

# SENATE AMENDMENTS

**2<sup>nd</sup> Printing**

By: Coleman

H.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

relating to issues affecting counties and political subdivisions within counties.

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

SECTION 1. (a) In this section, "task force" means the Task Force to Study Population Growth in Texas established under this section.

(b) The Task Force to Study Population Growth in Texas is established for the purposes of assessing the effects of population growth on counties in this state relating to:

- (1) housing;
- (2) businesses;
- (3) available land resources;
- (4) the state's economy;
- (5) health care services; and
- (6) county jails.

(c) The task force is composed of the following nine members:

- (1) three state or local officials appointed by the governor;
- (2) three state or local officials appointed by the lieutenant governor; and
- (3) three state or local officials appointed by the speaker of the house of representatives.

1           (d) The members of the task force shall elect a presiding  
2 officer from among the membership.

3           (e) The offices of the governor, lieutenant governor, and  
4 speaker of the house of representatives shall provide staff support  
5 to the task force.

6           (f) The task force shall hold public hearings to achieve the  
7 purposes described by Subsection (b) of this section.

8           (g) A member of the task force is not entitled to receive  
9 compensation for service on the task force but is entitled to  
10 reimbursement of the travel expenses incurred by the member while  
11 conducting the business of the task force.

12          (h) The task force may accept gifts and grants from any  
13 source to be used to carry out a function of the task force.

14          (i) Not later than November 1, 2016, the task force shall  
15 submit a final report to the governor, the lieutenant governor, the  
16 speaker of the house of representatives, and the appropriate  
17 standing committees of the legislature. The report shall include a  
18 summary and analysis of:

19               (1) hearings and studies conducted by the task force;  
20               (2) legislation proposed by the task force; and  
21               (3) other findings and recommendations made by the  
22 task force.

23          (j) Not later than December 1, 2015, the governor, the  
24 lieutenant governor, and the speaker of the house of  
25 representatives shall make the appointments to the task force as  
26 described under Subsection (c) of this section.

27          (k) The task force is abolished and this section expires



1 August 31, 2017.

2 SECTION 2. Section 1001.201, Health and Safety Code, as  
3 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
4 Regular Session, 2013, is amended by adding Subdivisions (4) and  
5 (5) to read as follows:

6 (4) "School district employee" means a person employed  
7 by a school district who regularly interacts with students through  
8 the course of the person's duties, including an educator, a  
9 secretary, a school bus driver, or a cafeteria worker.

10 (5) "School resource officer" has the meaning assigned  
11 by Section 1701.601, Occupations Code.

12 SECTION 3. Subchapter H, Chapter 1001, Health and Safety  
13 Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd  
14 Legislature, Regular Session, 2013, is amended by adding Section  
15 1001.2015 to read as follows:

16 Sec. 1001.2015. LIMITATION ON GRANTS. For each state  
17 fiscal year, the department may give to a local mental health  
18 authority in the form of grants under Sections 1001.202 and  
19 1001.203 an amount that may not exceed the lesser of:

20 (1) three percent of the total amount appropriated to  
21 the department for making grants under those sections; or

22 (2) \$70,000.

23 SECTION 4. Section 1001.202(b), Health and Safety Code, as  
24 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
25 Regular Session, 2013, is amended to read as follows:

26 (b) The ~~[Except as provided by Subsection (c), the]~~  
27 department shall make each grant to a local mental health authority

under this section in an amount equal to \$1,000 times the number of employees or contractors of the authority whose training as mental health first aid trainers will be paid by the grant.

SECTION 5. Sections 1001.203(a) and (c), Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to school district employees and school resource officers ~~[educators]~~.

(c) ~~The [Subject to the limit provided by Subsection (b), out of the funds appropriated to the department for making grants under this section, the]~~ department shall grant \$100 to a local mental health authority for each school district employee or school resource officer ~~[educator]~~ who successfully completes a mental health first aid training program provided by the authority under this section.

SECTION 6. Subchapter H, Chapter 1001, Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Section 1001.2031 to read as follows:

Sec. 1001.2031. SUPPLEMENTAL GRANTS FOR TRAINING CERTAIN EDUCATORS IN MENTAL HEALTH FIRST AID. For each state fiscal year, the department may allocate any unobligated money appropriated for making grants under Sections 1001.202 and 1001.203 for supplemental

1 grants. The department may give a supplemental grant to a local  
2 mental health authority that submits to the department a revised  
3 plan as provided under Section 1001.204 that demonstrates how the  
4 additional grant money would be used if made available to the  
5 authority.

6 SECTION 7. Section 1001.204(a), Health and Safety Code, as  
7 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
8 Regular Session, 2013, is amended to read as follows:

9 (a) Not later than July [~~October~~] 1 of each state fiscal  
10 year for which a local mental health authority will seek a grant  
11 from the department under Section 1001.203, the authority shall  
12 submit to the department a plan demonstrating the manner in which  
13 grants made to the authority under that section will be used:

14 (1) to train individuals in mental health first aid  
15 throughout the authority's local service area to maximize the  
16 number of children who have direct contact with an individual who  
17 has successfully completed a mental health first aid training  
18 program provided by the authority;

19 (2) to meet the greatest needs of the authority's local  
20 service area, as identified by the authority; and

21 (3) to complement existing resources and not duplicate  
22 established mental health first aid training efforts.

23 SECTION 8. Section 1001.205, Health and Safety Code, as  
24 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
25 Regular Session, 2013, is amended to read as follows:

26 Sec. 1001.205. REPORTS. (a) Not later than September 30  
27 [~~July 1~~] of each year, a local mental health authority shall provide

to the department the number of:

(1) employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202 during the preceding fiscal year;

(2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding fiscal ~~calendar~~ year; and

(3) individuals who are not school district employees or school resource officers ~~educators~~ who completed a mental health first aid training program offered by the authority during the preceding fiscal ~~calendar~~ year.

(b) Not later than December 1 ~~August 1~~ of each year, the department shall compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing the number of:

(1) authority employees and contractors trained as mental health first aid trainers during the preceding fiscal year;

(2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program provided by an authority during the preceding fiscal ~~calendar~~ year; and

(3) individuals who are not school district employees or school resource officers ~~educators~~ who completed a mental health first aid training program provided by an authority during the preceding fiscal ~~calendar~~ year.

SECTION 9. Section 21.044(c-1), Education Code, is amended

1 to read as follows:

2 (c-1) Any minimum academic qualifications for a certificate  
3 specified under Subsection (a) that require a person to possess a  
4 bachelor's degree must also require that the person receive, as  
5 part of the training required to obtain that certificate,  
6 instruction regarding mental health, substance abuse, and youth  
7 suicide. The instruction required must be provided through a  
8 program selected from the list of recommended best practice-based  
9 programs established under Section 161.325, Health and Safety Code  
10 ~~[in detection of students with mental or emotional disorders]~~.

11 SECTION 10. The following are repealed:

12 (1) Section 21.044(c-2), Education Code;

13 (2) Section 1001.202(c), Health and Safety Code, as  
14 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
15 Regular Session, 2013;

16 (3) Section 1001.203(b), Health and Safety Code, as  
17 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
18 Regular Session, 2013; and

19 (4) Section 250.006(b), Local Government Code.

20 SECTION 11. This Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

*Letty Saw*  
Secretary of the Senate

By: C. Schwab

Substitute the following for H.B. No. 3474

By: L. W. Keller

H.B. No. 3474

C.S. H.B. No. 3474

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to issues affecting counties and other governmental  
3 entities.

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

5 SECTION 1. Effective September 1, 2015, Article 55.01(a),  
6 Code of Criminal Procedure, is amended to read as follows:

7 (a) A person who has been placed under a custodial or  
8 noncustodial arrest for commission of either a felony or  
9 misdemeanor is entitled to have all records and files relating to  
10 the arrest expunged if:

11 (1) the person is tried for the offense for which the  
12 person was arrested and is:

13 (A) acquitted by the trial court, except as  
14 provided by Subsection (c); or

15 (B) convicted and subsequently:

16 (i) pardoned for a reason other than that  
17 described by Subparagraph (ii); or

18 (ii) pardoned or otherwise granted relief  
19 on the basis of actual innocence with respect to that offense, if  
20 the applicable pardon or court order clearly indicates on its face  
21 that the pardon or order was granted or rendered on the basis of the  
22 person's actual innocence; or

23 (2) the person has been released and the charge, if  
24 any, has not resulted in a final conviction and is no longer pending

1 and there was no court-ordered community supervision under Article  
2 42.12 for the offense, unless the offense is a Class C misdemeanor,  
3 provided that:

4 (A) regardless of whether any statute of  
5 limitations exists for the offense and whether any limitations  
6 period for the offense has expired, an indictment or information  
7 charging the person with the commission of a misdemeanor offense  
8 based on the person's arrest or charging the person with the  
9 commission of any felony offense arising out of the same  
10 transaction for which the person was arrested:

11 (i) has not been presented against the  
12 person at any time following the arrest, and:

13 (a) at least 180 days have elapsed  
14 from the date of arrest if the arrest for which the expunction was  
15 sought was for an offense punishable as a Class C misdemeanor and if  
16 there was no felony charge arising out of the same transaction for  
17 which the person was arrested;

18 (b) at least one year has elapsed from  
19 the date of arrest if the arrest for which the expunction was sought  
20 was for an offense punishable as a Class B or A misdemeanor and if  
21 there was no felony charge arising out of the same transaction for  
22 which the person was arrested;

23 (c) at least three years have elapsed  
24 from the date of arrest if the arrest for which the expunction was  
25 sought was for an offense punishable as a felony or if there was a  
26 felony charge arising out of the same transaction for which the  
27 person was arrested; or

1 (d) the attorney representing the  
2 state certifies that the applicable arrest records and files are  
3 not needed for use in any criminal investigation or prosecution,  
4 including an investigation or prosecution of another person; or

5 (ii) if presented at any time following the  
6 arrest, was dismissed or quashed, and the court finds that the  
7 indictment or information was dismissed or quashed because:

8 (a) the person was arrested for a  
9 Class B or Class C misdemeanor and subsequently completed a  
10 veterans treatment court program under Chapter 124, Government  
11 Code, or former law;

12 (b) the person completed a pretrial  
13 intervention program authorized under Section 76.011, Government  
14 Code, or, if the person was arrested for an offense punishable as a  
15 Class A misdemeanor or any higher category of offense, a veterans  
16 treatment court program under Chapter 124, Government Code, or  
17 former law;

18 (c) [because] the presentment had  
19 been made because of mistake, false information, or other similar  
20 reason indicating absence of probable cause at the time of the  
21 dismissal to believe the person committed the offense; or

22 (d) [, or because] the indictment or  
23 information was void; or

24 (B) prosecution of the person for the offense for  
25 which the person was arrested is no longer possible because the  
26 limitations period has expired.

27 SECTION 2. Effective September 1, 2015, Section 1a, Article



1 55.02, Code of Criminal Procedure, is amended by adding Subsection  
2 (a-1) to read as follows:

3 (a-1) A trial court dismissing a case of a person arrested  
4 for a Class B or Class C misdemeanor, following the person's  
5 successful completion of a veterans treatment court program created  
6 under Chapter 124, Government Code, or former law, if the trial  
7 court is a district court, or a district court in the county in  
8 which the trial court is located shall enter an order of expunction  
9 for a person entitled to expunction under Article  
10 55.01(a)(2)(A)(ii)(a) not later than the 30th day after the date  
11 the court dismisses the case or receives the information regarding  
12 that dismissal, as applicable.

13 SECTION 3. Effective September 1, 2015, Section 2(a),  
14 Article 55.02, Code of Criminal Procedure, is amended to read as  
15 follows:

16 (a) A person who is entitled to expunction of records and  
17 files under Article 55.01(a)(1)(B)(i) or under Article  
18 55.01(a)(2), other than Article 55.01(a)(2)(A)(ii)(a), or a person  
19 who is eligible for expunction of records and files under Article  
20 55.01(b) may file an ex parte petition for expunction in a district  
21 court for the county in which:

- 22 (1) the petitioner was arrested; or  
23 (2) the offense was alleged to have occurred.

24 SECTION 4. Effective September 1, 2015, Section  
25 21.044(c-1), Education Code, is amended to read as follows:

26 (c-1) Any minimum academic qualifications for a certificate  
27 specified under Subsection (a) that require a person to possess a

1 bachelor's degree must also require that the person receive, as  
2 part of the training required to obtain that certificate,  
3 instruction regarding mental health, substance abuse, and youth  
4 suicide. The instruction required must:

5           (1) be provided through a program selected from the  
6 list of recommended best practice-based programs established under  
7 Section 161.325, Health and Safety Code; and

8           (2) include effective strategies for teaching and  
9 intervening with students with mental or emotional disorders,  
10 including de-escalation techniques and positive behavioral  
11 interventions and supports [~~in detection of students with mental or~~  
12 ~~emotional disorders~~].

13           SECTION 5. Effective September 1, 2015, Section 54.976(a),  
14 Government Code, is amended to read as follows:

15           (a) A judge may refer to a magistrate any criminal case or  
16 matter relating to a criminal case for proceedings involving:

17               (1) a negotiated plea of guilty or no contest and  
18 sentencing;

19               (2) a pretrial motion;

20               (3) an examining trial;

21               (4) a writ of habeas corpus;

22               (5) a bond forfeiture suit;

23               (6) issuance of search warrants;

24               (7) setting, setting conditions, modifying, revoking,  
25 and surrendering of bonds, including surety bonds;

26               (8) arraignment of defendants;

27               (9) a motion to increase or decrease a bond;

1 (10) a motion to revoke community supervision or to  
2 proceed to an adjudication;

3 (11) an issue of competency or a civil commitment  
4 under Chapter 46, 46B, or 46C, Code of Criminal Procedure, with or  
5 without a jury;

6 (12) a motion to modify community supervision;

7 (13) specialty court proceedings, including drug  
8 court proceedings, veterans treatment [~~veteran's~~] court  
9 proceedings, and driving while intoxicated court proceedings;

10 (14) an expunction or a petition for nondisclosure;

11 (15) an occupational driver's license;

12 (16) a waiver of extradition;

13 (17) the issuance of subpoenas and orders requiring  
14 the production of medical records, including records relating to  
15 mental health or substance abuse treatment; and

16 (18) any other matter the judge considers necessary  
17 and proper.

18 SECTION 6. Effective September 1, 2015, Section 103.0271,  
19 Government Code, is amended to read as follows:

20 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:  
21 GOVERNMENT CODE. Fees and costs shall be paid or collected under  
22 the Government Code as follows:

23 (1) a program fee for a drug court program (Sec.  
24 123.004, Government Code) . . . not to exceed \$1,000;

25 (2) an alcohol or controlled substance testing,  
26 counseling, and treatment fee (Sec. 123.004, Government  
27 Code) . . . the amount necessary to cover the costs of testing,

1 counseling, and treatment;

2 (3) a reasonable program fee for a veterans treatment  
3 court program (Sec. 124.005, Government Code) . . . not to exceed  
4 \$500 [~~\$1,000~~]; and

5 (4) a testing, counseling, and treatment fee for  
6 testing, counseling, or treatment performed or provided under a  
7 veterans treatment court program (Sec. 124.005, Government  
8 Code) . . . the amount necessary to cover the costs of testing,  
9 counseling, or treatment.

10 SECTION 7. Effective September 1, 2015, the heading to  
11 Chapter 124, Government Code, is amended to read as follows:

12 CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

13 SECTION 8. Effective September 1, 2015, Section 124.001,  
14 Government Code, is amended to read as follows:

15 Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED;  
16 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans  
17 treatment court program" means a program that has the following  
18 essential characteristics:

19 (1) the integration of services in the processing of  
20 cases in the judicial system;

21 (2) the use of a nonadversarial approach involving  
22 prosecutors and defense attorneys to promote public safety and to  
23 protect the due process rights of program participants;

24 (3) early identification and prompt placement of  
25 eligible participants in the program;

26 (4) access to a continuum of alcohol, controlled  
27 substance, mental health, and other related treatment and

1 rehabilitative services;

2 (5) careful monitoring of treatment and services  
3 provided to program participants;

4 (6) a coordinated strategy to govern program responses  
5 to participants' compliance;

6 (7) ongoing judicial interaction with program  
7 participants;

8 (8) monitoring and evaluation of program goals and  
9 effectiveness;

10 (9) continuing interdisciplinary education to promote  
11 effective program planning, implementation, and operations; and

12 (10) development of partnerships with public agencies  
13 and community organizations, including the United States  
14 Department of Veterans Affairs.

15 (b) If a defendant who was arrested for or charged with, but  
16 not convicted of or placed on deferred adjudication community  
17 supervision for, an offense successfully completes a veterans  
18 treatment court program [as authorized under Section 76.011], after  
19 notice to the attorney representing the state and a hearing in the  
20 veterans treatment court at which that court determines that a  
21 dismissal is in the best interest of justice, the veterans  
22 treatment court shall provide its findings with respect to the  
23 dismissal to the court in which the criminal case is pending and  
24 shall include, for a defendant entitled to expunction, all of the  
25 information required for a petition under Section 2(b), Article  
26 55.02, Code of Criminal Procedure. If the veterans treatment court  
27 determines that a dismissal is in the best interest of justice for a

1 program participant, the court in which the criminal case is  
2 pending shall dismiss the case [~~criminal action~~] against the  
3 participant. For a participant who is entitled to an automatic  
4 order of expunction under Section 1a(a-1), Article 55.02, Code of  
5 Criminal Procedure, the court in which the criminal case is pending  
6 shall:

7           (1) enter the order on behalf of the participant, if  
8 that court is a district court; or

9           (2) if that court is not a district court, forward the  
10 appropriate dismissal and expunction information to a district  
11 court with jurisdiction to enter the order on behalf of the  
12 participant [~~defendant~~].

13           (c) Regardless of whether the defendant was convicted of the  
14 offense for which the defendant entered the veterans treatment  
15 court program or whether the applicable court with jurisdiction  
16 over the criminal case deferred further proceedings without  
17 entering an adjudication of guilt, if a defendant successfully  
18 completes a veterans treatment court program and the case was not  
19 dismissed under Subsection (b), after notice to the state and a  
20 hearing on whether the defendant is otherwise entitled to the  
21 petition and whether issuance of the order is in the best interest  
22 of justice, the court shall enter an order of nondisclosure under  
23 Section 411.081 as if the defendant had received a discharge and  
24 dismissal under Section 5(c), Article 42.12, Code of Criminal  
25 Procedure, with respect to all records and files related to the  
26 defendant's arrest for the offense for which the defendant entered  
27 the program if the defendant entered the program based on an offense

1 punishable as a misdemeanor and:

2           (1) has not been previously convicted of an offense  
3 listed in Section 3g, Article 42.12, Code of Criminal Procedure, or  
4 a sexually violent offense, as defined by Article 62.001, Code of  
5 Criminal Procedure; and

6           (2) is not convicted for any felony offense between  
7 the date on which the defendant successfully completed the program  
8 and the second anniversary of that date.

9           (d) Notwithstanding Subsection (c), a defendant is not  
10 entitled to petition the court for an order of nondisclosure  
11 following successful completion of a veterans treatment court  
12 program if the defendant's entry into the program arose as the  
13 result of a conviction for an offense involving the operation of a  
14 motor vehicle while intoxicated and it was shown on the trial of the  
15 offense that the defendant's operation of a motor vehicle while  
16 intoxicated caused bodily injury to another. In this subsection,  
17 "bodily injury" has the meaning assigned by Section 1.07, Penal  
18 Code.

19           SECTION 9. Effective September 1, 2015, Section 124.002,  
20 Government Code, is amended to read as follows:

21           Sec. 124.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

22           (a) The commissioners court of a county may establish a veterans  
23 treatment court program for persons arrested for, ~~or~~ charged  
24 with, convicted of, or placed on deferred adjudication community  
25 supervision for any misdemeanor or felony offense. A defendant is  
26 eligible to participate in a veterans treatment court program  
27 established under this chapter only if the attorney representing

1 the state consents to the defendant's participation in the program  
2 and if the court in which the criminal case is pending or in which  
3 the defendant was convicted or placed on deferred adjudication  
4 community supervision, as applicable, finds that:

5           (1) the defendant:

6           (A) ~~[(1)]~~ is a veteran or current member of the  
7 United States armed forces, including a member of the reserves,  
8 national guard, or state guard; and

9           (B) ~~[(2)]~~ suffers from a brain injury, mental  
10 illness, or mental disorder, including post-traumatic stress  
11 disorder, or was a victim of military sexual trauma if the injury,  
12 illness, disorder, or trauma [that]:

13           (i) occurred during or ~~[(A)]~~ resulted from  
14 the defendant's military service ~~[in a combat zone or other similar~~  
15 ~~hazardous duty area]~~; and

16           (ii) ~~[(B) materially]~~ affected the  
17 defendant's criminal conduct at issue in the case; or

18           (2) considering the circumstances of the defendant's  
19 conduct, personal and social background, and criminal history, the  
20 defendant's participation in a veterans treatment court program is  
21 likely to achieve the objective of ensuring public safety through  
22 rehabilitation of the veteran in the manner provided by Section  
23 1.02(1), Penal Code.

24           (b) The court in which the criminal case is pending shall  
25 allow an eligible defendant to choose whether to proceed through  
26 the veterans treatment court program or otherwise through the  
27 criminal justice system.



1 (c) Proof of matters described by Subsection (a) may be  
2 submitted to the applicable criminal court [~~in which the criminal~~  
3 ~~case is pending~~] in any form the court determines to be appropriate,  
4 including military service and medical records, previous  
5 determinations of a disability by a veteran's organization or by  
6 the United States Department of Veterans Affairs, testimony or  
7 affidavits of other veterans or service members, and prior  
8 determinations of eligibility for benefits by any state or county  
9 veterans office. The court's findings must accompany any docketed  
10 case.

11 (d) In this section, "military sexual trauma" means any  
12 sexual assault or sexual harassment that occurs while the victim is  
13 a member of the United States armed forces performing the person's  
14 regular duties.

15 SECTION 10. Effective September 1, 2015, the heading to  
16 Section 124.003, Government Code, is amended to read as follows:

17 Sec. 124.003. DUTIES OF VETERANS TREATMENT COURT PROGRAM.

18 SECTION 11. Effective September 1, 2015, Section 124.003,  
19 Government Code, is amended by amending Subsections (a) and (b) and  
20 adding Subsection (b-1) to read as follows:

21 (a) A veterans treatment court program established under  
22 this chapter must:

23 (1) if there has not yet been a disposition in the  
24 criminal case, ensure that a person eligible for the program is  
25 provided legal counsel before volunteering to proceed through the  
26 program and while participating in the program;

27 (2) allow a participant arrested for or charged with

1 an offense to withdraw from the program at any time before a trial  
2 on the merits has been initiated;

3 (3) provide a participant with a court-ordered  
4 individualized treatment plan indicating the services that will be  
5 provided to the participant; and

6 (4) ensure that the jurisdiction of the veterans  
7 treatment court continues for a period of not less than six months  
8 but does not continue beyond the period of community supervision  
9 for the offense charged.

10 (b) A veterans treatment court program established under  
11 this chapter shall make, establish, and publish local procedures to  
12 ensure maximum participation of eligible defendants in the county  
13 or counties in which those defendants reside.

14 (b-1) A veterans treatment court program may allow a  
15 participant to comply with the participant's court-ordered  
16 individualized treatment plan or to fulfill certain other court  
17 obligations through the use of videoconferencing software or other  
18 Internet-based communications.

19 SECTION 12. Effective September 1, 2015, Section 124.004,  
20 Government Code, is amended to read as follows:

21 Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The  
22 commissioners courts of two or more counties may elect to establish  
23 a regional veterans treatment court program under this chapter for  
24 the participating counties.

25 (b) For purposes of this chapter, each county that elects to  
26 establish a regional veterans treatment court program under this  
27 section is considered to have established the program and is

1 entitled to retain fees under Article 102.0178, Code of Criminal  
2 Procedure, in the same manner as if the county had established a  
3 veterans treatment court program without participating in a  
4 regional program.

5 SECTION 13. Effective September 1, 2015, Section  
6 124.005(a), Government Code, is amended to read as follows:

7 (a) A veterans treatment court program established under  
8 this chapter may collect from a participant in the program:

9 (1) a reasonable program fee not to exceed \$500  
10 [~~\$1,000~~]; and

11 (2) a testing, counseling, and treatment fee in an  
12 amount necessary to cover the costs of any testing, counseling, or  
13 treatment performed or provided under the program.

