amortization over five years.

Sec. 487A.0004. DEFINITION: INVESTMENT AUTHORITY. (a) In this chapter, "investment authority" means the amount stated on the notice issued under Section 487A.0055(a) approving the rural and opportunity fund.

(b) At least 65 percent of a rural and opportunity fund's investment authority must consist of credit-eligible capital contributions.



Sec. 487A.0005. DEFINITION: JOBS CREATED. (a) In this chapter, "jobs created" means, with respect to a targeted small business, employment positions that are created by the targeted small business, are located in this state, require at least 35 hours of work each week, and were not located in this state at the time of the initial growth investment in the targeted small business.

(b) The number of jobs created by a targeted small business is calculated each year by subtracting the number of employment positions in this state at the targeted small business at the time of the initial growth investment in the targeted small business from the monthly average of those employment positions for that year. If the number calculated under this subsection is less than zero, the number shall be reported as zero.

(c) The monthly average of employment positions for a year is calculated by adding together the number of employment positions existing on the last day of each month of the year and dividing by 12.

Sec. 487A.0006. DEFINITION: JOBS RETAINED. (a) In this chapter, "jobs retained" means, with respect to a targeted small business, employment positions:

(1) located in this state requiring at least 35 hours of work each week that existed before the initial growth investment in the targeted small business; and

(2) that would have been lost or moved out of this state had a growth investment in the targeted small business not been made, as certified in writing by an executive officer of the targeted small business to the rural and opportunity fund.

(b) The number of jobs retained by a targeted small business is calculated each year based on the monthly average of employment positions for that year.

(c) The monthly average of employment positions for a year is calculated by adding together the number of employment positions existing on the last day of each month of the year and dividing by 12.

(d) The reported number of jobs retained for a year may not exceed the number reported on the initial report under Section 487A.0155. The rural and opportunity fund shall reduce the number of jobs retained for a year if employment at the targeted small business drops below the number reported on the initial report.

Sec. 487A.0007. DEFINITION: TARGETED SMALL BUSINESS. (a) In this chapter, "targeted small business" means a business that, at the time of the initial growth investment in the business:

(1) had fewer than 250 employees, including any persons who would be considered employees under the federal law to which 13 C.F.R. Section 121.103(h)(4) applies as a result of the application of that provision; and

(2) has its principal business operations located in one or more qualified areas in this state.

(b) For purposes of Subsection (a)(2), the principal business operations of a business are located at a place where:

(1) at least 80 percent of the business's employees work; or

(2) employees who are paid at least 80 percent of the business's payroll work.

(c) An out-of-state business that agrees to relocate or hire new employees using the proceeds of a growth investment to establish principal business operations in a qualified area in this state qualifies as a targeted small business if the business satisfies the requirements of:

(1) Subsection (a)(1) at the time of the initial growth investment in the business; and

(2) Subsection (a)(2) not later than the 180th day after receiving the initial growth investment or a later date agreed to by the office.

Sec. 487A.0008. RULES. The office shall adopt rules necessary to implement this chapter.

#### SUBCHAPTER B. APPROVAL OF RURAL AND OPPORTUNITY FUNDS

Sec. 487A.0051. APPLICATION. (a) Subject to Section 487A.0202, the office shall accept applications from entities seeking approval as rural and opportunity funds.

(b) An application must include:

(1) the total investment authority sought by the applicant under the applicant's business plan;

(2) evidence sufficient to prove to the office's satisfaction that, as of the date the applicant submits the application:

(A) the applicant or affiliates of the applicant have invested, in the aggregate, at least \$100 million in nonpublic companies located in:

(i) an area described by Section 487A.0001(4)(A), regardless of whether the area is located inside or outside this state; or

(ii) a census tract designated as a qualified opportunity zone in accordance with Section 1400Z-1, Internal Revenue Code of 1986, regardless of when the designation is made and regardless of whether the census tract is located inside or outside this state; and

(B) at least one principal in a rural business investment company licensed under 7 U.S.C. Section 2009cc et seq. or a small business investment company licensed under 15 U.S.C. Section 681 is, and has been for at least four years, an officer or employee of the applicant or of an affiliate of the applicant on the date the application is submitted;

(3) a copy of the rural business investment company license or small business investment company license described by Subdivision (2)(B);

(4) an estimate of the number of jobs created and jobs retained as a result of the applicant's growth investments;

(5) a business plan that includes a revenue impact assessment that:

(A) projects state and local tax revenue to be generated by the applicant's proposed growth investments; and

(B) is prepared by a nationally recognized third party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan for the 10-year period following the closing date;

(6) a signed affidavit from each committed investor stating the amount of credit-eligible capital contributions the investor commits to making; and

(7) a nonrefundable application fee of \$5,000.

Sec. 487A.0052. DECISION ON APPLICATION. (a) The office shall make a determination on each application not later than the 30th day after the date the office receives the application. The office shall make application determinations in the order in which applications are received and shall consider applications received on the same day to be received simultaneously.

(b) The office may approve investment authority under this chapter in amounts that would allow not more than \$35 million in tax credits to be claimed under Section 232.0053, Insurance Code, in any calendar year, excluding any credit carryforwards under Section 232.0054, Insurance Code.

(c) If a request for investment authority exceeds the limitation under Subsection (b), the office shall reduce the investment authority and the credit-eligible capital contributions for that application as necessary to avoid exceeding the limit. If multiple applications received on the same day request a combined investment authority that exceeds the limit under Subsection (b), the office shall proportionally reduce the investment authority and the credit-eligible capital contributions for those applications as necessary to avoid exceeding the limit. The office may not reduce an applicant's investment authority for any reason other than as authorized by this subsection.

Sec. 487A.0053. GROUNDS FOR DENIAL. The office may deny an application under this subchapter only if:

(1) the application is incomplete or the application fee is not paid in full;

(2) the applicant fails to satisfy the requirements of Section 487A.0051(b)(2);

(3) the revenue impact assessment submitted under Section 487A.0051(b)(5) does not demonstrate that the applicant's business plan will result in a positive economic impact on combined state and local revenue during the 10-year period covered by the assessment that exceeds the cumulative amount of tax credits that would be issued to the applicant's investors under Chapter 232, Insurance Code, if the application were approved;

(4) the credit-eligible capital contributions described in affidavits submitted under Section 487A.0051(b)(6) do not equal at least 65 percent of the total amount of investment authority sought under the applicant's business plan; or

(5) the office has already approved the maximum amount of investment authority allowed under Section 487A.0052(b).

Sec. 487A.0054. SUBMISSION OF ADDITIONAL INFORMATION FOLLOWING DENIAL. (a) If the office denies an application the applicant may, not later than the 15th day after the date the office provides notice of denial, provide additional information to the office to complete, clarify, or cure defects in the application identified by the office.

(b) If the applicant completes, clarifies, or cures the defects in its application during the period prescribed by Subsection (a), the application is considered complete as of the original submission date.

(c) If the applicant fails to complete, clarify, or cure the defects in its application during the period prescribed by Subsection (a), the application is finally denied. An applicant who wishes to reapply must resubmit an application in full with a new submission date.

(d) The office shall review and reconsider an application described by Subsection (a) for which the applicant provides additional information not later than the 30th day after the date the applicant provides the information. The office shall consider that application before any pending applications submitted after the date that application was originally submitted.

(e) This section does not apply to an application denied as a result of the applicant's failure to submit with the application affidavits required by Section 487A.0051(b)(6).

Sec. 487A.0055. NOTICE OF APPROVAL; ISSUANCE OF TAX CREDIT CERTIFICATES. (a) On approval of an application, the office shall provide written notice to the applicant of the applicant's approval as a rural and opportunity fund, including the amount of the fund's investment authority.

(b) After the rural and opportunity fund collects the credit-eligible capital contribution from each investor under Section 487A.0056(a)(1)(A), the office shall issue a tax credit certificate to each investor and include on the certificate the amount of the investor's credit-eligible capital contribution.

Sec. 487A.0056. DUTIES OF FUND FOLLOWING APPROVAL. (a) A rural and opportunity fund shall:

(1) not later than the 60th day after the date the fund receives the approval notice under Section 487A.0055(a):

(A) collect the credit-eligible capital contribution from each investor whose affidavit was included in the application under Section 487A.0051(b)(6); and

(B) subject to Subsection (b), collect one or more investments of cash that, when added to the contributions collected under Paragraph (A), equal the fund's investment authority; and

(2) not later than the 65th day after the date the fund receives the approval notice under Section 487A.0055(a), send to the office documentation sufficient to prove that the fund has collected the amounts described in Subdivision (1).

(b) At least 10 percent of the rural and opportunity fund's investment authority must consist of equity investments contributed directly or indirectly by affiliates of the fund, including employees, officers, and directors of those affiliates.

Sec. 487A.0057. LAPSE OF APPROVAL. (a) If a rural and opportunity fund fails to comply with the requirements of Section 487A.0056, the fund's approval lapses and the corresponding investment authority described by Section 487A.0056(a)(1) does not count toward the limit prescribed by Section 487A.0052(b).

(b) The office shall first award lapsed investment authority pro rata to each rural and opportunity fund whose requested investment authority was reduced under Section 487A.0052(c). The rural and opportunity fund may allocate the investment authority awarded under this subsection to the fund's investors in the fund's discretion. The office may award any remaining investment authority to new applicants.

Sec. 487A.0058. DISPOSITION OF APPLICATION FEES. Application fees submitted to the office under Section 487A.0051(b)(7) shall be deposited to the credit of the general revenue fund and may be appropriated only to the office for the purpose of administering this chapter.

SUBCHAPTER C. REVOCATION OF TAX CREDIT CERTIFICATE

Sec. 487A.0101. GROUNDS FOR REVOCATION. (a) The office shall revoke a tax credit certificate issued under Subchapter B in connection with an investment in a rural and opportunity fund if, before the fund exits the program under Section 487A.0151, the fund:

(1) subject to Subsection (b), fails to invest at least 60 percent of the fund's investment authority in growth investments in this state on or before the second anniversary of the closing date and 100 percent of the fund's investment authority in growth investments in this state on or before the third anniversary of the closing date;

(2) subject to Subsection (c) and after making the investments necessary to avoid revocation under Subdivision (1), fails to maintain growth investments equal to 100 percent of the fund's investment authority until the sixth anniversary of the closing date;

(3) makes a distribution or payment that results in the fund having less than 100 percent of its investment authority:

(A) invested in growth investments in this state; or

(B) available for investment in growth investments and held in:

(i) cash;

(ii) United States Treasury securities;

(iii) bonds or notes issued by this state or an agency or political subdivision of this state; or

(iv) a deposit account with a depository institution headquartered or chartered in this state; or

(4) subject to Subsection (d), makes a growth investment in a targeted small business that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest in, makes a loan to, or makes an investment in the fund, an affiliate of the fund, or an investor in the fund.

(b) For purposes of Subsection (a)(1):

(1) the amount of growth investments that a rural and opportunity fund may count with respect to a particular targeted small business, including any amount invested in an affiliate of the targeted small business, may not exceed:

(A) \$3 million for the initial growth investment and during the six months after the initial growth investment is made; or

(B) a total of \$5 million; and

(2) at least 85 percent of the required investments must be growth investments in targeted small businesses whose principal business operations are located in, or are relocated to, one or more qualified areas described by Section 487A.0001(4)(A).

(c) For purposes of Subsection (a)(2):

(1) the amount of growth investments that a rural and opportunity fund may count with respect to a particular targeted small business, including any amount invested in an affiliate of the targeted small business, may not exceed:

(A) \$3 million for the initial growth investment and during the six months after the initial growth investment is made; or

(B) a total of \$5 million;

(2) an investment that is sold or repaid is considered to be maintained if the rural and opportunity fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, excluding any profit realized, in another growth investment in this state on or before the first anniversary of the date the capital is returned or recovered; and

(3) an amount received periodically by a rural and opportunity fund is considered to be continually invested in growth investments if that amount is reinvested in one or more growth investments by the end of the calendar year following the year of receipt.

(d) Subsection (a)(4) does not apply to investments in publicly traded securities by a targeted small business or an owner or affiliate of the targeted small business. For purposes of Subsection (a)(4), a rural and opportunity fund is not considered an affiliate of a targeted small business solely as a result of the fund's growth investment in the targeted small business.

(e) The office shall:

(1) notify the comptroller when the office revokes a tax credit certificate;  
and

(2) on request, provide the comptroller with lists of valid and revoked tax credit certificates.

Sec. 487A.0102. OPPORTUNITY TO CORRECT VIOLATION. (a) Before revoking a tax credit certificate under this subchapter, the office shall notify the rural and opportunity fund of the reasons for the pending revocation.

(b) The rural and opportunity fund may, not later than the 90th day after the date the notice is received, correct any violation outlined in the notice to the satisfaction of the office and avoid revocation of the tax credit certificate.

Sec. 487A.0103. ALLOCATION OF REVOKED INVESTMENT AUTHORITY. (a) If a tax credit certificate is revoked under this subchapter, the associated investment authority does not count toward the limit on total investment authority described in Section 487A.0052(b).

(b) The office shall first award revoked investment authority pro rata to each rural and opportunity fund whose requested investment authority was reduced under Section 487A.0052(c). The office may award any remaining investment authority to new applicants.

#### SUBCHAPTER D. CERTAIN FUND OPERATIONS

Sec. 487A.0151. APPLICATION TO EXIT PROGRAM. (a) On or after the sixth anniversary of the closing date, a rural and opportunity fund may apply to the office to exit the program and no longer be subject to regulation under this chapter.

(b) The office shall respond to the application not later than the 30th day after receipt.

(c) A rural and opportunity fund is eligible to exit the program under this section if no tax credit certificates related to investments in the fund have been revoked and the fund has not received any revocation notice that has not been corrected under Section 487A.0102.

(d) The office may not unreasonably deny an application under this section. The office shall give the rural and opportunity fund notice of a denial and include in the notice the reasons for the denial.

Sec. 487A.0152. NO REVOCATION FOLLOWING EXIT. The office may not revoke a tax credit certificate related to an investment in a rural and opportunity fund after the fund's exit from the program.

Sec. 487A.0153. PENALTY FOR CERTAIN DISTRIBUTIONS. (a) For purposes of this section:

(1) the "actual number of jobs created and retained" is the sum of the numbers of jobs created and jobs retained as a result of all of a rural and opportunity fund's current and former growth investments, as reported on the fund's reports submitted under Section 487A.0155; and

(2) the "estimated number of jobs created and retained" is the sum of the estimated numbers of jobs created and jobs retained included in a rural and opportunity fund's application under Section 487A.0051(b)(4) reduced, if applicable, by the same percentage as the total investment authority sought under the fund's business plan submitted under Section 487A.0051(b)(1) was reduced under Section 487A.0052(c).

(b) A rural and opportunity fund is subject to a penalty in the amount provided by Subsection (c) if:

(1) the fund authorizes a distribution to the fund's equity holders in an amount that, when added to all previous distributions to the fund's equity holders and any previous penalties under this section, exceeds the fund's investment authority; and

(2) the fund's actual number of jobs created and retained is less than the fund's estimated number of jobs created and retained.

(c) The amount of the penalty is equal to the amount of the authorized distribution multiplied by a fraction:

(1) the numerator of which is the fund's estimated number of jobs created and retained less the fund's actual number of jobs created and retained; and

(2) the denominator of which is the fund's estimated number of jobs created and retained.

(d) Before making a distribution to the fund's equity holders, the fund shall deduct the amount of the penalty from the amount otherwise authorized to be distributed to the equity holders and pay the penalty to the office.

(e) The office shall deposit penalties received under Subsection (d) in the general revenue fund.

Sec. 487A.0154. EVALUATION OF PROPOSED INVESTMENT. (a) A rural and opportunity fund, before making a growth investment, may request from the office a written opinion as to whether the business in which the fund proposes to invest qualifies as a targeted small business.

(b) Not later than the 15th business day after receiving the request, the office shall notify the rural and opportunity fund of its determination.

(c) If the office fails to notify the rural and opportunity fund of its determination on or before the 15th business day after receiving the request, the business in which the fund proposes to invest is considered to be a targeted small business for purposes of this chapter.

Sec. 487A.0155. ANNUAL REPORT. (a) A rural and opportunity fund shall submit a report to the office on or before the fifth business day after each anniversary of the closing date until the fund has exited the program under Section 487A.0151.

(b) The report must document the rural and opportunity fund's growth investments and include:

- (1) a bank statement showing each growth investment;
- (2) the name, location, and industry of each business receiving a growth investment, including either the determination notice described by Section 487A.0154 or evidence that the business qualified as a targeted small business at the time the investment was made;
- (3) the number of jobs created and jobs retained in the preceding calendar year as a result of the fund's growth investments as of the last day of that period;
- (4) the average annual salary of the jobs described by Subdivision (3) and evidence of any other monetary or social benefit to this state as a result of those jobs; and
- (5) any other information the office requires.

(c) A rural and opportunity fund may, but is not required to, include in any report submitted under this section information about the number of jobs created and jobs retained with respect to a former growth investment that the fund has exited.

#### SUBCHAPTER E. REPORT; CONDITIONS FOR ACCEPTANCE OF CERTAIN APPLICATIONS

Sec. 487A.0201. REPORT. (a) Before the beginning of the 90th Legislature, Regular Session, the office shall submit to the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report on the economic effects of this chapter.

(b) The report must include an assessment of:

- (1) the aggregate effects of growth investments made under this chapter, including:
  - (A) the total number of jobs created by all targeted small businesses that received growth investments, including direct jobs, indirect jobs, and induced jobs;
  - (B) the total number of jobs retained by all targeted small businesses that received growth investments;
  - (C) the total amount of wages paid in connection with jobs created and jobs retained by all targeted small businesses that received growth investments;
  - (D) the median wage of jobs created and jobs retained by all targeted small businesses that received growth investments; and
  - (E) the total amount of growth investments made under this chapter;
- (2) the total effect of growth investments on personal income in this state, including direct and indirect effects;
- (3) the gross domestic product of this state attributable to targeted small businesses that received growth investments;
- (4) the total taxable value of property of targeted small businesses that received growth investments in this state according to tax appraisal rolls;
- (5) a comprehensive analysis of the fiscal effect of growth investments on this state and local governments in this state;
- (6) the benefits to this state from cost savings attributable to jobs created and jobs retained by all targeted small businesses that received growth investments, including:



(A) Medicaid savings, with savings to this state and the federal government listed separately;

(B) food assistance program savings;

(C) unemployment insurance payment savings; and

(D) any other savings that can be reasonably estimated using data available to the office in connection with some or all targeted small businesses that received growth investments; and

(7) a comprehensive analysis of the fiscal effect on this state and local governments in this state of the effects described by Subdivisions (2)-(6).

(c) The report may not include information that is confidential by law.

(d) In preparing the portions of the report described by Subsections (b)(1)-(5), the office shall use standard, nationally recognized economic estimation techniques, including economic multipliers.

(e) The portions of the report described by Subsections (b)(1)-(5) must be based on data submitted to the office by each rural and opportunity fund.

Sec. 487A.0202. CONDITIONS FOR ACCEPTANCE OF CERTAIN APPLICATIONS. (a) The office may not accept applications under Section 487A.0051 after January 1, 2022, unless the total positive fiscal effects described by Section 487A.0201(b) exceed the sum of all tax credit certificates issued by the office under Section 487A.0055(b).

(b) The office shall resume accepting applications under Section 487A.0051 when the condition provided by Subsection (a) is satisfied.

(b) Subtitle B, Title 3, Insurance Code, is amended by adding Chapter 232 to read as follows:

CHAPTER 232. TAX CREDIT FOR INVESTMENT IN RURAL AND OPPORTUNITY FUND

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 232.0001. DEFINITIONS. In this chapter:

(1) "Affiliate" has the meaning assigned by Section 487A.0002, Government Code.

(2) "Closing date" has the meaning assigned by Section 487A.0001, Government Code.

(3) "State premium tax liability" means tax liability incurred under Chapter 221, 222, 223, or 224.

Sec. 232.0002. RULES. The comptroller shall adopt rules necessary to implement this chapter.

SUBCHAPTER B. TAX CREDIT

Sec. 232.0051. ELIGIBILITY FOR CREDIT. An entity is eligible for a credit against the entity's state premium tax liability in the amount and under the conditions and limitations provided by this chapter.

Sec. 232.0052. QUALIFICATION. An entity is eligible for a credit for a tax year if:

(1) the entity holds a tax credit certificate issued under Section 487A.0055(b), Government Code; and

(2) the third, fourth, fifth, or sixth anniversary of the closing date in connection with which the certificate was issued occurs during the tax year.

Sec. 232.0053. AMOUNT OF CREDIT; LIMITATION. (a) The amount of credit for a tax year is equal to 25 percent of the amount of the credit-eligible capital contribution stated on the tax credit certificate described by Section 232.0052.

(b) The total credit claimed for a tax year, including the amount of any carryforward under Section 232.0054, may not exceed the amount of state premium tax liability due for the entity for the tax year after applying all other applicable tax credits.

Sec. 232.0054. CARRYFORWARD. If an entity is eligible for a credit that exceeds the limitation under Section 232.0053(b), the entity may carry the unused credit forward and claim the credit on a future tax report.

Sec. 232.0055. ASSIGNMENT PROHIBITED. (a) Except as provided by Subsection (b), an entity may not convey, assign, or transfer the credit allowed under this chapter to another entity.

(b) An entity may convey, assign, or transfer the credit allowed under this chapter to an affiliate of the entity that is subject to state premium tax liability.

Sec. 232.0056. RETALIATORY TAX. An entity claiming a credit under this chapter is not required to pay any additional retaliatory tax levied under Chapter 281 as a result of claiming that credit.

#### SUBCHAPTER C. RECAPTURE OF CREDIT

Sec. 232.0101. RECAPTURE. The comptroller shall recapture the amount of a credit claimed on a tax report filed under Chapter 221, 222, 223, or 224 from an entity if the tax credit certificate on which the credit is based is revoked under Subchapter C, Chapter 487A, Government Code.

(c) As soon as practicable after this Act becomes law as provided by Section 2001.006, Government Code:

(1) the Texas Economic Development and Tourism Office shall adopt rules necessary to implement Chapter 487A, Government Code, as added by this section; and

(2) the comptroller of public accounts shall adopt rules necessary to implement Chapter 232, Insurance Code, as added by this section.

(d) Not later than January 1, 2020, the Texas Economic Development and Tourism Office shall begin accepting applications under Section 487A.0051(a), Government Code, as added by this section.

(e) Chapter 232, Insurance Code, as added by this section, applies only to a tax report originally due on or after January 1, 2020.

(f) This section takes effect September 1, 2019.

(2) On page 12, strike lines 10 through 14 and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_ . Except as otherwise provided by this Act:

(1) 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; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendments were read.

Senator Hinojosa submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 132** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nelson, Creighton, Hancock, and Zaffirini.

**SENATE BILL 355 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator West called **SB 355** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 355** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to developing a strategic plan regarding implementation of prevention and early intervention services and community-based care.

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

SECTION 1. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.079 to read as follows:

Sec. 40.079. STRATEGIC STATE PLAN TO IMPLEMENT COMMUNITY-BASED CARE AND FOSTER CARE PREVENTION SERVICES.

(a) The department shall develop a strategic plan for the coordinated implementation of:

(1) community-based care as defined by Section 264.152, Family Code; and

(2) foster care prevention services that meet the requirements of Title VII,

Div. E, Pub. L. No. 115-123.

(b) The strategic plan required under this section must:

(1) identify a network of services providers to provide mental health, substance use, and in-home parenting support services for:

(A) children at risk of entering foster care;

(B) the parents and caregivers of children identified under Paragraph

(A); and

(C) pregnant or parenting youth in foster care;

(2) identify methods for the statewide implementation of foster care prevention services, including implementation in department regions that are transitioning to community-based care;

(3) identify resources necessary for the department to implement community-based care and to coordinate that implementation with the implementation of foster care prevention services, including:

(A) enhanced training related to procurement, contract monitoring and enforcement services, information technology services, and financial and legal services;

(B) a financial methodology for funding the implementation of community-based care and foster care prevention services; and

(C) resources to address the placement of children in settings eligible for federal financial participation under the requirements of Title VII, Div. E, Pub. L. No. 115-123;

(4) identify methods to:

(A) maximize resources from the federal government under Title VII, Div. E, Pub. L. No. 115-123;

(B) apply for other available federal and private funds;

(C) streamline and reduce duplication of effort by each state agency involved in providing services described by Subdivision (1);

(D) streamline the procedures for determining eligibility for services described by Subdivision (1);

(E) prescribe and terminate services described by Subdivision (1); and

(F) reduce recidivism in foster care prevention services;

(5) include a method to:

(A) notify the Senate Health and Human Services Committee, the Senate Finance Committee, the House Committee on Human Services, the House Committee on Public Health, and the House Appropriations Committee of federal and private funding opportunities; and

(B) respond to the opportunities described by Paragraph (A); and

(6) identify opportunities to coordinate with independent researchers to assist community programs in evaluating and developing trauma-informed services and promising, supported, or well-supported services and strategies under Title VII, Div. E, Pub. L. No. 115-123.

(c) In identifying the network of providers described by Subsection (b)(1), the department shall consult with the Health and Human Services Commission, the Department of State Health Services, and community stakeholders.

(d) This section does not supersede or limit the department's duty to develop and maintain the plan under Section 264.153, Family Code.

(e) The department shall submit the plan developed under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the standing committees of the senate and house of representatives having primary jurisdiction over child welfare issues not later than December 30, 2019.

(f) This section expires March 1, 2020.

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, 2019.

**Floor Amendment No. 1**

Amend **CSSB 355** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . (a) The Department of Family and Protective Services shall conduct a study to evaluate whether the department provides foster parents with adequate resources to ensure that foster parents are able to comply with all of the regulations relating to providing care for a child in the conservatorship of the department.

(b) Not later than September 1, 2020, the department shall prepare and submit to the legislature a written report containing the results of the study and any recommendations for legislative or other action.

(c) This section expires September 1, 2021.

The amendments were read.

Senator West submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 355** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Kolkhorst, Perry, Seliger, and Johnson.

**SENATE BILL 562 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Zaffirini called **SB 562** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 562** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability.

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

SECTION 1. Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which the defendant was convicted;

(4) a copy of the victim impact statement, if one has been prepared in the case under Article 56.03;

(5) a statement as to whether there was a change in venue in the case and, if so, the names of the county prosecuting the offense and the county in which the case was tried;

(6) if requested, information regarding the criminal history of the defendant, including the defendant's state identification number if the number has been issued;

(7) a copy of the indictment or information for each offense;

(8) a checklist sent by the department to the county and completed by the county in a manner indicating that the documents required by this subsection and Subsection (c) accompany the defendant;

(9) if prepared, a copy of a presentence or postsentence report prepared under Subchapter F, Chapter 42A;

(10) a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on the defendant;

(11) if prepared, a copy of the defendant's Texas Uniform Health Status Update Form; ~~and~~

(12) a written description of a hold or warrant, issued by any other jurisdiction, that the county is aware of and that has been placed on or issued for the defendant; and

(13) a copy of any mental health records, mental health screening reports, or similar information regarding the mental health of the defendant.

SECTION 2. Article 46B.001, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.001. DEFINITIONS. In this chapter:

(1) "Adaptive behavior" means the effectiveness with or degree to which a person meets the standards of personal independence and social responsibility expected of the person's age and cultural group.

(2) "Commission" means the Health and Human Services Commission.

(3) "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.

(4) "Developmental period" means the period of a person's life from birth through 17 years of age.

(5) "Electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(6) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(7) "Inpatient mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(8) ~~(2)~~ "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period [has the meaning assigned by Section 591.003, Health and Safety Code].

(9) ~~(3)~~ "Local mental health authority" has the meaning assigned by Section 571.003, Health and Safety Code.

(10) ~~(4)~~ "Local intellectual and developmental disability authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(11) ~~(5)~~ "Mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(12) ~~(6)~~ "Mental illness" means an illness, disease, or condition, other than epilepsy, dementia, substance abuse, or intellectual disability, that grossly impairs:

(A) a person's thought, perception of reality, emotional process, or judgment; or

(B) behavior as demonstrated by recent disturbed behavior [has the meaning assigned by Section 571.003, Health and Safety Code].

(13) ~~(7)~~ "Residential care facility" has the meaning assigned by Section 591.003, Health and Safety Code.

(14) "Subaverage general intellectual functioning" means a measured intelligence two or more standard deviations below the age-group mean, using a standardized psychometric instrument.

~~[(8) "Electronic broadcast system" means a two way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.~~

~~[(9) "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.]~~

SECTION 3. Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0021 to read as follows:

Art. 46B.0021. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION 4. Article 46B.073(c), Code of Criminal Procedure, is amended to read as follows:

(c) If the defendant is charged with an offense listed in Article 17.032(a)~~[, other than an offense under Section 22.01(a)(1), Penal Code,]~~ or if the indictment alleges an affirmative finding under Article 42A.054(c) or (d), the court shall enter an order committing the defendant for competency restoration services to a  ~~[the maximum~~

~~security unit of any] facility designated by the commission [Department of State Health Services, to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs hospital].~~

SECTION 5. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0831 to read as follows:

Art. 46B.0831. DETERMINATION WHETHER DEFENDANT IS MANIFESTLY DANGEROUS. A defendant committed to a maximum security unit by the commission may be assessed, at any time before the defendant is restored to competency, by the review board established under Section 46B.105 to determine whether the defendant is manifestly dangerous. If the review board determines the defendant is not manifestly dangerous, the commission shall transfer the defendant to a non-maximum security facility designated by the commission.

SECTION 6. Article 46B.104, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF VIOLENCE. A defendant committed to a facility as a result of proceedings initiated under this chapter shall be committed to the ~~[maximum security unit of any]~~ facility designated by the commission ~~[Department of State Health Services]~~ if:

(1) the defendant is charged with an offense listed in Article 17.032(a)~~];~~  
~~other than an offense listed in Article 17.032(a)(6)];~~ or

(2) the indictment charging the offense alleges an affirmative finding under Article 42A.054(c) or (d).

SECTION 7. Articles 46B.105(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

(a) Unless a defendant committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board established under Subsection (b), not later than the 60th day after the date the defendant arrives at the maximum security unit, the defendant shall be transferred to:

(1) a unit of an inpatient mental health facility other than a maximum security unit;

(2) a residential care facility; or

(3) a program designated by a local mental health authority or a local intellectual and developmental disability authority.

(b) The executive commissioner ~~[of state health services]~~ shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illness or an intellectual disability, to determine whether the defendant is manifestly dangerous and, as a result of the danger the defendant presents, requires continued placement in a maximum security unit.

(e) If the superintendent of the facility at which the maximum security unit is located disagrees with the determination, the matter shall be referred to the executive commissioner ~~[of state health services]~~. The executive commissioner shall decide whether the defendant is manifestly dangerous.

SECTION 8. Article 46B.106(a), Code of Criminal Procedure, is amended to read as follows:



(a) A defendant committed to a facility as a result of the proceedings initiated under this chapter, other than a defendant described by Article 46B.104, shall be committed to:

(1) a facility designated by the commission [~~Department of State Health Services or the Department of Aging and Disability Services, as appropriate~~]; or

(2) an outpatient treatment program.

SECTION 9. Articles 46B.107(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) The release of a defendant committed under this chapter from the commission [~~Department of State Health Services, the Department of Aging and Disability Services~~], an outpatient treatment program, or another facility is subject to disapproval by the committing court if the court or the attorney representing the state has notified the head of the facility or outpatient treatment provider, as applicable, to which the defendant has been committed that a criminal charge remains pending against the defendant.

(d) The court shall, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant under Subsection (b) [may, on motion of the attorney representing the state or on its own motion], hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code. The court may, on motion of the attorney representing the state or on its own motion, hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code, regardless of whether the court receives notice that the head of a facility or outpatient treatment provider provides notice of intent to release the defendant under Subsection (b). The court may conduct the hearing:

(1) at the facility; or

(2) by means of an electronic broadcast system as provided by Article 46B.013.

SECTION 10. Article 46B.151(c), Code of Criminal Procedure, is amended to read as follows:

(c) Notwithstanding Subsection (b), a defendant placed in a facility of the commission [~~Department of State Health Services or the Department of Aging and Disability Services~~] pending civil hearing under this article may be detained in that facility only with the consent of the head of the facility and pursuant to an order of protective custody issued under Subtitle C, Title 7, Health and Safety Code.

SECTION 11. Articles 46C.001(1) and (2), Code of Criminal Procedure, are amended to read as follows:

(1) "Commission" means the Health and Human Services Commission [~~"Commissioner" means the commissioner of state health services~~].

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission [~~"Department" means the Department of State Health Services~~].

SECTION 12. Subchapter A, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.0011 to read as follows:

Art. 46C.0011. FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION 13. Article 46C.104, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.104. ORDER COMPELLING DEFENDANT TO SUBMIT TO EXAMINATION. (a) For the purposes described by this chapter, the court may order any defendant to submit to examination, including a defendant who is free on bail. If the defendant fails or refuses to submit to examination, the court may order the defendant to custody for examination for a reasonable period not to exceed 21 days. Custody ordered by the court under this subsection may include custody at a facility operated by the commission [~~department~~].

(b) If a defendant who has been ordered to a facility operated by the commission [~~department~~] for examination remains in the facility for a period that exceeds 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel rules in effect at that time.

(c) The court may not order a defendant to a facility operated by the commission [~~department~~] for examination without the consent of the head of that facility.

SECTION 14. Article 46C.106(b), Code of Criminal Procedure, is amended to read as follows:

(b) The county in which the indictment was returned or information was filed shall reimburse a facility operated by the commission [~~department~~] that accepts a defendant for examination under this subchapter for expenses incurred that are determined by the commission [~~department~~] to be reasonably necessary and incidental to the proper examination of the defendant.

SECTION 15. Article 46C.160(b), Code of Criminal Procedure, is amended to read as follows:

(b) The court may order a defendant detained in a facility of the commission [~~department or a facility of the Department of Aging and Disability Services~~] under this article only with the consent of the head of the facility.

SECTION 16. Article 46C.202(a), Code of Criminal Procedure, is amended to read as follows:

(a) Notwithstanding Article 46C.201(b), a person placed in a commission [~~department~~] facility [~~or a facility of the Department of Aging and Disability Services~~] pending civil hearing as described by that subsection may be detained only with the consent of the head of the facility and under an Order of Protective Custody issued under Subtitle C or D, Title 7, Health and Safety Code.

SECTION 17. Articles 46C.251(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) The court shall order the acquitted person to be committed for evaluation of the person's present mental condition and for treatment to the [~~maximum security unit of any~~] facility designated by the commission [~~department~~]. The period of commitment under this article may not exceed 30 days.

(b) The court shall order that:

(1) a transcript of all medical testimony received in the criminal proceeding be prepared as soon as possible by the court reporter and the transcript be forwarded to the facility to which the acquitted person is committed; and

(2) the following information be forwarded to the facility and~~[, as applicable,]~~ to the commission ~~[department or the Department of Aging and Disability Services]:~~

(A) the complete name, race, and gender of the person;

(B) any known identifying number of the person, including social security number, driver's license number, or state identification number;

(C) the person's date of birth; and

(D) the offense of which the person was found not guilty by reason of insanity and a statement of the facts and circumstances surrounding the alleged offense.

SECTION 18. Article 46C.260, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.260. TRANSFER OF COMMITTED PERSON TO NON-MAXIMUM SECURITY ~~[NONSECURE]~~ FACILITY. (a) A person committed to a facility under this subchapter shall be committed to a ~~[the maximum security unit of any]~~ facility designated by the commission ~~[department]~~.

(b) A person committed under this subchapter shall be transferred to the designated facility ~~[maximum security unit]~~ immediately on the entry of the order of commitment.

(c) Unless a ~~[the]~~ person committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board under this article ~~[within the department]~~, not later than the 60th day following the date of the person's arrival at the maximum security unit the person shall be transferred to a non-maximum security ~~[nonsecure]~~ unit of a facility designated by the commission ~~[department or the Department of Aging and Disability Services, as appropriate]~~.

(d) The executive commissioner shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illnesses or with mental retardation, to determine whether the person is manifestly dangerous and, as a result of the danger the person presents, requires continued placement in a maximum security unit.

(e) If the head of the facility at which the maximum security unit is located disagrees with the determination, then the matter shall be referred to the executive commissioner. The executive commissioner shall decide whether the person is manifestly dangerous.

SECTION 19. Section 532.013(a), Health and Safety Code, is amended to read as follows:

(a) In this section:

(1) "Forensic patient" means a person with mental illness or a person with an intellectual disability who is:

(A) examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C) committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; ~~or~~

(D) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure;

(E) examined on the issue of fitness to proceed with juvenile court proceedings by an expert appointed under Chapter 51, Family Code; or

(F) found unfit to proceed under Subchapter C, Chapter 55, Family Code.

(2) "Forensic services" means a competency examination, competency restoration services, or mental health or intellectual disability services provided to a current or former forensic patient in the community or at a department facility.

SECTION 20. This Act applies only to a proceeding under the Code of Criminal Procedure that begins on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding that begins before the effective date of this Act is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose.

SECTION 21. 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, 2019.

### Floor Amendment No. 1

Amend **CSSB 562** (house committee report) as follows:

(1) On page 14, lines 11 and 12, strike "the Code of Criminal Procedure" and substitute "Chapter 46B or 46C, Code of Criminal Procedure".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Article 55.01, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-4) to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); or

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph

(ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b) the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (a-4);

(c) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law, or a mental health court program created under Chapter 125, Government Code, or former law;

(d) ~~(e)~~ the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(e) ~~(f)~~ the indictment or information was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

(a-4) A person is eligible under Subsection (a)(2)(A)(ii)(b) for an expunction of arrest records and files only if:

(1) the person has not previously received an expunction of arrest records and files under that sub-subparagraph; and

(2) the person submits to the court an affidavit attesting to that fact.

SECTION \_\_\_\_\_. Section 1a, Article 55.02, Code of Criminal Procedure, is amended by adding Subsection (a-2) to read as follows:

(a-2) A trial court dismissing a case following a person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law, if the trial court is a district court, or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an order of expunction for a person entitled to expunction under Article 55.01(a)(2)(A)(ii)(b) not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. Notwithstanding any other law, a court that enters an order for expunction under this subsection may not charge any fee or assess any cost for the expunction.

SECTION \_\_\_\_\_. Article 102.006(a), Code of Criminal Procedure, is amended to read as follows:

(a) In addition to any other fees required by other law and except as provided by Subsections ~~Subsection~~ (b) and (b-1), a petitioner seeking expunction of a criminal record in a district court shall pay the following fees:

(1) the fee charged for filing an ex parte petition in a civil action in district court;

(2) \$1 plus postage for each certified mailing of notice of the hearing date; and

(3) \$2 plus postage for each certified mailing of certified copies of an order of expunction.

SECTION \_\_\_\_\_. Article 102.006(b), Code of Criminal Procedure, as amended by Chapters 693 (H.B. 322) and 1149 (H.B. 557), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if the petitioner [±

~~(±)~~ seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c), and the petition for expunction is filed not later than the 30th day after the date of the acquittal [±~~±~~

~~(2) is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law].~~

SECTION \_\_\_\_\_. Article 102.006, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1) under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) under Article 55.01(a)(2)(A)(ii)(b) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

SECTION \_\_\_\_\_. Section 125.001, Government Code, is amended to read as follows:

Sec. 125.001. MENTAL HEALTH COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "mental health court program" means a program that has the following essential characteristics:

- (1) the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to mental illness treatment services and mental retardation services;
- (5) ongoing judicial interaction with program participants;
- (6) diversion of potentially mentally ill or mentally retarded defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;
- (7) monitoring and evaluation of program goals and effectiveness;
- (8) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (9) development of partnerships with public agencies and community organizations, including local mental retardation authorities.

(b) If a defendant successfully completes a mental health court program, after notice to the attorney representing the state and a hearing in the mental health court at which that court determines that a dismissal is in the best interest of justice, the mental health court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1) if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure; or

(2) if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Chapter 125, Government Code, is amended by adding Sections 125.0025 and 125.005 to read as follows:

Sec. 125.0025. ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties may elect to establish a regional mental health court program under this chapter for the participating counties.

Sec. 125.005. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a) The commissioners court of a county with a population of more than 200,000 shall:

(1) establish a mental health court program under Section 125.002; and

(2) direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1).

(b) A county required under this section to establish a mental health court program shall apply for federal and state funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.

(c) Notwithstanding Subsection (a), a county is required to establish a mental health court program under this section only if:

(1) the county receives federal or state funding specifically for that purpose; and

(2) the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2).

(d) A county that does not establish a mental health court program as required by this section and maintain the program is ineligible to receive funds for a community supervision and corrections department from the state.

SECTION \_\_\_\_ . (a) Except as provided by Subsection (b) of this section, the changes in law made to Articles 55.01 and 55.02, Code of Criminal Procedure, apply to the expunction of arrest records and files for a person who successfully completes a mental health court program under Chapter 125, Government Code, or former law before, on, or after the effective date of this Act, regardless of when the underlying arrest occurred.

(b) The change in law made by this Act to Article 102.006, Code of Criminal Procedure, applies to the fees charged or costs assessed for an expunction order entered on or after the effective date of this Act, regardless of whether the underlying arrest occurred before, on, or after the effective date of this Act.

(c) For a person who is entitled to expunction under Article 55.01(a)(2)(A)(ii)(b), Code of Criminal Procedure, as amended by this Act, based on a successful completion of a mental health court program under Chapter 125, Government Code, or former law before the effective date of this Act, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under Section 1a(a-2), Article 55.02, Code of Criminal Procedure, as added by this Act, the court may, with the consent of the attorney representing the state, enter an order of expunction for the person as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 562** on third reading, in the SECTION of the bill added by Floor Amendment No. \_\_ by Moody adopted on second reading that adds Section 125.005, Government Code, as follows:



(1) Strike Subsection (c)(1) of added Section 125.005, Government Code (page 7, lines 28 and 29 of the amendment), and substitute the following:

(1) the county receives federal or state funding specifically for that purpose in an amount sufficient to pay the fund costs of the mental health court program; and

(2) Strike Subsection (d) of added Section 125.005, Government Code (page 8, lines 1-4, of the amendment), and substitute the following:

(d) A county that is required under this section to establish a mental health court program and fails to establish or to maintain that program is ineligible to receive grant funding from this state or any state agency.

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 562** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. YOUTH DIVERSION

Art. 45.301. DEFINITIONS. In this subchapter:

(1) "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.

(2) "Child" has the meaning assigned by Article 45.058(h).

(3) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45.310, 45.311, 45.313, or 45.314.

(4) "Offense" means a Class C misdemeanor other than a traffic offense.

(5) "Parent" has the meaning assigned by Article 45.057(a).

(6) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

(7) "Youth diversion plan" means a plan adopted under Article 45.306.

Art. 45.302. APPLICABILITY. This subchapter applies only to a child who is alleged to have engaged in conduct that constitutes a Class C misdemeanor other than a traffic offense.

Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED. Nothing in this subchapter precludes:

(1) a case involving a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under Title 3, Family Code; or

(2) a waiver of criminal jurisdiction and transfer of a child's case as provided by Section 51.08, Family Code.

Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as provided by Subsection (b), a child shall be diverted from formal criminal prosecution as provided by this subchapter.

(b) A child who is 15 years of age or older at the time the child is alleged to have engaged in conduct that constitutes an offense is not eligible for diversion if the child has previously had two unsuccessful diversions under this subchapter for unrelated offenses.

Art. 45.305. DIVERSION STRATEGIES. (a) Diversion strategies include:

(1) requiring a child to participate in a program, including:

(A) a court-approved teen court program operated by a service provider;

(B) a school-related program;

(C) an educational program, including an alcohol awareness program approved by the Texas Department of Licensing and Regulation or a tobacco awareness program or a drug education program approved by the Department of State Health Services;

(D) a rehabilitation program; or

(E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;

(2) referring the child to a service provider for services, including:

(A) at-risk youth services under Subchapter D, Chapter 264, Family Code;

(B) juvenile case manager services under Article 45.056;

(C) work and job skills training, including job interviewing and work preparation;

(D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;

(E) community-based services;

(F) mental health screening and clinical assessment;

(G) counseling, including private or in-school counseling; or

(H) mentoring services;

(3) requiring a child to:

(A) participate in mediation or other dispute resolution processes;

(B) submit to alcohol or drug testing; or

(C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and

(4) requiring a child, by court order, to:

(A) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;

(B) perform not more than 20 hours of community service; or

(C) perform any other reasonable action determined by the court.

(b) A diversion strategy may be imposed under:

(1) a diversion by law enforcement under Article 45.310 or 45.311;

(2) an intermediate diversion from court under Article 45.313;

(3) a diversion by a justice or judge under Article 45.314; or

(4) a system of graduated sanctions for certain school offenses under Section 37.144, Education Code.

Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that may be imposed under a diversion agreement under Article 45.312.

(b) Each justice and municipal court shall adopt a youth diversion plan.

(c) A youth diversion plan may be devised for a county or municipality or an individual court within a county or municipality.

(d) In accordance with Chapter 791, Government Code, a local government may enter into an agreement with one or more local governments to create a regional youth diversion plan and collaborate in the implementation of this subchapter.

(e) A youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.

(f) A youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement under Article 45.310 or 45.311. The guidelines are not mandatory.

(g) The guidelines adopted under Subsection (f) may not allow for the disposition or diversion of a child's case under Article 45.310 or 45.311 if there is probable cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code (trafficking of persons).

(h) A current youth diversion plan must be maintained on file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

(i) A court or local government may adopt rules necessary to coordinate services under a youth diversion plan or to implement this subchapter.

Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may designate a youth diversion coordinator to assist the court in:

(1) determining whether a youth is eligible for diversion;

(2) employing a diversion strategy authorized by this subchapter;

(3) presenting and maintaining diversion agreements;

(4) monitoring diversions;

(5) maintaining records regarding whether one or more diversions were successful or unsuccessful; and

(6) coordinating referrals to court.

(b) The responsibilities of the youth diversion coordinator may be performed by:

(1) a court administrator or court clerk, or a person who regularly performs the duties of court administrator or court clerk;

(2) an individual or entity that provides juvenile case manager services under Article 45.056;

(3) a court-related services office;

(4) a community supervision and corrections department;

(5) a county or municipal employee;

(6) a community volunteer;

(7) an institution of higher learning, including a private or independent institution; or

(8) a qualified nonprofit organization.

Art. 45.308. YOUTH DIVERSION ADVISORY COUNCIL. (a) A commissioners court of a county or the governing body of a municipality may establish a youth diversion advisory council.

(b) The purpose of a youth diversion advisory council is to facilitate community input, suggest improvements to a youth diversion plan, and make recommendations to accomplish the following objectives:

(1) to provide children the option of an alternative, non-adversarial procedure to resolve certain charges while ensuring that the child's legal rights are protected;

(2) to authorize diversions from criminal prosecution under this subchapter that emphasize accountability and responsibility of the parent and the child for the child's conduct;

(3) to reduce recidivism and the occurrence of problem behaviors without criminal prosecution in justice and municipal courts;

(4) to identify at-risk youth and, where appropriate, refer at-risk youth to services under Subchapter D, Chapter 264, Family Code;

(5) to remove, where appropriate, the taint of criminality and collateral consequences of criminal convictions from children charged with certain unlawful acts;

(6) to encourage problem-solving approaches and the use of evidence-based practices in focusing on outcomes that are in the best interest of the child and the community; and

(7) to increase collaboration between governmental, educational, and nonprofit organizations in devising local and regional diversion strategies.

(c) The commissioners court of the county or governing body of the municipality appoints the members of the youth diversion advisory council. The members serve terms specified by the commissioners court or governing body without compensation.

(d) County and municipal youth diversion advisory councils may collaborate to identify best practices, share information and resources, and coordinate diversion efforts under this subchapter.

(e) One or more counties or municipalities by agreement may create a regional youth diversion advisory council.

Art. 45.309. WARNING NOTICE BY PEACE OFFICER. (a) In lieu of taking a child into custody, issuing a citation, or filing a complaint for an offense, a peace officer may issue a warning notice to the child if:

(1) guidelines for issuing a warning notice have been issued by the law enforcement agency employing the peace officer;

(2) the warning notice is authorized by the guidelines;

(3) the warning notice identifies the child and describes the child's alleged offense;

(4) a copy of the warning notice is sent to the child's parent as soon as practicable; and

(5) a copy of the warning notice is filed with a service provider, youth diversion coordinator, or other person designated in the youth diversion plan.

(b) A warning notice filed under this article is not a diversion but may be used as the basis of further action under the terms of a diversion agreement.

Art. 45.310. PEACE OFFICER DISPOSITION. (a) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer may dispose of a case if:

(1) guidelines for a disposition under this article have been adopted and are included in a youth diversion plan;

(2) the disposition is authorized by the guidelines; and

(3) the peace officer makes a written report of the officer's disposition to the law enforcement agency employing the officer, identifying the child and specifying the grounds for believing that the child committed an offense.

(b) A disposition under this article may not include:

(1) keeping the child in law enforcement custody; or

(2) requiring the child to report periodically to a peace officer, law enforcement agency, or other service provider.

(c) A disposition under this article may include:

(1) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan;

(2) a brief conference with the child and the child's parent; or

(3) referral of the child and the child's parent for at-risk youth services under Subchapter D, Chapter 264, Family Code.

Art. 45.311. FIRST OFFENSE DIVERSION PROGRAM. (a) In this article, "program" means a first offense diversion program established under this article.

(b) As part of a youth diversion plan, a commissioners court of a county or the governing body of a municipality may establish a first offense diversion program for the referral and disposition of a case before the filing of a charge for a first offense.

(c) A county or municipality in which a program has been established shall designate one or more peace officers, law enforcement agencies, or service providers to process children in the program.

(d) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer who has a child in custody may refer the child to the peace officer, law enforcement agency, or service provider designated under Subsection (c) if:

(1) the child has not previously been referred to a program under this article;  
and

(2) the officer reports the referral in writing to the agency, identifying the child and specifying the grounds for taking the child into custody or for accusing the child of the offense.

(e) A child's parent shall be notified that the child is eligible to be referred to a first offense diversion program. The notice must:

(1) state the grounds for believing that the child has committed an offense;

(2) identify the peace officer, law enforcement agency, or service provider to which the child may be referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to court unless stated otherwise in a youth diversion plan.

(f) Before a child is referred to a program, the child and the child's parent must consent to the referral.

(g) A referral to a program under this article may be for a period of not more than 180 days.

(h) Diversion strategies in a program may include:

(1) voluntary restitution by the child or the child's parent to the victim of the child's conduct;

(2) voluntary community service by the child;

(3) educational or vocational training, counseling, or other rehabilitative services;

(4) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan; and

(5) periodic reporting by the child to the peace officer, law enforcement agency, or service provider to which the child is referred.

(i) The case of a child who successfully completes a program is closed and may not be referred to court.

(j) The case of a child referred to a program shall be referred to a prosecutor or to court, or as specified in a youth diversion plan, if:

(1) the child fails to complete the program;

(2) the child or the child's parent terminates the child's participation in the program before the child completes the program; or

(3) the child is alleged to have committed another offense during the child's participation in the program.

(k) A statement made by a child to a person while participating in a program may not be used against the child in any subsequent court proceeding.

Art. 45.312. DIVERSION AGREEMENT. (a) A diversion agreement must identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.313 or 45.314.

(b) Stated objectives in a diversion agreement must be measurable, realistic, and reasonable considering the circumstances of the child and the best interests of the child and the community.

(c) A diversion agreement must include:

(1) the terms of the agreement, including any diversion strategy, written in a clear and concise manner and identifying any offense or charge being diverted;

(2) possible consequences of a successful diversion and an unsuccessful diversion;

(3) an explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion;

(4) an explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement;

(5) the period of the diversion;

(6) a verification that:

(A) the child and the child's parent were notified of the child's rights, including the right to refuse diversion; and

(B) the child knowingly and voluntarily consents to participate in the diversion; and

(7) written acknowledgment and acceptance of the agreement by the child and the child's parent.

(d) The terms of an agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, the diversion program, or the diversion strategy.

(e) A charge may not be filed against a child or, if filed, shall be dismissed if the child:

- (1) does not contest the charge;
- (2) is eligible for diversion under Article 45.304; and
- (3) accepts the terms of the agreement.

(f) Entering into a diversion agreement under this article extends the court's jurisdiction for the term of the agreement.

(g) On entering into a diversion agreement, a copy of the agreement shall be provided to the child and the child's parent, the clerk of the court, a youth diversion coordinator, and any person specified by the youth diversion plan.

Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If provided by a youth diversion plan and subject to the direction of the court, a youth diversion coordinator, juvenile case manager, or other designated officer of the court shall advise the child and the child's parent before a case is filed that the case may be diverted under this article for a reasonable period not to exceed 180 days if:

- (1) the child is eligible for diversion under Article 45.304;
- (2) diversion is in the best interest of the child and the community;
- (3) the child and the child's parent consent to diversion with the knowledge

that diversion is optional; and

(4) the child and the child's parent are informed that they may terminate the diversion at any time and, if terminated, the case will be referred to court.

(b) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies under Article 45.305.

(c) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(d) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court under Article 45.315.

(e) A statement made by a child or parent during a discussion related to a diversion under this article may not be used against a declarant in any subsequent court proceeding.

Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case under this article.

(b) If the child does not contest the charge, a justice or judge shall divert the case under this article without the child having to enter a plea.

(c) If the child contests the charge, a justice or judge shall divert the case under this article at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041.

(d) A diversion under this article may not exceed 180 days.

(e) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies described by Article 45.305.

(f) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(g) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court for a hearing under Article 45.315.

Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct a non-adversarial hearing for a child who does not successfully complete the terms of a diversion under Article 45.311, 45.313, or 45.314 and is referred to court.

(b) The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interest of the child and the community.

(c) After the hearing, a court may enter an order:

(1) amending or setting aside terms in a diversion agreement;

(2) extending the diversion for a period not to exceed one year;

(3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of a diversion;

(4) requiring the child's parent to do or refrain from doing any act if the court determines that will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;

(5) finding the diversion successful on the basis of substantial compliance;

or

(6) finding the diversion unsuccessful.

(d) If the court enters an order under Subsection (c)(6), the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08, Family Code, if the child has previously had two unsuccessful diversions.

(e) An order under Subsection (c)(4) is enforceable by contempt.

Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE. (a) The clerk of a justice or municipal court may collect from a child's parent a \$30 administrative fee to defray the costs of the diversion of the child's case under this subchapter.

(b) The fee under this article may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court.

(c) A court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee.

(d) A court may adopt rules for the waiver of a fee for financial hardship under this article.

(e) The clerk of the court shall keep a record of the fees collected under this article and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(f) The fee collected under this article shall be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under this subchapter.

(g) Except for the fee authorized under Subsection (a), a fee may not be assessed for a child diverted under this subchapter.



(h) The diversion of a child may not be contingent on payment of a fee under this article.

Art. 45.317. DIVERSION RECORDS. (a) A justice or municipal court shall maintain statistics for each diversion strategy authorized by this subchapter.

(b) Statistics indicating the number of warning notices under Article 45.309 and types of dispositions or diversions made by a law enforcement agency under Article 45.310 or 45.311 shall be reported at least annually to the justice or municipal court or youth diversion coordinator as specified by a youth diversion plan. Statistics shall include the age, gender, and ethnicity of the child and the offense alleged by law enforcement to have been committed by the child.

(c) Other than statistical records, all records generated under this subchapter are confidential under Article 45.0217.

(d) All records of a diversion pertaining to a child under this subchapter may be expunged after the child's 17th birthday and shall, without requirement for a motion or request, be expunged before the child's 18th birthday.

(b) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under~~[, as applicable,] Article 43.09(f) or [, Article] 45.049[, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011];~~

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(c) Article 42.15(d), Code of Criminal Procedure, is amended to read as follows:

(d) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~ or

(2) paying the fine and costs in a manner described by Subsection (b).

(d) Article 44.2811, Code of Criminal Procedure, as amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CERTAIN ~~[OR RECEIVING DEFERRED DISPOSITION FOR]~~ FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). ~~[(a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.~~

~~[(b) All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an offense described by Subsection (a) are confidential and may not be disclosed to the public except as provided under Article 45.0217(b).]~~

(e) Article 45.0215(a), Code of Criminal Procedure, is amended to read as follows:

(a) Subject to the requirements of Subchapter E, this [This] article applies to a defendant who has not had the disabilities of minority removed and has been:

(1) charged with an offense other than an offense under Section 43.261, Penal Code, if the defendant is younger than 17 years of age; or

(2) charged with an offense under Section 43.261, Penal Code, if the defendant is younger than 18 years of age.

(f) Article 45.0217, Code of Criminal Procedure, as amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A CHILD. (a) [This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

~~[(a-1)] Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor [for or who has received a dismissal after deferral of disposition for an] offense other than a traffic offense [described by Subsection (a)] are confidential and may not be disclosed to the public.~~

(b) Information subject to Subsection (a) ~~[(a-1)]~~ may be open to inspection only by:

(1) judges, prosecutors, and the staff of the judges or prosecutors ~~[or court staff];~~

(2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) the Department of Public Safety;

(4) an attorney for a party to the proceeding;

(5) the child defendant; ~~[or]~~

(6) the defendant's parent, guardian, or managing conservator;

(7) a governmental agency if the disclosure is:

(A) required or authorized by law; or

(B) for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(8) an individual or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the individual or entity regarding the protection of the disclosed information; or

(9) with leave of the justice or municipal court, any other person having a legitimate interest in the proceeding or in the work of the court.

(g) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under~~[, as applicable,]~~ Article 45.049~~[, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011];~~

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(h) Articles 45.041(b-3) and (b-5), Code of Criminal Procedure, are amended to read as follows:

(b-3) If a diversion is not required under Subchapter E or Subsection (b-5), a ~~[A]~~ judge shall ~~[may]~~ allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~ or

(2) paying the fine and costs in a manner described by Subsection (b).

(b-5) If a case involving a child who is eligible for diversion under Article 45.304 results in a trial, on a finding of guilt, without entering a judgment, sentence, or conviction, the justice or judge shall order a diversion under Article 45.314 ~~[The requirement under Article 45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on~~

~~the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (b 3)(1)].~~

(i) Articles 45.049(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) A justice or judge may require a defendant who fails to pay a previously assessed fine or costs, ~~or~~ who is determined by the court to have insufficient resources or income to pay a fine or costs, or who is a child and assessed a fine or costs to discharge all or part of the fine or costs by performing community service. A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(b) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform, not to exceed 200 hours if the defendant is a child; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(j) Article 45.049(c), Code of Criminal Procedure, as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(c) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program if the defendant is a child; or

(H) [(G)] any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(k) Articles 45.049(d), (f), and (i), Code of Criminal Procedure, are amended to read as follows:

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents, or if the defendant is a child, on the defendant or the defendant's family. In this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article or Subchapter E to perform community service is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article or Subchapter E if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(i) A community supervision and corrections department, a local juvenile probation department, or a court-related services office may provide the administrative and other services necessary for supervision of a defendant required to perform community service under this article.

(l) Article 45.051(a-1), Code of Criminal Procedure, as amended by Chapters 227 (H.B. 350) and 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those costs by performing community service or attending a tutoring program under Article 45.049 [~~or 45.0492~~]; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

(m) Articles 45.056(a), (b), (d), (e), and (g), Code of Criminal Procedure, are amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a juvenile case manager or contract for a juvenile case manager to provide services in cases involving:

(A) youth diversion under Subchapter E;

(B) children [juvenile offenders] who are before a court consistent with the court's statutory powers; or

(C) children who are referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ or contract for the services of one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) youth diversion [~~intervention~~] services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a juvenile case manager, jointly contract for juvenile case manager services, or [~~to~~] jointly contribute to the costs of a juvenile case manager or juvenile case manager [~~employed by one governmental entity to provide~~] services described by Subdivisions (1) and (2).

(b) A local entity may apply or more than one local entity may jointly apply to the criminal justice division of the governor's office for reimbursement of all or part of the costs of employing one or more juvenile case managers or contracting for juvenile case manager services from funds appropriated to the governor's office or otherwise available for purposes of youth diversion [~~that purpose~~]. To be eligible for reimbursement, the entity applying must present to the governor's office a comprehensive plan to reduce juvenile crimes in the entity's jurisdiction and a youth diversion plan under Article 45.306 that addresses the role of the juvenile case manager in that effort.

