

By: Isett

H.B. No. 3703

A BILL TO BE ENTITLED

AN ACT

relating to general state government fiscal matters.

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

ARTICLE 1. CONSOLIDATION OF STATE VEHICLE FLEETS

SECTION 1.01. Section 2171.101(a), Government Code, is amended to read as follows:

(a) The office of vehicle fleet management shall establish a vehicle reporting system to assist each state agency that manages a vehicle fleet in the management of its vehicle fleet. A state agency shall be required to submit the reports on a quarterly basis, not earlier than the 45th day or later than the 60th day after the date on which the quarter ends.

SECTION 1.02. Sections 2171.104(b) and (c), Government Code, are amended to read as follows:

(b) The Texas Department of Transportation, Department of Public Safety of the State of Texas, Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~], Parks and Wildlife Department, and Texas Department of Criminal Justice shall assist the office of vehicle fleet management in preparing the management plan for the state's vehicle fleet.

(c) The management plan must address:

(1) [~~opportunities for consolidating and privatizing~~] the operation and management of the consolidated vehicle fleets

1 managed by the commission and the Health and Human Services
2 Commission [~~in areas where there is a concentration of state~~
3 ~~agencies, including the Capitol Complex and the Health and Human~~
4 ~~Services Complex in Austin~~];

5 (2) the number and type of vehicles owned by each
6 agency that manages a vehicle fleet and the purpose each vehicle
7 serves;

8 (3) procedures to increase vehicle use and improve the
9 efficiency of the state vehicle fleet;

10 (4) procedures to reduce the cost of maintaining state
11 vehicles;

12 (5) procedures to handle surplus or salvage state
13 vehicles; and

14 (6) lower-cost alternatives to using state-owned
15 vehicles, including:

16 (A) using rental cars; and

17 (B) reimbursing employees for using personal
18 vehicles.

19 SECTION 1.03. Section 2171.1045, Government Code, is
20 amended to read as follows:

21 Sec. 2171.1045. RESTRICTIONS ON ASSIGNMENT OF VEHICLES.
22 Each state agency shall adopt rules, consistent with the management
23 plan adopted under Section 2171.104, relating to the assignment and
24 use of state [~~the agency's~~] vehicles. The rules must require that:

25 (1) each state [~~agency~~] vehicle, with the exception of
26 a vehicle assigned to a field employee, be assigned to the
27 appropriate agency motor pool and be available for checkout; and

1 (2) an agency may assign a vehicle to an individual
2 administrative or executive employee on a regular or everyday basis
3 only if the agency makes a written documented finding that the
4 assignment is critical to the needs and mission of the agency.

5 SECTION 1.04. Subchapter C, Chapter 2171, Government Code,
6 is amended by adding Section 2171.106 to read as follows:

7 Sec. 2171.106. CONSOLIDATED FLEET OPERATIONS. (a) This
8 section does not apply to an institution of higher education as
9 defined by Section 61.003, Education Code.

10 (b) Only the following six state agencies may manage a
11 vehicle fleet:

- 12 (1) Texas Department of Transportation;
- 13 (2) Department of Public Safety of the State of Texas;
- 14 (3) Texas Department of Criminal Justice;
- 15 (4) Parks and Wildlife Department;
- 16 (5) Health and Human Services Commission; and
- 17 (6) the commission.

18 (c) The Health and Human Services Commission shall make
19 vehicles available for use by health and human services agencies.
20 The commission shall make vehicles available for use by each state
21 agency except a health and human services agency or an agency listed
22 in Subsections (b)(1)-(5).

23 (d) The Health and Human Services Commission and the
24 commission shall charge other state agencies a per-mile fee for the
25 use of a vehicle under Subsection (c) to recover the direct and
26 indirect costs of owning and operating the vehicle, including the
27 cost of fuel, maintenance, and fleet administration.

1 (e) The Health and Human Services Commission and the
2 commission shall each adopt rules necessary to manage the agency's
3 vehicle fleet and make vehicles available to other agencies as
4 provided by this section.

5 SECTION 1.05. (a) Before December 1, 2007, the Health and
6 Human Services Commission shall establish a transition plan with
7 each of the following agencies for the transfer of vehicles owned by
8 the agency to the Health and Human Services Commission:

- 9 (1) Department of Assistive and Rehabilitative
10 Services;
11 (2) Department of Family and Protective Services;
12 (3) Department of Aging and Disability Services; and
13 (4) Department of State Health Services.

