

By: West

S.B. No. 1488

A BILL TO BE ENTITLED

1 AN ACT
2 relating to nonsubstantive additions to, revisions of, and
3 corrections in enacted codes, to the nonsubstantive codification or
4 disposition of various laws omitted from enacted codes, and to
5 conforming codifications enacted by the 84th Legislature to other
6 Acts of that legislature.

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

8 ARTICLE 1. GENERAL PROVISIONS

9 SECTION 1.001. This Act is enacted as part of the state's
10 continuing statutory revision program under Chapter 323,
11 Government Code. This Act is a revision for purposes of Section 43,
12 Article III, Texas Constitution, and has the purposes of:

13 (1) codifying without substantive change or providing
14 for other appropriate disposition of various statutes that were
15 omitted from enacted codes;

16 (2) conforming codifications enacted by the 84th
17 Legislature to other Acts of that legislature that amended the laws
18 codified or added new law to subject matter codified;

19 (3) revising without substantive change provisions in
20 enacted codes;

21 (4) making necessary corrections to enacted codes; and

22 (5) renumbering or otherwise redesignating titles,
23 chapters, and sections of codes that duplicate title, chapter, or
24 section designations.

1 SECTION 1.002. (a) The repeal of a statute by this Act does
2 not affect an amendment, revision, or reenactment of the statute by
3 the 85th Legislature, Regular Session, 2017. The amendment,
4 revision, or reenactment is preserved and given effect as part of
5 the code provision that revised the statute so amended, revised, or
6 reenacted.

7 (b) If any provision of this Act conflicts with a statute
8 enacted by the 85th Legislature, Regular Session, 2017, the statute
9 controls.

10 SECTION 1.003. (a) A transition or saving provision of a
11 law codified by this Act applies to the codified law to the same
12 extent as it applied to the original law.

13 (b) The repeal of a transition or saving provision by this
14 Act does not affect the application of the provision to the codified
15 law.

16 (c) In this section, "transition provision" includes any
17 temporary provision providing for a special situation in the
18 transition period between the existing law and the establishment or
19 implementation of the new law.

20 SECTION 1.004. (a) The repeal of a law, including a
21 validating law, by this Act does not remove, void, or otherwise
22 affect in any manner a validation under the repealed law. The
23 validation is preserved and continues to have the same effect that
24 it would have if the law were not repealed.

25 (b) Subsection (a) of this section does not diminish the
26 saving provisions prescribed by Section [311.031](#), Government Code.

ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

SECTION 2.001. The heading to Chapter 47, Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

CHAPTER 47. TEXAS [~~OYSTER AND~~] SHRIMP MARKETING ASSISTANCE PROGRAM

SECTION 2.002. The heading to Subchapter B, Chapter 47, Agriculture Code, is repealed to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 2.003. Section 47.051, Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 47.051. DEFINITIONS. In this chapter [~~subchapter~~]:

(1) "Advisory committee" means the shrimp advisory committee.

(2) "Coastal waters" means all the salt water of the state, including the portion of the Gulf of Mexico that is within the jurisdiction of the state.

(3) "Program" means the Texas shrimp marketing assistance program.

(4) "Shrimp marketing account" means the account in the general revenue fund established under Section 77.002(b), Parks and Wildlife Code.

(5) "Texas-produced shrimp" means wild-caught shrimp commercially harvested from coastal waters by a shrimp boat licensed by the Parks and Wildlife Department.

SECTION 2.004. Section 47.053(a), Agriculture Code, is amended to conform to Section 2, Chapter 965 (H.B. 1903), Acts of

1 the 83rd Legislature, Regular Session, 2013, to read as follows:

2 (a) The commissioner shall appoint a shrimp advisory
3 committee to assist the commissioner in implementing the program
4 established under this chapter [~~subchapter~~] and in the expenditure
5 of funds appropriated for the purpose of this chapter [~~subchapter~~].

6 SECTION 2.005. Section 50D.021(e), Agriculture Code, is
7 amended to read as follows:

8 (e) Subject to Section 50D.026, the research committee is
9 subject to Chapters 551 and 2001, Government Code.

10 ARTICLE 3. CHANGES RELATING TO BUSINESS & COMMERCE CODE

11 SECTION 3.001. Section 17.46(b), Business & Commerce Code,
12 as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts
13 of the 84th Legislature, Regular Session, 2015, is reenacted and
14 amended to read as follows:

15 (b) Except as provided in Subsection (d) of this section,
16 the term "false, misleading, or deceptive acts or practices"
17 includes, but is not limited to, the following acts:

18 (1) passing off goods or services as those of another;

19 (2) causing confusion or misunderstanding as to the
20 source, sponsorship, approval, or certification of goods or
21 services;

22 (3) causing confusion or misunderstanding as to
23 affiliation, connection, or association with, or certification by,
24 another;

25 (4) using deceptive representations or designations
26 of geographic origin in connection with goods or services;

27 (5) representing that goods or services have

1 sponsorship, approval, characteristics, ingredients, uses,
2 benefits, or quantities which they do not have or that a person has
3 a sponsorship, approval, status, affiliation, or connection which
4 the person does not;

5 (6) representing that goods are original or new if
6 they are deteriorated, reconditioned, reclaimed, used, or
7 secondhand;

8 (7) representing that goods or services are of a
9 particular standard, quality, or grade, or that goods are of a
10 particular style or model, if they are of another;

11 (8) disparaging the goods, services, or business of
12 another by false or misleading representation of facts;

13 (9) advertising goods or services with intent not to
14 sell them as advertised;

15 (10) advertising goods or services with intent not to
16 supply a reasonable expectable public demand, unless the
17 advertisements disclosed a limitation of quantity;

18 (11) making false or misleading statements of fact
19 concerning the reasons for, existence of, or amount of price
20 reductions;

21 (12) representing that an agreement confers or
22 involves rights, remedies, or obligations which it does not have or
23 involve, or which are prohibited by law;

24 (13) knowingly making false or misleading statements
25 of fact concerning the need for parts, replacement, or repair
26 service;

27 (14) misrepresenting the authority of a salesman,

1 representative or agent to negotiate the final terms of a consumer
2 transaction;

3 (15) basing a charge for the repair of any item in
4 whole or in part on a guaranty or warranty instead of on the value of
5 the actual repairs made or work to be performed on the item without
6 stating separately the charges for the work and the charge for the
7 warranty or guaranty, if any;

8 (16) disconnecting, turning back, or resetting the
9 odometer of any motor vehicle so as to reduce the number of miles
10 indicated on the odometer gauge;

11 (17) advertising of any sale by fraudulently
12 representing that a person is going out of business;

13 (18) advertising, selling, or distributing a card
14 which purports to be a prescription drug identification card issued
15 under Section [4151.152](#), Insurance Code, in accordance with rules
16 adopted by the commissioner of insurance, which offers a discount
17 on the purchase of health care goods or services from a third party
18 provider, and which is not evidence of insurance coverage, unless:

19 (A) the discount is authorized under an agreement
20 between the seller of the card and the provider of those goods and
21 services or the discount or card is offered to members of the
22 seller;

23 (B) the seller does not represent that the card
24 provides insurance coverage of any kind; and

25 (C) the discount is not false, misleading, or
26 deceptive;

27 (19) using or employing a chain referral sales plan in

1 connection with the sale or offer to sell of goods, merchandise, or
2 anything of value, which uses the sales technique, plan,
3 arrangement, or agreement in which the buyer or prospective buyer
4 is offered the opportunity to purchase merchandise or goods and in
5 connection with the purchase receives the seller's promise or
6 representation that the buyer shall have the right to receive
7 compensation or consideration in any form for furnishing to the
8 seller the names of other prospective buyers if receipt of the
9 compensation or consideration is contingent upon the occurrence of
10 an event subsequent to the time the buyer purchases the merchandise
11 or goods;

12 (20) representing that a guaranty or warranty confers
13 or involves rights or remedies which it does not have or involve,
14 provided, however, that nothing in this subchapter shall be
15 construed to expand the implied warranty of merchantability as
16 defined in Sections 2.314 through 2.318 and Sections 2A.212 through
17 2A.216 to involve obligations in excess of those which are
18 appropriate to the goods;

19 (21) promoting a pyramid promotional scheme, as
20 defined by Section [17.461](#);

21 (22) representing that work or services have been
22 performed on, or parts replaced in, goods when the work or services
23 were not performed or the parts replaced;

24 (23) filing suit founded upon a written contractual
25 obligation of and signed by the defendant to pay money arising out
26 of or based on a consumer transaction for goods, services, loans, or
27 extensions of credit intended primarily for personal, family,

1 household, or agricultural use in any county other than in the
2 county in which the defendant resides at the time of the
3 commencement of the action or in the county in which the defendant
4 in fact signed the contract; provided, however, that a violation of
5 this subsection shall not occur where it is shown by the person
6 filing such suit that the person neither knew or had reason to know
7 that the county in which such suit was filed was neither the county
8 in which the defendant resides at the commencement of the suit nor
9 the county in which the defendant in fact signed the contract;

10 (24) failing to disclose information concerning goods
11 or services which was known at the time of the transaction if such
12 failure to disclose such information was intended to induce the
13 consumer into a transaction into which the consumer would not have
14 entered had the information been disclosed;

15 (25) using the term "corporation," "incorporated," or
16 an abbreviation of either of those terms in the name of a business
17 entity that is not incorporated under the laws of this state or
18 another jurisdiction;

19 (26) selling, offering to sell, or illegally promoting
20 an annuity contract under Chapter 22, Acts of the 57th Legislature,
21 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil
22 Statutes), with the intent that the annuity contract will be the
23 subject of a salary reduction agreement, as defined by that Act, if
24 the annuity contract is not an eligible qualified investment under
25 that Act or is not registered with the Teacher Retirement System of
26 Texas as required by Section 8A of that Act;

27 (27) taking advantage of a disaster declared by the

1 governor under Chapter 418, Government Code, by:

2 (A) selling or leasing fuel, food, medicine, or
3 another necessity at an exorbitant or excessive price; or

4 (B) demanding an exorbitant or excessive price in
5 connection with the sale or lease of fuel, food, medicine, or
6 another necessity;

7 (28) using the translation into a foreign language of
8 a title or other word, including "attorney," "lawyer," "licensed,"
9 "notary," and "notary public," in any written or electronic
10 material, including an advertisement, a business card, a
11 letterhead, stationery, a website, or an online video, in reference
12 to a person who is not an attorney in order to imply that the person
13 is authorized to practice law in the United States;

14 (29) [~~(28)~~] delivering or distributing a solicitation
15 in connection with a good or service that:

16 (A) represents that the solicitation is sent on
17 behalf of a governmental entity when it is not; or

18 (B) resembles a governmental notice or form that
19 represents or implies that a criminal penalty may be imposed if the
20 recipient does not remit payment for the good or service;

21 (30) [~~(29)~~] delivering or distributing a solicitation
22 in connection with a good or service that resembles a check or other
23 negotiable instrument or invoice, unless the portion of the
24 solicitation that resembles a check or other negotiable instrument
25 or invoice includes the following notice, clearly and conspicuously
26 printed in at least 18-point type:

27 "SPECIMEN-NON-NEGOTIABLE";

1 (31) [~~(30)~~] in the production, sale, distribution, or
2 promotion of a synthetic substance that produces and is intended to
3 produce an effect when consumed or ingested similar to, or in excess
4 of, the effect of a controlled substance or controlled substance
5 analogue, as those terms are defined by Section 481.002, Health and
6 Safety Code:

7 (A) making a deceptive representation or
8 designation about the synthetic substance; or

9 (B) causing confusion or misunderstanding as to
10 the effects the synthetic substance causes when consumed or
11 ingested; or

12 (32) [~~(31)~~] a licensed public insurance adjuster
13 directly or indirectly soliciting employment, as defined by Section
14 38.01, Penal Code, for an attorney, or a licensed public insurance
15 adjuster entering into a contract with an insured for the primary
16 purpose of referring the insured to an attorney without the intent
17 to actually perform the services customarily provided by a licensed
18 public insurance adjuster, provided that this subdivision may not
19 be construed to prohibit a licensed public insurance adjuster from
20 recommending a particular attorney to an insured.

21 ARTICLE 4. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE

22 SECTION 4.001. Section 91A.001, Civil Practice and Remedies
23 Code, is amended to conform to changes made by Chapter 838 (S.B.
24 202), Acts of the 84th Legislature, Regular Session, 2015, to read
25 as follows:

26 Sec. 91A.001. DEFINITIONS. In this chapter:

27 (1) "Audiologist" means an individual licensed to

1 practice audiology by the Texas Department of Licensing and
2 Regulation [~~State Board of Examiners of Speech-Language Pathology~~
3 ~~and Audiology~~].

4 (2) "Speech-language pathologist" means an individual
5 licensed to practice speech-language pathology by the Texas
6 Department of Licensing and Regulation [~~State Board of Examiners~~
7 ~~for Speech-Language Pathology and Audiology~~].

8 ARTICLE 5. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

9 SECTION 5.001. Articles 17.033(c) and (d), Code of Criminal
10 Procedure, are amended to correct a reference to read as follows:

11 (c) On the filing of an application by the attorney
12 representing the state, a magistrate may postpone the release of a
13 person under Subsection (a) [~~(a-1)~~] or (b) for not more than 72
14 hours after the person's arrest. An application filed under this
15 subsection must state the reason a magistrate has not determined
16 whether probable cause exists to believe that the person committed
17 the offense for which the person was arrested.

18 (d) The time limits imposed by Subsections (a) [~~(a-1)~~] and
19 (b) do not apply to a person arrested without a warrant who is taken
20 to a hospital, clinic, or other medical facility before being taken
21 before a magistrate under Article 15.17. For a person described by
22 this subsection, the time limits imposed by Subsections (a) [~~(a-1)~~]
23 [~~(a-1)~~] and (b) begin to run at the time, as documented in the
24 records of the hospital, clinic, or other medical facility, that a
25 physician or other medical professional releases the person from
26 the hospital, clinic, or other medical facility.

27 SECTION 5.002. Article 45.0216(f), Code of Criminal

1 Procedure, is amended to correct a reference to read as follows:

2 (f) The court shall order the conviction, together with all
3 complaints, verdicts, sentences, and prosecutorial and law
4 enforcement records, and any other documents relating to the
5 offense, expunged from the person's record if the court finds that:

6 (1) for a person applying for the expunction of a
7 conviction for an offense described by Section 8.07(a)(4) or (5),
8 Penal Code, the person was not convicted of any other offense
9 described by Section 8.07(a)(4) or (5), Penal Code, while the
10 person was a child; and

11 (2) for a person applying for the expunction of a
12 conviction for an offense described by Section 43.261, Penal Code,
13 the person was not found to have engaged in conduct indicating a
14 need for supervision described by Section 51.03(b)(6)
15 [~~51.03(b)(7)~~], Family Code, while the person was a child.

16 SECTION 5.003. Article 56.021(d), Code of Criminal
17 Procedure, as added by Chapter 1032 (H.B. 1447), Acts of the 84th
18 Legislature, Regular Session, 2015, is repealed as duplicative of
19 Article 56.021(d), Code of Criminal Procedure, as added by Chapter
20 1153 (S.B. 630), Acts of the 84th Legislature, Regular Session,
21 2015.

22 ARTICLE 6. CHANGES RELATING TO EDUCATION CODE

23 SECTION 6.001. Section 25.007(b), Education Code, as
24 amended by Chapters 746 (H.B. 1804), 822 (H.B. 3748), and 1206 (S.B.
25 1494), Acts of the 84th Legislature, Regular Session, 2015, is
26 reenacted and amended to read as follows:

27 (b) In recognition of the challenges faced by students who

1 are homeless or in substitute care, the agency shall assist the
2 transition of students who are homeless or in substitute care from
3 one school to another by:

4 (1) ensuring that school records for a student who is
5 homeless or in substitute care are transferred to the student's new
6 school not later than the 10th working day after the date the
7 student begins enrollment at the school;

8 (2) developing systems to ease transition of a student
9 who is homeless or in substitute care during the first two weeks of
10 enrollment at a new school;

11 (3) developing procedures for awarding credit,
12 including partial credit if appropriate, for course work, including
13 electives, completed by a student who is homeless or in substitute
14 care while enrolled at another school;

15 (4) promoting practices that facilitate access by a
16 student who is homeless or in substitute care to extracurricular
17 programs, summer programs, credit transfer services, electronic
18 courses provided under Chapter 30A, and after-school tutoring
19 programs at nominal or no cost;

20 (5) establishing procedures to lessen the adverse
21 impact of the movement of a student who is homeless or in substitute
22 care to a new school;

23 (6) entering into a memorandum of understanding with
24 the Department of Family and Protective Services regarding the
25 exchange of information as appropriate to facilitate the transition
26 of students in substitute care from one school to another;

27 (7) encouraging school districts and open-enrollment

1 charter schools to provide services for a student who is homeless or
2 in substitute care in transition when applying for admission to
3 postsecondary study and when seeking sources of funding for
4 postsecondary study;

5 (8) requiring school districts, campuses, and
6 open-enrollment charter schools to accept a referral for special
7 education services made for a student who is homeless or in
8 substitute care by a school previously attended by the student;

9 (9) requiring school districts, campuses, and
10 open-enrollment charter schools to provide notice to the child's
11 educational decision-maker and caseworker regarding events that
12 may significantly impact the education of a child, including:

13 (A) requests or referrals for an evaluation under
14 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
15 special education under Section 29.003;

16 (B) admission, review, and dismissal committee
17 meetings;

18 (C) manifestation determination reviews required
19 by Section 37.004(b);

20 (D) any disciplinary actions under Chapter 37 for
21 which parental notice is required;

22 (E) citations issued for Class C misdemeanor
23 offenses on school property or at school-sponsored activities;

24 (F) reports of restraint and seclusion required
25 by Section 37.0021; and

26 (G) use of corporal punishment as provided by
27 Section 37.0011;

1 (10) developing procedures for allowing a student who
2 is homeless or in substitute care who was previously enrolled in a
3 course required for graduation the opportunity, to the extent
4 practicable, to complete the course, at no cost to the student,
5 before the beginning of the next school year;

6 (11) ensuring that a student who is homeless or in
7 substitute care who is not likely to receive a high school diploma
8 before the fifth school year following the student's enrollment in
9 grade nine, as determined by the district, has the student's course
10 credit accrual and personal graduation plan reviewed;

11 (12) ensuring that a student in substitute care who is
12 in grade 11 or 12 be provided information regarding tuition and fee
13 exemptions under Section 54.366 for dual-credit or other courses
14 provided by a public institution of higher education for which a
15 high school student may earn joint high school and college credit;
16 [~~and~~]

17 (13) designating at least one agency employee to act
18 as a liaison officer regarding educational issues related to
19 students in the conservatorship of the Department of Family and
20 Protective Services; and

21 (14) [~~(13)~~] providing other assistance as identified
22 by the agency.