(d) Pursuant to Article 102.0174, the court or governing body may pay:

(1) the salary and benefits of a juvenile case manager;

(2) the costs of contracting for juvenile case manager services; and

(3) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager and juvenile case manager services from the juvenile case manager fund.

(e) A juvenile case manager [~~employed under Subsection (e)~~] shall give priority to cases brought under Section [~~Sections~~] 25.093 [~~and 25.094~~], Education Code, Chapter 65, Family Code, and youth diversion under Subchapter E.

(g) ~~A~~ [~~The employing~~] court or governmental entity under this article shall implement the rules adopted under Subsection (f).

(n) Article 45.056(c), Code of Criminal Procedure, as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(c) An entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code.

(o) The heading to Article 102.014, Code of Criminal Procedure, is amended to read as follows:

Art. 102.014. COURT COSTS FOR CHILD SAFETY FUND [~~IN MUNICIPALITIES~~].

(p) Articles 102.014(g) and (h), Code of Criminal Procedure, are amended to read as follows:

(g) In a municipality with a population less than 850,000 according to the most recent federal decennial census, the money collected under this article in a municipal court case must be used for a school crossing guard program if the municipality

operates one. If the municipality does not operate a school crossing guard program or if the money received from court costs from municipal court cases exceeds the amount necessary to fund the school crossing guard program, the municipality may:

- (1) deposit the additional money in an interest-bearing account;
- (2) expend the additional money for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention; or
- (3) expend the additional money for programs designed to enhance public safety and security.

(h) Money collected under this article in a justice, county, or district court shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may:

- (1) remit fee revenues to school districts in its jurisdiction for the purpose of providing school crossing guard services;
- (2) fund programs the county is authorized by law to provide which are designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention;
- (3) provide funding to the sheriff's department for school-related activities;
- (4) provide funding to the county juvenile probation department; or
- (5) deposit the money in the general fund of the county.

(q) The heading to Article 102.015, Code of Criminal Procedure, is amended to read as follows:

Art. 102.015. COURT COSTS: YOUTH [~~TRUANCY PREVENTION AND~~] DIVERSION FUND.

(r) Articles 102.015(a), (e), (g), and (h), Code of Criminal Procedure, are amended to read as follows:

(a) The youth [~~truancy prevention and~~] diversion fund is a dedicated account in the general revenue fund.

(e) The custodian of a county treasury or municipal treasury, as applicable, shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article to defray the costs of youth diversion under Subchapter E, Chapter 45 [~~for the purpose of operating or establishing a juvenile case manager program~~], if the county or municipality has a youth diversion plan under Article 45.306 [~~established or is attempting to establish a juvenile case manager program~~].

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the youth [~~truancy prevention and~~] diversion fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for youth diversion [~~truancy prevention and intervention~~] services.

(h) A local governmental entity may request funds from the criminal justice division of the governor's office for providing youth diversion [~~truancy prevention and intervention~~] services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

(s) Article 102.0171, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) A defendant convicted of an offense under Section 28.08, Penal Code, in a municipal court, justice court, county court, county court at law, or district court shall pay a \$50 juvenile delinquency prevention and graffiti eradication fee as a cost of court.

(c) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, municipal treasurer, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer for deposit in a fund to be known as the county juvenile delinquency prevention fund or municipal juvenile delinquency prevention fund. A fund designated by this subsection may be used only to:

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

(2) provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08, Penal Code;

(3) provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Section 28.08, Penal Code;

(4) provide funding for teen recognition and teen recreation programs;

(5) provide funding for local teen court programs;

(6) provide funding for the local juvenile probation department; [~~and~~]

(7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct; and

(8) provide funding for youth diversion under Subchapter E, Chapter 45.

(e) The municipal juvenile delinquency prevention fund shall be administered by or under the direction of the governing body of a municipality.

(t) Articles 102.0174(b), (c), and (g), Code of Criminal Procedure, are amended to read as follows:

(b) The governing body of a municipality by ordinance may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a municipal court to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the municipality employs a juvenile case manager or contracts for juvenile case manager services. A municipality that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(c) The commissioners court of a county by order may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a justice court, county court, or county court at law to pay a juvenile case



manager fee not to exceed \$5 as a cost of court if the court employs a juvenile case manager or contracts for juvenile case manager services. A justice court, county court, or county court at law that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(g) A fund created under this article ~~[section]~~ may be used to finance the salary and ~~[ ]~~ benefits of a juvenile case manager employed under Article 45.056, costs of contracting for juvenile case manager services under Article 45.056, and training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager and juvenile case manager services ~~[employed]~~ under Article 45.056. If there is money in the fund after those costs are paid, on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court under Subchapter E, Chapter 45. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

(u) Section 52.03(a), Family Code, is amended to read as follows:

(a) A law-enforcement officer authorized by this title to take a child into custody may dispose of the case of a child taken into custody ~~[or accused of a Class C misdemeanor, other than a traffic offense,]~~ without referral to juvenile court ~~[or charging a child in a court of competent criminal jurisdiction,]~~ if:

(1) guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Section 52.032;

(2) the disposition is authorized by the guidelines; and

(3) the officer makes a written report of the officer's disposition to the law-enforcement agency, identifying the child and specifying the grounds for believing that the taking into custody ~~[or accusation of criminal conduct]~~ was authorized.

(v) Section 52.031(a), Family Code, is amended to read as follows:

(a) A juvenile board may establish a first offender program under this section for the referral and disposition of children taken into custody for ~~[, or accused prior to the filing of a criminal charge, of]~~:

(1) conduct indicating a need for supervision; or

(2) ~~[a Class C misdemeanor, other than a traffic offense, or~~

~~(2)]~~ delinquent conduct other than conduct that constitutes:

(A) a felony of the first, second, or third degree, an aggravated controlled substance felony, or a capital felony; or

(B) a state jail felony or misdemeanor involving violence to a person or the use or possession of a firearm, location-restricted knife, or club, as those terms are defined by Section 46.01, Penal Code, or a prohibited weapon, as described by Section 46.05, Penal Code.

(w) Sections 52.031(d), (f), (i), and (j), Family Code, as amended by Chapters 1407 (S.B. 393) and 1409 (S.B. 1114), Acts of the 83rd Legislature, Regular Session, 2013, are reenacted and amended to read as follows:

(d) A law enforcement officer taking a child into custody [~~or accusing a child of an offense described in Subsection (a)(2)~~] may refer the child to the law enforcement officer or agency designated under Subsection (b) for disposition under the first offender program and not refer the child to juvenile court [~~or a court of competent criminal jurisdiction~~] only if:

(1) the child has not previously been adjudicated as having engaged in delinquent conduct;

(2) the referral complies with guidelines for disposition under Subsection (c); and

(3) the officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody [~~or accusing a child of an offense described in Subsection (a)(2)~~].

(f) The parent, guardian, or other custodian of the child must receive notice that the child has been referred for disposition under the first offender program. The notice must:

(1) state the grounds for taking the child into custody [~~or accusing a child of an offense described in Subsection (a)(2)~~];

(2) identify the law enforcement officer or agency to which the child was referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to the juvenile court [~~or a court of competent criminal jurisdiction~~].

(i) The case of a child who successfully completes the first offender program is closed and may not be referred to juvenile court [~~or a court of competent criminal jurisdiction~~], unless the child is taken into custody under circumstances described by Subsection (j)(3).

(j) The case of a child referred for disposition under the first offender program shall be referred to juvenile court [~~or a court of competent criminal jurisdiction~~] if:

(1) the child fails to complete the program;

(2) the child or the parent, guardian, or other custodian of the child terminates the child's participation in the program before the child completes it; or

(3) the child completes the program but is taken into custody under Section 52.01 before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program.

(x) Section 264.302(e), Family Code, is amended to read as follows:

(e) The department shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the department as an at-risk child by:

(1) a juvenile court or probation department as part of a progressive sanctions program under Chapter 59;

(2) a law enforcement officer or agency under Article 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of this code; or

(3) a justice or municipal court under Article 45.057, 45.313, or 45.314, Code of Criminal Procedure.

(y) Section 22.1105(a), Government Code, is amended to read as follows:

(a) Each judge of a court with jurisdiction to hear a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only, other than a traffic offense or public intoxication or a violation of a penal ordinance of a political subdivision other than a traffic offense, shall complete a course of instruction related to understanding relevant issues of child welfare and youth diversion [~~the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)~~] every judicial academic year that ends in a 0 or a 5.

(z) Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1011 to read as follows:

Sec. 102.1011. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a justice court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(aa) Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1211 to read as follows:

Sec. 102.1211. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(bb) Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(b)(17) [~~42A.301(17)~~], Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

(6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(b)(20) [~~42A.301(20)~~], Code of Criminal Procedure) . . . not to exceed \$50;

(7) children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed \$50;

(8) family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . \$100;

(9) community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction;

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due; and

(26) a cost on conviction for the youth ~~[truancy prevention and]~~ diversion fund (Art. 102.015, Code of Criminal Procedure) . . . \$2.

(cc) Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.02102 to read as follows:

Sec. 103.02102. ADDITIONAL FEE FOR YOUTH DIVERSION: CODE OF CRIMINAL PROCEDURE. A parent of a child participating in a diversion program shall, if ordered by the court under Article 45.316, Code of Criminal Procedure, pay a fee of \$30 to defray the costs of youth diversion programs under Subchapter E, Chapter 45, Code of Criminal Procedure.

(dd) The following laws are repealed:

- (1) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017;
- (2) Article 42.15(f), Code of Criminal Procedure;
- (3) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017;
- (4) Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011;
- (5) Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011; and
- (6) Section 52.031(a-1), Family Code.

(ee) Not later than September 1, 2020, each justice and municipal court shall implement a youth diversion plan under Subchapter E, Chapter 45, Code of Criminal Procedure, as added by this section.

(ff) The changes in law made by this section apply only to an offense committed on or after September 1, 2020. An offense committed before September 1, 2020, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before September 1, 2020, if any element of the offense occurred before that date.

The amendments were read.

Senator Zaffirini submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 562** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Huffman, Flores, Perry, and Rodríguez.

**SENATE BILL 568 WITH HOUSE AMENDMENT**  
**(Motion In Writing)**

Senator Huffman called **SB 568** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Floor Amendment No. 1**

Amend **SB 568** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than the second anniversary of the effective date of this Act, the Health and Human Services Commission shall prepare and submit a report to the legislature that evaluates the effect of the changes in law made by this Act on the availability and average cost of day-care services provided by licensed day-care centers, licensed group day-care homes, and registered family homes.

The amendment was read.

Senator Huffman submitted a Motion in Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 568** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Kolkhorst, Campbell, Schwertner, and Powell.

### **SENATE BILL 815 WITH HOUSE AMENDMENT (Motion In Writing)**

Senator Rodriguez called **SB 815** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 815** on third reading by striking the text of Amendment No. \_\_\_ by Moody, adopted on second reading, and substituting the following:

Amend **SB 815** on page 1, line 14, between the period and "The", by inserting the following:

If the person was arrested solely for a misdemeanor punishable by fine only, the magistrate before whom the person is taken shall dismiss the case unless a record of the arrest is presented in which the arresting officer provides a reason demonstrating an ongoing danger to public safety or breach of the peace, a danger to public safety or breach of the peace that is likely to reoccur, the inability to identify the person, or the person's refusal to sign a citation promising to pay the fine or appear in court and that reason required the person to be taken into custody at that time. The record must be retained and preserved as provided by Subsection (f).

The amendment was read.

Senator Rodríguez submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 815** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Rodríguez, Chair; Whitmire, Huffman, Flores, and Perry.

**SENATE BILL 911 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Hinojosa called **SB 911** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 911** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the supervision of water districts by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 12.081(a), Water Code, is amended to read as follows:

(a) The powers and duties of all districts and authorities created under Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution are subject to the continuing right of supervision of the State of Texas by and through the commission or its successor, and this supervision may include but is not limited to the authority to:

(1) inquire into the qualifications [~~competence, fitness, and reputation~~] of the officers and directors of any district or authority;

(2) require, on its own motion or on complaint by any person, audits or other financial information, inspections, evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its authority under this subsection;

(4) institute investigations and hearings using examiners appointed by the commission;

(5) issue rules necessary to supervise the districts and authorities, except that such rules shall not apply to water quality ordinances adopted by any river authority which meet or exceed minimum requirements established by the commission; and

(6) the right of supervision granted herein shall not apply to matters relating to electric utility operations.

SECTION 2. Sections 49.102(e) and (f), Water Code, are amended to read as follows:



(e) If a majority of the votes cast in the election favor the creation of the district, then the temporary board shall declare that the district is created and enter the result in its minutes. If a majority of the votes cast in the election are against the creation of the district, the temporary board shall declare that the district was defeated and enter the result in its minutes. A copy of the order shall be filed with the commission not later than the 30th day after the date of the election.

(f) The order canvassing the results of the confirmation election shall contain a description of the district's boundaries and shall be filed with the executive director and in the deed records of the county or counties in which the district is located not later than the 30th day after the date of the election.

SECTION 3. Section 49.195(a), Water Code, is amended to read as follows:

(a) The executive director may review the audit report of each district. After reviewing the audit report, the executive director may request additional information from the district. The district shall provide the additional information not later than the 60th day after the date the request was received, unless the executive director extends the time allowed for the district to provide additional information for good cause.

SECTION 4. Section 49.196(a), Water Code, is amended to read as follows:

(a) The executive director may review and investigate a district's financial records and may conduct an on-site audit of a district's financial information. The executive director shall have access to all vouchers, receipts, district fiscal and financial records, and other district records the executive director considers necessary.

SECTION 5. Title 2, Water Code, is amended by adding Subtitle G to read as follows:

#### SUBTITLE G. MISCELLANEOUS PROVISIONS

#### CHAPTER 39. STANDARDS FOR SUPERVISION OF WATER DISTRICTS IN CERTAIN AREAS

Sec. 39.0101. STANDARDS FOR SURFACE WATER AND GROUNDWATER MANAGEMENT IN CERTAIN AREAS. (a) This section applies to a county:

- (1) bordering the Rio Grande;
- (2) overlying the Edwards-Trinity Aquifer; and
- (3) with a population greater than 40,000.

(b) To provide the best available science in the event a conservation and reclamation district is created under the authority of Section 59, Article XVI, Texas Constitution, in the area described by Subsection (a), the Texas Water Development Board, in coordination with the Texas Commission on Environmental Quality, shall adopt standards for water management by a conservation and reclamation district in the area described by Subsection (a).

(c) Standards adopted under this section must address:

- (1) groundwater management; and
- (2) river and spring flow, including flow requirements for:
  - (A) the Devil's River;
  - (B) the Pecos River; and
  - (C) San Felipe Springs.

SECTION 6. This Act takes effect September 1, 2019.

**Floor Amendment No. 1**

Amend **CSSB 911** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 12.081(a)(5), Water Code (page 2, line 2), strike "and" and substitute "~~and~~".

(2) In SECTION 1 of the bill, in amended Section 12.081(a), Water Code (page 2, between lines 2 and 3), insert the following:

(6) issue a permit under Chapter 361, Health and Safety Code, notwithstanding a district's rule or objection; and

(3) In SECTION 1 of the bill, in amended Section 12.081(a), Water Code (page 2, line 3), strike "(6)" and substitute "(7)".

The amendments were read.

Senator Hinojosa submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 911** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Flores, Perry, Rodriguez, and Taylor.

**SENATE BILL 916 WITH HOUSE AMENDMENT**  
**(Motion In Writing)**

Senator Johnson called **SB 916** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 916** (house committee report) as follows:

(1) On page 1, strike line 14 and substitute the following:  
the patient's illness;

(2) may be provided concurrently with artificially administered nutrition and hydration; and

(2) On page 1, line 15, strike "(2)" and substitute "(3)".

The amendment was read.

Senator Johnson submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 916** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Johnson, Chair; Hughes, Miles, Buckingham, and Flores.

**SENATE BILL 1412 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Perry called **SB 1412** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1412** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to accountability intervention provisions applicable to school district campuses, including the creation of accelerated campus excellence turnaround plans and the conditions under which a closed campus may be repurposed to serve students at that campus location.

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

SECTION 1. Section 39A.105, Education Code, is amended to read as follows:

Sec. 39A.105. CONTENTS OF CAMPUS TURNAROUND PLAN. (a) A campus turnaround plan must include:

(1) details on the method for restructuring, reforming, or reconstituting the campus;

(2) a detailed description of the academic programs to be offered at the campus, including:

(A) instructional methods;

(B) length of school day and school year;

(C) academic credit and promotion criteria; and

(D) programs to serve special student populations;

(3) if a district charter is to be granted for the campus under Section 12.0522:

(A) the term of the charter; and

(B) information on the implementation of the charter;

(4) written comments from:

(A) the campus-level committee established under Section 11.251, if applicable;

(B) parents; and

(C) teachers at the campus; and

(5) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the school district or other identified sources.

(b) A campus may submit an accelerated campus excellence turnaround plan as provided by this subsection. The plan must provide:

(1) the assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;

(2) that the principal has final authority over personnel decisions at the campus;

(3) that at least 80 percent of the classroom teachers assigned to the campus be teachers who performed in the top quartile of teachers in the district that employed the teacher during the previous school year, with performance determined by:

(A) for a teacher who taught in the district during the previous school year:

(i) the teacher's impact on student growth; and

(ii) an evaluation of the teacher based on classroom observation;

and

(B) for a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top quartile of teachers in the district;

(4) a detailed description of the employment and compensation structures for the principal and classroom teachers, which must include:

(A) significant incentives for a high-performing principal or teacher to remain at the campus; and

(B) a three-year commitment by the district to continue incentives for the principal and teachers;

(5) policies and procedures for the implementation of best practices at the campus, including:

(A) data-driven instructional practices;

(B) a system of observation of and feedback for classroom teachers;

(C) positive student culture on the campus;

(D) family and community engagement, including partnerships with parent and community groups;

(E) extended learning opportunities for students, which may include service or workforce learning opportunities; and

(F) providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

(6) assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

(c) The commissioner may provide guidance to districts as necessary to implement an accelerated campus excellence turnaround plan under Subsection (b).

SECTION 2. Section 39A.107, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Notwithstanding Subsection (a), the commissioner shall approve a campus turnaround plan that the commissioner determines meets the requirements for an accelerated campus excellence turnaround plan under Section 39A.105(b).

SECTION 3. Section 39A.113, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If the commissioner orders the closure of a campus under this subchapter, that campus may be repurposed to serve students at that campus location only if the commissioner:

(1) finds that the repurposed campus [±

~~[(A)]~~ offers a distinctly different academic program[±] and:

~~(A) [(B)]~~ serves a majority of grade levels not served at the original campus; or [and]

(B) is operated under a contract, approved by the school district board of trustees, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, that:

(i) has a governing board that is independent of the district;

(ii) has a successful history of operating school district campuses or open-enrollment charter schools:

(a) that cumulatively serve 10,000 or more students; and

(b) a majority of which have been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year; and

(iii) has been assigned an overall performance rating of B or higher under Section 39.054 for the preceding school year; and

(2) approves a new campus identification number for the repurposed campus.

(a-1) A contract described by Subsection (a)(1)(B) must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

(b) The majority of students assigned to a campus that has been closed and repurposed under Subsection (a)(1)(A) may not have attended that campus in the previous school year.

SECTION 4. Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.116 to read as follows:

Sec. 39A.116. COMMISSIONER AUTHORITY. A decision by the commissioner under this subchapter is final and may not be appealed.

SECTION 5. (a) The commissioner of education shall select one campus that received an unacceptable rating for the 2017-2018 school year, regardless of the number of consecutive years the campus has received an unacceptable rating, to submit an accelerated campus excellence turnaround plan as provided by Section 39A.105(b), Education Code, as added by this Act, for the 2019-2020 school year. The commissioner may adjust timelines established under Chapter 39A, Education Code, for the campus selected by the commissioner under this section for purposes of developing and implementing the accelerated campus excellence turnaround plan.

(b) Except as provided by Subsection (a) of this section, Sections 39A.105 and 39A.107, Education Code, as amended by this Act, and Section 39A.116, Education Code, as added by this Act, apply beginning with the 2020-2021 school year.

SECTION 6. The commissioner of education may adopt rules necessary to implement this Act.

SECTION 7. 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, 2019.

### Floor Amendment No. 1

Amend **CSSB 1412** (house committee report) as follows:

(1) Strike page 2, lines 19 through 25, and substitute the following:

(3) that at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

(A) for a teacher who taught in the district during the previous school year:

(i) the teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district;

(2) On page 3, line 6, strike "quartile" and substitute "half".

### Floor Amendment No. 2

Amend **CSSB 1412** (house committee report) as follows:

(1) Strike page 1, line 8 through page 2, line 12 and substitute the following:

SECTION 1. Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.1065 to read as follows:

Sec. 39A.1065. ACCELERATED CAMPUS EXCELLENCE TURNAROUND PLAN. (a) The commissioner shall select one campus that received an unacceptable rating for the 2017-2018 school year, regardless of the number of consecutive years the campus has received an unacceptable rating, to submit an accelerated campus excellence turnaround plan as provided by this section for the 2019-2020, 2020-2021, and 2021-2022 school years. The plan must

(2) On page 4, strike lines 6 through 14 and substitute the following:

(b) Notwithstanding Section 39A.107(a), the commissioner shall approve the accelerated campus excellence turnaround plan submitted under Subsection (a) if the commissioner determines that the plan meets the requirements of that subsection.

(c) The commissioner may:

(1) provide guidance to the school district of the campus selected under Subsection (a) as necessary to implement the accelerated campus excellence turnaround plan; and

(2) adjust timelines established under this chapter for the campus selected under Subsection (a) for purposes of developing and implementing the accelerated campus excellence turnaround plan.

(d) This section expires September 1, 2022.

(3) On page 6, strike lines 2 through 16.

(4) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_. Section 39A.116, Education Code, as added by this Act, applies beginning with the 2019-2020 school year.

(5) Renumber the SECTIONS of the bill accordingly.

**Floor Amendment No. 3**

Amend **CSSB 1412** (house committee report) as follows:

(1) On page 4, line 10, strike "Subsection (a-3)" and substitute "Subsections (a-3) and (b-1)".

(2) On page 4, between lines 14 and 15, insert the following:

(b-1) Except as provided by Section 39A.110, a campus turnaround plan may be modified only with approval of the commissioner. The commissioner may approve a modified plan only if the commissioner makes the determination described by Subsection (a).

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter C, Chapter 39A, Education Code, is amended by adding Section 39A.1011 to read as follows:

Sec. 39A.1011. CAMPUS TURNAROUND PLAN TO OPERATE AS COMMUNITY SCHOOL. (a) A campus turnaround plan may permit a campus to operate as a community school. A plan to operate as a community school must include, in addition to the other requirements of this subchapter, strategies and programs to coordinate academic, social, and health services and reduce barriers to learning through partnerships and service coordination.

(b) A campus that elects to operate as a community school under a campus turnaround plan must:

(1) establish a school community partnership team, composed of the members required for a campus-level planning and decision-making committee under Section 11.251 and additional community representatives, to coordinate with the campus intervention team for the campus;

(2) establish a partnership with a lead organization that has experience in developing and implementing a community school plan;

(3) designate a school district employee or an employee of an organization with experience in developing and implementing a community school plan as the community school coordinator for the campus, whose duties must include the recruitment and coordination of services from community partners;

(4) develop a community school plan that satisfies the requirements for a campus improvement plan under Section 11.253 and includes:

(A) integrated student supports that focus on student well-being, including:

(i) removing out-of-school barriers to health care services; and

(ii) assisting students and parents in developing strong relationships that promote social and emotional health and prevent or mitigate risky behavior;

(B) expanded learning time and opportunities that are designed to improve student outcomes in the subjects of the foundation curriculum under Section 28.002(a)(1), including:

(i) after-school programs;

(ii) extended school year programs; and

(iii) summer enrichment activities;

(C) family and community engagement, including strategies that emphasize:

(i) parent involvement in student education; and  
(ii) joint campus leadership between administrators and parents;  
and  
(D) collaborative leadership and practices, including:  
(i) best practices for student instruction; and  
(ii) appropriate assessments and shared accountability; and  
(5) obtain approval for the community school plan from:  
(A) at least 75 percent of campus faculty and staff and 75 percent of  
parents of students enrolled at the campus; and  
(B) the board of trustees of the school district in which the campus is  
located.

The amendments were read.

Senator Perry submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1412** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Bettencourt, Watson, Taylor, and Hall.

### **SENATE BILL 1991 WITH HOUSE AMENDMENTS** **(Motion In Writing)**

Senator Buckingham called **SB 1991** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1991** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02491 to read as follows:

Sec. 32.02491. REIMBURSEMENT OF CERTAIN PROVIDERS OF WOUND CARE EDUCATION AND TRAINING SERVICES. (a) The commission shall provide medical assistance reimbursement to an authorized wound care education and training services provider who provides to a recipient necessary wound care education and training.

(b) The commission shall approve a person as an authorized wound care education and training services provider if the person:

(1) is enrolled as a provider under the medical assistance program; and

(2) meets quality standards for wound care education and training approved

by the commission.



(c) An authorized wound care education and training services provider shall determine a recipient's need for wound care education and training services. The provider must certify that the education and training is necessary for the recipient to provide self-care in order to assist in wound care management and to improve the recipient's health care outcomes.

(d) The executive commissioner, after consulting with organizations that assist individuals with wound care, including recipients of medical assistance, shall:

(1) adopt reimbursement rates for an authorized wound care education and training services provider for the provision of wound care education and training services; and

(2) establish outcome measures for evaluating the health care outcomes of recipients who receive wound care education and training services from an authorized wound care education and training services provider.

(b) If before implementing Section 32.02491, Human Resources Code, as added by this section, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

## **Floor Amendment No. 2**

Amend **SB 1991** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) As soon as practicable after the effective date of this Act, the commission shall conduct a study to evaluate the impacts and effectiveness of using the Medicare education adjustment factor assigned under 42 C.F.R. Section 412.105 in effect on the effective date of this Act to calculate the medical education add-on used to reimburse teaching hospitals for the provision of inpatient hospital care under Medicaid. The commission shall develop and make recommendations on alternative factors and methodologies for calculating and annually updating the medical education add-on that:

(1) best recognize the higher costs incurred by teaching hospitals; and

(2) mitigate issues identified with using the Medicare education adjustment factor without reducing reimbursements to urban teaching hospitals that have maintained or increased the number of interns and residents enrolled in the hospitals' approved teaching programs.

(b) Not later than December 1, 2020, the commission shall report its findings and recommendations under Subsection (b) of this section to the governor, the standing committees of the senate and the house of representatives having primary jurisdiction over matters relating to state finance and appropriations from the state treasury, the standing committees of the senate and house of representatives having primary jurisdiction over Medicaid, and the Legislative Budget Board.

The amendments were read.

Senator Buckingham submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1991** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Flores, Campbell, Kolkhorst, and Hinojosa.

**SENATE BILL 2138 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Hinojosa called **SB 2138** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 2138** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the authority of the Health and Human Services Commission to retain certain money received by the commission to administer certain Medicaid programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.021135 to read as follows:

Sec. 531.021135. COMMISSION'S AUTHORITY TO RETAIN CERTAIN MONEY TO ADMINISTER CERTAIN MEDICAID PROGRAMS; REPORT REQUIRED. (a) In this section, "directed payment program" means a delivery system and provider patient initiative implemented by this state under 42 C.F.R. Section 438.6(c).

(b) This section applies only to money the commission receives from a source other than the general revenue fund to operate a waiver program established under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) or a directed payment program or successor program as determined by the commission.

(c) Subject to Subsection (e), the commission may retain from money to which this section applies an amount equal to the estimated costs necessary to administer the program for which the money is received, but not to exceed \$8 million for a state fiscal biennium.

(d) The commission shall spend money retained under this section to assist in paying the costs necessary to administer the program for which the money is received, except that the commission may not use the money to pay any type of administrative cost that, before June 1, 2019, was funded with general revenue.

(e) If the commission determines that the commission needs additional money to administer a program described by Subsection (b), the commission may, with the approval of the governor and the Legislative Budget Board, retain not more than an additional 0.25 percent of the total amount estimated to be received for the program.

(f) The commission shall submit an annual report to the governor and the Legislative Budget Board that:

(1) details the amount of money retained and spent by the commission under this section during the preceding state fiscal year, including a separate detail of any increase in the amount of money retained for a program under Subsection (e);

(2) contains a transparent description of how the commission used the money described by Subdivision (1); and

(3) assesses the extent to which the money retained by the commission under this section covered the estimated costs to administer the applicable program and states whether, based on that assessment, the commission adjusted or considered adjustments to the amount retained.

(g) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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, 2019.

#### **Floor Amendment No. 1**

Amend **CSSB 2138** (house committee printing) as follows:

(1) On page 1, line 23, strike "biennium" and substitute "year".

(2) On page 2, lines 7 and 8, strike "may, with the approval of the governor and the Legislative Budget Board, retain not more than an additional" and substitute "may retain an additional amount with the approval of the governor and the Legislative Budget Board, but not to exceed a total retained amount equal to".

#### **Floor Amendment No. 2**

Amend **CSSB 2138** by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 32.024(w), Human Resources Code, is amended to read as follows:

(w) The executive commissioner shall set a personal needs allowance of not less than \$75 [~~\$60~~] a month for a resident of a convalescent or nursing facility or related institution licensed under Chapter 242, Health and Safety Code, assisted living facility, ICF-IID facility, or other similar long-term care facility who receives medical assistance. The commission may send the personal needs allowance directly to a resident who receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.). This subsection does not apply to a resident who is participating in a medical assistance waiver program administered by the commission.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 32.024(w), Human Resources Code, applies only to a personal needs allowance paid on or after the effective date of this Act.

SECTION \_\_\_\_\_. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

### **Floor Amendment No. 3**

Amend **CSSB 2138** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The statewide behavioral health coordinating council, in coordination with the Legislative Budget Board, annually shall:

- (1) monitor the effects of prior authorization and preferred drug policies for antipsychotic drugs with regard to medication access and continuity of care; and
- (2) make recommendations to the legislature and the Drug Utilization Review Board, including recommendations to improve policies that create adverse impacts on health outcomes or patient access.

### **Floor Amendment No. 4**

Amend **CSSB 2138** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0031 to read as follows:

Sec. 533.0031. MEDICAID MANAGED CARE PLAN ACCREDITATION.

(a) A managed care plan organization must be accredited by a nationally recognized accreditation organization. The commission may choose whether to require all managed care plans offered by Medicaid managed care organizations to be accredited by the same organization or to allow for accreditation by different organizations.

(b) The commission may use the data, scoring, and other information provided to or received from an accreditation organization in the commission's contract oversight processes.

SECTION \_\_\_\_\_. The Health and Human Services Commission shall require that a managed care plan offered by a Medicaid managed care organization with which the commission enters into or renews a contract under Chapter 533, Government Code, on or after the effective date of this Act complies with Section 533.0031, Government Code, as added by this Act, not later than September 1, 2022.

### **Floor Amendment No. 5**

Amend **CSSB 2138** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.01211 to read as follows:

Sec. 531.01211. WORK GROUP ON QUALITY MEASURES UNDER VALUE-BASED PROGRAM FOR LONG-TERM SERVICES AND SUPPORTS.

(a) The commission shall establish within an advisory committee established under Section 531.012 that studies value-based payment and quality improvement initiatives

a work group to engage stakeholders representing clients, providers, and other relevant industries providing community long-term services and supports to develop quality measures that can be used under a value-based program form long-term services and supports including:

(1) developing the underlying methodology for measuring quality under a value-based program;

(2) identifying the data sources used under the methodology; and

(3) establishing a process for the reporting, collecting, and validating of the data used in the methodology.

(b) Based on the findings of the workgroup, the committee described by subsection (a) shall make recommendations to the commission on implementation of quality measures under a value-based program form long-term services and supports.

(c) Not later than September 1, 2020, the commission shall submit a report on the recommended quality measures to the governor, lieutenant governor, speaker of the house, and the standing committees of the senate and house of representatives having primary jurisdiction over Medicaid. The report shall include any relevant implementation timelines and plans for making any data that is collected under this section accessible to the public, including any quality metrics that are implemented.

(e) This section expires September 1, 2020.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 2138** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.1023, Government Code, is amended to read as follows:

Sec. 531.1023. COMPLIANCE WITH FEDERAL CODING GUIDELINES.

(a) The commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, and the commission's medical and utilization review appeals unit shall comply with federal coding guidelines, including guidelines for diagnosis-related group (DRG) validation and related audits.

(b) In this section, "federal coding guidelines" means the code sets and guidelines adopted by the United States Department of Health and Human Services in accordance with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 2138** on third reading as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.0216(f), Government Code, is amended to read as follows:

(f) Not later than December 1 of each even-numbered year, the commission shall report to the speaker of the house of representatives and the lieutenant governor on the effects of telemedicine medical services, telehealth services, and home telemonitoring services on Medicaid in the state, including the number of physicians,

health professionals, and licensed health care facilities using telemedicine medical services, telehealth services, or home telemonitoring services, the geographic and demographic disposition of the physicians and health professionals, the number of patients receiving telemedicine medical services, telehealth services, and home telemonitoring services, the types of services being provided, ~~and~~ the cost of utilization, and the cost savings of telemedicine medical services, telehealth services, and home telemonitoring services to Medicaid.

SECTION \_\_\_\_\_. Effective September 1, 2019, Section 531.02164, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c)(1), the program required under this section must also provide that home telemonitoring services are available to pediatric persons who:

- (1) are diagnosed with end-stage solid organ disease;
- (2) have received an organ transplant; or
- (3) require mechanical ventilation.

SECTION \_\_\_\_\_. Section 531.02176, Government Code, is repealed.

SECTION \_\_\_\_\_. The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.02164(c-1), Government Code, as added by this Act, not later than December 1, 2019.

(2) Strike the SECTION of the bill providing the effective date and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Except as otherwise provided by this Act:

(1) 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; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

### **Floor Amendment No. 3 on Third Reading**

Amend **SB 2138** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Using existing resources, the Health and Human Services Commission shall study the feasibility of extending the private duty nursing benefit to individuals that have aged out of the Star Kids program. In determining the feasibility of continuing the benefit as a Medicaid covered service, the commission shall determine potential cost savings, impact on the health outcomes of these individuals, impacts related to hospitalizations and institutionalizations, and sufficient utilization controls that restrict continued access to individuals with a functional or clinical need.

Not later than December 1, 2019, the Health and Human Services Commission shall submit a report containing the commission's findings and recommendations to the governor, the Legislative Budget Board, and the standing committees of the senate and the house of representatives with primary jurisdiction over Health and Human Services.

The amendments were read.

Senator Hinojosa submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2138** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nelson, Campbell, Johnson, and Kolkhorst.

### **SENATE BILL 1414 WITH HOUSE AMENDMENT**

Senator Hancock called **SB 1414** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 4**

Amend **SB 1414** (house committee report), on page 2, line 20, by striking "The landlord may" and substituting "On request of the tenant, the landlord shall".

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1414**.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Zaffirini.

Nays: Miles, Watson, West, Whitmire.

### **SENATE BILL 1091 WITH HOUSE AMENDMENTS**

Senator Nichols called **SB 1091** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 1091** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to vehicles eligible for veteran toll discount programs.

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

**SECTION 1.** Section 372.053, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A toll project entity may establish a discount program for electronic toll collection customers.

(a-1) A [The] program established under Subsection (a) must include free or discounted use of the entity's toll project by an electronic toll collection customer whose account relates to a vehicle registered under Section 504.202 or 504.315(f) or (g), except that a toll project entity may limit to no more than two the number of transponders issued to a participant in the entity's waiver program for which free or discounted use of the entity's toll project is provided under this subsection. A toll project entity that adopts a limit under this subsection shall allow a participant to be issued one extra transponder on a demonstration of hardship by the participant, as determined by the entity.

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, 2019.

### Floor Amendment No. 1

Amend **CSSB 1091** (house committee report) on page 1 as follows:

(1) On line 5, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On line 12, strike " $\frac{1}{2}$ " and substitute ".".

(3) On line 13, strike "except that a" and substitute the following:

(a-2) A

(4) On line 16, strike "this subsection." and substitute "Subsection (a-1).".

The amendments were read.

Senator Nichols moved to concur in the House amendments to **SB 1091**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

### SENATE BILL 1319 WITH HOUSE AMENDMENT

Senator Birdwell called **SB 1319** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### Floor Amendment No. 1

Amend **SB 1319** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 334.089(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 334.090, a [A] sales and use tax imposed under this subchapter may not be collected after the last day of the first calendar quarter occurring after notification to the comptroller by the municipality or county that the municipality or county has abolished the tax or that all bonds or other obligations of the municipality or county that are payable in whole or in part from money in the venue project fund, including any refunding bonds or other obligations,



have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay in full the bonds and other obligations has been set aside in a trust account dedicated to the payment of the bonds and other obligations.

SECTION \_\_\_\_\_. Subchapter D, Chapter 334, Local Government Code, is amended by adding Section 334.090 to read as follows:

Sec. 334.090. CONVERSION OF TAX. (a) A sales and use tax imposed under this subchapter is abolished or the rate of the tax is reduced, as applicable, on the date a conversion of all or a portion of the tax under Section 504.263 or 505.260 takes effect.

(b) A municipality or county shall notify the comptroller of a conversion described by Subsection (a) not later than the 60th day before the date the conversion takes effect.

(c) The abolition or reduction by a county of the rate of a sales and use tax imposed under this section shall be included in the report submitted to the comptroller by the county under Section 352.009.

SECTION \_\_\_\_\_. Subchapter F, Chapter 504, Local Government Code, is amended by adding Section 504.263 to read as follows:

Sec. 504.263. ELECTION TO CONVERT CERTAIN SALES AND USE TAX AUTHORITY. (a) This section applies only to:

(1) a municipality with a population of more than 200,000 that borders the United Mexican States and that:

(A) has adopted a sales and use tax under Subchapter D, Chapter 334;  
and

(B) on September 1, 2019, has or will have outstanding bonded indebtedness for bonds issued under Section 334.043 that are payable wholly or partly from the sales and use tax; or

(2) a county that borders the United Mexican States that:

(A) has a population of less than 300,000; and

(B) contains one or more municipalities with a population of 200,000 or more that hold an annual jalapeno festival.

(b) A municipality or county may convert all or a portion of a sales and use tax originally adopted under Subchapter D, Chapter 334, to a sales and use tax under this subchapter if the conversion is approved by a majority of the voters of the municipality or county voting at an election held for that purpose.

(c) In an election to convert all or a portion of a municipal sales and use tax as provided by this section, the ballot shall be printed to provide for voting for or against the proposition: "The conversion of (insert "the" or "a portion of the," as applicable) sales and use tax originally adopted for the purpose of financing a sports and community venue project to a (insert the appropriate tax rate that is an increment of one-eighth of one percent) sales and use tax for the promotion and development of new and expanded business enterprises.

(d) For purposes of Chapter 321, Tax Code, an election under this section is an election to adopt a sales and use tax under this subchapter and, as applicable, to abolish or reduce the rate of the tax under Subchapter D, Chapter 334.

(e) Notwithstanding Section 321.102, Tax Code, a conversion by a municipality under this section takes effect on the first day after the date all bonds described by Subsection (a)(1)(B), including any refunding bonds, have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay the bonds in full has been set aside in a trust account dedicated to the payment of the bonds.

(f) Notwithstanding Section 321.405(a), Tax Code, a municipality that converts all or a portion of a tax under this section shall comply with Section 321.405, Tax Code, not later than the 60th day before the date the conversion takes effect.

(g) The conversion of all or a portion of a sales and use tax under this section:

(1) abolishes or reduces the rate of a tax adopted under Subchapter D, Chapter 334, as applicable;

(2) imposes a sales and use tax under this subchapter:

(A) at the same rate as the tax under Subchapter D, Chapter 334, was imposed, if that tax is abolished; or

(B) at a rate equal to the reduction in the rate of the tax under Subchapter D, Chapter 334, if that rate is reduced.

(h) If a sales and use tax conversion under this section is not approved, the election does not affect the county's or municipality's authority to impose the sales and use tax adopted under Chapter 334, or the rate of that tax, as provided by that chapter.

(i) If conversion of a portion of a sales and use tax is approved under this section, the county or municipality may continue to impose the portion of the tax under Subchapter D, Chapter 334, that was not converted as provided by that chapter.

(j) For a municipal tax converted under this subchapter, the election requirement under Subsection (b) is satisfied and another election is not required if the voters of the authorizing municipality approved the conversion at an election called or held before the effective date of the Act enacting this section under an ordinance calling the election that:

(1) was published in a newspaper of general circulation in the municipality at least 14 days before the date of the election; and

(2) expressly stated that the election was being called or held in anticipation of the enactment of enabling and implementing legislation without further elections.

SECTION \_\_\_\_\_. Subchapter F, Chapter 505, Local Government Code, is amended by adding Section 505.260 to read as follows:

Sec. 505.260. ELECTION TO CONVERT CERTAIN SALES AND USE TAX AUTHORITY. (a) (a) This section applies only to:

(1) a municipality with a population of more than 200,000 that borders the United Mexican States and that:

(A) has adopted a sales and use tax under Subchapter D, Chapter 334;  
and

(B) on September 1, 2019, has or will have outstanding bonded indebtedness for bonds issued under Section 334.043 that are payable wholly or partly from the sales and use tax; or

(2) a county that borders the United Mexican States that:

(A) has a population of less than 300,000; and

(B) contains one or more municipalities with a population of 200,000 or more that hold an annual jalapeno festival.

(b) A municipality or county may convert all or a portion of a sales and use tax originally adopted under Subchapter D, Chapter 334, to a sales and use tax under this subchapter if the conversion is approved by a majority of the voters of the municipality or county voting at an election held for that purpose.

(c) In an election to convert all or a portion of a municipal sales and use tax as provided by this section, the ballot shall be printed to provide for voting for or against the proposition: "The conversion of (insert "the" or "a portion of the," as applicable) sales and use tax originally adopted for the purpose of financing a sports and community venue project to a (insert the appropriate tax rate that is an increment of one-eighth of one percent) sales and use tax for economic development projects described by Chapter 505.

(d) For purposes of Chapter 321, Tax Code, an election under this section is an election to adopt a sales and use tax under this subchapter and, as applicable, to abolish or reduce the rate of the tax under Subchapter D, Chapter 334.

(e) Notwithstanding Section 321.102, Tax Code, a conversion by a municipality under this section takes effect on the first day after the date all bonds described by Subsection (a)(1)(B), including any refunding bonds, have been paid in full or the full amount of money, exclusive of guaranteed interest, necessary to pay the bonds in full has been set aside in a trust account dedicated to the payment of the bonds.

(f) Notwithstanding Section 321.405(a), Tax Code, a municipality that converts all or a portion of a tax under this section shall comply with Section 321.405, Tax Code, not later than the 60th day before the date the conversion takes effect.

(g) The conversion of all or a portion of a sales and use tax under this section:

(1) abolishes or reduces the rate of a tax adopted under Subchapter D, Chapter 334, as applicable;

(2) imposes a sales and use tax under this subchapter:

(A) at the same rate as the tax under Subchapter D, Chapter 334, was imposed, if that tax is abolished; or

(B) at a rate equal to the reduction in the rate of the tax under Subchapter D, Chapter 334, if that rate is reduced.

(h) If a sales and use tax conversion under this section is not approved, the election does not affect the county's or municipality's authority to impose the sales and use tax adopted under Chapter 334, or the rate of that tax, as provided by that chapter.

(i) If conversion of a portion of a sales and use tax is approved under this section, the county or municipality may continue to impose the portion of the tax under Subchapter D, Chapter 334, that was not converted as provided by that chapter.

(j) For a municipal tax converted under this subchapter, the election requirement under Subsection (b) is satisfied and another election is not required if the voters of the authorizing municipality approved the conversion at an election called or held before the effective date of the Act enacting this section under an ordinance calling the election that:

(1) was published in a newspaper of general circulation in the municipality at least 14 days before the date of the election; and

(2) expressly stated that the election was being called or held in anticipation of the enactment of enabling and implementing legislation without further elections.

The amendment was read.

Senator Birdwell moved to concur in the House amendment to **SB 1319**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hall.

### **SENATE BILL 346 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 346** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 346** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED

#### AN ACT

relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; imposing certain court costs and fees and increasing and decreasing the amounts of certain other court costs and fees.

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

#### ARTICLE 1. CONSOLIDATED COURT COSTS

SECTION 1.01. Section 133.001, Local Government Code, is amended to read as follows:

Sec. 133.001. PURPOSE. The purpose of this chapter is to consolidate and standardize:

(1) collection of fees payable to the comptroller in criminal and civil matters by:

(A) an officer of a court for deposit in a county or municipal treasury;

or

(B) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate;

(2) remittance of those fees to the comptroller as required by this chapter and other law; and

(3) distribution of those fees by the comptroller to the proper accounts and funds in the state treasury.

SECTION 1.02. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

(2) ~~the time payment fee imposed under Section 133.103;~~

~~(3)~~ fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104 of this code; and

~~(3) [(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;~~

~~[(5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;~~

~~[(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;~~

~~[(7) fines on conviction imposed under Section 621.506(g), Transportation Code];~~

~~[(8) the fee imposed under Article 102.0045, Code of Criminal Procedure;~~

~~[(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; and~~

~~[(10) the cost on conviction imposed under Section 133.107].~~

SECTION 1.03. Sections 133.102(a), (c), (d), (e), and (f), Local Government Code, are amended to read as follows:

(a) A person convicted of an offense shall pay as a court cost, in addition to all other costs:

(1) \$185 ~~[\$133]~~ on conviction of a felony;

(2) \$147 ~~[\$83]~~ on conviction of a Class A or Class B misdemeanor; or

(3) \$62 ~~[\$40]~~ on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle.

(c) The money collected under this section as court costs imposed on offenses committed on or after January 1, 2020 ~~[2004]~~, shall be allocated according to the percentages provided in Subsection (e).

(d) The money collected as court costs imposed on offenses committed before January 1, 2004, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately. The money collected as court costs imposed on offenses committed on or after January 1, 2004, but before January 1, 2020, shall be allocated according to the percentages provided in Subsection (e), as that subsection existed and was applied on December 31, 2019.

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) crime stoppers assistance account 0.2427  
~~[0.2584]~~ percent;

(2) breath alcohol testing account 0.3900  
~~[0.5507]~~ percent;

(3) Bill Blackwood Law Enforcement Management Institute account 1.5341  
~~[2.1683]~~ percent;

(4) Texas Commission on Law Enforcement account 3.5418  
~~[law enforcement officers standards and education 5.0034]~~ percent;

- (5) law enforcement and custodial officer supplement [~~supplemental~~] retirement trust fund 7.4674 [~~11.1426~~] percent;
- (6) criminal justice planning account 9.0462 [~~12.5537~~] percent;
- (7) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 0.8540 [~~1.2090~~] percent;
- (8) compensation to victims of crime account 26.4704 [~~fund 37.6338~~] percent;
- (9) [~~emergency radio infrastructure account~~] 5.5904 percent; [~~10~~] judicial and court personnel training account 3.4224 [~~fund 4.8362~~] percent;
- (10) [~~11~~] an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account 0.8522 [~~1.2090~~] percent; [~~and~~]
- (11) [~~12~~] fair defense account 18.0697 [~~17.8448~~] percent;
- (12) judicial fund 13.0426 percent;
- (13) DNA testing account 0.1394 percent;
- (14) specialty court account 1.0377 percent;
- (15) statewide electronic filing system account 0.5485 percent;
- (16) jury service fund 6.4090 percent;
- (17) truancy prevention and diversion account 2.5956 percent; and
- (18) transportation administrative fee account 4.3363 percent.

(f) Of each dollar credited to the Texas Commission on Law Enforcement [~~law enforcement officers standards and education~~] account under Subsection (e)(4) [~~(e)(5)~~]:

- (1) 33.3 cents may be used only to pay administrative expenses; and
- (2) the remainder may be used only to pay expenses related to continuing education for persons licensed under Chapter 1701, Occupations Code.

SECTION 1.04. Chapter 133, Local Government Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 133.121. ALLOCATION OF FEES TO SPECIALTY COURT ACCOUNT.

(a) The specialty court account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be used only to fund specialty court programs established under Subtitle K, Title 2, Government Code.

(b) The legislature may appropriate money from the specialty court account only to the criminal justice division of the governor's office for distribution to specialty court programs that apply for the money.

Sec. 133.122. ALLOCATION OF FEES TO JURY SERVICE FUND. (a) The jury service fund is created in the state treasury. The fund consists of money allocated to the fund under Section 133.102(e). Money in the fund may be appropriated only to provide juror reimbursements to counties.

(b) If, at any time, the unexpended balance of the jury service fund exceeds \$10 million, the comptroller shall transfer the amount in excess of \$10 million to the fair defense account.

Sec. 133.123. ALLOCATION OF FEES TO DNA TESTING ACCOUNT. The DNA testing account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be appropriated only to the Department of Public Safety to help defray the cost of collecting or analyzing DNA samples provided by defendants who are required to pay a court cost under Section 133.102.

Sec. 133.124. ALLOCATION OF FEES TO TRANSPORTATION ADMINISTRATIVE FEE ACCOUNT. The transportation administrative fee account is an account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e). Money in the account may be appropriated only to the Department of Public Safety to defray the administrative costs associated with implementing Chapter 706, Transportation Code.

SECTION 1.05. Subtitle C, Title 4, Local Government Code, is amended by adding Chapter 134 to read as follows:

#### CHAPTER 134. CRIMINAL FEES PAYABLE TO LOCAL GOVERNMENT

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 134.001. PURPOSE. The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in criminal matters by:

- (1) an officer of a court for deposit in a county or municipal treasury; or
- (2) an officer of a county or municipality for deposit in the county or municipal treasury, as appropriate.

Sec. 134.002. DEFINITIONS. (a) In this chapter:

- (1) "Fee" means a criminal fee listed under Section 134.003.
- (2) "Treasurer" means the custodian of money in a municipal or county treasury, as appropriate.

(b) In this chapter, a person is considered to have been convicted in a case if:

- (1) a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication, or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

Sec. 134.003. CRIMINAL FEES. This chapter applies to the criminal fees imposed under Sections 134.101, 134.102, and 134.103.

##### SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CRIMINAL FEES

Sec. 134.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES. (a) A court clerk shall collect and remit to the county or municipal treasurer, as applicable, all fees in the manner provided by this section.

(b) An officer collecting a fee in a case in municipal court shall remit the money to the municipal treasurer for deposit in the municipal treasury.

(c) An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.

(d) A court clerk collecting a fee shall remit the money to the municipal or county treasurer, as applicable, for deposit in the municipal or county treasury, as appropriate.

Sec. 134.052. ALLOCATION OF DEPOSITED FEES. (a) Money collected under Subchapter C as court costs imposed on offenses committed on or after January 1, 2020, shall be allocated according to the percentages provided by Sections 134.101, 134.102, and 134.103, as applicable.

(b) Money collected under Subchapter C as court costs imposed on offenses committed before January 1, 2020, shall be distributed using historical data so that each account or fund receives the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately.

#### SUBCHAPTER C. LOCAL CRIMINAL FEES

Sec. 134.101. LOCAL CONSOLIDATED FEE ON CONVICTION OF FELONY. (a) A person convicted of a felony shall pay \$105 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

<u>(1) the clerk of the court account</u>	<u>38.0953 percent;</u>
<u>(2) the county records management and preservation fund</u>	<u>23.8095 percent;</u>
<u>(3) the county jury fund</u>	<u>0.9524 percent;</u>
<u>(4) the courthouse security fund</u>	<u>9.5238 percent;</u>
<u>(5) the county and district court technology fund</u>	<u>3.8095 percent; and</u>
<u>(6) the county specialty court account</u>	<u>23.8095 percent.</u>

Sec. 134.102. LOCAL CONSOLIDATED FEE ON CONVICTION OF CLASS A OR B MISDEMEANOR. (a) A person convicted of a Class A or Class B misdemeanor shall pay \$123 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

<u>(1) the clerk of the court account</u>	<u>32.5203 percent;</u>
<u>(2) the county records management and preservation fund</u>	<u>20.3252 percent;</u>
<u>(3) the account for prosecutor's fees</u>	<u>16.2602 percent;</u>
<u>(4) the county jury fund</u>	<u>0.8130 percent;</u>
<u>(5) the courthouse security fund</u>	<u>8.1301 percent;</u>
<u>(6) the county and district court technology fund</u>	<u>3.2520 percent;</u>
<u>(7) the court reporter service fund</u>	<u>2.4390 percent; and</u>
<u>(8) the county specialty court account</u>	<u>16.2602 percent.</u>



Sec. 134.103. LOCAL CONSOLIDATED FEE ON CONVICTION OF NONJAILABLE MISDEMEANOR. (a) A person convicted of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, shall pay \$14 as a court cost, in addition to all other costs, on conviction.

(b) The treasurer shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- |  |                      |
|--|----------------------|
| (1) the courthouse security fund or municipal court building security fund, as appropriate | 35 percent;          |
| (2) the local truancy prevention and diversion fund  | 35.7143 percent;     |
| (3) the justice court technology fund or municipal court technology fund, as appropriate   | 28.5714 percent; and |
| (4) the county or municipal jury fund, as appropriate                                      | 0.7143 percent.      |

#### SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CRIMINAL FEES

Sec. 134.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) A county or municipal treasurer, as applicable, shall maintain in the county or municipal treasury a fund or account to which money is allocated under Section 134.101, 134.102, or 134.103, to the extent that the fund or account is not required by other law. Money in an account maintained under this section may be used only for the purposes provided by this subchapter.

(b) An account or fund maintained under this section in a county treasury may be administered by or at the direction of the county commissioners court.

Sec. 134.152. CLERK OF THE COURT ACCOUNT. Money allocated under Section 134.101 or 134.102 to the clerk of the court account maintained in the county treasury as required by Section 134.151 may be used by a county only to defray costs of services provided by a county or district clerk.

Sec. 134.153. COUNTY SPECIALTY COURT ACCOUNT. Money allocated under Section 134.101 or 134.102 to the county specialty court account maintained in the county treasury as required by Section 134.151 may be used by a county only to fund specialty court programs established under Subtitle K, Title 2, Government Code.

Sec. 134.154. COUNTY OR MUNICIPAL JURY FUND. Money allocated under Section 134.101, 134.102, or 134.103 to the county or municipal jury fund maintained in the county or municipal treasury, as applicable, and as required by Section 134.151 may be used by a county or municipality only to fund juror reimbursements and otherwise finance jury services.

Sec. 134.155. COUNTY RECORDS MANAGEMENT AND PRESERVATION FUND. Money allocated under Section 134.101 or 134.102 to the county records management and preservation fund maintained in the county treasury as required by Section 134.151 may be used by a county only to fund records management and preservation services performed by the court clerk.

Sec. 134.156. LOCAL TRUANCY PREVENTION AND DIVERSION FUND.

(a) Money allocated under Section 134.103 to the local truancy prevention and diversion fund maintained in the county or municipal treasury as required by Section 134.151 may be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056, Code of Criminal Procedure. If there is money in the fund after those costs are paid, subject to the direction of the governing body of the county or municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

(b) Money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

SECTION 1.06. Article 102.015, Code of Criminal Procedure, is transferred to Subchapter C-1, Chapter 133, Local Government Code, as added by this article, redesignated as Section 133.125, and amended to read as follows:

Sec. 133.125 [Art. 102.015]. ALLOCATION OF FEES TO [COURT COSTS:] TRUANCY PREVENTION AND DIVERSION ACCOUNT [FUND]. (a) The truancy prevention and diversion account [~~fund~~] is a dedicated account in the general revenue fund. The account consists of money allocated to the account under Section 133.102(e).

~~(b) [A person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost \$2 in addition to other court costs.~~

~~[(c) For purposes of this article, a person is considered to have been convicted if:~~

~~[(1) a sentence is imposed; or~~

~~[(2) the defendant receives deferred disposition in the case.~~

~~[(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury or municipal treasury, as applicable.~~

~~[(e) The custodian of a county treasury or municipal treasury, as applicable, shall:~~

~~[(1) keep records of the amount of funds on deposit collected under this article; and~~

~~[(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has established or is attempting to establish a juvenile case manager program.~~

~~[(f) If no funds due as costs under this article are deposited in a county treasury or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.]~~

~~[(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund.] The legislature may appropriate money from the truancy prevention and diversion account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.~~

~~(c) [(h)]~~ A local governmental entity may request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

~~[(i) Funds collected under this article are subject to audit by the comptroller.]~~

SECTION 1.07. Article 102.0169, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0169. ~~[COURT COSTS;]~~ COUNTY AND DISTRICT COURT TECHNOLOGY FUND. (a) ~~[A defendant convicted of a criminal offense in a county court, statutory county court, or district court shall pay a \$4 county and district court technology fee as a cost of court.]~~

~~[(b) In this article, a person is considered convicted if:~~

~~[(1) a sentence is imposed on the person;~~

~~[(2) the person receives community supervision, including deferred adjudication; or~~

~~[(3) the court defers final disposition of the person's case.]~~

~~[(e)]~~ The ~~[clerks of the courts described by Subsection (a) shall collect the costs and pay them to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer, as appropriate, for deposit in a fund to be known as the]~~ county and district court technology fund is a fund in the county treasury. The fund consists of money allocated to the fund under Sections 134.101 and 134.102, Local Government Code.

(b) Money in the county and district court technology fund ~~[(d) A fund designated by this article]~~ may be used only to finance:

(1) the cost of continuing education and training for county court, statutory county court, or district court judges and clerks regarding technological enhancements for those courts; and

(2) the purchase and maintenance of technological enhancements for a county court, statutory county court, or district court, including:

(A) computer systems;

(B) computer networks;

(C) computer hardware;

(D) computer software;

(E) imaging systems;

(F) electronic kiosks; and

(G) docket management systems.

(c) ~~(e)~~ The county and district court technology fund shall be administered by or under the direction of the commissioners court of the county.

SECTION 1.08. Article 102.017, Code of Criminal Procedure, is amended to read as follows:

Art. 102.017. ~~[COURT COSTS;]~~ COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND. (a) ~~The [A defendant convicted of a felony offense in a district court shall pay a \$5 security fee as a cost of court.~~

~~[(b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall pay a \$3 security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$4 security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.~~

~~[(c) In this article, a person is considered convicted if:~~

~~[(1) a sentence is imposed on the person;~~

~~[(2) the person receives community supervision, including deferred adjudication; or~~

~~[(3) the court defers final disposition of the person's case.~~

~~[(d) Except as provided by Subsection (d 2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the] courthouse security fund is a fund in the county treasury, and [or a fund to be known as] the municipal court building security fund is a fund in the municipal treasury. The funds consist of money allocated to the funds under Sections 134.101, 134.102, and 134.103, Local Government Code[, as appropriate].~~

(b) Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

- (1) Section 61.311, Alcoholic Beverage Code;
- (2) Section 51.04(g) or Chapter 201, Family Code;
- (3) Section 574.0085, Health and Safety Code;
- (4) Section 33.71, Tax Code;
- (5) Chapter 54A, Government Code; or
- (6) Rule 171, Texas Rules of Civil Procedure.

(c) ~~(d 1)~~ For purposes of this article, the term "security personnel, services, and items" includes:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;

- (3) walkthrough metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) video teleconferencing systems;
- (7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (8) signage;
- (9) confiscated weapon inventory and tracking systems;
- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bullet-proof glass;
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

(d) ~~(d-2)(1)~~ This subsection applies only to a justice court located in a county in which one or more justice courts are located in a building that is not the county courthouse.

~~(2)~~ The county treasurer shall deposit one-fourth of the money allocated to the courthouse security fund under Section 134.103, Local Government Code, in ~~cost of court collected under Subsection (b) in a justice court described by Subdivision (1) into~~ a fund to be known as the justice court building security fund. A fund designated by this subsection may be used only for the purpose of providing security personnel, services, and items for a justice court located in a building that is not the county courthouse.