14 (b) On the date established by the plan in Subsection (a) of
15 this section, a state agency shall transfer ownership, possession,
16 and control of its vehicles to the Health and Human Services
17 Commission.

18 SECTION 1.06. (a) Before December 1, 2007, the Texas
19 Building and Procurement Commission shall establish a transition
20 plan with each of the following agencies to phase in on a quarterly
21 basis the transfer of vehicles owned by each agency to the Texas
22 Building and Procurement Commission:

- 23 (1) Adjutant General's Department;
24 (2) Comptroller of Public Accounts;
25 (3) Department of Agriculture;
26 (4) Department of Information Resources;
27 (5) General Land Office;

- 1 (6) Office of the Attorney General;
- 2 (7) Secretary of State;
- 3 (8) State Soil and Water Conservation Board;
- 4 (9) Texas Alcoholic Beverage Commission;
- 5 (10) Texas Animal Health Commission;
- 6 (11) Texas State Board of Pharmacy;
- 7 (12) Texas Commission on Environmental Quality;
- 8 (13) Texas Commission on Fire Protection;
- 9 (14) Texas Department of Insurance;
- 10 (15) Texas Department of Licensing and Regulation;
- 11 (16) Texas Education Agency;
- 12 (17) Texas Historical Commission;
- 13 (18) Texas Juvenile Probation Commission;
- 14 (19) Texas Lottery Commission;
- 15 (20) Railroad Commission of Texas;
- 16 (21) Texas School for the Blind and Visually Impaired;
- 17 (22) Texas School for the Deaf;
- 18 (23) Texas State Board of Plumbing Examiners;
- 19 (24) Texas State Library and Archives Commission;
- 20 (25) Texas Water Development Board;
- 21 (26) Texas Workforce Commission; and
- 22 (27) Texas Youth Commission.

23 (b) On the date established by the plan in Subsection (a) of
24 this section, a state agency shall transfer ownership, possession,
25 and control of its vehicles to the Texas Building and Procurement
26 Commission.

27 SECTION 1.07. This article takes effect September 1, 2007.

ARTICLE 2. CUSTOMS BROKERS

SECTION 2.01. Sections 151.157(a-1), (f), and (f-1), Tax Code, are amended to read as follows:

(a-1) The comptroller shall maintain a password-protected website that a customs broker, or an authorized employee of a customs broker, licensed under this section must use to prepare documentation to show the exemption of tangible personal property under Section 151.307(b)(2). The comptroller shall require a customs broker or authorized employee to use the website to actually produce the documentation after providing all necessary information. The comptroller shall use the information provided by a customs broker or authorized employee under this subsection as necessary to enforce this section and Section 151.307. ~~[The comptroller shall provide an alternate method to prepare documentation to show the exemption of tangible personal property under Section 151.307(b)(2) in those instances when the password-protected website is unavailable due to technical or communication problems.]~~

(f) The comptroller may suspend or revoke a license issued under this section if the customs broker does not comply with Section 151.1575(c) or issues documentation that is false ~~[to obtain a refund of taxes paid on tangible personal property not exported or to assist another person in obtaining such a refund].~~

The comptroller may determine the length of suspension or revocation necessary for the enforcement of this chapter and the comptroller's rules. A proceeding to suspend or revoke a license under this subsection is a contested case under Chapter 2001,

1 Government Code. Judicial review is by trial de novo. The district
2 courts of Travis County have exclusive original jurisdiction of a
3 suit under this section.

4 (f-1) In addition to any other penalty provided by law, the
5 comptroller may require a customs broker to pay to the comptroller
6 the amount of any tax refunded and the amount of any penalty imposed
7 under Section 151.1575(c) if the customs broker did not comply with
8 this section or the rules adopted by the comptroller under this
9 section [~~in relation to the refunded tax~~].

10 SECTION 2.02. Sections 151.1575(b) and (c), Tax Code, are
11 amended to read as follows:

12 (b) A customs broker licensed by the comptroller or an
13 authorized employee of the customs broker may issue and deliver
14 documentation under Subsection (a) at any time after the tangible
15 personal property is purchased and the broker or employee completes
16 the process required by Subsection (a). The customs broker or
17 authorized employee may issue or deliver documentation only for
18 property that is listed on a single receipt. The documentation must
19 include:

- 20 (1) the name and address of the customs broker;
- 21 (2) the license number of the customs broker;
- 22 (3) the name and address of the purchaser;
- 23 (4) the name and address of the place at which the
24 property was purchased;
- 25 (5) the date and time of the sale;
- 26 (6) a description and the quantity of the property;
- 27 (7) the sales price of the property;

