

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SECOND DAY

(Friday, May 29, 2015)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Juan Sanchez, High Pointe Baptist Church, Austin, offered the invocation as follows:

All-wise God, Your judgments are unsearchable and Your ways inscrutable. (Romans 11:33) For from You and through You and to You are all things. To You be all glory forever. (Romans 11:36) We thank You that in Your wisdom You appointed these men and women to serve in the 84th Texas Legislature in order that all Texans, regardless of our differences, may live together in a just and peaceful society. (Romans 13:1-7; 1 Peter 2:13-14) We ask, O wise God, that You would bless this last day of the regular session of this Senate. May the men and women of this Chamber be encouraged by the work they have accomplished, and may they look forward to sweet reunions with family and friends as they return home. May You also grant much grace so that at the end of this day these men and women may part as colleagues who respect and honor one another, though they may disagree on various and even important issues. For we can all agree that all in this Chamber share a common love for the people of this state and long to see us flourish. We also ask, on behalf of all who have been affected by the recent flooding, spare life and property, O God, and show Your kindness. Now, great God, we ask that when this session concludes that You may grant these Senators favor as they return home to pursue other endeavors. In the name of Jesus Christ, I pray. 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.

PHYSICIAN OF THE DAY

Senator Birdwell was recognized and presented Dr. Clayton Roberts of Glen Rose as the Physician of the Day.

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

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate a Boy Scout Troop 30 delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Garcia, Rodríguez, Uresti, Watson, Seliger, and Ellis, was recognized and introduced to the Senate a Hispanic Alliance for the Performing Arts delegation: Joe Long, Board President Monica Peraza, Board Chair Teresa Long, Interim Executive Director Diana Resnik, and Board Member Elias Hermida.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Menéndez was recognized and introduced to the Senate his office intern, John Reddinger.

The Senate welcomed its guest.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 168, HB 207, HB 229, HB 257, HB 262, HB 307, HB 326, HB 480, HB 504, HB 518, HB 634, HB 644, HB 710, HB 771, HB 790, HB 825, HB 884, HB 905, HB 906, HB 1015, HB 1026, HB 1038, HB 1074, HB 1083, HB 1128, HB 1237, HB 1277, HB 1278, HB 1286, HB 1287, HB 1329, HB 1337, HB 1360, HB 1394, HB 1431, HB 1449, HB 1455, HB 1514, HB 1535, HB 1549, HB 1551, HB 1595, HB 1617, HB 1628, HB 1640, HB 1661, HB 1670, HB 1702, HB 1733, HB 1781, HB 1793, HB 1807, HB 1846, HB 1855, HB 1879, HB 1908, HB 1914, HB 1924, HB 2031, HB 2055, HB 2063, HB 2067, HB 2108, HB 2121, HB 2134, HB 2232, HB 2251, HB 2290, HB 2299, HB 2300, HB 2313, HB 2372, HB 2390, HB 2407, HB 2472, HB 2499, HB 2528, HB 2547, HB 2549, HB 2558, HB 2589, HB 2598, HB 2629, HB 2634, HB 2646, HB 2647, HB 2655, HB 2660, HB 2680, HB 2706, HB 2763, HB 2775, HB 2827, HB 2828, HB 2851, HB 2945, HB 2946, HB 3002, HB 3074, HB 3092, HB 3264, HB 3283, HB 3316, HB 3357, HB 3373, HB 3374, HB 3404, HB 3438, HB 3439, HB 3517, HB 3547, HB 3595, HB 3629, HB 3685, HB 3707, HB 3710, HB 3748, HB 3772, HB 3982, HB 4030, HB 4046, HB 4133, HB 4134, HB 4148, HB 4174, HB 4183, HB 4199, HB 4207, HCR 35, HCR 46, HCR 62, HCR 76, HCR 77, HCR 81, HCR 85, HCR 93, HCR 94, HCR 130.

MOTION IN WRITING

Senator Campbell offered the following Motion In Writing:

Mr. President:

I move that the Senate grant the request of the House and return **HB 3405** to the House for further consideration.

CAMPBELL

The Motion In Writing was read and prevailed without objection.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 165th Judicial District Court, Harris County: Debra Ibarra Mayfield, Harris County.

Presiding Officer, Board of Directors, Alamo Regional Mobility Authority: John Glenn Clamp, Bexar County.

Members, Board of Pardons and Paroles: Federico Rangel, Walker County; Lionel F. Solis, Bexar County.

Member, Oversight Committee, Cancer Prevention and Research Institute of Texas: Donald R. Margo, El Paso County.

Member, Commission on State Emergency Communications: Rodolfo Madrid, Kleberg County.

Members, Correctional Managed Health Care Committee: Harold Karl Berenzweig, Tarrant County; Margarita de la Garza-Graham, Smith County; Mary Annette Gary, Lubbock County; Elizabeth Anne Linder, Lubbock County; Edward John Sherwood, Travis County.

Members, Governing Board, Office of Violent Sex Offender Management: Roberto Dominguez, Hidalgo County; Elizabeth Christina Jack, Tarrant County; Kathryn Elaine McClure, Harris County.

Members, Governing Board, Texas Indigent Defense Commission: Jon H. Burrows, Bell County; Olen U. Underwood, Montgomery County; Benny Glen Whitley, Tarrant County.

Presiding Officer, Board of Directors, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Board of Directors, Hidalgo County Regional Mobility Authority: Rance G. Sweeten, Hidalgo County.

Members, Board of Directors, Lower Colorado River Authority: Lori Alice Berger, Fayette County; Joseph Michael Crane, Matagorda County; Charles Barton Johnson, Brown County; George W. Russell, Burnet County; Martha Leigh Miller Whitten, San Saba County.

Presiding Officer, Board of Directors, North East Texas Regional Mobility Authority: Linda Ryan Thomas, Gregg County.

Members, Board of Directors, Red River Authority of Texas: Cary Cole Camp, Randall County; Penny Cogdell Carpenter, Briscoe County; Stephen Alan Thornhill, Grayson County.

Commissioner, Rio Grande Compact Commission: Patrick R. Gordon, El Paso County.

Member, Board of Directors, Rio Grande Regional Water Authority: Arturo Cabello, Cameron County.

Member, Sabine River Compact Administration: Michael Harold Lewis, Newton County.

Member, State Cemetery Committee: Benjamin Michael Hanson, Travis County.

Member, State Pension Review Board: Keith Wallis Brainard, Williamson County.

Member, State Preservation Board: Iris Hudson Moore, Tarrant County.

Members, Texas Appraiser Licensing and Certification Board: Jesus Barba, Hidalgo County; Patrick Michael Carlson, Travis County; Laurie Carden Fontana, Harris County; James J. Jeffries, Williamson County; Brian Lawrence Padden, Travis County.

Member, Texas Higher Education Coordinating Board: Syed Javaid Anwar, Midland County.

Members, Texas Historical Commission: Anna Benavides Galo, Webb County; Wallace Bernard Jefferson, Travis County; John Liston Nau, Harris County.

Members, Texas Military Preparedness Commission: Anna Arredondo Chapman, Val Verde County; Connie Wood Scott, Nueces County; William L. Shine, Bell County.

Members, Texas Optometry Board: Ronald Lee Hopping, Galveston County; Carey Aston Patrick, Collin County; Rene Daniel Peña, El Paso County.

Members, Board of Directors, Texas School Safety Center: Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Evan Gonzales, Lee County; Daniel Riley Griffith, Travis County; Dawn DuBose Randle, Harris County.

Presiding Officer, Board of Directors, Webb County-City of Laredo Regional Mobility Authority: Ruben Soto, Webb County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Birdwell gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 1019

Senator Nelson offered the following resolution:

SR 1019, Suspending limitations on conference committee jurisdiction on HB 1.

The resolution was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **HB 1**. The Conference Committee Report was filed with the Senate on Tuesday, May 26, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Garcia.

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on the Conference Committee Report on **HB 1**:

As members of the Texas Legislature, passing a budget is our one basic responsibility. I take that responsibility very, very seriously.

In 2011, I voted against the budget because of the draconian cuts made to education and health and human services. It turned out that these cuts weren't necessary because they were the result of flawed revenue projections.

Like last session, this session, we have the means to make up lost ground, pay down on our debts, and invest in our future.

We are blessed with abundance, but we have a lot of work to do to build upon our natural and human resources and to maintain and increase our global competitiveness. Unfortunately, we have passed up another opportunity to do so, and while I voted for this budget, I do so with deep misgivings. I believe in the process, and in something that is bigger than our current partisan divides – the institution of the Legislature, and the democratic system it represents.

It would take something draconian, as in 2011, to compel me to vote against the budget, which we must pass to keep the government moving. It is, in fact, the only bill we absolutely have to pass.

Significantly, we did not do enough for education. And we took money for this need, and threw it at what I consider a misguided want, the expansion of DPS in both size and scope.

We also failed, once again, to ensure greater access to health care, whether through expansion of traditional Medicaid, a private insurance exchange like the "Texas Way," or a Section 1332 waiver. With over five million Texans still uninsured and uncompensated care costs totaling several billion dollars every year, it is incumbent upon state legislators to find a solution.

With respect to education, I appreciate that there is \$1.5 billion dollars in new funding to the Foundation School Program, but I am disappointed that we are still very much operating under an unconstitutional school finance system.

We did not even attempt to address the issues addressed by Judge Dietz. There were major areas of need that the Court ordered the Legislature to address. We did not address the equity inefficiencies or the funding weights for compensation education or for bilingual education.

I had a bill that only addressed the weight to fund bilingual education at about half of what the studies say is needed, and the fiscal note was close to \$1.5 billion. Judge Dietz has said that Texas has buried its head in the sand by not addressing the weights for ELL and low-income students for over three decades. Every year we ignore it, the situation gets worse. So I appreciate we put a little bit of money into pre-k and into the basic allotment, but we are not funding the greatest need nor are we meeting our constitutional requirements and that is a missed opportunity because we had the money to do it this session.

On border enforcement, I keep hearing the federal government isn't doing its job, that the burden has been placed on the state. This is simply untrue.

The available data tells us that border communities have lower crime rates and are safer than the state as a whole; unauthorized crossings began dropping well before the state intervened in border control and law enforcement efforts, for which the federal government and local police agencies are primarily responsible, and have done a great job; and it has been well-documented that the state cannot account for whether, or how much, the nearly \$1 billion dollars we have spent so far has impacted border activity.

But let's put the facts aside, and talk about the budget.

State general revenue funding for DPS has grown immensely from \$239 million in 2010-11 to an estimated \$648 million in 2014-15 and about \$1.935 billion in general revenue funds this cycle.

State leadership is not acknowledging that the federal government spends about \$18 billion a year on border enforcement overall. Even more to the point, federal funding provided to DPS grew from \$99 million in 2000 to a high of \$1.64 billion in 2010-11, before dropping to about \$538 million in this budget, according to documents from the Legislative Budget Board.

While the amount of federal funding isn't broken down by category of use, at least some of it presumably has been used for DPS' "border security" efforts, which illustrates the irony of claims by this body that the state is shouldering the burden. It's also pretty brazen to take the money with one hand, and with the other, claim that we're out of pocket and should be paid back.

As for the state spending, I must point out that this is precious discretionary funding we are pouring into something we just don't need.

A few years down the line, when we're still footing this bill, and we're faced with other serious needs, I believe we'll look back and wish we had resisted going down this path. In addition, I worry that these new commitments will tie the hands of future legislators who might not have the discretion to redirect the funding to where it's needed.

So why, besides my inclination to support the legislative process and vote for the budget except in extreme circumstances, am I voting for this budget?

For one thing, I support the spending on infrastructure. While I hope that in the future, we will fund different modes of transit and not rely simply on building roads, this budget does take steps to strengthen our transportation infrastructure. We are also following up on the public vote to support water infrastructure. We are funding much-needed construction and research at our universities. We are maintaining our state employee retirement system, and we are investing in our aging facilities. We continue to invest in mental health services, and we're finally investing in our spectacular state parks.

For these reasons, I am grateful for the opportunity to vote for this budget, and for the honor of serving in the Texas Senate.

RODRÍGUEZ

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Nelson and Nichols regarding **HB 1** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: Thank you. Madame Chairman, I want to commend you and Senator Schwertner and everybody else on Finance Committee for the great work you've done, particularly on Article II, in crafting the budget. I'd like to talk with you for a moment about our state's mental health infrastructure and ask some questions. Are you aware that Northeast Texas has the lowest rate of mental health providers in the state, as well as the highest suicide rate?

Senator Nelson: Sadly, yes, I am aware of that.

Senator Nichols: Yeah. We are a growing state and we've got to have a mental health infrastructure that keeps pace. I believe there's a tremendous opportunity for our state mental hospitals and health science centers to partner together. When we look at what our health-related institutions do, both our medical schools and our state hospitals, it makes sense to see how directing them to work together can improve both access and quality of care while building our mental health workforce at the same time. Would you agree?

Senator Nelson: Absolutely, and your area is getting ready to provide a real opportunity to do that.

Senator Nichols: You know, and I also think, share my frustration with some of the approaches the Health and Human Services Commission has taken regarding our state hospitals recently, so let me ask you this, does this budget, in any way, direct the agency to consider the private operation of a state mental hospital?

Senator Nelson: No.

Senator Nichols: If the agency were to pursue privatization, would you say that they would be in violation of the Legislature's intent?

Senator Nelson: It would be.

Senator Nichols: I think we're laying the groundwork for a new path forward in this budget. The first rider I'd like to ask you about is Rider Number 6 for The University of Texas Health Science at Tyler. It directs a school to support mental health

workforce training programs in underserved areas in Northeast Texas, including specifically Rusk State Hospital. That rider requires a report on the administrative legal financial considerations, as well as a timeline for transition progress report on the expansion of efforts to increase academic partnerships. There's a second rider within the Department of Health Science bill pattern that works with the first one related to Rusk State Hospital. You're aware of that one?

Senator Nelson: I sure am.

Senator Nichols: That rider directs the Department of State Health Services to submit a proposal for project planning, development of construction plans, site preparation and related activity to support and the construction of the mental health facilities to replace the current facility at Rusk. So, while we create residency and training programs at UT Health Science Center, we're going to need some infrastructure in place at Rusk State Hospital, support the existing future workforce at Rusk. UT Health Science Center Tyler will need a presence at the Rusk State Hospital in Rusk to manage and supervise these programs. Would you not say that that is correct?

Senator Nelson: I would say that's correct.

Senator Nichols: Rusk State Hospital has several hundred acres of land, so it only makes sense for that additional infrastructure UT Health Science Center might need to facilitate residency and training programs to be sited on that property that Rusk State Hospital currently owns, wouldn't you say so?

Senator Nelson: Yes, Sir.

Senator Nichols: So, when the rider says, and I quote, to support the future construction of mental health hospital facilities to replace the current facility at Rusk State Hospital, it is your clear understanding and intent that that replacement facility be on the Rusk campus?

Senator Nelson: Yes.

Senator Nichols: If there is any need for memorandums of understanding, interagency agreements or leases, would you say we are directing those agencies to do so related to this property? Would that be correct?

Senator Nelson: Yes. I bet you're going to ask this all to be entered into writing, in the records and all that.

Senator Nichols: I think you're guessing really well. Thank you, Madame Chair, and, Mr. President, I would ask that my exchange with Senator Nelson be reduced to writing and entered into the *Senate Journal*. Thank you.

SENATE JOINT RESOLUTION 1 WITH HOUSE AMENDMENTS

Senator Nelson called **SJR 1** from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Amendment

Amend **SJR 1** by substituting in lieu thereof the following:

A JOINT RESOLUTION

proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

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

SECTION 1. Sections 1-b(c) and (d), Article VIII, Texas Constitution, are amended to read as follows:

(c) The amount of \$25,000 [~~Fifteen Thousand Dollars (\$15,000)~~] of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed [~~Ten Thousand Dollars (~~] \$10,000[~~)~~] of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person [~~sixty five (~~] 65[~~)~~] years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons [~~sixty five (~~] 65[~~)~~] years of age or older on economic need. An eligible disabled person who is [~~sixty five (~~] 65[~~)~~] years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled or elderly person may receive both the additional exemption for the elderly and disabled authorized by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of this subsection, Subsection (d) of this section, and Section 1-d-1 of this article [~~Article VIII, Sections 1 b(c), 1 b(d), and 1 d 1, of this constitution~~]. The legislature by general law may define residence homestead for purposes of this section.

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are [~~sixty five (~~] 65[~~)~~] years of age or older or who are

disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person [~~sixty-five (65)~~] years of age or older dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is [~~fifty-five (55)~~] years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

(b) The amendments to Sections 1-b(c) and (d), Article VIII, of this constitution take effect for the tax year beginning January 1, 2015.

(c) This temporary provision expires January 1, 2017.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$25,000 and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount."

Floor Amendment No. 1

Amend **CSSJR 1** (house committee printing) as follows:

(1) On page 1, line 8, strike "1-b(c) and (d)" and substitute "1-b(c), (d), and (e)".

(2) On page 4, between lines 9 and 10, insert the following:

(e) The governing body of a political subdivision, other than a county education district, may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. In the manner provided by law, the voters of a county education district at an election held for that purpose may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. The percentage may not exceed twenty percent. However, the amount of an exemption authorized pursuant to this subsection may not be less than ~~[Five Thousand Dollars (\$5,000)]~~ unless the legislature by general law prescribes other monetary restrictions on the amount of the exemption. The legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under this subsection from reducing the amount of or repealing the exemption. An eligible adult is entitled to receive other applicable exemptions provided by law. Where ad valorem tax has previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect the tax against the value of the homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature by general law may prescribe procedures for the administration of residence homestead exemptions.

(3) Insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the joint resolution accordingly:

SECTION _____. Article VIII, Texas Constitution, is amended by adding Section 29 to read as follows:

Sec. 29. (a) After January 1, 2016, no law may be enacted that imposes a transfer tax on a transaction that conveys fee simple title to real property.

(b) This section does not prohibit:

(1) the imposition of a general business tax measured by business activity;

(2) the imposition of a tax on the production of minerals;

(3) the imposition of a tax on the issuance of title insurance; or

(4) the change of a rate of a tax in existence on January 1, 2016.

(4) On page 4, line 15, strike "1-b(c) and (d)" and substitute "1-b(c), (d), and (e)".

(5) On page 4, line 24, strike "\$25,000 and" and substitute "\$25,000,".

(6) On page 5, line 1, between "amount" and the period, insert ", authorizing the legislature to prohibit a political subdivision that has adopted an optional residence homestead exemption from ad valorem taxation from reducing the amount of or repealing the exemption, and prohibiting the enactment of a law that imposes a transfer tax on a transaction that conveys fee simple title to real property".

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SJR 1**.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, Zaffirini.

Nays: Ellis, Eltife, Garcia, Rodríguez, West, Whitmire.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 1**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, Zaffirini.

Nays: Ellis, Eltife, Garcia, Rodríguez, West, Whitmire.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 751 ADOPTED**

Senator Kolkhorst called from the President's table the Conference Committee Report on **HB 751**. The Conference Committee Report was filed with the Senate on Wednesday, May 20, 2015.

On motion of Senator Kolkhorst, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1378 ADOPTED**

Senator Bettencourt called from the President's table the Conference Committee Report on **HB 1378**. The Conference Committee Report was filed with the Senate on Monday, May 25, 2015.

On motion of Senator Bettencourt, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 987

Senator V. Taylor offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 923 (the issuance of 36th Infantry Division specialty license plates and souvenir license plates) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 1 of the bill, in added Section 504.009(a-1), Transportation Code:

Texas Military Department, as defined by Section 437.001, Government Code,

Explanation: This addition is necessary to authorize the Texas Military Department to issue a souvenir version of the 36th Infantry Division specialty license plate.

SR 987 was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 923 ADOPTED**

Senator V. Taylor called from the President's table the Conference Committee Report on **HB 923**. The Conference Committee Report was filed with the Senate on Monday, May 25, 2015.

On motion of Senator V. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 29, 2015
Austin, Texas

TO THE SENATE OF THE EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION:

On January 15, 2015, former Governor Rick Perry submitted the name of John W. Townes, III for appointment to the Texas Lottery Commission for a term to expire February 1, 2019.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

On January 15, 2015, former Governor Rick Perry submitted the name of Jodie G. Baggett for appointment to the Texas Lottery Commission for a term to expire February 1, 2017.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

On January 15, 2015, former Governor Rick Perry submitted the name of Mary Ann Williamson for appointment to the Texas Lottery Commission for a term to expire February 1, 2017.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

On January 15, 2015, former Governor Rick Perry submitted the name of Amy L. Trost for appointment to the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments for a term to expire December 31, 2019.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Greg Abbott
Governor

SENATE BILL 1336 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Perry called **SB 1336** 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 1336** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.

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

SECTION 1. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT. Section 6(a), Chapter 524, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 [~~Chapters 50 and 52~~], Water Code, applicable to groundwater [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 2. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT. Section 6(a), Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 50 and 52~~], Water Code, applicable to groundwater [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 3. MESA UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 6(a), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 [~~Chapters 50, 51, and 52~~], Water Code, applicable to groundwater [~~underground water~~] conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Section 10, Chapter 669, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 10. ELECTION OF DIRECTORS. On the uniform election date [~~first Saturday~~] in May of each even-numbered year [~~the second year after the year in which the district is authorized to be created at a confirmation election~~], an election shall be held in the district to elect the appropriate number [~~for the election~~] of directors.

~~[Directors elected from commissioner precincts 2 and 4 shall each serve two year terms and directors elected from commissioner precincts 1 and 3 and the district at large shall each serve four year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.]~~

SECTION 4. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 6, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

(b) Section 10, Chapter 673, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 10. ELECTION OF DIRECTORS. On the uniform election date ~~[first Saturday]~~ in May of every other ~~[the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors who shall each serve two year terms and three directors who shall each serve four year terms. Thereafter, on the same date in each subsequent second]~~ year, the appropriate number of directors shall be elected to the board.

SECTION 5. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT. Section 6(a), Chapter 653, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 ~~[Chapters 50 and 52]~~, Water Code, applicable to groundwater ~~[underground water]~~ conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 6. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT. Section 6, Chapter 519, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsection (c) to read as follows:

(c) If there is a conflict between Chapters 36 and 49, Water Code, Chapter 36 prevails.

SECTION 7. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 5(a), Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 ~~[Chapters 50 and 52]~~, Water Code, applicable to groundwater ~~[underground water]~~ conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Section 11, Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 11. ELECTION OF DIRECTORS. On the uniform election date ~~[first Saturday]~~ in May of even-numbered years ~~[the second year after the year in which the district is authorized to be created at a confirmation election]~~, an election shall be held

in the district to elect the appropriate number ~~[for the election]~~ of ~~[the]~~ directors ~~[for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board].~~

SECTION 8. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT. (a) Section 15(e), Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(e) The district shall hold an election in the district to elect directors on the uniform election date ~~[first Saturday]~~ in May of each odd-numbered year.

(b) Section 17, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 17. STATUTORY INTERPRETATION. Except as otherwise provided by this Act, if ~~[if]~~ there is a conflict between this Act and Chapter 49, 51, or 36 ~~[52]~~, Water Code, this Act controls. If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36 ~~[52]~~, Water Code, Chapter 36 ~~[52]~~ controls.

SECTION 9. TERMS OF OFFICE. The governing body of a groundwater conservation district for which the election date has changed under the laws amended by this Act shall adjust the terms of office to conform to the new election date, if applicable.

SECTION 10. NOTICE. (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 11. EFFECTIVE DATE. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. BEXAR METROPOLITAN WATER DISTRICT. Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended to read as follows:

(a) Not later than January 1, 2017 ~~[five years after the date the election results were certified in favor of dissolution under Article 2 or 2A of the Act enacting this section]~~, the System shall integrate the services and infrastructure of the District into the System in a reasonable and orderly manner. The Commission for good cause may

grant an extension to complete integration of not more than three additional years. The System shall base the integration on the consideration of relevant information, including:

- (1) the location and condition of the infrastructure;
- (2) debt obligations;
- (3) prudent utility practices and fiscal policies;
- (4) costs and revenue; and
- (5) potential impacts on the customers of the District and the System.

Floor Amendment No. 2

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. AMENDMENT TO WATER CODE. Section 36.0151(f), Water Code, is amended to read as follows:

(f) Before September 1, 2021 [~~2015~~], the commission may not create a groundwater conservation district under this section in a county:

- (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million.

Floor Amendment No. 4

Amend **CSSB 1336** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. LOST PINES GROUNDWATER CONSERVATION DISTRICT. Subchapter B, Chapter 8849, Special District Local Laws Code, is amended by adding section 8849.055 to read as follows:

Sec. 8849.055. LIABILITY. For liability purposes only, a director is considered a district employee under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section. A director is immune from suit and immune from liability for official votes and official actions.

Floor Amendment No. 5

Amend **CSSB 1336** (house committee printing), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. AMENDMENT TO WATER CODE REGARDING EDWARDS AQUIFER AUTHORITY. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.125 to read as follows:

Sec. 36.125. EDWARDS AQUIFER AUTHORITY. (a) Except as provided by Subsection (b), this subchapter does not apply to the Edwards Aquifer Authority.

(b) Sections 36.102 and 36.118 apply to the Edwards Aquifer Authority.

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 President asked if there were any motions to instruct the conference committee on **SB 1336** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Fraser, Huffines, Creighton, and Hinojosa.

SENATE BILL 1882 WITH HOUSE AMENDMENT
(Motion In Writing)

Senator Zaffirini called **SB 1882** 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 1882** as follows:

- (1) On page 1, line 12, strike "a right is"; and
- (2) On page 1, line 13, strike "has the right" and insert "is entitled to the following".

The amendment was read.

Senator Zaffirini 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 President asked if there were any motions to instruct the conference committee on **SB 1882** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Schwertner, Nelson, Estes, and Huffman.

SENATE BILL 1964 WITH HOUSE AMENDMENT
(Motion In Writing)

Senator Hinojosa called **SB 1964** 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.

Amendment

Amend **SB 1964** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the imposition of additional fees for filing civil cases and for recording certain documents in Hidalgo County and Cameron County.

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

SECTION 1. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:

Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY AND CAMERON COUNTY. (a) This section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo County and Cameron County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$40 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hidalgo County or Cameron County civil courts.

(c) Court 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 send the fees collected under this section to the county treasurer of the county in which the court is located or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. The treasurer or other official shall deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts in the county collecting the fee.

(e) This section applies only to fees for a 12-month period beginning October 1, if the commissioners court of the county collecting the fee:

(1) adopts a resolution authorizing a fee of not more than \$40;

(2) adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and

(3) files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court of the county collecting the fee may rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal

year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution under that subsection.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) October 1, 2030.

(i) Hidalgo County or Cameron County may make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows:

Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County and the clerk of a district court in Cameron County shall collect an additional filing fee of not more than \$40 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081191 to read as follows:

Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County and the clerk of a statutory county court in Cameron County shall collect an additional filing fee of not more than \$40 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10119 to read as follows:

Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than \$40 under Section 51.711, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Section 118.011, Local Government Code, is amended by adding Subsection (g) to read as follows:

(g) The county clerk of a county shall, if the commissioners court of the county adopts the fee, collect the following fee from any person:

Real Property Records Filing (Sec. 118.0131) not more than \$10

SECTION 6. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.0131 to read as follows:

Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY AND CAMERON COUNTY. The county clerk of Hidalgo County and the county clerk of Cameron County may assess an additional fee not to

exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION 7. The changes in law made by this Act apply only to a fee that becomes payable on or after the effective date of this Act. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 8. 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, 2015.

The amendment was read.

Senator Hinojosa 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 President asked if there were any motions to instruct the conference committee on **SB 1964** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nelson, Huffman, Zaffirini, and L. Taylor.

**SENATE BILL 1999 WITH HOUSE AMENDMENT
(Motion In Writing)**

Senator Menéndez called **SB 1999** 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.

Amendment

Amend **SB 1999** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to adult day services facilities.

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

SECTION 1. Section 531.951(a), Government Code, is amended to read as follows:

(a) This subchapter applies only to the final licensing, listing, or registration decisions of a health and human services agency with respect to a person under the law authorizing the agency to regulate the following types of persons:

- (1) a youth camp licensed under Chapter 141, Health and Safety Code;
- (2) a home and community support services agency licensed under Chapter 142, Health and Safety Code;
- (3) a hospital licensed under Chapter 241, Health and Safety Code;
- (4) an institution licensed under Chapter 242, Health and Safety Code;

- (5) an assisted living facility licensed under Chapter 247, Health and Safety Code;
- (6) a special care facility licensed under Chapter 248, Health and Safety Code;
- (7) an intermediate care facility licensed under Chapter 252, Health and Safety Code;
- (8) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code;
- (9) a mental hospital or mental health facility licensed under Chapter 577, Health and Safety Code;
- (10) a child-care facility or child-placing agency licensed under or a family home listed or registered under Chapter 42, Human Resources Code; or
- (11) an adult day services [~~day care~~] facility licensed under Chapter 103, Human Resources Code.

SECTION 2. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)-(d):

- (1) a professional registered nurse;
- (2) an administrator or director of a public or private temporary or permanent child-care facility;
- (3) an administrator or director of a nursing home, personal care home, adult respite care center, or adult day services facility [~~day care center~~];
- (4) an administrator of a home health agency;
- (5) an administrator or health official of a public or private institution of higher education;
- (6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;
- (7) a superintendent, manager, or health official of a public or private camp, home, or institution;
- (8) a parent, guardian, or householder;
- (9) a health professional;
- (10) an administrator or health official of a penal or correctional institution;

or

- (11) emergency medical service personnel, a peace officer, or a firefighter.

SECTION 3. Section 164.003(5), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

- (5) "Mental health facility" means:
 - (A) a "mental health facility" as defined by Section 571.003;
 - (B) a residential treatment facility, other than a mental health facility, in which persons are treated for emotional problems or disorders in a 24-hour supervised living environment; and

(C) an adult day services [~~day care~~] facility as defined by Section 103.003, Human Resources Code.

SECTION 4. Section 250.001(3), Health and Safety Code, as reenacted and amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(3) "Facility" means:

(A) a nursing facility, custodial care home, or other institution licensed by the Department of Aging and Disability Services under Chapter 242;

(B) an assisted living facility licensed by the Department of Aging and Disability Services under Chapter 247;

(C) a home and community support services agency licensed under Chapter 142;

(D) an adult day services [~~day care~~] facility licensed by the Department of Aging and Disability Services under Chapter 103, Human Resources Code;

(E) an ICF-IID licensed under Chapter 252;

(F) an adult foster care provider that contracts with the Department of Aging and Disability Services;

(G) a facility that provides mental health services and that is operated by or contracts with the Department of State Health Services;

(H) a local mental health authority designated under Section 533.035 or a local intellectual and developmental disability authority designated under Section 533.035;

(I) a person exempt from licensing under Section 142.003(a)(19);

(J) a special care facility licensed by the Department of State Health Services under Chapter 248;

(K) a mental health service unit of a hospital licensed under Chapter 241; or

(L) a prescribed pediatric extended care center licensed by the Department of Aging and Disability Services under Chapter 248A.

SECTION 5. The heading to Chapter 103, Human Resources Code, is amended to read as follows:

CHAPTER 103. ADULT DAY SERVICES [~~CARE~~]

SECTION 6. Section 103.001, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 103.002, Human Resources Code, are amended to read as follows:

Sec. 103.001. PURPOSE. It is the purpose of this chapter to establish programs of quality adult day services [~~care and day health care~~] that will enable persons with disabilities who have medical or functional impairments and elderly persons to maintain maximum independence and to prevent premature or inappropriate institutionalization. It is the purpose of this chapter to provide adequately regulated supervision for elderly persons and persons with disabilities while enabling them to remain in a family environment and affording the family a measure of normality in its daily activities. The legislature intends to provide for the development of policies and programs that will:

(1) provide alternatives to institutionalization;

(2) establish facilities for adult day services [~~care and day health care~~] throughout the state that offer services and are accessible to economically disadvantaged persons; and

(3) prevent inappropriate institutionalization.

Sec. 103.002. SHORT TITLE. This chapter may be cited as the Adult Day Services [~~Care~~] Act.

SECTION 7. Section 103.003(1), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 103.003(2), Human Resources Code, are amended to read as follows:

(1) "Adult day services [~~day care~~] facility" means a facility that provides services under an adult day services [~~day care~~] program on a daily or regular basis but not overnight to four or more elderly persons or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility.

(2) "Adult day services [~~day care~~] program" means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

SECTION 8. Section 103.0041(a), Human Resources Code, is amended to read as follows:

(a) A person may not operate an adult day services [~~day care~~] facility without a license issued under this chapter.

SECTION 9. Section 103.006(a), Human Resources Code, is amended to read as follows:

(a) The department shall issue a license to operate an adult day services [~~day care~~] facility to a person who has met the application requirements and received approval after an on-site inspection.

SECTION 10. Section 103.007(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate an adult day services [~~day care~~] facility must file an application on a form prescribed by the department together with a license fee of \$50.

SECTION 11. Section 103.0075(a), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall adopt a procedure under which a person proposing to construct or modify an adult day services [~~day care~~] facility may submit building plans to the department for review for compliance with the department's architectural requirements before beginning construction or modification. In adopting the procedure, the executive commissioner shall set reasonable deadlines by which the department must complete review of submitted plans.

SECTION 12. Section 103.0091(a), Human Resources Code, is amended to read as follows:

(a) The department may petition a district court for a temporary restraining order to restrain a continuing violation of the standards or licensing requirements provided under this chapter if the department finds that the violation creates an immediate threat to the health and safety of the adult day services facility [~~day care~~] residents.

SECTION 13. Section 103.0092(a), Human Resources Code, is amended to read as follows:

(a) If the department finds an adult day services [~~day care~~] facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the department shall suspend the license or order immediate closing of all or part of the facility.

SECTION 14. Section 103.011, Human Resources Code, is amended to read as follows:

Sec. 103.011. RIGHTS OF THE ELDERLY. (a) In addition to other rights an individual attending an adult day services [~~care~~] facility has as a citizen, an individual who is 55 years of age or older has the rights prescribed by Chapter 102 of this code.

(b) The department shall require each adult day services [~~care~~] facility to implement and enforce the applicable provisions of Chapter 102 of this code.

SECTION 15. Section 103.012(a), Human Resources Code, is amended to read as follows:

(a) The department may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the department;

(3) refuses to allow a representative of the department to inspect:

(A) a book, record, or file required to be maintained by an adult day services [~~day care~~] facility; or

(B) any portion of the premises of an adult day services [~~day care~~] facility;

(4) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;

(5) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the department of a change of ownership before the effective date of the change of ownership.

SECTION 16. Sections 103.013(a) and (c), Human Resources Code, are amended to read as follows:

(a) The department may not collect an administrative penalty from an adult day services [~~day care~~] facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(c) An adult day services [~~day care~~] facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the department may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The department is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

SECTION 17. Sections 103.014(c) and (e), Human Resources Code, are amended to read as follows:

(c) The department shall give written notice of the report to the person charged with the violation not later than the 10th day after the date on which the report is issued. The notice must include:

- (1) a brief summary of the charges;
- (2) a statement of the amount of penalty recommended;

(3) a statement of whether the violation is subject to correction under Section 103.013 and, if the violation is subject to correction under that section, a statement of:

(A) the date on which the adult day services [~~day care~~] facility must file a plan of correction with the department that the department shall review and may approve, if satisfactory; and

(B) the date on which the plan of correction must be completed to avoid assessment of the penalty; and

(4) a statement that the person charged has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(e) If the violation is subject to correction under Section 103.013, the adult day services [~~day care~~] facility shall submit a plan of correction to the department for approval not later than the 10th day after the date on which the notice under Subsection (c) is received.

SECTION 18. Section 161.151(2), Human Resources Code, is amended to read as follows:

(2) "Respite services" means support services, including in-home services or adult day [~~day care~~] services, that are provided for the purpose of temporarily giving relief to a primary caregiver who provides care to an individual with a chronic serious health condition or disability.

SECTION 19. 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, 2015.

The amendment was read.

Senator Menéndez 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 President asked if there were any motions to instruct the conference committee on **SB 1999** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Schwertner, Creighton, Zaffirini, and Perry.

SENATE RESOLUTION 1035

Senator Nichols offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Joint Resolution 5 (proposing a constitutional amendment dedicating a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund) to consider and take action on the following matter:

Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 3 of the resolution to read as follows: This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015.

Explanation: This change is necessary to provide that the election on the proposed constitutional amendment will be held on November 3, 2015.

SR 1035 was read and was adopted by the following vote: Yeas 31, Nays 0.

(Senator Uresti in Chair)

CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION 5 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **SJR 5**. The Conference Committee Report was filed with the Senate on Wednesday, May 27, 2015.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE ON HOUSE BILL 26

(Motion In Writing)

Senator Fraser 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 26** 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 26** 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 Fraser, Chair; Estes, Birdwell, Uresti, and Nichols.

CONFERENCE COMMITTEE ON HOUSE BILL 382
(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 382** 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 382** 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; Bettencourt, Campbell, Creighton, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 408
(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 408** 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 408** 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 Menéndez, Chair; Huffman, Creighton, Zaffirini, and Estes.

CONFERENCE COMMITTEE ON HOUSE BILL 483
(Motion In Writing)

Senator Kolkhorst 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 483** 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 483** 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 Kolkhorst, Chair; Burton, Hancock, Watson, and L. Taylor.

CONFERENCE COMMITTEE ON HOUSE BILL 1295
(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 1295** 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 1295** 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; V. Taylor, Watson, L. Taylor, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 1915
(Motion In Writing)

Senator Hinojosa 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 1915** 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 1915** 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 Hinojosa, Chair; Kolkhorst, V. Taylor, L. Taylor, and Uresti.

CONFERENCE COMMITTEE ON HOUSE BILL 2019
(Motion In Writing)

Senator Seliger 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 2019** 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 2019** 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 Seliger, Chair; Nichols, Birdwell, Watson, and Eltife.

CONFERENCE COMMITTEE ON HOUSE BILL 2123
(Motion In Writing)

Senator Perry 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 2123** 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 2123** 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 Perry, Chair; Birdwell, Huffman, Campbell, and Lucio.

CONFERENCE COMMITTEE ON HOUSE BILL 2150
(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 2150** 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 2150** 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, Hinojosa, Burton, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 2398
(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 2398** 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 2398** 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; West, Huffman, Nelson, and Nichols.

CONFERENCE COMMITTEE ON HOUSE BILL 2641
(Motion In Writing)

Senator Schwertner 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 2641** 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 2641** 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 Schwertner, Chair; Nelson, Perry, Uresti, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 2645
(Motion In Writing)

Senator Hinojosa 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 2645** 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 2645** 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 Hinojosa, Chair; Whitmire, Huffman, Burton, and Perry.

CONFERENCE COMMITTEE ON HOUSE BILL 3106
(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 3106** 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 3106** 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; West, L. Taylor, Bettencourt, and Lucio.

CONFERENCE COMMITTEE ON HOUSE BILL 3615
(Motion In Writing)

Senator Zaffirini 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 3615** 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 3615** 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 Zaffirini, Chair; Birdwell, Hinojosa, Seliger, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 3736
(Motion In Writing)

Senator Huffman 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 3736** 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 3736** 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 Huffman, Chair; Zaffirini, Nelson, Creighton, and V. Taylor.

RECESS

On motion of Senator Whitmire, the Senate at 1:52 p.m. recessed until 4:00 p.m. today.

AFTER RECESS

The Senate met at 4:00 p.m. and was called to order by Senator Eltife.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 29, 2015 - 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 141 Smith
Recalling H.B. 2187 from the Senate for further consideration.

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

- HB 77** (113 Yeas, 31 Nays, 2 Present, not voting)
- HB 463** (139 Yeas, 0 Nays, 2 Present, not voting)
- HB 583** (144 Yeas, 1 Nays, 2 Present, not voting)
- HB 839** (141 Yeas, 4 Nays, 2 Present, not voting)
- HB 1184** (133 Yeas, 12 Nays, 2 Present, not voting)
- HB 1265** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1334** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1424** (144 Yeas, 1 Nays, 2 Present, not voting)
- HB 1446** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1491** (135 Yeas, 6 Nays, 2 Present, not voting)
- HB 1583** (144 Yeas, 0 Nays, 2 Present, not voting)
- HB 1621** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 1681** (143 Yeas, 3 Nays, 2 Present, not voting)
- HB 1969** (145 Yeas, 1 Nays, 2 Present, not voting)
- HB 1982** (146 Yeas, 0 Nays, 2 Present, not voting)
- HB 2076** (141 Yeas, 1 Nays, 2 Present, not voting)
- HB 2186** (141 Yeas, 5 Nays, 2 Present, not voting)
- HB 2255** (141 Yeas, 4 Nays, 2 Present, not voting)
- HB 2259** (141 Yeas, 5 Nays, 2 Present, not voting)
- HB 2286** (145 Yeas, 0 Nays, 2 Present, not voting)
- HB 2349** (144 Yeas, 2 Nays, 2 Present, not voting)
- HB 2381** (122 Yeas, 21 Nays, 2 Present, not voting)
- HB 2489** (143 Yeas, 1 Nays, 2 Present, not voting)
- HB 2950** (144 Yeas, 1 Nays, 2 Present, not voting)
- HB 2974** (145 Yeas, 0 Nays, 2 Present, not voting)

HB 3121 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 3163 (141 Yeas, 4 Nays, 2 Present, not voting)

HB 3193 (96 Yeas, 4 Nays, 3 Present, not voting)

HB 3212 (143 Yeas, 0 Nays, 3 Present, not voting)

HB 3302 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 3310 (143 Yeas, 2 Nays, 2 Present, not voting)

HB 3387 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 3511 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 3579 (142 Yeas, 3 Nays, 2 Present, not voting)

HB 3603 (143 Yeas, 0 Nays, 3 Present, not voting)

HB 3605 (143 Yeas, 0 Nays, 3 Present, not voting)

HB 3888 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 3994 (102 Yeas, 43 Nays, 2 Present, not voting)

HB 4025 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 4059 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 4099 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 4155 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 4156 (145 Yeas, 0 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 14 (non-record vote)

House Conferees: Morrison - Chair/Deshotel/Kacal/King, Phil/King, Tracy O.

HB 603 (non-record vote)

House Conferees: Davis, Sarah - Chair/Hunter/Miller, Doug/Minjarez/Springer

HB 824 (non-record vote)

House Conferees: Kuempel - Chair/Guillen/Harless/Smith/Thompson, Senfronia

HB 928 (non-record vote)

House Conferees: Guillen - Chair/Ashby/Kacal/Lucio III/Nevárez

HB 1723 (non-record vote)

House Conferees: Miles - Chair/Burrows/Coleman/Dutton/Stickland

HB 2205 (non-record vote)

House Conferees: Crownover - Chair/Aycock/Galindo/Huberty/VanDeaver

HB 2524 (non-record vote)

House Conferees: Coleman - Chair/Blanco/Farias/Murr/Schubert

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1 (115 Yeas, 33 Nays)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 3519 (143 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 141

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The House of Representatives of the State of Texas has returned House Bill No. 2187 with senate amendments to the Senate of the State of Texas; and

WHEREAS, Further consideration of the bill by the house is necessary; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, with the senate concurring, hereby respectfully request that the Secretary of the Senate be authorized to return House Bill No. 2187 to the house for further consideration.

L. TAYLOR

HCR 141 was read.

On motion of Senator L. Taylor and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE ON HOUSE BILL 2804

Senator L. Taylor 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 2804** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2804** 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 L. Taylor, Chair; Lucio, Campbell, Bettencourt, and Huffines.

SENATE BILL 265 WITH HOUSE AMENDMENT

Senator Ellis called **SB 265** 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 265** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to student use of sunscreen products in public schools.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.021 to read as follows:

Sec. 38.021. USE OF SUNSCREEN PRODUCTS. (a) A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use.

(b) This section does not:

(1) waive any immunity from liability of a school district, its board of trustees, or its employees; or

(2) create any liability for or a cause of action against a school district, its board of trustees, or its employees.

SECTION 2. This Act applies beginning with the 2015-2016 school year.

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, 2015.

The amendment was read.

Senator Ellis moved to concur in the House amendment to **SB 265**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, V. Taylor.

SENATE BILL 277 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 277** 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 277** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to certain health-related and other task forces and advisory committees.

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

ARTICLE 1. CHANGES TO ENTITIES EFFECTIVE SEPTEMBER 1, 2015

SECTION 1.01. (a) The Interagency Task Force on Electronic Benefits Transfers is abolished.

(b) Section 531.045, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.02. (a) The Medicaid and Public Assistance Fraud Oversight Task Force is abolished.

(b) Section 22.028(c), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(c) No later than the first day of each month, the commission shall send the comptroller a report listing the accounts on which enforcement actions or other steps were taken by the commission in response to the records received from the EBT operator under this section, and the action taken by the commission. The comptroller shall promptly review the report and, as appropriate, may solicit the advice of the office of the inspector general ~~[Medicaid and Public Assistance Fraud Oversight Task Force]~~ regarding the results of the commission's enforcement actions.

(c) Section 531.107, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.03. (a) The Advisory Committee on Inpatient Mental Health Services is abolished.

(b) Section 571.027, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.04. (a) The Interagency Inspection Task Force is abolished.

(b) Section 42.0442(c), Human Resources Code, is amended to read as follows:

(c) ~~[The interagency task force shall establish an inspection checklist based on the inspection protocol developed under Subsection (b).]~~ Each state agency that inspects a facility listed in Subsection (a) shall use an ~~[the]~~ inspection checklist established by the department in performing an inspection. A state agency shall make a copy of the completed inspection checklist available to the facility at the facility's request to assist the facility in maintaining records.

(c) Section 42.0442(b), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.05. (a) The local authority network advisory committee is abolished.

(b) Section 533.0359(a), Health and Safety Code, is amended to read as follows:

(a) In developing rules governing local mental health authorities under Sections 533.035, ~~[533.0351,]~~ 533.03521, 533.0357, and 533.0358, the executive commissioner shall use rulemaking procedures under Subchapter B, Chapter 2001, Government Code.

(c) Section 533.0351, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.06. (a) The Worksite Wellness Advisory Board is abolished.

(b) Section 664.052, Government Code, is amended to read as follows:

Sec. 664.052. RULES. The executive commissioner shall adopt rules for the administration of this subchapter ~~[including rules prescribing the frequency and location of board meetings].~~

(c) Section 664.058, Government Code, is amended to read as follows:

Sec. 664.058. DONATIONS. The department ~~[board]~~ may receive in-kind and monetary gifts, grants, and donations from public and private donors to be used for the purposes of this subchapter.

(d) Section 664.061(a), Government Code, is amended to read as follows:

(a) A state agency may:

(1) allow each employee 30 minutes during normal working hours for exercise three times each week;

(2) allow all employees to attend on-site wellness seminars when offered;

(3) provide eight hours of additional leave time each year to an employee

who:

(A) receives a physical examination; and

(B) completes either an online health risk assessment tool provided by the department ~~[board]~~ or a similar health risk assessment conducted in person by a worksite wellness coordinator;

(4) provide financial incentives, notwithstanding Section 2113.201, for participation in a wellness program developed under Section 664.053(e) after the agency establishes a written policy with objective criteria for providing the incentives;

(5) offer on-site clinic or pharmacy services in accordance with Subtitles B and J, Title 3, Occupations Code, including the requirements regarding delegation of certain medical acts under Chapter 157, Occupations Code; and

(6) adopt additional wellness policies, as determined by the agency.

(e) Sections 664.051(1), 664.054, 664.055, 664.056, 664.057, 664.059, and 664.060(c) and (f), Government Code, are repealed.

SECTION 1.07. (a) The Sickle Cell Advisory Committee is abolished.

(b) Section 33.052, Health and Safety Code, is amended to read as follows:

Sec. 33.052. DUTIES OF DEPARTMENT. The department shall[-

~~(+)] identify efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with sickle cell trait and sickle cell disease[-~~

~~(2) assist the advisory committee created under Section 33.053; and~~

~~(3) provide the advisory committee created under Section 33.053 with staff support necessary for the advisory committee to fulfill its duties].~~

(c) Section 33.053, Health and Safety Code, is repealed.

SECTION 1.08. (a) The Arthritis Advisory Committee is abolished.

(b) Section 97.007, Health and Safety Code, is repealed.

SECTION 1.09. (a) The Advisory Panel on Health Care-Associated Infections and Preventable Adverse Events is abolished.

(b) Section 536.002(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall appoint the members of the advisory committee. The committee must consist of physicians and other health care providers, representatives of health care facilities, representatives of managed care organizations, and other stakeholders interested in health care services provided in this state, including:

(1) at least one member who is a physician with clinical practice experience in obstetrics and gynecology;

(2) at least one member who is a physician with clinical practice experience in pediatrics;

(3) at least one member who is a physician with clinical practice experience in internal medicine or family medicine;

(4) at least one member who is a physician with clinical practice experience in geriatric medicine;

(5) at least three members who are or who represent a health care provider that primarily provides long-term services and supports; and

(6) at least one member who is a consumer representative; ~~and~~

~~[(7) at least one member who is a member of the Advisory Panel on Health Care Associated Infections and Preventable Adverse Events who meets the qualifications prescribed by Section 98.052(a)(4), Health and Safety Code].~~

(c) The heading to Subchapter C, Chapter 98, Health and Safety Code, is amended to read as follows:

SUBCHAPTER C. DUTIES OF DEPARTMENT ~~[AND ADVISORY PANEL];~~
REPORTING SYSTEM

(d) Section 98.1045(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner may exclude an adverse event described by Subsection (a)(2) from the reporting requirement of Subsection (a) if the executive commissioner ~~[, in consultation with the advisory panel,]~~ determines that the adverse event is not an appropriate indicator of a preventable adverse event.

(e) Section 98.105, Health and Safety Code, is amended to read as follows:

Sec. 98.105. REPORTING SYSTEM MODIFICATIONS. ~~The [Based on the recommendations of the advisory panel, the]~~ executive commissioner by rule may modify in accordance with this chapter the list of procedures that are reportable under Section 98.103. The modifications must be based on changes in reporting guidelines and in definitions established by the federal Centers for Disease Control and Prevention.

(f) Section 98.106(c), Health and Safety Code, is amended to read as follows:

(c) ~~The [In consultation with the advisory panel, the]~~ department shall publish the departmental summary in a format that is easy to read.

(g) Section 98.108(a), Health and Safety Code, is amended to read as follows:

(a) ~~The [In consultation with the advisory panel, the]~~ executive commissioner by rule shall establish the frequency of reporting by health care facilities required under Sections 98.103 and 98.1045.

(h) The following provisions are repealed:

(1) Sections 98.001(1) and 98.002, Health and Safety Code; and

(2) Subchapter B, Chapter 98, Health and Safety Code.

SECTION 1.10. (a) The Youth Camp Training Advisory Committee is abolished.

(b) Section 141.0095(d), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(d) In accordance with this section ~~[and the criteria and guidelines developed by the training advisory committee established under Section 141.0096]~~, the executive commissioner by rule shall establish criteria and guidelines for training and examination programs on sexual abuse and child molestation. The department may

approve training and examination programs offered by trainers under contract with youth camps or by online training organizations or may approve programs offered in another format authorized by the department.

(c) Section 141.0096, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 1.11. (a) The Drug Demand Reduction Advisory Committee is abolished.

(b) Subchapter F, Chapter 461A, Health and Safety Code, as added by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(c) Section 7.030, Education Code, is repealed.

SECTION 1.12. (a) The Texas Medical Child Abuse Resources and Education System (MEDCARES) Advisory Committee is abolished.

(b) Section 1001.155, Health and Safety Code, as added by Chapter 1238 (S.B. 2080), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 1001.155. REQUIRED REPORT. Not later than December 1 of each even-numbered year, the department [~~with the assistance of the advisory committee established under this subchapter,~~] shall submit a report to the governor and the legislature regarding the grant activities of the program and grant recipients, including the results and outcomes of grants provided under this subchapter.

(c) Section 1001.153, Health and Safety Code, as added by Chapter 1238 (S.B. 2080), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

ARTICLE 2. CHANGES TO ENTITIES EFFECTIVE JANUARY 1, 2016

SECTION 2.01. Section 262.353(d), Family Code, is amended to read as follows:

(d) Not later than September 30, 2014, the department and the Department of State Health Services shall file a report with the legislature [~~and the Council on Children and Families~~] on the results of the study required by Subsection (a). The report must include:

- (1) each option to prevent relinquishment of parental custody that was considered during the study;
- (2) each option recommended for implementation, if any;
- (3) each option that is implemented using existing resources;
- (4) any policy or statutory change needed to implement a recommended option;
- (5) the fiscal impact of implementing each option, if any;
- (6) the estimated number of children and families that may be affected by the implementation of each option; and
- (7) any other significant information relating to the study.

SECTION 2.02. (a) Section 531.012, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 531.012. ADVISORY COMMITTEES. (a) The executive commissioner shall establish and maintain [may appoint] advisory committees to consider issues and solicit public input across all major areas of the health and human services system, including relating to the following issues:

- (1) Medicaid and other social services programs;
- (2) managed care under Medicaid and the child health plan program;
- (3) health care quality initiatives;
- (4) aging;
- (5) persons with disabilities, including persons with autism;
- (6) rehabilitation, including for persons with brain injuries;
- (7) children;
- (8) public health;
- (9) behavioral health;
- (10) regulatory matters;
- (11) protective services; and
- (12) prevention efforts.

(b) Chapter 2110 applies to an advisory committee established under this section.

(c) The executive commissioner shall adopt rules:

(1) in compliance with Chapter 2110 to govern an advisory committee's purpose, tasks, reporting requirements, and date of abolition; and

(2) related to an advisory committee's:

(A) size and quorum requirements;

(B) membership, including:

(i) qualifications to be a member, including any experience requirements;

(ii) required geographic representation;

(iii) appointment procedures; and

(iv) terms of members; and

(C) duty to comply with the requirements for open meetings under Chapter 551.

(d) An advisory committee established under this section shall:

(1) report any recommendations to the executive commissioner; and

(2) submit a written report to the legislature of any policy recommendations made to the executive commissioner under Subdivision (1) [as needed].

(b) Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt rules under Section 531.012, Government Code, as amended by this article. This subsection takes effect September 1, 2015.

SECTION 2.03. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0121 to read as follows:

Sec. 531.0121. PUBLIC ACCESS TO ADVISORY COMMITTEE MEETINGS. (a) This section applies to an advisory committee established under Section 531.012.

(b) The commission shall create a master calendar that includes all advisory committee meetings across the health and human services system.

(c) The commission shall make available on the commission's Internet website:

(1) the master calendar;

(2) all meeting materials for an advisory committee meeting; and

(3) streaming live video of each advisory committee meeting.

(d) The commission shall provide Internet access in each room used for a meeting that appears on the master calendar.

SECTION 2.04. Section 531.0216(b), Government Code, is amended to read as follows:

(b) In developing the system, the executive commissioner by rule shall:

(1) review programs and pilot projects in other states to determine the most effective method for reimbursement;

(2) establish billing codes and a fee schedule for services;

(3) provide for an approval process before a provider can receive reimbursement for services;

(4) consult with the Department of State Health Services [~~and the telemedicine and telehealth advisory committee~~] to establish procedures to:

(A) identify clinical evidence supporting delivery of health care services using a telecommunications system; and

(B) annually review health care services, considering new clinical findings, to determine whether reimbursement for particular services should be denied or authorized;

(5) establish a separate provider identifier for telemedicine medical services providers, telehealth services providers, and home telemonitoring services providers; and

(6) establish a separate modifier for telemedicine medical services, telehealth services, and home telemonitoring services eligible for reimbursement.

SECTION 2.05. Section 531.02441(j), Government Code, is amended to read as follows:

(j) The task force is abolished and this [This] section expires September 1, 2017.

SECTION 2.06. Section 531.051(c), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(c) In adopting rules for the consumer direction models, the executive commissioner shall:

(1) [~~with assistance from the work group established under Section 531.052,~~] determine which services are appropriate and suitable for delivery through consumer direction;

(2) ensure that each consumer direction model is designed to comply with applicable federal and state laws;

(3) maintain procedures to ensure that a potential consumer or the consumer's legally authorized representative has adequate and appropriate information, including the responsibilities of a consumer or representative under each service delivery option, to make an informed choice among the types of consumer direction models;

(4) require each consumer or the consumer's legally authorized representative to sign a statement acknowledging receipt of the information required by Subdivision (3);

(5) maintain procedures to monitor delivery of services through consumer direction to ensure:

(A) adherence to existing applicable program standards;

- (B) appropriate use of funds; and
- (C) consumer satisfaction with the delivery of services;

(6) ensure that authorized program services that are not being delivered to a consumer through consumer direction are provided by a provider agency chosen by the consumer or the consumer's legally authorized representative; and

(7) ~~[work in conjunction with the work group established under Section 531.052 to]~~ set a timetable to complete the implementation of the consumer direction models.

SECTION 2.07. Section 531.067, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 531.067. PROGRAM TO IMPROVE AND MONITOR CERTAIN OUTCOMES OF RECIPIENTS UNDER CHILD HEALTH PLAN PROGRAM AND MEDICAID ~~[PUBLIC ASSISTANCE HEALTH BENEFIT REVIEW AND DESIGN COMMITTEE]~~. ~~The [(a) The commission shall appoint a Public Assistance Health Benefit Review and Design Committee. The committee consists of nine representatives of health care providers participating in Medicaid or the child health plan program, or both. The committee membership must include at least three representatives from each program.~~

~~[(b) The executive commissioner shall designate one member to serve as presiding officer for a term of two years.~~

~~[(c) The committee shall meet at the call of the presiding officer.~~

~~[(d) The committee shall review and provide recommendations to the commission regarding health benefits and coverages provided under Medicaid, the child health plan program, and any other income based health care program administered by the commission or a health and human services agency. In performing its duties under this subsection, the committee must:~~

~~[(1) review benefits provided under each of the programs; and~~

~~[(2) review procedures for addressing high utilization of benefits by recipients.~~

~~[(e) The commission shall provide administrative support and resources as necessary for the committee to perform its duties under this section.~~

~~[(f) Section 2110.008 does not apply to the committee.~~

~~[(g) In performing the duties under this section, the] commission may design and implement a program to improve and monitor clinical and functional outcomes of a recipient of services under Medicaid or the state child health plan program. The program may use financial, clinical, and other criteria based on pharmacy, medical services, and other claims data related to Medicaid or the child health plan program. [The commission must report to the committee on the fiscal impact, including any savings associated with the strategies utilized under this section.]~~

SECTION 2.08. (a) Section 531.0691, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Section 531.0735, Government Code, to read as follows:

Sec. 531.0735 ~~[531.0691]~~. MEDICAID DRUG UTILIZATION REVIEW PROGRAM: DRUG USE REVIEWS AND ANNUAL REPORT. (a) In this section:

(1) "Medicaid Drug Utilization Review Program" means the program operated by the vendor drug program to improve the quality of pharmaceutical care under Medicaid.

(2) "Prospective drug use review" means the review of a patient's drug therapy and prescription drug order or medication order before dispensing or distributing a drug to the patient.

(3) "Retrospective drug use review" means the review of prescription drug claims data to identify patterns of prescribing.

(b) The commission shall provide for an increase in the number and types of retrospective drug use reviews performed each year under the Medicaid Drug Utilization Review Program, in comparison to the number and types of reviews performed in the state fiscal year ending August 31, 2009.

(c) In determining the number and types of drug use reviews to be performed, the commission shall:

(1) allow for the repeat of retrospective drug use reviews that address ongoing drug therapy problems and that, in previous years, improved client outcomes and reduced Medicaid spending;

(2) consider implementing disease-specific retrospective drug use reviews that address ongoing drug therapy problems in this state and that reduced Medicaid prescription drug use expenditures in other states; and

(3) regularly examine Medicaid prescription drug claims data to identify occurrences of potential drug therapy problems that may be addressed by repeating successful retrospective drug use reviews performed in this state and other states.

(d) In addition to any other information required by federal law, the commission shall include the following information in the annual report regarding the Medicaid Drug Utilization Review Program:

(1) a detailed description of the program's activities; and

(2) estimates of cost savings anticipated to result from the program's performance of prospective and retrospective drug use reviews.

(e) The cost-saving estimates for prospective drug use reviews under Subsection (d) must include savings attributed to drug use reviews performed through the vendor drug program's electronic claims processing system and clinical edits screened through the prior authorization system implemented under Section 531.073.

(f) The commission shall post the annual report regarding the Medicaid Drug Utilization Review Program on the commission's website.

(b) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0736 to read as follows:

Sec. 531.0736. DRUG UTILIZATION REVIEW BOARD. (a) In this section, "board" means the Drug Utilization Review Board.

(b) In addition to performing any other duties required by federal law, the board shall:

(1) develop and submit to the commission recommendations for preferred drug lists adopted by the commission under Section 531.072;

(2) suggest to the commission restrictions or clinical edits on prescription drugs;

(3) recommend to the commission educational interventions for Medicaid providers;

(4) review drug utilization across Medicaid; and

(5) perform other duties that may be specified by law and otherwise make recommendations to the commission.

(c) The executive commissioner shall determine the composition of the board, which must:

(1) comply with applicable federal law, including 42 C.F.R. Section 456.716;

(2) include two representatives of managed care organizations as nonvoting members, one of whom must be a physician and one of whom must be a pharmacist;

(3) include at least 17 physicians and pharmacists who:

(A) provide services across the entire population of Medicaid recipients and represent different specialties, including at least one of each of the following types of physicians:

(i) a pediatrician;

(ii) a primary care physician;

(iii) an obstetrician and gynecologist;

(iv) a child and adolescent psychiatrist; and

(v) an adult psychiatrist; and

(B) have experience in either developing or practicing under a preferred drug list; and

(4) include a consumer advocate who represents Medicaid recipients.

(c-1) The executive commissioner by rule shall develop and implement a process by which a person may apply to become a member of the board and shall post the application and information regarding the application process on the commission's Internet website.

(d) Members appointed under Subsection (c)(2) may attend quarterly and other regularly scheduled meetings, but may not:

(1) attend executive sessions; or

(2) access confidential drug pricing information.

(e) Members of the board serve staggered four-year terms.

(f) The voting members of the board shall elect from among the voting members a presiding officer. The presiding officer must be a physician.

(g) The board shall hold a public meeting quarterly at the call of the presiding officer and shall permit public comment before voting on any changes in the preferred drug lists, the adoption of or changes to drug use criteria, or the adoption of prior authorization or drug utilization review proposals. The board shall hold public meetings at other times at the call of the presiding officer. Minutes of each meeting shall be made available to the public not later than the 10th business day after the date the minutes are approved. The board may meet in executive session to discuss confidential information as described by Subsection (i).

(h) In developing its recommendations for the preferred drug lists, the board shall consider the clinical efficacy, safety, and cost-effectiveness of and any program benefit associated with a product.

(i) The executive commissioner shall adopt rules governing the operation of the board, including rules governing the procedures used by the board for providing notice of a meeting and rules prohibiting the board from discussing confidential information described by Section 531.071 in a public meeting. The board shall comply with the rules adopted under this subsection and Subsection (j).

(j) In addition to the rules under Subsection (i), the executive commissioner by rule shall require the board or the board's designee to present a summary of any clinical efficacy and safety information or analyses regarding a drug under consideration for a preferred drug list that is provided to the board by a private entity that has contracted with the commission to provide the information. The board or the board's designee shall provide the summary in electronic form before the public meeting at which consideration of the drug occurs. Confidential information described by Section 531.071 must be omitted from the summary. The summary must be posted on the commission's Internet website.

(k) To the extent feasible, the board shall review all drug classes included in the preferred drug lists adopted under Section 531.072 at least once every 12 months and may recommend inclusions to and exclusions from the lists to ensure that the lists provide for a range of clinically effective, safe, cost-effective, and medically appropriate drug therapies for the diverse segments of the Medicaid population, children receiving health benefits coverage under the child health plan program, and any other affected individuals.

(l) The commission shall provide administrative support and resources as necessary for the board to perform its duties.

(m) Chapter 2110 does not apply to the board.

(n) The commission or the commission's agent shall publicly disclose, immediately after the board's deliberations conclude, each specific drug recommended for or against preferred drug list status for each drug class included in the preferred drug list for the Medicaid vendor drug program. The disclosure must be posted on the commission's Internet website not later than the 10th business day after the date of conclusion of board deliberations that result in recommendations made to the executive commissioner regarding the placement of drugs on the preferred drug list. The public disclosure must include:

(1) the general basis for the recommendation for each drug class; and

(2) for each recommendation, whether a supplemental rebate agreement or a program benefit agreement was reached under Section 531.070.

(c) Section 531.0692, Government Code, is redesignated as Section 531.0737, Government Code, and amended to read as follows:

Sec. 531.0737 [531.0692]. [MEDICAID] DRUG UTILIZATION REVIEW BOARD: CONFLICTS OF INTEREST. (a) A voting member of the [board of the Medicaid] Drug Utilization Review Board [Program] may not have a contractual relationship, ownership interest, or other conflict of interest with a pharmaceutical manufacturer or labeler or with an entity engaged by the commission to assist in the development of the preferred drug lists or in the administration of the Medicaid Drug Utilization Review Program.