(e) The courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court. The municipal court building security fund shall be administered by or under the direction of the governing body of the municipality.

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the sheriff, constable, agency, or entity provides security not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

SECTION 1.09. Article 102.0172, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0172. ~~[COURT COSTS;]~~ MUNICIPAL COURT TECHNOLOGY FUND. (a) The ~~[governing body of a municipality by ordinance may create a]~~ municipal court technology fund is a fund in the municipal treasury. The fund consists of money allocated to the fund under Section 134.103, Local Government Code ~~[and may require a defendant convicted of a misdemeanor offense in a municipal court or municipal court of record to pay a technology fee not to exceed \$4 as a cost of court].~~

(b) Money in a municipal court technology fund ~~[In this article, a person is considered convicted if:~~

~~[(1) a sentence is imposed on the person;~~

~~[(2) the person is placed on community supervision, including deferred adjudication community supervision; or~~

~~[(3) the court defers final disposition of the person's case.~~

~~[(e) The municipal court clerk shall collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit in a fund to be known as the municipal court technology fund.~~

~~[(d) A fund designated by this article]~~ may be used only to finance the purchase of or to maintain technological enhancements for a municipal court or municipal court of record, including:

- (1) computer systems;
- (2) computer networks;
- (3) computer hardware;
- (4) computer software;
- (5) imaging systems;
- (6) electronic kiosks;
- (7) electronic ticket writers; and
- (8) docket management systems.

~~[(e)]~~ The municipal court technology fund shall be administered by or under the direction of the governing body of the municipality.

SECTION 1.10. Article 102.0173, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0173. ~~[COURT COSTS;]~~ JUSTICE COURT TECHNOLOGY FUND.

(a) The ~~[commissioners court of a county by order shall create a]~~ justice court technology fund is a fund in the county treasury. The fund consists of money allocated to the fund under Section 134.103, Local Government Code. ~~[A defendant convicted of a misdemeanor offense in justice court shall pay a \$4 justice court technology fee as a cost of court for deposit in the fund.]~~

(b) Money in the justice court technology ~~[In this article, a person is considered convicted if:~~

~~[(1) a sentence is imposed on the person; or~~

~~[(2) the court defers final disposition of the person's case.~~

~~[(e) The justice court clerk shall collect the costs and pay the funds to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the justice court technology fund.~~

~~[(d) A]~~ fund ~~[designated by this article]~~ may be used only to finance:

(1) the cost of continuing education and training for justice court judges and clerks regarding technological enhancements for justice courts; and

(2) the purchase and maintenance of technological enhancements for a justice court, including:

- (A) computer systems;
- (B) computer networks;
- (C) computer hardware;
- (D) computer software;

- (E) imaging systems;
- (F) electronic kiosks;
- (G) electronic ticket writers; and
- (H) docket management systems.

(c) ~~(e)~~ The justice court technology fund shall be administered by or under the direction of the commissioners court of the county.

(d) ~~(f)~~ A justice court may, subject to the approval of the commissioners court, use a fund designated by this article to assist a constable's office or other county department with a technological enhancement, or cost related to the enhancement, described by Subsection (b)(1) ~~(d)(1)~~ or (2) if the enhancement directly relates to the operation or efficiency of the justice court. This subsection applies only to a county that:

- (1) has a population of 125,000 or more;
- (2) is not adjacent to a county of two million or more;
- (3) contains a portion of the Guadalupe River; and
- (4) contains a portion of Interstate Highway 10.

SECTION 1.11. The heading to Section 51.702, Government Code, is amended to read as follows:

Sec. 51.702. ADDITIONAL FEES ~~[AND COSTS]~~ IN STATUTORY COUNTY COURTS.

SECTION 1.12. Sections 51.702(c), (d), and (e), Government Code, are amended to read as follows:

(c) Fees ~~[Court costs and fees]~~ due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall deposit the fees ~~[and costs]~~ collected under this section to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fees in the judicial fund.

(e) Section 51.320 applies to a fee ~~[or cost]~~ collected under this section.

SECTION 1.13. The heading to Section 51.703, Government Code, is amended to read as follows:

Sec. 51.703. ADDITIONAL FEES ~~[AND COSTS]~~ IN CERTAIN COUNTY COURTS.

SECTION 1.14. Sections 51.703(c), (d), and (e), Government Code, are amended to read as follows:

(c) Fees ~~[Court costs and fees]~~ due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall deposit the fees ~~[and costs]~~ collected under this section to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fees in the judicial fund.

(e) Section 51.320 applies to a fee ~~[or cost]~~ collected under this section.

SECTION 1.15. Sections 51.851(e), (f), (g), (i), (j), and (k), Government Code, are amended to read as follows:

(e) A court may waive payment of a ~~[court cost or]~~ fee due under this section for an individual the court determines is indigent.

(f) Fees ~~[Court costs and fees]~~ due under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(g) The clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court shall deposit the ~~[court costs and]~~ fees collected under this section in the appropriate local treasury and remit the ~~[court costs and]~~ fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(i) The comptroller shall deposit the ~~[court costs and]~~ fees received under this section to the credit of the statewide electronic filing system fund established under Section 51.852.

(j) The comptroller may audit the records of a county related to ~~[costs and]~~ fees collected under this section.

(k) Money spent from ~~[costs and]~~ fees collected under this section is subject to audit by the state auditor.

SECTION 1.16. Section 411.402, Government Code, is amended to read as follows:

Sec. 411.402. USE OF REVENUE. (a) Money in the emergency radio infrastructure account ~~[Fees collected under Section 133.102(e)(11), Local Government Code,]~~ may only:

(1) be used for the planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;

(2) be used in accordance with the statewide integrated public safety radio communications plan developed under Subchapter F, Chapter 421;

(3) be used for the development of a regional or state interoperable radio communication system;

(4) be distributed as grants by the department to:

(A) regional councils of government that have entered into interlocal agreements authorized under state law; and

(B) state agencies requiring emergency radio infrastructure; or

(5) be used for other public safety purposes.

(b) Money in the emergency radio infrastructure account ~~[Fees collected and distributed as provided by this subchapter]~~ may not be used to purchase or maintain radio subscriber equipment.

SECTION 1.17. Section 411.403(b), Government Code, is amended to read as follows:

(b) The account consists of[~~;~~]

~~[(1)]~~ fees deposited in the account under ~~[as provided by]~~ Section 133.102 ~~[133.102(e)(11)]~~, Local Government Code, before January 1, 2020~~]; and~~

~~[(2) notwithstanding Section 404.071, all interest attributable to money held in the account].~~

SECTION 1.18. The drug court account in the general revenue fund established under Article 102.0178(g), Code of Criminal Procedure, as repealed by this Act, is redesignated as the specialty court account in the general revenue fund.

SECTION 1.19. The following provisions are repealed:

(1) Article 102.004, Code of Criminal Procedure;

(2) Article 102.0045, Code of Criminal Procedure;

(3) Article 102.005, Code of Criminal Procedure;

(4) Articles 102.008(a), (c), and (d), Code of Criminal Procedure;



- (5) Article 102.0174, Code of Criminal Procedure;
- (6) Article 102.0178, Code of Criminal Procedure;
- (7) Article 102.020, Code of Criminal Procedure;
- (8) Section 21.007, Government Code;
- (9) Section 51.702(b), Government Code;
- (10) Section 51.703(b), Government Code;
- (11) Sections 51.851(a) and (d), Government Code;
- (12) Section 133.105, Local Government Code;
- (13) Section 133.107, Local Government Code; and
- (14) Sections 706.007(b), (c), and (e), Transportation Code.

#### ARTICLE 2. FINES; REIMBURSEMENT FEES

SECTION 2.01. Section 106.12(e), Alcoholic Beverage Code, is amended to read as follows:

(e) The court shall charge an applicant a reimbursement fee in the amount of \$30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section.

SECTION 2.02. Section 4, Article 17.42, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. (a) Except as otherwise provided by this subsection, if a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond reimbursement fee of \$20 or three percent of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond fee under this subsection.

(b) Reimbursement fees [~~Fees~~] collected under this article may be used solely to defray expenses of the personal bond office, including defraying the expenses of extradition.

(c) Reimbursement fees [~~Fees~~] collected under this article shall be deposited in the county treasury, or if the office serves more than one county, the fees shall be apportioned to each county in the district according to each county's pro rata share of the costs of the office.

SECTION 2.03. Article 17.43(b), Code of Criminal Procedure, is amended to read as follows:

(b) Cost of monitoring may be assessed as reimbursement fees [~~court costs~~] or ordered paid directly by the defendant as a condition of bond.

SECTION 2.04. Articles 17.44(c) and (e), Code of Criminal Procedure, are amended to read as follows:

(c) The magistrate may revoke the bond and order the defendant arrested if the defendant:

- (1) violates a condition of home confinement and electronic monitoring;
- (2) refuses to submit to a test for controlled substances or submits to a test for controlled substances and the test indicates the presence of a controlled substance in the defendant's body; or

(3) fails to pay the reimbursement fee for [~~costs of~~] monitoring or testing for controlled substances, if payment is ordered under Subsection (e) as a condition of bond and the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

(e) The cost of electronic monitoring or testing for controlled substances under this article may be assessed as a reimbursement fee [~~court costs~~] or ordered paid directly by the defendant as a condition of bond.

SECTION 2.05. Article 17.441(d), Code of Criminal Procedure, is amended to read as follows:

(d) The magistrate may designate an appropriate agency to verify the installation of the device and to monitor the device. If the magistrate designates an agency under this subsection, in each month during which the agency verifies the installation of the device or provides a monitoring service the defendant shall pay a reimbursement fee to the designated agency in the amount set by the magistrate. The defendant shall pay the initial reimbursement fee at the time the agency verifies the installation of the device. In each subsequent month during which the defendant is required to pay a reimbursement fee the defendant shall pay the fee on the first occasion in that month that the agency provides a monitoring service. The magistrate shall set the fee in an amount not to exceed \$10 as determined by the county auditor, or by the commissioners court of the county if the county does not have a county auditor, to be sufficient to cover the cost incurred by the designated agency in conducting the verification or providing the monitoring service, as applicable in that county.

SECTION 2.06. Articles 17.49(b) and (h), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate may require as a condition of release on bond that a defendant charged with an offense involving family violence:

(1) refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;

(2) carry or wear a global positioning monitoring system device and, except as provided by Subsection (h), pay a reimbursement fee for the costs associated with operating that system in relation to the defendant; or

(3) except as provided by Subsection (h), if the alleged victim of the offense consents after receiving the information described by Subsection (d), pay a reimbursement fee for the costs associated with providing the victim with an electronic receptor device that:

(A) is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and

(B) notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under Subdivision (1).

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay a reimbursement fee [~~costs~~] under Subsection (b)(2) or (3) in an amount that is less than the full amount of the costs associated with operating the global positioning monitoring system in relation to the defendant or providing the victim with an electronic receptor device.

SECTION 2.07. Articles 26.05(f) and (g), Code of Criminal Procedure, are amended to read as follows:

(f) All payments made under this article shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held and may be included as reimbursement fees [~~costs of court~~].

(g) If the judge determines that a defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs, the judge shall order the defendant to pay during the pendency of the charges or, if convicted, as a reimbursement fee [~~court costs~~] the amount that the judge finds the defendant is able to pay. The defendant may not be ordered to pay an amount that exceeds:

(1) the actual costs, including any expenses and costs, paid by the county for the legal services provided by an appointed attorney; or

(2) if the defendant was represented by a public defender's office, the actual amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defender's office.

SECTION 2.08. The heading to Article 37.073, Code of Criminal Procedure, is amended to read as follows:

Art. 37.073. REPAYMENT OF REWARDS; FINES.

SECTION 2.09. Article 37.073(a), Code of Criminal Procedure, is amended to read as follows:

(a) After a defendant has been convicted of a felony offense, the judge may order a defendant to pay a fine repaying [~~repay~~] all or part of a reward paid by a crime stoppers organization.

SECTION 2.10. Articles 42.152(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) If a judge orders a defendant to pay a fine repaying [~~repay~~] a reward or part of a reward under Article 37.073 [~~of this code~~], the court shall assess this fine [~~cost~~] against the defendant in the same manner as other fines [~~costs of prosecution~~] are assessed against a defendant. The court may order the defendant to:

(1) pay the entire amount required when sentence is pronounced;

(2) pay the entire amount required at a later date specified by the court; or

(3) pay specified portions of the required amount at designated intervals.

(b) After receiving a payment of a fine from a person ordered to make the payment under this article, the clerk of the court or fee officer shall:

(1) make a record of the payment;

(2) deduct a one-time \$7 processing fee from the payment [~~reward repayment~~];

(3) forward the payment to the designated crime stoppers organization; and

(4) make a record of the forwarding of the payment.

SECTION 2.11. Article 42A.301(b), Code of Criminal Procedure, is amended to read as follows:

(b) Conditions of community supervision may include conditions requiring the defendant to:

- (1) commit no offense against the laws of this state or of any other state or of the United States;
- (2) avoid injurious or vicious habits;
- (3) avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;
- (4) report to the supervision officer as directed by the judge or supervision officer and obey all rules and regulations of the community supervision and corrections department;
- (5) permit the supervision officer to visit the defendant at the defendant's home or elsewhere;
- (6) work faithfully at suitable employment to the extent possible;
- (7) remain within a specified place;
- (8) pay in one or more amounts:
  - (A) the defendant's fine, if one is assessed; and
  - (B) all court costs, regardless of whether a fine is assessed;
- (9) support the defendant's dependents;
- (10) participate, for a period specified by the judge, in any community-based program, including a community service project under Article 42A.304;
- (11) if the judge determines that the defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs, reimburse the county in which the prosecution was instituted for the costs of the legal services in an amount that the judge finds the defendant is able to pay, except that the defendant may not be ordered to pay an amount that exceeds:
  - (A) the actual costs, including any expenses and costs, paid by the county for the legal services provided by an appointed attorney; or
  - (B) if the defendant was represented by a public defender's office, the actual amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defender's office;
- (12) if under custodial supervision in a community corrections facility:
  - (A) remain under that supervision;
  - (B) obey all rules and regulations of the facility; and
  - (C) pay a percentage of the defendant's income to:
    - ~~(i)~~ the facility for room and board; ~~and~~
    - ~~(ii) the defendant's dependents for their support during the period of custodial supervision;~~
- (13) submit to testing for alcohol or controlled substances;
- (14) attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services;
- (15) with the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;
- (16) submit to electronic monitoring;

(17) reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56.32, of the offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed \$50 if the offense is a misdemeanor or not to exceed \$100 if the offense is a felony;

(18) reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(19) reimburse [~~pay~~] all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(20) pay a fine [~~make one payment~~] in an amount not to exceed \$50 to a crime stoppers organization, as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(21) submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant; and

(22) in any manner required by the judge, provide in the county in which the offense was committed public notice of the offense for which the defendant was placed on community supervision[~~; and~~

~~[(23) reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case].~~

SECTION 2.12. Article 42A.452, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.452. TREATMENT, SPECIALIZED SUPERVISION, OR REHABILITATION. A judge who grants community supervision to a sex offender evaluated under Article 42A.258 may require the sex offender as a condition of community supervision to submit to treatment, specialized supervision, or rehabilitation according to offense-specific standards of practice adopted by the Council on Sex Offender Treatment. On a finding that the defendant is financially able to make payment, the judge shall require the defendant to pay a reimbursement fee for all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation.

SECTION 2.13. Article 42A.455, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.455. PAYMENT TO CHILDREN'S ADVOCACY CENTER. A judge who grants community supervision to a defendant charged with or convicted of an offense under Section 21.11 or 22.011(a)(2), Penal Code, may require the defendant to pay a fine [~~make one payment~~] in an amount not to exceed \$50 to a children's advocacy center established under Subchapter E, Chapter 264, Family Code.

SECTION 2.14. Article 42A.504(b), Code of Criminal Procedure, is amended to read as follows:

(b) If a judge grants community supervision to a defendant convicted of an offense under Title 5, Penal Code, that the court determines involves family violence, the judge shall require the defendant to pay a fine of \$100 to a family violence center that:

- (1) receives state or federal funds; and
- (2) serves the county in which the court is located.

SECTION 2.15. Article 42A.652, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.652. MONTHLY REIMBURSEMENT FEE. (a) Except as otherwise provided by this article, a judge who grants community supervision to a defendant shall set a reimbursement fee of not less than \$25 and not more than \$60 to be paid each month during the period of community supervision by the defendant to:

- (1) the court of original jurisdiction; or
- (2) the court accepting jurisdiction of the defendant's case, if jurisdiction is transferred under Article 42A.151.

(b) The judge may make payment of the monthly reimbursement fee a condition of granting or continuing the community supervision. The judge may waive or reduce the reimbursement fee or suspend a monthly payment of the fee if the judge determines that payment of the reimbursement fee would cause the defendant a significant financial hardship.

(c) A court accepting jurisdiction of a defendant's case under Article 42A.151 shall enter an order directing the defendant to pay the monthly reimbursement fee to that court instead of to the court of original jurisdiction. To the extent of any conflict between an order issued under this subsection and an order issued by a court of original jurisdiction, the order entered under this subsection prevails.

(d) A judge who receives a defendant for supervision as authorized by Section 510.017, Government Code, may require the defendant to pay the reimbursement fee authorized by this article.

(e) A judge may not require a defendant to pay the reimbursement fee under this article for any month after the period of community supervision has been terminated by the judge under Article 42A.701.

(f) A judge shall deposit any reimbursement fee received under this article in the special fund of the county treasury, to be used for the same purposes for which state aid may be used under Chapter 76, Government Code.

SECTION 2.16. Article 42A.653, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.653. ADDITIONAL MONTHLY FINE [~~FE~~] FOR CERTAIN SEX OFFENDERS. (a) A judge who grants community supervision to a defendant convicted of an offense under Section 21.08, 21.11, 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, shall require as a condition of community supervision that the defendant pay to the defendant's supervision officer a community supervision fine [~~fee~~] of \$5 each month during the period of community supervision.

(b) A fine [~~fee~~] imposed under this article is in addition to court costs or any other fee or fine imposed on the defendant.

(c) A community supervision and corrections department shall deposit a fine [~~fee~~] collected under this article to be sent to the comptroller as provided by Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit the fine [~~fee~~] in the sexual assault program fund under Section 420.008, Government Code.

(d) If a community supervision and corrections department does not collect a fine [~~fee~~] imposed under this article, the department is not required to file any report required by the comptroller that relates to the collection of the fine [~~fee~~].

SECTION 2.17. Article 45.0216(i), Code of Criminal Procedure, is amended to read as follows:

(i) The justice or municipal court shall require a person who requests expungement under this article to pay a reimbursement fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.

SECTION 2.18. Articles 45.026(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) A justice or municipal court may order a party who does not waive a jury trial in a justice or municipal court and who fails to appear for the trial to pay a reimbursement fee for the costs incurred for impaneling the jury.

(b) The justice or municipal court may release a party from the obligation to pay the reimbursement fee [~~costs~~] under this section for good cause.

SECTION 2.19. Articles 45.051(a), (b), (b-2), (b-3), and (g), Code of Criminal Procedure, are amended to read as follows:

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a fine [~~special expense fee~~] on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The fine [~~special expense fee~~] may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the fine [~~special expense fee~~] for good cause shown by the defendant. If the judge orders the collection of a fine under this subsection [~~special expense fee~~], the judge shall require that the amount of the fine [~~special expense fee~~] be credited toward the payment of the amount of any [~~the~~] fine imposed by the judge as punishment for the offense. An order of deferral under this subsection terminates any liability under a bond given for the charge.

(b) During the deferral period, the judge may require the defendant to:

(1) post a bond in the amount of the fine assessed as punishment for the offense to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed as punishment for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) participate in an alcohol or drug abuse treatment or education program, such as:

(A) a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code; or

(B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code;

(7) pay as reimbursement fees the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;

(8) complete a driving safety course approved under Chapter 1001, Education Code, or another course as directed by the judge;

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this article; and

(10) comply with any other reasonable condition.

(b-2) A person examined as required by Subsection (b-1)(3) must pay a \$10 reimbursement fee for the examination [~~fee~~].

(b-3) The reimbursement fee collected under Subsection (b-2) must be deposited to the credit of a special account in the general revenue fund and may be used only by the Department of Public Safety for the administration of Chapter 521, Transportation Code.

(g) If a judge requires a defendant under Subsection (b) to attend an alcohol awareness program or drug education program as described by Subdivision (6) of that subsection, unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay a reimbursement fee for the cost of attending the program. The judge may allow the defendant to pay the fee [~~cost of attending the program~~] in installments during the deferral period.

SECTION 2.20. Article 45.051(a-1), Code of Criminal Procedure, as amended by Chapters 227 (H.B. 350) and 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all finer [~~court costs~~] as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those finer [~~costs~~] in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those finer [~~costs~~] by performing community service or attending a tutoring program under Article 45.049 or under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

SECTION 2.21. Articles 45.0511(c-1), (f), (g), and (h), Code of Criminal Procedure, are amended to read as follows:

(c-1) In this subsection, "state electronic Internet portal" has the meaning assigned by Section 2054.003, Government Code. As an alternative to receiving the defendant's driving record under Subsection (c)(2), the judge, at the time the defendant requests a driving safety course or motorcycle operator training course



dismissal under this article, may require the defendant to pay a reimbursement fee in an amount equal to the sum of the amount of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee and, using the state electronic Internet portal, may request the Texas Department of Public Safety to provide the judge with a copy of the defendant's driving record that shows the information described by Section 521.047(b), Transportation Code. As soon as practicable and using the state electronic Internet portal, the Texas Department of Public Safety shall provide the judge with the requested copy of the defendant's driving record. The reimbursement fee authorized by this subsection is in addition to any other fee required under this article. If the copy of the defendant's driving record provided to the judge under this subsection shows that the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense, the judge shall allow the defendant to complete the appropriate course as provided by this article. The custodian of a municipal or county treasury who receives reimbursement fees collected under this subsection shall keep a record of the fees and, without deduction or proration, forward the fees to the comptroller, with and in the manner required for other fees and costs received in connection with criminal cases. The comptroller shall credit fees received under this subsection to the Texas Department of Public Safety.

(f) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the court may:

(1) require a defendant requesting a course under Subsection (b) to pay a reimbursement [~~an administrative~~] fee [~~set by the court~~] to cover the cost of administering this article in an [~~at~~] an amount of not more than \$10; or

(2) require a defendant requesting a course under Subsection (d) to pay a fine [~~fee~~] set by the court at an amount not to exceed the maximum amount of the fine for the offense committed by the defendant.

(g) A defendant who requests but does not take a course is not entitled to a refund of the reimbursement fee or fine assessed under Subsection (f).

(h) Money [~~Fees~~] collected by a municipal court shall be deposited in the municipal treasury. Money [~~Fees~~] collected by another court shall be deposited in the county treasury of the county in which the court is located.

SECTION 2.22. Articles 45.052(e), (g), and (i), Code of Criminal Procedure, are amended to read as follows:

(e) The justice or municipal court may require a person who requests a teen court program to pay a reimbursement fee not to exceed \$10 that is set by the court to cover the costs of administering this article. Reimbursement fees [~~Fees~~] collected by a municipal court shall be deposited in the municipal treasury. Reimbursement fees [~~Fees~~] collected by a justice court shall be deposited in the county treasury of the county in which the court is located. A person who requests a teen court program and fails to complete the program is not entitled to a refund of the fee.

(g) In addition to the reimbursement fee authorized by Subsection (e) [~~of this article~~], the court may require a child who requests a teen court program to pay a \$10 reimbursement fee to cover the cost to the teen court for performing its duties under this article. The court shall pay the fee to the teen court program, and the teen court

program must account to the court for the receipt and disbursal of the fee. A child who pays a fee under this subsection is not entitled to a refund of the fee, regardless of whether the child successfully completes the teen court program.

(i) Notwithstanding Subsection (e) or (g), a justice or municipal court that is located in the Texas-Louisiana border region, as defined by Section 2056.002, Government Code, may charge a reimbursement fee of \$20 under those subsections.

SECTION 2.23. The heading to Article 45.203, Code of Criminal Procedure, is amended to read as follows:

Art. 45.203. COLLECTION OF FINES AND[;] COSTS[;—AND SPECIAL EXPENSES].

SECTION 2.24. Article 45.203(c), Code of Criminal Procedure, is amended to read as follows:

(c) The governing body of each municipality may prescribe by ordinance the collection, after due notice, of a fine [~~special expense,~~] not to exceed \$25 for [~~the issuance and service of a warrant of arrest for~~] an offense under Section 38.10(c) [~~38.10~~], Penal Code, or Section 543.009, Transportation Code. Money collected from the fine [~~special expense~~] shall be paid into the municipal treasury for the use and benefit of the municipality.

SECTION 2.25. The heading to Article 102.001, Code of Criminal Procedure, is amended to read as follows:

Art. 102.001. REIMBURSEMENT FEES FOR SERVICES OF PEACE OFFICERS.

SECTION 2.26. Article 102.001(b), Code of Criminal Procedure, is amended to read as follows:

(b) A [~~In addition to fees provided by Subsection (a), a~~] defendant required to pay reimbursement fees under this article shall [~~also~~] pay 15 cents per mile for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily traveled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. This subsection applies to:

- (1) conveying a prisoner after conviction to the county jail;
- (2) conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county in which the warrant or capias was issued; and
- (3) traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article.

SECTION 2.27. Article 102.007, Code of Criminal Procedure, is amended to read as follows:

Art. 102.007. REIMBURSEMENT FEE FOR COLLECTING AND PROCESSING CHECK OR SIMILAR SIGHT ORDER. (a) A county attorney, district attorney, or criminal district attorney may collect a reimbursement fee if the attorney's office collects and processes a check or similar sight order, as defined by Section 1.07, Penal Code, and [~~if~~] the check or similar sight order:

- (1) has been issued or passed in a manner that makes the issuance or passing an offense under:

- (A) Section 31.03, Penal Code;
- (B) Section 31.04, Penal Code; or
- (C) Section 32.41, Penal Code; or

(2) has been forged, as defined by Section 32.21, Penal Code.

(b) The county attorney, district attorney, or criminal district attorney may collect the reimbursement fee from any person who is a party to the offense described in Subsection (a).

(c) The amount of the reimbursement fee may not exceed:

- (1) \$10 if the face amount of the check or sight order does not exceed \$10;
- (2) \$15 if the face amount of the check or sight order is greater than \$10 but does not exceed \$100;
- (3) \$30 if the face amount of the check or sight order is greater than \$100 but does not exceed \$300;
- (4) \$50 if the face amount of the check or sight order is greater than \$300 but does not exceed \$500; and
- (5) \$75 if the face amount of the check or sight order is greater than \$500.

(d) If the person from whom the reimbursement fee is collected was a party to the offense of forgery, as defined by Section 32.21, Penal Code, committed by altering the face amount of the check or sight order, the face amount as altered governs for the purposes of determining the amount of the fee.

(e) In addition to the reimbursement [~~collection~~] fee specified in Subsection (c), the county attorney, district attorney, or criminal district attorney may collect the fee authorized by Section 3.506, Business & Commerce Code, for the benefit of the holder of a check or similar sight order or the holder's assignee, agent, representative, or any other person retained by the holder to seek collection of the check or order.

(f) Reimbursement fees [~~Fees~~] collected under Subsection (c) [~~of this article~~] shall be deposited in the county treasury in a special fund to be administered by the county attorney, district attorney, or criminal district attorney. Expenditures from this fund shall be at the sole discretion of the attorney and may be used only to defray the salaries and expenses of the prosecutor's office, but in no event may the county attorney, district attorney, or criminal district attorney supplement his or her own salary from this fund.

(g) In addition to the reimbursement [~~collection~~] fee specified in Subsections (b) and (c), the issuer of a check or similar sight order that has been issued or passed as described by Subsection (a)(1) is liable for a reimbursement fee in an amount equal to the costs of delivering notification by registered or certified mail with return receipt requested. The reimbursement fee under this subsection must be collected in all cases described by Subsection (a)(1), and on receipt of proof of the actual costs expended, the fee shall be remitted to the holder of the check or similar sight order.

SECTION 2.28. The heading to Article 102.011, Code of Criminal Procedure, is amended to read as follows:

Art. 102.011. REIMBURSEMENT FEES FOR SERVICES OF PEACE OFFICERS.

SECTION 2.29. Articles 102.011(a), (b), (c), (d), (e), and (i), Code of Criminal Procedure, are amended to read as follows:

(a) A defendant convicted of a felony or a misdemeanor shall pay the following reimbursement fees for services performed in the case by a peace officer:

(1) \$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law of this state, or for making an arrest without a warrant;

(2) \$50 for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*, with the fee imposed for the services of:

(A) the law enforcement agency that executed the arrest warrant or *capias*, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant or *capias*, the imposition of the fee on conviction; or

(B) the law enforcement agency that processed the arrest warrant or *capias*, if:

(i) the arrest warrant or *capias* was not executed; or

(ii) the executing law enforcement agency failed to request the fee within the period required by Paragraph (A) ~~[of this subdivision]~~;

(3) \$5 for summoning a witness;

(4) \$35 for serving a writ not otherwise listed in this article;

(5) \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

(6) \$5 for commitment or release;

(7) \$5 for summoning a jury, if a jury is summoned; and

(8) \$8 for each day's attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.

(b) In addition to the reimbursement fees provided by Subsection (a) ~~[of this article]~~, a defendant required to pay reimbursement fees under this article shall also pay 29 cents per mile for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily traveled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. The defendant shall also pay all necessary and reasonable expenses for meals and lodging incurred by the officer in the performance of services under this subsection, to the extent such expenses meet the requirements of Section 611.001, Government Code. This subsection applies to:

(1) conveying a prisoner after conviction to the county jail;

(2) conveying a prisoner arrested on a warrant or *capias* issued in another county to the court or jail of the county; and

(3) traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by this article.

(c) If an officer attaches a witness on the order of a court outside the county, the defendant shall pay a reimbursement fee of \$10 per day or part of a day spent by the officer conveying the witness and actual necessary expenses for travel by the most

practical public conveyance. In order to receive expenses under this subsection, the officer must make a sworn statement of the expenses and the judge issuing the attachment must approve the statement.

(d) A defendant shall pay for the services of a sheriff or constable who serves process and attends an examining trial in a felony or a misdemeanor case the same reimbursement fees allowed for those services in the trial of a felony or a misdemeanor, not to exceed \$5.

(e) A reimbursement fee under Subsection (a)(1) or (2) [~~(a)(2) of this article~~] shall be assessed on conviction, regardless of whether the defendant was also arrested at the same time for another offense, and shall be assessed for each arrest made of a defendant arising out of the offense for which the defendant has been convicted.

(i) In addition to reimbursement fees provided by Subsections (a) through (e) [~~(e) of this article~~], a defendant required to pay reimbursement fees under this article shall also pay the costs of overtime paid to a peace officer for time spent testifying in the trial of the case or for traveling to or from testifying in the trial of the case.

SECTION 2.30. Article 102.012, Code of Criminal Procedure, is amended to read as follows:

Art. 102.012. REIMBURSEMENT FEES FOR PRETRIAL INTERVENTION PROGRAMS. (a) A court that authorizes a defendant to participate in a pretrial intervention program established under Section 76.011, Government Code, may order the defendant to pay to the court a supervision reimbursement fee in an amount not more than \$60 per month as a condition of participating in the program.

(b) In addition to or in lieu of the supervision reimbursement fee authorized by Subsection (a), the court may order the defendant to pay or reimburse a community supervision and corrections department for any other expense that is:

(1) incurred as a result of the defendant's participation in the pretrial intervention program, other than an expense described by Article 102.0121; or

(2) necessary to the defendant's successful completion of the program.

SECTION 2.31. Article 102.0121, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0121. REIMBURSEMENT FEES FOR CERTAIN EXPENSES RELATED TO PRETRIAL INTERVENTION PROGRAMS. (a) A district attorney, criminal district attorney, or county attorney may collect a reimbursement fee in an amount not to exceed \$500 to be used to reimburse a county for expenses, including expenses of the district attorney's, criminal district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county.

(b) The district attorney, criminal district attorney, or county attorney may collect the reimbursement fee from any defendant who participates in a pretrial intervention program administered in any part by the attorney's office.

(c) Reimbursement fees [~~Fees~~] collected under this article shall be deposited in the county treasury in a special fund to be used solely to administer the pretrial intervention program. An expenditure from the fund may be made only in accordance with a budget approved by the commissioners court.

SECTION 2.32. The heading to Article 102.014, Code of Criminal Procedure, is amended to read as follows:

Art. 102.014. FINES [~~COURT COSTS~~] FOR CHILD SAFETY FUND IN MUNICIPALITIES.

SECTION 2.33. Articles 102.014(a), (b), (c), (d), (f), (g), and (h), Code of Criminal Procedure, are amended to read as follows:

(a) The governing body of a municipality with a population greater than 850,000 according to the most recent federal decennial census that has adopted an ordinance, regulation, or order regulating the stopping, standing, or parking of vehicles as allowed by Section 542.202, Transportation Code, or Chapter 682, Transportation Code, shall by order assess [~~a court cost~~] on each parking violation a fine of not less than \$2 and not to exceed \$5. [~~The court costs under this subsection shall be collected in the same manner that other fines in the case are collected.~~]

(b) The governing body of a municipality with a population less than 850,000 according to the most recent federal decennial census that has adopted an ordinance, regulation, or order regulating the stopping, standing, or parking of vehicles as allowed by Section 542.202, Transportation Code, or Chapter 682, Transportation Code, may by order assess [~~a court cost~~] on each parking violation a fine not to exceed \$5. [~~The additional court cost under this subsection shall be collected in the same manner that other fines in the case are collected.~~]

(c) A person convicted of an offense under Subtitle C, Title 7, Transportation Code, when the offense occurs within a school crossing zone as defined by Section 541.302 of that code, shall pay a fine of [~~as court costs~~] \$25 [~~in addition to other taxable court costs~~]. A person convicted of an offense under Section 545.066, Transportation Code, shall pay a fine of [~~as court costs~~] \$25 in addition to other taxable court costs. A fine [~~The additional court costs~~] under this subsection [~~shall be collected in the same manner that other fines and taxable court costs in the case are collected and~~] shall be assessed only in a municipality.

(d) A person convicted of an offense under Section 25.093, Education Code, shall pay a fine of [~~as taxable court costs~~] \$20 [~~in addition to other taxable court costs. The additional court costs under this subsection shall be collected in the same manner that other fines and taxable court costs in the case are collected~~].

(f) In a municipality with a population greater than 850,000 according to the most recent federal decennial census, the officer collecting a fine [~~the costs~~] in a municipal court case shall deposit money collected under this article in the municipal child safety trust fund established as required by Chapter 106, Local Government Code.

(g) In a municipality with a population less than 850,000 according to the most recent federal decennial census, the money collected under this article in a municipal court case must be used for a school crossing guard program if the municipality operates one. If the municipality does not operate a school crossing guard program or if the money received from fines [~~court costs~~] from municipal court cases exceeds the amount necessary to fund the school crossing guard program, the municipality may:

- (1) deposit the additional money in an interest-bearing account;
- (2) expend the additional money for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention; or

(3) expend the additional money for programs designed to enhance public safety and security.

(h) Money collected under this article in a justice, county, or district court shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may:

(1) remit ~~fine~~ ~~[fee]~~ revenues to school districts in its jurisdiction for the purpose of providing school crossing guard services;

(2) fund programs the county is authorized by law to provide which are designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention;

(3) provide funding to the sheriff's department for school-related activities;

(4) provide funding to the county juvenile probation department; or

(5) deposit the money in the general fund of the county.

SECTION 2.34. The heading to Article 102.0171, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0171. FINES [~~COURT COSTS~~]: JUVENILE DELINQUENCY PREVENTION FUNDS.

SECTION 2.35. Articles 102.0171(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) A defendant convicted of an offense under Section 28.08, Penal Code, in a county court, county court at law, or district court shall pay a fine of \$50 for juvenile delinquency prevention and graffiti eradication [~~fee as a cost of court~~].

(c) The clerks of the respective courts shall collect the fines [~~costs~~] and pay the fines [~~them~~] to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer for deposit in a fund to be known as the county juvenile delinquency prevention fund. A fund designated by this subsection may be used only to:

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

(2) provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08, Penal Code;

(3) provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Section 28.08, Penal Code;

(4) provide funding for teen recognition and teen recreation programs;

(5) provide funding for local teen court programs;

(6) provide funding for the local juvenile probation department; and

(7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct.

SECTION 2.36. The heading to Article 102.018, Code of Criminal Procedure, is amended to read as follows:

Art. 102.018. REIMBURSEMENT FEES AND EXPENSES [~~COSTS~~] ATTENDANT TO INTOXICATION CONVICTIONS.

SECTION 2.37. Articles 102.018(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (d) [~~of this article~~], on conviction of an offense relating to the driving or operating of a motor vehicle under Section 49.04, Penal Code, the court shall impose a reimbursement fee [~~cost~~] of \$15 on a defendant if, subsequent to the arrest of the defendant, a law enforcement agency visually recorded the defendant with an electronic device. Reimbursement fees [~~Costs~~] imposed under this subsection are in addition to other court costs or fees and are due whether or not the defendant is granted probation in the case. The court shall collect the reimbursement fees [~~costs~~] in the same manner as other fees [~~costs~~] are collected in the case.

(b) Except as provided by Subsection (d), on conviction of an offense relating to the driving or operating of a motor vehicle punishable under Section 49.04(b), Penal Code, the court shall impose as a reimbursement fee [~~cost of court~~] on the defendant an amount that is equal to the reimbursement fee [~~cost~~] of an evaluation of the defendant performed under Article 42A.402(a). Reimbursement fees [~~Costs~~] imposed under this subsection are in addition to other court costs and are due whether or not the defendant is granted community supervision in the case, except that if the court determines that the defendant is indigent and unable to pay the fee [~~cost~~], the court may waive the imposition of the fee [~~cost~~].

SECTION 2.38. Article 102.0185, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0185. FINE FOR [~~ADDITIONAL COSTS ATTENDANT TO~~] INTOXICATION CONVICTIONS; EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND TRAUMA CARE SYSTEMS. (a) In addition to the reimbursement fee [~~costs on conviction~~] imposed by Article [~~Articles 102.016 and~~] 102.018, a person convicted of an offense under Chapter 49, Penal Code, except for Sections 49.02 and 49.031 of that code, shall pay a fine of \$100 on conviction of the offense.

(b) Fines [~~Costs~~] imposed under this article are imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred disposition or deferred adjudication for the offense.

(c) Fines [~~Costs~~] imposed under this article are collected in the manner provided for the collection of court costs by Subchapter B, Chapter 133, Local Government Code.

(d) The officer collecting the finer [~~costs~~] under this article shall keep separate records of the money collected and shall pay the money to the custodian of the municipal or county treasury.

(e) The custodian of the municipal or county treasury shall:

(1) keep records of the amount of money collected under this article that is deposited with the treasury under this article; and

(2) not later than the last day of the first month following each calendar quarter:

(A) pay the money collected under this article during the preceding calendar quarter to the comptroller; or



(B) if, in the calendar quarter, the custodian of the municipal or county treasury did not receive any money attributable to fines [~~costs~~] paid under this article, file a report with the comptroller stating that fact.

(f) The comptroller shall deposit the funds received under this article to the credit of the account established under Section 773.006, Health and Safety Code.

SECTION 2.39. The heading to Article 102.0186, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0186. FINE FOR [~~ADDITIONAL COSTS ATTENDANT TO~~] CERTAIN CHILD SEXUAL ASSAULT AND RELATED CONVICTIONS.

SECTION 2.40. Articles 102.0186(a), (b), and (c), Code of Criminal Procedure, are amended to read as follows:

(a) A person convicted of an offense under Section 21.02, 21.11, 22.011(a)(2), 22.021(a)(1)(B), 43.25, 43.251, or 43.26, Penal Code, shall pay a fine of \$100 on conviction of the offense.

(b) A fine [~~Costs~~] imposed under this article is [~~are~~] imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred adjudication for the offense.

(c) The clerks of the respective courts shall collect the fines [~~costs~~] and pay the fines [~~them~~] to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer for deposit in a fund to be known as the county child abuse prevention fund. A fund designated by this subsection may be used only to fund child abuse prevention programs in the county where the court is located.

SECTION 2.41. Article 104.002(d), Code of Criminal Procedure, is amended to read as follows:

(d) A person who is or was a prisoner in a county jail and received medical, dental, or health related services from a county or a hospital district shall be required to pay a reimbursement fee for such services when they are rendered. If such prisoner is an eligible county resident as defined in Section 61.002, Health and Safety Code, the county or hospital district providing the services has a right of subrogation to the prisoner's right of recovery from any source, limited to the cost of services provided. A prisoner, unless the prisoner fully pays for the cost of services received, shall remain obligated to reimburse the county or hospital district for any medical, dental, or health services provided, and the county or hospital district may apply for reimbursement in the manner provided by Chapter 61, Health and Safety Code. A county or hospital district shall have authority to recover the amount expended in a civil action.

SECTION 2.42. Sections 54.032(e), (g), and (h), Family Code, are amended to read as follows:

(e) The court may require a child who requests a teen court program to pay a reimbursement fee not to exceed \$10 that is set by the court to cover the costs of administering this section. The court shall deposit the fee in the county treasury of the county in which the court is located. A child who requests a teen court program and does not complete the program is not entitled to a refund of the fee.

(g) In addition to the reimbursement fee authorized by Subsection (e), the court may require a child who requests a teen court program to pay a \$10 reimbursement fee to cover the cost to the teen court for performing its duties under this section. The court shall pay the fee to the teen court program, and the teen court program must account to the court for the receipt and disbursement of the fee. A child who pays a fee under this subsection is not entitled to a refund of the fee, regardless of whether the child successfully completes the teen court program.

(h) Notwithstanding Subsection (e) or (g), a juvenile court that is located in the Texas-Louisiana border region, as defined by Section 2056.002, Government Code, may charge a reimbursement fee of \$20 under those subsections.

SECTION 2.43. Sections 41.258(b), (c), (d), and (f), Government Code, are amended to read as follows:

(b) A court, judge, magistrate, peace officer, or other officer taking a bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, shall require the payment of a \$15 reimbursement fee [~~cost~~] by each surety posting the bail bond, provided the fee [~~cost~~] does not exceed \$30 for all bail bonds posted at that time for an individual and the fee [~~cost~~] is not required on the posting of a personal or cash bond.

(c) An officer collecting a reimbursement fee [~~cost~~] under this section shall deposit the fee [~~cost~~] in the county treasury in accordance with Article 103.004, Code of Criminal Procedure.

(d) An officer who collects a reimbursement fee [~~cost~~] due under this section shall:

(1) keep separate records of the funds collected; and

(2) file the reports required by Article 103.005, Code of Criminal Procedure.

(f) A surety paying a reimbursement fee [~~cost~~] under Subsection (b) may apply for and is entitled to a refund of the fee [~~cost~~] not later than the 181st day after the date the state declines to prosecute an individual or the grand jury declines to indict an individual.

SECTION 2.44. The heading to Section 76.015, Government Code, is amended to read as follows:

Sec. 76.015. REIMBURSEMENT [~~ADMINISTRATIVE~~] FEE.

SECTION 2.45. Section 76.015(c), Government Code, is amended to read as follows:

(c) A department may assess a reasonable reimbursement [~~administrative~~] fee of not less than \$25 and not more than \$60 per month on an individual who participates in a program operated by the department or receives services from the department and who is not paying a monthly reimbursement fee under Article 42A.652, Code of Criminal Procedure.

SECTION 2.46. Section 123.004, Government Code, is amended to read as follows:

Sec. 123.004. REIMBURSEMENT FEES. (a) A drug court program established under this chapter may collect from a participant in the program:

(1) a reasonable reimbursement fee for the program [~~fee~~] not to exceed \$1,000; and

(2) an alcohol or controlled substance testing, counseling, and treatment reimbursement fee in an amount necessary to cover the costs of the testing, counseling, and treatment.

(b) Reimbursement fees [Fees] collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be:

(1) based on the participant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION 2.47. Section 124.005, Government Code, is amended to read as follows:

Sec. 124.005. REIMBURSEMENT FEES. (a) A veterans treatment court program established under this chapter may collect from a participant in the program:

(1) a reasonable reimbursement fee for the program [fee] not to exceed \$1,000; and

(2) a testing, counseling, and treatment reimbursement fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

(b) Reimbursement fees [Fees] collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be:

(1) based on the participant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION 2.48. Section 126.006, Government Code, is amended to read as follows:

Sec. 126.006. REIMBURSEMENT FEES. (a) A commercially sexually exploited persons court program established under this chapter may collect from a participant in the program a nonrefundable reimbursement fee for the program [fee] in a reasonable amount not to exceed \$1,000, from which the following must be paid:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of the counseling and services provided by the program; and

(2) ~~[a victim services fee in an amount equal to 10 percent of the amount paid under Subdivision (1), to be deposited to the credit of the general revenue fund to be appropriated only to cover costs associated with the grant program described by Section 531.383; and~~

~~(3)~~ a law enforcement training reimbursement fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Reimbursement fees [Fees] collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be based on the participant's ability to pay.

SECTION 2.49. Section 129.006, Government Code, is amended to read as follows:

Sec. 129.006. REIMBURSEMENT FEES. (a) A public safety employees treatment court program established under this chapter may collect from a participant in the program:

(1) a reasonable reimbursement fee for the program [~~fee~~] not to exceed \$1,000; and

(2) a testing, counseling, and treatment reimbursement fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

(b) Reimbursement fees [~~Fees~~] collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be:

(1) based on the participant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION 2.50. Section 161.255(b), Health and Safety Code, is amended to read as follows:

(b) The court shall charge an applicant a reimbursement fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

SECTION 2.51. Section 169.005, Health and Safety Code, is amended to read as follows:

Sec. 169.005. REIMBURSEMENT FEES. (a) A first offender prostitution prevention program established under this chapter may collect from a participant in the program a nonrefundable reimbursement [~~program~~] fee for the program in a reasonable amount not to exceed \$1,000, from which the following must be paid:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of the counseling and services provided by the program; and

(2) [~~a victim services fee in an amount equal to 10 percent of the amount paid under Subdivision (1), to be deposited to the credit of the general revenue fund to be appropriated only to cover costs associated with the grant program described by Section 531.383, Government Code; and~~

[(~~3~~)] a law enforcement training reimbursement fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Reimbursement fees [~~Fees~~] collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the first offender prostitution prevention program. The fees must be based on the participant's ability to pay.

SECTION 2.52. Section 132.002, Local Government Code, is amended to read as follows:

Sec. 132.002. PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS. (a) The commissioners court of a county may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by credit card, the electronic processing of checks, or other electronic means of a fee, fine, court costs, or other

charge. The commissioners court may also authorize a county or precinct officer to collect and retain a reimbursement fee for processing the payment by credit card, the electronic processing of checks, or other electronic means.

(b) The governing body of a municipality may authorize a municipal official who collects fees, fines, court costs, or other charges to:

(1) accept payment by credit card of a fee, fine, court cost, or other charge; and

(2) collect a reimbursement fee for processing the payment by credit card.

(c) The governing body of a municipality may authorize the acceptance of payment by credit card without requiring collection of a reimbursement fee.

(d) The commissioners court may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by electronic means of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to collect and retain a reimbursement [~~handling~~] fee for processing the payment by electronic means.

(e) A commissioners court may authorize the acceptance of payment by credit card or by electronic means without requiring collection of a reimbursement fee.

(f) The director of a community supervision and corrections department, with the approval of the judges described by Section 76.002, Government Code, may authorize a community supervision official who collects fees, fines, court costs, and other charges to:

(1) accept payment by debit card or credit card of a fee, fine, court cost, or other charge; and

(2) collect a reimbursement fee for processing the payment by debit card or credit card.

SECTION 2.53. Section 132.003, Local Government Code, is amended to read as follows:

Sec. 132.003. REIMBURSEMENT [~~PROCESSING OR HANDLING~~] FEE FOR PROCESSING CERTAIN PAYMENTS. (a) The commissioners court shall set a reimbursement [~~processing~~] fee in an amount that is reasonably related to the expense incurred by the county or precinct officer in processing the payment by credit card. However, the court may not set the [~~processing~~] fee authorized by this subsection in an amount that exceeds five percent of the amount of the fee, court cost, or other charge being paid.

(b) The governing body of a municipality shall set the reimbursement [~~processing~~] fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. However, the governing body may not set the [~~processing~~] fee authorized by this subsection in an amount that exceeds five percent of the amount of the fee, fine, court cost, or other charge being paid.

(c) If the commissioners court authorizes collection of a reimbursement [~~handling~~] fee for processing a payment by electronic means under Section 132.002(d) [~~132.002(e)~~], the reimbursement fee shall be set:

(1) at a flat rate that does not exceed \$5 for each payment transaction; or

(2) at a rate that is reasonably related to the expense incurred by the county or precinct officer in processing a payment by electronic means and that does not exceed five percent of the amount of the fee, court cost, or other charge being paid.

(d) In addition to the reimbursement fee set under Subsection (a), the commissioners court of a county may authorize a county or precinct officer to collect on behalf of the county from a person making payment by credit card a reimbursement fee in an amount equal to the amount of any transaction fee charged to the county by a vendor providing services in connection with payments made by credit card. The limitation prescribed by Subsection (a) on the amount of a reimbursement fee under that subsection does not apply to a reimbursement fee collected under this subsection.

SECTION 2.54. Section 133.103, Local Government Code, is transferred to Subchapter A, Chapter 102, Code of Criminal Procedure, redesignated as Article 102.030, Code of Criminal Procedure, and amended to read as follows:

Art. 102.030 [~~Sec. 133.103~~]. TIME PAYMENT REIMBURSEMENT FEE.

(a) A person convicted of an offense shall pay [~~in addition to all other costs,~~] a reimbursement fee of \$15 [~~\$25~~] if the person:

(1) has been convicted of a felony or misdemeanor; and

(2) pays any part of a fine, court costs, or restitution, or another reimbursement fee, on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, [~~or~~] restitution, or other reimbursement fee.

(b) The [~~Except as provided by Subsection (e 1), the treasurer shall send 50 percent of the fees collected under this section to the comptroller. The comptroller shall deposit the fees received to the credit of the general revenue fund.~~

[(~~e~~) Except as provided by Subsection (e 1), the] treasurer shall deposit [~~40 percent of~~] the reimbursement fees collected under this section in a separate account in the general fund of the county or municipality to be used for the purpose of improving the collection of outstanding court costs, fines, reimbursement fees, or restitution or improving the efficiency of the administration of justice in the county or municipality. The county or municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs.

[(~~e 1~~) The treasurer shall send to the comptroller 100 percent of the fees collected under this section if, during an audit under Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure, and is unable to reestablish compliance on or before the 180th day after the date the municipality or county receives written notice of noncompliance from the office. After any period in which the treasurer is required under this subsection to send 100 percent of the fees collected under this section to the comptroller, the municipality or county shall begin once more to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

[(~~d~~) The treasurer shall deposit the remainder of the fees collected under this section in the general revenue account of the county or municipality.]

SECTION 2.55. The heading to Section 31.127, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.127. PENALTIES AND FINES.

SECTION 2.56. Section 31.127(f), Parks and Wildlife Code, is amended to read as follows:

(f) A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

(1) the defendant remedies the defect not later than the 10th working day after the date of the offense and pays a fine [~~an administrative fee~~] not to exceed \$10; and

(2) the certificate of number has not been expired for more than 60 days.

SECTION 2.57. The heading to Section 284.2031, Transportation Code, is amended to read as follows:

Sec. 284.2031. CIVIL AND CRIMINAL ENFORCEMENT: FINE [~~COST~~].

SECTION 2.58. Section 284.2031(a), Transportation Code, is amended to read as follows:

(a) A county may impose, in addition to other costs, a fine of \$1 [~~as a court cost~~] on conviction to a defendant convicted of an offense under Section 284.070, 284.0701, or 284.203 in an action brought by the county or district attorney.

SECTION 2.59. The heading to Section 284.2032, Transportation Code, is amended to read as follows:

Sec. 284.2032. FINE [~~ADDITIONAL ADMINISTRATIVE COST~~] IN CERTAIN COUNTIES.

SECTION 2.60. Section 284.2032(a), Transportation Code, is amended to read as follows:

(a) A county with a population of 3.3 million or more may impose a fine of [~~in addition to other costs,~~] \$1 [~~as an administrative cost associated with collecting a toll or charge~~] for each event of nonpayment of a required toll or charge imposed under Section 284.069.

SECTION 2.61. Sections 502.010(f), (f-1), (i), and (j), Transportation Code, are amended to read as follows:

(f) Except as otherwise provided by this section, a county that has a contract under Subsection (b) may impose an additional reimbursement fee of \$20 to:

(1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or

(2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner.

(f-1) The additional reimbursement fee may be used only to reimburse the department or the county assessor-collector for its expenses for providing services under the contract, or another county department for expenses related to services under the contract.

(i) A municipal court judge or justice of the peace who has jurisdiction over the underlying offense may waive an additional reimbursement fee imposed under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver.

(j) If a county assessor-collector is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee, including a reimbursement fee, due to the defendant's indigency, the county may not impose an additional reimbursement fee on the defendant under Subsection (f).

SECTION 2.62. Section 502.407(b), Transportation Code, is amended to read as follows:

(b) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge of driving with an expired motor vehicle registration if the defendant:

(A) remedies the defect not later than the 20th working day after the date of the offense or before the defendant's first court appearance date, whichever is later; and

(B) establishes that the fee prescribed by Section 502.045 has been paid; and

(2) assess a fine [~~an administrative fee~~] not to exceed \$20 when the charge is dismissed.

SECTION 2.63. Section 502.473(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a) if the defendant pays a fine [~~an administrative fee~~] not to exceed \$10 and:

(1) remedies the defect before the defendant's first court appearance; or

(2) shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

SECTION 2.64. Section 502.475(c), Transportation Code, is amended to read as follows:

(c) A court may dismiss a charge brought under Subsection (a)(3) if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays a fine [~~an administrative fee~~] not to exceed \$10.

SECTION 2.65. Section 504.943(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a)(1) if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays a fine [~~an administrative fee~~] not to exceed \$10.

SECTION 2.66. Section 504.945(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1) remedies the defect before the defendant's first court appearance;

(2) pays a fine [~~an administrative fee~~] not to exceed \$10; and

(3) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.



SECTION 2.67. Section 521.026(b), Transportation Code, is amended to read as follows:

(b) The judge may assess the defendant a fine [~~an administrative fee~~] not to exceed \$20 when the charge of driving with an expired driver's license is dismissed under Subsection (a).

SECTION 2.68. Section 521.054(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge for a violation of this section if the defendant remedies the defect not later than the 20th working day after the date of the offense and pays a fine [~~an administrative fee~~] not to exceed \$20. The court may waive the fine [~~administrative fee~~] if the waiver is in the interest of justice.

SECTION 2.69. Section 521.221(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge for a violation of this section if:

(1) the restriction or endorsement was imposed:

(A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or

(B) in error and that fact is established by the defendant;

(2) the department removes the restriction or endorsement before the defendant's first court appearance; and

(3) the defendant pays a fine [~~an administrative fee~~] not to exceed \$10.

SECTION 2.70. The heading to Section 542.403, Transportation Code, is amended to read as follows:

Sec. 542.403. FINES [~~COURT COSTS~~].

SECTION 2.71. Sections 542.403(a) and (b), Transportation Code, are amended to read as follows:

(a) In addition to other costs, the court shall order a person convicted of a misdemeanor under this subtitle to shall pay a fine of \$3 [~~as a cost of court~~].

(b) The officer who collects a fine [~~cost~~] under this section shall:

(1) deposit in the municipal treasury a fine [~~cost~~] collected in a municipal court case; and

(2) deposit in the county treasury a fine [~~cost~~] collected in a justice court case or in a county court case, including a case appealed from a justice or municipal court.

SECTION 2.72. Section 547.004(c), Transportation Code, is amended to read as follows:

(c) A court may dismiss a charge brought under this section if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays a fine [~~an administrative fee~~] not to exceed \$10.

SECTION 2.73. Section 548.605(e), Transportation Code, is amended to read as follows:

(e) A court shall:

(1) dismiss a charge under this section if the defendant remedies the defect:

(A) not later than the 20th working day after the date of the citation or before the defendant's first court appearance date, whichever is later; and

(B) not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and

(2) assess a fine [~~an administrative fee~~] not to exceed \$20 when the charge has been remedied under Subdivision (1).

SECTION 2.74. Section 601.263, Transportation Code, is amended to read as follows:

Sec. 601.263. REIMBURSEMENT FEE [~~COST~~] FOR IMPOUNDMENT. The court shall impose against the defendant a reimbursement fee [~~cost~~] of \$15 a day for each day of impoundment of the defendant's vehicle.

SECTION 2.75. The heading to Section 681.013, Transportation Code, is amended to read as follows:

Sec. 681.013. DISMISSAL OF CHARGE; FINE [~~ADMINISTRATIVE FEE~~].

SECTION 2.76. Section 681.013(b), Transportation Code, is amended to read as follows:

(b) The court shall:

(1) dismiss a charge for an offense under Section 681.011(b)(1) if:

(A) the vehicle displayed a disabled parking placard that was not valid as expired;

(B) the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

(C) the disabled parking placard has not been expired for more than 60 days; and

(2) assess a fine [~~an administrative fee~~] not to exceed \$20 when the charge has been remedied.

SECTION 2.77. Section 702.003(e-1), Transportation Code, is amended to read as follows:

(e-1) A municipality that has a contract under Subsection (b) may impose an additional \$20 reimbursement fee to a person who has an outstanding warrant from the municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. The additional reimbursement fee may be used only to reimburse the department or the county assessor-collector for its expenses for providing services under the contract, or another county department for expenses related to services under the contract.

SECTION 2.78. Section 706.006, Transportation Code, is amended to read as follows:

Sec. 706.006. PAYMENT OF REIMBURSEMENT [~~ADMINISTRATIVE~~] FEE. (a) Except as provided by Subsection (d), a person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay a reimbursement [~~an administrative~~] fee of \$10 [~~\$30~~] for each complaint or citation reported to the department under this chapter, unless:

(1) the person is acquitted of the charges for which the person failed to appear;

(2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the failure to appear report was sent to the department in error; or

(4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

(a-1) A person who is required to pay a reimbursement fee under Subsection (a) shall pay the fee when:

(1) the court enters judgment on the underlying offense reported to the department;

(2) the underlying offense is dismissed, other than a dismissal described by Subsection (a)(2); or

(3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) Except as provided by Subsection (d), a person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay a reimbursement [~~an administrative~~] fee of \$10 [~~\$30~~].

(c) The department may deny renewal of the driver's license of a person who does not pay a reimbursement fee due under this section until the fee is paid. The fee required by this section is in addition to any other fee required by law.

(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay a reimbursement [~~an administrative~~] fee under this section. For purposes of this subsection, a person is presumed to be indigent if the person:

(1) is required to attend school full time under Section 25.085, Education Code;

(2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) receives assistance from:

(A) the financial assistance program established under Chapter 31, Human Resources Code;

(B) the medical assistance program under Chapter 32, Human Resources Code;

(C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;

(D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or

(E) the child health plan program under Chapter 62, Health and Safety Code.

SECTION 2.79. The heading to Section 706.007, Transportation Code, is amended to read as follows:

Sec. 706.007. [~~RECORDS RELATING TO FEES;~~] DISPOSITION OF FEES.

SECTION 2.80. Sections 706.007(a) and (d), Transportation Code, are amended to read as follows:

(a) An officer collecting a reimbursement fee under Section 706.006 shall remit the money to the municipal or county treasurer, as applicable ~~[keep records and deposit the money as provided by Subchapter B, Chapter 133, Local Government Code].~~

(d) ~~The [Of each fee collected under Section 706.006, the]~~ custodian of a municipal or county treasury shall[-

~~(1) send \$20 to the comptroller on or before the last day of each calendar quarter; and~~

~~(2) deposit the money collected under Section 706.006 [remainder] to the credit of the general fund of the municipality or county for the purposes of Section 706.008.~~

### ARTICLE 3. REPEALERS AND CONFORMING AMENDMENTS

SECTION 3.01. Section 3.506(c), Business & Commerce Code, is amended to read as follows:

(c) A person may not charge a processing fee to a drawer or indorser under this section if a reimbursement ~~[the]~~ fee has been collected under Article 102.007(e) ~~[or 102.0071]~~, Code of Criminal Procedure. If a processing fee has been collected under this section and the holder subsequently receives a reimbursement fee collected under Article 102.007(e) ~~[or 102.0071]~~, Code of Criminal Procedure, the holder shall immediately refund the fee previously collected from the drawer or indorser.