1 (8) the foreign country destination of the property,
2 which may not be the place of export;

3 (9) the date and time:

4 (A) at which the customs broker or authorized
5 employee watched the property cross the border of the United
6 States;

7 (B) at which the customs broker or authorized
8 employee watched the property being placed on a common carrier for
9 delivery outside the territorial limits of the United States; or

10 (C) the property is expected to arrive in the
11 foreign country destination, as stated by the purchaser;

12 (10) a declaration signed by the customs broker or an
13 authorized employee of the customs broker stating that:

14 (A) the customs broker is a licensed Texas
15 customs broker; and

16 (B) the customs broker or authorized employee
17 inspected the property and the original receipt for the property;
18 and

19 (11) an export certification stamp issued by the
20 comptroller.

21 (c) The comptroller may require a customs broker to pay the
22 comptroller the amount of any tax refunded if the customs broker
23 does not comply with this section, Section 151.157, or the rules
24 adopted by the comptroller under this section or Section 151.157.
25 In addition to the amount of the refunded tax, the comptroller may
26 require the customs broker to pay a penalty of [~~in an amount equal~~
27 ~~to the amount of the refunded tax, but~~] not less than \$500 nor more

1 than \$5,000. The comptroller and the state may deduct any penalties
2 to be paid by a customs broker from the broker's posted bond.

3 SECTION 2.03. The change in law made by this article applies
4 only to documentation issued on or after the effective date of this
5 article. Documentation issued before the effective date of this
6 article is governed by the law in effect on the date the
7 documentation was issued, and that law is continued in effect for
8 that purpose.

9 SECTION 2.04. This article takes effect September 1, 2007.

10 ARTICLE 3. COLLECTION OF DELINQUENT OBLIGATIONS OWED TO STATE

11 SECTION 3.01. Section 403.019(c), Government Code, is
12 amended to read as follows:

13 (c) A contract under this section is not valid unless
14 approved by the attorney general. The attorney general shall
15 approve a contract if the attorney general determines that the
16 contract complies with the requirements of this section, that the
17 contract does not conflict with any contract formed under Section
18 2107.003(b), and that the contract [~~and~~] is in the best interest of
19 the state. No judicial action by any person on behalf of the state
20 under a contract authorized and approved by this section may be
21 brought unless approved by the attorney general.

22 SECTION 3.02. Section 2107.003, Government Code, is amended
23 to read as follows:

24 Sec. 2107.003. COLLECTION BY ATTORNEY GENERAL,
25 COMPTROLLER, OR OUTSIDE AGENT. (a) Except as provided by
26 Subsection (c), a state agency shall report an uncollected and
27 delinquent obligation to [~~request~~] the attorney general for

1 collection. The state agency must report the obligation on or
2 before the 90th day after the date the obligation becomes past due
3 or delinquent [~~to collect an obligation before the agency may~~
4 ~~employ, retain, or contract with a person other than a full-time~~
5 ~~employee of the state agency to collect the obligation~~].

6 (b) The attorney general:

7 (1) shall provide legal services for collection of the
8 obligation;

9 (2) may authorize the requesting state agency to
10 employ, retain, or contract, subject to approval by the attorney
11 general, with a person to collect the obligation; or

12 (3) if the attorney general determines it to be
13 economical and in the best interest of the state, may contract with
14 one or more persons [~~a person other than a full-time employee of the~~
15 ~~agency~~] to collect the [~~an~~] obligation [~~that the attorney general~~
16 ~~cannot collect~~].

17 (c) The comptroller may employ, retain, or contract with a
18 person other than a full-time state employee to collect delinquent
19 obligations that are owed the comptroller in the comptroller's
20 official capacity, are not collected through normal collection
21 procedures, and do not meet the guidelines adopted for collection
22 by the attorney general. A proposed contract under this subsection
23 shall be reviewed by the attorney general and may include a
24 collection fee computed on the amounts collected under the
25 contract.

26 (d) The agency contracting under Subsection (b) is entitled
27 to recover from the obligor, in addition to the amount of the

1 obligation, the costs incurred in undertaking the collection,
2 including the costs of a contract under this section. The obligor
3 is liable for costs of recovery under this section in an amount not
4 to exceed 30 percent of the sum of the amount of the obligation and
5 any interest due on the obligation.

6 (e) A contract formed under Subsection (b) must provide for
7 the compensation due to the contractor. The amount of the
8 compensation may not exceed 30 percent of the sum of the collected
9 amount of:

- 10 (1) the obligation;
- 11 (2) any penalty; and
- 12 (3) any interest.