(b) The executive commissioner may implement this section by adopting rules that identify prohibited relationships and conflicts or requiring the board to develop a conflict-of-interest policy that applies to the board.

(d) Sections 531.072(c) and (e), Government Code, are amended to read as follows:

(c) In making a decision regarding the placement of a drug on each of the preferred drug lists, the commission shall consider:

(1) the recommendations of the Drug Utilization Review Board [~~Pharmaceutical and Therapeutics Committee established~~] under Section 531.0736 [~~531.074~~];

(2) the clinical efficacy of the drug;

(3) the price of competing drugs after deducting any federal and state rebate amounts; and

(4) program benefit offerings solely or in conjunction with rebates and other pricing information.

(e) In this subsection, "labeler" and "manufacturer" have the meanings assigned by Section 531.070. The commission shall ensure that:

(1) a manufacturer or labeler may submit written evidence supporting the inclusion of a drug on the preferred drug lists before a supplemental agreement is reached with the commission; and

(2) any drug that has been approved or has had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification will be reviewed by the Drug Utilization Review Board [~~Pharmaceutical and Therapeutics Committee~~] at the next regularly scheduled meeting of the board [~~committee~~]. On receiving notice from a manufacturer or labeler of the availability of a new product, the commission, to the extent possible, shall schedule a review for the product at the next regularly scheduled meeting of the board [~~committee~~].

(e) Section 531.073(b), Government Code, is amended to read as follows:

(b) The commission shall establish procedures for the prior authorization requirement under the Medicaid vendor drug program to ensure that the requirements of 42 U.S.C. Section 1396r-8(d)(5) and its subsequent amendments are met. Specifically, the procedures must ensure that:

(1) a prior authorization requirement is not imposed for a drug before the drug has been considered at a meeting of the Drug Utilization Review Board [~~Pharmaceutical and Therapeutics Committee established~~] under Section 531.0736 [~~531.074~~];

(2) there will be a response to a request for prior authorization by telephone or other telecommunications device within 24 hours after receipt of a request for prior authorization; and

(3) a 72-hour supply of the drug prescribed will be provided in an emergency or if the commission does not provide a response within the time required by Subdivision (2).

(f) Section 531.0741, Government Code, is amended to read as follows:

Sec. 531.0741. PUBLICATION OF INFORMATION REGARDING COMMISSION DECISIONS ON PREFERRED DRUG LIST PLACEMENT. The commission shall publish on the commission's Internet website any decisions on preferred drug list placement, including:

(1) a list of drugs reviewed and the commission's decision for or against placement on a preferred drug list of each drug reviewed;

(2) for each recommendation, whether a supplemental rebate agreement or a program benefit agreement was reached under Section 531.070; and

(3) the rationale for any departure from a recommendation of the Drug Utilization Review Board [~~pharmaceutical and therapeutics committee established~~] under Section 531.0736 [~~531.074~~].

(g) Section 531.074, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(h) The term of a member serving on the Medicaid Drug Utilization Review Board on January 1, 2016, expires on February 29, 2016. Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission shall appoint the initial members to the Drug Utilization Review Board in accordance with Section 531.0736, Government Code, as added by this article, for terms beginning March 1, 2016. In making the initial appointments and notwithstanding Section 531.0736(e), Government Code, as added by this article, the executive commissioner shall designate as close to one-half as possible of the members to serve for terms expiring March 1, 2018, and the remaining members to serve for terms expiring March 1, 2020.

(i) Not later than February 1, 2016, and before making initial appointments to the Drug Utilization Review Board as provided by Subsection (h) of this section, the executive commissioner of the Health and Human Services Commission shall adopt and implement the application process required under Section 531.0736(c-1), Government Code, as added by this article.

(j) Not later than May 1, 2016, and except as provided by Subsection (i) of this section, the executive commissioner of the Health and Human Services Commission shall adopt or amend rules as necessary to reflect the changes in law made to the Drug Utilization Review Board under Section 531.0736, Government Code, as added by this article, including rules that reflect the changes to the board's functions and composition.

SECTION 2.09. The heading to Subchapter D, Chapter 531, Government Code, is amended to read as follows:

SUBCHAPTER D. PLAN TO SUPPORT GUARDIANSHIPS [~~GUARDIANSHIP~~
~~ADVISORY BOARD~~]

SECTION 2.10. Section 531.124, Government Code, is amended to read as follows:

Sec. 531.124. COMMISSION DUTIES. The [~~(a) With the advice of the advisory board, the~~] commission shall develop and, subject to appropriations, implement a plan to:

(1) ensure that each incapacitated individual in this state who needs a guardianship or another less restrictive type of assistance to make decisions concerning the incapacitated individual's own welfare and financial affairs receives that assistance; and

(2) foster the establishment and growth of local volunteer guardianship programs.

~~[(b) The advisory board shall biennially review and comment on the minimum standards adopted under Section 111.041 and the plan implemented under Subsection (a) and shall include its conclusions in the report submitted under Section 531.1235.]~~

SECTION 2.11. Section 531.907(a), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) Based on ~~[the recommendations of the advisory committee established under Section 531.904 and]~~ feedback provided by interested parties, the commission in stage two of implementing the health information exchange system may expand the system by:

(1) providing an electronic health record for each child enrolled in the child health plan program;

(2) including state laboratory results information in an electronic health record, including the results of newborn screenings and tests conducted under the Texas Health Steps program, based on the system developed for the health passport under Section 266.006, Family Code;

(3) improving data-gathering capabilities for an electronic health record so that the record may include basic health and clinical information in addition to available claims information, as determined by the executive commissioner;

(4) using evidence-based technology tools to create a unique health profile to alert health care providers regarding the need for additional care, education, counseling, or health management activities for specific patients; and

(5) continuing to enhance the electronic health record created for each Medicaid recipient as technology becomes available and interoperability capabilities improve.

SECTION 2.12. Section 531.909, Government Code, is amended to read as follows:

Sec. 531.909. INCENTIVES. The commission ~~[and the advisory committee established under Section 531.904]~~ shall develop strategies to encourage health care providers to use the health information exchange system, including incentives, education, and outreach tools to increase usage.

SECTION 2.13. Section 533.00251(c), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(c) Subject to Section 533.0025 and notwithstanding any other law, the commission~~[- in consultation with the advisory committee,]~~ shall provide benefits under Medicaid to recipients who reside in nursing facilities through the STAR + PLUS Medicaid managed care program. In implementing this subsection, the commission shall ensure:

(1) that the commission is responsible for setting the minimum reimbursement rate paid to a nursing facility under the managed care program, including the staff rate enhancement paid to a nursing facility that qualifies for the enhancement;

(2) that a nursing facility is paid not later than the 10th day after the date the facility submits a clean claim;

(3) the appropriate utilization of services consistent with criteria established by the commission;

(4) a reduction in the incidence of potentially preventable events and unnecessary institutionalizations;

(5) that a managed care organization providing services under the managed care program provides discharge planning, transitional care, and other education programs to physicians and hospitals regarding all available long-term care settings;

(6) that a managed care organization providing services under the managed care program:

(A) assists in collecting applied income from recipients; and

(B) provides payment incentives to nursing facility providers that reward reductions in preventable acute care costs and encourage transformative efforts in the delivery of nursing facility services, including efforts to promote a resident-centered care culture through facility design and services provided;

(7) the establishment of a portal that is in compliance with state and federal regulations, including standard coding requirements, through which nursing facility providers participating in the STAR + PLUS Medicaid managed care program may submit claims to any participating managed care organization;

(8) that rules and procedures relating to the certification and decertification of nursing facility beds under Medicaid are not affected; and

(9) that a managed care organization providing services under the managed care program, to the greatest extent possible, offers nursing facility providers access to:

(A) acute care professionals; and

(B) telemedicine, when feasible and in accordance with state law, including rules adopted by the Texas Medical Board.

SECTION 2.14. Section 533.00253, Government Code, is amended by amending Subsection (b), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and Subsection (f) to read as follows:

(b) Subject to Section 533.0025, the commission shall, in consultation with the ~~[advisory committee and the]~~ Children's Policy Council established under Section 22.035, Human Resources Code, establish a mandatory STAR Kids capitated managed care program tailored to provide Medicaid benefits to children with disabilities. The managed care program developed under this section must:

(1) provide Medicaid benefits that are customized to meet the health care needs of recipients under the program through a defined system of care;

(2) better coordinate care of recipients under the program;

(3) improve the health outcomes of recipients;

(4) improve recipients' access to health care services;

(5) achieve cost containment and cost efficiency;

(6) reduce the administrative complexity of delivering Medicaid benefits;
 (7) reduce the incidence of unnecessary institutionalizations and potentially preventable events by ensuring the availability of appropriate services and care management;

(8) require a health home; and

(9) coordinate and collaborate with long-term care service providers and long-term care management providers, if recipients are receiving long-term services and supports outside of the managed care organization.

(f) The commission shall seek ongoing input from the Children's Policy Council regarding the establishment and implementation of the STAR Kids managed care program. This subsection expires on the date the Children's Policy Council is abolished under Section 22.035(n), Human Resources Code.

SECTION 2.15. Section 533.00254(f), Government Code, is amended to read as follows:

(f) On the first anniversary of the date the commission completes implementation of the STAR Kids Medicaid managed care program under Section 533.00253 [September 1, 2016]:

(1) the advisory committee is abolished; and

(2) this section expires.

SECTION 2.16. Section 533.00256(a), Government Code, is amended to read as follows:

(a) In consultation with ~~[the Medicaid and CHIP Quality Based Payment Advisory Committee established under Section 536.002 and other]~~ appropriate stakeholders with an interest in the provision of acute care services and long-term services and supports under the Medicaid managed care program, the commission shall:

(1) establish a clinical improvement program to identify goals designed to improve quality of care and care management and to reduce potentially preventable events, as defined by Section 536.001; and

(2) require managed care organizations to develop and implement collaborative program improvement strategies to address the goals.

SECTION 2.17. Section 534.053(g), Government Code, is amended to read as follows:

(g) On the one-year anniversary of the date the commission completes implementation of the transition required under Section 534.202 [January 1, 2024]:

(1) the advisory committee is abolished; and

(2) this section expires.

SECTION 2.18. Section 535.053, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The interagency coordinating group for faith- and community-based initiatives is composed of each faith- and community-based liaison designated under Section 535.051 and a liaison from the State Commission on National and Community Service. ~~[The commission shall provide administrative support to the interagency coordinating group.]~~

(a-1) Service on the interagency coordinating group is an additional duty of the office or position held by each person designated as a liaison under Section 531.051(b). The state agencies described by Section 535.051(b) shall provide administrative support for the interagency coordinating group as coordinated by the presiding officer.

SECTION 2.19. Sections 535.055(a) and (b), Government Code, are amended to read as follows:

(a) The Texas Nonprofit Council is established to help direct the interagency coordinating group in carrying out the group's duties under this section. The state agencies of the interagency coordinating group described by Section 531.051(b) ~~commission~~ shall provide administrative support to the council as coordinated by the presiding officer of the interagency coordinating group.

(b) The governor ~~executive commissioner~~, in consultation with the presiding officer of the interagency coordinating group, shall appoint as members of the council two representatives from each of the following groups and entities to represent each group's and entity's appropriate sector:

- (1) statewide nonprofit organizations;
- (2) local governments;
- (3) faith-based groups, at least one of which must be a statewide interfaith

group;

- (4) community-based groups;
- (5) consultants to nonprofit corporations; and
- (6) statewide associations of nonprofit organizations.

SECTION 2.20. Section 535.104(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) contract with the State Commission on National and Community Service to administer funds appropriated from the account in a manner that:

(A) consolidates the capacity of and strengthens national service and community and faith- and community-based initiatives; and

(B) leverages public and private funds to benefit this state;

(2) develop a competitive process to be used in awarding grants from account funds that is consistent with state law and includes objective selection criteria;

(3) oversee the delivery of training and other assistance activities under this subchapter;

(4) develop criteria limiting awards of grants under Section 535.105(1)(A) to small and medium-sized faith- and community-based organizations that provide charitable services to persons in this state;

(5) establish general state priorities for the account;

(6) establish and monitor performance and outcome measures for persons to whom grants are awarded under this subchapter; and

(7) establish policies and procedures to ensure that any money appropriated from the account to the commission that is allocated to build the capacity of a faith-based organization or for a faith-based initiative ~~including money allocated for the establishment of the advisory committee under Section 535.108,~~ is not used to advance a sectarian purpose or to engage in any form of proselytization.

SECTION 2.21. Section 536.001(20), Government Code, is amended to read as follows:

(20) "Potentially preventable readmission" means a return hospitalization of a person within a period specified by the commission that may have resulted from deficiencies in the care or treatment provided to the person during a previous hospital stay or from deficiencies in post-hospital discharge follow-up. The term does not include a hospital readmission necessitated by the occurrence of unrelated events after the discharge. The term includes the readmission of a person to a hospital for:

(A) the same condition or procedure for which the person was previously admitted;

(B) an infection or other complication resulting from care previously provided;

(C) a condition or procedure that indicates that a surgical intervention performed during a previous admission was unsuccessful in achieving the anticipated outcome; or

(D) another condition or procedure of a similar nature, as determined by the executive commissioner ~~[after consulting with the advisory committee]~~.

SECTION 2.22. Section 536.003(a), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The commission~~[in consultation with the advisory committee,]~~ shall develop quality-based outcome and process measures that promote the provision of efficient, quality health care and that can be used in the child health plan program and Medicaid to implement quality-based payments for acute care services and long-term services and supports across all delivery models and payment systems, including fee-for-service and managed care payment systems. Subject to Subsection (a-1), the commission, in developing outcome and process measures under this section, must include measures that are based on potentially preventable events and that advance quality improvement and innovation. The commission may change measures developed:

(1) to promote continuous system reform, improved quality, and reduced costs; and

(2) to account for managed care organizations added to a service area.

SECTION 2.23. Section 536.004(a), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) Using quality-based outcome and process measures developed under Section 536.003 and subject to this section, the commission, after consulting with ~~[the advisory committee and other]~~ appropriate stakeholders with an interest in the provision of acute care and long-term services and supports under the child health plan program and Medicaid, shall develop quality-based payment systems, and require managed care organizations to develop quality-based payment systems, for compensating a physician or other health care provider participating in the child health plan program or Medicaid that:

(1) align payment incentives with high-quality, cost-effective health care;

(2) reward the use of evidence-based best practices;

- (3) promote the coordination of health care;
- (4) encourage appropriate physician and other health care provider collaboration;
- (5) promote effective health care delivery models; and
- (6) take into account the specific needs of the child health plan program enrollee and Medicaid recipient populations.

SECTION 2.24. Section 536.006(a), Government Code, is amended to read as follows:

- (a) The commission [~~and the advisory committee~~] shall:
 - (1) ensure transparency in the development and establishment of:
 - (A) quality-based payment and reimbursement systems under Section 536.004 and Subchapters B, C, and D, including the development of outcome and process measures under Section 536.003; and
 - (B) quality-based payment initiatives under Subchapter E, including the development of quality of care and cost-efficiency benchmarks under Section 536.204(a) and efficiency performance standards under Section 536.204(b);
 - (2) develop guidelines establishing procedures for providing notice and information to, and receiving input from, managed care organizations, health care providers, including physicians and experts in the various medical specialty fields, and other stakeholders, as appropriate, for purposes of developing and establishing the quality-based payment and reimbursement systems and initiatives described under Subdivision (1);
 - (3) in developing and establishing the quality-based payment and reimbursement systems and initiatives described under Subdivision (1), consider that as the performance of a managed care organization or physician or other health care provider improves with respect to an outcome or process measure, quality of care and cost-efficiency benchmark, or efficiency performance standard, as applicable, there will be a diminishing rate of improved performance over time; and
 - (4) develop web-based capability to provide managed care organizations and health care providers with data on their clinical and utilization performance, including comparisons to peer organizations and providers located in this state and in the provider's respective region.

SECTION 2.25. Section 536.052(b), Government Code, is amended to read as follows:

- (b) The commission [~~after consulting with the advisory committee,~~] shall develop quality of care and cost-efficiency benchmarks, including benchmarks based on a managed care organization's performance with respect to reducing potentially preventable events and containing the growth rate of health care costs.

SECTION 2.26. Section 536.102(a), Government Code, is amended to read as follows:

- (a) Subject to this subchapter, the commission [~~after consulting with the advisory committee,~~] may develop and implement quality-based payment systems for health homes designed to improve quality of care and reduce the provision of unnecessary medical services. A quality-based payment system developed under this section must:

(1) base payments made to a participating enrollee's health home on quality and efficiency measures that may include measurable wellness and prevention criteria and use of evidence-based best practices, sharing a portion of any realized cost savings achieved by the health home, and ensuring quality of care outcomes, including a reduction in potentially preventable events; and

(2) allow for the examination of measurable wellness and prevention criteria, use of evidence-based best practices, and quality of care outcomes based on the type of primary or specialty care provider practice.

SECTION 2.27. Section 536.152(a), Government Code, is amended to read as follows:

(a) Subject to Subsection (b), using the data collected under Section 536.151 and the diagnosis-related groups (DRG) methodology implemented under Section 536.005, if applicable, the commission~~[-after consulting with the advisory committee,]~~ shall to the extent feasible adjust child health plan and Medicaid reimbursements to hospitals, including payments made under the disproportionate share hospitals and upper payment limit supplemental payment programs, based on the hospital's performance with respect to exceeding, or failing to achieve, outcome and process measures developed under Section 536.003 that address the rates of potentially preventable readmissions and potentially preventable complications.

SECTION 2.28. Section 536.202(a), Government Code, is amended to read as follows:

(a) The commission shall~~[-after consulting with the advisory committee,]~~ establish payment initiatives to test the effectiveness of quality-based payment systems, alternative payment methodologies, and high-quality, cost-effective health care delivery models that provide incentives to physicians and other health care providers to develop health care interventions for child health plan program enrollees or Medicaid recipients, or both, that will:

- (1) improve the quality of health care provided to the enrollees or recipients;
- (2) reduce potentially preventable events;
- (3) promote prevention and wellness;
- (4) increase the use of evidence-based best practices;
- (5) increase appropriate physician and other health care provider collaboration;

(6) contain costs; and

(7) improve integration of acute care services and long-term services and supports, including discharge planning from acute care services to community-based long-term services and supports.

SECTION 2.29. Section 536.204(a), Government Code, is amended to read as follows:

(a) The executive commissioner shall~~[-~~
~~(1) consult with the advisory committee to]~~ develop quality of care and cost-efficiency benchmarks and measurable goals that a payment initiative must meet to ensure high-quality and cost-effective health care services and healthy outcomes~~[-~~
~~and~~

~~(2) approve benchmarks and goals developed as provided by Subdivision (1)].~~

SECTION 2.30. Section 536.251(a), Government Code, is amended to read as follows:

(a) Subject to this subchapter, the commission, after consulting with ~~[the advisory committee and other]~~ appropriate stakeholders representing nursing facility providers with an interest in the provision of long-term services and supports, may develop and implement quality-based payment systems for Medicaid long-term services and supports providers designed to improve quality of care and reduce the provision of unnecessary services. A quality-based payment system developed under this section must base payments to providers on quality and efficiency measures that may include measurable wellness and prevention criteria and use of evidence-based best practices, sharing a portion of any realized cost savings achieved by the provider, and ensuring quality of care outcomes, including a reduction in potentially preventable events.

SECTION 2.31. Section 538.052(a), Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) Subject to Subsection (b), the commission shall solicit and accept suggestions for clinical initiatives, in either written or electronic form, from:

- (1) a member of the state legislature;
- (2) the executive commissioner;
- (3) the commissioner of aging and disability services;
- (4) the commissioner of state health services;
- (5) the commissioner of the Department of Family and Protective Services;
- (6) the commissioner of assistive and rehabilitative services;
- (7) the medical care advisory committee established under Section 32.022,

Human Resources Code; and

(8) the physician payment advisory committee created under Section 32.022(d), Human Resources Code; ~~and~~

~~[(9) the Electronic Health Information Exchange System Advisory Committee established under Section 531.904].~~

SECTION 2.32. Sections 1002.060(c) and (e), Health and Safety Code, are amended to read as follows:

(c) The commission, department, or institute or an officer or employee of the commission, department, or institute ~~[, including a board member,]~~ may not disclose any information that is confidential under this section.

(e) An officer or employee of the commission, department, or institute ~~[, including a board member,]~~ may not be examined in a civil, criminal, special, administrative, or other proceeding as to information that is confidential under this section.

SECTION 2.33. Section 1002.061, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as otherwise provided by law, each of the following state agencies or systems ~~[agency represented on the board as a nonvoting member]~~ shall provide funds to support the institute and implement this chapter:

- (1) the department;
- (2) the commission;

(3) the Texas Department of Insurance;
(4) the Employees Retirement System of Texas;
(5) the Teacher Retirement System of Texas;
(6) the Texas Medical Board;
(7) the Department of Aging and Disability Services;
(8) the Texas Workforce Commission;
(9) the Texas Higher Education Coordinating Board; and
(10) each state agency or system of higher education that purchases or provides health care services, as determined by the governor.

(c-1) The commission shall establish a funding formula to determine the level of support each state agency or system listed in Subsection (c) is required to provide.

SECTION 2.34. Section 22.035, Human Resources Code, is amended by adding Subsection (n) to read as follows:

(n) The work group is abolished and this section expires September 1, 2017.

SECTION 2.35. (a) Section 32.022(b), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) The executive commissioner shall appoint the committee in compliance with the requirements of the federal agency administering medical assistance. The appointments shall:

(1) provide for a balanced representation of the general public, providers, consumers, and other persons, state agencies, or groups with knowledge of and interest in the committee's field of work; and

(2) include one member who is the representative of a managed care organization.

(b) Not later than January 1, 2016, the executive commissioner of the Health and Human Services Commission shall appoint an additional member to the medical care advisory committee in accordance with Section 32.022(b)(2), Human Resources Code, as added by this article.

SECTION 2.36. Section 32.0641(a), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) To the extent permitted under and in a manner that is consistent with Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.) and any other applicable law or regulation or under a federal waiver or other authorization, the executive commissioner shall adopt~~[, after consulting with the Medicaid and CHIP Quality Based Payment Advisory Committee established under Section 536.002, Government Code,]~~ cost-sharing provisions that encourage personal accountability and appropriate utilization of health care services, including a cost-sharing provision applicable to a recipient who chooses to receive a nonemergency medical service through a hospital emergency room.

SECTION 2.37. Section 1352.004(b), Insurance Code, is amended to read as follows:

(b) The commissioner by rule shall require a health benefit plan issuer to provide adequate training to personnel responsible for preauthorization of coverage or utilization review under the plan. The purpose of the training is to prevent denial of

coverage in violation of Section 1352.003 and to avoid confusion of medical benefits with mental health benefits. The commissioner[~~, in consultation with the Texas Traumatic Brain Injury Advisory Council,~~] shall prescribe by rule the basic requirements for the training described by this subsection.

SECTION 2.38. Section 1352.005(b), Insurance Code, is amended to read as follows:

(b) The commissioner[~~, in consultation with the Texas Traumatic Brain Injury Advisory Council,~~] shall prescribe by rule the specific contents and wording of the notice required under this section.

SECTION 2.39. (a) The following provisions of the Government Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 531.0217(j);
- (2) Section 531.02172;
- (3) Section 531.02173(c);
- (4) Section 531.052;
- (5) Section 531.0571;
- (6) Section 531.068;
- (7) Sections 531.121(1), (5), and (6);
- (8) Section 531.122;
- (9) Section 531.123;
- (10) Section 531.1235;
- (11) Section 531.251;
- (12) Subchapters R and T, Chapter 531;
- (13) Section 531.904;
- (14) Section 533.00251(a)(1);
- (15) Section 533.00252;
- (16) Sections 533.00255(e) and (f);
- (17) Section 533.00285;
- (18) Subchapters B and C, Chapter 533;
- (19) Section 535.055(f);
- (20) Section 535.108;
- (21) Section 536.001(1);
- (22) the heading to Section 536.002;
- (23) Sections 536.002(a) and (c);
- (24) Section 536.002(b), as amended by Article 1 of this Act; and
- (25) Section 536.007(b).

(b) The following provisions of the Health and Safety Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Subchapter C, Chapter 32;
- (2) Section 62.151(e);
- (3) Section 62.1571(c);
- (4) Section 81.010;
- (5) Section 92.011;
- (6) Subchapter B, Chapter 92;

- (7) Chapter 115;
- (8) Section 1002.001(1);
- (9) Section 1002.051;
- (10) Section 1002.052;
- (11) Section 1002.053;
- (12) Section 1002.055;
- (13) Section 1002.056;
- (14) Section 1002.057;
- (15) Section 1002.058; and
- (16) Section 1002.059.

(c) Section 32.022(e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 2.40. On the effective date of this article, the following advisory committees are abolished:

- (1) the advisory committee on Medicaid and child health plan program rate and expenditure disparities;
- (2) the Advisory Committee on Qualifications for Health Care Translators and Interpreters;
- (3) the Behavioral Health Integration Advisory Committee;
- (4) the Consumer Direction Work Group;
- (5) the Council on Children and Families;
- (6) the Electronic Health Information Exchange System Advisory Committee;
- (7) the Guardianship Advisory Board;
- (8) the hospital payment advisory committee;
- (9) the Interagency Coordinating Council for HIV and Hepatitis;
- (10) the Medicaid and CHIP Quality-Based Payment Advisory Committee;
- (11) each Medicaid managed care advisory committee appointed for a health care service region under Subchapter B, Chapter 533, Government Code;
- (12) the Public Assistance Health Benefit Review and Design Committee;
- (13) the renewing our communities account advisory committee;
- (14) the STAR + PLUS Nursing Facility Advisory Committee;
- (15) the STAR + PLUS Quality Council;
- (16) the state Medicaid managed care advisory committee;
- (17) the task force on domestic violence;
- (18) the Interagency Task Force for Children With Special Needs;
- (19) the telemedicine and telehealth advisory committee;
- (20) the board of directors of the Texas Institute of Health Care Quality and Efficiency;
- (21) the Texas System of Care Consortium;
- (22) the Texas Traumatic Brain Injury Advisory Council; and
- (23) the volunteer advocate program advisory committee.

SECTION 2.41. (a) Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall publish in the Texas Register:

(1) a list of the new advisory committees established or to be established as a result of this article, including the advisory committees required under Section 531.012(a), Government Code, as amended by this article; and

(2) a list that identifies the advisory committees listed in Section 2.40 of this article:

(A) that will not be continued in any form; or

(B) whose functions will be assumed by a new advisory committee established under Section 531.012(a), Government Code, as amended by this article.

(b) The executive commissioner of the Health and Human Services Commission shall ensure that an advisory committee established under Section 531.012(a), Government Code, as amended by this article, begins operations immediately on its establishment to ensure ongoing public input and engagement.

(c) This section takes effect September 1, 2015.

SECTION 2.42. Except as otherwise provided by this article, this article takes effect January 1, 2016.

ARTICLE 3. TRANSITION, FEDERAL AUTHORIZATION, AND GENERAL EFFECTIVE DATE

SECTION 3.01. If an entity that is abolished by this Act has property, records, or other assets, the Health and Human Services Commission shall take custody of the entity's property, records, or other assets.

SECTION 3.02. 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 3.03. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 277** (house committee printing) as follows:

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

SECTION 1.____. Section 40.030, Human Resources Code, is amended to read as follows:

Sec. 40.030. ADVISORY COMMITTEES. (a) The executive commissioner or the executive commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

(b) The executive commissioner shall adopt rules, in compliance with Chapter 2110, Government Code, regarding the purpose, structure, and use of advisory committees by the department. The rules may include provisions governing:

(1) an advisory committee's size and quorum requirements;

(2) qualifications for membership of an advisory committee, including:

(A) requirements relating to experience and geographic representation;

and

(B) requirements for the department to include as members of advisory committees youth who have aged out of foster care and parents who have successfully completed family service plans and whose children were returned to the parents, as applicable;

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

(2) On page 45, line 14, between the period and "(a)", add the following appropriately lettered subsection and reletter the subsections of SECTION 2.39 accordingly:

(_) Section 162.309, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(3) On page 47, line 9, strike "is" and substitute "and Section 40.073, Human Resources Code, are".

Floor Amendment No. 2

Amend **CSSB 277** (house committee printing) as follows:

(1) On page 45, strike line 27 and renumber subsequent subdivisions of SECTION 2.39(a) of the bill accordingly.

(2) On page 48, strike line 21 and renumber subsequent subdivisions of SECTION 2.40 of the bill accordingly.

Floor Amendment No. 3

Amend **CSSB 277** (house committee printing) as follows:

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

SECTION 1. ___. (a) The Texas Institute of Health Care Quality and Efficiency is abolished.

(b) Section 98.1046(a), Health and Safety Code, is amended to read as follows:

(a) The [~~In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the~~] department, using data submitted under Chapter 108, shall publicly report for hospitals in this state risk-adjusted outcome rates for those potentially preventable complications and potentially preventable readmissions that the department[, ~~in consultation with the institute,~~] has determined to be the most effective measures of quality and efficiency.

(c) Section 98.1047(a), Health and Safety Code, is amended to read as follows:

(a) The [~~In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the~~] department shall study which adverse health conditions commonly occur in long-term care facilities and, of those health conditions, which are potentially preventable.

(d) Section 98.1065, Health and Safety Code, is amended to read as follows:

Sec. 98.1065. STUDY OF INCENTIVES AND RECOGNITION FOR HEALTH CARE QUALITY. The department[, ~~in consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002,~~] shall conduct a study on developing a recognition program to recognize exemplary health care facilities for superior quality of health care and make recommendations based on that study.

(e) The following provisions are repealed:

(1) Chapter 1002, Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015; and

(2) Section 848.001(7), Insurance Code.

(2) Strike page 42, line 11 through page 43, line 15 and renumber subsequent SECTIONS of that ARTICLE accordingly.

(3) Strike page 46, line 24 through page 47, line 7 and substitute the following:

(6) Subchapter B, Chapter 92; and

(7) Chapter 115.

Floor Amendment No. 1 on Third Reading

Amend **SB 277** on third reading by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering SECTIONS of ARTICLE 1 accordingly:

SECTION 1. _____. (a) The stakeholder workgroup established in connection with the jail-based restoration of competency pilot program is abolished.

(b) Article 46B.073(e), Code of Criminal Procedure, is amended to read as follows:

(e) Notwithstanding Subsections (b), (c), and (d) and notwithstanding the contents of the applicable order of commitment, in a county in which the department operates a jail-based restoration of competency pilot program under Article 46B.090, a defendant for whom an order is issued under this article committing the defendant to a mental health facility or residential care facility shall be provided competency restoration services at the jail under the pilot program if the service provider at the jail determines the defendant will immediately begin to receive services. If the service provider at the jail determines the defendant will not immediately begin to receive competency restoration services, the defendant shall be transferred to the appropriate mental health facility or residential care facility as provided by the court order. This subsection expires September 1, 2019 [2017].

(c) Subsections (c) and (o), Article 46B.090, Code of Criminal Procedure, are amended to read as follows:

(c) Not later than November 1, 2013, the commissioner of the department [~~in consultation with a stakeholder workgroup established by the department as provided by Subsection (d).~~] shall adopt rules as necessary to implement the pilot program. In adopting rules under this article, the commissioner shall specify the types of information the department must collect during the operation of the pilot program for use in evaluating the outcome of the pilot program.

(o) This article expires September 1, 2019 [2017].

(d) Subsections (d) and (e), Article 46B.090, Code of Criminal Procedure, are repealed.

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 277**.

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

Nays: Watson.

SENATE BILL 593 WITH HOUSE AMENDMENT

Senator Watson called **SB 593** 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 593** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to pretrial settlement discussions during ad valorem tax appeals.

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

SECTION 1. Subchapter B, Chapter 42, Tax Code, is amended by adding Section 42.227 to read as follows:

Sec. 42.227. PRETRIAL SETTLEMENT DISCUSSIONS. (a) A property owner or appraisal district that is a party to an appeal under this chapter may request that the parties engage in settlement discussions, including through an informal settlement conference or a form of alternative dispute resolution. The request must be in writing and delivered to the other party before the date of trial. The court on motion of either party shall enter orders necessary to implement this section, including an order:

(1) specifying the form that the settlement discussions must take; or

(2) changing a deadline to designate experts prescribed by Subsection (c).

(b) On or before the 120th day after the date the written request is delivered under Subsection (a), each party or the party's attorney of record shall attend the settlement discussions and make a good faith effort to resolve the matter under appeal.

(c) If the appraisal district is unable for any reason to attend the settlement discussions on or before the 120th day after the date the written request is delivered under Subsection (a), the deadline to designate experts for the appeal is, notwithstanding a deadline prescribed by the Texas Rules of Civil Procedure:

(1) with regard to all experts testifying for a party seeking affirmative relief, 60 days before the date of trial; and

(2) with regard to all other experts, 30 days before the date of trial.

(d) If a property owner is unable for any reason to attend the settlement discussions on or before the 120th day after the date the written request is delivered under Subsection (a), Section 42.23(d) does not apply to the parties to the appeal.

(e) An appraisal district may not request or require a property owner to waive a right under this title as a condition of attending a settlement discussion.

SECTION 2. The changes in law made by this Act apply only to an appeal filed under Chapter 42, Tax Code, on or after the effective date of this Act. An appeal filed under Chapter 42, Tax Code, before the effective date of this Act is governed by the law applicable to the appeal immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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, 2015.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 593**.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Huffines.

Present-not voting: Bettencourt.

SENATE BILL 208 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 208** 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 208** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Workforce Commission.

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

SECTION 1. Subchapter B, Chapter 132, Education Code, is amended by adding Section 132.025 to read as follows:

Sec. 132.025. REQUIRED POSTING. To facilitate a prospective student's informed selection among career schools and colleges, the commission shall include in its searchable directory of career schools and colleges maintained on its Internet website information regarding any formal enforcement action taken by the commission against a school or college, including:

(1) any revocation of the school's or college's certificate of authority;

(2) any assessment of administrative penalties against the school or college;

and

(3) any suspension of admission of students to the school or college.

SECTION 2. Section 1001.104, Education Code, is amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The agency shall enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program under Subtitle C, Title 4, Labor Code, [~~Texas Rehabilitation Commission~~] and the department for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The agency shall administer comprehensive rules governing driver education courses adopted by mutual agreement among the agency, the state agency responsible for administering the vocational rehabilitation program under Subtitle C, Title 4, Labor Code [~~Texas Rehabilitation Commission~~], and the department.

SECTION 3. The heading to Section 411.104, Government Code, is amended to read as follows:

Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE POSITIONS.

SECTION 4. Effective September 1, 2016, Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1041 to read as follows:

Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce Commission, in connection with the administration of vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant selected for employment with the commission whose potential duties include direct contact with clients to provide those services;

(2) an applicant for those services from the commission; or

(3) a client receiving those services from the commission.

(b) Criminal history record information obtained by the commission under Subsection (a) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

SECTION 5. Section 2308.3155(b), Government Code, is amended to read as follows:

(b) The commission shall adopt rules to administer the Texas Rising Star Program, including:

(1) guidelines for rating a child-care provider who provides child care to a child younger than 13 years of age, including infants and toddlers, enrolled in the subsidized program; and

(2) a timeline and process for regularly reviewing and updating the quality standards used to determine the rating system that includes the commission's consideration of input from interested parties regarding those standards.

SECTION 6. Effective September 1, 2016, Subchapter C, Chapter 91, Human Resources Code, is amended by adding Section 91.0211 to read as follows:

Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE COMMISSION. The Texas Workforce Commission has primary responsibility for providing vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, notwithstanding Section 91.021(a) and subject to receipt of any required federal approval to administer those services and programs. A power or duty under this chapter, including rulemaking authority, of the department, the commissioner, or the executive commissioner that is applicable to those services or programs is a power or duty of the Texas Workforce Commission with respect to those services or programs.

SECTION 7. Effective September 1, 2016, Subchapter C, Chapter 111, Human Resources Code, is amended by adding Section 111.0511 to read as follows:

Sec. 111.0511. SERVICE DELIVERY BY TEXAS WORKFORCE COMMISSION. The Texas Workforce Commission has primary responsibility for providing vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, notwithstanding Section 111.051 and subject to receipt of any required federal approval to administer those services and programs. A power or duty under this chapter, including rulemaking authority, of the department, the commissioner, or the executive commissioner that is applicable to those services or programs is a power or duty of the Texas Workforce Commission with respect to those services or programs. All other state agencies engaged in vocational rehabilitation services or related services or programs shall coordinate those activities with the Texas Workforce Commission.

SECTION 8. Effective September 1, 2016, Subchapter D, Chapter 117, Human Resources Code, is amended by adding Section 117.0713 to read as follows:

Sec. 117.0713. SERVICE DELIVERY BY TEXAS WORKFORCE COMMISSION. The Texas Workforce Commission has primary responsibility for providing vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, notwithstanding Section 117.071 and subject to receipt of any required federal approval to administer those services and programs. A power or duty under this chapter, including rulemaking authority, of the department, the commissioner, or the executive commissioner that is applicable to those services or programs is a power or duty of the Texas Workforce Commission with respect to those services or programs.

SECTION 9. Section 21.0015, Labor Code, is amended to read as follows:

Sec. 21.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS DIVISION~~]. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission [~~civil rights division~~]. A reference in this chapter to the "commission" means the Texas Workforce Commission [~~civil rights division~~].

SECTION 10. Section 21.206, Labor Code, is amended to read as follows:

Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY COMMISSION [~~PANEL~~]. (a) If after investigation the executive director or the executive director's designee determines that there is reasonable cause to believe that the respondent engaged in an unlawful employment practice as alleged in a complaint, the executive director or the executive director's designee shall review with the commission members [~~a panel of three commissioners~~] the evidence in the record.

(b) If after the review at least two of the three commission members [~~commissioners~~] determine that there is reasonable cause to believe that the respondent engaged in an unlawful employment practice, the executive director shall:

- (1) issue a written determination incorporating the executive director's finding that the evidence supports the complaint; and
- (2) serve a copy of the determination on the complainant, the respondent, and other agencies as required by law.

SECTION 11. Section 21.453, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), the [The] commission shall review the personnel policies and procedures of each state agency on a six-year cycle to determine whether the policies and procedures comply with this chapter.

(a-1) The commission by rule shall develop risk-assessment criteria for determining the circumstances under which the commission may conduct a review of the personnel policies and procedures of a state agency more frequently than required by Subsection (a). The risk-assessment criteria must include:

(1) data on complaints against a state agency;

(2) previous review findings; and

(3) any other related information collected and maintained by the commission.

SECTION 12. Section 21.455, Labor Code, is amended by adding Subsection (d) to read as follows:

(d) Annually, the commission shall:

(1) review the reimbursements received by the commission under this section to ensure that the commission recovers the expenses described by Subsection (a); and

(2) adjust the reimbursement rate if, as a result of the most recent annual review, the commission determines that the reimbursement rate is higher or lower than the rate required to recover those expenses.

SECTION 13. Chapter 214, Labor Code, is amended by adding Section 214.009 to read as follows:

Sec. 214.009. RECOVERY OF COVERED UNEMPLOYMENT COMPENSATION DEBT THROUGH FEDERAL TREASURY OFFSET PROGRAM. (a) In this section, "program" means the federal Treasury Offset Program authorized by 26 U.S.C. Section 6402(f).

(b) The commission may collect the following covered unemployment compensation debt through the program:

(1) a past-due debt for erroneous payment of benefits due to fraud that has become final under law and remains uncollected;

(2) a past-due debt for erroneous payment of benefits due to a person's failure to report earnings, even if non-fraudulent, that has become final under law and remains uncollected;

(3) a past-due employer contribution owed to the compensation fund for which the commission has determined the person to be liable and that remains uncollected; and

(4) any penalties and interest assessed by the commission on a debt described by Subdivision (1), (2), or (3).

(c) Before submitting covered unemployment compensation debt for recovery under the program, the commission must:

(1) notify the debtor by regular United States mail that the commission plans to recover the debt through the offset of any federal tax refund;

(2) provide the debtor at least 60 days following the date the notice is provided under Subdivision (1) to present to the commission evidence that all or part of the debt is not:

(A) legally enforceable;

(B) due to fraud or unreported earnings; or

(C) a contribution owed to the compensation fund; and

(3) consider any evidence presented by the debtor to determine the amount of debt that is legally enforceable and owed.

(d) In considering evidence presented by a debtor under Subsection (c), the commission may determine only whether the debtor has demonstrated that the debt is not subject to recovery through the program so that the commission is able to minimize erroneous offsets. The commission may not review the initial determination establishing the debtor's liability.

(e) The commission shall assess against the debtor the cost of any administrative fee charged by the United States Department of the Treasury for each offset. The commission may add the assessed amount to the covered unemployment compensation debt that is offset under the program.

SECTION 14. Section 301.006(b), Labor Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), the member of the commission who represents the public shall serve as chair:

(1) when the commission acts under:

(A) Chapter 21;

(B) Subchapter D, Chapter 61; ~~[or]~~

(C) ~~[(D)]~~ Subchapter D, Chapter 212; or

(D) Chapter 301, Property Code; and

(2) in commission hearings involving unemployment insurance issues regarding tax coverage, contributions, or reimbursements.

SECTION 15. Section 301.008, Labor Code, is amended to read as follows:

Sec. 301.008. APPLICATION OF SUNSET ACT. The Texas Workforce Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2027 ~~[2015]~~.

SECTION 16. Section 301.009(a), Labor Code, is amended to read as follows:

(a) The commission shall have:

(1) a division of workforce development; ~~[and]~~

(2) a division of unemployment compensation; and

(3) a civil rights division.

SECTION 17. Effective September 1, 2016, Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.0675 to read as follows:

Sec. 301.0675. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES FOR PERSONS WITH DISABILITIES. Subject to federal approval, if required, to administer vocational rehabilitation services and other services and programs to persons with disabilities under Subtitle C, Title 4, the commission has primary responsibility for providing those services and programs.

SECTION 18. Section 301.153, Labor Code, is amended to read as follows:

Sec. 301.153. GOVERNANCE; AUTHORITY ~~[HUMAN RIGHTS COMMISSION]~~. (a) ~~[The division is governed by the human rights commission, which consists of seven members as follows:~~

~~[(1) one member who represents industry;~~

~~[(2) one member who represents labor; and~~

~~[(3) five members who represent the public.~~

~~[(b) The members of the human rights commission established under this section shall be appointed by the governor. In making appointments to the human rights commission, the governor shall strive to achieve representation on the human rights commission that is diverse with respect to disability, religion, age, economic status, sex, race, and ethnicity.~~

~~[(c) The term of office of each commissioner is six years. The governor shall designate one commissioner to serve as presiding officer.~~

~~[(d) A commissioner is entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties.~~

~~[(e) The [human rights] commission shall establish policies for the division and the executive director shall supervise the director in administering the activities of the division.~~

~~[(f) The [human rights] commission is the state authority established as a fair employment practice agency and is authorized, with respect to an unlawful employment practice, to:~~

- ~~(1) grant relief from the practice;~~
- ~~(2) seek relief from the practice; or~~
- ~~(3) institute criminal proceedings.~~

~~[(c) The commission shall administer Chapter 21 of this code and Chapter 301, Property Code, including the powers and duties formerly exercised by the former Commission on Human Rights under those laws.~~

~~[(d) A reference in Chapter 21 of this code, Chapter 301, Property Code, or any other law to the former Commission on Human Rights means the commission.~~

SECTION 19. Section 301.154(a), Labor Code, is amended to read as follows:

(a) The director shall be appointed by the executive director ~~[human rights commission]~~ to administer the powers and duties of the division.

SECTION 20. Subchapter I, Chapter 301, Labor Code, is amended by adding Section 301.157 to read as follows:

Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION COMPLAINTS; REPORT. (a) Each state fiscal year, the division shall collect and analyze information regarding employment discrimination complaints, other than complaints determined to be without merit, filed with the division against a state agency. The information must include:

- (1) an analysis of the complaints, both by number and by type; and
- (2) key findings or trends the division identifies during the division's review

of state agency personnel policies and procedures under Section 21.453.

(b) The commission shall include the results of the division's analysis under this section in the commission's annual report to the governor and the legislature. The division shall exclude from the report any identifying information of a complainant or a state agency complaint as necessary to maintain confidentiality required by the commission's contract with the federal Equal Employment Opportunity Commission or by other law.

SECTION 21. Section 302.0043(f), Labor Code, is amended to read as follows:

(f) Not later than January 15 of each odd-numbered year, the commission shall report to the legislature regarding the commission's findings regarding the effectiveness of the commission's child care program. The report must:

(1) include employment outcome information, disaggregated by local workforce development area, regarding parents receiving subsidized care under the program; and

(2) identify multiyear trends in the information collected and analyzed by the commission under this section, including trends in the information for at least the five state fiscal years preceding the date of the report.

SECTION 22. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.00435 to read as follows:

Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT POLICY. The commission shall develop a policy for obtaining, through appropriate methods, input from interested parties regarding its subsidized child care program and for using that input in administering that program.

SECTION 23. Title 4, Labor Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES FOR PERSONS WITH DISABILITIES

CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR ADMINISTRATION OF SERVICES

Sec. 351.001. DEFINITIONS. In this subtitle:

(1) "Department" means the Department of Assistive and Rehabilitative Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 351.002. RESPONSIBILITY FOR ADMINISTRATION OF SERVICES AND PROGRAMS. (a) Notwithstanding any other provision of this subtitle, the department shall administer the services and programs under this subtitle until September 1, 2016. On that date, the department shall cease administering the services and programs and the commission shall begin administering the services and programs, subject to receipt of any required federal approval.

(b) The department or commission, as appropriate, shall seek federal approval, if required:

(1) for the commission, beginning on September 1, 2016, to administer the following services and programs under this subtitle that the department operated before that date under the federal Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751):

(A) the vocational rehabilitation program for individuals with visual impairments;

(B) the vocational rehabilitation program for individuals with other disabilities;

(C) the Independent Living Services Program for older individuals who are blind; and

(D) the Criss Cole Rehabilitation Center;

(2) for the commission, beginning on September 1, 2016, to administer the program for vending facilities operated by blind persons under Chapter 355, including the Business Enterprises Program under the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.), that the department operated before that date; and

(3) to designate within the commission the state unit under 29 U.S.C. Section 721 that is responsible for administering the state's vocational rehabilitation program.

(c) The Rehabilitation Council of Texas transfers to the commission on September 1, 2016.

(d) Subsections (b) and (c) and this subsection expire September 1, 2019.

Sec. 351.003. DESIGNATED STATE UNIT FOR VOCATIONAL REHABILITATION SERVICES. In accordance with the requirements of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), the commission shall establish a designated state unit within the commission that:

(1) is an organizational unit designated to be primarily responsible for and concerned with vocational rehabilitation of individuals with disabilities;

(2) has a full-time director;

(3) has a staff employed on the rehabilitation work of the organizational unit, all or substantially all of whom are employed full-time on such work; and

(4) is located at an organizational level and has an organizational status within the commission comparable to that of other major organizational units of the commission.

Sec. 351.004. INTEGRATION OF VOCATIONAL REHABILITATION PROGRAMS; PROGRAM STAFF. (a) Not later than August 31, 2018, the commission shall integrate the vocational rehabilitation staff from department offices into the commission's local workforce development boards and centers.

(b) This section expires September 1, 2019.

Sec. 351.005. MEANING OF CERTAIN REFERENCES IN LAW. Until the administration of this subtitle is transferred from the department to the commission, a reference to the commission or the executive director in this subtitle means the department, commissioner of assistive and rehabilitative services, or executive commissioner, as applicable.

CHAPTER 352. VOCATIONAL REHABILITATION SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 352.001. DEFINITIONS. In this chapter:

(1) "Direct services" means services provided to a client by a commission employee, including counseling, facilitating the purchase of services from a source other than the commission, and purchasing equipment and other items and providing other services necessary for the client to successfully complete a commission program.

(2) "Direct services program" means a program operated by the commission through which direct services are provided.

(3) "Individual with a disability" means an individual who has a physical impairment, including a visual impairment, or mental impairment that constitutes a substantial impediment to employment, but that is of a nature that rehabilitation services may be expected to enable the individual to engage in a gainful occupation.

(4) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(5) "Occupational license" means a license, permit, or other written authorization required by a governmental entity as a condition for engaging in an occupation.

(6) "Physical restoration" means medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a substantial impediment to employment of an individual with a disability within a reasonable period of time. The term includes medical, surgical, dental, and psychiatric treatment, nursing services, hospital care, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances. The term excludes treatment to cure acute or transitory conditions.

(7) "Prosthetic appliance" means an artificial device necessary to support or replace a part of the body or to increase the acuity of a sensory organ.

(8) "Rehabilitation training" means all necessary training provided to an individual with a disability to compensate for a substantial impediment to employment. The term includes manual, preconditioning, prevocational, vocational, and supplementary training and training to achieve broader and more lucrative skills and capacities.

(9) "Substantial impediment to employment" means a physical or mental condition that obstructs or impairs, or if not corrected will probably obstruct or impair, an individual's performance in an occupation.

(10) "Vocational rehabilitation" or "vocational rehabilitation services" means services that are provided directly by the commission or through a public or private agency and that the commission determines are necessary to compensate an individual with a disability for a substantial impediment to employment so that the individual may engage in a remunerative occupation. The terms include:

(A) medical and vocational diagnosis;

(B) vocational guidance, counseling, and placement;

(C) rehabilitation training;

(D) physical restoration;

(E) transportation;

(F) occupational licenses;

(G) customary occupational tools and equipment;

(H) maintenance;

(I) training books and materials; and

(J) other goods and services for which the commission receives

financial support under federal law.

Sec. 352.002. PURPOSE. It is the policy of this state to provide vocational rehabilitation services to eligible individuals with disabilities so that those individuals may prepare for and engage in a gainful occupation.

Sec. 352.003. REHABILITATION COUNCIL OF TEXAS. (a) The Rehabilitation Council of Texas operates in accordance with the federal Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569, and the federal Rehabilitation Act Amendments of 1998, Pub. L. No. 105-220.

(b) The Rehabilitation Council of Texas shall report to and advise the commission on the council's activities and the results of the council's work. For the purpose of performing its advisory functions, the council shall work with the commission, the executive director, and other commission staff.

(c) The commission shall adopt rules for the administration of the council.

Sec. 352.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL FUNDS. (a) The comptroller is custodian of federal funds received by the state to implement federal law relating to vocational rehabilitation.

(b) The commission shall certify for disbursement funds available for the vocational rehabilitation program in accordance with regulations.

(c) The comptroller shall disburse state and federal vocational rehabilitation funds on certification by the commission.

Sec. 352.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The commission shall deposit all money paid to the commission under this chapter in the state treasury. The money may be used only for the administration of this chapter.

(b) The commission may receive and use gifts and donations for carrying out the purposes of this chapter. A person may not receive payment for solicitation of any funds.

Sec. 352.006. MISUSE OF INFORMATION. Except for purposes directly connected with the administration of the vocational rehabilitation program and according to commission rules, no person may solicit, disclose, receive, use, or knowingly permit the use of records or other information concerning an applicant for or recipient of vocational rehabilitation services that is directly or indirectly acquired by an officer or employee of the state or its political subdivisions in the course of the person's official duties.

Sec. 352.007. CRIMINAL HISTORY RECORD INFORMATION. (a) The commission may obtain criminal history record information from the Texas Department of Criminal Justice and the Texas Department of Public Safety if the criminal history records relate to:

(1) an applicant selected for employment with the commission whose potential duties include direct contact with clients to provide vocational rehabilitation services or other services under this subtitle;

(2) an applicant for vocational rehabilitation services or other services under this subtitle from the commission; or

(3) a client receiving vocational rehabilitation services or other services under this subtitle.

(b) The Texas Department of Criminal Justice and the Texas Department of Public Safety on request shall supply to the commission criminal history record information relating to applicants selected for employment with the commission whose potential duties include direct contact with clients to provide vocational rehabilitation services, applicants for vocational rehabilitation services from the commission, or vocational rehabilitation clients of the commission. The commission shall treat all criminal history record information as privileged and confidential and for commission use only.

(c) The commission by rule shall establish criteria for denying a person's application for employment with the commission to provide vocational rehabilitation services based on criminal history record information obtained as authorized by this section.

Sec. 352.008. HEARINGS. An applicant for or recipient of vocational rehabilitation services who is aggrieved by an action or inaction under this chapter is entitled to a hearing by the commission in accordance with law.

SUBCHAPTER B. GENERAL POWERS AND DUTIES

Sec. 352.051. VOCATIONAL REHABILITATION PROGRAM FOR INDIVIDUALS WITH DISABILITIES. (a) The commission shall conduct a program to provide vocational rehabilitation services to eligible individuals with disabilities.

(b) To achieve the purposes of the program, the commission may:

(1) cooperate with other public and private agencies in studying the problems involved in providing vocational rehabilitation and in establishing, developing, and providing necessary or desirable facilities and services;

(2) enter into reciprocal agreements with other states to provide vocational rehabilitation for the residents of the states concerned; and

(3) conduct research and compile statistics relating to the vocational rehabilitation of individuals with disabilities.

Sec. 352.052. COOPERATION WITH FEDERAL GOVERNMENT; OBTAINING FEDERAL FUNDS. (a) The commission shall cooperate with the federal government to accomplish the purposes of federal laws relating to vocational rehabilitation for individuals with disabilities and closely related activities.

(b) The commission shall negotiate agreements or plans with the federal government and shall use efficient methods of administration and comply with other conditions required to secure the full benefits of the federal laws. If the commission determines that a provision of state law precludes conformity with a federal requirement and limits federal financial support, the commission may waive or modify the state law to the extent necessary to obtain the full benefits of the federal law.

(c) The commission may comply with any requirements necessary to obtain federal funds to be used for vocational rehabilitation services in the maximum amount and most advantageous proportion possible.

Sec. 352.053. CONTRACTS FOR SERVICE. (a) The commission shall include in its contracts with service providers under this chapter provisions relating to:

(1) clearly defined and measurable program performance standards that directly relate to the service provided;

(2) clearly defined penalties for nonperformance of a contract term; and

(3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

(b) The commission shall monitor a service provider's performance under a contract for service under this chapter. In monitoring performance, the commission shall:

(1) use a risk-assessment methodology to institute statewide monitoring of contract compliance of service providers; and

(2) evaluate service providers based on clearly defined and measurable program performance objectives.

Sec. 352.054. RATES FOR MEDICAL SERVICES. (a) The commission by rule shall adopt standards governing the determination of rates paid for medical services provided under this chapter. The rules must provide for an annual reevaluation of the rates.

(b) The commission shall establish a schedule of rates based on the standards adopted under Subsection (a). In adopting the rate schedule, the commission shall:

(1) compare the proposed rate schedule to other cost-based and resource-based rates for medical services, including rates paid under Medicaid and the Medicare program; and

(2) for any rate adopted that exceeds the Medicaid or Medicare rate for the same or a similar service, document the reasons why the adopted rate reflects consideration of the best value, provider availability, and consumer choice.

(c) The commission shall provide notice to interested persons and allow those persons to present comments before adopting the standards and schedule of rates under Subsections (a) and (b).

Sec. 352.055. CONTRACT PAYMENT. The commission shall base payment under a contract for vocational rehabilitation services on outcome-based performance standards defined in the contract.

Sec. 352.056. CONTRACTS FOR ADAPTIVE TECHNOLOGY. The commission shall include in a contract under this chapter with a supplier of adaptive technology equipment provisions that require the supplier to provide training for clients receiving the adaptive technology equipment.

Sec. 352.057. LOANS FOR VISUAL AIDS. (a) The commission may establish a program to make loans to finance the purchase of technological aids for individuals with visual impairments. Interest on the loans may not exceed 10 percent per year.

(b) The commission may adopt rules to administer the loan program.

Sec. 352.058. SUBROGATION. (a) By providing a person rehabilitation services, including medical care services, under this subchapter, the commission is subrogated to the person's right of recovery from:

(1) personal insurance;

(2) another person for personal injury caused by the other person's negligence or wrongdoing; or

(3) any other source.

(b) The commission's right of subrogation is limited to the cost of the services provided.

(c) The commission may totally or partially waive the commission's right of subrogation when the commission finds that enforcement would tend to defeat the purpose of rehabilitation.

(d) The commission may adopt rules for the enforcement of the commission's right of subrogation.

Sec. 352.059. WORK INCENTIVES AND SUPPLEMENTAL SECURITY INCOME (SSI). The commission shall employ a person at the commission's central office to:

(1) train counselors to understand and use work incentives; and

(2) review cases to ensure that commission clients are informed of the availability of and assisted in obtaining work incentives and Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.).

SUBCHAPTER C. PROVISION OF AND ELIGIBILITY FOR VOCATIONAL REHABILITATION SERVICES

Sec. 352.101. INTEGRATION OF VOCATIONAL REHABILITATION PROGRAMS. (a) Not later than October 1, 2017, and subject to federal approval, the commission shall integrate into a single vocational rehabilitation program the following programs that are operated under the federal Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751):

(1) the vocational rehabilitation program for individuals with visual impairments; and

(2) the vocational rehabilitation program for individuals with other disabilities.

(b) Not later than October 1, 2017, to facilitate the integration of the vocational rehabilitation programs identified in Subsection (a), the commission shall at a minimum:

(1) reorganize the commission's vocational rehabilitation services in order to provide services based on an individual's functional need instead of an individual's type of disability;

(2) develop a plan to support specialization of vocational rehabilitation counselors in serving different client populations, including sufficient specialization in individuals with visual impairments to maintain expertise in serving that population;

(3) redesign performance measures for the provision of vocational rehabilitation services;

(4) consolidate policies for the provision of vocational rehabilitation services; and

(5) recommend the adoption of any rules necessary to implement this section.

(c) This section expires September 1, 2019.

Sec. 352.102. ELIGIBILITY FOR VOCATIONAL REHABILITATION SERVICES. The commission shall provide vocational rehabilitation services to individuals with disabilities eligible for those services under federal law.

Sec. 352.103. PROVISION OF VOCATIONAL REHABILITATION SERVICES. (a) The commission by rule shall establish and maintain guidelines for providing vocational rehabilitation services that are consistent with state and federal laws and that include:

(1) a system of organization for the delivery of vocational rehabilitation services statewide;

(2) eligibility requirements for vocational rehabilitation services;

(3) requirements for the rehabilitation planning process;

(4) the types of services that may be provided to a client through a vocational rehabilitation program; and

(5) requirements for client participation in the costs of vocational rehabilitation services, including documentation that a client has sought benefits for which the client is eligible from sources other than the commission and that may assist the client in obtaining vocational rehabilitation goods or services.

(b) The commission shall annually assess the effectiveness of the state's vocational rehabilitation program.

Sec. 352.104. TRAINING AND SUPERVISION OF COUNSELORS. (a) The commission shall provide specific guidance to vocational rehabilitation counselors in:

(1) selecting vocational objectives according to a client's skills, experience, and knowledge;

(2) documenting a client's impediment to employment;

(3) selecting rehabilitation services that are reasonable and necessary to achieve a client's vocational objective;

(4) measuring client progress toward the vocational objective, including the documented, periodic evaluation of the client's rehabilitation and participation; and

(5) determining eligibility of employed and unemployed applicants for rehabilitation services using criteria defined by commission rule to document whether a client is substantially underemployed or at risk of losing employment.

(b) The commission by rule shall require monitoring and oversight of vocational rehabilitation counselor performance and decision making in accordance with this section.

Sec. 352.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

(a) The commission shall establish and require employee participation in a specialized training program for certain employees, including vocational rehabilitation transition specialists and transition counselors, whose duties involve assisting youth with disabilities to transition to post-schooling activities, services for adults, or community living.

(b) The training program must provide employees with information regarding:

(1) supports and services available from health and human services agencies, as defined by Section 531.001, Government Code, for:

(A) youth with disabilities who are transitioning into post-schooling activities, services for adults, or community living; and

(B) adults with disabilities;

(2) community resources available to improve the quality of life for:

(A) youth with disabilities who are transitioning into post-schooling activities, services for adults, or community living; and

(B) adults with disabilities; and

(3) other available resources that may remove transitional barriers for youth with disabilities who are transitioning into post-schooling activities, services for adults, or community living.

(c) In developing the training program required by this section, the commission shall collaborate with health and human services agencies, as defined by Section 531.001, Government Code, as necessary.

Sec. 352.106. PAYMENT OF SHIFT DIFFERENTIALS. The commission by rule may develop and implement policies allowing shift differentials to be paid to employees in the vocational rehabilitation program under this chapter.

Sec. 352.107. CLIENT ORIENTATION MATERIALS. The commission shall develop and distribute at intake client orientation materials for the vocational rehabilitation program that include information on the commission's decision-making criteria.

Sec. 352.108. COORDINATION WITH TEXAS EDUCATION AGENCY.

(a) For purposes of this section, "transition services" means services provided to students with disabilities to assist the students in making the transition from secondary school to postsecondary education programs or competitive integrated employment.

(b) The commission and the Texas Education Agency shall collaborate to develop a mechanism to identify the areas of the state with the greatest needs for transition services for students with disabilities. The mechanism must account for the commission's limited resources and a school district's needs, including:

(1) the school district's resources for special education;

(2) the number of students with disabilities in the school district; and

(3) other factors that the commission and the Texas Education Agency consider important.

(c) The commission and the Texas Education Agency shall update the mechanism developed under Subsection (b) on a periodic basis.

(d) The commission shall develop uniform, statewide policies for transition services that include:

(1) the goal that a transition counselor initiate contact with a student approximately three years before the student is expected to graduate from high school;

(2) the minimum level of services to be provided to a student at the time that a transition counselor initiates contact with the student;

(3) standards, based on the mechanism developed under Subsection (b), for assigning a transition counselor to a school that ensure consistency among regions but that are not too restrictive;

(4) expectations for transition counselors to develop relationships with school personnel, including the employee designated to serve as the school district's designee on transition and employment services under Section 29.011(b), Education Code; and

(5) expectations for regional commission staff to work with education service center representatives on a regular basis to identify areas of greatest need and to discuss local strategies for coordination between transition counselors and schools.

(e) The commission and the Texas Education Agency shall enter into a memorandum of understanding to comply with the policies under this section and to improve coordination between the agencies. The memorandum of understanding must include:

(1) strategies to better inform transition clients, clients' families, and school personnel regarding the commission's available services and contact information for commission transition counselors; and

(2) a process to be used by the commission and the Texas Education Agency to develop and update the mechanism used to identify students who may need services.

(f) On or after September 1, 2016, but not later than September 1, 2017:

(1) the commission and the Texas Education Agency shall develop the mechanism required in Subsection (b) and enter into the memorandum of understanding required in Subsection (e); and

(2) the commission shall develop the policies described in Subsection (d).

(g) Subsection (f) and this subsection expire September 1, 2018.

SECTION 24. (a) Chapter 351, Labor Code, as added by this Act, is amended by adding Sections 351.0021 and 351.0022 to read as follows:

Sec. 351.0021. LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "committee" means the Legislative Oversight Committee established under this section.

(b) The Legislative Oversight Committee is created to facilitate the transfer of vocational rehabilitation services and other services and programs under this subtitle with, to the greatest degree possible, no negative effect on the delivery of services to clients.

(c) The committee is composed of 11 voting members, as follows:

(1) four members of the senate, appointed by the lieutenant governor;

(2) four members of the house of representatives, appointed by the speaker of the house of representatives; and

(3) three members of the public, appointed by the governor.

(d) The executive commissioner, the commissioner of assistive and rehabilitative services, and the executive director serve as ex officio, nonvoting members of the committee.

(e) A member of the committee serves at the pleasure of the appointing official.

(f) The lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair from among their respective appointments.

(g) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(h) The committee shall:

(1) facilitate the transfer of vocational rehabilitation services and other services and programs under this subtitle with, to the greatest degree possible, no negative effect on the delivery of services to clients;

(2) advise the executive director, the executive commissioner, and the commissioner of assistive and rehabilitative services concerning:

(A) the services and programs to be transferred under this subtitle and the funds and obligations that are related to the services and programs; and

(B) the transfer of the services and programs and related records, property, funds, and obligations from the department to the commission as provided by this subtitle; and

(3) meet at the call of either chair.

(i) Chapter 551, Government Code, applies to the committee.

(j) The committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than December 1 of each even-numbered year. The report must include an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services

and programs under this subtitle from the department to the commission, including the need for any additional statutory changes required to complete the transfer of services and programs to the commission in accordance with this subtitle.

(k) The committee is abolished August 31, 2019.

(l) This section expires September 1, 2019.

Sec. 351.0022. TRANSITION PLAN. (a) The transfer of vocational rehabilitation services and other services and programs under this subtitle must be accomplished in accordance with a transition plan developed by the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner that ensures that the transfer and provision of services and programs are accomplished in a careful and deliberative manner. Specifically, the transition plan must include:

(1) the specific steps and methods for the transfer or disposition of all obligations, rights, contracts, leases, records, property, and funds, including unexpended and unobligated appropriations, relating to the services and programs transferred from the department to the commission under this subtitle, including the plans for leased office or building space and the transition of data and information technology systems supporting the services and programs;

(2) the identification of all full-time equivalent employee positions that are associated with the department's administration of the services and programs to be transferred to the commission, including the full-time equivalent employee positions that are associated with the Health and Human Services Commission's administrative support of those transferring services and programs;

(3) measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur;

(4) a strategy for integrating the department's vocational rehabilitation staff into the commission's local workforce development boards and centers as required by Section 351.004;

(5) a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities as required by Section 352.101; and

(6) a schedule for implementing the transfer of the services and programs.