SECTION 3.02. Article 42.037, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsections (g-1) and (g-2) to read as follows:

(g)~~(+)~~ The court may require a defendant to make restitution under this article within a specified period or in specified installments. ~~[If the court requires the defendant to make restitution in specified installments, in addition to the installment payments, the court may require the defendant to pay a one time restitution fee of \$12, \$6 of which the court shall retain for costs incurred in collecting the specified installments and \$6 of which the court shall order to be paid to the compensation to victims of crime fund.~~

~~(2)~~ The end of the period or the last installment may not be later than:

(1) ~~(A)~~ the end of the period of probation, if probation is ordered;

(2) ~~(B)~~ five years after the end of the term of imprisonment imposed, if the court does not order probation; or

(3) ~~(C)~~ five years after the date of sentencing in any other case.

~~(g-1) (+)~~ If the court does not provide otherwise, the defendant shall make restitution immediately.

~~(g-2) (+)~~ Except as provided by Subsection (n), ~~(+)~~ the order of restitution must require the defendant to:

(1) ~~(+)~~ make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund;

(2) ~~(+)~~ make restitution directly to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund; or

(3) ~~(+)~~ deliver the amount or property due as restitution to a community supervision and corrections department for transfer to the victim or person.

SECTION 3.03. Article 42.0373(c), Code of Criminal Procedure, is amended to read as follows:

(c) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (b) the manner in which the defendant must pay the restitution. The order must require restitution payments to be delivered in the manner described by Article 42.037(g-2)(3) ~~[42.037(g)(4)(iii)]~~.

SECTION 3.04. Articles 45.056(d) and (h), Code of Criminal Procedure, are amended to read as follows:

(d) The ~~[Pursuant to Article 102.0174, the]~~ court or governing body may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the local truancy prevention and diversion ~~[juvenile case manager]~~ fund established under Section 134.156, Local Government Code.

(h) The commissioners court or governing body of the municipality that administers a local truancy prevention and diversion ~~[juvenile case manager]~~ fund under Section 134.156, Local Government Code, ~~[Article 102.0174]~~ shall require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (f).

SECTION 3.05. The heading to Chapter 102, Code of Criminal Procedure, is amended to read as follows:

#### CHAPTER 102. COSTS, FEES, AND FINES PAID BY DEFENDANTS

SECTION 3.06. The heading to Subchapter A, Chapter 102, Code of Criminal Procedure, is amended to read as follows:

##### SUBCHAPTER A. ~~[GENERAL]~~ COSTS; REIMBURSEMENT FEES; FINES

SECTION 3.07. Section 21.008(d), Government Code, is amended to read as follows:

(d) The State Board of Regional Judges is created to administer the funds appropriated to this account ~~[and to the child support and court management account of the judicial fund created by Section 21.007]~~. The board shall be composed of the nine regional administrative judges of the state, who shall have the authority to organize, elect officers, and make such rules as may be necessary for the proper administration of these accounts.

SECTION 3.08. Section 25.0593(k), Government Code, is amended to read as follows:

(k) The official court reporter of a county criminal court is not required to take testimony in a case unless the judge or a party demands that testimony be taken. ~~[If the court reporter takes testimony, the clerk shall collect a \$3 fee as costs in the case. The fee shall be paid into the county treasury.]~~

SECTION 3.09. Section 25.0594(l), Government Code, is amended to read as follows:

(l) The official court reporter of a county criminal court of appeals is not required to take testimony in a case in which neither party nor the judge demands it. ~~[If the court reporter takes testimony, the clerk shall collect a \$3 fee as costs in the case. The fee shall be paid into the county treasury.]~~

SECTION 3.10. Section 25.1572(h), Government Code, is amended to read as follows:

(h) An official court reporter is not required to take testimony in a case unless the judge or a party demands that testimony be taken. In civil and probate cases in which the court reporter is required to take testimony, the clerk shall assess a \$3 fee as costs in the case. The clerk shall collect the fee and deposit it in the county treasury. The court reporter shall be available for matters being considered in the county court if the parties before the court request a court reporter and the request is approved by the judge of a county court at law.

SECTION 3.11. Section 25.2223(i), Government Code, is amended to read as follows:

(i) The official court reporter of a county criminal court is entitled to the same fees and salary as a district court reporter and shall perform the same duties and take the oath of office as provided by law for district court reporters. The official court reporter for the County Criminal Court No. 1 or 3 of Tarrant County is not required to take testimony in cases in which neither a party nor the judge demands it. ~~[In cases in which testimony is taken, a fee of \$3 shall be taxed as costs in the case. The clerk collects the fee and pays it into the county treasury.]~~

SECTION 3.12. Section 25.2702(d), Government Code, is amended to read as follows:

(d) The judge of the county court at law shall appoint an official court reporter. The judge may appoint a court administrator to aid the judge in the performance of the judge's duties. The official court reporter and the court administrator of the county court at law are entitled to receive the same salary and to be paid in the same manner as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court. The clerk of the court shall tax as costs, in each civil~~[-criminal,]~~ and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.

SECTION 3.13. Section 26.007(a), Government Code, is amended to read as follows:

(a) Beginning on the first day of the state fiscal year, the state shall annually compensate each county that collects the additional fees ~~[and costs]~~ under Section 51.703 in an amount equal to \$5,000 if the county judge is entitled to an annual salary supplement from the state under Section 26.006.

SECTION 3.14. Section 26.008(a), Government Code, is amended to read as follows:

(a) At the end of each state fiscal year, the comptroller shall determine the amounts deposited in the judicial fund under Section 51.703 and the amounts paid to the counties under Section 26.007. If the total amount paid under Section 51.703 by all counties that collect fees ~~[and costs]~~ under that section exceeds the total amount paid to the counties under Section 26.007, the state shall remit the excess to the counties that collect fees ~~[and costs]~~ under Section 51.703 proportionately based on the percentage of the total paid by each county.

SECTION 3.15. Section 30.00014(g), Government Code, is amended to read as follows:

(g) The defendant shall pay ~~[the fee for the preparation of the clerk's record and]~~ the fee for an actual transcription of the proceedings.

SECTION 3.16. Section 61.0015(c), Government Code, is amended to read as follows:

(c) The comptroller shall pay claims for reimbursement under this section quarterly to the county treasury of each county that filed a claim from money collected under Subchapter B, Chapter 133, Local Government Code ~~[Article 102.0045, Code of Criminal Procedure]~~, and deposited in the jury service fund.

SECTION 3.17. Section 101.0613, Government Code, is amended to read as follows:

Sec. 101.0613. DISTRICT COURT FEES AND COSTS: HUMAN RESOURCES CODE. The clerk of a district court shall collect fees and costs under the Human Resources Code as follows:

(1) ~~[for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$4;~~

~~(2)~~ fee on filing a suit for dissolution of a marriage for services of child support department in Harris County, if authorized by the county commissioners court (Sec. 152.1074, Human Resources Code) . . . not to exceed \$12;

(2) ~~(3)~~ a child support service fee in Nueces County if ordered by the commissioners court and assessed by the court (Sec. 152.1844, Human Resources Code) . . . not to exceed \$5 a month payable annually in advance;

(3) ~~(4)~~ a service fee to be paid by a person ordered by a district court to pay child or spousal support:

(A) in Collin County if authorized by the juvenile board (Sec. 152.0492, Human Resources Code) . . . not to exceed \$2.50 added to first support payment each month;

(B) in Johnson County if authorized by the juvenile board (Sec. 152.1322, Human Resources Code) . . . \$1.00 added to first support payment each month; and

(C) in Montague County (Sec. 152.1752, Human Resources Code) . . . \$1 if fee is ordered to be paid monthly, 50 cents if fee is ordered to be paid semimonthly or weekly;

(4) ~~(5)~~ attorney's fees as an additional cost in Montague County on a finding of contempt of court for failure to pay child or spousal support if the contempt action is initiated by the probation department (Sec. 152.1752, Human Resources Code) . . . \$15;

(5) ~~(6)~~ fee on filing a suit requesting an adoption in Montague County (Sec. 152.1752, Human Resources Code) . . . \$25;

(6) ~~(7)~~ court cost on citation for contempt of court for failure to comply with child support order in Nueces County, if authorized by the commissioners court (Sec. 152.1844, Human Resources Code) . . . not to exceed \$10;

(7) ~~(8)~~ fee on filing a suit for divorce in Orange County (Sec. 152.1873, Human Resources Code) . . . not less than \$5;

(8) ~~(9)~~ court costs on citation for contempt of court in Orange County for failure to comply with a child support order or order providing for possession of or access to a child (Sec. 152.1873, Human Resources Code) . . . amount determined by district clerk;

(9) ~~(10)~~ fee on filing a suit requesting an adoption in Orange County (Sec. 152.1874, Human Resources Code) . . . not less than \$25; and

(10) ~~(11)~~ fee on filing a suit requesting an adoption in Wichita County (Sec. 152.2496, Human Resources Code) . . . \$100.

SECTION 3.18. Section 101.141(b), Government Code, is amended to read as follows:

(b) A clerk of a justice court shall collect fees and costs under other laws as follows:

(1) the cost of a special program that a court may order a child to attend after a finding that the child committed an offense, if ordered by the court (Art. 45.057, Code of Criminal Procedure) . . . costs of the program not to exceed \$100;

(2) additional filing fees:

(A) to fund Dallas County civil court facilities (Sec. 51.705, Government Code) . . . not more than \$15;

(B) for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$6;

(C) to fund the improvement of Hays County court facilities, if authorized by the county commissioners court (Sec. 51.707, Government Code) . . . not more than \$15; and

(D) to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) . . . not more than \$15;

(3) ~~for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50;~~

~~[(4)] fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 2308.457, Occupations Code) . . . \$20; and~~

~~(4) ~~(5)~~ statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$10.~~

SECTION 3.19. Section 101.181, Government Code, is amended to read as follows:

Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS. The clerk of a municipal court of record shall collect ~~[the following fees and costs:~~

~~(1) from an appellant, a fee for preparation of the clerk's record (Sec. 30.00014, Government Code) . . . \$25;~~

~~(2) from an appellant in the City of El Paso, an appellate court docket fee (Sec. 30.00147, Government Code) . . . \$25; and~~



~~[(3)]~~ the cost of a special program that a court may order a child to attend after finding that the child committed an offense, if ordered by the court, under Article ~~[(Art.)~~ 45.057, Code of Criminal Procedure, in the amount of the ~~[Procedure) ...]~~ costs of the program, not to exceed \$100.

SECTION 3.20. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay ~~[the following under the Code of Criminal Procedure]~~, in addition to all other costs and~~]:~~

~~[(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) ... \$4;~~

~~[(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) ... \$25;~~

~~[(3) fees for services of peace officer:~~

~~[(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) ... \$5;~~

~~[(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) ... \$50;~~

~~[(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) ... \$5;~~

~~[(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) ... \$35;~~

~~[(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) ... \$10;~~

~~[(F) commitment or release (Art. 102.011, Code of Criminal Procedure) ... \$5;~~

~~[(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) ... \$5;~~

~~[(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) ... \$8 each day;~~

~~[(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) ... \$0.29 per mile; and~~

~~[(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) ... not to exceed \$5;~~

~~[(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) ... \$10 per day or part of a day, plus actual necessary travel expenses;~~

~~[(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) ... actual cost;~~

~~[(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) ... \$25;~~

~~[(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;~~

~~[(8) court costs on an offense of parent contributing to student nonattendance (Art. 102.014, Code of Criminal Procedure) . . . \$20;~~

~~[(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;~~

~~[(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;~~

~~[(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;~~

~~[(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;~~

~~[(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;~~

~~[(14) court cost for DNA testing for certain misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;~~

~~[(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;~~

~~[(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;~~

~~[(17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action under Article [(Art.] 45.041, Code of Criminal Procedure, in the amount of [Procedure] . . .] part or all of the costs as directed by the judge[; and~~

~~[(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60].~~

SECTION 3.21. Section 102.0212, Government Code, is amended to read as follows:

Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT CODE. A person convicted of an offense shall pay the following under the Local Government Code, in addition to all other costs:

(1) court costs on conviction of a felony (Sec. 133.102, Local Government Code) . . . \$185 [~~\$133~~];

(2) court costs on conviction of a Class A or Class B misdemeanor (Sec. 133.102, Local Government Code) . . . \$147 [~~\$83~~];

(3) court costs on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.102, Local Government Code) . . . \$62 [~~\$40~~];

(4) court costs on conviction of a felony (Sec. 134.101, Local Government Code) . . . \$105 [a time payment fee if convicted of a felony or misdemeanor for paying any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution (Sec. 133.103, Local Government Code) . . . \$25];

(5) court costs on conviction of a Class A or Class B misdemeanor (Sec. 134.102, Local Government Code) . . . \$123 [a cost on conviction of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.105, Local Government Code) . . . \$6]; and

(6) court costs on conviction of a nonjailable misdemeanor offense, including a criminal violation of a municipal ordinance (Sec. 134.103, Local Government Code) . . . \$14 [a cost on conviction of any offense, other than an offense relating to a pedestrian or the parking of a motor vehicle (Sec. 133.107, Local Government Code) . . . \$2].

SECTION 3.22. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) [a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

[(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

[(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

[(3 a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

[(3 b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

[(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

[(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(17), Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

[(6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(20), Code of Criminal Procedure) . . . not to exceed \$50;

[(7) children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed \$50;

[(8) family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . \$100;

~~[(9) community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;~~

~~[(10) additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . \$5 per month;~~

~~[(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;~~

~~[(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;~~

~~[(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;~~

~~[(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;~~

~~[(15) an additional fee:~~

~~[(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(e)1, Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;~~

~~[(B) as an administrative fee for requesting a driving safety course or a course under the motoreycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or~~

~~[(C) for requesting a driving safety course or a course under the motoreycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;~~

~~[(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas Louisiana border region, but otherwise not to exceed \$10;~~

~~[(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas Louisiana border region, but otherwise \$10;~~

~~[(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;~~

~~[(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;~~

~~(2) [(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;~~

~~(3) [(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;~~

~~[(21) sight orders:~~

~~[(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;~~

~~[(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;~~

~~[(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;~~

~~[(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and~~

~~[(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;~~

~~[(22) fees for a pretrial intervention program:~~

~~[(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and~~

~~[(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;~~

~~[(23) parking fee violations for child safety fund in municipalities with populations:~~

~~[(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and~~

~~[(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;~~

~~[(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction; and~~

~~(4) [(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due]; and~~

~~[(26) a cost on conviction for the truancy prevention and diversion fund (Art. 102.015, Code of Criminal Procedure) . . . \$2].~~

SECTION 3.23. Section 103.0211, Government Code, is amended to read as follows:

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken[;

~~[(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;~~

~~[(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;~~

~~[(C) in a civil case in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; and~~

~~[(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;]~~

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15 or, in specified counties, \$30;

~~[(3) a speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;~~

~~[(4) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:~~

~~[(A) in Bexar County (Sec. 54.913, Government Code) . . . magistrate's fees;~~

~~[(B) in Dallas County (Sec. 54.313, Government Code) . . . magistrate's fees;~~

~~[(C) in Lubbock County (Sec. 54.883, Government Code) . . . magistrate's fees;~~

~~[(D) in Tarrant County (Sec. 54.663, Government Code) . . . magistrate's fees; and~~

~~[(E) in Travis County (Sec. 54.983, Government Code) . . . magistrate's fees;~~

~~[(5) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than \$25 and not more than \$60 per month;] and~~

(3) ~~[(6)]~~ fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Secs. 411.072 and 411.0745, Government Code) . . . \$28.

SECTION 3.24. Section 103.0212, Government Code, is amended to read as follows:

Sec. 103.0212. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: FAMILY CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Family Code if ordered by the court or otherwise required:

(1) in family matters:

(A) issuing writ of withholding (Sec. 8.262, Family Code) . . . \$15;

(B) filing copy of writ of withholding to subsequent employer (Sec. 8.267, Family Code) . . . \$15;

(C) issuing and delivering modified writ of withholding or notice of termination (Sec. 8.302, Family Code) . . . \$15;

(D) issuing and delivering notice of termination of withholding (Sec. 8.303, Family Code) . . . \$15;

(E) issuance of change of name certificate (Sec. 45.106, Family Code) . . . \$10;

(F) protective order fee (Sec. 81.003, Family Code) . . . \$16;

(G) filing suit requesting adoption of child (Sec. 108.006, Family Code) . . . \$15;

(H) filing fees for suits affecting parent-child relationship (Sec. 110.002, Family Code):

- (i) suit or motion for modification (Sec. 110.002, Family Code) . . . \$15;
- (ii) motion for enforcement (Sec. 110.002, Family Code) . . . \$15;
- (iii) notice of application for judicial writ of withholding (Sec. 110.002, Family Code) . . . \$15;
- (iv) motion to transfer (Sec. 110.002, Family Code) . . . \$15;
- (v) petition for license suspension (Sec. 110.002, Family Code) . . . \$15;
- (vi) motion to revoke a stay of license suspension (Sec. 110.002, Family Code) . . . \$15; and
- (vii) motion for contempt (Sec. 110.002, Family Code) . . . \$15;
- (I) order or writ of income withholding to be delivered to employer (Sec. 110.004, Family Code) . . . not to exceed \$15;
- (J) filing fee for transferred case (Sec. 110.005, Family Code) . . . \$45;
- (K) filing a writ of withholding (Sec. 158.319, Family Code) . . . \$15;
- (L) filing a request for modified writ of withholding or notice of termination (Sec. 158.403, Family Code) . . . not to exceed \$15;
- (M) filing an administrative writ to employer (Sec. 158.503, Family Code) . . . not to exceed \$15; and
- (N) genetic testing fees in relation to a child born to a gestational mother (Sec. 160.762, Family Code) . . . as assessed by the court; and
- (2) in juvenile court:
- (A) fee schedule for deferred prosecution services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;
- (B) ~~[a request fee for a teen court program (Sec. 54.032, Family Code) . . . \$20, if the court ordering the fee is located in the Texas Louisiana border region, but otherwise not to exceed \$10;~~
- ~~[(C)]~~ court costs for juvenile probation diversion fund (Sec. 54.0411, Family Code) . . . \$20;
- (C) ~~[(D)]~~ a juvenile delinquency prevention fee (Sec. 54.0461, Family Code) . . . \$50;
- (D) ~~[(E)]~~ a court fee for child's probationary period (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;
- (E) ~~[(F)] a fee to cover costs of required duties of teen court (Sec. 54.032, Family Code) . . . \$20, if the court ordering the fee is located in the Texas Louisiana border region, but otherwise not to exceed \$10;~~
- ~~[(G)]~~ a fee for DNA testing on commitment to certain facilities (Sec. 54.0462, Family Code) . . . \$50;
- (F) ~~[(H)]~~ a fee for DNA testing after placement on probation or as otherwise required by law (Sec. 54.0462, Family Code) . . . \$34;
- (G) ~~[(I)]~~ a program fee for a teen dating violence court program (Sec. 54.0325, Family Code) . . . \$10; and
- (H) ~~[(J)]~~ a fee to cover the cost to the court of administering a teen dating violence court program (Sec. 54.0325, Family Code) . . . not to exceed \$10.

SECTION 3.25. Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay an an ~~[the following fees and costs under the Transportation Code if ordered by the court or otherwise required:~~

~~[(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;~~

~~[(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;~~

~~[(2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) . . . not to exceed \$10;~~

~~[(3) administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements as certified (Sec. 548.605, Transportation Code) . . . not to exceed \$20;~~

~~[(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation;~~

~~[(5) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30; and~~

~~[(6)] administrative fee on dismissal of charge of driving a commercial motor vehicle without a commercial driver's license or commercial learner's permit (Sec. 522.011, Transportation Code) . . . not to exceed \$10.~~

SECTION 3.26. Section 103.0214, Government Code, is amended to read as follows:

Sec. 103.0214. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: HEALTH AND SAFETY CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following court ~~[fees and]~~ costs under the Health and Safety Code if ordered by the court or otherwise required~~[-~~

~~[(1) a fee to defray the cost of notifying state agencies of orders of expungement (Sec. 161.255, Health and Safety Code) . . . \$30 per application; and~~

~~[(2)] on a finding that an animal's owner has cruelly treated the animal, [court costs] including:~~

~~(1) [(A)] investigation (Sec. 821.023, Health and Safety Code) . . . actual costs;~~

~~(2) [(B)] expert witnesses (Sec. 821.023, Health and Safety Code) . . . actual costs;~~

~~(3) [(C)] housing and caring for the animal during its impoundment (Sec. 821.023, Health and Safety Code) . . . actual costs;~~

~~(4) [(D)] conducting any public sale ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs; and~~

~~(5) [(E)] humanely destroying the animal if destruction is ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs.~~

SECTION 3.27. Section 103.024, Government Code, is amended to read as follows:

Sec. 103.024. MISCELLANEOUS FEES AND COSTS: CODE OF CRIMINAL PROCEDURE. Fees and costs shall be paid or collected under the Code of Criminal Procedure as follows:



(1) filing of a restitution lien (Art. 42.22, Code of Criminal Procedure) . . . \$5; and

~~(2) [issuance and service of a warrant of arrest for certain offenses if prescribed by the municipality (Art. 45.203, Code of Criminal Procedure) . . . not to exceed \$25; and~~

~~[(3)] a fee for each agency or organization designated by a registered sex offender for receipt of a copy of an order making the registration nonpublic (Art. [See.] 62.353, Code of Criminal Procedure) . . . \$20.~~

SECTION 3.28. Section 103.027(a), Government Code, as effective September 1, 2019, is amended to read as follows:

(a) Fees and costs shall be paid or collected under the Government Code as follows:

(1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . \$15;

~~(2) [cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;~~

~~[(3)] to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . \$250 except as waived or reduced under supreme court rules for representing an indigent person;~~

~~(3) [(4)] on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) . . . as assessed by the court, all or part of the cost of preparation[;~~

~~[(5) a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed \$1,000;~~

~~[(6) an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) . . . the amount necessary to cover the costs of testing, counseling, and treatment;~~

~~[(7) a reasonable program fee for a veterans treatment court program (Sec. 124.005, Government Code) . . . not to exceed \$1,000;~~

~~[(8) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans treatment court program (Sec. 124.005, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment;~~

~~[(9) a nonrefundable program fee for a commercially sexually exploited persons court program (Sec. 126.006, Government Code) . . . a reasonable amount not to exceed \$1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee]; and~~

(4) ~~[(40)]~~ a district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court (Sec. 51.305, Government Code) . . . not more than \$5.

SECTION 3.29. Section 103.0292, Government Code, is amended to read as follows:

Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES ~~[AND COSTS]~~: HEALTH AND SAFETY CODE. A nonrefundable reimbursement ~~[program]~~ fee for a first offender prostitution prevention program established under Section 169.002, Health and Safety Code, shall be collected under Section 169.005, Health and Safety Code, in a reasonable amount not to exceed \$1,000, which includes:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of counseling and services provided by the program; and

(2) ~~[a victim services fee in an amount equal to 10 percent of the total fee;~~  
and

~~[(3)]~~ a law enforcement training reimbursement fee in an amount equal to five percent of the total fee.

SECTION 3.30. Section 103.030, Government Code, is amended to read as follows:

Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL GOVERNMENT CODE. Fees and costs shall be paid or collected under the Local Government Code as follows:

(1) services by the offices of the sheriff and constables (Sec. 118.131, Local Government Code) . . . amount set by county commissioners court;

(2) a filing fee or recording fee for each page of a legal paper presented for filing or recording that fails to meet certain requirements regarding paper size, weight, substance, headings, legibility, the presence of typed or printed names under each signature, and number and size of riders or attachments (Sec. 191.007, Local Government Code) . . . twice the regular filing fee or recording fee provided by statute for that page, rider, or attachment;

~~[(3)] a processing fee as authorized by the commissioners court for the payment by credit card of a fee, court cost, or other charge processed by a county or precinct officer (Secs. 132.002 and 132.003, Local Government Code) . . . an amount reasonably related to the expense incurred by the county or precinct officer but not to exceed five percent of the amount of the fee, court cost, or other charge being paid;~~

~~[(4)] a processing fee as authorized by the governing body of the municipality for the payment by credit card of a fee, court cost, or other charge processed by a municipal official (Secs. 132.002 and 132.003, Local Government Code) . . . an amount reasonably related to the expense incurred by the municipal official but not to exceed five percent of the amount of the fee, court cost, or other charge being paid;~~

~~[(5)] a handling fee, if authorized by the commissioners court under Section 132.002, Local Government Code, for electronically processing the payment of a fee, fine, court cost, or other charge (Secs. 132.002 and 132.003, Local Government Code);~~

~~[(A) charged at a flat rate that does not exceed \$5 for each payment transaction; or~~

~~[(B) charged at a rate reasonably related to the expense incurred in processing a payment and that does not exceed five percent of the amount of the fee, court cost, or other charge being paid;~~

~~[(6) a fee, if authorized by the commissioners court, collected by a county or precinct officer on behalf of the county from a person making payment by credit card of a fee, court cost, or other charge (Sec. 132.003, Local Government Code) . . . an amount equal to the amount of any transaction fee charged to the county by a vendor providing services in connection with payments made by credit card;] and~~

~~(3) [(7)] a records technology and infrastructure fee, if authorized by the commissioners court of the county (Secs. 118.026, 118.069, and 118.102, Local Government Code) . . . \$2.00.~~

SECTION 3.31. Section 123.006(c), Government Code, is amended to read as follows:

(c) Notwithstanding Subsection (a), a county is required to establish a drug court program under this section only if:

(1) the county receives federal or state funding~~[, including funding under Article 102.0178, Code of Criminal Procedure,]~~ specifically for that purpose; and

(2) the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2).

SECTION 3.32. Section 411.145(c), Government Code, is amended to read as follows:

(c) A fee collected under this section shall be deposited in the state treasury to the credit of the state highway fund, and money deposited to the state highway fund under this section and under Chapter 42A ~~[and Article 102.020(h)]~~, Code of Criminal Procedure, may be used only to defray the cost of administering this subchapter.

SECTION 3.33. Section 420.008(b), Government Code, is amended to read as follows:

(b) The fund consists of fees and fines collected under:

(1) Article 42A.653(a), Code of Criminal Procedure;

(2) Section 508.189, Government Code; and

(3) Subchapter B, Chapter 102, Business & Commerce Code, and deposited under Section 102.054.

SECTION 3.34. Section 133.055(b), Local Government Code, is amended to read as follows:

(b) If the treasurer does not collect any fees during a calendar quarter, the treasurer shall file the report required for the quarter in the regular manner. The report must state that no fees were collected. This subsection does not apply to fees or fines collected under Article 42A.303 ~~[or 42A.653]~~, Code of Criminal Procedure, or under Section 76.013, Government Code.

SECTION 3.35. Section 133.058(d), Local Government Code, is amended to read as follows:

(d) A county may not retain a service fee on the collection of a fee or fine:

(1) for the judicial fund;

(2) under Article 42A.303 or 42A.653, Code of Criminal Procedure;

(3) under Section 51.851, Government Code; or

(4) under Section 51.971, Government Code.

SECTION 3.36. Section 203.003, Local Government Code, is amended to read as follows:

Sec. 203.003. DUTIES OF COMMISSIONERS COURT. The commissioners court of each county shall:

(1) promote and support the efficient and economical management of records of all elective offices in the county to enable elected county officers to conform to this subtitle and rules adopted under it;

(2) facilitate the creation and maintenance of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of each elective office and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and the persons affected by the activities of the local government;

(3) facilitate the identification and preservation of the records of elective offices that are of permanent value;

(4) facilitate the identification and protection of the essential records of elective offices;

(5) establish a county clerk records management and preservation fund for fees subject to Section 118.0216 and approve in advance any expenditures from the fund; and

(6) establish a records management and preservation fund for the records management and preservation fees authorized under Sections 118.052, 118.0546, and 118.0645, and Section 51.317, Government Code, [~~and Article 102.005(d), Code of Criminal Procedure,~~] and approve in advance any expenditures from the fund, which may be spent only for records management preservation or automation purposes in the county.

SECTION 3.37. Section 12.110(d), Parks and Wildlife Code, is amended to read as follows:

(d) The department may sell confiscated live game described by Subsection (a) to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all game sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). [~~If that person is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, the department shall transfer the proceeds of the sale to the credit of the game, fish, and water safety account.~~] If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the game was seized.

SECTION 3.38. Sections 542.402(b), (b-2), (d), and (d-1), Transportation Code, are amended to read as follows:

(b) In each fiscal year, a municipality having a population of less than 5,000 may retain, from fines collected for violations of this title and ~~from special expenses~~ collected under Article 45.051(a) ~~[45.051]~~, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the municipality's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by the audit performed under Section 103.001, Local Government Code. After a municipality has retained that amount, the municipality shall send to the comptroller any portion of a fine ~~[or a special expense]~~ collected that exceeds \$1.

(b-2) In each fiscal year, a county described by Subsection (b-1) may retain, from fines collected for violations of this title and from ~~special expenses~~ collected under Article 45.051(a) ~~[45.051]~~, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the county's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by an audit performed under Chapter 115, Local Government Code. After a county has retained that amount, the county shall send to the comptroller any portion of a fine ~~[or a special expense]~~ collected that exceeds \$1.

(d) In a fiscal year in which a municipality retains from fines and special expenses collected for violations of this title an amount equal to at least 20 percent of the municipality's revenue for the preceding fiscal year from all sources other than federal funds and bond proceeds, not later than the 120th day after the last day of the municipality's fiscal year, the municipality shall send to the comptroller:

(1) a copy of the municipality's financial statement for that fiscal year filed under Chapter 103, Local Government Code; and

(2) a report that shows the total amount collected for that fiscal year from ~~and special expenses~~ under Subsection (b).

(d-1) In a fiscal year in which a county retains from fines and special expenses collected for violations of this title an amount equal to at least 20 percent of the county's revenue for the preceding fiscal year from all sources other than federal funds and bond proceeds, not later than the 120th day after the last day of the county's fiscal year, the county shall send to the comptroller:

(1) a copy of the county's financial statement; and

(2) a report that shows the total amount collected for that fiscal year from ~~and special expenses~~ under Subsection (b-1).

SECTION 3.39. Section 706.005(a), Transportation Code, is amended to read as follows:

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a reimbursement fee as provided by Section 706.006 and:

(1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;

(2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;

(4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or

(5) other suitable arrangement to pay the fine and cost within the court's discretion.

SECTION 3.40. The following provisions are repealed:

(1) Articles 102.001(f) and (h), Code of Criminal Procedure;

(2) Article 102.0071, Code of Criminal Procedure;

(3) Article 102.022, Code of Criminal Procedure;

(4) Sections 202.005(c) and (d), Family Code;

(5) Section 30.00014(f), Government Code;

(6) Sections 30.00147(b) and (g), Government Code;

(7) Section 54.313, Government Code;

(8) Section 54.663, Government Code;

(9) Sections 54.745(b) and (c), Government Code;

(10) Section 54.883, Government Code;

(11) Section 54.913, Government Code;

(12) Section 54.983, Government Code;

(13) Section 101.0813, Government Code;

(14) Section 102.0211, Government Code;

(15) Section 102.0213, Government Code;

(16) Section 102.0214, Government Code;

(17) Section 102.041, Government Code;

(18) Section 102.0415, Government Code;

(19) Section 102.042, Government Code;

(20) Section 102.061, Government Code;

(21) Section 102.0615, Government Code;

(22) Section 102.062, Government Code;

(23) Section 102.081, Government Code;

(24) Section 102.082, Government Code;

(25) Section 102.101, Government Code;

(26) Section 102.103, Government Code;

(27) Section 102.121, Government Code;

(28) Section 102.142, Government Code;

(29) Section 123.003(b), Government Code;

(30) Section 124.004(b), Government Code;

(31) Section 129.005(b), Government Code;

(32) Section 152.0522, Human Resources Code;

(33) Sections 133.103(b) and (d), Local Government Code; and

(34) Section 12.110(b), Parks and Wildlife Code.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.01. The changes in law made by this Act apply only to a cost, fee, or fine on conviction for 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 on the date 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 4.02. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.03. This Act takes effect January 1, 2020.

**Floor Amendment No. 1**

Amend **CSSB 346** (house committee report) as follows:

(1) Strike page 4, line 11, through page 5, line 17, and substitute the following:

- Institute account 1.4741 [~~2.1683~~] percent;
- (4) Texas Commission on Law Enforcement account 3.4418  
~~[law enforcement officers standards and education 5.0034]~~ percent;
- (5) law enforcement and custodial officer supplement [~~supplemental~~]  
retirement trust fund 7.2674  
~~[11.1426]~~ percent;
- (6) criminal justice planning account 8.5748  
~~[12.5537]~~ percent;
- (7) an account in the state treasury to be used only for the establishment and  
operation of the Center for the Study and Prevention of Juvenile Crime and  
Delinquency at Prairie View A&M University 0.8540 [~~1.2090~~] percent;
- (8) compensation to victims of crime account 24.6704  
~~[fund 37.6338]~~ percent;
- (9) emergency radio infrastructure account 3.6913 [~~5.5904~~] percent;
- (10) judicial and court personnel training account 3.3224 [~~fund 4.8362~~]  
percent;
- (11) an account in the state treasury to be used for the establishment and  
operation of the Correctional Management Institute of Texas and Criminal Justice  
Center Account 0.8522 [~~1.2090~~] percent; [~~and~~]
- (12) fair defense account 17.8857  
~~[17.8448]~~ percent;
- (13) judicial fund 12.2667 percent;
- (14) DNA testing account 0.1394 percent;
- (15) specialty court account 1.0377 percent;
- (16) statewide electronic filing system account 0.5485 percent;
- (17) jury service fund 6.4090 percent;
- (18) truancy prevention and diversion account 2.5956 percent; and
- (19) transportation administrative fee

(2) Strike SECTION 1.16 of the bill (page 25, line 15, through page 26, line 9) and substitute the following appropriately numbered SECTION in ARTICLE 1 of the bill:

SECTION 1.\_\_\_\_. Section 411.402(a), Government Code, is amended to read as follows:

(a) Fees collected under Section 133.102(e)(9) [~~133.102(e)(11)~~], Local Government Code, may only:

(1) be used for the planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;

(2) be used in accordance with the statewide integrated public safety radio communications plan developed under Subchapter F, Chapter 421;

(3) be used for the development of a regional or state interoperable radio communication system;

(4) be distributed as grants by the department to:

(A) regional councils of government that have entered into interlocal agreements authorized under state law; and

(B) state agencies requiring emergency radio infrastructure; or

(5) be used for other public safety purposes.

(3) On page 26, strike lines 12-15 and substitute the following:

(b) The account consists of[-

~~(+)] fees deposited in the account as provided by Section 133.102(e)(9) [~~133.102(e)(11)~~], Local Government Code[; and~~

(4) Renumber the SECTIONS of ARTICLE 1 accordingly.

### Floor Amendment No. 2

Amend **CSSB 346** (house committee report) on page 13, between lines 12 and 13, by inserting the following:

Sec. 134.157. ACCOUNT FOR PROSECUTOR'S FEES. Money allocated under Section 134.102 to the account for prosecutor's fees maintained in the county treasury as required by Section 134.151 may be used by a county only to defray the costs of services provided by a prosecutor.

### Floor Amendment No. 3

Amend **CSSB 346** (house committee report) as follows:

(1) Strike page 42, line 19, through page 43, line 5, and substitute the following:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all finest and court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those finest and costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those finest and costs by performing community service or attending a tutoring program under Article 45.049 or under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; [or]

(3) waive all or part of those finest and costs under Article 45.0491; or

(4) take any combination of actions authorized by Subdivision (1), [or] (2), or (3).

(2) On page 120, line 27, strike "The" and substitute "Except as otherwise provided by this Act, the".



(3) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 4. \_\_\_\_. Article 45.051(a-1), Code of Criminal Procedure, as reenacted and amended by this Act, applies to a sentencing proceeding that commences before, on, or after the effective date of this Act.

(4) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_. ADMINISTRATIVE, CIVIL, AND CRIMINAL CONSEQUENCES IMPOSED ON PERSONS ARRESTED FOR, CHARGED WITH, OR CONVICTED OF CERTAIN CRIMINAL OFFENSES

SECTION \_\_.01. Chapter 1, Code of Criminal Procedure, is amended by adding Article 1.053 to read as follows:

Art. 1.053. PRESENT ABILITY TO PAY. Except as otherwise specifically provided, in determining a defendant's ability to pay for any purpose, the court shall consider only the defendant's present ability to pay.

SECTION \_\_.02. Article 43.015, Code of Criminal Procedure, is amended by adding Subdivision (3) to read as follows:

(3) "Cost" includes any fee imposed on a defendant by the court at the time a judgment is entered.

SECTION \_\_.03. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.035 to read as follows:

Art. 43.035. RECONSIDERATION OF FINE OR COSTS. (a) If a defendant notifies the court that the defendant has difficulty paying the fine and costs in compliance with the judgment, the court shall hold a hearing to determine whether that portion of the judgment imposes an undue hardship on the defendant.

(b) For purposes of Subsection (a), a defendant may notify the court by:

(1) voluntarily appearing and informing the court or the clerk of the court in the manner established by the court for that purpose;

(2) filing a motion with the court;

(3) mailing a letter to the court; or

(4) any other method established by the court for that purpose.

(c) If the court determines at the hearing under Subsection (a) that the portion of the judgment regarding the fine and costs imposes an undue hardship on the defendant, the court shall consider whether the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1).

(d) The court may decline to hold a hearing under Subsection (a) if the court:

(1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the portion of the judgment regarding the fine and costs does not impose an undue hardship on the defendant; or

(2) is able to determine without holding a hearing that:

(A) the applicable portion of the judgment imposes an undue hardship on the defendant; and

(B) the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1).

(e) The court retains jurisdiction for the purpose of making a determination under this article.

SECTION \_\_.04. The heading to Article 43.05, Code of Criminal Procedure, is amended to read as follows:

Art. 43.05. ISSUANCE AND RECALL OF CAPIAS PRO FINE [~~SHALL RECITE~~].

SECTION \_\_.05. Article 43.05(a-1), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant ~~[on the defendant's ability to satisfy the judgment]~~ and the defendant fails to:

- (1) ~~[the defendant fails to]~~ appear at the hearing; or
- (2) comply with an order issued under Subsection (a-3) as a result of the hearing ~~[based on evidence presented at the hearing, the court determines that the capias pro fine should be issued].~~

SECTION \_\_.06. Article 43.05, Code of Criminal Procedure, is amended by amending Subsection (a-2) and adding Subsections (a-3) and (a-4) to read as follows:

(a-2) If the court determines at the hearing under Subsection (a-1) that the judgment imposes an undue hardship on the defendant, the court shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 42.15(a-1). The court retains jurisdiction for the purpose of making a determination under this subsection.

(a-3) If the court determines at the hearing under Subsection (a-1) that the judgment does not impose an undue hardship on the defendant, the court shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made.

(a-4) The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant:

(1) provides notice to the court under Article 43.035 and a hearing is set under that article; or

(2) [the defendant] voluntarily appears and makes a good faith effort to resolve the capias pro fine [amount owed; and

[(2) the amount owed is resolved in any manner authorized by this code].

SECTION \_\_.07. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN. (a) A court may waive payment of all or part of a fine ~~[or costs]~~ imposed on a defendant if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine ~~[or costs]~~ or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine ~~[or cost]~~ under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

(b) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

- (1) significant physical or mental impairment or disability;
- (2) pregnancy and childbirth;
- (3) substantial family commitments or responsibilities, including child or dependent care;
- (4) work responsibilities and hours;
- (5) transportation limitations;
- (6) homelessness or housing insecurity; and
- (7) any other factor the court determines relevant.

(c) A court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

- (1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or
- (2) was, at the time the offense was committed, a child as defined by Article 45.058(h).

(d) This subsection applies only to a defendant placed on community supervision, including deferred adjudication community supervision, whose fine or costs are wholly or partly waived under this article. At any time during the defendant's period of community supervision, the court, on the court's own motion or by motion of the attorney representing the state, may reconsider the waiver of the fine or costs. After providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, the court may order the defendant to pay all or part of the waived amount of the fine or costs only if the court determines that the defendant has sufficient resources or income to pay that amount.

SECTION \_\_.08. Subchapter A, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.004 to read as follows:

Art. 45.004. GENERAL DEFINITION. In this chapter, "cost" includes any fee imposed on a defendant by the justice or judge at the time a judgment is entered.

SECTION \_\_.09. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Articles 45.0201 and 45.0445 to read as follows:

Art. 45.0201. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE. If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45.0445 or 45.045 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference.

Art. 45.0445. RECONSIDERATION OF FINE OR COSTS. (a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.

(b) For purposes of Subsection (a), a defendant may notify the justice or judge by:

- (1) voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;
- (2) filing a motion with the justice or judge;
- (3) mailing a letter to the justice or judge; or
- (4) any other method established by the justice or judge for that purpose.

(c) If the justice or judge determines at the hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article 45.041(a-1).

(d) The justice or judge may decline to hold a hearing under Subsection (a) if the justice or judge:

(1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or

(2) is able to determine without holding a hearing that:

(A) the judgment imposes an undue hardship on the defendant; and

(B) the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1).

(e) The justice or judge retains jurisdiction for the purpose of making a determination under this article.

SECTION \_\_.10. Article 45.045(a-2), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-2) The court may not issue a *capias pro fine* for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant ~~[on the defendant's ability to satisfy the judgment]~~ and the defendant fails to:

(1) ~~[the defendant fails to]~~ appear at the hearing; or

(2) comply with an order issued under Subsection (a-4) as a result of the hearing ~~[based on evidence presented at the hearing, the court determines that the *capias pro fine* should be issued].~~

SECTION \_\_.11. Article 45.045, Code of Criminal Procedure, is amended by amending Subsection (a-3) and adding Subsections (a-4) and (a-5) to read as follows:

(a-3) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1). The justice or judge retains jurisdiction for the purpose of making a determination under this subsection.

(a-4) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment does not impose an undue hardship on the defendant, the justice or judge shall order the defendant to comply with the judgment not later than the 30th day after the date the determination is made.

(a-5) The court shall recall a *capias pro fine* if, before the *capias pro fine* is executed, the defendant:

(1) provides notice to the justice or judge under Article 45.0445 and a hearing is set under that article; or

(2) ~~[the defendant]~~ voluntarily appears and makes a good faith effort to resolve the *capias pro fine* ~~[amount owed; and~~

~~[(2) the amount owed is resolved in any manner authorized by this chapter].~~

SECTION \_\_.12. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN. (a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine [~~or costs~~] imposed on a defendant if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine [~~or costs~~] or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine [~~or costs~~] under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs for purposes of Subsection (a) or (d) if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or

(2) is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a, or was so designated at the time of the offense.

(c) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

(1) significant physical or mental impairment or disability;

(2) pregnancy and childbirth;

(3) substantial family commitments or responsibilities, including child or dependent care;

(4) work responsibilities and hours;

(5) transportation limitations;

(6) homelessness or housing insecurity; and

(7) any other factors the court determines relevant.

(d) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2) was, at the time the offense was committed, a child as defined by Article 45.058(h).

SECTION \_\_.13. The following provisions of the Code of Criminal Procedure are repealed:

(1) Article 42.15(a-1), as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017;

(2) Article 43.05(a-1), as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017;

(3) Article 45.041(a-1), as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017; and

(4) Article 45.045(a-2), as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017.

SECTION \_\_.14. Notwithstanding Section 32, Chapter 977 (H.B. 351), and Section 28, Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, Section 706.006, Transportation Code, as amended by those Acts, applies to any fee assessed on or after the effective date of this Act, regardless of whether the offense, complaint, citation, or other violation giving rise to the fee occurred before, on, or after the effective date of this Act.

SECTION \_\_.15. Articles 1.053 and 45.0201, Code of Criminal Procedure, as added by this article, apply to a proceeding that commences before, on, or after the effective date of this Act.

SECTION \_\_.16. Articles 43.035 and 45.0445, Code of Criminal Procedure, as added by this article, apply to a notification received by a court on or after the effective date of this Act, regardless of whether the judgment of conviction was entered before, on, or after the effective date of this Act.

SECTION \_\_.17. The changes in law made by this article to Articles 43.091 and 45.0491, Code of Criminal Procedure, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION \_\_.18. The change in law made by this article to Articles 43.05 and 45.045, Code of Criminal Procedure, applies only to a *capias pro fine* issued on or after the effective date of this Act. A *capias pro fine* issued before the effective date of this Act is governed by the law in effect on the date the *capias pro fine* was issued, and the former law is continued in effect for that purpose.

#### **Floor Amendment No. 4**

Amend **CSSB 346** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_. COURT REPORTER SALARIES IN CERTAIN COUNTIES

SECTION \_\_.01. Section 52.051(d), Government Code, is amended to read as follows:

(d) The official district court reporter may not receive:

(1) a salary that is more than 10 percent greater than the salary received during the preceding budget year without the approval of the commissioners court of each county in the judicial district if the court reporter serves in a county with a population of less than 1 million; ~~or~~

(2) except as provided by Subdivision (3), a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation in that fiscal year to all other employees of the county in which the reporter serves if the court reporter serves in a county with a population of 1 million or more; or

(3) a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation in that fiscal year to all other employees of the county in which the reporter serves if the court reporter serves in a county with a population of 3.5 million or more, unless approved by the commissioners court.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 346** on third reading by striking the text of the Farrar amendment adopted on second reading.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 346**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Schwertner.

**SENATE BILL 667 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 667** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 667** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_ . Section 30.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a civil action, including a probate or guardianship proceeding, filed in a district court, county court, ~~[or]~~ statutory county court, or statutory probate court, each party or the party's attorney shall include in its initial pleading:

(1) the last three numbers of the party's driver's license number, if the party has been issued a driver's license; and

(2) the last three numbers of the party's social security number, if the party has been issued a social security number.

SECTION \_\_\_\_ . Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION \_\_\_\_ . Section 33.102(a), Estates Code, is amended to read as follows:

(a) If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the proper county by transmitting to the proper court in that county in electronic or paper form:

(1) the original file in the case; and

(2) certified copies of all entries that have been made in the judge's probate docket in the proceeding.

SECTION \_\_\_\_ . Section 33.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The transmittal under Subsection (b) of the original file and the certified copy of the index may be in electronic or paper form, except that an original will filed in the probate proceeding, if any, must be delivered to the court to which the proceeding is transferred.

SECTION \_\_\_\_ . Section 51.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's ~~clerk's~~ seal.

SECTION \_\_\_\_ . Section 202.054, Estates Code, is amended to read as follows:

Sec. 202.054. PERSONAL SERVICE OF CITATION MAY BE REQUIRED.

(a) The court may require that service of citation in a proceeding to declare heirship be made by personal service on some or all of those named as distributees in the application filed under Section 202.005.

(b) If a distributee to be cited under Subsection (a) is absent from or is not a resident of this state, any disinterested person competent to make an oath that the citation was served may serve the citation.

SECTION \_\_\_\_ . Section 351.351, Estates Code, is amended to read as follows:

Sec. 351.351. APPLICABILITY. This subchapter does not apply to:

(1) the appointment of an independent executor or administrator under Section 401.002 or 401.003(a); or

(2) the appointment of a successor independent administrator ~~executor~~ under Section 404.005.

SECTION \_\_\_\_ . Section 404.0036(b), Estates Code, is amended to read as follows:

(b) If an independent executor is removed by the court under Section 404.003 or 404.0035, the court may, on application, appoint a successor independent administrator ~~executor~~ as provided by Section 404.005.

SECTION \_\_\_\_ . The heading to Section 404.005, Estates Code, is amended to read as follows:

Sec. 404.005. COURT-APPOINTED SUCCESSOR INDEPENDENT ADMINISTRATOR ~~EXECUTOR~~.

SECTION \_\_\_\_ . Sections 404.005(a), (b), (c), (h), and (i), Estates Code, are amended to read as follows:

(a) If the will of a person who dies testate names an independent executor who, having qualified, fails for any reason to continue to serve, or is removed for cause by the court, and the will does not name a successor independent executor or if each successor executor named in the will fails for any reason to qualify as executor or indicates by affidavit filed with the application for an order continuing independent administration the successor executor's inability or unwillingness to serve as successor independent executor, all of the distributees of the decedent as of the filing of the application for an order continuing independent administration may apply to the probate court for the appointment of a qualified person, firm, or corporation to serve as successor independent administrator ~~executor~~. If the probate court finds that continued administration of the estate is necessary, the court shall enter an order continuing independent administration and appointing the person, firm, or corporation



designated in the application as successor independent administrator [~~executor~~], unless the probate court finds that it would not be in the best interest of the estate to do so. The successor independent administrator [~~executor~~] shall serve with all of the powers and privileges granted to the successor's predecessor independent executor.

(b) Except as otherwise provided by this subsection, if a distributee described in this section is an incapacitated person, the guardian of the person of the distributee may sign the application on behalf of the distributee. If the probate court finds that either the continuing of independent administration or the appointment of the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~] would not be in the best interest of the incapacitated person, then, notwithstanding Subsection (a), the court may not enter an order continuing independent administration of the estate. If the distributee is an incapacitated person and has no guardian of the person, the court may appoint a guardian ad litem to make application on behalf of the incapacitated person if the probate court considers such an appointment necessary to protect the interest of that distributee. If a distributee described in this section is a minor and has no guardian of the person, a natural guardian of the minor may sign the application for the order continuing independent administration on the minor's behalf unless a conflict of interest exists between the minor and the natural guardian.

(c) Except as otherwise provided by this subsection, if a trust is created in the decedent's will or if the decedent's will devises property to a trustee as described by Section 254.001, the person or class of persons entitled to receive property outright from the trust on the decedent's death and those first eligible to receive the income from the trust, determined as if the trust were to be in existence on the date of the filing of the application for an order continuing independent administration, shall, for the purposes of this section, be considered to be the distributee or distributees on behalf of the trust, and any other trust or trusts coming into existence on the termination of the trust, and are authorized to apply for an order continuing independent administration on behalf of the trust without the consent or agreement of the trustee or any other beneficiary of the trust, or the trustee or any beneficiary of any other trust which may come into existence on the termination of the trust. If a person considered to be a distributee under this subsection is an incapacitated person, the trustee or cotrustee may apply for the order continuing independent administration or sign the application on the incapacitated person's behalf if the trustee or cotrustee is not the person proposed to serve as the independent administrator [~~executor~~].

(h) If a successor independent administrator [~~executor~~] is appointed under this section, then, unless the probate court shall waive bond on application for waiver, the successor independent administrator [~~executor~~] shall be required to enter into bond payable to and to be approved by the judge and the judge's successors in a sum that is found by the judge to be adequate under all circumstances, or a bond with one surety in an amount that is found by the judge to be adequate under all circumstances, if the surety is an authorized corporate surety.

(i) Absent proof of fraud or collusion on the part of a judge, the judge may not be held civilly liable for the commission of misdeeds or the omission of any required act of any person, firm, or corporation designated as a successor independent administrator ~~[executor]~~ under this section. Section 351.354 does not apply to an appointment of a successor independent administrator ~~[executor]~~ under this section.

SECTION \_\_\_\_ . Section 452.006, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The appointee shall file with the court proof of service of the notice required under Subsection (a) in the manner provided by Section 51.103(b)(3).

SECTION \_\_\_\_ . Section 503.002, Estates Code, is amended to read as follows:

Sec. 503.002. RECORDING OF CERTAIN FOREIGN TESTAMENTARY INSTRUMENTS IN LANGUAGE OTHER THAN ENGLISH [ORIGINAL SIGNATURES NOT REQUIRED]. (a) An authenticated copy of a will or other testamentary instrument described by Section 503.001(a), along with a copy of the judgment, order, or decree by which the instrument was admitted to probate that has the attestation and certificate required by Section 501.002(c), that is written in whole or in part in a language other than English may be filed for recording in the deed records in any county in this state in which the land conveyed or disposed of in the instrument is located if:

(1) a correct English translation is recorded with the authenticated copies of the will or other testamentary instrument and judgment, order, or decree by which the instrument was admitted to probate; and

(2) the accuracy of the translation is sworn to before an officer authorized to administer oaths [Notwithstanding Section 501.002(e), the original signatures required by that section may not be required for a recordation in the deed records in accordance with Section 503.001 or for a purpose described by Section 503.051 or 503.052].

(b) The recording of an authenticated copy of a will or other testamentary instrument and a copy of the judgment, order, or decree in the manner provided by Subsection (a) operates as constructive notice from the date of filing to all persons of the:

(1) existence of the instrument; and

(2) title or titles conferred by the instrument.

SECTION \_\_\_\_ . Section 1023.006, Estates Code, is amended to read as follows:

Sec. 1023.006. TRANSFER OF RECORD. When an order of transfer is made under Section 1023.005, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit in electronic or paper form to the county clerk of the county to which the guardianship was ordered transferred:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

SECTION \_\_\_\_ . Section 1023.007, Estates Code, is amended to read as follows:

Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred.

SECTION \_\_\_\_. Section 1051.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's [~~clerk's~~] seal.

SECTION \_\_\_\_. The heading to Chapter 1054, Estates Code, is amended to read as follows:

CHAPTER 1054. COURT OFFICERS, ~~[AND]~~ COURT-APPOINTED PERSONS,  
AND ATTORNEYS

SECTION \_\_\_\_. The heading to Subchapter E, Chapter 1054, Estates Code, is amended to read as follows:

SUBCHAPTER E. QUALIFICATIONS TO SERVE AS ~~[COURT-APPOINTED]~~  
ATTORNEY

SECTION \_\_\_\_. Section 1054.201, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), an ~~[An]~~ attorney representing any person's interests [~~for an applicant for guardianship and a court-appointed attorney~~] in a guardianship proceeding, including an attorney ad litem, must be certified by the State Bar of Texas, or a person or other entity designated by the state bar, as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or the state bar's designee.

(c) An attorney may commence representation of a person's interests and file an appearance in a guardianship proceeding before completing the course required for certification under Subsection (a), but must complete the course not later than the 14th day after the date of filing the appearance and before filing any substantive motion in the guardianship proceeding.

SECTION \_\_\_\_. Section 1101.001(b), Estates Code, is amended to read as follows:

(b) The application must be sworn to by the applicant and state:

(1) the proposed ward's name, sex, date of birth, and address;

(2) the name, former name, if any, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3) whether guardianship of the person or estate, or both, is sought;

(3-a) whether alternatives to guardianship and available supports and services to avoid guardianship were considered;

(3-b) whether any alternatives to guardianship and supports and services available to the proposed ward considered are feasible and would avoid the need for a guardianship;

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election;

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code; and

(C) the right of a proposed ward to make personal decisions regarding residence;

(5) the facts requiring the appointment of a guardian;

(6) the interest of the applicant in the appointment of a guardian;

(7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;

(8) the name and address of any person or institution having the care and custody of the proposed ward;

(9) the approximate value and a detailed description of the proposed ward's property, including:

(A) liquid assets, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled; and

(B) non-liquid assets, including real property;

(10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(11) for a proposed ward who is a minor, the following information if known by the applicant:

(A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and

(C) if each of the proposed ward's parents and adult siblings are deceased, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:

(A) the court involved;

(B) the nature of the proceeding; and

(C) any final disposition of the proceeding;

(13) for a proposed ward who is an adult, the following information if known by the applicant:

(A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;

(B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;

(D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and

(E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(14) facts showing that the court has venue of the proceeding; and

(15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION \_\_\_\_. Section 1101.153(a), Estates Code, is amended to read as follows:

(a) A court order appointing a guardian must:

(1) specify:

(A) [~~(1)~~] the name of the person appointed;

(B) [~~(2)~~] the name of the ward;

(C) [~~(3)~~] whether the guardian is of the person or estate of the ward, or

both;

(D) [~~(4)~~] the amount of any bond required;

(E) [~~(5)~~] if it is a guardianship of the estate of the ward and the court considers an appraisal to be necessary, one, two, or three disinterested persons to appraise the estate and to return the appraisal to the court; and

(F) [~~(6)~~] that the clerk will issue letters of guardianship to the person appointed when the person has qualified according to law; and

(2) if the court waives the guardian's training requirement, contain a finding that the waiver is in accordance with rules adopted by the supreme court under Section 155.203, Government Code.

SECTION \_\_\_\_. Section 1104.402, Estates Code, is amended to read as follows:

Sec. 1104.402. COURT CLERK'S DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION[~~;- AUTHORITY TO CHARGE FEE~~]. [~~(a)~~] Except as provided by Section [~~1104.403~~], 1104.404[;], or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:

(1) a private professional guardian;

(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3) each person employed by a private professional guardian who will:

(A) have personal contact with a ward or proposed ward;

(B) exercise control over and manage a ward's estate; or

(C) perform any duties with respect to the management of a ward's estate;

(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or

(5) any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

~~[(b) The clerk may charge a \$10 fee to recover the costs of obtaining criminal history record information under Subsection (a).]~~

SECTION \_\_\_\_. Section 1104.405(a), Estates Code, is amended to read as follows:

(a) Criminal history record information obtained or provided under Section 1104.402~~[, 1104.403,]~~ or 1104.404 is privileged and confidential and is for the exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the person being investigated.

SECTION \_\_\_\_. Subchapter A, Chapter 1151, Estates Code, is amended by adding Section 1151.005 to read as follows:

Sec. 1151.005. LEGAL PROCEEDINGS IN WHICH WARD IS PARTY OR WITNESS. The guardian of the person or of the estate of a ward may not be excluded from attending a legal proceeding in which the ward is:

(1) a party; or

(2) participating as a witness.

SECTION \_\_\_\_. Section 1253.001, Estates Code, is amended to read as follows:

Sec. 1253.001. APPLICATION TO TRANSFER GUARDIANSHIP TO FOREIGN JURISDICTION. On application of the guardian or on the court's own motion, a [A guardian of the person or estate may apply to the] court that has jurisdiction over the guardianship may [to] transfer the guardianship to a court in a foreign jurisdiction to which the ward has permanently moved.

SECTION \_\_\_\_. Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a) Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), ~~and~~ (a-3), and (a-5) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-5) A bond executed under Subsection (a-1) by the judge elected or appointed to a statutory county court or an insurance policy obtained under Subsection (a-3) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION \_\_\_\_. Section 25.00231, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsection (e), a bond executed under Subsection (b) by the judge elected or appointed to a statutory probate court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION \_\_\_\_. Section 26.001, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A bond executed under Subsection (a) by the judge elected or appointed to a county court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION \_\_\_\_. Section 81.114, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The state bar shall provide a course of instruction for attorneys who represent any person's interests [~~parties~~] in guardianship cases or who serve as court-appointed guardians.

(e) The course of instruction described by this section must be low-cost and available to persons throughout this state, including on the Internet provided through the state bar.

SECTION \_\_\_\_. Section 1104.403, Estates Code, is repealed.

SECTION \_\_\_\_. (a) Section 202.054, Estates Code, as amended by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(b) Section 452.006(c), Estates Code, as added by this Act, applies only to a temporary administrator appointed on or after the effective date of this Act. A temporary administrator appointed before the effective date of this Act is governed by the law in effect on the date the administrator was appointed, and the former law is continued in effect for that purpose.

(c) Section 503.002, Estates Code, as amended by this Act, applies only to a copy of a testamentary instrument or other document filed for recording on or after the effective date of this Act. A copy of a testamentary instrument or other document filed before the effective date of this Act is governed by the law in effect on the date the instrument or document was filed, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act to Sections 25.0006, 25.00231, and 26.001, Government Code, apply only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. An insurance policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) On page 20, lines 17 and 18, strike "Sections 1155.054(d) and 1155.151(a), Estates Code" and substitute "Sections 1054.201, 1101.153, 1155.054(d), and 1155.151(a), Estates Code".