14 SECTION 14. Effective September 1, 2015, Chapter 124,  
15 Government Code, is amended by adding Section 124.006 to read as  
16 follows:

17 Sec. 124.006. COURTESY SUPERVISION. (a) A veterans  
18 treatment court program that accepts placement of a defendant may  
19 transfer responsibility for supervising the defendant's  
20 participation in the program to another veterans treatment court  
21 program that is located in the county where the defendant works or  
22 resides. The defendant's supervision may be transferred under this  
23 section only with the consent of both veterans treatment court  
24 programs and the defendant.

25 (b) A defendant that consents to the transfer of the  
26 defendant's supervision must agree to abide by all rules,  
27 requirements, and instructions of the veterans treatment court

1 program that accepts the transfer.

2 (c) If a defendant whose supervision is transferred under  
3 this section does not successfully complete the program, the  
4 veterans treatment court program supervising the defendant shall  
5 return the responsibility for the defendant's supervision to the  
6 veterans treatment court program that initiated the transfer.

7 (d) If a defendant is charged with an offense in a county  
8 that does not operate a veterans treatment court program, the court  
9 in which the criminal case is pending may place the defendant in a  
10 veterans treatment court program located in the county where the  
11 defendant works or resides, provided that a program is operated in  
12 that county and the defendant agrees to the placement. A defendant  
13 placed in a veterans treatment court program in accordance with  
14 this subsection must agree to abide by all rules, requirements, and  
15 instructions of the program.

16 SECTION 15. Effective September 1, 2015, Section  
17 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B.  
18 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular  
19 Session, 2013, is reenacted and amended to read as follows:

20 (2) "Specialty court" means:

21 (A) a prostitution prevention program  
22 established under Chapter 169A, Health and Safety Code;

23 (B) a family drug court program established under  
24 Chapter 122 or former law;

25 (C) ~~[(B)]~~ a drug court program established under  
26 Chapter 123 or former law;

27 (D) ~~[(C)]~~ a veterans treatment court program

1 established under Chapter 124 or former law; and

2                   (E) [~~(D)~~] a mental health court program  
3 established under Chapter 125 or former law.

4           SECTION 16. Chapter 772, Government Code, is amended by  
5 adding Section 772.0072 to read as follows:

6           Sec. 772.0072. GRANT PROGRAM FOR MONITORING DEFENDANTS AND  
7 VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

8                   (1) "Criminal justice division" means the criminal  
9 justice division established under Section 772.006.

10                  (2) "Family violence" has the meaning assigned by  
11 Section 71.004, Family Code.

12                  (b) If funds are appropriated for the purposes of this  
13 section, the criminal justice division, in consultation with the  
14 Texas Council on Family Violence, shall establish and administer a  
15 grant program to reimburse counties for all or part of the costs  
16 incurred by counties as a result of monitoring in cases involving  
17 family violence defendants and victims who participate in a global  
18 positioning monitoring system under Article 17.292 or 17.49, Code  
19 of Criminal Procedure.

20                  (c) The criminal justice division, in consultation with the  
21 Texas Council on Family Violence, shall establish:

22                          (1) additional eligibility criteria for grant  
23 applicants;

24                          (2) grant application procedures;

25                          (3) guidelines relating to grant amounts;

26                          (4) procedures for evaluating grant applications; and

27                          (5) procedures for monitoring the use of a grant

1 awarded under the program and ensuring compliance with any  
2 conditions of a grant.

3 (d) The criminal justice division shall include in the  
4 biennial report required by Section 772.006(a)(9) a detailed  
5 reporting of the results and performance of the grant program  
6 administered under this section.

7 (e) The criminal justice division may use all revenue  
8 available for purposes of this section other than funding received  
9 under the Victims of Crime Act of 1984 (Title II,  
10 Pub. L. No. 98-473), the Violence Against Women Act of 1994 (Title  
11 IV, Pub. L. No. 103-322), or the Violence Against Women Act of 2000  
12 (Division B, Pub. L. No. 106-386).

13 SECTION 17. Section 81.008, Health and Safety Code, as  
14 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
15 2015, is amended to read as follows:

16 Sec. 81.008. COMMUNICABLE DISEASE IN ANIMALS; EXCHANGE OF  
17 INFORMATION. (a) If the department or a local health authority  
18 has reasonable cause to believe that an animal has been infected  
19 with, has been exposed to, or is the carrier of a communicable  
20 disease, the department, local health authority, or Texas Animal  
21 Health Commission may obtain a sample of the animal's blood or other  
22 bodily fluid to perform a test for an infectious disease without:

23 (1) the permission of the animal's owner; or

24 (2) a control order under Section 81.084.

25 (b) The Texas Animal Health Commission and the Texas A&M  
26 [University] Veterinary Medical Diagnostic Laboratory shall each  
27 adopt by rule a memorandum of understanding, adopted also by rule by

1 the executive commissioner, governing the exchange of information  
2 on communicable diseases in animals between the department and  
3 those entities.

4 SECTION 18. Section 81.046, Health and Safety Code, is  
5 amended by amending Subsection (b) and adding Subsection (f-1) to  
6 read as follows:

7 (b) Reports, records, and information relating to cases or  
8 suspected cases of diseases or health conditions are not public  
9 information under Chapter 552, Government Code, and may not be  
10 released or made public on subpoena or otherwise except as provided  
11 by Subsections (c), (d), ~~[and]~~ (f), and (f-1).

12 (f-1) The department may release to a first responder, as  
13 defined by Section 421.095, Government Code, or a local health  
14 authority a person's name and the address of the person's current  
15 location if:

16 (1) the department reasonably believes that the person  
17 is infected with, has been exposed to, or is the carrier of a  
18 communicable disease; and

19 (2) the communicable disease poses a serious health  
20 risk to first responders that do not wear the appropriate personal  
21 protective equipment.

22 SECTION 19. Section 81.083, Health and Safety Code, is  
23 amended by amending Subsections (a), (b), and (e) and adding  
24 Subsection (d-1) to read as follows:

25 (a) Any person, including a physician, who examines or  
26 treats an individual who has a communicable disease, or the  
27 department or a local health authority, shall instruct the

1 individual about:

2 (1) measures for preventing reinfection and spread of  
3 the disease; and

4 (2) the necessity for treatment until the individual  
5 is cured or free from the infection.

6 (b) If the department or a health authority has reasonable  
7 cause to believe that an individual is infected [~~ill~~] with, has been  
8 exposed to, or is the carrier of a communicable disease, the  
9 department or health authority may order the individual, or the  
10 individual's parent, legal guardian, or managing conservator if the  
11 individual is a minor, to implement control measures that are  
12 reasonable and necessary to prevent the introduction,  
13 transmission, and spread of the disease in this state. The order  
14 may require the individual to remain in a health care facility or  
15 other location, including the individual's home.

16 (d-1) A peace officer, including a sheriff or constable, may  
17 use reasonable force to:

18 (1) secure an individual subject to an order issued  
19 under Subsection (b); and

20 (2) except as directed by the department or the health  
21 authority, prevent the individual from leaving the facility or  
22 other location designated in the order.

23 (e) An individual may be subject to emergency detention  
24 under Section 81.0891 or court orders under Subchapter G if the  
25 individual is infected with, has been exposed to, or is the carrier  
26 of or is reasonably suspected of being infected with, having been  
27 exposed to, or being the carrier of a communicable disease that



1 presents an immediate threat to the public health and:

2 (1) the individual, or the individual's parent, legal  
3 guardian, or managing conservator if the individual is a minor,  
4 does not comply with the written orders of the department or a  
5 health authority under this section; or

6 (2) a public health disaster exists, regardless of  
7 whether the department or health authority has issued a written  
8 order and the individual has indicated that the individual will not  
9 voluntarily comply with control measures.

10 SECTION 20. Section 81.084(j), Health and Safety Code, is  
11 amended to read as follows:

12 (j) In this section, "property" means:

13 (1) an object;

14 (2) a parcel of land; ~~[or]~~

15 (3) an animal; or

16 (4) a structure[~~, animal,~~] or other property on a  
17 parcel of land.

18 SECTION 21. Sections 81.086(b), (c), and (i), Health and  
19 Safety Code, are amended to read as follows:

20 (b) If the department or health authority has reasonable  
21 cause to believe that a carrier or conveyance has departed from or  
22 traveled through an area infected or contaminated with a  
23 communicable disease or that an individual transported by the  
24 carrier or conveyance is infected with, has been exposed to, or is  
25 the carrier of a communicable disease, the department or health  
26 authority may order the owner, operator, or authorized agent in  
27 control of the carrier or conveyance to:

1           (1) stop the carrier or conveyance at a port of entry  
2 or place of first landing or first arrival in this state; and

3           (2) provide information on passengers and cargo  
4 manifests that includes the details of:

5                 (A) any illness suspected of being communicable  
6 that occurred during the journey;

7                 (B) any condition on board the carrier or  
8 conveyance during the journey that may lead to the spread of  
9 disease; and

10                (C) any control measures imposed on the carrier  
11 or conveyance, its passengers or crew, or its cargo or any other  
12 object on board during the journey.

13           (c) The department or health authority may impose necessary  
14 technically feasible control measures under Section 81.083 or  
15 81.084 to prevent the introduction and spread of communicable  
16 disease in this state if the department or health authority, after  
17 inspection, has reasonable cause to believe that a carrier or  
18 conveyance:

19                (1) ~~[that]~~ has departed from or traveled through an  
20 infected or contaminated area and:

21                        (A) ~~[+1+]~~ is or may be infected or contaminated  
22 with a communicable disease; or

23                        (B) ~~[+2+]~~ has cargo or an object on board that is  
24 or may be infected or contaminated with a communicable disease; or

25                (2) ~~[+3+]~~ has an individual on board who is infected  
26 with, has been exposed to, or is the carrier of~~[7]~~ a communicable  
27 disease.

1           (i) The department or health authority may require an  
2 individual transported by carrier or conveyance who the department  
3 or health authority has reasonable cause to believe is infected  
4 with, has been exposed to, or is the carrier of a communicable  
5 disease to be isolated from other travelers and to disembark with  
6 the individual's personal effects and baggage at the first location  
7 equipped with adequate investigative and disease control  
8 facilities, whether the person is in transit through this state or  
9 to an intermediate or ultimate destination in this state. The  
10 department or health authority may investigate and, if necessary,  
11 isolate or involuntarily hospitalize the individual until the  
12 department or health authority approves the discharge as authorized  
13 by Section 81.083.

14           SECTION 22. Subchapter E, Chapter 81, Health and Safety  
15 Code, is amended by adding Sections 81.0891, 81.0892, 81.0893,  
16 81.0894, and 81.0895 to read as follows:

17           Sec. 81.0891. EMERGENCY DETENTION OF INDIVIDUAL SUBJECT TO  
18 CONTROL ORDER. (a) A peace officer, without a warrant, may take an  
19 individual into custody if the officer has reason to believe and  
20 does believe that:

21                   (1) the individual is subject to a written control  
22 order under Section 81.083 issued in response to a communicable  
23 disease that the commissioner of state health services has  
24 determined poses a serious and imminent risk to health and safety  
25 because the disease:

26                           (A) has resulted or is likely to result in severe  
27 or life-threatening illness or death for those infected with the

1 disease; and

2                   (B) is not contained by current public health and  
3 medical interventions and is resulting in a high rate of morbidity  
4 or mortality;

5                   (2) the individual, or the individual's parent, legal  
6 guardian, or managing conservator if the individual is a minor, is  
7 not complying with or does not intend to comply with the control  
8 order; and

9                   (3) there is a substantial risk of serious harm to  
10 others unless the individual is immediately detained.

11                   (b) A substantial risk of serious harm to others under  
12 Subsection (a)(3) may be demonstrated by:

13                   (1) a violation of a control order issued in response  
14 to a communicable disease described by Subsection (a)(1) by the  
15 individual or, if the individual is a minor, the individual's  
16 parent, legal guardian, or managing conservator;

17                   (2) evidence of signs or symptoms of illness  
18 consistent with the signs or symptoms of a communicable disease  
19 described by Subsection (a)(1), to the extent that the person  
20 cannot remain at liberty; or

21                   (3) information provided to the peace officer by the  
22 local health authority that issued the control order or the  
23 department.

24                   (c) The peace officer may form the belief that the  
25 individual may be subject to emergency detention under this  
26 section:

27                   (1) on information and belief from the local health

1 authority that issued the control order or the department; or

2 (2) on the basis of the condition of the individual or  
3 the circumstances under which the individual is found.

4 (d) A peace officer who takes an individual into custody  
5 under Subsection (a) shall immediately transport or, if the  
6 individual's suspected illness may pose a serious health risk to  
7 the peace officer, arrange for transportation of the individual to:

8 (1) the nearest appropriate health facility, as  
9 determined by the department; or

10 (2) a location considered suitable by the department  
11 or local health authority, including the individual's home.

12 (e) In determining whether a health facility or location is  
13 appropriate for detention of a particular individual under  
14 Subsection (d), the department or local health authority shall, to  
15 the extent possible while still protecting the public health,  
16 attempt to keep family units together.

17 (f) In determining whether a health facility is appropriate  
18 for the detention of a person under Subsection (d)(1), the  
19 department shall consider the facility's capacity and resources and  
20 whether the facility is designated as a facility for containment  
21 and treatment of communicable diseases.

22 (g) A peace officer who takes an individual into custody  
23 under Subsection (a) shall immediately inform the individual orally  
24 in simple, nontechnical terms:

25 (1) of the reason for the detention;

26 (2) of the individual's rights under Section 81.0895;

27 and

1           (3) that a staff member of the health facility, or the  
2 department or local health authority if the individual is detained  
3 at a location under Subsection (d)(2), will inform the individual  
4 of the individual's rights under Section 81.0895 not later than 24  
5 hours after the time the individual is admitted to the facility or  
6 detained at the other location, as applicable.

7           Sec. 81.0892. PEACE OFFICER'S NOTIFICATION OF DETENTION.

8           (a) A peace officer shall immediately file with a health facility,  
9 or the local health authority or the department if the individual is  
10 detained at a location under Section 81.0891(d)(2), a notification  
11 of detention after transporting an individual to that facility or  
12 location under Section 81.0891.

13           (b) The notification of detention must contain:

14                   (1) a statement that the officer has reason to believe  
15 and does believe that:

16                           (A) the individual is the subject of a  
17 communicable disease control order under Section 81.083 in response  
18 to a communicable disease described by Section 81.0891(a)(1);

19                           (B) the individual, or the individual's parent,  
20 legal guardian, or managing conservator if the individual is a  
21 minor, is not complying with or does not intend to comply with the  
22 control order;

23                           (C) the individual evidences a substantial risk  
24 of serious harm to others; and

25                           (D) the risk of harm is imminent unless the  
26 person is immediately detained;

27                   (2) a statement that the officer's beliefs are based on

1 specific recent behavior, overt acts, attempts, statements, or  
2 threats that were observed by or reliably reported to the officer;  
3 and

4 (3) a detailed description of the specific behavior,  
5 overt acts, attempts, statements, or threats and, if applicable,  
6 the name of the person who reported or observed the behavior, acts,  
7 attempts, statements, or threats.

8 (c) If the individual is detained at a health facility under  
9 Section 81.0891(d)(1), the facility in which the individual is  
10 detained shall include in the detained individual's file the  
11 notification of detention described by this section.

12 (d) The peace officer shall give the notification of  
13 detention on the following form:

14 Notification--Communicable Disease Emergency Detention

15 NO. \_\_\_\_\_

16 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

17 THE STATE OF TEXAS

18 FOR THE BEST INTEREST AND PROTECTION OF:

19 \_\_\_\_\_

20 NOTIFICATION OF COMMUNICABLE DISEASE EMERGENCY DETENTION

21 Now comes \_\_\_\_\_, a peace officer with  
22 (name of agency) \_\_\_\_\_, of the State of  
23 Texas, and states as follows:

24 1. I have reason to believe and do believe that (name of individual  
25 to be detained) \_\_\_\_\_ is the subject of a  
26 control order under Section 81.083, Health and Safety Code, issued  
27 in response to a communicable disease determined by the

1 commissioner of state health services to pose a serious and  
2 imminent risk to health and safety.

3 2. I have reason to believe and do believe that the above-named  
4 individual (or, if applicable, the minor individual's parent, legal  
5 guardian, or managing conservator) is not complying with or does  
6 not intend to comply with the control order based on the following:

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_

11 3. I have reason to believe and do believe that the above-named  
12 individual evidences a substantial risk of serious harm to others  
13 based on the following:

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 4. I have reason to believe and do believe that the risk of harm is  
19 imminent unless the above-named individual is immediately  
20 detained.

21 5. My beliefs are based on the following recent behavior, overt  
22 acts, attempts, statements, or threats observed by me or reliably  
23 reported to me:

24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_



1 6. The names and addresses of those persons who reported or  
2 observed recent behavior, overt acts, attempts, statements, or  
3 threats of the above-named person are (if applicable):

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

8 For the above reasons, I present this notification to (name of  
9 health facility or local health authority or department)  
10 \_\_\_\_\_ for the detention of (name of individual  
11 to be detained) \_\_\_\_\_.

12 7. Was the individual restrained in any way? Yes ☐ No ☐

13 \_\_\_\_\_ BADGE NO. \_\_\_\_\_

14 PEACE OFFICER'S SIGNATURE

15 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

16 Telephone: \_\_\_\_\_

17 (e) A health facility, local health authority, or the  
18 department may not require a peace officer to execute any form other  
19 than the form provided by Subsection (d) as a condition of accepting  
20 for temporary admission an individual detained under Section  
21 81.0891.

22 Sec. 81.0893. ACCEPTANCE OF PERSON. A health facility  
23 shall temporarily accept an individual for whom a peace officer  
24 files a notification of detention under Section 81.0892(a).

25 Sec. 81.0894. RELEASE FROM DETENTION. (a) An individual  
26 detained under Section 81.0891 may be detained in custody for not  
27 longer than 48 hours after the time the individual is presented to

1 the health facility or location unless a written order for further  
2 custody or detention is obtained under Subchapter G.

3 (b) If the 48-hour period ends on a Saturday, Sunday, legal  
4 holiday, or before 4 p.m. on the first succeeding business day, the  
5 individual may be detained until 4 p.m. on the first succeeding  
6 business day. If the 48-hour period ends at a different time, the  
7 individual may be detained only until 4 p.m. on the day the 48-hour  
8 period ends.

9 (c) If extremely hazardous weather conditions exist or a  
10 disaster occurs, the presiding judge or magistrate may, by written  
11 order made each day, extend by an additional 24 hours the period  
12 during which the individual may be detained. The written order must  
13 declare that an emergency exists because of the weather or the  
14 occurrence of a disaster.

15 Sec. 81.0895. RIGHTS OF INDIVIDUALS DETAINED. (a) An  
16 individual subject to emergency detention under Section 81.0891 has  
17 the right:

18 (1) to be advised of the location of detention, the  
19 reasons for the detention, and the fact that the detention could  
20 result in a longer period of court-ordered management;

21 (2) to a reasonable opportunity to communicate with  
22 and retain an attorney;

23 (3) to be released from a health facility as provided  
24 by Section 81.0894;

25 (4) to be advised that communications with a health  
26 professional, local health authority, or the department may be used  
27 in proceedings for further detention; and

1           (5) to a reasonable opportunity to communicate with a  
2 relative or other responsible person who has a proper interest in  
3 the individual's welfare.

4           (b) An individual detained under Section 81.0891 must:

5           (1) immediately be informed, orally in simple,  
6 nontechnical terms, of the individual's rights under this section  
7 by the peace officer at the time the peace officer takes the  
8 individual into custody under Section 81.0891; and

9           (2) not later than 24 hours after the time the  
10 individual is admitted to a health facility or detained in another  
11 location, as applicable, be informed of the rights provided by this  
12 section and this subchapter:

13           (A) orally in simple, nontechnical terms and in  
14 writing in the person's primary language, if possible; or

15           (B) through the use of a means reasonably  
16 calculated to communicate with a hearing or visually impaired  
17 individual, if applicable.

18           (c) The executive commissioner of the Health and Human  
19 Services Commission by rule shall prescribe the manner in which the  
20 individual is informed of the individual's rights under this  
21 subchapter.

22           SECTION 23. The heading to Subchapter G, Chapter 81, Health  
23 and Safety Code, is amended to read as follows:

24           SUBCHAPTER G. COURT ORDERS FOR MANAGEMENT OF PERSONS WHO ARE  
25 INFECTED WITH, EXPOSED TO, OR CARRIERS OF COMMUNICABLE DISEASES

26           SECTION 24. Section 81.151(e), Health and Safety Code, is  
27 amended to read as follows:

1 (e) A single application may be filed for a group if:

2 (1) the department or health authority reasonably  
3 suspects that a group of five or more persons are infected with,  
4 have been [~~has been~~] exposed to, or are carriers of [~~infected with~~]  
5 a communicable disease; and

6 (2) each person in the group meets the criteria of this  
7 chapter for court orders for the management of a person who is  
8 infected with, has been exposed to, or is a carrier of a  
9 communicable disease.

10 SECTION 25. Section 81.1511, Health and Safety Code, is  
11 amended to read as follows:

12 Sec. 81.1511. APPLICABILITY OF SUBCHAPTER TO GROUP. To the  
13 extent possible, and except as otherwise provided, if a group  
14 application is filed under Section 81.151(e), the provisions of  
15 this subchapter apply to the group in the same manner as they apply  
16 to an individual, except that:

17 (1) except as provided by Subdivision (2), any  
18 statement or determination regarding the condition [~~conduct~~] or  
19 status of a person must be made in regard to the majority of the  
20 members of the group;

21 (2) any finding or statement related to compliance  
22 with orders under Section 81.083 must be made for the entire group;

23 (3) any notice required to be provided to a person  
24 must:

25 (A) in addition to being sent to each individual  
26 in the group for whom the department or health authority has an  
27 address, be published in a newspaper of general circulation in the

1 county that includes the area of the suspected contamination and  
2 any other county in which the department or health authority  
3 suspects a member of the group resides;

4 (B) state that the group is appointed an attorney  
5 but that a member of the group is entitled to the member's own  
6 attorney on request; and

7 (C) include instructions for any person who  
8 reasonably suspects that the person was at the place of the  
9 suspected exposure at the time of the suspected exposure to provide  
10 the person's name, address, and county of residence to the  
11 department or health authority; and

12 (4) an affidavit of medical evaluation for the group  
13 may be based on evaluation of one or more members of the group if the  
14 physician reasonably believes that the condition of the individual  
15 or individuals represents the condition of the majority of the  
16 members of the group.

17 SECTION 26. Section 81.152, Health and Safety Code, is  
18 amended to read as follows:

19 Sec. 81.152. FORM OF APPLICATION. (a) An application for  
20 a court order for the management of a person who is infected with,  
21 has been exposed to, or is a carrier of a communicable disease must  
22 be styled using the person's initials and not the person's full  
23 name.

24 (b) The application must state whether the application is  
25 for temporary or extended management of a person who is infected  
26 with, has been exposed to, or is a carrier of a communicable  
27 disease.

1 (c) Any application must contain the following information  
2 according to the applicant's information and belief:

3 (1) the person's name and address;

4 (2) the person's county of residence in this state;

5 (3) a statement that the person is infected with, has  
6 been exposed to, or is the carrier of or is reasonably suspected of  
7 being infected with, having been exposed to, or being the carrier of  
8 a communicable disease that presents a threat to public health and  
9 that the person meets the criteria of this chapter for court orders  
10 for the management of a person with a communicable disease; and

11 (4) a statement, to be included only in an application  
12 for inpatient treatment, that the person fails or refuses to comply  
13 with written orders of the department or health authority under  
14 Section 81.083, if applicable.

15 (d) A group application must contain the following  
16 information according to the applicant's information and belief:

17 (1) a description of the group and the location where  
18 the members of the group may be found;

19 (2) a narrative of how the members of the group have  
20 become infected with, were [~~has been~~] exposed to, or became  
21 carriers of the communicable disease [~~infected~~];

22 (3) an estimate of how many persons are included in the  
23 group;

24 (4) to the extent known, a list containing the name,  
25 address, and county of residence in this state of each member of the  
26 group;

27 (5) if the applicant is unable to obtain the name and

1 address of each member of the group:

2 (A) a statement that the applicant has sought  
3 each of the unknown names and addresses; and

4 (B) the reason that the names and addresses are  
5 unavailable; and

6 (6) a statement, to be included only in an application  
7 for inpatient treatment, that the members of the group fail or  
8 refuse to comply with written orders of the department or health  
9 authority under Section 81.083, if applicable.