13 (f) A contract formed under Subsection (b) or (c) may permit
14 or require the contractor to pursue in the name of this state a
15 judicial action to collect the amount of the obligation in a proper
16 court in or outside of this state.

17 (g) In a suit in a Texas state court to collect an obligation
18 under this section, the state is not:

- 19 (1) required to post security for costs;
- 20 (2) liable for costs; or
- 21 (3) liable for fees for:
 - 22 (A) service of process;
 - 23 (B) attorneys ad litem;
 - 24 (C) arbitration; or
 - 25 (D) mediation.

26 (h) An amount collected under a contract formed under
27 Subsection (b), including the costs of recovery and court costs or

1 other costs, shall be deposited in the fund or account to which the
2 obligation was required to be deposited. The contracting agency
3 shall pay the compensation due under the contract to the contractor
4 and shall pay to the applicable court any court costs collected.

5 (i) The contracting agency shall require a person
6 contracting under Subsection (b) to post a bond or other security in
7 an amount the contracting agency determines is sufficient to cover
8 all revenue or other property of the state that is expected to come
9 into the possession or control of the contractor in the course of
10 providing contract services.

11 (j) A person who contracts under Subsection (b) is an agent
12 of this state for purposes of determining priority of a claim to be
13 collected under the contract with respect to claims of other
14 creditors. The contractor does not exercise any sovereign power of
15 the state.

16 (k) The contracting state agency may provide a person
17 contracting under Subsection (b) any information, including
18 confidential information, that the agency is not prohibited from
19 sharing under an agreement with another state or with the United
20 States and that is:

- 21 (1) in the custody of the agency holding the claim; and
22 (2) necessary to the collection of the obligation.

23 (l) A person acting under a contract formed under Subsection
24 (b) or (c) and each employee or agent of that person is subject to
25 all prohibitions against the disclosure of confidential
26 information obtained from the contracting agency, the reporting
27 state agency, or their employees. A contractor or the contractor's

1 employee or agent who discloses confidential information in
2 violation of the prohibition is subject to the same penalties for
3 that disclosure as would apply to the contracting agency or its
4 employees.

5 (m) The contracting agency shall require a person who
6 contracts under Subsection (b) to obtain and maintain insurance
7 adequate to provide reasonable coverage for damages negligently,
8 recklessly, or intentionally caused by the contractor or the
9 contractor's employee or agent in the course of collecting an
10 obligation under the contract and to protect this state from
11 liability for those damages. The state is not liable for and may
12 not indemnify a person acting under a contract under Subsection (b)
13 for damages negligently, recklessly, or intentionally caused by the
14 contractor or the contractor's employee or agent in the course of
15 collecting an obligation under the contract.

16 (n) In addition to grounds for termination provided by the
17 contract terms, the attorney general or the contracting agency, as
18 applicable, may terminate a contract formed under Subsection (b) if
19 the contractor or the contractor's employee or agent:

20 (1) violates the federal Fair Debt Collection
21 Practices Act (15 U.S.C. Section 1692 et seq.);

22 (2) discloses confidential information to a person not
23 authorized to receive the information; or

24 (3) performs any act that results in a final judgment
25 for damages against this state.

26 SECTION 3.03. Section 2254.102(c), Government Code, is
27 amended to read as follows:

1 (c) This subchapter does not apply to a contract:

2 (1) with an agency to collect an obligation under
3 Section 2107.003(b); or

4 (2) for legal services entered into by an institution
5 of higher education under Section 153.006, Education Code.

6 SECTION 3.04. Section 2107.004, Government Code, is
7 repealed.

8 SECTION 3.05. The changes in law made by this article to
9 Sections 2107.003 and 2254.102, Government Code, apply only in
10 relation to a contract for the collection of delinquent taxes or
11 obligations that is entered into on or after the effective date of
12 this article. A contract for the collection of delinquent taxes or
13 obligations entered into before the effective date of this article
14 is governed by the law in effect on the date the contract was
15 entered into, and the former law is continued in effect for that
16 purpose.