(3) On page 21, between lines 19 and 20, insert the following:

(g) Section 1101.001, Estates Code, as amended by this Act, applies only to an application for the appointment of a guardian filed on or after the effective date of this Act. An application for the appointment of a guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

**Floor Amendment No. 2**

Amend **SB 667** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 1002, Estates Code, is amended by adding Sections 1002.0215 and 1002.0265 to read as follows:

Sec. 1002.0215. OFFICE OF PUBLIC GUARDIAN. "Office of public guardian" means an office of public guardian established by the commissioners court of a county under Subchapter G-1, Chapter 1104.

Sec. 1002.0265. PUBLIC GUARDIAN. "Public guardian" means a person:

(1) appointed to administer an office of public guardian by the commissioners court of a county under Subchapter G-1, Chapter 1104; or

(2) with which one or more counties enter into an agreement under Section 1104.327(a)(2) or (d).

SECTION \_\_\_\_\_. Section 1104.251(a), Estates Code, is amended to read as follows:

(a) An individual must be certified under Subchapter C, Chapter 155, Government Code, if the individual:

(1) is a private professional guardian;

(2) will represent the interests of a ward as a guardian on behalf of a private professional guardian;

(3) is providing guardianship services to a ward of a guardianship program on the program's behalf, except as provided by Section 1104.254; ~~[or]~~

(4) is an employee of the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ providing guardianship services to a ward of the commission;

(5) is a public guardian; or

(6) will represent the interests of a ward as a guardian on behalf of a public guardian ~~[department].~~

SECTION \_\_\_\_\_. Chapter 1104, Estates Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. PUBLIC GUARDIANS

Sec. 1104.326. DEFINITION. In this subchapter, unless the context otherwise requires, "office" means an office of public guardian established under this subchapter.

Sec. 1104.327. ESTABLISHMENT OF OFFICES; PUBLIC GUARDIANS.

(a) The commissioners court of a county by order may:

(1) create an office of public guardian to provide guardianship services described by Section 1104.334 to incapacitated persons; or

(2) enter into an agreement with a person operating a nonprofit guardianship program or private professional guardianship program located in the county or in an adjacent county to act as a public guardian by providing guardianship services described by Section 1104.334 to incapacitated persons.

(b) Subject to Subsection (c) and Section 1104.328, the commissioners court of a county shall appoint an individual as public guardian to administer the office of public guardian established under Subsection (a)(1) and may employ or authorize the



public guardian to employ personnel necessary to perform the duties of the office, including personnel who will represent the interests of a ward as a guardian on behalf of the office if approved by the commissioners court.

(c) The commissioners court of a county may enter into an agreement with an individual to act as public guardian under Subsection (b) on a part-time basis with appropriate compensation if:

(1) the commissioners court determines a full-time appointment does not serve the needs of the county; and

(2) the individual who is appointed on a part-time basis is not employed in or does not hold another position that presents a conflict of interest.

(d) The commissioners courts of two or more counties may collectively enter into an agreement:

(1) to create and fund an office of public guardian for purposes of Subsection (a)(1) and to appoint the same individual as public guardian to that office under Subsection (b); or

(2) with a person operating a guardianship program described by Subsection (a)(2) to serve as a public guardian for purposes of that subdivision.

(e) An individual appointed as public guardian under Subsection (b) serves a term of five years.

Sec. 1104.328. QUALIFICATIONS OF PUBLIC GUARDIAN. To be appointed as public guardian under Section 1104.327(b), an individual must:

(1) be a licensed attorney or be certified under Subchapter C, Chapter 155, Government Code; and

(2) have demonstrable guardianship experience.

Sec. 1104.329. CONFLICT OF INTEREST. (a) Except as provided by Subsection (b), an office or public guardian must be independent from providers of services to wards and proposed wards and may not directly provide housing, medical, legal, or other direct, non-surrogate decision-making services to a ward or proposed ward, unless approved by the court.

(b) An office or public guardian may provide money management services described by Section 531.125, Government Code, or other representative payee services to a ward or proposed ward.

Sec. 1104.330. COMPENSATION. A person appointed or acting as public guardian under Section 1104.327 shall receive compensation as set by the commissioners court and is not entitled to compensation under Subchapter A, Chapter 1155, unless approved by the court or the person is appointed as guardian of a ward in accordance with Section 1104.334(a)(2)(B).

Sec. 1104.331. BOND REQUIREMENT. (a) A public guardian shall file with the court clerk a general bond in an amount fixed by the commissioners court payable to the county and issued by a surety company approved by the county judge. The bond must be conditioned on the faithful performance by the person of the person's duties and, if the public guardian administers an office, the office's duties.

(b) The bond required by this section satisfies any bond required under Chapter 1105.

Sec. 1104.332. VACANCY. If an individual appointed as public guardian under Section 1104.327(b) vacates the position, the commissioners court shall appoint, subject to Section 1104.328, an individual to serve as public guardian for the unexpired term.

Sec. 1104.333. POWERS AND DUTIES. (a) An office or public guardian shall:

(1) if applicable, evaluate the financial status of a proposed ward to determine whether the proposed ward is eligible to have the office or public guardian appointed guardian of the ward under Section 1104.334(a)(2)(A); and

(2) serve as guardian of the person or of the estate of a ward, or both, on appointment by a court in accordance with the requirements of this title.

(b) In connection with a financial evaluation under Subsection (a)(1) and on the request of an office or public guardian, a court with jurisdiction over the guardianship proceeding may order the release of public and private records, including otherwise confidential records, to the office or public guardian.

(c) Notwithstanding Section 552.261, Government Code, a state agency may not charge an office or public guardian for providing the office or public guardian with a copy of public information requested from the agency by the office or public guardian.

Sec. 1104.334. APPOINTMENT OF OFFICE OR PUBLIC GUARDIAN AS GUARDIAN. (a) In accordance with applicable law, including Subchapter C, Chapter 1101, a court may appoint an office or public guardian to serve as guardian of the person or of the estate of a ward, or both, if:

(1) on the date the guardianship application is filed, the ward resides in or is located in the county served by the office or public guardian; and

(2) the court finds that the ward:

(A) does not have sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian and the appointment is in the ward's best interest; or

(B) has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian, the appointment is in the ward's best interest, and:

(i) the ward's family members who are eligible for appointment as the ward's guardian agree to the appointment of an office or public guardian to serve as the ward's guardian or are unable to agree on the person or persons that should be appointed as the ward's guardian; or

(ii) the ward does not have a family member, friend, or other suitable person willing and able to serve as the ward's guardian.

(b) For purposes of Subsection (a)(2), the determination of a ward's ability to pay a private professional guardian is dependent on:

(1) the nature, extent, and liquidity of the ward's assets;

(2) the ward's disposable net income, including income of a recipient of medical assistance that is used to pay expenses under Section 1155.202(a);

(3) the nature of the guardianship;

(4) the type, duration, and complexity of services required by the ward; and

(5) additional, foreseeable expenses.

(c) The number of appointments of an office under this section may not exceed 35 wards for each guardian representing the interests of wards on behalf of the office.

(d) If each guardian representing the interests of wards on behalf of an office reaches the limitation provided by Subsection (c), the office shall immediately give notice to the courts.

Sec. 1104.335. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION. (a) All files, reports, records, communications, or working papers used or developed by an office or public guardian in the performance of duties relating to a financial evaluation under Section 1104.333(a)(1) or the provision of guardianship services are confidential and not subject to disclosure under Chapter 552, Government Code.

(b) Confidential information may be disclosed only for a purpose consistent with this subchapter, as required by other state or federal law, or as necessary to enable an office or public guardian to exercise the powers and duties as guardian of the person or of the estate of a ward, or both.

(c) A court on its own motion or on the motion of an interested person may order disclosure of confidential information only if:

(1) a hearing on the motion is conducted;

(2) notice of the hearing is served on the office or public guardian and each interested person; and

(3) the court determines after the hearing and an in camera review of the information that disclosure is essential to the administration of justice and will not endanger the life or safety of any individual who:

(A) is being assessed for guardianship services;

(B) is a ward of the office or public guardian; or

(C) provides services to a ward of the office or public guardian.

(d) The Office of Court Administration of the Texas Judicial System shall establish policies and procedures for the exchange of information between offices, public guardians, and other appropriate governmental entities, as necessary for offices, public guardians, and governmental entities to properly execute their respective duties and responsibilities relating to guardianship services or other needed services for a ward. An exchange of information under this subsection does not constitute a release for purposes of waiving the confidentiality of the information exchanged.

(e) To the extent consistent with policies and procedures adopted by an office or public guardian, the office or public guardian on request may release confidential information in the record of an individual who is a former ward of the office or public guardian to:

(1) the individual;

(2) the individual's guardian; or

(3) an executor or administrator of the individual's estate.

(f) Before releasing confidential information under Subsection (e), an office or public guardian shall edit the information to protect the identity of any individual whose life or safety may be endangered by the release. A release of information under Subsection (e) does not constitute a release for purposes of waiving the confidentiality of the information released.

Sec. 1104.336. CERTAIN ADMINISTRATIVE COSTS. (a) If an office or public guardian is appointed guardian of the person or of the estate of a ward, or both, the administrative costs of the guardianship services provided to the ward may not be charged to the ward's estate unless the court determines, subject to Subsection (b), that the ward is financially able to pay all or part of the costs.

(b) A court shall measure a ward's ability to pay for costs under Subsection (a) by whether the ward has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian in accordance with Section 1104.334(b).

Sec. 1104.337. OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL SYSTEM; REPORT. (a) Not later than December 1 of each even-numbered year, the Office of Court Administration of the Texas Judicial System shall submit a report to the governor and the legislature that contains an evaluation of public guardians established under this subchapter, including the establishment and operation of offices of public guardians under this subchapter and the provision of guardianship services by the offices. The report must include:

(1) an analysis of costs and offsetting savings or other benefits to the state as a result of the establishment and operation of offices and public guardians under this subchapter; and

(2) recommendations for legislation, if any.

(b) If it is cost-effective and feasible, the Office of Court Administration of the Texas Judicial System may contract with an appropriate research or public policy entity with expertise in gerontology, disabilities, and public administration to conduct the analysis described by Subsection (a)(1).

Sec. 1104.338. RULES. The supreme court, in consultation with the Office of Court Administration of the Texas Judicial System and the presiding judge of the statutory probate courts elected under Section 25.0022, Government Code, shall adopt rules necessary to implement this subchapter.

SECTION \_\_\_\_. Section 1104.402(a), Estates Code, is amended to read as follows:

(a) Except as provided by Section 1104.403, 1104.404, or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:

- (1) a private professional guardian;
- (2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;
- (3) each person employed by a private professional guardian who will:
  - (A) have personal contact with a ward or proposed ward;
  - (B) exercise control over and manage a ward's estate; or
  - (C) perform any duties with respect to the management of a ward's estate;

(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; ~~or~~

- (5) a public guardian appointed under Section 1104.327(b);

(6) each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;

(7) each person employed by an office of public guardian who will:

(A) have personal contact with a ward or proposed ward;

(B) exercise control over and manage a ward's estate; or

(C) perform any duties with respect to the management of a ward's estate; or

(8) any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION \_\_\_\_\_. Section 1104.409, Estates Code, is amended to read as follows:

Sec. 1104.409. USE OF INFORMATION BY COURT. The court shall use the information obtained under this subchapter only in determining whether to:

(1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, an office of public guardian, or the Health and Human Services Commission [department]; or

(2) appoint any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION \_\_\_\_\_. Section 1155.151(a-2), Estates Code, is amended to read as follows:

(a-2) Notwithstanding any other law requiring the payment of court costs in a guardianship proceeding, the following are not required to pay court costs on the filing of or during a guardianship proceeding:

(1) an attorney ad litem;

(2) a guardian ad litem;

(3) a person or entity who files an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the person or entity is unable to afford the costs;

(4) a nonprofit guardianship program;

(5) a governmental entity, including an office of public guardian; and

(6) a government agency or nonprofit agency providing guardianship services.

SECTION \_\_\_\_\_. Section 101.0814, Government Code, is amended to read as follows:

Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(2) civil court actions (Sec. 118.052, Local Government Code):

(A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):

- (i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and
- (ii) all others (Sec. 118.052, Local Government Code) . . . \$40;
- (B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and
- (C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):
  - (i) abstract of judgment (Sec. 118.052, Local Government Code) . . . \$5; and
  - (ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . \$5;
- (3) probate court actions (Sec. 118.052, Local Government Code):
  - (A) probate original action (Secs. 118.052 and 118.055, Local Government Code):
    - (i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;
    - (ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;
    - (iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;
    - (iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;
    - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and
    - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;
  - (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
    - (i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
    - (ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;
    - (iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;
    - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;
    - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;
    - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and
    - (vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;
  - (C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;

(D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;

(E) supplemental public [~~court initiated~~] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and

(F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

(4) other fees (Sec. 118.052, Local Government Code):

(A) issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and

(ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;

(B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . \$5;

(5) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10;

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42;

(7) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(8) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(9) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20; and

(10) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35.

SECTION \_\_\_\_\_. Section 101.1013, Government Code, is amended to read as follows:

Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10;

(2) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

(3) probate court actions (Sec. 118.052, Local Government Code):

(A) probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;

(ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;

(iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;

(iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;

(v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and

(vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;

(B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

(ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;

(iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;

(iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;

(v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;

(vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and



(vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;

(C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;

(D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;

(E) supplemental public ~~[court-initiated]~~ guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and

(F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

(4) other fees (Sec. 118.052, Local Government Code):

(A) issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and

(ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;

(B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35.

SECTION \_\_\_\_\_. Section 101.1214, Government Code, is amended to read as follows:

Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Local Government Code:

(1) additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

- (2) civil court actions (Sec. 118.052, Local Government Code):
- (A) filing of original action (Secs. 118.052 and 118.053, Local Government Code):
    - (i) garnishment after judgment (Sec. 118.052, Local Government Code) . . . \$15; and
    - (ii) all others (Sec. 118.052, Local Government Code) . . . \$40;
  - (B) filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . \$30; and
  - (C) services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):
    - (i) abstract of judgment (Sec. 118.052, Local Government Code) . . . \$5; and
    - (ii) execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . \$5;
- (3) probate court actions (Sec. 118.052, Local Government Code):
- (A) probate original action (Secs. 118.052 and 118.055, Local Government Code):
    - (i) probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . \$40;
    - (ii) community survivors (Sec. 118.052, Local Government Code) . . . \$40;
    - (iii) small estates (Sec. 118.052, Local Government Code) . . . \$40;
    - (iv) declarations of heirship (Sec. 118.052, Local Government Code) . . . \$40;
    - (v) mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . \$40; and
    - (vi) additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . \$5;
  - (B) services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):
    - (i) filing an inventory and appraisal (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
    - (ii) approving and recording bond (Sec. 118.052, Local Government Code) . . . \$3;
    - (iii) administering oath (Sec. 118.052, Local Government Code) . . . \$2;
    - (iv) filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . \$25;
    - (v) filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . \$25;
    - (vi) filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . \$10; and

(vii) filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . \$25;

(C) adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . \$40;

(D) claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . \$10;

(E) supplemental public ~~[court-initiated]~~ guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20; and

(F) supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

(4) other fees (Sec. 118.052, Local Government Code):

(A) issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i) original document and one copy (Sec. 118.052, Local Government Code) . . . \$4; and

(ii) each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . \$4;

(B) certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i) for the clerk's certificate (Sec. 118.052, Local Government Code) . . . \$5; and

(ii) a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . \$1;

(C) noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . \$1;

(D) letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

(E) safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . \$5;

(F) mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G) records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . \$5;

(5) deposit on filing petition requesting permission to create a municipal civic center authority (Sec. 281.013, Local Government Code) . . . \$200;

(6) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(7) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(8) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(9) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35;

(10) additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$10; and

(11) on the filing of a civil suit an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42.

SECTION \_\_\_\_\_. Section 155.001, Government Code, is amended by amending Subdivisions (4), (6), and (6-a) and adding Subdivisions (5-a) and (6-b) to read as follows:

(4) "Guardianship program" means a local, county, or regional program, other than an office of public guardian, that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person's own welfare or financial affairs.

(5-a) "Office of public guardian" has the meaning assigned by Section 1002.0215, Estates Code.

(6) "Private professional guardian" means a person, other than an attorney, ~~[or]~~ a corporate fiduciary, or an office of public guardian, who is engaged in the business of providing guardianship services.

(6-a) "Public guardian" has the meaning assigned by Section 1002.0265, Estates Code.

(6-b) Notwithstanding Section 151.001, "registration" means registration of a guardianship under this chapter.

SECTION \_\_\_\_\_. Subchapter B, Chapter 155, Government Code, is amended by adding Section 155.053 to read as follows:

Sec. 155.053. MONITORING OF COUNTY PUBLIC GUARDIANSHIP AND RELATED SERVICES FUNDS. The office shall monitor counties to ensure money is appropriately deposited into the public guardianship and related services funds established by counties under Section 118.067, Local Government Code, and being used in compliance with that section. Not later than December 1 of each year, the office shall submit a report to the legislature detailing how money in the funds is being used by counties across the state.

SECTION \_\_\_\_\_. Section 155.101(a), Government Code, is amended to read as follows:

(a) The commission shall adopt minimum standards for:

(1) the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A) individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs; and

(B) private professional guardians; ~~and~~

(2) the provision of guardianship services by the Health and Human Services Commission; and

(3) the provision of guardianship services by offices of public guardians [Department of Aging and Disability Services or its successor agency].

SECTION \_\_\_\_\_. Section 155.102(a), Government Code, is amended to read as follows:

(a) To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1) an individual who is a private professional guardian;

(2) an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; ~~and~~

(3) an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ on the program's or commission's ~~[department's]~~ behalf;

(4) an individual who is a public guardian; and

(5) an individual who will provide those services to a ward of an office of public guardian.

SECTION \_\_\_\_\_. Section 155.105, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Not later than January 31 of each year, each office of public guardian shall provide to the commission a report containing for the preceding year:

(1) the number of wards served by the office;

(2) the total amount of any money received from this state for the provision of guardianship services; and

(3) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

SECTION \_\_\_\_\_. Section 411.1386(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsections (a-1), (a-5), and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall obtain from the department criminal history record information maintained by the department that relates to:

(1) a private professional guardian;

(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3) each person employed by a private professional guardian who will:

(A) have personal contact with a ward or proposed ward;

(B) exercise control over and manage a ward's estate; or

(C) perform any duties with respect to the management of a ward's estate;

(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; ~~or~~

(5) a public guardian, as defined by Section 1002.0265(1), Estates Code;

(6) each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;

(7) each person employed by an office of public guardian, as defined by Section 1002.0215, Estates Code, who will:

(A) have personal contact with a ward or proposed ward;

(B) exercise control over and manage a ward's estate; or

(C) perform any duties with respect to the management of a ward's estate; or

(8) any other person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION \_\_\_\_\_. Section 161.103, Human Resources Code, is amended to read as follows:

Sec. 161.103. CONTRACT FOR GUARDIANSHIP SERVICES. (a) If appropriate, the commission [~~department~~] may contract with a political subdivision of this state, a guardianship program as defined by Section 1002.016, Estates Code, a private agency, or another state agency for the provision of guardianship services under this section.

(b) A contract under Subsection (a) may allow for the provision of guardianship services by an office of public guardian, as defined by Section 1002.0215, Estates Code.

SECTION \_\_\_\_\_. Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1) CIVIL COURT ACTIONS

(A) Filing of Original Action (Sec. 118.053):

(i) Garnishment after judgment . . . \$15.00

(ii) All others . . . \$40.00

(B) Filing of Action Other than Original (Sec. 118.054) . . . \$30.00

(C) Services Rendered After Judgment in Original Action (Sec. 118.0545):

(i) Abstract of judgment . . . \$ 5.00

(ii) Execution, order of sale, writ, or other process . . . \$ 5.00

(2) PROBATE COURT ACTIONS

(A) Probate Original Action (Sec. 118.055):

(i) Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00

(ii) Community survivors . . . \$40.00

(iii) Small estates . . . \$40.00

(iv) Declarations of heirship . . . \$40.00

(v) Mental health or chemical dependency services . . . \$40.00

(vi) Additional, special fee (Sec. 118.064) . . . \$ 5.00

(B) Services in Pending Probate Action (Sec. 118.056):

(i) Filing an inventory and appraisal as provided by Section 118.056(d) . . . \$25.00

(ii) Approving and recording bond . . . \$ 3.00

(iii) Administering oath . . . \$ 2.00

(iv) Filing annual or final account of estate . . . \$25.00

(v) Filing application for sale of real or personal property . . .

\$25.00

(vi) Filing annual or final report of guardian of a person . . . \$10.00

(vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . \$25.00

(C) Adverse Probate Action (Sec. 118.057) . . . \$40.00

(D) Claim Against Estate (Sec. 118.058) . . . \$10.00

(E) Supplemental Public ~~[Court-Initiated]~~ Guardianship and Related Services Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . \$20.00

(F) Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . \$10.00

(3) OTHER FEES

(A) Issuing Document (Sec. 118.059):

original document and one copy . . . \$ 4.00

each additional set of an original and one copy . . . \$ 4.00

(B) Certified Papers (Sec. 118.060):

for the clerk's certificate . . . \$ 5.00

plus a fee per page or part of a page of . . . \$ 1.00

(C) Noncertified Papers (Sec. 118.0605):

for each page or part of a page . . . \$ 1.00

(D) Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . \$ 2.00

(E) Deposit and Safekeeping of Wills (Sec. 118.062) . . . \$ 5.00

(F) Mail Service of Process (Sec. 118.063) . . . same as sheriff

(G) Records Management and Preservation Fee . . . \$ 5.00

(H) Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . \$ 2.00

SECTION \_\_\_\_ . Section 118.067, Local Government Code, is amended to read as follows:

Sec. 118.067. SUPPLEMENTAL PUBLIC ~~[COURT INITIATED]~~ GUARDIANSHIP AND RELATED SERVICES FEE. (a) The "supplemental public ~~[court initiated]~~ guardianship and related services fee" under Section 118.052(2)(E) is for the support of guardianship services provided by public guardians, as defined by Section 1002.0265 ~~[the judiciary in guardianships initiated under Chapter 1102]~~, Estates Code, or guardianship and other less restrictive alternative services provided to indigent incapacitated persons who do not have family members suitable and willing to serve as guardians or provide less restrictive alternative services. Fees collected under Section 118.052(2)(E) shall be deposited in a public ~~[court initiated]~~

guardianship and related services fund in the county treasury and may be used only to supplement, rather than supplant, other available county funds used to fund guardianship services or other less restrictive alternative services provided to individuals who are indigent[-

~~[(1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates Code;~~

~~[(2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102, Estates Code; and~~

~~[(3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians].~~

(b) The supplemental public ~~[court initiated]~~ guardianship and related services fee is charged for:

(1) a probate original action described by Section 118.055 and for which a fee is charged in accordance with Section 118.052(2)(A)(i), (ii), (iii), (iv), or (v); and

(2) an adverse probate action described by Section 118.057 and for which a fee is charged in accordance with Section 118.052(2)(C).

(c) The supplemental public ~~[court initiated]~~ guardianship and related services fee must be paid by the person against whom the fee for a probate original action or adverse probate action, as applicable, is charged and is due at the time that fee is due.

(d) The supplemental public ~~[court initiated]~~ guardianship and related services fee is in addition to all other fees charged in probate original actions and adverse probate actions.

SECTION \_\_\_\_\_. Not later than January 1, 2020, the supreme court shall adopt rules necessary to implement Subchapter G-1, Chapter 1104, Estates Code, as added by this Act, including rules governing the transfer of a guardianship of the person or of the estate of a ward, or both, if appropriate, to an office of public guardian established under that subchapter or a public guardian contracted under that subchapter.

(2) On page 10, line 3, between "," and "or", insert "an office of public guardian".

(3) On page 12, line 24, between "," and "or", insert "an office of public guardian".

(4) On page 21, between lines 19 and 20, insert the following:

(g) The following provisions of this Act apply only to the appointment of a guardian of the person or of the estate of a ward, or both, made on or after July 1, 2020:

(1) Sections 1002.0215 and 1002.0265 and Subchapter G-1, Chapter 1104, Estates Code, as added by this Act;

(2) Sections 1104.251(a), 1104.402(a), 1104.409, 1155.151(a-2), 1163.005(a), and 1163.101(c), Estates Code, as amended by this Act;

(3) Sections 101.0814, 101.1013, 101.1214, 155.001(4), (6), and (6-a), 155.101(a), 155.102(a), and 411.1386(a), Government Code, as amended by this Act;

(4) Sections 155.001(5-a) and (6-b), 155.053, and 155.105(b-1), Government Code, as added by this Act;



(5) Section 161.103, Human Resources Code, as amended by this Act; and

(6) Sections 118.052 and 118.067, Local Government Code, as amended by this Act.

(h) Notwithstanding any other law, a person who, immediately before July 1, 2020, is serving as guardian of the person or of the estate of a ward, or both, who, under Section 1104.334, Estates Code, as added by this Act, would be eligible for appointment of an office of public guardian as the ward's guardian, may continue to serve as guardian of the person or of the estate of the ward, or both, unless otherwise removed as provided by law.

### Floor Amendment No. 3

Amend **SB 667** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

(1) personal delivery of [delivering] a copy of the notice or document by a constable or sheriff of the county; [in person] or

(2) [in] another manner directed by the court that is reasonably calculated to give actual notice.

SECTION \_\_\_\_\_. Section 571.014(c), Health and Safety Code, is amended to read as follows:

(c) A person may [initially] file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of [if the person files] the original signed copies of the paper. A person who files a reproduced, photocopied, or electronically transmitted paper must maintain possession of the original signed copies of the paper and shall make the original paper available for inspection on request by the parties or the court [with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person].

SECTION \_\_\_\_\_. Section 571.014(d), Health and Safety Code, is repealed.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 667**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1210 WITH HOUSE AMENDMENT**

Senator Hancock called **SB 1210** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 1210** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the removal, destruction, and disposal of certain alcoholic beverages that become unfit for consumption after a natural disaster.

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

SECTION 1. The heading to Subchapter A, Chapter 109, Alcoholic Beverage Code, is amended to read as follows:

SUBCHAPTER A. SALVAGED AND INSURED LOSSES; UNINSURED LOSSES

SECTION 2. Subchapter A, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.09 to read as follows:

Sec. 109.09. REMOVAL, DESTRUCTION, AND DISPOSAL OF UNINSURED BEVERAGES UNFIT FOR CONSUMPTION. (a) Uninsured ale, malt liquor, or beer that becomes unfit for public consumption, as described by Section 103.07(b), may be removed from the inventory of a retailer and destroyed and disposed of if the holder of the brewer's permit or manufacturer's license who manufactured the beverage and the wholesaler or distributor who distributed the beverage jointly determine that the beverage:

(1) became unfit for public consumption as the result of a natural disaster in an area declared to be a disaster under Section 418.014, Government Code; and

(2) should be removed from the inventory of the retailer.

(b) A brewer or manufacturer and a wholesaler or distributor who jointly agree to the removal of a beverage under Subsection (a) shall jointly provide for the delivery and replacement of the removed beverage at no cost to the retailer from whose inventory the beverage is removed. The brewer or manufacturer who manufactured the removed beverage is responsible for the cost of a replacement beverage provided under this section. The wholesaler or distributor who distributed the removed beverage is responsible for the cost of delivering a replacement beverage provided under this section.

(c) A retailer from whose inventory a beverage is removed under this section is responsible for the costs associated with the removal, destruction, and disposal of the removed beverage.

(d) The commission by rule shall provide requirements governing the removal, destruction, and disposal by a retailer of uninsured ale, malt liquor, or beer that is determined to be unfit for public consumption under this section. Rules adopted under this subsection must include provisions requiring verification by a retailer from whose inventory a beverage is removed that the beverage has been removed, destroyed, and disposed of in the manner required by the commission.

SECTION 3. This Act takes effect September 1, 2019.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1210**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1238 WITH HOUSE AMENDMENTS**

Senator Johnson called **SB 1238** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1238** (house committee report) as follows:

(1) On page 2, line 18, strike "Sections 572.001(c) and (c-2) apply" and substitute "Section 572.001(c-2) applies".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle A, Title 2, Family Code, is amended by adding Chapter 35A to read as follows:

#### CHAPTER 35A. TEMPORARY AUTHORIZATION FOR INPATIENT MENTAL HEALTH SERVICES FOR MINOR CHILD

Sec. 35A.001. APPLICABILITY. This chapter applies to a person whose relationship to a child would make the person eligible to consent to treatment under Section 32.001(a)(1), (2), or (3), and who has had actual care, custody, and control of the child for the six months preceding the filing of a petition under this chapter.

Sec. 35A.002. TEMPORARY AUTHORIZATION. A person described by Section 35A.001 may seek a court order for temporary authorization to consent to voluntary inpatient mental health services for a child by filing a petition in the district court in the county in which the person resides.

Sec. 35A.003. PETITION FOR TEMPORARY AUTHORIZATION. A petition for temporary authorization to consent to voluntary inpatient mental health services for a child must:

(1) be styled "ex parte" and be in the name of the child;

(2) be verified by the petitioner;

(3) state:

(A) the name, date of birth, and current physical address of the child;

(B) the name, date of birth, and current physical address of the petitioner; and

(C) the name and, if known, the current physical and mailing addresses of the child's parents, conservators, or guardians;

(4) describe the status and location of any court proceeding in this or another state with respect to the child;

(5) describe the petitioner's relationship to the child;

(6) provide the dates during the preceding six months that the child has resided with the petitioner;

(7) contain a certificate of medical examination for mental illness prepared by a physician who has examined the child not earlier than the third day before the date the petition is filed and be accompanied by a sworn statement containing the physician's opinion, and the detailed reasons for that opinion, that the child is a person:

(A) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(B) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized; and

(8) state any reason that the petitioner is unable to obtain signed, written documentation from a parent, conservator, or guardian of the child.

Sec. 35A.004. NOTICE; HEARING. (a) On receipt of the petition, the court shall set a hearing.

(b) A copy of the petition and notice of the hearing shall be delivered to the parent, conservator, or guardian of the child by personal service or by certified mail, return receipt requested, at the last known address of the parent, conservator, or guardian.

Sec. 35A.005. ORDER FOR TEMPORARY AUTHORIZATION. (a) At the hearing on the petition, the court may hear evidence relating to the child's need for inpatient mental health services by the petitioner, any other matter raised in the petition, and any objection or other testimony of the child's parent, conservator, or guardian.

(b) The court shall dismiss the petition for temporary authorization if an objection is made by the child's parent, conservator, or guardian.

(c) The court shall grant the petition for temporary authorization only if the court finds:

(1) by a preponderance of the evidence that the child does not have available a parent, conservator, guardian, or other legal representative to give consent under Section 572.001, Health and Safety Code, for voluntary inpatient mental health services; and

(2) by clear and convincing evidence that the child is a person:

(A) with mental illness or who demonstrates symptoms of a serious emotional disorder; and

(B) who presents a risk of serious harm to self or others if not immediately restrained or hospitalized.

(d) Subject to Subsection (e), the order granting temporary authorization under this chapter expires on the earliest of:

(1) the date the petitioner requests that the child be discharged from the inpatient mental health facility;

(2) the date a physician determines that the criteria listed in Subsection (c)(2) no longer apply to the child; or

(3) subject to Subsection (e), the 10th day after the date the order for temporary authorization is issued under this section.

(e) The order granting temporary authorization continues in effect until the earlier occurrence of an event described by Subsection (d)(1) or (2) if the petitioner obtains an order for temporary managing conservatorship before the order expires as provided by Subsection (d)(3).

(f) A copy of an order granting temporary authorization must:

(1) be filed under the cause number in any court that has rendered a conservatorship or guardian order regarding the child; and

(2) be sent to the last known address of the child's parent, conservator, or guardian.

SECTION \_\_\_\_. Section 572.001, Health and Safety Code, is amended by amending Subsections (a), (a-1), and (c-1) and adding Subsection (a-2) to read as follows:

(a) A person 16 years of age or older may request admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested. Subject to Subsection (c-1), the [The] parent, managing conservator, or guardian of a person younger than 18 years of age may request the admission of the person to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested.

(a-1) A person eligible to consent to treatment for the person under Section 32.001(a)(1), (2), or (3), Family Code, may request temporary authorization for the admission of the person to an inpatient mental health facility by petitioning under Chapter 35A, Family Code, in the district court in the county in which the person resides for an order for temporary authorization to consent to voluntary mental health services under this section. The petitioner for temporary authorization may be represented by the county attorney or district attorney.

(a-2) Except as provided by Subsection (c-1) [(e)], an inpatient mental health facility may admit or provide services to a person 16 years of age or older and younger than 18 years of age if the person's parent, managing conservator, or guardian consents to the admission or services, even if the person does not consent to the admission or services.

(c-1) A person younger than 18 years of age may not be involuntarily committed unless provided by this chapter, Chapter 55, Family Code, [other state law,] or department rule.

SECTION \_\_\_\_. Section 573.001(a), Health and Safety Code, is amended to read as follows:

(a) A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer:

(1) has reason to believe and does believe that:

(A) the person is a person with mental illness; and

(B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

SECTION \_\_\_\_. Section 572.001(c), Health and Safety Code, is repealed.

### Floor Amendment No. 1 on Third Reading

Amend **SB 1238** on third reading by striking the SECTION of the bill that repeals Section 572.001(c), Health and Safety Code, and renumbering the subsequent SECTIONS of the bill accordingly.

The amendments were read.

Senator Johnson moved to concur in the House amendments to **SB 1238**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### CONFERENCE COMMITTEE ON HOUSE BILL 4749 (Motion In Writing)

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4749** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 4749** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Nichols, Schwertner, Rodríguez, and Fallon.

### SENATE BILL 632 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 632** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

### Amendment

Amend **SB 632** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.

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

SECTION 1. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Section 533.0351 to read as follows:

Sec. 533.0351. REQUIRED COMPOSITION OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY. (a) If a local mental health authority has a governing body, the governing body must include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

(2) for a local authority that serves two or more counties, two sheriffs chosen in accordance with Subsection (b) as ex officio nonvoting members.

(b) A local mental health authority that serves two or more counties shall take the median population size of each of those counties and choose:

(1) one sheriff of a county with a population above the median population size to serve as an ex officio nonvoting member under Subsection (a); and

(2) one sheriff of a county with a population below the median population size to serve as an ex officio nonvoting member under Subsection (a).

(c) A sheriff may designate a representative to serve in the sheriff's place as an ex officio nonvoting member under Subsection (a). A sheriff or representative of the sheriff serves as an ex officio nonvoting member under Subsection (a) for the duration of the applicable sheriff's term in office.

(d) A local mental health authority may not bar or restrict a sheriff or representative of a sheriff who serves as an ex officio nonvoting member under Subsection (a) from speaking or providing input at a meeting of the local authority's governing body.

(e) If a local mental health authority does not have a governing body, the local authority shall:

(1) for a local authority that serves only one county, consult with the sheriff of the county or a representative of the sheriff regarding the use of funds received under Section 533.035(b); or

(2) for a local authority that serves two or more counties, take the median population size of each of those counties and consult with both:

(A) a sheriff or a representative of a sheriff of a county with a population above the median population size regarding the use of funds received under Section 533.035(b); and

(B) a sheriff or a representative of a sheriff of a county with a population below the median population size regarding the use of funds received under Section 533.035(b).

(f) This section does not prevent a sheriff or representative of a sheriff from being included in the governing body of a local mental health authority as a voting member of the body.

SECTION 2. Section 533.0352(d), Health and Safety Code, is amended to read as follows:

(d) In developing the local service area plan, the local mental health authority shall:

(1) solicit information regarding community needs from:

(A) representatives of the local community;

(B) consumers of community-based mental health services and members of the families of those consumers; ~~and~~

(C) local law enforcement agencies; and

(D) other interested persons; and

(2) consider:

(A) criteria for assuring accountability for, cost-effectiveness of, and relative value of service delivery options;

(B) goals to minimize the need for state hospital and community hospital care;

(C) goals to divert consumers of services from the criminal justice system;

(D) goals to ensure that a child with mental illness remains with the child's parent or guardian as appropriate to the child's care; and

(E) opportunities for innovation in services and service delivery.

SECTION 3. Section 534.002, Health and Safety Code, is amended to read as follows:

Sec. 534.002. BOARD OF TRUSTEES FOR CENTER ESTABLISHED BY ONE LOCAL AGENCY. (a) The board of trustees of a community center established by one local agency is composed of:

(1) the members of the local agency's governing body; ~~or~~

(2) not fewer than five or more than nine qualified voters who reside in the region to be served by the center and who are appointed by the local agency's governing body; and

(3) a sheriff or a representative of a sheriff of a county in the region served by the community center who is appointed by the local agency's governing body to serve as an ex officio nonvoting member.

(b) If a qualified voter appointed to a community center under Subsection (a)(2) is the sheriff of the only county in the region served by a community center, Subsection (a)(3) does not apply.

(c) If a qualified voter appointed to a community center under Subsection (a)(2) is a sheriff of a county in the region served by a community center and the region served by the community center consists of more than one county, under Subsection (a)(3) the local agency's governing body shall appoint a sheriff or a representative of a sheriff from a different county in the region served by the community center.

(d) Subsection (a)(3) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 4. Section 534.003, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), the ~~The~~ board of trustees of a community center established by an organizational combination of local agencies is composed of not fewer than five or more than 13 members.

(a-1) In addition to the members described by Subsection (a), the board of trustees of a community center must include:

(1) if the region served by the community center consists of only one county, the sheriff of that county or a representative of the sheriff to serve as an ex officio nonvoting member; or

(2) if the region served by the community center consists of more than one county, sheriffs from at least two of the counties in the region served by the community center or representatives of the sheriffs to serve as ex officio nonvoting members.



(a-2) Subsection (a-1) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 5. If the governing body of a local mental health authority established under Chapter 533, Health and Safety Code, or the board of trustees of a community center established under Chapter 534, Health and Safety Code, includes a sheriff or representative of a sheriff as a voting member of the governing body or board of trustees before the effective date of this Act, the sheriff or representative of the sheriff may continue to serve as a voting member of the governing body or board of trustees after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 632** (house committee report) as follows:

(1) On page 2, line 4, strike "A sheriff" and substitute "Except as provided by Subsection (c-1), a sheriff".

(2) On page 2, between lines 6 and 7, insert the following:

(c-1) A local mental health authority may rotate the positions of ex officio nonvoting members as chosen in accordance with Subsection (b) among the other sheriffs of the counties served by the local authority. A local authority shall consult with each sheriff of the counties served by the local authority in rotating the positions of ex officio nonvoting members under this subsection.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 632**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 749 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 749** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

### **Amendment**

Amend **SB 749** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to level of care designations for hospitals that provide neonatal and maternal care.

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

SECTION 1. Section 241.183(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner, in consultation with the department, shall adopt rules:

(1) establishing the levels of care for neonatal and maternal care to be assigned to hospitals;

(2) prescribing criteria for designating levels of neonatal and maternal care, respectively, including specifying the minimum requirements to qualify for each level designation;

(3) establishing a process for the assignment of levels of care to a hospital for neonatal and maternal care, respectively;

(4) establishing a process for amending the level of care designation requirements, including a process for assisting facilities in implementing any changes made necessary by the amendments;

(5) dividing the state into neonatal and maternal care regions;

(6) facilitating transfer agreements through regional coordination;

(7) requiring payment, other than quality or outcome-based funding, to be based on services provided by the facility, regardless of the hospital's [facility's] level of care designation; ~~and~~

(8) prohibiting the denial of a neonatal or maternal level of care designation to a hospital that meets the minimum requirements for that level of care designation;

(9) establishing a process through which a hospital may obtain a limited follow-up survey by an independent third party to appeal the level of care designation assigned to the hospital;

(10) permitting a hospital to satisfy any requirement for a Level I or II level of care designation that relates to an obstetrics or gynecological physician by:

(A) granting maternal care privileges to a family physician with obstetrics training or experience; and

(B) developing and implementing a plan for responding to obstetrical emergencies that require services or procedures outside the scope of privileges granted to the family physician described by Paragraph (A);

(11) clarifying that, regardless of a hospital's level of care designation, a health care provider at a designated facility or hospital may provide the full range of health care services:

(A) that the provider is authorized to provide under state law; and

(B) for which the hospital has granted privileges to the provider; and

(12) requiring the department to provide to each hospital that receives a level of care designation a written explanation of the basis for the designation, including, as applicable, specific reasons that prevented the hospital from receiving a higher level of care designation.

SECTION 2. Subchapter H, Chapter 241, Health and Safety Code, is amended by adding Sections 241.1835, 241.1836, and 241.1865 to read as follows:

Sec. 241.1835. USE OF TELEMEDICINE MEDICAL SERVICES. (a) In this section, "telemedicine medical service" has the meaning assigned by Section 111.001, Occupations Code.

(b) The rules adopted under Section 241.183 must allow the use of telemedicine medical services by a physician providing on-call services to satisfy certain requirements identified by the executive commissioner in the rules for a Level I, II, or III level of care designation.

(c) In identifying a requirement for a level of care designation that may be satisfied through the use of telemedicine medical services under Subsection (b), the executive commissioner, in consultation with the department, physicians of

appropriate specialties, statewide medical, nursing, and hospital associations, and other appropriate interested persons, must ensure that the provision of a service or procedure through the use of telemedicine medical services is in accordance with the standard of care applicable to the provision of the same service or procedure in an in-person setting.

(d) Telemedicine medical services must be administered under this section by a physician licensed to practice medicine under Subtitle B, Title 3, Occupations Code.

(e) This section does not waive other requirements for a level of care designation.

Sec. 241.1836. APPEAL PROCESS. (a) The rules adopted under Section 241.183 establishing level of care designations for hospitals must allow a hospital to appeal a level of care designation to a three-person panel that includes:

- (1) a representative of the department;
- (2) a representative of the commission; and
- (3) an independent person who:

(A) has expertise in the specialty area for which the hospital is seeking a level of care designation;

(B) is not an employee of or affiliated with either the department or the commission; and

(C) does not have a conflict of interest with the hospital, department, or commission.

(b) The independent person on the panel described by Subsection (a) must rotate after each appeal from a list of five to seven similarly qualified persons. The department shall solicit persons to be included on the list. A person must apply to the department on a form prescribed by the department and be approved by the commissioner to be included on the list.

Sec. 241.1865. WAIVER FROM LEVEL OF CARE DESIGNATION REQUIREMENTS; CONDITIONAL DESIGNATION. (a) The department shall develop and implement a process through which a hospital may request and enter into an agreement with the department to:

(1) receive or maintain a level of care designation for which the hospital does not meet all requirements conditioned on the hospital, in accordance with a plan approved by the department and outlined under the agreement, satisfying all requirements for the level of care designation within a time specified under the agreement, which may not exceed the first anniversary of the effective date of the agreement; or

(2) waive one specific requirement for a level of care designation in accordance with Subsection (c).

(b) A hospital may submit a written request under Subsection (a) at any time. The department may make a determination on a request submitted under that subsection at any time.

(c) The department may enter into an agreement with a hospital to waive a requirement under Subsection (a)(2) only if the department determines the waiver is justified considering:

(1) the expected impact on the accessibility of care in the geographical area served by the hospital if the waiver is not granted;

(2) the expected impact on quality of care;

(3) the expected impact on patient safety; or

(4) whether health care services related to the requirement can be provided through telemedicine medical services under Section 241.1835.

(d) A waiver agreement entered into under Subsection (a):

(1) must expire not later than at the end of each designation cycle but may be renewed on expiration by the department under the same or different terms; and

(2) may specify any conditions for ongoing reporting and monitoring during the agreement.

(e) A hospital that enters into a waiver agreement under Subsection (a) is required to satisfy all other requirements for a level of care designation that are not waived in the agreement.

(f) The department shall post on the department's Internet website and periodically update:

(1) a list of hospitals that enter into an agreement with the department under this section; and

(2) an aggregated list of the requirements conditionally met or waived in agreements entered into under this section.

(g) A hospital that enters into an agreement with the department under this section shall post on the hospital's Internet website the nature and general terms of the agreement.

SECTION 3. Section 241.187, Health and Safety Code, is amended by amending Subsection (l) and adding Subsections (m) and (n) to read as follows:

(l) The advisory council is subject to Chapter 325, Government Code (Texas Sunset Act). The advisory council shall be reviewed during the period in which the Department of State Health Services is reviewed [~~Unless continued in existence as provided by that chapter, the advisory council is abolished and this section expires September 1, 2025.~~].

(m) The department, in consultation with the advisory council, shall:

(1) conduct a strategic review of the practical implementation of rules adopted in consultation with the department under this subchapter that at a minimum identifies:

(A) barriers to a hospital obtaining its requested level of care designation;

(B) whether the barriers identified under Paragraph (A) are appropriate to ensure and improve neonatal and maternal care;

(C) requirements for a level of care designation that relate to gestational age; and

(D) whether, in making a level of care designation for a hospital, the department or the perinatal advisory council should consider:

(i) the geographic area in which the hospital is located; and

(ii) regardless of the number of patients of a particular gestational age treated by the hospital, the hospital's capabilities in providing care to patients of a particular gestational age as determined by the hospital;

(2) based on the review conducted under Subdivision (1), recommend a modification of rules adopted under this subchapter, as appropriate, to improve the process and methodology of assigning level of care designations; and

(3) prepare and submit to the legislature:

(A) not later than December 31, 2019, a written report that summarizes the department's review of neonatal care conducted under Subdivision (1) and on actions taken by the department and executive commissioner based on that review; and

(B) not later than December 31, 2020, a written report that summarizes the department's review of maternal care conducted under Subdivision (1) and on actions taken by the department and executive commissioner based on that review.

(n) Subsection (m) and this subsection expire September 1, 2021.

SECTION 4. (a) The executive commissioner of the Health and Human Services Commission shall complete for each hospital in this state the maternal level of care designation not later than August 31, 2021.

(b) Notwithstanding Section 241.186, Health and Safety Code, a hospital is not required to have a maternal level of care designation as a condition of reimbursement for maternal services through the Medicaid program before September 1, 2021.

(c) A hospital that submits an application to the Department of State Health Services for a maternal level of care designation under Subchapter H, Chapter 241, Health and Safety Code, before the effective date of this Act may amend the application to reflect the applicable changes in law made by this Act.

SECTION 5. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement the changes in law made by this Act.

SECTION 6. 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, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 749** (house committee report) on page 5, by striking lines 10-12 and substituting the following:

(b) The process developed and implemented under this section must:

(1) subject to Subdivision (2), allow a hospital to submit a written request under Subsection (a) at any time;

(2) require a hospital to:

(A) before submitting the request, provide notice of the hospital's intention to seek a waiver under this section to the hospital's medical staff who practice in a specialty service area affected by the waiver;

(B) provide the notice required by Paragraph (A) in accordance with the hospital's process for communicating information to medical staff; and

(C) document the provision of the notice required by Paragraph (A); and

(3) allow the department to make a determination on the request at any time.

**Floor Amendment No. 2**

Amend **CSSB 749** (house committee report) as follows:

(1) On page 5, strike lines 15-20, and substitute the following:  
department determines the waiver is justified after considering:

(1) the expected impact on:

(A) the accessibility of care in the geographical area served by the hospital if the waiver is not granted; and

(B) quality of care and patient safety; or

(2) On page 5, line 21, strike "(4)" and substitute "(2)".

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 749**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 750 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 750** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 2**

Amend **SB 750** (house committee report) on page 3, between lines 9 and 10, by adding the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) "High-risk population" means the population of women most disproportionately affected by maternal morbidity and maternal mortality, as determined in the joint biennial report required under Section 34.015 including minority women.

**Floor Amendment No. 3**

Amend **SB 750** (house committee report) as follows:

(1) On page 12, strike lines 22 and 23 and substitute the following:

SECTION 10. Section 34.008, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (c-1) to read as follows:

(2) On page 13, between lines 9 and 10, insert the following:

(c-1) Not later than the 30th business day after receiving a request from the department for records regarding a pregnancy-related death for a specific patient, a hospital, birthing center, or other custodian of the records shall submit the records to the department. A request made under this subsection to a hospital or birthing center must be limited to a patient's medical records.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 750**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 799 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Alvarado called **SB 799** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 799** (house committee report) as follows:

(1) On page 1, line 6, strike "Section 418.054" and substitute "Sections 418.054 and 418.055".

(2) On page 2, between lines 24 and 25, insert the following:

Sec. 418.055. WET DEBRIS WORK GROUP. (a) In this section:

(1) "Wet debris" means natural or man-made debris located in bodies of water, including lakes, rivers, streams, bays, bayous, wetlands, and tidal areas, that results from a disaster.

(2) "Work group" means the wet debris work group established under this section.

(b) The wet debris work group is established and consists of at least 13 but not more than 21 representatives of local, state, and federal governmental entities and private entities who are appointed by the governor from a list submitted by the lieutenant governor and speaker of the house of representatives. The governor shall, to the extent possible, appoint to the work group representatives of:

(1) the division;

(2) the Texas Commission on Environmental Quality;

(3) the Texas Department of Transportation;

(4) the General Land Office;

(5) the Texas Historical Commission;

(6) the Federal Emergency Management Agency;

(7) the National Oceanic and Atmospheric Administration;

(8) the United States Army Corps of Engineers;

(9) the United States Fish and Wildlife Service; and

(10) local governments.

(c) A representative of the division appointed to the work group shall serve as presiding officer of the work group.

(d) The work group shall conduct a study to:

(1) identify:

(A) wet debris removal categories for bodies of water in the state and the applicable laws for each category;

(B) current jurisdictions of local, state, federal, and private entities responsible for wet debris removal, including any concurrent, joint, or overlapping roles and responsibilities of those entities;

(C) funding sources applicable to each wet debris removal category;

and

(D) issues that impede wet debris removal; and

(2) provide recommendations for:

(A) minimizing impediments to wet debris removal;

(B) clarifying local, state, federal, and private entities' roles and responsibilities for wet debris removal; and

(C) educating interested persons on the results of the study described by this subsection.

(e) Not later than November 1, 2020, the work group shall submit a report containing the results of the study described by Subsection (d) to each member of the legislature.

(f) The work group is abolished and this section expires January 1, 2021.

(3) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than November 1, 2019, the governor shall appoint members to the wet debris work group as required by Section 418.055, Government Code, as added by this Act.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 799** on third reading as follows:

(1) Strike Sections 418.055(b) and (c), Government Code, as added by Floor Amendment No. 1 by Murr on second reading (page 1, lines 11 through 29, of the amendment) and substitute the following:

(b) The wet debris work group is established and composed of representatives of the division, any other state agencies selected by the division, and local and federal governmental entities.

(c) The chief of the division serves as chair of the work group.

(2) Strike the SECTION of the bill requiring the governor to appoint members to the wet debris work group as added by Floor Amendment No. 1 by Murr on second reading (page 2, lines 22 through 26, of the amendment).

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 799** on third reading as follows:

(1) Strike the SECTION of the bill providing an effective date and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. (a) Section 61.003(6), Education Code, is amended to read as follows:

(6) "Other agency of higher education" means The University of Texas System, System Administration; The University of Texas at El Paso [~~Western University~~]; Museum; The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research [~~Agricultural Experiment Station~~]; Texas A&M AgriLife [~~Agricultural~~] Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife [~~Agricultural~~] Extension Service); Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); Texas A&M Engineering Extension Service; Texas A&M Forest Service; Texas Division of Emergency Management; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston



Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Texas Water Resources Institute [of Texas]; Texas A&M Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(b) Section 88.001, Education Code, is amended to read as follows:

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A&M [A & M] University System are:

- (1) the Texas A&M Forest Service (see Subchapter B of this chapter);
- (2) ~~the~~ Texas A&M AgriLife Research [Agricultural Experiment Station] (see Subchapter C of this chapter);
- (3) the Texas A&M AgriLife [Agricultural] Extension Service, established by action of the board of directors;
- (4) the Texas A&M Engineering Experiment Station, established by action of the board of directors;
- (5) the Texas A&M Engineering Extension Service, established by action of the board of directors;
- (6) the Texas Division of Emergency Management (see Subchapter C, Chapter 418, Government Code); and
- (7) ~~(6)~~ other agencies and services that may be established by law or by action of the board of directors.

(c) Section 418.013(b), Government Code, is amended to read as follows:

(b) The emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. At least once each biennium, the governor shall review the composition of the council and, if necessary, update or expand the participating entities.

(d) Section 418.041, Government Code, is amended to read as follows:

Sec. 418.041. ORGANIZATION. (a) The Texas Division of Emergency Management is a component [division] of The Texas A&M University System [the department].

(b) The division is managed by a chief appointed by the ~~[public safety director of the department, with the approval of the]~~ governor. The chief serves at the pleasure of the governor ~~[public safety director]~~. The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.

(c) At least once every two months, the following shall meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:

- (1) a representative of the department;
- (2) a representative of the division;
- (3) ~~a representative of the governor's office of homeland security;~~
- ~~(4)~~ the presiding officer of the Homeland Security Council; and

(4) ~~(5)~~ a state agency representative from the emergency management council, selected by the chair of the emergency management council.

(d) The division shall employ other coordinating and planning officers and other professional, technical, secretarial, and clerical personnel necessary to the performance of its functions.

(e) The division shall manage and staff the state operations center under an agreement with the department.

(e) Section 418.050(c), Government Code, is amended to read as follows:

(c) The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The department ~~[Department of Public Safety of the State of Texas]~~ shall provide support for the credentialing process.

(f) Section 418.051(c), Government Code, is amended to read as follows:

(c) The communications coordination group consists of members selected by the division, including representatives of:

- (1) the Texas military forces;
- (2) the department ~~[Department of Public Safety of the State of Texas]~~;
- (3) the Federal Emergency Management Agency;
- (4) federal agencies that comprise Emergency Support Function No. 2;
- (5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;
- (6) electric utilities, as defined by Section 31.002, Utilities Code;
- (7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;
- (8) the National Guard's Joint Continental United States Communications Support Environment;
- (9) the National Guard Bureau;
- (10) amateur radio operator groups;
- (11) the Texas A&M Forest Service;
- (12) the Texas Department of Transportation;
- (13) the General Land Office;
- (14) the Texas A&M Engineering Extension Service ~~[of The Texas A&M University System]~~;
- (15) the Public Utility Commission of Texas;
- (16) the Railroad Commission of Texas;
- (17) the Department of State Health Services;
- (18) the judicial branch of state government;
- (19) the Texas Association of Regional Councils;
- (20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;
- (21) each trauma service area regional advisory council;
- (22) state agencies, counties, and municipalities affected by the emergency, including 9-1-1 agencies; and

(23) other agencies as determined by the division.

(g) On September 1, 2019:

(1) the administration of the Texas Division of Emergency Management shall be transferred from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) all rules, policies, procedures, and decisions of the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management are continued in effect as rules, policies, procedures, and decisions of The Texas A&M University System until superseded by a rule or other appropriate action by The Texas A&M University System;

(3) an employee of the Texas Division of Emergency Management as operated by the Department of Public Safety of the State of Texas becomes an employee of the Texas Division of Emergency Management under The Texas A&M University System;

(4) a reference in law or administrative rule to the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management means The Texas A&M University System; and

(5) the Department of Public Safety of the State of Texas is responsible for the employer contribution for the cost of retiree insurance for employees of the Texas Division of Emergency Management who retire from the division before September 1, 2019.

(h) Not later than June 1, 2019, the Department of Public Safety of the State of Texas and The Texas A&M University System shall enter into a memorandum of understanding relating to the transfer of the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System as provided by this Act. The memorandum must include:

(1) a timetable and specific steps and methods for the transfer on September 1, 2019, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) measures to ensure against any unnecessary disruption to the operation of the Texas Division of Emergency Management during the transfer process; and

(3) a provision that the terms of any memorandum of understanding entered into previously by the governor, The Texas A&M University System, the Department of Public Safety of the State of Texas, and the Texas Division of Emergency Management and related to the transfer remain in effect until the transfer is completed.

(i) This section takes effect immediately if this Act 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 section takes effect September 1, 2019.

SECTION \_\_\_\_\_. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.056 to read as follows:

Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance

for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:

(1) any appropriate state agencies, including institutions of higher education; and

(2) organized volunteer groups.

(c) The disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. A report must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Once each quarter, the disaster recovery task force shall brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

SECTION \_\_\_\_\_. Chapter 418, Government Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

Sec. 418.061. DEFINITIONS. In this subchapter:

(1) "Account" means the disaster recovery loan account created under Section 418.066.

(2) "Eligible political subdivision" means a county, municipality, or school district that meets the qualifications prescribed by Section 418.062.

Sec. 418.062. ELIGIBILITY FOR LOAN. A political subdivision may apply to the division for a loan under this subchapter if:

(1) the political subdivision:

(A) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and

(B) before applying to the division for a loan under this subchapter:

(i) has submitted to the division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and

(ii) has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program;

(2) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and

(3) the division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the division under this section.

Sec. 418.063. DISASTER RECOVERY LOAN PROGRAM. The division by rule shall establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Sec. 418.064. LOANS. (a) A loan made from the account must be subject to the following conditions:

(1) the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b) The comptroller shall credit to the account all principal and interest payments on a loan from the account.

(c) If the term of a loan from the account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. The division may forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. The state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Sec. 418.065. APPLICATION FOR LOAN. The division shall develop and implement an application process for a loan under this subchapter. At a minimum, the application must include:

(1) a description of the disaster recovery project for which the applicant is requesting the loan;

(2) an estimate of the total cost of the project;

(3) a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4) evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Sec. 418.066. CREATION OF ACCOUNT. (a) The disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by the division.

(b) Money in the account may be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c) The account consists of:

(1) money appropriated, credited, or transferred to the account by the legislature;

(2) money received by the comptroller for the repayment of a loan made from the account;

(3) gifts or grants contributed to the account; and

(4) interest earned on deposits and investments of the account.

Sec. 418.067. RULES. The division shall adopt rules to implement and administer this subchapter. The rules adopted by the division to implement this subchapter must include the development of a form on which a political subdivision may electronically submit its budget to the division.

SECTION \_\_\_\_. The amount of \$60 million is appropriated from the general revenue fund to the disaster recovery loan account for the state fiscal biennium ending August 31, 2021, for the purpose of providing short-term loans to political subdivisions affected by a disaster in the manner provided by Subchapter C-1, Chapter 418, Government Code, as added by this Act.

The amendments were read.

Senator Alvarado submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 799** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Alvarado, Chair; Hancock, Kolkhorst, Creighton, and Whitmire.

**SENATE BILL 2150 WITH HOUSE AMENDMENT  
(Motion In Writing)**

Senator Kolkhorst called **SB 2150** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 2**

Amend **SB 2150** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 34, Health and Safety Code, is amended by adding Section 34.019 to read as follows:

Sec. 34.019. DEVELOPMENT OF WORK GROUP ON ESTABLISHMENT OF MATERNAL MORTALITY AND MORBIDITY DATA REPORTING REGISTRY. (a) In this section, "maternal mortality and morbidity data reporting registry" means an Internet website or database established to report and collect individualized patient data and aggregate statistical reports on the health status, health behaviors, and service delivery needs of maternal patients, including data on pregnancy-associated deaths.

(b) The department shall establish a work group to provide advice and consultation services to the department on the report and recommendations required by Subsection (e). The work group consists of the following members appointed by the commissioner unless otherwise provided:

- (1) one member with appropriate expertise appointed by the governor;
- (2) two members with appropriate expertise appointed by the lieutenant governor;
- (3) two members with appropriate expertise appointed by the speaker of the house of representatives;
- (4) the chair of the Texas Hospital Association or the chair's designee;
- (5) the president of the Texas Medical Association or the president's designee;
- (6) the president of the Texas Nurses Association or the president's designee;

(7) one member who is a physician specializing in obstetrics and gynecology;

(8) one member who is a physician specializing in maternal and fetal medicine;

(9) one member who is a registered nurse specializing in labor and delivery;

(10) one member who is a representative of a hospital located in a rural area of this state;

(11) one member who is a representative of a hospital located in a county with a population of four million or more;

(12) one member who is a representative of a hospital located in an urban area of this state in a county with a population of less than four million;

(13) one member who is a representative of a public hospital;

(14) one member who is a representative of a private hospital;

(15) one member who is an epidemiologist;

(16) one member who is a statistician;

(17) one member who is a public health expert; and

(18) any other member with appropriate expertise as the commissioner determines necessary.