23 SECTION 6.002. Section 26.002, Education Code, is amended
24 to correct a reference to read as follows:

25 Sec. 26.002. DEFINITION. In this chapter, "parent"
26 includes a person standing in parental relation. The term does not
27 include a person as to whom the parent-child relationship has been

1 terminated or a person not entitled to possession of or access to a
2 child under a court order. Except as provided by federal law, all
3 rights of a parent under Title 2 of this code and all educational
4 rights under Section 151.001(a)(10) [~~151.003(a)(10)~~], Family Code,
5 shall be exercised by a student who is 18 years of age or older or
6 whose disabilities of minority have been removed for general
7 purposes under Chapter 31, Family Code, unless the student has been
8 determined to be incompetent or the student's rights have been
9 otherwise restricted by a court order.

10 SECTION 6.003. Section 38.158(b), Education Code, is
11 amended to conform to changes made by Chapter 838 (S.B. 202), Acts
12 of the 84th Legislature, Regular Session, 2015, to read as follows:

13 (b) The Texas Department of Licensing and Regulation [~~State~~
14 ~~Health Services Advisory Board of Athletic Trainers~~] shall approve
15 for athletic trainers training courses in the subject matter of
16 concussions and shall maintain an updated list of individuals and
17 organizations authorized by the board to provide the training.

18 SECTION 6.004. Sections 61.806(c) and (d), Education Code,
19 as amended by Chapter 443 (S.B. 715), Acts of the 83rd Legislature,
20 Regular Session, 2013, are repealed to conform to the repeal of
21 Subchapter Q, Chapter 61, Education Code, by Chapter 1155 (S.B.
22 215), Acts of the 83rd Legislature, Regular Session, 2013.

23 SECTION 6.005. Section 61.833(a), Education Code, is
24 amended to read as follows:

25 (a) In this section: [7]

26 (1) "Lower-division [~~lower-division~~] institution of
27 higher education" means a public junior college, public state

1 college, or public technical institute. ~~[, and]~~

2 (2) "Reverse ~~[reverse]~~ transfer data sharing
3 platform" means:

4 (A) the National Student Clearinghouse; or

5 (B) a similar national electronic data sharing
6 and exchange platform operated by an agent of the institution that
7 meets nationally accepted standards, conventions, and practices.

8 SECTION 6.006. Section 130.008(g), Education Code, as added
9 by Chapter 1177 (S.B. 1004), Acts of the 84th Legislature, Regular
10 Session, 2015, is redesignated as Section 130.008(g-1), Education
11 Code, and amended to conform to the repeal of Section 130.008(f),
12 Education Code, by Chapter 90 (H.B. 505), Acts of the 84th
13 Legislature, Regular Session, 2015, to read as follows:

14 (g-1) ~~[(g)]~~ A public junior college with a service area
15 located wholly or partly in a county with a population of more than
16 three million shall enter into an agreement with each school
17 district located wholly or partly in a county with a population of
18 more than three million to offer one or more courses as provided by
19 this section. A student enrolled in a school district to which this
20 subsection applies may enroll in a course at any junior college that
21 has entered into an agreement with the district to offer the course
22 under this subsection. ~~[Subsection (f) does not apply to a student
23 who seeks to enroll in a course under this subsection.]~~

24 SECTION 6.007. The heading to Chapter 143, Education Code,
25 is repealed to conform to the repeal and redesignation of the
26 provisions of that chapter by Chapter 1155 (S.B. 215), Acts of the
27 83rd Legislature, Regular Session, 2013.

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

SECTION 7.001. Subtitle E, Title 2, Family Code, as added by Chapters 612 (S.B. 822) and 1165 (S.B. 813), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

SUBTITLE E. GENERAL PROVISIONS

CHAPTER 47. GENERAL PROVISIONS

Sec. 47.001. APPLICABILITY OF DEFINITIONS. (a) Except as provided by Subsection (b), the definitions in Chapter 101 apply to terms used in this title.

(b) If a term defined in this title has a meaning different from the meaning provided by Chapter 101, the meaning provided by this title prevails.

Sec. 47.002. APPLICABILITY OF LAWS RELATING TO ATTORNEYS AD LITEM, GUARDIANS AD LITEM, AND AMICUS ATTORNEYS. Chapter 107 applies to the appointment of an attorney ad litem, guardian ad litem, or amicus attorney under this title.

Sec. 47.003 [~~47.001~~]. USE OF DIGITIZED SIGNATURE. (a) A digitized signature on an original petition or application under this title or any other pleading or order in a proceeding under this title satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

(b) A digitized signature under this section may be applied only by, and must remain under the sole control of, the person whose signature is represented.

~~[(c) In this section, "digitized signature" has the meaning~~

1 ~~assigned by Section 101.0096.]~~

2 SECTION 7.002. Section 51.03(b), Family Code, as amended by
3 Chapters 935 (H.B. 2398), 944 (S.B. 206), and 1273 (S.B. 825), Acts
4 of the 84th Legislature, Regular Session, 2015, is reenacted and
5 amended to read as follows:

6 (b) Conduct indicating a need for supervision is:

7 (1) subject to Subsection (f), conduct, other than a
8 traffic offense, that violates:

9 (A) the penal laws of this state of the grade of
10 misdemeanor that are punishable by fine only; or

11 (B) the penal ordinances of any political
12 subdivision of this state;

13 (2) the voluntary absence of a child from the child's
14 home without the consent of the child's parent or guardian for a
15 substantial length of time or without intent to return;

16 (3) conduct prohibited by city ordinance or by state
17 law involving the inhalation of the fumes or vapors of paint and
18 other protective coatings or glue and other adhesives and the
19 volatile chemicals itemized in Section 485.001, Health and Safety
20 Code;

21 (4) an act that violates a school district's
22 previously communicated written standards of student conduct for
23 which the child has been expelled under Section 37.007(c),
24 Education Code;

25 (5) [~~(6)~~] notwithstanding Subsection (a)(1), conduct
26 described by Section 43.02(a) or (b), Penal Code; or

27 (6) [~~(7)~~] notwithstanding Subsection (a)(1), conduct

1 that violates Section [43.261](#), Penal Code.

2 SECTION 7.003. Section [51.13](#)(e), Family Code, is amended to
3 correct a reference to read as follows:

4 (e) A finding that a child engaged in conduct indicating a
5 need for supervision as described by Section [51.03](#)(b)(6)
6 [~~[51.03](#)(b)(7)~~] is a conviction only for the purposes of Sections
7 [43.261](#)(c) and (d), Penal Code.

8 SECTION 7.004. Section [54.0404](#)(a), Family Code, is amended
9 to correct a reference to read as follows:

10 (a) If a child is found to have engaged in conduct
11 indicating a need for supervision described by Section [51.03](#)(b)(6)
12 [~~[51.03](#)(b)(7)~~], the juvenile court may enter an order requiring the
13 child to attend and successfully complete an educational program
14 described by Section [37.218](#), Education Code, or another equivalent
15 educational program.

16 SECTION 7.005. Section [58.003](#)(c-3), Family Code, is amended
17 to correct a reference to read as follows:

18 (c-3) Notwithstanding Subsections (a) and (c) and subject
19 to Subsection (b), a juvenile court, on the court's own motion and
20 without a hearing, shall order the sealing of records concerning a
21 child found to have engaged in conduct indicating a need for
22 supervision described by Section [51.03](#)(b)(5) [~~[51.03](#)(b)(6)~~] or
23 taken into custody to determine whether the child engaged in
24 conduct indicating a need for supervision described by Section
25 [51.03](#)(b)(5) [~~[51.03](#)(b)(6)~~]. This subsection applies only to
26 records related to conduct indicating a need for supervision
27 described by Section [51.03](#)(b)(5) [~~[51.03](#)(b)(6)~~].

1 SECTION 7.006. Section 261.3023, Family Code, as amended by
2 Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th
3 Legislature, Regular Session, 2015, is reenacted and amended to
4 read as follows:

5 Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY
6 CHECK ALERT. If a law enforcement officer encounters a child or
7 other person [~~, including a child,~~] listed on the Texas Crime
8 Information Center's child safety check alert list, the law
9 enforcement officer shall follow the procedures described by
10 Article 2.272, Code of Criminal Procedure.

11 SECTION 7.007. Section 261.3024(a), Family Code, as amended
12 by Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th
13 Legislature, Regular Session, 2015, is reenacted to read as
14 follows:

15 (a) A law enforcement officer who locates a child listed on
16 the Texas Crime Information Center's child safety check alert list
17 shall report that the child has been located in the manner
18 prescribed by Article 2.272, Code of Criminal Procedure.

19 SECTION 7.008. Section 262.353(d), Family Code, as amended
20 by Chapters 837 (S.B. 200) and 946 (S.B. 277), Acts of the 84th
21 Legislature, Regular Session, 2015, is repealed to conform to the
22 repeal of Section 262.353, Family Code, by Chapter 432 (S.B. 1889),
23 Acts of the 84th Legislature, Regular Session, 2015.

24 SECTION 7.009. (a) Section 263.306(a-1), Family Code, is
25 amended to conform to the amendment of Section 263.306(a), Family
26 Code, by Chapter 697 (H.B. 825), Acts of the 84th Legislature,
27 Regular Session, 2015, to read as follows:

1 (a-1) At each permanency hearing before a final order is
2 rendered, the court shall:

3 (1) identify all persons and parties present at the
4 hearing;

5 (2) review the efforts of the department or other
6 agency in:

7 (A) locating and requesting service of citation
8 on all persons entitled to service of citation under Section
9 102.009; and

10 (B) obtaining the assistance of a parent in
11 providing information necessary to locate an absent parent, alleged
12 father, or relative of the child;

13 (3) ask all parties present whether the child or the
14 child's family has a Native American heritage and identify any
15 Native American tribe with which the child may be associated;

16 (4) review the extent of the parties' compliance with
17 temporary orders and the service plan and the extent to which
18 progress has been made toward alleviating or mitigating the causes
19 necessitating the placement of the child in foster care;

20 (5) [~~4~~] review the permanency progress report to
21 determine:

22 (A) the safety and well-being of the child and
23 whether the child's needs, including any medical or special needs,
24 are being adequately addressed;

25 (B) the continuing necessity and appropriateness
26 of the placement of the child, including with respect to a child who
27 has been placed outside of this state, whether the placement

1 continues to be in the best interest of the child;

2 (C) the appropriateness of the primary and
3 alternative permanency goals for the child developed in accordance
4 with department rule and whether the department has made reasonable
5 efforts to finalize the permanency plan, including the concurrent
6 permanency goals, in effect for the child;

7 (D) whether the child has been provided the
8 opportunity, in a developmentally appropriate manner, to express
9 the child's opinion on any medical care provided;

10 (E) for a child receiving psychotropic
11 medication, whether the child:

12 (i) has been provided appropriate
13 nonpharmacological interventions, therapies, or strategies to meet
14 the child's needs; or

15 (ii) has been seen by the prescribing
16 physician, physician assistant, or advanced practice nurse at least
17 once every 90 days;

18 (F) whether an education decision-maker for the
19 child has been identified, the child's education needs and goals
20 have been identified and addressed, and there have been major
21 changes in the child's school performance or there have been
22 serious disciplinary events;

23 (G) for a child 14 years of age or older, whether
24 services that are needed to assist the child in transitioning from
25 substitute care to independent living are available in the child's
26 community; and

27 (H) for a child whose permanency goal is another

1 planned permanent living arrangement:

2 (i) the desired permanency outcome for the
3 child, by asking the child; and

4 (ii) whether, as of the date of the hearing,
5 another planned permanent living arrangement is the best permanency
6 plan for the child and, if so, provide compelling reasons why it
7 continues to not be in the best interest of the child to:

8 (a) return home;

9 (b) be placed for adoption;

10 (c) be placed with a legal guardian;

11 or

12 (d) be placed with a fit and willing
13 relative;

14 (6) [~~(5)~~] determine whether to return the child to the
15 child's parents if the child's parents are willing and able to
16 provide the child with a safe environment and the return of the
17 child is in the child's best interest;

18 (7) [~~(6)~~] estimate a likely date by which the child
19 may be returned to and safely maintained in the child's home, placed
20 for adoption, or placed in permanent managing conservatorship; and

21 (8) [~~(7)~~] announce in open court the dismissal date
22 and the date of any upcoming hearings.

23 (b) Section 263.306(c), Family Code, is amended to conform
24 to the amendment of Section 263.306, Family Code, by Chapter 944
25 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015, to
26 read as follows:

27 (c) In addition to the requirements of Subsection (a-1)

1 [~~(a)~~], at each permanency hearing before a final order is rendered
2 the court shall review the department's efforts to ensure that the
3 child has regular, ongoing opportunities to engage in
4 age-appropriate normalcy activities, including activities not
5 listed in the child's service plan.

6 (c) Section 263.306(a), Family Code, is repealed to conform
7 to the repeal of Section 263.306(a), Family Code, by Chapter 944
8 (S.B. 206), Acts of the 84th Legislature, Regular Session, 2015.

9 SECTION 7.010. Section 264.017, Family Code, as added by
10 Chapter 713 (H.B. 1217), Acts of the 84th Legislature, Regular
11 Session, 2015, is repealed as duplicative of Section 264.017,
12 Family Code, as added by Chapter 944 (S.B. 206), Acts of the 84th
13 Legislature, Regular Session, 2015.

14 SECTION 7.011. Section 264.304(c), Family Code, as amended
15 by Chapter 935 (H.B. 2398), Acts of the 84th Legislature, Regular
16 Session, 2015, is repealed to conform to the repeal of Section
17 264.304, Family Code, by Chapter 944 (S.B. 206), Acts of the 84th
18 Legislature, Regular Session, 2015.

19 ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

20 PART A. GENERAL CHANGES

21 SECTION 8.001. Section 126.001(b), Government Code, as
22 transferred and redesignated from Section 169A.001, Health and
23 Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts
24 of the 84th Legislature, Regular Session, 2015, and as amended by
25 Chapters 604 (S.B. 536), 770 (H.B. 2299), and 1279 (S.B. 1902), Acts
26 of the 84th Legislature, Regular Session, 2015, is reenacted and
27 amended to read as follows:

1 (b) If a defendant successfully completes a commercially
2 sexually exploited persons court program, regardless of whether the
3 defendant was convicted of the offense for which the defendant
4 entered the program or whether the court deferred further
5 proceedings without entering an adjudication of guilt, after notice
6 to the state and a hearing on whether the defendant is otherwise
7 entitled to the petition, including whether the required time has
8 elapsed, and whether issuance of the order is in the best interest
9 of justice, the court shall enter an order of nondisclosure of
10 criminal history record information under Subchapter E-1, Chapter
11 411, as if the defendant had received a discharge and dismissal
12 under Article 42A.111, Code of Criminal Procedure, with respect to
13 all records and files related to the defendant's arrest for the
14 offense for which the defendant entered the program.

15 SECTION 8.002. Section 126.002(a), Government Code, as
16 transferred and redesignated from Section 169A.002, Health and
17 Safety Code, by Chapters 604 (S.B. 536) and 1236 (S.B. 1296), Acts
18 of the 84th Legislature, Regular Session, 2015, and as amended by
19 Chapters 604 (S.B. 536) and 1273 (S.B. 825), Acts of the 84th
20 Legislature, Regular Session, 2015, is reenacted to read as
21 follows:

22 (a) The commissioners court of a county or governing body of
23 a municipality may establish a commercially sexually exploited
24 persons court program for defendants charged with an offense under
25 Section 43.02(a), Penal Code.

26 SECTION 8.003. Section 402.035(c), Government Code, as
27 amended by Chapters 146 (H.B. 188), 332 (H.B. 10), and 734 (H.B.

1 1549), Acts of the 84th Legislature, Regular Session, 2015, is
2 reenacted and amended to read as follows:

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

4 (1) the governor or the governor's designee;

5 (2) the attorney general or the attorney general's
6 designee;

7 (3) the executive commissioner of the Health and Human
8 Services Commission or the executive commissioner's designee;

9 (4) the commissioner of the Department of Family and
10 Protective Services or the commissioner's designee;

11 (5) the commissioner of the Department of State Health
12 Services or the commissioner's designee;

13 (6) the public safety director of the Department of
14 Public Safety or the director's designee;

15 (7) one representative from each of the following
16 state agencies, appointed by the chief administrative officer of
17 the respective agency:

18 (A) the Texas Workforce Commission;

19 (B) the Texas Department of Criminal Justice;

20 (C) the Texas Juvenile Justice Department;

21 (D) the Texas Education Agency;

22 (E) [~~(D)~~] the Texas Alcoholic Beverage
23 Commission;

24 (F) the Texas Parks and Wildlife Department; and

25 (G) the Supreme Court of Texas Permanent Judicial
26 Commission for Children, Youth and Families; and

27 (8) as appointed by the attorney general:

1 (A) a chief public defender employed by a public
2 defender's office, as defined by Article 26.044(a), Code of
3 Criminal Procedure, or an attorney designated by the chief public
4 defender;

5 (B) an attorney representing the state;

6 (C) a representative of:

7 (i) a hotel and motel association;

8 (ii) a district and county attorneys
9 association;

10 (iii) a state police association; and

11 (iv) a statewide medical association;

12 (D) representatives of sheriff's departments;

13 (E) representatives of local law enforcement
14 agencies affected by human trafficking; and

15 (F) representatives of nongovernmental entities
16 making comprehensive efforts to combat human trafficking by:

17 (i) identifying human trafficking victims;

18 (ii) providing legal or other services to
19 human trafficking victims;

20 (iii) participating in community outreach
21 or public awareness efforts regarding human trafficking;

22 (iv) providing or developing training
23 regarding the prevention of human trafficking; or

24 (v) engaging in other activities designed
25 to prevent human trafficking.