(b) In developing the transition plan, the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner shall, before submitting the plan to the Legislative Oversight Committee and the governor as required by Subsection (d):

(1) hold public hearings in various geographic areas in this state regarding the plan; and

(2) solicit and consider input from appropriate stakeholders.

(c) To the extent allowed by federal law, public hearings under Subsection (b) may be combined with other public hearings required under federal law in relation to the adoption of a state plan for vocational rehabilitation services.

(d) As soon as practicable after September 1, 2015, but not later than March 1, 2016, the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner shall submit the transition plan to the Legislative Oversight Committee and the governor. The Legislative Oversight Committee shall

comment on and make recommendations regarding any concerns or adjustments to the transition plan the committee determines appropriate. The executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner may not finalize the transition plan until the comments and recommendations of the committee regarding the transition plan have been reviewed and considered.

(e) The department, commission, and Health and Human Services Commission shall post on the agencies' respective Internet websites:

(1) the transition plan developed under this section;

(2) any adjustments to the transition plan recommended by the Legislative Oversight Committee;

(3) a statement regarding whether the recommended adjustments were adopted or otherwise incorporated; and

(4) if a recommended adjustment was not adopted, the justification for not adopting the adjustment.

(f) This section expires September 1, 2019.

(b) Not later than October 1, 2015:

(1) the lieutenant governor, the speaker of the house of representatives, and the governor shall make the appointments to the Legislative Oversight Committee as required by Section 351.0021, Labor Code, as added by this section; and

(2) the lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair of the Legislative Oversight Committee in accordance with Section 351.0021, Labor Code, as added by this section.

(c) This section takes effect only if S.B. No. 200, 84th Legislature, Regular Session, 2015, or similar legislation of the 84th Legislature, Regular Session, 2015:

(1) does not become law; or

(2) is enacted and becomes law, but does not provide for the establishment of a Health and Human Services Transition Legislative Oversight Committee to facilitate the consolidation of the health and human services system in this state.

SECTION 25. (a) Section 531.0203, Government Code, as added by S.B. No. 200, 84th Legislature, Regular Session, 2015, is amended by adding Subsection (d-1) to read as follows:

(d-1) The commissioner of assistive and rehabilitative services and the executive director of the Texas Workforce Commission serve as ex officio, nonvoting members of the committee in addition to the executive commissioner. This subsection expires August 31, 2019.

(b) Chapter 351, Labor Code, as added by this Act, is amended by adding Sections 351.0021 and 351.0022 to read as follows:

Sec. 351.0021. ADDITIONAL DUTIES OF HEALTH AND HUMAN SERVICES TRANSITION LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "committee" means the Health and Human Services Transition Legislative Oversight Committee established under Section 531.0203, Government Code.

(b) In addition to the requirements of Section 531.0203(h), Government Code, the committee shall:

(1) facilitate the transfer of vocational rehabilitation services and other services and programs under this subtitle with, to the greatest degree possible, no negative effect on the delivery of services to clients; and

(2) advise the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner concerning:

(A) the services and programs to be transferred under this subtitle and the funds and obligations that are related to the services and programs; and

(B) the transfer of the services and programs and related records, property, funds, and obligations from the department to the commission as provided by this subtitle.

(c) In addition to the requirements for the report specified by Section 531.0203(j), Government Code, the committee shall include in the report under that subsection an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services and programs under this subtitle from the department to the commission, including the need for any additional statutory changes required to complete the transfer of services and programs to the commission in accordance with this subtitle.

(d) This section expires September 1, 2019.

Sec. 351.0022. TRANSITION PLAN. (a) In addition to the requirements under Section 531.0204, Government Code, the executive commissioner shall work with the executive director and the commissioner of assistive and rehabilitative services to ensure the transition plan under that section includes a plan for the transfer of vocational rehabilitation services and other services and programs from the department to the commission that ensures the transfer is accomplished in a careful and deliberative manner. Specifically, the transition plan must include:

(1) the specific steps and methods for the transfer or disposition of all obligations, rights, contracts, leases, records, property, and funds, including unexpended and unobligated appropriations, relating to the services and programs transferred from the department to the commission under this subtitle, including the plans for leased office or building space and the transition of data and information technology systems supporting the services and programs;

(2) the identification of all full-time equivalent employee positions that are associated with the department's administration of the services and programs to be transferred to the commission, including the full-time equivalent employee positions that are associated with the Health and Human Services Commission's administrative support of those transferring services and programs;

(3) measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur;

(4) a strategy for integrating the department's vocational rehabilitation staff into the commission's local workforce development boards and centers as required by Section 351.004;

(5) a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities as required by Section 352.101; and

(6) a schedule for implementing the transfer of the services and programs.

(b) To the extent allowed by federal law, public hearings held under Section 531.0204(c), Government Code, if appropriate, may be combined with other public hearings required under federal law in relation to the adoption of a state plan for vocational rehabilitation services.

(c) The plan for the transfer of vocational rehabilitation services and other services and programs required by this section must be included as part of the transition plan submitted to the Health and Human Services Transition Legislative Oversight Committee, the governor, and the Legislative Budget Board under Section 531.0204(e), Government Code, by the date prescribed by that subsection. In addition, the plan must be separately submitted to that committee and the governor as soon as practicable after September 1, 2015. The committee shall comment on the plan in conjunction with making comments on the transition plan as required by Section 531.0204(e), Government Code.

(d) If in making comments and recommendations on the transition plan under Section 531.0204(e), Government Code, the Health and Human Services Transition Legislative Oversight Committee has comments, concerns, or recommendations regarding the elements of the plan required by this section, the committee shall provide those comments, concerns, and recommendations to the executive director and the commissioner of assistive and rehabilitative services in addition to the executive commissioner. The executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner may not finalize the plan required by this section until the comments, concerns, and recommendations of the committee specifically regarding that plan have been reviewed and considered.

(e) This section expires September 1, 2019.

(c) Not later than October 1, 2015, the lieutenant governor, the speaker of the house of representatives, and the governor shall make the additional appointments to the Health and Human Services Transition Legislative Oversight Committee required by Section 531.0203(d-1), Government Code, as added by this section.

(d) This section takes effect only if S.B. No. 200, 84th Legislature, Regular Session, 2015:

(1) is enacted and becomes law; and

(2) provides for the establishment of a Health and Human Services Transition Legislative Oversight Committee to facilitate the consolidation of the health and human services system in this state.

SECTION 26. Chapter 94, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subtitle C, Title 4, Labor Code, as added by this Act, redesignated as Chapter 355, Labor Code, and amended to read as follows:

CHAPTER 355 [94]. VENDING FACILITIES OPERATED BY BLIND PERSONS

Sec. 355.001 [94.001]. DEFINITIONS. In this chapter:

(1) "Blind person" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

~~[(1 a) "Department" means the Department of Assistive and Rehabilitative Services.~~

~~[(1 b) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.]~~

(2) "Vending facility" means a facility in which food, drinks, drugs, novelties, souvenirs, tobacco products, notions, or related items are sold regularly. The term excludes facilities consisting solely of vending machines that do not compete directly or indirectly with a facility that is or could be operated by a person with a disability.

(3) "State property" means land and buildings owned, leased, or otherwise controlled by the state.

(4) "Agency" means the state agency in charge of state property.

(5) "Disability" means a physical or mental condition that the commission [~~department~~] determines to constitute a substantial vocational disadvantage.

Sec. 355.002 [94.002]. LICENSE OR PERMIT REQUIRED. (a) No person may operate a vending facility or a facility with vending machines or other coin-operated devices on state property unless the person is licensed to do so by the commission [~~department~~] or is authorized to do so by an agency granted a permit to arrange for vending facilities.

(b) Subsection (a) does not apply to a building in which the Texas Facilities Commission leases space to a private tenant under Subchapter E, Chapter 2165, Government Code.

Sec. 355.003 [94.003]. LICENSING PROCEDURE. (a) On its own initiative or at the request of an agency that controls state property, the commission [~~department~~] shall survey the property, or blueprints and other available information concerning the property, to determine whether the installation of a vending facility is feasible and consonant with the commission's [~~department's~~] vocational rehabilitation objectives.

(b) If the installation of the facility is feasible, the commission [~~department~~] shall either license a blind person to operate a facility to be installed by the commission [~~department~~] or install a facility to be operated by a person with a disability who is not blind according to rules and procedures adopted by the commission [~~executive commissioner~~].

Sec. 355.004 [94.004]. LOCATION OF VENDING FACILITIES. (a) With the concurrence of the agency in charge of state property, the commission [~~department~~] shall designate the location of vending facilities that have been requested by the agency.

(b) The agency responsible for state property shall alter the property to make it suitable for the proper operation of the vending facilities. To this end, the agency in charge of constructing new state property shall consult with the commission [~~department~~] during the planning stage on the construction.

Sec. 355.005 [94.005]. ISSUANCE OF LICENSES; ELIGIBILITY. (a) The commission [~~department~~] may issue a license to operate its vending facilities on state property to blind citizens of the state who are capable of operating the facilities in a manner that is reasonably satisfactory to all parties concerned.

(b) Before issuing a license to a person, the commission [~~department~~] shall determine whether the person has the physical, psychological, and personal traits and abilities required to operate a vending facility in a satisfactory manner.

(c) The commission [~~department~~] shall maintain a roster of the names of each person who has been certified as suitable for licensing. If two or more equally qualified persons are listed on the roster and apply for a license to operate an available vending facility, the commission [~~department~~] shall issue the license to the person who is most in need of employment.

(d) The granting of a license does not vest the licensee with property or other rights which may constitute the basis of a cause of action, at law or in equity, against the state or its officers or employees.

Sec. 355.006 [~~94.006~~]. EXPIRATION, RENEWAL, AND REVOCATION OF LICENSES. (a) A license or general permit to operate a vending facility on state property is valid for a period of three years from the date it is issued.

(b) The commission [~~department~~] shall review each license or permit prior to its expiration and shall issue a new or different license or permit as the circumstances warrant.

(c) The commission [~~department~~] and the agency may consent mutually to revoke a general permit prior to its expiration if changed circumstances warrant that action.

(d) A blind person's wilful failure to comply with the commission's [~~department's~~] rules or the provisions of this chapter constitutes grounds for the automatic revocation of the person's license.

(e) The commission [~~executive commissioner~~] shall adopt substantive and procedural rules governing the revocation of licenses.

Sec. 355.007 [~~94.007~~]. OPERATION OF VENDING FACILITIES BY CERTAIN PERSONS WHO ARE NOT BLIND. If the commission [~~department~~] determines that a blind person could not properly operate a vending facility at a particular location, the commission [~~department~~] may survey the property to determine whether a person with a disability that is not of a visual nature could operate the facility in a proper manner.

Sec. 355.008 [~~94.008~~]. CLOSING CERTAIN FACILITIES PROHIBITED. Neither a vending facility operated by an individual with a disability, nor a vending facility location surveyed by the commission [~~department~~], may be closed as a result of the transfer of state property from one agency to another, the alteration of a state building, or the reorganization of a state agency unless the commission [~~department~~] agrees to the closing.

Sec. 355.009 [~~94.009~~]. EMPLOYMENT OF ASSISTANTS. (a) If an individual licensed to operate a vending facility on state property requires an assistant, a qualified person with a disability of a visual nature must be given preference for employment. If the commission [~~department~~] determines that a person with a disability of a visual nature could not perform the labor for which an assistant is required, or if a person with a disability of a visual nature is not available, a person with a disability that is not of a visual nature must be given preference for employment. [~~If no person with a disability is available for the job, preference must be given to a person who is socially, culturally, economically, or educationally disadvantaged.~~]

(b) An assistant employed by a blind person licensed by the commission [~~department~~] must be approved by the commission [~~department~~], and the deliberate refusal of a blind licensee to comply with this section constitutes grounds for the revocation of the person's [~~his or her~~] license.

Sec. 355.010 [~~94.010~~]. COMPETING VENDING MACHINES. (a) If the commission [~~department~~] and an agency agree to the installation and operation of an additional vending facility or vending machine on property that already has a commission-sponsored [~~department-sponsored~~] vending facility, no additional permit or license is required. However, the installation of a competing vending facility consisting of vending machines or other coin-operated devices must be authorized by the commission [~~department~~]. The commission's [~~department's~~] authorization must be made with a view toward providing the greatest economic benefits for blind persons consonant with supplying the additional services required at the building.

(b) State agencies shall cooperate and negotiate in good faith to accomplish the purposes of this chapter.

(c) Individuals with disabilities who operate vending facilities on state property are entitled to receive all commissions from vending machines installed on the same property. If two or more vending facilities are operated by individuals with disabilities in a building in which vending machines are installed, the commission [~~department~~] shall divide the commissions from the vending machines among the operators with disabilities in a manner that will achieve equity and equality in the incomes of those operators. If the commission [~~department~~] has decided not to locate a vending facility in a building, the agency to whom a general permit has been issued shall determine the assignment of the commissions from vending machines installed in the building.

Sec. 355.011 [~~94.011~~]. VENDING FACILITY EQUIPMENT AND STOCK. (a) The commission [~~department~~] may supply a blind vending facility operator with equipment and initial stock necessary for the operator to begin business.

(b) The commission [~~department~~] shall collect and set aside from the proceeds of the operation of its vending facilities enough money:

(1) to insure a sufficient amount of initial stock for the facilities and for their proper maintenance;

(2) to pay the costs of supervision and other expenses incidental to the operation of the facilities; and

(3) to pay other program costs to the extent necessary to assure fair and equal treatment of the blind persons licensed to operate the facilities and to the extent allowed under federal programs that provide financial support to the commission [~~department~~].

(c) Except for purchasing and installing original equipment, the operation of commission-sponsored [~~department-sponsored~~] vending facilities must be as self-supporting and self-sustaining as possible. To achieve this end, the commission [~~department~~] shall periodically review and, when necessary, revise its schedules for collecting and setting aside money from the proceeds of its vending facilities.

Sec. 355.012 [~~94.012~~]. DUTIES AND PRIVILEGES OF PARTIES. (a) The commission [~~executive commissioner~~] may promulgate rules and [~~the department may~~] initiate procedures necessary to implement this chapter.

(b) A blind person licensed to operate a vending facility on state property shall operate the facility in accordance with law and the commission's [~~department's~~] rules and policies.

(c) The agency in charge of state property shall cooperate with the commission [~~department~~] and its blind licensees to accomplish the purposes of this chapter. The agency shall also furnish all necessary utility service, including connections and outlets required for the installation of the facility, janitorial and garbage disposal services where feasible, and other related assistance.

Sec. 355.013 [~~94.013~~]. TRAINING PROGRAMS. The commission [~~department~~] may establish training or experimentation locations necessary to train blind persons who desire to be licensed to operate vending facilities and to develop techniques which will allow blind persons to operate the facilities or related types of small businesses more efficiently and productively.

Sec. 355.014 [~~94.014~~]. CONFORMITY WITH FEDERAL STATUTES. (a) This chapter shall be construed in a manner consistent with the requirements of federal programs that provide financial assistance to the commission [~~department~~].

(b) If a provision of this chapter conflicts with a federal program requirement, the commission [~~department~~] may waive or modify the provision to the extent necessary to secure the full benefits of the federal program.

Sec. 355.015 [~~94.015~~]. APPLICATION OF CHAPTER. (a) This chapter does not apply to:

(1) property over which the federal government maintains partial or complete control;

(2) property maintained and operated by state-supported institutions of higher education; provided, however, that the commission [~~department~~] may enter into agreements with state institutions of higher education concerning the use of blind labor in vending facilities at the institutions; or

(3) property purchased by the state or an agency of the state, property to which title is transferred from one state agency to another, or property control of which is transferred from one state agency to another, if:

(A) at the time of purchase or transfer of title or control, a vending facility is being operated on the property under lease, license, or contract; and

(B) prior to the time of purchase or transfer of title or control, the provisions of this chapter were rendered inapplicable to such property by this section or other law.

(b) This chapter does not apply to vending facilities operated by an institution for persons with mental illness or intellectual disabilities that is under the control of the Department of State Health Services, the Department of Aging and Disability Services, or a successor to one of those departments, if the vending facilities are operated without profit for the benefit of the patients at the institution.

(c) This chapter does not prohibit the commission [~~department~~] from selecting blind persons to operate other suitable types of vending facilities or business enterprises, and the chapter does not prohibit the installation of automated vending facilities serviced by blind persons.

Sec. 355.016 [94.016]. BUSINESS ENTERPRISES PROGRAM. (a) The commission [~~department~~] is authorized to administer the Business Enterprises Program in accordance with the provisions of the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.).

(b) The commission [~~department~~] is authorized to administer a retirement program for individuals licensed to operate vending facilities in accordance with applicable state and federal laws.

(c) A trust fund for a retirement program for individuals licensed to operate vending facilities under the Business Enterprises Program is established with the comptroller. This trust fund will be set up in the state treasury.

(d) All federal vending machine income shall be credited to this Business Enterprises Program trust fund. Vending machine income, as defined by 34 C.F.R. Section 395.1(z), means receipts (other than those of a blind vendor) from vending machine operations on federal property, after deducting the cost of goods sold (including reasonable service and maintenance costs) in accordance with customary business practices of commercial vending concerns, where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind vendor) by a commercial vending concern which operates, services, and maintains vending machines on federal property for, or with the approval of, a department, agency, or instrumentality of the United States.

(e) All expenditures authorized by the Randolph-Sheppard Act from federal vending revenue funds shall be paid from the Business Enterprises Program trust fund.

(f) The commission [~~department~~] may contract with a professional management service to administer the Business Enterprises Program trust fund. In administering the trust fund, the professional management service may acquire, exchange, sell, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire, exchange, sell, or retain under the circumstances, taking into consideration the investment of all the assets of the trust fund.

(g) With the approval of the comptroller, the commission [~~department~~] may select a commercial bank, depository trust company, or other entity to serve as a custodian of the Business Enterprises Program trust fund's securities, and money realized from those securities, pending completion of an investment transaction. Money realized from those securities must be:

- (1) reinvested not later than one business day after the date it is received; or
- (2) deposited in the treasury not later than the fifth business day after the date it is received.

SECTION 27. Section 301.0015, Property Code, is amended to read as follows:

Sec. 301.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS DIVISION~~]. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission [~~civil rights division~~]. A reference in this chapter to the "commission" means the Texas Workforce Commission [~~civil rights division~~].

SECTION 28. The following provisions, including provisions amended by, or redesignated and amended by, S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Subchapter F, Chapter 419, Government Code;
- (2) Section 91.016(e), Human Resources Code;
- (3) Section 111.016, Human Resources Code;
- (4) Section 111.061, Human Resources Code;
- (5) Section 117.058, Human Resources Code;
- (6) Subchapters E and F, Chapter 117, Human Resources Code; and
- (7) Sections 301.151(3) and 301.152, Labor Code.

SECTION 29. (a) Except as provided by Subsection (b) of this section, not later than September 1, 2016, the Texas Workforce Commission shall adopt all rules, policies, and procedures required by the changes in law made by this Act.

(b) Not later than September 1, 2017, the Texas Workforce Commission shall adopt all rules, policies, and procedures required by Subtitle C, Title 4, Labor Code, as added by this Act.

(c) Section 301.157, Labor Code, as added by this Act, applies beginning with the annual report submitted to the governor and the legislature by the Texas Workforce Commission that covers the state fiscal year ending August 31, 2015.

SECTION 30. On the effective date of this Act, the human rights commission that governed the Texas Workforce Commission civil rights division under Section 301.153, Labor Code, before the effective date of this Act is abolished. The validity of an action taken by the human rights commission before that date is not affected by the abolition. The changes in law made by this Act do not affect a case or proceeding pending under Chapter 21, Labor Code, or Chapter 301, Property Code, on the effective date of this Act.

SECTION 31. (a) On September 1, 2016, subject to receipt of federal approval, if required, for the Texas Workforce Commission to administer vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, as added by this Act:

(1) those services and programs and related powers, duties, functions, and activities, including rulemaking authority, are transferred to the Texas Workforce Commission;

(2) all obligations and contracts of the Department of Assistive and Rehabilitative Services that are related to a transferred service or program are transferred to the Texas Workforce Commission;

(3) all property and records in the custody of the Department of Assistive and Rehabilitative Services, including information technology systems, that are related to a transferred service or program and all funds appropriated by the legislature and other money for the service or program shall be transferred to the Texas Workforce Commission; and

(4) all complaints, investigations, or contested cases that are pending before the Department of Assistive and Rehabilitative Services that are related to a transferred service or program are transferred without change in status to the Texas Workforce Commission.

(b) After a transfer of services and programs occurs under Subsection (a) of this section, a rule or form adopted by the executive commissioner of the Health and Human Services Commission or by the Department of Assistive and Rehabilitative Services, as applicable, that relates to a transferred service or program is a rule or form of the Texas Workforce Commission and remains in effect until altered by the Texas Workforce Commission.

(c) After a transfer of services and programs occurs under Subsection (a) of this section, a reference in law to the executive commissioner of the Health and Human Services Commission or the Department of Assistive and Rehabilitative Services that relates to a transferred service or program means the Texas Workforce Commission.

(d) After a transfer of services and programs occurs under Subsection (a) of this section, a license, permit, or certification in effect that was issued by the Department of Assistive and Rehabilitative Services and that relates to a transferred service or program is continued in effect as a license, permit, or certification of the Texas Workforce Commission.

SECTION 32. (a) As soon as practicable after the effective date of this Act, the Texas Workforce Commission and the Health and Human Services Commission, in consultation with the Texas Facilities Commission, shall develop a plan for leased office or building space where staff that will be affected by the transfer of the administration of services and programs to the Texas Workforce Commission under this Act are located. The plan developed under this section must:

(1) identify all leased office or building space where staff that will be affected by the transfers are located or co-located;

(2) identify the term and costs of each existing lease;

(3) identify the feasibility of canceling a lease or consolidating office or building space based on the factors set out in state law, including the General Appropriations Act;

(4) identify the location of each leased office or building space and its proximity to relevant client populations; and

(5) include a recommendation for either the cancellation or continued use of each leased office or building space based on the best values for the state.

(b) The plan for leased office or building space required by Subsection (a) of this section must be included in the transition plan as specified by Section 351.0022, Labor Code, as added by this Act.

SECTION 33. (a) As soon as practicable after the effective date of this Act, but not later than October 1, 2015, the Health and Human Services Commission, the Department of Assistive and Rehabilitative Services, and the Texas Workforce Commission shall complete the development of a plan for transitioning data and information technology systems that support the administration of services and programs under Subtitle C, Title 4, Labor Code, as added by this Act, from the Department of Assistive and Rehabilitative Services and the Health and Human Services Commission to the Texas Workforce Commission. The Legislature finds that planning for the timely and successful transition of data and information technology systems is essential to the administration of these services and programs.

(b) The plan developed under this section must:

(1) identify the purpose or need for each of the data and information technology systems;

(2) identify how the data and information technology systems will be used;

(3) identify the date the data and information technology system will be shared with the Texas Workforce Commission;

(4) identify the persons or classes of persons at each agency who require access to information to implement the plan;

(5) require the appropriate privacy and security controls for access;

(6) limit the disclosure of personal information to the minimum amount necessary to accomplish the purpose of the plan; and

(7) to the extent federal approval is required to implement any part of the plan, require the agencies to obtain the required federal approvals before implementing that part of the plan.

(c) Notwithstanding any other law, not later than October 1, 2015, the agencies shall share information as needed to implement the plan developed under this section, subject to the plan's requirements and execution of all agreements necessary to ensure the privacy, security, and confidentiality of the information.

(d) The agencies shall coordinate activities under the plan as needed to reflect any changes in circumstances or direction.

(e) The plan for transitioning data and information technology systems that support the administration of services and programs under Subtitle C, Title 4, Labor Code, as added by this Act, required by Subsection (a) of this section must be included in the transition plan as specified by Section 351.0022, Labor Code, as added by this Act.

SECTION 34. The Department of Assistive and Rehabilitative Services and the Texas Workforce Commission shall actively seek any required federal approval to transfer the administration of services and programs under Subtitle C, Title 4, Labor Code, as added by this Act, from the department to the commission on September 1, 2016.

SECTION 35. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 208** (house committee printing) as follows:

(1) On page 34, line 24, strike "and".

(2) On page 34, line 26, between "programs" and the underlined period, insert the following:
; and

(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services

(3) On page 39, line 19, strike "and".

(4) On page 39, line 21, between "programs" and the underlined period, insert the following:
; and

(7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services

Floor Amendment No. 2

Amend **CSSB 208** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 61, Labor Code, is amended by adding Section 61.006 to read as follows:

Sec. 61.006. NOTICE LANGUAGES. The commission shall:

(1) make available any notice the commission is required to provide to an employee under this chapter in the two languages that are most commonly spoken in this state; and

(2) ensure that employees are notified of an employee's ability to request from the commission notice in either language described by Subdivision (1).

SECTION _____. Section 61.051, Labor Code, is amended by adding Subsection (e) to read as follows:

(e) The commission shall ensure that employees are notified of an employee's ability to request from the commission a wage claim form in either language described by Section 61.006.

The amendments were read.

Senator Campbell moved to concur in the House amendments to **SB 208**.

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

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire.

Nays: Hall, Menéndez, Rodríguez, Zaffirini.

CONFERENCE COMMITTEE ON HOUSE BILL 3535
(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 3535** 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 3535** 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 Menéndez, Chair; Nelson, Bettencourt, Uresti, and L. Taylor.

SENATE BILL 1243 WITH HOUSE AMENDMENTS

Senator Burton called **SB 1243** 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 1243** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee.

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

SECTION 1. Chapter 431, Health and Safety Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. PRESCRIPTION DRUG DONATION PILOT PROGRAM

Sec. 431.451. DEFINITIONS. In this subchapter:

(1) "Charitable drug donor" means:

(A) a licensed convalescent or nursing facility or related institution, licensed hospice, hospital, physician, or pharmacy;

(B) a pharmaceutical seller or manufacturer that donates drugs under a qualified patient assistance program; or

(C) the licensed health care professional responsible for administration of drugs in a penal institution, as defined by Section 1.07, Penal Code, in this state.

(2) "Charitable medical clinic" has the meaning assigned by Section 431.321.

(3) "Manufacturer" means a person, other than a charitable drug donor, as defined in Chapter 82, Civil Practice and Remedies Code.

(4) "Patient assistance program" means a qualified program offered by a pharmaceutical manufacturer under which the manufacturer provides drugs to financially disadvantaged persons at no charge or at a substantially reduced cost. The term does not include the provision of a drug as part of a clinical trial.

(5) "Pilot program" means the prescription drug donation pilot program under this subchapter.

(6) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

(7) "Seller" means a person, other than a charitable drug donor, as defined in Chapter 82, Civil Practice and Remedies Code.

Sec. 431.452. ESTABLISHMENT OF PILOT PROGRAM. (a) The department shall establish a pilot program for donation and redistribution of prescription drugs under this subchapter.

(b) The department shall conduct the pilot program in one or more municipalities with a population of more than 500,000 but less than one million.

Sec. 431.453. DONATION OF UNUSED DRUGS. (a) A charitable drug donor may donate certain unused prescription drugs to the department for the pilot program under this subchapter.

(b) A seller or manufacturer of a drug that donates drugs through a qualified patient assistance program is considered a charitable drug donor.

(c) A charitable drug donor shall use appropriate safeguards established by department rule to ensure that the drugs are not compromised or illegally diverted while being stored or transported.

(d) The department may not accept the donated drugs unless:

(1) the charitable drug donor certifies that the drugs have been properly stored while in the possession of the donor or of the person for whom the drugs were originally dispensed;

(2) the charitable drug donor provides the department with a verifiable address and telephone number; and

(3) the person transferring possession of the drugs presents photographic identification.

Sec. 431.454. CIRCUMSTANCES UNDER WHICH DONATED DRUGS MAY BE ACCEPTED. (a) The department may accept donated drugs only in accordance with this subchapter.

(b) The donated drugs must be:

(1) prescription drugs; and

(2) approved by the federal Food and Drug Administration and:

(A) sealed in unopened tamper-evident unit dose packaging;

(B) be oral medication in sealed single-dose containers approved by the federal Food and Drug Administration; or

(C) be topical or inhalant drugs in sealed units-of-use containers approved by the federal Food and Drug Administration.

(c) A drug packaged in single unit doses may be accepted and distributed if the outside packaging is opened but the single unit dose packaging is unopened.

(d) Donated drugs may not:

(1) be the subject of a mandatory recall by a state or federal agency or a voluntary recall by a drug seller or manufacturer;

(2) be adulterated or misbranded;

(3) be a controlled substance under Chapter 481;

(4) be a parenteral or injectable medication;

(5) require refrigeration; or

(6) expire less than 60 days after the date of the donation.

(e) The department may distribute the donated drugs only after a licensed pharmacist has determined that the drugs are of an acceptable integrity.

(f) The department may not charge a fee for the drugs donated under the pilot program other than a nominal handling fee to defray the costs incurred in implementing the pilot program under this subchapter.

(g) The department may not resell the drugs donated under the pilot program.

Sec. 431.455. PRESCRIPTION, PROVISION, AND ADMINISTRATION OF DONATED DRUGS. (a) The donated drugs may be accepted and provided or administered to patients only by:

(1) a charitable medical clinic;

(2) a physician's office using the drugs for patients who receive assistance from the medical assistance program under Chapter 32, Human Resources Code, or for other indigent health care; or

(3) a licensed health care professional responsible for administration of drugs in a penal institution, as defined by Section 1.07, Penal Code, in this state.

(b) A prescription drug provided or administered to a patient under the pilot program must be prescribed by a practitioner for use by that patient.

(c) The clinic or physician providing or administering the drug may charge a nominal handling fee in an amount prescribed by department rule.

(d) A clinic, physician, or other licensed health care professional receiving donated drugs may not resell the drugs.

Sec. 431.456. CENTRAL DRUG REPOSITORY. The department shall establish a location to centrally store drugs donated under this subchapter for distribution to qualifying recipients.

Sec. 431.457. DATABASE OF DONATED DRUGS. The department shall establish and maintain an electronic database in which:

(1) the department shall list the name and quantity of each drug donated to the department under the pilot program; and

(2) a charitable medical clinic, physician, or other licensed health care professional may search for and request donated drugs.

Sec. 431.458. RULES. This subchapter shall be governed by department rules that are designed to protect the public health and safety, including:

(1) the maximum handling fee that may be imposed by a clinic or physician providing or administering a donated drug to a patient;

(2) provisions for maintenance of the database of donated drugs; and

(3) any necessary forms for the administration of the pilot program.

Sec. 431.459. LIMITATION ON CIVIL AND CRIMINAL LIABILITY. (a) Charitable drug donors, manufacturers and sellers of donated drugs, charitable medical clinics, physicians, penal institutions, and their employees acting in good faith in providing or administering prescription drugs under the pilot program are not civilly or criminally liable or subject to professional disciplinary action for harm caused by providing or administering drugs donated under this subchapter unless the harm is caused by:

(1) wilful or wanton acts of negligence;

(2) conscious indifference or reckless disregard for the safety of others; or

(3) intentional conduct.

(b) This section does not apply if the harm results from the failure to comply with the requirements of this subchapter.

(c) This section does not apply to a charitable medical clinic that fails to comply with the insurance provisions of Chapter 84, Civil Practice and Remedies Code.

Sec. 431.460. REPORTS TO LEGISLATURE. Not later than January 1 of each odd-numbered year, the department shall report to the legislature on the results of the pilot program. The report must include:

(1) the pilot program's efficacy in expanding access to prescription medications;

(2) any cost savings to the state or local governments resulting from or projected to result from the pilot program;

(3) an evaluation of the pilot program's database and system of distribution;

(4) any health and safety issues posed by providing or administering donated drugs;

(5) recommendations on improvements to the pilot program; and

(6) an evaluation of potential expansion of the pilot program.

SECTION 2. (a) As soon as practicable after the effective date of this Act, the Department of State Health Services shall conduct a study to determine the feasibility of establishing a program under which:

(1) a hospital, a nursing facility, or another health facility may transfer to the department, or an entity designated by the department, for no payment, unused drugs that the hospital, nursing facility, or health facility received reimbursement for the cost of under Medicaid; and

(2) the department, or the entity designated by the department, distributes to public hospitals the unused drugs transferred to the department or entity under Subdivision (1) of this subsection.

(b) In conducting the study under Subsection (a) of this section, the Department of State Health Services shall consider the rules the executive commissioner of the Health and Human Services Commission may need to adopt to implement the program described in Subsection (a) of this section, including rules that provide for:

(1) the types of unused drugs that may be transferred to the department or an entity designated by the department;

(2) the procedures for transferring unused drugs to the department or the entity designated by the department;

(3) the procedures for allocating and distributing the unused drugs to public hospitals; and

(4) the qualifications for an entity to be designated by the department to receive and distribute unused drugs under the program, including demonstrated expertise in handling, storing, and assessing prescription and nonprescription drugs and coordinating with the state's public hospital system.

(c) Not later than September 1, 2016, the Department of State Health Services shall submit to the legislature a report containing the findings of the study conducted under Subsection (a) of this section.

SECTION 3. Not later than December 1, 2015, the Department of State Health Services shall establish the central repository and database required by Subchapter O, Chapter 431, Health and Safety Code, as added by this Act.

SECTION 4. The change in law made by this Act applies only to a drug that is donated, accepted, provided, or administered on or after January 1, 2016.

SECTION 5. This Act takes effect September 1, 2015.

Floor Amendment No. 1 on Third Reading

Amend **SB 1243** (house committee report) as follows:

(1) On page 4, line 5, following the underlined semicolon, strike "or".

(2) On page 4, line 7, between "donation" and the underlined period, insert the following:

; or

(7) be a drug that is prohibited from being dispensed to a patient other than a patient who is registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements

The amendments were read.

Senator Burton moved to concur in the House amendments to **SB 1243**.

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

SENATE BILL 1287 WITH HOUSE AMENDMENTS

Senator Hinojosa called **SB 1287** 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 1287** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the Texas Forensic Science Commission, the accreditation of crime laboratories, and the licensing and regulation of forensic analysts; authorizing fees; requiring an occupational license.

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

SECTION 1. Section 2, Article 38.01, Code of Criminal Procedure, is amended by amending Subdivision (1) and adding Subdivision (5) to read as follows:

(1) "Accredited field of forensic science" means a specific forensic method or methodology validated or approved by the commission under this article ~~public safety director of the Department of Public Safety under Section 411.0205(b-1)(2), Government Code, as part of the accreditation process for crime laboratories established by rule under Section 411.0205(b) of that code~~.

(5) "Physical evidence" has the meaning assigned by Article 38.35.

SECTION 2. Section 3(a), Article 38.01, Code of Criminal Procedure, is amended to read as follows:

(a) The commission is composed of nine members appointed by the governor as follows:

- (1) two members who must have expertise in the field of forensic science;
- (2) one member who must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association;
- (3) one member who must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association;
- (4) one member who must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine that the governor selects from a list of five ~~[+0]~~ names submitted by the chancellor of The University of Texas System;
- (5) one member who must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine that the governor selects from a list of five ~~[+0]~~ names submitted by the chancellor of The Texas A&M University System;
- (6) one member who must be a faculty member or staff member of Texas Southern University that the governor selects from a list of five ~~[+0]~~ names submitted by the chancellor of Texas Southern University;

(7) one member who must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and

(8) one member who must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses that the governor selects from a list of five ~~[10]~~ names submitted by the chancellor of the Texas State University System.

SECTION 3. Sections 4(b) and (b-1), Article 38.01, Code of Criminal Procedure, are amended to read as follows:

(b) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is accredited ~~[by the Department of Public Safety]~~ under this article ~~[Section 411.0205, Government Code,]~~ pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation:

(1) must include the preparation of a written report that identifies and also describes the methods and procedures used to identify:

(A) the alleged negligence or misconduct;

(B) whether negligence or misconduct occurred;

(C) any corrective action required of the laboratory, facility, or entity;

(D) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(E) best practices identified by the commission during the course of the investigation; and

(F) other recommendations that are relevant, as determined by the commission; and

(2) may include one or more:

(A) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and

(B) follow-up evaluations of the laboratory, facility, or entity to review:

(i) the implementation of any corrective action required under Subdivision (1)(C); or

(ii) the conclusion of any retrospective reexamination under Paragraph (A).

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited ~~[by the Department of Public Safety]~~ under this article ~~[Section 411.0205, Government Code,]~~ or the investigation is conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science, the investigation may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(2) best practices identified by the commission during the course of the investigation; or

(3) other recommendations that are relevant, as determined by the commission.

SECTION 4. Article 38.01, Code of Criminal Procedure, is amended by adding Sections 3-a, 4-a, 4-b, and 4-c to read as follows:

Sec. 3-a. RULES. The commission shall adopt rules necessary to implement this article.

Sec. 4-a. FORENSIC ANALYST LICENSING. (a) Notwithstanding Section 2, in this section:

(1) "Forensic analysis" has the meaning assigned by Article 38.35.

(2) "Forensic analyst" means a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician.

(b) A person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license. The commission by rule may establish classifications of forensic analyst licenses if the commission determines that it is necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by the commission.

(c) The commission by rule may establish voluntary licensing programs for forensic disciplines that are not subject to accreditation under this article.

(d) The commission by rule shall:

(1) establish the qualifications for a license that include:

(A) successful completion of the education requirements established by the commission;

(B) specific course work and experience, including instruction in courtroom testimony and ethics in a crime laboratory;

(C) successful completion of an examination required or recognized by the commission; and

(D) successful completion of proficiency testing to the extent required for crime laboratory accreditation;

(2) set fees for the issuance and renewal of a license; and

(3) establish the term of a forensic analyst license.

(e) The commission by rule may recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements established under Subsection (d)(1)(C) to the extent the commission determines the content required to receive the certification is substantially equivalent to the content of the requirements under that subsection.

(f) The commission shall issue a license to an applicant who:

(1) submits an application on a form prescribed by the commission;

(2) meets the qualifications established by commission rule; and

(3) pays the required fee.

Sec. 4-b. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the licensing of forensic analysts under Section 4-a.

(b) The advisory committee consists of nine members as follows:

(1) one prosecuting attorney recommended by the Texas District and County Attorneys Association;

(2) one defense attorney recommended by the Texas Criminal Defense Lawyers Association; and

(3) seven members who are forensic scientists, crime laboratory directors, or crime laboratory quality managers, selected by the commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors.

(c) The commission shall ensure that appointments under Subsection (b)(3) include representation from municipal, county, state, and private crime laboratories that are accredited under this article.

(d) The advisory committee members serve staggered two-year terms, with the terms of four or five members, as appropriate, expiring on August 31 of each year. An advisory committee member may not serve more than two consecutive terms. A vacancy on the advisory committee is filled by appointing a member in the same manner as the original appointment to serve for the unexpired portion of the term.

(e) The advisory committee shall elect a presiding officer from among its members to serve a one-year term. A member may serve more than one term as presiding officer.

(f) The advisory committee shall meet annually and at the call of the presiding officer or the commission.

(g) An advisory committee member is not entitled to compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee subject to the General Appropriations Act.

(h) Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 4-c. DISCIPLINARY ACTION. (a) On a determination by the commission that a license holder has committed professional misconduct under this article or violated this article or a rule or order of the commission under this article, the commission may:

(1) revoke or suspend the person's license;

(2) refuse to renew the person's license; or

(3) reprimand the license holder.

(b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the license holder to:

(1) report regularly to the commission on matters that are the basis of the probation; or

(2) continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.

(c) Disciplinary proceedings of the commission are governed by Chapter 2001, Government Code. A hearing under this section shall be conducted by an administrative law judge of the State Office of Administrative Hearings.

SECTION 5. Section 411.0205, Government Code, is transferred to Chapter 38, Code of Criminal Procedure, redesignated as Section 4-d, Article 38.01, Code of Criminal Procedure, and amended to read as follows:

Sec. 4-d [411.0205]. CRIME LABORATORY ACCREDITATION PROCESS.

(a) Notwithstanding Section 2, in this section [~~In this section, "crime laboratory," "forensic analysis" has the meaning [analysis, and "physical evidence" have the meanings]~~ assigned by Article 38.35 [~~Code of Criminal Procedure~~].

(b) The commission [~~director~~] by rule:

(1) shall establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings; and

(2) may modify or remove a crime laboratory exemption under this section if the commission [~~director~~] determines that the underlying reason for the exemption no longer applies.

(b-1) As part of the accreditation process established and implemented under Subsection (b), the commission [~~director~~] may:

(1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws [~~code~~];

(2) validate or approve specific forensic methods or methodologies; and

(3) establish procedures, policies, and practices to improve the quality of forensic analyses conducted in this state.

(b-2) The commission [~~director~~] may require that a laboratory, facility, or entity required to be accredited under this section pay any costs incurred to ensure compliance with the accreditation process.

(b-3) A [~~The director shall require that a~~] laboratory, facility, or entity that must be accredited under this section shall, as part of the accreditation process, agree to consent to any request for cooperation by the commission [~~Texas Forensic Science Commission~~] that is made as part of the exercise of the commission's duties under this article [~~Article 38.01, Code of Criminal Procedure~~].

(c) The commission [~~director~~] by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory conducting a forensic analysis or a type of analysis, examination, or test if the commission [~~director~~] determines that:

(1) independent accreditation is unavailable or inappropriate for the laboratory or the type of analysis, examination, or test performed by the laboratory;

(2) the type of analysis, examination, or test performed by the laboratory is admissible under a well-established rule of evidence or a statute other than Article 38.35 [~~Code of Criminal Procedure~~];

(3) the type of analysis, examination, or test performed by the laboratory is routinely conducted outside of a crime laboratory by a person other than an employee of the crime laboratory; or

(4) the laboratory:

(A) is located outside this state or, if located in this state, is operated by a governmental entity other than the state or a political subdivision of the state; and

(B) was accredited at the time of the analysis under an accreditation process with standards that meet or exceed the relevant standards of the process established [~~by the director~~] under Subsection (b).

(d) The commission [~~director~~] may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of a crime laboratory that is accredited or seeking accreditation under this section.

(e) The commission [~~director~~] may collect costs incurred under this section for accrediting, inspecting, or auditing a crime laboratory.

(f) If the commission [~~director~~] provides a copy of an audit or other report made under this section, the commission [~~director~~] may charge \$6 for the copy, in addition to any other cost permitted under Chapter 552, Government Code, or a rule adopted under that chapter.

~~[(g) Funds 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 may be used only to defray the cost of administering this section or Subchapter G.]~~

SECTION 6. Section 8, Article 38.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 8. ANNUAL REPORT. Not later than December 1 of each year, the commission shall prepare and publish a report that includes:

(1) a description of each complaint filed with the commission during the preceding 12-month period, the disposition of each complaint, and the status of any complaint still pending on December 31;

(2) a description of any specific forensic method or methodology the commission designates [~~recommends to the public safety director of the Department of Public Safety for validation or approval under Section 411.0205(b 1)(2), Government Code,~~] as part of the accreditation process for crime laboratories established by rule under this article [~~Section 411.0205(b) of that code~~];

(3) recommendations for best practices concerning the definition of "forensic analysis" provided by statute or by rule [~~of the Department of Public Safety~~];

(4) developments in forensic science made or used in other state or federal investigations and the activities of the commission, if any, with respect to those developments; and

(5) other information that is relevant to investigations involving forensic science, as determined by the presiding officer of the commission.

SECTION 7. Articles 38.35(a)(3) and (4), Code of Criminal Procedure, are amended to read as follows:

(3) "Commission" [~~"Director"~~] means the Texas Forensic Science Commission established under Article 38.01 [~~public safety director of the Department of Public Safety~~].

(4) "Forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action. The term includes an examination or test requested by a law enforcement agency, prosecutor, criminal suspect or defendant, or court. The term does not include:

(A) latent print examination;

(B) a test of a specimen of breath under Chapter 724, Transportation Code;

(C) digital evidence;

(D) an examination or test excluded by rule under Article 38.01 [Section 411.0205(e), Government Code];

(E) a presumptive test performed for the purpose of determining compliance with a term or condition of community supervision or parole and conducted by or under contract with a community supervision and corrections department, the parole division of the Texas Department of Criminal Justice, or the Board of Pardons and Paroles; or

(F) an expert examination or test conducted principally for the purpose of scientific research, medical practice, civil or administrative litigation, or other purpose unrelated to determining the connection of physical evidence to a criminal action.

SECTION 8. Articles 38.35(d) and (e), Code of Criminal Procedure, are amended to read as follows:

(d)(1) Except as provided by Subsection (e), a forensic analysis of physical evidence under this article and expert testimony relating to the evidence are not admissible in a criminal action if, at the time of the analysis, the crime laboratory conducting the analysis was not accredited by the commission [director] under Article 38.01 [Section 411.0205, Government Code].

(2) If before the date of the analysis the commission [director] issues a certificate of accreditation under Article 38.01 [Section 411.0205, Government Code], to a crime laboratory conducting the analysis, the certificate is prima facie evidence that the laboratory was accredited by the commission [director] at the time of the analysis.

(e) A forensic analysis of physical evidence under this article and expert testimony relating to the evidence are not inadmissible in a criminal action based solely on the accreditation status of the crime laboratory conducting the analysis if the laboratory:

(A) except for making proper application, was eligible for accreditation by the commission [director] at the time of the examination or test; and

(B) obtains accreditation from the commission [director] before the time of testimony about the examination or test.

SECTION 9. Articles 38.43(i) and (m), Code of Criminal Procedure, are amended to read as follows:

(i) Before a defendant is tried for a capital offense in which the state is seeking the death penalty, subject to Subsection (j), the state shall require either the Department of Public Safety through one of its laboratories or a laboratory accredited under Article 38.01 [Section 411.0205, Government Code], to perform DNA testing, in accordance with the laboratory's capabilities at the time the testing is performed, on any biological evidence that was collected as part of an investigation of the offense and is in the possession of the state. The laboratory that performs the DNA testing shall pay for all DNA testing performed in accordance with this subsection.

(m) A defendant may have another laboratory accredited under Article 38.01 [~~Section 411.0205, Government Code,~~] perform additional testing of any biological evidence required to be tested under Subsection (i). On an ex parte showing of good cause to the court, a defendant may have a laboratory accredited under Article 38.01 [~~Section 411.0205, Government Code,~~] perform testing of any biological material that is not required to be tested under Subsection (i). The defendant is responsible for the cost of any testing performed under this subsection.

SECTION 10. Article 64.03(c), Code of Criminal Procedure, is amended to read as follows:

(c) If the convicting court finds in the affirmative the issues listed in Subsection (a)(1) and the convicted person meets the requirements of Subsection (a)(2), the court shall order that the requested forensic DNA testing be conducted. The court may order the test to be conducted by:

- (1) the Department of Public Safety;
- (2) a laboratory operating under a contract with the department; or
- (3) on the request of the convicted person, another laboratory if that laboratory is accredited under Article 38.01 [~~Section 411.0205, Government Code~~].

SECTION 11. 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 Articles 42.12 and 102.020(h), Code of Criminal Procedure, may be used only to defray the cost of administering this subchapter [~~and Section 411.0205~~].

SECTION 12. Section 420.003(1), Government Code, is amended to read as follows:

(1) "Accredited crime laboratory" means a crime laboratory, as that term is defined by Article 38.35, Code of Criminal Procedure, that has been accredited under Article 38.01 of that code [~~Section 411.0205~~].

SECTION 13. On the effective date of this Act:

- (1) a certificate of accreditation issued by the Department of Public Safety under former Section 411.0205, Government Code, is continued in effect as a certificate of accreditation of the Texas Forensic Science Commission; and
- (2) an application or proceeding before the Department of Public Safety under former Section 411.0205, Government Code, that is pending on the effective date of this Act is transferred without change in status to the Texas Forensic Science Commission.

SECTION 14. Not later than January 1, 2016, the Texas Forensic Science Commission shall appoint the members of the advisory committee in accordance with Section 4-b, Article 38.01, Code of Criminal Procedure, as added by this Act. In making the appointments, the commission shall designate:

- (1) four members to serve terms expiring August 31, 2016; and
- (2) five members to serve terms expiring August 31, 2017.

SECTION 15. Not later than January 1, 2017, the Texas Forensic Science Commission shall make recommendations to the legislature regarding suggested changes to the licensing of forensic analysts as established by this Act, including recommendations regarding the issuance of licenses to individuals practicing as forensic analysts on the effective date of this Act.

SECTION 16. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2015.

(b) Section 4-a(b), Article 38.01, Code of Criminal Procedure, as added by this Act, takes effect January 1, 2019.

Floor Amendment No. 1 on Third Reading

Amend **SB 1287** on third reading by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Article 38.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. COLLECTION OF CERTAIN FORENSIC EVIDENCE. The commission shall establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

The amendments were read.

Senator Hinojosa moved to concur in the House amendments to **SB 1287**.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines, V. Taylor.

SENATE BILL 1406 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 1406** 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 1406** (house committee printing) by striking page 1, line 7, through page 3, line 15, and substituting the following:

Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) ~~The [Subject to the availability of funds, the]~~ Department of Public Safety of the State of Texas shall maintain [create] a child safety check alert list as part of the Texas Crime Information Center to help locate a child or the child's family for purposes of:

- (1) investigating a report of child abuse or neglect;
- (2) providing protective services to a family receiving family-based support services; or
- (3) providing protective services to the family of a child in the managing conservatorship of the department.

(b) If ~~[the child safety check alert list is established and]~~ the department is unable to locate a child or the child's family for a purpose described by Subsection (a) after the department has attempted to locate the child for not more than 20 days, the department shall notify the Texas Department of Public Safety that the department is unable to locate the child or the child's family. The notice must include the information required by Subsections (c)(1)-(10).

(c) On receipt of the notice from the department, the Texas Department of Public Safety shall ~~[purposes of investigating a report of child abuse or neglect, after the department has exhausted all means available to the department for locating the family, the department may seek assistance under this section from the appropriate county attorney, district attorney, or criminal district attorney with responsibility for representing the department as provided by Section 264.009.~~

[(e) If the department requests assistance, the county attorney, district attorney, or criminal district attorney, as applicable, may file an application with the court requesting the issuance of an ex parte order requiring the Texas Crime Information Center to place the members of the family the department is attempting to locate on a child safety check alert list. The application must include a summary of:

[(1) the report of child abuse or neglect the department is attempting to investigate; and

[(2) the department's efforts to locate the family.

[(d) If the court determines after a hearing that the department has exhausted all means available to the department for locating the family, the court shall approve the application and order the appropriate law enforcement agency to] notify the Texas Crime Information Center to place the child and the child's family on a child safety check alert list. The alert list must include the following information if known or readily available:

(1) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of the family member alleged to have abused or neglected a child according to the report the department is attempting to investigate;

(2) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of any parent, managing conservator, or guardian of the child who cannot be located for the purposes described by Subsection (a);

(3) the name, sex, race, date of birth, any known identifying numbers, including social security number and driver's license number, and personal descriptions of the child who is the subject of the report or is receiving services described by Subsection (a)(2) or (3);

(4) if applicable, ~~[(3)]~~ a code identifying the type of child abuse or neglect alleged or determined to have been committed against the child;

(5) ~~[(4)]~~ the family's last known address; ~~[and]~~

(6) any known description of the motor vehicle, including the vehicle's make, color, style of body, model year, and vehicle identification number, in which the child is suspected to be transported;

(7) the case number assigned by the department;

(8) the department's dedicated law-enforcement telephone number for statewide intake;

(9) the date and time when and the location where the child was last seen;
and

(10) any other information required [~~(5) the minimum criteria~~] for an entry as established by the center.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 1406**.

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

SENATE BILL 1580 WITH HOUSE AMENDMENT

Senator Garcia called **SB 1580** 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 1580** (house committee report) as follows:

(1) On page 1, strike lines 7-23.

(2) On page 1, line 24, strike "2306.1102" and substitute "2306.1101".

(3) On page 2, strike lines 4 through 18 and substitute the following:

(b) The report prepared under this section must:

(1) include a summary of the information resulting from the study;

(2) note any significant assumptions made in preparing the report, including the definition of "homelessness" that was used to prepare the report and the reason that definition was used;

(3) summarize the status of the homeless veteran population in this state and note any trends observed in the previous three calendar years;

(4) based on input from the Texas Veterans Commission and the Texas Interagency Council for the Homeless, describe the statewide and major local entities serving homeless veteran populations, and the funding sources of those entities; and

(5) provide recommendations, including recommendations made by the Texas Interagency Council for the Homeless, to improve the effectiveness of this state's approach to addressing homelessness among veterans, including any recommended changes to state law.

(4) On page 2, line 21, strike "section" and substitute "subchapter".

The amendment was read.

Senator Garcia moved to concur in the House amendment to **SB 1580**.

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

Yeas: Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hall, Nichols.

SENATE BILL 1876 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1876** 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 1876** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians.

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

SECTION 1. Subtitle B, Title 2, Government Code, is amended by adding Chapter 37 to read as follows:

CHAPTER 37. APPOINTMENTS OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, MEDIATORS, AND GUARDIANS

Sec. 37.001. APPLICABILITY; CONFLICT OF LAW. (a) This chapter applies to a court in this state created by the Texas Constitution, by statute, or as authorized by statute.

(b) To the extent of a conflict between this chapter and a specific provision relating to a court, this chapter controls.

Sec. 37.002. EXEMPTION. The appointment requirements of Section 37.004 do not apply to:

(1) a mediation conducted by an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code;

(2) a guardian ad litem or other person appointed under a program authorized by Section 107.031, Family Code;

(3) an attorney ad litem, guardian ad litem, amicus attorney, or mediator appointed under a domestic relations office established under Chapter 203, Family Code; or

(4) a person other than an attorney or a private professional guardian appointed to serve as a guardian as defined by Section 1002.012, Estates Code.

Sec. 37.003. LISTS OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, MEDIATORS, AND GUARDIANS. (a) In addition to a list required by other state law or rule, each court in this state shall establish and maintain the following lists:

(1) a list of all attorneys who are qualified to serve as an attorney ad litem and are registered with the court;

(2) a list of all attorneys and other persons who are qualified to serve as a guardian ad litem and are registered with the court;

(3) a list of all persons who are registered with the court to serve as a mediator; and

(4) a list of all attorneys and private professional guardians who are qualified to serve as a guardian as defined by Section 1002.012, Estates Code, and are registered with the court.

(b) A court may establish and maintain more than one of a list required under Subsection (a) that is categorized by the type of case and the person's qualifications.

(c) A local administrative judge, at the request of one or more of the courts the judge serves, shall establish and maintain the lists required under Subsection (a) for those courts. The local administrative judge may establish and maintain one set of lists for all of the requesting courts and may maintain for the courts more than one of a list as provided in Subsection (b).

Sec. 37.004. APPOINTMENT OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM, MEDIATORS, AND GUARDIANS; MAINTENANCE OF LISTS.

(a) Except as provided by Subsections (c) and (d), in each case in which the appointment of an attorney ad litem, guardian ad litem, or guardian is necessary, a court using a rotation system shall appoint the person whose name appears first on the applicable list maintained by the court as required by Section 37.003.

(b) In each case in which the appointment of a mediator is necessary because the parties to the case are unable to agree on a mediator, a court using a rotation system shall appoint the person whose name appears first on the mediator list maintained by the court as required under Section 37.003.

(c) The court may appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve and who is not included on the list, if the appointment of that person as attorney ad litem, guardian ad litem, or guardian is agreed on by the parties and approved by the court.

(d) On finding good cause, the court may appoint a person included on the applicable list whose name does not appear first on the list, or a person who meets statutory or other requirements to serve on the case and who is not included on the list, if the appointment of that person as attorney ad litem, guardian ad litem, mediator, or guardian is required on a complex matter because the person possesses relevant specialized education, training, certification, or skill.

(e) A person who is not appointed in the order in which the person's name appears on the applicable list shall remain next in order on the list.

(f) After a person has been appointed as an attorney ad litem, guardian ad litem, mediator, or guardian from the applicable list, the court shall place that person's name at the end of the list.

Sec. 37.005. POSTING OF LISTS. A court annually shall post each list established under Section 37.003 at the courthouse of the county in which the court is located and on any Internet website of the court.

SECTION 2. Section 25.0022(d), Government Code, is amended to read as follows:

(d) The presiding judge shall:

(1) ensure the promulgation of local rules of administration in accordance with policies and guidelines set by the supreme court;

(2) advise local statutory probate court judges on case flow management practices and auxiliary court services;

(3) perform a duty of a local administrative statutory probate court judge if the local administrative judge does not perform that duty;

(4) appoint an assistant presiding judge of the statutory probate courts;

(5) call and preside over annual meetings of the judges of the statutory probate courts at a time and place in the state as designated by the presiding judge;

(6) call and convene other meetings of the judges of the statutory probate courts as considered necessary by the presiding judge to promote the orderly and efficient administration of justice in the statutory probate courts;

(7) study available statistics reflecting the condition of the dockets of the probate courts in the state to determine the need for the assignment of judges under this section;

(8) compare local rules of court to achieve uniformity of rules to the extent practical and consistent with local conditions; ~~and~~

(9) assign a judge or former or retired judge of a statutory probate court to hear a case under the circumstances described by Section 25.002201(b); and

(10) require the local administrative judge for statutory probate courts in a county to ensure that all statutory probate courts in the county comply with Chapter 37.

SECTION 3. Section 74.092, Government Code, is amended to read as follows:

Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. ~~[(a)]~~ A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:

(1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;

(2) appoint any special or standing committees necessary or desirable for court management and administration;

(3) promulgate local rules of administration if the other judges do not act by a majority vote;

(4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;

(5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;

(6) provide the supreme court and the office of court administration requested statistical and management information;

(7) set the hours and places for holding court in the county;

(8) supervise the employment and performance of nonjudicial personnel;

(9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;

(10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice;

(11) if requested by the courts the judge serves, establish and maintain the lists required by Section 37.003 and ensure appointments are made from the lists in accordance with Section 37.004 ~~[a list of all attorneys qualified to serve as an attorney ad litem]; and~~

(12) perform other duties as may be directed by the chief justice or a regional presiding judge.

~~[(b) A list of attorneys ad litem maintained under Subsection (a)(11) must contain the names of all attorneys who:~~

~~[(1) meet any statutory or other requirements to serve as an attorney ad litem; and~~

~~[(2) have registered to serve as attorney ad litem with a court for which the judge maintaining the list serves as local administrative judge.]~~

SECTION 4. Section 74.093, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The rules may provide for the establishment and maintenance of the lists required by Section 37.003, including the establishment and maintenance of more than one of a list required by that section that is categorized by the type of case, such as family law or probate law, and the person's qualifications.

SECTION 5. Section 74.098, Government Code, is repealed.

SECTION 6. Chapter 37, Government Code, as added by this Act, and Section 74.092, Government Code, as amended by this Act, apply only to the appointment of an attorney ad litem, guardian ad litem, mediator, or guardian made on or after the effective date of this Act. An appointment made before the effective date of this Act is governed by the law in effect on the date the appointment was made, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 1876** (house committee report) on page 3 by striking lines 23-24 and substituting the following:

person:

(1) possesses relevant specialized education, training, certification, skill, language proficiency, or knowledge of the subject matter of the case;

(2) has relevant prior involvement with the parties or case; or

(3) is in a relevant geographic location.

Floor Amendment No. 2

Amend **CSSB 1876** (house committee printing) on page 1, line 11, between "statute" and the underlined period by inserting "that is located in a county with a population of 100,000 or more".

Floor Amendment No. 2 on Third Reading

Amend **SB 1876** on third reading, in SECTION 1 of the bill, in proposed Section 37.001(a), Government Code (in the language added by Amendment No. 2 by Murr on second reading), by striking "100,000" and substituting "25,000".

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1876**.

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

Nays: Bettencourt.

SENATE BILL 1877 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1877** 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 1877** (house committee report) as follows:

(1) On page 1, line 18, between "agency" and the underlined period, insert "who handle sensitive information, including financial, medical, personnel, or student data".

(2) On page 1, line 18, strike "An employee of the agency" and substitute "The employee".

(3) On page 1, line 21, strike "of the agency" and substitute "described by Subsection (c)".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1877**.

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

SENATE BILL 1296 WITH HOUSE AMENDMENTS

Senator West called **SB 1296** 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 1296** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 83rd Legislature to other Acts of that legislature.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.001. This Act is enacted as part of the state's continuing statutory revision program under Chapter 323, Government Code. This Act is a revision for purposes of Section 43, Article III, Texas Constitution, and has the purposes of:

(1) codifying without substantive change or providing for other appropriate disposition of various statutes that were omitted from enacted codes;

(2) conforming codifications enacted by the 83rd Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;

(3) making necessary corrections to enacted codifications; and

(4) renumbering or otherwise redesignating titles, chapters, and sections of codes that duplicate title, chapter, or section designations.

SECTION 1.002. (a) The repeal of a statute by this Act does not affect an amendment, revision, or reenactment of the statute by the 84th Legislature, Regular Session, 2015. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(b) If any provision of this Act conflicts with a statute enacted by the 84th Legislature, Regular Session, 2015, the statute controls.

SECTION 1.003. (a) A transition or saving provision of a law codified by this Act applies to the codified law to the same extent as it applied to the original law.

(b) The repeal of a transition or saving provision by this Act does not affect the application of the provision to the codified law.

(c) In this section, "transition provision" includes any temporary provision providing for a special situation in the transition period between the existing law and the establishment or implementation of the new law.

SECTION 1.004. (a) The repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. The validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031, Government Code.

ARTICLE 2. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

SECTION 2.001. Section 11.72, Alcoholic Beverage Code, as amended by Chapters 451 (S.B. 828) and 1190 (S.B. 1090), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 11.72. DISCIPLINE FOR ACTIONS OF AGENT. The commission or administrator may suspend or revoke the permit of a person who is represented by the holder of an agent's permit under Section 15.01, 35.01 [~~or a manufacturer's agent's permit as described by Section 36.01~~], or 36.01 or otherwise discipline the person based on an act or omission of the holder of the agent's [~~or manufacturer's agent's~~] permit only if an individual employed by the person in a supervisory position:

(1) was directly involved in the act or omission of the holder of the agent's [~~or manufacturer's agent's~~] permit;

(2) had notice or knowledge of the act or omission; or

(3) failed to take reasonable steps to prevent the act or omission.

SECTION 2.002. Section 14.01(a), Alcoholic Beverage Code, as amended by Chapters 106 (S.B. 905), 195 (S.B. 642), and 1171 (S.B. 652), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The holder of a distiller's and rectifier's permit may:

(1) manufacture distilled spirits;

(2) rectify, purify, and refine distilled spirits and wines;

(3) mix wines, distilled spirits, or other liquors;

(4) bottle, label, and package the permit holder's finished products;

(5) sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state;

(6) purchase distilled spirits, to be used only for manufacturing or rectification purposes, from holders of nonresident seller's permits or distiller's and rectifier's permits;

(7) dispense free distilled spirits for consumption on the permitted premises under Section 14.04; ~~and~~

(8) sell bulk alcohol produced by the permit holder to holders of industrial permits in this state; and

(9) ~~(8)~~ if located in a wet area, sell distilled spirits to ultimate consumers under Section 14.04 or 14.05.

ARTICLE 3. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES
CODE

SECTION 3.001. Section 51.014(a), Civil Practice and Remedies Code, as amended by Chapters 44 (H.B. 200) and 1042 (H.B. 2935), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1) appoints a receiver or trustee;
 (2) overrules a motion to vacate an order that appoints a receiver or trustee;
 (3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article I, Section 8, of the Texas Constitution, or Chapter 73;

(7) grants or denies the special appearance of a defendant under Rule 120a, Texas Rules of Civil Procedure, except in a suit brought under the Family Code;

(8) grants or denies a plea to the jurisdiction by a governmental unit as that term is defined in Section 101.001;

(9) denies all or part of the relief sought by a motion under Section 74.351(b), except that an appeal may not be taken from an order granting an extension under Section 74.351;

(10) grants relief sought by a motion under Section 74.351(l);

(11) denies a motion to dismiss filed under Section 90.007; ~~or~~

(12) denies a motion to dismiss filed under Section 27.003; or

(13) ~~[(12)]~~ denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to Section 75.0022.

SECTION 3.002. Section 51.014(b), Civil Practice and Remedies Code, as amended by Chapters 916 (H.B. 1366) and 1042 (H.B. 2935), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(b) An interlocutory appeal under Subsection (a), other than an appeal under Subsection (a)(4) or in a suit brought under the Family Code, stays the commencement of a trial in the trial court pending resolution of the appeal. An interlocutory appeal under Subsection (a)(3), (5), (8), or (12) also stays all other proceedings in the trial court pending resolution of that appeal.