17 SECTION 3.06. This article takes effect September 1, 2007.

18 ARTICLE 4. RESTITUTION AND OTHER ASSISTANCE PROVIDED TO VICTIMS OF
19 CRIME AND TO RELATED CLAIMANTS

20 SECTION 4.01. Article 42.037, Code of Criminal Procedure,
21 is amended by adding Subsection (r) to read as follows:

22 (r) Not later than the 15th day following the end of each
23 calendar quarter, each community supervision and corrections
24 department, parole office, and parole panel shall submit to the
25 Texas Department of Criminal Justice in a form required by the
26 department a report that contains information relating to, as
27 applicable, any restitution payment made during the preceding

1 calendar quarter by a person placed on community supervision,
2 paroled, or released to mandatory supervision or any restitution
3 ordered by the parole panel in a criminal case during that period.
4 The Texas Department of Criminal Justice annually shall publish a
5 report based on statistical information collected under this
6 subsection. If practicable, the department may publish the report
7 with one or more related reports required of other state agencies by
8 law. Notwithstanding any other law, the statistical information is
9 not confidential and may be released, except that the release of the
10 names of defendants and victims remains subject to all
11 confidentiality requirements otherwise imposed by law.

12 SECTION 4.02. Article 56.54, Code of Criminal Procedure, is
13 amended by amending Subsections (b), (c), (h), and (i) and adding
14 Subsections (i-1) and (l) to read as follows:

15 (b) Except as provided by Subsections (h), (i-1) [~~(i)~~], (j),
16 and (k) and Article 56.541, the compensation to victims of crime
17 fund may be used only by the attorney general for the payment of
18 compensation to claimants or victims under this subchapter. For
19 purposes of this subsection, compensation to claimants or victims
20 includes money allocated from the fund to the Crime Victims'
21 Institute created by Section 96.65, Education Code, for the
22 operation of the institute and for other expenses in administering
23 this subchapter. The institute shall use money allocated from the
24 fund only for the purposes of Sections 96.65, 96.651, and 96.652,
25 Education Code.

26 (c) Except as provided by Subsections (h) and (i-1) [~~(i)~~],
27 the compensation to victims of crime auxiliary fund may be used by

1 the attorney general only for the payment of compensation to
2 claimants or victims under this subchapter.

3 (h) An amount of money deposited to the credit of the
4 compensation to victims of crime fund, not to exceed one-quarter of
5 the amount disbursed from that fund in the form of compensation
6 payments during a fiscal year except as otherwise required by
7 Subsection (i)(2), shall be carried forward into the next
8 succeeding fiscal year and applied toward the amount listed in the
9 next succeeding fiscal year's method of financing.

10 (i) The [~~If the sums available in the compensation to~~
11 ~~victims of crime fund are sufficient in a fiscal year to make all~~
12 ~~compensation payments, the~~] attorney general, from [~~may retain~~] any
13 portion of the compensation to victims of crime fund that was
14 deposited during a [~~the~~] fiscal year that was in excess of all
15 compensation payments required to be made out of the fund during
16 that fiscal year:

17 (1) may retain an amount of emergency reserve to be
18 used during the next fiscal year only for the purposes provided by
19 Subsection (i-1); and

20 (2) if the fund is projected to become insolvent
21 during the next fiscal year, shall retain an amount of emergency
22 reserve equal to at least 10 percent of the total amount of the
23 compensation payments estimated to be made during the next fiscal
24 year, to be used during the next fiscal year for that purpose only
25 [~~as an emergency reserve for the next fiscal year~~].

26 (i-1) The amount of [~~Such~~] emergency reserve authorized by
27 Subsection (i)(1) may not exceed \$10,000,000 at any time and [~~The~~

1 ~~emergency reserve fund]~~ may be used only to make compensation
2 awards in claims and for providing emergency relief and assistance,
3 including crisis intervention, emergency housing, travel, food, or
4 expenses and technical assistance expenses incurred in
5 implementing the purposes [~~the implementation~~] of this subsection
6 in incidents resulting from an act of mass violence or from an act
7 of international terrorism as defined by 18 U.S.C. Section 2331,
8 occurring in the state or for Texas residents injured or killed in
9 an act of terrorism outside of the United States.

10 (1) Not later than September 15 of each year, the attorney
11 general, after consulting with the comptroller, shall certify the
12 amount of money remaining in the compensation to victims of crime
13 auxiliary fund at the end of the preceding state fiscal year. If
14 the amount remaining in the fund exceeds \$5 million, as soon as
15 practicable after the date of certification, the attorney general
16 may transfer from that excess amount in the compensation to victims
17 of crime auxiliary fund to the compensation to victims of crime fund
18 an amount that is not more than 25 percent of the balance of the
19 compensation to victims of crime auxiliary fund, to be used only for
20 the purpose of making compensation payments during the fiscal year
21 in which the amount is transferred.