10 SECTION 27. Section 81.153(a), Health and Safety Code, is  
11 amended to read as follows:

12 (a) The judge shall appoint an attorney to represent a  
13 person not later than the 24th hour after the time an application  
14 for a court order for the management of a person who is infected  
15 with, has been exposed to, or is the carrier of a communicable  
16 disease is filed if the person does not have an attorney. The judge  
17 shall also appoint a language or sign interpreter if necessary to  
18 ensure effective communication with the attorney in the person's  
19 primary language.

20 SECTION 28. Section 81.158(a), Health and Safety Code, is  
21 amended to read as follows:

22 (a) An affidavit of medical evaluation must be dated and  
23 signed by the commissioner or the commissioner's designee, or by a  
24 health authority with the concurrence of the commissioner or the  
25 commissioner's designee. The certificate must include:

26 (1) the name and address of the examining physician,  
27 if applicable;

1           (2) the name and address of the person examined or to  
2 be examined;

3           (3) the date and place of the examination, if  
4 applicable;

5           (4) a brief diagnosis of the examined person's  
6 physical and mental condition, if applicable;

7           (5) the period, if any, during which the examined  
8 person has been under the care of the examining physician;

9           (6) an accurate description of the health treatment,  
10 if any, given by or administered under the direction of the  
11 examining physician; and

12           (7) the opinion of the health authority or department  
13 and the reason for that opinion, including laboratory reports,  
14 that:

15                   (A) the examined person is infected with, has  
16 been exposed to, or is the carrier of or is reasonably suspected of  
17 being infected with, having been exposed to, or being the carrier of  
18 a communicable disease that presents a threat to public health; and

19                   (B) as a result of that communicable disease the  
20 examined person:

21                           (i) is likely to cause serious harm to self  
22 [~~himself~~]; or

23                           (ii) will, if not examined, observed, or  
24 treated, continue to endanger public health.

25       SECTION 29. Section 81.159(a), Health and Safety Code, as  
26 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
27 2015, is amended to read as follows:



1 (a) The commissioner shall designate health care facilities  
2 throughout the state that are capable of providing services for the  
3 examination, observation, isolation, or treatment of persons  
4 having or suspected of being infected with, having been exposed to,  
5 or being a carrier of ~~[having]~~ a communicable disease. However, the  
6 commissioner may not designate:

7 (1) a nursing facility or custodial care home required  
8 to be licensed under Chapter 242; or

9 (2) an ICF-IID required to be licensed under Chapter  
10 252.

11 SECTION 30. Sections 81.161(a) and (c), Health and Safety  
12 Code, are amended to read as follows:

13 (a) A motion for an order of protective custody may be filed  
14 only in the court in which an application for a court order for the  
15 management of a person who is infected with, has been exposed to, or  
16 is the carrier of a communicable disease is pending.

17 (c) The motion must state that:

18 (1) the department or health authority has reason to  
19 believe and does believe that the person meets the criteria  
20 authorizing the court to order protective custody; and

21 (2) the belief is derived from:

22 (A) the representations of a credible person;

23 (B) the condition ~~[conduct]~~ of the person who is  
24 the subject of the motion; or

25 (C) the circumstances under which the person is  
26 found.

27 SECTION 31. Sections 81.162(a) and (f), Health and Safety

1 Code, are amended to read as follows:

2 (a) The judge or designated magistrate may issue a  
3 protective custody order if the judge or magistrate determines:

4 (1) that the health authority or department has stated  
5 its opinion and the detailed basis for its opinion that the person  
6 is infected with, has been exposed to, or is the carrier of or is  
7 reasonably suspected of being infected with, having been exposed  
8 to, or being the carrier of a communicable disease that presents an  
9 immediate threat to the public health; and

10 (2) that the person fails or refuses to comply with the  
11 written orders of the health authority or the department under  
12 Section 81.083, if applicable.

13 (f) Notwithstanding Section 81.161 or Subsection (c), a  
14 judge or magistrate may issue a temporary protective custody order  
15 before the filing of an application for a court order for the  
16 management of a person who is infected with, has been exposed to, or  
17 is a carrier of a communicable disease under Section 81.151 if:

18 (1) the judge or magistrate takes testimony that an  
19 application under Section 81.151, together with a motion for  
20 protective custody under Section 81.161, will be filed with the  
21 court on the next business day; and

22 (2) the judge or magistrate determines based on  
23 evidence taken under Subsection (d) that there is probable cause to  
24 believe that the person presents a substantial risk of serious harm  
25 to self [~~himself~~] or others to the extent that the person cannot be  
26 at liberty pending the filing of the application and motion.

27 SECTION 32. Section 81.165(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) A hearing must be held to determine if:

3 (1) there is probable cause to believe that a person  
4 under a protective custody order presents a substantial risk of  
5 serious harm to the person [~~himself~~] or others to the extent that  
6 the person cannot be at liberty pending the hearing on a court order  
7 for the management of a person with a communicable disease; and

8 (2) the health authority or department has stated its  
9 opinion and the detailed basis for its opinion that the person is  
10 infected with, has been exposed to, or is the carrier of or is  
11 reasonably suspected of being infected with, having been exposed  
12 to, or being the carrier of a communicable disease that presents an  
13 immediate threat to public health.

14 SECTION 33. Section 81.166(d), Health and Safety Code, as  
15 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,  
16 2015, is amended to read as follows:

17 (d) The notification of probable cause hearing shall read as  
18 follows:

19 (Style of Case)

20 NOTIFICATION OF PROBABLE CAUSE HEARING

21 On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the  
22 undersigned hearing officer heard evidence concerning the need for  
23 protective custody of \_\_\_\_\_ (hereinafter referred to as  
24 proposed patient). The proposed patient was given the opportunity  
25 to challenge the allegations that the proposed patient presents a  
26 substantial risk of serious harm to self or others.

27 The proposed patient and the proposed patient's attorney

1 \_\_\_\_\_ have been given written notice that the  
2 proposed patient was placed under an order of protective custody  
3 and the reasons for such order on \_\_\_\_\_ (date of notice).

4 I have examined the affidavit of medical evaluation and  
5 \_\_\_\_\_ (other evidence considered). Based on this  
6 evidence, I find that there is probable cause to believe that the  
7 proposed patient presents a substantial risk of serious harm to  
8 self (yes \_\_\_\_ or no \_\_\_\_ ) or others (yes \_\_\_\_ or no \_\_\_\_ ) such that  
9 the proposed patient cannot be at liberty pending final hearing  
10 because the proposed patient is infected with, has been exposed to,  
11 or is the carrier of or is reasonably suspected of being infected  
12 with, having been exposed to, or being the carrier of a communicable  
13 disease that presents an immediate threat to the public health and  
14 the proposed patient has failed or refused to comply with the orders  
15 of the health authority or the Department of State Health Services  
16 delivered on \_\_\_\_\_ (date of service) \_\_\_\_\_.

17 SECTION 34. Section 81.167(a), Health and Safety Code, is  
18 amended to read as follows:

19 (a) The head of a facility or the facility head's designee  
20 shall detain a person under a protective custody order in the  
21 facility pending a court order for the management of a person who is  
22 infected with, has been exposed to, or is a carrier of a  
23 communicable disease or until the person is released or discharged  
24 under Section 81.168.

25 SECTION 35. Section 81.168(c), Health and Safety Code, is  
26 amended to read as follows:

27 (c) The head of a facility shall discharge a person held

1 under a protective custody order if:

2 (1) the head of the facility does not receive notice  
3 within 72 hours after detention begins, excluding Saturdays,  
4 Sundays, legal holidays, the period prescribed by Section 81.165(b)  
5 for an extreme weather emergency, and the duration of a public  
6 health disaster, that a probable cause hearing was held and the  
7 person's continued detention was authorized;

8 (2) a final court order for the management of a person  
9 who is infected with, has been exposed to, or is a carrier of a  
10 communicable disease has not been entered within the time  
11 prescribed by Section 81.154; or

12 (3) the health authority or commissioner determines  
13 that the person no longer meets the criteria for protective custody  
14 prescribed by Section 81.162.

15 SECTION 36. Section 81.169(a), Health and Safety Code, is  
16 amended to read as follows:

17 (a) Except as provided by Subsection (b), the judge may hold  
18 a hearing on an application for a court order for the management of  
19 a person who is infected with, has been exposed to, or is a carrier  
20 of a communicable disease at any suitable location in the county.  
21 The hearing should be held in a physical setting that is not likely  
22 to have a harmful effect on the public or the person.

23 SECTION 37. Section 81.170(f), Health and Safety Code, is  
24 amended to read as follows:

25 (f) The jury shall determine if the person is infected with,  
26 has been exposed to, or is the carrier of or is reasonably suspected  
27 of being infected with, having been exposed to, or being the carrier

1 of a communicable disease that presents a threat to the public  
2 health and, if the application is for inpatient treatment, has  
3 refused or failed to follow the orders of the health authority. The  
4 jury may not make a finding about the type of services to be  
5 provided to the person.

6 SECTION 38. Section 81.171(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) The court shall enter an order denying an application  
9 for a court order for temporary or extended management if after a  
10 hearing the judge or jury fails to find, from clear and convincing  
11 evidence, that the person:

12 (1) is infected with, has been exposed to, or is the  
13 carrier of or is reasonably suspected of being infected with,  
14 having been exposed to, or being the carrier of a communicable  
15 disease that presents a threat to the public health;

16 (2) has refused or failed to follow the orders of the  
17 health authority if the application is for inpatient treatment; and

18 (3) meets the applicable criteria for orders for the  
19 management of a person who is infected with, has been exposed to, or  
20 is a carrier of a communicable disease.

21 SECTION 39. Section 81.172(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) The judge or jury may determine that a person requires  
24 court-ordered examination, observation, isolation, or treatment  
25 only if the judge or jury finds, from clear and convincing evidence,  
26 that:

27 (1) the person is infected with, has been exposed to,

1 or is the carrier of or is reasonably suspected of being infected  
2 with, having been exposed to, or being the carrier of a communicable  
3 disease that presents a threat to the public health and, if the  
4 application is for inpatient treatment, has failed or refused to  
5 follow the orders of the health authority or department; and

6 (2) as a result of the communicable disease the  
7 person:

8 (A) is likely to cause serious harm to self  
9 [~~himself~~]; or

10 (B) will, if not examined, observed, isolated, or  
11 treated, continue to endanger public health.

12 SECTION 40. Section 81.174(a), Health and Safety Code, is  
13 amended to read as follows:

14 (a) The judge shall dismiss the jury, if any, after a  
15 hearing in which a person is found:

16 (1) to be infected with, to have been exposed to, or to  
17 be the carrier of or to be reasonably suspected of being infected  
18 with, having been exposed to, or being a carrier of a communicable  
19 disease;

20 (2) to have failed or refused to follow the orders of a  
21 health authority or the department if the application is for  
22 inpatient treatment; and

23 (3) to meet the criteria for orders for the management  
24 of a patient who is infected with, has been exposed to, or is a  
25 carrier of a communicable disease.

26 SECTION 41. Section 81.176, Health and Safety Code, is  
27 amended to read as follows:

1       Sec. 81.176. DESIGNATION OF FACILITY. In a court order for  
2 the temporary or extended management of a person who is infected  
3 with, has been exposed to, or is a carrier of a communicable disease  
4 specifying inpatient care, the court shall commit the person to a  
5 health care facility designated by the commissioner or a health  
6 authority in accordance with Section 81.159.

7       SECTION 42. Section 81.183(b), Health and Safety Code, is  
8 amended to read as follows:

9       (b) The court shall appoint an attorney to represent the  
10 person if a hearing is scheduled. The person shall be given notice  
11 of the matters to be considered at the hearing. The notice must  
12 comply with the requirements of Section 81.155 for notice before a  
13 hearing on an application for court orders for the management of a  
14 person who is infected with, has been exposed to, or is a carrier of  
15 a communicable disease.

16       SECTION 43. Section 81.186(a), Health and Safety Code, is  
17 amended to read as follows:

18       (a) The court may modify an order for outpatient services at  
19 the modification hearing if the court determines that the person  
20 continues to meet the applicable criteria for court orders for the  
21 management of a person who is infected with, has been exposed to, or  
22 is a carrier of a communicable disease and that:

23               (1) the person has not complied with the court's order;  
24 or

25               (2) the person's condition has deteriorated to the  
26 extent that outpatient services are no longer appropriate.

27       SECTION 44. Section 81.188(a), Health and Safety Code, is



1 amended to read as follows:

2 (a) The court may set aside an order for the management of a  
3 person who is infected with, has been exposed to, or is a carrier of  
4 a communicable disease and grant a motion for rehearing for good  
5 cause shown.

6 SECTION 45. Section 81.190(d), Health and Safety Code, is  
7 amended to read as follows:

8 (d) The hearing is held before the court and without a jury.  
9 The hearing must be held in accordance with the requirements for a  
10 hearing on an application for a court order for the management of a  
11 person who is infected with, has been exposed to, or is a carrier of  
12 a communicable disease.

13 SECTION 46. Section 81.191(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) An appeal from an order for the management of a person  
16 who is infected with, has been exposed to, or is a carrier of a  
17 communicable disease, or from a renewal or modification of an  
18 order, must be filed in the court of appeals for the county in which  
19 the order is entered.

20 SECTION 47. Section 81.193(a), Health and Safety Code, is  
21 amended to read as follows:

22 (a) The head of a facility may permit a person admitted to  
23 the facility under order for extended inpatient management of a  
24 person who is infected with, has been exposed to, or is a carrier of  
25 a communicable disease to leave the facility under a pass.

26 SECTION 48. Chapter 81, Health and Safety Code, is amended  
27 by adding Subchapter J to read as follows:

1        SUBCHAPTER J. STATEWIDE INFECTIOUS DISEASE CONTROL MEASURES;

2                                PREPARATION

3        Sec. 81.401. PERSONAL PROTECTIVE EQUIPMENT. (a) In this  
4 section, "personal protective equipment" means specialized  
5 clothing or equipment worn for protection against infectious  
6 materials.

7        (b) The department shall establish a stockpile, or regional  
8 stockpiles, of personal protective equipment to support responses  
9 to infectious disease emergencies in the state, if funds are  
10 appropriated for the purposes of this section.

11        SECTION 49. Effective September 1, 2015, Section 1001.201,  
12 Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts  
13 of the 83rd Legislature, Regular Session, 2013, is amended by  
14 adding Subdivisions (4) and (5) to read as follows:

15        (4) "School district employee" means a person employed  
16 by a school district who regularly interacts with students through  
17 the course of the person's duties, including an educator, a  
18 secretary, a school bus driver, or a cafeteria worker.

19        (5) "School resource officer" has the meaning assigned  
20 by Section 1701.601, Occupations Code.

21        SECTION 50. Effective September 1, 2015, Subchapter H,  
22 Chapter 1001, Health and Safety Code, as added by Chapter 1306 (H.B.  
23 3793), Acts of the 83rd Legislature, Regular Session, 2013, is  
24 amended by adding Section 1001.2015 to read as follows:

25        Sec. 1001.2015. LIMITATION ON GRANTS. For each state  
26 fiscal year, the department may give to a local mental health  
27 authority in the form of grants under Sections 1001.202 and

1 1001.203 an amount that may not exceed the lesser of:

2 (1) three percent of the total amount appropriated to  
3 the department for making grants under those sections; or

4 (2) \$70,000.

5 SECTION 51. Effective September 1, 2015, Section  
6 1001.202(b), Health and Safety Code, as added by Chapter 1306 (H.B.  
7 3793), Acts of the 83rd Legislature, Regular Session, 2013, is  
8 amended to read as follows:

9 (b) The [~~Except as provided by Subsection (c), the~~]  
10 department shall make each grant to a local mental health authority  
11 under this section in an amount equal to \$1,000 times the number of  
12 employees or contractors of the authority whose training as mental  
13 health first aid trainers will be paid by the grant.

14 SECTION 52. Effective September 1, 2015, Sections  
15 1001.203(a) and (c), Health and Safety Code, as added by Chapter  
16 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session,  
17 2013, are amended to read as follows:

18 (a) To the extent funds are appropriated to the department  
19 for that purpose, the department shall make grants to local mental  
20 health authorities to provide an approved mental health first aid  
21 training program, administered by mental health first aid trainers,  
22 at no cost to school district employees and school resource  
23 officers [~~educators~~].

24 (c) The [~~Subject to the limit provided by Subsection (b),~~  
25 ~~out of the funds appropriated to the department for making grants~~  
26 ~~under this section, the~~] department shall grant \$100 to a local  
27 mental health authority for each school district employee or school

1 resource officer [~~educator~~] who successfully completes a mental  
2 health first aid training program provided by the authority under  
3 this section.

4 SECTION 53. Effective September 1, 2015, Subchapter H,  
5 Chapter 1001, Health and Safety Code, as added by Chapter 1306 (H.B.  
6 3793), Acts of the 83rd Legislature, Regular Session, 2013, is  
7 amended by adding Section 1001.2031 to read as follows:

8 Sec. 1001.2031. SUPPLEMENTAL GRANTS FOR TRAINING CERTAIN  
9 EDUCATORS IN MENTAL HEALTH FIRST AID. For each state fiscal year,  
10 the department may allocate any unobligated money appropriated for  
11 making grants under Sections 1001.202 and 1001.203 for supplemental  
12 grants. The department may give a supplemental grant to a local  
13 mental health authority that submits to the department a revised  
14 plan as provided under Section 1001.204 that demonstrates how the  
15 additional grant money would be used if made available to the  
16 authority.

17 SECTION 54. Effective September 1, 2015, Section  
18 1001.204(a), Health and Safety Code, as added by Chapter 1306 (H.B.  
19 3793), Acts of the 83rd Legislature, Regular Session, 2013, is  
20 amended to read as follows:

21 (a) Not later than July [~~October~~] 1 of each state fiscal  
22 year for which a local mental health authority will seek a grant  
23 from the department under Section 1001.203, the authority shall  
24 submit to the department a plan demonstrating the manner in which  
25 grants made to the authority under that section will be used:

26 (1) to train individuals in mental health first aid  
27 throughout the authority's local service area to maximize the

1 number of children who have direct contact with an individual who  
2 has successfully completed a mental health first aid training  
3 program provided by the authority;

4 (2) to meet the greatest needs of the authority's local  
5 service area, as identified by the authority; and

6 (3) to complement existing resources and not duplicate  
7 established mental health first aid training efforts.

8 SECTION 55. Effective September 1, 2015, Section 1001.205,  
9 Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts  
10 of the 83rd Legislature, Regular Session, 2013, is amended to read  
11 as follows:

12 Sec. 1001.205. REPORTS. (a) Not later than September 30  
13 ~~[July 1]~~ of each year, a local mental health authority shall provide  
14 to the department the number of:

15 (1) employees and contractors of the authority who  
16 were trained as mental health first aid trainers under Section  
17 1001.202 during the preceding fiscal year;

18 (2) educators, school district employees other than  
19 educators, and school resource officers who completed a mental  
20 health first aid training program offered by the authority under  
21 Section 1001.203 during the preceding fiscal ~~[calendar]~~ year; and

22 (3) individuals who are not school district employees  
23 or school resource officers ~~[educators]~~ who completed a mental  
24 health first aid training program offered by the authority during  
25 the preceding fiscal ~~[calendar]~~ year.

26 (b) Not later than December 1 ~~[August 1]~~ of each year, the  
27 department shall compile the information submitted by local mental

1 health authorities as required by Subsection (a) and submit a  
2 report to the legislature containing the number of:

3 (1) authority employees and contractors trained as  
4 mental health first aid trainers during the preceding fiscal year;

5 (2) educators, school district employees other than  
6 educators, and school resource officers who completed a mental  
7 health first aid training program provided by an authority during  
8 the preceding fiscal ~~[calendar]~~ year; and

9 (3) individuals who are not school district employees  
10 or school resource officers ~~[educators]~~ who completed a mental  
11 health first aid training program provided by an authority during  
12 the preceding fiscal ~~[calendar]~~ year.

13 SECTION 56. Effective January 1, 2016, Section 11.1825, Tax  
14 Code, is amended by amending Subsections (s) and (v) and adding  
15 Subsection (z) to read as follows:

16 (s) Unless otherwise provided by the governing body of a  
17 taxing unit any part of which is located in a county with a  
18 population of at least 1.8 million under Subsection (x) or as  
19 provided by Subsection (z), for property described by Subsection  
20 (f)(1), the amount of the exemption under this section from  
21 taxation is 50 percent of the appraised value of the property.

22 (v) Except as provided by Subsection (z), notwithstanding  
23 ~~[Notwithstanding]~~ any other provision of this section, an  
24 organization may not receive an exemption from taxation of property  
25 described by Subsection (f)(1) by a taxing unit any part of which is  
26 located in a county with a population of at least 1.8 million unless  
27 the exemption is approved by the governing body of the taxing unit

1 in the manner provided by law for official action.

2 (z) Notwithstanding any other provision of this section, an  
3 owner of real property described by Subsection (f)(1) or (2) is  
4 entitled to an exemption under this section from taxation of 100  
5 percent of the appraised value of the property regardless of  
6 whether the owner meets the requirements of Subsection (b) or of  
7 Subsections (c) and (d) if:

8 (1) the owner is exempt from federal income taxation  
9 under Section 501(a), Internal Revenue Code of 1986, as amended, by  
10 being listed as an exempt entity under Section 501(c)(3) of that  
11 code and the owner otherwise qualifies for an exemption for the  
12 property under this section;

13 (2) the property was previously owned by a local  
14 government corporation created by a municipality under Chapter 431,  
15 Transportation Code, or Chapter 394, Local Government Code, or a  
16 predecessor statute for purposes that include promoting,  
17 developing, encouraging, and maintaining affordable housing in a  
18 tax increment financing reinvestment zone created by the  
19 municipality under Chapter 311, Tax Code; and

20 (3) the property is located in a county with a  
21 population of at least four million.

22 SECTION 57. (a) In this section, "task force" means the Task  
23 Force to Study Population Growth in Texas established under this  
24 section.

25 (b) The Task Force to Study Population Growth in Texas is  
26 established for the purposes of assessing the effects of population  
27 growth on counties in this state relating to:

- 1 (1) housing;
- 2 (2) businesses;
- 3 (3) available land resources;
- 4 (4) the state's economy;
- 5 (5) health care services; and
- 6 (6) county jails.

7 (c) The task force is composed of the following nine  
8 members:

- 9 (1) three state or local officials appointed by the  
10 governor;
- 11 (2) three state or local officials appointed by the  
12 lieutenant governor; and
- 13 (3) three state or local officials appointed by the  
14 speaker of the house of representatives.

15 (d) The members of the task force shall elect a presiding  
16 officer from among the membership.

17 (e) The offices of the governor, lieutenant governor, and  
18 speaker of the house of representatives shall provide staff support  
19 to the task force.

20 (f) The task force shall hold public hearings to achieve the  
21 purposes described by Subsection (b) of this section.

22 (g) A member of the task force is not entitled to receive  
23 compensation for service on the task force but is entitled to  
24 reimbursement of the travel expenses incurred by the member while  
25 conducting the business of the task force.

26 (h) The task force may accept gifts and grants from any  
27 source to be used to carry out a function of the task force.



1 (i) Not later than November 1, 2016, the task force shall  
2 submit a final report to the governor, the lieutenant governor, the  
3 speaker of the house of representatives, and the appropriate  
4 standing committees of the legislature. The report shall include a  
5 summary and analysis of:

- 6 (1) hearings and studies conducted by the task force;  
7 (2) legislation proposed by the task force; and  
8 (3) other findings and recommendations made by the  
9 task force.

10 (j) Not later than December 1, 2015, the governor, the  
11 lieutenant governor, and the speaker of the house of  
12 representatives shall make the appointments to the task force as  
13 described under Subsection (c) of this section.

14 (k) The task force is abolished and this section expires  
15 August 31, 2017.

16 SECTION 58. The changes in law made by this Act in amending  
17 Chapter 55, Code of Criminal Procedure, and in amending Section  
18 124.001(b), Government Code, apply to the expunction of arrest  
19 records and files for an arrested person who successfully completes  
20 a veterans treatment court program under Chapter 124, Government  
21 Code, or former law, before, on, or after September 1, 2015,  
22 regardless of when the underlying arrest occurred.

23 SECTION 59. For a person who is arrested for a Class B or  
24 Class C misdemeanor and who is entitled to expunction under Article  
25 55.01(a)(2)(A)(ii)(a), Code of Criminal Procedure, as added by this  
26 Act, based on a successful completion of a veterans treatment court  
27 program under Chapter 124, Government Code, or former law, before

1 the effective date of this Act, notwithstanding the 30-day time  
2 limit provided for the court to enter an automatic order of  
3 expunction under Section 1a(a-1), Article 55.02, Code of Criminal  
4 Procedure, as added by this Act, the court shall enter an order of  
5 expunction for the person as soon as practicable after the court  
6 receives written notice from any party to the case about the  
7 person's entitlement to the expunction.