ARTICLE 4. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

SECTION 4.001. Articles 39.14(f) and (g), Code of Criminal Procedure, are amended to correct references to read as follows:

(f) The attorney representing the defendant, or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant, may allow a defendant, witness, or prospective witness to view the information provided under this article, but may not allow that person to have copies of the information provided, other than a copy of the witness's own statement. Before allowing that person to view a document or the witness statement of another under this subsection, the person possessing the information shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. For purposes of this article [~~section~~], the defendant may not be the agent for the attorney representing the defendant.

(g) Nothing in this article [~~section~~] shall be interpreted to limit an attorney's ability to communicate regarding his or her case within the Texas Disciplinary Rules of Professional Conduct, except for the communication of information identifying any victim or witness, including name, except as provided in Subsections (e) and (f), address, telephone number, driver's license number, social security number, date of birth, and bank account information or any information that by reference would make it possible to identify a victim or a witness. Nothing in this subsection shall prohibit the disclosure of identifying information to an administrative, law enforcement, regulatory, or licensing agency for the purposes of making a good faith complaint.

SECTION 4.002. Article 56.02(a), Code of Criminal Procedure, as amended by Chapters 651 (H.B. 899) and 1345 (S.B. 1192), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole;

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and

(14) ~~(14)~~ if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

SECTION 4.003. Article 56.02(c), Code of Criminal Procedure, as amended by Chapters 651 (H.B. 899) and 1345 (S.B. 1192), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights.

SECTION 4.004. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
- (iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or
- (iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
- (ii) any felony under Chapter 483, Health and Safety Code;
- (iii) a felony under Chapter 151, Finance Code;
- (iv) any felony under Chapter 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;
- (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
- (ix) any offense under Section 42.10, Penal Code;
- (x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
- (xi) any offense under Chapter 71, Penal Code;
- (xii) any offense under Section 20.05, Penal Code; or
- (xiii) ~~(xiv)~~ an offense under Section 326.002, Business & Commerce Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.

ARTICLE 5. CHANGES RELATING TO EDUCATION CODE

SECTION 5.001. (a) Section 7.111(a), Education Code, as amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations.

(b) Section 7.111(a-1), Education Code, is amended to conform to the amendment of Section 7.111(a), Education Code, by Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

- (1) over 17 years of age;
- (2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the Texas Military Department's ~~adjutant general's department's~~ Seaborne Challenge Corps; or

- (3) required to take the examination under a court order.

SECTION 5.002. Section 25.007(b), Education Code, as amended by Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b) In recognition of the challenges faced by students in substitute care, the agency shall assist the transition of substitute care students from one school to another by:

(1) ensuring that school records for a student in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;

(2) developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school;

(3) developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student in substitute care while enrolled at another school;

(4) promoting practices that facilitate access by a student in substitute care to extracurricular programs, summer programs, credit transfer services, electronic courses provided under Chapter 30A, and after-school tutoring programs at nominal or no cost;

(5) establishing procedures to lessen the adverse impact of the movement of a student in substitute care to a new school;

(6) entering into a memorandum of understanding with the Department of Family and Protective Services regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another;

(7) encouraging school districts and open-enrollment charter schools to provide services for a student in substitute care in transition when applying for admission to postsecondary study and when seeking sources of funding for postsecondary study;

(8) requiring school districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student in substitute care by a school previously attended by the student;

(9) requiring school districts to provide notice to the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:

(A) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;

(B) admission, review, and dismissal committee meetings;

(C) manifestation determination reviews required by Section 37.004(b);

(D) any disciplinary actions under Chapter 37 for which parental notice is required;

(E) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;

(F) reports of restraint and seclusion required by Section 37.0021; and

(G) use of corporal punishment as provided by Section 37.0011; ~~and~~

(10) developing procedures for allowing a student in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course, at no cost to the student, before the beginning of the next school year;

(11) ensuring that a student in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the district, has the student's course credit accrual and personal graduation plan reviewed; ~~and~~

(12) ensuring that a student in substitute care who is in grade 11 or 12 be provided information regarding tuition and fee exemptions under Section 54.366 for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit; and

(13) [(40)] providing other assistance as identified by the agency.

SECTION 5.003. Section 39.0302(a), Education Code, is amended to correct a reference to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), an accreditation investigation under Section 39.057(a)(8) or (14) [~~(13)~~], or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure established under Section 39.0301(a), the commissioner may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

SECTION 5.004. Section 39.057(a), Education Code, as amended by Chapters 211 (H.B. 5) and 509 (S.B. 123), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The commissioner may authorize special accreditation investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) ~~[(13)]~~ in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter; or

(15) ~~[(14)]~~ as the commissioner otherwise determines necessary.

SECTION 5.0045. Section 54.5191(a), Education Code, is amended to read as follows:

(a) The board of regents of the University of North Texas System may charge each student enrolled at the University of North Texas an intercollegiate athletics fee in an amount not to exceed \$10 per semester credit hour for each semester or summer session unless the amount is increased as provided by Subsection (g).

SECTION 5.0046. Section 54.5381(a), Education Code, is amended to read as follows:

(a) The board of regents of the Texas State University System may impose an intercollegiate athletics fee on each student enrolled at a component institution of the Texas State University System, other than Texas State University, in an amount not to exceed:

(1) \$8.75 per semester credit hour for each regular semester unless increased as provided by Subsection (d); and

(2) \$4.50 per semester credit hour for each summer session unless increased as provided by Subsection (d).

SECTION 5.005. Section 58.001(a), Education Code, as amended by Chapter 65 (S.B. 120), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of Section 58.001, Education Code, by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 5.006. (a) Section 61.0662, Education Code, as redesignated from Section 61.051(h), Education Code, and transferred and amended by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to incorporate amendments to Section 61.051(h), Education Code, made by Chapter 507 (S.B. 67), Acts of the 83rd Legislature, Regular Session, 2013, and amended to read as follows:

Sec. 61.0662. INFORMATION ON RESEARCH CONDUCTED BY INSTITUTIONS. (a) The board shall maintain an inventory of all institutional and programmatic research activities being conducted by the various institutions of higher education, whether state-financed or not.

(b) Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the preceding year. Each institution's report must include the amounts spent by the institution on human embryonic stem cell research and adult stem cell research during the year covered by the report and the source of the funding for that research.

(c) All reports required by this section shall be made subject to the limitations imposed by security regulations governing defense contracts for research.

(d) Not later than January 1 of each year, the board shall submit to the legislature information regarding human stem cell research obtained by the board from reports required by this section ~~[subsection]~~.

(b) Section 61.051(h), Education Code, as amended by Chapter 507 (S.B. 67), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 5.007. Section 61.051(i), Education Code, as amended by Chapter 1312 (S.B. 59), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of that subsection by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 5.008. Section 73.115(g), Education Code, as added by Chapter 1366 (S.B. 1604), Acts of the 83rd Legislature, Regular Session, 2013, is repealed as duplicative of Section 73.115(g), Education Code, as added by Chapter 1346 (S.B. 1195), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 6. CHANGES RELATING TO ELECTION CODE

SECTION 6.001. Section 143.003(b), Election Code, is repealed as executed.

SECTION 6.002. Section 171.024(b), Election Code, as amended by Chapters 1054 (H.B. 3102) and 1262 (H.B. 630), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b) ~~[The state executive committee shall adopt rules regarding how many members of the county executive committee constitute a quorum for the purpose of filling a vacancy.]~~ A majority of the committee's membership must participate in filling a vacancy in the office of county chair. To be elected, a person must receive a favorable vote of a majority of the members voting.

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

SECTION 7.001. Section 31.006, Family Code, is amended to correct a reference to read as follows:

Sec. 31.006. EFFECT OF GENERAL REMOVAL. Except for specific constitutional and statutory age requirements, a minor whose disabilities are removed for general purposes has the capacity of an adult, including the capacity to contract. Except as provided by federal law, all educational rights accorded to the parent of a student, including the right to make education decisions under Section 151.001(a)(10) ~~[151.003(a)(10)]~~, transfer to the minor whose disabilities are removed for general purposes.

SECTION 7.002. Section 58.00711, Family Code, as amended by Chapters 1257 (H.B. 528) and 1319 (S.B. 394), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 58.00711. RECORDS RELATING TO CHILDREN CHARGED WITH, ~~[OR]~~ CONVICTED OF, OR RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS. (a) This section applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(b) Except as provided by Article 45.0217(b), Code of Criminal Procedure, 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 charged with, is convicted of, is found not guilty of, had a charge dismissed for, ~~[or who has received a~~

~~dismissal after deferral of disposition for~~] or is granted deferred disposition for an offense described by Subsection (a) are confidential and may not be disclosed to the public.

SECTION 7.003. Section 58.204(b), Family Code, as amended by Chapters 871 (H.B. 694) and 1299 (H.B. 2862), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b) On certification of records in a case under Section 58.203, the department may permit access to the information in the juvenile justice information system relating to the case of an individual only:

(1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(2) for research purposes, by the Texas Juvenile Justice Department;

(3) by the person who is the subject of the records on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records;

(4) with the permission of the juvenile court at the request of the person who is the subject of the records; ~~[or]~~

(5) with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person's records at issue in the suit; or

~~(6)~~ ~~[or]~~ with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

SECTION 7.004. Section 264.121(a-1), Family Code, as amended by Chapters 168 (S.B. 1589) and 342 (H.B. 2111), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a-1) The department shall require a foster care provider to provide or assist youth who are age 14 or older in obtaining experiential life-skills training to improve their transition to independent living. Experiential life-skills training must be tailored to a youth's skills and abilities and must include training in practical activities that include grocery shopping, meal preparation and cooking, ~~and~~ performing basic household tasks, and, when appropriate, using public transportation.

SECTION 7.005. Section 264.121(f), Family Code, as amended by Chapters 168 (S.B. 1589) and 342 (H.B. 2111), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(f) The department shall require a person with whom the department contracts for transitional living services for foster youth to provide or assist youth in obtaining:

(1) housing services;

(2) job training and employment services;

(3) college preparation services;

(4) services that will assist youth in obtaining a general education development certificate;

(5) services that will assist youth in developing skills in food preparation;

(6) nutrition education that promotes healthy food choices; ~~and~~

~~(7)~~ ~~[or]~~ a savings or checking account if the youth is at least 18 years of age and has a source of income; and

(8) ~~(7)~~ any other appropriate transitional living service identified by the department.

ARTICLE 8. CHANGES RELATING TO FINANCE CODE

SECTION 8.001. Section 348.005, Finance Code, as amended by Chapters 355 (H.B. 2462), 1135 (H.B. 2741), and 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 348.005. ITEMIZED CHARGE. An amount in a retail installment contract is an itemized charge if the amount is not included in the cash price and is the amount of:

(1) fees for registration, certificate of title, and license and any additional registration fees charged by a deputy as authorized by rules adopted under Section 520.0071 ~~[520.008]~~, Transportation Code;

(2) any taxes;

(3) fees or charges prescribed by law and connected with the sale or inspection of the motor vehicle; and

(4) charges authorized for insurance, service contracts, warranties, automobile club memberships, or a debt cancellation agreement by Subchapter C.

ARTICLE 9. CHANGES RELATING TO GOVERNMENT CODE

PART A. GENERAL CHANGES

SECTION 9.001. Section 411.081(d), Government Code, is amended to correct an error in punctuation to read as follows:

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court for an order of nondisclosure regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies~~[s]~~ for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on deferred adjudication for an order of nondisclosure only on or after:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code; or

(3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

SECTION 9.002. Section 411.081(i), Government Code, as amended by Chapters 42 (S.B. 966), 266 (H.B. 729), and 583 (S.B. 869), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Juvenile Justice Department;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district, or a facility as defined by Section 250.001, Health and Safety Code;

(18) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(19) the Texas State Board of Public Accountancy;

(20) the Texas Department of Licensing and Regulation;

(21) the Health and Human Services Commission;

(22) the Department of Aging and Disability Services;

(23) the Texas Education Agency;

(24) the Judicial Branch Certification Commission;

(25) a county clerk's office in relation to a proceeding for the appointment of a guardian under Title 3, Estates [~~Chapter XIII, Texas Probate~~] Code;

(26) the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

- (27) the Texas Department of Insurance;
- (28) the Teacher Retirement System of Texas; and
- (29) ~~(30)~~ the Texas State Board of Pharmacy.

SECTION 9.003. Section 411.179(a), Government Code, as amended by Chapters 396 (S.B. 164) and 1302 (H.B. 3142), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The department by rule shall adopt the form of the license. A license must include:

- (1) a number assigned to the license holder by the department;
- (2) a statement of the period for which the license is effective;
- (3) a color photograph of the license holder;
- (4) the license holder's full name, date of birth, hair and eye color, height, weight, and signature;
- (5) the license holder's residence address or, as provided by Subsection (d), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder serves as a state judge;
- (6) the number of a driver's license or an identification certificate issued to the license holder by the department; and
- (7) ~~(8)~~ the designation "VETERAN" if required under Subsection (e).

SECTION 9.004. Section 411.185(a), Government Code, as amended by Chapters 156 (S.B. 864) and 1387 (H.B. 48), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) To renew a license, a license holder must, on or before the date the license expires, submit to the department by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

- (1) a renewal application on a form provided by the department;
- (2) payment of a nonrefundable renewal fee as set by the department; and
- (3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant.

SECTION 9.005. Section 411.188(a), Government Code, as amended by Chapters 156 (S.B. 864) and 1302 (H.B. 3142), Acts of the 83rd Legislature, Regular Session, 2013, is amended to conform to Chapter 1387 (H.B. 48), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain ~~[or renew]~~ a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

SECTION 9.006. Section 411.188(j), Government Code, as amended by Chapter 156 (S.B. 864), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of Section 411.188(j), Government Code, by Chapter 1387 (H.B. 48), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.007. Section 411.199(e), Government Code, as amended by Chapter 1302 (H.B. 3142), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of Section 411.199(e), Government Code, by Chapter 1387 (H.B. 48), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.008. Section 552.1175(a), Government Code, as amended by Chapters 937 (H.B. 1632) and 1033 (H.B. 2733), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) This section applies only to:

- (1) peace officers as defined by Article 2.12, Code of Criminal Procedure;
- (2) county jailers as defined by Section 1701.001, Occupations Code;
- (3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;
- (4) commissioned security officers as defined by Section 1702.002, Occupations Code;
- (5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- (6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);
- (7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;
- (8) police officers and inspectors of the United States Federal Protective Service;
- (9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement; ~~and~~
- (10) juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;
- (11) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; ~~and~~
- (12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department; and
- (13) ~~(10)~~ federal judges and state judges as defined by Section 13.0021, Election Code.

SECTION 9.009. Section 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to conform to changes made by Chapter 747 (S.B. 462), Acts of the 83rd Legislature, Regular Session, 2013, and Section 21.001 of this Act to read as follows:

(2) "Specialty court" means:

(A) a prostitution prevention program established under Chapter 126 or former law [~~Chapter 169A, Health and Safety Code~~];

(B) a family drug court program established under Chapter 122 or former law;

(C) [~~(D)~~] a drug court program established under Chapter 123 or former law;

(D) [~~(E)~~] a veterans court program established under Chapter 124 or former law; and

(E) [~~(F)~~] a mental health court program established under Chapter 125 or former law.

SECTION 9.010. Section 2262.101, Government Code, as amended by Chapters 676 (H.B. 1965) and 1227 (S.B. 1681), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 2262.101. CREATION; DUTIES. (a) The Contract Advisory Team is created to assist state agencies in improving contract management practices by:

(1) reviewing and making recommendations on the solicitation documents and contract documents for contracts of state agencies that have a value of at least \$10 million;

(2) reviewing any findings or recommendations made by the state auditor, including those made under Section 2262.052(b), regarding a state agency's compliance with the contract management guide;

(3) providing recommendations to the comptroller regarding:

(A) the development of the contract management guide; and

(B) the training under Section 2262.053;

(4) providing recommendations and assistance to state agency personnel throughout the contract management process;

(5) coordinating and consulting with the quality assurance team established under Section 2054.158 on all contracts relating to a major information resources project; ~~and~~

(6) [~~(4)~~] developing and recommending policies and procedures to improve state agency contract management practices;

(7) [~~(5)~~] developing and recommending procedures to improve state agency contracting practices by including consideration for best value; and

(8) [~~(6)~~] creating and periodically performing a risk assessment to determine the appropriate level of management and oversight of contracts by state agencies.

(b) The risk assessment created and performed [~~reviewed~~] under Subsection (a)(8) [~~(a)(6)~~] must include [~~but is not limited to~~] the following criteria:

(1) the amount of appropriations to the agency;

(2) total contract value as a percentage of appropriations to the agency; or

(3) the impact of the functions and duties of the state agency on the health, safety, and well-being of residents [~~citizens~~].

(c) The comptroller shall oversee the activities of the team, including ensuring that the team carries out its duties under Subsections [~~Subsection~~] (a)(5) and (a)(7).

(d) A state agency shall:

(1) comply with a recommendation made under Subsection (a)(1); or

(2) submit a written explanation regarding why the recommendation is not applicable to the contract under review.

(e) The team may review documents under Subsection (a)(1) only for compliance with contract management and best practices principles and may not make a recommendation regarding the purpose or subject of the contract.

(f) The team may develop an expedited process for reviewing solicitations under Subsection (a)(1) for contracts:

(1) that the team identifies as posing a low risk of loss to the state; or

(2) for which templates will be used more than once by a state agency.

SECTION 9.011. Sections 2306.5621(a)(10), (11), (12), (13), (14), and (15), Government Code, as added by Chapter 405 (S.B. 286), Acts of the 83rd Legislature, Regular Session, 2013, are repealed as duplicative of Sections 2306.5621(a)(11), (12), (13), (14), (15), and (16), Government Code, as added by Chapter 1219 (S.B. 1553), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.012. Section 2306.6719(e), Government Code, as added by Chapter 556 (S.B. 659), Acts of the 83rd Legislature, Regular Session, 2013, is repealed as duplicative of Section 2306.6719(e), Government Code, as added by Chapter 1079 (H.B. 3361), Acts of the 83rd Legislature, Regular Session, 2013.

PART B. UPDATE OF COURT FEES AND COSTS

SECTION 9.101. Section 51.709, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 51.710, Government Code.

SECTION 9.102. (a) Section 101.021, Government Code, is amended to read as follows:

Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of the supreme court shall collect fees and costs as follows:

(1) application for petition for review (Sec. 51.005, Government Code) . . . \$50;

(2) additional fee if application for petition for review is granted (Sec. 51.005, Government Code) . . . \$75;

(3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court (Sec. 51.005, Government Code) . . . \$50;

(4) additional fee if a motion under Subdivision (3) is granted (Sec. 51.005, Government Code) . . . \$75;

(5) certified question from a federal court of appeals to the supreme court (Sec. 51.005, Government Code) . . . \$75;

(6) case appealed to the supreme court from the district court by direct appeal (Sec. 51.005, Government Code) . . . \$100;

(7) any other proceeding filed in the supreme court (Sec. 51.005, Government Code) . . . \$75;

(8) administering an oath and giving a sealed certificate of the oath (Sec. 51.005, Government Code) . . . \$5;

(9) making certain copies, including certificate and seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if more than 10 pages;

(10) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.005, Government Code) . . . reasonable amount set by order or rule of supreme court;

(10-a) supreme court support account filing fee (Sec. 51.0051, Government Code) . . . amount set by the supreme court, not to exceed \$50;

(11) issuance of attorney's license or certificate (Sec. 51.006, Government Code) . . . \$10; ~~and~~

(12) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) . . . \$25; and

(13) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) Section 101.0211, Government Code, is repealed.

SECTION 9.103. (a) Section 101.041, Government Code, is amended to read as follows:

Sec. 101.041. COURT OF APPEALS FEES AND COSTS: GOVERNMENT CODE. The clerk of a court of appeals shall collect fees and costs as follows:

(1) for cases appealed to and filed in the court of appeals from the district and county courts within its court of appeals district (Sec. 51.207, Government Code) . . . \$100;

(2) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the court of appeals (Sec. 51.207, Government Code) . . . \$50;

(3) additional fee if the motion under Subdivision (2) is granted (Sec. 51.207, Government Code) . . . \$75;

(4) motion to file or to extend time to file record on appeal from district or county court (Sec. 51.207, Government Code) . . . \$10;

(5) administering an oath and giving a sealed certificate of oath (Sec. 51.207, Government Code) . . . \$5;

(6) certified copy of papers of record in court offices, including certificate and seal (Sec. 51.207, Government Code) . . . \$5, or \$1 per page if more than five pages;

(7) comparing any document with the original filed in the offices of the court for purposes of certification (Sec. 51.207, Government Code) . . . \$5, or \$1 per page if more than five pages;

(8) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.207, Government Code) . . . a reasonable fee set by the order or rule of the supreme court;

(8-a) supreme court support account filing fee (Sec. 51.208, Government Code) . . . amount set by the supreme court, not to exceed \$50; ~~and~~

(9) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) . . . \$25; and

(10) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) Section 101.0411, Government Code, is repealed.

SECTION 9.104. (a) Section 101.0611, Government Code, as amended by Section 1.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

- (1) appellate judicial system filing fees for:
 - (A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;
 - (B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . \$5;
 - (C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;
 - (D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;
 - (E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;
 - (E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;
 - (E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;
 - (E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . \$5;
 - (F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;
 - (G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;
 - (G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and
 - (H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;
- (2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;
- (3) additional filing fees:
 - (A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;
 - (B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;
 - (B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(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 preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(E) 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; and

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than \$15;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$10;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15; ~~and~~

(19) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) . . . as assessed by the referring court or associate judge; and

(20) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) Section 101.0611, Government Code, as amended by Section 2.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, effective September 1, 2019, is amended to read as follows:

Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees for:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3) additional filing fees:

(A) for each suit filed for insurance contingency fund, if authorized by the county commissioners court (Sec. 51.302, Government Code) . . . not to exceed \$5;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;

(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 preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(E) 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; and

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than \$15;

(4) for filing a suit, including an appeal from an inferior court:

(A) for a suit with 10 or fewer plaintiffs (Sec. 51.317, Government Code) . . . \$50;

(B) for a suit with at least 11 but not more than 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

(C) for a suit with at least 26 but not more than 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

(D) for a suit with at least 101 but not more than 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

(E) for a suit with at least 501 but not more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

(F) for a suit with more than 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$200;

(5) for filing a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition (Sec. 51.317, Government Code) . . . \$15;

(6) for issuing a citation or other writ or process not otherwise provided for, including one copy, when requested at the time a suit or action is filed (Sec. 51.317, Government Code) . . . \$8;

(7) for records management and preservation (Sec. 51.317, Government Code) . . . \$10;

(7-a) for district court records archiving, if adopted by the county commissioners court (Sec. 51.317(b)(5), Government Code) . . . not more than \$5;

(8) for issuing a subpoena, including one copy (Sec. 51.318, Government Code) . . . \$8;

(9) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law (Sec. 51.318, Government Code) . . . \$8;

(10) for searching files or records to locate a cause when the docket number is not provided (Sec. 51.318, Government Code) . . . \$5;

(11) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office (Sec. 51.318, Government Code) . . . \$5;

(12) for abstracting a judgment (Sec. 51.318, Government Code) . . . \$8;

(13) for approving a bond (Sec. 51.318, Government Code) . . . \$4;

(14) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(15) for a noncertified copy, for each page or part of a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

(16) fee for performing a service:

(A) related to the matter of the estate of a deceased person (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for those services;

(B) related to the matter of a minor (Sec. 51.319, Government Code) . . . the same fee allowed the county clerk for the service;

(C) of serving process by certified or registered mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or constable is authorized to charge for the service under Section 118.131, Local Government Code; and

(D) prescribed or authorized by law but for which no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

(17) jury fee (Sec. 51.604, Government Code) . . . \$30;

(18) additional filing fee for family protection on filing a suit for dissolution of a marriage under Chapter 6, Family Code (Sec. 51.961, Government Code) . . . not to exceed \$15; ~~and~~

(19) at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) . . . as assessed by the referring court or associate judge; and
 (20) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(c) Sections 101.06118, 101.061191, and 101.06120, Government Code, are repealed.

SECTION 9.105. Section 101.0616, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

Sec. 101.0616. DISTRICT COURT FEES AND COSTS: ESTATES [TEXAS PROBATE] CODE. The clerk of a district court shall collect fees and costs under the Estates [Texas Probate] Code as follows:

(1) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) [~~(Sec. 12, Texas Probate Code)~~] . . . probable cost of the proceeding;

(2) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(3) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) [~~(Sec. 622, Texas Probate Code)~~] . . . probable cost of the guardianship proceeding; ~~and~~

(4) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(5) [~~(3)~~] costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) [~~(Secs. 694C and 694L, Texas Probate Code)~~] . . . reasonable compensation.

SECTION 9.106. (a) Section 101.0811, Government Code, is amended to read as follows:

Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

- (E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;
- (E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;
- (E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;
- (E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . \$5;
- (F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;
- (G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;
- (G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and
- (H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;
- (2) an official court reporter fee, County Court at Law No. 2 of Bexar County (Sec. 25.0172, Government Code) . . . \$3;
- (3) in Brazoria County, in matters of concurrent jurisdiction with the district court, fees (Sec. 25.0222, Government Code) . . . as prescribed by law for district judges according to the nature of the matter;
- (4) a court reporter fee when testimony is taken in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3;
- (5) a stenographer fee, if a record or part of a record is made:
- (A) in a county court at law in Hidalgo County (Sec. 25.1102, Government Code) . . . \$20; and
- (B) in the 1st Multicounty Court at Law (Sec. 25.2702, Government Code) . . . \$25 [~~in a county court at law in Nolan County (Sec. 25.1792, Government Code) . . . \$25~~];
- (6) jury fee (Sec. 51.604, Government Code) . . . \$22;
- (7) an additional filing fee:
- (A) for each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.702, Government Code) . . . \$40;
- (B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;
- (B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15;
- (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 preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10;

(E) 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; and

(F) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than \$15;

(8) the official court reporter's fee taxed as costs in civil actions in a statutory county court:

(A) in Bexar County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code) . . . taxed in the same manner as the fee is taxed in district court;

(B) in Galveston County (Sec. 25.0862, Government Code) . . . taxed in the same manner as the fee is taxed in civil cases in the district courts; and

(C) in Parker County (Sec. 25.1862, Government Code) . . . taxed in the same manner as the fee is taxed in civil cases in the district courts;

~~(9) [a stenographer's fee as costs in each civil, criminal, and probate case in which a record is made by the official court reporter in a statutory county court in Nolan County (Sec. 25.1792, Government Code) . . . \$25;~~

~~[(10)]~~ in Nueces County, in matters of concurrent jurisdiction with the district court, with certain exceptions, fees (Sec. 25.1802, Government Code) . . . equal to those in district court cases;

(10) [(11)] a fee not otherwise listed in this subchapter that is required to be collected under Section 25.0008, Government Code, in a county other than Brazos, Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as prescribed by law relating to county judges' fees; ~~and~~

(11) [(12)] at a hearing held by an associate judge appointed under Subchapter B, Chapter 54A, Government Code, a court cost to preserve the record, in the absence of a court reporter, by any means approved by the associate judge (Sec. 54A.110, Government Code) . . . as assessed by the referring court or associate judge; and

(12) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) The following are repealed:

(1) Section 101.08117, Government Code, as added by Chapter 1059 (H.B. 3153), Acts of the 83rd Legislature, Regular Session, 2013;

(2) Section 101.08117, Government Code, as added by Chapter 1290 (H.B. 2302), Acts of the 83rd Legislature, Regular Session, 2013;

(3) Section 101.08119, Government Code, as added by Chapter 1238 (S.B. 1827), Acts of the 83rd Legislature, Regular Session, 2013; and

(4) Section 101.08119, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.107. (a) 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) . . . \$2; ~~and~~

(E) supplemental court-initiated guardianship 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.

(b) Section 101.08145, Government Code, is repealed.

SECTION 9.108. Section 101.0815, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

Sec. 101.0815. STATUTORY COUNTY COURT FEES AND COSTS: ESTATES ~~[TEXAS PROBATE]~~ CODE. The clerk of a statutory county court shall collect fees and costs under the Estates ~~[Texas Probate]~~ Code as follows:

(1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) ~~[(Sec. 71, Texas Probate Code)]~~ . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) ~~[(Sec. 12, Texas Probate Code)]~~ . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) ~~[(Sec. 622, Texas Probate Code)]~~ . . . probable cost of the guardianship proceeding; ~~[and]~~

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) ~~[(4)]~~ costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) [(Secs. 694C and 694L, Texas Probate Code)] . . . reasonable compensation.

SECTION 9.109. (a) Section 101.1011, Government Code, is amended to read as follows:

Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Government Code as follows:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) additional filing fees as follows:

(A) for certain cases to be used for court-related purposes for support of the judiciary (Sec. 51.704, Government Code) . . . \$40;

(B) to fund the improvement of Dallas County civil court facilities, if authorized by the county commissioners court (Sec. 51.705, Government Code) . . . not more than \$15;

(B-1) to fund the improvement of Bexar County court facilities, if authorized by the county commissioners court (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

(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;

(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; and

(E) to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than \$15;

(3) jury fee for civil case (Sec. 51.604, Government Code) . . . \$22;

(4) the expense of preserving the record as a court cost, if imposed on a party by the referring court or associate judge (Sec. 54A.211, Government Code) . . . actual cost; ~~and~~

(5) a fee not otherwise listed in this subchapter that is required to be collected under Section 25.0029, Government Code (Sec. 25.0029, Government Code) . . . as prescribed by law relating to county judges' fees; and

(6) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) The following are repealed:

(1) Section 101.10116, Government Code;

(2) Section 101.10118, Government Code, as added by Chapter 1238 (S.B. 1827), Acts of the 83rd Legislature, Regular Session, 2013; and

(3) Section 101.10118, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.110. (a) 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) . . . \$2; ~~and~~

(E) supplemental court-initiated guardianship 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.

(b) Section 101.103, Government Code, is repealed.

SECTION 9.111. Section 101.1014, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

Sec. 101.1014. STATUTORY PROBATE COURT FEES AND COSTS: ~~ESTATES~~ ~~[TEXAS PROBATE]~~ CODE. The clerk of a statutory probate court shall collect fees and costs under the ~~Estates~~ ~~[Texas Probate]~~ Code as follows:

(1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) [~~(Sec. 71, Texas Probate Code)~~] . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) [~~(Sec. 12, Texas Probate Code)~~] . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) [~~(Sec. 622, Texas Probate Code)~~] . . . probable cost of the guardianship proceeding; ~~[and]~~

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) ~~[(4)]~~ costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) [~~(Secs. 694C and 694L, Texas Probate Code)~~] . . . reasonable compensation.

SECTION 9.112. (a) Section 101.1212, Government Code, is amended to read as follows:

Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Government Code:

(1) appellate judicial system filing fees:

(A) First or Fourteenth Court of Appeals District (Sec. 22.2021, Government Code) . . . not more than \$5;

(B) Second Court of Appeals District (Sec. 22.2031, Government Code) . . . \$5;

(C) Third Court of Appeals District (Sec. 22.2041, Government Code) . . . \$5;

(D) Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than \$5;

(E) Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than \$5;

(E-1) Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . \$5;

(E-2) Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . \$5;

(E-3) Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . \$5;

(F) Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . \$5;

(G) Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . \$5;

(G-1) Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . \$5; and

(H) Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than \$5;

(2) a jury fee (Sec. 51.604, Government Code) . . . \$22;

(3) a filing fee in each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.703, Government Code) . . . \$40; ~~and~~

(4) a filing fee to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than \$10; and

(5) a statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$20.

(b) Section 101.12126, Government Code, is repealed.

SECTION 9.113. (a) 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;

- ... \$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) ... \$2; ~~and~~
- (E) supplemental court-initiated guardianship 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.

(b) Section 101.12145, Government Code, is repealed.

SECTION 9.114. Section 101.1215, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

Sec. 101.1215. COUNTY COURT FEES AND COSTS: ESTATES [~~TEXAS PROBATE~~] CODE. The clerk of a county court shall collect the following fees and costs under the Estates [~~Texas Probate~~] Code:

(1) fee for deposit of a will with the county clerk during testator's lifetime (Sec. 252.001, Estates Code) [~~(Sec. 71, Texas Probate Code)~~] . . . \$5;

(2) security deposit on filing, by any person other than the personal representative of an estate, an application, complaint, or opposition in relation to the estate, if required by the clerk (Sec. 53.052, Estates Code) [~~(Sec. 12, Texas Probate Code)~~] . . . probable cost of the proceeding;

(3) fee on filing an application, complaint, petition, or other paper in a guardianship proceeding, which includes a deposit for payment to an attorney ad litem (Sec. 1052.051, Estates Code) . . . cost of filing and payment of attorney ad litem;

(4) security deposit on filing, by any person other than the guardian, attorney ad litem, or guardian ad litem, an application, complaint, or opposition in relation to a guardianship matter, if required by the clerk (Sec. 1053.052, Estates Code) [~~(Sec. 622, Texas Probate Code)~~] . . . probable cost of the guardianship proceeding; ~~and~~

(5) nonrefundable fee to cover the cost of administering Subchapter G, Chapter 1104, Estates Code (Sec. 1104.303, Estates Code) . . . \$40; and

(6) [(4)] costs for attorney ad litem appointed to pursue the restoration of a ward's capacity or modification of the ward's guardianship (Sec. 1202.102, Estates Code) [~~(Secs. 694C and 694L, Texas Probate Code)~~] . . . reasonable compensation.

SECTION 9.115. (a) Section 101.141, Government Code, is amended to read as follows:

Sec. 101.141. JUSTICE COURT AND SMALL CLAIMS COURT FEES AND COSTS COLLECTED BY CLERK. (a) A clerk of a justice court shall collect fees and costs under the Civil Practice and Remedies Code as follows:

(1) additional court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the commissioners court (Sec. 152.005, Civil Practice and Remedies Code) . . . not to exceed \$5;

(2) court fees and costs, if ordered by the court, for a suit filed by an inmate in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

(A) 20 percent of the preceding six months' deposits to the inmate's trust account administered by the Texas Department of Criminal Justice under Section 501.014, Government Code; or

(B) the total amount of court fees and costs;

(3) monthly payment for remaining court fees and costs after the initial payment for a suit in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate (Sec. 14.006, Civil Practice and Remedies Code) . . . the lesser of:

(A) 10 percent of that month's deposit to the inmate's trust account administered by the Texas Department of Criminal Justice under Section 501.014, Government Code; or

(B) the total amount of court fees and costs that remain unpaid; and

(4) the following costs not otherwise charged to the inmate under Section 14.006, Civil Practice and Remedies Code, if the inmate has previously filed an action dismissed as malicious or frivolous (Sec. 14.007, Civil Practice and Remedies Code):

(A) expenses of service of process;

(B) postage; and

(C) transportation, housing, or medical care incurred in connection with the appearance of the inmate in the court for any proceeding.

(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; ~~and~~

(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; ~~and~~

(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

(5) statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . \$10.

(b) Sections 101.1411 and 101.142, Government Code, are repealed.

SECTION 9.116. (a) Section 102.0615, Government Code, is amended to read as follows:

Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Government Code as follows:

(1) ~~[from a defendant]~~ a court cost on conviction (Sec. 51.851, Government Code) . . . \$5; and

(2) a stenographer fee, if a record or part of a record is made in the 1st Multicounty Court at Law (Sec. 25.2702, Government Code) . . . \$25 ~~[of \$5 under Section 51.851, Government Code].~~

(b) Section 102.0619, Government Code, is repealed.

SECTION 9.117. (a) 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. 42.12, 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. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;
- (7) children's advocacy center fee (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;
- (8) family violence center fee (Art. 42.12, Code of Criminal Procedure) . . . \$100;
- (9) community supervision fee (Art. 42.12, Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;
- (10) additional community supervision fee for certain offenses (Art. 42.12, 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. 42.12, 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;

(20-b) a fee to defray the cost of notifying state agencies of orders of expunction (Art. 45.055, 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~~

(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.

(b) Section 103.034, Government Code, is repealed.

SECTION 9.118. Section 103.0213, Government Code, as amended by Chapter 1291 (H.B. 2305), Acts of the 83rd Legislature, Regular Session, 2013, 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 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 for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(4) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION 9.119. (a) Section 103.027(a), Government Code, 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; ~~and~~

(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 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 court program (Sec. 124.005, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment; and

(9) a nonrefundable program fee for a prostitution prevention 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.

(b) The following are repealed:

(1) Section 103.0271, Government Code; and

(2) Section 103.0292, Government Code, as added by Chapter 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 10. CHANGES RELATING TO HEALTH AND SAFETY CODE

SECTION 10.001. Section 711.052(a), Health and Safety Code, as amended by Chapters 123 (S.B. 661) and 220 (H.B. 52), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) A person who is an individual, firm, association, corporation, or municipality, or an officer, agent, or employee of an individual, firm, association, corporation, or municipality, commits an offense if the person:

(1) engages in a business for cemetery purposes in this state other than through a corporation organized for that purpose, if a corporation is required by law;

(2) fails or refuses to keep records of interment as required by Sections 711.003 and 711.004;

(3) sells, offers to sell, or advertises for sale a plot or the exclusive right of sepulture in a plot for purposes of speculation or investment;

(4) represents through advertising or printed material that a retail department will be established for the resale of the plots of plot purchasers, that specific improvements will be made in the cemetery, or that specific merchandise or services will be furnished to a plot owner, unless adequate funds or reserves are created by the cemetery organization for the represented purpose;

(5) makes more than one interment in a plot in a cemetery operated by a cemetery organization other than as provided by Section 711.0395; ~~or~~

(6) removes remains from a plot in a cemetery operated by a cemetery organization without complying with Section 711.004;

~~(7)~~ ~~(5)~~ offers or receives monetary inducement to solicit business for a cemetery broker;

~~(8)~~ ~~(6)~~ fails or refuses to keep records of sales or resales or to collect and remit fees as required by Section 711.0381; or

~~(9)~~ ~~(7)~~ fails or refuses to register as a cemetery broker as required by Subchapter C-1.

SECTION 10.002. Section 754.016(c), Health and Safety Code, as amended by Chapters 538 (S.B. 540) and 558 (S.B. 673), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(c) The executive director shall issue a certificate of compliance to the owner.

SECTION 10.003. Section 754.023(k), Health and Safety Code, as amended by Chapter 538 (S.B. 540), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of Section 754.023, Health and Safety Code, by Chapter 558 (S.B. 673), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 10.004. Section 773.0571, Health and Safety Code, as amended by Chapters 1089 (H.B. 3556) and 1311 (S.B. 8), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 773.0571. REQUIREMENTS FOR PROVIDER LICENSE. The department shall issue to an emergency medical services provider applicant a license that is valid for two years if the department is satisfied that:

(1) the applicant has adequate staff to meet the staffing standards prescribed by this chapter and the rules adopted under this chapter;

(2) each emergency medical services vehicle is adequately constructed, equipped, maintained, and operated to render basic or advanced life support services safely and efficiently;

(3) the applicant offers safe and efficient services for emergency prehospital care and transportation of patients;

(4) the applicant:

(A) possesses sufficient professional experience and qualifications to provide emergency medical services; and

(B) has not been excluded from participation in the state Medicaid program;

(5) the applicant holds a letter of approval issued under Section 773.0573 by the governing body of the municipality or the commissioners court of the county in which the applicant is located and is applying to provide emergency medical services, as applicable; ~~and~~

(6) the applicant employs a medical director; and

~~(7)~~ ~~(6)~~ the applicant complies with the rules adopted under this chapter.

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

SECTION 11.001. Section 401.156, Insurance Code, as amended by Chapters 489 (S.B. 1665) and 1286 (H.B. 2163), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 401.156. DEPOSIT AND USE OF ASSESSMENT AND FEE. (a) The department shall deposit any assessments or fees collected under this subchapter relating to the examination of insurers and other regulated entities by the financial examinations division or actuarial division, as those terms are defined by Section 401.251, to the credit of an account with the Texas Treasury Safekeeping Trust Company to be used exclusively to pay examination costs, as defined by Section 401.251, to reimburse administrative support costs for the Texas Department of Insurance operating account, and to reimburse premium tax credits for examination costs and examination overhead assessments~~[, reimbursement of the Texas Department of Insurance operating account for administrative support costs, and reimbursement of premium tax credits for examination costs and examination overhead assessments]~~.

(b) ~~[(a-1)]~~ Money deposited under Subsection (a) accumulates and may be disbursed to the department in a manner consistent with that subsection and Subchapter F.

(c) Revenue that is not related to the examination of insurers or other regulated entities by the financial examinations division or actuarial division shall be deposited to the credit of the Texas Department of Insurance operating account.

(d) To the extent that another provision of law conflicts with this section or a provision of this section, this section or the provision of this section controls.

(e) The department may transfer funds between the account described by Subsection (a) and the Texas Department of Insurance operating account as necessary to ensure that funds are deposited to the correct account and used for the correct purposes. This subsection does not authorize a disbursement or transfer of funds in a manner that is inconsistent with the purposes of Subchapter F and this section.

SECTION 11.002. Section 981.215(a), Insurance Code, as amended by Chapters 595 (S.B. 951) and 920 (H.B. 1405), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) A surplus lines agent shall maintain a complete record of each surplus lines contract obtained by the agent, including any of the following, if applicable:

- (1) a copy of the daily report;
- (2) the amount of the insurance and risks insured against;
- (3) a brief general description of the property insured and the location of that property;
- (4) the gross premium charged;
- (5) the return premium paid;
- (6) the rate of premium charged on the different items of property;
- (7) the contract terms, including the effective date;
- (8) the insured's name and post office address;
- (9) the insurer's name and home office address;
- (10) the amount collected from the insured;
- (11) an agreement under Section 225.006(c); ~~and~~
- (12) ~~[(11)]~~ evidence establishing that the insured qualified as an exempt commercial purchaser and that the surplus lines agent complied with the requirements of Section 981.004(c) if a diligent effort to obtain insurance in the admitted market was not made pursuant to Section 981.004(a)(1); and

(13) [~~(12)~~] any other information required by the department.

SECTION 11.003. (a) Section 1355.015(a), Insurance Code, as amended by Chapters 1070 (H.B. 3276) and 1359 (S.B. 1484), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) At a minimum, a health benefit plan must provide coverage for screening a child for autism spectrum disorder at the ages of 18 and 24 months.

(b) Section 1355.015(a-1), Insurance Code, as added by Chapter 1070 (H.B. 3276), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to conform to the changes made to Section 1355.015(a), Insurance Code, by Chapter 1359 (S.B. 1484), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

(a-1) At a minimum, a health benefit plan must provide coverage for treatment of autism spectrum disorder as provided by this section to an enrollee who is diagnosed with autism spectrum disorder from the date of diagnosis, only if the diagnosis was in place prior to the child's 10th birthday.

ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

SECTION 12.001. Section 54.012, Local Government Code, as amended by Chapters 135 (S.B. 654) and 1396 (H.B. 1554), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 54.012. CIVIL ACTION. A municipality may bring a civil action for the enforcement of an ordinance:

(1) for the preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) relating to the preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;

(4) establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;

(5) implementing civil penalties under this subchapter for conduct classified by statute as a Class C misdemeanor;

(6) relating to dangerously damaged or deteriorated structures or improvements;

(7) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;

(8) relating to the interior configuration, design, illumination, or visibility of business premises exhibiting for viewing by customers while on the premises live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification;

(9) relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the municipality; ~~or~~

(10) relating to floodplain control and administration, including an ordinance regulating the placement of a structure, fill, or other materials in a designated floodplain;

(11) ~~(10)~~ relating to animal care and control; or

(12) ~~(11)~~ relating to water conservation measures, including watering restrictions.

SECTION 12.002. Section 214.906, Local Government Code, is repealed to conform to the expiration of Title 16, Property Code, on September 1, 2009.

SECTION 12.003. The heading to Section 381.004, Local Government Code, is amended to more accurately reflect the substance of that section to read as follows:

Sec. 381.004. COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAMS ~~[IN CERTAIN COUNTIES]~~.

ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

SECTION 13.001. Section 61.011(d), Natural Resources Code, as amended by Chapters 152 (H.B. 2623) and 1086 (H.B. 3459), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

(1) acquisition by local governments or other appropriate entities or public dedication of access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subdivision (6);

(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, the use on a public beach of a golf cart, as defined by Section 502.001, Transportation Code, for the transportation of a person with a physical disability, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;

(4) imposition of beach access, user, or parking fees and reasonable exercises of the police power by local governments with respect to public beaches;

(5) contents and certification of beach access and use plans and standards for local government review of construction on land adjacent to and landward of public beaches, including procedures for expedited review of beach access and use plans under Section 61.015;

(6) construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the beach or to any closer public road not parallel to the beach, or to within 1,000 feet of mean high tide, whichever is greater, that affects or may affect public access to and use of public beaches;

(7) the temporary suspension under Section 61.0185 of enforcement of the prohibition against encroachments on and interferences with the public beach easement and the ability of a property owner to make repairs to a house while a suspension is in effect;

(8) the determination of the line of vegetation or natural line of vegetation;
 (9) the factors to be considered in determining whether a structure, improvement, obstruction, barrier, or hazard on the public beach:

(A) constitutes an imminent hazard to safety, health, or public welfare;

or

(B) substantially interferes with the free and unrestricted right of the public to enter or leave the public beach or traverse any part of the public beach;

(10) the procedures for determining whether a structure is not insurable property for purposes of Section 2210.004, Insurance Code, because of the factors listed in Subsection (h) of that section; ~~and~~

(11) the closure of beaches for space flight activities; and

(12) ~~(11)~~ the temporary suspension under Section 61.0171 of the determination of the "line of vegetation" or the "natural line of vegetation."

ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

SECTION 14.001. The heading to Chapter 55, Occupations Code, as amended by Chapters 66 (S.B. 162) and 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

SECTION 14.002. Section 2301.610(d), Occupations Code, as amended by Chapters 1135 (H.B. 2741) and 1379 (H.B. 1692), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(d) The department shall maintain a toll-free telephone number to provide information to a person who requests information about a condition or defect that was the basis for repurchase or replacement by an order issued under this chapter ~~subchapter~~. The department shall maintain an effective method of providing information to a person who makes a request.

ARTICLE 15. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

SECTION 15.001. (a) Chapter 1, Special District Local Laws Code, is amended by adding Section 1.005 to read as follows:

Sec. 1.005. EFFECT OF NONSUBSTANTIVE REVISION ON CERTAIN EMINENT DOMAIN AUTHORITY. The revision by Chapter 112 (S.B. 1026), Acts of the 83rd Legislature, Regular Session, 2013, effective April 1, 2015, of a law regarding eminent domain authority, or any other nonsubstantive revision in this code of a law regarding eminent domain authority, does not affect any expiration of an entity's eminent domain authority that may have occurred under Section 2206.101, Government Code, on September 1, 2013.

(b) 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, 2015.

SECTION 15.002. (a) Section 8446.006, Special District Local Laws Code, as added by Chapter 1250 (S.B. 1910), Acts of the 83rd Legislature, Regular Session, 2013, is amended to conform to Section 8446.006, Special District Local Laws Code, as added by Chapter 1309 (H.B. 3954), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 8446.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 4, Chapter 1250, and Section 5, Chapter 1309, Acts of the 83rd Legislature, Regular Session, 2013 [~~of the Act enacting this chapter~~].

(b) The boundaries and field notes contained in Section 4, Chapter 1250, and Section 5, Chapter 1309, Acts of the 83rd Legislature, Regular Session, 2013, [~~of the Act enacting this chapter~~] form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

(b) Section 8446.006, Special District Local Laws Code, as added by Chapter 1309 (H.B. 3954), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 15.003. (a) Section 8469.006, Special District Local Laws Code, as added by Chapter 1244 (S.B. 1877), Acts of the 83rd Legislature, Regular Session, 2013, is amended to conform to Section 8469.006, Special District Local Laws Code, as added by Chapter 1308 (H.B. 3914), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 8469.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2, Chapter 1244, and Section 6, Chapter 1308, Acts of the 83rd Legislature, Regular Session, 2013 [~~of the Act enacting this chapter~~].

(b) The boundaries and field notes contained in Section 2, Chapter 1244, and Section 6, Chapter 1308, Acts of the 83rd Legislature, Regular Session, 2013, [~~of the Act enacting this chapter~~] form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

(b) Section 8469.006, Special District Local Laws Code, as added by Chapter 1308 (H.B. 3914), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 15.004. (a) Section 8469.106(c), Special District Local Laws Code, as added by Chapter 1244 (S.B. 1877), Acts of the 83rd Legislature, Regular Session, 2013, is amended to conform to Section 8469.106(c), Special District Local Laws Code, as added by Chapter 1308 (H.B. 3914), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2, Chapter 1244, and Section 6, Chapter 1308, Acts of the 83rd Legislature, Regular Session, 2013 [of the Act creating this chapter].

(b) Section 8469.106(c), Special District Local Laws Code, as added by Chapter 1308 (H.B. 3914), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

ARTICLE 16. CHANGES RELATING TO TAX CODE

SECTION 16.001. Section 25.025(a), Tax Code, as amended by Chapters 996 (H.B. 2267) and 1028 (H.B. 2676), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure;

(2) a county jailer as defined by Section 1701.001, Occupations Code;

(3) an employee of the Texas Department of Criminal Justice;

(4) a commissioned security officer as defined by Section 1702.002, Occupations Code;

(5) a victim of family violence as defined by Section 71.004, Family Code, if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor;

(6) a federal judge, a state judge, or the spouse of a federal judge or state judge;

(7) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(8) an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(9) a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(10) a police officer or inspector of the United States Federal Protective Service;

(11) a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;

(12) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement; ~~and~~

(13) a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state; and

(14) ~~(13)~~ a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat.

SECTION 16.002. Section 33.49(a), Tax Code, as amended by Chapters 1259 (H.B. 585) and 1290 (H.B. 2302), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process or electronic filing, an attorney ad litem, arbitration, or mediation, and may not be required to post security for costs.

SECTION 16.003. Section 171.052(a), Tax Code, as amended by Chapters 569 (S.B. 734) and 1232 (H.B. 500), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) Except as provided by Subsection (c), an insurance organization, title insurance company, or title insurance agent authorized to engage in insurance business in this state that is required to pay an annual tax measured by its gross premium receipts is exempted from the franchise tax. A nonadmitted insurance organization that is required to pay a gross premium receipts tax during a tax year is exempted from the franchise tax for that same tax year. A nonadmitted insurance organization that is subject to an occupation tax or any other tax that is imposed for the privilege of doing business in another state or a foreign jurisdiction, including a tax on gross premium receipts, is exempted from the franchise tax.

SECTION 16.004. Section 351.101(a), Tax Code, as amended by Chapters 541 (S.B. 551) and 546 (S.B. 585), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000;

(iii) has a population of at least 36,000 but not more than 39,000 and is located in a county that has a population of 100,000 or less that is not adjacent to a county with a population of more than two million;

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v) has a population of at least 70,000 but less than 90,000 and no part of which is located in a county with a population greater than 150,000;

(vi) is located in a county that:

(a) is adjacent to the Texas-Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than 500,000;

(vii) has a population of at least 25,000 but not more than 26,000 and is located in a county that has a population of 90,000 or less; ~~or~~

(viii) has a population of at least 7,500 and is located in a county that borders the Pecos River and that has a population of not more than 15,000; or

(ix) ~~(viii)~~ is located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;

(8) for a municipality with a population of at least 70,000 but less than 90,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

(10) the construction of a recreational venue in the immediate vicinity of area hotels, if:

(A) the municipality:

(i) is a general-law municipality;

(ii) has a population of not more than 900; and

(iii) does not impose an ad valorem tax;

(B) not more than \$100,000 of municipal hotel occupancy tax revenue is used for the construction of the recreational venue;

(C) a majority of the hotels in the municipality request the municipality to construct the recreational venue;

(D) the recreational venue will be used primarily by hotel guests; and

(E) the municipality will pay for maintenance of the recreational venue from the municipality's general fund;

(11) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:

(A) has a population of at least 90,000 but less than 120,000; and

(B) is located in two counties, at least one of which contains the headwaters of the San Gabriel River; and

(12) for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

ARTICLE 17. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 17.001. Section 222.108(d), Transportation Code, as amended by Chapter 1182 (S.B. 971), Acts of the 83rd Legislature, Regular Session, 2013, and repealed by Chapter 114 (S.B. 1110), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to give effect to the amendment by Chapter 1182 to read as follows:

(d) In this section, "transportation project" includes:

(1) transportation projects described by Section 370.003; and

(2) port security, transportation, or facility projects described by Section 55.001(5).

SECTION 17.002. Section 222.110(e), Transportation Code, as amended by Chapters 114 (S.B. 1110) and 1134 (H.B. 2300), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(e) The sales and use taxes to be deposited into the tax increment account under this section may be disbursed from the account only to:

(1) pay for projects authorized under Section 222.104 or 222.108; and

(2) notwithstanding Sections 321.506 and 323.505, Tax Code, satisfy claims of holders of tax increment bonds, notes, or other obligations issued or incurred for projects authorized under Section 222.104, ~~or~~ 222.107¹, or 222.108.

SECTION 17.003. Section 251.018, Transportation Code, as added by Chapter 1134 (H.B. 2300), Acts of the 83rd Legislature, Regular Session, 2013, is repealed as duplicative of Section 251.019, Transportation Code, as added by Chapter 1372 (S.B. 1747), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 17.004. Section 460.406(c), Transportation Code, is amended to correct a reference to read as follows:

(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:

- (1) the aggregate amount involved in the contract is \$50,000 or less;
- (2) the contract is for construction for which not more than one bid or proposal is received;
- (3) the contract is for services or property for which there is only one source or for which it is otherwise impracticable to obtain competition;
- (4) the contract is to respond to an emergency for which the public exigency does not permit the delay incident to the competitive process;
- (5) the contract is for personal or professional services or services for which competitive bidding is precluded by law;
- (6) the contract, without regard to form and which may include bonds, notes, loan agreements, or other obligations, is for the purpose of borrowing money or is a part of a transaction relating to the borrowing of money, including:
 - (A) a credit support agreement, such as a line or letter of credit or other debt guaranty;
 - (B) a bond, note, debt sale or purchase, trustee, paying agent, remarketing agent, indexing agent, or similar agreement;
 - (C) an agreement with a securities dealer, broker, or underwriter; and
 - (D) any other contract or agreement considered by the board of directors to be appropriate or necessary in support of the authority's financing activities;
- (7) the contract is for work that is performed and paid for by the day as the work progresses;
- (8) the contract is for the lease or purchase of an interest in land;
- (9) the contract is for the purchase of personal property sold:
 - (A) at an auction by a state licensed auctioneer;
 - (B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or
 - (C) by a political subdivision of this state, a state agency, or an entity of the federal government;
- (10) the contract is for services performed by blind or severely disabled persons;
- (11) the contract is for the purchase of electricity;
- (12) the contract is one for an authority project and awarded for alternate project delivery using the procedures under Subchapters E, F, G, and I, Chapter 2269 [2267], Government Code~~], as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011~~; or
- (13) the contract is for fare enforcement officer services under Section 460.1092.

SECTION 17.005. Section 502.402(a), Transportation Code, as amended by Chapters 1273 (H.B. 1198) and 1277 (H.B. 1573), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

- (a) This section applies only to:
 - (1) a county that:
 - (A) borders the United Mexican States; and

(B) has a population of more than 250,000; and

(2) a county that has a population of more than 1.5 million that is coterminous with a regional mobility authority.

SECTION 17.006. Section 521.044(a), Transportation Code, as amended by Chapters 1012 (H.B. 2512) and 1105 (H.B. 3787), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) Information provided on a driver's license application that relates to the applicant's social security number may be used only by the department or disclosed only to:

- (1) the child support enforcement division of the attorney general's office;
- (2) another state entity responsible for enforcing the payment of child support;
- (3) the United States Selective Service System as provided by Section 521.147;
- (4) the unclaimed property division of the comptroller's office; ~~or~~
- (5) the Health and Human Services Commission; or
- (6) ~~(5)~~ the secretary of state for the purposes of voter registration or the administration of elections.

SECTION 17.007. Section 541.201(1), Transportation Code, as amended by Chapters 17 (S.B. 223), 254 (H.B. 567), 275 (H.B. 802), and 630 (S.B. 1917), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

- (1) "Authorized emergency vehicle" means:
 - (A) a fire department or police vehicle;
 - (B) a public or private ambulance operated by a person who has been issued a license by the Department of State Health Services;
 - (C) an emergency medical services vehicle:
 - (i) authorized under an emergency medical services provider license issued by the Department of State Health Services under Chapter 773, Health and Safety Code; and
 - (ii) operating under a contract with an emergency services district that requires the emergency medical services provider to respond to emergency calls with the vehicle;
 - (D) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
 - (E) ~~(D)~~ a county-owned or county-leased emergency management vehicle that has been designated or authorized by the commissioners court;
 - (F) a vehicle that has been designated by the department under Section 546.0065;
 - (G) ~~(E)~~ a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;

(H) [~~(F)~~] an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas;

(I) [~~(G)~~] a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs;

(J) [~~(H)~~] a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity; or

(K) [~~(I)~~] a private vehicle of an employee or volunteer of a county emergency management division in a county with a population of more than 46,500 and less than 48,000 that is designated as an authorized emergency vehicle by the commissioners court of that county.

SECTION 17.008. Section 681.008(b), Transportation Code, as amended by Chapters 223 (H.B. 120), 309 (H.B. 1514), and 1010 (H.B. 2485), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b) A vehicle on which license plates described by Subsection (a)(2) or issued under Section 504.202, ~~[Section]~~ 504.310, 504.315, ~~[or]~~ 504.316, or 504.319 are displayed is exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

(1) the person who registered the vehicle under Section 504.202(a), ~~[Section]~~ 504.310, 504.315, ~~[or]~~ 504.316, or 504.319;

(2) a person described in Section 504.202(b) if the vehicle is registered under that subsection; or

(3) the owner or operator of a vehicle displaying license plates described by Subsection (a)(2).

ARTICLE 18. CHANGES RELATING TO WATER CODE

SECTION 18.001. Section 13.1871(s), Water Code, as added by Chapter 171 (S.B. 567), Acts of the 83rd Legislature, Regular Session, 2013, is repealed as duplicative of Section 13.1871(s), Water Code, as added by Chapter 170 (H.B. 1600), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 19. CHANGES RELATING TO THE DISPOSITION OF CERTAIN CIVIL STATUTES

SECTION 19.001. (a) Subtitle D, Title 13, Occupations Code, is amended to codify Chapter 528 (S.B. 155), Acts of the 76th Legislature, Regular Session, 1999 (Article 178d-1, Vernon's Texas Civil Statutes), by adding Chapter 2158 to read as follows:

CHAPTER 2158. SPECIAL EVENT PARKING CHARGE LIMITATION

Sec. 2158.001. DEFINITIONS. In this chapter:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) "Parking facility," "parking facility owner," and "vehicle" have the meanings assigned by Section 2308.002, Occupations Code.

(3) "Special event" includes a sporting event, convention, concert, exhibit, parade, or political rally.

Sec. 2158.002. LIMITATION OF PARKING CHARGE IN CONNECTION WITH SPECIAL EVENT. (a) A parking facility owner may not charge for parking a vehicle in the parking facility in connection with a special event an amount that is more than two times the amount computed using the rate that is normally charged for parking a vehicle in the facility on that day of the week and at that time.

(b) This section does not apply to an institution of higher education or a private or independent institution of higher education.

Sec. 2158.003. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates Section 2158.002(a).

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the parking facility owner posted a conspicuous sign at least two feet wide and two feet high at the entrance to the parking facility stating:

(1) in print at least six inches in height, the rate that is normally charged for parking a vehicle in the facility; and

(2) in print at least six inches in height, the rate that is charged for parking a vehicle in the facility in connection with a special event.

(b) Chapter 528 (S.B. 155), Acts of the 76th Legislature, Regular Session, 1999 (Article 178d-1, Vernon's Texas Civil Statutes), is repealed.

SECTION 19.002. Chapter 294 (S.B. 281), Acts of the 69th Legislature, Regular Session, 1985 (Article 326k-90, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.003. Chapter 496 (S.B. 102), Acts of the 47th Legislature, Regular Session, 1941 (Article 695d, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.004. (a) Title 4, Water Code, is amended to codify Chapter 702 (S.B. 1358), Acts of the 68th Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas Civil Statutes), by adding Chapter 51A to read as follows:

CHAPTER 51A. METROPOLITAN WATER CONTROL AND IMPROVEMENT
DISTRICTS AND SUBDISTRICTS

Sec. 51A.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of a district.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means a conservation and reclamation district that:

(A) is created by general or special law pursuant to Section 59, Article XVI, Texas Constitution;

(B) is governed by Chapter 51 to the extent the provisions of that chapter are not inconsistent with the provisions of any special law creating the district; and

(C) contains at least 10,000 acres after all exclusions of land have occurred.

(4) "Refunding bond" means a refunding bond issued by a district.

(5) "Residential neighborhood" means an area that, as it develops, will consist of detached single-family residences on not less than 79 percent of the net residential acreage of the area and will consist of condominiums or multifamily rental units with a density greater than 15 units per net residential acre on not more than 10 percent of the net residential acreage of the area. Notwithstanding the foregoing, "residential neighborhood" means an area that, as it develops, will consist of detached single-family residences on not less than 87-1/2 percent of the net residential acreage of the area if the preliminary engineering report adopted by the board before the authorization of bonds stipulates that approximately 87-1/2 percent of the net residential acreage will consist of single-family residences; provided, however, that on the full utilization of all facilities constructed with the proceeds of the bonds authorized, the definition of "residential neighborhood" stated in the first sentence of this subdivision applies. A variance of as much as three percent from the percentages set forth above is permissible during development if the percentages are met on completion of development.

(6) "Subdistrict" means a conservation and reclamation district created pursuant to Section 59, Article XVI, Texas Constitution, and this chapter to provide fresh water supply and distribution, sanitary sewage collection and treatment, and storm sewer and drainage facilities and services to residential neighborhoods.

(7) "Subdistrict board" means the board of directors of a subdistrict.

Sec. 51A.002. REFUNDING BONDS. (a) A district may issue bonds to refund all or part of its outstanding bonds, notes, or other obligations, including matured but unpaid interest. Except as otherwise provided by this section, Section 51.438 applies to refunding bonds issued under this section.

(b) Refunding bonds may be payable from:

- (1) the same source as the bonds, notes, or other obligations being refunded;
- (2) the source described by Subdivision (1) and additional sources; or
- (3) sources other than the source described by Subdivision (1).

(c) A district must publish notice of intent to issue refunding bonds at least once a week for two consecutive weeks in a newspaper of general circulation within the district and at least 15 days before the date of the meeting of the board at which it is proposed to issue the bonds. Before the issuance of the bonds, if a petition signed by not less than 10 percent of the registered voters of the district is filed with the district calling for a referendum on the refunding bond issue, the board shall, at its next meeting, order an election to be held within the district to determine whether the bonds shall be issued. The election shall be held in the manner prescribed by Chapter 1251, Government Code, for the issuance of municipal bonds.

Sec. 51A.003. CREATION OF SUBDISTRICTS. (a) The commission may create subdistricts over designated territory within the boundaries of a district as provided by this section.

(b) A petition that contains the substance of the requirements of Sections 51.013 and 51.014 must be filed with the commission.

(c) The commission shall have notice of the hearing on the petition given in the manner required by Section 51.018.

(d) The hearing must be conducted in the manner provided by Section 51.020, and the commission shall grant or refuse the petition in the manner provided by Section 51.021. An appeal from the decision of the commission must be made in the manner provided by Sections 51.022 through 51.025. The commission shall appoint five directors to serve as the subdistrict board, each of whom must meet the qualifications provided by Section 51.072.

(e) Not later than the 60th day after the date on which a petition for the creation of a subdistrict is granted by the commission, the subdistrict board shall adopt an order calling elections within the boundaries of the subdistrict in the manner provided by Subchapter D, Chapter 49, to:

(1) confirm the creation of the subdistrict in the manner provided by Section 49.102;

(2) authorize the issuance of bonds by the subdistrict or by the district on behalf of the subdistrict to be repaid by ad valorem taxes, revenue, or ad valorem taxes and revenue derived by the subdistrict;

(3) authorize a tax within the boundaries of the subdistrict to make payments under a contract with the district to support refunding bonds of the district in accordance with the exclusions procedure provided by Section 51A.005;

(4) authorize a maintenance tax within the boundaries of the subdistrict in the manner provided by Section 49.107; and

(5) elect a permanent board of directors for the subdistrict in the manner provided by Subchapter D, Chapter 49, and Section 51.075.

(f) A subdistrict:

(1) may sue and be sued in its own name;

(2) until excluded from the boundaries of the district in accordance with Section 51A.005, has concurrent jurisdiction with the district that is in the territory within the boundaries of the subdistrict; and

(3) may exercise the rights and powers of the district within the boundaries of the subdistrict.

(g) The ad valorem plan of taxation applies to each subdistrict, and a hearing for exclusions of land from a subdistrict is not necessary before an election under Subsection (e) is held.

(h) A subdistrict may be dissolved in the same manner as a district.