(c) The work group shall elect from among the membership a presiding officer.

(d) The work group shall meet periodically and at the call of the presiding officer.

(e) With the goals of improving data reporting on maternal mortality and morbidity and pregnancy-associated deaths and with the advice of the work group established under this section, the department shall assess and prepare a report and recommendations on the establishment of a secure data registry to record information reported by participating health care providers on the health status of maternal patients over varying periods, including the frequency and characteristics of maternal mortality and morbidity during pregnancy and the postpartum period.

(f) In developing the report and recommendations required by Subsection (e), the department shall:

(1) consider individual maternal patient information related to health status and health care received over varying periods that should be submitted to the registry;

(2) review existing and developing registries used in and outside this state that serve the same or a similar purpose as a maternal mortality and morbidity data registry;

(3) review ongoing health data reporting and collection efforts and initiatives in this state to avoid duplication and ensure efficiency;

(4) review and consider existing laws that govern data submission and sharing, including laws governing the confidentiality and security of individually identifiable health information; and

(5) evaluate the clinical period during which known and available information should be submitted to a maternal mortality and morbidity data registry by a health care provider, including available information:

(A) from a maternal patient's first appointment with an obstetrician and each subsequent appointment until the date of delivery;

(B) for the 42 days following a patient's delivery; and

(C) until the 364th day following a patient's delivery.

(g) If the department recommends the establishment of a maternal mortality and morbidity data registry, the report under Subsection (e) must include specific recommendations on the relevant individual patient information and categories of information to be submitted to the registry, including recommendations on the intervals for submission of information. The department shall consider including the following categories of individual patient information in the report:

(1) notifiable maternal deaths, including individualized patient data on:

(A) patients who die during pregnancy; and

(B) patients who were pregnant at any point in the 12 months preceding

their death;

(2) individualized patient information on each pregnancy and birth;

(3) individualized patient data on the most common high-risk conditions for maternal patients and severe cases of maternal morbidity;

(4) nonidentifying demographic data from the provider's patient admissions records, including age, race, and patient health benefit coverage status; and

(5) a statistical summary based on an aggregate of individualized patient data that includes the following:

(A) total live births;

(B) maternal age distributions;

(C) maternal race and ethnicity distributions;

(D) health benefit plan issuer distributions;

(E) incidence of diabetes, hypertension, and hemorrhage among

patients;

(F) gestational age distributions;

(G) birth weight distributions;

(H) total preterm birth rate;

(I) rate of vaginal deliveries; and

(J) rate of cesarean sections.

(h) If the department establishes a maternal mortality and morbidity data registry, a health care provider submitting information to the registry shall comply with all applicable federal and state laws relating to patient confidentiality and quality of health care information.

(i) The report and recommendations required under Subsection (e) must outline potential uses of a maternal mortality and morbidity data registry, including:

(1) periodic analysis by the department of information submitted to the registry; and

(2) the feasibility of preparing and issuing reports, using aggregated information, to each health care provider participating in the registry to improve the quality of maternal care.

(j) Not later than September 1, 2020, the department shall prepare and submit to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board, and each standing committee of the legislature having primary jurisdiction over the department and post on the department's Internet website the report and recommendations required under Subsection (e).

(k) This section expires September 1, 2021.



SECTION \_\_\_\_\_. The executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Section 34.019, Health and Safety Code, as added by this Act, not later than December 1, 2019.

The amendment was read.

Senator Kolkhorst submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2150** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Flores, Campbell, Buckingham, and Perry.

### **SENATE BILL 719 WITH HOUSE AMENDMENT**

Senator Fallon called **SB 719** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 719** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to increasing the punishment for certain conduct constituting the offense of murder and providing for the prosecution of that conduct as capital murder.

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

**SECTION 1.** This Act shall be known as Lauren's Law.

**SECTION 2.** Section 19.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person commits murder as defined under Section 19.02(b)(1) and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;

(4) the person commits the murder while escaping or attempting to escape from a penal institution;

(5) the person, while incarcerated in a penal institution, murders another:

(A) who is employed in the operation of the penal institution; or

(B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;

(6) the person:

(A) while incarcerated for an offense under this section or Section 19.02, murders another; or

(B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;

(7) the person murders more than one person:

(A) during the same criminal transaction; or

(B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct;

(8) the person murders an individual under 10 years of age; ~~[or]~~

(9) the person murders an individual 10 years of age or older but younger than 15 years of age; or

(10) the person murders another person in retaliation for or on account of the service or status of the other person as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.

SECTION 3. Section 1, Article 37.071, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. (a) If a defendant is found guilty in a capital felony case in which the state does not seek the death penalty, the judge shall sentence the defendant to life imprisonment or to life imprisonment without parole as required by Section 12.31, Penal Code.

(b) A defendant who is found guilty of an offense under Section 19.03(a)(9), Penal Code, may not be sentenced to death, and the state may not seek the death penalty in any case based solely on an offense under that subdivision.

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 on the date 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 5. This Act takes effect September 1, 2019.

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 719**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 2293 WITH HOUSE AMENDMENT**

Senator Fallon called **SB 2293** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 2293** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 12.117(a), Education Code, is amended to read as follows:

(a) For admission to an open-enrollment charter school, the governing body of the school shall:

(1) require the applicant to complete and submit the common admission [am] application form described by Section 12.1173 not later than a reasonable deadline the school establishes; and

(2) on receipt of more acceptable applications for admission under this section than available positions in the school:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available positions in the order in which applications received before the application deadline were received.

SECTION \_\_\_\_\_. Section 12.1171, Education Code, is amended to read as follows:

Sec. 12.1171. ADMISSION TO OPEN-ENROLLMENT CHARTER SCHOOLS SPECIALIZING IN PERFORMING ARTS. Notwithstanding Section 12.117, the governing body of an open-enrollment charter school that specializes in one or more performing arts may require an applicant to audition for admission to the school in addition to completing and submitting the common admission application form under Section 12.1173.

SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1173 and 12.1174 to read as follows:

Sec. 12.1173. COMMON ADMISSION APPLICATION FORM; WAITING LIST FOR ADMISSION. (a) The commissioner by rule shall adopt a common admission application form for use by an applicant for admission to an open-enrollment charter school that provides for the submission of information that the commissioner considers appropriate.

(b) The form adopted under this section may not:

(1) advertise or otherwise promote any person or open-enrollment charter school; or

(2) solicit money, goods, or services from an applicant.

(c) The commissioner shall publicize the availability of the form adopted under this section, including by posting the form on the agency's Internet website.

(d) The commissioner by rule shall adopt guidelines for an open-enrollment charter school that receives more acceptable applications for admission than available positions at the school to create and manage a waiting list each school year for applicants who are not admitted.

(e) The commissioner shall adopt any other rules as necessary to implement this section, including rules to ensure this section complies with federal law regarding confidentiality of student medical or educational information, including the Health

Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

Sec. 12.1174. ENROLLMENT AND WAITING LIST REPORT. (a) Not later than the last Friday in October of each school year, in the form prescribed by commissioner rule, the governing body of a charter holder shall report to the agency for that school year:

(1) the following information for each campus operating under the charter holder's charter:

(A) the number of students enrolled;

(B) the enrollment capacity; and

(C) if a charter holder uses a waiting list for admission to a campus:

(i) the total number of students on the waiting list; and

(ii) the number of students on the waiting list disaggregated by

grade level;

(2) the information described by Subdivision (1) aggregated for all campuses operating under the charter holder's charter; and

(3) any information required by the commissioner as necessary to identify each student admitted to or on a waiting list for admission to a campus operating under the charter holder's charter who is or was previously enrolled in a public school in this state.

(b) From information provided to the commissioner by each charter holder under this subchapter, the commissioner shall identify each group of charter holders considered by the commissioner to be corporate affiliates or substantially related charter holders. Using the information reported under Subsections (a)(1) and (2), the agency shall aggregate the information for each group of charter holders identified by the commissioner under this subsection.

(c) Not later than March 15 of each year, the commissioner shall post on the agency's Internet website:

(1) the information reported by charter holders under Subsections (a)(1) and (2); and

(2) the information aggregated by the agency under Subsection (b).

(d) The commissioner shall adopt rules as necessary to implement this section, including rules to ensure this section complies with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

SECTION \_\_\_\_. Sections 12.117 and 12.1171, Education Code, as amended by this Act, and Section 12.1174, Education Code, as added by this Act, apply beginning with the 2020-2021 school year.

SECTION \_\_\_\_. Not later than January 1, 2020, the commissioner of education shall adopt a common admission application form, waiting list guidelines, and any other rules as necessary to implement Sections 12.1173 and 12.1174, Education Code, as added by this Act.

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 2293**.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Zaffirini.

Nays: Hall, Menéndez, Rodríguez, Watson, West, Whitmire.

### SENATE BILL 572 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 572** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### Amendment

Amend **SB 572** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the regulation of cottage food production operations.

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

SECTION 1. Section 437.001, Health and Safety Code, is amended by adding Subdivisions (1) and (3-c) and amending Subdivision (2-b) to read as follows:

(1) "Acidified canned goods" means food with a finished equilibrium pH value of 4.6 or less that is thermally processed before being placed in an airtight container.

(2-b) "Cottage food production operation" means an individual, operating out of the individual's home, who:

(A) produces at the individual's home, subject to Section 437.0196:

(i) a baked good that is not a time and temperature control for safety [potentially hazardous] food, as defined by Section 437.0196;

(ii) candy;

(iii) coated and uncoated nuts;

(iv) unroasted nut butters;

(v) fruit butters;

(vi) a canned jam or jelly;

(vii) a fruit pie;

(viii) dehydrated fruit or vegetables, including dried beans;

(ix) popcorn and popcorn snacks;

(x) cereal, including granola;

(xi) dry mix;

(xii) vinegar;

(xiii) pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less [pickles];

(xiv) mustard;

(xv) roasted coffee or dry tea; ~~[☒]~~

(xvi) a dried herb or dried herb mix;

(xvii) plant-based acidified canned goods;

(xviii) fermented vegetable products, including products that are refrigerated to preserve quality;

(xix) frozen raw and uncut fruit or vegetables; or

(xx) any other food that is not a time and temperature control for safety food, as defined by Section 437.0196;

(B) has an annual gross income of \$50,000 or less from the sale of food described by Paragraph (A);

(C) sells the foods produced under Paragraph (A) only directly to consumers ~~[at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event];~~ and

(D) delivers products to the consumer at the point of sale or another location designated by the consumer.

(3-c) "Fermented vegetable product" means a low-acid vegetable food product subjected to the action of certain microorganisms that produce acid during their growth and reduce the pH value of the food to 4.6 or less.

SECTION 2. Section 437.0193, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) A cottage food production operation that sells frozen raw and uncut fruit or vegetables must include on the label of the frozen fruit or vegetables or on an invoice or receipt provided with the frozen fruit or vegetables when sold the following statement in at least 12-point font: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria, keep this food frozen until preparing for consumption."

SECTION 3. Section 437.0194, Health and Safety Code, is amended to read as follows:

Sec. 437.0194. CERTAIN SALES BY COTTAGE FOOD PRODUCTION OPERATIONS PROHIBITED OR RESTRICTED. (a) A cottage food production operation may not sell any of the foods described in Section 437.001(2-b)(A) [:

~~(1) through the Internet;~~

~~(2) by mail order; or~~

~~(3)] at wholesale.~~

(b) A cottage food production operation may sell a food described by Section 437.001(2-b)(A) in this state through the Internet or by mail order only if:

(1) the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer; and

(2) before the operator accepts payment for the food, the operator provides all labeling information required by Section 437.0193(d) and department rules to the consumer by:

(A) posting a legible statement on the operation's Internet website;

(B) publishing the information in a catalog; or

(C) otherwise communicating the information to the consumer.

SECTION 4. Chapter 437, Health and Safety Code, is amended by adding Sections 437.01951 and 437.01952 to read as follows:

Sec. 437.01951. REQUIREMENTS FOR SALE OF CERTAIN COTTAGE FOODS. (a) A cottage food production operation that sells to consumers pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods shall:

(1) use a recipe that:

(A) is from a source approved by the department under Subsection (d);

(B) has been tested by an appropriately certified laboratory that confirmed the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less; or

(C) is approved by a qualified process authority; or

(2) if the operation does not use a recipe described by Subdivision (1), test each batch of the recipe with a calibrated pH meter to confirm the finished fruit or vegetable, product, or good has an equilibrium pH value of 4.6 or less.

(b) A cottage food production operation may not sell to consumers pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods before the operator complies with Subsection (a).

(c) For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food production operation must:

(1) label the batch with a unique number; and

(2) for a period of at least 12 months, keep a record that includes:

(A) the batch number;

(B) the recipe used by the producer;

(C) the source of the recipe or testing results, as applicable; and

(D) the date the batch was prepared.

(d) The department shall:

(1) approve sources for recipes that a cottage food production operation may use to produce pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods; and

(2) semiannually post on the department's Internet website a list of the approved sources for recipes, appropriately certified laboratories, and qualified process authorities.

(e) The department shall develop and implement a process by which an individual may request that the department approve an additional source for recipes under Subsection (d). The process must allow an individual to submit with the individual's request documentation supporting the request.

(f) A source for recipes approved by the department under Subsection (d) must be scientifically validated and may be from a government entity, academic institution, state extension service, or other qualified source with:

(1) expert knowledge of processing requirements for pickled fruit or vegetables, fermented vegetable products, or acidified canned goods; and

(2) adequate facilities for scientifically validating recipes for pickled fruit or vegetables, fermented vegetable products, or acidified canned goods.

(g) This section does not apply to pickled cucumbers.

(h) For purposes of this section, "process authority" means a person who has expert knowledge acquired through appropriate training and experience in the pickling, fermenting, or acidification and processing of pickled, fermented, or acidified foods.

Sec. 437.01952. REQUIREMENTS FOR SALE OF FROZEN FRUIT OR VEGETABLES. A cottage food production operation that sells to consumers frozen raw and uncut fruit or vegetables shall:

(1) store and deliver the frozen fruit or vegetables at an air temperature of not more than 32 degrees Fahrenheit; and

(2) label the fruit or vegetables in accordance with Section 437.0193(d).

SECTION 5. Section 437.0196, Health and Safety Code, is amended to read as follows:

Sec. 437.0196. TIME AND TEMPERATURE CONTROL FOR SAFETY [POTENTIALLY HAZARDOUS] FOOD; PROHIBITION FOR COTTAGE FOOD PRODUCTION OPERATIONS; EXCEPTION. (a) In this section, "time and temperature control for safety [potentially hazardous] food" means a food that requires time and temperature control for safety to limit pathogen growth or toxin production. The term includes a food that must be held under proper temperature controls, such as refrigeration, to prevent the growth of bacteria that may cause human illness. A time and temperature control for safety [potentially hazardous] food may include a food that contains protein and moisture and is neutral or slightly acidic, such as meat, poultry, fish, and shellfish products, pasteurized and unpasteurized milk and dairy products, raw seed sprouts, baked goods that require refrigeration, including cream or custard pies or cakes, and ice products. The term does not include a food that uses time and temperature control for safety [potentially hazardous] food as ingredients if the final food product does not require time or temperature control for safety to limit pathogen growth or toxin production.

(b) Except as otherwise provided by this chapter, a [A] cottage food production operation may not sell to consumers time and temperature control for safety [customers potentially hazardous] foods.

SECTION 6. As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement the changes made by this Act; and

(2) the Department of State Health Services shall approve sources for recipes for pickled fruit or vegetables, plant-based acidified canned goods, and fermented vegetable products and post a list of sources, appropriately certified laboratories, and qualified process authorities on the department's Internet website as required by Section 437.01951, Health and Safety Code, as added by this Act.

SECTION 7. This Act takes effect September 1, 2019.

### **Floor Amendment No. 1**

Amend **CSSB 572** (house committee report) as follows:

(1) On page 4, line 2, between "(2)" and "before", insert "subject to Subsection (c),".

(2) On page 4, between lines 9 and 10, insert the following:

(c) The operator of a cottage food production operation that sells a food described by Section 437.001(2-b)(A) in this state in the manner described by Subsection (b):

(1) is not required to include the address of the operation in the labeling information required under Subsection (b)(2) before the operator accepts payment for the food; and



(2) shall provide the address of the operation on the label of the food in the manner required by Section 437.0193(b) after the operator accepts payment for the food.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 572**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE ON HOUSE BILL 3148**  
**(Motion In Writing)**

Senator Bettencourt called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3148** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3148** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Kolkhorst, Lucio, Perry, and Menéndez.

**CONFERENCE COMMITTEE ON HOUSE BILL 2847**  
**(Motion In Writing)**

Senator Hancock called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2847** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2847** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Seliger, Whitmire, Creighton, and Buckingham.

**SENATE BILL 1105 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 1105** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1105** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the administration and operation of Medicaid, including Medicaid managed care.

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

SECTION 1. Section 531.001, Government Code, is amended by adding Subdivision (4-c) to read as follows:

(4-c) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.02112, 531.021182, 531.02131, 531.02142, 531.024162, 531.024163, 531.0319, and 531.0511 to read as follows:

Sec. 531.02112. POLICIES FOR IMPLEMENTING CHANGES TO PAYMENT RATES UNDER MEDICAID. (a) The commission shall adopt policies related to the determination of fees, charges, and rates for payments under Medicaid to ensure, to the greatest extent possible, that changes to a fee schedule are implemented in a way that minimizes administrative complexity, financial uncertainty, and retroactive adjustments for providers.

(b) In adopting policies under Subsection (a), the commission shall:

(1) develop a process for individuals and entities that deliver services under the Medicaid managed care program to provide oral or written input on the proposed policies; and

(2) ensure that managed care organizations and the entity serving as the state's Medicaid claims administrator under the Medicaid fee-for-service delivery model are provided a period of not less than 45 days before the effective date of a final fee schedule change to make any necessary administrative or systems adjustments to implement the change.

(c) This section does not apply to changes to the fees, charges, or rates for payments made to a nursing facility or to capitation rates paid to a Medicaid managed care organization.

Sec. 531.021182. USE OF NATIONAL PROVIDER IDENTIFIER NUMBER.

(a) In this section, "national provider identifier number" means the national provider identifier number required under Section 1128J(e), Social Security Act (42 U.S.C. Section 1320a-7k(e)).

(b) The commission shall transition from using a state-issued provider identifier number to using only a national provider identifier number in accordance with this section.

(c) The commission shall implement a Medicaid provider management and enrollment system and, following that implementation, use only a national provider identifier number to enroll a provider in Medicaid.

(d) The commission shall implement a modernized claims processing system and, following that implementation, use only a national provider identifier number to process claims for and authorize Medicaid services.

Sec. 531.02131. GRIEVANCES RELATED TO MEDICAID. (a) The commission shall adopt a definition of "grievance" related to Medicaid and ensure the definition is consistent among divisions within the commission to ensure all grievances are managed consistently.

(b) The commission shall standardize Medicaid grievance data reporting and tracking among divisions within the commission.

(c) The commission shall implement a no-wrong-door system for Medicaid grievances reported to the commission.

(d) The commission shall establish a procedure for expedited resolution of a grievance related to Medicaid that allows the commission to:

(1) identify a grievance related to a Medicaid access to care issue that is urgent and requires an expedited resolution; and

(2) resolve the grievance within a specified period.

(e) The commission shall verify grievance data reported by a Medicaid managed care organization.

(f) The commission shall:

(1) aggregate Medicaid recipient and provider grievance data to provide a comprehensive data set of grievances; and

(2) make the aggregated data available to the legislature and the public in a manner that does not allow for the identification of a particular recipient or provider.

Sec. 531.02142. PUBLIC ACCESS TO CERTAIN MEDICAID DATA. (a) To the extent permitted by federal law, the commission in consultation and collaboration with the appropriate advisory committees related to Medicaid shall make available to the public on the commission's Internet website in an easy-to-read format data relating to the quality of health care received by Medicaid recipients and the health outcomes of those recipients. Data made available to the public under this section must be made available in a manner that does not identify or allow for the identification of individual recipients.

(b) In performing its duties under this section, the commission may collaborate with an institution of higher education or another state agency with experience in analyzing and producing public use data.

Sec. 531.024162. NOTICE REQUIREMENTS REGARDING MEDICAID COVERAGE OR PRIOR AUTHORIZATION DENIAL AND INCOMPLETE REQUESTS. (a) The commission shall ensure that notice sent by the commission or a Medicaid managed care organization to a Medicaid recipient or provider regarding the denial of coverage or prior authorization for a service includes:

(1) information required by federal and state law and applicable regulations;

(2) for the recipient, a clear and easy-to-understand explanation of the reason for the denial; and

(3) for the provider, a thorough and detailed clinical explanation of the reason for the denial, including, as applicable, information required under Subsection (b).

(b) The commission or a Medicaid managed care organization that receives from a provider a coverage or prior authorization request that contains insufficient or inadequate documentation to approve the request shall issue a notice to the provider and the Medicaid recipient on whose behalf the request was submitted. The notice issued under this subsection must:

(1) include a section specifically for the provider that contains:

(A) a clear and specific list and description of the documentation necessary for the commission or organization to make a final determination on the request;

(B) the applicable timeline, based on the requested service, for the provider to submit the documentation and a description of the reconsideration process described by Section 533.00284, if applicable; and

(C) information on the manner through which a provider may contact a Medicaid managed care organization or other entity as required by Section 531.024163; and

(2) be sent to the provider:

(A) using the provider's preferred method of contact most recently provided to the commission or the Medicaid managed care organization and using any alternative and known methods of contact; and

(B) as applicable, through an electronic notification on an Internet portal.

Sec. 531.024163. ACCESSIBILITY OF INFORMATION REGARDING MEDICAID PRIOR AUTHORIZATION REQUIREMENTS. (a) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to ensure that the organization or entity maintains on the organization's or entity's Internet website in an easily searchable and accessible format:

(1) the applicable timelines for prior authorization requirements, including:

(A) the time within which the organization or entity must make a determination on a prior authorization request;

(B) a description of the notice the organization or entity provides to a provider and Medicaid recipient on whose behalf the request was submitted regarding the documentation required to complete a determination on a prior authorization request; and

(C) the deadline by which the organization or entity is required to submit the notice described by Paragraph (B); and

(2) an accurate and up-to-date catalogue of coverage criteria and prior authorization requirements, including:

(A) for a prior authorization requirement first imposed on or after September 1, 2019, the effective date of the requirement;

(B) a list or description of any necessary or supporting documentation necessary to obtain prior authorization for a specified service; and

(C) the date and results of each review of the prior authorization requirement conducted under Section 533.00283, if applicable.

(b) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to:

(1) adopt and maintain a process for a provider or Medicaid recipient to contact the organization or entity to clarify prior authorization requirements or assist the provider or recipient in submitting a prior authorization request; and

(2) ensure that the process described by Subdivision (1) is not arduous or overly burdensome to a provider or recipient.

Sec. 531.0319. MEDICAID MEDICAL BENEFITS POLICY MANUAL. (a) To the greatest extent possible, the commission shall consolidate policy manuals, handbooks, and other informational documents into one Medicaid medical benefits policy manual to clarify and provide guidance on the policies under the Medicaid managed care delivery model.

(b) The commission shall periodically update the Medicaid medical benefits policy manual described by this section to reflect policies adopted or amended by the commission.

Sec. 531.0511. MEDICALLY DEPENDENT CHILDREN WAIVER PROGRAM: CONSUMER DIRECTION OF SERVICES. Notwithstanding Sections 531.051(c)(1) and (d), a consumer direction model implemented under Section 531.051, including the consumer-directed service option, for the delivery of services under the medically dependent children (MDCP) waiver program must allow for the delivery of all services and supports available under that program through consumer direction.

SECTION 3. Section 533.00253(a)(1), Government Code, is amended to read as follows:

(1) "Advisory committee" means the STAR Kids Managed Care Advisory Committee established by the executive commissioner under Section 531.012 [533.00254].

SECTION 4. Section 533.00253, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Using existing resources, the executive commissioner in consultation and collaboration with the advisory committee shall determine the feasibility of providing Medicaid benefits to children enrolled in the STAR Kids managed care program under:

(1) an accountable care organization model in accordance with guidelines established by the Centers for Medicare and Medicaid Services; or

(2) an alternative model developed by or in collaboration with the Centers for Medicare and Medicaid Services Innovation Center.

(g) Not later than December 1, 2022, the commission shall prepare and submit a written report to the legislature of the executive commissioner's determination under Subsection (f).

(h) Subsections (f) and (g) and this subsection expire September 1, 2023.

SECTION 5. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00282, 533.00283, 533.00284, and 533.0031 to read as follows:

Sec. 533.00282. UTILIZATION REVIEW PROCEDURES. Section 4201.304, Insurance Code, does not apply to a Medicaid managed care organization or a utilization review agent who conducts utilization reviews for a Medicaid managed care organization.

Sec. 533.00283. ANNUAL REVIEW OF PRIOR AUTHORIZATION REQUIREMENTS. (a) Each Medicaid managed care organization shall develop and implement a process to conduct an annual review of the organization's prior authorization requirements, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program. In conducting a review, the organization must:

(1) solicit, receive, and consider input from providers in the organization's provider network; and

(2) ensure that each prior authorization requirement is based on accurate, up-to-date, evidence-based, and peer-reviewed clinical criteria that distinguish, as appropriate, between categories, including age, of recipients for whom prior authorization requests are submitted.

(b) A Medicaid managed care organization may not impose a prior authorization requirement, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program, unless the organization has reviewed the requirement during the most recent annual review required under this section.

Sec. 533.00284. RECONSIDERATION FOLLOWING ADVERSE DETERMINATIONS ON CERTAIN PRIOR AUTHORIZATION REQUESTS. (a) In addition to the requirements of Section 533.005, a contract between a Medicaid managed care organization and the commission must include a requirement that the organization establish a process for reconsidering an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation.

(b) The process for reconsidering an adverse determination on a prior authorization request under this section must:

(1) allow a provider to, not later than the seventh business day following the date of the determination, submit any documentation that was identified as insufficient or inadequate in the notice provided under Section 531.024162;

(2) allow the provider requesting the prior authorization to discuss the request with another provider who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted;

(3) require the Medicaid managed care organization to, not later than the first business day following the date the provider submits sufficient and adequate documentation under Subdivision (1), amend the determination on the prior authorization request, as necessary, considering the additional documentation; and

(4) comply with 42 C.F.R. Section 438.210.

(c) An adverse determination on a prior authorization request is considered a denial of services in an evaluation of the Medicaid managed care organization only if the determination is not amended under Subsection (b)(3).

(d) The process for reconsidering an adverse determination on a prior authorization request under this section does not affect:

(1) any related timelines, including the timeline for an internal appeal or a Medicaid fair hearing; or

(2) any rights of a recipient to appeal a determination on a prior authorization request.

Sec. 533.0031. MEDICAID MANAGED CARE PLAN ACCREDITATION. (a) A managed care plan offered by a Medicaid managed care organization must be accredited by a nationally recognized accreditation organization. The commission may choose whether to require all managed care plans offered by Medicaid managed care organizations to be accredited by the same organization or to allow for accreditation by different organizations.

(b) The commission may use the data, scoring, and other information provided to or received from an accreditation organization in the commission's contract oversight processes.

SECTION 6. The Health and Human Services Commission shall issue a request for information to seek information and comments regarding contracting with a managed care organization to arrange for or provide a managed care plan under the STAR Kids managed care program established under Section 533.00253, Government Code, throughout the state instead of on a regional basis.

SECTION 7. (a) Using available resources, the Health and Human Services Commission shall report available data on the 30-day limitation on reimbursement for inpatient hospital care provided to Medicaid recipients enrolled in the STAR+PLUS Medicaid managed care program under 1 T.A.C. Section 354.1072(a)(1) and other applicable law. To the extent data is available on the subject, the commission shall also report on:

(1) the number of Medicaid recipients affected by the limitation and their clinical outcomes; and

(2) the impact of the limitation on reducing unnecessary Medicaid inpatient hospital days and any cost savings achieved by the limitation under Medicaid.

(b) Not later than December 1, 2020, the Health and Human Services Commission shall submit the report containing the data described by Subsection (a) of this section to the governor, the legislature, and the Legislative Budget Board. The report required under this subsection may be combined with any other report required by this Act or other law.

SECTION 8. The policies for implementing changes to payment rates required by Section 531.02112, Government Code, as added by this Act, apply only to a change to a fee, charge, or rate that takes effect on or after January 1, 2021.

SECTION 9. The Health and Human Services Commission shall implement:

(1) the Medicaid provider management and enrollment system required by Section 531.021182(c), Government Code, as added by this Act, not later than September 1, 2020; and

(2) the modernized claims processing system required by Section 531.021182(d), Government Code, as added by this Act, not later than September 1, 2023.

SECTION 10. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 11. (a) Section 533.00284, Government Code, as added by this Act, applies only to a contract between the Health and Human Services Commission and a Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(b) The Health and Human Services Commission shall seek to amend contracts entered into with Medicaid managed care organizations under Chapter 533, Government Code, before the effective date of this Act to include the provisions required by Section 533.00284, Government Code, as added by this Act.

SECTION 12. The Health and Human Services Commission shall require that a managed care plan offered by a managed care organization with which the commission enters into or renews a contract under Chapter 533, Government Code, on or after the effective date of this Act comply with Section 533.0031, Government Code, as added by this Act, not later than September 1, 2022.

SECTION 13. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 14. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 15. This Act takes effect September 1, 2019.

### Floor Amendment No. 1

Amend **CSSB 1105** (house committee report) as follows:

(1) On page 4, line 17, strike "of coverage or" and substitute ", partial denial, reduction, or termination of coverage or denial of".

(2) On page 4, strike lines 21 and 22 and substitute the following:

(2) for the recipient:

(A) a clear and easy-to-understand explanation of the reason for the decision, including a clear explanation of the medical basis, applying the policy or accepted standard of medical practice to the recipient's particular medical circumstances;

(B) a copy of the information sent to the provider; and

(C) an educational component that includes a description of the recipient's rights and an explanation of the process related to appeals and Medicaid fair hearings; and

(3) On page 4, line 24, strike "denial" and substitute "decision".

(4) On page 5, line 11, between "documentation" and "and", insert ";".

(5) On page 5, strike lines 12 and 13.

(6) On page 5, strike lines 17-23 and substitute the following:

(2) be sent:



(A) to the provider:

(i) using the provider's preferred method of communication, to the extent practicable using existing resources; and

(ii) as applicable, through an electronic notification on an Internet portal; and

(B) to the recipient using the recipient's preferred method of communication, to the extent practicable using existing resources.

(7) On page 6, line 21, strike "necessary or".

(8) On page 6, line 22, between "supporting" and "documentation", insert "or other".

(9) On page 7, lines 5 and 6, strike "or recipient".

(10) On page 8, strike lines 2 and 3 and substitute the following:

Care Advisory Committee described by ~~[established under]~~ Section 533.00254.

(11) On page 8, line 5, strike "(f), (g), and (h)" and substitute "(k), (l), and (m)".

(12) On page 8, line 6, strike "(f)" and substitute "(k)".

(13) On page 8, line 16, strike "(g)" and substitute "(l)".

(14) On page 8, line 18, strike "(f)" and substitute "(k)".

(15) On page 8, line 19, strike "(h) Subsections (f) and (g)" and substitute the following "(m) Subsections (k) and (l)".

(16) On page 8, line 22, strike "533.00282, 533.00283, 533.00284" and substitute "533.002821, 533.00283".

(17) On page 8, line 24, strike "533.00282" and substitute "533.002821".

(18) On page 8, line 24, between "PROCEDURES." and "Section", insert "(a)".

(19) On page 8, following line 27, add the following:

(b) In addition to the requirements of Section 533.005, a contract between a Medicaid managed care organization and the commission must require that the organization review and issue determinations on prior authorization requests with respect to a recipient who is hospitalized at the time of the request according to the following time frames:

(1) within one business day after receiving the request, except as provided by Subdivisions (2) and (3);

(2) within 72 hours after receiving the request if the request is submitted by a provider of acute care inpatient services for services or equipment necessary to discharge the recipient from an inpatient facility; or

(3) within one hour after receiving the request if the request is related to poststabilization care or a life-threatening condition.

(c) The executive commissioner by rule shall establish the time frame for a Medicaid managed care organization to review and issue determinations on prior authorization requests with respect to a recipient who is not hospitalized at the time of the request.

(20) On page 9, line 2, between "organization" and "shall", insert ", in consultation with the organization's provider advisory group required by contract,".

(21) Strike page 9, line 21, through page 11, line 4.

(22) On page 13, line 1, strike "533.00284" and substitute "533.002821".

(23) On page 13, line 2, strike "applies" and substitute "and Section 533.005, Government Code, as amended by this Act, apply".

(24) On page 13, line 6, strike "The" and substitute "As soon as practicable after the effective date of this Act but not later than September 1, 2020, the".

(25) On page 13, strike line 10 and substitute the following:  
Section 533.002821, Government Code, as added by this Act, and Section 533.005, Government Code, as amended by this Act.

(26) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00254 to read as follows:

Sec. 533.00254. STAR KIDS MANAGED CARE ADVISORY COMMITTEE.

(a) The STAR Kids Managed Care Advisory Committee established by the executive commissioner under Section 531.012 shall:

(1) advise the commission on the operation of the STAR Kids managed care program under Section 533.00253; and

(2) make recommendations for improvements to that program.

(b) On September 1, 2023:

(1) the advisory committee is abolished; and

(2) this section expires.

SECTION \_\_\_\_\_. Section 533.005, Government Code, is amended by adding Subsection (o) to read as follows:

(o) In addition to the requirements of Subsection (a), a contract between a Medicaid managed care organization and the commission must contain a requirement that the organization review and issue determinations with respect to a patient who is hospitalized at the time of the determination according to the time frames required by Section 533.002821.

## **Floor Amendment No. 2**

Amend **CSSB 1105** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 533.0055, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The commission shall consolidate each electronic or Internet portal operated or maintained by the commission, including through a contract with a separate entity, that is used to receive and deliver requests and other information from and to Medicaid providers, including nursing facility providers participating in the STAR+PLUS Medicaid managed care program, into a single Internet portal that serves as the electronic process required by Subsection (b)(6). The commission shall ensure the single Internet portal meets the requirements of a portal described by Sections 531.02411, 533.00251, 533.00253, and 533.0071.

(d) The commission may contract with a private or nonprofit entity to develop, operate, and maintain the single Internet portal described by Subsection (c). The entity may not be affiliated with any specific managed care plan.

(e) Notwithstanding any other law, the executive commissioner by rule shall require each Medicaid managed care organization to allow providers in the organization's provider network to use the single Internet portal described by Subsection (c).

**Floor Amendment No. 3**

Amend **CSSB 1105** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 533.005, Government Code, is amended by adding Subsection (1) to read as follows:

(1) In addition to the requirements of Subsection (a), the commission shall ensure a contract described by that subsection contains:

(1) a requirement that, on any claim for payment that is received without documentation reasonably necessary for the managed care organization to process the claim, the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan offered by the managed care organization not later than the 30th day after the date the organization receives the documentation necessary to process the claim; and

(2) a requirement that a project to fix the managed care organization's claims processing system last not longer than 60 days and that the organization make payment on a claim that is pending because of the project not later than the 30th day after the date the project is completed.

(2) On page 13, line 1, strike "Section 533.00284" and substitute "Sections 533.00284 and 533.005(1)".

(3) On page 13, line 2, strike "applies" and substitute "apply".

(4) On page 13, line 10, strike "Section 533.00284" and substitute "Sections 533.00284 and 533.005(1)".

**Floor Amendment No. 4**

Amend **CSSB 1105** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 533.005, Government Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the requirements specified by Subsection (a), a contract described by that subsection must provide that if the managed care organization has an ownership interest in a health care provider in the organization's provider network, the organization:

(1) must include in the provider network at least one other health care provider of the same type in which the organization does not have an ownership interest unless the organization is able to demonstrate to the commission that the provider included in the provider network is the only provider located in an area that meets requirements established by the commission relating to the time and distance a recipient is expected to travel to receive services; and

(2) may not give preference in authorizing referrals to the provider in which the organization has an ownership interest as compared to other providers of the same or similar services participating in the organization's provider network.

(2) On page 13, line 1, strike "Section 533.00284" and substitute "Sections 533.00284 and 533.005(e)".

(3) On page 13, line 2, strike "applies" and substitute "apply".

(4) On page 13, line 10, strike "Section 533.00284" and substitute "Sections 533.00284 and 533.005(e)".

#### **Floor Amendment No. 5**

Amend **CSSB 1105** (house committee report) as follows:

(1) On page 8, line 5, between "Subsections" and "(f)", insert "(c-1)".

(2) On page 8, between lines 5 and 6, insert the following:

(c-1) Notwithstanding Subsection (c)(4), the commission shall consider contracting with an independent third party to conduct annual care needs assessments under the STAR Kids managed care program.

#### **Floor Amendment No. 6**

Amend **CSSB 1105** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02612 to read as follows:

Sec. 32.02612. PERIODIC ELIGIBILITY REVIEW FOR CERTAIN RECIPIENTS; ENROLLMENT IN CHILD HEALTH PLAN. (a) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission may:

(1) review the child's household income; and

(2) if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income.

(b) The commission shall conduct the review under Subsection (a) using information obtained through a third party database.

(c) If, after reviewing a child's household income under Subsection (a), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(d) The commission shall provide the child's parent or guardian with written notice of the termination under Subsection (c), if applicable. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(e) The commission shall automatically enroll in the child health plan under Chapter 62, Health and Safety Code, a child whose household income as determined under this section:

(1) exceeds the maximum income for eligibility for the medical assistance program; and

(2) establishes eligibility for the child to receive benefits under the child health plan.

(f) The executive commissioner may adopt rules as necessary to implement this section.

#### **Floor Amendment No. 7**

Amend **CSSB 1105** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.032 to read as follows:

Sec. 533.032. COMMUNITY HEALTH WORKERS. (a) In this section, "community health worker" has the meaning assigned by Section 48.001, Health and Safety Code.

(b) The commission shall allow each Medicaid managed care organization that contracts with the commission to provide health care services to recipients under the STAR Medicaid managed care program to categorize services provided by a community health worker as a quality improvement cost, as authorized by federal law, instead of as an administrative expense.

#### **Floor Amendment No. 8**

Amend **CSSB 1105** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.1023, Government Code, is amended to read as follows:

Sec. 531.1023. COMPLIANCE WITH FEDERAL CODING GUIDELINES. (a) The commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, and the commission's medical and utilization review appeals unit shall comply with federal coding guidelines, including guidelines for diagnosis-related group (DRG) validation and related audits.

(b) In this section, "federal coding guidelines" means the code sets and guidelines adopted by the United States Department of Health and Human Services in accordance with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

#### **Floor Amendment No. 9**

Amend **CSSB 1105** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Effective March 1, 2020, Section 533.005(a), Government Code, is amended to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

- (2) capitation rates that ensure the cost-effective provision of quality health care;
- (3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;
- (4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;
- (5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;
- (6) procedures for recipient outreach and education;
- (7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan on any claim for payment that is received with documentation reasonably necessary for the managed care organization to process the claim:
  - (A) not later than:
    - (i) the 10th day after the date the claim is received if the claim relates to services provided by a nursing facility, intermediate care facility, or group home;
    - (ii) the 30th day after the date the claim is received if the claim relates to the provision of long-term services and supports not subject to Subparagraph (i); and
    - (iii) the 45th day after the date the claim is received if the claim is not subject to Subparagraph (i) or (ii); or
  - (B) within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;
- (7-a) a requirement that the managed care organization demonstrate to the commission that the organization pays claims described by Subdivision (7)(A)(ii) on average not later than the 21st day after the date the claim is received by the organization;
- (8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;
- (9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;
- (10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general and the office of the attorney general;
- (11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that, notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the organization:

(A) use advanced practice registered nurses and physician assistants in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network; and

(B) treat advanced practice registered nurses and physician assistants in the same manner as primary care physicians with regard to:

(i) selection and assignment as primary care providers;

(ii) inclusion as primary care providers in the organization's provider network; and

(iii) inclusion as primary care providers in any provider network directory maintained by the organization;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician;

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal;

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider; and

(D) the managed care organization to allow a provider with a claim that has not been paid before the time prescribed by Subdivision (7)(A)(ii) to initiate an appeal of that claim;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization:

(A) develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network complies with the provider access standards established under Section 533.0061;

(B) as a condition of contract retention and renewal:

(i) continue to comply with the provider access standards established under Section 533.0061; and

(ii) make substantial efforts, as determined by the commission, to mitigate or remedy any noncompliance with the provider access standards established under Section 533.0061;

(C) pay liquidated damages for each failure, as determined by the commission, to comply with the provider access standards established under Section 533.0061 in amounts that are reasonably related to the noncompliance; and

(D) regularly, as determined by the commission, submit to the commission and make available to the public a report containing data on the sufficiency of the organization's provider network with regard to providing the care and services described under Section 533.0061(a) and specific data with respect to access to primary care, specialty care, long-term services and supports, nursing services, and therapy services on the average length of time between:

(i) the date a provider requests prior authorization for the care or service and the date the organization approves or denies the request; and

(ii) the date the organization approves a request for prior authorization for the care or service and the date the care or service is initiated;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that, subject to the provider access standards established under Section 533.0061:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types;

(iii) a sufficient number of providers of long-term services and supports and specialty pediatric care providers of home and community-based services; and

(iv) providers located throughout the region where the organization will provide health care services; and



(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care;

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse;

(23) subject to Subsection (a-1), a requirement that the managed care organization develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients:

(A) that exclusively employs the vendor drug program formulary and preserves the state's ability to reduce waste, fraud, and abuse under Medicaid;

(B) that adheres to the applicable preferred drug list adopted by the commission under Section 531.072;

(C) that includes the prior authorization procedures and requirements prescribed by or implemented under Sections 531.073(b), (c), and (g) for the vendor drug program;

(D) for purposes of which the managed care organization:

(i) may not negotiate or collect rebates associated with pharmacy products on the vendor drug program formulary; and

(ii) may not receive drug rebate or pricing information that is confidential under Section 531.071;

(E) that complies with the prohibition under Section 531.089;

(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) that allows the managed care organization or any subcontracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager are prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or partly by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager must adopt policies and procedures for reclassifying prescription drugs from retail to specialty drugs, and those policies and procedures must be consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in its networks, but may not require enrolled recipients to use those pharmacies, and may not charge an enrolled recipient who opts to use this service a fee, including postage and handling fees;

(J) under which the managed care organization or pharmacy benefit manager, as applicable, must pay claims in accordance with Section 843.339, Insurance Code; and

(K) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) must comply with Section 533.00514 as a condition of contract retention and renewal ~~[to place a drug on a maximum allowable cost list, must ensure that:~~

~~[(a) the drug is listed as "A" or "B" rated in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and~~

~~[(b) the drug is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete];~~

(ii) ~~must provide to a network pharmacy provider, at the time a contract is entered into or renewed with the network pharmacy provider, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;~~

~~[(iii) must] review and update drug reimbursement [maximum allowable cost] price information at least once every seven days to reflect any modification of [maximum allowable cost] pricing under the vendor drug program;~~

~~(iii) [(iv) must, in formulating the maximum allowable cost price for a drug, use only the price of the drug and drugs listed as therapeutically equivalent in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book;~~

~~[(v) must establish a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;~~

~~[(vi)] must:~~

~~(a) provide a procedure under which a network pharmacy provider may challenge the reimbursement [a listed maximum allowable cost] price for a drug;~~

~~(b) respond to a challenge not later than the 15th day after the date the challenge is made;~~

(c) if the challenge is successful, make an adjustment in the drug price effective on the date the challenge is resolved, and make the adjustment applicable to all similarly situated network pharmacy providers, as determined by the managed care organization or pharmacy benefit manager, as appropriate;

(d) if the challenge is denied, provide the reason for the denial; and

(e) report to the commission every 90 days the total number of challenges that were made and denied in the preceding 90-day period for each ~~[maximum allowable cost list]~~ drug for which a challenge was denied during the period; and

~~(iv) [(vii) must notify the commission not later than the 21st day after implementing a practice of using a maximum allowable cost list for drugs dispensed at retail but not by mail; and~~

~~[(viii)]~~ must provide a process for each of its network pharmacy providers to readily access the drug reimbursement price ~~[maximum allowable cost]~~ list specific to that provider;

(24) a requirement that the managed care organization and any entity with which the managed care organization contracts for the performance of services under a managed care plan disclose, at no cost, to the commission and, on request, the office of the attorney general all discounts, incentives, rebates, fees, free goods, bundling arrangements, and other agreements affecting the net cost of goods or services provided under the plan;

(25) a requirement that the managed care organization not implement significant, nonnegotiated, across-the-board provider reimbursement rate reductions unless:

(A) subject to Subsection (a-3), the organization has the prior approval of the commission to make the reductions ~~[reduction]~~; or

(B) the rate reductions are based on changes to the Medicaid fee schedule or cost containment initiatives implemented by the commission; and

(26) a requirement that the managed care organization make initial and subsequent primary care provider assignments and changes.

SECTION \_\_\_\_\_. Effective March 1, 2020, Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00514 to read as follows:

Sec. 533.00514. REIMBURSEMENT METHODOLOGY FOR PRESCRIPTION DRUGS. (a) In accordance with rules adopted by the executive commissioner, a managed care organization that contracts with the commission under this chapter or a pharmacy benefit manager administering a pharmacy benefit program on behalf of the managed care organization shall reimburse a pharmacy or pharmacist, including a Texas retail pharmacy or a Texas specialty pharmacy, that:

(1) dispenses a prescribed prescription drug, other than a drug obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b), to a recipient for not less than the lesser of:

(A) the reimbursement amount for the drug under the vendor drug program, including a dispensing fee that is not less than the dispensing fee for the drug under the vendor drug program; or

(B) the amount claimed by the pharmacy or pharmacist, including the gross amount due or the usual and customary charge to the public for the drug; or

(2) dispenses a prescribed prescription drug obtained at a discounted price under Section 340B, Public Health Service Act (42 U.S.C. Section 256b) to a recipient for not less than the reimbursement amount for the drug under the vendor drug program, including a dispensing fee that is not less than the dispensing fee for the drug under the vendor drug program.

(b) The methodology adopted by rule by the executive commissioner to determine Texas pharmacies' actual acquisition cost (AAC) for purposes of the vendor drug program must be consistent with the actual prices Texas pharmacies pay to acquire prescription drugs marketed or sold by a specific manufacturer and must be based on the National Average Drug Acquisition Cost published by the Centers for Medicare and Medicaid Services or another publication approved by the executive commissioner.

(c) The executive commissioner shall develop a process for the periodic study of Texas retail pharmacies' actual acquisition cost (AAC) for prescription drugs, Texas specialty pharmacies' actual acquisition cost (AAC) for prescription drugs, retail professional dispensing costs, and specialty pharmacy professional dispensing costs and publish the results of each study on the commission's Internet website.

(d) The dispensing fees adopted by the executive commissioner for purposes of:

(1) Subsection (a)(1) must be based on, as appropriate:

(A) Texas retail pharmacies' professional dispensing costs for retail prescription drugs; or

(B) Texas specialty pharmacies' professional dispensing costs for specialty prescription drugs; or

(2) Subsection (a)(2) must be based on Texas pharmacies' professional dispensing costs for those drugs.

(e) Not less frequently than once every two years, the commission shall conduct a study of Texas pharmacies' dispensing costs for retail prescription drugs, specialty prescription drugs, and drugs obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b). Based on the results of the study, the executive commissioner shall adjust the minimum amount of the retail professional dispensing fee and specialty pharmacy professional dispensing fee under Subsection (a)(1) and the dispensing fee for drugs obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).

SECTION \_\_\_\_ . Effective March 1, 2020, Subchapter D, Chapter 62, Health and Safety Code, is amended by adding Section 62.160 to read as follows:

Sec. 62.160. REIMBURSEMENT METHODOLOGY FOR PRESCRIPTION DRUGS. A managed care organization providing pharmacy benefits under the child health plan program or a pharmacy benefit manager administering a pharmacy benefit program on behalf of the managed care organization shall comply with Section 533.00514, Government Code.

SECTION \_\_\_\_ . Effective March 1, 2020, Section 533.005(a-2), Government Code, is repealed.

(2) On page 14, line 3, strike "This" and substitute "Except as otherwise provided by this Act, this".

**Floor Amendment No. 10**

Amend **CSSB 1105** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Medicaid" means the medical assistance program established under Chapter 32, Human Resources Code.

(b) The commission may actively seek a waiver to the state Medicaid plan or other authorization from the appropriate federal agency to:

(1) ensure low income individuals who have a diagnosed mental health or substance use disorder are able to receive treatment under Medicaid; and

(2) create and maintain coordinated, holistic systems of care under Medicaid for the physical and behavioral health of Medicaid recipients.

**Floor Amendment No. 11**

Amend **CSSB 1105** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.02118, Government Code, is amended by amending Subsection (c) and adding Subsections (e), (f), (g), (h), and (i) to read as follows:

(c) In streamlining the Medicaid provider credentialing process under this section, the commission may designate a centralized credentialing entity and shall require ~~may~~:

(1) that the credentialing entity and the entity serving as the state's Medicaid claims administrator share information to reduce the submission of duplicative information or documents necessary for both Medicaid enrollment and credentialing in the database established under Subchapter C, Chapter 32, Human Resources Code, with the centralized credentialing entity; and

(2) ~~require~~ all managed care organizations contracting with the commission to provide health care services to Medicaid recipients under a managed care plan issued by the organization to use the centralized credentialing entity as a hub for the collection and sharing of information.

(e) Subject to Subsection (f), the commission shall enroll a provider as a Medicaid provider, without requiring the provider to separately apply for enrollment through the entity serving as the state's Medicaid claims administrator, if the provider is:

(1) credentialed by a managed care organization that contracts with the commission under Chapter 533; or

(2) enrolled as a Medicare provider.

(f) The executive commissioner by rule may establish additional enrollment requirements that are:

(1) necessary to enroll a provider as a Medicaid provider; and

(2) not otherwise required by managed care organization credentialing or Medicare provider enrollment.

(g) The commission shall track the number of providers that enroll as Medicaid providers through each type of enrollment process described by Subsection (e), including the enrollment process through the entity serving as the state's Medicaid claims administrator.

(h) The commission shall develop a process to streamline the Medicaid enrollment of a provider who:

(1) provides services through a single case agreement to a recipient who is also enrolled in a private group health benefit plan; and

(2) is enrolled as a provider in that group health benefit plan.

(i) The commission shall use a provider's national provider identifier number to enroll a provider under Subsection (h). In this subsection, "national provider identifier number" means the national provider identifier number required under Section 1128J(e), Social Security Act (42 U.S.C. Section 1320a-7k(e)).

SECTION \_\_\_\_\_. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION \_\_\_\_\_. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

### **Floor Amendment No. 12**

Amend **CSSB 1105** (house committing printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Effective September 1, 2020, Section 32.003, Human Resources Code, is amended by adding Subdivisions (2) and (3) to read as follows:

(2) "Health service regional office" means an office located in a public health region and administered by a regional director under Section 121.007, Health and Safety Code.

(3) "Local health department" means a local health department established under Subchapter D, Chapter 121, Health and Safety Code.

SECTION \_\_\_\_\_. Effective September 1, 2020, Section 32.024, Human Resources Code, is amended by adding Subsection (ll) to read as follows:

(ll) The executive commissioner shall establish a separate provider type for local health departments, including health service regional offices acting in the capacity of local health departments, for purposes of enrollment as a provider for and reimbursement under the medical assistance program.

SECTION \_\_\_\_\_. Effective September 1, 2020, Section 32.101(2), Human Resources Code, is amended to read as follows:

(2) "Health care provider" means a person, other than a physician, who:

(A) is licensed or otherwise authorized to provide a health care service in this state, including:

(i) a pharmacist, dentist, optometrist, mental health counselor, social worker, advanced practice nurse, physician assistant, or durable medical equipment supplier; ~~or~~

(ii) a pharmacy, hospital, or other institution or organization; or

(iii) a local health department or a health service regional office acting in the capacity of a local health department in a public health region;

(B) is wholly owned or controlled by:

(i) a health care provider or a group of health care providers described by Paragraph (A); or

(ii) one or more hospitals and physicians, including a physician-hospital organization;

(C) is a professional association of physicians organized under the Texas Professional Association Law, as described by Section 1.008, Business Organizations Code;

(D) is an approved nonprofit health corporation certified under Chapter 162, Occupations Code;

(E) is a medical and dental unit, as defined by Section 61.003, Education Code, a medical school, as defined by Section 61.501, Education Code, or a health science center described by Subchapter K, Chapter 74, Education Code, that employs or contracts with physicians to teach or provide medical services, or employs physicians and contracts with physicians in a practice plan; or

(F) is another person wholly owned by physicians.

(2) On page 14, line 3, strike "This" and substitute "Except as otherwise provided by this Act, this".

### Floor Amendment No. 13

Amend **CSSB 1105** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.0216(f), Government Code, is amended to read as follows:

(f) Not later than December 1 of each even-numbered year, the commission shall report to the speaker of the house of representatives and the lieutenant governor on the effects of telemedicine medical services, telehealth services, and home telemonitoring services on Medicaid in the state, including the number of physicians, health professionals, and licensed health care facilities using telemedicine medical services, telehealth services, or home telemonitoring services, the geographic and demographic disposition of the physicians and health professionals, the number of patients receiving telemedicine medical services, telehealth services, and home telemonitoring services, the types of services being provided, ~~and~~ the cost of utilization, and the cost savings of telemedicine medical services, telehealth services, and home telemonitoring services to Medicaid.

SECTION \_\_\_\_\_. Section 531.02164, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c)(1), the program required under this section must also provide that home telemonitoring services are available to pediatric persons who:

- (1) are diagnosed with end-stage solid organ disease;
- (2) have received an organ transplant; or
- (3) require mechanical ventilation.

SECTION \_\_\_\_\_. Section 531.02176, Government Code, is repealed.

SECTION \_\_\_\_\_. The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.02164(c-1), Government Code, as added by this Act, not later than December 1, 2019.

#### **Floor Amendment No. 14**

Amend **CSSB 1105** by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 32.024(w), Human Resources Code, is amended to read as follows:

(w) The executive commissioner shall set a personal needs allowance of not less than \$75 [~~\$60~~] a month for a resident of a convalescent or nursing facility or related institution licensed under Chapter 242, Health and Safety Code, assisted living facility, ICF-IID facility, or other similar long-term care facility who receives medical assistance. The commission may send the personal needs allowance directly to a resident who receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.). This subsection does not apply to a resident who is participating in a medical assistance waiver program administered by the commission.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 32.024(w), Human Resources Code, applies only to a personal needs allowance paid on or after the effective date of this Act.

SECTION \_\_\_\_\_. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

#### **Floor Amendment No. 1 on Third Reading**

Amend **SB 1105** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Section 531.02414, Government Code, is amended to read as follows:

Sec. 531.02414. NONEMERGENCY TRANSPORTATION SERVICES UNDER [ADMINISTRATION AND OPERATION OF] MEDICAL TRANSPORTATION PROGRAM.

SECTION \_\_\_\_\_. Section 531.02414(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "Medical transportation program" means the program that provides nonemergency transportation services [~~to and from covered health care services, based on medical necessity,~~] to recipients under Medicaid, subject to Subsection (a-1), the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation.



(1-a) "Nonemergency transportation service" means nonemergency medical transportation services authorized under:

(A) for a Medicaid recipient, the state Medicaid plan; and

(B) for a recipient under another program described by Subdivision (1),

that program.

(3) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

SECTION \_\_\_\_\_. Section 531.02414, Government Code, is amended by adding Subsections (a-1), (i), (j), (k), (l), and (m) and amending Subsections (b), (e), and (f) to read as follows:

(a-1) This section does not apply to the provision of nonemergency transportation services on or after September 1, 2020, to a Medicaid recipient who is enrolled in a managed care plan offered by a Medicaid managed care organization.

(b) Notwithstanding any other law, the commission shall directly supervise the administration and operation of the medical transportation program under this section.

(e) The executive commissioner shall adopt rules to ensure the safe and efficient provision of nonemergency transportation services under this section [~~the medical transportation program by regional contracted brokers and subcontractors of regional contracted brokers~~]. The rules must include:

(1) minimum standards regarding the physical condition and maintenance of motor vehicles used to provide the services, including standards regarding the accessibility of motor vehicles by persons with disabilities;

(2) a requirement that a regional contracted broker verify that each motor vehicle operator providing the services or seeking to provide the services has a valid driver's license;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety under Subchapter C, Chapter 521, Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;

(4) a requirement that a regional contracted broker check the public criminal record information maintained by the Department of Public Safety and made available to the public through the department's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and

(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:

(A) passenger safety;

(B) passenger assistance;

(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;

(D) sensitivity and diversity;

(E) customer service;

(F) defensive driving techniques; and

(G) prohibited behavior by motor vehicle operators.

(f) Except as provided by Subsection (j), the [The] commission shall require compliance with the rules adopted under Subsection (e) in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program.

(i) Emergency medical services personnel and emergency medical services vehicles, as those terms are defined by Section 773.003, Health and Safety Code, may not provide nonemergency transportation services under the medical transportation program.

(j) A regional contracted broker may subcontract with a transportation network company to provide services under this section. A rule or other requirement adopted by the executive commissioner under Subsection (e) does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the regional contracted broker may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(k) The commission or a regional contracted broker that subcontracts with a transportation network company under Subsection (j) may require the transportation network company or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(l) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a regional contracted broker under Subsection (j) and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the regional contracted broker may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(m) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

SECTION \_\_\_\_. The heading to Section 533.00257, Government Code, is amended to read as follows:

Sec. 533.00257. DELIVERY OF MEDICAL TRANSPORTATION PROGRAM SERVICES THROUGH MANAGED TRANSPORTATION ORGANIZATION.

SECTION \_\_\_\_. Section 533.00257(a), Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

SECTION \_\_\_\_. Section 533.00257, Government Code, is amended by amending Subsections (b), (d), and (g) and adding Subsections (k), (l), (m), and (n) to read as follows:

(b) ~~The [Subject to Subsection (i), the]~~ commission may ~~[shall]~~ provide medical transportation program services on a regional basis through a managed transportation delivery model using managed transportation organizations and providers, as appropriate, that:

- (1) operate under a capitated rate system;
- (2) assume financial responsibility under a full-risk model;
- (3) operate a call center;
- (4) use fixed routes when available and appropriate; and
- (5) agree to provide data to the commission if the commission determines

that the data is required to receive federal matching funds.

(d) Except as provided by Subsections (k) and (m), a [A] managed transportation organization that participates in the medical transportation program must attempt to contract with medical transportation providers that:

- (1) are considered significant traditional providers, as defined by rule by the executive commissioner;
- (2) meet the minimum quality and efficiency measures required under Subsection (g) and other requirements that may be imposed by the managed transportation organization; and
- (3) agree to accept the prevailing contract rate of the managed transportation organization.

(g) Except as provided by Subsections (k) and (m), the [The] commission shall require that managed transportation organizations and providers participating in the medical transportation program meet minimum quality and efficiency measures as determined by the commission.

(k) A managed transportation organization may subcontract with a transportation network company to provide services under this section. A rule or other requirement adopted by the executive commissioner under this section or Section 531.02414 does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the managed transportation organization may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(l) The commission or a managed transportation organization that subcontracts with a transportation network company under Subsection (k) may require the transportation network company or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(m) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a managed transportation organization under Subsection (k) and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the managed transportation organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(n) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.002571, 533.00258, and 533.002581 to read as follows:

Sec. 533.002571. DELIVERY OF NONEMERGENCY TRANSPORTATION SERVICES TO CERTAIN MEDICAID RECIPIENTS THROUGH MEDICAID MANAGED CARE ORGANIZATION. (a) In this section:

(1) "Nonemergency transportation service" has the meaning assigned by Section 531.02414.