8         SECTION 60. The change in law made by this Act by adding  
9 Sections 124.001(c) and (d), Government Code, and amending Section  
10 124.002, Government Code, applies to a person who, on or after  
11 September 1, 2015, enters a veterans treatment court program under  
12 Chapter 124, Government Code, regardless of whether the person  
13 committed the offense for which the person enters the program  
14 before, on, or after the effective date of this Act.

15         SECTION 61. The change in law made by this Act in adding  
16 Section 124.006, Government Code, applies to a person who, on or  
17 after September 1, 2015, is under the supervision of a veterans  
18 treatment court program.

19         SECTION 62. Section 11.1825, Tax Code, as amended by this  
20 Act, applies only to ad valorem taxes imposed for a tax year  
21 beginning on or after January 1, 2016.

22         SECTION 63. Effective September 1, 2015, the following are  
23 repealed:

24                 (1) Section 21.044(c-2), Education Code;

25                 (2) Section 1001.202(c), Health and Safety Code, as  
26 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
27 Regular Session, 2013;

1           (3) Section 1001.203(b), Health and Safety Code, as  
2 added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature,  
3 Regular Session, 2013; and

4           (4) Section 250.006(b), Local Government Code.

5           SECTION 64. To the extent of any conflict, this Act prevails  
6 over another Act of the 84th Legislature, Regular Session, 2015,  
7 relating to nonsubstantive additions to and corrections in enacted  
8 codes.

9           SECTION 65. Except as otherwise provided by this Act, this  
10 Act takes effect immediately if it receives a vote of two-thirds of  
11 all the members elected to each house, as provided by Section 39,  
12 Article III, Texas Constitution. If this Act does not receive the  
13 vote necessary for immediate effect, this Act takes effect  
14 September 1, 2015.

FLOOR AMENDMENT NO. 1

BY: 

1 Amend C.S.H.B. No. 3474 (senate committee report), in  
2 SECTION 22 of the bill, by striking added Section 81.0891(c),  
3 Health and Safety Code (page 10, lines 22-28) and substituting:  
4 (c) The peace officer may form the belief that the  
5 individual may be subject to emergency detention under this  
6 section on information and belief from the local health  
7 authority that issued the control order or the department.

**ADOPTED**

MAY 27 2015

  
Secretary of the Senate

# ADOPTED

MAY 27 2015

*Letae Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: C. Schuman

1 Amend C.S.H.B. No. 3474 (senate committee report) in SECTION  
2 57 of the bill as follows:

3 (1) In added Subsection (a) (page 20, lines 59-60), strike  
4 "Task Force to Study Population Growth in Texas" and substitute  
5 "Task Force to Study Population Change and Its Effects on Texas  
6 Counties".

7 (2) In added Subsection (b) (page 20, line 62), strike "Task  
8 Force to Study Population Growth in Texas" and substitute "Task  
9 Force to Study Population Change and Its Effects on Texas  
10 Counties".

11 (3) In added Subsection (c) (page 21, line 2), strike "nine"  
12 and substitute "11".

13 (4) In added Subsection (c)(2) (page 21, line 7), strike  
14 "and".

15 (5) In added Subsection (c)(3) (page 21, line 9), strike the  
16 period and substitute "; and".

17 (6) Immediately after added Subsection (c)(3) (page 21,  
18 between lines 9 and 10), insert the following:

19 (4) one member of the senate appointed by the  
20 lieutenant governor and one member of the house of representatives  
21 appointed by the speaker of the house of representatives who shall  
22 serve as co-chairs.

23 (7) Strike added Subsection (d) (page 21, lines 10-11) and  
24 substitute the following:

25 (d) The governor may designate two members of the task force  
26 as vice chairs.

27 (8) Strike added Subsection (e) (page 21, lines 12-14) and  
28 reletter subsequent subsections of SECTION 57 of the bill and  
29 cross-references to those subsections as necessary.

ADOPTED

MAY 27 2015

*Leta Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 3

BY: *Joe Menino*

1 Amend C.S.H.B. No. 3474 (senate committee printing) as  
2 follows:

3 (1) Strike SECTIONS 1, 2, and 3 of the bill (page 1, line 24,  
4 through page 2, line 60).

5 (2) In SECTION 6 of the bill, in amended Section  
6 103.0271(3), Government Code (page 3, line 53), strike "\$500  
7 [~~\$1,000~~];" and substitute "\$1,000;".

8 (3) In SECTION 8 of the bill, strike amended Section  
9 124.001(b), Government Code (page 4, lines 22-46), and added  
10 Sections 124.001(c) and (d), Government Code (page 4, line 47,  
11 through page 5, line 10), and substitute the following:

12 (b) If a defendant successfully completes a veterans  
13 treatment court program [~~as authorized under Section 76.011~~], after  
14 notice to the attorney representing the state and a hearing in the  
15 veterans treatment court at which that court determines that a  
16 dismissal is in the best interest of justice, the court in which the  
17 criminal case is pending shall dismiss the case [~~criminal action~~]  
18 against the defendant.

19 (4) Strike the recital to SECTION 9 of the bill (page 5,  
20 lines 11-12) and substitute the following:

21 SECTION 9. Effective September 1, 2015, Section 124.002,  
22 Government Code, is amended by amending Subsections (a) and (b) and  
23 adding Subsection (d) to read as follows:

24 (5) In SECTION 9 of the bill, strike the heading to amended  
25 Section 124.002, Government Code (page 5, line 13), and amended  
26 Section 124.002(a), Government Code (page 5, lines 14-42), and  
27 substitute the following:

28 (a) The commissioners court of a county may establish a  
29 veterans treatment court program for persons arrested for or

1 charged with any misdemeanor or felony offense. A defendant is  
2 eligible to participate in a veterans treatment court program  
3 established under this chapter only if the attorney representing  
4 the state consents to the defendant's participation in the program  
5 and if the court in which the criminal case is pending finds that  
6 the defendant[+

7 ~~[(1)]~~ is a veteran or current member of the United  
8 States armed forces, including a member of the reserves, national  
9 guard, or state guard, who:

10 (1) [~~+~~ and ~~(2)~~] suffers from a brain injury, mental  
11 illness, or mental disorder, including post-traumatic stress  
12 disorder, or was a victim of military sexual trauma that:

13 (A) occurred during or resulted from the  
14 defendant's military service [~~in a combat zone or other similar~~  
15 ~~hazardous duty area~~]; and

16 (B) [~~materially~~] affected the defendant's  
17 criminal conduct at issue in the case; or

18 (2) is a defendant whose participation in a veterans  
19 treatment court program, considering the circumstances of the  
20 defendant's conduct, personal and social background, and criminal  
21 history, is likely to achieve the objective of ensuring public  
22 safety through rehabilitation of the veteran in the manner provided  
23 by Section 1.02(1), Penal Code.

24 (6) In SECTION 9 of the bill, strike amended Section  
25 124.002(c), Government Code (page 5, lines 47-56).

26 (7) In SECTION 11 of the bill, strike amended Section  
27 124.003(a), Government Code (page 5, line 67, through page 6, line  
28 13), and substitute the following:

29 (a) A veterans treatment court program established under  
30 this chapter must:

31 (1) ensure that a defendant [~~person~~] eligible for

1 participation in the program is provided legal counsel before  
2 volunteering to proceed through the program and while participating  
3 in the program;

4 (2) allow a participant to withdraw from the program  
5 at any time before a trial on the merits has been initiated;

6 (3) provide a participant with a court-ordered  
7 individualized treatment plan indicating the services that will be  
8 provided to the participant; and

9 (4) ensure that the jurisdiction of the veterans  
10 treatment court continues for a period of not less than six months  
11 but does not continue beyond the period of community supervision  
12 for the offense charged.

13 (8) In SECTION 13 of the bill, in amended Section  
14 124.005(a)(1), Government Code (page 6, lines 40-41), strike "\$500  
15 [~~\$1,000~~];" and substitute "\$1,000;".

16 (9) Strike SECTIONS 58 and 59 of the bill (page 21, lines  
17 38-56).

18 (10) In SECTION 60 of the bill (page 21, lines 57-58),  
19 strike "adding Sections 124.001(c) and (d), Government Code, and".

20 (11) Appropriately renumber the other SECTIONS of the bill.



ADOPTED

MAY 27 2015

*Letty Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO.

5

BY:

*Zaffarini*

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 822.102(a), Health and Safety Code,  
5 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
6 Session, 2015, is amended to read as follows:

7 (a) This subchapter does not apply to:

8 (1) a county, municipality, or agency of the state or  
9 an agency of the United States or an agent or official of a county,  
10 municipality, or agency acting in an official capacity;

11 (2) a research facility, as that term is defined by  
12 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
13 subsequent amendments, that is licensed by the secretary of  
14 agriculture of the United States under that Act;

15 (3) an organization that is an accredited member of  
16 the Association of Zoos and Aquariums;

17 (4) an injured, infirm, orphaned, or abandoned  
18 dangerous wild animal while being transported for care or  
19 treatment;

20 (5) an injured, infirm, orphaned, or abandoned  
21 dangerous wild animal while being rehabilitated, treated, or cared  
22 for by a licensed veterinarian, an incorporated humane society or  
23 animal shelter, or a person who holds a rehabilitation permit  
24 issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

25 (6) a dangerous wild animal owned by and in the custody  
26 and control of a transient circus company that is not based in this  
27 state if:

28 (A) the animal is used as an integral part of the  
29 circus performances; and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species; and

(B) an integral part of that species survival plan; ~~and~~

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the

1 cougar, bobcat, or coyote as part of a predator or depredation  
2 control activity; and  
3                   (13) an organization that is an accredited member of  
4 the Zoological Association of America.

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO. 6

BY: J. J. Ariz

Secretary of the Senate

1 Amend C.S.H.B. No. 3474 (senate committee report) as  
2 follows:

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

6 SECTION \_\_\_\_\_. Effective September 1, 2015, the heading to  
7 Chapter 614, Government Code, is amended to read as follows:

8 CHAPTER 614. LAW ENFORCEMENT [~~PEACE~~] OFFICERS AND FIRE FIGHTERS

9 SECTION \_\_\_\_\_. Effective September 1, 2015, Subchapter D,  
10 Chapter 614, Government Code, is amended to read as follows:

11 SUBCHAPTER D. PURCHASE OF [~~AGENCY-ISSUED~~] FIREARM OF HONORABLY

12 RETIRED OR DECEASED PEACE OFFICER OR COUNTY JAILER

13 Sec. 614.0505. DEFINITIONS. In this subchapter:

14 (1) "County jailer" has the meaning assigned by  
15 Section 1701.001, Occupations Code.

16 (2) "Governmental entity" means a state agency, a  
17 county, or a municipality.

18 Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED  
19 PEACE OFFICER OR COUNTY JAILER. (a) An individual may purchase  
20 a firearm from a governmental entity [~~state agency~~] if:

21 (1) the individual was a peace officer commissioned  
22 by or a county jailer employed by the entity [~~agency~~];

23 (2) the individual was honorably retired from the  
24 individual's commission or employment by the entity [~~state~~];

25 (3) the firearm had been previously issued to the  
26 individual by the entity [~~agency~~]; and

27 (4) the firearm is not a prohibited weapon under  
28 Section 46.05, Penal Code.

29 (b) An individual may purchase only one firearm from a

1 governmental entity [~~state agency~~] under this section.

2       Sec. 614.052. PURCHASE OF FIREARM BY SURVIVING SPOUSE,  
3 CHILD, OR PARENT OF DECEASED PEACE OFFICER OR COUNTY JAILER.

4       (a) An individual listed under Subsection (b) may purchase a  
5 firearm from a governmental entity [~~state agency~~] if:

6           (1) the firearm had been previously issued by the  
7 entity [~~agency~~] to a peace officer commissioned by or a county  
8 jailer employed by the entity [~~agency~~] who died while  
9 commissioned or employed, without regard to whether the peace  
10 officer or county jailer died while discharging the officer's or  
11 jailer's official duties; and

12           (2) the firearm is not a prohibited weapon under  
13 Section 46.05, Penal Code.

14       (b) Individuals who may purchase the firearm under  
15 Subsection (a) are, in order of precedence:

16           (1) the surviving spouse of the deceased peace  
17 officer or county jailer;

18           (2) a child of the deceased peace officer or county  
19 jailer; and

20           (3) a parent of the deceased peace officer or county  
21 jailer.

22       Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental  
23 entity [~~state agency~~] shall establish the amount, which may not  
24 exceed fair market value, for which a firearm may be purchased  
25 under this subchapter.

26       Sec. 614.054. WHEN FIREARM MAY BE PURCHASED [~~FROM STATE~~  
27 ~~AGENCY~~]; DELAY OF SALE BY GOVERNMENTAL ENTITY [~~AGENCY~~]. (a)  
28 Except as provided by Subsection (b), an individual must  
29 purchase a firearm under Section 614.051 before the second  
30 anniversary of the date of the person's retirement or under  
31 Section 614.052 before the second anniversary of the date of the

1 ~~[officer's]~~ death of the peace officer or county jailer.

2 (b) A governmental entity ~~[state—agency]~~ that cannot  
3 immediately replace the firearm may delay the sale of the  
4 firearm until the entity ~~[agency]~~ can replace the firearm.

5 (2) In SECTION 63 of the bill, in the repealer (page 22,  
6 line 10), strike "and".

7 (3) In SECTION 63 of the bill, in the repealer (page 22,  
8 between lines 10 and 11), insert the following:

9 (4) Section 170.002, Local Government Code; and

10 (4) In SECTION 63 of the bill, in the repealer (page 22,  
11 line 11), strike "(4)" and substitute "(5)".

ADOPTED

FLOOR AMENDMENT NO. 7

MAY 27 2015

BY: Don Hoffman

Leta Spaw  
Secretary of the Senate

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter B, Chapter 7805, Special District  
5 Local Laws Code, is amended by adding Section 7805.054 to read  
6 as follows:

7 Sec. 7805.054. QUORUM; VOTE REQUIRED. A quorum consists  
8 of three directors. An action or recommendation of the board  
9 requiring a vote of the board is not valid unless:

10 (1) the action or recommendation is approved by a  
11 record vote taken at a meeting of the board with a quorum  
12 present; and

13 (2) the action or recommendation receives at least  
14 three affirmative votes by board members.

15 SECTION \_\_\_\_\_. (a) All governmental and proprietary actions  
16 and proceedings of the Irving Flood Control District Section III  
17 of Dallas County taken before the effective date of this Act are  
18 validated, ratified, and confirmed in all respects as of the  
19 dates on which they occurred.

20 (b) This section does not apply to any matter that on the  
21 effective date of this Act:

22 (1) is involved in litigation if the litigation  
23 ultimately results in the matter being held invalid by a final  
24 court judgment; or

25 (2) has been held invalid by a final court judgment.

# ADOPTED

FLOOR AMENDMENT NO. 8

MAY 27 2015 BY:

*Don Huffines*

*Latey Law*  
(Secretary of the Senate)

1 Amend C.S.H.B. No. 3474 (Secretary of the Senate printing) by  
2 adding the following appropriately numbered SECTION to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. (a) Section 4B, Chapter 628, Acts of the  
5 68th Legislature, Regular Session, 1983, is amended by adding  
6 Subdivision (16) to read as follows:

7 (16) If the district enters into a tax abatement  
8 agreement with the owner of single-family residential property  
9 to exempt a portion of the taxable value of the property from  
10 taxation as authorized by Subdivision (7)(B) of this section,  
11 the tax assessor-collector for the district or a person  
12 designated by the tax assessor-collector may file an application  
13 for the exemption on behalf of the property owner with the chief  
14 appraiser for the appraisal district in which the property is  
15 located.

16 (b) All governmental and proprietary actions of the Dallas  
17 County Utility and Reclamation District taken before the  
18 effective date of this Act are validated, ratified, and  
19 confirmed in all respects as if the actions had been taken as  
20 authorized by law.

21 (c) Subsection (b) of this section does not apply to any  
22 matter that on the effective date of this Act:

23 (1) is involved in litigation if the litigation  
24 ultimately results in the matter being held invalid by a final  
25 court judgment; or

26 (2) has been held invalid by a final court judgment.



# ADOPTED

MAY 27 2015

*Letay Saw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 9

BY: *J. J. Aring*

1 Amend H.B. No. 3474 (senate committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

10 (b) Except as otherwise provided by this section and in  
11 addition to all other fees authorized or required by other law, the  
12 clerk of a court shall collect a filing fee of not more than \$20 in  
13 each civil case filed in the court to be used for the construction,  
14 renovation, or improvement of the facilities that house the Hidalgo  
15 County civil courts.

16 (c) Court fees due under this section shall be collected in  
17 the same manner as other fees, fines, or costs are collected in the  
18 case.

19 (d) The clerk shall send the fees collected under this  
20 section to the county treasurer or to any other official who  
21 discharges the duties commonly assigned to the county treasurer at  
22 least as frequently as monthly. The treasurer or other official  
23 shall deposit the fees in a special account in the county treasury  
24 dedicated to the construction, renovation, or improvement of the  
25 facilities that house the courts collecting the fee.

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

28 (1) adopts a resolution authorizing a fee of not more  
29 than \$20;

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

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

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

14          (g) The commissioners court may rescind a resolution  
15 adopted under Subsection (e) by adopting a resolution rescinding  
16 the resolution and submitting the rescission resolution to the  
17 county treasurer or to any other official who discharges the duties  
18 commonly assigned to the county treasurer not later than September  
19 1 preceding the beginning of the first day of the county fiscal  
20 year. The commissioners court may adopt an additional resolution  
21 in the manner provided by Subsection (e) after rescinding a  
22 previous resolution adopted under that subsection.

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

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

27               (2) October 1, 2030.

28          (i) The county may make the required expenditure described  
29 by Subsection (e)(2) at any time, regardless of when the  
30 expenditure from the special account occurs.

31          SECTION \_\_\_\_\_. Subchapter D, Chapter 101, Government Code,

1 is amended by adding Section 101.061192 to read as follows:

2       Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT  
3 FACILITIES: GOVERNMENT CODE. The clerk of a district court in  
4 Hidalgo County shall collect an additional filing fee of not more  
5 than \$20 under Section 51.711 in civil cases to fund the  
6 construction, renovation, or improvement of court facilities, if  
7 authorized by the county commissioners court.

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

10       Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR  
11 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county  
12 court in Hidalgo County shall collect an additional filing fee of  
13 not more than \$20 under Section 51.711 in civil cases to fund the  
14 construction, renovation, or improvement of court facilities, if  
15 authorized by the county commissioners court.

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

18       Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR  
19 COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory  
20 probate court in Hidalgo County shall collect an additional filing  
21 fee of not more than \$20 under Section 51.711 in civil cases to fund  
22 the construction, renovation, or improvement of court facilities,  
23 if authorized by the county commissioners court.

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

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

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

31       SECTION \_\_\_\_\_. Subchapter B, Chapter 118, Local Government

1 Code, is amended by adding Section 118.0131 to read as follows:

2       Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES:  
3 HIDALGO COUNTY. The county clerk of Hidalgo County may assess an  
4 additional fee not to exceed \$10 for real property records filing to  
5 fund the construction, renovation, or improvement of court  
6 facilities, if authorized by the commissioners court of the county.

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

# ADOPTED

MAY 27 2015

*Letay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 10

BY: VanTye

1 Amend C.S.H.B. No. 3474 (senate committee printing) by adding  
2 the following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter A, Chapter 51, Local Government  
5 Code, is amended by adding Section 51.004 to read as follows:

6 Sec. 51.004. SPECIAL RIGHT OF ACCESS TO INFORMATION BY  
7 MUNICIPAL OFFICERS. (a) In this section:

8 (1) "Municipal governmental body":

9 (A) means:

10 (i) the governing body of a municipality;

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

14 (iii) the part, section, or portion of a  
15 municipality described by Section 552.003(1)(A)(xii), Government  
16 Code, that is a governmental body for purposes of Chapter 552,  
17 Government Code; and

18 (B) does not include:

19 (i) the judiciary; or

20 (ii) a private entity that spends or is  
21 supported wholly or partly by public funds.

22 (2) "Municipal officer" means:

23 (A) an elected or appointed officer who  
24 supervises, manages, or controls a municipal governmental body; or

25 (B) a member of a board, a commission, a  
26 committee, or another body consisting of more than one individual  
27 elected or appointed to supervise, manage, or control a municipal  
28 governmental body.

29 (3) "Public information" has the meaning assigned by

1 Section 552.002, Government Code.

2 (b) A municipal officer has a right of access to information  
3 that is for purposes of Chapter 552, Government Code, public  
4 information of the municipal governmental body that the municipal  
5 officer oversees.

6 (c) A municipal governmental body on request by a municipal  
7 officer who oversees the governmental body shall provide public  
8 information, including confidential information or information  
9 otherwise excepted from disclosure, to the municipal officer in  
10 accordance with Chapter 552, Government Code.

11 (d) A municipal governmental body, by providing public  
12 information under this section that is confidential or otherwise  
13 excepted from required disclosure under law, does not waive or  
14 affect the confidentiality of the information for purposes of state  
15 or federal law or waive the right of the municipal governmental body  
16 to assert exceptions to required disclosure of the information in  
17 the future. The municipal governmental body may require the  
18 requesting municipal officer or a designated employee of the  
19 requesting municipal officer who will view or handle information  
20 that is received under this section and that is confidential under  
21 law or otherwise excepted from disclosure to sign a confidentiality  
22 agreement that covers the information and requires that:

23 (1) the information not be disclosed outside the  
24 office of the requesting municipal officer, or within that office  
25 for purposes other than the purpose for which it was received;

26 (2) the information be labeled as confidential;

27 (3) the information be kept securely; or

28 (4) the number of copies made of the information or the  
29 notes taken from the information that implicate the confidential  
30 nature of the information be controlled, with all copies or notes  
31 that are not destroyed or returned to the municipal governmental

1 body remaining confidential and subject to the confidentiality  
2 agreement.

3 (e) An individual required by a municipal governmental body  
4 to sign a confidentiality agreement under Subsection (d) may seek a  
5 decision as provided by Subsection (f) about whether the  
6 information covered by the confidentiality agreement is  
7 confidential under law or otherwise excepted from disclosure. A  
8 confidentiality agreement signed under Subsection (d) is void to  
9 the extent that the agreement covers information that is finally  
10 determined under Subsection (f) to not be confidential under law or  
11 otherwise excepted from disclosure.

12 (f) A municipal officer may seek a decision from the  
13 attorney general about whether the information covered by the  
14 confidentiality agreement is confidential under law or otherwise  
15 excepted from disclosure. The attorney general by rule shall  
16 establish procedures and deadlines for receiving information  
17 necessary to determine whether the information covered by the  
18 confidentiality agreement is confidential under law or otherwise  
19 excepted from disclosure and for receiving briefs from the  
20 requesting municipal officer, the municipal governmental body, and  
21 any other interested person. The attorney general shall promptly  
22 render a decision requested under this subsection, determining  
23 whether the information covered by the confidentiality agreement is  
24 confidential under law or otherwise excepted from disclosure, not  
25 later than the 45th business day after the date the attorney general  
26 receives the request for a decision under this subsection. If the  
27 attorney general is unable to issue the decision within the 45-day  
28 period, the attorney general may extend the period for issuing the  
29 decision by an additional 10 business days by informing the  
30 municipal governmental body and the requesting municipal officer,  
31 during the original 45-day period, of the reason for the delay. The

1 attorney general shall issue a written decision and provide a copy  
2 of the decision to the requesting municipal officer, the municipal  
3 governmental body, and any interested person who submitted  
4 necessary information or a brief to the attorney general under this  
5 subsection. The requesting municipal officer or the municipal  
6 governmental body may appeal a decision of the attorney general  
7 under this subsection to a district court in a county in which the  
8 municipality is located. A person may appeal a decision of the  
9 attorney general under this subsection to a district court in a  
10 county in which the municipality is located if the person claims a  
11 proprietary interest in the information affected by the decision or  
12 a privacy interest in the information that a confidentiality law or  
13 judicial decision is designed to protect.

14 (g) This section does not affect:

15 (1) the right of a municipal officer to obtain  
16 information from the municipal governmental body under other law;

17 (2) the procedures under which the information is  
18 obtained under other law; or

19 (3) the use that may be made of the information  
20 obtained under other law.

21 (h) This section does not grant authority to a municipal  
22 governmental body to withhold information from municipal officers.