26 SECTION 8.004. Section 402.035(d), Government Code, as
27 amended by Chapters 146 (H.B. 188) and 332 (H.B. 10), Acts of the

1 84th Legislature, Regular Session, 2015, is reenacted and amended
2 to read as follows:

3 (d) The task force shall:

4 (1) collaborate, as needed to fulfill the duties of
5 the task force, with:

6 (A) United States attorneys' offices [~~Attorneys'~~
7 ~~Offices~~] for all of the federal districts of Texas; and

8 (B) special agents or customs and border
9 protection officers and border patrol agents of:

10 (i) the Federal Bureau of Investigation;

11 (ii) the United States Drug Enforcement
12 Administration;

13 (iii) the Bureau of Alcohol, Tobacco,
14 Firearms and Explosives;

15 (iv) United States Immigration and Customs
16 Enforcement; or

17 (v) the United States Department of
18 Homeland Security;

19 (2) collect, organize, and periodically publish
20 statistical data on the nature and extent of human trafficking in
21 this state, including data described by Subdivisions (4)(A), (B),
22 (C), (D), and (E);

23 (3) solicit cooperation and assistance from state and
24 local governmental agencies, political subdivisions of the state,
25 nongovernmental organizations, and other persons, as appropriate,
26 for the purpose of collecting and organizing statistical data under
27 Subdivision (2);

1 (4) ensure that each state or local governmental
2 agency and political subdivision of the state and each state or
3 local law enforcement agency, district attorney, or county attorney
4 that assists in the prevention of human trafficking collects
5 statistical data related to human trafficking, including, as
6 appropriate:

7 (A) the number of investigations concerning,
8 arrests and prosecutions for, and convictions of:

9 (i) the offense of trafficking of persons;

10 (ii) the offense of forgery or an offense
11 under Chapter 43, Penal Code, if the offense was committed as part
12 of a criminal episode involving the trafficking of persons; and

13 (iii) an offense punishable under Section
14 43.02(c)(3), Penal Code, regardless of whether the offense was
15 committed as part of a criminal episode involving the trafficking
16 of persons;

17 (B) demographic information on persons who are
18 convicted of offenses described by Paragraph (A) and persons who
19 are the victims of those offenses;

20 (C) geographic routes by which human trafficking
21 victims are trafficked, including routes by which victims are
22 trafficked across this state's international border, and
23 geographic patterns in human trafficking, including the country or
24 state of origin and the country or state of destination;

25 (D) means of transportation and methods used by
26 persons who engage in trafficking to transport their victims; and

27 (E) social and economic factors that create a

1 demand for the labor or services that victims of human trafficking
2 are forced to provide;

3 (5) work with the Texas Commission on Law Enforcement
4 to develop and conduct training for law enforcement personnel,
5 victim service providers, and medical service providers to identify
6 victims of human trafficking;

7 (6) work with the Texas Education Agency, the
8 Department of Family and Protective Services, and the Health and
9 Human Services Commission to:

10 (A) develop a list of key indicators that a
11 person is a victim of human trafficking;

12 (B) develop a standardized curriculum for
13 training doctors, nurses, emergency medical services personnel,
14 teachers, school counselors, school administrators, and personnel
15 from the Department of Family and Protective Services and the
16 Health and Human Services Commission to identify and assist victims
17 of human trafficking;

18 (C) train doctors, nurses, emergency medical
19 services personnel, teachers, school counselors, school
20 administrators, and personnel from the Department of Family and
21 Protective Services and the Health and Human Services Commission to
22 identify and assist victims of human trafficking;

23 (D) develop and conduct training for personnel
24 from the Department of Family and Protective Services and the
25 Health and Human Services Commission on methods for identifying
26 children in foster care who may be at risk of becoming victims of
27 human trafficking; and

1 (E) develop a process for referring identified
2 human trafficking victims and individuals at risk of becoming
3 victims to appropriate entities for services;

4 (7) on the request of a judge of a county court, county
5 court at law, or district court or a county attorney, district
6 attorney, or criminal district attorney, assist and train the judge
7 or the judge's staff or the attorney or the attorney's staff in the
8 recognition and prevention of human trafficking;

9 (8) examine training protocols related to human
10 trafficking issues, as developed and implemented by federal, state,
11 and local law enforcement agencies;

12 (9) collaborate with state and local governmental
13 agencies, political subdivisions of the state, and nongovernmental
14 organizations to implement a media awareness campaign in
15 communities affected by human trafficking;

16 (10) develop recommendations on how to strengthen
17 state and local efforts to prevent human trafficking, protect and
18 assist human trafficking victims, curb markets and other economic
19 avenues that facilitate human trafficking and investigate and
20 prosecute human trafficking offenders;

21 (11) examine the extent to which human trafficking is
22 associated with the operation of sexually oriented businesses, as
23 defined by Section [243.002](#), Local Government Code, and the
24 workplace or public health concerns that are created by the
25 association of human trafficking and the operation of sexually
26 oriented businesses; ~~and~~

27 (12) develop recommendations for addressing the

1 demand for forced labor or services or sexual conduct involving
2 victims of human trafficking, including recommendations for
3 increased penalties for individuals who engage or attempt to engage
4 in prostitution with victims younger than 18 years of age; and

5 (13) [~~(12)~~] identify and report to the governor and
6 legislature on laws, licensure requirements, or other regulations
7 that can be passed at the state and local level to curb trafficking
8 using the Internet and in sexually oriented businesses.

9 SECTION 8.005. Section [411.122\(d\)](#), Government Code, is
10 amended to conform to changes made by Chapter 838 (S.B. 202), Acts
11 of the 84th Legislature, Regular Session, 2015, to read as follows:

12 (d) The following state agencies are subject to this
13 section:

14 (1) Texas Appraiser Licensing and Certification
15 Board;

16 (2) Texas Board of Architectural Examiners;

17 (3) Texas Board of Chiropractic Examiners;

18 (4) State Board of Dental Examiners;

19 (5) Texas Board of Professional Engineers;

20 (6) Texas Funeral Service Commission;

21 (7) Texas Board of Professional Geoscientists;

22 (8) Department of State Health Services, except as
23 provided by Section [411.110](#), and agencies attached to the
24 department, including:

25 (A) [~~Texas State Board of Examiners of~~
26 ~~Dietitians,~~

27 [~~(B)~~] Texas State Board of Examiners of Marriage

1 and Family Therapists;

2 (B) [~~(C)~~ Midwifery Board,

3 [~~(D)~~ Texas State Perfusionist Advisory
4 ~~Committee,~~

5 [~~(E)~~ Texas State Board of Examiners of
6 Professional Counselors; and

7 (C) [~~(F)~~ Texas State Board of Social Worker
8 Examiners;

9 [~~(G)~~ State Board of Examiners for
10 ~~Speech-Language Pathology and Audiology,~~

11 [~~(H)~~ Advisory Board of Athletic Trainers,

12 [~~(I)~~ State Committee of Examiners in the Fitting
13 ~~and Dispensing of Hearing Instruments,~~

14 [~~(J)~~ Texas Board of Licensure for Professional
15 ~~Medical Physicists, and~~

16 [~~(K)~~ Texas Board of Orthotics and Prosthetics,]

17 (9) Texas Board of Professional Land Surveying;

18 (10) Texas Department of Licensing and Regulation,
19 except as provided by Section [411.093](#);

20 (11) Texas Commission on Environmental Quality;

21 (12) Texas Board of Occupational Therapy Examiners;

22 (13) Texas Optometry Board;

23 (14) Texas State Board of Pharmacy;

24 (15) Texas Board of Physical Therapy Examiners;

25 (16) Texas State Board of Plumbing Examiners;

26 (17) Texas State Board of Podiatric Medical Examiners;

27 (18) Texas State Board of Examiners of Psychologists;

- 1 (19) Texas Real Estate Commission;
- 2 (20) Texas Department of Transportation;
- 3 (21) State Board of Veterinary Medical Examiners;
- 4 (22) Texas Department of Housing and Community
- 5 Affairs;
- 6 (23) secretary of state;
- 7 (24) state fire marshal;
- 8 (25) Texas Education Agency;
- 9 (26) Department of Agriculture; and
- 10 (27) Texas Department of Motor Vehicles.

11 SECTION 8.006. Section [434.017\(a\)](#), Government Code, as
12 amended by Chapters 160 (H.B. 1584) and 821 (H.B. 3710), Acts of the
13 84th Legislature, Regular Session, 2015, is reenacted and amended
14 to read as follows:

15 (a) The fund for veterans' assistance is a special fund in
16 the state treasury outside the general revenue fund. The fund is
17 composed of:

- 18 (1) money transferred to the fund at the direction of
- 19 the legislature;
- 20 (2) gifts and grants contributed to the fund;
- 21 (3) the earnings of the fund;
- 22 (4) money transferred to the fund from proceeds of the
- 23 lottery game operated under Section [466.027](#) or transferred to the
- 24 fund under Section [466.408\(b\)](#);
- 25 (5) money deposited to the credit of the fund under
- 26 Section [502.1746](#), Transportation Code;
- 27 (6) money deposited to the credit of the fund under

1 Section 521.010, Transportation Code; ~~and~~

2 (7) money deposited to the credit of the fund under
3 Section 12.007, Parks and Wildlife Code; and

4 (8) ~~[(7)]~~ money deposited to the credit of the fund
5 under Section 411.1741.

6 SECTION 8.007. Section 437.355(a), Government Code, as
7 amended by Chapters 144 (H.B. 115) and 760 (H.B. 2108), Acts of the
8 84th Legislature, Regular Session, 2015, is reenacted to read as
9 follows:

10 (a) The governor or adjutant general, if delegated the
11 authority, may adopt policies and regulations relating to awarding:

12 (1) the Texas Purple Heart Medal, which shall be
13 awarded to a service member who:

14 (A) after September 11, 2001:

15 (i) was inducted into federal service from
16 the Texas National Guard; and

17 (ii) meets the criteria for an award of the
18 federal Purple Heart Medal; or

19 (B) was wounded or killed at Fort Hood on
20 November 5, 2009;

21 (2) the Texas Superior Service Medal, which shall be
22 awarded to:

23 (A) a service member of the Texas military forces
24 who has:

25 (i) completed 30 or more years of honorable
26 state service or a combination of state and federal service; and

27 (ii) continually demonstrated superior

1 performance and service while assigned to key leadership positions
2 demanding responsibility; or

3 (B) a civilian who has contributed significant
4 service to the Texas military forces;

5 (3) the Lone Star Distinguished Service Medal, which
6 shall be awarded to a member of the military forces of this state,
7 another state, or the United States for exceptionally outstanding
8 achievement or service to this state in performance of a duty of
9 great responsibility while serving with the Texas military forces
10 for whom the department receives a letter of recommendation for
11 award of the Lone Star Distinguished Service Medal that:

12 (A) gives an account of the exceptional
13 achievement or service; and

14 (B) includes facts and photographs, and extracts
15 from official documents to support and amplify the facts;

16 (4) the Texas Outstanding Service Medal, which shall
17 be awarded to a service member of the military forces of this state,
18 another state, or the United States who has performed service in a
19 superior and clearly outstanding manner;

20 (5) the Texas Humanitarian Service Medal, which shall
21 be awarded to a service member who:

22 (A) does not meet the criteria for an award of the
23 federal Humanitarian Service Medal;

24 (B) is a member of the Texas military forces; and

25 (C) while serving on state active duty or active
26 duty under state authority in accordance with Title 32, United
27 States Code, participates satisfactorily in defense support to a

1 mission under civilian authority to protect life or property during
2 or soon after a natural disaster or civil unrest in the state;

3 (6) the Texas Homeland Defense Service Medal, which
4 shall be awarded to a service member of the Texas military forces
5 who served:

6 (A) on or after September 11, 2001;

7 (B) on state active duty or active duty under
8 state authority in accordance with Title 32, United States Code;
9 and

10 (C) satisfactorily in defense support to a
11 mission in the state under civilian authority;

12 (7) the Federal Service Medal, which shall be awarded
13 to a service member who was inducted into federal service from the
14 Texas military forces between June 15, 1940, and January 1, 1946, or
15 after June 1, 1950, if the service was for more than 90 days;

16 (8) the Texas Combat Service Ribbon, which shall be
17 awarded to a service member of the Texas National Guard who served,
18 after September 11, 2001, in a hostile fire zone as designated by
19 the United States secretary of defense;

20 (9) the Texas Faithful Service Medal, which shall be
21 awarded to a member of the Texas military forces who has completed
22 five years of honorable service during which the service member has
23 shown fidelity to duty, efficient service, and great loyalty to
24 this state;

25 (10) the Texas Medal of Merit, which shall be awarded
26 to a member of the military forces of this state, another state, or
27 the United States who performs outstanding service or attains

1 extraordinary achievement in behalf of the state or United States;

2 (11) the Texas State Guard Service Medal, which shall
3 be awarded to a service member who completes three consecutive
4 years of honorable service in the Texas State Guard during which the
5 service member has shown fidelity to duty, efficient service, and
6 great loyalty to this state;

7 (12) the Texas Desert Shield/Desert Storm Campaign
8 Medal, which shall be awarded to a service member who was inducted
9 into federal service from the Texas National Guard after August 1,
10 1990, in support of Operation Desert Shield or Operation Desert
11 Storm, without regard to the place that the service member was
12 deployed while serving on active federal military duty;

13 (13) the Texas Iraqi Campaign Medal, which shall be
14 awarded to a service member who was inducted into federal service
15 from the Texas National Guard, without regard to the place that the
16 service member was deployed while serving on active federal
17 military duty, after:

18 (A) March 19, 2003, in support of Operation Iraqi
19 Freedom; or

20 (B) August 31, 2010, in support of Operation New
21 Dawn;

22 (14) the Texas Afghanistan Campaign Medal, which shall
23 be awarded to a service member who was inducted into federal service
24 from the Texas National Guard after October 6, 2001, in support of
25 Operation Enduring Freedom, without regard to the place that the
26 service member was deployed while serving on active federal
27 military duty; and

1 (15) the Cold War Medal, which, subject to Subsection
2 (c), shall be awarded to a member of the military forces of this
3 state or the United States who:

4 (A) served between September 2, 1945, and
5 December 26, 1991; and

6 (B) was a resident of this state at the time the
7 service member entered military service.

8 SECTION 8.008. Section 511.009(a), Government Code, as
9 amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B.
10 634), Acts of the 84th Legislature, Regular Session, 2015, is
11 reenacted and amended to read as follows:

12 (a) The commission shall:

13 (1) adopt reasonable rules and procedures
14 establishing minimum standards for the construction, equipment,
15 maintenance, and operation of county jails;

16 (2) adopt reasonable rules and procedures
17 establishing minimum standards for the custody, care, and treatment
18 of prisoners;

19 (3) adopt reasonable rules establishing minimum
20 standards for the number of jail supervisory personnel and for
21 programs and services to meet the needs of prisoners;

22 (4) adopt reasonable rules and procedures
23 establishing minimum requirements for programs of rehabilitation,
24 education, and recreation in county jails;

25 (5) revise, amend, or change rules and procedures if
26 necessary;

27 (6) provide to local government officials

1 consultation on and technical assistance for county jails;

2 (7) review and comment on plans for the construction
3 and major modification or renovation of county jails;

4 (8) require that the sheriff and commissioners of each
5 county submit to the commission, on a form prescribed by the
6 commission, an annual report on the conditions in each county jail
7 within their jurisdiction, including all information necessary to
8 determine compliance with state law, commission orders, and the
9 rules adopted under this chapter;

10 (9) review the reports submitted under Subdivision (8)
11 and require commission employees to inspect county jails regularly
12 to ensure compliance with state law, commission orders, and rules
13 and procedures adopted under this chapter;

14 (10) adopt a classification system to assist sheriffs
15 and judges in determining which defendants are low-risk and
16 consequently suitable participants in a county jail work release
17 program under Article 42.034, Code of Criminal Procedure;

18 (11) adopt rules relating to requirements for
19 segregation of classes of inmates and to capacities for county
20 jails;

21 (12) require that the chief jailer of each municipal
22 lockup submit to the commission, on a form prescribed by the
23 commission, an annual report of persons under 17 years of age
24 securely detained in the lockup, including all information
25 necessary to determine compliance with state law concerning secure
26 confinement of children in municipal lockups;

27 (13) at least annually determine whether each county

1 jail is in compliance with the rules and procedures adopted under
2 this chapter;

3 (14) require that the sheriff and commissioners court
4 of each county submit to the commission, on a form prescribed by the
5 commission, an annual report of persons under 17 years of age
6 securely detained in the county jail, including all information
7 necessary to determine compliance with state law concerning secure
8 confinement of children in county jails;

9 (15) schedule announced and unannounced inspections
10 of jails under the commission's jurisdiction using the risk
11 assessment plan established under Section [511.0085](#) to guide the
12 inspections process;

13 (16) adopt a policy for gathering and distributing to
14 jails under the commission's jurisdiction information regarding:

15 (A) common issues concerning jail
16 administration;

17 (B) examples of successful strategies for
18 maintaining compliance with state law and the rules, standards, and
19 procedures of the commission; and

20 (C) solutions to operational challenges for
21 jails;

22 (17) report to the Texas Correctional Office on
23 Offenders with Medical or Mental Impairments on a jail's compliance
24 with Article [16.22](#), Code of Criminal Procedure;

25 (18) adopt reasonable rules and procedures
26 establishing minimum requirements for jails to:

27 (A) determine if a prisoner is pregnant; and

1 (B) ensure that the jail's health services plan
2 addresses medical and mental health care, including nutritional
3 requirements, and any special housing or work assignment needs for
4 persons who are confined in the jail and are known or determined to
5 be pregnant;

6 (19) provide guidelines to sheriffs regarding
7 contracts between a sheriff and another entity for the provision of
8 food services to or the operation of a commissary in a jail under
9 the commission's jurisdiction, including specific provisions
10 regarding conflicts of interest and avoiding the appearance of
11 impropriety; ~~and~~

12 (20) adopt reasonable rules and procedures
13 establishing minimum standards for prisoner visitation that
14 provide each prisoner at a county jail with a minimum of two
15 in-person, noncontact visitation periods per week of at least 20
16 minutes duration each;

17 (21) ~~[(20)]~~ require the sheriff of each county to:

18 (A) investigate and verify the veteran status of
19 each prisoner by using data made available from the Veterans
20 Reentry Search Service (VRSS) operated by the United States
21 Department of Veterans Affairs or a similar service; and

22 (B) use the data described by Paragraph (A) to
23 assist prisoners who are veterans in applying for federal benefits
24 or compensation for which the prisoners may be eligible under a
25 program administered by the United States Department of Veterans
26 Affairs; and

27 (22) ~~[(20)]~~ adopt reasonable rules and procedures

1 regarding visitation of a prisoner at a county jail by a guardian,
2 as defined by Section 1002.012, Estates Code, that:

3 (A) allow visitation by a guardian to the same
4 extent as the prisoner's next of kin, including placing the
5 guardian on the prisoner's approved visitors list on the guardian's
6 request and providing the guardian access to the prisoner during a
7 facility's standard visitation hours if the prisoner is otherwise
8 eligible to receive visitors; and

9 (B) require the guardian to provide the sheriff
10 with letters of guardianship issued as provided by Section
11 1106.001, Estates Code, before being allowed to visit the prisoner.