(i) A subdistrict is governed by Chapter 51 and all other general laws of this state to the extent those laws are not inconsistent with this chapter.

Sec. 51A.004. SUBDISTRICT BONDS. (a) Before adopting an order calling elections under Section 51A.003(e), the engineer for a subdistrict shall present a report to the subdistrict board that conforms to Section 51.410 with regard to the bonds to be issued by the subdistrict or by the district on behalf of the subdistrict.

(b) After the engineer's report is filed and approved, the subdistrict board shall order an election within the boundaries of the subdistrict to authorize the issuance of bonds by the subdistrict or by the district on behalf of the subdistrict in accordance with this chapter and Sections 49.106 and 51.411.

(c) Bonds authorized at an election within the subdistrict may only be repaid from ad valorem taxes imposed on all taxable property within the boundaries of the subdistrict or income, increment, and revenue derived from the ownership or

operation of any part of the assets of the subdistrict or any combination of those sources. The district is not liable for the repayment of those bonds except as provided by this subsection.

(d) A subdistrict may issue refunding bonds as provided by Section 51A.002.

(e) Bonds issued by a subdistrict or by the district on behalf of the subdistrict are investment securities under Chapter 2257, Government Code, are public securities under Chapter 1201, Government Code, and are subject to the general laws of this state relating to bonds of a water control and improvement district to the extent that those general laws are not inconsistent with this chapter.

Sec. 51A.005. EXCLUSION OF TERRITORY WITHIN SUBDISTRICT.

(a) A subdistrict board shall call an election within the subdistrict to coincide with the confirmation election under Section 51A.003(e) at which a proposition shall be submitted to the voters to authorize the subdistrict to enter into a contract with the district under which the subdistrict would impose an unlimited ad valorem tax on all taxable property within the subdistrict to repay to the district a portion of the district's total outstanding indebtedness. That portion would be calculated by multiplying the total outstanding indebtedness of the district on the date of the first payment under the proposed contract by a percentage equal to the proportion of the total taxable property within the district borne by the total taxable property within the subdistrict, as of the date of the preceding tax roll.

(b) The ballots in the election under Subsection (a) shall be printed to provide for voting for or against the following proposition: "The execution of a contract and the imposition of taxes to pay for the contract." A copy of the proposed contract shall be available at the office of the district for inspection before the election. The election shall otherwise be conducted in conformity with the provisions of Chapter 51 relating to elections to approve a tax-supported contract with the United States.

(c) If the proposition is approved at the election under Subsection (a), the board of the district shall, on receipt of a petition that conforms substantially to Section 49.305 and describes the territory within the subdistrict, conduct a hearing not later than the 30th day after the date of receipt of the petition on the exclusion of the subdistrict from the boundaries of the district.

(d) If the subdistrict board establishes at the hearing that the subdistrict has been created, has authorized the issuance of bonds by the subdistrict or by the district on behalf of the subdistrict, has authorized the tax-supported contract payment, and has elected a permanent board of directors, the board of the district shall, at the conclusion of the hearing, enter an order approving the contract supported by a tax within the subdistrict and excluding all land within the subdistrict from the boundaries of the district contingent only on the completion of the refunding bond issue.

(e) Refunding bonds may be issued by a district to implement the exclusion of land within a subdistrict under any terms that are considered advisable by the board of the district and are only subject to the interest rate limitations imposed by the constitution and laws of this state. If refunding bonds are not issued by a district on or before the 30th day after the date of the hearing at which the subdistrict establishes all items in Subsection (d), all property within the subdistrict is considered excluded from the boundaries of the district on the expiration of the 30th day after the date of the hearing.

(f) Any subdistrict located within a service area as defined by a United States Environmental Protection Agency grant used by a district to expand its wastewater treatment plant shall obtain wastewater treatment services to the extent of capacity provided with the United States Environmental Protection Agency grant proceeds from the wastewater treatment plant constructed with the prior proceeds of the United States Environmental Protection Agency grant in accordance with the terms of a contract approved by the governing bodies of the subdistrict and the district.

(g) To reduce the cost of services to its residents and taxpayers, the subdistrict shall use the employees, consultants, staff, and services of the district and reimburse the district for all costs of furnishing those services. The services may be terminated for good cause. The subdistrict and the district shall submit to arbitration any dispute between the subdistrict and the district.

Sec. 51A.006. WATER AND SEWER RATES. A district shall establish rates for all services to subdistricts after the exclusion of the subdistricts from the boundaries of the district. The rates may not exceed 150 percent of the rates for similar services for residents of the district.

Sec. 51A.007. ELECTION DATES. An election authorized by this chapter may be held on any day of the year other than a general election date and is not limited to the uniform election dates established by Section 41.001(a), Election Code.

Sec. 51A.008. PUBLIC PURPOSE. This chapter facilitates and advances the conservation and reclamation of the natural resources of this state by permitting certain water control and improvement districts to extend fresh water supply and distribution facilities, storm water and flood control facilities, and sanitary sewage collection and treatment facilities into areas that have previously not received such facilities. The reclamation of land for development and use as residential neighborhoods will be implemented and the health, welfare, and safety of residents of those neighborhoods will be additionally protected.

Sec. 51A.009. CONSTRUCTION. The powers granted by this chapter to districts shall be broadly interpreted and liberally construed to effect the legislative intent and the purposes of this chapter and not as a limitation of powers.

(b) Chapter 702 (S.B. 1358), Acts of the 68th Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas Civil Statutes), is repealed.

SECTION 19.005. (a) Chapter 49, Water Code, is amended to codify Chapter 707 (H.B. 993), Acts of the 69th Legislature, Regular Session, 1985 (Article 973c, Vernon's Texas Civil Statutes), by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. EXCLUSION OF URBAN PROPERTY FROM CERTAIN WATER DISTRICTS

Sec. 49.3181. DEFINITIONS. As used in this subchapter:

(1) "District" means any district or authority created under Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, the principal purpose of which is, or that is principally engaged in, supplying water for the irrigation of agricultural lands.

(2) "Urban property" means land that:

(A) has been subdivided into town lots, town lots and blocks, or small parcels of the same general nature as town lots or town lots and blocks and is designed, intended, or suitable for residential or other nonagricultural purposes, as distinguished from farm acreage, and includes streets, alleys, parkways, parks, and railroad property and rights-of-way within that subdivided land; and

(B) is in a subdivision:

(i) that is within the corporate limits or extraterritorial jurisdiction of a municipality that has subdivision approval jurisdiction under Chapter 212, Local Government Code; and

(ii) for which a plat or map has been filed and recorded in the office of the county clerk of the county in which the subdivision or any part of the subdivision is located.

Sec. 49.3182. CONDITIONS FOR EXCLUSION OF URBAN PROPERTY.

Urban property that is located in a district may be excluded from the district as provided by this subchapter only after the following have been paid to the district:

(1) all taxes, assessments, and other charges of the district accrued on the property to be excluded, together with all interest and penalties accrued on those taxes, assessments, and charges;

(2) the proportionate part of the outstanding bonded indebtedness or indebtedness in connection with a loan from an agency of the United States for which the property proposed to be excluded is liable, as determined under this subchapter; and

(3) agreement on a reasonable determined amount to be paid by the municipality or other supplier of potable water to compensate the district for loss of revenue occasioned by the exclusion.

Sec. 49.3183. APPLICATION FOR EXCLUSION. (a) The owner or owners of urban property in a district and subject to taxation by the district, and on which all amounts due the district under Section 49.3182(1) have been paid, may file a written and sworn application with the district to exclude that property from the district.

(b) The application must:

(1) include a sworn acknowledgment by the owner or owners of the property;

(2) describe the property to be excluded by identifying the lot or block number of the subdivision and the name or designation of the subdivision as shown on the recorded plat of the subdivision, or by some other method of identification; and

(3) state that the property is used or intended to be used for the purposes for which it was subdivided and is not used or intended to be used, wholly or partly, for agricultural purposes.

(c) A copy of the recorded map or plat of the subdivision must accompany the application and must clearly delineate the part of the subdivision, if less than the whole, to be excluded from the district.

(d) The applicant must also provide the district with evidence satisfactory to, or required by, the board of the applicant's:

(1) ownership of the property proposed to be excluded; and

(2) right to have the property excluded from the district.

Sec. 49.3184. CONSIDERATION OF APPLICATION. (a) As soon as practicable after an application is filed, the board shall consider the application and inquire into all the facts relating to the application that the board considers necessary for determining whether a public hearing on the application should be held.

(b) After consideration and investigation, the board shall adopt an order approving further consideration of the application if the board finds that:

(1) all amounts due the district under Section 49.3182(1) up to the date of the filing of the application have been paid;

(2) the property described in the application:

(A) is owned by the applicant;

(B) is urban property and is not used or intended to be used for agricultural purposes; and

(C) will require a source of treated potable water from the municipality in which the subdivision is located; and

(3) the exclusion of the property will not cut off the district or its facilities from ready and convenient access to other land remaining in the district for irrigation or other district purposes.

(c) If the board is unable to make any one of the findings under Subsection (b), it shall adopt a resolution rejecting the application.

(d) A resolution of the board rejecting an application is final and not subject to review by any other body, tribunal, or authority.

Sec. 49.3185. DETERMINATION OF PROPORTIONATE AMOUNT OF INDEBTEDNESS. (a) If the board approves further consideration of an application, the board shall determine the proportionate amount of the bonded or contractual indebtedness for which the property to be excluded is liable as provided by this section.

(b) If the district has outstanding bonded indebtedness, the board shall obtain from the chief appraiser a certified copy of the appraised value of all the property to be excluded for the five years preceding the year in which the application is filed, as shown by the tax rolls of the district, and the appraised value of all taxable property in the district according to the most recent tax rolls of the district. The part of the district's total outstanding bonded indebtedness to be paid by the applicant as a condition precedent to the exclusion of the property is that proportion of the indebtedness, including unpaid interest computed to the date of the order, that the appraised value of the property to be excluded bears to the appraised value of all taxable property in the district according to the most recent tax rolls.

(c) If the district has contractual or other indebtedness being repaid on the benefit tax basis, the board shall obtain from the appropriate records the manner in which the tax is assessed, and from those records the district shall calculate the part of the total outstanding indebtedness of the district remaining to be paid that is attributable to the property to be excluded.

(d) The order of the board approving further consideration of the application must also state the amounts required to be paid under Section 49.3182 as a condition of the exclusion of the property.

Sec. 49.3186. DEADLINE FOR PAYMENT OF AMOUNTS DUE. The order of the board approving further consideration of the application has no force or effect and no further proceeding may be held on the application unless the applicant deposits with the district the amounts due under Section 49.3182 not later than:

- (1) the 20th day after the date on which the order was adopted; or
- (2) the expiration of a period not to exceed 30 days after the date on which the order was adopted as ordered by the board.

Sec. 49.3187. NOTICE AND HEARING. (a) If the deposit is made within the time provided by Section 49.3186, the board shall order a public hearing to be held on the application at the regular office of the district not less than 15 or more than 30 days after the date of the hearing order.

(b) The board shall have notice of the hearing posted in a conspicuous place in the office of the district and at the courthouse of the county in which the property proposed to be excluded is situated.

Sec. 49.3188. RESOLUTION EXCLUDING URBAN PROPERTY OR REJECTING APPLICATION; EFFECTS OF EXCLUSION. (a) If, as a result of a hearing ordered under Section 49.3187, the board finds that the owners of a majority in acreage of the urban property do not desire irrigation of that property or that the urban property is not used or intended to be used for agricultural purposes, the board shall adopt a resolution setting forth those findings and excluding the urban property or the part of the urban property as to which the findings are made.

(b) If any canals, ditches, pipelines, pumps, or other facilities of the district are located on land excluded under the resolution, the exclusion does not affect or interfere with any district rights to maintain and continue operation of the facilities as located to service land remaining in the district.

(c) A copy of the resolution excluding urban property from the district certified to and acknowledged by the secretary of the board must be recorded by the district in the deed records of the county in which the excluded property is located as evidence of the exclusion.

(d) On the passage of the resolution:

- (1) the property excluded does not constitute a part of the district; and
- (2) the owner of the excluded property:
 - (A) has no further liability to the district or for any bonded or other indebtedness of the district; and
 - (B) is not subject to further taxation by the district.

(e) If the board determines from the hearing that for any reason the application should not be granted, the board shall adopt a resolution rejecting the application, and the deposit made by the applicant is subject to withdrawal by the applicant or on the board's order.

Sec. 49.3189. CONVERSION OF WATER RIGHTS. After a district excludes land from the district's territory under this subchapter, the municipality or other municipal supplier that proposes to serve the land with a potable water supply may petition the district to convert the proportionate water rights previously allocated for the land from irrigation use rights to municipal use rights for the use and benefit of the municipality or other municipal supplier. The district shall compute the proportionate water rights available and shall initiate administrative proceedings to convert the

irrigation use rights to municipal use rights. Before the district is obligated to initiate the administrative proceedings, the municipality or other municipal supplier must deposit with the district the amount that the district estimates the district will incur as reasonable expenses and attorney's fees in those proceedings. On approval of the conversion by the commission, the district shall deliver the water to the municipality or other municipal supplier in the manner those entities may agree to under this code.

(b) Chapter 707 (H.B. 993), Acts of the 69th Legislature, Regular Session, 1985 (Article 973c, Vernon's Texas Civil Statutes), is repealed.

SECTION 19.006. Article 974d-45, Revised Statutes, is repealed as executed.

SECTION 19.007. (a) Chapter 199, Transportation Code, is amended to codify Chapter 181 (H.B. 871), Acts of the 69th Legislature, Regular Session, 1985 (Article 1182k, Vernon's Texas Civil Statutes), by adding Section 199.002 to read as follows:

Sec. 199.002. RAILROAD FUNCTIONS AS PUBLIC AND GOVERNMENTAL FUNCTIONS. (a) In this section:

(1) "Railroad" means an enterprise created and operated to carry passengers, freight, or both on a fixed track. The term includes all real estate and interests in real estate, equipment, machinery, materials, structures, buildings, stations, facilities, and other improvements that are necessary to, or for the benefit of, the enterprise.

(2) "Municipality" means a home-rule municipality.

(b) The planning, acquisition, establishment, development, construction, enlarging, improvement, maintenance, equipping, operation, regulation, protection, policing, leasing, and alienation of a railroad or railroad facility by a municipality or other public agency, separately or jointly exercised:

(1) are declared to be public and governmental functions that are exercised for a public purpose and matters of public necessity; and

(2) in the case of a municipality, are declared to be municipal functions and purposes as well as public and governmental.

(c) All land and other property and privileges acquired and used by or on behalf of a municipality or other public agency for railroad purposes:

(1) are declared to be acquired for public and governmental purposes and as a matter of public necessity; and

(2) in the case of a municipality, are declared to be acquired for a municipal purpose.

(d) This section does not confer or convey governmental immunity or any other limitation of liability to any entity that is not a governmental entity, governmental authority, or public agency, or a subdivision of a governmental entity, governmental authority, or public agency.

(b) Chapter 181 (H.B. 871), Acts of the 69th Legislature, Regular Session, 1985 (Article 1182k, Vernon's Texas Civil Statutes), is repealed.

SECTION 19.008. Chapter 4 (S.B. 455), page 689, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Article 2603c1, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.009. Chapter 404 (H.B. 768), Acts of the 47th Legislature, Regular Session, 1941 (Article 2603c2, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.010. Section 2, Chapter 3 (S.B. 2), Acts of the 62nd Legislature, Regular Session, 1971 (Article 2619b, Vernon's Texas Civil Statutes), is repealed as no longer necessary because Pan American University was transferred to The University of Texas System and renamed by Chapter 181 (S.B. 47), Acts of the 71st Legislature, Regular Session, 1989.

SECTION 19.011. Chapter 357 (S.B. 319), Acts of the 64th Legislature, Regular Session, 1975 (Article 4413(32e), Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.012. Chapter 672 (H.B. 1880), Acts of the 65th Legislature, Regular Session, 1977 (Article 4413(42a), Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.013. Article 2, Chapter 4 (S.B. 3), Acts of the 72nd Legislature, 1st Called Session, 1991 (Article 4413(56a), Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.014. Chapter 685 (H.B. 235), Acts of the 60th Legislature, Regular Session, 1967 (Article 4413d-3, Vernon's Texas Civil Statutes), is repealed because a portion was revised in 1975 as Section 12.010, Parks and Wildlife Code, and the remainder is obsolete.

SECTION 19.015. (a) Subchapter B, Chapter 531, Government Code, is amended to codify Section 26, Chapter 1027 (H.B. 18), Acts of the 71st Legislature, Regular Session, 1989 (Article 4438g, Vernon's Texas Civil Statutes), by adding Section 531.02193 to read as follows:

Sec. 531.02193. CERTAIN CONDITIONS ON MEDICAID REIMBURSEMENT OF RURAL HEALTH CLINICS PROHIBITED. The commission may not impose any condition on the reimbursement of a rural health clinic under the Medicaid program if the condition is more stringent than the conditions imposed by the Rural Health Clinic Services Act of 1977 (Pub. L. No. 95-210) or the laws of this state regulating the practice of medicine, pharmacy, or professional nursing.

(b) Section 26, Chapter 1027 (H.B. 18), Acts of the 71st Legislature, Regular Session, 1989 (Article 4438g, Vernon's Texas Civil Statutes), is repealed.

SECTION 19.016. Article 5311b, Revised Statutes, is repealed as executed.

SECTION 19.017. Chapter 128 (S.B. 108), Acts of the 53rd Legislature, Regular Session, 1953 (Article 5382b-1, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.018. Chapter 399 (S.B. 238), Acts of the 57th Legislature, Regular Session, 1961 (Article 5421c-9, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.019. The following provisions are repealed as executed:

(1) Chapter 37 (H.B. 12), Acts of the 43rd Legislature, 3rd Called Session, 1934 (Article 5421f, Vernon's Texas Civil Statutes); and

(2) Section 1, Chapter 191 (H.B. 56), Acts of the 47th Legislature, Regular Session, 1941 (Article 5421f-1, Vernon's Texas Civil Statutes).

SECTION 19.020. Chapter 280 (S.B. 374), Acts of the 54th Legislature, Regular Session, 1955 (Article 5421o, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.021. (a) Sections 11(b), (c), and (d), Chapter 141, Acts of the 66th Legislature, Regular Session, 1979 (Article 5920-11, Vernon's Texas Civil Statutes), are repealed as executed.

(b) The headings to Sections 6, 11, and 21, Chapter 141, Acts of the 66th Legislature, Regular Session, 1979 (Article 5920-11, Vernon's Texas Civil Statutes), are repealed as unnecessary.

SECTION 19.022. Chapter 292 (H.B. 685), Acts of the 54th Legislature, Regular Session, 1955 (Article 6070f, Vernon's Texas Civil Statutes), is repealed as executed.

SECTION 19.023. Chapter 466 (H.B. 1910), Acts of the 71st Legislature, Regular Session, 1989 (Article 6701j-2, Vernon's Texas Civil Statutes), is repealed because it was revised in 2003 as Section 1001.106, Education Code.

SECTION 19.024. (a) Subchapter Z, Chapter 2175, Government Code, is amended to codify Article 9023d, Revised Statutes, by adding Section 2175.907 to read as follows:

Sec. 2175.907. DISPOSAL OF COMPUTER EQUIPMENT BY CHARITABLE ORGANIZATION. (a) In this section:

(1) "Computer equipment" includes computers, telecommunications devices and systems, automated information systems, and peripheral devices and hardware that are necessary to the efficient installation and operation of that equipment, but does not include computer software.

(2) "Charitable organization" has the meaning assigned by Section 84.003, Civil Practice and Remedies Code.

(b) Except as provided by Subsections (c) and (d), a charitable organization that expends funds received from the state, whether by appropriation, grant, or otherwise, to purchase computer equipment may not dispose of or discard the equipment before the fourth anniversary of the date the organization purchased the equipment.

(c) This section does not prohibit:

- (1) the sale or trade of computer equipment; or
- (2) the disposal of equipment that is not operational.

(d) A charitable organization may dispose of computer equipment purchased with state funds within the four-year period after the date of purchase by donating the equipment to another charitable organization.

(e) This section applies only to computer equipment that a charitable organization purchases for at least \$500.

(f) The comptroller shall adopt rules to implement this section.

(b) Article 9023d, Revised Statutes, is repealed.

ARTICLE 20. CHANGES RELATING TO THE ESTATES CODE AND CODIFICATION OF THE TEXAS PROBATE CODE

SECTION 20.001. Section 15.007, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 15.007. CONFLICT WITH CERTAIN PROVISIONS. Notwithstanding Sections 15.004, 15.005, and 15.031, to the extent that venue under this chapter for a suit by or against an executor, administrator, or guardian as such, for personal injury, death, or property damage conflicts with venue provisions under the Estates [~~Texas Probate~~] Code, this chapter controls.

SECTION 20.002. Section 21.001(b), Estates Code, is amended to read as follows:

(b) Consistent with the objectives of the statutory revision program, the purpose of this code~~[, except Subtitle X, Title 2, and Subtitles Y and Z, Title 3,]~~ is to make the law encompassed by this code~~[, except Subtitle X, Title 2, and Subtitles Y and Z, Title 3,]~~ more accessible and understandable by:

- (1) rearranging the statutes into a more logical order;
- (2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;
- (3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and
- (4) restating the law in modern American English to the greatest extent possible.

SECTION 20.003. Section 21.002, Estates Code, is amended to read as follows:

Sec. 21.002. CONSTRUCTION. ~~[(a)]~~ Except as provided by ~~[this section,]~~ Section 22.027~~;~~ or ~~[Section]~~ 1002.023, Chapter 311, Government Code (Code Construction Act), applies to the construction of a provision of this code.

~~[(b) Chapter 311, Government Code (Code Construction Act), does not apply to the construction of a provision of Subtitle X, Title 2, or Subtitle Y or Z, Title 3.]~~

SECTION 20.004. Section 21.003, Estates Code, is amended to read as follows:

Sec. 21.003. STATUTORY REFERENCES. ~~[(a)]~~ A reference in a law other than in this code to a statute or a part of a statute revised by~~[, or redesignated as part of,]~~ this code is considered to be a reference to the part of this code that revises that statute or part of that statute ~~[or contains the redesignated statute or part of the statute, as applicable].~~

~~[(b) A reference in Subtitle X, Title 2, or Subtitle Y or Z, Title 3, to a chapter, a part, a subpart, a section, or any portion of a section "of this code" is a reference to the chapter, part, subpart, section, or portion of a section as redesignated in the Estates Code, except that:~~

~~[(1) a reference in Subtitle X, Title 2, or Subtitle Y or Z, Title 3, to Chapter I is a reference to Chapter I, Estates Code, and to the revision of sections derived from Chapter I, Texas Probate Code, and any reenactments and amendments to those sections; and~~

~~[(2) a reference in Subtitle X, Title 2, or Subtitle Y or Z, Title 3, to a chapter, part, subpart, section, or portion of a section that does not exist in the Estates Code is a reference to the revision or redesignation of the corresponding chapter, part, subpart, section, or portion of a section of the Texas Probate Code and any reenactments or amendments.]~~

SECTION 20.005. Section 21.005, Estates Code, is amended to read as follows:

Sec. 21.005. APPLICABILITY OF CERTAIN LAWS. ~~[(a) Notwithstanding Section 21.002(b) of this code and Section 311.002, Government Code:~~

~~[(1) Section 311.032(e), Government Code, applies to Subtitle X, Title 2, and Subtitles Y and Z, Title 3; and~~

~~[(2) Sections 311.005(4) and 311.012(b) and (c), Government Code, apply to Subtitle X, Title 2, and Subtitles Y and Z, Title 3.~~

~~[(b)]~~ Chapter 132, Civil Practice and Remedies Code, does not apply to Subchapter C, Chapter 251.

SECTION 20.006. Section 34.001(b), Estates Code, is amended to read as follows:

(b) Notwithstanding any other provision of this subtitle, Title 1, [~~Subtitle X, Title 2,~~] Chapter 51, 52, 53, 54, 55, or 151, or Section 351.001, 351.002, 351.053, 351.352, 351.353, 351.354, or 351.355, the proper venue for an action by or against a personal representative for personal injury, death, or property damages is determined under Section 15.007, Civil Practice and Remedies Code.

SECTION 20.007. Section 1021.001(a), Estates Code, is amended to read as follows:

(a) For purposes of this code, in a county in which there is no statutory probate court, a matter related to a guardianship proceeding includes:

- (1) the granting of letters of guardianship;
- (2) the settling of an account of a guardian and all other matters relating to the settlement, partition, or distribution of a ward's estate;
- (3) a claim brought by or against a guardianship estate;
- (4) an action for trial of title to real property that is guardianship estate property, including the enforcement of a lien against the property;
- (5) an action for trial of the right of property that is guardianship estate property;

(6) after a guardianship of the estate of a ward is required to be settled as provided by Section 1204.001:

(A) an action brought by or on behalf of the former ward against a former guardian of the ward for alleged misconduct arising from the performance of the person's duties as guardian;

(B) an action calling on the surety of a guardian or former guardian to perform in place of the guardian or former guardian, which may include the award of a judgment against the guardian or former guardian in favor of the surety;

(C) an action against a former guardian of the former ward that is brought by a surety that is called on to perform in place of the former guardian;

(D) a claim for the payment of compensation, expenses, and court costs, and any other matter authorized under Chapter 1155 [~~and Subpart II, Part 2, Subtitle Z;~~] and

(E) a matter related to an authorization made or duty performed by a guardian under Chapter 1204; and

(7) the appointment of a trustee for a trust created under Section 1301.053 or 1301.054, the settling of an account of the trustee, and all other matters relating to the trust.

SECTION 20.008. Sections 34.306(a), (b), and (c), Finance Code, are amended to read as follows:

(a) Subject to Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [Chapter XI, Probate] Code, a bank may accept and administer a deposit account:

- (1) that is opened with the bank by one or more persons expressly as a trustee for one or more other named persons; and

(2) for which further notice of the existence and terms of a trust is not given in writing to the bank.

(b) For a deposit account that is opened with a bank by one or more persons expressly as a trustee for one or more other named persons under or purporting to be under a written trust agreement, the trustee may provide the bank with a certificate of trust to evidence the trust relationship. The certificate must be an affidavit of the trustee and must include the effective date of the trust, the name of the trustee, the name of or method for choosing successor trustees, the name and address of each beneficiary, the authority granted to the trustee, the disposition of the account on the death of the trustee or the survivor of two or more trustees, other information required by the bank, and an indemnification of the bank. The bank may accept and administer the account, subject to Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [Chapter XI, Probate] Code, in accordance with the certificate of trust without requiring a copy of the trust agreement. The bank is not liable for administering the account as provided by the certificate of trust, even if the certificate of trust is contrary to the terms of the trust agreement, unless the bank has actual knowledge of the terms of the trust agreement.

(c) On the death of the trustee or of the survivor of two or more trustees, the bank may pay all or part of the withdrawal value of the account with interest as provided by the certificate of trust. If the trustee did not deliver a certificate of trust, the bank's right to treat the account as owned by a trustee ceases on the death of the trustee. On the death of the trustee or of the survivor of two or more trustees, the bank, unless the certificate of trust provides otherwise, shall pay the withdrawal value of the account with interest in equal shares to the persons who survived the trustee, are named as beneficiaries in the certificate of trust, and can be located by the bank from its own records. If there is not a certificate of trust, payment of the withdrawal value and interest shall be made as provided by Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [Chapter XI, Probate] Code. Any payment made under this section for all or part of the withdrawal value and interest discharges any liability of the bank to the extent of the payment. The bank may pay all or part of the withdrawal value and interest in the manner provided by this section, regardless of whether it has knowledge of a competing claim, unless the bank receives actual knowledge that payment has been restrained by court order.

SECTION 20.009. Section 34.307(c), Finance Code, is amended to read as follows:

(c) A bank may not exercise its right of set-off under this section against an account unless the account is due the depositor in the same capacity as the defaulted credit obligation. A trust account for which a depositor is trustee, including a trustee under a certificate of trust delivered under Section 34.306(b), is not subject to the right of set-off under this section unless the trust relationship is solely evidenced by the account card as provided by Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [Chapter XI, Probate] Code.

SECTION 20.010. Section 59.105, Finance Code, is amended to read as follows:

Sec. 59.105. EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not affect Chapter 151, Estates [~~Sections 36B-36F, Texas Probate~~] Code, or another statute of this state governing safe deposit boxes.

SECTION 20.011. Section 95.011, Finance Code, is amended to read as follows:

Sec. 95.011. APPLICABILITY OF ESTATES [~~PROBATE~~] CODE. The applicable provisions of Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [~~Chapter XI, Texas Probate~~] Code, govern deposit accounts held in a savings bank.

SECTION 20.012. Section 123.207, Finance Code, is amended to read as follows:

Sec. 123.207. FIDUCIARY POWERS. A credit union may:

- (1) act, under court order or appointment, as guardian, receiver, trustee, executor, or administrator without giving bond;
- (2) receive an investment from a person acting as a guardian, receiver, trustee, executor, or administrator under the Estates [~~Texas Probate~~] Code or Subtitle B, Title 9, Property Code;
- (3) act as depository for money paid to a court or constituting the estate of a deceased person, a minor, or an incompetent;
- (4) accept, execute, and administer a trust as trustee;
- (5) accept funds or money for deposit by a fiduciary, trustee, receiver, guardian, executor, or administrator; or
- (6) act as custodian or trustee of a pension or profit-sharing plan, including an individual retirement account or a pension fund of a self-employed individual or of the sponsor of a credit union.

SECTION 20.013. Section 125.001, Finance Code, is amended to read as follows:

Sec. 125.001. DEFINITION. In this chapter, "multiple-party account" has the meaning assigned by Section 113.004, Estates [~~436, Texas Probate~~] Code, except that the term includes an account in which one or more of the parties is an organization, association, corporation, or partnership.

SECTION 20.014. Section 125.308(a), Finance Code, is amended to read as follows:

- (a) The death of a trustee does not affect the ownership or disposition of a trust account unless:
 - (1) the trust agreement provides otherwise; or
 - (2) there is not a surviving trustee, and:
 - (A) the account is a trust account subject to Subchapter B, Chapter 111, and Chapters 112 and 113, Estates [~~Chapter XI, Texas Probate~~] Code; or
 - (B) written evidence of the terms of the trust does not exist.

SECTION 20.015. Section 125.504(a), Finance Code, is amended to read as follows:

(a) Except as otherwise provided by this section, Sections 125.505 through 125.507, Chapter 151, Estates [~~Sections 36B through 36F, Texas Probate~~] Code, or other law, a credit union may not relocate a safe deposit box rented for a term of six months or longer if the box rental is not delinquent or may not open the box to relocate its contents to another location, unless:

- (1) the lessee is present when the box is opened or relocated; or
- (2) the lessee has given the credit union written authorization to relocate the box or to open the box for purposes of relocation.

SECTION 20.016. Section 182.020(b), Finance Code, is amended to read as follows:

(b) A foreign corporation or other entity chartered or domiciled in another jurisdiction as a trust company or depository institution with trust powers may act as a trustee in this state only as provided by Subchapter A, Chapter 505, Estates [~~Section 105A, Texas Probate~~] Code.

SECTION 20.017. Section 187.002(b), Finance Code, is amended to read as follows:

(b) Notwithstanding Subsection (a), a trust institution that does not maintain a principal office, branch, or trust office in this state may act as a fiduciary in this state to the extent permitted by Subchapter A, Chapter 505, Estates [~~Section 105A, Probate~~] Code.

SECTION 20.018. Section 187.201(a), Finance Code, is amended to read as follows:

(a) An out-of-state trust institution may establish a representative trust office as permitted by this subchapter to:

- (1) solicit, but not accept, fiduciary appointments;
- (2) act as a fiduciary in this state to the extent permitted for a foreign corporate fiduciary by Subchapter A, Chapter 505, Estates [~~Section 105A, Probate~~] Code;
- (3) perform ministerial duties with respect to existing clients and accounts of the trust institution;
- (4) engage in an activity permitted by Section 182.021; and
- (5) to the extent the office is not acting as a fiduciary:
 - (A) receive for safekeeping personal property of every description;
 - (B) act as assignee, bailee, conservator, custodian, escrow agent, registrar, receiver, or transfer agent; and
 - (C) act as financial advisor, investment advisor or manager, agent, or attorney-in-fact in any agreed capacity.

SECTION 20.019. Section 274.113(a), Finance Code, is amended to read as follows:

(a) An action under this subchapter for a fiduciary account resulting from a decedent's estate or guardianship must be brought in the county provided for by the Estates [~~Texas Probate~~] Code with respect to the probate of a will, issuance of letters testamentary or of administration, administration of a decedent's estate, appointment of a guardian, and administration of a guardianship.

SECTION 20.020. Section 74.098(b), Government Code, is amended to read as follows:

(b) The court may appoint an attorney included on the list whose name does not appear first on the list or an attorney not included on the list if the appointment of that attorney as attorney ad litem is:

(1) required on a complex matter because the attorney possesses relevant specialized education, training, certification, or skill;

(2) made pursuant to the Family Code, Health and Safety Code, Human Resources Code, Texas Trust Code (Subtitle B, Title 9, Property Code), or Estates [~~Texas Probate~~] Code; or

(3) agreed on by the parties and approved by the court.

SECTION 20.021. Section 118.056, Local Government Code, as amended by Chapter 66 (H.B. 1136), Acts of the 76th Legislature, Regular Session, 1999, is amended by amending Subsection (d), as added by Chapter 399 (H.B. 819), Acts of the 80th Legislature, Regular Session, 2007, to read as follows:

(d) The fee for filing an inventory and appraisal under Section 118.052(2)(B)(i) applies only if the instrument is filed after the 90th day after the date the personal representative has qualified to serve or, if the court grants an extension under Section 309.051, Estates [~~250, Texas Probate~~] Code, after the date of the extended deadline specified by the court.

SECTION 20.022. Section 118.067(a), Local Government Code, is amended to read as follows:

(a) The "supplemental court-initiated guardianship fee" under Section 118.052(2)(E) is for the support of the judiciary in guardianships initiated under Chapter 1102, Estates [~~Section 683, Texas Probate~~] Code. Fees collected under Section 118.052(2)(E) shall be deposited in a court-initiated guardianship fund in the county treasury and may be used only to supplement, rather than supplant, other available county funds used to:

(1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates [~~683, Texas Probate~~] 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 [~~Section 683, Texas Probate~~] 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.

SECTION 20.023. The following are repealed:

(1) Section 21.001(c), Estates Code;

(2) the heading to Subchapter E, Chapter 255, Estates Code;

(3) Subtitle X, Title 2, Estates Code; and

(4) Subtitles Y and Z, Title 3, Estates Code.

ARTICLE 21. REDESIGNATIONS

SECTION 21.001. The following provisions of enacted codes are redesignated to eliminate duplicate citations or to relocate misplaced provisions:

(1) Subdivision (26), Section 1.04, Alcoholic Beverage Code, as added by Chapter 1190 (S.B. 1090), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subdivision (28), Section 1.04, Alcoholic Beverage Code.

(2) Section 14.05, Alcoholic Beverage Code, as added by Chapter 195 (S.B. 642), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 14.06, Alcoholic Beverage Code.

(3) Section 105.081, Alcoholic Beverage Code, as added by Chapter 535 (S.B. 518), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 105.082, Alcoholic Beverage Code.

(4) Chapter 109, Business & Commerce Code, as added by Chapter 1013 (H.B. 2539), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Chapter 110, Business & Commerce Code, and Sections 109.001, 109.002, and 109.003, Business & Commerce Code, as added by that Act, are redesignated as Sections 110.001, 110.002, and 110.003, Business & Commerce Code, respectively.

(5) Chapter 140, Civil Practice and Remedies Code, as added by Chapter 1066 (H.B. 3241), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Chapter 140A, Civil Practice and Remedies Code, and Sections 140.001, 140.002, 140.003, 140.004, 140.005, 140.006, 140.007, 140.008, 140.009, 140.010, 140.011, 140.012, and 140.013, Civil Practice and Remedies Code, as added by that Act, are redesignated as Sections 140A.001, 140A.002, 140A.003, 140A.004, 140A.005, 140A.006, 140A.007, 140A.008, 140A.009, 140A.010, 140A.011, 140A.012, and 140A.013, Civil Practice and Remedies Code, respectively.

(6) Subsection (a-1), Article 63.009, Code of Criminal Procedure, as added by Chapter 571 (S.B. 742), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (a-3), Article 63.009, Code of Criminal Procedure.

(7) Section 7.064, Education Code, as added by Chapter 1282 (H.B. 2012), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 7.065, Education Code.

(8) Subsection (e), Section 21.044, Education Code, as added by Chapter 1282 (H.B. 2012), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (g), Section 21.044, Education Code.

(9) Subsection (d), Section 21.054, Education Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (g), Section 21.054, Education Code.

(10) Section 39.038, Education Code, as added by Chapter 1279 (H.B. 1675), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 39.040, Education Code.

(11) Section 39.0545, Education Code, as added by Chapter 167 (S.B. 1538), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 39.0548, Education Code.

(12) Section 39.084, Education Code, as added by Chapter 895 (H.B. 3), Acts of the 81st Legislature, Regular Session, 2009, is transferred to Subchapter A, Chapter 44, Education Code, and redesignated as Section 44.0051, Education Code.

(13) Subsection (d), Section 51.406, Education Code, as added by Chapter 1312 (S.B. 59), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (e), Section 51.406, Education Code.

(14) Section 56.009, Education Code, as added by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 56.0091, Education Code.

(15) Subchapter II, Chapter 61, Education Code, as added by Chapter 983 (H.B. 2099), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter JJ, Chapter 61, Education Code.

(16) Subchapter II, Chapter 61, Education Code, as added by Chapter 1229 (S.B. 1720), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter KK, Chapter 61, Education Code.

(17) Section 54.04011, Family Code, as added by Chapter 186 (S.B. 92), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 54.04012, Family Code.

(18) Subsection (g), Section 264.121, Family Code, as added by Chapter 342 (H.B. 2111), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (h), Section 264.121, Family Code.

(19) Section 264.124, Family Code, as added by Chapter 444 (S.B. 769), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 264.125, Family Code.

(20) Section 72.031, Government Code, as added by Chapter 1249 (S.B. 1908), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 72.032, Government Code.

(21) Subtitle K, Title 2, Government Code, as added by Chapter 42 (S.B. 966), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subtitle L, Title 2, Government Code.

(22) Subsection (e), Section 411.185, Government Code, as added by Chapter 665 (H.B. 1349), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (g), Section 411.185, Government Code.

(23) Section 442.028, Government Code, as added by Chapter 376 (H.B. 3211), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 442.029, Government Code.

(24) Section 501.023, Government Code, as added by Chapter 261 (H.B. 634), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 501.024, Government Code.

(25) Subsection (e), Section 508.281, Government Code, as added by Chapter 1154 (S.B. 213), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (f), Section 508.281, Government Code.

(26) Subdivision (7), Section 551.001, Government Code, as added by Chapter 685 (H.B. 2414), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subdivision (8), Section 551.001, Government Code.

(27) Section 662.056, Government Code, as added by Chapter 51 (H.B. 419), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 662.057, Government Code.

(28) Section 791.035, Government Code, as added by Chapter 1211 (S.B. 1411), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 791.036, Government Code.

(29) Subchapter O, Chapter 2054, Government Code, as added by Chapter 32 (S.B. 1102), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter N-1, Chapter 2054, Government Code, and Sections 2054.551, 2054.552,

2054.553, and 2054.554, Government Code, as added by that Act, are redesignated as Sections 2054.511, 2054.512, 2054.513, and 2054.514, Government Code, respectively.

(30) Section 2267.005, Government Code, as added by Chapters 713 (H.B. 3436) and 1339 (S.B. 894), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 2267.007, Government Code.

(31) Chapter 169A, Health and Safety Code, is transferred to Subtitle K, Title 2, Government Code, as added by Chapter 747 (S.B. 462), Acts of the 83rd Legislature, Regular Session, 2013, and redesignated as Chapter 126, Government Code, and Sections 169A.001, 169A.002, 169A.0025, 169A.003, 169A.004, 169A.005, 169A.0055, and 169A.006, Health and Safety Code, are redesignated as Sections 126.001, 126.002, 126.003, 126.004, 126.005, 126.006, 126.007, and 126.008, Government Code, respectively.

(32) Subchapter H, Chapter 241, Health and Safety Code, as added by Chapter 917 (H.B. 1376), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter I, Chapter 241, Health and Safety Code, and Sections 241.181, 241.182, 241.183, and 241.184, Health and Safety Code, as added by that Act, are redesignated as Sections 241.201, 241.202, 241.203, and 241.204, Health and Safety Code, respectively.

(33) Subsection (g), Section 573.001, Health and Safety Code, as added by Chapter 776 (S.B. 1189), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (h), Section 573.001, Health and Safety Code.

(34) Section 1001.078, Health and Safety Code, as added by Chapters 1147 (S.B. 126) and 1143 (S.B. 58), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 1001.084, Health and Safety Code.

(35) Subchapter H, Chapter 1001, Health and Safety Code, as added by Chapter 352 (H.B. 2392), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter I, Chapter 1001, Health and Safety Code, and Sections 1001.201, 1001.202, 1001.203, and 1001.204, Health and Safety Code, as added by that Act, are redesignated as Sections 1001.221, 1001.222, 1001.223, and 1001.224, Health and Safety Code, respectively.

(36) Section 152.0016, Human Resources Code, as added by Chapter 186 (S.B. 92), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 152.0017, Human Resources Code.

(37) Subsection (f), Section 1355.015, Insurance Code, as added by Chapter 1359 (S.B. 1484), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (g), Section 1355.015, Insurance Code.

(38) Subchapter F, Chapter 1369, Insurance Code, as added by Chapter 1328 (S.B. 644), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter G, Chapter 1369, Insurance Code, and Sections 1369.251, 1369.252, 1369.253, 1369.254, 1369.255, and 1369.256, Insurance Code, as added by that Act, are redesignated as Sections 1369.301, 1369.302, 1369.303, 1369.304, 1369.305, and 1369.306, Insurance Code, respectively.

(39) Subsection (a-1), Section 204.022, Labor Code, as added by Chapter 888 (H.B. 916), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (a-2), Section 204.022, Labor Code.

(40) Section 379C.014, Local Government Code, as added by Chapter 1085 (H.B. 3447), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 379C.015, Local Government Code.

(41) Chapter 385, Local Government Code, as added by Chapter 1204 (H.B. 3647), Acts of the 77th Legislature, Regular Session, 2001, is transferred to Subtitle C, Title 4, Special District Local Laws Code, and redesignated as Chapter 3875, Special District Local Laws Code, and Sections 385.001, 385.002, 385.003, 385.004, 385.005, 385.006, 385.031, 385.032, 385.033, 385.034, 385.035, 385.036, 385.037, 385.038, 385.039, 385.040, 385.071, 385.072, 385.073, 385.074, 385.075, 385.076, 385.077, 385.078, 385.079, 385.080, 385.111, 385.112, 385.113, 385.114, 385.115, 385.131, 385.132, and 385.133, Local Government Code, as added by that Act, are redesignated as Sections 3875.001, 3875.002, 3875.003, 3875.004, 3875.005, 3875.006, 3875.031, 3875.032, 3875.033, 3875.034, 3875.035, 3875.036, 3875.037, 3875.038, 3875.039, 3875.040, 3875.071, 3875.072, 3875.073, 3875.074, 3875.075, 3875.076, 3875.077, 3875.078, 3875.079, 3875.080, 3875.111, 3875.112, 3875.113, 3875.114, 3875.115, 3875.131, 3875.132, and 3875.133, Special District Local Laws Code, respectively.

(42) Section 501.163, Local Government Code, as added by Chapter 1295 (H.B. 2473), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 501.164, Local Government Code.

(43) Section 55.005, Occupations Code, as added by Chapter 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 55.008, Occupations Code.

(44) Section 11.132, Tax Code, as added by Chapter 138 (S.B. 163), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 11.133, Tax Code.

(45) Subsection (b), Section 33.04, Tax Code, as added by Chapter 935 (H.B. 1597), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (b-1), Section 33.04, Tax Code.

(46) Sections 171.651 and 171.652, Tax Code, as added by Chapter 1109 (H.B. 469), Acts of the 81st Legislature, Regular Session, 2009, and transferred, redesignated, and amended by Chapter 1003 (H.B. 2446), Acts of the 83rd Legislature, Regular Session, 2013, are redesignated as Sections 171.601 and 171.602, Tax Code, respectively.

(47) Section 313.010, Tax Code, as added by Chapter 1274 (H.B. 1223), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 313.009, Tax Code.

(48) Section 225.091, Transportation Code, as added by Chapter 14 (S.B. 139), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.093, Transportation Code.

(49) Section 225.091, Transportation Code, as added by Chapter 725 (H.B. 3946), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.094, Transportation Code.

(50) Section 225.091, Transportation Code, as added by Chapter 177 (H.B. 1238), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.096, Transportation Code.

(51) Section 225.091, Transportation Code, as added by Chapter 281 (H.B. 938), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.097, Transportation Code.

(52) Section 225.091, Transportation Code, as added by Chapter 248 (H.B. 442), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.098, Transportation Code.

(53) Section 225.091, Transportation Code, as added by Chapter 233 (H.B. 250), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.099, Transportation Code.

(54) Section 225.092, Transportation Code, as added by Chapter 1110 (H.B. 3831), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.100, Transportation Code.

(55) Section 225.092, Transportation Code, as added by Chapter 999 (H.B. 2356), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 225.101, Transportation Code.

(56) Section 504.663, Transportation Code, as added by Chapter 1102 (H.B. 3677), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 504.664, Transportation Code.

(57) Section 504.946, Transportation Code, as added by Chapter 809 (S.B. 1757), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 504.9465, Transportation Code.

(58) Section 521.008, Transportation Code, as added by Chapter 1233 (S.B. 1729), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 521.009, Transportation Code.

(59) Section 521.008, Transportation Code, as added by Chapter 868 (H.B. 633), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 521.010, Transportation Code.

(60) Subsection (l), Section 521.126, Transportation Code, as added by Chapter 67 (S.B. 166), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (m), Section 521.126, Transportation Code.

(61) Subchapter Q, Chapter 623, Transportation Code, as added by Chapter 635 (H.B. 474), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subchapter S, Chapter 623, Transportation Code, and Sections 623.320, 623.321, 623.322, 623.323, 623.324, 623.325, 623.326, 623.327, and 623.328, Transportation Code, as added by that Act, are redesignated as Sections 623.361, 623.362, 623.363, 623.364, 623.365, 623.366, 623.367, 623.368, and 623.369, Transportation Code, respectively.

(62) Subsection (m), Section 49.351, Water Code, as added by Chapter 991 (H.B. 2152), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Subsection (n), Section 49.351, Water Code.

SECTION 21.002. The following changes are made to conform the provisions amended to the redesignating changes made by Section 21.001 of this Act and to correct cross-references:

(1) Subdivision (5), Section 140A.001, Civil Practice and Remedies Code, as redesignated from Subdivision (5), Section 140.001, Civil Practice and Remedies Code, by Section 21.001 of this Act, is amended to read as follows:

(5) "Racketeering" means an act described by Section 140A.002 [~~140.002~~].

(2) Subsection (a), Section 140A.010, Civil Practice and Remedies Code, as redesignated from Subsection (a), Section 140.010, Civil Practice and Remedies Code, by Section 21.001 of this Act, is amended to read as follows:

(a) A district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction that receives notice under Section 140A.009 [~~140.009~~] may notify the attorney general of a related pending criminal investigation or prosecution.

(3) Section 140A.011, Civil Practice and Remedies Code, as redesignated from Section 140.011, Civil Practice and Remedies Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 140A.011 [~~140.011~~]. ABATEMENT OF SUIT. If the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction determines that a suit brought under this chapter would interfere with an ongoing criminal investigation or prosecution after notifying the attorney general of the investigation or prosecution under Section 140A.010 [~~140.010~~], the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction may request, in writing, that the attorney general abate the suit. On receipt of this request, the attorney general shall abate the suit.

(4) Subsection (b), Section 61.5391, Education Code, is amended to read as follows:

(b) Money in the account may not be appropriated for any purpose except:

(1) to provide loan repayment assistance to eligible physicians under this subchapter; or

(2) to provide loan repayment assistance under Subchapter JJ [~~HH~~] if reallocated under Section 61.9826.

(5) Subsection (b), Section 54.0326, Family Code, is amended to read as follows:

(b) A juvenile court may defer adjudication proceedings under Section 54.03 until the child's 18th birthday and require a child to participate in a program established under Section 152.0017 [~~152.0016~~], Human Resources Code, if the child:

(1) is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code; and

(2) presents to the court an oral or written request to participate in the program.

(6) Subsection (b), Section 54.04012, Family Code, as redesignated from Subsection (b), Section 54.04011, Family Code, by Section 21.001 of this Act, is amended to read as follows:

(b) A juvenile court may require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code, to participate in a program established under Section 152.0017 [~~152.0016~~], Human Resources Code.

(7) Subsection (c-7), Section 58.003, Family Code, is amended to read as follows:

(c-7) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child found to have engaged in delinquent conduct or conduct indicating a need for supervision or taken into custody to determine whether the child engaged in delinquent conduct or conduct indicating a need for supervision if the child successfully completed a trafficked persons program under Section 152.0017 [~~152.0016~~], Human Resources Code. The court may:

- (1) order the sealing of the records immediately and without a hearing; or
- (2) hold a hearing to determine whether to seal the records.

(8) Subsection (c), Section 126.005, Government Code, as redesignated from Subsection (c), Section 169A.004, Health and Safety Code, by Section 21.001 of this Act, is amended to read as follows:

(c) A legislative committee may require a county that does not establish a prostitution prevention program under this chapter due to a lack of sufficient funding, as provided by Section 126.007(c) [~~169A.0055(c)~~], to provide the committee with any documentation in the county's possession that concerns federal or state funding received by the county.

(9) Subsection (d-1), Section 403.302, Government Code, is amended to read as follows:

(d-1) For purposes of Subsection (d), a residence homestead that receives an exemption under Section 11.131 or 11.133 [~~11.132~~], Tax Code, in the year that is the subject of the study is not considered to be taxable property.

(10) Subsections (b) and (c), Section 411.1408, Government Code, are amended to read as follows:

(b) The commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by the commission or otherwise under Subtitle L [~~K~~], Title 2.

(c) Criminal history record information obtained by the commission under Subsection (b):

(1) may be used by the commission for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle L [~~K~~], Title 2;

(2) may not be released or disclosed to any person except:

(A) on court order;

(B) with the consent of the person who is the subject of the information;

or

(C) as authorized by Section 411.1386(a-6) of this code or Section 1104.404, Estates [~~698(a-6), Texas Probate~~] Code, if applicable; and

(3) shall be destroyed by the commission after the information is used for the authorized purposes.

(11) Subsection (a), Section 434.017, Government Code, is amended to read as follows:

(a) The fund for veterans' assistance is a special fund in the state treasury outside the general revenue fund. The fund is composed of:

- (1) money transferred to the fund at the direction of the legislature;

- (2) gifts and grants contributed to the fund;
- (3) the earnings of the fund;
- (4) money transferred to the fund from proceeds of the lottery game operated under Section 466.027 or transferred to the fund under Section 466.408(b);
- (5) money deposited to the credit of the fund under Section 502.1746, Transportation Code; and
- (6) money deposited to the credit of the fund under Section 521.010 [~~521.008~~], Transportation Code.

(12) Section 241.202, Health and Safety Code, as redesignated from Section 241.182, Health and Safety Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 241.202 [~~241.182~~]. ADVERTISING. A facility described by Section 241.201 [~~241.181~~] may not advertise or hold itself out as a medical office, facility, or provider other than an emergency room if the facility charges for its services the usual and customary rate charged for the same service by a hospital emergency room in the same region of the state or located in a region of the state with comparable rates for emergency health care services.

(13) Section 241.203, Health and Safety Code, as redesignated from Section 241.183, Health and Safety Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 241.203 [~~241.183~~]. POSTED NOTICE. Subject to Section 241.006, the department shall adopt rules for a notice to be posted in a conspicuous place in the facility described by Section 241.201 [~~241.181~~] that notifies prospective patients that the facility is an emergency room and charges rates comparable to a hospital emergency room.

(14) Section 1369.303, Insurance Code, as redesignated from Section 1369.253, Insurance Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 1369.303 [~~1369.253~~]. EXCEPTION. This subchapter does not apply to:

- (1) a health benefit plan that provides coverage:
 - (A) only for a specified disease or for another single benefit;
 - (B) only for accidental death or dismemberment;
 - (C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
 - (D) as a supplement to a liability insurance policy;
 - (E) for credit insurance;
 - (F) only for dental or vision care;
 - (G) only for hospital expenses; or
 - (H) only for indemnity for hospital confinement;
- (2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);
- (3) medical payment insurance coverage provided under a motor vehicle insurance policy;

(4) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Section 1369.302 [~~1369.252~~];

(5) health and accident coverage provided by a risk pool created under Chapter 172, Local Government Code; or

(6) a workers' compensation insurance policy.

(15) Subsection (c), Section 1369.304, Insurance Code, as redesignated from Subsection (c), Section 1369.254, Insurance Code, by Section 21.001 of this Act, is amended to read as follows:

(c) In prescribing a form under this section, the commissioner shall:

(1) develop the form with input from the advisory committee on uniform prior authorization forms established under Section 1369.305 [~~1369.255~~]; and

(2) take into consideration:

(A) any form for requesting prior authorization of benefits that is widely used in this state or any form currently used by the department;

(B) request forms for prior authorization of benefits established by the federal Centers for Medicare and Medicaid Services; and

(C) national standards, or draft standards, pertaining to electronic prior authorization of benefits.

(16) Subsections (a) and (c), Section 1369.305, Insurance Code, as redesignated from Subsections (a) and (c), Section 1369.255, Insurance Code, by Section 21.001 of this Act, are amended to read as follows:

(a) The commissioner shall appoint a committee to advise the commissioner on the technical, operational, and practical aspects of developing the single, standard prior authorization form required under Section 1369.304 [~~1369.254~~] for requesting prior authorization of prescription drug benefits.

(c) The commissioner shall consult the advisory committee with respect to any rule relating to a subject described by Section 1369.304 [~~1369.254~~] or this section before adopting the rule and may consult the committee as needed with respect to a subsequent amendment of an adopted rule.

(17) Subsections (a) and (b), Section 120.003, Natural Resources Code, are amended to read as follows:

(a) An entity that applies to the commission under Section 120.002 for a certification that a project operated by the entity meets the requirements for a clean energy project is responsible for conducting a monitoring, measuring, and verification process that demonstrates that the project complies with the requirements of Section 171.602(b)(4) [~~171.652(b)(4)~~], Tax Code.

(b) The entity shall contract with the bureau for the bureau to:

(1) design initial protocols and standards for the process described by Subsection (a);

(2) review the conduct of the process described by Subsection (a) in order to make any necessary changes in the design of the protocols and standards;

(3) evaluate the results of the process described by Subsection (a);

(4) provide an evaluation of the results of the process described by Subsection (a) to the commission; and

(5) determine whether to transmit to the comptroller the verification described by Section 171.602(b)(4), Tax [~~490.352(b)(4)~~, Government] Code.

(18) Subsection (a), Section 3875.031, Special District Local Laws Code, as redesignated from Subsection (a), Section 385.031, Local Government Code, by Section 21.001 of this Act, is amended to read as follows:

(a) The district has all of the powers and duties provided by the general law of this state, including:

(1) Subchapter E, Chapter 375, Local Government Code;

(2) the general laws of this state on conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code; and

(3) the general laws of this state on road districts and road utility districts created under Section 52(b)(3), Article III, Texas Constitution, including Chapter 441, Transportation Code.

(19) Section 3875.033, Special District Local Laws Code, as redesignated from Section 385.033, Local Government Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 3875.033 [~~385.033~~]. POWERS RELATED GENERALLY TO FINANCIAL AND TERRITORIAL MATTERS. The district may:

(1) impose, assess, and apply the proceeds from a limited sales and use tax as authorized by Section 3875.111 [~~385.111~~] for authorized purposes;

(2) borrow money for district purposes;

(3) add or exclude territory in the manner provided by Subchapter J, Chapter 49, Water Code, as limited by Section 54.016, Water Code, except that:

(A) for purposes of this subdivision, a reference in Subchapter J, Chapter 49, Water Code, or Section 54.016, Water Code, to a tax means an ad valorem tax; and

(B) Section 54.016, Water Code, and Section 42.042, Local Government Code, do not apply to the district's annexation of land restricted primarily to commercial or business use;

(4) enter into a contract with any person for the accomplishment of any district purpose, including a contract for:

(A) the payment, repayment, or reimbursement of any costs incurred by that person for or on behalf of the district, including all or part of the costs of any improvement project and interest on the reimbursed cost; or

(B) the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project;

(5) apply for and contract with any person to receive, administer, and perform any duty or obligation of the district under any federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, donation, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing improvement project;

(6) establish, revise, repeal, enforce, collect, and apply the proceeds from user fees or charges for the enjoyment, sale, rental, or other use of the district's facilities, services, properties, or improvement projects;

(7) provide or secure the payment or repayment of the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs of any improvement project or district contractual obligation or indebtedness by or through a lease, installment purchase contract, or other agreement with any person, or the levy and assessment of taxes, user fees, concessions, rentals, or other revenues or resources of the district;

(8) undertake separately or jointly with other persons all or part of the cost of an improvement project, including an improvement project:

(A) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement within and adjacent to the district; or

(B) that confers a general benefit on the entire district or a special benefit on a definable part of the district; and

(9) impose, collect, and apply the proceeds from a hotel occupancy tax as provided by Sections 3875.112 [~~385.112~~] and 3875.113 [~~385.113~~].

(20) Section 3875.036, Special District Local Laws Code, as redesignated from Section 385.036, Local Government Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 3875.036 [~~385.036~~]. ECONOMIC DEVELOPMENT. The district may exercise the economic development powers and authority that Chapter 380, Local Government Code, provides to a municipality with a population of more than 100,000, and Chapter 1509, Government Code, provides to a municipality.

(21) Section 3875.071, Special District Local Laws Code, as redesignated from Section 385.071, Local Government Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 3875.071 [~~385.071~~]. BOARD OF DIRECTORS. Except as provided by this subchapter, the district is governed by a board of five directors elected by the voters of the district at large. Except as provided by Sections 3875.073(b) [~~385.073(b)~~] and 3875.074 [~~385.074~~], directors serve staggered terms of four years and until their successors have been elected and have qualified.

(22) Subsection (c), Section 3875.112, Special District Local Laws Code, as redesignated from Subsection (c), Section 385.112, Local Government Code, by Section 21.001 of this Act, is amended to read as follows:

(c) Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized under this section, including the collection of the tax, except as inconsistent with this section and Section 3875.113 [~~385.113~~], subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

(23) Subsections (a) and (b), Section 3875.113, Special District Local Laws Code, as redesignated from Subsections (a) and (b), Section 385.113, Local Government Code, by Section 21.001 of this Act, are amended to read as follows:

(a) The district shall apply the proceeds from a hotel occupancy tax imposed under Section 3875.112 [~~385.112~~] for any of the district's purposes and for the purposes described by Section 352.1015, Tax Code, to the extent considered appropriate by the board.

(b) During each interval of three calendar years following the date on which a hotel occupancy tax imposed under Section 3875.112 [~~385.112~~] is initially collected, the board may not apply an annual average of more than 10 percent of the amount of tax collected under that section, excluding any interest earnings or investment profits and after a deduction for the costs of imposing and collecting the taxes, for the administrative expenses of the district or a district purpose other than:

(1) the costs of advertising and promoting tourism; or

(2) the costs of business development and commerce, including the costs of planning, designing, constructing, acquiring, leasing, financing, owning, operating, maintaining, managing, improving, repairing, rehabilitating, or reconstructing improvement projects for conferences, conventions, and exhibitions, manufacturer, consumer, or trade shows, and civic, community, or institutional events.

(24) Subsections (a) and (c), Section 3875.114, Special District Local Laws Code, as redesignated from Subsections (a) and (c), Section 385.114, Local Government Code, by Section 21.001 of this Act, are amended to read as follows:

(a) The district may issue bonds in the manner provided by Subchapter J, Chapter 375, Local Government Code, Sections 375.207 and 375.208, Local Government Code, do not apply to bonds issued under this section.

(c) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, the bonds of the district may be secured and made payable, wholly or partly, by a pledge of any part of the net proceeds the district receives from the sales and use tax authorized by Section 3875.111 [~~385.111~~] and the hotel occupancy tax authorized by Section 3875.112 [~~385.112~~].

(25) Subsection (c), Section 11.42, Tax Code, is amended to read as follows:

(c) An exemption authorized by Section 11.13(c) or (d), ~~or~~ 11.132, or 11.133 is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year.

(26) Subsection (c), Section 11.43, Tax Code, is amended to read as follows:

(c) An exemption provided by Section 11.13, 11.131, 11.132, 11.133, 11.17, 11.18, 11.182, 11.1827, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(h), (j), or (j-1), 11.231, 11.254, 11.271, 11.29, 11.30, 11.31, or 11.315, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes ownership or the person's qualification for the exemption changes. However, the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption.

(27) Subsection (a), Section 11.431, Tax Code, is amended to read as follows:

(a) The chief appraiser shall accept and approve or deny an application for a residence homestead exemption, including an exemption under Section 11.131 or 11.132 for the residence homestead of a disabled veteran or the surviving spouse of a disabled veteran or an exemption under Section 11.133 [~~11.132~~] for the residence

homestead of the surviving spouse of a member of the armed services of the United States who is killed in action, after the deadline for filing it has passed if it is filed not later than one year after the delinquency date for the taxes on the homestead.

(28) Subsection (b), Section 26.10, Tax Code, is amended to read as follows:

(b) If the appraisal roll shows that a residence homestead exemption under Section 11.13(c) or (d), ~~[or]~~ 11.132, or 11.133 applicable to a property on January 1 of a year terminated during the year and if the owner of the property qualifies a different property for one of those residence homestead exemptions during the same year, the tax due against the former residence homestead is calculated by:

(1) subtracting:

(A) the amount of the taxes that otherwise would be imposed on the former residence homestead for the entire year had the owner qualified for the residence homestead exemption for the entire year; from

(B) the amount of the taxes that otherwise would be imposed on the former residence homestead for the entire year had the owner not qualified for the residence homestead exemption during the year;

(2) multiplying the remainder determined under Subdivision (1) by a fraction, the denominator of which is 365 and the numerator of which is the number of days that elapsed after the date the exemption terminated; and

(3) adding the product determined under Subdivision (2) and the amount described by Subdivision (1)(A).

(29) Section 26.112, Tax Code, is amended to read as follows:

Sec. 26.112. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF CERTAIN PERSONS. (a) Except as provided by Section 26.10(b), if at any time during a tax year property is owned by an individual who qualifies for an exemption under Section 11.13(c) or (d) or 11.133 ~~[11.132]~~, the amount of the tax due on the property for the tax year is calculated as if the individual qualified for the exemption on January 1 and continued to qualify for the exemption for the remainder of the tax year.

(b) If an individual qualifies for an exemption under Section 11.13(c) or (d) or 11.133 ~~[11.132]~~ with respect to the property after the amount of the tax due on the property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit shall recalculate the amount of the tax due on the property and correct the tax roll. If the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent. If the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due.

(30) Subsection (b), Section 251.151, Transportation Code, is amended to read as follows:

(b) The commissioners court of a county may by order apply the county's traffic regulations to a public road in the county that is owned, operated, and maintained by a special district and located wholly or partly in the county if the commissioners court and the board of the district have entered into an interlocal contract under Section 791.036 [~~791.035~~], Government Code.

(31) Section 521.428, Transportation Code, is amended to read as follows:

Sec. 521.428. COUNTY FEE. A county that provides services under an agreement described by Section 521.009 [~~521.008~~] may collect an additional fee of up to \$5 for each transaction provided that relates to driver's license and personal identification certificate services only.

(32) Section 623.362, Transportation Code, as redesignated from Section 623.321, Transportation Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 623.362 [~~623.321~~]. DEFINITION. In this subchapter, "authority" means the regional mobility authority authorized to issue permits under Section 623.363 [~~623.322~~].

(33) Subsection (b), Section 623.364, Transportation Code, as redesignated from Subsection (b), Section 623.323, Transportation Code, by Section 21.001 of this Act, is amended to read as follows:

(b) Fees collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.363 [~~623.322~~] and for the authority's administrative costs, which may not exceed 15 percent of the fees collected. The authority shall make payments to the Texas Department of Transportation to provide funds for the maintenance of roads and highways subject to this subchapter.

(34) Subsection (a), Section 623.365, Transportation Code, as redesignated from Subsection (a), Section 623.324, Transportation Code, by Section 21.001 of this Act, is amended to read as follows:

(a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the authority;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;
- (5) a statement:
 - (A) that the gross weight of the vehicle for which a permit is issued may not exceed 125,000 pounds; and
 - (B) of any other condition on which the permit is issued;
- (6) a statement that the cargo may be transported in Hidalgo County only over the roads described by or designated under Section 623.363 [~~623.322~~]; and
- (7) the location where the cargo was loaded.