23 SECTION \_\_\_\_\_. Chapter 89, Local Government Code, is amended  
24 by adding Section 89.007 to read as follows:

25 Sec. 89.007. SPECIAL RIGHT OF ACCESS TO INFORMATION BY  
26 OFFICERS OF COUNTIES, COUNTY BOARDS OF SCHOOL TRUSTEES, AND COUNTY  
27 BOARDS OF EDUCATION. (a) In this section:

28 (1) "County governmental body":

29 (A) means:

30 (i) a county commissioners court;

31 (ii) a deliberative body that has



rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county;

(iii) a county board of school trustees;

(iv) a county board of education; or

(v) the part, section, or portion of a county, county board of school trustees, or county board of education described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "County officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a county governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a county governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A county officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the county governmental body that the county officer oversees.

(c) A county governmental body on request by the county officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the county officer in accordance with Chapter 552, Government Code.

1       (d) A county governmental body, by providing public  
2 information under this section that is confidential or otherwise  
3 excepted from required disclosure under law, does not waive or  
4 affect the confidentiality of the information for purposes of state  
5 or federal law or waive the right of the county governmental body to  
6 assert exceptions to required disclosure of the information in the  
7 future. The county governmental body may require the requesting  
8 county officer or a designated employee of the requesting county  
9 officer who will view or handle information that is received under  
10 this section and that is confidential under law or otherwise  
11 excepted from disclosure to sign a confidentiality agreement that  
12 covers the information and requires that:

13               (1) the information not be disclosed outside the  
14 office of the requesting county officer, or within that office for  
15 purposes other than the purpose for which it was received;

16               (2) the information be labeled as confidential;

17               (3) the information be kept securely; or

18               (4) the number of copies made of the information or the  
19 notes taken from the information that implicate the confidential  
20 nature of the information be controlled, with all copies or notes  
21 that are not destroyed or returned to the county governmental body  
22 remaining confidential and subject to the confidentiality  
23 agreement.

24       (e) An individual required by a county governmental body to  
25 sign a confidentiality agreement under Subsection (d) may seek a  
26 decision as provided by Subsection (f) about whether the  
27 information covered by the confidentiality agreement is  
28 confidential under law or otherwise excepted from disclosure. A  
29 confidentiality agreement signed under Subsection (d) is void to  
30 the extent that the agreement covers information that is finally  
31 determined under Subsection (f) to not be confidential under law or

1 otherwise excepted from disclosure.

2       (f) A county officer may seek a decision from the attorney  
3 general about whether the information covered by the  
4 confidentiality agreement is confidential under law or otherwise  
5 excepted from disclosure. The attorney general by rule shall  
6 establish procedures and deadlines for receiving information  
7 necessary to determine whether the information covered by the  
8 confidentiality agreement is confidential under law or otherwise  
9 excepted from disclosure and for receiving briefs from the  
10 requesting county officer, the county governmental body, and any  
11 other interested person. The attorney general shall promptly  
12 render a decision requested under this subsection, determining  
13 whether the information covered by the confidentiality agreement is  
14 confidential under law or otherwise excepted from disclosure, not  
15 later than the 45th business day after the date the attorney general  
16 receives the request for a decision under this subsection. If the  
17 attorney general is unable to issue the decision within the 45-day  
18 period, the attorney general may extend the period for issuing the  
19 decision by an additional 10 business days by informing the county  
20 governmental body and the requesting county officer, during the  
21 original 45-day period, of the reason for the delay. The attorney  
22 general shall issue a written decision and provide a copy of the  
23 decision to the requesting county officer, the county governmental  
24 body, and any interested person who submitted necessary information  
25 or a brief to the attorney general under this subsection. The  
26 requesting county officer or the county governmental body may  
27 appeal a decision of the attorney general under this subsection to a  
28 district court in the county. A person may appeal a decision of the  
29 attorney general under this subsection to a district court in the  
30 county if the person claims a proprietary interest in the  
31 information affected by the decision or a privacy interest in the

1 information that a confidentiality law or judicial decision is  
2 designed to protect.

3 (g) This section does not affect:

4 (1) the right of a county officer to obtain  
5 information from a county governmental body under other law;

6 (2) the procedures under which the information is  
7 obtained under other law; or

8 (3) the use that may be made of the information  
9 obtained under other law.

10 (h) This section does not grant authority to a county  
11 governmental body to withhold information from county officers.

12 SECTION \_\_\_\_\_. Chapter 201, Local Government Code, is  
13 amended by adding Section 201.010 to read as follows:

14 Sec. 201.010. SPECIAL RIGHT OF ACCESS TO DISTRICT  
15 INFORMATION BY DISTRICT DIRECTOR. (a) In this section:

16 (1) "Board" means the governing body of a special  
17 district.

18 (2) "Director" means a board member.

19 (3) "Public information" has the meaning assigned by  
20 Section 552.002, Government Code.

21 (4) "Special district" means a political subdivision  
22 of this state that has a limited geographic area and is created by  
23 local law or under general law for a special purpose. The term does  
24 not include a school district or hospital district.

25 (b) A director of a special district has a right of access to  
26 information that is public information of the district.

27 (c) A special district on request by a director of the  
28 district shall provide public information, including confidential  
29 information or information otherwise excepted from disclosure, to  
30 the director in accordance with Chapter 552, Government Code.

31 (d) A special district, by providing public information to a

1 director under this section that is confidential or otherwise  
2 excepted from required disclosure under law, does not waive or  
3 affect the confidentiality of the information for purposes of state  
4 or federal law or waive the right of the district to assert  
5 exceptions to required disclosure of the information in the future.  
6 The district may require the requesting director or a designated  
7 district employee of the requesting director who will view or  
8 handle information that is received under this section and that is  
9 confidential under law or otherwise excepted from disclosure to  
10 sign a confidentiality agreement that covers the information and  
11 requires that:

12 (1) the information not be disclosed outside the  
13 office of the requesting director or within that office for  
14 purposes other than the purpose for which it was received;

15 (2) the information be labeled as confidential;

16 (3) the information be kept securely; or

17 (4) the number of copies made of the information or the  
18 notes taken from the information that implicate the confidential  
19 nature of the information be controlled, with all copies or notes  
20 that are not destroyed or returned to the district remaining  
21 confidential and subject to the confidentiality agreement.

22 (e) If a director or a designated district employee is  
23 required by a special district to sign a confidentiality agreement  
24 under Subsection (d), the director may seek a decision as provided  
25 by Subsection (f) about whether the information covered by the  
26 confidentiality agreement is confidential under law or otherwise  
27 excepted from disclosure. A confidentiality agreement signed under  
28 Subsection (d) is void to the extent that the agreement covers  
29 information that is finally determined under Subsection (f) to not  
30 be confidential under law or otherwise excepted from disclosure.

31 (f) A director may seek a decision from the attorney general

1 about whether the information covered by the confidentiality  
2 agreement is confidential under law or otherwise excepted from  
3 disclosure. The attorney general by rule shall establish procedures  
4 and deadlines for receiving information necessary to determine  
5 whether the information covered by the confidentiality agreement is  
6 confidential under law or otherwise excepted from disclosure and  
7 for receiving briefs from the requesting director, the special  
8 district, and any other interested person. The attorney general  
9 shall render the decision not later than the 55th business day after  
10 the date the attorney general receives the request for a decision.  
11 If the attorney general is unable to issue the decision within the  
12 55-day period, the attorney general may during that 55-day period  
13 extend the period for issuing the decision by an additional 10  
14 business days by informing the director, the special district, and  
15 any interested person who submitted necessary information or a  
16 brief to the attorney general of the reason for the delay. The  
17 attorney general shall issue a written decision and provide a copy  
18 of the decision to the requesting director, the special district,  
19 and any interested person who submitted necessary information or a  
20 brief to the attorney general under this subsection. The  
21 requesting director or the special district may appeal a decision  
22 of the attorney general under this subsection to a district court.  
23 A person may appeal a decision of the attorney general under this  
24 subsection to a district court if the person claims a proprietary  
25 interest in the information affected by the decision or a privacy  
26 interest in the information that a confidentiality law or judicial  
27 decision is designed to protect.

28 (g) This section does not affect:

29 (1) the right of a director of a special district to  
30 obtain information from the district under other law;

31 (2) the procedures under which the information is

1 obtained under other law; or

2 (3) the use that may be made of the information  
3 obtained under other law.

4 (h) This section does not grant authority to a special  
5 district to withhold information from a director of the district.

6 SECTION \_\_\_\_\_. Section 51.004, Local Government Code, as  
7 added by this Act, applies only to a request for information by a  
8 municipal officer that is made on or after the effective date of  
9 this Act. A request for information made before the effective date  
10 of this Act is governed by the applicable law in effect immediately  
11 before the effective date of this Act, and that law is continued in  
12 effect for that purpose.

13 SECTION \_\_\_\_\_. Section 89.007, Local Government Code, as  
14 added by this Act, applies only to a request for information by a  
15 county officer that is made on or after the effective date of this  
16 Act. A request for information made before the effective date of  
17 this Act is governed by the applicable law in effect immediately  
18 before the effective date of this Act, and that law is continued in  
19 effect for that purpose.

20 SECTION \_\_\_\_\_. Section 201.010, Local Government Code, as  
21 added by this Act, applies only to a request for information by a  
22 director of a special district that is made on or after the  
23 effective date of this Act. A request for information made before  
24 the effective date of this Act is governed by the applicable law in  
25 effect immediately before the effective date of this Act, and that  
26 law is continued in effect for that purpose.

# ADOPTED

MAY 27 2015

*Lotay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 11

BY: *Van Tyl*

1 Amend C.S.H.B. No. 3474 (senate committee report) by adding  
2 the following appropriately numbered SECTION to the bill and by  
3 renumbering existing SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Chapter 103, Code of Criminal Procedure, is  
5 amended by adding Article 103.0081 to read as follows:

6 Art. 103.0081. UNCOLLECTIBLE FEES. (a) Any officer  
7 authorized by this chapter to collect a fee or item of cost may  
8 request the trial court in which a criminal action or proceeding was  
9 held to make a finding that a fee or item of cost imposed in the  
10 action or proceeding is uncollectible if the officer believes:

11 (1) the defendant is deceased;

12 (2) the defendant is serving a sentence for  
13 imprisonment for life or life without parole; or

14 (3) the fee has been unpaid for at least 10 years.

15 (b) On a finding by a court that any condition described by  
16 Subsections (a)(1)-(3) is true, the court may order the officer to  
17 designate the fee or item of cost as uncollectible in the fee  
18 record. The officer shall attach a copy of the court's order to the  
19 fee record.



FLOOR AMENDMENT NO. 12

BY: Vartyl

1 Amend C.S.H.B. 3474 (senate committee printing) be adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS accordingly:

4 SECTION \_\_\_\_ Subchapter D, Chapter 51, Government Code,  
5 is amended by adding Section 51.3032 to read as follows:

6 Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL  
7 NOTICES BY DISTRICT CLERK. A district clerk may post an  
8 official and legal notice by electronic display, instead of  
9 posting a physical document, in the manner provided for a county  
10 clerk by Section 82.051, Local Government Code.

**ADOPTED**

MAY 27 2015

*Patricia Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO.

13

ADOPTED

BY:

L. W. Kellie T

MAY 27 2015

Senate Committee  
Secretary of the Senate

Amend C.S.H.B. 3474 (Senate Committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 21.047, Property Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If the amount of damages awarded by the special commissioners is at least 20 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners' award is appealed and a court awards damages in an amount that is at least 20 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay:

(1) all costs as provided by Subsection (a); and

(2) subject to Subsection (a-2), any reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

(a-2) A property owner who is awarded attorney's fees by the special commissioners under Subsection (a-1) is not entitled to attorney's fees related to an award that is appealed by the property owner.

SECTION \_\_\_\_\_. Section 21.101, Property Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) In this section, "actual progress" means the completion of three [two] or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

1           (2) the provision of a significant amount of  
2 materials to develop the property or other property acquired for  
3 the same public use project for which the property owner's  
4 property was acquired;

5           (3) the hiring of and performance of a significant  
6 amount of work by an architect, engineer, or surveyor to prepare  
7 a plan or plat that includes the property or other property  
8 acquired for the same public use project for which the property  
9 owner's property was acquired;

10           (4) application for state or federal funds to develop  
11 the property or other property acquired for the same public use  
12 project for which the property owner's property was acquired; or

13           (5) application for a state or federal permit to  
14 develop the property or other property acquired for the same  
15 public use project for which the property owner's property was  
16 acquired.

17       (b-1) Notwithstanding Subsection (b), for a navigation  
18 district or port authority, "actual progress" means:

19           (1) the completion of one action described by  
20 Subsection (b); and

21           (2) [; (6) the acquisition of a tract or parcel of  
22 real property adjacent to the property for the same public use  
23 project for which the owner's property was acquired; or

24           [(7) for a governmental entity,] the adoption by a  
25 majority of the entity's governing body at a public hearing of a  
26 development plan for a public use project that indicates that  
27 the entity will not complete more than one action described by  
28 Subsection (b) [Subdivisions (1)-(6)] before the 10th  
29 anniversary of the date of acquisition of the property.

30       SECTION \_\_\_\_\_. Section 21.047, Property Code, as amended by  
31 this Act, applies only to an eminent domain proceeding commenced

1 on or after the effective date of this Act. An eminent domain  
2 proceeding commenced before the effective date of this Act is  
3 governed by the law applicable to the proceeding immediately  
4 before the effective date of this Act, and that law is continued  
5 in effect for that purpose.

6 SECTION \_\_\_\_\_. Section 21.101, Property Code, as amended by  
7 this Act, applies only to a real property interest acquired in  
8 connection with a condemnation proceeding in which the petition  
9 is filed on or after the effective date of this Act. A real  
10 property interest acquired in connection with a condemnation  
11 proceeding in which the petition is filed before the effective  
12 date of this Act is governed by the law in effect immediately  
13 before that date, and that law is continued in effect for that  
14 purpose.

FLOOR AMENDMENT NO. 14

BY: Chris Famy

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTION to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Section 391.006, Local Government Code, is  
5 amended by amending Subsection (c) and adding Subsection (d) to  
6 read as follows:

7 (c) The governing body of a commission of a region that is  
8 consistent with the geographic boundaries of a state planning  
9 region shall offer an ex officio, nonvoting membership on the  
10 governing body to each [a] member of the legislature who  
11 represents a district located wholly or partly in the region of  
12 the commission.

13 (d) An ex officio member is not counted for purposes of  
14 determining a quorum.

**ADOPTED**

MAY 27 2015

*Leta Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 15

ADOPTED

BY:

Robert Lee Nichols

MAY 27 2015

Letty Spaw  
Secretary of the Senate

1 Amend HB 3474 by adding the following appropriately  
2 numbered sections

3 SECTION \_\_\_\_\_. Subchapter E, Chapter 130, Education Code, is  
4 amended by adding Section 130.0827 to read as follows:

5 Sec. 130.0827. GOVERNING BOARD OF TRINITY VALLEY COMMUNITY  
6 COLLEGE DISTRICT. (a) Notwithstanding any other provision of  
7 this chapter, the governing board of the Trinity Valley  
8 Community College District may by resolution or order of the  
9 governing board increase the number of board members to 11.

10 (b) A resolution or order of the governing board under  
11 this section must:

12 (1) establish transition terms of office to conform  
13 to elections held in even-numbered years and staggered six-year  
14 terms; and

15 (2) require the initial board members to draw lots to  
16 determine the members' terms, with:

17 (A) five members serving terms of two years;

18 (B) three members serving terms of four years;

19 and

20 (C) three members serving terms of six years.

FLOOR AMENDMENT NO.

16

BY:

*Joe Menendez*

Amend C.S.H.B. No. 3474 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.159, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) A corporation described by Section 501.107(a)(1) may issue bonds to finance a water project regardless of whether a request required by Subsection (a) has been made.

**ADOPTED**

MAY 27 2015

*Letoy Spaw*  
Secretary of the Senate

# ADOPTED

FLOOR AMENDMENT NO. 17

MAY 27 2015

*Atty. Gen. B. B. B. B.*  
Secretary of the Senate

*Sen. Menino*

Amend C.S.H.B. No. 3474 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 1372.042, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) Notwithstanding Subsections (a), (a-1), and (b), an issuer shall close on bonds issued for a water pipeline project that is part of the state water plan or an approved initially prepared regional water plan submitted to the Texas Water Development Board and for which a reservation was granted after August 15 not later than the 220th day after the reservation date.

(c) Notwithstanding Subsections (a), (a-1), ~~[and]~~ (b), and (b-1), if the 120-day period, the 150-day period, ~~[or]~~ the 180-day period, or the 220-day period, as applicable, expires on or after December 24 of the year in which the reservation was granted, the issuer shall close on the bonds before December 24, except that if the applicable period expires after December 31 of that year, the issuer may notify the board in writing before December 24 of the issuer's election to carry forward the reservation and of the issuer's expected bond closing date. In compliance with the requirements of Section 146(f), Internal Revenue Code of 1986, the board shall file in a timely manner a carryforward election with respect to any bonds expected to close after December 31 to permit the bonds to close by the expected date, except that the board may not file the carryforward election after February 15 of the year following the year in which the reservation was granted. The grant



of the reservation for the balance of the 120-day period, the 150-day period, ~~[or]~~ the 180-day period, or the 220-day period, as applicable, is automatically and immediately reinstated on the board's filing of a carryforward election with respect to the reservation.

SECTION \_\_\_\_\_. Section 501.159, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) A corporation described by Section 501.107(a)(1) may issue bonds to finance a water pipeline project regardless of whether a request required by Subsection (a) has been made.

# ADOPTED

FLOOR AMENDMENT NO. 19

MAY 27 2015

BY: *Joe Menendez*

*Atty. Gen.*  
Secretary of the Senate

1 Amend C.S.H.B. No. 3474 (senate committee report) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Section 1502.056(a), Government Code, is  
5 amended to read as follows:

6 (a) If the revenue of a utility system, park, or swimming  
7 pool secures the payment of public securities issued or  
8 obligations incurred under this chapter, each expense of  
9 operation and maintenance, including all salaries, labor,  
10 materials, interest, repairs and extensions necessary to provide  
11 efficient service, and each proper item of expense, is a first  
12 lien against that revenue. For a municipality with a population  
13 of more than one million but less than two million, the first  
14 lien against the revenue of a municipally owned utility system  
15 that secures the payment of public securities issued or  
16 obligations incurred under this chapter also applies to funding,  
17 as a necessary operations expense, for a bill payment assistance  
18 program for utility system customers who:

19 (1) ~~[have been threatened with disconnection from~~  
20 ~~service for nonpayment of bills and who]~~ have been determined by  
21 the municipality to be low-income customers; or

22 (2) are military veterans who have significantly  
23 decreased abilities to regulate their bodies' core temperatures  
24 because of severe burns received in combat.

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO.

20

*Leta Spauld* BY: *Jose Rodriguez*  
Secretary of the Senate

Amend C.S.H.B. No. 3474 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 26.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. A [On adoption of a] schedule of fees adopted as provided by this subsection must be delivered to the commissioners court of the county not later than the 90th day before the first day of the county's next fiscal year and, if delivered to the commissioners court on or before that 90th day, takes effect on that first day of the next fiscal year. Otherwise, the schedule of fees takes effect on the first day of the next fiscal year that begins at least 90 days after the date of delivery[, a copy of the schedule shall be sent to the commissioners court of the county].

SECTION \_\_\_\_\_. Article 26.05(b), Code of Criminal Procedure, as amended by this Act, applies only to the adoption of a schedule of fees that will take effect on or after January 1, 2016.

# ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO.

21

*Latey Spaw*  
Secretary of the Senate

BY:

*Jose Rodriguez*

Amend C.S.H.B. No. 3474(senate committee printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies only to a county with a population of more than 800,000 that is adjacent to an international border.

(b) A commissioners court by order may implement a process:

(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county; and

(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

(c) A regulation or standard adopted by a county under this section must be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

(d) A regulation or standard adopted by a county under this section applies only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly

offers lots for sale or lease as part of a common promotional plan in the ordinary course of business, and each regulation or standard must expressly state that limitation. For the purposes of this subsection, "common promotional plan" means a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is:

(1) contiguous or part of the same area of land; or

(2) known, designated, or advertised as a common unit or by a common name.

(b) The county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2015, to determine whether the subdivision is subject to a valid and existing subdivision plat.

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO. 22

*Latoy Spaw*  
Secretary of the Senate

BY:

*Lucio Beltrán*

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Chapter 418, Government Code, is amended by  
5 adding Subchapter F-1 to read as follows:

6 SUBCHAPTER F-1. NATURAL DISASTER HOUSING RECOVERY

7 Sec. 418.131. DEFINITIONS. In this subchapter:

8 (1) "Center" means the Hazard Reduction and Recovery  
9 Center at Texas A&M University.

10 (2) "Designated state agency" means a state agency  
11 designated by the governor as responsible for long-term natural  
12 disaster recovery under Section 418.132.

13 (3) "Local government" means a county, municipality,  
14 or council of government.

15 (4) "Plan" means a local housing recovery plan  
16 developed under Section 418.133.

17 Sec. 418.132. DESIGNATED STATE AGENCY. (a) The governor  
18 shall designate a state agency to receive and administer federal  
19 and state funds appropriated for long-term natural disaster  
20 recovery.

21 (b) The designated state agency shall:

22 (1) collaborate with the Texas Division of Emergency  
23 Management and the Federal Emergency Management Agency to secure  
24 reimbursement for housing needs in areas affected by natural  
25 disasters;

26 (2) seek prior approval from the Federal Emergency  
27 Management Agency and the United States Department of Housing  
28 and Urban Development for the immediate post-disaster  
29 implementation of local housing recovery plans approved by the

1 governor under Section 418.136; and

2 (3) maintain a division with adequate staffing and  
3 other administrative support to carry out the agency's duties  
4 relating to long-term natural disaster recovery.

5 (c) The designated state agency may adopt rules as  
6 necessary to implement the agency's duties under this  
7 subchapter.

8 Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local  
9 government may develop and adopt a local housing recovery plan  
10 to provide for the rapid and efficient construction of permanent  
11 replacement housing following a natural disaster.

12 (b) In developing the plan, a local government shall seek  
13 input from:

14 (1) stakeholders in the community, including  
15 residents, local businesses, and community-based organizations;  
16 and

17 (2) neighboring local governments.

18 (c) A local government may submit a plan developed and  
19 adopted under Subsection (a) to the center for certification.

20 Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY  
21 CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall  
22 review and certify plans submitted to the center by local  
23 governments.

24 (b) The center shall establish criteria for certifying a  
25 plan. The center may not certify a plan unless the plan:

26 (1) identifies areas in the local government's  
27 boundaries that are vulnerable to natural disasters;

28 (2) identifies sources of post-disaster housing  
29 assistance and recovery funds;

30 (3) provides procedures for rapidly responding to a  
31 natural disaster, including procedures for:

1           (A) assessing and reporting housing damage,  
2 disaggregated by insured and uninsured losses, to the governor;

3           (B) providing fair and efficient access to  
4 natural disaster recovery assistance for residents;

5           (C) determining residents' eligibility for  
6 natural disaster recovery assistance;

7           (D) educating residents about the rebuilding  
8 process and providing outreach and case management services; and

9           (E) prequalifying and training local  
10 professionals needed for natural disaster recovery;

11           (4) provides procedures to encourage residents to  
12 rebuild outside of the vulnerable areas identified under  
13 Subdivision (1);

14           (5) provides procedures to maximize the use of local  
15 businesses, contractors, and supplies to rebuild to the extent  
16 possible;

17           (6) provides procedures to maximize cost efficiency;

18           (7) provides for the construction of permanent  
19 replacement housing for displaced residents as soon as possible  
20 after the natural disaster, with a goal of completion in not  
21 later than six months; and

22           (8) complies with applicable state and federal law.

23           (c) If the center determines that a plan does not meet the  
24 criteria prescribed by Subsection (b), the center shall identify  
25 the plan's deficiencies and assist the local government in  
26 revising the plan to meet the criteria.

27           (d) The center shall provide training to local governments  
28 and community-based organizations on developing a plan. A local  
29 government that submits a plan to the center for certification  
30 under this section shall designate at least one representative  
31 to attend the center's training. The training must include



1 information relating to:

2 (1) previous experiences with housing recovery from  
3 natural disasters;

4 (2) best practices for achieving rapid and efficient  
5 construction of permanent replacement housing;

6 (3) federal and state laws and regulations on natural  
7 disaster recovery;

8 (4) methods for identifying and planning for  
9 vulnerable areas and populations before a natural disaster; and

10 (5) cost-effective land use and building practices.

11 (e) The center shall create and maintain mapping and data  
12 resources related to natural disaster recovery and planning,  
13 including the Texas Coastal Communities Planning Atlas.