22 SECTION 4.03. Articles 56.541(a), (b), and (c), Code of
23 Criminal Procedure, are amended to read as follows:

24 (a) Not later than December 15 of each even-numbered year,
25 the attorney general, after consulting with the comptroller, shall
26 prepare forecasts and certify estimates of:

27 (1) the amount of money that the attorney general

1 anticipates will be received from deposits made to the credit of the
2 compensation to victims of crime fund during the next state fiscal
3 biennium, other than deposits of:

4 (A) gifts, grants, and donations; and

5 (B) money received from the United States;

6 (2) the amount of money from the fund that the attorney
7 general anticipates will be obligated during the next state fiscal
8 biennium to comply with this chapter, including any amounts
9 anticipated to be retained under Article 56.54(i) as an emergency
10 reserve for each state fiscal year of the biennium; and

11 (3) the amount of money in the fund that the attorney
12 general anticipates will remain unexpended at the end of the
13 current state fiscal year and will be [~~that is~~] available for
14 appropriation in the next state fiscal biennium.

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

22 (c) For a state fiscal biennium, the legislature may
23 appropriate from the compensation to victims of crime fund the
24 amount of excess money in the fund certified for the biennium under
25 Subsection (b) to state agencies that deliver or fund
26 victim-related services or assistance, except that the legislature
27 may not appropriate any amount of excess money actually retained

1 under Article 56.54(i) for use as an emergency reserve during each
2 of the two state fiscal years of the biennium.

3 SECTION 4.04. Subchapter C, Chapter 71, Government Code, is
4 amended by adding Section 71.0353 to read as follows:

5 Sec. 71.0353. RESTITUTION INFORMATION. (a) Not later than
6 the 15th day following the end of each calendar quarter, each court
7 shall submit to the Office of Court Administration of the Texas
8 Judicial System in a form required by the office a report that
9 contains information relating to any restitution ordered by the
10 court in a criminal case during that period.

11 (b) The Office of Court Administration annually shall
12 publish a report based on statistical information collected under
13 this section. If practicable, the office may publish the report
14 with one or more related reports required of other state agencies by
15 law. Notwithstanding any other law, the statistical information is
16 not confidential and may be released, except that the release of the
17 names of defendants and victims remains subject to all
18 confidentiality requirements otherwise imposed by law.

19 SECTION 4.05. Subchapter C, Chapter 61, Human Resources
20 Code, is amended by adding Section 61.0411 to read as follows:

21 Sec. 61.0411. RESTITUTION INFORMATION. (a) Not later than
22 the 15th day following the end of each calendar quarter, each local
23 juvenile parole office shall submit to the commission in a form
24 required by the commission a report that contains information
25 relating to any restitution payment made during the preceding
26 calendar quarter by a juvenile who is paroled by the commission.

27 (b) The commission annually shall publish a report based on

1 statistical information collected under this section. If
2 practicable, the commission may publish the report with one or more
3 related reports required of other state agencies by law.
4 Notwithstanding any other law, the statistical information is not
5 confidential and may be released, except that the release of the
6 names of juveniles and victims remains subject to all
7 confidentiality requirements otherwise imposed by law.

8 SECTION 4.06. Subchapter C, Chapter 141, Human Resources
9 Code, is amended by adding Section 141.0422 to read as follows:

10 Sec. 141.0422. RESTITUTION INFORMATION. (a) Not later
11 than the 15th day following the end of each calendar quarter, each
12 local juvenile probation office shall submit to the commission in a
13 form required by the commission a report that contains information
14 relating to any restitution payment made during the preceding
15 calendar quarter by a juvenile who is placed on juvenile probation
16 by the commission.

17 (b) The commission annually shall publish a report based on
18 statistical information collected under this section. If
19 practicable, the commission may publish the report with one or more
20 related reports required of other state agencies by law.
21 Notwithstanding any other law, the statistical information is not
22 confidential and may be released, except that the release of the
23 names of juveniles and victims remains subject to all
24 confidentiality requirements otherwise imposed by law.

25 SECTION 4.07. The change in law made by this article in
26 adding Article 42.037(r), Code of Criminal Procedure, Section
27 71.0353, Government Code, and Sections 61.0411 and 141.0422, Human

1 Resources Code, applies only to a restitution payment made or
2 restitution ordered on or after the effective date of this article.