12 SECTION 8.009. Section 531.012(a), Government Code, as
13 amended by Chapters 837 (S.B. 200) and 946 (S.B. 277), Acts of the
14 84th Legislature, Regular Session, 2015, is reenacted to read as
15 follows:

16 (a) The executive commissioner shall establish and maintain
17 advisory committees to consider issues and solicit public input
18 across all major areas of the health and human services system which
19 may be from various geographic areas across the state, which may be
20 done either in person or through teleconferencing centers,
21 including relating to the following issues:

- 22 (1) Medicaid and other social services programs;
- 23 (2) managed care under Medicaid and the child health
24 plan program;
- 25 (3) health care quality initiatives;
- 26 (4) aging;
- 27 (5) persons with disabilities, including persons with

1 autism;

2 (6) rehabilitation, including for persons with brain
3 injuries;

4 (7) children;

5 (8) public health;

6 (9) behavioral health;

7 (10) regulatory matters;

8 (11) protective services; and

9 (12) prevention efforts.

10 SECTION 8.010. Section [531.02112\(c\)](#), Government Code, as
11 amended by Chapter 1203 (S.B. 1455), Acts of the 84th Legislature,
12 Regular Session, 2015, is repealed to conform to the repeal of
13 Section [531.02112](#), Government Code, by Chapter 837 (S.B. 200), Acts
14 of the 84th Legislature, Regular Session, 2015.

15 SECTION 8.011. Section [531.0736\(g\)](#), Government Code, as
16 added by Chapter 946 (S.B. 277), Acts of the 84th Legislature,
17 Regular Session, 2015, is repealed as duplicative of Section
18 [531.0736\(g\)](#), Government Code, as added by Chapter 837 (S.B. 200),
19 Acts of the 84th Legislature, Regular Session, 2015.

20 SECTION 8.012. Section [531.102\(p\)](#), Government Code, as
21 added by Chapter 837 (S.B. 200), Acts of the 84th Legislature,
22 Regular Session, 2015, is repealed as duplicative of Section
23 [531.102\(v\)](#), Government Code.

24 SECTION 8.013. Section [533.00251\(c\)](#), Government Code, as
25 effective September 1, 2021, is amended to conform to Chapters 837
26 (S.B. 200) and 946 (S.B. 277), Acts of the 84th Legislature, Regular
27 Session, 2015, to read as follows:

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

7 (1) that a nursing facility is paid not later than the
8 10th day after the date the facility submits a clean claim;

9 (2) the appropriate utilization of services
10 consistent with criteria established by the commission;

11 (3) a reduction in the incidence of potentially
12 preventable events and unnecessary institutionalizations;

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

18 (5) that a managed care organization providing
19 services under the managed care program:

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

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

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

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

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

12 (A) acute care professionals; and

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

16 (9) that the commission approves the staff rate
17 enhancement methodology for the staff rate enhancement paid to a
18 nursing facility that qualifies for the enhancement under the
19 managed care program.

20 SECTION 8.014. Section [2165.007\(b\)](#), Government Code, as
21 amended by Chapters 247 (S.B. 836) and 932 (H.B. 2206), Acts of the
22 84th Legislature, Regular Session, 2015, is reenacted to read as
23 follows:

24 (b) Notwithstanding any other law, the commission shall
25 provide facilities management services in relation to all state
26 agency facilities in Travis County or a county adjacent to Travis
27 County. The commission's duty does not apply to:

- 1 (1) a facility owned or operated by an institution of
2 higher education;
- 3 (2) military facilities;
- 4 (3) facilities owned or operated by the Texas
5 Department of Criminal Justice;
- 6 (4) facilities owned or operated by the Texas Juvenile
7 Justice Department;
- 8 (5) facilities owned or operated by the Texas
9 Department of Transportation;
- 10 (6) the Capitol, including the Capitol Extension, the
11 General Land Office building, the Bob Bullock Texas State History
12 Museum, any museum located on the Capitol grounds, the Governor's
13 Mansion, and any property maintained by the Texas Historical
14 Commission under Sections [442.0072](#) and [442.0073](#);
- 15 (7) a facility determined by the commission to be
16 completely residential;
- 17 (8) a regional or field office of a state agency;
- 18 (9) a facility located within or on state park
19 property;
- 20 (10) the property known as the Finance Commission
21 Building described by deed recorded in Volume 5080, Page 1099, of
22 the Deed Records of Travis County, Texas;
- 23 (11) the property known as the Credit Union Department
24 Building described by deed recorded in Volume 6126, Page 27, of the
25 Deed Records of Travis County, Texas; or
- 26 (12) the property known as the Texas State Cemetery
27 described as 17.376 acres located at 801 Comal, Lot 5, Division B,

1 City of Austin, Travis County, Texas.

2 SECTION 8.015. Section 2256.008(a), Government Code, as
3 amended by Chapters 222 (H.B. 1148) and 1248 (H.B. 870), Acts of the
4 84th Legislature, Regular Session, 2015, is reenacted and amended
5 to read as follows:

6 (a) Except as provided by Subsections (a-1), (b), ~~and~~ (e),
7 and (f), the treasurer, the chief financial officer if the
8 treasurer is not the chief financial officer, and the investment
9 officer of a local government shall:

10 (1) attend at least one training session from an
11 independent source approved by the governing body of the local
12 government or a designated investment committee advising the
13 investment officer as provided for in the investment policy of the
14 local government and containing at least 10 hours of instruction
15 relating to the treasurer's or officer's responsibilities under
16 this subchapter within 12 months after taking office or assuming
17 duties; and

18 (2) ~~[except as provided by Subsections (b), (c), and~~
19 ~~(f)]~~ attend an investment training session not less than once in a
20 two-year period that begins on the first day of that local
21 government's fiscal year and consists of the two consecutive fiscal
22 years after that date, and receive not less than 10 hours of
23 instruction relating to investment responsibilities under this
24 subchapter from an independent source approved by the governing
25 body of the local government or a designated investment committee
26 advising the investment officer as provided for in the investment
27 policy of the local government.

1 SECTION 8.016. Section [2306.6725](#)(a), Government Code, as
2 amended by Chapters 954 (S.B. 1316) and 1111 (H.B. 3311), Acts of
3 the 84th Legislature, Regular Session, 2015, is reenacted to read
4 as follows:

5 (a) In allocating low income housing tax credits, the
6 department shall score each application using a point system based
7 on criteria adopted by the department that are consistent with the
8 department's housing goals, including criteria addressing the
9 ability of the proposed project to:

10 (1) provide quality social support services to
11 residents;

12 (2) demonstrate community and neighborhood support as
13 defined by the qualified allocation plan;

14 (3) consistent with sound underwriting practices and
15 when economically feasible, serve individuals and families of
16 extremely low income by leveraging private and state and federal
17 resources, including federal HOPE VI grants received through the
18 United States Department of Housing and Urban Development;

19 (4) serve traditionally underserved areas;

20 (5) demonstrate support from local political
21 subdivisions based on the subdivisions' commitment of development
22 funding;

23 (6) rehabilitate or perform an adaptive reuse of a
24 certified historic structure, as defined by Section [171.901](#)(1), Tax
25 Code, as part of the development;

26 (7) remain affordable to qualified tenants for an
27 extended, economically feasible period; and

1 (8) comply with the accessibility standards that are
2 required under Section 504, Rehabilitation Act of 1973 (29 U.S.C.
3 Section 794), and specified under 24 C.F.R. Part 8, Subpart C.

4 PART B. UPDATE OF COURT FEES AND COSTS

5 SECTION 8.101. Section 101.021, Government Code, is amended
6 to conform to Chapter 1182 (S.B. 1139), Acts of the 84th
7 Legislature, Regular Session, 2015, to read as follows:

8 Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT
9 CODE. The clerk of the supreme court shall collect fees and costs
10 as follows:

11 (1) application for petition for review (Sec. 51.005,
12 Government Code) . . . \$50;

13 (2) additional fee if application for petition for
14 review is granted (Sec. 51.005, Government Code) . . . \$75;

15 (3) motion for leave to file petition for writ of
16 mandamus, prohibition, injunction, and other similar proceedings
17 originating in the supreme court (Sec. 51.005, Government Code)
18 . . . \$50;

19 (4) additional fee if a motion under Subdivision (3)
20 is granted (Sec. 51.005, Government Code) . . . \$75;

21 (5) certified question from a federal court of appeals
22 to the supreme court (Sec. 51.005, Government Code) . . . \$75;

23 (6) case appealed to the supreme court from the
24 district court by direct appeal (Sec. 51.005, Government Code)
25 . . . \$100;

26 (7) any other proceeding filed in the supreme court
27 (Sec. 51.005, Government Code) . . . \$75;

1 (8) administering an oath and giving a sealed
2 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;

3 (9) making certain copies, including certificate and
4 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
5 more than 10 pages;

6 (10) any official service performed by the clerk for
7 which a fee is not otherwise provided (Sec. 51.005, Government
8 Code) . . . reasonable amount set by order or rule of supreme court;

9 (10-a) supreme court support account filing fee (Sec.
10 51.0051, Government Code) . . . amount set by the supreme court,
11 not to exceed \$50;

12 (11) issuance of attorney's license or certificate
13 (Sec. 51.006, Government Code) . . . \$10;

14 (12) additional filing fee to fund civil legal
15 services for the indigent (Sec. 51.941, Government Code) . . . \$25;
16 and

17 (13) statewide electronic filing system fund fee (Sec.
18 51.851, Government Code) . . . \$30 [~~\$20~~].

19 SECTION 8.102. Section 101.041, Government Code, is amended
20 to conform to Chapter 1182 (S.B. 1139), Acts of the 84th
21 Legislature, Regular Session, 2015, to read as follows:

22 Sec. 101.041. COURT OF APPEALS FEES AND COSTS: GOVERNMENT
23 CODE. The clerk of a court of appeals shall collect fees and costs
24 as follows:

25 (1) for cases appealed to and filed in the court of
26 appeals from the district and county courts within its court of
27 appeals district (Sec. 51.207, Government Code) . . . \$100;

1 (2) motion for leave to file petition for writ of
2 mandamus, prohibition, injunction, and other similar proceedings
3 originating in the court of appeals (Sec. 51.207, Government Code)
4 . . . \$50;

5 (3) additional fee if the motion under Subdivision (2)
6 is granted (Sec. 51.207, Government Code) . . . \$75;

7 (4) motion to file or to extend time to file record on
8 appeal from district or county court (Sec. 51.207, Government Code)
9 . . . \$10;

10 (5) administering an oath and giving a sealed
11 certificate of oath (Sec. 51.207, Government Code) . . . \$5;

12 (6) certified copy of papers of record in court
13 offices, including certificate and seal (Sec. 51.207, Government
14 Code) . . . \$5, or \$1 per page if more than five pages;

15 (7) comparing any document with the original filed in
16 the offices of the court for purposes of certification (Sec.
17 51.207, Government Code) . . . \$5, or \$1 per page if more than five
18 pages;

19 (8) any official service performed by the clerk for
20 which a fee is not otherwise provided (Sec. 51.207, Government
21 Code) . . . a reasonable fee set by the order or rule of the supreme
22 court;

23 (8-a) supreme court support account filing fee (Sec.
24 51.208, Government Code) . . . amount set by the supreme court, not
25 to exceed \$50;

26 (9) additional filing fee to fund civil legal services
27 for the indigent (Sec. 51.941, Government Code) . . . \$25; and

1 (10) statewide electronic filing system fund fee (Sec.
2 [51.851](#), Government Code) . . . \$30 [~~\$20~~].

3 SECTION 8.103. (a) Section [101.0611](#), Government Code, as
4 amended by Section 1.03, Chapter 927 (H.B. 1513), Acts of the 83rd
5 Legislature, Regular Session, 2013, is amended to conform to
6 Chapters 654 (H.B. 2182) and 1182 (S.B. 1139), Acts of the 84th
7 Legislature, Regular Session, 2015, and is further amended to read
8 as follows:

9 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
10 CODE. The clerk of a district court shall collect fees and costs
11 under the Government Code as follows:

12 (1) appellate judicial system filing fees for:

13 (A) First or Fourteenth Court of Appeals District
14 (Sec. [22.2021](#), Government Code) . . . not more than \$5;

15 (B) Second Court of Appeals District (Sec.
16 [22.2031](#), Government Code) . . . \$5;

17 (C) Third Court of Appeals District (Sec.
18 [22.2041](#), Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 [22.2051](#), Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 [22.2061](#), Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 [22.2071](#), Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 [22.2081](#), Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 22.2091, Government Code) . . . \$5;
2 (F) Ninth Court of Appeals District (Sec.
3 22.2101, Government Code) . . . \$5;
4 (G) Eleventh Court of Appeals District (Sec.
5 22.2121, Government Code) . . . \$5;
6 (G-1) Twelfth Court of Appeals District (Sec.
7 22.2131, Government Code) . . . \$5; and
8 (H) Thirteenth Court of Appeals District (Sec.
9 22.2141, Government Code) . . . not more than \$5;
10 (2) when administering a case for the Rockwall County
11 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
12 court costs as if the case had been filed in district court;
13 (3) additional filing fees:
14 (A) for each suit filed for insurance contingency
15 fund, if authorized by the county commissioners court (Sec. 51.302,
16 Government Code) . . . not to exceed \$5;
17 (B) to fund the improvement of Dallas County
18 civil court facilities, if authorized by the county commissioners
19 court (Sec. 51.705, Government Code) . . . not more than \$15;
20 (B-1) to fund the improvement of Bexar County
21 court facilities, if authorized by the county commissioners court
22 (Sec. 51.706, Government Code) . . . not more than \$15;
23 (C) to fund the improvement of Hays County court
24 facilities, if authorized by the county commissioners court (Sec.
25 51.707, Government Code) . . . not more than \$15;
26 (D) to fund the preservation of court records
27 (Sec. 51.708, Government Code) . . . not more than \$10;

1 (E) to fund the construction, renovation, or
2 improvement of Rockwall County court facilities, if authorized by
3 the county commissioners court (Sec. 51.709, Government Code) . . .
4 not more than \$15; ~~and~~

5 (F) to fund the construction, renovation, or
6 improvement of Travis County court facilities, if authorized by the
7 county commissioners court (Sec. 51.710, Government Code) . . . not
8 more than \$15;

9 (G) to fund the construction, renovation, or
10 improvement of Hidalgo County court facilities, if authorized by
11 the county commissioners court (Sec. 51.711, Government Code) . . .
12 not more than \$20; and

13 (H) to fund the construction, renovation, or
14 improvement of Cameron County court facilities, if authorized by
15 the county commissioners court (Sec. 51.711, Government Code) . . .
16 not more than \$20;

17 (4) for filing a suit, including an appeal from an
18 inferior court:

19 (A) for a suit with 10 or fewer plaintiffs (Sec.
20 51.317, Government Code) . . . \$50;

21 (B) for a suit with at least 11 but not more than
22 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

23 (C) for a suit with at least 26 but not more than
24 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

25 (D) for a suit with at least 101 but not more than
26 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

27 (E) for a suit with at least 501 but not more than

- 1 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
2 (F) for a suit with more than 1,000 plaintiffs
3 (Sec. 51.317, Government Code) . . . \$200;
4 (5) for filing a cross-action, counterclaim,
5 intervention, contempt action, motion for new trial, or third-party
6 petition (Sec. 51.317, Government Code) . . . \$15;
7 (6) for issuing a citation or other writ or process not
8 otherwise provided for, including one copy, when requested at the
9 time a suit or action is filed (Sec. 51.317, Government Code) . . .
10 \$8;
11 (7) for records management and preservation (Sec.
12 51.317, Government Code) . . . \$10;
13 (7-a) for district court records archiving, if adopted
14 by the county commissioners court (Sec. 51.317(b)(5), Government
15 Code) . . . not more than \$10;
16 (8) for issuing a subpoena, including one copy (Sec.
17 51.318, Government Code) . . . \$8;
18 (9) for issuing a citation, commission for deposition,
19 writ of execution, order of sale, writ of execution and order of
20 sale, writ of injunction, writ of garnishment, writ of attachment,
21 or writ of sequestration not provided for in Section 51.317, or any
22 other writ or process not otherwise provided for, including one
23 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
24 (10) for searching files or records to locate a cause
25 when the docket number is not provided (Sec. 51.318, Government
26 Code) . . . \$5;
27 (11) for searching files or records to ascertain the

1 existence of an instrument or record in the district clerk's office
2 (Sec. 51.318, Government Code) . . . \$5;

3 (12) for abstracting a judgment (Sec. 51.318,
4 Government Code) . . . \$8;

5 (13) for approving a bond (Sec. 51.318, Government
6 Code) . . . \$4;

7 (14) for a certified copy of a record, judgment,
8 order, pleading, or paper on file or of record in the district
9 clerk's office, including certificate and seal, for each page or
10 part of a page (Sec. 51.318, Government Code) . . . not to exceed
11 \$1;

12 (15) for a noncertified copy, for each page or part of
13 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

14 (16) fee for performing a service:

15 (A) related to the matter of the estate of a
16 deceased person (Sec. 51.319, Government Code) . . . the same fee
17 allowed the county clerk for those services;

18 (B) related to the matter of a minor (Sec.
19 51.319, Government Code) . . . the same fee allowed the county
20 clerk for the service;

21 (C) of serving process by certified or registered
22 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
23 constable is authorized to charge for the service under Section
24 118.131, Local Government Code; ~~and~~

25 (D) prescribed or authorized by law but for which
26 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

27 and

1 (E) related to a matter filed in a statutory
2 county court (Sec. 51.319, Government Code) . . . the same fees
3 allowed the district clerk for those services in the district
4 court;

5 (17) jury fee (Sec. 51.604, Government Code) . . . \$40
6 [~~\$30~~];

7 (18) additional filing fee for family protection on
8 filing a suit for dissolution of a marriage under Chapter 6, Family
9 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

10 (19) at a hearing held by an associate judge appointed
11 under Subchapter B, Chapter 54A, Government Code, a court cost to
12 preserve the record, in the absence of a court reporter, by any
13 means approved by the associate judge (Sec. 54A.110, Government
14 Code) . . . as assessed by the referring court or associate judge;
15 and

16 (20) statewide electronic filing system fund fee (Sec.
17 51.851, Government Code) . . . \$30 [~~\$20~~].