ARTICLE 22. EFFECTIVE DATE

SECTION 22.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

Floor Amendment No. 1 on Third Reading

Amend **SB 1296** on third reading by adding the following appropriately numbered SECTION to ARTICLE 16 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 16.____. Section 352.002(a-1), Tax Code, is amended to read as follows:

(a-1) In addition to the counties described by Subsection (a), the commissioners court of a county in which an airport essential to the economy of the county is located may by the adoption of an order or resolution impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping. For the purposes of this subsection, an airport is considered to be essential to the economy of a county only if the airport is a commercial-service international airport within Class C airspace and is located in a county and owned by a municipality each having a population of less than 150,000 [~~125,000~~]. This subsection does not apply to a county described by Subsection (a)(13).

The amendments were read.

Senator West moved to concur in the House amendments to **SB 1296**.

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

Nays: Bettencourt.

SENATE BILL 1462 WITH HOUSE AMENDMENT

Senator West called **SB 1462** 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 1462** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of suspected opioid overdoses.

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

SECTION 1. Chapter 483, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OPIOID ANTAGONISTS

Sec. 483.101. DEFINITIONS. In this subchapter:

(1) "Emergency services personnel" includes firefighters, emergency medical services personnel as defined by Section 773.003, emergency room personnel, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

(2) "Opioid antagonist" means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

(3) "Opioid-related drug overdose" means a condition, evidenced by symptoms such as extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid.

(4) "Prescriber" means a person authorized by law to prescribe an opioid antagonist.

Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING ORDER. (a) A prescriber may, directly or by standing order, prescribe an opioid antagonist to:

(1) a person at risk of experiencing an opioid-related drug overdose; or

(2) a family member, friend, or other person in a position to assist a person described by Subdivision (1).

(b) A prescription issued under this section is considered as issued for a legitimate medical purpose in the usual course of professional practice.

(c) A prescriber who, acting in good faith with reasonable care, prescribes or does not prescribe an opioid antagonist is not subject to any criminal or civil liability or any professional disciplinary action for:

(1) prescribing or failing to prescribe the opioid antagonist; or

(2) if the prescriber chooses to prescribe an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST. (a) A pharmacist may dispense an opioid antagonist under a valid prescription to:

(1) a person at risk of experiencing an opioid-related drug overdose; or

(2) a family member, friend, or other person in a position to assist a person described by Subdivision (1).

(b) A prescription filled under this section is considered as filled for a legitimate medical purpose in the usual course of professional practice.

(c) A pharmacist who, acting in good faith and with reasonable care, dispenses or does not dispense an opioid antagonist under a valid prescription is not subject to any criminal or civil liability or any professional disciplinary action for:

(1) dispensing or failing to dispense the opioid antagonist; or

(2) if the pharmacist chooses to dispense an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING ORDER. A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution.

Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST. Any person may possess an opioid antagonist, regardless of whether the person holds a prescription for the opioid antagonist.

Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an

opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist.

(b) Emergency services personnel are authorized to administer an opioid antagonist to a person who appears to be suffering an opioid-related drug overdose, as clinically indicated.

Sec. 483.107. CONFLICT OF LAW. To the extent of a conflict between this subchapter and another law, this subchapter controls.

SECTION 2. The change in law made by this Act relating to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after September 1, 2015. Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. The change in law made by this Act relating to conduct that is the basis for civil liability applies only to conduct that occurs on or after September 1, 2015. Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 4. The change in law made by this Act relating to conduct that constitutes a criminal offense applies only to an offense committed on or after September 1, 2015. For purposes of this section, an offense is committed before September 1, 2015, if any element of the offense occurs before that date. An offense committed before September 1, 2015, 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.

SECTION 5. This Act takes effect September 1, 2015.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 1462**.

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

CONFERENCE COMMITTEE ON HOUSE BILL 743 (Motion In Writing)

Senator Seliger 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 743** 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 743** 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 Seliger, Chair; L. Taylor, Nichols, Lucio, and Estes.

CONFERENCE COMMITTEE ON HOUSE BILL 1905
(Motion In Writing)

Senator L. Taylor 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 1905** 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 1905** 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 L. Taylor, Chair; Kolkhorst, Uresti, Eltife, and Hancock.

(President in Chair)

SENATE BILL 699 WITH HOUSE AMENDMENTS

Senator Eltife called **SB 699** 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.

Floor Amendment No. 1

Amend **SB 699** (house committee report) on page 21, by striking lines 7 and 8 and substituting the following:
chapter or ~~and~~ Chapter 1102.

(b-1) The commission may not prohibit correspondence or alternative delivery courses and programs in real estate inspection offered as continuing education by accredited colleges and universities. This subsection expires August 31, 2017.

Floor Amendment No. 1 on Third Reading

Amend **SB 699**, on third reading, by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 1101, Occupations Code, is amended by adding Section 1101.3015 to read as follows:

Sec. 1101.3015. FEE FOR EDUCATIONAL PROGRAM. The commission may not charge more than one fee for the approval of an application to offer an educational program or course of study under this subchapter in multiple formats, including in-person, online, or as a correspondence course.

Floor Amendment No. 2 on Third Reading

Amend Floor Amendment No. 1 to **SB 699** as follows:

(1) On line 6, strike "The" and substitute "(a) Except as provided by Subsection (b), the".

(2) Following line 10, add the following:

(b) The commission may adopt a fee schedule to charge a separate fee for each format in which a provider offers an educational program or course of study only if the commission by rule has adopted a policy regarding educational programs or courses of study that are offered in multiple formats.

The amendments were read.

Senator Eltife moved to concur in the House amendments to **SB 699**.

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

Nays: Burton.

SENATE BILL 1101 WITH HOUSE AMENDMENTS

Senator Eltife called **SB 1101** 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.

Floor Amendment No. 1

Amend **SB 1101** as follows:

(1) On page 1, line 24; add the following language after "purposes;":

The Texas Water Development Board shall review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the Board's groundwater availability models, with the desired future conditions adopted under Section 36.108 for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts.

Floor Amendment No. 2

Amend **SB 1101** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 16.053(e), Water Code, is" and substitute "Sections 16.053(e) and (e-1), Water Code, are".

(2) On page 4, between lines 8 and 9, insert the following:

(e-1) A regional water plan may not include a proposal for the construction of a water project in another regional water planning area unless at least two-thirds of the members of the regional water planning group for that area have consented to the inclusion of the proposal in the plan [On request of the Texas Water Advisory Council, a regional planning group shall provide the council a copy of that planning group's regional water plan].

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

SECTION _____. Section 16.053(h)(4), Water Code, is amended to read as follows:

(4) After the regional water plan is initially prepared, the regional water planning group shall submit a copy of the plan to the board. The board shall submit comments on the regional water plan as to whether the plan meets the requirements of Subsections (e) and (e-1) [~~Subsection (e) of this section~~].

SECTION _____. Section 16.053(j), Water Code, is amended to read as follows:

(j) The board may provide financial assistance to political subdivisions under Subchapters E and F of this chapter, Subchapters C, D, E, F, J, O, Q, and R, Chapter 15, and Subchapters D, I, K, and L, Chapter 17, for water supply projects only if:

(1) the board determines that the needs to be addressed by the project will be addressed in a manner that is consistent with the state water plan;

(2) beginning January 5, 2002~~[-, the board]~~:

(A) ~~the board~~ has approved a regional water plan as provided by Subsection (i), and any required updates of the plan, for the region of the state that includes the area benefiting from the proposed project; ~~and]~~

(B) if the proposed project is to be constructed in a regional water planning area other than the area benefiting from the proposed project, at least two-thirds of the members of the regional water planning group for the area in which the proposed project is to be constructed have consented to the inclusion in that regional water plan of the proposal to construct the project as required by Subsection (e-1); and

(C) the board determines that the needs to be addressed by the project will be addressed in a manner that is consistent with that regional water plan; and

(3) the board finds that the water audit required under Section 16.0121 has been completed and filed.

Floor Amendment No. 3

Strike the Simpson Amendment. - Amendment No. 2.

Floor Amendment No. 1 on Third Reading

Amend **SB 1101** on third reading, in SECTION 1 of the bill, in amended Section 16.053(e)(5)(A), Water Code, between "region" and the semicolon, by inserting "and potential impacts on public health, safety, or welfare in this state".

The amendments were read.

Senator Eltife moved to concur in the House amendments to **SB 1101**.

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

SENATE BILL 633 WITH HOUSE AMENDMENTS

Senator Fraser called **SB 633** 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 633** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to certain event trust funds and the abolishment of the special event trust fund.

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

SECTION 1. Sections 4(i) and (l), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by Chapters 579 (H.B. 1675) and 814 (S.B. 275), Acts of the 78th Legislature, Regular Session, 2003, are reenacted and amended to read as follows:

(i) The comptroller shall provide an estimate not later than September ~~December~~ 1 [~~2003~~] of the year that is eight years before the year in which the games would be held in this state of the total amount of state and municipal tax revenue that would be deposited in the Pan American Games trust fund before January 1 [~~2012~~] of the year following the year in which the games would be held, if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The comptroller shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the comptroller's estimate to a site selection organization.

(l) On January 1 [~~2013~~] of the second year following the year in which the games are held in this state, the comptroller shall transfer to the general revenue fund any money remaining in the Pan American Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The comptroller shall remit to the endorsing municipality any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

SECTION 2. Section 5A(a), 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 Subdivision (4) and by amending Subdivision (5), as amended by S.B. 293, Acts of the 84th Legislature, Regular Session, 2015, 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 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. 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), 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; ~~[or]~~

(F) the Ultimate Fighting Championship; or

(G) the Commission on Presidential Debates.

SECTION 3. 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 adding Subsection (a-3) to read as follows:

(a-3) For purposes of Subsection (a-1) of this section, each presidential general election debate in a series of presidential debates before a general election is considered a separate, single event.

SECTION 4. Chapter 398, Local Government Code, is repealed.

SECTION 5. Notwithstanding the repeal by this Act of Chapter 398, Local Government Code, a special event plan approved under former Chapter 398 of that code before September 1, 2015, 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, 2015.

Floor Amendment No. 1

Amend **CSSB 633** (house committee printing) as follows:

(1) Strike page 1, line 5, through page 2, line 10, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Section 3A to read as follows:

Sec. 3A. RULES. The office of the governor shall adopt rules consistent with this Act to ensure efficient administration of the trust funds established under this Act, including rules related to application and receipt requirements.

SECTION _____. Sections 4(b), (c), (d), (f), (h), (j), (k), and (m), 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:

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee acting on behalf of an endorsing municipality, after the first occurrence of a measurable economic impact in

this state as a result of the preparation for the games, as determined by the department [comptroller], but in no event later than one year before the scheduled opening event of the games, the department [comptroller] shall determine for each subsequent calendar quarter, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events;

(2) the incremental increase in the receipts collected by the state on behalf of the endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events; and

(3) the incremental increase in the receipts collected by the endorsing municipality from the municipality's hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the games each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the games and related events, including areas likely to provide venues, accommodations, and services in connection with the games based on the proposal provided by the local organizing committee under Section 7 of this Act. The department [comptroller] shall determine the geographic boundaries of each market area. The endorsing municipality that has been selected as the site for the games must be included in a market area for the games.

(d) The comptroller, at the direction of the department, shall retain, for the purpose of guaranteeing the joint obligations of the state and the endorsing municipality under a games support contract and this Act, the amount of municipal sales and use tax revenue determined under Subsection (b)(2) of this section from the amounts otherwise required to be sent to the municipality under Section 321.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the department [comptroller] makes the determination of the amount of municipal sales and use tax revenue under Subsection (b)(2). The comptroller shall discontinue retaining municipal sales and use tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of municipal sales and use tax revenue and municipal hotel occupancy tax revenue in the Pan American Games trust fund equals 14 percent of the maximum amount of state and municipal tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(f) Subject to Subsection (m) of this section, the comptroller, at the direction of the department, shall deposit into a trust fund designated as the Pan American Games trust fund the amount of municipal sales and use tax revenue retained under Subsection (d) of this section and, at the same time, shall transfer to the fund a portion of the state tax revenue determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal sales and use tax revenue. Subject to Subsection (m) of this section, the endorsing municipality shall deposit into the trust fund the amount of the endorsing municipality's hotel occupancy tax revenue determined by the department under Subsection (b)(3) of this section. The endorsing municipality shall deposit that hotel occupancy tax revenue into the trust fund at least quarterly. When the endorsing municipality makes a deposit of its hotel occupancy tax revenue, the comptroller, at the direction of the department, shall transfer to the fund [~~deposit~~] at the same time a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal hotel occupancy tax revenue. The Pan American Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue transferring [~~depositing~~] into the trust fund any state tax revenue determined by the department under Subsection (b)(1) of this section on the earlier of:

- (1) the end of the third calendar month following the month in which the closing event of the games occurs; or
- (2) the date on which the amount of state revenue in the Pan American Games trust fund equals 86 percent of the maximum amount of state and municipal tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(h) A local organizing committee shall provide information required by the department [~~comptroller~~] to enable the department [~~comptroller~~] to fulfill the department's [~~comptroller's~~] duties under this Act, including annual audited statements of the local organizing committee's financial records required by a site selection organization and data obtained by the local organizing committee relating to attendance at the games and to the economic impact of the games. A local organizing committee must provide an annual audited financial statement required by the department [~~comptroller~~] not later than the end of the fourth month after the date the period covered by the financial statement ends.

(j) The department may not make a disbursement from the Pan American Games trust fund unless the department [~~comptroller~~] certifies that the disbursement is for a purpose for which the state and the endorsing municipality are jointly obligated under a games support contract or other agreement described by Subsection (g) of this section.

(k) If the department [~~comptroller~~] certifies under Subsection (j) of this section that a disbursement may be made from the Pan American Games trust fund, the obligation shall be satisfied first out of municipal revenue deposited in the trust fund and any interest earned on that municipal revenue. If the municipal revenue is not

sufficient to satisfy the entire deficit, state revenue transferred ~~[deposited]~~ into the trust fund and any interest earned on that state revenue shall be used to satisfy the portion of the deficit not covered by the municipal revenue.

(m) In no event may:

(1) the total amount of state and municipal tax revenue transferred to or deposited in the Pan American Games trust fund exceed \$20 million; or

(2) the joint liability of the state and the endorsing municipality under a joinder agreement and any other games support contracts entered into pursuant to this Act exceed the lesser of:

(A) \$20 million; or

(B) the total amount of revenue transferred to or deposited in the Pan American Games trust fund and interest earned on the fund.

SECTION _____. Sections 4(i) and (l), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by Chapters 579 (H.B. 1675) and 814 (S.B. 275), Acts of the 78th Legislature, Regular Session, 2003, are reenacted and amended to read as follows:

(i) The department ~~[comptroller]~~ shall provide an estimate not later than September ~~[December]~~ 1 ~~[, 2003,]~~ of the year that is eight years before the year in which the games would be held in this state of the total amount of state and municipal tax revenue that would be transferred to or deposited in the Pan American Games trust fund before January 1 ~~[, 2012,]~~ of the year following the year in which the games would be held, if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The department ~~[comptroller]~~ shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the department's ~~[comptroller's]~~ estimate to a site selection organization.

(l) On January 1 ~~[, 2013,]~~ of the second year following the year in which the games are held in this state, the comptroller, at the direction of the department, shall transfer to the general revenue fund any money remaining in the Pan American Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The comptroller shall remit to the endorsing municipality any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

SECTION _____. Sections 5(b), (c), (d), (f), (h), (i), (j), (k), (l), and (m), 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:

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee, after the first occurrence of a measurable economic impact in this state as a result of the preparation for the games, as determined by the department ~~[comptroller]~~, but in no event later than one year before the scheduled opening event of the games, the department ~~[comptroller]~~ shall determine for each subsequent calendar quarter, in accordance with procedures developed by the department ~~[comptroller]~~:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county from the sales and use tax imposed by the county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events;

(4) the incremental increase in the receipts collected by each endorsing municipality from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events; and

(5) the incremental increase in the receipts collected by each endorsing county from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the games and related events.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the games each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the games and related events, including areas likely to provide venues, accommodations, and services in connection with the games based on the proposal provided by the local organizing committee under Section 7 of this Act. The department [comptroller] shall determine the geographic boundaries of each market area. Each endorsing municipality or endorsing county that has been selected as the site for the games must be included in a market area for the games.

(d) Subject to Section 6 of this Act, the comptroller, at the direction of the department, shall retain, for the purpose of guaranteeing the joint obligations of the state and an endorsing municipality or endorsing county under a games support contract and this Act, the amount of sales and use tax revenue and mixed beverage tax revenue determined under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Section 183.051(b) or 321.502, Tax Code, or to the county under Section 183.051(b) or 323.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the department [comptroller] makes the determination of the amount of sales and use tax

revenue and mixed beverage tax revenue under Subsection (b)(2) or (b)(3) of this section. The comptroller shall discontinue retaining sales and use tax revenue and mixed beverage tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of local sales and use tax revenue and mixed beverage tax revenue in the Olympic Games trust fund equals 14 percent of the maximum amount of state and local tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(f) Subject to Subsection (m) of this section, each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller, at the direction of the department, shall deposit into a trust fund designated as the Olympic Games trust fund, on a quarterly basis, the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (b)(5) of this section, as applicable. Subject to Section 6 of this Act and Subsection (m) of this section, the comptroller, at the direction of the department, shall deposit into the trust fund the amount of sales and use tax revenue and mixed beverage tax revenue retained under Subsection (d) of this section for the same calendar quarter and, at the same time, shall transfer to the fund the state tax revenue determined by the department under Subsection (b)(1) of this section for the quarter. The Olympic Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue transfer [deposit] of the amount of state tax revenue determined by the department under Subsection (b)(1) of this section on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of state revenue in the Olympic Games trust fund equals 86 percent of the maximum amount of state, municipal, and county tax revenue that may be transferred to or deposited in the trust fund under Subsection (m) of this section.

(h) A local organizing committee shall provide information required by the department [comptroller] to enable the department [comptroller] to fulfill the department's [comptroller's] duties under this Act, including annual audited statements of the local organizing committee's financial records required by a site selection organization and data obtained by the local organizing committee relating to attendance at the games and to the economic impact of the games. A local organizing committee must provide an annual audited financial statement required by the department [comptroller] not later than the end of the fourth month after the date the period covered by the financial statement ends.

(i) The department [comptroller] shall provide an estimate before August 31 of the year that is 12 years before the year in which the games would be held in this state, or as soon as practical after that date, of the total amount of state, municipal, and county tax revenue that would be transferred to or deposited in the Olympic Games trust fund if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The department [comptroller] shall

provide the estimate on request to a local organizing committee. A local organizing committee may submit the department's [~~comptroller's~~] estimate to a site selection organization.

(j) The department may not make a disbursement from the Olympic Games trust fund unless the department [~~comptroller~~] certifies that the disbursement is for a purpose for which the state and each endorsing municipality or endorsing county are jointly obligated under a games support contract or other agreement described by Subsection (g) of this section. A disbursement may not be made from the trust fund that the department determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(k) If the department [~~comptroller~~] certifies under Subsection (j) of this section that a disbursement may be made from the Olympic Games trust fund, the obligation shall be satisfied proportionately from the state and municipal or county revenue in the trust fund.

(l) Two years after the closing event of the games, the department [~~comptroller~~] shall transfer to the general revenue fund any money remaining in the Olympic Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The department [~~comptroller~~] shall remit to each endorsing entity in proportion to the amount contributed by the entity any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

(m) In no event may:

(1) the total amount of state, municipal, and county tax revenue transferred to or deposited in the Olympic Games trust fund exceed \$100 million; or

(2) the joint liability of the state and an endorsing municipality or county under a joinder agreement and any other games support contracts entered into pursuant to this Act exceed the lesser of:

(A) \$100 million; or

(B) the total amount of revenue transferred to or deposited in the Olympic Games trust fund and interest earned on the fund.

SECTION ____ . Section 5A(a), 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 Subdivisions (1), (2), and (4) and Subdivision (5), as amended by S.B. 293, Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(1) "Endorsing county" means:

(A) a county that contains a site selected by a site selection organization for one or more events; or

(B) a county that:

(i) does not contain a site selected by a site selection organization for an event;

(ii) is included in the market area for the event as designated by the department [~~comptroller~~]; and

(iii) is a party to an event support contract.

(2) "Endorsing municipality" means:

(A) a municipality that contains a site selected by a site selection organization for one or more events; or

(B) a municipality that:

(i) does not contain a site selected by a site selection organization for an event;

(ii) is included in the market area for the event as designated by the department [comptroller]; and

(iii) is a party to an event support contract.

(2) On page 4, strike lines 8 through 16, and substitute the following appropriately numbered SECTIONS:

SECTION _____. 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), (a-2), (b), (b-1), (c), (d), (d-1), (e), (f), (i), (j), (k), (l), (m), (p), (v), (w), and (y) and adding Subsection (a-3) 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 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; and

(4) the amount of the incremental increase in tax receipts determined by the department [comptroller] 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.

(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. If an endorsing municipality or endorsing county requests the department [comptroller] 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.

(a-3) For purposes of Subsection (a-1) of this section, each presidential general election debate in a series of presidential debates before a general election is considered a separate, single event.

(b) If a site selection organization selects a site for an event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, upon request of a local organizing committee, endorsing

municipality, or endorsing county, the department [comptroller] shall determine for a one-year period that begins two months before the date on which the event will begin, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to the state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities.

(b-1) A request for a determination of the amount of incremental increase in tax receipts specified by Subsection (b) of this section must be submitted to the department [comptroller] not earlier than one year and not later than 45 days before the date the event begins. The department [comptroller] shall base the determination specified by Subsection (b) of this section on information submitted by the local organizing committee, endorsing municipality, or endorsing county, and must make the determination not later than the 30th day after the date the department [comptroller] receives the request and related information.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the event each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the event and related activities, including areas likely to provide venues, accommodations, and services in connection with the event based on the proposal provided by the local organizing committee to the department [comptroller]. The

department [~~comptroller~~] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the event must be included in a market area for the event.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Major Events trust fund the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (b)(5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the one-year period described by Subsection (b) of this section or at a time otherwise determined to be practicable by the department [~~comptroller~~] and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined by the department under Subsection (b)(2) or (b)(3) of this section has been retained. The Major Events trust fund is established outside the state treasury and is held in trust by the comptroller for administration of this Act. Money in the trust fund may be disbursed by the department [~~comptroller~~] without appropriation only as provided by this section.

(d-1) Not later than the 90th day after the last day of an event and in lieu of the local tax revenues remitted [~~to~~] or retained [~~by the comptroller~~] under Subsection (d) of this section, a municipality or county may remit to the department [~~comptroller~~] for deposit in the Major Events trust fund other local funds in an amount equal to the total amount of local tax revenue determined by the department under Subsections (b)(2) through (5) of this section. The amount deposited by the department [~~comptroller~~] into the Major Events trust fund under this subsection is subject to Subsection (f) of this section.

(e) In addition to the tax revenue deposited in the Major Events trust fund under Subsection (d) of this section, an endorsing municipality or endorsing county may guarantee its obligations under an event support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the event. An endorsing municipality or endorsing county may collect and remit to the department [~~comptroller~~] surcharges and user fees attributable to the event for deposit into the Major Events trust fund.

(f) The comptroller, at the direction of the department, shall transfer ~~[deposit]~~ into the Major Events trust fund a portion of the state tax revenue not to exceed the amount determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local revenue retained or remitted under this section, including:

- (1) local sales and use tax revenue;
- (2) mixed beverage tax revenue;
- (3) hotel occupancy tax revenue; and
- (4) surcharge and user fee revenue.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department ~~[comptroller]~~ to enable the department ~~[comptroller]~~ to fulfill the department's ~~[comptroller's]~~ duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the event, including an estimate of the number of people expected to attend the event who are not residents of this state, and to the economic impact of the event. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the department ~~[comptroller]~~, if any, not later than the end of the fourth month after the date the period covered by the financial statement ends. After the conclusion of an event and on the department's ~~[comptroller's]~~ request, a local organizing committee, endorsing municipality, or endorsing county must provide information relating to the event, such as attendance figures, including an estimate of the number of attendees at the event who are not residents of this state, financial information, or other public information held by the local organizing committee, endorsing municipality, or endorsing county that the department ~~[comptroller]~~ considers necessary.

(j) Not later than the 30th day after the date a request of a local organizing committee, endorsing municipality, or endorsing county is submitted to the department ~~[comptroller]~~ under Subsection (b-1) of this section, the department ~~[comptroller]~~ shall provide an estimate of the total amount of tax revenue that would be deposited in the Major Events trust fund under this section in connection with that event, if the event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's ~~[comptroller's]~~ estimate to a site selection organization.

(k) The department ~~[comptroller]~~ may make a disbursement from the Major Events trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which a local organizing committee, an endorsing municipality, or an endorsing county or the state is obligated under a game support contract or event support contract. If an obligation is incurred under a games support contract or event support contract to make a structural improvement to the site or to add a fixture to the site for purposes of an event and that improvement or fixture is expected to derive most of its value in subsequent uses of the site for future events, a disbursement from the trust fund made for purposes of that obligation is limited to five percent of the cost of the improvement or fixture and the remainder of the

obligation is not eligible for a disbursement from the trust fund, unless the improvement or fixture is for a publicly owned facility. In considering whether to make a disbursement from the trust fund, the department [comptroller] may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract. A disbursement may not be made from the trust fund that the department [comptroller] determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(l) If a disbursement is made from the Major Events trust fund under Subsection (k) of this section, the obligation shall be satisfied proportionately from the state and local revenue in the trust fund.

(m) On payment of all state, municipal, or county obligations under a game support contract or event support contract related to the location of any particular event in the state, the department [comptroller] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the trust fund.

(p) The department [comptroller] may not undertake any of the responsibilities or duties set forth in this section unless:

(1) a request is submitted by the municipality or the county in which the event will be located;

(2) the event meets all the requirements for funding under this section, including Subsection (a-1) of this section; and

(3) the request is accompanied by documentation from a site selection organization selecting the site for the event.

(v) The department [comptroller] may adopt rules necessary to implement this section.

(w) Not later than 10 months after the last day of an event eligible for disbursements from the Major Events trust fund for costs associated with the event, the department [comptroller] using existing resources shall complete a study in the market area of the event on the measurable economic impact directly attributable to the preparation for and presentation of the event and related activities. The department [comptroller] shall post on the department's [comptroller's] Internet website:

(1) the results of the study conducted under this subsection, including any source documentation or other information relied on by the department [comptroller] for the study;

(2) the amount of incremental increase in tax receipts for the event determined by the department under Subsection (b) of this section;

(3) the site selection organization documentation described in Subsection (p)(3) of this section;

(4) any source documentation or information described under Subsection (i) of this section that was relied on by the department [comptroller] in making the determination of the amount of incremental increase in tax receipts under Subsection (b) of this section; and

(5) documentation verifying that:

(A) a request submitted by a local organizing committee, endorsing municipality, or endorsing county under Subsection (p) of this section is complete and certified as such by the department [comptroller];

(B) the determination on the amount of incremental increases in tax receipts under Subsection (b) of this section considered the information submitted by a local organizing committee, endorsing municipality, or endorsing county as required under Subsection (b-1) of this section; and

(C) each deadline established under this section was timely met.

(y) After the conclusion of an event, the department [comptroller] shall compare information on the actual attendance figures provided to the department [comptroller] under Subsection (i) of this section with the estimated attendance numbers used to determine the incremental increase in tax receipts under Subsection (b) of this section. If the actual attendance figures are significantly lower than the estimated attendance numbers, the department [comptroller] may reduce the amount of a disbursement for an endorsing entity under the Major Events trust fund in proportion to the discrepancy between the actual and estimated attendance and in proportion to the amount contributed to the fund by the entity. The department [comptroller] by rule shall define "significantly lower" for purposes of this subsection and provide the manner in which a disbursement may be proportionately reduced. This subsection does not affect the remittance of any money remaining in the fund in accordance with Subsection (m) of this section.

SECTION _____. Sections 5B(b), (c), (d), (f), (g), (i), (j), (k), (m), and (o), 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:

(b) If a site selection organization selects a site for a motor sports racing event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of the motor sports racing event, the department [comptroller] shall determine for the 30-day period that ends at the end of the day after the date on which the racing event will be held, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to the state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage

tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the racing event.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the motor sports racing event each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the racing event, including areas likely to provide venues, accommodations, and services in connection with the racing event based on a proposal or other information provided by an endorsing municipality, endorsing county, or local organizing committee to the department [comptroller]. The department [comptroller] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the racing event must be included in a market area for the racing event.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Motor Sports Racing trust fund for the particular event the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the 30-day period described by Subsection (b) of this section and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined under Subsection (b)(2) or (3) of this section has been retained. The Motor Sports Racing trust fund is established outside the state treasury and is held in trust by the comptroller for administration of this section. Money in the trust fund may be disbursed by the department [comptroller] without appropriation only as provided by this section.

(f) The comptroller, at the direction of the department, shall transfer ~~[deposit]~~ a portion of the state tax revenue determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local sales and use tax revenue and mixed beverage tax revenue retained and the hotel occupancy tax revenue remitted by an endorsing municipality or endorsing county under Subsection (d) of this section.

(g) To meet its obligations under a motor sports racing event support contract or event support contract to improve, renovate, or acquire facilities or to acquire equipment, an endorsing municipality by ordinance or an endorsing county by order may authorize the issuance of notes. An endorsing municipality or endorsing county may provide that the notes be paid from and secured by amounts on deposit or amounts to be transferred or deposited into the Motor Sports Racing trust fund or surcharges from user fees, including parking or ticket fees, charged in connection with the racing event. Any note issued must mature not later than seven years from its date of issuance.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department ~~[comptroller]~~ to enable the department ~~[comptroller]~~ to fulfill the department's ~~[comptroller's]~~ duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the motor sports racing event and to the economic impact of the racing event. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the department ~~[comptroller]~~, if any, not later than the end of the fourth month after the date the period covered by the financial statement ends.

(j) The department ~~[comptroller]~~ shall provide an estimate not later than three months before the date of a motor sports racing event of the total amount of tax revenue that would be transferred to or deposited in the Motor Sports Racing trust fund under this section in connection with that racing event, if the racing event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. The department ~~[comptroller]~~ shall provide the estimate on request to a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's ~~[comptroller's]~~ estimate to a site selection organization.

(k) The department ~~[comptroller]~~ may make a disbursement from the Motor Sports Racing trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which an endorsing municipality or endorsing county or the state is obligated under a motor sports racing event support contract or event support contract. A disbursement may not be made from the trust fund that the department ~~[comptroller]~~ determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(m) On payment of all state, municipal, or county obligations under a motor sports racing support contract or event support contract related to the location of any particular racing event in the state, the department [comptroller] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the trust fund.

(o) The department [comptroller] may not undertake any of the responsibilities or duties set forth in this section unless a request is submitted by the municipality and the county in which the motor sports racing event will be held. The request must be accompanied by documentation from a site selection organization selecting the site for the racing event.

SECTION _____. Sections 5C(b), (b-1), (c), (c-1), (d), (d-1), (e), (f), (g), (i), (j), (k), (k-1), (m), (o), (p), (q), (r), and (t), 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:

(b) If a site selection organization selects a site for an event in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of the event, the department [comptroller] shall determine for the 30-day period that ends at the end of the day after the date on which the event will be held or, if the event occurs on more than one day, after the last date on which the event will be held, in accordance with procedures developed by the department [comptroller]:

(1) the incremental increase in the receipts to this state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(2) the incremental increase in the receipts collected by this state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(3) the incremental increase in the receipts collected by this state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the department [comptroller], to the preparation for and presentation of the event and related activities.

(b-1) The number of requests for funding under this section that may be submitted by an endorsing county or endorsing municipality during any 12-month period for an event for which the department [comptroller] determines that the total amount of the incremental increase in tax receipts under Subsection (b) of this section is less than \$200,000 is limited to, during any 12-month period, not more than 10 events, only three of which may be nonsporting events.

(c) For the purposes of Subsection (b)(1) of this section, the department [comptroller] shall designate as a market area for the event each area in which the department [comptroller] determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the event and related activities, including areas likely to provide venues, accommodations, and services in connection with the event based on the proposal provided by the local organizing committee to the department [comptroller]. The department [comptroller] shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the event must be included in a market area for the event.

(c-1) The department [comptroller] shall base the determination specified by Subsection (b) of this section on information submitted by the local organizing committee, endorsing municipality, or endorsing county, and must make the determination not later than the 30th day after the date the department [comptroller] receives the information.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller, at the direction of the department, and designated as the Events trust fund the amount of the municipality's or county's hotel occupancy tax revenue determined by the department under Subsection (b)(4) or (5) of this section, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller, at the direction of the department, shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined by the department under Subsection (b)(2) or (3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the period described by Subsection (b) of this section or at a time otherwise determined to be practicable by the department [comptroller] and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined by the department under Subsection (b)(2) or (3) of this section has been retained. The Events trust fund is established

outside the state treasury and is held in trust by the comptroller for administration of this section. Money in the trust fund may be disbursed by the department [~~comptroller~~] without appropriation only as provided by this section.

(d-1) Not later than the 90th day after the last day of an event and in lieu of the local tax revenues remitted [~~to~~] or retained [~~by the comptroller~~] under Subsection (d) of this section, a municipality or county may remit to the department [~~comptroller~~] for deposit in the Events trust fund other local funds in an amount equal to the total amount of local tax revenue determined by the department under Subsections (b)(2) through (5) of this section. The amount deposited by the department [~~comptroller~~] into the Events trust fund under this subsection is subject to Subsection (f) of this section.

(e) In addition to the tax revenue deposited in the Events trust fund under Subsection (d) of this section, an endorsing municipality or endorsing county may guarantee its obligations under an event support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the event. An endorsing municipality or endorsing county may collect and remit to the department [~~comptroller~~] surcharges and user fees attributable to the event for deposit into the Events trust fund.

(f) The comptroller, at the direction of the department, shall transfer [~~deposit~~] into the Events trust fund a portion of the state tax revenue not to exceed the amount determined by the department under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local tax revenue retained or remitted under this section, including:

- (1) local sales and use tax revenue;
- (2) mixed beverage tax revenue;
- (3) hotel occupancy tax revenue; and
- (4) surcharge and user fee revenue.

(g) To meet its obligations under an event support contract to improve, construct, renovate, or acquire facilities or to acquire equipment, an endorsing municipality by ordinance or an endorsing county by order may authorize the issuance of notes. An endorsing municipality or endorsing county may provide that the notes be paid from and secured by amounts on deposit or amounts to be transferred or deposited into the Events trust fund or surcharges from user fees, including parking or ticket fees, charged in connection with the event. Any note issued must mature not later than seven years from its date of issuance.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the department [~~comptroller~~] to enable the department [~~comptroller~~] to fulfill the department's [~~comptroller's~~] duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the event, including an estimate of the number of people expected to attend the event who are not residents of this state, and to the economic impact of the event. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the department [~~comptroller~~], if any, not later than the end of the fourth month after the date the period covered by the

financial statement ends. After the conclusion of an event and on the department's [~~comptroller's~~] request, a local organizing committee, endorsing municipality, or endorsing county must provide information relating to the event, such as attendance figures, including an estimate of the number of people who are not residents of this state who attended the event, financial information, or other public information held by the local organizing committee, endorsing municipality, or endorsing county that the department [~~comptroller~~] considers necessary.

(j) The department [~~comptroller~~] shall provide an estimate not later than three months before the date of an event of the total amount of tax revenue that would be transferred into or deposited in the Events trust fund under this section in connection with that event, if the event were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. The department [~~comptroller~~] shall provide the estimate on request to a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the department's [~~comptroller's~~] estimate to a site selection organization.

(k) The department [~~comptroller~~] may make a disbursement from the Events trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which a local organizing committee, an endorsing municipality, or an endorsing county or this state is obligated under an event support contract, including an obligation to pay costs incurred in the conduct of the event and costs incurred in making preparations necessary for the event. If an obligation is incurred under an event support contract to make a structural improvement to the site or to add a fixture to the site for purposes of an event and that improvement or fixture is expected to derive most of its value in subsequent uses of the site for future events, a disbursement from the trust fund made for purposes of that obligation is limited to five percent of the cost of the improvement or fixture and the remainder of the obligation is not eligible for a disbursement from the trust fund, unless the improvement or fixture is for a publicly owned facility. In considering whether to make a disbursement from the trust fund, the department [~~comptroller~~] may not consider a contingency clause in an event support contract as relieving a local organizing committee's, endorsing municipality's, or endorsing county's obligation to pay a cost under the contract.

(k-1) A disbursement may not be made from the trust fund that the department [~~comptroller~~] determines would be used for the purpose of:

- (1) soliciting the relocation of a professional sports franchise located in this state;
- (2) constructing an arena, stadium, or convention center; or
- (3) conducting usual and customary maintenance of a facility.

(m) On payment of all state, municipal, or county obligations under an event support contract related to the location of any particular event in this state, the department [~~comptroller~~] shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the Events trust fund.

(o) The department [comptroller] may not undertake any of the responsibilities or duties set forth in this section unless a request is submitted by the municipality or the county in which the event will be located. The request must be accompanied by documentation from a site selection organization selecting the site for the event.

(p) The department [comptroller] may adopt rules necessary to implement this section.

(q) In determining the amount of state revenue available under Subsection (b)(1) of this section, the department [comptroller] may consider whether:

(1) the event has been held in this state on previous occasions; and

(2) changes to the character of the event could affect the incremental increase in receipts collected and remitted to the state by an endorsing county or endorsing municipality under that subsection.

(r) The department [comptroller] may adopt a model event support contract and make the contract available on the department's [comptroller's] Internet website. The adoption by the department [comptroller] of a model event support contract under this subsection does not require use of the model event support contract for purposes of this section.

(t) After the conclusion of an event, the department [comptroller] shall compare information on the actual attendance figures provided to the department [comptroller] under Subsection (i) of this section with the estimated attendance numbers used to determine the incremental increase in tax receipts under Subsection (b) of this section. If the actual attendance figures are significantly lower than the estimated attendance numbers, the department [comptroller] may reduce the amount of a disbursement for an endorsing entity under the Events trust fund in proportion to the discrepancy between the actual and estimated attendance and in proportion to the amount contributed to the fund by the entity. The department [comptroller] by rule shall define "significantly lower" for purposes of this subsection and provide the manner in which a disbursement may be proportionately reduced. This subsection does not affect the remittance of any money remaining in the fund in accordance with Subsection (m) of this section.

SECTION ____ . Section 6(b), 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:

(b) If an endorsing municipality or endorsing county is required to hold an election under this section and the contribution of a portion of the municipality's or county's sales and use taxes to the Olympic Games trust fund under Section 5 of this Act is not approved by a majority of the voters voting in the election:

(1) the comptroller may not establish the Olympic Games trust fund under Section 5 of this Act, may not retain the municipality's or county's tax revenue under Section 5(d) of this Act from amounts otherwise required to be sent to that municipality or county, and may not transfer [deposit] any state tax revenue into the trust fund;

(2) the department [comptroller] is not required to determine the incremental increase in state, county, or municipal tax revenue under Section 5(b) of this Act; and

(3) the department may not enter into a games support contract relating to the games for which the municipality or county has authorized a bid on its behalf.

SECTION _____. The following laws are repealed:

(1) Section 5C(s), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes); and

(2) Chapter 398, Local Government Code.

SECTION _____. As soon as is practicable after the effective date of this Act, but not later than September 10, 2015, the office of the governor and the comptroller of public accounts shall develop and adopt a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties of the comptroller that are being transferred to the office of the governor as a result of this Act; and

(2) establishes a plan for the identification and transfer of records, property, and unspent appropriations of the comptroller that are used for purposes of managing the funds transferred to the office of the governor.

SECTION _____. (a) Not later than September 10, 2015:

(1) the administration of the Pan American Games trust fund, Olympic Games trust fund, Major Events trust fund, Motor Sports Racing trust fund, and Events trust fund for sporting and non-sporting events shall be transferred from the comptroller of public accounts to the Texas Economic Development and Tourism Office;

(2) all rules, forms, policies, procedures, or decisions of the comptroller that are related to the trust funds described by Subdivision (1) of this subsection are continued in effect as rules, forms, policies, procedures, or decisions of the economic development and tourism division, office of the governor, until superseded by a rule or other appropriate act of the Texas Economic Development and Tourism Office; and

(3) a reference in law or administrative rule to the comptroller relating to the decisions for and administration of the trust funds described by Subdivision (1) of this subsection, other than a duty typically performed by the comptroller related to a state fund, means the Texas Economic Development and Tourism Office.

(b) Before the transfer of the administration of the Pan American Games trust fund, Olympic Games trust fund, Major Events trust fund, Motor Sports Racing trust fund, and Events trust fund for sporting and non-sporting events, the comptroller and the Texas Economic Development and Tourism Office shall coordinate the transfer of powers and duties, including records and other items, in accordance with the memorandum of understanding adopted under Section 11 of this Act, to ensure a smooth transition.

(3) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 2

Amend Amendment No. 1 by Isaac to **CSSB 633** as follows:

(1) On page 12, line 26, strike "lines 8 through 16," and substitute "line 16".

(2) Strike page 12, line 28 through page 13, line 2 and substitute the following:

SECTION _____. Sections 5A(a-1), (a-2), (b), (b-1), (c), (d), (d-1), (e), (f), (i), (j), (k), (l), (m), (p), (v), (w), and (y), 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:

(3) On page 14, strike lines 6 through 9.

Floor Amendment No. 3

Amend **CSSB 633** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Section 12 to read as follows:

Sec. 12. LOCAL GOVERNMENT CORPORATION AS ENDORSING MUNICIPALITY OR COUNTY. (a) This section applies only to a local government corporation that:

(1) is authorized to collect a municipal hotel occupancy tax; and

(2) is located in a county with a population of 3.3 million or more.

(b) A local government corporation may act as an endorsing municipality or endorsing county under this Act.

(c) A local government corporation acting as an endorsing municipality or endorsing county under this Act shall remit for deposit into the trust fund established for the games or event the amounts determined by the comptroller under this Act. The comptroller shall determine the incremental increase in receipts attributable to the games or event and related activities under that chapter based on the amount of applicable taxes imposed by each municipality or county that comprises the local government corporation and not on the amount of taxes imposed by the local government corporation.

(d) A local government corporation acting as an endorsing municipality or endorsing county under this Act may guarantee the local government corporation's obligations under a games or event support contract by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the games or event and related activities.

(e) Subject to Subsection (c), a local government corporation acting as an endorsing municipality or endorsing county under this Act, as authorized by this section, has all the powers of an endorsing municipality or endorsing county under this Act, and any action an endorsing municipality or endorsing county is required to take by ordinance or order under this Act may be taken by order or resolution of the local government corporation.

The amendments were read.

Senator Fraser moved to concur in the House amendments to **SB 633**.

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

Yeas: Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Huffines, Schwertner.

SENATE BILL 1474 WITH HOUSE AMENDMENT

Senator Garcia called **SB 1474** 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.

Amendment

Amend **SB 1474** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

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

SECTION 1. The heading to Chapter 124, Government Code, is amended to read as follows:

CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

SECTION 2. Section 124.001, Government Code, is amended to read as follows:

Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans treatment court program" means a program that has the following essential characteristics:

- (1) the integration of 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 a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs.

(b) If a defendant successfully completes a veterans treatment court program [~~as authorized under Section 76.011~~], after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case [~~criminal action~~] against the defendant.

SECTION 3. Section 124.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant[-

~~(1)~~ is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) [~~and (2)~~] suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma that:

(A) occurred during or resulted from the defendant's military service [~~in a combat zone or other similar hazardous duty area]; and~~

(B) [~~materially~~] affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

(b) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to proceed through the veterans treatment court program or otherwise through the criminal justice system.

(d) In this section, "military sexual trauma" means any sexual assault or sexual harassment that occurs while the victim is a member of the United States armed forces performing the person's regular duties.

SECTION 4. The heading to Section 124.003, Government Code, is amended to read as follows:

Sec. 124.003. DUTIES OF VETERANS TREATMENT COURT PROGRAM.

SECTION 5. Section 124.003, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A veterans treatment court program established under this chapter must:

(1) ensure that a defendant [~~person~~] eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) A veterans treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(b-1) A veterans treatment court program may allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

SECTION 6. Section 124.004, Government Code, is amended to read as follows:

Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The commissioners courts of two or more counties may elect to establish a regional veterans treatment court program under this chapter for the participating counties.

(b) For purposes of this chapter, each county that elects to establish a regional veterans treatment court program under this section is considered to have established the program and is entitled to retain fees under Article 102.0178, Code of Criminal Procedure, in the same manner as if the county had established a veterans treatment court program without participating in a regional program.

SECTION 7. Section 124.005(a), Government Code, is amended to read as follows:

(a) A veterans treatment court program established under this chapter may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and

(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

SECTION 8. Chapter 124, Government Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. COURTESY SUPERVISION. (a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(b) A defendant who consents to the transfer of the defendant's supervision must agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

(c) If a defendant whose supervision is transferred under this section does not successfully complete the program, the veterans treatment court program supervising the defendant shall return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.

SECTION 9. Section 54.976(a), Government Code, is amended to read as follows:

- (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:
- (1) a negotiated plea of guilty or no contest and sentencing;
 - (2) a pretrial motion;
 - (3) an examining trial;
 - (4) a writ of habeas corpus;
 - (5) a bond forfeiture suit;
 - (6) issuance of search warrants;
 - (7) setting, setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
 - (8) arraignment of defendants;
 - (9) a motion to increase or decrease a bond;
 - (10) a motion to revoke community supervision or to proceed to an adjudication;
 - (11) an issue of competency or a civil commitment under Chapter 46, 46B, or 46C, Code of Criminal Procedure, with or without a jury;
 - (12) a motion to modify community supervision;
 - (13) specialty court proceedings, including drug court proceedings, veterans treatment [~~veteran's~~] court proceedings, and driving while intoxicated court proceedings;
 - (14) an expunction or a petition for nondisclosure;
 - (15) an occupational driver's license;
 - (16) a waiver of extradition;
 - (17) the issuance of subpoenas and orders requiring the production of medical records, including records relating to mental health or substance abuse treatment; and
 - (18) any other matter the judge considers necessary and proper.

SECTION 10. Section 103.0271, Government Code, is amended to read as follows:

Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. Fees and costs shall be paid or collected under the Government Code as follows:

- (1) a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed \$1,000;
- (2) 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;
- (3) a reasonable program fee for a veterans treatment court program (Sec. 124.005, Government Code) . . . not to exceed \$1,000; and
- (4) 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.

SECTION 11. Section 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(2) "Specialty court" means:

(A) a prostitution prevention program established under Chapter 169A, Health and Safety Code;

(B) a family drug court program established under Chapter 122 or former law;

(C) ~~(D)~~ a drug court program established under Chapter 123 or former law;

(D) ~~(C)~~ a veterans treatment court program established under Chapter 124 or former law; and

(E) ~~(D)~~ a mental health court program established under Chapter 125 or former law.

SECTION 12. (a) The change in law made by this Act by amending Section 124.002, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act in adding Section 124.006, Government Code, applies to a person who, on or after the effective date of this Act, is under the supervision of a veterans treatment court program.

SECTION 13. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 14. This Act takes effect September 1, 2015.

The amendment was read.

Senator Garcia moved to concur in the House amendment to **SB 1474**.

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

SENATE BILL 1213 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 1213** 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.

Amendment

Amend **SB 1213** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the reidentification of certain deidentified information and the release of reidentified information; creating a criminal offense; providing a civil penalty.

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

SECTION 1. Subtitle A, Title 11, Business & Commerce Code, is amended by adding Chapter 506 to read as follows:

CHAPTER 506. REIDENTIFICATION OF DEIDENTIFIED INFORMATION

Sec. 506.001. DEFINITIONS. In this chapter:

(1) "Covered information" means deidentified information released by a board, commission, department, or other agency of this state, including an institution of higher education as defined by Section 61.003, Education Code, or a hospital that is maintained or operated by the state.

(2) "Deidentified information" means information with respect to which the holder of the information has made a good faith effort to remove all personal identifying information or other information that may be used by itself or in combination with other information to identify the subject of the information. The term includes aggregate statistics, redacted information, information for which random or fictitious alternatives have been substituted for personal identifying information, and information for which personal identifying information has been encrypted and for which the encryption key is maintained by a person otherwise authorized to have access to the information in an identifiable format.

(3) "Personal identifying information" has the meaning assigned by Section 521.002(a)(1).

Sec. 506.002. REQUIRED NOTICES. (a) An agency of this state shall provide written notice to a person to whom the agency releases deidentified information that the information is deidentified information.

(b) A person who sells covered information or otherwise receives compensation for the transfer or disclosure of covered information shall provide written notice to the person to whom the information is sold, transferred, or disclosed that the information is deidentified information obtained from an agency of this state.

Sec. 506.003. PROHIBITED ACTS. (a) A person may not:

(1) reidentify or attempt to reidentify personal identifying information about an individual who is the subject of covered information; or

(2) knowingly disclose or release covered information that was reidentified in violation of this section.

(b) It is a defense to a civil action or prosecution for a violation of this section that:

(1) the person:

(A) was reidentifying the covered information for the purpose of a study or other scholarly research, including performing an evaluation or test of software intended to deidentify information; and

(B) did not release or publish the names or other information identifying any subjects of the reidentified covered information; or

(2) the person obtained informed, written consent from the individual who is the subject of the covered information that specifically referenced the information to be reidentified, disclosed, or released, and authorized the reidentification, disclosure, or release of that information.

Sec. 506.004. OFFENSE. (a) A person who violates Section 506.003 commits an offense.

(b) An offense under this section is a Class A misdemeanor.

Sec. 506.005. PRIVATE CAUSE OF ACTION. A person who violates Section 506.003 is liable to the individual who is the subject of the covered information for statutory damages in an amount of not less than \$25 or more than \$500 for each violation, not to exceed a total amount of \$150,000.

Sec. 506.006. CIVIL PENALTY. (a) In addition to other penalties and remedies assessed or recovered under this chapter, a person who violates Section 506.003 is liable to this state for a civil penalty in an amount of not less than \$25 or more than \$500 for each violation, not to exceed a total amount of \$150,000.

(b) The attorney general may bring an action to recover a civil penalty under this section.

(c) The attorney general is entitled to recover reasonable expenses incurred in bringing an action under this section, including reasonable attorney's fees, court costs, and investigatory costs.

SECTION 2. The change in law made by this Act applies to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1213**.

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

SENATE BILL 933 WITH HOUSE AMENDMENT

Senator Fraser called **SB 933** 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.

Amendment

Amend **SB 933** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Public Utility Commission of Texas to review transmission interconnections that enable imports or exports from the ERCOT power grid.

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

SECTION 1. Section 37.051, Utilities Code, is amended by adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c-1) Notwithstanding any other provision of this title except Section 11.009, and except as provided by Subsection (c-2), a person, including an electric utility or municipally owned utility, may not interconnect a facility to the ERCOT transmission grid that enables additional power to be imported into or exported out of the ERCOT power grid unless the person obtains a certificate from the commission stating that public convenience and necessity requires or will require the interconnection. The person must apply for the certificate not later than the 180th day before the date the person seeks any order from the Federal Energy Regulatory Commission related to the interconnection. The commission shall apply Section 37.056 in considering an application under this subsection. In addition, the commission must determine that the

application is consistent with the public interest before granting the certificate. The commission may adopt rules necessary to implement this subsection. This subsection does not apply to a facility that is in service on December 31, 2014.

(c-2) The commission, not later than the 185th day after the date the application is filed, shall approve an application filed under Subsection (c-1) for a facility that is to be constructed under an interconnection agreement appended to an offer of settlement approved in a final order of the Federal Energy Regulatory Commission that was issued in Docket No. TX11-01-001 on or before December 31, 2014, directing physical connection between the ERCOT and SERC regions under Sections 210, 211, and 212 of the Federal Power Act (16 U.S.C. Sections 824i, 824j, and 824k). In approving the application, the commission may prescribe reasonable conditions to protect the public interest that are consistent with the final order of the Federal Energy Regulatory Commission.

(c-3) Nothing in Subsection (c-1) or (c-2) is intended to restrict the authority of the commission or the independent organization certified under Section 39.151 for the ERCOT power region to adopt rules or protocols of general applicability.

SECTION 2. This Act takes effect September 1, 2015.

The amendment was read.

Senator Fraser moved to concur in the House amendment to **SB 933**.

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

Nays: Ellis.

CONFERENCE COMMITTEE ON SENATE BILL 1336 DISCHARGED

On motion of Senator Perry and by unanimous consent, the Senate conferees on **SB 1336** were discharged.

Question: Shall the Senate concur in the House amendments to **SB 1336**?

Senator Perry moved to concur in the House amendments to **SB 1336**.

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

Nays: Watson.

SENATE RESOLUTION 988

Senator L. Taylor offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 684 (the relationship of certain optometrists, therapeutic optometrists, and ophthalmologists with certain managed care plans, including preferred provider plans) to consider and take action on the following matter:

Senate Rules 12.03(1) and (3) are suspended to permit the committee to change and add text not in disagreement in proposed SECTION 3 of the bill, in added Section 1451.156, Insurance Code, to read as follows:

SECTION 3. Subchapter D, Chapter 1451, Insurance Code, is amended by adding Section 1451.156 to read as follows:

Sec. 1451.156. PROHIBITED CONDUCT. (a) A managed care plan, as described by Section 1451.152(a), may not directly or indirectly:

(1) control or attempt to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist;

(2) employ an optometrist or therapeutic optometrist to provide a vision care product or service as defined by Section 1451.155;

(3) pay an optometrist or therapeutic optometrist for a service not provided;

(4) restrict or limit an optometrist's or therapeutic optometrist's choice of sources or suppliers of services or materials, including optical laboratories used by the optometrist or therapeutic optometrist to provide services or materials to a patient; or

(5) require an optometrist or therapeutic optometrist to disclose a patient's confidential or protected health information unless the disclosure is authorized by the patient or permitted without authorization under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) or under Section 602.053.

(b) Subsection (a)(2) does not prohibit a managed care plan from employing an optometrist or therapeutic optometrist for utilization review or for operations of the managed care plan.

(c) Subsection (a)(3) does not prohibit the use of capitation as a method of payment.

(d) Subsection (a)(4) does not restrict or limit a managed care plan's determination of specific amounts of coverage or reimbursement for the use of network or out-of-network suppliers or laboratories.

(e) An optometrist or therapeutic optometrist must disclose to a patient any business interest the optometrist or therapeutic optometrist has in an out-of-network supplier or manufacturer to which the optometrist or therapeutic optometrist refers the patient.

(f) This section shall be liberally construed to prevent managed care plans from controlling or attempting to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist.

Explanation: The change and addition are necessary to clarify the scope of the authority of a managed care plan to employ an optometrist or therapeutic optometrist and to require an optometrist or therapeutic optometrist to disclose a business interest in an out-of-network entity to which a patient is referred.

SR 988 was read and was adopted by the following vote: Yeas 31, Nays 0.

**REMARKS ORDERED PRINTED
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move that the discussion between Senator Larry Taylor and Senator Uresti on Senate Resolution 988 be reduced to writing.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

Senator L. Taylor: Thank you, Mr. President. And I am going to move to go outside the bounds to clarify the scope of the authority of a managed care plan to employ an optometrist or a therapeutic optometrist and to require an optometrist or a therapeutic optometrist to disclose a business interest in an out-of-network entity to which a patient is referred. Basically, what we did, we put two bills together, and then had to go outside the bounds to make it more of an agreed-to type situation. And with that, I move adoption of the resolution.

President: The question is on the adoption of the resolution, is—

Senator Uresti: Mr. President.

President: Yes, Senator Uresti.

Senator Uresti: Will the gentleman yield for a couple of questions?

President: Do you yield?

Senator L. Taylor: I yield.

Senator Uresti: Thank you, Senator Taylor. I know we had a chance to talk briefly earlier, I just wanted to, if I may, ask you just a couple of questions with regard to this bill. My understanding, this is Senate Bill 684, which included House Bill 3550?

Senator L. Taylor: I believe that's correct.

Senator Uresti: Okay. And I didn't get to hear what you were talking about when you said you were going to go outside the bounds just because there's a lot of noise on this end.

Senator L. Taylor: Okay. Well, we had to add some things that the optometrists liked, and we had to add some things that the managed care plans liked to make it where they could live with the bill. And that's why we came outside the bounds.

Senator Uresti: Okay. And, Senator Taylor, if I can ask you a question. When you talk about managed care plan in the bill, in Section 3, it includes a physician or physician's practice that delivers its own services to a patient for a fee paid by the patient to the physician or physician's practice. That's on page 2. And is that what you mean by a managed care plan?

Senator L. Taylor: Well, it does mean a managed care plan, but we've also, as far as a physician, that's the subsection we're dealing with, is limited to optometrists and does not include ophthalmologists.

Senator Uresti: Very well.

Senator L. Taylor: And that was one of the issues we had. There were some concern we were getting, we were trying to keep ophthalmologists from being involved, and so we actually went specific to what, to a part of the code that did not include ophthalmologists.

Senator Uresti: Thank you. And, Senator Taylor, is it your intent to discourage or prohibit in any way an ophthalmologist from employing an optometrist?

Senator L. Taylor: That's not the purpose of this bill, and that's, I mean, this bill really didn't address that situation. Like I said, those are, kind of, scope of practice issues that this bill, we did not get involved in and tried our very best to make sure we did not get involved in those areas.

Senator Uresti: Very well. Thank you, Senator Taylor.

Senator L. Taylor: I thank you, Senator.

Senator Uresti: Thank you, Mr. President.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 684 ADOPTED**

Senator L. Taylor called from the President's table the Conference Committee Report on **SB 684**. The Conference Committee Report was filed with the Senate on Monday, May 25, 2015.

On motion of Senator L. Taylor, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 733 ADOPTED**

Senator Fraser called from the President's table the Conference Committee Report on **SB 733**. The Conference Committee Report was filed with the Senate on Wednesday, May 27, 2015.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE ON
SENATE BILL 1727 DISCHARGED**

On motion of Senator Creighton and by unanimous consent, the Senate conferees on **SB 1727** were discharged.

Question: Shall the Senate concur in the House amendment to **SB 1727**?

Senator Creighton moved to concur in the House amendment to **SB 1727**.

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

**CONFERENCE COMMITTEE ON HOUSE BILL 1585
(Motion In Writing)**

Senator L. Taylor 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 1585** 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 1585** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators L. Taylor, Chair; Hinojosa, Eltife, Creighton, and Hancock.

CONFERENCE COMMITTEE ON HOUSE BILL 1559
(Motion In Writing)

Senator L. Taylor 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 1559** 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 1559** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators L. Taylor, Chair; Lucio, V. Taylor, Bettencourt, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 2524
(Motion In Writing)

Senator Rodríguez 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 2524** 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 2524** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Rodríguez, Chair; Lucio, Campbell, L. Taylor, and Nichols.

CONFERENCE COMMITTEE ON HOUSE BILL 2205
(Motion In Writing)

Senator Seliger 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 2205** 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 2205** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Bettencourt, West, Eltife, and L. Taylor.

**CONFERENCE COMMITTEE ON HOUSE BILL 824
(Motion In Writing)**

Senator Eltife 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 824** 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 824** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; L. Taylor, Huffines, Garcia, and Estes.

**SENATE RULE 12.09(a) SUSPENDED
(Printing and Notice of Conference Committee Reports)**

Senator Estes moved to suspend Senate Rule 12.09(a) as it relates to the Conference Committee Report on **HB 910**.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti.

Nays: Ellis, Garcia, Lucio, Menéndez, Rodríguez, Watson, West, Whitmire, Zaffirini.

SENATE RESOLUTION 1032

Senator Estes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 84th Legislature, Regular Session, 2015, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 910 (the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses) to consider and take action on the following matter:

Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 411.2049, Government Code. The omitted text prohibits certain investigatory stops and inquiries by peace officers.

Explanation: The omission of the text is necessary to remove a prohibition on certain investigatory stops and inquiries by peace officers.

SR 1032 was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Estes and V. Taylor regarding **HB 910** were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Taylor, you're recognized.

Senator V. Taylor: Thank you, Mr. President. I just want to get some clarification because the bill now is a little different than when you and I got some clarification last week, right? So, when Senator Huffines—

Senator Estes: Well, yeah, but I want to point out, Senator, that the bill is essentially exactly what I filed.

Senator V. Taylor: Clearly. But with the amendment gone, I just want to make sure, I just wanted to establish some legislative intent here. So, as we discussed, when this bill was on the floor, there are three kinds of, three kinds of meetings that a police officer can have with a citizen, right? A voluntary encounter, a temporary detention, or an arrest.

Senator Estes: I remember that conversation we had.

Senator V. Taylor: Okay, and so, with the bill as it is, a police officer may not detain a citizen, cannot stop them to determine if they have a concealed handgun license merely because they are carrying openly.

Senator Estes: That's my understanding of constitutional law and settled case law.

Senator V. Taylor: Okay, however, the other side of that coin, a police officer may walk up to any individual who is carrying openly and ask them the time of day, what they had for dinner, where they live, if they have a CHL, how long they've had a CHL. In no way does this bill stop a police officer from conducting a voluntary encounter with a citizen who's carrying, openly carrying a handgun.

Senator Estes: That's correct.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 910 ADOPTED

Senator Estes called from the President's table the Conference Committee Report on **HB 910**. The Conference Committee Report was filed with the Senate on Thursday, May 28, 2015.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

REASON FOR VOTES

Senator Uresti submitted the following reason for votes on **SR 1032** and **HB 910**:

In conference committee I voted to remove the Huffines amendment to HB 910. While I voted for the amendment earlier in the session, out of respect for concerns raised by law enforcement in my district about the dangers of preventing law enforcement from asking a person carrying openly if they are licensed. I felt it best that the amendment not be in place during the ultimate implementation of this legislation, which will without a doubt be a time of great adjustment for our law enforcement, permitted carriers, and all Texans.

I plan to closely monitor the implementation of the legislation, and if my constituents or I believe there is profiling or discrimination taking place I will not hesitate to file legislation in future legislative sessions. In order to support the removal of the Huffines amendment, it was necessary to vote for SR 1032 so that the conference committee is granted permission to go outside the bounds to remove the amendment.

I have the utmost faith in our law abiding concealed carriers, and I believe they will be responsible open-carriers. However, due to concerns raised by law enforcement, and the lack of precedent on which to draw from for the introduction of open carry in a populous city such as the areas of San Antonio I represent, I could not support the version of HB 910 presented before the Senate.

URESTI

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on the Conference Committee Report on **HB 910**:

I am compelled to record my strong opposition to adoption of the Conference Committee Report on House Bill 910.

First, I object to the manner in which the conference committee report was brought before this body. Under our rules, members should have rightfully expected to have this report laid out for 48 hours before adoption, so as to allow members to prepare for a meaningful debate on the merits. Instead, those rules were suspended, and debate was effectively muted. The actions of this body were contrary to the principle of transparency.

I must also reiterate my strong objection to the provisions of this bill as a matter of public policy.

I strongly believe that members in the majority party passed this legislation because they feel beholden to a small minority of vocal pro-gun advocates. I do not agree that most ordinary Texans want our State's gun laws to become any less strict. This view is supported by recent popular opinion polls which show that more than two-thirds of Texans in fact oppose open carry proposals.

I reject advocates' argument that making more guns readily available and visible in the public sphere will increase public safety. I am convinced the opposite is true. We must remember that this bill is passed following successful passage of other legislation which reduced the amount of training hours one needs to become licensed to carry a gun, and made renewal of such licenses easier. There is ample evidence to suggest that, even in the hands of someone who is trained, more access to guns will simply lead to more instances of those guns being used, and used in a manner that will put ordinary Texans in mortal danger.

This body should have more thoughtfully considered the tremendous cost gun violence may take on this State. As it is, nationally, gun violence costs tax payers tens of billions of dollars annually in emergency services, police investigations, and medical and prison costs. These are costs I fear will only increase after passage of this bill.

I also have tremendous concerns about glaring loopholes left unaffected by this bill. In particular, because it includes no annual background check provision, this State has no ability to ensure licensees do not become ineligible to carry, for example, because a licensee committed a violent crime. Perhaps even more troubling, because the state has reciprocity agreements with other states, I fear that individuals who are licensed to carry in another state will rely on that out-of-state license to carry in Texas, even if they would be ineligible to carry under this State's laws. Amendments to address both these valid concerns were rejected by this body without debate.

There is a reason more than two-thirds of law enforcement officers opposed this legislation. Passage of this bill will only exacerbate dangerous situations by making it impossible for officers to decipher who is or is not a bad actor in an active shooter situation.

For the foregoing reasons, I must record my opposition to the adoption of the Conference Committee Report on House Bill 910, as well as record my profound disappointment that members of this body put the desires of a small, vocal minority of agitators who want to normalize the carrying of guns in all contexts ahead of the safety of ordinary Texans they were elected to represent.

RODRÍGUEZ

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1828 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 1828**. The Conference Committee Report was filed with the Senate on Sunday, May 24, 2015.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Huffines.