3 SECTION 4.08. This article takes effect September 1, 2007.

4 ARTICLE 5. COLLECTION OF SURCHARGES ASSESSED UNDER DRIVER
5 RESPONSIBILITY PROGRAM

6 SECTION 5.01. Section 708.153(b), Transportation Code, is
7 amended to read as follows:

8 (b) A rule under this section:

9 (1) may not permit a person to pay a surcharge over a
10 period of more than 36 consecutive months; and

11 (2) may provide that if the person fails to make a
12 required installment payment, the department may establish a new
13 installment plan on different terms or declare the amount of the
14 unpaid surcharge immediately due and payable.

15 SECTION 5.02. Section 708.155, Transportation Code, is
16 amended to read as follows:

17 Sec. 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES. (a)
18 The department may enter into a contract with a private attorney or
19 a public or private vendor for the provision of services for the
20 collection of surcharges receivable and related costs under this
21 chapter.

22 (b) The department may enter into additional contracts
23 under Subsection (a) that provide for alternative or additional
24 collection methods for surcharges receivable that have not been
25 collected under the original contract.

26 (c) The total amount of compensation under a contract
27 entered into under this section may not exceed 30 percent of the

1 amount of the surcharges and related costs collected.

2 SECTION 5.03. Subchapter D, Chapter 708, Transportation
3 Code, is amended by adding Sections 708.157 and 708.158 to read as
4 follows:

5 Sec. 708.157. AMNESTY AND INCENTIVES. (a) The department by
6 rule may establish a periodic amnesty program for holders of a
7 driver's license on which a surcharge has been assessed for certain
8 offenses, as determined by the department.

9 (b) The department by rule may offer a holder of a driver's
10 license on which a surcharge has been assessed an incentive for
11 compliance with the law and efforts at rehabilitation, including a
12 reduction of a surcharge or a decrease in the length of an
13 installment plan.

14 Sec. 708.158. LIENS. The department has a lien on personal
15 property belonging to the holder of a driver's license on which a
16 surcharge has been assessed under Subchapter B or Section 708.102
17 to enforce payment of the surcharge and any related costs. The lien
18 is enforceable as provided by law.

19 SECTION 5.04. The changes in law made by this article to
20 Section 708.155, Transportation Code, do not affect the entitlement
21 of a private attorney or a public or private vendor with whom the
22 Department of Public Safety contracts under that section
23 immediately before September 1, 2007, to bid on the additional
24 contract.

25 SECTION 5.05. This article takes effect September 1, 2007.

26 ARTICLE 6. OPERATION AND FUNDING OF DRUG COURT PROGRAMS

27 SECTION 6.01. Chapter 469, Health and Safety Code, is

1 amended by amending Sections 469.003, 469.004, and 469.007 and by
2 adding Sections 469.005, 469.008, and 469.009 to read as follows:

3 Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and
4 the speaker of the house of representatives may assign to
5 appropriate legislative committees duties relating to the
6 oversight of drug court programs established under this chapter
7 [~~Section 469.002~~].

8 (b) A legislative committee or the governor may request the
9 state auditor to perform a management, operations, or financial or
10 accounting audit of a drug court program established under this
11 chapter [~~Section 469.002~~].

12 Sec. 469.004. FEES. (a) A drug court program established
13 under this chapter [~~Section 469.002~~] may collect from a participant
14 in the program:

15 (1) a reasonable program fee not to exceed \$1,000,
16 which may be paid on a periodic basis or on a deferred payment
17 schedule at the discretion of the judge, magistrate, or program
18 director administering the program; and

19 (2) a urinalysis testing and counseling fee:

20 (A) based on the participant's ability to pay;
21 and

22 (B) in an amount necessary to cover the costs of
23 the testing and counseling.

24 (b) A drug court program may require a participant to pay
25 all treatment costs incurred while participating in the program,
26 based on the participant's ability to pay.

27 Sec. 469.005. DRUG COURT PROGRAMS EXCLUSIVELY FOR CERTAIN

1 INTOXICATION OFFENSES. (a) The commissioners court of a county may
2 establish under this chapter a drug court program exclusively for
3 persons arrested for, charged with, or convicted of an offense
4 involving the operation of a motor vehicle while intoxicated.

5 (b) A drug court program established under this section must
6 have at least 50 participants during the first four months in which
7 the program is operating.

8 (c) A county that establishes a drug court program under
9 this chapter but does not establish a separate program under this
10 section must employ procedures designed to ensure that a person
11 arrested for, charged with, or convicted of a second or subsequent
12 offense involving the operation of a motor vehicle while
13 intoxicated participates in the county's existing drug court
14 program.

15 Sec. 469.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS
16 PROGRAMS. In addition to using a drug court program established
17 under this chapter [~~Section 469.002~~], the commissioners court of a
18 county or a court may use other drug awareness or drug and alcohol
19 driving awareness programs to treat persons convicted of drug or
20 alcohol related offenses.