18 (b) Section 101.0611, Government Code, as amended by
19 Section 2.03, Chapter 927 (H.B. 1513), Acts of the 83rd
20 Legislature, Regular Session, 2013, effective September 1, 2019, is
21 amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139),
22 Acts of the 84th Legislature, Regular Session, 2015, and is further
23 amended to read as follows:

24 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
25 CODE. The clerk of a district court shall collect fees and costs
26 under the Government Code as follows:

27 (1) appellate judicial system filing fees for:

1 (A) First or Fourteenth Court of Appeals District
2 (Sec. [22.2021](#), Government Code) . . . not more than \$5;
3 (B) Second Court of Appeals District (Sec.
4 [22.2031](#), Government Code) . . . \$5;
5 (C) Third Court of Appeals District (Sec.
6 [22.2041](#), Government Code) . . . \$5;
7 (D) Fourth Court of Appeals District (Sec.
8 [22.2051](#), Government Code) . . . not more than \$5;
9 (E) Fifth Court of Appeals District (Sec.
10 [22.2061](#), Government Code) . . . not more than \$5;
11 (E-1) Sixth Court of Appeals District (Sec.
12 [22.2071](#), Government Code) . . . \$5;
13 (E-2) Seventh Court of Appeals District (Sec.
14 [22.2081](#), Government Code) . . . \$5;
15 (E-3) Eighth Court of Appeals District (Sec.
16 [22.2091](#), Government Code) . . . \$5;
17 (F) Ninth Court of Appeals District (Sec.
18 [22.2101](#), Government Code) . . . \$5;
19 (G) Eleventh Court of Appeals District (Sec.
20 [22.2121](#), Government Code) . . . \$5;
21 (G-1) Twelfth Court of Appeals District (Sec.
22 [22.2131](#), Government Code) . . . \$5; and
23 (H) Thirteenth Court of Appeals District (Sec.
24 [22.2141](#), Government Code) . . . not more than \$5;
25 (2) when administering a case for the Rockwall County
26 Court at Law (Sec. [25.2012](#), Government Code) . . . civil fees and
27 court costs as if the case had been filed in district court;

1 (3) additional filing fees:

2 (A) for each suit filed for insurance contingency
3 fund, if authorized by the county commissioners court (Sec. 51.302,
4 Government Code) . . . not to exceed \$5;

5 (B) to fund the improvement of Dallas County
6 civil court facilities, if authorized by the county commissioners
7 court (Sec. 51.705, Government Code) . . . not more than \$15;

8 (B-1) to fund the improvement of Bexar County
9 court facilities, if authorized by the county commissioners court
10 (Sec. 51.706, Government Code) . . . not more than \$15;

11 (C) to fund the improvement of Hays County court
12 facilities, if authorized by the county commissioners court (Sec.
13 51.707, Government Code) . . . not more than \$15;

14 (D) to fund the preservation of court records
15 (Sec. 51.708, Government Code) . . . not more than \$10;

16 (E) to fund the construction, renovation, or
17 improvement of Rockwall County court facilities, if authorized by
18 the county commissioners court (Sec. 51.709, Government Code) . . .
19 not more than \$15; ~~and~~

20 (F) to fund the construction, renovation, or
21 improvement of Travis County court facilities, if authorized by the
22 county commissioners court (Sec. 51.710, Government Code) . . . not
23 more than \$15;

24 (G) to fund the construction, renovation, or
25 improvement of Hidalgo County court facilities, if authorized by
26 the county commissioners court (Sec. 51.711, Government Code) . . .
27 not more than \$20; and

1 (H) to fund the construction, renovation, or
2 improvement of Cameron County court facilities, if authorized by
3 the county commissioners court (Sec. 51.711, Government Code) . . .
4 not more than \$20;

5 (4) for filing a suit, including an appeal from an
6 inferior court:

7 (A) for a suit with 10 or fewer plaintiffs (Sec.
8 51.317, Government Code) . . . \$50;

9 (B) for a suit with at least 11 but not more than
10 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

11 (C) for a suit with at least 26 but not more than
12 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

13 (D) for a suit with at least 101 but not more than
14 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

15 (E) for a suit with at least 501 but not more than
16 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

17 (F) for a suit with more than 1,000 plaintiffs
18 (Sec. 51.317, Government Code) . . . \$200;

19 (5) for filing a cross-action, counterclaim,
20 intervention, contempt action, motion for new trial, or third-party
21 petition (Sec. 51.317, Government Code) . . . \$15;

22 (6) for issuing a citation or other writ or process not
23 otherwise provided for, including one copy, when requested at the
24 time a suit or action is filed (Sec. 51.317, Government Code) . . .
25 \$8;

26 (7) for records management and preservation (Sec.
27 51.317, Government Code) . . . \$10;

1 (7-a) for district court records archiving, if adopted
2 by the county commissioners court (Sec. 51.317(b)(5), Government
3 Code) . . . not more than \$5;

4 (8) for issuing a subpoena, including one copy (Sec.
5 51.318, Government Code) . . . \$8;

6 (9) for issuing a citation, commission for deposition,
7 writ of execution, order of sale, writ of execution and order of
8 sale, writ of injunction, writ of garnishment, writ of attachment,
9 or writ of sequestration not provided for in Section 51.317, or any
10 other writ or process not otherwise provided for, including one
11 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

12 (10) for searching files or records to locate a cause
13 when the docket number is not provided (Sec. 51.318, Government
14 Code) . . . \$5;

15 (11) for searching files or records to ascertain the
16 existence of an instrument or record in the district clerk's office
17 (Sec. 51.318, Government Code) . . . \$5;

18 (12) for abstracting a judgment (Sec. 51.318,
19 Government Code) . . . \$8;

20 (13) for approving a bond (Sec. 51.318, Government
21 Code) . . . \$4;

22 (14) for a certified copy of a record, judgment,
23 order, pleading, or paper on file or of record in the district
24 clerk's office, including certificate and seal, for each page or
25 part of a page (Sec. 51.318, Government Code) . . . not to exceed
26 \$1;

27 (15) for a noncertified copy, for each page or part of

1 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

2 (16) fee for performing a service:

3 (A) related to the matter of the estate of a
4 deceased person (Sec. 51.319, Government Code) . . . the same fee
5 allowed the county clerk for those services;

6 (B) related to the matter of a minor (Sec.
7 51.319, Government Code) . . . the same fee allowed the county
8 clerk for the service;

9 (C) of serving process by certified or registered
10 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
11 constable is authorized to charge for the service under Section
12 118.131, Local Government Code; ~~and~~

13 (D) prescribed or authorized by law but for which
14 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
15 and

16 (E) related to a matter filed in a statutory
17 county court (Sec. 51.319, Government Code) . . . the same fees
18 allowed the district clerk for those services in the district
19 court;

20 (17) jury fee (Sec. 51.604, Government Code) . . . \$40
21 [~~\$30~~];

22 (18) additional filing fee for family protection on
23 filing a suit for dissolution of a marriage under Chapter 6, Family
24 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

25 (19) at a hearing held by an associate judge appointed
26 under Subchapter B, Chapter 54A, Government Code, a court cost to
27 preserve the record, in the absence of a court reporter, by any

1 means approved by the associate judge (Sec. 54A.110, Government
2 Code) . . . as assessed by the referring court or associate judge;
3 and

4 (20) statewide electronic filing system fund fee (Sec.
5 51.851, Government Code) . . . \$30 [~~\$20~~].

6 (c) Section 101.061192, Government Code, is repealed.

7 SECTION 8.104. Section 101.0616, Government Code, is
8 amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th
9 Legislature, Regular Session, 2015, to read as follows:

10 Sec. 101.0616. DISTRICT COURT FEES AND COSTS: ESTATES
11 CODE. The clerk of a district court shall collect fees and costs
12 under the Estates Code as follows:

13 (1) security deposit on filing, by any person other
14 than the personal representative of an estate, an application,
15 complaint, or opposition in relation to the estate, if required by
16 the clerk (Sec. 53.052, Estates Code) . . . probable cost of the
17 proceeding;

18 (2) [~~fee on filing an application, complaint,~~
19 ~~petition, or other paper in a guardianship proceeding, which~~
20 ~~includes a deposit for payment to an attorney ad litem (Sec.~~
21 ~~1052.051, Estates Code) . . . cost of filing and payment of~~
22 ~~attorney ad litem,~~

23 [~~(3)~~] security deposit on filing, by any person other
24 than the guardian, attorney ad litem, or guardian ad litem, an
25 application, complaint, or opposition in relation to a guardianship
26 matter, if required by the clerk (Sec. 1053.052, Estates Code)
27 . . . probable cost of the guardianship proceeding;

1 (3) [~~(4)~~] nonrefundable fee to cover the cost of
2 administering Subchapter G, Chapter [1104](#), Estates Code (Sec.
3 [1104.303](#), Estates Code) . . . \$40; and

4 (4) [~~(5)~~] costs for attorney ad litem appointed to
5 pursue the restoration of a ward's capacity or modification of the
6 ward's guardianship (Sec. [1202.102](#), Estates Code) . . . reasonable
7 compensation.

8 SECTION 8.105. (a) Section [101.0811](#), Government Code, is
9 amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139),
10 Acts of the 84th Legislature, Regular Session, 2015, and is further
11 amended to read as follows:

12 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS:
13 GOVERNMENT CODE. The clerk of a statutory county court shall
14 collect fees and costs under the Government Code as follows:

15 (1) appellate judicial system filing fees:

16 (A) First or Fourteenth Court of Appeals District
17 (Sec. [22.2021](#), Government Code) . . . not more than \$5;

18 (B) Second Court of Appeals District (Sec.
19 [22.2031](#), Government Code) . . . \$5;

20 (C) Third Court of Appeals District (Sec.
21 [22.2041](#), Government Code) . . . \$5;

22 (D) Fourth Court of Appeals District (Sec.
23 [22.2051](#), Government Code) . . . not more than \$5;

24 (E) Fifth Court of Appeals District (Sec.
25 [22.2061](#), Government Code) . . . not more than \$5;

26 (E-1) Sixth Court of Appeals District (Sec.
27 [22.2071](#), Government Code) . . . \$5;

1 (E-2) Seventh Court of Appeals District (Sec.
2 [22.2081](#), Government Code) . . . \$5;

3 (E-3) Eighth Court of Appeals District (Sec.
4 [22.2091](#), Government Code) . . . \$5;

5 (F) Ninth Court of Appeals District (Sec.
6 [22.2101](#), Government Code) . . . \$5;

7 (G) Eleventh Court of Appeals District (Sec.
8 [22.2121](#), Government Code) . . . \$5;

9 (G-1) Twelfth Court of Appeals District (Sec.
10 [22.2131](#), Government Code) . . . \$5; and

11 (H) Thirteenth Court of Appeals District (Sec.
12 [22.2141](#), Government Code) . . . not more than \$5;

13 (2) an official court reporter fee, County Court at
14 Law No. 2 of Bexar County (Sec. [25.0172](#), Government Code) . . . \$3;

15 (3) in Brazoria County, in matters of concurrent
16 jurisdiction with the district court, fees (Sec. [25.0222](#),
17 Government Code) . . . as prescribed by law for district judges
18 according to the nature of the matter;

19 (4) a court reporter fee when testimony is taken in a
20 county court at law in McLennan County (Sec. [25.1572](#), Government
21 Code) . . . \$3;

22 (5) a stenographer fee, if a record or part of a record
23 is made:

24 (A) in a county court at law in Hidalgo County
25 (Sec. [25.1102](#), Government Code) . . . \$20; and

26 (B) in the 1st Multicounty Court at Law (Sec.
27 [25.2702](#), Government Code) . . . \$25;

1 (6) jury fee (Sec. 51.604, Government Code) . . . \$40
2 [~~\$22~~];

3 (7) an additional filing fee:

4 (A) for each civil case filed to be used for
5 court-related purposes for the support of the judiciary (Sec.
6 51.702, Government Code) . . . \$40;

7 (B) to fund the improvement of Dallas County
8 civil court facilities, if authorized by the county commissioners
9 court (Sec. 51.705, Government Code) . . . not more than \$15;

10 (B-1) to fund the improvement of Bexar County
11 court facilities, if authorized by the county commissioners court
12 (Sec. 51.706, Government Code) . . . not more than \$15;

13 (C) to fund the improvement of Hays County court
14 facilities, if authorized by the county commissioners court (Sec.
15 51.707, Government Code) . . . not more than \$15;

16 (D) to fund the preservation of court records
17 (Sec. 51.708, Government Code) . . . not more than \$10;

18 (E) to fund the construction, renovation, or
19 improvement of Rockwall County court facilities, if authorized by
20 the county commissioners court (Sec. 51.709, Government Code) . . .
21 not more than \$15; [~~and~~]

22 (F) to fund the construction, renovation, or
23 improvement of Travis County court facilities, if authorized by the
24 county commissioners court (Sec. 51.710, Government Code) . . . not
25 more than \$15;

26 (G) to fund the construction, renovation, or
27 improvement of Hidalgo County court facilities, if authorized by

1 the county commissioners court (Sec. 51.711, Government Code) . . .

2 not more than \$20; and

3 (H) to fund the construction, renovation, or
4 improvement of Cameron County court facilities, if authorized by
5 the county commissioners court (Sec. 51.711, Government Code) . . .

6 not more than \$20;

7 (8) the official court reporter's fee taxed as costs in
8 civil actions in a statutory county court:

9 (A) in Bexar County Courts at Law Nos. 3, 4, 5, 6,
10 7, 8, 9, 10, 11, 12, 13, 14, and 15 (Sec. 25.0172, Government Code)
11 . . . taxed in the same manner as the fee is taxed in district
12 court;

13 (B) in Galveston County (Sec. 25.0862,
14 Government Code) . . . taxed in the same manner as the fee is taxed
15 in civil cases in the district courts; ~~and~~

16 (C) in Harris County (Sec. 25.1032, Government
17 Code) . . . taxed in the same manner as the fee is taxed in civil
18 cases in the district courts; and

19 (D) in Parker County (Sec. 25.1862, Government
20 Code) . . . taxed in the same manner as the fee is taxed in civil
21 cases in the district courts;

22 (9) in Nueces County, in matters of concurrent
23 jurisdiction with the district court, with certain exceptions, fees
24 (Sec. 25.1802, Government Code) . . . equal to those in district
25 court cases;

26 (10) a fee not otherwise listed in this subchapter
27 that is required to be collected under Section 25.0008, Government

1 Code, in a county other than Brazos, Cameron, Ellis, Guadalupe,
2 Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr,
3 Victoria, and Williamson . . . as prescribed by law relating to
4 county judges' fees;

5 (11) at a hearing held by an associate judge appointed
6 under Subchapter B, Chapter 54A, Government Code, a court cost to
7 preserve the record, in the absence of a court reporter, by any
8 means approved by the associate judge (Sec. 54A.110, Government
9 Code) . . . as assessed by the referring court or associate judge;
10 and

11 (12) statewide electronic filing system fund fee (Sec.
12 51.851, Government Code) . . . \$30 [~~\$20~~].

13 (b) Section 101.081191, Government Code, is repealed.

14 SECTION 8.106. Section 101.0814, Government Code, is
15 amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th
16 Legislature, Regular Session, 2015, to read as follows:

17 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS:
18 LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall
19 collect fees and costs under the Local Government Code as follows:

20 (1) additional filing fee to fund contingency fund for
21 liability insurance, if authorized by the county commissioners
22 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

23 (2) civil court actions (Sec. 118.052, Local
24 Government Code):

25 (A) filing of original action (Secs. 118.052 and
26 118.053, Local Government Code):

27 (i) garnishment after judgment (Sec.