SENATE BILL 496 WITH HOUSE AMENDMENTS

Senator Watson called **SB 496** 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.

Floor Amendment No. 1

Amend **SB 496** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS appropriately:

SECTION _____. Section 42.152, Education Code, is amended by adding Subsection (c-3) to read as follows:

(c-3) Notwithstanding Subsection (c), funds allocated under this section may be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as defined by Section 29.081(d)(5); or

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7).

Floor Amendment No. 2

Amend Amendment No. 1 by Howard for **SB 496** as follows:

(1) On page 1 of the amendment, line 5, strike "Subsection (c-3)" and substitute "Subsections (c-3) and (c-4)".

(2) On page 1 of the amendment following line 13, insert the following:

(c-4) Not later than January 1, 2016, the commissioner shall amend rules regarding the Public Education Information Management System (PEIMS) to include pregnancy as a reason a student withdraws from or otherwise no longer attends public school.

Floor Amendment No. 3

Amend **SB 496** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (d)" and substitute "Subsections (a), (b), and (d)".

(2) On page 1, between lines 7 and 8, insert the following:

(a) Notwithstanding Section 25.081 or 25.082, a school district may ~~apply to the commissioner to~~ provide a flexible school day program for ~~students who~~:

(1) students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081;

(2) students who attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; ~~[or]~~

(3) students who, as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled; or

(4) a campus or campuses that would benefit from the program.

(b) To enable a school district to provide a program under this section that meets the needs of students described by Subsection (a), a school district [~~that meets application requirements~~] may:

(1) provide flexibility in the number of hours each day a student attends;

(2) provide flexibility in the number of days each week a student attends; or

(3) allow a student to enroll in less than or more than a full course load.

(3) On page 1, lines 9 and 10, strike ", including rules establishing application requirements" and substitute "[~~, including rules establishing application requirements~~]".

The amendments were read.

Senator Watson moved to concur in the House amendments to **SB 496**.

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

Nays: Hall.

SENATE BILL 206 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 206** 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 206** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.

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

SECTION 1. Section 25.001, Education Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) A student who was enrolled in a primary or secondary public school before the student entered [~~who is placed in~~] the conservatorship of the Department of Family and Protective Services and who is placed at a residence outside the attendance area for the school or outside the school district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

(g-1) If a student who is in the conservatorship of the department is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of the department, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the school district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the department for the duration of the student's enrollment in the school.

SECTION 2. Section 25.087(b), Education Code, as amended by Chapter 249 (H.B. 455), Chapter 688 (H.B. 2619), and Chapter 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days;

(B) attending a required court appearance;

(C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;

(D) taking part in a United States naturalization oath ceremony;

(E) serving as an election clerk; or

~~[(F) for a child in the conservatorship of the Department of Family and Protective Services, attending a mental health or therapy appointment or family visitation as ordered by a court under Chapter 262 or 263, Family Code; or]~~

(F) if the student is in the conservatorship of the Department of Family and Protective Services, participating, as determined and documented by the department, in an activity:

(i) ordered by a court under Chapter 262 or 263, Family Code, provided that it is not practicable to schedule the participation outside of school hours; or

(ii) required under a service plan under Subchapter B, Chapter 263, Family Code; or

(2) a temporary absence resulting from an appointment with health care professionals for the student or the student's child if the student commences classes or returns to school on the same day of the appointment

~~[(2) a temporary absence resulting from an appointment with a health care professional if that student commences classes or returns to school on the same day of the appointment].~~

SECTION 3. Section 54.366, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a)(1), a child who exits the conservatorship of the Department of Family and Protective Services and is returned to the child's parent, including a parent whose parental rights were previously terminated, may be exempt from the payment of tuition and fees if the department determines that the child is eligible under department rule. The executive commissioner of the Health and Human

Services Commission shall by rule develop factors for determining eligibility under this subsection in consultation with the department and the Texas Higher Education Coordinating Board.

SECTION 4. Section 51.03(b), Family Code, is amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the absence of a child on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school;

(3) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(4) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(5) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(6) ~~[conduct that violates a reasonable and lawful order of a court entered under Section 264.305;~~

~~(7)~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a)(1) or (2), Penal Code; or

(7) ~~(8)~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION 5. The heading to Section 58.0052, Family Code, is amended to read as follows:

Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN NONEDUCATIONAL RECORDS.

SECTION 6. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.0053 to read as follows:

Sec. 58.0053. INTERAGENCY SHARING OF JUVENILE PROBATION RECORDS. (a) On request by the Department of Family and Protective Services, a juvenile probation officer shall disclose to the department the terms of probation of a child in the department's conservatorship.

(b) To the extent of a conflict between this section and another law of this state applicable to confidential information held by a governmental agency, this section controls.

(c) This section does not affect the confidential status of the information being shared. The information may be released to a third party only as directed by a court order or as otherwise authorized by law. Personally identifiable information disclosed to the Department of Family and Protective Services under this section is not subject to disclosure to a third party under Chapter 552, Government Code.

(d) The Department of Family and Protective Services shall enter into a memorandum of understanding with the Texas Juvenile Justice Department to adopt procedures for handling information requests under this section.

SECTION 7. Chapter 101, Family Code, is amended by adding Sections 101.0133 and 101.0134 to read as follows:

Sec. 101.0133. FOSTER CARE. "Foster care" means the placement of a child who is in the conservatorship of the Department of Family and Protective Services and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

Sec. 101.0134. FOSTER CHILD. "Foster child" means a child who is in the managing conservatorship of the Department of Family and Protective Services.

SECTION 8. Section 103.001(b), Family Code, is amended to read as follows:

(b) A suit in which adoption is requested may be filed in the county where the child resides or in the county where the petitioners reside, regardless of whether another court has continuing exclusive jurisdiction under Chapter 155. A court that has continuing exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship to the court in which the adoption suit is filed.

SECTION 9. Section 104.007(b), Family Code, is amended to read as follows:

(b) In a proceeding brought by the Department of Family and Protective [and Regulatory] Services concerning a child who is alleged in a suit to have been abused or neglected, the court may order[, with the agreement of the state's counsel and the defendant's counsel,] that the testimony of a professional be taken outside the courtroom by videoconference:

(1) on the agreement of the department's counsel and respondent's counsel;

or

(2) if good cause exists, on the court's own motion.

SECTION 10. Section 155.001(c), Family Code, is amended to read as follows:

(c) If a court of this state has acquired continuing, exclusive jurisdiction, no other court of this state has jurisdiction of a suit with regard to that child except as provided by this chapter, Section 103.001(b), or Chapter 262.

SECTION 11. Section 161.001(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) The court may order termination of the parent-child relationship if the court finds by clear and convincing evidence:

(1) that the parent has:

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;

(C) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

(D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

(F) failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

(G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;

(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;

(I) contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261;

(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Education Code; or

(ii) the child's absence from the child's home without the consent of the parents or guardian for a substantial length of time or without the intent to return;

(K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by this chapter;

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code, or under a law of another jurisdiction that contains elements that are substantially similar to the elements of an offense under one of the following Penal Code sections, or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

(i) Section 19.02 (murder);

(ii) Section 19.03 (capital murder);

(iii) Section 19.04 (manslaughter);

(iv) Section 21.11 (indecency with a child);

(v) Section 22.01 (assault);

(vi) Section 22.011 (sexual assault);

(vii) Section 22.02 (aggravated assault);

(viii) Section 22.021 (aggravated sexual assault);

- individual);
- (ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);
 - (x) Section 22.041 (abandoning or endangering child);
 - (xi) Section 25.02 (prohibited sexual conduct);
 - (xii) Section 43.25 (sexual performance by a child);
 - (xiii) Section 43.26 (possession or promotion of child pornography);
 - (xiv) Section 21.02 (continuous sexual abuse of young child or children);
 - (xv) Section 20A.02(a)(7) or (8) (trafficking of persons); and
 - (xvi) Section 43.05(a)(2) (compelling prostitution);
- (M) had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;
- (N) constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months, and:
- (i) the department has made reasonable efforts to return the child to the parent;
 - (ii) the parent has not regularly visited or maintained significant contact with the child; and
 - (iii) the parent has demonstrated an inability to provide the child with a safe environment;
- (O) failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;
- (P) used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and:
- (i) failed to complete a court-ordered substance abuse treatment program; or
 - (ii) after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;
- (Q) knowingly engaged in criminal conduct that has resulted in the parent's:
- (i) conviction of an offense; and
 - (ii) confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition;
- (R) been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription;
- (S) voluntarily delivered the child to a designated emergency infant care provider under Section 262.302 without expressing an intent to return for the child; or
- (T) been convicted of:

(i) the murder of the other parent of the child under Section 19.02 or 19.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code;

(ii) criminal attempt under Section 15.01, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.01, Penal Code, to commit the offense described by Subparagraph (i); or

(iii) criminal solicitation under Section 15.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.03, Penal Code, of the offense described by Subparagraph (i); and

(2) that termination is in the best interest of the child.

SECTION 12. Section 162.005(c), Family Code, is transferred to Section 162.007, Family Code, and redesignated as Section 162.007(e), Family Code, to read as follows:

(e) ~~(c)~~ The report shall include a history of physical, sexual, or emotional abuse suffered by the child, if any.

SECTION 13. The heading to Section 162.006, Family Code, is amended to read as follows:

Sec. 162.006. ACCESS TO HEALTH, SOCIAL, EDUCATIONAL, AND GENETIC HISTORY REPORT; RETENTION ~~[RIGHT TO EXAMINE RECORDS]~~.

SECTION 14. Section 162.007, Family Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding the other provisions of this section, the Department of Family and Protective Services may, in accordance with department rule, modify the form and contents of the health, social, educational, and genetic history report for a child as the department determines appropriate based on:

(1) the relationship between the prospective adoptive parents and the child or the child's birth family;

(2) the provision of the child's case record to the prospective adoptive parents; or

(3) any other factor specified by department rule.

SECTION 15. (a) Subsections (a), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and (a-1), Section 162.006, Family Code, are redesignated as Section 162.0062, Family Code, and amended to read as follows:

Sec. 162.0062. ACCESS TO INFORMATION. (a) Except as provided by Subsection (c), the prospective adoptive parents of a child are entitled to examine the records and other information relating to the history of the child. The Department of Family and Protective Services, licensed child-placing agency, or other person placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child. The

department, licensed child-placing agency, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(b) [(a-1)] The records described by Subsection (a) must include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. If the licensed child-placing agency or other person placing the child for adoption does not have the information required by this subsection, the department, at the request of the licensed child-placing agency or other person placing the child for adoption, shall provide the information to the prospective adoptive parents of the child.

(c) If the prospective adoptive parents of a child have reviewed the health, social, educational, and genetic history report for the child and indicated that they want to proceed with the adoption, the department may, but is not required to, allow the prospective adoptive parents of the child to examine the records and other information relating to the history of the child, unless the prospective adoptive parents request the child's case record. The department shall provide the child's case record to the prospective adoptive parents on the request of the prospective adoptive parents.

(b) Section 162.018, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Section 162.0062, Family Code, as added by this section, redesignated as Sections 162.0062(d), (e), and (f), Family Code, and amended to read as follows:

(d) [See. 162.018. ACCESS TO INFORMATION. (a) The adoptive parents are entitled to receive copies of the records and other information relating to the history of the child maintained by the Department of Family and Protective Services, licensed child placing agency, person, or entity placing the child for adoption.

[(b)] The adoptive parents and the adopted child, after the child is an adult, are entitled to receive copies of the records that have been edited to protect the identity of the biological parents and any other person whose identity is confidential and other information relating to the history of the child maintained by the department, licensed child-placing agency, person, or entity placing the child for adoption.

(e) [(e)] It is the duty of the person or entity placing the child for adoption to edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(f) [(d)] At the time an adoption order is rendered, the court shall provide to the parents of an adopted child information provided by the vital statistics unit that describes the functions of the voluntary adoption registry under Subchapter E. The licensed child-placing agency shall provide to each of the child's biological parents known to the agency, the information when the parent signs an affidavit of relinquishment of parental rights or affidavit of waiver of interest in a child. The information shall include the right of the child or biological parent to refuse to participate in the registry. If the adopted child is 14 years old or older the court shall provide the information to the child.

SECTION 16. Section 162.304, Family Code, is amended by amending Subsections (a) and (b-1) and adding Subsection (j) to read as follows:

(a) The department shall administer a program to provide adoption assistance for eligible children and enter into adoption assistance agreements with the adoptive parents of a child as authorized by Part E of Title IV of the federal Social Security Act, as amended (42 U.S.C. Section 673).

(b-1) Subject to the availability of funds, the [The] department shall pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child:

(1) was in the conservatorship of the department at the time of the child's adoptive placement;

(2) after the adoption, is not eligible for medical assistance under Chapter 32, Human Resources Code; and

(3) is younger than 18 years of age.

(j) The department shall keep records necessary to evaluate the adoption assistance program's effectiveness in encouraging and promoting the adoption of children.

SECTION 17. Section 162.3041(d), Family Code, is amended to read as follows:

(d) The department is not required to provide adoption assistance benefits under Subsection (a) or (a-1) unless funds are appropriated to the department specifically for purposes of those subsections. If the legislature does not appropriate sufficient money to provide adoption assistance to the adoptive parents of all children described by Subsection (a), the department shall provide adoption assistance only to the adoptive parents of children described by Subsection (a)(1). [The department is not required to provide adoption assistance benefits under Subsection (a-1) unless the department is specifically appropriated funds for purposes of that subsection.]

SECTION 18. Subchapter D, Chapter 162, Family Code, is amended by adding Section 162.3085 to read as follows:

Sec. 162.3085. ADOPTIVE PLACEMENT IN COMPLIANCE WITH FEDERAL LAW REQUIRED. The department or a licensed child-placing agency making an adoptive placement shall comply with the Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

SECTION 19. Section 261.302, Family Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) An interview with a child in which the allegations of the current investigation are discussed and that is conducted by the department during the investigation stage shall be audiotaped or videotaped unless:

(1) the recording equipment malfunctions and the malfunction is not the result of a failure to maintain the equipment or bring adequate supplies for the equipment;

(2) the child is unwilling to allow the interview to be recorded after the department makes a reasonable effort consistent with the child's age and development and the circumstances of the case to convince the child to allow the recording; or

(3) due to circumstances that could not have been reasonably foreseen or prevented by the department, the department does not have the necessary recording equipment because the department employee conducting the interview does not ordinarily conduct interviews.

(e-1) An interview with a child alleged to be a victim of physical abuse or sexual abuse conducted by an investigating agency other than the department shall be audiotaped or videotaped unless the investigating agency determines that good cause exists for not audiotaping or videotaping the interview in accordance with rules of the agency. Good cause may include, but is not limited to, such considerations as the age of the child and the nature and seriousness of the allegations under investigation. Nothing in this subsection shall be construed as prohibiting the investigating agency from audiotaping or videotaping an interview of a child on any case for which such audiotaping or videotaping is not required under this subsection. The fact that the investigating agency failed to audiotape or videotape an interview is admissible at the trial of the offense that is the subject of the interview.

SECTION 20. Section 261.3021, Family Code, is amended to read as follows:

Sec. 261.3021. CASEWORK DOCUMENTATION AND MANAGEMENT. Subject to the appropriation of money ~~[for these purposes]~~, the department shall[-:

~~[(1)] identify critical investigation actions that impact child safety and require department caseworkers to document those actions in a child's case file not later than the day after the action occurs[-;~~

~~[(2) identify and develop a comprehensive set of casework quality indicators that must be reported in real time to support timely management oversight;~~

~~[(3) provide department supervisors with access to casework quality indicators and train department supervisors on the use of that information in the daily supervision of caseworkers;~~

~~[(4) develop a case tracking system that notifies department supervisors and management when a case is not progressing in a timely manner;~~

~~[(5) use current data reporting systems to provide department supervisors and management with easier access to information; and~~

~~[(6) train department supervisors and management on the use of data to monitor cases and make decisions].~~

SECTION 21. Sections 261.309(b) and (d), Family Code, are amended to read as follows:

(b) If a person under investigation for allegedly abusing or neglecting a child requests clarification of the status of the person's case or files a complaint relating to the conduct of the department's staff or to department policy, the department shall conduct an informal review to clarify the person's status or resolve the complaint. The division of the department responsible for investigating complaints [immediate supervisor of the employee who conducted the child abuse or neglect investigation or against whom the complaint was filed] shall conduct the informal review as soon as possible but not later than the 14th day after the date the request or complaint is received.

(d) The [Unless a civil or criminal court proceeding or an ongoing criminal investigation relating to the alleged abuse or neglect investigated by the department is pending, the] department employee shall conduct the review prescribed by Subsection (c) as soon as possible but not later than the 45th day after the date the department receives the request, unless the department has good cause for extending the deadline.

If a civil or criminal court proceeding or an ongoing criminal investigation relating to the alleged abuse or neglect investigated by the department is pending, the department may postpone the review until the court proceeding is completed.

SECTION 22. Section 261.406(b), Family Code, is amended to read as follows:

(b) The department shall send a copy of the completed report of the department's investigation to the Texas Education Agency. On request, the department shall provide a copy of the completed report of the department's investigation to [] the State Board for Educator Certification, the local school board or the school's governing body, the superintendent of the school district, and the school principal or director, unless the principal or director is alleged to have committed the abuse or neglect, for appropriate action. On request, the department shall provide a copy of the report of investigation to the parent, managing conservator, or legal guardian of a child who is the subject of the investigation and to the person alleged to have committed the abuse or neglect. The report of investigation shall be edited to protect the identity of the persons who made the report of abuse or neglect. Other than the persons authorized by the section to receive a copy of the report, Section 261.201(b) applies to the release of the report relating to the investigation of abuse or neglect under this section and to the identity of the person who made the report of abuse or neglect.

SECTION 23. Section 262.1095(a), Family Code, is amended to read as follows:

(a) When the Department of Family and Protective Services or another agency takes possession of a child under this chapter, the department:

(1) shall provide information as prescribed by this section to each adult the department is able to identify and locate who is:

(A) ~~is~~ related to the child within the third degree by consanguinity as determined under Chapter 573, Government Code;

(B) ~~is or is~~ an adult relative of the alleged father of the child if ~~who~~ the department has a reasonable basis to believe the alleged father is ~~determines is most likely to be~~ the child's biological father; ~~or~~ ~~and~~

(C) ~~(B) is~~ identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307; and

(2) may provide information as prescribed by this section to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

SECTION 24. Section 262.114(b), Family Code, is amended to read as follows:

(b) The department may place a child with a relative or other designated caregiver ~~individual~~ identified on the proposed child placement resources form if the department determines that the placement is in the best interest of the child. The department must complete the background and criminal history check and conduct a preliminary evaluation of the relative or other designated caregiver's home before the child is placed with the relative or other designated caregiver. The department may place the child with the relative or designated caregiver ~~individual~~ before conducting the ~~background and criminal history check or~~ home study required under Subsection (a). Not later than 48 hours after the time that the child is placed with the relative or

other designated caregiver, the department shall begin the home study of the relative or other designated caregiver. The department shall complete the home study as soon as possible unless otherwise ordered by a court. The department shall provide a copy of an informational manual required under Section 261.3071 to the relative or other designated caregiver at the time of the child's placement.

SECTION 25. Section 262.115(c), Family Code, is amended to read as follows:

(c) The department shall ensure that a parent who is otherwise entitled to possession of the child has an opportunity to visit the child not later than the fifth [~~third~~] day after the date the department is named temporary managing conservator of the child unless:

(1) the department determines that visitation is not in the child's best interest; or

(2) visitation with the parent would conflict with a court order relating to possession of or access to the child.

SECTION 26. Section 262.2015(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) The court may find under Subsection (a) that a parent has subjected the child to aggravated circumstances if:

(1) the parent abandoned the child without identification or a means for identifying the child;

(2) the child or another child of the parent is a victim of serious bodily injury or sexual abuse inflicted by the parent or by another person with the parent's consent;

(3) the parent has engaged in conduct against the child or another child of the parent that would constitute an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecent with a child);

(E) Section 22.011 (sexual assault);

(F) Section 22.02 (aggravated assault);

(G) Section 22.021 (aggravated sexual assault);

(H) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(I) Section 22.041 (abandoning or endangering child);

(J) Section 25.02 (prohibited sexual conduct);

(K) Section 43.25 (sexual performance by a child);

(L) Section 43.26 (possession or promotion of child pornography);

(M) Section 21.02 (continuous sexual abuse of young child or children);

(N) Section 43.05(a)(2) (compelling prostitution); or

(O) Section 20A.02(a)(7) or (8) (trafficking of persons);

(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;

(5) the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(b)(1)(D) or (E) or a substantially equivalent provision of another state's law;

(6) the parent has been convicted for:

(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Paragraph (A) or (B); or

(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; ~~or~~

(7) the parent's parental rights with regard to another child of the parent ~~[two other children]~~ have been involuntarily terminated; or

(8) the parent is required under any state or federal law to register with a sex offender registry.

SECTION 27. Section 263.301, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subchapter A, Chapter 263, Family Code, redesignated as Section 263.0021, Family Code, and amended to read as follows:

Sec. 263.0021 ~~[263.301]~~. NOTICE OF HEARING; PRESENTATION OF EVIDENCE. (a) Notice of a ~~[permanency]~~ hearing under this chapter shall be given ~~[as provided by Rule 21a, Texas Rules of Civil Procedure,]~~ to all persons entitled to notice of the hearing.

(b) The following persons are entitled to at least 10 days' notice of a ~~[permanency]~~ hearing under this chapter and are entitled to present evidence and be heard at the hearing:

(1) the department;

(2) the foster parent, preadoptive parent, relative of the child providing care, or director or director's designee of the group home or general residential operation ~~[institution]~~ where the child is residing;

(3) each parent of the child;

(4) the managing conservator or guardian of the child;

(5) an attorney ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;

(6) a guardian ad litem appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;

(7) a volunteer advocate appointed for the child under Chapter 107, if the appointment was not dismissed in the final order;

(8) ~~(7)~~ the child if:

(A) the child is 10 years of age or older; or

(B) the court determines it is appropriate for the child to receive notice;

and

(9) ~~(8)~~ any other person or agency named by the court to have an interest in the child's welfare.

(c) Notice of a hearing under this chapter may be given:

(1) as provided by Rule 21a, Texas Rules of Civil Procedure;

(2) in a temporary order following a full adversary hearing;

(3) in an order following a hearing under this chapter;

(4) in open court; or

(5) in any manner that would provide actual notice to a person entitled to

notice.

(d) The licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee is entitled to at least 10 days' notice of a permanency hearing after final order [If a person entitled to notice under Chapter 102 or this section has not been served, the court shall review the department's efforts at attempting to locate all necessary persons and requesting service of citation and the assistance of a parent in providing information necessary to locate an absent parent].

SECTION 28. Section 263.004, Family Code, is amended to read as follows:

Sec. 263.004. NOTICE TO COURT REGARDING EDUCATION DECISION-MAKING. (a) Unless the rights and duties of the department under Section 153.371(10) to make decisions regarding the child's education have been limited by court order, the department shall file with the court ~~[a report identifying]~~ the name and contact information for each person who has been:

(1) designated by the department to make educational decisions on behalf of the child; and

(2) assigned to serve as the child's surrogate parent in accordance with 20 U.S.C. Section 1415(b) and Section 29.001(10), Education Code, for purposes of decision-making regarding special education services, if applicable.

(b) Not later than the fifth day after the date an adversary hearing under Section 262.201 or ~~[Section]~~ 262.205 is concluded, the information ~~[report]~~ required by Subsection (a) shall be filed with the court and a copy shall be provided to~~±~~

~~[(1) each person entitled to notice of a permanency hearing under Section 263.301; and~~

~~[(2)] the school the child attends.~~

(c) If a person other than a person identified under ~~[in the report required by]~~ Subsection (a) is designated to make educational decisions or assigned to serve as a surrogate parent, the department shall include the updated information in a permanency progress report filed under Section 263.303 or 263.502 ~~[file with the court an updated report that includes the information required by Subsection (a) for the designated or assigned person]~~. The updated information ~~[report]~~ must be provided to the school the child attends ~~[filed]~~ not later than the fifth day after the date of designation or assignment.

SECTION 29. Sections 263.009(a) and (b), Family Code, are amended to read as follows:

(a) The department shall hold a permanency planning meeting for each child for whom the department is appointed temporary managing conservator in accordance with a schedule adopted by the executive commissioner of the Health and Human

Services Commission by rule that is designed to allow the child to exit the managing conservatorship of the department safely and as soon as possible and be placed with an appropriate adult caregiver who will permanently assume legal responsibility for the child[-

~~(1) not later than the 45th day after the date the department is named temporary managing conservator of the child; and~~

~~(2) not later than five months after the date the department is named temporary managing conservator of the child].~~

(b) At each ~~[the five month]~~ permanency planning meeting ~~[described by Subsection (a)(2)]~~, the department shall:

(1) identify any barriers to achieving a timely permanent placement for the child; ~~and]~~

(2) develop strategies and determine actions that will increase the probability of achieving a timely permanent placement for the child; and

(3) use the family group decision-making model whenever possible.

SECTION 30. Subchapter A, Chapter 263, Family Code, is amended by adding Sections 263.010 and 263.011 to read as follows:

Sec. 263.010. TESTIMONY IN CERTAIN HEARINGS. Sections 104.002, 104.003, 104.004, 104.005, and 104.006 do not apply to testimony given in a hearing conducted under this chapter if the testimony is not used as evidence.

Sec. 263.011. CHILD'S RIGHT TO ATTEND AND PARTICIPATE IN HEARINGS. A child, regardless of age, must be allowed to attend or participate in a hearing conducted under this chapter in which the child is the subject of the hearing.

SECTION 31. Section 263.101, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 263.101. DEPARTMENT TO FILE SERVICE PLAN. Except as provided by Section 262.2015, not ~~[Not]~~ later than the 45th day after the date the court renders a temporary order appointing the department as temporary managing conservator of a child under Chapter 262, the department shall file a service plan.

SECTION 32. Section 263.102(a), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The service plan must:

(1) be specific;

(2) be in writing in a language that the parents understand, or made otherwise available;

(3) be prepared by the department in conference with the child's parents;

(4) state appropriate deadlines;

(5) specify the primary permanency goal and at least one alternative permanency goal ~~[state whether the goal of the plan is:~~

~~(A) return of the child to the child's parents;~~

~~(B) termination of parental rights and placement of the child for adoption; or~~

~~(C) because of the child's special needs or exceptional circumstances, continuation of the child's care out of the child's home];~~

(6) state steps that are necessary to:

(A) return the child to the child's home if the placement is in foster care;

(B) enable the child to remain in the child's home with the assistance of a service plan if the placement is in the home under the department's supervision; or

(C) otherwise provide a permanent safe placement for the child;

(7) state the actions and responsibilities that are necessary for the child's parents to take to achieve the plan goal during the period of the service plan and the assistance to be provided to the parents by the department or other agency toward meeting that goal;

(8) state any specific skills or knowledge that the child's parents must acquire or learn, as well as any behavioral changes the parents must exhibit, to achieve the plan goal;

(9) state the actions and responsibilities that are necessary for the child's parents to take to ensure that the child attends school and maintains or improves the child's academic compliance;

(10) state the name of the person with the department whom the child's parents may contact for information relating to the child if other than the person preparing the plan; and

(11) prescribe any other term or condition that the department determines to be necessary to the service plan's success.

SECTION 33. Section 263.3025(a), Family Code, is amended to read as follows:

(a) The department shall prepare a permanency plan for a child for whom the department has been appointed temporary managing conservator. The department shall give a copy of the plan to each person entitled to notice under Section 263.0021(b) ~~[263.301(b)]~~ not later than the 10th day before the date of the child's first permanency hearing.

SECTION 34. Section 263.303, Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 263.303. PERMANENCY PROGRESS REPORT BEFORE FINAL ORDER. (a) Not later than the 10th day before the date set for each permanency hearing before a final order is rendered ~~[other than the first permanency hearing]~~, the department shall file with the court and provide to each party, the child's attorney ad litem, the child's guardian ad litem, and the child's volunteer advocate a permanency progress report unless the court orders a different period for providing the report.

(b) The permanency progress report must contain:

(1) information necessary for the court to conduct the permanency hearing and make its findings and determinations under Section 263.306 ~~[recommend that the suit be dismissed]; [or]~~

(2) information on significant events, as defined by Section 264.018; and

(3) any additional information the department determines is appropriate or that is requested by the court and relevant to the court's findings and determinations under Section 263.306 ~~[recommend that the suit continue, and:~~

~~[(A) identify the date for dismissal of the suit under this chapter;~~

~~[(B) provide:~~

~~[(i) the name of any person entitled to notice under Chapter 102 who has not been served;~~

~~[(ii) a description of the efforts by the department to locate and request service of citation; and~~

~~[(iii) a description of each parent's assistance in providing information necessary to locate an unserved party;~~

~~[(C) evaluate the parties' compliance with temporary orders and with the service plan;~~

~~[(D) evaluate whether the child's placement in substitute care meets the child's needs and recommend other plans or services to meet the child's special needs or circumstances;~~

~~[(E) describe the permanency plan for the child and recommend actions necessary to ensure that a final order consistent with that permanency plan, including the concurrent permanency goals contained in that plan, is rendered before the date for dismissal of the suit under this chapter;~~

~~[(F) with respect to a child 16 years of age or older, identify the services needed to assist the child in the transition to adult life; and~~

~~[(G) with respect to a child committed to the Texas Juvenile Justice Department or released under supervision by the Texas Juvenile Justice Department:~~

~~[(i) evaluate whether the child's needs for treatment and education are being met;~~

~~[(ii) describe, using information provided by the Texas Juvenile Justice Department, the child's progress in any rehabilitation program administered by the Texas Juvenile Justice Department; and~~

~~[(iii) recommend other plans or services to meet the child's needs].~~

(c) A parent whose parental rights are the subject of a suit affecting the parent-child relationship, the attorney for that parent, or the child's attorney ad litem or guardian ad litem may file a response to the department's report filed under this section ~~[Subsection (b)]~~. A response must be filed not later than the third day before the date of the hearing.

SECTION 35. The heading to Section 263.306, Family Code, is amended to read as follows:

Sec. 263.306. PERMANENCY HEARINGS BEFORE FINAL ORDER~~[PROCEDURE]~~.

SECTION 36. Section 263.306, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) At each permanency hearing before a final order is rendered, the court shall:

(1) identify all persons and parties present at the hearing;

(2) review the efforts of the department or other agency in:

(A) locating and requesting service of citation on all persons entitled to service of citation under Section 102.009; and

(B) obtaining the assistance of a parent in providing information necessary to locate an absent parent, alleged father, or relative of the child;

(3) review the extent of the parties' compliance with temporary orders and the service plan and the extent to which progress has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care;

(4) review the permanency progress report to determine:

(A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;

(B) the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;

(C) the appropriateness of the primary and alternative permanency goals for the child developed in accordance with department rule and whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child;

(D) whether the child has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;

(E) for a child receiving psychotropic medication, whether the child:

(i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;

(F) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there have been major changes in the child's school performance or there have been serious disciplinary events;

(G) for a child 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community; and

(H) for a child whose permanency goal is another planned permanent living arrangement:

(i) the desired permanency outcome for the child, by asking the child; and

(ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why it continues to not be in the best interest of the child to:

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

(d) be placed with a fit and willing relative;

(5) determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest;

(6) estimate a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship; and

(7) announce in open court the dismissal date and the date of any upcoming hearings.

SECTION 37. The heading to Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION.

SECTION 38. Section 263.401, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-1) to read as follows:

(a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court shall dismiss the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child.

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

(A) the motion for a new trial or mistrial is granted; or

(B) the appellate court remanded the case;

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).

(c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal ~~[required]~~ date ~~[for dismissal under Subsection (b)]~~, the court shall dismiss the suit. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION 39. Section 263.404(b), Family Code, is amended to read as follows:

(b) In determining whether the department should be appointed as managing conservator of the child without terminating the rights of a parent of the child, the court shall take the following factors into consideration:

(1) that the child will reach 18 years of age in not less than three years;

(2) that the child is 12 years of age or older and has expressed a strong desire against termination or has continuously expressed a strong desire against being adopted; and

~~(3) [that the child has special medical or behavioral needs that make adoption of the child unlikely; and~~

~~[(4)] the needs and desires of the child.~~

SECTION 40. The heading to Subchapter F, Chapter 263, Family Code, is amended to read as follows:

SUBCHAPTER F. PERMANENCY ~~[PLACEMENT REVIEW]~~ HEARINGS
AFTER FINAL ORDER

SECTION 41. The heading to Section 263.501, Family Code, is amended to read as follows:

Sec. 263.501. PERMANENCY HEARING ~~[PLACEMENT REVIEW]~~ AFTER FINAL ORDER.

SECTION 42. Sections 263.501(a), (b), (c), (f), and (g), Family Code, are amended to read as follows:

(a) If the department has been named as a child's managing conservator in a final order that does not include termination of parental rights, the court shall conduct a permanency ~~[placement review]~~ hearing after the final order is rendered at least once every six months until the department is no longer the child's managing conservator ~~[child becomes an adult]~~.

(b) If the department has been named as a child's managing conservator in a final order that terminates a parent's parental rights, the court shall conduct a permanency ~~[placement review]~~ hearing not later than the 90th day after the date the court renders the final order. The court shall conduct additional permanency ~~[placement review]~~ hearings at least once every six months until the department is no longer the child's managing conservator ~~[date the child is adopted or the child becomes an adult]~~.

(c) Notice of each permanency ~~[a placement review]~~ hearing shall be given as provided by Section 263.0021 ~~[Rule 21a, Texas Rules of Civil Procedure,]~~ to each person entitled to notice of the hearing.

(f) The child shall attend each permanency ~~[placement review]~~ hearing in accordance with Section 263.302 ~~[unless the court specifically excuses the child's attendance. A child committed to the Texas Youth Commission may attend a placement review hearing in person, by telephone, or by videoconference. The court shall consult with the child in a developmentally appropriate manner regarding the child's permanency or transition plan, if the child is four years of age or older. Failure by the child to attend a hearing does not affect the validity of an order rendered at the hearing]~~.

(g) A court required to conduct permanency ~~[placement review]~~ hearings for a child for whom the department has been appointed permanent managing conservator may not dismiss a suit affecting the parent-child relationship filed by the department regarding the child while the child is committed to the Texas Juvenile Justice Department ~~[Youth Commission]~~ or released under the supervision of the Texas Juvenile Justice Department ~~[Youth Commission]~~, unless the child is adopted or permanent managing conservatorship of the child is awarded to an individual other than the department.

SECTION 43. The heading to Section 263.502, Family Code, is amended to read as follows:

Sec. 263.502. PERMANENCY PROGRESS ~~[PLACEMENT REVIEW]~~ REPORT AFTER FINAL ORDER.

SECTION 44. Section 263.502, Family Code, is amended by amending Subsection (a), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsections (a-1) and (a-2) to read as follows:

(a) Not later than the 10th day before the date set for a permanency [placement review] hearing after a final order is rendered, the department shall file a permanency progress [placement review] report with the court and provide a copy to each person entitled to notice under Section 263.0021 [263.501(d)].

(a-1) The permanency progress report must contain:

(1) information necessary for the court to conduct the permanency hearing and make its findings and determinations under Section 263.5031;

(2) information on significant events, as defined by Section 264.018; and

(3) any additional information the department determines is appropriate or that is requested by the court and relevant to the court's findings and determinations under Section 263.5031.

(a-2) For good cause shown, the court may:

(1) order a different deadline for filing the permanency progress report; or

(2) waive the reporting requirement for a specific hearing.

SECTION 45. Subchapter F, Chapter 263, Family Code, is amended by adding Section 263.5031 to read as follows:

Sec. 263.5031. PERMANENCY HEARINGS FOLLOWING FINAL ORDER.

At each permanency hearing after the court renders a final order, the court shall:

(1) identify all persons and parties present at the hearing;

(2) review the efforts of the department or other agency in notifying persons entitled to notice under Section 263.0021; and

(3) review the permanency progress report to determine:

(A) the safety and well-being of the child and whether the child's needs, including any medical or special needs, are being adequately addressed;

(B) the continuing necessity and appropriateness of the placement of the child, including with respect to a child who has been placed outside of this state, whether the placement continues to be in the best interest of the child;

(C) if the child is placed in institutional care, whether efforts have been made to ensure that the child is placed in the least restrictive environment consistent with the child's best interest and special needs;

(D) the appropriateness of the primary and alternative permanency goals for the child, whether the department has made reasonable efforts to finalize the permanency plan, including the concurrent permanency goals, in effect for the child, and whether:

(i) the department has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption; or

(ii) another permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;

(E) for a child whose permanency goal is another planned permanent living arrangement:

(i) the desired permanency outcome for the child, by asking the child; and

(ii) whether, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and, if so, provide compelling reasons why it continues to not be in the best interest of the child to:

(a) return home;

(b) be placed for adoption;

(c) be placed with a legal guardian; or

(d) be placed with a fit and willing relative;

(F) if the child is 14 years of age or older, whether services that are needed to assist the child in transitioning from substitute care to independent living are available in the child's community;

(G) whether the child is receiving appropriate medical care and has been provided the opportunity, in a developmentally appropriate manner, to express the child's opinion on any medical care provided;

(H) for a child receiving psychotropic medication, whether the child:

(i) has been provided appropriate nonpharmacological interventions, therapies, or strategies to meet the child's needs; or

(ii) has been seen by the prescribing physician, physician assistant, or advanced practice nurse at least once every 90 days;

(I) whether an education decision-maker for the child has been identified, the child's education needs and goals have been identified and addressed, and there are major changes in the child's school performance or there have been serious disciplinary events;

(J) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, whether to order the department to provide services to a parent for not more than six months after the date of the permanency hearing if:

(i) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and

(ii) the court determines that further efforts at reunification with a parent are:

(a) in the best interest of the child; and

(b) likely to result in the child's safe return to the child's parent; and

(K) whether the department has identified a family or other caring adult who has made a permanent commitment to the child.

SECTION 46. The heading to Section 264.002, Family Code, is amended to read as follows:

Sec. 264.002. SPECIFIC APPROPRIATION REQUIRED [~~DUTIES OF DEPARTMENT~~].

SECTION 47. Section 264.002(e), Family Code, is amended to read as follows:

(e) The department may not spend state funds to accomplish the purposes of this subtitle [~~chapter~~] unless the funds have been specifically appropriated for those purposes.

SECTION 48. Subchapter A, Chapter 264, Family Code, is amended by adding Sections 264.017 and 264.018 to read as follows:

Sec. 264.017. REQUIRED REPORTING. (a) The department shall prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection.

(b) The department shall provide the report required by Subsection (a) to the legislature and shall publish the report and make the report available electronically to the public not later than February 1 of each year. The report must include, with respect to the preceding year:

(1) information on the number and disposition of reports of child abuse and neglect received by the department;

(2) information on the number of clients for whom the department took protective action, including investigations, alternative responses, and court-ordered removals;

(3) information on the number of clients for whom the department provided services in each program administered by the child protective services division, including investigations, alternative responses, family-based safety services, conservatorship, post-adoption services, and transitional living services;

(4) the number of children in this state who died as a result of child abuse or neglect;

(5) the number of children described by Subdivision (4) for whom the department was the children's managing conservator at the time of death;

(6) information on the timeliness of the department's initial contact in an investigation or alternative response;

(7) information on the response time by the department in commencing services to families and children for whom an allegation of child abuse or neglect has been made;

(8) information regarding child protection staffing and caseloads by program area;

(9) information on the permanency goals in place and achieved for children in the managing conservatorship of the department, including information on the timeliness of achieving the goals, the stability of the children's placement in foster care, and the proximity of placements to the children's home counties; and

(10) the number of children who suffer from a severe emotional disturbance and for whom the department is appointed managing conservator, including statistics on appointments as joint managing conservator, due to an individual voluntarily relinquishing custody of a child solely to obtain mental health services for the child.

(c) Not later than September 1 of each year, the department shall seek public input regarding the usefulness of, and any proposed modifications to, existing reporting requirements and proposed additional reporting requirements. The department shall evaluate the public input provided under this subsection and seek to facilitate reporting to the maximum extent feasible within existing resources and in a manner that is most likely to assist public understanding of department functions.

(d) In addition to the information required under Subsections (a) and (b), the department shall annually publish information on the number of children who died during the preceding year whom the department determined had been abused or neglected but whose death was not the result of the abuse or neglect. The department may publish the information described by this subsection in the same report required by Subsection (a) or in another annual report published by the department.

Sec. 264.018. REQUIRED NOTIFICATIONS. (a) In this section:

(1) "Child-placing agency" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Residential child-care facility" has the meaning assigned by Section 42.002, Human Resources Code.

(3) "Psychotropic medication" has the meaning assigned by Section 266.001.

(4) "Significant change in medical condition" means the occurrence of an injury or the onset of an illness that is life-threatening or may have serious long-term health consequences. The term includes the occurrence or onset of an injury or illness that requires hospitalization for surgery or another procedure that is not minor emergency care.

(5) "Significant event" means:

(A) a placement change, including failure by the department to locate an appropriate placement for at least one night;

(B) a significant change in medical condition;

(C) an initial prescription of a psychotropic medication or a change in dosage of a psychotropic medication;

(D) a major change in school performance or a serious disciplinary event at school; or

(E) any event determined to be significant under department rule.

(b) The notification requirements of this section are in addition to other notice requirements provided by law, including Sections 263.0021, 264.107(g), and 264.123.

(c) The department must provide notice under this section in a manner that would provide actual notice to a person entitled to the notice, including the use of electronic notice whenever possible.

(d) Not later than 24 hours after an event described by this subsection, the department shall make a reasonable effort to notify a parent of a child in the managing conservatorship of the department of:

(1) a significant change in medical condition of the child;

(2) the enrollment or participation of the child in a drug research program under Section 266.0041; and

(3) an initial prescription of a psychotropic medication.

(e) Not later than 48 hours before the department changes the residential child-care facility of a child in the managing conservatorship of the department, the department shall provide notice of the change to:

(1) the child's parent or the parent's attorney, if applicable;

(2) an attorney ad litem appointed for the child under Chapter 107;

(3) a guardian ad litem appointed for the child under Chapter 107;

(4) a volunteer advocate appointed for the child under Chapter 107; and

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee.

(f) As soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

(1) the child's parent or the parent's attorney, if applicable;
(2) an attorney ad litem appointed for the child under Chapter 107;
(3) a guardian ad litem appointed for the child under Chapter 107;
(4) a volunteer advocate appointed for the child under Chapter 107;
(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7) any other person determined by a court to have an interest in the child's welfare.

(g) For purposes of Subsection (f), if a hearing for the child is conducted during the 10-day notice period described by that subsection, the department shall provide notice of the significant event at the hearing.

(h) The department is not required to provide notice under this section to a parent of a child in the managing conservatorship of the department if:

(1) the department cannot locate the parent;
(2) a court has restricted the parent's access to the information;
(3) the child is in the permanent managing conservatorship of the department and the parent has not participated in the child's case for at least six months despite the department's efforts to involve the parent;
(4) the parent's rights have been terminated; or
(5) the department has documented in the child's case file that it is not in the best interest of the child to involve the parent in case planning.

(i) The department is not required to provide notice of a significant event under this section to the child-placing agency responsible for the placement of a child in the managing conservatorship of the department, a foster parent, a prospective adoptive parent, a relative of the child providing care to the child, or the director of the group home or general residential operation where the child resides if that agency or individual is required under a contract or other agreement to provide notice of the significant event to the department.

(j) A person entitled to notice from the department under this section shall provide the department with current contact information, including the person's e-mail address and the telephone number at which the person may most easily be reached. The person shall update the person's contact information as soon as possible after a change to the information. The department is not required to provide notice under this section to a person who fails to provide contact information to the department. The department may rely on the most recently provided contact information in providing notice under this section.

(k) To facilitate timely notification under this section, a residential child-care facility contracting with the department for 24-hour care shall notify the department, in the time provided by the facility's contract, of a significant event for a child who is in the conservatorship of the department and residing in the facility.

(l) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section using a negotiated rulemaking process under Chapter 2008, Government Code.

SECTION 49. Section 264.101(a), Family Code, is amended to read as follows:

(a) The department may pay the cost of foster care for a child only if:

(1) the child [for whom the department has initiated a suit and has been named managing conservator under an order rendered under this title, who is a resident of the state, and who] has been placed by the department in a foster home or other residential child-care facility [institution], as defined by Chapter 42, Human Resources Code, or in a comparable residential facility in another state; and [or]

(2) the department:

(A) has initiated suit and been named conservator of the child; or

(B) has the duty of care, control, and custody after taking possession of the child in an emergency without a prior court order as authorized by this subtitle [who is under the placement and care of a state agency or political subdivision with which the department has entered into an agreement to reimburse the cost of care and supervision of the child].

SECTION 50. Section 264.107, Family Code, is amended by amending Subsection (b), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsection (b-1) to read as follows:

(b) The department shall use an [the standard] application or assessment developed by the department in coordination with interested parties [provided by the Health and Human Services Commission] for the placement of children in contract residential care.

(b-1) Notwithstanding Subsection (b), the department shall use the standard application for the placement of children in contract residential care as adopted and maintained by the Health and Human Services Commission until the department develops an application or assessment under Subsection (b). Subject to the availability of funds, the department shall develop the application or assessment not later than December 1, 2016. This subsection expires September 1, 2017.

SECTION 51. Section 264.1075(b), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) As soon as possible after a child begins receiving foster care under this subchapter, the department shall assess whether the child has a developmental or intellectual disability. [The commission shall establish the procedures that the department must use in making an assessment under this subsection. The procedures may include screening or participation by:

[(1) a person who has experience in childhood developmental or intellectual disabilities;

[(2) a local intellectual and developmental disability authority; or

[(3) a provider in a county with a local child welfare board.]

SECTION 52. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1085 to read as follows:

Sec. 264.1085. FOSTER CARE PLACEMENT IN COMPLIANCE WITH FEDERAL LAW REQUIRED. The department or a licensed child-placing agency making a foster care placement shall comply with the Multiethnic Placement Act of 1994 (42 U.S.C. Section 1996b).

SECTION 53. The heading to Section 264.110, Family Code, is amended to read as follows:

Sec. 264.110. PROSPECTIVE FOSTER OR ADOPTIVE PARENT STATEMENT [REGISTRY].

SECTION 54. Section 264.110(d), Family Code, is amended to read as follows:

(d) Before a child may be placed with a foster or adoptive parent ~~[person under this section]~~, the prospective foster or adoptive parent ~~[person]~~ must sign a written statement in which the prospective foster or adoptive parent ~~[person]~~ agrees to the immediate removal of the child by the department under circumstances determined by the department.

SECTION 55. Section 264.121, Family Code, is amended by amending Subsection (e) and adding Subsection (e-2) to read as follows:

(e) The department shall ensure that each youth acquires a copy and a certified copy of the youth's birth certificate, a social security card or replacement social security card, as appropriate, and a personal identification certificate under Chapter 521, Transportation Code, on or before the date on which the youth turns 16 years of age. The department shall designate one or more employees in the Preparation for Adult Living Program as the contact person to assist a youth who has not been able to obtain the documents described by this subsection in a timely manner from the youth's primary caseworker. The department shall ensure that:

(1) all youth who are age 16 or older are provided with the contact information for the designated employees; and

(2) a youth who misplaces a document provided under this subsection receives assistance in obtaining a replacement document or information on how to obtain a duplicate copy, as appropriate.

(e-1) When providing a youth with a document required by Subsection (e-1), the department shall provide the youth with a copy and a certified copy of the document or with the original document, as applicable.

SECTION 56. Section 264.014, Family Code, is transferred to Section 264.121, Family Code, redesignated as Section 264.121(e-1), Family Code, and amended to read as follows:

(e-1) [Sec. 264.014. PROVISION OF COPIES OF CERTAIN RECORDS.] If, at the time a youth ~~[child]~~ is discharged from foster care, the youth ~~[child]~~ is at least 18 years of age or has had the disabilities of minority removed, the department shall provide to the youth ~~[child]~~, not later than the 30th day before the date the youth ~~[child]~~ is discharged from foster care, the following information and documents unless the youth already has the information or document [a copy of]:

(1) the youth's ~~[child's]~~ birth certificate;

(2) the youth's ~~[child's]~~ immunization records;

(3) the information contained in the youth's ~~[child's]~~ health passport;

(4) a personal identification certificate under Chapter 521, Transportation Code;

(5) a social security card or a replacement social security card, if appropriate; and

(6) proof of enrollment in Medicaid, if appropriate.

SECTION 57. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.126 to read as follows:

Sec. 264.126. REDESIGN IMPLEMENTATION PLAN. (a) The department shall develop and maintain a plan for implementing the foster care redesign required by Chapter 598 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011. The plan must:

(1) describe the department's expectations, goals, and approach to implementing foster care redesign;

(2) include a timeline for implementing the foster care redesign throughout this state, any limitations related to the implementation, and a progressive intervention plan and a contingency plan to provide continuity of foster care service delivery if a contract with a single source continuum contractor ends prematurely;

(3) delineate and define the case management roles and responsibilities of the department and the department's contractors and the duties, employees, and related funding that will be transferred to the contractor by the department;

(4) identify any training needs and include long-range and continuous plans for training and cross-training staff;

(5) include a plan for evaluating the costs and tasks associated with each contract procurement, including the initial and ongoing contract costs for the department and contractor;

(6) include the department's contract monitoring approach and a plan for evaluating the performance of each contractor and the foster care redesign system as a whole that includes an independent evaluation of processes and outcomes; and

(7) include a report on transition issues resulting from implementation of the foster care redesign.

(b) The department shall annually:

(1) update the implementation plan developed under this section and post the updated plan on the department's Internet website; and

(2) post on the department's Internet website the progress the department has made toward its goals for implementing the foster care redesign.

SECTION 58. The heading to Section 264.207, Family Code, is amended to read as follows:

Sec. 264.207. HOME STUDY REQUIRED BEFORE ADOPTION
[~~DEPARTMENT PLANNING AND ACCOUNTABILITY~~].

SECTION 59. Section 264.207(a), Family Code, is amended to read as follows:

(a) The department must complete ~~[shall adopt policies that provide for the improvement of the department's services for children and families, including policies that provide for conducting]~~ a home study before ~~[within four months after]~~ the date an applicant is approved for an adoption ~~[and documenting the results of the home study within 30 days after the date the study is completed].~~ The policies adopted under this section must:

~~[(1) be designed to increase the accountability of the department to individuals who receive services and to the public; and~~

~~[(2) assure consistency of services provided by the department in the different regions of the state].~~

SECTION 60. 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 court under Section 264.304;~~

~~[(2)]~~ a juvenile court or probation department as part of a progressive sanctions program under Chapter 59;

~~(2) [(3)]~~ a law enforcement officer or agency under Section 52.03; or

~~(3) [(4)]~~ a justice or municipal court under Article 45.057, Code of Criminal Procedure.

SECTION 61. Chapter 265, Family Code, is amended by designating Sections 265.001 through 265.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

SECTION 62. Subchapter A, Chapter 265, Family Code, as added by this Act, is amended by adding Section 265.005 to read as follows:

Sec. 265.005. STRATEGIC PLAN. (a) The department shall develop and implement a five-year strategic plan for prevention and early intervention services. Not later than September 1 of the last fiscal year in each five-year period, the department shall issue a new strategic plan for the next five fiscal years beginning with the following fiscal year.

(b) A strategic plan required under this section must:

(1) identify methods to leverage other sources of funding or provide support for existing community-based prevention efforts;

(2) include a needs assessment that identifies programs to best target the needs of the highest risk populations and geographic areas;

(3) identify the goals and priorities for the department's overall prevention efforts;

(4) report the results of previous prevention efforts using available information in the plan;

(5) identify additional methods of measuring program effectiveness and results or outcomes;

(6) identify methods to collaborate with other state agencies on prevention efforts; and

(7) identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals.

(c) The department shall coordinate with interested parties and communities in developing the strategic plan under this section.

(d) The department shall annually update the strategic plan developed under this section.

(e) The department shall post the strategic plan developed under this section and any update to the plan on its Internet website.

SECTION 63. Subchapter D, Chapter 40, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Chapter 265, Family Code, redesignated as Subchapter B, Chapter 265, Family Code, and amended to read as follows:

**SUBCHAPTER B ~~D~~. CHILD ABUSE AND NEGLECT PRIMARY
PREVENTION PROGRAMS**

Sec. 265.051 ~~[40.101]~~. DEFINITIONS. In this subchapter:

(1) "Children's trust fund" means a child abuse and neglect primary prevention program.

(2) "Primary prevention" means services and activities available to the community at large or to families to prevent child abuse and neglect before it occurs. The term includes infant mortality prevention education programs.

(3) "Operating fund" means the Department of Family and Protective Services child abuse and neglect prevention operating fund account.

(4) "State agency" means a board, commission, department, office, or other state agency that:

- (A) is in the executive branch of the state government;
- (B) was created by the constitution or a statute of this state; and
- (C) has statewide jurisdiction.

(5) "Trust fund" means the child abuse and neglect prevention trust fund account.

Sec. 265.052 ~~[40.102]~~. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS. (a) The department shall operate the children's trust fund to:

(1) set policy, offer resources for community primary prevention programs, and provide information and education on prevention of child abuse and neglect;

(2) develop a state plan for expending funds for child abuse and neglect primary prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;

(3) develop eligibility criteria for applicants requesting funding for child abuse and neglect primary prevention programs; and

(4) establish funding priorities for child abuse and neglect primary prevention programs.

(b) The children's trust fund shall accommodate the department's existing rules and policies in procuring, awarding, and monitoring contracts and grants.

(c) The department may:

(1) apply for and receive funds made available by the federal government or another public or private source for administering programs under this subchapter and for funding for child abuse and neglect primary prevention programs; and

(2) solicit donations for child abuse and neglect primary prevention programs.

Sec. 265.053 ~~[40.104]~~. ADMINISTRATIVE AND OTHER COSTS.

(a) Administrative costs under this subchapter during any fiscal year may not exceed an amount equal to 50 percent of the interest credited to the trust fund during the preceding fiscal year.

(b) Funds expended under a special project grant from a governmental source or a nongovernmental source for public education or public awareness may not be counted as administrative costs for the purposes of this section.

Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund. Money in the trust fund is dedicated to child abuse and neglect primary prevention programs.

(b) The department may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the department may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect primary prevention programs.

(c) Interest earned on the trust fund shall be credited to the trust fund.

(d) The trust fund is exempt from the application of Section 403.095, Government Code.

(e) All marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance shall be appropriated each biennium only to the operating fund for [~~primary~~] child abuse and neglect primary prevention programs.

Sec. 265.055 [~~40.106~~]. DEPARTMENT OPERATING FUND ACCOUNT.

(a) The operating fund is an account in the general revenue fund.

(b) Administrative and other costs allowed in Section 265.053 [~~40.104~~] shall be taken from the operating fund. The department may transfer funds contained in the operating fund to the trust fund at any time.

(c) The legislature may appropriate the money in the operating fund to carry out the provisions of this subchapter.

(d) The operating fund is exempt from the application of Section 403.095, Government Code.

Sec. 265.056 [~~40.107~~]. CONTRIBUTIONS. (a) The department may solicit contributions from any appropriate source.

(b) Any other contributions for child abuse and neglect primary prevention or other prevention and early intervention programs shall be deposited into a separate designated fund in the state treasury and shall be used for that designated purpose.

(c) A person may contribute funds to either the trust fund, the operating fund, or a fund designated by the department for a specific child abuse and neglect primary prevention or other prevention or early intervention purpose.

(d) If a person designates that a contribution is intended as a donation to a specific fund, the contribution shall be deposited in the designated fund.

SECTION 64. Section 40.0561, Human Resources Code, is transferred to Subchapter B, Chapter 265, Family Code, as transferred and redesignated from Subchapter D, Chapter 40, Human Resources Code, by this Act, and redesignated as Section 265.057, Family Code, to read as follows:

Sec. 265.057 [~~40.0561~~]. COMMUNITY YOUTH DEVELOPMENT GRANTS. (a) Subject to available funding, the department shall award community youth development grants to communities identified by incidence of crime. The department shall give priority in awarding grants under this section to areas of the state in which there is a high incidence of juvenile crime.

(b) The purpose of a grant under this section is to assist a community in alleviating conditions in the family and community that lead to juvenile crime.

SECTION 65. Section 266.004, Family Code, is amended by amending Subsections (e) and (f) and adding Subsection (k) to read as follows:

(e) The department, a person authorized to consent to medical care under Subsection (b), the child's parent if the parent's rights have not been terminated, a guardian ad litem or attorney ad litem if one has been appointed, or the person providing foster care to the child may petition the court for any order related to medical care for a foster child that the department or other person believes is in the best interest of the child. Notice of the petition must be given to each person entitled to notice under Section 263.0021(b) [~~263.301(b)~~].

(f) If a physician who has examined or treated the foster child has concerns regarding the medical care provided to the foster child, the physician may file a letter with the court stating the reasons for the physician's concerns. The court shall provide a copy of the letter to each person entitled to notice under Section 263.0021(b) [~~263.301(b)~~].

(k) The department may consent to health care services ordered or prescribed by a health care provider authorized to order or prescribe health care services regardless of whether the services are provided under the medical assistance program under Chapter 32, Human Resources Code, if the department otherwise has the authority under this section to consent to health care services.

SECTION 66. Section 266.0041(d), Family Code, is amended to read as follows:

(d) An independent medical advocate shall, within a reasonable time after the appointment, interview:

(1) the foster child in a developmentally appropriate manner, if the child is four years of age or older;

(2) the foster child's parent, if the parent is entitled to notification under Section 264.018 [~~266.005~~];

(3) an advocate appointed by an institutional review board in accordance with the Code of Federal Regulations, 45 C.F.R. Section 46.409(b), if an advocate has been appointed;

(4) the medical team treating the foster child as well as the medical team conducting the drug research program; and

(5) each individual who has significant knowledge of the foster child's medical history and condition, including any foster parent of the child.

SECTION 67. Section 266.010(b), Family Code, is amended to read as follows:

(b) A court with continuing jurisdiction may make the determination regarding the foster child's capacity to consent to medical care during a hearing under Chapter 263 or may hold a hearing to make the determination on its own motion. The court may issue an order authorizing the child to consent to all or some of the medical care

as defined by Section 266.001. In addition, a foster child who is at least 16 years of age, or the foster child's attorney ad litem, may file a petition with the court for a hearing. If the court determines that the foster child lacks the capacity to consent to medical care, the court may consider whether the foster child has acquired the capacity to consent to medical care at subsequent hearings under Section 263.5031 [~~263.503~~].

SECTION 68. Subdivisions (3), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and (7), Subsection (a), Section 411.114, Government Code, are amended to read as follows:

(3) The Department of Family and Protective Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person with respect to whom the Department of Family and Protective Services determines obtaining a criminal history record is necessary to ensure the safety or welfare of a child, elderly person, or person with a disability [~~who is:~~

~~[(A) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;~~

~~[(B) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;~~

~~[(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;~~

~~[(D) a person providing, at the request of the child's parent, in home care for a child who is the subject of a report alleging the child has been abused or neglected;~~

~~[(E) a volunteer or applicant volunteer with a Texas chapter of the Make a Wish Foundation of America;~~

~~[(F) a person providing, at the request of the child's parent, in home care for a child only if the person gives written consent to the release and disclosure of the information;~~

~~[(G) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, and who resides in or is present in a child-care facility or family home, other than a child described by Subdivision (2)(C), or any other person who has unsupervised access to a child in the care of a child-care facility or family home;~~

~~[(H) an applicant for a position with the Department of Family and Protective Services, other than a position described by Subdivision (2)(D), regardless of the duties of the position;~~

~~[(I) a volunteer or applicant volunteer with the Department of Family and Protective Services, other than a registered volunteer, regardless of the duties to be performed;~~

~~[(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;~~

~~[(K) a Department of Family and Protective Services employee, other than an employee described by Subdivision (2)(H), regardless of the duties of the employee's position;~~

~~[(L) a relative of a child in the care of the Department of Family and Protective Services, to the extent necessary to comply with Section 162.007, Family Code;~~

~~[(M) a person, other than an alleged perpetrator in a report described in Subdivision (2)(I), living in the residence in which the alleged victim of the report resides;~~

~~[(N) an employee, volunteer, or applicant volunteer of a children's advocacy center under Subchapter E, Chapter 264, Family Code, including a member of the governing board of a center;~~

~~[(O) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with an entity or person that contracts with the Department of Family and Protective Services and has access to confidential information in the department's records, if the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;~~

~~[(P) an employee of or volunteer at, or an applicant for employment with or to be a volunteer at, an entity that provides supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services;~~

~~[(Q) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services; or~~

~~[(R) a person who volunteers to supervise visitation under Subchapter B, Chapter 263, Family Code].~~

(7) The Department of Family and Protective Services is not prohibited from releasing criminal history record information obtained under this subsection to:

(A) the person who is the subject of the criminal history record information;

(B) a child-care facility, child-placing agency, or family home listed in Subdivision (2) that employs or is considering employing the person who is the subject of the criminal history record information;

(C) a person or business entity described by Subdivision (2)(E) ~~[or (3)]~~ who uses or intends to use the services of the volunteer or employs or is considering employing the person who is the subject of the criminal history record information;

(D) a person or business entity who uses or intends to use the volunteer services of or who employs or is considering employing the person who is the subject of the criminal history record if the release of the record is related to the purpose for which the record was obtained under Subdivision (3);

(E) an adult who resides with an alleged victim of abuse, neglect, or exploitation of a child, elderly person, or person with a disability and who also resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services determines that the release of information to the adult is necessary to ensure the safety or welfare of the alleged victim or the adult; or

(F) ~~(E)~~ an elderly or disabled person who is an alleged victim of abuse, neglect, or exploitation and who resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services determines that the release of information to the elderly or disabled person or adult is necessary to ensure the safety or welfare of the elderly or disabled person.

SECTION 69. (a) 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 ~~[2015]~~.

(b) This section takes effect only if H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, providing for the continuation of the Department of Family and Protective Services is not enacted or does not become law. If H.B. 2304, S.B. 200, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the continuation of the department, this section has no effect.

SECTION 70. Section 40.030, Human Resources Code, is amended to read as follows:

Sec. 40.030. ADVISORY COMMITTEES. (a) The executive commissioner or the executive commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

(b) The executive commissioner shall adopt rules, in compliance with Chapter 2110, Government Code, regarding the purpose, structure, and use of advisory committees by the department. The rules may include provisions governing:

(1) an advisory committee's size and quorum requirements;

(2) qualifications for membership of an advisory committee, including:

(A) requirements relating to experience and geographic representation;

and

(B) requirements for the department to include as members of advisory committees youth who have aged out of foster care and parents who have successfully completed family service plans and whose children were returned to the parents, as applicable;

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

SECTION 71. Section 40.037(a), Human Resources Code, is amended to read as follows:

(a) The department shall develop and implement a training program that each employee who is newly hired or promoted to a management position in the child protective services division must complete as soon as is practicable, but not later than the 60th day after the date the employee is hired or promoted to ~~[before the employee begins serving in]~~ the management position.

SECTION 72. Section 40.0524(a), Human Resources Code, is amended to read as follows:

(a) In a jurisdiction for which a children's advocacy center has not been established under Section 264.402, Family Code, the department shall, to [To] the extent possible, [the department shall] establish multidisciplinary teams to provide services relating to a report of child abuse or neglect. A multidisciplinary team shall include professionals in parent education and in each professional discipline necessary to provide comprehensive medical and psychological services to a child who is the subject of a report and to members of the child's household.

SECTION 73. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.05275 to read as follows:

Sec. 40.05275. ANNUAL BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES. (a) The department shall develop and implement an annual business plan for the child protective services program to prioritize the department's activities and resources to improve the program.

(b) The department shall coordinate with the department's regional staff in developing the annual business plan under this section.

(c) The annual business plan developed under this section must include:

(1) long-term and short-term performance goals;

(2) identification of priority projects and ongoing initiatives that are clearly linked to established goals; and

(3) a statement of staff expectations that includes identification of:

(A) the person or team responsible for each project;

(B) the specific tasks and deliverables expected;

(C) the resources needed to accomplish each project;

(D) a time frame for the completion of each deliverable and project; and

(E) the expected outcome for each project and the method and

procedure for measuring the outcome to ensure effective evaluation for each project.

(d) Not later than October 1 of each year, the department shall submit the annual business plan developed under this section to the governor, lieutenant governor, speaker of the house of representatives, and chairs of the standing committees of the senate and house of representatives having primary jurisdiction over child protection issues.

SECTION 74. The heading to Section 40.0528, Human Resources Code, is amended to read as follows:

Sec. 40.0528. GOALS FOR ANNUAL BUSINESS [COMPREHENSIVE STAFFING AND WORKLOAD DISTRIBUTION] PLAN FOR CHILD PROTECTIVE SERVICES; REPORTING CASELOAD INFORMATION.