21 Sec. 469.008. SUSPENSION OR DISMISSAL OF CERTAIN CONDITIONS
22 OF COMMUNITY SUPERVISION. (a) Notwithstanding Sections 13 and 16,
23 Article 42.12, Code of Criminal Procedure, to encourage
24 participation in a drug court program established under this
25 chapter, the judge or magistrate administering the program may
26 suspend any requirement that, as a condition of community
27 supervision, a participant in the program:

1 (1) not operate a motor vehicle unless the vehicle is
2 equipped with an ignition interlock device, as defined by Section
3 521.241, Transportation Code; or

4 (2) work a specified number of hours at a community
5 service project or projects.

6 (b) On successful completion of a drug court program, a
7 judge or magistrate may excuse the participant from any condition
8 of community supervision previously suspended under Subsection
9 (a).

10 Sec. 469.009. OCCUPATIONAL DRIVER'S LICENSE.
11 Notwithstanding Section 521.242, Transportation Code, if a
12 participant's driver's license has been suspended as a result of an
13 alcohol-related or drug-related enforcement contact, as defined by
14 Section 524.001, Transportation Code, or as a result of a
15 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the
16 judge or magistrate administering a drug court program under this
17 chapter may order that an occupational license be issued to the
18 participant. An order issued under this section is subject to
19 Sections 521.248-521.252, Transportation Code, except that any
20 reference to a petition under Section 521.242 of that code does not
21 apply.

22 SECTION 6.02. Section 4, Article 17.42, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 4. (a) If a court releases an accused on personal bond
25 on the recommendation of a personal bond office, the court shall
26 assess a personal bond fee in an amount equal to the greater of:

27 (1) \$20; or

1 (2) the following applicable amount:

2 (A) three percent of the amount of the bail fixed
3 for the accused, if the personal bond office serves a county that
4 has not established a drug court program; or

5 (B) six percent of the amount of the bail fixed
6 for the accused, if the personal bond office serves a county that
7 has established a drug court program [~~whichever is greater~~].

8 (b) Notwithstanding Subsection (a), the [~~The~~] court may
9 waive the fee or assess a lesser fee if good cause is shown.

10 (c) If the personal bond office serves a county that has not
11 established a drug court program, fees [~~(b) Fees~~] collected under
12 this article may be used solely to defray expenses of the personal
13 bond office, including defraying the expenses of extradition. If
14 the personal bond office serves a county that has established a drug
15 court program, one-half of the fees collected under this article
16 shall be used to defray expenses of the personal bond office,
17 including defraying the expenses of extradition, and the remaining
18 one-half of the fees collected shall be used to defray expenses of
19 operating the drug court program.

20 (d) [~~(c)~~] Fees collected under this article shall be
21 deposited in the county treasury. If [~~, or if~~] the personal bond
22 office serves more than one county, none of which has established a
23 drug court program, the fees shall be apportioned to each county in
24 the district according to each county's pro rata share of the costs
25 of the office. If the personal bond office serves more than one
26 county, including a county that has established a drug court
27 program, the additional amount of the personal bond fee collected

1 under this section, because at least one of the counties has
2 established a drug court program, shall be divided equally among
3 each county in the district that has established such a program.
4 The remaining amount of the fees collected shall be apportioned to
5 each county in the district according to each county's pro rata
6 share of the costs of the office.

7 (e) In this section, "drug court program" means a drug court
8 program established by a county commissioners court under Chapter
9 469, Health and Safety Code.

10 SECTION 6.03. (a) The change in law made by this article to
11 Chapter 469, Health and Safety Code, applies to a person who enters
12 a drug court program under that chapter regardless of whether the
13 person committed the offense for which the person enters the
14 program before, on, or after the effective date of this article.

15 (b) The change in law made by this article to Article 17.42,
16 Code of Criminal Procedure, applies only to a personal bond fee that
17 is assessed under that article on or after the effective date of
18 this article.

19 SECTION 6.04. This article takes effect September 1, 2007.

20 ARTICLE 7. EFFECTIVE DATE

21 SECTION 7.01. Except as otherwise provided by this Act,
22 this Act takes effect immediately if it receives a vote of
23 two-thirds of all the members elected to each house, as provided by
24 Section 39, Article III, Texas Constitution. If this Act does not
25 receive the vote necessary for immediate effect, except as
26 otherwise provided by this Act, this Act takes effect on the 91st
27 day after the last day of the legislative session.