1 118.052, Local Government Code) . . . \$15; and
2 (ii) all others (Sec. 118.052, Local
3 Government Code) . . . \$40;
4 (B) filing of action other than original (Secs.
5 118.052 and 118.054, Local Government Code) . . . \$30; and
6 (C) services rendered after judgment in original
7 action (Secs. 118.052 and 118.0545, Local Government Code):
8 (i) abstract of judgment (Sec. 118.052,
9 Local Government Code) . . . \$5; and
10 (ii) execution, order of sale, writ, or
11 other process (Sec. 118.052, Local Government Code) . . . \$5;
12 (3) probate court actions (Sec. 118.052, Local
13 Government Code):
14 (A) probate original action (Secs. 118.052 and
15 118.055, Local Government Code):
16 (i) probate of a will with independent
17 executor, administration with will attached, administration of an
18 estate, guardianship or receivership of an estate, or muniment of
19 title (Sec. 118.052, Local Government Code) . . . \$40;
20 (ii) community survivors (Sec. 118.052,
21 Local Government Code) . . . \$40;
22 (iii) small estates (Sec. 118.052, Local
23 Government Code) . . . \$40;
24 (iv) declarations of heirship (Sec.
25 118.052, Local Government Code) . . . \$40;
26 (v) mental health or chemical dependency
27 services (Sec. 118.052, Local Government Code) . . . \$40; and

1 (vi) additional, special fee (Secs. 118.052
2 and 118.064, Local Government Code) . . . \$5;

3 (B) services in pending probate action (Secs.
4 118.052 and 118.056, Local Government Code):

5 (i) filing an inventory and appraisalment
6 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

7 (ii) approving and recording bond (Sec.
8 118.052, Local Government Code) . . . \$3;

9 (iii) administering oath (Sec. 118.052,
10 Local Government Code) . . . \$2;

11 (iv) filing annual or final account of
12 estate (Sec. 118.052, Local Government Code) . . . \$25;

13 (v) filing application for sale of real or
14 personal property (Sec. 118.052, Local Government Code) . . . \$25;

15 (vi) filing annual or final report of
16 guardian of a person (Sec. 118.052, Local Government Code) . . .
17 \$10; and

18 (vii) filing a document not listed under
19 this paragraph after the filing of an order approving the inventory
20 and appraisalment or after the 120th day after the date of the
21 initial filing of the action, whichever occurs first (Secs. 118.052
22 and 191.007, Local Government Code), if more than 25 pages . . .
23 \$25;

24 (C) adverse probate action (Secs. 118.052 and
25 118.057, Local Government Code) . . . \$40;

26 (D) claim against estate (Secs. 118.052 and
27 118.058, Local Government Code) . . . \$10 [~~\$2~~];

1 (E) supplemental court-initiated guardianship
2 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;
3 and

4 (F) supplemental public probate administrator
5 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

6 (4) other fees (Sec. 118.052, Local Government Code):

7 (A) issuing document (Secs. 118.052 and 118.059,
8 Local Government Code):

9 (i) original document and one copy (Sec.
10 118.052, Local Government Code) . . . \$4; and

11 (ii) each additional set of an original and
12 one copy (Sec. 118.052, Local Government Code) . . . \$4;

13 (B) certified papers (Secs. 118.052 and 118.060,
14 Local Government Code):

15 (i) for the clerk's certificate (Sec.
16 118.052, Local Government Code) . . . \$5; and

17 (ii) a fee per page or part of a page (Sec.
18 118.052, Local Government Code) . . . \$1;

19 (C) noncertified papers, for each page or part of
20 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
21 \$1;

22 (D) letters testamentary, letter of
23 guardianship, letter of administration, or abstract of judgment
24 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

25 (E) safekeeping of wills (Secs. 118.052 and
26 118.062, Local Government Code) . . . \$5;

27 (F) mail service of process (Secs. 118.052 and

1 118.063, Local Government Code) . . . same as sheriff; and

2 (G) records management and preservation fee
3 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
4 . . . \$5;

5 (5) additional filing fee for filing any civil action
6 or proceeding requiring a filing fee, including an appeal, and on
7 the filing of any counterclaim, cross-action, intervention,
8 interpleader, or third-party action requiring a filing fee, to fund
9 civil legal services for the indigent (Sec. 133.153, Local
10 Government Code) . . . \$10;

11 (6) on the filing of a civil suit, an additional filing
12 fee to be used for court-related purposes for the support of the
13 judiciary (Sec. 133.154, Local Government Code) . . . \$42;

14 (7) additional filing fee to fund the courthouse
15 security fund, if authorized by the county commissioners court
16 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

17 (8) additional filing fee for filing documents not
18 subject to certain filing fees to fund the courthouse security
19 fund, if authorized by the county commissioners court (Sec.
20 291.008, Local Government Code) . . . \$1;

21 (9) additional filing fee to fund the courthouse
22 security fund in Webb County, if authorized by the county
23 commissioners court (Sec. 291.009, Local Government Code) . . . not
24 to exceed \$20; and

25 (10) court cost in civil cases other than suits for
26 delinquent taxes to fund the county law library fund, if authorized
27 by the county commissioners court (Sec. 323.023, Local Government

1 Code) . . . not to exceed \$35.

2 SECTION 8.107. Section 101.0815, Government Code, is
3 amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th
4 Legislature, Regular Session, 2015, to read as follows:

5 Sec. 101.0815. STATUTORY COUNTY COURT FEES AND COSTS:
6 ESTATES CODE. The clerk of a statutory county court shall collect
7 fees and costs under the Estates Code as follows:

8 (1) fee for deposit of a will with the county clerk
9 during testator's lifetime (Sec. 252.001, Estates Code) . . . \$5;

10 (2) security deposit on filing, by any person other
11 than the personal representative of an estate, an application,
12 complaint, or opposition in relation to the estate, if required by
13 the clerk (Sec. 53.052, Estates Code) . . . probable cost of the
14 proceeding;

15 (3) ~~[fee on filing an application, complaint,~~
16 ~~petition, or other paper in a guardianship proceeding, which~~
17 ~~includes a deposit for payment to an attorney ad litem (Sec.~~
18 ~~1052.051, Estates Code) . . . cost of filing and payment of~~
19 ~~attorney ad litem,~~

20 [~~4~~] security deposit on filing, by any person other
21 than the guardian, attorney ad litem, or guardian ad litem, an
22 application, complaint, or opposition in relation to a guardianship
23 matter, if required by the clerk (Sec. 1053.052, Estates Code)
24 . . . probable cost of the guardianship proceeding;

25 (4) (4) [~~5~~] nonrefundable fee to cover the cost of
26 administering Subchapter G, Chapter 1104, Estates Code (Sec.
27 1104.303, Estates Code) . . . \$40; and

1 (5) [~~(6)~~] costs for attorney ad litem appointed to
2 pursue the restoration of a ward's capacity or modification of the
3 ward's guardianship (Sec. [1202.102](#), Estates Code) . . . reasonable
4 compensation.

5 SECTION 8.108. (a) Section [101.1011](#), Government Code, is
6 amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139),
7 Acts of the 84th Legislature, Regular Session, 2015, and is further
8 amended to read as follows:

9 Sec. 101.1011. STATUTORY PROBATE COURT FEES AND COSTS:
10 GOVERNMENT CODE. The clerk of a statutory probate court shall
11 collect fees and costs under the Government Code as follows:

12 (1) appellate judicial system filing fees:

13 (A) First or Fourteenth Court of Appeals District
14 (Sec. [22.2021](#), Government Code) . . . not more than \$5;

15 (B) Second Court of Appeals District (Sec.
16 [22.2031](#), Government Code) . . . \$5;

17 (C) Third Court of Appeals District (Sec.
18 [22.2041](#), Government Code) . . . \$5;

19 (D) Fourth Court of Appeals District (Sec.
20 [22.2051](#), Government Code) . . . not more than \$5;

21 (E) Fifth Court of Appeals District (Sec.
22 [22.2061](#), Government Code) . . . not more than \$5;

23 (E-1) Sixth Court of Appeals District (Sec.
24 [22.2071](#), Government Code) . . . \$5;

25 (E-2) Seventh Court of Appeals District (Sec.
26 [22.2081](#), Government Code) . . . \$5;

27 (E-3) Eighth Court of Appeals District (Sec.

1 [22.2091](#), Government Code) . . . \$5;

2 (F) Ninth Court of Appeals District (Sec.
3 [22.2101](#), Government Code) . . . \$5;

4 (G) Eleventh Court of Appeals District (Sec.
5 [22.2121](#), Government Code) . . . \$5;

6 (G-1) Twelfth Court of Appeals District (Sec.
7 [22.2131](#), Government Code) . . . \$5; and

8 (H) Thirteenth Court of Appeals District (Sec.
9 [22.2141](#), Government Code) . . . not more than \$5;

10 (2) additional filing fees as follows:

11 (A) for certain cases to be used for
12 court-related purposes for support of the judiciary (Sec. [51.704](#),
13 Government Code) . . . \$40;

14 (B) to fund the improvement of Dallas County
15 civil court facilities, if authorized by the county commissioners
16 court (Sec. [51.705](#), Government Code) . . . not more than \$15;

17 (B-1) to fund the improvement of Bexar County
18 court facilities, if authorized by the county commissioners court
19 (Sec. [51.706](#), Government Code) . . . not more than \$15;

20 (C) to fund the improvement of Hays County court
21 facilities, if authorized by the county commissioners court (Sec.
22 [51.707](#), Government Code) . . . not more than \$15;

23 (D) to fund the construction, renovation, or
24 improvement of Rockwall County court facilities, if authorized by
25 the county commissioners court (Sec. [51.709](#), Government Code) . . .
26 not more than \$15; ~~and~~

27 (E) to fund the construction, renovation, or

1 improvement of Travis County court facilities, if authorized by the
2 county commissioners court (Sec. 51.710, Government Code) . . . not
3 more than \$15; and

4 (F) to fund the construction, renovation, or
5 improvement of Hidalgo County court facilities, if authorized by
6 the county commissioners court (Sec. 51.711, Government Code) . . .
7 not more than \$20;

8 (3) jury fee for civil case (Sec. 51.604, Government
9 Code) . . . \$40 [~~\$22~~];

10 (4) the expense of preserving the record as a court
11 cost, if imposed on a party by the referring court or associate
12 judge (Sec. 54A.211, Government Code) . . . actual cost;

13 (5) a fee not otherwise listed in this subchapter that
14 is required to be collected under Section 25.0029, Government Code
15 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
16 to county judges' fees; and

17 (6) statewide electronic filing system fund fee (Sec.
18 51.851, Government Code) . . . \$30 [~~\$20~~].

19 (b) Section 101.10119, Government Code, is repealed.

20 SECTION 8.109. Section 101.1013, Government Code, is
21 amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th
22 Legislature, Regular Session, 2015, to read as follows:

23 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
24 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
25 collect fees and costs under the Local Government Code as follows:

26 (1) additional filing fee for filing any civil action
27 or proceeding requiring a filing fee, including an appeal, and on

1 the filing of any counterclaim, cross-action, intervention,
2 interpleader, or third-party action requiring a filing fee to fund
3 civil legal services for the indigent (Sec. 133.153, Local
4 Government Code) . . . \$10;

5 (2) additional filing fee to fund contingency fund for
6 liability insurance, if authorized by the county commissioners
7 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

8 (3) probate court actions (Sec. 118.052, Local
9 Government Code):

10 (A) probate original action (Secs. 118.052 and
11 118.055, Local Government Code):

12 (i) probate of a will with independent
13 executor, administration with will attached, administration of an
14 estate, guardianship or receivership of an estate, or muniment of
15 title (Sec. 118.052, Local Government Code) . . . \$40;

16 (ii) community survivors (Sec. 118.052,
17 Local Government Code) . . . \$40;

18 (iii) small estates (Sec. 118.052, Local
19 Government Code) . . . \$40;

20 (iv) declarations of heirship (Sec.
21 118.052, Local Government Code) . . . \$40;

22 (v) mental health or chemical dependency
23 services (Sec. 118.052, Local Government Code) . . . \$40; and

24 (vi) additional, special fee (Secs. 118.052
25 and 118.064, Local Government Code) . . . \$5;

26 (B) services in pending probate action (Secs.
27 118.052 and 118.056, Local Government Code):

- 1 (i) filing an inventory and appraisement
2 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
- 3 (ii) approving and recording bond (Sec.
4 118.052, Local Government Code) . . . \$3;
- 5 (iii) administering oath (Sec. 118.052,
6 Local Government Code) . . . \$2;
- 7 (iv) filing annual or final account of
8 estate (Sec. 118.052, Local Government Code). . . \$25;
- 9 (v) filing application for sale of real or
10 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 11 (vi) filing annual or final report of
12 guardian of a person (Sec. 118.052, Local Government Code) . . .
13 \$10; and
- 14 (vii) filing a document not listed under
15 this paragraph after the filing of an order approving the inventory
16 and appraisement or after the 120th day after the date of the
17 initial filing of the action, whichever occurs first (Secs. 118.052
18 and 191.007, Local Government Code), if more than 25 pages . . .
19 \$25;
- 20 (C) adverse probate action (Secs. 118.052 and
21 118.057, Local Government Code) . . . \$40;
- 22 (D) claim against estate (Secs. 118.052 and
23 118.058, Local Government Code) . . . \$10 [~~\$2~~];
- 24 (E) supplemental court-initiated guardianship
25 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;
- 26 and
- 27 (F) supplemental public probate administrator

1 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
2 (4) other fees (Sec. 118.052, Local Government Code):
3 (A) issuing document (Secs. 118.052 and 118.059,
4 Local Government Code):
5 (i) original document and one copy (Sec.
6 118.052, Local Government Code) . . . \$4; and
7 (ii) each additional set of an original and
8 one copy (Sec. 118.052, Local Government Code) . . . \$4;
9 (B) certified papers (Secs. 118.052 and 118.060,
10 Local Government Code):
11 (i) for the clerk's certificate (Sec.
12 118.052, Local Government Code) . . . \$5; and
13 (ii) a fee per page or part of a page (Sec.
14 118.052, Local Government Code) . . . \$1;
15 (C) noncertified papers, for each page or part of
16 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
17 \$1;
18 (D) letters testamentary, letter of
19 guardianship, letter of administration, or abstract of judgment
20 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
21 (E) safekeeping of wills (Secs. 118.052 and
22 118.062, Local Government Code) . . . \$5;
23 (F) mail service of process (Secs. 118.052 and
24 118.063, Local Government Code) . . . same as sheriff; and
25 (G) records management and preservation fee
26 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and
27 (5) court cost in civil cases other than suits for

1 delinquent taxes to fund the county law library fund, if authorized
2 by the county commissioners court (Sec. 323.023, Local Government
3 Code) . . . not to exceed \$35.

4 SECTION 8.110. Section 101.1014, Government Code, is
5 amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th
6 Legislature, Regular Session, 2015, to read as follows:

7 Sec. 101.1014. STATUTORY PROBATE COURT FEES AND COSTS:
8 ESTATES CODE. The clerk of a statutory probate court shall collect
9 fees and costs under the Estates Code as follows:

10 (1) fee for deposit of a will with the county clerk
11 during testator's lifetime (Sec. 252.001, Estates Code) . . . \$5;

12 (2) security deposit on filing, by any person other
13 than the personal representative of an estate, an application,
14 complaint, or opposition in relation to the estate, if required by
15 the clerk (Sec. 53.052, Estates Code) . . . probable cost of the
16 proceeding;

17 (3) ~~[fee on filing an application, complaint,~~
18 ~~petition, or other paper in a guardianship proceeding, which~~
19 ~~includes a deposit for payment to an attorney ad litem (Sec.~~
20 ~~1052.051, Estates Code) . . . cost of filing and payment of~~
21 ~~attorney ad litem,~~

22 [~~4~~] security deposit on filing, by any person other
23 than the guardian, attorney ad litem, or guardian ad litem, an
24 application, complaint, or opposition in relation to a guardianship
25 matter, if required by the clerk (Sec. 1053.052, Estates Code)
26 . . . probable cost of the guardianship proceeding;

27 (4) [~~5~~] nonrefundable fee to cover the cost of

1 administering Subchapter G, Chapter 1104, Estates Code (Sec.
2 1104.303, Estates Code) . . . \$40; and

3 (5) [~~6~~] costs for attorney ad litem appointed to
4 pursue the restoration of a ward's capacity or modification of the
5 ward's guardianship (Sec. 1202.102, Estates Code) . . . reasonable
6 compensation.

7 SECTION 8.111. Section 101.121, Government Code, is amended
8 to conform to Chapter 763 (S.B. 1035), Acts of the 83rd Legislature,
9 Regular Session, 2013, to read as follows:

10 Sec. 101.121. COUNTY COURT FEES AND COSTS: ALCOHOLIC
11 BEVERAGE CODE. The clerk of a county court shall collect a fee of
12 \$25 [~~\$5~~] under Section 61.31, Alcoholic Beverage Code, for hearing
13 on application for a license to manufacture, distribute, store, or
14 sell beer.

15 SECTION 8.112. Section 101.1212, Government Code, is
16 amended to conform to Chapters 654 (H.B. 2182) and 1182 (S.B. 1139),
17 Acts of the 84th Legislature, Regular Session, 2015, to read as
18 follows:

19 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
20 CODE. The clerk of a county court shall collect the following fees
21 and costs under the Government Code:

22 (1) appellate judicial system filing fees:

23 (A) First or Fourteenth Court of Appeals District
24 (Sec. 22.2021, Government Code) . . . not more than \$5;

25 (B) Second Court of Appeals District (Sec.
26 22.2031, Government Code) . . . \$5;

27 (C) Third Court of Appeals District (Sec.

- 1 22.2041, Government Code) . . . \$5;
- 2 (D) Fourth Court of Appeals District (Sec.
- 3 22.2051, Government Code) . . . not more than \$5;
- 4 (E) Fifth Court of Appeals District (Sec.
- 5 22.2061, Government Code) . . . not more than \$5;
- 6 (E-1) Sixth Court of Appeals District (Sec.
- 7 22.2071, Government Code) . . . \$5;
- 8 (E-2) Seventh Court of Appeals District (Sec.
- 9 22.2081, Government Code) . . . \$5;
- 10 (E-3) Eighth Court of Appeals District (Sec.
- 11 22.2091, Government Code) . . . \$5;
- 12 (F) Ninth Court of Appeals District (Sec.
- 13 22.2101, Government Code) . . . \$5;
- 14 (G) Eleventh Court of Appeals District (Sec.
- 15 22.2121, Government Code) . . . \$5;
- 16 (G-1) Twelfth Court of Appeals District (Sec.
- 17 22.2131, Government Code) . . . \$5; and
- 18 (H) Thirteenth Court of Appeals District (Sec.
- 19 22.2141, Government Code) . . . not more than \$5;
- 20 (2) a jury fee (Sec. 51.604, Government Code) . . .
- 21 \$40 [~~\$22~~];
- 22 (3) a filing fee in each civil case filed to be used
- 23 for court-related purposes for the support of the judiciary (Sec.
- 24 51.703, Government Code) . . . \$40;
- 25 (4) a filing fee to fund the preservation of court
- 26 records (Sec. 51.708, Government Code) . . . not more than \$10; and
- 27 (5) a statewide electronic filing system fund fee

1 (Sec. 51.851, Government Code) . . . \$30 [~~\$20~~].