SECTION 75. Section 40.0528(a), Human Resources Code, is amended to read as follows:

(a) The department shall consider the following goals in developing the annual business plan required under Section 40.05275 [develop and implement a staffing and workload distribution plan] for the child protective services program [to]:

(1) reducing [reduce] caseloads;

(2) enhancing [enhance] accountability;

(3) improving [improve] the quality of investigations;

- (4) eliminating [~~eliminate~~] delays; and
- (5) ensuring [~~ensure~~] the most efficient and effective use of child protective services staff and resources.

SECTION 76. Chapter 54, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Subchapter C, Chapter 40, Human Resources Code, redesignated as Section 40.075, Human Resources Code, and amended to read as follows:

~~[CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES]~~

Sec. 40.075 [~~54.001~~]. PROTECTIVE ORDERS. (a) The executive commissioner shall adopt rules to provide procedures for the filing of protective orders by the Department of Family and Protective Services for the protection of a member of a family or household as provided by Title 4, Family Code.

(b) [~~Sec. 54.002. NOTICE TO NONABUSIVE PARENT OR HOUSEHOLD MEMBER.~~] The department [~~Department of Family and Protective Services~~] shall provide prior notice to a nonabusive parent or adult member of a household of the department's intent to file an application for a protective order for a child or older person and shall request the assistance of the person receiving the notice in developing a safety plan for household members and the child or older person for whom the order is sought. The department shall exercise reasonable safety precautions to protect a nonabusive parent or other member of a household while providing notice and requesting assistance under this section.

SECTION 77. Section 42.048(f), Human Resources Code, is amended to read as follows:

(f) A license must be issued if the department determines that a facility meets all requirements. The evaluation shall be based on one or more visits to the facility and a review of required forms and records. A license is valid until the license expires, is revoked, or is surrendered.

SECTION 78. Section 42.050, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 42.050. LICENSE RENEWAL. (a) A license holder may apply for renewal of a [new] license in compliance with the requirements of this chapter and department rules.

(b) The application for renewal of a [new] license must be completed and decided on by the department before the expiration of the license under which a facility is operating.

(c) The department shall evaluate the application for renewal of a [new] license to determine if all licensing requirements are met. The evaluation may include a specified number of visits to the facility and must include a review of all required forms and records.

(d) The executive commissioner shall adopt rules governing the license renewal process for all licenses issued under this chapter. The rules must include:

- (1) renewal periods;
- (2) a process for staggered renewals;
- (3) a process for resolving a late application for renewal;

- (4) expiration dates; and
- (5) conditions for renewal.

SECTION 79. Section 42.052, Human Resources Code, is amended by amending Subsections (a) and (e) and adding Subsections (e-1) and (f-1) to read as follows:

(a) A state-operated child-care facility or child-placing agency must receive certification of approval from the department. The certification of approval remains valid until the certification expires, is revoked, or is surrendered.

(e) A registration ~~[or listing]~~ remains valid until the registration expires, is revoked, or is surrendered. The operator of a registered home must display the registration in a prominent place at the home.

(e-1) A listing remains valid until the listing is revoked or surrendered.

(f-1) The executive commissioner shall adopt rules governing the certification and registration renewal process for all certifications and registrations issued under this chapter. The rules must include:

- (1) renewal periods;
- (2) a process for staggered renewals;
- (3) a process for resolving a late application for renewal;
- (4) expiration dates; and
- (5) conditions for renewal.

SECTION 80. Section 42.054, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (h) to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee ~~[of \$35]~~ for an initial license to operate a child-care facility or a child-placing agency.

(b) The department shall charge each child-care facility a fee ~~[of \$35]~~ for an initial license. The department shall charge each child-placing agency a fee ~~[of \$50]~~ for an initial license.

(c) The department shall charge each licensed child-care facility an annual license fee ~~[in the amount of \$35 plus \$1 for each child the child care facility is permitted to serve]~~. The fee is due on the date on which the department issues the child-care facility's initial license and on the anniversary of that date.

(d) The department shall charge each licensed child-placing agency an annual license fee ~~[of \$100]~~. The fee is due on the date on which the department issues the child-placing agency's initial license and on the anniversary of that date.

(e) The department shall charge each family home that is listed or registered with the department an annual fee ~~[to cover a part of the department's cost in regulating family homes. The amount of the fee is \$20 for a listed home or \$35 for a registered home]~~. The fee is due on the date on which the department initially lists or registers the home and on the anniversary of that date.

(h) The executive commissioner by rule shall set fees under this section.

SECTION 81. Subchapter D, Chapter 42, Human Resources Code, is amended by adding Section 42.0704 to read as follows:

Sec. 42.0704. ENFORCEMENT POLICY. (a) The executive commissioner by rule shall adopt a general enforcement policy that describes the department's approach to enforcement of this chapter.

(b) The enforcement policy must:

(1) summarize the department's general expectations in enforcing this chapter;

(2) include the methodology required by Subsection (c); and

(3) describe the department's plan for strengthening its enforcement efforts and for making objective regulatory decisions.

(c) As part of the enforcement policy, the department shall develop and implement a methodology for determining the appropriate disciplinary action to take against a person who violates this chapter or a department rule. The methodology must provide guidance on when to use each of the available tools of enforcement, including technical assistance, voluntary plans of action, evaluation, probation, suspension or revocation of a license or registration, denial of a license or registration, administrative penalties, and emergency suspension. The methodology must allow the department to consider the circumstances of a particular case, including the nature and seriousness of the violation, history of previous violations, and aggravating and mitigating factors, in determining the appropriate disciplinary action.

(d) The department shall make the methodology described by Subsection (c) available to the public, including by posting the methodology on the department's Internet website.

SECTION 82. Section 42.078(a-2), Human Resources Code, is amended to read as follows:

(a-2) The department may impose an administrative penalty without first imposing a nonmonetary administrative sanction for violating a minimum standard applicable to a facility or family home under this chapter that is determined by the department to be a high-risk standard, including background check standards, safety hazard standards, and supervision standards ~~[the following violations:~~

~~[(1) failing to timely submit the information required to conduct a background and criminal history check under Section 42.056 and applicable department rules on two or more occasions;~~

~~[(2) failing to submit the information required to conduct a background and criminal history check under Section 42.056 and applicable department rules before the 30th day after the date the facility or family home is notified by the department that the information is overdue;~~

~~[(3) except as provided by Section 42.056(g), knowingly allowing a person to be present in a facility or family home when the person's background and criminal history check has not been received;~~

~~[(4) knowingly allowing a person to be present in a facility or family home when the person's background and criminal history check has been received and contains criminal history or central registry findings that under department rules preclude the person from being present in the facility or family home; or~~

~~[(5) violating a condition or restriction the department places on a person's presence at a facility or family home as part of a pending or approved risk evaluation of the person's background and criminal history or central registry findings].~~

SECTION 83. Subchapter D, Chapter 42, Human Resources Code, is amended by adding Section 42.079 to read as follows:

Sec. 42.079. CEASE AND DESIST ORDER. (a) If it appears to the department that a person who is not licensed, certified, registered, or listed under this chapter is operating a child-care facility or family home, the department, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from operating the facility or home.

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under Section 42.078.

SECTION 84. Section 244.0105(a), Human Resources Code, is amended to read as follows:

(a) Not later than the 10th day before the date of a permanency hearing under Subchapter D, Chapter 263, Family Code, or [~~a placement review hearing under~~] Subchapter F, Chapter 263, Family Code, regarding a child for whom the Department of Family and Protective Services has been appointed managing conservator, a department caseworker shall submit a written report regarding the child's commitment to the department to:

- (1) the court;
- (2) the Department of Family and Protective Services;
- (3) any attorney ad litem or guardian ad litem appointed for the child; and
- (4) any volunteer advocate appointed for the child.

SECTION 85. Section 244.0106(c), Human Resources Code, is amended to read as follows:

(c) The rules adopted under this section must require:

- (1) the Department of Family and Protective Services to:
 - (A) provide the department with access to relevant health and education information regarding a child; and
 - (B) require a child's caseworker to visit the child in person at least once each month while the child is committed to the department;
- (2) the department to:
 - (A) provide the Department of Family and Protective Services with relevant health and education information regarding a child;
 - (B) permit communication, including in person, by telephone, and by mail, between a child committed to the department and:
 - (i) the Department of Family and Protective Services; and
 - (ii) the attorney ad litem, the guardian ad litem, and the volunteer advocate for the child; and
 - (C) provide the Department of Family and Protective Services and any attorney ad litem or guardian ad litem for the child with timely notice of the following events relating to the child:
 - (i) a meeting designed to develop or revise the individual case plan for the child;
 - (ii) in accordance with any participation protocols to which the Department of Family and Protective Services and the department agree, a medical appointment at which a person authorized to consent to medical care must participate as required by Section 266.004(i), Family Code;
 - (iii) an education meeting, including admission, review, or dismissal meetings for a child receiving special education;

(iv) a grievance or disciplinary hearing for the child;
(v) a report of abuse or neglect of the child; and
(vi) a significant change in medical condition of the child, as defined by Section 264.018 [~~266.005~~], Family Code; and
(3) the Department of Family and Protective Services and the department to participate in transition planning for the child through release from detention, release under supervision, and discharge.

SECTION 86. The following provisions, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 162.302, Family Code;
- (2) Section 162.303, Family Code;
- (3) Sections 162.304(c), (d), and (e), Family Code;
- (4) Section 162.308, Family Code;
- (5) Section 162.309, Family Code;
- (6) Section 261.004, Family Code;
- (7) Section 261.203(d), Family Code;
- (8) Section 261.3012, Family Code;
- (9) Sections 261.308(b) and (c), Family Code;
- (10) Section 261.310(c), Family Code;
- (11) Section 261.3101, Family Code;
- (12) Section 262.1041, Family Code;
- (13) Section 262.105(b), Family Code;
- (14) Section 263.008(a)(2), Family Code;
- (15) Sections 263.009(c), (d), (e), and (f), Family Code;
- (16) Sections 263.102(c) and (g), Family Code;
- (17) Section 263.306(a), Family Code, as amended by Chapters 191 (S.B. 352), 204 (H.B. 915), and 688 (H.B. 2619), Acts of the 83rd Legislature, Regular Session, 2013;
- (18) Section 263.306(b), Family Code;
- (19) Sections 263.501(d) and (e), Family Code;
- (20) Sections 263.502(b), (c), and (d), Family Code;
- (21) Section 263.503, Family Code;
- (22) Sections 264.002(a), (b), (c), and (d), Family Code;
- (23) Section 264.012, Family Code;
- (24) Section 264.016, Family Code;
- (25) Sections 264.107(a), (c), and (d), Family Code;
- (26) Section 264.1071, Family Code;
- (27) Section 264.108, Family Code;
- (28) Sections 264.110(a), (b), (c), (e), (f), (g), and (h), Family Code;
- (29) Section 264.111, Family Code;
- (30) Section 264.117, Family Code;
- (31) Section 264.119, Family Code;
- (32) Section 264.207(b), Family Code;
- (33) Section 264.208, Family Code;
- (34) Section 264.303, Family Code;
- (35) Section 264.304, Family Code;

- (36) Section 264.305, Family Code;
- (37) Section 264.306, Family Code;
- (38) Section 264.752(b), Family Code;
- (39) Section 264.851(1), Family Code;
- (40) Section 266.001(4), Family Code;
- (41) Section 266.005, Family Code;
- (42) Section 40.001(5), Human Resources Code;
- (43) Section 40.0305, Human Resources Code;
- (44) Section 40.031, Human Resources Code;
- (45) Section 40.0324, Human Resources Code;
- (46) Section 40.0327, Human Resources Code;
- (47) Section 40.036, Human Resources Code;
- (48) Sections 40.037(b) and (c), Human Resources Code;
- (49) Section 40.052, Human Resources Code;
- (50) Section 40.0523, Human Resources Code;
- (51) Section 40.0524(d), Human Resources Code;
- (52) Section 40.0525, Human Resources Code;
- (53) Sections 40.0528(b) and (c), Human Resources Code;
- (54) Section 40.0566, Human Resources Code;
- (55) Section 40.069, Human Resources Code; and
- (56) Section 40.073, Human Resources Code.

SECTION 87. Not later than January 1, 2016, 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 88. Not later than January 1, 2016, the Department of Family and Protective Services shall seek public input for the initial report required under Section 264.017, Family Code, as added by this Act.

SECTION 89. Not later than September 1, 2016, the Department of Family and Protective Services shall adopt the initial strategic plan required by Section 265.005, Family Code, as added by this Act.

SECTION 90. Section 42.078, Human Resources Code, as amended by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect at the time the violation occurred, and the former law is continued in effect for that purpose.

SECTION 91. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2015.

(b) Sections 42.050(d) and 42.052(f-1), Human Resources Code, as added by this Act, take effect September 1, 2016.

Floor Amendment No. 1

Amend **CSSB 206** in SECTION 76 of the bill, in redesignated Section 40.075(a), Human Resources Code, by striking "Department of Family and Protective Services" and substituting "department [~~Department of Family and Protective Services~~]".

Floor Amendment No. 2

Amend **CSSB 206** as follows:

(1) On page 49, line 27, and page 50, line 1, strike "or the parent's attorney, if applicable".

(2) On page 50, lines 15 and 16, strike "or the parent's attorney, if applicable".

Floor Amendment No. 3

Amend **CSSB 206** (house committee printing) by striking page 29, line 24, through page 30, line 6, and renumbering SECTIONS of the bill accordingly.

Floor Amendment No. 4

Amend **CSSB 206** (house committee printing) as follows:

(1) On page 47, line 12, strike "and".

(2) On page 47, line 18, strike the underlined period and substitute an underlined semicolon.

(3) On page 47, between lines 18 and 19, insert the following appropriately numbered subdivisions and renumber subsequent subdivisions of proposed Section 264.017(b), Family Code, and any cross-references to those subdivisions accordingly:

() the number of children who are pregnant or a parent while in the managing conservatorship of the department and the number of the children born to a parent in the managing conservatorship of the department who are placed in the managing conservatorship of the department;

() the number of children who are missing from the children's substitute care provider while in the managing conservatorship of the department; and

() the number of children who were victims of trafficking under Chapter 20A, Penal Code, while in the managing conservatorship of the department.

Floor Amendment No. 5

Amend Amendment No. 4 by Canales (84R32208) to **CSSB 206**, by adding the following appropriately numbered item to the amendment:

() On page 47, between lines 18 and 19, add the following appropriately lettered subsection and reletter subsequent subsections of Section 264.017, Family Code, and cross-references to those subsections accordingly:

() To the extent feasible, the report must also include, for each county, the amount of funding for child abuse and neglect prevention services and the rate of child abuse and neglect per 1,000 children in the county for the preceding year and for each of the preceding five years.

Floor Amendment No. 7

Amend **CSSB 206** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. (a) Using existing resources, the Department of Family and Protective Services shall conduct a study to determine whether authorization agreements under Chapter 34, Family Code, should be expanded to include authorization agreements between a parent of a child and a person who is unrelated to the child.

(b) Not later than December 31, 2016, the Department of Family and Protective Services shall make recommendations related to the study to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

(c) This section expires September 1, 2017.

Floor Amendment No. 8

Amend Amendment No. 7 by King of Taylor to **CSSB 206** by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment and correcting the recital to the amendment accordingly:

SECTION _____. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.0045 to read as follows:

Sec. 263.0045. EDUCATION IN HOME SETTING FOR FOSTER CHILDREN. On request of a person providing substitute care for a child who is in the managing conservatorship of the department, the department shall allow the person to provide the child with an education in a home setting unless:

(1) the right of the department to allow the education of the child in a home setting has been specifically limited by court order;

(2) a court at a hearing conducted under this chapter finds, on good cause shown through evidence presented by the department in accordance with the applicable provisions in the department's child protective services handbook (CPS August 2013), that education in the home setting is not in the best interest of the child;
or

(3) the department determines that federal law requires another school setting.

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 206**.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 29, 2015 - 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 PASSED THE FOLLOWING MEASURES:

HCR 137 Hughes

In memory of the Honorable Leo Berman of Tyler.

HCR 142

Kacal

Recalling H.B. 1926 from the Senate for further consideration.

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

HB 7 (144 Yeas, 2 Nays, 2 Present, not voting)**HB 12** (141 Yeas, 3 Nays, 2 Present, not voting)**HB 20** (143 Yeas, 1 Nays, 2 Present, not voting)**HB 74** (90 Yeas, 46 Nays, 3 Present, not voting)**HB 1170** (140 Yeas, 2 Nays, 2 Present, not voting)**HB 1171** (143 Yeas, 1 Nays, 2 Present, not voting)**HB 1633** (138 Yeas, 4 Nays, 2 Present, not voting)**HB 1783** (141 Yeas, 4 Nays, 2 Present, not voting)**HB 1949** (140 Yeas, 1 Nays, 2 Present, not voting)**HB 2486** (139 Yeas, 3 Nays, 2 Present, not voting)**HB 2684** (107 Yeas, 34 Nays, 2 Present, not voting)**HB 2826** (139 Yeas, 4 Nays, 2 Present, not voting)**HB 3184** (99 Yeas, 44 Nays, 2 Present, not voting)**HB 3424** (142 Yeas, 2 Nays, 2 Present, not voting)**HB 4154** (143 Yeas, 1 Nays, 2 Present, not voting)**HB 4168** (112 Yeas, 30 Nays, 4 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 6 (non-record vote)

House Conferees: Otto - Chair/Darby/Geren/Simmons/Turner, Sylvester

HB 15 (non-record vote)

House Conferees: Otto - Chair/Geren/Gonzales, Larry/Koop/Walle

HB 18 (non-record vote)

House Conferees: Aycock - Chair/Deshotel/Farney/Huberty/Workman

HB 991 (non-record vote)

House Conferees: Bohac - Chair/Ashby/Guillen/Martinez, "Mando"/Springer

HB 1396 (non-record vote)

House Conferees: Workman - Chair/Herrero/Krause/Larson/Moody

HB 2162 (non-record vote)

House Conferees: Simmons - Chair/Alvarado/Anderson, Rodney/Nevárez/Springer

HB 2291 (non-record vote)

House Conferees: Parker - Chair/Fallon/Hernandez/Meyer/Paddie

HB 3405 (non-record vote)

House Conferees: Isaac - Chair/Frank/Howard/Keffer/Rodriguez, Eddie

HB 4175 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Johnson/Keffer/Metcalf/Walle

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 9 (non-record vote)

House Conferees: Otto - Chair/Bonnen, Greg/Davis, Sarah/Gonzales, Larry/Turner, Sylvester

SB 11 (non-record vote)

House Conferees: Fletcher - Chair/Aycock/Bonnen, Dennis/Martinez Fischer/Zerwas

SB 19 (non-record vote)

House Conferees: Cook - Chair/Davis, Sarah/Harless/Oliveira/Villalba

SB 313 (non-record vote)

House Conferees: Aycock - Chair/Allen/Crownover/Simmons/VanDeaver

SB 507 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Bernal/King, Ken/Rose/Simmons

SB 632 (non-record vote)

House Conferees: Button - Chair/Anderson, Charles "Doc"/Ashby/Fairecloth/Johnson

SB 654 (non-record vote)

House Conferees: Workman - Chair/Cook/Guerra/Hunter/Sheets

SB 1007 (non-record vote)

House Conferees: Kuempel - Chair/Aycock/Cook/Goldman/Gutierrez

SB 1071 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Canales/Hunter/Villalba/Wu

SB 1338 (non-record vote)

House Conferees: Springer - Chair/Cyrier/González, Mary/Schubert/Simmons

SB 1630 (non-record vote)

House Conferees: Turner, Sylvester - Chair/Burkett/Dutton/Phillips/Wu

SB 1882 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Hernandez/Murr/Raymond/Wray

SB 1964 (non-record vote)

House Conferees: Martinez, "Mando" - Chair/Clardy/Farrar/Hernandez/Sheets

SB 1999 (non-record vote)

House Conferees: Coleman - Chair/Davis, Sarah/Farias/Morrison/Zerwas

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 100 (137 Yeas, 8 Nays, 2 Present, not voting)

HB 910 (102 Yeas, 43 Nays, 1 Present, not voting)

SB 1 (138 Yeas, 0 Nays, 1 Present, not voting)

SB 1574 (125 Yeas, 19 Nays, 3 Present, not voting)

SB 1593 (142 Yeas, 1 Nays, 2 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 211 (143 Yeas, 1 Nays, 2 Present, not voting)

HB 2123 (137 Yeas, 6 Nays, 3 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1934 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1934** 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. 2

Amend **SB 1934** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Chapter 411, Government Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 411.951. STUDY ON DIGITAL IDENTIFICATION AND PROOF OF LICENSURE. (a) The department shall conduct a study:

(1) determining the feasibility of altering state requirements for the issuance of a driver's license to allow a person to use a digital form of a driver's license displayed on an electronic device to prove that the person has a driver's license;

(2) evaluating risks to personal information security that a system described by Subdivision (1) might create; and

(3) surveying and evaluating electronic driver's license policies in other states.

(b) Not later than September 1, 2016, the department shall submit a detailed report of its findings and recommendations to the legislature.

(c) This section expires January 1, 2017.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1934**.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Ellis, Garcia, Menéndez, Rodríguez, Watson.

CONFERENCE COMMITTEE ON HOUSE BILL 3405
(Motion In Writing)

Senator Campbell 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 3405** 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 3405** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Campbell, Chair; Zaffirini, Kolkhorst, L. Taylor, and Watson.

(Senator Schwertner in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 29, 2015 - 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 1624 (145 Yeas, 0 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 1490 (non-record vote)

House Conferees: Huberty - Chair/Aycock/Dutton/Martinez Fischer/Riddle

HB 1842 (non-record vote)

House Conferees: Aycock - Chair/Ashby/Darby/Dutton/King, Ken

HB 2206 (non-record vote)

House Conferees: Crownover - Chair/Geren/Harless/Howard/Naishtat

HB 3474 (non-record vote)

House Conferees: Coleman - Chair/Farias/Geren/Keffer/Morrison

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 551 (non-record vote)

House Conferees: Keffer - Chair/Frank/Kacal/King, Tracy O./Lucio III

SB 1756 (non-record vote)

House Conferees: Phillips - Chair/Dale/Keffer/Moody/Nevárez

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 13

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 13 to the senate for further consideration.

HB 2187

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 2187 to the senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 2291
(Motion In Writing)**

Senator Perry 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 2291** 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 2291** 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 Perry, Chair; Burton, Creighton, Huffman, and Whitmire.

**CONFERENCE COMMITTEE ON HOUSE BILL 3474
(Motion In Writing)**

Senator Schwertner 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 3474** 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 3474** 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 Schwertner, Chair; V. Taylor, Bettencourt, Perry, and Uresti.

CONFERENCE COMMITTEE ON HOUSE BILL 4175
(Motion In Writing)

Senator L. Taylor 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 4175** 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 4175** 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 L. Taylor, Chair; Garcia, Creighton, Kolkhorst, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 991
(Motion In Writing)

Senator Huffines 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 991** 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 991** 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 Huffines, Chair; Nichols, Perry, Estes, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 2162
(Motion In Writing)

Senator Campbell 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 2162** 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 2162** 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 Campbell, Chair; Nichols, Nelson, Schwertner, and Watson.

CONFERENCE COMMITTEE ON HOUSE BILL 15
(Motion In Writing)

Senator Eltife 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 15** 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 15** 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 Eltife, Chair; Nelson, Huffman, Hancock, and Uresti.

CONFERENCE COMMITTEE ON HOUSE BILL 1842
(Motion In Writing)

Senator L. Taylor 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 1842** 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 1842** 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 L. Taylor, Chair; Rodríguez, Campbell, Bettencourt, and Huffines.

CONFERENCE COMMITTEE ON HOUSE BILL 18
(Motion In Writing)

Senator Perry 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 18** 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 18** 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 Perry, Chair; L. Taylor, Bettencourt, Seliger, and Garcia.

(Senator V. Taylor in Chair)

CONFERENCE COMMITTEE ON HOUSE BILL 1490
(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 1490** 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 1490** 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, Nelson, Nichols, and West.

CONFERENCE COMMITTEE ON HOUSE BILL 2206
(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 2206** 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 2206** 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; Eltife, Nelson, Whitmire, and Watson.

CONFERENCE COMMITTEE ON HOUSE BILL 1396
(Motion In Writing)

Senator Burton 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 1396** 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 1396** 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 Burton, Chair; Whitmire, Huffman, Perry, and Hinojosa.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 189**

Senator V. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 189** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

V. TAYLOR
HUFFMAN
KOLKHORST
MENÉNDEZ
PERRY

S. THOMPSON
BOHAC
CLARDY
SHEETS

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 189** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1191**

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1191** 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.

SELIGER
 ELTIFE
 ESTES
 PERRY
 ZAFFIRINI
 On the part of the Senate

CROWNOVER
 HOWARD
 MORRISON
 C. TURNER
 ZERWAS
 On the part of the House

A BILL TO BE ENTITLED
 AN ACT

relating to the amount and allocation 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) and (e) and adding Subsections (a-1), (a-2), and (e-2) to read as follows:

(a) In ~~[each state fiscal year beginning with]~~ the state fiscal year ending August 31, 2016 ~~[2011]~~, 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) \$3,374,275 ~~[\$3,559,433]~~ to Midwestern State University;
- (2) to the following component institutions of the University of North Texas

System:

(A) \$25,041,370 ~~[\$27,846,476]~~ to the University of North Texas;

(B) \$11,394,570 ~~[(3) \$8,771,265]~~ to the University of North Texas Health Science Center at Fort Worth; and

(C) \$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) \$7,757,442 ~~[(4) \$12,311,123 to The University of Texas Pan American;~~

~~[(5) \$5,057,420 to The University of Texas at Brownsville;~~

~~[(6) \$8,425,937]~~ to Stephen F. Austin State University;

(4) [(7)] to the following component institutions of the Texas State University System:

(A) \$9,401,255 ~~[\$8,330,933]~~ to Lamar University;

(B) \$1,720,347 ~~[\$2,332,463]~~ to the Lamar Institute of Technology;

(C) \$1,129,562 ~~[\$1,235,752]~~ to Lamar State College-Orange;

- (D) \$1,438,523 [~~\$1,244,694~~] to Lamar State College–Port Arthur;
- (E) \$11,553,239 [~~\$11,893,110~~] to Sam Houston State University;
- (F) \$24,775,170 [~~\$21,863,258~~] to Texas State University;
- (G) \$1,423,682 [~~\$1,625,064~~] to Sul Ross State University; and
- (H) \$273,825 [~~\$445,380~~] to Sul Ross State University–Rio Grande

College;

- (5) \$7,773,229 [~~(\$8,894,700)~~] to Texas Southern University;

(6) [~~(9)~~] to the following component institutions of the Texas Tech University System:

- (A) \$32,817,206 [~~\$23,936,088~~] to Texas Tech University;
- (B) \$15,581,597 [~~\$16,973,569~~] to Texas Tech University Health Sciences Center; ~~and~~
- (C) \$3,546,735 [~~\$3,743,027~~] to Angelo State University; and
- (D) \$4,156,050 to Texas Tech University Health Sciences Center–El

Paso;

- (7) \$9,897,706 [~~(10) \$10,169,695~~] to Texas Woman's University;

(8) [~~(44)~~] to the following component institutions of the University of Houston System:

- (A) \$35,180,036 [~~\$35,885,768~~] to the University of Houston;
- (B) \$2,850,574 [~~\$2,393,924~~] to the University of Houston–Victoria;
- (C) \$5,336,744 [~~\$5,214,167~~] to the University of Houston–Clear Lake;

and

- (D) \$7,835,252 [~~\$7,435,238~~] to the University of Houston–Downtown;

(9) [~~(42)~~] to the following component institutions of The Texas A&M University System:

- (A) \$7,424,229 [~~\$7,139,067~~] to Texas A&M University–Corpus Christi;
- (B) \$4,473,273 [~~\$3,796,436~~] to Texas A&M International University;
- (C) \$5,977,371 [~~\$5,046,885~~] to Texas A&M University–Kingsville;
- (D) \$4,776,272 [~~\$4,652,995~~] to West Texas A&M University;
- (E) \$7,190,875 [~~\$5,193,232~~] to Texas A&M University–Commerce;

and

- (F) \$1,215,922 [~~\$1,307,907~~] to Texas A&M University–Texarkana; and

(10) [~~(43)~~] \$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.

(a-1) In each state fiscal year beginning with the state fiscal year ending August 31, 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.

(a-2) Notwithstanding Subsections (a) and (a-1), if Section 62.024 is not amended by the 84th Legislature, Regular Session, 2015, to increase the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, Subsection (a) of this section applies in each state fiscal year beginning with the state fiscal year ending August 31, 2016, and Subsection (a-1) of this section has no effect.

(e) Whereas the University of North Texas at Dallas was created as an institution of higher education by Chapter 25 (S.B. 576), Acts of the 77th Legislature, Regular Session, 2001, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, and was certified by the coordinating board to operate as a general academic teaching institution in April 2009, the University of North Texas at Dallas is entitled to participate in the funding provided by Section 17, Article VII, Texas Constitution[~~], as soon as the University of North Texas at Dallas operates as a general academic teaching institution~~]. Whereas the University of North Texas at Dallas College of Law, which was previously designated by Chapter 1213 (S.B. 956), Acts of the 81st Legislature, Regular Session, 2009, as an institution of higher education until such time the University of North Texas at Dallas had been in operation as a general academic teaching institution for a period of five years, now operates as a professional school within the University of North Texas at Dallas as a result of the expiration of that period, the allocation to the University of North Texas at Dallas under this section includes an amount attributable to the University of North Texas at Dallas College of Law as part of the university.

(e-2) Whereas The University of Texas–Pan American and The University of Texas at Brownsville were consolidated into a general academic teaching institution that is excluded from participation in the funding provided by Section 17, Article VII, Texas Constitution, by Chapter 726 (S.B. 24), Acts of the 83rd Legislature, Regular Session, 2013, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, The University of Texas–Pan American and The University of Texas at Brownsville are omitted from the allocation of funds under this section.

SECTION 2. Section 62.024, Education Code, is amended to read as follows:

Sec. 62.024. AMOUNT OF ALLOCATION INCREASED. In accordance with Section 17(a), Article VII, Texas Constitution, for each state fiscal year beginning with the state fiscal year ending August 31, 2017 [~~2008~~], the amount of the annual

constitutional appropriation under that subsection is increased to \$393.75 [~~\$262.5~~] million. Before the state fiscal year ending August 31, 2017, the amount of the annual constitutional appropriation under that subsection is \$262.5 million.

SECTION 3. Section 62.027(c), Education Code, is amended to read as follows:

(c) The increase provided by the amendment to Section 62.024 enacted by the 84th [~~79th~~] Legislature, Regular Session, 2015 [~~2005~~], in the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, for each state fiscal year beginning with the state fiscal year ending August 31, 2017 [~~2008~~], constitutes the increase in accordance with Section 17(a) that the legislature considers appropriate for the five-year period beginning September 1, 2015 [~~2005~~].

SECTION 4. (a) The amounts allocated under Section 62.021(a), Education Code, as amended by this Act, apply to the state fiscal year beginning September 1, 2015.

(b) The amounts allocated under Section 62.021(a-1), Education Code, as added by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2016.

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect August 31, 2015.

(b) Sections 2 and 3 of this Act take effect as provided by Subsection (a) of this section only if this Act is approved by a vote of two-thirds of the membership of each house of the legislature as required by Section 17(a), Article VII, Texas Constitution.

The Conference Committee Report on **SB 1191** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1690

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1690** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
CREIGHTON
NELSON
NICHOLS

On the part of the Senate

P. KING
KUEMPEL
D. BONNEN
S. DAVIS

On the part of the House

The Conference Committee Report on **HB 1690** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1465**

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1465** 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.

WATSON
BIRDWELL
NICHOLS
SELIGER
URESTI

On the part of the Senate

PHILLIPS
ALONZO
BURNS
METCALF
WRAY

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to creating limited purpose disaster declaration authority for the governor and a search and rescue task force in each disaster field response region.

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

SECTION 1. Subchapter B, Chapter 418, Government Code, is amended by adding Section 418.025 to read as follows:

Sec. 418.025. LIMITED PURPOSE DECLARATION. (a) If the governor determines that a disaster can be adequately addressed without invoking all the powers and duties provided by this subchapter, the governor may, by proclamation or executive order, issue a limited purpose disaster declaration invoking only the authority provided by Sections 418.016(a) and (e).

(b) A declaration made under this section is subject to Section 418.014.

SECTION 2. Section 418.043, Government Code, is amended to read as follows:

Sec. 418.043. OTHER POWERS AND DUTIES. The division shall:

- (1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in event of a disaster;
- (2) procure and position supplies, medicines, materials, and equipment;
- (3) adopt standards and requirements for local and interjurisdictional emergency management plans;
- (4) periodically review local and interjurisdictional emergency management plans;

- (5) coordinate deployment of mobile support units;
- (6) establish and operate training programs and programs of public information or assist political subdivisions and emergency management agencies to establish and operate the programs;
- (7) make surveys of public and private industries, resources, and facilities in the state that are necessary to carry out the purposes of this chapter;
- (8) plan and make arrangements for the availability and use of any private facilities, services, and property and provide for payment for use under terms and conditions agreed on if the facilities are used and payment is necessary;
- (9) establish a register of persons with types of training and skills important in disaster mitigation, preparedness, response, and recovery;
- (10) establish a register of mobile and construction equipment and temporary housing available for use in a disaster;
- (11) assist political subdivisions in developing plans for the humane evacuation, transport, and temporary sheltering of service animals and household pets in a disaster;
- (12) prepare, for issuance by the governor, executive orders and regulations necessary or appropriate in coping with disasters;
- (13) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery;
- (14) develop a plan to raise public awareness and expand the capability of the information and referral network under Section 531.0312;
- (15) improve the integration of volunteer groups, including faith-based organizations, into emergency management plans;
- (16) cooperate with the Federal Emergency Management Agency to create uniform guidelines for acceptable home repairs following disasters and promote public awareness of the guidelines;
- (17) cooperate with state agencies to:
 - (A) encourage the public to participate in volunteer emergency response teams and organizations that respond to disasters; and
 - (B) provide information on those programs in state disaster preparedness and educational materials and on Internet websites;
- (18) establish a liability awareness program for volunteers, including medical professionals;
- (19) define "individuals with special needs" in the context of a disaster;
- (20) establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster; and
- (21) ~~(20)~~ do other things necessary, incidental, or appropriate for the implementation of this chapter.

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, 2015.

The Conference Committee Report on **SB 1465** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3123**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 3123** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON
BIRDWELL
CAMPBELL
HINOJOSA
SCHWERTNER

On the part of the Senate

PRICE
BURKETT
DUTTON
L. GONZALES
RAYMOND

On the part of the House

The Conference Committee Report on **HB 3123** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1367**

Senator West submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1367** 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.

WEST
ELLIS
ELTIFE
SELIGER
L. TAYLOR

On the part of the Senate

ANCHIA
ALVARADO
MURPHY
VILLALBA

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to certain obligations of and limitations on landlords.

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

SECTION 1. Section 24.005, Property Code, is amended by amending Subsection (f) and adding Subsections (f-1) and (f-2) to read as follows:

(f) Except as provided by Subsection (f-1), the [The] notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. Notice by mail may be by regular mail, by registered mail, or by certified mail, return receipt requested, to the premises in question. [If the dwelling has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to leave the notice to vacate on the inside of the main entry door, the landlord may securely affix the notice on the outside of the main entry door.]

(f-1) As an alternative to the procedures of Subsection (f), a landlord may deliver the notice to vacate by securely affixing to the outside of the main entry door a sealed envelope that contains the notice and on which is written the tenant's name, address, and in all capital letters, the words "IMPORTANT DOCUMENT" or substantially similar language and, not later than 5 p.m. of the same day, depositing in the mail in the same county in which the premises in question is located a copy of the notice to the tenant if:

(1) the premises has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to affix the notice to vacate to the inside of the main entry door; or

(2) the landlord reasonably believes that harm to any person would result from personal delivery to the tenant or a person residing at the premises or from personal delivery to the premises by affixing the notice to the inside of the main entry door.

(f-2) Notice to vacate under Subsection (f-1) is considered delivered on the date the envelope is affixed to the outside of the door and is deposited in the mail, regardless of the date the notice is received.

SECTION 2. Section 54.046, Property Code, is amended to read as follows:

Sec. 54.046. VIOLATION BY LANDLORD. If a landlord or the landlord's agent willfully violates this subchapter, the tenant is entitled to:

(1) actual damages, return of any property seized that has not been sold, return of the proceeds of any sale of seized property, and the sum of one month's rent and \$1,000 [or \$500, whichever is greater], less any amount for which the tenant is liable; and

(2) reasonable attorney's fees.

SECTION 3. Section 92.006, Property Code, is amended by adding Subsection (h) to read as follows:

(h) A tenant's right to a jury trial in an action brought under this chapter may not be waived in a lease or other written agreement.

SECTION 4. Section 92.056(b), Property Code, is amended to read as follows:

(b) A landlord is liable to a tenant as provided by this subchapter if:

(1) the tenant has given the landlord notice to repair or remedy a condition by giving that notice to the person to whom or to the place where the tenant's rent is normally paid;

(2) the condition materially affects the physical health or safety of an ordinary tenant;

(3) the tenant has given the landlord a subsequent written notice to repair or remedy the condition after a reasonable time to repair or remedy the condition following the notice given under Subdivision (1) or the tenant has given the notice under Subdivision (1) by sending that notice by certified mail, return receipt requested, ~~or~~ by registered mail, or by another form of mail that allows tracking of delivery from the United States Postal Service or a private delivery service;

(4) the landlord has had a reasonable time to repair or remedy the condition after the landlord received the tenant's notice under Subdivision (1) and, if applicable, the tenant's subsequent notice under Subdivision (3);

(5) the landlord has not made a diligent effort to repair or remedy the condition after the landlord received the tenant's notice under Subdivision (1) and, if applicable, the tenant's notice under Subdivision (3); and

(6) the tenant was not delinquent in the payment of rent at the time any notice required by this subsection was given.

SECTION 5. Section 92.105, Property Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) If the owner's interest in the premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy, or otherwise, the new owner is liable for the return of security deposits according to this subchapter from the date title to the premises is acquired ~~[, regardless of whether notice is given to the tenant under Subsection (b) of this section].~~

(b) The ~~[person who no longer owns an interest in the rental premises remains liable for a security deposit received while the person was the owner until the]~~ new owner shall deliver ~~[delivers]~~ to the tenant a signed statement acknowledging that the new owner has acquired the property ~~[received]~~ and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.

(b-1) The person who no longer owns an interest in the rental premises is liable for a security deposit received while the person was the owner until the new owner has received the deposit or has assumed the liability for the deposit, unless otherwise specified by the parties in a written contract.

SECTION 6. Subchapter C, Chapter 92, Property Code, is amended by adding Section 92.110 to read as follows:

Sec. 92.110. LEASE WITHOUT SECURITY DEPOSIT; REQUIRED NOTICE. (a) If a security deposit was not required by a residential lease and the tenant is liable for damages and charges on surrender of the premises, the landlord shall notify the tenant in writing of the landlord's claim for damages and charges on or before the date the landlord reports the claim to a consumer reporting agency or third-party debt collector.

(b) A landlord is not required to provide the notice under Subsection (a) if the tenant has not given the landlord the tenant's forwarding address as provided by Section 92.107.

(c) If a landlord does not provide the tenant the notice as required by this section, the landlord forfeits the right to collect damages and charges from the tenant. Forfeiture of the right to collect damages and charges from the tenant is the exclusive remedy for the failure to provide the proper notice to the tenant.

SECTION 7. Section 92.157(a), Property Code, is amended to read as follows:

(a) At a tenant's request made at any time, a landlord, at the tenant's expense, shall install:

(1) a keyed dead bolt on an exterior door if the door has:

(A) a doorknob lock but not a keyed dead bolt; or

(B) a keyless bolting device but not a keyed dead bolt or doorknob

lock; and

(2) a sliding door handle latch ~~[pin lock]~~ or sliding door security bar if the door is an exterior sliding glass door without a sliding door handle latch ~~[pin lock]~~ or sliding door security bar.

SECTION 8. Section 92.1641, Property Code, is amended to read as follows:

Sec. 92.1641. LANDLORD'S DEFENSES RELATING TO INSTALLING OR REKEYING CERTAIN SECURITY DEVICES. The landlord has a defense to liability under Section 92.164 if:

(1) the tenant has not fully paid all rent then due from the tenant on the date the tenant gives a request under ~~[Subsection (a) of]~~ Section 92.157(c) ~~[92.157]~~ or the notice required by Section 92.164; or

(2) on the date the tenant terminates the lease or files suit the tenant has not fully paid costs requested by the landlord and authorized by Section 92.162.

SECTION 9. The changes in law made by this Act apply only to a residential lease agreement entered into on or after the effective date of this Act. A residential lease agreement entered into before the effective date of this Act is governed by the law applicable to the agreement immediately before that date, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect January 1, 2016.

The Conference Committee Report on **SB 1367** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2398

Senator Whitmire submitted the following Conference Committee Report:

Austin, Texas

May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 2398** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WHITMIRE
HUFFMAN
WEST
NICHOLS
NELSON

J. WHITE
DUTTON
PRICE
WU

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2398** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 459**

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 459** 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.

LUCIO
CREIGHTON
ELTIFE
ESTES
ZAFFIRINI

ALVARADO
LOZANO
LUCIO III
S. THOMPSON
WU

On the part of the Senate

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the creation of the Advisory Council on Cultural Affairs in the office of the governor.

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

SECTION 1. Subtitle E, Title 4, Government Code, is amended by adding Chapter 470 to read as follows:

CHAPTER 470. ADVISORY COUNCIL ON CULTURAL AFFAIRSSec. 470.001. DEFINITIONS. In this chapter:(1) "Council" means the Advisory Council on Cultural Affairs.(2) "State agency" includes an institution of higher education as defined bySection 61.003, Education Code.Sec. 470.002. ESTABLISHMENT. The Advisory Council on Cultural Affairs is established in the office of the governor to advise the office on setting policy priorities that address and raise public awareness of major issues affecting this state due to the rapid growth of the state's Hispanic population and other issues resulting from changes in demographics in this state as determined by the governor.Sec. 470.003. COMPOSITION; TERMS. (a) The council is composed of nine members appointed as follows:(1) one ex officio member of the legislature appointed by the speaker of the house of representatives;(2) one ex officio member of the legislature appointed by the lieutenant governor; and(3) seven members appointed by the governor.(b) Members appointed by the speaker of the house and the lieutenant governor serve two-year terms. Members appointed by the governor serve four-year staggered terms, with either three or four members' terms expiring February 1 of each odd-numbered year.(c) In making appointments to the council, the appointing officials shall attempt to achieve representation of all areas of the state.(d) The governor shall designate the chair and vice chair of the council from among the members of the council.Sec. 470.004. MEETINGS. The council shall meet at least quarterly each fiscal year. The council may hold meetings by conference call.Sec. 470.005. COMPENSATION. A member of the council is not entitled to compensation or reimbursement of expenses incurred in performing council duties.Sec. 470.006. DUTIES. The council shall study and make recommendations relating to the effect of the changing demographics of this state on the following areas, as they relate to this state:(1) the economy;(2) the workplace;(3) educational attainment;(4) health;(5) veterans affairs; and(6) political leadership.Sec. 470.007. RECOMMENDATIONS. The council shall submit a report of the council's recommendations to the governor, lieutenant governor, and speaker of the house of representatives not later than October 1 of each even-numbered year.Sec. 470.008. EXEMPTION. Chapter 2110 does not apply to the council.Sec. 470.009. ASSISTANCE OF STATE AGENCIES. State agencies and political subdivisions of this state shall cooperate with the council to the greatest extent practicable to fully implement the council's statutory duties.

SECTION 2. Not later than October 1, 2015, the speaker of the house of representatives, the lieutenant governor, and the governor shall appoint the members of the Advisory Council on Cultural Affairs established by Chapter 470, Government Code, as added by this Act. In appointing the initial members of the council, the governor shall appoint three persons to terms expiring February 1, 2017, and four to terms expiring February 1, 2019.

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, 2015.

The Conference Committee Report on **SB 459** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2633**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 2633** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
CREIGHTON
ELLIS
ESTES
V. TAYLOR
On the part of the Senate

HERNANDEZ
CLARDY
MOODY
MURR
J. RODRIGUEZ
On the part of the House

The Conference Committee Report on **HB 2633** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1750**

Senator West submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1750** 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.

WEST
BETTENCOURT
PERRY
SELIGER
WATSON

On the part of the Senate

MURPHY
ALONZO
HOWARD
RANEY
SHEETS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the requirements for employment positions provided through the Texas college work-study program.

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

SECTION 1. Section 56.076, Education Code, is amended to read as follows:

Sec. 56.076. ELIGIBLE EMPLOYER. (a) An eligible institution may enter into agreements with employers that participate in the work-study program. To be eligible to participate in the work-study program, an employer must:

(1) provide part-time employment to an eligible student in nonpartisan and nonsectarian activities;

(2) provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;

(3) use Texas college work-study program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program;

(4) provide from sources other than federal college work-study program funds a percentage of an employed student's wages that is equal to the percentage of a student's wages that the employer would be required to provide to the student in that academic year under the federal college work-study program; and

(5) provide from sources other than federal college work-study funds 100 percent of other employee benefits for the employed student.

(b) Each eligible institution shall ensure that at least 20 percent but not more than 50 percent of the employment positions provided through the work-study program in an academic year are provided by employers eligible under this section who are providing employment located off campus.

SECTION 2. Section 56.079(1), Education Code, is amended to read as follows:

(1) Notwithstanding Section 56.076(a) [~~56.076~~], a participating entity that employs a student mentor under the work-study student mentorship program shall provide from sources other than federal college work-study funds:

(1) not less than 10 percent of the employed student's wages; and

(2) 100 percent of other employee benefits for the employed student.

SECTION 3. Subchapter E, Chapter 56, Education Code, is amended by adding Section 56.082 to read as follows:

Sec. 56.082. BIENNIAL REPORT. (a) Not later than January 1 of each odd-numbered year, the Texas Higher Education Coordinating Board shall submit to the standing legislative committees with primary jurisdiction over higher education and post on the coordinating board's Internet website a report on the Texas college work-study program. The report must include the total number of students employed through the program, disaggregated by:

(1) the employment position's location on or off campus; and

(2) the employer's status as a for-profit or nonprofit entity.

(b) Notwithstanding Subsection (a), the Texas Higher Education Coordinating Board shall submit its initial report under that subsection not later than May 1, 2019. This subsection expires September 1, 2019.

SECTION 4. The changes in law made by this Act to Sections 56.076 and 56.079, Education Code, apply to participation in the Texas college work-study program beginning with the 2016-2017 academic year.

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, 2015.

The Conference Committee Report on **SB 1750** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1305

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas

May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1305** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR

BETTENCOURT

CAMPBELL

LUCIO

V. TAYLOR

On the part of the Senate

G. BONNEN

VANDEAVER

AYCOCK

HOWARD

PAUL

On the part of the House

The Conference Committee Report on **HB 1305** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2641**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate
Honorable Joe Straus
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 2641** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SCHWERTNER
CAMPBELL
NELSON
PERRY
URESTI

On the part of the Senate

ZERWAS
COLLIER
S. DAVIS
GUILLEN
SHEFFIELD

On the part of the House

The Conference Committee Report on **HB 2641** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2150**

Senator Whitmire submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate
Honorable Joe Straus
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 2150** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WHITMIRE
HINOJOSA
HUFFMAN
BURTON
PERRY

On the part of the Senate

ALVARADO
HARLESS
JOHNSON
MOODY
RIDDLE

On the part of the House

The Conference Committee Report on **HB 2150** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1915**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1915** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
KOLKHORST
L. TAYLOR
V. TAYLOR
URESTI

On the part of the Senate

HERRERO
LUCIO III
HUNTER
G. BONNEN
D. BONNEN

On the part of the House

The Conference Committee Report on **HB 1915** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2019**

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 2019** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SELIGER
NICHOLS
BIRDWELL
WATSON
ELTIFE

On the part of the Senate

CRADDICK
PARKER
DARBY
LANDGRAF
BOHAC

On the part of the House

The Conference Committee Report on **HB 2019** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 866**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 866** 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.

L. TAYLOR
BETTENCOURT
CREIGHTON
KOLKHORST
LUCIO
On the part of the Senate

G. BONNEN
FAIRCLOTH
LONGORIA
E. THOMPSON
SMITH
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of amusement redemption machine game rooms in certain counties.

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

SECTION 1. Section 234.131(2), Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(2) "Game room" means a for-profit business located in a building or place that contains six or more:

(A) amusement redemption machines; or

(B) electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.

SECTION 2. Section 234.132, Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

(1) a county that has ~~[with]~~ a population of less than 25,000, ~~[that]~~ is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;

(2) a county that has a population of four million or more;

(3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; and

(4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more.

SECTION 3. Sections 234.136(a) and (b), Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) A peace officer or county employee may inspect a business in the county to determine the number of amusement redemption machines or machines described by Section 234.131(2)(B) subject to regulation under this subchapter that are located on the premises of the business.

(b) A peace officer or county employee may inspect any business in which six or more amusement redemption machines or machines described by Section 234.131(2)(B) are located to determine whether the business is in compliance with this subchapter or regulations adopted under this subchapter.

SECTION 4. Subchapter E, Chapter 234, Local Government Code, as added by Chapter 1377 (H.B. 1127), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 5. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 866** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1071

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1071** 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.

HINOJOSA
BURTON
HUFFMAN
PERRY
WHITMIRE
On the part of the Senate

S. THOMPSON
HUNTER
VILLALBA
CANALES
WU
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.

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

SECTION 1. Article 43.141, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (c) to read as follows:

(b-1) Not later than the second business day after the date on which the convicting court enters an order setting the execution date, a copy of the order must be sent by first-class mail, e-mail, or fax to:

(1) the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding; and

(2) the office of capital writs established under Subchapter B, Chapter 78, Government Code.

(b-2) The exclusive remedy for a failure to comply with Subsection (b-1) is the resetting of the execution date under this article.

(c) An ~~[The first]~~ execution date may not be earlier than the 91st day after the date the convicting court enters the order setting the execution date. ~~[A subsequent execution date may not be earlier than the 31st day after the date the convicting court enters the order setting the execution date.]~~

SECTION 2. Article 43.15, Code of Criminal Procedure, is amended to read as follows:

Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person is sentenced to death, the clerk of the court in which the sentence is pronounced[;] shall, not later than the 10th day ~~[within ten days]~~ after the court enters its order setting the date for execution, issue a warrant under the seal of the court for the execution of the sentence of death, which shall recite the fact of conviction, setting forth specifically the offense, the judgment of the court, and the time fixed for the ~~[his]~~ execution, and which shall be directed to the director of the correctional institutions division of the Texas Department of Criminal Justice ~~[Director of the Department of Corrections]~~ at Huntsville, Texas, commanding the director ~~[him]~~ to proceed, at the time and place named in the order of execution, to carry the same into execution, as provided in ~~[the proceeding]~~ Article 43.14, and shall deliver such warrant to the sheriff of the county in which such judgment of conviction was had, to be ~~[by him]~~ delivered by the sheriff to the director ~~[said Director of the Department of Corrections]~~, together with the condemned person if the person ~~[he]~~ has not previously been so delivered.

(b) At the time the warrant is issued under Subsection (a), the clerk of the court shall send a copy of the warrant to:

(1) the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding;

(2) the attorney representing the state; and

(3) the office of capital writs established under Subchapter B, Chapter 78, Government Code.

SECTION 3. (a) Article 43.141, Code of Criminal Procedure, as amended by this Act, applies only to an order entered on or after the effective date of this Act. An order entered before the effective date of this Act is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.

(b) Article 43.15, Code of Criminal Procedure, as amended by this Act, applies only to a warrant issued on or after the effective date of this Act. A warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1071** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3535

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 28, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 3535** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

MENÉNDEZ
NELSON
BETTENCOURT
URESTI
L. TAYLOR
On the part of the Senate

COLLIER
RIDDLE
KUEMPEL
BERNAL
JOHNSON
On the part of the House

The Conference Committee Report on **HB 3535** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 743

Senator Seliger submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 743** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SELIGER
L. TAYLOR
NICHOLS
LUCIO
ESTES

On the part of the Senate

HUBERTY
ISAAC
FARNEY
DESHOTEL
K. KING

On the part of the House

The Conference Committee Report on **HB 743** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 483

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 483** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST
BURTON
HANCOCK
L. TAYLOR

On the part of the Senate

CAPRIGLIONE
LONGORIA
PARKER
FLYNN
SIMPSON

On the part of the House

The Conference Committee Report on **HB 483** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2804

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 30, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 2804** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR
BETTENCOURT
CAMPBELL
HUFFINES
LUCIO

AYCOCK
ASHBY
DARBY
DUTTON
K. KING

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2804** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1585**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 1585** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

L. TAYLOR
HINOJOSA
ELTIFE
CREIGHTON
HANCOCK

PAUL
KEOUGH
ROMERO
FAIRCLOTH

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 1585** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 523**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 523** 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.

BIRDWELL

WATSON

FRASER

PERRY

CREIGHTON

On the part of the Senate

KEFFER

HOWARD

WORKMAN

ASHBY

BURNS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the sunset review of river authorities.

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

SECTION 1. SUNSET ACT. Chapter 325, Government Code, is amended by adding Section 325.025 to read as follows:

Sec. 325.025. RIVER AUTHORITIES SUBJECT TO REVIEW. (a) A river authority listed in Subsection (b) is subject to a limited review under this chapter as if it were a state agency but may not be abolished.

(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) Central Colorado River Authority;

(5) Guadalupe-Blanco River Authority;

(6) Lavaca-Navidad River Authority;

(7) Lower Colorado River Authority;

(8) Lower Neches Valley Authority;

(9) Nueces River Authority;

(10) Palo Duro River Authority of Texas;

(11) Red River Authority of Texas;

(12) Sabine River Authority of Texas;

(13) San Antonio River Authority;

(14) San Jacinto River Authority;

(15) Sulphur River Basin Authority;

(16) Trinity River Authority of Texas;

(17) Upper Colorado River Authority; and

(18) Upper Guadalupe River Authority.

(c) The limited review under this chapter must assess each river authority's:

(1) governance;

- (2) management;
- (3) operating structure; and
- (4) compliance with legislative requirements.

(d) A river authority shall pay the cost incurred by the commission in performing a review of the authority under this section. The commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the commission detailing the cost.

(e) A river authority reviewed by the commission under this section may not be required to conduct a management audit under Chapter 292, Title 30, Texas Administrative Code.

SECTION 2. ANGELINA AND NECHES RIVER AUTHORITY. Subchapter A, Chapter 8501, Special District Local Laws Code, is amended by adding Section 8501.0015 to read as follows:

Sec. 8501.0015. APPLICATION OF SUNSET ACT. (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, 2023, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 3. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT. Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, and every 12th year after that year.

(b) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the district shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 4. CENTRAL COLORADO RIVER AUTHORITY. Subchapter A, Chapter 8505, Special District Local Laws Code, is amended by adding Section 8505.0021 to read as follows:

Sec. 8505.0021. APPLICATION OF SUNSET ACT. (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, 2017, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 5. GUADALUPE-BLANCO RIVER AUTHORITY. Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2019, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 6. LAVACA-NAVIDAD RIVER AUTHORITY. Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 7. LOWER COLORADO RIVER AUTHORITY. Chapter 8503, Special District Local Laws Code, is amended by adding Section 8503.0021 to read as follows:

Sec. 8503.0021. APPLICATION OF SUNSET ACT. (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 not include the management of the generation or transmission of electricity under the wholesale electricity operation of the authority and the authority's affiliated nonprofit corporations. 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, 2019, and every 12th year after that year.

(b) In anticipation of the sunset review under Subsection (a), based on the results of an audit, including a performance-related audit, conducted by the state auditor before December 1, 2016, the state auditor may make recommendations to the legislature, including whether a review conducted under Subsection (a) should include the financial operation and management of the generation or transmission of electricity under the wholesale electricity operation of the authority and the authority's affiliated nonprofit corporations.

(c) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review under Subsection (a). The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 8. LOWER COLORADO RIVER AUTHORITY. Section 8503.015, Special District Local Laws Code, is amended to read as follows:

Sec. 8503.015. AUDITS [~~AUDIT~~]. (a) The authority is subject to the audit provisions of Subchapter G, Chapter 49, Water Code.

(b) The authority is subject to the audit provisions of Chapter 321, Government Code. This subsection expires January 1, 2017.

SECTION 9. LOWER NECHES VALLEY AUTHORITY. Subchapter A, Chapter 8504, Special District Local Laws Code, is amended by adding Section 8504.0021 to read as follows:

Sec. 8504.0021. APPLICATION OF SUNSET ACT. (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, 2021, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 10. NUECES RIVER AUTHORITY. Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, is amended by adding Section 1.02A to read as follows:

Sec. 1.02A. APPLICATION OF SUNSET ACT. (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, 2019, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 11. PALO DURO RIVER AUTHORITY OF TEXAS. Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2017, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 12. RED RIVER AUTHORITY OF TEXAS. Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2019, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 13. SABINE RIVER AUTHORITY OF TEXAS. Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, is amended by adding Section 2A to read as follows:

Sec. 2A. (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, 2021, and every 12th year after that year.

(b) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the district shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 14. BRAZOS RIVER AUTHORITY. Chapter 8502, Special District Local Laws Code, is amended by adding Section 8502.0021 to read as follows:

Sec. 8502.0021. APPLICATION OF SUNSET ACT. (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, 2021, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 15. SAN ANTONIO RIVER AUTHORITY. Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, is amended by adding Section 1-a to read as follows:

Sec. 1-a. APPLICATION OF SUNSET ACT. (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, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 16. SAN JACINTO RIVER AUTHORITY. Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2021, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 17. SULPHUR RIVER BASIN AUTHORITY. Sections 1A(a) and (c), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are 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 ~~[as if it were a state agency].~~ 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, 2017, and every 12th year after that year ~~[Unless the authority is continued in existence, the authority is abolished and this Act expires September 1, 2017].~~

(c) The authority shall pay the costs incurred by the Sunset Advisory Commission in performing the [a] review ~~[of the authority under this section].~~ The Sunset Advisory Commission shall determine the costs, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

SECTION 18. TRINITY RIVER AUTHORITY OF TEXAS. Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2023, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 19. UPPER COLORADO RIVER AUTHORITY. Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2017, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 20. UPPER GUADALUPE RIVER AUTHORITY. Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended by adding Section 1A to read as follows:

Sec. 1A. (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, 2021, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 21. REPEALER. Sections 1A(b) and (d), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are repealed.

SECTION 22. 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, 2015.

The Conference Committee Report on **SB 523** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2645

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 2645** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
BURTON
HUFFMAN
WHITMIRE

BLANCO
FALLON
MOODY
HERRERO
ALVARADO

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2645** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3405**

Senator Campbell submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 3405** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CAMPBELL

ZAFFIRINI

L. TAYLOR

KOLKHORST

On the part of the Senate

ISAAC

E. RODRIGUEZ

FRANK

HOWARD

On the part of the House

The Conference Committee Report on **HB 3405** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 11**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 29, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
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 11** 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.

BIRDWELL

BURTON

HINOJOSA

HUFFMAN

SCHWERTNER

On the part of the Senate

FLETCHER

D. BONNEN

ZERWAS

AYCOCK

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty.

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

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

(d-1) After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Subsection (d-2). The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry.

(d-2) Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Subsection (d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less

than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d-1). If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d-1).

(d-3) An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d-1) to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website.

(d-4) Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:

(1) describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and

(2) explains the reasons the institution has established those provisions.

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

SECTION 2. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to:

(1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or

employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), or a peace officer if the act or failure to act was capricious or arbitrary; or

(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

(f) For purposes of this section:

(1) "Campus" has the meaning assigned by Section 411.2031.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION 3. Sections 46.03(a) and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) "Premises" has the meaning assigned by Section 46.035.

(3) ~~(2)~~ "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

SECTION 4. Section 46.035, Penal Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (l) and amending Subsections (g), (h), and (j) to read as follows:

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education; or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(a-2) Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to Section 411.2031(e), Government Code, or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section 30.06.

(a-3) Notwithstanding Subsection (a) or Section 46.03(a), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Section 411.2031(d-1), Government Code, provided the institution gives effective notice under Section 30.06 with respect to that portion.

(g) An offense under Subsection (a), (a-1), (a-2), (a-3), (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

(h) It is a defense to prosecution under Subsection (a), (a-1), (a-2), or (a-3) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

(l) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

SECTION 5. Section 46.035(f), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION 6. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 7. 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 8. (a) Except as otherwise provided by this section, this Act takes effect August 1, 2016.

(b) Before August 1, 2016, the president or other chief executive officer of an institution of higher education, as defined by Section 61.003, Education Code, other than a public junior college as defined by that section, shall take any action necessary to adopt rules, regulations, or other provisions as required by Section 411.2031, Government Code, as added by this Act. Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2016.

(c) Before August 1, 2016, a private or independent institution of higher education, as defined by Section 61.003, Education Code, may take any action necessary to adopt rules, regulations, or other provisions as authorized under Section 411.2031, Government Code, as added by this Act.

(d) This Act does not apply to a public junior college, as defined by Section 61.003, Education Code, before August 1, 2017. Not later than August 1, 2017, the president or other chief executive officer of a public junior college shall take any action necessary to adopt rules, regulations, or other provisions as required by Section 411.2031, Government Code, as added by this Act. Notwithstanding any other law, the president or other chief executive officer shall establish rules, regulations, or other provisions under Section 411.2031(d-1), Government Code, as added by this Act, that take effect August 1, 2017.

The Conference Committee Report on **SB 11** was filed with the Secretary of the Senate.

CO-SPONSOR OF HOUSE BILL 11

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 11**.

CO-SPONSOR OF HOUSE BILL 910

On motion of Senator Estes, Senator Creighton will be shown as Co-sponsor of **HB 910**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1031 by Watson and Ellis, In memory of Robert Wayne Strauser.

SR 1036 by L. Taylor, In memory of David M. Braun.

SR 1037 by Perry, In memory of Phillip Cagle.

Congratulatory Resolutions

SR 1033 by Rodríguez, Recognizing the Volar Center for Independent Living for its service to citizens with disabilities.

SR 1040 by Ellis, Recognizing Consuella and Edmund Broussard on the occasion of their 60th wedding anniversary.

HCR 136 (Seliger), Honoring Conquer Chiari for its efforts in behalf of those with Chiari malformation.

Legislative Policy Resolution

SR 1034 by Rodríguez, Encouraging efforts to preserve Hueco Tanks State Park and Historic Site.

**ADJOURNMENT
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move that the Senate adjourn until 11 a.m. tomorrow morning, May 30th, 2015.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 28, 2015

SB 27, SB 37, SB 57, SB 58, SB 59, SB 107, SB 147, SB 158, SB 168, SB 183, SB 189, SB 195, SB 200, SB 239, SB 267, SB 304, SB 382, SB 386, SB 394, SB 453, SB 530, SB 550, SB 610, SB 631, SB 638, SB 674, SB 735, SB 752, SB 760, SB 791, SB 806, SB 813, SB 818, SB 821, SB 830, SB 833, SB 873, SB 876, SB 900, SB 965, SB 968, SB 996, SB 1001, SB 1002, SB 1060, SB 1132, SB 1162, SB 1168, SB 1171, SB 1174, SB 1189, SB 1196, SB 1227, SB 1228, SB 1237, SB 1259, SB 1304, SB 1305, SB 1307, SB 1313, SB 1315, SB 1356, SB 1362, SB 1385, SB 1394, SB 1436, SB 1453, SB 1455, SB 1461, SB 1468, SB 1494, SB 1512, SB 1540, SB 1543, SB 1560, SB 1664, SB 1707, SB 1716,

SB 1726, SB 1743, SB 1831, SB 1852, SB 1853, SB 1881, SB 1899, SB 1908, SB 1940, SB 1978, SB 1982, SB 2007, SB 2008, SB 2009, SB 2013, SB 2019, SB 2025, SB 2026, SB 2037, SB 2041, SB 2044, SB 2057, SB 2062, SB 2064, SB 2074, SB 2075, SR 1024, SR 1026, SR 1027, SR 1029, SR 1030

SENT TO SECRETARY OF STATE

May 29, 2015

SCR 9, SJR 52

SENT TO GOVERNOR

May 29, 2015

SB 724, SB 881, SB 923, SB 932, SB 1025, SB 1049, SB 1070, SB 1135, SB 1408, SB 1496, SB 1517, SB 1760, SB 1880, SCR 22, SCR 40, SCR 41

SIGNED BY GOVERNOR

May 29, 2015

SB 140, SB 292, SB 383, SB 431, SB 450, SB 680, SB 686, SB 737, SB 782, SB 783, SB 797, SB 836, SB 862, SB 864, SB 875, SB 912, SB 914, SB 949, SB 956, SB 1020, SB 1075, SB 1116, SB 1203, SB 1204, SB 1279, SB 1281, SB 1407, SB 1427, SB 1448, SB 1766, SB 1779

FILED WITHOUT SIGNATURE OF GOVERNOR

May 29, 2015

SB 871