14 (f) The center shall assist a local government on request  
15 in identifying areas that are vulnerable to natural disasters.

16 (g) The center shall provide recommendations to the Texas  
17 Department of Insurance regarding the development of policies,  
18 procedures, and education programs to enable the quick and  
19 efficient reporting and settling of housing claims related to  
20 natural disasters.

21 (h) The center may seek and accept gifts, grants,  
22 donations, and other funds to assist the center in fulfilling  
23 its duties under this section.

24 Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY  
25 AGENCY. (a) The center shall submit to the designated state  
26 agency a plan certified by the center under Section 418.134.

27 (b) The designated state agency shall review the plan and  
28 consult with the center and the local government about any  
29 potential improvements the agency may identify. In reviewing  
30 the plan, the agency shall give deference to the local  
31 government regarding matters in the local government's

1 discretion.

2 (c) On completion of the review, the designated state  
3 agency shall accept the plan unless the agency determines that  
4 the plan does not:

5 (1) satisfy the criteria for a certified plan under  
6 Section 418.134(b);

7 (2) provide for the rapid and efficient construction  
8 of permanent replacement housing; or

9 (3) comply with applicable state and federal law.

10 Sec. 418.136. APPROVAL BY GOVERNOR. (a) The designated  
11 state agency shall submit to the governor for approval or  
12 rejection a plan that the agency accepts under Section 418.135.

13 (b) If the governor rejects a plan, the governor must  
14 provide a written explanation of the reasons for the rejection.

15 (c) A local government, in consultation with the center  
16 and the designated state agency, may revise a plan rejected by  
17 the governor under this section and resubmit the plan to the  
18 governor for approval.

19 Sec. 418.137. EFFECT OF APPROVAL. (a) A plan approved by  
20 the governor under Section 418.136 is valid for four years and  
21 may be implemented during that period without further approval  
22 if a natural disaster occurs.

23 (b) In accordance with rules adopted by the designated  
24 state agency, on or before expiration, the plan may be reviewed  
25 by the center and the agency, updated if necessary, and  
26 resubmitted to the governor for approval or rejection.

27 SECTION \_\_\_\_. Not later than January 1, 2016, the governor  
28 shall designate a state agency as the agency responsible for  
29 long-term natural disaster recovery as required by Section  
30 418.132, Government Code, as added by this Act, and shall file  
31 that designation with the secretary of state for publication in

1 the Texas Register.

ADOPTED

MAY 27 2015

*Larry Saw*  
Secretary of the Senate

FLOOR AMENDMENT NO.

23

BY:

*Bob Hall*

C.S. 3474  
Amend H.B. ~~3494~~ by adding the following appropriately numbered SECTIONS to the bill, renumbering subsequent SECTIONS of the bill, and correcting all cross-references to those SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.712 to read as follows:

Sec. 51.712. ADDITIONAL FILING FEE FOR CIVIL CASES IN KAUFMAN COUNTY. (a) This section applies only to district courts, statutory probate courts, county courts at law, and justice courts in Kaufman 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 \$15 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Kaufman courts collecting the fee.

(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 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 collecting the fee.

(e) This section applies only to fees for a 12-month period beginning July 1, if the commissioners court:

(1) adopts a resolution authorizing a fee of not more than \$15; and

(2) files the resolution with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than June 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 July 1, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court 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 June 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) July 1, 2030.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061193 to read as follows:

Sec. 101.061193. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in

Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, 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 101.081196 to read as follows:

Sec. 101.081196. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, 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 101.101191 to read as follows:

Sec. 101.101191. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.143 to read as follows:

Sec. 101.143. ADDITIONAL JUSTICE COURT FEE FOR COURT FACILITIES COLLECTED BY CLERK. The clerk of a justice court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 6. This Act takes effect immediately if it receives a

vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

# ADOPTED

FLOOR AMENDMENT NO.

24

MAY 27 2015

*Letay Spaw*  
Secretary of the Senate

BY:

*Sylvia R. Garcia*

1 Amend H.B. No. 3474 (senate committee printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Effective September 1, 2015, Subchapter G,  
5 Chapter 13, Water Code, is amended by adding Section 13.2541 to  
6 read as follows:

7 Sec. 13.2541. APPOINTMENT OF TEMPORARY MANAGER. (a)  
8 Utility commission staff shall file a petition to appoint a  
9 temporary manager of an investor-owned water utility if the  
10 staff has reason to believe:

11 (1) the utility has repeated or continuous violations  
12 of commission rules or of the commission's predecessor agency  
13 rules regarding well capacity, storage tank capacity, service  
14 pump capacity, or pressure tank capacity for at least six years  
15 before the petition is filed;

16 (2) neither an owner of the utility nor the utility  
17 has borrowed money from a federally insured lending institution  
18 to remedy a violation of a rule described by Subdivision (1);

19 (3) the utility serves more than 1,000 connections  
20 but is made up of less than five public water systems;

21 (4) the utility does not serve customers who are  
22 located in a municipality; and

23 (5) the utility is located in a county with a  
24 population of more than 2.7 million.

25 (b) If, after notice and an opportunity for a hearing, the  
26 utility commission finds that the facts alleged in the petition  
27 are true, the utility commission may appoint a temporary manager  
28 and may also refer the investor-owned utility to the attorney  
29 general for the appointment of a receiver under Section 13.412.



1 The utility commission shall issue its final order not more than  
2 180 days after the date the petition is filed.

3 (c) If the utility commission appoints a temporary  
4 manager, the manager shall have all the power and authority  
5 provided by Section 13.4132(c). Not more than 120 days after  
6 the appointment of the manager, the manager shall recommend to  
7 the utility commission whether or not the utility's certificate  
8 should be revoked. If the manager recommends revocation, the  
9 manager shall recommend one or more retail public utilities that  
10 could provide service to the certificated area.

11 (d) If a court appoints a receiver for the utility, the  
12 temporary manager's appointment ends when the receiver executes  
13 the bond required by Section 13.412. The temporary manager is  
14 eligible to be appointed as the receiver.

15 (e) Not more than 90 days after the appointment of a  
16 receiver by the court, the receiver shall recommend to the  
17 utility commission whether or not the utility's certificate of  
18 convenience and necessity should be revoked. If the receiver  
19 recommends revocation, the receiver shall recommend one or more  
20 retail public utilities that could provide service to the  
21 certificated area. The receiver may recommend any other remedy  
22 authorized by this chapter.

23 (f) If the receiver recommends revocation, the utility  
24 commission staff shall file a petition to revoke the certificate  
25 of convenience and necessity under Section 13.254.

# ADOPTED

FLOOR AMENDMENT NO. 25

MAY 27 2015

*Atty. Gen.*  
Secretary of the Senate

BY:

*Enrique Lucio*

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 1502.056, Government Code, is  
5 amended by adding Subsection (a-1) to read as follows:

6 (a-1) For a municipality in a county that contains an  
7 international border and borders the Gulf of Mexico, the first  
8 lien against the revenue of a municipally owned utility system  
9 that secures the payment of public securities issued or  
10 obligations incurred under this chapter also applies to funding,  
11 as a necessary operations expense, for a bill payment assistance  
12 program for the utility system's customers who:

13 (1) have been determined by the municipality to be  
14 low-income customers;

15 (2) are military veterans who have significantly  
16 decreased abilities to regulate their bodies' core temperatures  
17 because of severe burns received in combat; or

18 (3) are elderly and low-income customers as determined by  
19 the municipality.

# ADOPTED

FLOOR AMENDMENT NO. 26

MAY 27 2015

BY:

*Atty. Gen.*  
Secretary of the Senate

*Francisco, Jr.*

1 Amend C.S.H.B. No. 3474 (senate committee printing) by  
2 adding the following appropriately numbered SECTIONS to the bill  
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Effective September 1, 2015, Section  
5 60.039(a), Water Code, is amended to read as follows:

6 (a) The commission may lease the surface of land for not  
7 more than 50 [~~30~~] years by the entry of an order on the minutes  
8 of the commission and the execution of a lease in the manner  
9 provided by the original order. The lease may not be extended  
10 beyond the 50-year [~~30-year~~] period by renewal, extension, or  
11 otherwise, except that the commission may extend a lease beyond  
12 a 50-year period for residential property located in a district  
13 in which at least 50 percent of the property is residential  
14 property.

15 SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.040,  
16 Water Code, is amended to read as follows:

17 Sec. 60.040. PUBLICATION OF NOTICE FOR SALES AND LEASES IN  
18 EXCESS OF 50 [~~30~~] YEARS. Before making a sale or lease of land  
19 for more than 50 [~~30~~] years, the commission shall publish a  
20 notice in the manner provided in Section 60.035 [~~of this~~  
21 ~~subchapter~~].

22 SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.041,  
23 Water Code, is amended to read as follows:

24 Sec. 60.041. SECURITY FOR BIDS ON LAND TO BE SOLD OR  
25 LEASED FOR MORE THAN 50 [~~30~~] YEARS. Each bid submitted on land  
26 to be sold or leased for more than 50 [~~30~~] years shall be  
27 accompanied by a certified check, cashier's check, or bidder's  
28 bond with a responsible corporate surety authorized to do  
29 business in Texas. The check or bond shall be in an amount

1 equal to the bid for the land or for the first rental payment  
2 under the lease and shall guarantee that the bidder will perform  
3 the terms of the [~~his~~] bid if it is accepted by the commission.

4 SECTION \_\_\_\_\_. Effective September 1, 2015, the heading to  
5 Section 60.042, Water Code, is amended to read as follows:

6 Sec. 60.042. AWARD AND EXECUTION OF DEED OR LEASE IN  
7 EXCESS OF 50 [~~30~~] YEARS.

8 SECTION \_\_\_\_\_. Sections 60.039, 60.040, 60.041, and 60.042,  
9 Water Code, as amended by this Act, apply only to a lease  
10 entered into on or after September 1, 2015. A lease entered into  
11 before September 1, 2015, is governed by the law in effect on  
12 the date the lease was entered into, and the former law is  
13 continued in effect for that purpose.

# ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO. 27

*Lately Spaw*  
BY:  
Secretary of the Senate

*Bob Hall*

Amend <sup>CSHB</sup> ~~H. B.~~ 3474 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Article 4.14, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) For the purposes of Subsection (b)(1), the territorial limits of a municipality with a population of less than 2,000 that is located in two counties include:

(1) the entire width of a segment of highway or street, as defined by Section 541.302, Transportation Code, that is partially located in the municipality; or

(2) a segment of highway or street, as defined by Section 541.302, Transportation Code, that abuts property located in the municipality.

(b) Article 14.03(g), Code of Criminal Procedure, is amended by adding Subdivision (4) to read as follows:

(4) For purposes of Subdivision (2), the jurisdiction of a peace officer employed by a municipality described by Article 4.14(h) includes the area included in the territorial limits of the municipality under that article.

(c) Article 45.019, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) A complaint filed in municipal court in a municipality described by Article 4.14(h) must allege that the offense was committed in the territorial limits of the municipality, which include the area described by that article, in which the complaint is made.

(d) Section 29.003, Government Code, is amended by adding Subsection (j) to read as follows:

(j) For the purposes of Subsection (b), the territorial limits of a municipality described by Article 4.14(h), Code of Criminal Procedure, include the area described by that article.

(e) The changes in law made by this section apply 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.

(f) 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.

# ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO. 28

*Letty Spaw*  
Secretary of the Senate

BY: *Bob Hall*

*CSH*

*34943474*

1 Amend CSH.B. No. 34943474 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS  
3 of the bill accordingly:

4 SECTION \_\_\_\_\_. (a) In this section, "critical  
5 infrastructure" means an electrical power generating facility,  
6 substation, switching station, electrical control center, or  
7 electrical transmission or distribution facility.

8 (b) The Public Utility Commission of Texas shall instruct  
9 the independent organization certified under Section 39.151,  
10 Utilities Code, to commission a study on the security of the  
11 Texas electric grid and the computer systems and networks  
12 related to it. On or before September 1, 2015, the independent  
13 organization must name persons to conduct the study who have  
14 expertise in:

- 15 (1) electromagnetic pulse disturbances;  
16 (2) cybersecurity;  
17 (3) geomagnetic disturbances;  
18 (4) electric power transmission and distribution  
19 system security; and  
20 (5) terrorism.

21 (c) Through the study the independent organization must:  
22 (1) identify the critical infrastructure that is at  
23 risk from electromagnetic, geomagnetic, terrorist, and cyber-  
24 attack threats;

25 (2) evaluate technologies available to improve the  
26 resiliency of critical infrastructure against electromagnetic,  
27 geomagnetic, terrorist, or cyber-attack threats;

28 (3) evaluate the capabilities of critical  
29 infrastructure to recover from electromagnetic, geomagnetic,

1 terrorist, or cyber-attack threats;

2 (4) evaluate measures to secure the electric grid and  
3 associated computer systems and networks against damage against  
4 electromagnetic, geomagnetic, terrorist, and cyber-attack  
5 threats; and

6 (5) assess the projected cost of enhancements to  
7 critical infrastructure that are necessary to secure adequately  
8 against electromagnetic, geomagnetic, terrorist, and cyber-  
9 attack threats.

10 (d) Information collected by the independent organization  
11 for the study that is related to the security of the electric  
12 grid is confidential and is not subject to disclosure under  
13 Chapter 552, Government Code.

14 (e) Not later than December 1, 2016, the Public Utility  
15 Commission of Texas shall provide a report on the results of the  
16 study required by this section to the governor, the lieutenant  
17 governor, the speaker of the house of representatives, and each  
18 standing committee of the senate and the house of  
19 representatives with primary jurisdiction over the electric grid  
20 and emergency management.



ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO.

29

Latoy Spauldy  
Secretary of the Senate

*Eric Menendez*

1 Amend C.S.H.B. No. 3474 (senate committee report) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Subchapter C, Chapter 821, Health and Safety  
5 Code, is amended by adding Section 821.0521 to read as follows:

6 Sec. 821.0521. EUTHANASIA OF CERTAIN ANIMALS PROHIBITED.

7 (a) This section applies only to a county:

8 (1) with a population of more than 1.5 million that  
9 contains a municipality in which at least 75 percent of the  
10 county's population resides; or

11 (2) that borders the United Mexican States and the  
12 Gulf of Mexico.

13 (b) A person may not euthanize a dog, cat, or other animal  
14 in the custody of an animal shelter if the animal could safely  
15 be placed:

16 (1) in an empty cage, kennel, or other living  
17 environment intended for animal habitation in the animal  
18 shelter; or

19 (2) in a shared cage, kennel, or other living  
20 environment intended for animal habitation in the animal shelter  
21 with another animal of the same species.

22 (c) A cage, kennel, or other living environment described  
23 by Subsection (b)(1) or (2) does not include a cage, kennel, or  
24 other living environment in an animal shelter that is:

25 (1) not attached to the animal shelter or the  
26 premises of the animal shelter; or

27 (2) restricted to the public and designated for the  
28 provision of treatment and care to sick or injured animals.

29 (d) Subsection (b) does not apply to:

1           (1) an animal that is suspected of carrying and is  
2 otherwise exhibiting signs of rabies as determined by a licensed  
3 veterinarian;

4           (2) a dog that a court has determined to be a  
5 dangerous dog under Subchapter D, Chapter 822;

6           (3) a dog that has bitten a person severely enough  
7 that the person suffered an injury requiring more than minor  
8 medical attention;

9           (4) a dog that has bitten a cat or another dog,  
10 causing serious injury or death to the other animal;

11           (5) a dog that a certified animal behaviorist or  
12 qualified shelter staff has determined is a threat to human  
13 safety; or

14           (6) an animal that has a poor or grave prognosis for  
15 being able to live without severe, unrelenting pain, even with  
16 comprehensive, prompt, and necessary veterinary care, as  
17 determined by a licensed veterinarian.

18           (e) This section does not require a person who is an agent  
19 of an animal shelter to:

20           (1) group dogs or cats together in a manner that does  
21 not provide each animal the ability to turn freely or to easily  
22 stand, sit, stretch, move the animal's head without touching the  
23 top of the enclosure, lie in a comfortable position with limbs  
24 extended, or move around to assume a comfortable posture for  
25 feeding, drinking, urinating, and defecating;

26           (2) group two or more dogs together unless they are  
27 bonded companions or related;

28           (3) group sick animals with healthy animals; or

29           (4) group a dog that weighs more than 30 pounds with  
30 another dog without prior approval of a shelter staff member  
31 that is granted after the shelter staff member has supervised an

1 introduction of the dogs.

2       (f) This section does not prohibit a person who is an  
3 agent of an animal shelter from euthanizing an animal to make a  
4 cage or kennel space available for an additional animal, if the  
5 additional animal is in the custody of the animal shelter or the  
6 agent and is expected to arrive at the animal shelter within a  
7 reasonable period of time.

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO.

30

*Letay Shaw*  
Secretary of the Senate

BY:

*P. Phisfi*

1 Amend C.S.H.B. No. 3474 (senate committee report) by adding  
2 the following appropriately numbered SECTIONS to the bill,  
3 renumbering subsequent SECTIONS of the bill, and correcting all  
4 cross-references to those SECTIONS accordingly:

5 SECTION \_\_\_\_\_. Subtitle F, Title 6, Special District Local  
6 Laws Code, is amended by adding Chapter 8373 to read as follows:

7 CHAPTER 8373. AXIS MUNICIPAL UTILITY DISTRICT NO. 1

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8373.001. DEFINITIONS. In this chapter:

10 (1) "Board" means the district's board of directors.

11 (2) "Commission" means the Texas Commission on  
12 Environmental Quality.

13 (3) "Director" means a board member.

14 (4) "District" means the Axis Municipal Utility  
15 District No. 1.

16 Sec. 8373.002. NATURE OF DISTRICT. The district is a  
17 municipal utility district created under Section 59, Article  
18 XVI, Texas Constitution.

19 Sec. 8373.003. CONFIRMATION AND DIRECTORS' ELECTION  
20 REQUIRED. The temporary directors shall hold an election to  
21 confirm the creation of the district and to elect five permanent  
22 directors as provided by Section 49.102, Water Code.

23 Sec. 8373.004. CONSENT OF MUNICIPALITY REQUIRED. The  
24 temporary directors may not hold an election under Section  
25 8373.003 until each municipality in whose corporate limits or  
26 extraterritorial jurisdiction the district is located has  
27 consented by ordinance or resolution to the creation of the  
28 district and to the inclusion of land in the district.

29 Sec. 8373.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1 (a) The district is created to serve a public purpose and  
2 benefit.

3 (b) The district is created to accomplish the purposes of:

4 (1) a municipal utility district as provided by  
5 general law and Section 59, Article XVI, Texas Constitution; and

6 (2) Section 52, Article III, Texas Constitution, that  
7 relate to the construction, acquisition, or improvement of  
8 macadamized, graveled, or paved roads described by Section  
9 54.234, Water Code, or improvements, including storm drainage,  
10 in aid of those roads.

11 Sec. 8373.006. INITIAL DISTRICT TERRITORY. (a) The  
12 district is initially composed of the territory described by  
13 Section\_\_ of the Act enacting this chapter.

14 (b) The boundaries and field notes contained in Section  
15 of the Act enacting this chapter form a closure. A mistake made  
16 in the field notes or in copying the field notes in the  
17 legislative process does not affect the district's:

18 (1) organization, existence, or validity;

19 (2) right to issue any type of bond for the purposes  
20 for which the district is created or to pay the principal of and  
21 interest on a bond;

22 (3) right to impose a tax; or

23 (4) legality or operation.

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8373.051. GOVERNING BODY; TERMS. (a) The district  
26 is governed by a board of five elected directors.

27 (b) Except as provided by Section 8373.052, directors  
28 serve staggered four-year terms.

29 Sec. 8373.052. TEMPORARY DIRECTORS. (a) The temporary  
30 board consists of:

31 (1) Hugh Coates;

1           (2) Dennette Coates; and

2           (3) Greg Leach.

3           (b) On or after the effective date of the Act enacting  
4 this chapter, the owner or owners of a majority of the assessed  
5 value of the real property in the district may submit a petition  
6 to the commission requesting that the commission appoint as  
7 temporary directors the three persons named in the petition.  
8 The commission shall appoint as temporary directors the three  
9 persons named in the petition.

10          (c) Temporary directors serve until the earlier of:

11           (1) the date permanent directors are elected under  
12 Section 8373.003; or

13           (2) the fourth anniversary of the effective date of  
14 the Act enacting this chapter.

15          (d) If permanent directors have not been elected under  
16 Section 8373.003 and the terms of the temporary directors have  
17 expired, successor temporary directors shall be appointed or  
18 reappointed as provided by Subsection (e) to serve terms that  
19 expire on the earlier of:

20           (1) the date permanent directors are elected under  
21 Section 8373.003; or

22           (2) the fourth anniversary of the date of the  
23 appointment or reappointment.

24          (e) If Subsection (d) applies, the owner or owners of a  
25 majority of the assessed value of the real property in the  
26 district may submit a petition to the commission requesting that  
27 the commission appoint as successor temporary directors the  
28 persons named in the petition. The commission shall appoint as  
29 successor temporary directors the persons named in the petition.

30                   SUBCHAPTER C. POWERS AND DUTIES

31          Sec. 8373.101. GENERAL POWERS AND DUTIES. The district

1 has the powers and duties necessary to accomplish the purposes  
2 for which the district is created.

3       Sec. 8373.102.       MUNICIPAL UTILITY DISTRICT POWERS AND  
4 DUTIES.   The district has the powers and duties provided by the  
5 general law of this state, including Chapters 49 and 54, Water  
6 Code, applicable to municipal utility districts created under  
7 Section 59, Article XVI, Texas Constitution.

8       Sec. 8373.103.   AUTHORITY FOR ROAD PROJECTS.   (a)   Under  
9 Section 52, Article III, Texas Constitution, the district may  
10 design, acquire, construct, finance, issue bonds for, improve,  
11 and convey to this state, a county, or a municipality for  
12 operation and maintenance macadamized, graveled, or paved roads  
13 described by Section 54.234, Water Code, or improvements,  
14 including storm drainage, in aid of those roads.

15       (b)   The district may exercise the powers provided by this  
16 section without submitting a petition to or obtaining approval  
17 from the commission as required by Section 54.234, Water Code.

18       Sec. 8373.104.   APPROVAL OF ROAD PROJECT.   (a)   The  
19 district may not undertake a road project authorized by Section  
20 8373.103 unless:

21           (1)   each municipality or county that will operate and  
22 maintain the road has approved the plans and specifications of  
23 the road project, if a municipality or county will operate and  
24 maintain the road; or

25           (2)   the Texas Transportation Commission has approved  
26 the plans and specifications of the road project, if the state  
27 will operate and maintain the road.

28       (b)   Except as provided by Subsection (a), the district is  
29 not required to obtain approval from the Texas Transportation  
30 Commission to design, acquire, construct, finance, issue bonds  
31 for, improve, or convey a road project.

1       Sec. 8373.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2 OR RESOLUTION. The district shall comply with all applicable  
3 requirements of any ordinance or resolution that is adopted  
4 under Section 54.016 or 54.0165, Water Code, and that consents  
5 to the creation of the district or to the inclusion of land in  
6 the district.

7       Sec. 8373.106. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

9               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10       Sec. 8373.151. ELECTIONS REGARDING TAXES OR BONDS. (a)  
11 The district may issue, without an election, bonds and other  
12 obligations secured by:

13               (1) revenue other than ad valorem taxes; or

14               (2) contract payments described by Section 8373.153.

15       (b) The district must hold an election in the manner  
16 provided by Chapters 49 and 54, Water Code, to obtain voter  
17 approval before the district may impose an ad valorem tax or  
18 issue bonds payable from ad valorem taxes.

19       (c) The district may not issue bonds payable from ad  
20 valorem taxes to finance a road project unless the issuance is  
21 approved by a vote of a two-thirds majority of the district  
22 voters voting at an election held for that purpose.

23       Sec. 8373.152. OPERATION AND MAINTENANCE TAX. (a) If  
24 authorized at an election held under Section 8373.151, the  
25 district may impose an operation and maintenance tax on taxable  
26 property in the district in accordance with Section 49.107,  
27 Water Code.

28       (b) The board shall determine the tax rate. The rate may  
29 not exceed the rate approved at the election.

30       Sec. 8373.153. CONTRACT TAXES. (a) In accordance with  
31 Section 49.108, Water Code, the district may impose a tax other



1 than an operation and maintenance tax and use the revenue  
2 derived from the tax to make payments under a contract after the  
3 provisions of the contract have been approved by a majority of  
4 the district voters voting at an election held for that purpose.

5 (b) A contract approved by the district voters may contain  
6 a provision stating that the contract may be modified or amended  
7 by the board without further voter approval.