2 SECTION 8.113. Section 101.1214, Government Code, is
3 amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th
4 Legislature, Regular Session, 2015, to read as follows:

5 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
6 GOVERNMENT CODE. The clerk of a county court shall collect the
7 following fees and costs under the Local Government Code:

8 (1) additional filing fee to fund contingency fund for
9 liability insurance, if authorized by the county commissioners
10 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

11 (2) civil court actions (Sec. 118.052, Local
12 Government Code):

13 (A) filing of original action (Secs. 118.052 and
14 118.053, Local Government Code):

15 (i) garnishment after judgment (Sec.
16 118.052, Local Government Code) . . . \$15; and

17 (ii) all others (Sec. 118.052, Local
18 Government Code) . . . \$40;

19 (B) filing of action other than original (Secs.
20 118.052 and 118.054, Local Government Code) . . . \$30; and

21 (C) services rendered after judgment in original
22 action (Secs. 118.052 and 118.0545, Local Government Code):

23 (i) abstract of judgment (Sec. 118.052,
24 Local Government Code) . . . \$5; and

25 (ii) execution, order of sale, writ, or
26 other process (Sec. 118.052, Local Government Code) . . . \$5;

27 (3) probate court actions (Sec. 118.052, Local

1 Government Code):

2 (A) probate original action (Secs. 118.052 and
3 118.055, Local Government Code):

4 (i) probate of a will with independent
5 executor, administration with will attached, administration of an
6 estate, guardianship or receivership of an estate, or muniment of
7 title (Sec. 118.052, Local Government Code) . . . \$40;

8 (ii) community survivors (Sec. 118.052,
9 Local Government Code) . . . \$40;

10 (iii) small estates (Sec. 118.052, Local
11 Government Code) . . . \$40;

12 (iv) declarations of heirship (Sec.
13 118.052, Local Government Code) . . . \$40;

14 (v) mental health or chemical dependency
15 services (Sec. 118.052, Local Government Code) . . . \$40; and

16 (vi) additional, special fee (Secs. 118.052
17 and 118.064, Local Government Code) . . . \$5;

18 (B) services in pending probate action (Secs.
19 118.052 and 118.056, Local Government Code):

20 (i) filing an inventory and appraisalment
21 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

22 (ii) approving and recording bond (Sec.
23 118.052, Local Government Code) . . . \$3;

24 (iii) administering oath (Sec. 118.052,
25 Local Government Code) . . . \$2;

26 (iv) filing annual or final account of
27 estate (Sec. 118.052, Local Government Code) . . . \$25;

1 (v) filing application for sale of real or
2 personal property (Sec. 118.052, Local Government Code) . . . \$25;

3 (vi) filing annual or final report of
4 guardian of a person (Sec. 118.052, Local Government Code) . . .
5 \$10; and

6 (vii) filing a document not listed under
7 this paragraph after the filing of an order approving the inventory
8 and appraisal or after the 120th day after the date of the
9 initial filing of the action, whichever occurs first (Secs. 118.052
10 and 191.007, Local Government Code), if more than 25 pages . . .
11 \$25;

12 (C) adverse probate action (Secs. 118.052 and
13 118.057, Local Government Code) . . . \$40;

14 (D) claim against estate (Secs. 118.052 and
15 118.058, Local Government Code) . . . \$10 [~~\$2~~];

16 (E) supplemental court-initiated guardianship
17 fee (Secs. 118.052 and 118.067, Local Government Code) . . . \$20;
18 and

19 (F) supplemental public probate administrator
20 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

21 (4) other fees (Sec. 118.052, Local Government Code):

22 (A) issuing document (Secs. 118.052 and 118.059,
23 Local Government Code):

24 (i) original document and one copy (Sec.
25 118.052, Local Government Code) . . . \$4; and

26 (ii) each additional set of an original and
27 one copy (Sec. 118.052, Local Government Code) . . . \$4;

1 (B) certified papers (Secs. 118.052 and 118.060,
2 Local Government Code):

3 (i) for the clerk's certificate (Sec.
4 118.052, Local Government Code) . . . \$5; and

5 (ii) a fee per page or part of a page (Sec.
6 118.052, Local Government Code) . . . \$1;

7 (C) noncertified papers, for each page or part of
8 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
9 \$1;

10 (D) letters testamentary, letter of
11 guardianship, letter of administration, or abstract of judgment
12 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

13 (E) safekeeping of wills (Secs. 118.052 and
14 118.062, Local Government Code) . . . \$5;

15 (F) mail service of process (Secs. 118.052 and
16 118.063, Local Government Code) . . . same as sheriff; and

17 (G) records management and preservation fee
18 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
19 . . . \$5;

20 (5) deposit on filing petition requesting permission
21 to create a municipal civic center authority (Sec. 281.013, Local
22 Government Code) . . . \$200;

23 (6) additional filing fee to fund the courthouse
24 security fund, if authorized by the county commissioners court
25 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

26 (7) additional filing fee for filing documents not
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.
2 291.008, Local Government Code) . . . \$1;

3 (8) additional filing fee to fund the courthouse
4 security fund in Webb County, if authorized by the county
5 commissioners court (Sec. 291.009, Local Government Code) . . . not
6 to exceed \$20;

7 (9) court cost in civil cases other than suits for
8 delinquent taxes to fund the county law library fund, if authorized
9 by the county commissioners court (Sec. 323.023, Local Government
10 Code) . . . not to exceed \$35;

11 (10) additional filing fee for filing any civil action
12 or proceeding requiring a filing fee, including an appeal, and on
13 the filing of any counterclaim, cross-action, intervention,
14 interpleader, or third-party action requiring a filing fee, to fund
15 civil legal services for the indigent (Sec. 133.153, Local
16 Government Code) . . . \$10; and

17 (11) on the filing of a civil suit an additional filing
18 fee to be used for court-related purposes for the support of the
19 judiciary (Sec. 133.154, Local Government Code) . . . \$42.

20 SECTION 8.114. Section 101.1215, Government Code, is
21 amended to conform to Chapter 1031 (H.B. 1438), Acts of the 84th
22 Legislature, Regular Session, 2015, to read as follows:

23 Sec. 101.1215. COUNTY COURT FEES AND COSTS: ESTATES CODE.
24 The clerk of a county court shall collect the following fees and
25 costs under the Estates Code:

26 (1) fee for deposit of a will with the county clerk
27 during testator's lifetime (Sec. 252.001, Estates Code) . . . \$5;

1 (2) security deposit on filing, by any person other
2 than the personal representative of an estate, an application,
3 complaint, or opposition in relation to the estate, if required by
4 the clerk (Sec. 53.052, Estates Code) . . . probable cost of the
5 proceeding;

6 (3) [~~fee on filing an application, complaint,~~
7 ~~petition, or other paper in a guardianship proceeding, which~~
8 ~~includes a deposit for payment to an attorney ad litem (Sec.~~
9 ~~1052.051, Estates Code) . . . cost of filing and payment of~~
10 ~~attorney ad litem,~~

11 [~~(4)~~] security deposit on filing, by any person other
12 than the guardian, attorney ad litem, or guardian ad litem, an
13 application, complaint, or opposition in relation to a guardianship
14 matter, if required by the clerk (Sec. 1053.052, Estates Code)
15 . . . probable cost of the guardianship proceeding;

16 (4) [~~(5)~~] nonrefundable fee to cover the cost of
17 administering Subchapter G, Chapter 1104, Estates Code (Sec.
18 1104.303, Estates Code) . . . \$40; and

19 (5) [~~(6)~~] costs for attorney ad litem appointed to
20 pursue the restoration of a ward's capacity or modification of the
21 ward's guardianship (Sec. 1202.102, Estates Code) . . . reasonable
22 compensation.

23 SECTION 8.115. Section 102.041, Government Code, is amended
24 to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature,
25 Regular Session, 2015, to read as follows:

26 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
27 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district

1 court shall collect fees and costs under the Code of Criminal
2 Procedure on conviction of a defendant as follows:

3 (1) a jury fee (Art. 102.004, Code of Criminal
4 Procedure) . . . \$40 [~~\$20~~];

5 (2) a fee for clerk of the court services (Art.
6 102.005, Code of Criminal Procedure) . . . \$40;

7 (3) a records management and preservation services fee
8 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

9 (4) a county and district court technology fee (Art.
10 102.0169, Code of Criminal Procedure) . . . \$4;

11 (5) a security fee on a felony offense (Art. 102.017,
12 Code of Criminal Procedure) . . . \$5;

13 (6) a security fee on a misdemeanor offense (Art.
14 102.017, Code of Criminal Procedure) . . . \$3; and

15 (7) a juvenile delinquency prevention and graffiti
16 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
17 \$50.

18 SECTION 8.116. Section 102.061, Government Code, is amended
19 to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature,
20 Regular Session, 2015, to read as follows:

21 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
22 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
23 statutory county court shall collect fees and costs under the Code
24 of Criminal Procedure on conviction of a defendant as follows:

25 (1) a jury fee (Art. 102.004, Code of Criminal
26 Procedure) . . . \$40 [~~\$20~~];

27 (2) a fee for services of the clerk of the court (Art.

1 102.005, Code of Criminal Procedure) . . . \$40;

2 (3) a records management and preservation services fee
3 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

4 (4) a county and district court technology fee (Art.
5 102.0169, Code of Criminal Procedure) . . . \$4;

6 (5) a security fee on a misdemeanor offense (Art.
7 102.017, Code of Criminal Procedure) . . . \$3;

8 (6) a juvenile delinquency prevention and graffiti
9 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
10 \$50;

11 (7) a juvenile case manager fee (Art. 102.0174, Code
12 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
13 juvenile case manager; and

14 (8) a civil justice fee (Art. 102.022, Code of
15 Criminal Procedure) . . . \$0.10.

16 SECTION 8.117. Section 102.081, Government Code, is amended
17 to conform to Chapter 654 (H.B. 2182), Acts of the 84th Legislature,
18 Regular Session, 2015, to read as follows:

19 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
20 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
21 court shall collect fees and costs under the Code of Criminal
22 Procedure on conviction of a defendant as follows:

23 (1) a jury fee (Art. 102.004, Code of Criminal
24 Procedure) . . . \$40 [~~\$20~~];

25 (2) a fee for clerk of the court services (Art.
26 102.005, Code of Criminal Procedure) . . . \$40;

27 (3) a records management and preservation services fee

1 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

2 (4) a county and district court technology fee (Art.
3 102.0169, Code of Criminal Procedure) . . . \$4;

4 (5) a security fee on a misdemeanor offense (Art.
5 102.017, Code of Criminal Procedure) . . . \$3;

6 (6) a juvenile delinquency prevention and graffiti
7 eradication fee (Art. 102.0171, Code of Criminal Procedure) . . .
8 \$50;

9 (7) a juvenile case manager fee (Art. 102.0174, Code
10 of Criminal Procedure) . . . not to exceed \$5 if the court employs a
11 juvenile case manager; and

12 (8) a civil justice fee (Art. 102.022, Code of
13 Criminal Procedure) . . . \$0.10.

14 SECTION 8.118. Section 103.021, Government Code, is amended
15 to read as follows:

16 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
17 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
18 or a party to a civil suit, as applicable, shall pay the following
19 fees and costs under the Code of Criminal Procedure if ordered by
20 the court or otherwise required:

21 (1) a personal bond fee (Art. 17.42, Code of Criminal
22 Procedure) . . . the greater of \$20 or three percent of the amount
23 of the bail fixed for the accused;

24 (2) cost of electronic monitoring as a condition of
25 release on personal bond (Art. 17.43, Code of Criminal Procedure)
26 . . . actual cost;

27 (3) a fee for verification of and monitoring of motor

1 vehicle ignition interlock (Art. [17.441](#), Code of Criminal
2 Procedure) . . . not to exceed \$10;

3 (3-a) costs associated with operating a global
4 positioning monitoring system as a condition of release on bond
5 (Art. [17.49\(b\)\(2\)](#), Code of Criminal Procedure) . . . actual costs,
6 subject to a determination of indigency;

7 (3-b) costs associated with providing a defendant's
8 victim with an electronic receptor device as a condition of the
9 defendant's release on bond (Art. [17.49\(b\)\(3\)](#), Code of Criminal
10 Procedure) . . . actual costs, subject to a determination of
11 indigency;

12 (4) repayment of reward paid by a crime stoppers
13 organization on conviction of a felony (Art. [37.073](#), Code of
14 Criminal Procedure) . . . amount ordered;

15 (5) reimbursement to general revenue fund for payments
16 made to victim of an offense as condition of community supervision
17 (Art. [42A.301\(17\)](#) [~~Chapter [42A](#)~~], Code of Criminal Procedure) . . .
18 not to exceed \$50 for a misdemeanor offense or \$100 for a felony
19 offense;

20 (6) payment to a crime stoppers organization as
21 condition of community supervision (Art. [42A.301\(20\)](#) [~~Chapter
22 [42A](#)~~], Code of Criminal Procedure) . . . not to exceed \$50;

23 (7) children's advocacy center fee (Art. [42A.455](#)
24 [~~Chapter [42A](#)~~], Code of Criminal Procedure) . . . not to exceed \$50;

25 (8) family violence center fee (Art. [42A.504\(b\)](#)
26 [~~Chapter [42A](#)~~], Code of Criminal Procedure) . . . \$100;

27 (9) community supervision fee (Art. [42A.652\(a\)](#))

1 [~~Chapter 42A~~], Code of Criminal Procedure) . . . not less than \$25
2 or more than \$60 per month;

3 (10) additional community supervision fee for certain
4 offenses (Art. 42A.653(a) [~~Chapter 42A~~], Code of Criminal
5 Procedure) . . . \$5 per month;

6 (11) for certain financially able sex offenders as a
7 condition of community supervision, the costs of treatment,
8 specialized supervision, or rehabilitation (Art. 42A.452 [~~Chapter~~
9 ~~42A~~], Code of Criminal Procedure) . . . all or part of the
10 reasonable and necessary costs of the treatment, supervision, or
11 rehabilitation as determined by the judge;

12 (12) fee for failure to appear for trial in a justice
13 or municipal court if a jury trial is not waived (Art. 45.026, Code
14 of Criminal Procedure) . . . costs incurred for impaneling the
15 jury;

16 (13) costs of certain testing, assessments, or
17 programs during a deferral period (Art. 45.051, Code of Criminal
18 Procedure) . . . amount ordered;

19 (14) special expense on dismissal of certain
20 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
21 . . . not to exceed amount of fine assessed;

22 (15) an additional fee:

23 (A) for a copy of the defendant's driving record
24 to be requested from the Department of Public Safety by the judge
25 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
26 to the sum of the fee established by Section 521.048,
27 Transportation Code, and the state electronic Internet portal fee;

1 (B) as an administrative fee for requesting a
2 driving safety course or a course under the motorcycle operator
3 training and safety program for certain traffic offenses to cover
4 the cost of administering the article (Art. 45.0511(f)(1), Code of
5 Criminal Procedure) . . . not to exceed \$10; or

6 (C) for requesting a driving safety course or a
7 course under the motorcycle operator training and safety program
8 before the final disposition of the case (Art. 45.0511(f)(2), Code
9 of Criminal Procedure) . . . not to exceed the maximum amount of the
10 fine for the offense committed by the defendant;

11 (16) a request fee for teen court program (Art.
12 45.052, Code of Criminal Procedure) . . . \$20, if the court
13 ordering the fee is located in the Texas-Louisiana border region,
14 but otherwise not to exceed \$10;

15 (17) a fee to cover costs of required duties of teen
16 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
17 court ordering the fee is located in the Texas-Louisiana border
18 region, but otherwise \$10;

19 (18) a mileage fee for officer performing certain
20 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
21 mile;

22 (19) certified mailing of notice of hearing date (Art.
23 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

24 (20) certified mailing of certified copies of an order
25 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
26 plus postage;

27 (20-a) a fee to defray the cost of notifying state

1 agencies of orders of expungement (Art. 45.0216, Code of Criminal
2 Procedure) . . . \$30 per application;

3 (21) sight orders:

4 (A) if the face amount of the check or sight order
5 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
6 . . . not to exceed \$10;

7 (B) if the face amount of the check or sight order
8 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
9 Criminal Procedure) . . . not to exceed \$15;

10 (C) if the face amount of the check or sight order
11 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
12 Criminal Procedure) . . . not to exceed \$30;

13 (D) if the face amount of the check or sight order
14 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
15 Criminal Procedure) . . . not to exceed \$50; and

16 (E) if the face amount of the check or sight order
17 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
18 . . . not to exceed \$75;

19 (22) fees for a pretrial intervention program:

20 (A) a supervision fee (Art. 102.012(a), Code of
21 Criminal Procedure) . . . \$60 a month plus expenses; and

22 (B) a district attorney, criminal district
23 attorney, or county attorney administrative fee (Art. 102.0121,
24 Code of Criminal Procedure) . . . not to exceed \$500;

25 (23) parking fee violations for child safety fund in
26 municipalities with populations:

27 (A) greater than 850,000 (Art. 102.014, Code of

1 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

2 (B) less than 850,000 (Art. 102.014, Code of
3 Criminal Procedure) . . . not to exceed \$5;

4 (24) an administrative fee for collection of fines,
5 fees, restitution, or other costs (Art. 102.072, Code of Criminal
6 Procedure) . . . not to exceed \$2 for each transaction;

7 (25) a collection fee, if authorized by the
8 commissioners court of a county or the governing body of a
9 municipality, for certain debts and accounts receivable, including
10 unpaid fines, fees, court costs, forfeited bonds, and restitution
11 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
12 percent of an amount more than 60 days past due; and

13 (26) a cost on conviction for the truancy prevention
14 and diversion fund (Art. 102.015, Code of Criminal Procedure) . . .
15 \$2.

16 SECTION 8.119. Section 103.0211, Government Code, is
17 amended to read as follows:

18 Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
19 CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party
20 to a civil suit, as applicable, shall pay the following fees and
21 costs under the Government Code if ordered by the court or otherwise
22 required:

23 (1) a court reporter fee when testimony is taken:

24 (A) in a criminal court in Dallas County (Sec.
25 25.0593, Government Code) . . . \$3;

26 (B) in a county criminal court of appeals in
27 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

1 (C) in a county court at law in McLennan County
2 (Sec. 25.1572, Government Code) . . . \$3; and

3 (D) in a county criminal court in Tarrant County
4 (Sec. 25.2223, Government Code) . . . \$3;

5 (2) a court reporter service fee if the courts have
6 official court reporters (Sec. 51.601, Government Code) . . . \$15
7 or, in specified counties, \$30;

8 (3) a speedy trial rights waiver motion filing fee in
9 El Paso County (Sec. 54.745, Government Code) . . . \$100;

10 (4) the costs of a criminal magistrate if the court
11 determines that the nonprevailing party is able to defray the
12 costs:

13 (A) in Bexar County (Sec. 54.913, Government
14 Code) . . . magistrate's fees;

15 (B) in Dallas County (Sec. 54.313, Government
16 Code) . . . magistrate's fees;

17 (C) in Lubbock County (Sec. 54.883, Government
18 Code) . . . magistrate's fees;

19 (D) in Tarrant County (Sec. 54.663, Government
20 Code) . . . magistrate's fees; and

21 (E) in Travis County (Sec. 54.983, Government
22 Code) . . . magistrate's fees;

23 (5) an administrative fee for participation in certain
24 community supervision programs (Sec. 76.015, Government Code)
25 . . . not less than \$25 and not more than \$60 per month; and

26 (6) fee paid on filing a petition for an order of
27 nondisclosure of criminal history record information in certain

1 cases (Secs. 411.072 and 411.0745 [~~Subchapter E-1, Chapter 411~~],
2 Government Code) . . . \$28.