(2) "Nonmedical transportation service" and "transportation network company" have the meanings assigned by Section 533.00258.

(b) The commission shall require each Medicaid managed care organization to arrange and provide nonemergency transportation services to a recipient enrolled in a managed care plan offered by the organization using the most cost-effective and cost-efficient method of delivery, including by delivering nonmedical transportation services through a transportation network company or other transportation vendor as provided by Section 533.002581, if available and medically appropriate. The commission shall supervise the provision of the services.

(c) Subject to Subsection (d), the executive commissioner shall adopt:

(1) rules applicable to the provision of nonemergency medical transportation services by a Medicaid managed care organization that impose the same standards and requirements as those adopted under Section 531.02414(e); and

(2) other rules as necessary to ensure the safe and efficient provision of nonemergency transportation services by a Medicaid managed care organization under this section.

(d) A Medicaid managed care organization may subcontract with a transportation network company to provide nonemergency transportation services under this section. A rule or other requirement adopted by the executive commissioner under Subsection (c) or Section 531.02414 does not apply to the subcontracted transportation network company or a motor vehicle operator who is part of the company's network. The commission or the Medicaid managed care organization may not require a motor vehicle operator who is part of the subcontracted transportation network company's network to enroll as a Medicaid provider to provide services under this section.

(e) The commission or a Medicaid managed care organization that subcontracts with a transportation network company under Subsection (d) may require the transportation network company or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(f) Notwithstanding any other law, a motor vehicle operator who is part of the network of a transportation network company that subcontracts with a Medicaid managed care organization under Subsection (d) and who satisfies the driver

requirements in Section 2402.107, Occupations Code, is qualified to provide services under this section. The commission and the Medicaid managed care organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide services under this section.

(g) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

(h) The commission may temporarily waive the applicability of Subsection (b) to a Medicaid managed care organization as necessary based on the results of a review conducted under Section 533.007 and until enrollment of recipients in a managed care plan offered by the organization is permitted under that section.

(i) The commission shall extend a contract for the provision of nonemergency transportation services under Section 533.00257 or other law as necessary until the requirements of this section are implemented with respect to each Medicaid managed care organization. This subsection expires September 1, 2023.

Sec. 533.00258. NONMEDICAL TRANSPORTATION SERVICES UNDER MEDICAID MANAGED CARE PROGRAM. (a) In this section:

(1) "Nonmedical transportation service" means:

(A) curb-to-curb transportation to or from a medically necessary, nonemergency covered health care service in a standard passenger vehicle that is scheduled not more than 48 hours before the transportation occurs, that is provided to a recipient enrolled in a managed care plan offered by a Medicaid managed care organization, and that the organization determines meets the level of care that is medically appropriate for the recipient, including transportation related to:

(i) discharge of a recipient from a health care facility;

(ii) receipt of urgent care; and

(iii) obtaining pharmacy services and prescription drugs; and

(B) any other transportation to or from a medically necessary, nonemergency covered health care service the commission considers appropriate to be provided by a transportation vendor, as determined by commission rule or policy.

(2) "Transportation network company" has the meaning assigned by Section 2402.001, Occupations Code.

(3) "Transportation vendor" means an entity, including a transportation network company, that contracts with a Medicaid managed care organization to provide nonmedical transportation services.

(b) The executive commissioner shall adopt rules regarding the manner in which nonmedical transportation services may be arranged and provided.

(c) The rules must require a Medicaid managed care organization to create a process to:

(1) verify that a passenger is eligible to receive nonmedical transportation services;

(2) ensure that nonmedical transportation services are provided only to and from covered health care services in areas in which a transportation network company operates; and

(3) ensure the timely delivery of nonmedical transportation services to a recipient, including by setting reasonable service response goals.

(d) Before September 1, 2020, and subject to Section 533.002581(h), a rule adopted in accordance with Subsection (c)(3) may not impose a penalty on a Medicaid managed care organization that contracts with a transportation vendor under this section if the vendor is unable to provide nonmedical transportation services to a recipient after the Medicaid managed care organization has made a specific request for those services.

(e) The rules must require a transportation vendor to, before permitting a motor vehicle operator to provide nonmedical transportation services:

(1) confirm that the operator:

(A) is at least 18 years of age;

(B) maintains a valid driver's license issued by this state, another state, or the District of Columbia; and

(C) possesses proof of registration and automobile financial responsibility for each motor vehicle to be used to provide nonmedical transportation services;

(2) conduct, or cause to be conducted, a local, state, and national criminal background check for the operator that includes the use of:

(A) a commercial multistate and multijurisdiction criminal records locator or other similar commercial nationwide database; and

(B) the national sex offender public website maintained by the United States Department of Justice or a successor agency;

(3) confirm that any vehicle to be used to provide nonmedical transportation services:

(A) meets the applicable requirements of Chapter 548, Transportation Code; and

(B) except as provided by Subsection (j), has at least four doors; and

(4) obtain and review the operator's driving record.

(f) The rules may not permit a motor vehicle operator to provide nonmedical transportation services if the operator:

(1) has been convicted in the three-year period preceding the issue date of the driving record obtained under Subsection (e)(4) of:

(A) more than three offenses classified by the Department of Public Safety as moving violations; or

(B) one or more of the following offenses:

(i) fleeing or attempting to elude a police officer under Section 545.421, Transportation Code;

(ii) reckless driving under Section 545.401, Transportation Code;

(iii) driving without a valid driver's license under Section 521.025, Transportation Code; or

(iv) driving with an invalid driver's license under Section 521.457, Transportation Code;

(2) has been convicted in the preceding seven-year period of any of the following:

(A) driving while intoxicated under Section 49.04 or 49.045, Penal Code;

(B) use of a motor vehicle to commit a felony;

(C) a felony crime involving property damage;

(D) fraud;

(E) theft;

(F) an act of violence; or

(G) an act of terrorism; or

(3) is found to be registered in the national sex offender public website maintained by the United States Department of Justice or a successor agency.

(g) The commission may not require:

(1) a motor vehicle operator to enroll as a Medicaid provider to provide nonmedical transportation services; or

(2) a Medicaid managed care organization to credential a motor vehicle operator to provide nonmedical transportation services.

(h) The commission or a Medicaid managed care organization that contracts with a transportation vendor may require the transportation vendor or a motor vehicle operator who provides services under this section to be periodically screened against the list of excluded individuals and entities maintained by the Office of Inspector General of the United States Department of Health and Human Services.

(i) Notwithstanding any other law, a motor vehicle operator who is part of a transportation network company's network and who satisfies the driver requirements in Section 2402.107, Occupations Code, is qualified to provide nonmedical transportation services. The commission and a Medicaid managed care organization may not impose any additional requirements on a motor vehicle operator who satisfies the driver requirements in Section 2402.107, Occupations Code, to provide nonmedical transportation services.

(j) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

Sec. 533.002581. DELIVERY OF NONMEDICAL TRANSPORTATION SERVICES UNDER MEDICAID MANAGED CARE PROGRAM. (a) In this section, "nonmedical transportation service" and "transportation vendor" have the meanings assigned by Section 533.00258.

(b) The commission shall designate managed care service areas in which to require, beginning not later than January 1, 2020, each Medicaid managed care organization with which the commission has a contract that is anticipated to be in effect on September 1, 2020, and that operates in a designated service area to arrange for the provision of nonmedical transportation services to recipients enrolled in a managed care plan offered by the organization. The commission shall designate at least three, but not more than four, managed care service areas for purposes of this

subsection. At least one of the designated service areas must be located in an urban service area, and at least one must be located in a rural service area. This subsection expires September 1, 2021.

(c) The commission shall require each Medicaid managed care organization to arrange for the provision of nonmedical transportation services to recipients enrolled in a managed care plan offered by the organization.

(d) A Medicaid managed care organization may contract with a transportation vendor or other third party to arrange for the provision of nonmedical transportation services. If a Medicaid managed care organization contracts with a third party that is not a transportation vendor to arrange for the provision of nonmedical transportation services, the third party shall contract with a transportation vendor to deliver the nonmedical transportation services.

(e) A Medicaid managed care organization that contracts with a transportation vendor or other third party to arrange for the provision of nonmedical transportation services shall ensure the effective sharing and integration of service coordination, service authorization, and utilization management data between the managed care organization and the transportation vendor or third party.

(f) A Medicaid managed care organization may not require:

(1) a motor vehicle operator to enroll as a Medicaid provider to provide nonmedical transportation services; or

(2) the credentialing of a motor vehicle operator to provide nonmedical transportation services.

(g) For purposes of this section and notwithstanding Section 2402.111(a)(2)(A), Occupations Code, a motor vehicle operator who provides services under this section may use a wheelchair-accessible vehicle equipped with a lift or ramp that is capable of transporting passengers using a fixed-frame wheelchair in the cabin of the vehicle if the vehicle otherwise meets the requirements of Section 2402.111, Occupations Code.

(h) The commission may waive the applicability of Subsection (c) to a Medicaid managed care organization for not more than three months as necessary based on the results of a review conducted under Section 533.007 and until enrollment of recipients in a managed care plan offered by the organization is permitted under that section.

SECTION \_\_\_\_ . Section 533.00257(i), Government Code, is repealed.

SECTION \_\_\_\_ . Notwithstanding Sections 533.002571(b) and 533.002581(c), Government Code, as added by this Act, the Health and Human Services Commission is not required to implement those subsections until September 1, 2020.

SECTION \_\_\_\_ . As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Sections 531.02414 and 533.00257, Government Code, as amended by this Act, and Sections 533.002571, 533.00258, and 533.002581, Government Code, as added by this Act.

The amendments were read.

Senator Kolkhorst submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.



The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1105** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Buckingham, Perry, Flores, and Powell.

**SENATE BILL 1572 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Alvarado called **SB 1572** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1572** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to municipal registration of vacant buildings in certain municipalities.

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

SECTION 1. Section 214.233, Local Government Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A municipality located in a county that has a population of more than 285,000 and less than 300,000 and borders the Gulf of Mexico may adopt an ordinance that allows but does not require owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official. A municipality that adopts an ordinance under this subsection may not place a lien on a property solely because the property is registered under this subsection.

(a-2) Subsection (a) may not be construed to grant a municipality authority other than the authority to adopt an ordinance described by that subsection.

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, 2019.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 1572** on third reading by striking the text of added Section 214.233(a-1), Local Government Code, and substituting the following:

(a-1) A municipality located in a county of more than 250,000 that borders the Gulf of Mexico and is adjacent to a county with a population of more than 3.3 million may adopt an ordinance that allows but does not require owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official. A municipality that adopts an ordinance under this subsection may not place a lien on a property solely because the property is registered under this subsection. An

owner of a vacant building who is not otherwise liable for damages is not liable solely because the owner does not register the building under an ordinance adopted under this subsection.

The amendments were read.

Senator Alvarado submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1572** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Alvarado, Chair; Taylor, Menéndez, Campbell, and Fallon.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 1734 (Motion In Writing)**

Senator Lucio called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1734** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1734** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Taylor, Powell, Huffman, and Creighton.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 1523 (Motion In Writing)**

Senator Buckingham called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1523** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1523** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Nichols, Birdwell, Watson, and Menéndez.

**SENATE BILL 449 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Creighton called **SB 449** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 449** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 11.26, Tax Code, is amended by amending Subsection (i) and adding Subsection (i-1) to read as follows:

(i) If an individual who qualifies for the exemption provided by Section 11.13(c) ~~[for an individual 65 years of age or older]~~ dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if:

(1) the surviving spouse is 55 years of age or older when the individual dies; and

(2) the residence homestead of the individual:

(A) is the residence homestead of the surviving spouse on the date that the individual dies; and

(B) remains the residence homestead of the surviving spouse.

(i-1) A limitation under Subsection (i) applicable to the residence homestead of the surviving spouse of an individual who was disabled and who died before January 1, 2020, is calculated as if the surviving spouse was entitled to the limitation when the individual died.

SECTION \_\_\_\_\_. Section 11.26, Tax Code, as amended by this Act, applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

**Floor Amendment No. 2**

Amend **SB 449** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 25.25, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) For purposes of Subsection 130.307(b)(1), Education Code, the taxable property valuation shall be considered the greater of \$6 billion or the actual taxable property valuation as reflected on the appraisal roll, for any county that has the Trinity River as part of its boundary and which is adjacent to at least one county that has a freshwater fisheries center operated by the Texas Parks and Wildlife Department.

**Floor Amendment No. 3**

Amend **SB 449** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 25.25, Tax Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) At any time prior to the date the taxes become delinquent, a property owner or the chief appraiser may file a motion with the appraisal review board to change the appraisal roll to correct an error that resulted in an incorrect appraised value for the owner's property. However, the error may not be corrected unless it resulted in an appraised value that exceeds by more than:

(1) one-fourth the correct appraised value, in the case of property that qualifies as the owner's residence homestead under Section 11.13; or

(2) one-third the correct appraised value, in the case of property that does not qualify as the owner's residence homestead under Section 11.13.

(d-1) If the appraisal roll is changed under Subsection (d) [this subsection], the property owner must pay to each affected taxing unit a late-correction penalty equal to 10 percent of the amount of taxes as calculated on the basis of the corrected appraised value. Payment of the late-correction penalty is secured by the lien that attaches to the property under Section 32.01 and is subject to enforced collection under Chapter 33. The roll may not be changed under Subsection (d) [this subsection] if:

(1) the property was the subject of a protest brought by the property owner under Chapter 41, a hearing on the protest was conducted in which the property owner offered evidence or argument, and the appraisal review board made a determination of the protest on the merits; or

(2) the appraised value of the property was established as a result of a written agreement between the property owner or the owner's agent and the appraisal district.

SECTION \_\_\_\_\_. Section 25.25, Tax Code, as amended by this Act, applies only to a motion to correct an appraisal roll filed on or after the effective date of this Act. A motion to correct an appraisal roll filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 449** (house committee report) by adding the following appropriately numbered sections:

SECTION \_\_\_\_\_. Sections 327.007(b), Tax Code, is amended to read as follows:

(b) An election to reauthorize the tax is called and held in the same manner as an election to adopt the tax under Section 327.006, except the ballot proposition shall be prepared to permit voting for or against the proposition: "The reauthorization of the local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the (insert "first day of the first calendar quarter occurring after the fourth anniversary" or "last day of the first calendar quarter occurring after the (insert[;] eighth[;] or 10th anniversary, as applicable)") [~~anniversary~~] of the date of this election unless the imposition of the tax is reauthorized."

SECTION \_\_\_\_\_. The change in law made by this Act to Section 327.007(b), Tax Code, applies only to ballot language for an election ordered on or after the effective date of this Act. Ballot language for an election ordered before the effective date of this Act is governed by the law in effect when the election was ordered.

The amendments were read.

Senator Creighton submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 449** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Bettencourt, Hancock, Paxton, and Hinojosa.

### **CONFERENCE COMMITTEE ON HOUSE BILL 1177 (Motion In Writing)**

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1177** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1177** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Hall, Fallon, Lucio, and Huffman.

### **SENATE BILL 421 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 421** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 421** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the acquisition of real property by an entity with eminent domain authority.

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

SECTION 1. Section 21.0113, Property Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) Notwithstanding Subsection (b), a private entity, as defined by Section 21.031, with eminent domain authority that wants to acquire real property for a public use through the exercise of the power of eminent domain has made a bona fide offer only if the entity:

(1) satisfies the requirements of Subsection (b);

(2) includes with the initial offer:

(A) an offer of compensation in an amount equal to or greater than:

(i) the market value of the property rights sought to be acquired, including an estimate of damages to the property owner's remaining property, if any, based on an appraisal of the property prepared by a third party who is a certified general appraiser licensed under Chapter 1103, Occupations Code;

(ii) the estimated price or market value of the property rights sought to be acquired based on data for at least three comparable arm's-length sales of a property based on data then available to the appraiser, broker, or private entity, as applicable, and based on:

(a) a comparative market analysis prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code, or a certified general appraiser licensed under Chapter 1103, Occupations Code;

(b) a broker price opinion prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code; or

(c) a market study prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code, or a certified general appraiser licensed under Chapter 1103, Occupations Code; or

(iii) 140 percent of the per acre value for each acre or part of an acre sought to be acquired by the private entity from the property owner, based on the total land value and improvements, if any, for the affected property as reflected in the most recent tax rolls of the central appraisal district in which the property is located;

(B) the complete written report of the appraisal, the comparative market analysis, the broker price opinion, the market study, or a summary of the market study, as prepared by the third party, or, if applicable, a description of the method described by Paragraph (A)(iii) and the related information from the central appraisal district, that forms the basis for the amount of the offer of compensation under Paragraph (A);

(C) a deed, easement, agreement, or other instrument of conveyance for the property rights sought that complies with Section 21.0114(a) unless previously provided to the property owner; and

(D) the landowner's bill of rights statement prescribed by Section 21.0112, unless previously provided to the property owner; and

(3) provides notice of the proposed project to the constitutional county judge of each county that the project is proposed to traverse not later than the time that an initial offer is made to acquire property in the county in connection with the project.

(d) For purposes of Subsection (c)(2)(A)(ii), a real estate broker licensed under Chapter 1101, Occupations Code, is authorized to prepare an estimated price based on a comparative market analysis, a broker price opinion, a market study, or a summary of the market study.

(e) A private entity that provides to a property owner an easement form that is generally consistent with the language or provisions required by Section 21.0114(a) is considered to have complied with Section 21.0114(a) for purposes of Subsection

(c)(2)(C), regardless of whether the private entity subsequently provides to the property owner a different deed, easement, agreement, or other instrument of conveyance as authorized under Section 21.0114.

(f) Notwithstanding any other law, a private entity, as defined by Section 21.031, with eminent domain authority that wants to acquire real property for a public use may not, directly or indirectly, offer or pay to an agent or employee of the private entity a financial incentive that would tend to encourage the agent or employee to make an initial offer that the agent or employee knows or should know is lower than the lowest initial offer required under Subsection (c)(2)(A).

SECTION 2. Subchapter B, Chapter 21, Property Code, is amended by adding Sections 21.0114 and 21.0115 to read as follows:

Sec. 21.0114. REQUIRED TERMS FOR INSTRUMENTS OF CONVEYANCE BY CERTAIN PRIVATE ENTITIES. (a) Except as provided by Subsection (b), a deed, easement, agreement, or other instrument of conveyance provided to a property owner by a private entity, as defined by Section 21.031, with eminent domain authority to acquire the property interest to be conveyed for a public use and that seeks to acquire the property interest through the exercise of the power of eminent domain must include the following terms, as applicable:

(1) if the instrument conveys a pipeline right-of-way easement, the following terms with respect to the easement rights granted under the instrument:

(A) the maximum number of pipelines that may be installed in the easement;

(B) the maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed in the easement;

(C) the type or category of substances permitted to be transported through each pipeline to be initially installed in the easement;

(D) a general description or illustration of the location of the easement on the property in the form of a plat map, aerial sketch, or other type of description or illustration;

(E) the maximum width of the easement; and

(F) the minimum depth at which each pipeline to be installed in the easement will initially be installed; and

(2) if the instrument conveys an electric transmission right-of-way easement:

(A) a general description of any use of the surface of the easement the entity intends to acquire;

(B) a general description or illustration of the location of the easement on the property in the form of a plat map, aerial sketch, or other type of description or illustration; and

(C) the maximum width of the easement.

(b) Except as provided by this subsection, this section does not prohibit a private entity or the property owner from proposing or agreeing to add to, change, or omit any term required by Subsection (a) at any time after the private entity first provides a deed, easement, agreement, or other instrument containing the term to the property owner, whether provided before or at the same time as the entity's initial offer to the property owner. A private entity that adds to, changes, or omits any term required by

Subsection (a) must provide a copy of the amended deed, easement, agreement, or other instrument of conveyance to the property owner before the date the private entity files a condemnation petition relating to the property.

(c) A private entity that changes a deed, easement, agreement, or other instrument of conveyance to which this section applies after the initial offer or final offer is not required to satisfy again any requirement of Section 21.0113 that the private entity has previously satisfied.

Sec. 21.0115. MUTUAL AGREEMENT. Notwithstanding any other provision of this chapter and regardless of whether an acquisition is for a public use, a property owner and a private entity, as defined by Section 21.031, are not prohibited from agreeing to acquisition by the private entity of an interest in the property owner's property without complying with the provisions of Section 21.0113(c) or 21.0114 at any time after the private entity provides the landowner's bill of rights statement to the property owner in accordance with Section 21.0112.

SECTION 3. Section 21.014(a), Property Code, is amended to read as follows:

(a) The judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall, not later than the 15th calendar day after the date the petition is filed, appoint three disinterested real property owners who reside in the county as special commissioners to assess the damages of the owner of the property being condemned and two disinterested real property owners who reside in the county as alternate special commissioners. The judge appointing the special commissioners shall give preference to any persons agreed on by the parties before the court appoints the special commissioners. Each party shall have seven calendar days after the date of the appointment of the special commissioners [The judge shall provide each party a reasonable period] to strike one of the three special commissioners [appointed by the judge]. If a person fails to serve as a special commissioner or is struck by a party to the suit in accordance with this subsection, an alternate special commissioner shall serve as a replacement for the special commissioner based on the order that the alternate special commissioners are listed in the initial order of appointment [the judge shall appoint a replacement].

SECTION 4. Section 21.015(a), Property Code, is amended to read as follows:

(a) Unless otherwise agreed by the parties, the [The] special commissioners in an eminent domain proceeding shall [promptly] schedule a hearing to occur not earlier than [for the parties at the earliest practical time but may not schedule a hearing to assess damages before] the 20th day or later than the 45th day after the date the special commissioners were appointed. The special commissioners shall schedule a hearing for the parties at a place that is as near as practical to the property being condemned or at the county seat of the county in which the proceeding is being held.

SECTION 5. Section 21.016(d), Property Code, is amended to read as follows:

(d) Notice may be served[±

[(+)] by delivering a copy of the notice to the party or to the party's agent or attorney or in another manner provided by the Texas Rules of Civil Procedure for service of citation[±

[(2) if the property being condemned belongs to a deceased's estate or to a minor or other legally disabled person and the person or estate has a legal representative, by delivering a copy of the notice to the legal representative; or



~~[(3) if the property being condemned belongs to a nonresident of this state and there has been no personal service on the owner, if the identity or the residence of the property owner is unknown, or if the property owner avoids service of notice by hiding, by publication in the same manner as service of citation by publication in other civil cases in the district courts or county courts at law].~~

SECTION 6. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0161 to read as follows:

Sec. 21.0161. FILING OF COMMISSIONERS' FINDINGS. The special commissioners shall file their findings with the court not later than the third calendar day after the date of the special commissioners' hearing.

SECTION 7. Chapter 21, Property Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. ACQUISITION OF PROPERTY BY CERTAIN PRIVATE ENTITIES

Sec. 21.031. DEFINITION. In this subchapter, "private entity":

(1) means:

(A) a for-profit entity, as defined by Section 1.002, Business Organizations Code, however organized, including an affiliate or subsidiary, authorized to exercise the power of eminent domain to acquire private property for public use or a group or combination of two or more such entities; or

(B) a corporation organized under Chapter 67, Water Code, that has a for-profit entity, however organized, as the sole or majority member; and

(2) does not include:

(A) a railroad operating in this state; or

(B) an interstate pipeline governed by the Natural Gas Act (15 U.S.C.

Section 717 et seq.) that does not seek to acquire property under this chapter.

Sec. 21.032. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a private entity that seeks to acquire for a project for public use 25 or more tracts of real property that are:

(1) classified as residential, agricultural, or commercial property by the taxing authority that assesses ad valorem taxes on the tracts; and

(2) owned by at least 25 separate and unaffiliated property owners.

(b) Except as expressly provided by Section 21.038, this subchapter does not apply to a private entity that:

(1) operates or proposes to construct an electric transmission line; and

(2) is subject to the jurisdiction of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

Sec. 21.033. NOTICE OF RIGHT TO REQUEST MEETING. (a) Not later than the time that a private entity makes an initial offer to a property owner under Section 21.0113, the private entity shall provide to the property owner a written notice of the property owner's right to request a meeting, subject to Section 21.0331, to discuss the proposed project, including:

(1) if the project is a pipeline, the substances, products, materials, installations, and structures the private entity intends to transport through, use for, or build as part of the project; and

(2) any regulatory filings for the project existing at that time, if any, as to the regulatory classification of the project.

(b) The private entity shall send the notice to:

(1) the property owner listed for the property on the most recent tax roll for a taxing unit with authority to levy an ad valorem tax on the property at the address for the property owner listed on the tax roll; or

(2) the address for the property listed on the tax roll described by Subdivision (1).

Sec. 21.0331. PREREQUISITE FOR PROPERTY OWNER MEETING. (a) A private entity is required to hold a property owner information meeting under Section 21.034 for a segment or section of a proposed project route, as described by Section 21.034(a), only if at least 25 percent of property owners of property in the segment or section who are entitled to notice under Section 21.033 submit a request for the meeting as provided by Subsection (b).

(b) A property owner request for a meeting under Section 21.034 must be:

(1) in writing; and

(2) received by the private entity not later than the 14th day after the date of the notice provided to the property owner under Section 21.033.

Sec. 21.0332. NOTICE OF PROPERTY OWNER INFORMATION MEETING. A private entity required under Section 21.0331 to hold a property owner information meeting for a segment or section of a proposed project route, as described by Section 21.034(a), shall send notice to each property owner of property in the segment or section of the date, time, and location of the meeting.

Sec. 21.034. PROPERTY OWNER INFORMATION MEETING. (a) If required under Section 21.0331(a), a private entity shall hold:

(1) for a proposed project that is equal to or less than 100 miles in length, at least one meeting for each contiguous linear section of the project, as designated by the private entity; and

(2) for a proposed project that is more than 100 miles in length, at least one meeting for each segment of the project, as designated by the private entity and not to exceed 100 miles in length.

(b) The private entity shall hold a meeting under Subsection (a) in a centrally located public location:

(1) appropriate to the size and nature of the meeting; and

(2) as convenient as practicable to the majority of the tracts of real property affected by the project section or segment for which the meeting is held.

Sec. 21.035. PERSONS AUTHORIZED TO ATTEND PROPERTY OWNER INFORMATION MEETING. (a) In addition to the property owner and the private entity representatives, the following individuals may attend a meeting held under Section 21.034:

(1) an invited relative of the property owner who is related to the property owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code;

(2) an attorney or licensed appraiser representing the property owner;

(3) an employee or a lessee of the property owner that has direct knowledge of the property; or

(4) an employee of an entity with whom the property owner has contracted for services to manage the property.

(b) A private entity may include in the notice required by Section 21.0332 a requirement that the property owner, not later than five days before the date of the meeting:

(1) notify the private entity that the property owner intends to attend the meeting; and

(2) identify persons described by Subsections (a)(1)-(4) who intend to attend the meeting.

(c) The number of attendees under Subsections (a)(1)-(4) may not exceed five individuals for each separate tract of property.

(d) The private entity may:

(1) require attendees to:

(A) provide one form of government-issued photo identification; and

(B) complete a registration form that includes contact information; and

(2) exclude from the meeting:

(A) any person who does not provide at least one form of government-issued photo identification or complete a registration form, if required by the private entity as provided under Subdivision (1); and

(B) any person described by Subsections (a)(1)-(4) who is not timely identified to the private entity, if required by the private entity as provided under Subsection (b).

(e) The private entity may take reasonable steps to maintain safety and decorum at the meeting, including expelling attendees who do not meet the requirements of this subchapter or who disrupt the meeting.

(f) Notwithstanding Subsection (b)(1), the private entity may not deny entry to a property owner who provides proper identification and completes a registration form, if required by the private entity as provided under Subsection (d)(1).

Sec. 21.036. PARTICIPATION BY PRIVATE ENTITY REQUIRED. One or more representatives designated by the private entity shall:

(1) attend each meeting held under Section 21.034; and

(2) participate in those meetings as described by Section 21.037.

Sec. 21.037. PROPERTY OWNER INFORMATION MEETING AGENDA. At a meeting held under Section 21.034:

(1) the private entity shall present an agenda; and

(2) attendees of the meeting may ask questions of and make comments to a representative of the private entity regarding:

(A) the rights of the property owners;

(B) the proposed public use for which the real property is to be acquired; and

(C) any terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the private entity to a property owner.

Sec. 21.038. PROCEDURES FOR CERTAIN PRIVATE ENTITIES SUBJECT TO JURISDICTION OF PUBLIC UTILITY COMMISSION. (a) This section applies only to a private entity that proposes to exercise the power of eminent domain to construct an electric transmission line and is subject to the authority of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

(b) At a meeting required by the Public Utility Commission of Texas to be conducted by a private entity to which this section applies in connection with an electric transmission line project:

(1) the private entity shall present an agenda; and

(2) attendees of the meeting may ask questions of and make comments to a representative of the private entity regarding:

(A) the rights of the property owners;

(B) the proposed public use for which the real property is to be acquired; and

(C) any terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the private entity to a property owner.

Sec. 21.039. PRIVATE ENTITY NONCOMPLIANCE. A condemnation proceeding may not be abated, dismissed, or delayed because a private entity does not comply with Section 21.0331, 21.0332, 21.034, 21.035, 21.036, 21.037, or 21.038.

SECTION 8. Section 21.047, Property Code, is amended by adding Subsection (e) to read as follows:

(e) An abatement under Subsection (d) continues only until the condemnor makes a bona fide offer under Section 21.0113.

SECTION 9. Chapter 21, Property Code, is amended by adding Subchapters F and G to read as follows:

SUBCHAPTER F. EFFECTS OF CERTAIN CHANGES TO PROPERTY USE

Sec. 21.151. CHANGE OF USE. The temporary removal of land from timber, agriculture, or open space usage due to construction in a right of way or easement under threat of eminent domain is not a change of use as that term is used for purposes of property taxation.

SUBCHAPTER G. MORATORIUM ON CERTAIN LEGISLATIVE ACTS

Sec. 21.201. MORATORIUM. (a) Except as provided by Subsection (b), the legislature will not add a provision to or amend or repeal a provision of this chapter during the period beginning January 1, 2020, and ending December 31, 2030, or enact, amend, or repeal other laws during that period concerning procedures for, prerequisites to, or damages available in connection with the acquisition of property for a public use by an entity with eminent domain authority.

(b) Subsection (a) does not apply to:

(1) a provision regarding high-speed rail, as defined by Section 112.201, Transportation Code;

(2) an amendment stakeholders agree is necessary to give effect to or correct an existing provision;

(3) an amendment in response to a final and unappealable judgment or order of a state or federal court; or

(4) a nonsubstantive addition to, revision of, or correction in an enacted code or other law.

Sec. 21.202. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2030.

SECTION 10. If any provision of this Act or its application to any person or circumstance is finally held to be unconstitutional, the entire Act is invalid, and to this end the provisions of this Act are declared to be nonseverable.

SECTION 11. (a) Notwithstanding Subsections (b), (c), and (d) of this section, Sections 21.014(a), 21.015(a), and 21.016(d), Property Code, as amended by this Act, and Section 21.0161, Property Code, as added by this Act, apply to a condemnation proceeding commenced on or after the effective date of this Act. A condemnation proceeding commenced before the effective date of this Act is governed by the law applicable to the condemnation proceeding immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Except as provided by Subsections (a) and (c) of this section, with respect to the acquisition of real property under Chapter 21, Property Code, for a pipeline project:

(1) the changes in law made by this Act apply to a pipeline for which an application for a permit to operate the pipeline is filed with the Railroad Commission of Texas or a successor agency on or after the effective date of this Act; and

(2) a pipeline for which an application for a permit to operate the pipeline is filed with the Railroad Commission of Texas before the effective date of this Act is governed by the law applicable to the acquisition immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Notwithstanding Subsection (b) of this section, the changes in law made by this Act apply to a pipeline project for which an application for a permit to operate the pipeline is filed with the Railroad Commission of Texas on or after September 1, 2019, and before the effective date of this Act, unless a written survey request is provided to a property owner on the proposed route of the project not later than the 90th day after the date the application is filed.

(d) Except as provided by Subsection (a) of this section, with respect to the acquisition of real property under Chapter 21, Property Code, for an electric transmission project:

(1) the changes in law made by this Act apply to an electric transmission project for which an initial offer is made on or after the effective date of this Act; and

(2) an electric transmission project for which an initial offer is made before the effective date of this Act is governed by the law applicable to the acquisition immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. This Act takes effect January 1, 2020.

### **Floor Amendment No. 1**

Amend **CSSB 421** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION \_\_\_\_\_. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b) The proposed budget must contain a complete financial statement of:

- (1) the outstanding obligations of the district;
- (2) the cash on hand in each district fund;
- (3) the money received by the district from all sources during the previous year;
- (4) the money available to the district from all sources during the ensuing year;
- (5) the balances expected at the end of the year in which the budget is being prepared;
- (6) the estimated revenue and balances available to cover the proposed budget;
- (7) the estimated ad valorem tax rate required; and
- (8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION \_\_\_\_\_. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION \_\_\_\_\_. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

- (A) a city under Section 321.101(b);
- (B) a county under Chapter 323; or
- (C) a hospital district, other than a hospital district:
  - (i) created on or after September 1, 2001, that:
    - (a) [~~(+)~~] imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or
    - (b) [~~(+)~~] imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or
    - (ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

The amendments were read.

Senator Kolkhorst submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 421** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Perry, Huffman, Hinojosa, and Birdwell.

### **SENATE BILL 30 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Birdwell called **SB 30** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 30** (house committee printing) as follows:

(1) On page 1, line 7, strike "Section 52.072, Election Code," and substitute "Section 1251.052, Government Code,".

(2) On page 1, line 10, between "district" and "and", insert ", the purchase of new school buses,".

(3) On page 1, line 14, strike "improvement, or renovation" and substitute "acquisition, or equipment".

(4) On page 1, line 15, between "stadium" and the underscored semicolon, insert "with seating capacity for more than 1,000 spectators".

(5) On page 1, line 16, strike "improvement, or renovation" and substitute "acquisition, or equipment".

(6) On page 1, line 18, strike "improvement, or renovation" and substitute "acquisition, or equipment".

(7) On page 1, line 20, strike "improvement, or renovation" and substitute "acquisition, or equipment".

(8) On page 1, line 22, strike "improvement, or renovation" and substitute "acquisition, or equipment".

(9) On page 2, line 2, between "purposes" and the underscored period, insert "or technology infrastructure integral to the construction of a facility".

(10) On page 2, lines 14-15, strike "Section 52.072, Election Code, is amended by amending Subsection (e) and adding Subsection (f)" and substitute "Section 52.072(e), Election Code, is amended".

(11) On page 2, line 20, strike "issuance of bonds or the" and substitute "~~[issuance of bonds or the]~~".

(12) Strike page 2, line 22, through page 3, line 8, and substitute the following:

(1) ~~[with respect to a proposition seeking voter approval of the issuance of bonds:~~

~~[(A) the total principal amount of the bonds to be authorized, if approved; and~~

~~[(B) a general description of the purposes for which the bonds are to be authorized, if approved;~~



~~(2)~~ with respect to a proposition that only seeks voter approval of the imposition or increase of a tax, the amount of or maximum tax rate of the tax or tax increase for which approval is sought; or

~~(2)~~ ~~(2)~~ with respect to a proposition that only seeks voter approval of the reduction of a tax, the amount of tax rate reduction or the tax rate for which approval is sought.

SECTION 3. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PROVISIONS RELATING GENERALLY TO COUNTY AND MUNICIPAL BOND ELECTIONS

SECTION 4. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BALLOT FOR DEBT OBLIGATIONS ISSUED BY POLITICAL SUBDIVISION

Sec. 1251.051. DEFINITIONS. In this subchapter:

(1) "Debt obligation" means a public security, as defined by Section 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(2) "Political subdivision" means a municipality, county, school district, or special taxing district.

Sec. 1251.052. FORM. (a) The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

(1) a plain language description of the single specific purposes for which the debt obligations are to be authorized;

(2) the total principal amount of the debt obligations to be authorized; and

(3) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

(13) On page 3, line 9, strike "(f)" and substitute "(a-1)".

(14) On page 3, line 9, strike "bonds" and substitute "debt obligations".

(15) On page 3, line 11, after the underscored period, add the following:

A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

(16) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 1251.002, Government Code, is repealed.

(17) Renumber subsequent SECTIONS of the bill accordingly.

**Floor Amendment No. 2**

Amend Amendment No. 1 by Phelan to **SB 30** (bar code 862003) by adding the following appropriately numbered items to the amendment and renumbering items of the amendment accordingly:

On page 1, line 19, between "gymnasium" and the underscored semicolon, insert ", playground, or play area".

On page 1, line 21, between "facility" and the underscored semicolon, insert "with a seating capacity of greater than 500".

The amendments were read.

Senator Birdwell submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 30** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Bettencourt, Fallon, Paxton, and Rodriguez.

### **CONFERENCE COMMITTEE ON HOUSE BILL 3557 (Motion In Writing)**

Senator Birdwell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3557** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3557** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Fallon, Hinojosa, Flores, and Hughes.

### **(President in Chair)**

### **SENATE BILL 1978 WITH HOUSE AMENDMENT**

Senator Hughes called **SB 1978** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

### **Floor Amendment No. 1**

Amend **SB 1978** (house committee report) as follows:

- (1) On page 4, strike lines 11 through 22.
- (2) On page 4, line 23, strike "2400.006" and substitute "2400.005".

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1978**.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Menéndez, Miles, Powell, Rodríguez, Seliger, Watson, West, Whitmire, Zaffirini.

### **BILLS AND RESOLUTION SIGNED**

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

**SB 14, SB 21, SB 24, SB 26, SB 27, SB 37, SB 40, SB 139, SB 198, SB 235, SB 285, SB 300, SB 357, SB 362, SB 437, SB 475, SB 493, SB 530, SB 535, SB 607, SB 608, SB 615, SB 633, SB 658, SB 670, SB 683, SB 700, SB 711, SB 772, SB 936, SB 969, SB 988, SB 1152, SB 1189, SB 1337, SB 1468, SB 1474, SB 1497, SB 1510, SB 1525, SB 1545, SB 1575, SB 1582, SB 1793, SB 1834, SB 1835, SB 1861, SB 1940, SB 2018, SB 2111, SB 2137, SB 2200, SB 2286, SJR 24.**

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 3

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 16** (84 Yeas, 57 Nays, 2 Present, not voting)

**HB 19** (134 Yeas, 7 Nays, 2 Present, not voting)

**HB 26** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 72** (142 Yeas, 0 Nays, 1 Present, not voting)

**HB 76** (139 Yeas, 0 Nays, 1 Present, not voting)

**HB 123** (142 Yeas, 0 Nays, 1 Present, not voting)

**HB 191** (125 Yeas, 16 Nays, 2 Present, not voting)

**HB 207** (140 Yeas, 0 Nays, 1 Present, not voting)

**HB 305** (137 Yeas, 3 Nays, 1 Present, not voting)

**HB 391** (135 Yeas, 8 Nays, 1 Present, not voting)

**HB 448** (100 Yeas, 38 Nays, 1 Present, not voting)

**HB 489** (127 Yeas, 8 Nays, 1 Present, not voting)

**HB 548** (142 Yeas, 0 Nays, 1 Present, not voting)

**HB 601** (141 Yeas, 1 Nays, 1 Present, not voting)

**HB 771** (132 Yeas, 4 Nays, 1 Present, not voting)  
**HB 872** (140 Yeas, 4 Nays, 1 Present, not voting)  
**HB 888** (100 Yeas, 43 Nays, 1 Present, not voting)  
**HB 906** (126 Yeas, 14 Nays, 2 Present, not voting)  
**HB 907** (135 Yeas, 8 Nays, 1 Present, not voting)  
**HB 933** (133 Yeas, 6 Nays, 1 Present, not voting)  
**HB 963** (122 Yeas, 18 Nays, 1 Present, not voting)  
**HB 1026** (134 Yeas, 6 Nays, 1 Present, not voting)  
**HB 1028** (140 Yeas, 0 Nays, 1 Present, not voting)  
**HB 1048** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 1244** (138 Yeas, 1 Nays, 1 Present, not voting)  
**HB 1277** (123 Yeas, 19 Nays, 3 Present, not voting)  
**HB 1343** (139 Yeas, 1 Nays, 1 Present, not voting)  
**HB 1421** (115 Yeas, 23 Nays, 1 Present, not voting)  
**HB 1552** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 1590** (140 Yeas, 0 Nays, 1 Present, not voting)  
**HB 1949** (140 Yeas, 0 Nays, 1 Present, not voting)  
**HB 1999** (108 Yeas, 34 Nays, 2 Present, not voting)  
**HB 2050** (140 Yeas, 0 Nays, 1 Present, not voting)  
**HB 2065** (119 Yeas, 17 Nays, 1 Present, not voting)  
**HB 2169** (109 Yeas, 33 Nays, 1 Present, not voting)  
**HB 2199** (117 Yeas, 26 Nays, 1 Present, not voting)  
**HB 2261** (130 Yeas, 11 Nays, 1 Present, not voting)  
**HB 2325** (137 Yeas, 3 Nays, 2 Present, not voting)  
**HB 2348** (122 Yeas, 16 Nays, 1 Present, not voting)  
**HB 2424** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 2439** (133 Yeas, 9 Nays, 1 Present, not voting)  
**HB 2477** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 2481** (141 Yeas, 0 Nays, 1 Present, not voting)  
**HB 2586** (139 Yeas, 2 Nays, 2 Present, not voting)  
**HB 2706** (142 Yeas, 2 Nays, 1 Present, not voting)  
**HB 2729** (110 Yeas, 29 Nays, 1 Present, not voting)  
**HB 2757** (142 Yeas, 1 Nays, 1 Present, not voting)  
**HB 2758** (140 Yeas, 0 Nays, 1 Present, not voting)

**HB 2763** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 2771** (109 Yeas, 33 Nays, 2 Present, not voting)  
**HB 3143** (135 Yeas, 7 Nays, 1 Present, not voting)  
**HB 3648** (141 Yeas, 2 Nays, 1 Present, not voting)  
**HB 3965** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 4181** (142 Yeas, 1 Nays, 2 Present, not voting)  
**HB 4280** (142 Yeas, 0 Nays, 1 Present, not voting)  
**HB 4635** (124 Yeas, 18 Nays, 1 Present, not voting)  
**HB 4637** (128 Yeas, 13 Nays, 1 Present, not voting)  
**HB 4662** (110 Yeas, 33 Nays, 1 Present, not voting)  
**HB 4714** (118 Yeas, 24 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 4

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 410** (non-record vote)

House Conferees: White - Chair/Price/Sheffield/Sherman, Sr./Zedler

**HB 492** (non-record vote)

House Conferees: Shine - Chair/Burrows/Darby/Martinez Fischer/Murphy

**HB 496** (non-record vote)

House Conferees: Gervin-Hawkins - Chair/Allison/Bonnen, Greg/Cortez/Oliverson

**HB 1053** (non-record vote)

House Conferees: Guillen - Chair/Burns/Leman/Martinez/Meza

**HB 2747** (non-record vote)

House Conferees: Ortega - Chair/Goldman/Guillen/Landgraf/Thompson, Senfronia

**HB 2858** (non-record vote)

House Conferees: Toth - Chair/Capriglione/Goodwin/Middleton/Patterson

**HB 2911** (non-record vote)

House Conferees: Klick - Chair/Bucy/Cortez/Goldman/Israel

**HB 3193** (non-record vote)

House Conferees: Hinojosa - Chair/Frank/Klick/Noble/Rose

**HB 4542** (non-record vote)

House Conferees: Guillen - Chair/Burrows/Murphy/Rodriguez/Wray

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 11** (non-record vote)

House Conferees: Bonnen, Greg - Chair/Bernal/Metcalf/Oliverson/Zerwas

**SB 20** (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Geren/Hunter/King, Tracy O./Moody

**SB 568** (non-record vote)

House Conferees: Bonnen, Greg - Chair/Frank/Goldman/Longoria/Miller

**SB 616** (non-record vote)

House Conferees: Paddie - Chair/Flynn/Lambert/Nevárez/Thompson, Senfronia

**SB 619** (non-record vote)

House Conferees: Paddie - Chair/Flynn/Lambert/Nevárez/Thompson, Senfronia

**SB 911** (non-record vote)

House Conferees: Nevárez - Chair/Canales/Larson/Morrison/Price

**SB 916** (non-record vote)

House Conferees: Zerwas - Chair/Burrows/Capriglione/Howard/Oliverson

**SB 1207** (non-record vote)

House Conferees: Krause - Chair/Johnson, Julie/Leach/Oliverson/Parker

**SB 1412** (non-record vote)

House Conferees: Burrows - Chair/Craddick/Rodriguez/Tinderholt/VanDeaver

**SB 2182** (non-record vote)

House Conferees: Parker - Chair/Collier/Cyrier/Frullo/Moody

**SB 2342** (non-record vote)

House Conferees: Leach - Chair/Geren/Meyer/Pacheco/Smith

**SB 2432** (non-record vote)

House Conferees: Sanford - Chair/Bell, Keith/Harris/Huberty/Talarico

**SB 2551** (non-record vote)

House Conferees: Burrows - Chair/King, Phil/Martinez Fischer/Meyer/Phelan

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 1711**  
**(Motion In Writing)**

Senator Paxton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1711** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1711** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Paxton, Chair; Alvarado, Nichols, Hinojosa, and Hancock.

**CONFERENCE COMMITTEE ON HOUSE BILL 3582**  
**(Motion In Writing)**

Senator Menéndez called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3582** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 3582** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Perry, Zaffirini, Buckingham, and Flores.

**SENATE BILL 25 WITH HOUSE AMENDMENTS**

Senator West called **SB 25** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 25** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.

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

SECTION 1. Subchapter H, Chapter 51, Education Code, is amended by adding Sections 51.400, 51.4033, and 51.4034 to read as follows:

Sec. 51.400. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "General academic teaching institution," "institution of higher education," and "public junior college" have the meanings assigned by Section 61.003.

Sec. 51.4033. REPORT OF NONTRANSFERABLE CREDIT. (a) Not later than March 1 of each year and in the form prescribed by the coordinating board, each general academic teaching institution shall provide to the coordinating board and the legislature a report describing any courses in the Lower-Division Academic Course Guide Manual or its successor adopted by the coordinating board for which a student who transfers to the institution from another institution of higher education is not granted:

(1) academic credit at the receiving institution; or

(2) if the student has declared a major and has not changed majors, academic credit toward the student's major at the receiving institution.

(b) A report required by this section must indicate:

(1) the course name and type;

(2) which institution of higher education provided academic credit for the course; and

(3) the reason why the receiving institution did not grant academic credit for the course as described by Subsection (a).

Sec. 51.4034. REPORT OF COURSES TAKEN AT JUNIOR COLLEGES. (a) Not later than March 1 of each year and in the form prescribed by the coordinating board, each public junior college shall provide to the coordinating board and the legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college.

(b) A report required by this section must include the total number of:

(1) courses attempted and completed at the college, including the total number of semester credit hours for those courses, disaggregated by whether the course is in:

(A) the Workforce Education Course Manual or its successor adopted by the coordinating board; or

(B) the Lower-Division Academic Course Guide Manual or its successor adopted by the coordinating board;



(2) courses attempted and completed at the college that are not in the recommended core curriculum developed by the coordinating board under Section 61.822; and

(3) dual credit courses, including courses for joint high school and junior college credit under Section 130.008, attempted and completed at the college.

SECTION 2. Section 51.762, Education Code, is amended by adding Subsection (j) to read as follows:

(j) In adopting a form under this section, the board shall ensure that an applicant may indicate on the form the applicant's consent to an institution of higher education to which the applicant submits an application for admission to a particular degree program using the form to, if the institution denies the applicant admission to that degree program, provide the applicant's application to other institutions of higher education that offer the degree program.

SECTION 3. Section 51.9685(a)(2), Education Code, is amended to read as follows:

(2) "Institution of higher education" has ~~[and "public junior college" have]~~ the meaning ~~[meanings]~~ assigned by Section 61.003.

SECTION 4. Section 51.9685, Education Code, is amended by amending Subsections (b), (c), and (g) and adding Subsection (c-2) to read as follows:

(b) Except as otherwise provided by Subsection (c), each student enrolled in an associate or bachelor's degree program at an institution of higher education shall file a degree plan with the institution after the 12th class day but before ~~[not later than]~~ the end of the ~~[second regular]~~ semester or term immediately following the semester or term in which the student earned a cumulative total of 30 ~~[45]~~ or more semester credit hours for coursework successfully completed by the student, including transfer courses, international baccalaureate courses, dual credit courses, and any other course for which the institution the student attends has awarded the student college course credit, including course credit awarded by examination.

(c) A student to whom Subsection (b) ~~[this section]~~ applies who begins the student's first semester or term at an institution of higher education with 30 ~~[45]~~ or more semester credit hours of course credit for courses described by Subsection (b) shall file a degree plan with the institution after the 12th class day but before ~~[not later than]~~ the end of that ~~[the student's second regular]~~ semester or term ~~[at the institution]~~.

(c-2) A student enrolled in a dual credit course at an institution of higher education and to whom Subsection (b) does not apply shall file a degree plan with the institution not later than:

(1) the end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student; or

(2) if the student begins the student's first semester or term at the institution with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, the end of the student's second regular semester or term at the institution.

(g) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall ~~may~~ adopt rules as necessary for the administration of this section, including rules to ensure compliance with this section. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 5. Subchapter Z, Chapter 51, Education Code, is amended by adding Sections 51.96852 and 51.96853 to read as follows:

Sec. 51.96852. RECOMMENDED COURSE SEQUENCES. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) Each institution of higher education shall develop at least one recommended course sequence for each undergraduate certificate or degree program offered by the institution. Each recommended course sequence must:

(1) identify all required lower-division courses for the applicable certificate or degree program;

(2) include for each course, if applicable:

(A) the course number or course equivalent under the common course numbering system approved by the coordinating board under Section 61.832; and

(B) the course equivalent in the Lower-Division Academic Course Guide Manual or its successor adopted by the coordinating board;

(3) be designed to enable a full-time student to obtain a certificate or degree, as applicable, within:

(A) for a 60-hour degree or certificate program, two years; or

(B) for a 120-hour degree program, four years; and

(4) include a specific sequence in which courses should be completed to ensure completion of the applicable program within the time frame described by Subdivision (3).

(c) Each institution of higher education shall:

(1) include the recommended course sequences developed under this section in the institution's course catalog and on the institution's Internet website; and

(2) submit the recommended course sequences developed under this section to the coordinating board as provided by coordinating board rule.

(d) The coordinating board, in consultation with institutions of higher education, shall adopt rules as necessary for the administration of this section. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

Sec. 51.96853. TRANSFER OF CREDIT FROM LOWER-DIVISION INSTITUTIONS OF HIGHER EDUCATION; ARTICULATION AGREEMENTS.

(a) In this section:

(1) "Articulation agreement" means a formal written agreement between a lower-division institution of higher education and a general academic teaching institution identifying courses offered by the lower-division institution that must be accepted for credit toward specific course requirements at the general academic teaching institution.

(2) "General academic teaching institution" and "institution of higher education" have the meanings assigned by Section 61.003.

(3) "Lower-division institution of higher education" means a public junior college, public state college, or public technical institute, as those terms are defined by Section 61.003.

(b) Each general academic teaching institution may enter into an articulation agreement with a lower-division institution of higher education for a certificate or degree program for which students transferring from the lower-division institution to the general academic teaching institution receive transfer credit.

(c) An articulation agreement entered into under Subsection (b) on or after September 1, 2019, may use field of study curricula developed by the Texas Higher Education Coordinating Board under Section 61.823.

(d) A general academic teaching institution may extend an existing articulation agreement entered into under Subsection (b) to another lower-division institution of higher education with respect to the transfer of courses from that lower-division institution of higher education to the general academic teaching institution, on request by that lower-division institution of higher education.

(e) An articulation agreement established under this section may enable a transfer student to receive up to 60 semester credit hours for courses completed at the lower-division institution of higher education.

(f) A general academic teaching institution's participation in an articulation agreement under this section does not affect the institution's admissions policies.

SECTION 6. Section 51.9715, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) An institution of higher education, or a school district that offers international baccalaureate courses, dual credit courses, or any other course for which an institution of higher education may award students enrolled at the district college course credit, including course credit awarded by examination, may release student information to an institution of higher education for purposes of transferring course credit to that institution or enabling the awarding of course credit by that institution, in accordance with federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

(b) An institution of higher education or school district may release student information in accordance with Subsection (a) or (a-1), as applicable, through:

(1) the National Student Clearinghouse; or

(2) a similar ~~national~~ electronic data sharing and exchange platform operated by an agent of the institution or district that meets nationally accepted standards, conventions, and practices.

SECTION 7. Section 61.059(p), Education Code, is amended to read as follows:

(p) In its instruction and operations formula applicable to an institution of higher education, the board may not include any semester credit hours earned for dual course credit by a high school student for high school and college credit at the institution unless those credit hours are earned through any of the following:

(1) a course in the core curriculum of the institution providing course credit;

(2) a course offered by the institution providing course credit in:

(A) a field of study curriculum developed by the board under Section 61.823; or

(B) a program of study curriculum established by the board under Section 61.8235;

(3) a career and technical education course that applies to any certificate or associate's degree offered by the institution providing course credit; or

(4) ~~(3)~~ a foreign language course.

SECTION 8. Subchapter S, Chapter 61, Education Code, is amended by adding Section 61.8221 to read as follows:

Sec. 61.8221. STUDY AND REPORT ON CORE CURRICULUM. (a) The board shall conduct a study and make recommendations to the legislature regarding the feasibility of implementing statewide meta majors for institutions of higher education.

(b) The board shall establish an advisory committee to assist the board in completing the board's duties under this section and provide the board with subject matter expertise and analysis. The advisory committee consists of the following members appointed by the board:

(1) representatives of public junior colleges designated by the applicable college to represent the college on the advisory committee; and

(2) representatives of general academic teaching institutions designated by the applicable institution to represent the institution on the advisory committee.

(c) A majority of members appointed to the advisory committee under Subsection (b)(2) must be representatives of a general academic teaching institution at which at least 25 percent of students enrolled at the institution for the 2018 fall semester were classified as transfer students.

(d) In appointing members to the advisory committee under Subsection (b), the board shall, to the greatest extent practicable, ensure that the membership of the advisory committee is balanced with respect to:

(1) institutional representation, including:

(A) the regions of the state;

(B) the mission type of the general academic teaching institution or public junior college;

(C) university system affiliation, as applicable;

(D) student enrollment; and

(E) institutional groupings under the board's higher education accountability system;

(2) representation of faculty and administrators at general academic teaching institutions or public junior colleges;

(3) representation of academic disciplines; and

(4) any other factors the board determines relevant.

(e) The advisory committee shall study and make recommendations to the board regarding the effectiveness of the requirements regarding the transfer of course credit between institutions of higher education for courses in the core curriculum under Section 61.822 in supporting more efficient undergraduate transfer between institutions of higher education. The study and recommendations must include an analysis of:

(1) the efficacy of dividing the recommended core curriculum for each meta major into a general academic core curriculum and an academic discipline core curriculum and, if determined to be efficacious, the recommended number of semester credit hours for each component of the recommended core curriculum for each meta major;

(2) methods to ensure that courses completed in the general academic core curriculum and academic discipline core curriculum transfer between institutions of higher education for course credit applied toward a student's major at the receiving institution; and

(3) the potential inclusion of courses in the field of study curricula adopted by the board under Section 61.823 in the recommended core curriculum adopted by the board under Section 61.822.

(f) Each quarter ending before November 1, 2020, the board shall submit to the chairs of the standing legislative committees with primary jurisdiction over higher education a report on the board's progress on the study and recommendations required under Subsection (a).

(g) Not later than November 1, 2020, the board shall submit to the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over higher education a report on the results of the study conducted under Subsection (a) and any recommendations for legislative or other action.

(h) This section expires September 1, 2021.

SECTION 9. Section 61.827, Education Code, is amended to read as follows:

Sec. 61.827. RULES. (a) The board is authorized to adopt rules implementing the provisions of this subchapter.

(b) In adopting rules regarding the recommended core curriculum developed under Section 61.822, the board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 10. Section 130.0104(c), Education Code, is amended to read as follows:

(c) In complying with the requirements regarding the filing of a degree plan under ~~[Notwithstanding]~~ Section 51.9685, ~~[before the beginning of the regular semester or term immediately following the semester or term in which]~~ a student enrolled ~~[successfully completes a cumulative total of 30 or more semester credit hours for coursework]~~ in a multidisciplinary studies associate degree program established under this section~~[-, the student]~~ must meet with an academic advisor to complete a degree plan~~[-, as defined by Section 51.9685(a)(1),]~~ that:

(1) accounts for all remaining credit hours required for the completion of the degree program; and

(2) emphasizes:

(A) the student's transition to a particular four-year college or university that the student chooses; and

(B) preparations for the student's intended field of study or major at the four-year college or university.

SECTION 11. Section 51.9685(c-1), Education Code, is repealed.

SECTION 12. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2019-2020 academic year.

(b) Sections 51.96852 and 51.96853, Education Code, as added by this Act, apply beginning with the 2021-2022 academic year.

SECTION 13. Each public institution of higher education required to submit a report under Section 51.4033 or 51.4034, Education Code, as added by this Act, shall submit the first report not later than March 1, 2021.

SECTION 14. 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, 2019.

### Floor Amendment No. 1

Amend **CSSB 25** (house committee report) as follows:

(1) On page 7, strike lines 5 through 7 and substitute the following appropriately numbered subdivision:

( ) "General academic teaching institution" has the meaning assigned by Section 61.003.

(2) On page 10, at the end of line 1, add the following:

The board shall consider meta majors in the following academic disciplines:

(1) arts, humanities, communications, and design;

(2) business;

(3) education;

(4) health sciences;

(5) industry, manufacturing, and construction;

(6) public safety;

(7) science, technology, engineering, and mathematics; and

(8) social and behavioral sciences and human services.

(3) On page 10, line 6, between "board" and the underlined colon, insert "in equal numbers".

(4) On page 12, strike lines 3 through 7 and substitute the following appropriately lettered subsection:

( ) Each quarter ending before November 1, 2020, the advisory committee shall submit to the chairs of the standing legislative committees with primary jurisdiction over higher education a report on the advisory committee's progress on the study and recommendations required under Subsection (e).

(5) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 61.821, Education Code, is amended by adding Subdivision (4) to read as follows:

(4) "Meta major" means a collection of programs of study or academic disciplines that share common foundational skills.

The amendments were read.

Senator West moved to concur in the House amendments to **SB 25**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:29 p.m. agreed to adjourn, in memory of Muhlaysia Booker, pending the receipt of House messages, until 11:00 a.m. tomorrow.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 23, 2019 - 5

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 1313** (non-record vote)

House Conferees: King, Phil - Chair/Calanni/Guillen/Murphy/Sanford

**HB 1550** (non-record vote)

House Conferees: Paddie - Chair/Frullo/Huberty/Larson/Price

**HB 1973** (non-record vote)

House Conferees: Button - Chair/Goodwin/Rodriguez/Shaheen/Swanson

**HB 3745** (non-record vote)

House Conferees: Bell, Cecil - Chair/Capriglione/González, Mary/Longoria/Zerwas

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 30** (non-record vote)

House Conferees: Phelan - Chair/Leach/Longoria/Meyer/Stephenson

**SB 132** (non-record vote)

House Conferees: Longoria - Chair/Anchia/Lambert/Paddie/Rose

**SB 355** (non-record vote)

House Conferees: Klick - Chair/Frank/Hinojosa/Minjarez/Noble

**SB 562** (non-record vote)

House Conferees: Price - Chair/Larson/Minjarez/Moody/Paddie

**SB 583** (non-record vote)

House Conferees: Rose - Chair/Collier/González, Jessica/Murr/Smith

**SB 799** (non-record vote)

House Conferees: Murphy - Chair/Bonnen, Greg/Morrison/Murr/Phelan

**SB 815** (non-record vote)

House Conferees: Moody - Chair/Collier/King, Phil/Krause/White

**SB 1105** (non-record vote)

House Conferees: Frank - Chair/Cortez/Klick/Oliverson/Parker

**SB 1151** (non-record vote)

House Conferees: Longoria - Chair/Anchia/Ashby/Schaefer/Wu

**SB 1572** (non-record vote)

House Conferees: Button - Chair/Canales/Holland/Middleton/Morrison

**SB 1991** (non-record vote)

House Conferees: Klick - Chair/Deshotel/Hinojosa/Miller/Noble

**SB 2138** (non-record vote)

House Conferees: Davis, Sarah - Chair/Raymond/Sheffield/Thompson,  
Senfronia/Zerwas

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 621**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
May 22, 2019

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 621** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS  
BIRDWELL  
HALL  
HANCOCK

On the part of the Senate

LAMBERT  
GEREN  
NEVÁREZ  
PADDIE  
SCHAEFER

On the part of the House



A BILL TO BE ENTITLED  
AN ACT

relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a) to read as follows:

(1) "Advisory board" [~~"Board"~~] means the Texas [~~State Board of~~] Plumbing Advisory Board established under Subchapter C [~~Examiners~~].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "Control valve" means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.