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 8373.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or  
13 any combination of those sources, to pay for any authorized  
14 district purpose.

15 Sec. 8373.202. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while  
19 all or part of the bonds are outstanding as required and in the  
20 manner provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 8373.203. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other  
23 obligations issued or incurred to finance road projects and  
24 payable from ad valorem taxes may not exceed one-fourth of the  
25 assessed value of the real property in the district.

26 SECTION \_\_\_\_. The Axis Municipal Utility District No. 1  
27 initially includes all the territory contained in the following  
28 area:

29 Tract I:

30 Said 921.8551 acres of land lying and being situated in  
31 Kinney County, Texas; about seven miles N 21° W of the City of

1 Brackettville, the County Seat; containing acreages in the  
2 various Surveys, as follows:

3	Sur. No.	Original Grantee	Abst. No.	Acres.
4	3	H. L. Dignowity	621	72.3267
5	268	P. Moore	507	2.5831
6	517	H. E. & W. T. R.R. Co.	816	419.8181
7	523	H. E. & W. T. R.R. Co.	817	164.8747
8	524	G. Dietzel	1673	262.2525
9	Total	921.8551 Ac.		

10 Said 921.8551 acres of land being the southeast portion of  
11 the Eduardo A. de la Graza Lands; and being more fully described  
12 by metes and bounds, as follows:

13 BEGINNING at a 5/8" Steel Pin found at a fence corner post,  
14 for the Westernmost corner of this tract, and the common corner  
15 of the following four Surveys, viz.: the East corner of Sur. No.  
16 409, B.B.B. & C. R.R. Co.; the South corner of Sur. No. 413,  
17 S.F.A.M. & I. Co.; the West corner of said Sur. No. 517; and the  
18 North corner of Sur. No. 410, Ben S. Jones;

19 THENCE with fence along the northwest lines of said Sur.  
20 No. 517 and Sur. No. 3, the southeast line of said Sur. No. 413,  
21 N 32° 00' 00" E 4859.13 ft. to a 5/8" Steel Pin, found at a  
22 fence corner post; for a re-entrant corner of a 40.00 ft. wide  
23 road easement (as recorded in Tract III, in Vol. A-66, Page 277-  
24 280, Deed Records), and a North corner of this tract;

25 THENCE leaving said Survey line, and with fence along a  
26 southwest R.O.W. line of said 40.00 ft. wide road easement, S  
27 42° 04' 08" E 192.52 ft. to a 5/8" Steel Pin found at a fence  
28 corner post, for a South corner of said road easement, and a re-  
29 entrant corner of this tract;

30 THENCE leaving fence and continuing with the southeast  
31 R.O.W. line of said road easement, along a northwest side of

1 this tract, as follows:

2 N 42° 02' 32" E 991.47 ft. to a large creosoted post in  
3 concrete, for corner;

4 N 54° 31' 40" E, crossing the northeast line of said Sur.  
5 No. 3, the southwest line of said Sur. No. 524, 1053.77 ft. to a  
6 large creosoted post in concrete, for corner; and

7 THENCE S 59° 19' 30" E 221.71 ft. to a 5/8" Steel Pin found  
8 in fence; for the South corner of the S.E. terminal of said road  
9 easement, and a re-entrant corner of this tract;

10 THENCE continuing with the northwest side of this tract,  
11 with fence and 5/8" Steel Pins found at fence corner posts, for  
12 corners, as follows:

13 N 29° 52' 14" E, at 40.00 ft. pass a point for the North  
14 corner of the S.E. terminal of said road easement; total 1722.04  
15 ft.;

16 N 40° 30' 16" E 1529.27 ft.;

17 N 14° 50' 33" W, crossing the northwest line of said Sur.  
18 No. 524, the southeast line of said Sur. No. 268, 1560.55 ft.;  
19 and

20 THENCE N 33° 53' 54" E 131.42 ft. to a 5/8" Steel Pin found  
21 at a fence corner post, in the northeast line of said Sur. No.  
22 268, the southwest line of Sur. No. 2, I. & G.N. R.R. Co., Blk.  
23 6; for the Northernmost corner of this tract;

24 THENCE with fence, along the southwest line of said Sur.  
25 No. 2, the northeast lines of Sur. Nos. 268, 524, and 523,  
26 respectively, and along a northeast side of this tract, S 58°  
27 47' 22" E 4337.16 ft. to a 5/8" Steel Pin, found at a fence  
28 corner post in the west line of Sur. No. 8, I. & G.N. R.R. Co.,  
29 Blk. 6; for a South corner of said Sur. No. 2, the N.E. corner  
30 of said Sur. No. 523, and the N.E. corner of this tract;

31 THENCE with fence and the west line of said Sur. No. 8,  
8 15.147.327 TSR

1 along the east line of said Sur. No. 523 and an east side of  
2 this tract, S 00° 25' 19" W 2398.89 ft. to a 5/8" Steel Pin,  
3 found at a fence corner post, for the E.S.E. corner of this  
4 tract;

5 THENCE leaving said Survey line, and with fence along a  
6 southeast side of this tract, as follows:

7 N 89° 06' 42" W 1058.11 ft. to a 5/8" Steel Pin set at a  
8 fence corner post, for corner;

9 S 80° 43' 46" W 478.65 ft. to a 1" Steel Pin found under  
10 fence, for corner;

11 S 80° 31' 20" W 659.66 ft. to a 5/8" Steel Pin set at a  
12 fence corner post, for corner;

13 S 83° 54' 33" W 882.17 ft. to a 3/4" Steel Pin found at a  
14 fence corner post, for an East re-entrant corner;

15 S 10° 48' 00" E 736.67 ft. to a 3/4" Steel Pin found near a  
16 3-way fence corner post, for corner;

17 S 82° 17' 14" E 76.27 ft. to a 3/4" Steel Pin found near a  
18 3-way fence corner post, for corner;

19 S 42° 54' 05" W 468.96 ft. to a 3/4" Steel Pin found at a  
20 fence corner post, for corner;

21 S 00° 05' 29" E 81.77 ft. to a 5/8" Steel Pin set at a  
22 large dead Elm tree stump fence corner, for corner;

23 S 12° 51' 33" E, crossing Elm Creek, 63.57 ft. to a 5/8"  
24 Steel Pin set at a 10" Elm tree fence corner;

25 S 07° 47' 12" W 215.66 ft. to a 5/8" Steel Pin set at a  
26 north gate post, for corner;

27 S 68° 06' 02" W, crossing private pasture road, 15.17 ft.  
28 to a 5/8" Steel Pin set at a south gate post, for corner;

29 S 21° 59' 21" W 110.37 ft. to a 1" Steel Pin, found at a  
30 fence corner post in the southwest line of said Sur. No. 523,  
31 the northeast line of Sur. No. 518, J. Herzing; for a middle



1 the S.E. line of Sur. No. 413, S F.A.M. & I Co., distant 4859 13  
2 N 32° E of its South corner. Said point being the East corner  
3 of the O.D. Dooley Farms;

4 THENCE along the northwestern line of Sur. No. 517, N 32°  
5 00' 00" E 1109.19 ft. to a point for the East Corner of Sur No.  
6 413;

7 THENCE along its N.E. line N 58° 00' 00" W 3943.41 ft. to a  
8 point in fence for a corner;

9 THENCE with fence, N 41° 40' 28" E 988.09 ft. to a 5/8"  
10 Steel Pin at fence corner;

11 THENCE with fence N 23° 57' 59" W 2141.26 ft.; and N 15°  
12 12' 55" W 828.38 ft. to a 5/8" Steel Pin at fence corner;

13 THENCE with fence N 70° 05' 10" E 1361.21 ft. to a corner;

14 THENCE with fence N 83° 56' 06" E 1846.46 ft. to a 16" Live  
15 Oak for a corner;

16 THENCE with fence as follows:

17 N 74° 52' 12" E 253 62 ft. to a corner;

18 N 48° 36' 04" E 34 92 ft. to a corner;

19 S 59° 17' 38" E 1611 56 ft. to a 5/8" Steel Pin at fence  
20 corner, in the S.W line of Sur. No. 2, I & G N RR. Co., Blk. 6;

21 THENCE with fence and along the S.W. line of Sur. No. 2, S  
22 58° 47' 22" E 2086.39 ft. to a 5/8" Steel Pin at corner of  
23 fence;

24 THENCE with fence as follows:

25 S 33° 53' 54" W 131 42 ft. to a corner;

26 S 14° 50' 33" E 1560.55 ft. to a corner;

27 S 40° 30' 16" W 1529 27 ft. to a corner; and

28 S 29° 52' 14" W 1722.04 ft. to a 5/8" Steel Pin for corner;

29 THENCE leaving fence, N 59° 19' 30" W 221 71 ft. to a 5/8"  
30 Steel Pin for corner;

31 THENCE S 54° 31' 40" W 1058.77 ft. to a 5/8" Steel Pin for

11 15.147.327 TSR

1 a corner;

2       THENCE S 42° 02' 32" W 991 47 ft. to a 5/8" Steel Pin in

3 fence for corner;

4       THENCE with fence N 42° 04' 08" W 192.52 ft. to the place

5 of BEGINNING.

6       TRACT B:

7       BEING 102.5974 acres of land, more or less, lying and being

8 situated in Kinney County, Texas, about seven miles N 21° W of

9 Brackettville, the County Seat, all out of Sur. No. 413, S.F

10 A.M. & I. Co., Original Grantee, Abst. No. 570;

11       BEGINNING at a 5/8" Steel Pin set at corner of fence, in

12 the S E. line of Sur No. 413, at a point 1109.19 ft. S 32° 00'

13 00" W from its East corner;

14       THENCE with fence N 57° 56' 13" W 4079.16 ft. to a 5/8"

15 Steel Pin for a corner;

16       THENCE crossing Road, N 45° 31' 58" W 51.89 ft. to a 5/8"

17 Steel Pin for the West corner;

18       THENCE N 41° 40' 28" E 1109.27 ft. to a point for the North

19 corner;

20       THENCE along the N E. line of Sur. No. 413, S 58° 00' 00" E

21 3943.41 ft. to a point for its East corner;

22       THENCE along the S.E. line of Sur No. 413, S 32° 00' 00" W

23 1109.19 ft to the place of BEGINNING.

24       TRACT C:

25       An undivided one-half (1/2) interest in and to the

26 following described parcels of land, to-wit:

27       Parcel 1:

28       BEING 4.4662 acres of land, more or less, lying and being

29 situated in Kinney County, Texas, about seven miles N 21° W of

30 Brackettville, the County Seat, all out of Sur. No. 409, B.B.B &

31 C RR. Co., Original Grantee, Abst. No. 20; said 4 4662 acres

12 15.147.327 TSR

1 being more fully described by metes and bounds as follows:

2 BEGINNING at a 5/8" Steel Pin set for the north corner of  
3 this tract, in the N.E. line of Sur. No. 409, and distant  
4 4382.33 ft. N 57° 49' 51" W of its East corner;

5 THENCE crossing Road S 58° 00' 21" E 49.58 ft. to a point  
6 for the east corner;

7 THENCE S 32° 06' 15" W 4011 33 ft. to a 5/8" Steel Pin for  
8 the South corner, set in the N E. Right-of-Way line of Ranch  
9 Road No. 2804;

10 THENCE along said R.O.W N 56° 58 00" W 47.44 ft to a 5/8"  
11 Steel Pin for the West corner;

12 THENCE N 32° 04' 25" E 4010 47 ft to the place of  
13 BEGINNING.

14 Parcel 2:

15 BEING 11 010 acres of land, more or less, lying and being  
16 situated in Kinney County, Texas, about seven miles N 21° W of  
17 Brackettville, the County Seat, all out of Sur No. 413, S F A.M  
18 & I Co., Original Grantee, Abst. No. 570, said 11.0100 acres  
19 being more fully described by metes and bounds, as follows:

20 BEGINNING at a 5/8" Steel Pin set for the West corner of  
21 this tract, in the S W. line of Sur No. 413, and distant 4382 22.  
22 ft. N 57° 49' 51" W of its South corner;

23 THENCE with fence N 29° 02' 19" E 136.01 ft. to a corner;

24 THENCE with fence as follows:

25 N 35° 50' 10" E 3621.84 ft.

26 N 35° 46' 18" E 146 45 ft.

27 N 35° 49' 53" E 74.75 ft.

28 N 32° 09' 56" E 891 62 ft to a 5/8" Steel Pin for the North  
29 corner;

30 THENCE crossing Road, S 45° 31' 58" E 51.89 ft. to a fence  
31 corner, at 5/8" Steel Pin;



1        THENCE with fence, S 32° 02' 11" W 2598 06 ft. to a corner;  
2        THENCE with fence S 38° 43' 57" W 2146.97 ft. and S 32° 06'  
3 15" W 120.46 ft. to a point for a corner;  
4        THENCE crossing Road N 58° 00' 21" W 49.58 ft. to the place  
5 of BEGINNING

ADOPTED

MAY 27 2015

FLOOR AMENDMENT NO.

32 *Latoy Spaul*  
Secretary of the Senate

BY:

*Paul Bellercont*

Amend C.S.H.B. No. 3474 (senate committee printing) as follows:

Add the following appropriately numbered SECTIONS to the bill, correct internal cross-references to those SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7950 to read as follows:

CHAPTER 7950. F.M. 2920/BECKER ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7950.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the F.M. 2920/Becker Road Municipal Utility District of Harris County.

Sec. 7950.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7950.003 until each municipality in whose corporate limits or

extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7950.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 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.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7950.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7950.052, directors serve

staggered four-year terms.

Sec. 7950.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Brian Toldan;
- (2) Elva Composto;
- (3) Hudson Kennedy;
- (4) Josh Rambo; and
- (5) Michael Others.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7950.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7950.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7950.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7950.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7950.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7950.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR

RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7950.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7950.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7950.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7950.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions

of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7950.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7950.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7950.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION \_\_\_\_\_. The F.M. 2920/Becker Road Municipal Utility District of Harris County initially includes all the territory contained in the following area:

FIELD NOTES FOR A 143.175 ACRE TRACT BEING THE RESIDUE OF THE SAME TRACT THAT IS DESCRIBED AS 145.507 ACRES IN THE DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. L295708 (SAVE AND EXCEPT A 2.381

ACRE TRACT CONVEYED OUT IN THE DEED RECORDED IN CLERK'S FILE No. 2012449130), AND BEING LOCATED IN THE HARRIS COUNTY SCHOOL LANDS, SECTION 29, ABSTRACT 333, HARRIS COUNTY, TEXAS.

BEGINNING: At a concrete monument found for the Northeast corner of this 143.175 acre tract (and the above described 145.507 acre tract) as located at the intersection of the South line of Farm-to-Market Road 2920 (100 foot width) with the West right-of-way line of Becker Road (66 foot width);

THENCE: South  $01^{\circ} 29' 57''$  East with the West line of Becker Road a distance of 493.80 feet to a 1/2 inch iron rod found for the Southeast corner of this 143.175 acre tract and also being the Northeast corner of an adjoining 5.000 acre tract (Clerk's File No. T129332);

THENCE: South  $88^{\circ} 10' 30''$  West a distance of 900.00 feet along the North line of the 5.000 acre tract to a 2 inch iron pipe found for the Northwest corner of the 5.000 acre tract and also being an interior corner of this 143.175 acre tract;

THENCE: South  $01^{\circ} 31' 24''$  East with the West line of the 5.000 acre tract and a West line of a called 24.287 acre tract (Clerk's File No. T129332) a distance of 842.21 feet to a 2 inch iron pipe found for an interior corner of the 24.287 acre tract and also a lower Southeast corner of this tract;

THENCE: South  $88^{\circ} 12' 00''$  West at distance of 2300.24 feet with a North line of the called 24.287 acre tract and a South line of this 143.175 acre tract passing a 2 inch iron pipe found for a Northwest corner of the called 24.287 acre tract and the Northeast corner of a 2.381 acre tract (Clerk's File No. 2012449130) and continuing on for a total distance of 2768.46 feet to a 1/2 inch iron rod found for the Southwest corner of this tract and the



Northwest corner of the 2.381 acre tract;

THENCE: North 02° 05' 14" West with the West line of this tract and the East line of a called 100.00 acre tract (Clerk's File No. F053682), said 100.00 acre tract has been subdivided into Adams Plaza Subdivision (unrecorded); a distance of 1998.21 feet to a 1/2 inch iron rod found for the Southwest corner of a 1.000 acre tract (Clerk's File NO. S770247);

THENCE: North 88° 21' 15" East a distance of 100.00 feet along the South line of the 1.000 acre tract to a 1/2 inch iron rod found for the Southeast corner of the 1.000 acre tract and being an interior corner of this 143.175 acre tract;

THENCE: North 02° 05' 14" West a distance of 435.21 feet along the East line of the 1.000 acre tract to a 5/8 inch iron rod and cap found for the Northeast corner of the 1.000 acre tract and the Northwest corner of this 143.175 acre tract, said corner is located in the South right-of-way line of F.M. 2920;

THENCE: North 88° 21' 15" East a distance of 361.28 feet with the South line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Continuing along the South line of F.M. 2920 with a curve to the right having a radius of 2241.86 feet and a curve length of 1397.11 feet to a concrete monument found at the curve's P.T.; said curve is subtended by a chord that bears South 73° 50' 17" East a distance of 1374.61 feet;

THENCE: South 55° 58' 14" East a distance of 394.51 feet along the South right-of-way line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Following the South right-of-way line of F.M. 2920 along a curve to the left having a radius of 2341.86 feet and a

curve length of 1470.77 feet to a concrete monument found for the P.T. of the curve; said curve is subtended by a chord that bears South 73° 59' 04" East a distance of 1446.72 feet;

THENCE: North 87° 45' 25" East a distance of 221.23 feet along the South right-of-way line of F.M 2920 to the PLACE OF BEGINNING and containing 143.175 acres of land.

SECTION \_\_\_\_\_. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7950, Special District Local Laws Code, as added by Section \_\_\_\_\_ of this Act, is amended by adding Section 7950.106 to read as follows:

Sec. 7950.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION \_\_\_\_\_. (a) The county department of education in a county with a population of 3.3 million or more according to the most recent federal decennial census is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if the department were a state agency, but the department may not be abolished under that chapter. The review shall be conducted as if the department were scheduled to be abolished September 1, 2017.

(b) The review must assess the department's governance, management, and operating structure, and the department's compliance with legislative requirements.

(c) The department shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the department under this section. The Sunset Advisory Commission shall determine the

cost, and the department shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(d) This section of this Act expires September 1, 2019.

ADOPTED

FLOOR AMENDMENT NO. 33

MAY 27 2015

BY:

Campbell Mrs.

Leta Spaw  
Secretary of the Senate

Amend CSH B. 3424 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill, correcting internal cross references in those SECTIONS, and renumbering subsequent SECTIONS of the bill accordingly:

1 SECTION \_\_\_\_ . BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION  
2 DISTRICT. It is the intent of the legislature that the following  
3 six SECTIONS, SECTIONS \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_ of  
4 this Act, apply only to the territory described by Section  
5 8802.0035, Special District Local Laws Code, as added by this  
6 Act, and not have statewide implications.

7 SECTION \_\_\_\_ . Subchapter A, Chapter 8802, Special District  
8 Local Laws Code, is amended by adding Section 8802.0035 to read  
9 as follows:

10 Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The  
11 territory of the district includes any territory that is:

12 (1) inside the boundaries of:

13 (A) the Edwards Aquifer Authority; and

14 (B) Hays County; and

15 (2) not within the boundaries of the Plum Creek  
16 Conservation District as those boundaries existed on February 1,  
17 2015.

18 (b) The Edwards Aquifer Authority has jurisdiction over  
19 any well that is drilled to produce water from the Edwards  
20 Aquifer in the shared territory described by Subsection (a).

21 (c) The district has jurisdiction over groundwater and any  
22 well that is drilled to produce water from any aquifer other  
23 than the Edwards Aquifer in the shared territory described by  
24 Subsection (a).

25 (d) Except for the district and the Edwards Aquifer

1 Authority, no district or authority created under Section 52,  
2 Article III, or Section 59, Article XVI, Texas Constitution, has  
3 authority in the shared territory described by Subsection (a) to  
4 regulate the spacing of water wells or the production from water  
5 wells.

6 (e) The district has jurisdiction over any well that is  
7 drilled to produce water from the Edwards Aquifer or any other  
8 aquifer in the territory described by Section 8802.003.

9 (f) The district's jurisdiction over any well that is  
10 drilled to produce water in the territory described in Section  
11 8802.003, including a well that is used to recover water that  
12 has been injected as part of an aquifer storage and recovery  
13 project, applies to all wells for which the district has  
14 jurisdiction in the shared territory described by this section.

15 SECTION \_\_\_\_\_. Section 8802.1045, Special District Local Laws  
16 Code, is amended by adding Subsection (g) to read as follows:

17 (g) This subsection applies only to a well located in the  
18 shared territory described by Section 8802.0035. Notwithstanding  
19 Subsection (b), the district may not charge an annual production  
20 fee of more than 17 cents per thousand gallons of water produced  
21 under a permit from a well under this subsection, if the water  
22 is permitted for any use other than agricultural use.

23 SECTION \_\_\_\_\_. As soon as practicable after the effective  
24 date of the Act enacting this SECTION, and in conformance with  
25 Chapter 36, Water Code, the board of directors of the Barton  
26 Springs-Edwards Aquifer Conservation District may increase the  
27 number of board members and shall revise the single-member  
28 districts as the board considers appropriate to reflect the  
29 changes in territory made by Section 8802.0035, Special District  
30 Local Laws Code, as added by this Act. It is the intent of the  
31 legislature that the composition of the board reflect the

territory added to the district by this Act.

SECTION \_\_\_\_\_. In this section:

(1) "District" means the Barton Springs-Edwards Aquifer Conservation District.

(2) "Maximum production capacity" means the maximum production capacity of a well, which may be based on a 36-hour pump test conducted at the time the well was initially constructed or placed into service.

(b) This section applies only to the shared territory added to the district by Section 8802.0035, Special District Local Laws Code, as added by this Act.

(c) A person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Subsection (b) of this section and subject to the jurisdiction of the district under Section 8802.0035, Special District Local Laws Code, as added by this Act, shall file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping, completion, or operation of any well if the well requires a permit under the rules or orders of the district. The person may file the permit application for an amount of groundwater production not to exceed the maximum production capacity of the well.

(d) The district shall issue a temporary permit to a person who files an application under Subsection (c) of this section without a hearing on the application not later than the 30th day after the date of receipt of the application. The district shall issue the temporary permit for the groundwater production amount set forth in the application. The temporary

1 permit issued under this subsection shall provide the person  
2 with retroactive and prospective authorization to drill,  
3 operate, or perform another activity related to a well for which  
4 a permit is required by the district for the period of time  
5 between the effective date of this Act and the date that the  
6 district takes a final, appealable action on issuance of a  
7 regular permit pursuant to the permit application if:

8 (1) the person's drilling, operating, or other  
9 activities associated with the well are consistent with the  
10 authorization sought in the permit application;

11 (2) the person timely pays to the district all  
12 administrative fees and fees related to the amount of  
13 groundwater authorized to be produced pursuant to the temporary  
14 permit in the same manner as other permit holders in the  
15 district; and

16 (3) the person complies with other rules and orders  
17 of the district applicable to permit holders.

18 (e) The temporary permit issued under Subsection (d) does  
19 not confer any rights or privileges to the permit holder other  
20 than those set forth in this section. After issuing the  
21 temporary permit, the district shall process the permit  
22 application for notice, hearing, and consideration for issuance  
23 of a regular permit consistent with this section. The district,  
24 after notice and hearing, shall issue an order granting the  
25 regular permit authorizing groundwater production in the amount  
26 set forth in the temporary permit unless the district finds that  
27 authorizing groundwater production in the amount set forth in  
28 the temporary permit will cause:

29 (1) a failure to achieve the applicable adopted  
30 desired future conditions for the aquifer; or

31 (2) an unreasonable impact on existing wells.

1 (f) In the hearing on issuance of the regular permit under  
2 Subsection (e), the permit applicant bears the burden of proof.

3 (g) The holder of a temporary or regular permit subject to  
4 a district order under this section to reduce the amount of  
5 groundwater production from the permitted well may contest the  
6 reduction by requesting a contested case hearing to be conducted  
7 by the State Office of Administrative Hearings in the manner  
8 provided by Sections 36.416, 36.4165, and 36.418, Water Code.  
9 The district shall contract with the State Office of  
10 Administrative Hearings to conduct the hearing as provided by  
11 those sections of the Water Code. To the extent possible, the  
12 State Office of Administrative Hearings shall expedite a hearing  
13 under this subsection. The permit applicant bears the burden of  
14 proof in the hearing.

15 (h) For the State Office of Administrative Hearings to  
16 recommend overturning a district order reducing the amount of  
17 groundwater authorized to be produced under a temporary permit,  
18 the permit holder must demonstrate by a preponderance of the  
19 evidence that the production of the amount of groundwater  
20 authorized based on the maximum production capacity will not  
21 cause:

22 (1) a failure to achieve applicable adopted desired  
23 future conditions for the aquifer; or

24 (2) an unreasonable impact on existing wells as found  
25 in the district's order.

26 (i) A person who relies on the temporary permit granted by  
27 this section to drill, operate, or engage in other activities  
28 associated with a water well assumes the risk that the district  
29 may grant or deny, wholly or partly, the permit application when  
30 the district takes final action after notice and hearing to  
31 issue a regular permit pursuant to the application.



1       SECTION \_\_\_\_\_. If the addition of territory under Section  
2 8802.0035, Special District Local Laws Code, as added by this  
3 Act, causes the annual water use fee in Section 8802.105 to  
4 exceed \$1 million, the district shall not require an assessment  
5 of greater than \$1 million annually as adjusted to reflect the  
6 percentage change during the preceding year in the Consumer  
7 Price Index.

8       SECTION \_\_\_\_\_. (a) The legislature validates and confirms  
9 all acts and proceedings of the board of directors of the Barton  
10 Springs-Edwards Aquifer Conservation District that were taken  
11 before the effective date of this Act.

12       (b) Subsection (a) of this section does not apply to any  
13 matter that on the effective date of this Act:

14               (1) is involved in litigation if the litigation  
15 ultimately results in the matter being held invalid by a final  
16 judgment of a court; or

17               (2) has been held invalid by a final judgment of a  
18 court.

# ADOPTED

FLOOR AMENDMENT NO.

34

MAY 27 2015

*Latey Spew*  
Secretary of the Senate

BY:

*Fisher*

1 Amend HB 3474 by adding the following appropriately  
2 numbered sections:

3 SECTION \_\_\_\_\_. Section 11.139, Water Code, is amended by  
4 amending Subsection (a) and adding Subsection (a-1) to read as  
5 follows:

6 (a) Except as provided by Section 11.148 [~~of this code~~],  
7 the commission may grant an emergency permit, order, or  
8 amendment to an existing permit, certified filing, or  
9 certificate of adjudication after notice to the governor for an  
10 initial period of not more than 270 [~~120~~] days if the commission  
11 finds that:

12 (1) emergency conditions exist which present an  
13 imminent threat to the public health and safety and which  
14 override the necessity to comply with established statutory  
15 procedures; and

16 (2) there are no feasible practicable alternatives to  
17 the emergency authorization.

18 (a-1) Such emergency action may be renewed once for not  
19 longer than 60 days.

20 SECTION \_\_\_\_\_. The change in law made by this Act applies  
21 only to an application for an emergency authorization or renewal  
22 of an emergency authorization that is submitted to the Texas  
23 Commission on Environmental Quality on or after the effective  
24 date of this Act. An application for an emergency authorization  
25 or renewal of an emergency authorization that is submitted to  
26 the commission before the effective date of this Act is governed  
27 by the law in effect immediately before the effective date of  
28 this Act, and that law is continued in effect for that purpose.

29 SECTION \_\_\_\_\_. This Act takes effect immediately if it

1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas  
3 Constitution. If this Act does not receive the vote necessary  
4 for immediate effect, this Act takes effect September 1, 2015.

5

ADOPTED

MAY 27 2015

*Letay Shaw*  
Secretary of the Senate

FLOOR AMENDMENT NO.

35

BY:

*Joan Huffman*

1 Amend H.B. No. 3474 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of  
3 the bill accordingly:

4 SECTION \_\_\_\_\_. Title 6, Civil Practice and Remedies Code, is  
5 amended by adding Chapter 150A to read as follows:

6 CHAPTER 150A. DISCOVERY BY GOVERNMENTAL UNIT

7 Sec. 150A.001. DEFINITIONS. In this chapter:

8 (1) "Governmental unit" has the meaning assigned by  
9 Section 101.001.

10 (2) "Religious organization" means an organization  
11 that qualifies as a religious organization under Section 11.20, Tax  
12 Code.

13 (3) "Religious worship" has the meaning assigned by  
14 Section 11.20, Tax Code.

15 Sec. 150A.002. SERMONS PRIVILEGED FROM DISCLOSURE TO  
16 GOVERNMENTAL UNIT. A governmental unit may not, in any civil action  
17 or other civil or administrative proceeding to which the  
18 governmental unit is a party, compel the production or disclosure  
19 of a written copy or audio or video recording of a sermon delivered  
20 by a religious leader during religious worship of a religious  
21 organization or compel the religious leader to testify regarding  
22 the sermon.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3474** by Coleman (Relating to issues affecting counties and other governmental entities.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for of HB3474, As Passed 2nd House: a negative impact of (\$2,210,232) through the biennium ending August 31, 2017.

Additionally, the bill would specify that in counties with a population at least 4 million (Harris County) the amount of the property tax exemption for certain organizations constructing or rehabilitating low-income housing is 100 percent of the appraised value, if certain conditions exist. The bill's requirement of an exemption of certain low-income housing in Harris County would require Harris County taxing units to grant a 100 percent low-income housing exemption at the full appraised value to these properties. As a result, taxable property values would be reduced and the related costs to the Foundation School Fund would be increased through the operation of the school finance formulas.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,105,116)
2017	(\$1,105,116)
2018	(\$1,105,116)
2019	(\$1,105,116)
2020	(\$1,105,116)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i>
	1
2016	(\$1,105,116)
2017	(\$1,105,116)
2018	(\$1,105,116)
2019	(\$1,105,116)
2020	(\$1,105,116)

**Fiscal Analysis**

The bill would amend various codes relating to the issues affecting counties and other governmental entities. The bill would provide the court more discretion to order participation in a veterans court program, expand program eligibility to certain individuals and authorize a participant to utilize videoconferencing software or other internet-based communications to fulfill treatment or other court obligations. Finally, the bill would authorize cases for participants in veterans treatment courts to be transferred to a county where the defendant resides or works with the consent of both veterans treatment courts and the defendant.

The bill would amend Government Code to create a grant program for monitoring defendants and victims in family violence cases. The bill would require the Criminal Justice Division in the Trusted Programs Within the Office of the Governor to establish program guidelines and provide grants to reimburse counties who participate in certain global positioning monitoring systems.

The bill would amend the Health and Safety Code to expand control orders for detention of persons infected with, exposed to, or carriers of a communicable disease. The bill would require that the Department of State Health Services establish a stockpile of protective equipment to support responses to infectious disease emergencies.

The bill would expand the categories of school district employees eligible to receive mental health first aid training and related grants.

The bill would amend Chapter 11 of the Tax Code, regarding taxable property and exemptions, to specify that in counties with a population at least 4 million (Harris County) the amount of the property tax exemption for certain organizations constructing or rehabilitating low-income housing is 100 percent of the appraised value, if the owner is a federally tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, the owner otherwise qualifies for the exemption for the property, and the property was previously owned by a local government corporation created by a city under Transportation Code Chapter 431 or Local Government Code Chapter 394 for affordable housing purposes in a tax increment financing reinvestment zone created by the city.

The bill would create the Task Force to Study Population Chang and Its Effects on Texas Counties to assess the effects of population growth on counties relating to housing, businesses, land resources, the economy, health care services, and county jails.

Under the provisions of the bill, certain officials may seek a decision from the Attorney General whether certain information is confidential or excepted from disclosure. The officers or governing body may appeal the decision to a district court under certain conditions.

The bill would require the Public Utility Commission to instruct a certain independent

organizations to commission a study on the security of the Texas electric grid and the computer and networks related to the Texas electric grid.

The bill would amend the Special District Local Laws Code relating to the Barton Springs-Edwards Aquifer. Under the provisions of the bill, a holder of a temporary or regular permit subject to a district order to reduce the amount of water production would be permitted to contest the reduction by requesting a hearing conducted by the State Office of Administrative Hearings (SOAH). The bill would require the district to contract with SOAH to conduct the hearings.

The bill would authorize the Texas Commission on Environmental Quality (TCEQ) to issue emergency authorizations when there are emergency conditions which present an imminent threat to public health and safety and which override the necessity to comply with established statutory procedures, and there are no feasible practicable alternatives.

The bill would amend Chapter 21 of the Property Code, which relates to eminent domain. The bill would require condemning entities to reimburse property owners for attorney's and professional fees in eminent domain proceedings where it is determined that the condemning entity's lowest offer for the property is 20 percent or more lower than the amount determined by a special commissioner or other court. The bill would increase from two to three the number of actions a condemning entity must complete in order to demonstrate making actual progress towards the public use for which the property was acquired. The bill would reduce the number of available actions for entities other than navigation districts or port authorities from seven to five.

The bill would amend the Government Code relating to natural disaster housing recovery. It would require the Governor to designate a state agency to receive and administer federal and state funds appropriated for long-term natural disaster recovery, and other duties, as described. The bill would also require the Hazard Reduction and Recovery Center at Texas A&M University to review and certify local housing recovery plans submitted by units of local government.

## **Methodology**

According to the Office of Court Administration's Fiscal Year 2013 Annual Statistical Report for the Texas Judiciary, there were 7,395 family violence cases filed for indictment in FY2013. Using that data, the Office of the Governor estimates five percent, approximately 370 cases, would rise to level that GPS monitoring would be warranted.

The Office of the Governor estimates daily costs for monitoring and supervision of the GPS Device is \$16.52 ( $\$16.52 \times 370 \text{ cases} = \$6,112.40/\text{day}$ ). The Office of the Governor assumes each case will require 90 days of monitoring ( $90 \text{ days} \times \$6,112.40/\text{day} = \$550,116$ ). In addition, each GPS unit costs approximately \$1,500 ( $\$1,500 \times 370 \text{ cases} = \$555,000$ ). The total cost for the unit and monitoring would be \$1,105,116 per fiscal year.

Not shown in the costs provided in the tables and based on information provided by General Land Office (GLO), if GLO were the agency designated by the Governor to receive and administer federal and state funds, GLO has funding in place through the 2016-17 biennium from existing federal grants from previous natural disasters to implement the provisions of the bill. According to GLO, beginning in fiscal year 2018 the agency would need an additional 13.0 FTEs and associated administrative expenses of \$1,169,576 each fiscal year. This estimate assumes if Texas Department of Emergency Management (TDEM) were the designated agency, that it would be able to implement the provisions of the bill within existing resources.

Currently, TDEM administers local disaster grants funded from FEMA as an existing function.

Additionally, the GLO currently distributes disaster-related Community Development Block Grant funding from the United States Department of Housing and Urban Development (HUD).

It is anticipated that the additional provisions of the bill could be absorbed by the other affected agencies within current resources.

## **Local Government Impact**

The fiscal impact of the bill on local governmental entities cannot be determined.

There could be costs to local governments relating to an outbreak of a communicable disease. These costs would depend on the number of cases and the severity of communicable diseases. The costs to local governmental entities could include: transporting or securing an individual to a facility, documentation of the communicable disease, and the detention of the individual.

The bill would include school district employees and resource officers to be eligible to access mental health first aid training. It is assumed that the cost of training would be covered by available grant funding. Some school districts could incur costs for substitute teachers to cover classrooms while teachers were obtaining training.

The bill would specify a requirement of an exemption of certain low-income housing in Harris County would require Harris County taxing units to grant a 100 percent low-income housing exemption at the full appraised value to these properties. The bill's provisions that reduce taxable property values of select properties in Harris County would reduce taxable property values and the related ad valorem tax revenue for local taxing units in Harris County.

The Comptroller of Public Accounts contacted Hidalgo and Kaufman County to determine the fiscal impact of certain courts collecting a filing fee. Hidalgo County reported that the county would collect an estimated \$1.9 million per year in new revenue for Fiscal Year (FY) 2016- FY 2020, assuming that all filings remain at the current levels. FY 2015 would be prorated for four months, totaling \$600,000 in additional revenue resulting from the new fines. Kaufman County reported that the county would collect an estimated \$20,610 per year in revenue for FY 2016- FY 2020, assuming that all filings remain at the current levels. FY 2015 would be prorated for one month, totaling \$1,718 in additional revenue resulting from the new fines.

There would be cost to a local government to develop and adopt a local housing recovery plan; however, fiscal impact would vary depending on the local government's resources and number of plans developed.

There would be a fiscal impact on navigation districts in savings of the decreasing cost of legal fees, the drafting of new contracts, and advertisement and filing fees associated with the leasing of surface land for up to 50 years. There would be revenue gain for navigation districts from the increased value of longer term contracts. These amounts would vary depending on the entity and terms of the lease.

The cost to a local government for the prohibition from euthanizing of an animal if there is an empty cage would depend on the number of stray animals in an area, the amount of kennel and shelter space, and other resources of an entity.

The bill could have positive fiscal implications for governmental entities that apply for an emergency authorization. There may be a cost savings for entities not having to file as many



applications and pay the related application fees to keep the emergency authorization effective. These savings are not expected to be significant.

Provisions of the bill relating to eminent domain could result in a negative fiscal impact for units of local government. The impact would vary depending on the number of proceedings to which the bill would apply in which a local government entity would have to reimburse property owners for attorney's and professional fees. The fiscal impact to a local entity would also vary depending on the amount of land eligible for repurchase under the provisions of the bill and the number of individuals seeking to repurchase such land.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 305 General Land Office and Veterans' Land Board, 332 Department of Housing and Community Affairs, 403 Veterans Commission, 405 Department of Public Safety, 537 State Health Services, Department of, 580 Water Development Board, 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices

**LBB Staff:** UP, NB, SD, EK, BRi, TL, JSm, PM, VJC, KJo, EP, LBe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3474** by Coleman (Relating to issues affecting counties and other governmental entities.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for Section 16 of HB3474, Committee Report 2nd House, Substituted: a negative impact of (\$2,210,232) through the biennium ending August 31, 2017.

Section 56 of the bill would specify that in counties with a population at least 4 million (Harris County) the amount of the property tax exemption for certain organizations constructing or rehabilitating low-income housing is 100 percent of the appraised value, if certain conditions exist. The bill's requirement of an exemption of certain low-income housing in Harris County would require Harris County taxing units to grant a 100 percent low-income housing exemption at the full appraised value to these properties. As a result, taxable property values would be reduced and the related costs to the Foundation School Fund would be increased through the operation of the school finance formulas.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,105,116)
2017	(\$1,105,116)
2018	(\$1,105,116)
2019	(\$1,105,116)
2020	(\$1,105,116)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from
	<i>General Revenue Fund</i> 1
2016	(\$1,105,116)
2017	(\$1,105,116)
2018	(\$1,105,116)
2019	(\$1,105,116)
2020	(\$1,105,116)

**Fiscal Analysis**

The bill would amend various codes relating to the issues affecting counties and other governmental entities. Section 1 through 15 of the bill would amend the Government Code to expand program eligibility to defendants who had suffered sexual trauma during military service and would remove eligibility requirements that a veteran's injury, illness, or disorder resulted from service in a combat zone or other hazardous area. The bill would provide the court more discretion to order participation in a veterans court program and would reduce the not-to-exceed amount for the participation fee from \$1,000 to \$500. Additionally, the bill would provide for the automatic expunction of all records and files related to the arrest of a person that completes a veterans court program and requires the court to enter an order of nondisclosure under certain circumstances for individuals who successfully complete a veterans treatment court program. The bill would expand program eligibility to individuals convicted of or placed on deferred adjudication for any misdemeanor or felony offense and authorizes a participant to utilize videoconferencing software or other internet-based communications to fulfill treatment or other court obligations. Finally, the bill would authorize cases for participants in veterans treatment courts to be transferred to a county where the defendant resides or works with the consent of both veterans treatment courts and the defendant.

Section 16 of the bill would amend Government Code to create a grant program for monitoring defendants and victims in family violence cases. The bill would require the Criminal Justice Division in the Trusteed Programs Within the Office of the Governor to establish program guidelines and provide grants to reimburse counties who participate in certain global positioning monitoring systems. The bill would require a biennial report on the grant program.

Section 17 through 48 of the bill would amend the Health and Safety Code to expand control orders for detention of persons infected with, exposed to, or carriers of a communicable disease. The bill would require that the Department of State Health Services establish a stockpile of protective equipment to support responses to infectious disease emergencies.

Section 49 through 55 of the bill would expand the categories of school district employees eligible to receive mental health first aid training and related grants. The training and grants would be available to employees that regularly interacted with students in the course of their duties

Section 56 of the bill would amend Chapter 11 of the Tax Code, regarding taxable property and exemptions, to specify that in counties with a population at least 4 million (Harris County) the amount of the property tax exemption for certain organizations constructing or rehabilitating low-income housing is 100 percent of the appraised value, if the owner is a federally tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, the owner otherwise qualifies for the exemption for the property, and the property was previously owned by a local government corporation created by a city under Transportation Code Chapter 431 or Local Government Code

Chapter 394 for affordable housing purposes in a tax increment financing reinvestment zone created by the city.

Section 57 of the bill would create the Task Force to Study Population Growth in Texas to assess the effects of population growth on counties relating to housing, businesses, land resources, the economy, health care services, and county jails. The bill would establish the duties, compensation, and composition of the task force, including the manner in which appointments to the task force are made.

### **Methodology**

According to the Office of Court Administration's Fiscal Year 2013 Annual Statistical Report for the Texas Judiciary, there were 7,395 family violence cases filed for indictment in FY2013. Using that data, the Office of the Governor estimates five percent, approximately 370 cases, would rise to level that GPS monitoring would be warranted.

The Office of the Governor estimates daily costs for monitoring and supervision of the GPS Device is \$16.52 ( $\$16.52 \times 370 \text{ cases} = \$6,112.40/\text{day}$ ). The Office of the Governor assumes each case will require 90 days of monitoring ( $90 \text{ days} \times \$6,112.40/\text{day} = \$550,116$ ). In addition, each GPS unit costs approximately \$1,500 ( $\$1,500 \times 370 \text{ cases} = \$555,000$ ). The total cost for the unit and monitoring would be \$1,105,116 per fiscal year.

It is anticipated that the additional provisions of the bill could be absorbed by the other affected agencies within current resources.

### **Local Government Impact**

Section 1 through 15 of the bill would expand the availability for participation in a veterans court program and would reduce the fee for participation from not to exceed \$1,000 to not to exceed \$500. There may be a revenue loss to local governments; however, the fiscal impact would vary depending on the number of participants in the program.

Section 17 through 48 could create costs for local governmental entities. The costs would depend on the number of cases and the severity of communicable diseases. The costs to local governmental entities could include: transporting or securing an individual to a facility, documentation of the communicable disease, and the detention of the individual.

Section 49 through 55 of the bill would include school district employees and resource officers to be eligible to access mental health first aid training. It is assumed that the cost of training would be covered by available grant funding. Some school districts could incur costs for substitute teachers to cover classrooms while teachers were obtaining training.

Section 56 of the bill would specify a requirement of an exemption of certain low-income housing in Harris County would require Harris County taxing units to grant a 100 percent low-income housing exemption at the full appraised value to these properties. The bill's provisions that reduce taxable property values of select properties in Harris County would reduce taxable property values and the related ad valorem tax revenue for local taxing units in Harris County.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 403 Veterans Commission, 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** UP, NB, SD, EK, VJC, KJo, EP, LBe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 15, 2015**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3474** by Coleman (Relating to issues affecting counties and political subdivisions within counties.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code, Education Code and the Local Government Code relating to issues affecting counties and political subdivisions within counties.

The bill would amend the funding structure for awards to local mental health authorities and due dates for the annual plans and reports. The bill also includes new definitions of school district employees eligible to receive mental health first aid training and related grants, and would allow free mental health first aid training for school district employees and school resource officers.

The bill would also change minimum qualifications for teaching certification to require a person seeking a certificate to receive instruction regarding mental health, substance abuse, and youth suicide.

The bill would also create the Task Force to Study Population Growth, and the Office of the Governor, Lieutenant Governor and Speaker of the House of Representatives would be required to provide staff for the task force.

The Department of State Health Services indicate that provisions of the bill could be implemented within existing resources.

**Local Government Impact**

Some school districts could incur costs to cover the duties of school district employees that were attending training. The bill may result in savings to a local mental health authority in an amount equivalent to the grant funding provided by the Department of State Health Services.

**Source Agencies:** 301 Office of the Governor, 304 Comptroller of Public Accounts, 537 State Health Services, Department of, 701 Central Education Agency, 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State, 696 Department of Criminal Justice

**LBB Staff:** UP, NB, KVe, WP, SS, VJC, JBi, MW, SD, EK, JN, JHa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 28, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3474** by Coleman (Relating to issues affecting counties and political subdivisions within counties.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code, Education Code and the Local Government Code relating to issues affecting counties and political subdivisions within counties.

The bill would amend the funding structure for awards to local mental health authorities and due dates for the annual plans and reports. The bill also includes new definitions of school district employees eligible to receive mental health first aid training and related grants, and would allow free mental health first aid training for school district employees and school resource officers.

The bill would also change minimum qualifications for teaching certification to require a person seeking a certificate to receive instruction regarding mental health, substance abuse, and youth suicide.

The bill would also create the Task Force to Study Population Growth, and the Office of the Governor, Lieutenant Governor and Speaker of the House of Representatives would be required to provide staff for the task force.

The Department of State Health Services indicate that provisions of the bill could be implemented within existing resources.

**Local Government Impact**

Some school districts could incur costs to cover the duties of school district employees that were attending training. The bill may result in savings to a local mental health authority in an amount equivalent to the grant funding provided by the Department of State Health Services.

**Source Agencies:** 301 Office of the Governor, 304 Comptroller of Public Accounts, 537 State Health Services, Department of, 701 Central Education Agency, 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State, 696 Department of Criminal Justice

**LBB Staff:** UP, KVe, WP, SS, VJC, JBi, MW, SD, EK, JN, JHa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 6, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3474** by Coleman (Relating to powers, duties, and services of counties and entities serving counties, certain voting procedures for county and other local elections, and the study of county population growth; imposing a civil penalty.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure, Election Code, Health and Safety Code, Local Government Code, Property Code, and Transportation Code relating to the powers and services of certain entities, voting procedures for certain elections, and the study of population growth.

The bill would require certain fee schedules relating to the compensation of counsel to be adopted by no later than the 90th day before the first day of the county fiscal year.

The bill would amend the Code of Criminal Procedure as it relates to the transfer of certain inmates to the Texas Department of Criminal Justice (TDCJ) following the pronouncement of the inmate's sentence.

The bill would set a deadline for submission by certain county election officials to enter into a contract to perform election services. The bill would amend certain election procedures of ballot by mail, early voting and the delivery of a market ballot.

The bill would authorize certain veterinarians, who do not have a veterinarian-client-patient relationship with an animal, to administer or supervise the administration of a rabies vaccine.

The bill would permit a commissioners court of a county to implement rules relating to prohibiting more than one single-family detached dwelling to be located on a lot and impose civil penalty violations associated with the rules and regulations adopted. The bill would permit a county to lease to another entity advertising space on personal property of the county or in a building leased by the county. The bill would permit a county to establish criteria of presumptive abandonment for tangible personal property found on certain county land.

Among other provisions, the bill would implement the recommendation in the report, "Improve Public Safety by Authorizing All Counties to Adopt Fire Codes" in the Legislative Budget Board's Government Effectiveness and Efficiency Report, submitted to the Eighty-fourth Texas Legislature, 2015. The bill would permit a commissioners court of a county to adopt fire code and rules and prohibit a commissioners court from permitting the county from leasing to another entity advertise space on certain places.



Under the provisions of the bill, a county would be authorized, when considering competitive sealed bids, to enter into a contract for certain purchases with a bidder whose principal place of business is in the county and whose bid is within 5 percent of the lowest bid if the lowest bid is from a business outside the county and contracting with the local bidder would provide the best combination price and other economic benefits to the county and to establish criteria of presumptive abandonment for tangible personal property found on certain county land.

The bill would amend the Transportation Code to authorize a sheriff or a deputy sheriff of a county that borders the United Mexican States with a population of 700,000 or more to apply for certain certification.

The bill would create The Taskforce to Study Population Growth, the Office of the Governor, Lieutenant Governor and Speaker of the House of Representatives would be required to provide staff for the taskforce.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 304 Comptroller of Public Accounts, 307 Secretary of State, 696 Department of Criminal Justice

**LBB Staff:** UP, KVe, SD, EK, JN, JHa