(1-c) "Department" means the Texas Department of Licensing and Regulation.

(2) [~~(1-b)~~] "Executive director" means the executive director of the department [~~Texas State Board of Plumbing Examiners~~].

(3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [~~a person who~~]:

(A) installing [~~has completed at least 4,000 hours working under the supervision of a responsible master plumber as a drain cleaner-restricted registrant;~~

(B) has fulfilled the requirements of and is registered with the board;  
~~and~~

[~~(C) installs~~] cleanouts and removing [~~removes~~] and resetting [~~resets~~] p-traps to eliminate obstructions in building drains and sewers under the supervision of a [~~responsible~~] master plumber; or

(B) clearing[-

(3) "Drain cleaner-restricted registrant" means a person who:

(A) has worked as a plumber's apprentice under the supervision of a responsible master plumber;

(B) has fulfilled the requirements of and is registered with the board;  
~~and~~

[~~(C) clears~~] obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a [~~responsible~~] master plumber.

(4) "Journeyman plumber" means a person licensed under this chapter who:

(A) has met the qualifications for registration as a plumber's apprentice or for licensing as a tradesman plumber-limited license holder;

(B) has completed at least 8,000 hours working under the supervision of a [~~responsible~~] master plumber;

(C) installs, changes, repairs, services, or renovates plumbing or supervises any of those activities under the supervision of a [~~responsible~~] master plumber;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission [board].

(5) "Master plumber" means a person licensed under this chapter who:

(A) is skilled in the design, planning, and superintending of plumbing and in the practical installation, repair, and servicing of plumbing;

(B) has worked as a journeyman plumber:

(i) for at least four years; or

(ii) for at least one year and has successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another nationally recognized apprentice training program accepted by the commission [board];

(C) performs or supervises plumbing work;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission [board].

(6) "Plumber's apprentice" means a person other than a master plumber, journeyman plumber, or tradesman plumber-limited license holder who:

(A) ~~[is]~~ as the person's principal occupation, learns about and assists in the installation of plumbing, including drain cleaning and residential utilities installation;

(B) has fulfilled the requirements of the commission and is registered by the department; [board,] and

(C) works under the supervision of a ~~[responsible]~~ master plumber ~~[and the direct supervision of a licensed plumber]~~.

(7-a) "Plumbing contractor" means a person licensed as a plumbing contractor under this chapter who:

(A) is a master plumber, or employs a master plumber, for the purpose of offering and performing plumbing work that will be performed or supervised by the master plumber;

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed for compensation paid to the person; and

(D) has submitted a certificate of insurance as required by Section 1301.3576.

(8) "Plumbing inspector" means a person who:

(A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes;

(B) has passed the required examination; and

(C) has fulfilled the other requirements of the commission [board].

(9) "Residential utilities installation" ~~["Residential utilities installer"]~~ means constructing and installing [a person who:

~~[(A) has completed at least 2,000 hours working under the supervision of a master plumber as a plumber's apprentice;~~

~~[(B) has fulfilled the requirements of and is registered with the board;~~

~~and~~

~~[(C) constructs and installs]~~ yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a ~~[responsible]~~ master plumber.

(10) "Tradesman plumber-limited license holder" means a person who:

(A) has:

(i) completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice; or  
 (ii) successfully completed a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program, as described by Section 1301.3542;

(B) has passed the required examination;

(C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a ~~[responsible]~~ master plumber; and

(D) has fulfilled the other requirements of the commission ~~[board]~~.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the department ~~[board]~~ to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture or appliance.

SECTION 2. Sections 1301.056 and 1301.057, Occupations Code, are amended to read as follows:

Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed by the department under this chapter ~~[board]~~ is not required to be licensed by another board or agency to install or work on a lawn irrigation system.

Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not required to be licensed under this chapter to perform plumbing, limited to the provision of a residential potable water supply or residential sanitary sewer connection, for a project that:

(1) is in a county a part of which is within 50 miles of an international border; and

(2) is performed by an organization that:

(A) is certified by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality to provide self-help project assistance; and

(B) provides the department ~~[board]~~ with the following information before the 30th day before the date the project begins:

(i) the exact location of the project;

(ii) the intended duration of the project; and

(iii) other information the department ~~[board]~~ requires.

(b) The department ~~[board]~~ may require under Subsection (a)(2)(B)(iii) that the organization provide a post-construction report signed by a plumbing inspector stating that the plumbing is safe.

(c) The department ~~[board]~~ may provide training to an organization that provides self-help project assistance under this section.

SECTION 3. The heading to Subchapter C, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER C. TEXAS ~~[STATE BOARD OF]~~ PLUMBING ADVISORY BOARD ~~[EXAMINERS]~~

SECTION 4. Section 1301.151, Occupations Code, is amended to read as follows:

Sec. 1301.151. TEXAS ~~[STATE BOARD OF]~~ PLUMBING ADVISORY BOARD ~~[EXAMINERS]~~ MEMBERSHIP. (a) The Texas ~~[State Board of]~~ Plumbing Advisory Board ~~[Examiners]~~ consists of nine members appointed by the governor ~~[with the advice and consent of the senate]~~ as follows:

(1) one member who has at least 10 years' practical experience and is licensed as a master plumber;

(2) one member who has at least five years' practical experience and is licensed as a journeyman plumber;

(3) one member who has at least five years' practical experience and is licensed as a plumbing inspector;

(4) one member who is ~~[has been]~~ a plumbing contractor ~~[responsible master plumber for at least five years with at least 10 years' experience as a licensed journeyman plumber or master plumber]~~;

(5) one member who is a licensed engineer practicing in the field of plumbing engineering;

(6) two members who are building contractors with at least five years' contracting experience, one of whom is principally engaged in home building and one of whom is principally engaged in commercial building; ~~[and]~~

(7) one member who is a licensed plumber; and

(8) one member ~~[two members]~~ who represents ~~[represent]~~ the public.

(b) Each member of the advisory board must be a United States citizen.

(c) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(d) Chapter 2110, Government Code, does not apply to the composition or duration of the advisory board or to the appointment of the advisory board's presiding officer.

SECTION 5. Section 1301.152, Occupations Code, is amended to read as follows:

Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER ~~[MEMBERS]~~. A person is not eligible for appointment as a public member of the advisory board if the person or the person's spouse:

(1) is licensed by an occupational regulatory agency in the building construction industry;

(2) is employed by or participates in the management of an agency or business entity related to the building construction industry; or

(3) has, other than as a consumer, a financial interest in a business entity related to the building construction industry.

SECTION 6. Section 1301.154, Occupations Code, is amended to read as follows:

Sec. 1301.154. TERMS. Advisory board [~~Board~~] members serve staggered six-year terms.

SECTION 7. Section 1301.157, Occupations Code, is amended to read as follows:

Sec. 1301.157. OFFICER [~~OFFICERS~~]. ~~[(a)]~~ The governor shall designate a member of the advisory board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

~~[(b) The board shall elect a secretary from its membership.]~~

SECTION 8. Section 1301.158, Occupations Code, is amended to read as follows:

Sec. 1301.158. COMPENSATION [~~PER DIEM; REIMBURSEMENT~~]. An advisory ~~[(a) A]~~ board member may not receive compensation [~~a fixed salary~~] for service on the advisory board.

~~[(b) A board member is entitled to receive a per diem as set by the General Appropriations Act for each day the member engages in the business of the board.]~~

~~[(c) A board member may not receive reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act.]~~

SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is amended by adding Section 1301.160 to read as follows:

Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration and enforcement of this chapter, including examinations, licensing qualifications, plumbing code requirements, supervision, and continuing education requirements.

SECTION 10. The heading to Subchapter D, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR AND OTHER BOARD~~] PERSONNEL

SECTION 11. Section 1301.202, Occupations Code, is amended to read as follows:

Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~]. (a) If an examination required for the issuance of a license, endorsement, or certificate of registration under this chapter contains a practical component, the department [~~The board~~] shall employ or contract with one or more plumbing examiners to administer that portion of the examination. [~~A plumbing examiner serves at the will of the board.~~] A plumbing examiner must:

(1) hold a license as a plumber issued under this chapter; and  
(2) be knowledgeable of this chapter and municipal ordinances relating to plumbing; ~~and~~

~~[(3) be qualified by experience and training in plumbing practice].~~

(b) A plumbing examiner shall:

(1) examine the fitness and qualifications of a person applying to the department [~~board~~] for a license as a master plumber, journeyman plumber, tradesman plumber-limited license holder, or plumbing inspector; and

(2) promptly certify the result of the examination to the department ~~[board]~~.

SECTION 12. Section 1301.203, Occupations Code, is amended to read as follows:

Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS. (a) The department shall ~~[board may]~~ employ a field representative to assist the department ~~[board]~~ in enforcing this chapter and rules adopted under this chapter. A field representative must[~~;~~

~~(1) hold a license as a plumber under this chapter;~~

~~(2)] be knowledgeable of this chapter and municipal ordinances relating to plumbing[; and~~

~~(3) be qualified by experience and training in plumbing practice].~~

(b) A field representative may:

(1) conduct on-site license checks to determine compliance with this chapter;

(2) investigate consumer complaints ~~[filed under Section 1301.303]; and~~

(3) assist municipal plumbing inspectors in enforcing this chapter[~~;~~

~~(4) issue citations as provided by Section 1301.502; and~~

~~(5) in the performance of the field representative's other duties under this chapter, check the license, registration, or endorsement of a person regulated by the Texas Department of Licensing and Regulation in accordance with the memorandum of understanding adopted under Section 1301.259 and report any noncompliance to that agency].~~

(c) For a department inspection or investigation that involves the quality of plumbing work, including whether the plumbing work complies with any applicable plumbing code requirements, the department shall employ or contract with a person who holds a license as a plumber under this chapter to conduct or assist in the inspection or investigation.

SECTION 13. The heading to Subchapter E, Chapter 1301, Occupations Code, is amended to read as follows:

#### SUBCHAPTER E. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 14. Sections 1301.251 and 1301.253, Occupations Code, are amended to read as follows:

Sec. 1301.251. GENERAL DUTIES ~~[OF BOARD]~~. The executive director or commission, as appropriate, [board] shall:

(1) administer this chapter; and

(2) adopt and enforce rules necessary to administer this chapter, including requirements for the issuance and renewal of a license, endorsement, or certificate of registration under this chapter[; and

~~(3) keep a record of each proceeding conducted before and action taken by the board].~~

Sec. 1301.253. FEES. The commission ~~[board]~~ shall set fees under this chapter in amounts that are reasonable and necessary to cover the cost of administering this chapter.

SECTION 15. Sections 1301.255(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

(a) The commission [~~board~~] shall adopt the following plumbing codes, as those codes existed on May 31, 2001:

(1) the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and

(2) the International Plumbing Code, as published by the International Code Council.

(b) The commission [~~board~~] by rule may adopt later editions of the plumbing codes listed in Subsection (a).

(c) Plumbing installed in an area not otherwise subject to regulation under this chapter by a person licensed under this chapter must be installed in accordance with a plumbing code adopted by the commission [~~board~~] under Subsection (a) or (b).

(d) In adopting a code for the design, installation, and maintenance of a plumbing system under this section, a municipality or an owner of a public water system may amend any provisions of the code to conform to local concerns that do not substantially vary from commission [~~board~~] rules or other rules of this state.

SECTION 16. Section 1301.262, Occupations Code, is amended to read as follows:

Sec. 1301.262. CODES [~~PLUMBING INSPECTOR CODE~~] OF CONDUCT.

(a) The commission [~~board~~] by rule shall establish a code of conduct for licensed plumbing inspectors. The code of conduct shall require a plumbing inspector to enforce this chapter and commission [~~board~~] rules in a consistent manner across job sites.

(b) The commission by rule may establish standards of conduct for a holder of a license, endorsement, or certificate of registration issued under this chapter.

SECTION 17. Subchapter E, Chapter 1301, Occupations Code, is amended by adding Section 1301.263 to read as follows:

Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT.

(a) The department shall recognize, prepare, administer, or arrange for the administration of an examination required by this chapter.

(b) The department shall determine the minimum requirements and passing score for an examination required by this chapter.

(c) If an examination required by this chapter contains a practical component, the practical component must be administered by a plumbing examiner as provided by Section 1301.202.

SECTION 18. The heading to Subchapter F, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [~~CONSUMER INTEREST INFORMATION AND COMPLAINT PROCEDURES~~]

SECTION 19. Section 1301.302, Occupations Code, is amended to read as follows:

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the plumbing contractor [~~responsible master plumber~~] and the name, mailing address, and telephone number of the department [~~board~~]. The person

who performed the services shall give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

SECTION 20. Subchapter F, Chapter 1301, Occupations Code, is amended by adding Section 1301.305 to read as follows:

Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK. (a) The commission by rule shall:

(1) require that, for each task involved in plumbing, a master plumber:

(A) perform the task; or

(B) provide general or direct supervision of a less experienced plumber who performs the task;

(2) require that each plumber's apprentice and tradesman plumber-limited license holder perform plumbing under the direct or general supervision of a more experienced plumber;

(3) specify the plumbing tasks that a plumber's apprentice or tradesman plumber-limited license holder must perform under direct supervision and the plumbing tasks a plumber's apprentice or tradesman plumber-limited license holder must perform under general supervision;

(4) specify the amount of classroom training meeting the requirements of Subsection (b), practical plumbing experience, or a combination of that training and experience necessary to:

(A) exempt a plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform the plumbing under general supervision;

(5) require a plumber, other than a master plumber, to document the plumber's:

(A) classroom training that meets the requirements of Subsection (b); and

(B) practical plumbing experience; and

(6) require the plumbing contractor, and supervising plumber, if any, to assume responsibility for plumbing performed, including the quality of the plumbing and the supervision of less experienced plumbers.

(b) Notwithstanding the minimum requirements for a continuing education program or instructor established under this chapter, the commission by rule shall establish minimum requirements for classroom training, other than a continuing education program under this chapter, that, if successfully completed and documented by a plumber, the department shall credit toward:

(1) the necessary classroom training required to:

(A) exempt the plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform specified plumbing tasks under general supervision;

(2) the continuing education required under this chapter to renew a license, endorsement, or certificate of registration, as applicable to the plumber; and



(3) the eligibility requirements for a license under this chapter, as applicable to the plumber.

SECTION 21. Sections 1301.351(a), (a-1), and (c), Occupations Code, are amended to read as follows:

(a) A person~~[, other than a responsible master plumber,]~~ may not perform or offer to perform [engage in] plumbing for compensation unless:

(1) the person holds:

(A) a plumbing contractor license; and

(B) the proper license, endorsement, or certificate of registration~~[, or endorsement]~~ required by this chapter to perform or supervise the performance of plumbing; and]

(2) the person:

(A) is employed by a plumbing contractor;

(B) performs or supervises the plumbing on behalf of the plumbing contractor; and

(C) holds the proper license, endorsement, or certificate of registration required by this chapter; or

(3) the person offers to perform plumbing and contracts with a plumbing contractor for the performance of the plumbing [the person's work is supervised and controlled by a person licensed under this chapter].

(a-1) A person may not act as a plumbing contractor [responsible master plumber] unless the person holds the appropriate license and meets the applicable requirements [for a responsible master plumber] under this chapter.

(c) A plumbing contractor [license holder] who is supervising and controlling [under Subsection (a)(2)] the work of a person engaged in the business of plumbing in the construction of a new one-family or two-family dwelling in an unincorporated area of the state must have training and management responsibility for, and shall review and inspect, the person's work. The plumbing contractor [license holder] is not required to provide continuous or uninterrupted on-the-job oversight of the person's work.

SECTION 22. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3515 to read as follows:

Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The department shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

SECTION 23. Section 1301.352, Occupations Code, is amended to read as follows:

Sec. 1301.352. EXAMINATION REQUIRED. The department [~~board~~] shall issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation endorsement holder, water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination.

SECTION 24. Section 1301.3522, Occupations Code, is amended to read as follows:

Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The department [~~board~~] shall develop a review course in English and Spanish to assist license applicants in preparation for each license examination offered by the department [~~board~~]. If the department [~~board~~] provides the review course, the department [~~board~~] may charge a fee to an applicant who applies to take the review course.

(b) The department [~~board~~] may provide the review course training materials to private course providers for a fee determined by the commission [~~board~~].

SECTION 25. Section 1301.353, Occupations Code, is amended to read as follows:

Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The department [~~board~~] may not issue a plumbing inspector license to a person who has a financial or advisory interest in a plumbing company.

SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and (d), Occupations Code, are amended to read as follows:

(b) A person who has worked as a plumber's apprentice for a period established by law or commission [~~board~~] rule may apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder. Before the applicant may take the examination, the applicant must complete classroom training provided by a department-approved [~~board-approved~~] instructor in a department-approved [~~board-approved~~] training program in the areas of health and safety, applicable plumbing codes, and water conservation for at least:

(1) 24 hours if the applicant is applying to take a tradesman plumber-limited license holder examination; or

(2) 48 hours if the applicant is applying to take a journeyman plumber examination.

(b-1) At the applicant's request, the department [board] may credit an applicant under Subsection (b) with a number of hours determined by commission [board] rule against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that:

(1) includes a combination of classroom and on-the-job training; and

(2) is approved by the department [board] and the Texas Higher Education Coordinating Board.

(c) At the applicant's request, the department [board] may credit an applicant under Subsection (b) with up to 1,000 hours of the work experience required before taking an examination if the applicant has completed the classroom portion of a training program:

(1) approved by the United States Department of Labor, Office of Apprenticeship; or

(2) provided by a person approved by the department [board] and based on course materials approved by the department [board].

(c-1) At the applicant's request, the department [board] may credit an applicant under Subsection (b) with up to 250 hours of the work experience required before taking an examination if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education.

(d) Notwithstanding the classroom training required by Subsection (b), a plumber's apprentice may apply for and take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder if the apprentice has received an associate of applied science degree from a plumbing technology program that:

(1) includes a combination of classroom and on-the-job training; and

(2) is approved by the department [board] and the Texas Higher Education Coordinating Board.

SECTION 27. Section 1301.3541, Occupations Code, is amended to read as follows:

Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The commission [board] by rule may adopt registration requirements for plumber's apprentices, including training and education requirements.

SECTION 28. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3542 to read as follows:

Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) Notwithstanding Section 1301.354, a person who successfully completes a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program in accordance with Subchapter F, Chapter 29, Education Code, may apply for and take an examination for a license as a tradesman plumber-limited license holder. The department may not require the person to register as a plumber's apprentice, pay any fee, or comply with Section 1301.354 or any other requirement of this chapter that applies to a person's eligibility to apply for and take the examination.

(b) A student of any age enrolled in a high school is eligible to take the sequence of courses described by Subsection (a) without registering as a plumber's apprentice, paying any registration fee, or complying with Section 1301.354 or any other requirement of this chapter that applies to enrolling or participating in those courses.

(c) If an applicant described by Subsection (a) successfully passes the examination for a license as a tradesman plumber-limited license holder, the department shall issue the license to the applicant.

(d) The commission shall develop the courses described by Subsection (a). The courses must be approved by the State Board of Education.

(e) The courses must include an appropriate number of hours of classroom instruction and a practical component. The department may credit on-the-job training toward meeting the requirements under the practical component.

(f) A person may not provide instruction in a career and technology education program described by this section unless the person is licensed under this chapter as a master plumber, journeyman plumber, or plumbing inspector.

(g) A person described by Subsection (f) may provide the instruction in a full-time or part-time capacity as an employee, contractor, or volunteer of a high school.

(h) The commission may adopt rules necessary to implement this section, including procedures to verify a student's successful completion of the sequence of courses described by Subsection (a).

SECTION 29. Sections 1301.356(d) and (e), Occupations Code, are amended to read as follows:

(d) An endorsement under this section coincides with rules adopted by the executive commissioner of the Health and Human Services Commission ~~[Texas Department of Health]~~.

(e) A plumbing inspector who meets the requirements of the commission [board] may hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 30. Sections 1301.3565(b) and (f), Occupations Code, are amended to read as follows:

(b) The department [board] shall issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the department [board] on a form prescribed by the department [board];

(3) pays a fee set by the commission [board];

(4) presents evidence satisfactory to the department [board] of successful completion of a training program approved by the department [board] that provides the training necessary for the proper design and installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by the department [board].

(f) A plumbing inspector who meets the requirements of the commission [board] may inspect a multipurpose residential fire protection sprinkler installation.

SECTION 31. Section 1301.357(b), Occupations Code, is amended to read as follows:

(b) The department [board] shall issue an endorsement as a water supply protection specialist to a person who:

(1) is licensed under this chapter as a master plumber or journeyman plumber;

(2) applies to the department [board] on a form prescribed by the department [board];

(3) pays a fee set by the commission [board];

(4) presents evidence satisfactory to the department [board] of successful completion of a certification program approved by the department [board] for water supply protection specialists; and

(5) passes an examination required by the department [board].

SECTION 32. Section 1301.3575, Occupations Code, is amended to read as follows:

Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES [CERTAIN PERSONS]. The department [board] shall register a person who complies with this chapter as a [~~drain cleaner, drain cleaner restricted registrant, residential utilities installer, or~~] plumber's apprentice.

SECTION 33. Section 1301.3576, Occupations Code, is amended to read as follows:

Sec. 1301.3576. CERTIFICATE OF INSURANCE [AND TRAINING] FOR PLUMBING CONTRACTOR [RESPONSIBLE MASTER PLUMBER]. Before a plumbing contractor offers or performs plumbing [master plumber works as a responsible master plumber], the plumbing contractor [master plumber] must[+]

~~[(+)]~~ provide the department [board] with a certificate of insurance that meets the requirements of Section 1301.552[; and

~~[(2)]~~ present evidence satisfactory to the board of successful completion of a training program approved or administered by the board regarding the laws and rules applicable to the operation of a plumbing business in this state].

SECTION 34. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Sections 1301.3581 and 1301.360 to read as follows:

Sec. 1301.3581. RECIPROCITY. (a) The commission or department may issue a license, endorsement, or certificate of registration under this chapter for an applicant who holds a similar license, endorsement, or certificate issued by another jurisdiction.

(b) An applicant under this section must:

(1) apply in the same manner and form as any other applicant under this chapter; and

(2) provide the department with documents and other evidence that substantiate the applicant's qualifications.

(c) An applicant for a license, endorsement, or certificate of registration issued under this section may not be required to undergo an examination to obtain the license, endorsement, or certificate if the applicant has held an equivalent license, endorsement, or certificate in another jurisdiction for at least two years. The

department in accordance with commission rules may determine whether a license, endorsement, or certificate issued by another jurisdiction is equivalent to a license, endorsement, or certificate issued under this chapter.

Sec. 1301.360. TEMPORARY LICENSE. (a) The department may issue a temporary license, endorsement, or certificate of registration to an applicant as provided by Section 51.407.

(b) Notwithstanding Section 51.407, a temporary license issued under this section expires on the 30th day after the date of issuance and may not be renewed.

SECTION 35. Section 1301.401, Occupations Code, is amended to read as follows:

Sec. 1301.401. [ANNUAL] RENEWAL REQUIRED. (a) A license or certificate of registration under this chapter is valid for one or two years as determined by commission rule [year]. On payment of the required fee, a license may be renewed [annually].

(b) The commission [board] by rule shall establish the requirements for renewing a license, endorsement, or certificate of registration under this chapter and may adopt a system under which licenses, endorsements, and certificates of registration [registrations] expire on various dates during the year.

(c) An endorsement issued under Section 1301.356, 1301.3565, or 1301.357 expires on the date the master plumber or journeyman plumber license of the endorsement holder expires. Any continuing education requirement established by rule and applicable to an endorsement issued under this chapter must be completed before the endorsement holder may renew the endorsement.

(d) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, is not required to pay a fee to renew the person's license under this chapter.

SECTION 36. Section 1301.404, Occupations Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsection (g) to read as follows:

(a) The commission by rule [board] shall establish:

(1) minimum curriculum standards for [recognize, approve, and administer] continuing education programs and courses for persons who hold a license [licenses] or endorsement issued [endorsements] under this chapter; and

(2) minimum qualifications for an instructor of the continuing education programs and courses described by Subdivision (1).

(c) The department shall approve:

(1) a program or course that meets the minimum curriculum standards established by the commission under Subsection (a); and

(2) an instructor who meets the minimum qualifications established by the commission under Subsection (a) [board by rule shall adopt the criteria for the continuing professional education].

(d) A person may receive credit for participating in a continuing professional education program or course only if the program or course is approved by the department [provided:

(1) by an individual, business, or association approved by the board; and

~~[(2) according to criteria adopted by the board].~~

(e) A person may complete the continuing professional education requirement of this section through a correspondence course as approved by the department ~~[board]~~.

(f) The commission ~~[board]~~ by rule may exempt certain persons from the requirements of this section if the commission ~~[board]~~ determines that the exemption is in the public interest.

(g) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, may renew the person's license and any endorsement without complying with Subsection (b) if the person completes the hours of continuing professional education required by that subsection every three years.

SECTION 37. Section 1301.405, Occupations Code, is amended to read as follows:

Sec. 1301.405. [~~MANDATORY~~] TRAINING FOR PLUMBER'S APPRENTICE [~~DRAIN CLEANER, DRAIN CLEANER RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES INSTALLER~~]. The commission by rule may establish continuing education requirements for persons ~~[(a) To renew the certificate of registration, a person]~~ who hold ~~[holds]~~ a certificate of registration under this chapter as a plumber's apprentice [~~drain cleaner, drain cleaner restricted registrant, or residential utilities installer must annually complete at least six hours of approved training that includes training in health and safety requirements, board-approved plumbing codes, and water conservation~~].

~~[(b) A person may receive credit for participating in a training program only if the program is provided:~~

~~[(1) by a person approved by the board; and~~

~~[(2) according to criteria adopted by the board.~~

~~[(c) The board by rule may exempt certain persons from the requirements of this section if the board determines that the exemption is in the public interest.]~~

SECTION 38. Sections 1301.406(a) and (c), Occupations Code, are amended to read as follows:

(a) On approval by the department ~~[board]~~, a person who holds an unexpired license under this chapter and whose license has been held continuously for at least 35 consecutive years may transfer the license number on the date of the person's retirement or death to another person who:

(1) is related within the second degree by consanguinity to the transferor; and

(2) holds a license issued under this chapter that is the same type of license as the license held by the transferor.

(c) The department ~~[board]~~ shall transfer a license number to a person who submits an application and presents evidence satisfactory to the department ~~[board]~~ that:

(1) the person meets the requirements under Subsections (a)(1) and (a)(2); and

(2) the transferor is retired or dead.

SECTION 39. Subchapter H, Chapter 1301, Occupations Code, is amended by adding Section 1301.407 to read as follows:

Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN EXEMPTIONS.

The commission, in consultation with the State Board of Education, may adopt rules as necessary to verify whether a person qualifies for an exemption from the required renewal fee, as described by Section 1301.401(d), or an exemption from required continuing professional education, as described by Section 1301.404(g), including rules for obtaining and evaluating written verification from the applicable school of the person's provision of meaningful course instruction in a career and technology education program described by Section 1301.3542.

SECTION 40. The heading to Subchapter I, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION ~~[PROCEDURES]~~

SECTION 41. Section 1301.452, Occupations Code, is amended to read as follows:

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Chapter 51 ~~[(a) A person is subject to disciplinary action under Section 1301.451 if the person violates this chapter, an order issued by the board, or a board rule].~~ A violation of this chapter includes:

(1) attempting to obtain or obtaining a license, endorsement, or registration through ~~[error of]~~ fraud;

(2) wilfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;

(3) making a misrepresentation of services provided or to be provided;

(4) making a false promise with the intent to induce a person to contract for a service; ~~[or]~~

(5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or certificate of registration is required under this chapter;

(6) performing plumbing without holding the proper license, endorsement, or certificate of registration required by this chapter;

(7) offering to perform or performing plumbing for compensation without holding a plumbing contractor license, acting on behalf of a plumbing contractor, or contracting with a plumbing contractor to perform the offered plumbing;

(8) performing plumbing in violation of a plumbing code adopted under Section 1301.255; or

(9) failing to supervise plumbing as required by this chapter or commission rule.

~~[(b) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a wilful violation by a person licensed under this chapter.]~~

SECTION 42. Section 1301.501(b), Occupations Code, is amended to read as follows:



(b) The commission [~~board~~] shall adopt rules under this section that include a list describing the types of plumbing to which this section applies.

SECTION 43. Section 1301.502(a), Occupations Code, is amended to read as follows:

(a) A [~~field representative,~~] water district plumbing inspector[;] or, within the jurisdiction of the municipality, municipal plumbing inspector may issue a citation to a person who engages in conduct described by Section 1301.508.

SECTION 44. Sections 1301.507 and 1301.5071, Occupations Code, are amended to read as follows:

Sec. 1301.507. CIVIL PENALTY. A person who violates this chapter or a rule, permit, or order of the commission issued under this chapter [~~board~~] is subject to a civil penalty of not less than \$50 or more than \$1,000 for each act of violation and for each day of violation after notice is provided to the person.

Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE; RESTITUTION. (a) The commission [~~board~~] by rule shall establish procedures under which an informal settlement conference is conducted to resolve a complaint against a person licensed under this chapter.

(b) Subject to Subsection (c), the executive director [~~board~~] may order a person licensed under this chapter to pay restitution to a person as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty [~~under Subchapter N~~].

(c) The amount of restitution ordered as provided by an agreement resulting from an informal settlement conference may not exceed the amount the person paid to the license holder for a service regulated by this chapter. The executive director [~~board~~] may not require payment of other damages or estimate harm in a restitution order.

SECTION 45. Section 1301.551(g), Occupations Code, is amended to read as follows:

(g) A [~~responsible master plumber,~~] plumbing contractor[;] or other person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

SECTION 46. Section 1301.552, Occupations Code, is amended to read as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. A political subdivision that requires a plumbing contractor [~~responsible master plumber~~] or an agent of a plumbing contractor [~~responsible master plumber~~] to obtain a permit before performing plumbing in the political subdivision shall verify through the department's [~~board's~~] Internet website, or by contacting the department [~~board~~] by telephone, that the plumbing contractor [~~responsible master plumber~~] has on file with the department [~~board~~] a certificate of insurance. The certificate of insurance must:

(1) be written by an insurer authorized to engage in the business of insurance in this state or an eligible surplus lines insurer under Chapter 981 [~~as defined by Section 981.002~~], Insurance Code;

(2) provide for commercial general liability insurance for the plumbing contractor [~~responsible master plumber~~] for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

(3) provide coverage of not less than \$300,000 for all claims arising in a one-year period.

SECTION 47. Sections 1301.652(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [~~board~~] and the Texas Workforce Commission shall, through the local workforce development boards, coordinate efforts to educate the public about the plumbing profession and the resources available to employers for the recruitment and training of plumbers, including providing:

(1) each local workforce development board with:

(A) information about the licensing requirements for the plumbing profession; and

(B) available statistical data regarding plumbing; and

(2) a link to each agency's Internet site and to the Internet sites of other local workforce development boards.

(b) The department [~~board~~] may, during public and industry awareness seminars, raise awareness of the career ladder in the plumbing industry and the opportunities that plumbing apprenticeships offer.

SECTION 48. Section 132.002(a), Education Code, is amended to read as follows:

(a) The following schools or educational institutions may be exempted from this chapter by the commission under Subsection (d):

(1) a school or educational institution supported by taxation from either a local or state source;

(2) a nonprofit school owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution exempt from property taxation under the laws of this state;

(3) a school or training program that offers instruction of purely avocational or recreational subjects as determined by the commission;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) a private college or university that awards a recognized baccalaureate, or higher degree, and that maintains and operates educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source;

(7) a school or course that is otherwise regulated and approved under and pursuant to any other law or rulemaking process of this state or approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c);

(8) an aviation school or instructor approved by and under the supervision of the Federal Aviation Administration;

(9) a school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program;

(10) a private school offering primary or secondary education, which may include a kindergarten or prekindergarten program, and that satisfies the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1);

(11) a course or courses of instruction by bona fide electrical trade associations for the purpose of preparing students for electrical tests required for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses;

(12) a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than 19 years of age;

(13) a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by Chapter 1302, Occupations Code;

(14) a course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, registration [~~certification~~], or endorsement or to provide continuing education approved by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~]; and

(15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.

SECTION 49. Section 411.122(d), Government Code, is amended to read as follows:

- (d) The following state agencies are subject to this section:
- (1) Texas Appraiser Licensing and Certification Board;
  - (2) Texas Board of Architectural Examiners;
  - (3) Texas Board of Chiropractic Examiners;
  - (4) State Board of Dental Examiners;
  - (5) Texas Board of Professional Engineers;
  - (6) Texas Funeral Service Commission;
  - (7) Texas Board of Professional Geoscientists;

(8) Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department~~], including:

(A) Texas State Board of Examiners of Marriage and Family Therapists;

(B) Texas State Board of Examiners of Professional Counselors; and

(C) Texas State Board of Social Worker Examiners;

(9) Texas Board of Professional Land Surveying;

(10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;

(11) Texas Commission on Environmental Quality;

(12) Texas Board of Occupational Therapy Examiners;

(13) Texas Optometry Board;

(14) Texas State Board of Pharmacy;

(15) Texas Board of Physical Therapy Examiners;

(16) [~~Texas State Board of Plumbing Examiners;~~

~~](17) Texas State Board of Podiatric Medical Examiners;~~

~~](18) Texas State Board of Examiners of Psychologists;~~

(17) [(19)] Texas Real Estate Commission;

(18) [(20)] Texas Department of Transportation;

(19) [(21)] State Board of Veterinary Medical Examiners;

(20) [(22)] Texas Department of Housing and Community Affairs;

(21) [(23)] secretary of state;

(22) [(24)] state fire marshal;

(23) [(25)] Texas Education Agency;

(24) [(26)] Department of Agriculture; and

(25) [(27)] Texas Department of Motor Vehicles.

SECTION 50. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

(1) Texas Board of Chiropractic Examiners;

(2) Judicial Branch Certification Commission;

(3) State Board of Dental Examiners;

(4) Texas Funeral Service Commission;

(5) Texas Board of Professional Land Surveying;

(6) Texas Medical Board;

(7) Texas Board of Nursing;

(8) Texas Optometry Board;

(9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

(10) Texas State Board of Pharmacy;

(11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

(12) [~~Texas State Board of Plumbing Examiners;~~

~~](13) Texas State Board of Podiatric Medical Examiners;~~

- ~~(14)~~ Texas State Board of Examiners of Psychologists;  
 (13) ~~(15)~~ State Board of Veterinary Medical Examiners;  
 (14) ~~(16)~~ Texas Real Estate Commission;  
 (15) ~~(17)~~ Texas Appraiser Licensing and Certification Board;  
 (16) ~~(18)~~ Texas Department of Licensing and Regulation;  
 (17) ~~(19)~~ Texas State Board of Public Accountancy;  
 (18) ~~(20)~~ State Board for Educator Certification;  
 (19) ~~(21)~~ Texas Board of Professional Engineers;  
 (20) Health and Human Services Commission ~~[(22) Department of State Health Services];~~  
 (21) ~~(23)~~ Texas Board of Architectural Examiners;  
 (22) ~~(24)~~ Texas Racing Commission;  
 (23) ~~(25)~~ Texas Commission on Law Enforcement; and  
 (24) ~~(26)~~ Texas Private Security Board.

SECTION 51. Sections 341.034(d) and (e), Health and Safety Code, are amended to read as follows:

(d) A person who inspects homes and businesses to identify potential or actual cross-connections or other contaminant hazards in public water systems must hold a license issued by the commission under Chapter 37, Water Code, unless the person is licensed by the Texas Department of Licensing and Regulation ~~[State Board of Plumbing Examiners]~~ as a plumbing inspector or water supply protection specialist.

(e) Unless the person is licensed by the Texas Department of Licensing and Regulation to perform plumbing ~~[State Board of Plumbing Examiners]~~, a person must hold a license issued by the commission under Chapter 37, Water Code, if, under a contract, the person:

- (1) installs, exchanges, connects, maintains, or services potable water treatment equipment and appliances in public or private water systems; or
- (2) analyzes water to determine how to treat influent or effluent water, alter or purify water, or add or remove a mineral, chemical, or bacterial content or substance as part of the complete installation, exchange, connection, maintenance, or service of potable water treatment equipment and appliances.

SECTION 52. Section 341.042(b-2), Health and Safety Code, is amended to read as follows:

(b-2) A person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes must be licensed by the Texas Department of Licensing and Regulation ~~[State Board of Plumbing Examiners]~~ as a master plumber or journeyman plumber and hold an endorsement issued by the department ~~[board]~~ as a water supply protection specialist.

SECTION 53. Section 341.068(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner shall adopt rules to implement Subsection (a), including a rule that in providing sufficient restrooms a ratio of not less than 2:1 women's-to-men's restrooms or other minimum standards established in consultation with the Texas Department of Licensing and Regulation ~~[State Board of Plumbing Examiners]~~ shall be maintained if the use of the restrooms is designated by gender. The rules shall apply to facilities where the public congregates and on which

construction is started on or after January 1, 1994, or on which structural alterations, repairs, or improvements exceeding 50 percent of the entire facility are undertaken on or after January 1, 1994.

SECTION 54. Section 372.003(d), Health and Safety Code, is amended to read as follows:

(d) Rules adopted or amended under this section shall be developed by the commission in conjunction with a technical advisory panel of designated representatives of the Texas Water Development Board and the Texas ~~[State Board of Plumbing Examiners]~~ Plumbing Advisory Board established under Subchapter C, Chapter 1301, Occupations Code [Examiners].

SECTION 55. Sections 372.0035(f) and (h), Health and Safety Code, are amended to read as follows:

(f) If a person licensed under Chapter 1301, Occupations Code, violates this section, the Texas Department of Licensing and Regulation ~~[State Board of Plumbing Examiners]~~ may discipline the person ~~[under Subchapter I of that chapter]~~ as if a violation of this section were a violation of Chapter 1301, Occupations Code [that chapter].

(h) Within ~~[A field representative of the Texas State Board of Plumbing Examiners or, within]~~ the jurisdiction of a municipality, a municipal plumbing inspector may issue a citation to a person who violates this section.

SECTION 56. Section 233.154(a), Local Government Code, is amended to read as follows:

(a) A person who builds new residential construction described by Section 233.153 shall have the construction inspected to ensure building code compliance in accordance with this section as follows:

(1) for new residential construction on a vacant lot, a minimum of three inspections must be performed during the construction project to ensure code compliance, as applicable, at the following stages of construction:

(A) the foundation stage, before the placement of concrete;

(B) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and

(C) on completion of construction of the residence;

(2) for new residential construction of an addition to an existing residence as described by Section 233.151(a)(2), the inspections under Subdivision (1) must be performed as necessary based on the scope of work of the construction project; and

(3) for new residential construction on a vacant lot and for construction of an addition to an existing residence, the builder:

(A) is responsible for contracting to perform the inspections required by this subsection with:

(i) a licensed engineer;

(ii) a registered architect;

(iii) a professional inspector licensed by the Texas Real Estate Commission;

(iv) a plumbing inspector employed by a municipality and licensed by the Texas Department of Licensing and Regulation ~~[State Board of Plumbing Examiners]~~;

(v) a building inspector employed by a political subdivision; or

(vi) an individual certified as a residential combination inspector by the International Code Council; and

(B) may use the same inspector for all the required inspections or a different inspector for each required inspection.

SECTION 57. Section 113.081(d), Natural Resources Code, is amended to read as follows:

(d) The commission by rule may exempt from Section 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~].

SECTION 58. Section 113.087(o), Natural Resources Code, is amended to read as follows:

(o) The commission by rule may exempt from any provision of this section:

(1) a journeyman or master plumber licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~];

(2) a person licensed under Chapter 1302, Occupations Code; or

(3) company representatives, operations supervisors, or employees of a testing laboratory that was registered under former Section 113.135 prior to the effective date of this subsection.

SECTION 59. Section 113.097(j), Natural Resources Code, is amended to read as follows:

(j) The commission by rule may exempt from the insurance requirements of this section or adopt a reasonable alternative to those requirements for:

(1) a master or journeyman plumber licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~]; or

(2) a person licensed under Chapter 1302, Occupations Code.

SECTION 60. Section 1903.002(b), Occupations Code, is amended to read as follows:

(b) The licensing requirements of this chapter do not apply to a person who is:

(1) licensed, endorsed, or registered by the Texas Department of Licensing and Regulation to perform plumbing [~~Texas State Board of Plumbing Examiners~~]; or

(2) a licensed engineer, registered architect, or registered landscape architect to the extent the person's acts are incidental to the pursuit of the person's profession.

SECTION 61. The following provisions of the Occupations Code are repealed:

(1) Sections 51.351(c) and (d);

(2) Section 1301.002(9-a);

(3) Section 1301.003;

(4) Section 1301.153;

(5) Section 1301.155;

(6) Section 1301.156;

(7) Section 1301.159;

(8) Section 1301.201;

(9) Section 1301.204;

(10) Section 1301.205;

(11) Section 1301.207;

(12) Section 1301.208;

- (13) Section 1301.252;
- (14) Section 1301.254;
- (15) Section 1301.256;
- (16) Section 1301.258, as added by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular Session, 2003;
- (17) Section 1301.258, as added by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular Session, 2003;
- (18) Section 1301.259;
- (19) Section 1301.260;
- (20) Section 1301.261;
- (21) Section 1301.301;
- (22) Section 1301.3015;
- (23) Section 1301.303;
- (24) Section 1301.304;
- (25) Section 1301.351(a-2);
- (26) Section 1301.3521;
- (27) Section 1301.355;
- (28) Section 1301.356(c);
- (29) Section 1301.3565(c);
- (30) Section 1301.357(c);
- (31) Section 1301.358;
- (32) Section 1301.3585;
- (33) Section 1301.402;
- (34) Section 1301.403;
- (35) Section 1301.451;
- (36) Section 1301.4521;
- (37) Section 1301.4522;
- (38) Section 1301.453;
- (39) Section 1301.454;
- (40) Section 1301.502(b);
- (41) Section 1301.504;
- (42) Section 1301.5045;
- (43) Section 1301.505;
- (44) Section 1301.506; and
- (45) Subchapter N, Chapter 1301.

SECTION 62. (a) The Texas State Board of Plumbing Examiners is abolished but continues in existence until September 1, 2020, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation assumes all of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the Texas State Board of Plumbing Examiners are transferred to the Texas Department of Licensing and Regulation.



(b) The Texas State Board of Plumbing Examiners and the Texas Department of Licensing and Regulation shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners to the Texas Department of Licensing and Regulation is completed not later than September 1, 2020.

(c) All rules of the Texas State Board of Plumbing Examiners are continued in effect as rules of the Texas Department of Licensing and Regulation until superseded by a rule of the Texas Department of Licensing and Regulation. A license, endorsement, or certificate of registration issued by the Texas State Board of Plumbing Examiners is continued in effect as provided by the law in effect immediately before the effective date of this Act. An application for a license, endorsement, or certificate of registration pending on the effective date of this Act is continued without change in status after the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

(d) Unless the context indicates otherwise, a reference to the Texas State Board of Plumbing Examiners in a law or administrative rule means the Texas Department of Licensing and Regulation.

SECTION 63. Notwithstanding any other provision of this Act:

(1) the authorization of a person holding a designation on September 1, 2019, to act as a responsible master plumber continues in effect until September 1, 2020;

(2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until September 1, 2020; and

(3) a person holding a designation to act as a responsible master plumber on September 1, 2019, may apply at no cost to the person for a plumbing contractor license until September 1, 2020, and after September 1, 2020, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license.

SECTION 64. (a) Not later than December 1, 2019, the governor shall appoint members to the Texas Plumbing Advisory Board in accordance with Section 1301.151, Occupations Code, as amended by this Act. A member whose term expired under Section 62 of this Act is eligible for appointment to the advisory board.

(b) The members of the Texas State Board of Plumbing Examiners whose terms expire under Section 62 of this Act shall continue to provide advice to the Texas Department of Licensing and Regulation until a majority of the members of the advisory board are appointed under Subsection (a) of this section and qualified.

SECTION 65. (a) Not later than:

(1) September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who:

(A) on September 1, 2019, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's name or fingerprints on submission of the person's initial license application; and

(2) September 1, 2023, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's fingerprints on each person who:

(A) on September 1, 2019, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's fingerprints on submission of the person's initial license application.

(b) The Texas Department of Licensing and Regulation may suspend the license of a person who holds a license under Chapter 1301, Occupations Code, who does not comply with a request by the department to provide information or fingerprints, in a form and manner prescribed by the department, that would enable the department to obtain criminal history record information as required by this section.

SECTION 66. (a) A violation of a law that is repealed by this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

(b) For purposes of this section, a violation was committed before September 1, 2019, if any element of the violation occurred before that date.

SECTION 67. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 68. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 621** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON SENATE BILL 668

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 23, 2019

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 668** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUGHES

HALL

PAXTON

FALLON

CAMPBELL

On the part of the Senate

VANDEAVER

K. BELL

DUTTON

SANFORD

MEYER

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to data collection, reporting, and notice requirements for certain educational entities.

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

ARTICLE 1. DATA COLLECTION, REPORTING, AND UTILIZATION

SECTION 1.01. Section 5.001, Education Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Child who is homeless," "person who is homeless," and "student who is homeless" have the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

SECTION 1.02. Section 21.0452(b), Education Code, is amended to read as follows:

(b) The board shall make available at least the following information regarding each educator preparation program:

(1) the information specified in Sections 21.045(a) and (b);

(2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:

(A) average overall grade point average and average grade point average in specific subject areas; and

(B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

(3) the degree to which persons who complete the program are successful in obtaining teaching positions;

(4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:

(A) students with disabilities; and

(B) students of limited English proficiency, as defined by Section 29.052;

(5) the activities offered by the program that are designed to prepare teachers to:

(A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;

(6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;

(7) the percentage of teachers employed under a standard teaching certificate within one year of completing the program;

(8) the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing [as determined on the basis of] the number of beginning teachers

employed as classroom teachers [~~who maintain status as active contributing members in the Teacher Retirement System of Texas~~] for at least three years after certification in comparison to similar programs;

(9) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;

(10) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and

(11) the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.

SECTION 1.03. Section 25.001(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1) the person and either parent of the person reside in the school district;

(2) the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3) the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4) the person has established a separate residence under Subsection (d);

(5) the person is homeless[~~, as defined by 42 U.S.C. Section 11302~~], regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6) the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7) the person resides at a residential facility located in the district;

(8) the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed; or

(9) the person does not reside in the school district but the grandparent of the person:

(A) resides in the school district; and

(B) provides a substantial amount of after-school care for the person as determined by the board.

SECTION 1.04. Section 25.086(a), Education Code, is amended to read as follows:

(a) A child is exempt from the requirements of compulsory school attendance if the child:

(1) attends a private or parochial school that includes in its course a study of good citizenship;

(2) is eligible to participate in a school district's special education program under Section 29.003 and cannot be appropriately served by the resident district;

(3) has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible and holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from that remedial treatment;

(4) is expelled in accordance with the requirements of law in a school district that does not participate in a mandatory juvenile justice alternative education program under Section 37.011;

(5) is at least 17 years of age and:

(A) is attending a course of instruction to prepare for the high school equivalency examination, and:

(i) has the permission of the child's parent or guardian to attend the course;

(ii) is required by court order to attend the course;

(iii) has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or

(iv) is homeless [~~as defined by 42 U.S.C. Section 11302~~]; or

(B) has received a high school diploma or high school equivalency certificate;

(6) is at least 16 years of age and is attending a course of instruction to prepare for the high school equivalency examination, if:

(A) the child is recommended to take the course of instruction by a public agency that has supervision or custody of the child under a court order; or

(B) the child is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.);

(7) is at least 16 years of age and is enrolled in a high school diploma program under Chapter 18;

(8) is enrolled in the Texas Academy of Mathematics and Science under Subchapter G, Chapter 105;

(9) is enrolled in the Texas Academy of Leadership in the Humanities;

(10) is enrolled in the Texas Academy of Mathematics and Science at The University of Texas at Brownsville;

(11) is enrolled in the Texas Academy of International Studies; or

(12) is specifically exempted under another law.

SECTION 1.05. Section 28.025(i), Education Code, is amended to read as follows:

(i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from

which the student transferred. ~~[In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.]~~

SECTION 1.06. Section 29.081(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

(1) was not advanced from one grade level to the next for one or more school years;

(2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless~~[- as defined by 42 U.S.C. Section 11302, and its subsequent amendments];~~ or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation.

SECTION 1.07. Section 29.153(b), Education Code, is amended to read as follows:

(b) A child is eligible for enrollment in a prekindergarten class under this section if the child is at least three years of age and:

(1) is unable to speak and comprehend the English language;

(2) is educationally disadvantaged;

(3) is ~~[a] homeless [child, as defined by 42 U.S.C. Section 11434a]~~, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child;

(4) is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;

(5) is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;

(6) is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Section 262.201, Family Code; or

(7) is the child of a person eligible for the Star of Texas Award as:

(A) a peace officer under Section 3106.002, Government Code;

(B) a firefighter under Section 3106.003, Government Code; or

(C) an emergency medical first responder under Section 3106.004,

Government Code.

SECTION 1.08. Section 31.103(b), Education Code, is amended to read as follows:

(b) A school district or open-enrollment charter school shall make a requisition for instructional material using the online requisition program maintained by the commissioner ~~[not later than June 1 of each year]~~. The publisher or manufacturer shall fill a requisition approved by the agency.

SECTION 1.09. Sections 33.906(a) and (c), Education Code, are amended to read as follows:

(a) Except as provided by Subsection (e), each school that maintains an Internet website shall post on the website information regarding local programs and services, including charitable programs and services, available to assist ~~[homeless]~~ students who are homeless.

(c) A representative of a local program or service available to assist ~~[homeless]~~ students who are homeless may request to have information concerning the program or service posted on a school's website. A school may determine the information that is posted on the school's website and is not required to post information as requested by the representative.

SECTION 1.10. Section 38.209(a), Education Code, is amended to read as follows:

(a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), the school shall report the information required under Subsection (b) to:

(1) the school district, the charter holder if the school is an open-enrollment charter school, or the governing body of the school if the school is a private school;

(2) the physician or other person who prescribed the epinephrine auto-injector; and

(3) ~~the commissioner of education; and~~

~~(4)~~ the commissioner of state health services.

SECTION 1.11. Section 39.0233(a), Education Code, is amended to read as follows:

(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Subchapter F-1, Chapter 51. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under ~~Section 39.233 and~~ Subchapter F-1, Chapter 51.

SECTION 1.12. Section 39.410(c), Education Code, is amended to read as follows:

(c) The commissioner shall ensure that an evaluation conducted under this section includes an assessment of whether student achievement has improved. ~~Results of the evaluation shall be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009.~~

SECTION 1.13. Section 2265.001(a), Government Code, is amended to read as follows:

(a) In this section, "governmental entity" means:

(1) a board, commission, or department of the state or a political subdivision of the state, including a municipality, a county, or any kind of district other than a school district; or

(2) an institution of higher education as defined by Section 61.003, Education Code.

## ARTICLE 2. OPEN-ENROLLMENT CHARTER SCHOOLS

SECTION 2.01. Section 12.101, Education Code, is amended by adding Subsection (b-10) to read as follows:

(b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.

SECTION 2.02. Section 12.1101, Education Code, is amended to read as follows:

Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner of an application for a charter for an open-enrollment charter school under Section 12.110 or of notice of the establishment of a campus as authorized under Section 12.101(b-4):

(1) the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and



(2) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.

SECTION 2.03. Section 12.114, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A charter holder may submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion will be effective. A request for approval of an expansion amendment does not obligate the charter holder to complete the proposed expansion.

#### ARTICLE 3. REPEALER

SECTION 3.01. The following provisions of the Education Code are repealed:

- (1) Section 7.009;
- (2) Section 25.007(a-1);
- (3) Section 39.233; and
- (4) Section 44.903.

#### ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. This Act applies beginning with the 2019-2020 school year.

SECTION 4.02. 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, 2019.

The Conference Committee Report on **SB 668** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2402

Senator Fallon submitted the following Conference Committee Report:

Austin, Texas  
May 23, 2019

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2402** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

FALLON  
ALVARADO  
FLORES  
HANCOCK  
PAXTON

GEREN  
KUEMPEL  
GOLDMAN  
T. KING

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2402** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1511**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
May 22, 2019

Honorable Dan Patrick  
President of the Senate  
  
Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1511** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS  
BETTENCOURT  
BIRDWELL  
KOLKHORST  
MILES  
On the part of the Senate

CYRIER  
CAIN  
FARRAR  
MORRISON  
TOTH  
On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to the operation of the Battleship "Texas."

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

SECTION 1. The purpose of this Act is to ensure that the Battleship "Texas," a national historic landmark whose engines are national mechanical engineering landmarks and that is the only remaining battleship to have fought in World War I and World War II, is maintained and preserved in satisfactory condition for the benefit of the citizens of this state.

SECTION 2. Section 22.261, Parks and Wildlife Code, is amended to read as follows:

Sec. 22.261. JURISDICTION. The Battleship "Texas" is under the jurisdiction of the department. The department shall enter into a memorandum of understanding for a term of 99 years with an appropriate nonprofit foundation for the operation and maintenance of the Battleship "Texas."

SECTION 3. Subchapter T, Chapter 22, Parks and Wildlife Code, is amended by adding Section 22.262 to read as follows:

Sec. 22.262. PRESERVATION STANDARDS. The memorandum of understanding required by Section 22.261 must include provisions:

(1) governing the preservation, management, and operation of the Battleship "Texas" consistent with the Standards for Historic Vessel Preservation Projects with Guidelines for Applying the Standards published by the Secretary of the United States Department of the Interior as those standards existed on January 1, 2019;

(2) requiring the nonprofit foundation described by Section 22.261 to consult with the state historic preservation officer on matters related to the preservation or repair of the battleship; and

(3) regarding the protection of the public's interest in maintaining and preserving a priceless historical asset in a manner that ensures the public has access to the asset and an opportunity to provide comment regarding the preservation of the asset.

SECTION 4. The Parks and Wildlife Department shall enter into the memorandum of understanding required by Section 22.261, Parks and Wildlife Code, as amended by this Act, not later than the later of:

- (1) September 1, 2019; or
- (2) the 90th day after the effective date of this Act.

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, 2019.

The Conference Committee Report on **SB 1511** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 18**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 23, 2019

Honorable Dan Patrick  
President of the Senate  
  
Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 18** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN  
CAMPBELL  
CREIGHTON  
NELSON  
ZAFFIRINI

On the part of the Senate

GEREN  
DARBY  
C. TURNER  
K. BELL

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to the protection of expressive activities at public institutions of higher education.

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

SECTION 1. The legislature finds that:

(1) freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus; and

(2) it is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this section:

(1) "Benefit" includes:

(A) recognition by or registration with an institution of higher education;

(B) the use of an institution of higher education's facilities for meetings or speaking purposes;

(C) the use of channels of communication controlled by an institution of higher education; and

(D) funding sources made generally available to student organizations at an institution of higher education.

(2) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

(3) "Institution of higher education" has the meaning assigned by Section 61.003.

(4) "Student organization" includes any organization that is composed mostly of students enrolled at an institution of higher education and that receives a benefit from the institution.

(b) It is the policy of this state and the purpose of this section to protect the expressive rights of persons guaranteed by the constitutions of the United States and of this state by:

(1) recognizing freedom of speech and assembly as central to the mission of institutions of higher education; and

(2) ensuring that all persons may assemble peaceably on the campuses of institutions of higher education for expressive activities, including to listen to or observe the expressive activities of others.

(c) An institution of higher education shall:

(1) ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and

(2) permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct:

(A) is not unlawful; and

(B) does not materially and substantially disrupt the functioning of the institution.

(d) Notwithstanding Subsection (c), an institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

- (1) are narrowly tailored to serve a significant institutional interest;
- (2) employ clear, published, content-neutral, and viewpoint-neutral criteria;
- (3) provide for ample alternative means of expression; and
- (4) allow members of the university community to assemble or distribute

written material without a permit or other permission from the institution.

(e) Subsections (c) and (d) do not:

- (1) limit the right of student expression at other campus locations; or
- (2) prohibit faculty members from maintaining order in the classroom.

(f) Each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:

(A) any person to, subject to reasonable restrictions adopted under Subsection (d), engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to, subject to Subsection (h), invite speakers to speak on campus;

(2) establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

(3) include a grievance procedure for addressing complaints of a violation of this section;

(4) be approved by a majority vote of the institution's governing board before final adoption; and

(5) be posted on the institution's Internet website.

(g) An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization.

(h) In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

(1) may consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:

(A) the proposed venue and the expected size of the audience;

(B) any anticipated need for campus security;

(C) any necessary accommodations; and

(D) any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Subsection (f) and any other relevant policies; and

(2) may not consider any anticipated controversy related to the event.

(i) Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by:

(1) including the policies in the institution's student handbook and personnel handbook;

(2) providing a copy of each policy to students during the institution's freshman or transfer student orientation; and

(3) posting the policies on the institution's Internet website.

(j) Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.

(k) Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. This subsection expires September 1, 2021.

SECTION 3. Not later than August 1, 2020, each public institution of higher education shall adopt the policy required under Section 51.9315(f), Education Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 18** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 812

Senator Whitmire submitted the following Conference Committee Report:

Austin, Texas

May 21, 2019

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 812** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WHITMIRE

BUCKINGHAM

HUFFMAN

MILES

PERRY

On the part of the Senate

WHITE

ALLEN

BAILES

NEAVE

STEPHENSON

On the part of the House

The Conference Committee Report on **HB 812** was filed with the Secretary of the Senate.

**CO-SPONSOR OF HOUSE BILL 2059**

On motion of Senator Taylor, Senator Alvarado will be shown as Co-sponsor of **HB 2059**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 812** by Perry, In memory of Wendell Howard.

**HCR 177** (Kolkhorst), In memory of former House Speaker Pro Tempore D. R. "Tom" Uher of Bay City.

**Congratulatory Resolutions**

**SR 806** by Lucio, Hinojosa, and Zaffirini, Recognizing the participants in The University of Texas Rio Grande Valley Legislative Internship Program.

**SR 811** by Flores, Recognizing Seth Rau for his service to Senator Peter P. Flores.

**SR 813** by Perry, Recognizing Heather and James Sanderson on the occasion of their 25th wedding anniversary.

**SR 815** by West, Recognizing Mary Matilda Factory for her contributions to the American space program and leadership in the community.

**HCR 180** (Perry), Congratulating Representative Tom Craddick and Nadine Craddick on their 50th wedding anniversary.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:07 p.m. adjourned, in memory of Muhlaysia Booker, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**BILLS AND RESOLUTIONS ENROLLED**

May 22, 2019

**SB 7, SB 41, SB 54, SB 71, SB 212, SB 230, SB 237, SB 384, SB 405, SB 511, SB 563, SB 569, SB 662, SB 706, SB 741, SB 819, SB 869, SB 1056, SB 1177, SB 1184, SB 1219, SB 1231, SB 1303, SB 1311, SB 1404, SB 1636, SB 1702, SB 1754, SB 1755, SB 2409, SCR 7, SCR 58, SCR 59, SR 737, SR 801, SR 802, SR 803, SR 804, SR 805, SR 807, SR 808, SR 809, SR 810**