3 SECTION 8.120. Section 103.0213, Government Code, is
4 amended to conform to Chapter 752 (H.B. 1888), Acts of the 84th
5 Legislature, Regular Session, 2015, to read as follows:

6 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
7 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
8 party to a civil suit, as applicable, shall pay the following fees
9 and costs under the Transportation Code if ordered by the court or
10 otherwise required:

11 (1) administrative fee on dismissal of charge of
12 driving with an expired motor vehicle registration (Sec. 502.407,
13 Transportation Code) . . . not to exceed \$20;

14 (2) administrative fee on dismissal of charge of
15 driving with an expired driver's license (Sec. 521.026,
16 Transportation Code) . . . not to exceed \$20;

17 (2-a) administrative fee on remediation of charge of
18 operation of a vehicle without a registration insignia (Sec.
19 502.473, Transportation Code) . . . not to exceed \$10;

20 (3) administrative fee on remediation of charge of
21 operating a vehicle without complying with inspection requirements
22 as certified (Sec. 548.605, Transportation Code) . . . not to
23 exceed \$20;

24 (4) administrative fee for failure to appear for a
25 complaint or citation on certain offenses (Sec. 706.006,
26 Transportation Code) . . . \$30 for each violation; [~~and~~]

27 (5) administrative fee for failure to pay or satisfy

1 certain judgments (Sec. 706.006, Transportation Code) . . . \$30;
2 and

3 (6) administrative fee on dismissal of charge of
4 driving a commercial motor vehicle without a commercial driver's
5 license or commercial learner's permit (Sec. 522.011,
6 Transportation Code) . . . not to exceed \$10.

7 SECTION 8.121. (a) Section 103.026, Government Code, is
8 amended to read as follows:

9 Sec. 103.026. MISCELLANEOUS FEES AND COSTS: FAMILY CODE.
10 Fees and costs shall be paid or collected under the Family Code as
11 follows:

12 (1) costs of determining and sending information
13 concerning the identity of the court with continuing, exclusive
14 jurisdiction if charged by the bureau of vital statistics (Sec.
15 108.006, Family Code) . . . reasonable fee;

16 (2) initial operations fee paid to the domestic
17 relations office on each filing of an original suit affecting the
18 parent-child relationship, motion for modification, or motion for
19 enforcement, if authorized by the administering entity (Sec.
20 203.005, Family Code) . . . not to exceed \$15;

21 (3) initial child support service fee paid to the
22 domestic relations office in certain counties on the filing of an
23 original suit affecting the parent-child relationship, if
24 authorized by the administering entity (Sec. 203.005, Family Code)
25 . . . not to exceed \$36;

26 (4) service fee for services of a domestic relations
27 office, if authorized by the administering entity (Sec. 203.005,

1 Family Code) . . . not to exceed \$3 per month;

2 (5) fee to reimburse a domestic relations office for a
3 fee paid for filing an administrative writ of withholding (Secs.
4 158.503 and 203.005, Family Code) . . . the amount of the fee paid;

5 (6) fee from a Title IV-D agency for each item of
6 process to each individual on whom service is required, including
7 service by certified or registered mail (Sec. 231.202, Family Code)
8 . . . the amount that a sheriff or constable may charge for serving
9 process under Section 118.131, Local Government Code; ~~and~~

10 (7) a fee for mailing an order vacating or staying an
11 order suspending a license to the appropriate licensing authority
12 (Sec. 232.013, Family Code) . . . \$5 for each order mailed; and

13 (8) a court cost paid by a party to a truancy case, if
14 ordered by a truancy court (Sec. 65.107, Family Code) . . . \$50.

15 (b) Section 103.035, Government Code, is repealed.

16 SECTION 8.122. (a) Section 103.027(a), Government Code,
17 is amended to conform to Chapter 654 (H.B. 2182), Acts of the 84th
18 Legislature, Regular Session, 2015, and further amended to read as
19 follows:

20 (a) Fees and costs shall be paid or collected under the
21 Government Code as follows:

22 (1) filing a certified copy of a judicial finding of
23 fact and conclusion of law if charged by the secretary of state
24 (Sec. 51.905, Government Code) . . . \$15;

25 (2) cost paid by each surety posting the bail bond for
26 an offense other than a misdemeanor punishable by fine only under
27 Chapter 17, Code of Criminal Procedure, for the assistant

1 prosecutor supplement fund and the fair defense account (Sec.
2 41.258, Government Code) . . . \$15, provided the cost does not
3 exceed \$30 for all bail bonds posted at that time for an individual
4 and the cost is not required on the posting of a personal or cash
5 bond;

6 (3) to participate in a court proceeding in this
7 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
8 . . . \$250 except as waived or reduced under supreme court rules for
9 representing an indigent person;

10 (4) on a party's appeal of a final decision in a
11 contested case, the cost of preparing the original or a certified
12 copy of the record of the agency proceeding, if required by the
13 agency's rule, as a court cost (Sec. 2001.177, Government Code)
14 . . . as assessed by the court, all or part of the cost of
15 preparation;

16 (5) a program fee for a drug court program (Sec.
17 123.004, Government Code) . . . not to exceed \$1,000;

18 (6) an alcohol or controlled substance testing,
19 counseling, and treatment fee (Sec. 123.004, Government Code) . . .
20 the amount necessary to cover the costs of testing, counseling, and
21 treatment;

22 (7) a reasonable program fee for a veterans treatment
23 court program (Sec. 124.005, Government Code) . . . not to exceed
24 \$1,000;

25 (8) a testing, counseling, and treatment fee for
26 testing, counseling, or treatment performed or provided under a
27 veterans treatment court program (Sec. 124.005, Government Code)

1 . . . the amount necessary to cover the costs of testing,
2 counseling, or treatment; ~~and~~

3 (9) a nonrefundable program fee for a commercially
4 sexually exploited persons court ~~[prostitution prevention]~~ program
5 (Sec. 126.006, Government Code) . . . a reasonable amount not to
6 exceed \$1,000, which must include a counseling and services fee in
7 an amount necessary to cover the costs of counseling and services
8 provided by the program, a victim services fee in an amount equal to
9 10 percent of the total fee, and a law enforcement training fee in
10 an amount equal to five percent of the total fee; and

11 (10) a district court records archive fee for the
12 filing of a suit, including an appeal from an inferior court, or a
13 cross-action, counterclaim, intervention, contempt action, motion
14 for new trial, or third-party petition, in any court in the county
15 for which the district clerk accepts filings, if authorized by the
16 county commissioners court (Sec. 51.305, Government Code) . . . not
17 more than \$10.

18 (b) Effective September 1, 2019, Section 103.027(a),
19 Government Code, is amended to conform to Chapter 654 (H.B. 2182),
20 Acts of the 84th Legislature, Regular Session, 2015, and further
21 amended to read as follows:

22 (a) Fees and costs shall be paid or collected under the
23 Government Code as follows:

24 (1) filing a certified copy of a judicial finding of
25 fact and conclusion of law if charged by the secretary of state
26 (Sec. 51.905, Government Code) . . . \$15;

27 (2) cost paid by each surety posting the bail bond for

1 an offense other than a misdemeanor punishable by fine only under
2 Chapter 17, Code of Criminal Procedure, for the assistant
3 prosecutor supplement fund and the fair defense account (Sec.
4 41.258, Government Code) . . . \$15, provided the cost does not
5 exceed \$30 for all bail bonds posted at that time for an individual
6 and the cost is not required on the posting of a personal or cash
7 bond;

8 (3) to participate in a court proceeding in this
9 state, a nonresident attorney fee (Sec. 82.0361, Government Code)
10 . . . \$250 except as waived or reduced under supreme court rules for
11 representing an indigent person;

12 (4) on a party's appeal of a final decision in a
13 contested case, the cost of preparing the original or a certified
14 copy of the record of the agency proceeding, if required by the
15 agency's rule, as a court cost (Sec. 2001.177, Government Code)
16 . . . as assessed by the court, all or part of the cost of
17 preparation;

18 (5) a program fee for a drug court program (Sec.
19 123.004, Government Code) . . . not to exceed \$1,000;

20 (6) an alcohol or controlled substance testing,
21 counseling, and treatment fee (Sec. 123.004, Government Code) . . .
22 the amount necessary to cover the costs of testing, counseling, and
23 treatment;

24 (7) a reasonable program fee for a veterans treatment
25 court program (Sec. 124.005, Government Code) . . . not to exceed
26 \$1,000;

27 (8) a testing, counseling, and treatment fee for

1 testing, counseling, or treatment performed or provided under a
2 veterans treatment court program (Sec. [124.005](#), Government Code)
3 . . . the amount necessary to cover the costs of testing,
4 counseling, or treatment; ~~and~~

5 (9) a nonrefundable program fee for a commercially
6 sexually exploited persons court ~~[prostitution prevention]~~ program
7 (Sec. [126.006](#), Government Code) . . . a reasonable amount not to
8 exceed \$1,000, which must include a counseling and services fee in
9 an amount necessary to cover the costs of counseling and services
10 provided by the program, a victim services fee in an amount equal to
11 10 percent of the total fee, and a law enforcement training fee in
12 an amount equal to five percent of the total fee; and

13 (10) a district court records archive fee for the
14 filing of a suit, including an appeal from an inferior court, or a
15 cross-action, counterclaim, intervention, contempt action, motion
16 for new trial, or third-party petition, in any court in the county
17 for which the district clerk accepts filings, if authorized by the
18 county commissioners court (Sec. [51.305](#), Government Code) . . . not
19 more than \$5.

20 (c) The following are repealed:

21 (1) Section [103.0271](#), Government Code; and

22 (2) Section [103.0292](#), Government Code, as added by
23 Chapter 1167 (S.B. 484), Acts of the 83rd Legislature, Regular
24 Session, 2013.

25 ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

26 SECTION 9.001. Section [81.046](#)(c), Health and Safety Code,
27 as amended by Chapters 789 (H.B. 2646) and 1278 (S.B. 1574), Acts of

1 the 84th Legislature, Regular Session, 2015, is reenacted and
2 amended to read as follows:

3 (c) Medical or epidemiological information, including
4 information linking a person who is exposed to a person with a
5 communicable disease, may be released:

6 (1) for statistical purposes if released in a manner
7 that prevents the identification of any person;

8 (2) with the consent of each person identified in the
9 information;

10 (3) to medical personnel treating the individual,
11 appropriate state agencies in this state or another state, a health
12 authority or local health department in this state or another
13 state, or federal, county, or district courts to comply with this
14 chapter and related rules relating to the control and treatment of
15 communicable diseases and health conditions or under another state
16 or federal law that expressly authorizes the disclosure of this
17 information;

18 (4) to appropriate federal agencies, such as the
19 Centers for Disease Control and Prevention [~~of the United States~~
20 ~~Public Health Service~~], but the information must be limited to the
21 name, address, sex, race, and occupation of the patient, the date of
22 disease onset, the probable source of infection, and other
23 requested information relating to the case or suspected case of a
24 communicable disease or health condition;

25 (5) to medical personnel to the extent necessary in a
26 medical emergency to protect the health or life of the person
27 identified in the information; [~~or~~]

- 1 (6) to a designated infection control officer;
- 2 (7) [~~(6)~~] to governmental entities that provide first
- 3 responders who may respond to a situation involving a potential
- 4 communicable disease of concern and need the information to
- 5 properly respond to the situation; or
- 6 (8) [~~(7)~~] to a local health department or health
- 7 authority for a designated monitoring period based on the potential
- 8 risk for developing symptoms of a communicable disease of concern.

9 SECTION 9.002. Section 242.403(a), Health and Safety Code,

10 is amended to conform to changes made by Chapter 838 (S.B. 202),

11 Acts of the 84th Legislature, Regular Session, 2015, to read as

12 follows:

13 (a) The executive commissioner shall adopt standards to

14 implement Sections 242.401 and 242.402. Those standards must, at a

15 minimum, address:

- 16 (1) admission of residents;
- 17 (2) care of residents younger than 18 years of age;
- 18 (3) an initial assessment and comprehensive plan of
- 19 care for residents;
- 20 (4) transfer or discharge of residents;
- 21 (5) clinical records;
- 22 (6) infection control at the institution;
- 23 (7) rehabilitative services;
- 24 (8) food services;
- 25 (9) nutrition services provided by a director of food
- 26 services who is licensed by the Texas Department of Licensing and
- 27 Regulation under Chapter 701, Occupations Code, [State Board of

1 ~~Examiners of Dietitians]~~ or, if not so licensed, who is in scheduled
2 consultation with a person who is so licensed as frequently and for
3 such time as the executive commissioner shall determine necessary
4 to assure each resident a diet that meets the daily nutritional and
5 special dietary needs of each resident;

6 (10) social services and activities;

7 (11) prevention of pressure sores;

8 (12) bladder and bowel retraining programs for
9 residents;

10 (13) prevention of complications from nasogastric or
11 gastrostomy tube feedings;

12 (14) relocation of residents within an institution;

13 (15) postmortem procedures; and

14 (16) appropriate use of chemical and physical
15 restraints.

16 SECTION 9.003. Section 401.015(a), Health and Safety Code,
17 is amended to conform to changes made by Chapter 838 (S.B. 202),
18 Acts of the 84th Legislature, Regular Session, 2015, to read as
19 follows:

20 (a) The radiation advisory board is composed of the
21 following 18 members appointed by the governor:

22 (1) one representative from industry who is trained in
23 nuclear physics, science, or nuclear engineering;

24 (2) one representative from labor;

25 (3) one representative from agriculture;

26 (4) one representative from the insurance industry;

27 (5) one individual who is engaged in the use and

1 application of nuclear physics in medicine and is certified by the
2 American Board of Radiology or licensed by the Texas Medical Board
3 under Chapter 602, Occupations Code [~~of Licensure for Professional~~
4 ~~Medical Physicists~~];

5 (6) one hospital administrator;

6 (7) one individual licensed by the Texas Medical Board
7 who specializes in nuclear medicine;

8 (8) one individual licensed by the Texas Medical Board
9 who specializes in pathology;

10 (9) one individual licensed by the Texas Medical Board
11 who specializes in radiology;

12 (10) one representative from the nuclear utility
13 industry;

14 (11) one representative from the radioactive waste
15 industry;

16 (12) one representative from the petroleum industry;

17 (13) one health physicist certified by the American
18 Board of Health Physics;

19 (14) one individual licensed by the State Board of
20 Dental Examiners;

21 (15) one representative from the uranium mining
22 industry; and

23 (16) three representatives of the public.

24 SECTION 9.004. Section 532.0131(d), Health and Safety Code,
25 is amended to correct a typographical error to read as follows:

26 (d) The executive commissioner of the Health and Human
27 Services Commission shall appoint as members of the work group:

- 1 (1) a representative of the department;
- 2 (2) a representative of the Texas Department of
3 Criminal Justice;
- 4 (3) a representative of the Texas Juvenile Justice
5 Department;
- 6 (4) a representative of the Texas Correctional Office
7 on Offenders with Medical or Mental Impairments;
- 8 (5) a representative of the Sheriffs' [~~Sheriff's~~]
9 Association of Texas;
- 10 (6) a superintendent of a state hospital with a
11 maximum security forensic unit;
- 12 (7) a representative of a local mental health
13 authority;
- 14 (8) a representative of the protection and advocacy
15 system of this state established in accordance with 42 U.S.C.
16 Section 15043, appointed by the administrative head of that system;
17 and
- 18 (9) additional members as needed to comply with the
19 number of members selected by the commissioner, who must be
20 recognized experts in forensic patients or persons who represent
21 the interests of forensic patients, and who may be advocates,
22 family members, psychiatrists, psychologists, social workers,
23 psychiatric nurses, or representatives of hospitals licensed under
24 Chapter [241](#) or [577](#).

25 ARTICLE 10. CHANGES RELATING TO INSURANCE CODE

26 SECTION 10.001. Section [544.552](#), Insurance Code, as amended
27 by Chapters 592 (S.B. 188) and 1137 (S.B. 189), Acts of the 84th

1 Legislature, Regular Session, 2015, is reenacted and amended to
2 read as follows:

3 Sec. 544.552. APPLICABILITY. This subchapter applies only
4 to:

5 (1) a standard fire, homeowners, or farm and ranch
6 owners insurance policy, including such policies written by:

7 (A) [~~(1)~~] a farm mutual insurance company;

8 (B) [~~(2)~~] a county mutual insurance company;

9 (C) [~~(3)~~] a Lloyd's plan; and

10 (D) [~~(4)~~] a reciprocal or interinsurance
11 exchange; or

12 (2) a personal automobile insurance policy, including
13 a policy written by a county mutual insurance company.

14 SECTION 10.002. Sections 1451.001(3), (7), (8), and (20),
15 Insurance Code, are amended to conform to Chapter 838 (S.B. 202),
16 Acts of the 84th Legislature, Regular Session, 2015, to read as
17 follows:

18 (3) "Audiologist" means an individual licensed to
19 practice audiology by the Texas Department of Licensing and
20 Regulation [~~State Board of Examiners for Speech-Language Pathology~~
21 ~~and Audiology~~].

22 (7) "Dietitian" means an individual licensed by the
23 Texas Department of Licensing and Regulation under Chapter 701,
24 Occupations Code [~~State Board of Examiners of Dietitians~~].

25 (8) "Hearing instrument fitter and dispenser" means an
26 individual licensed by the Texas Department of Licensing and
27 Regulation under Chapter 402, Occupations Code [~~State Committee of~~

1 ~~Examiners in the Fitting and Dispensing of Hearing Instruments]~~.

2 (20) "Speech-language pathologist" means an
3 individual licensed to practice speech-language pathology by the
4 Texas Department of Licensing and Regulation [~~State Board of~~
5 ~~Examiners for Speech-Language Pathology and Audiology]~~.

6 SECTION 10.003. Section 2210.251(f), Insurance Code, as
7 amended by Chapters 188 (S.B. 498) and 1073 (H.B. 2439), Acts of
8 the 84th Legislature, Regular Session, 2015, is reenacted to read
9 as follows:

10 (f) Notwithstanding any other provision of this subchapter,
11 insurance coverage for a residential structure may be issued or
12 renewed through the association subject to the inspection
13 requirements imposed under Section 2210.258, if applicable.

14 SECTION 10.004. Section 2210.2581, Insurance Code, as
15 amended by Chapter 615 (S.B. 900), Acts of the 84th Legislature,
16 Regular Session, 2015, is repealed to conform to the repeal of
17 Section 2210.2581, Insurance Code, by Chapter 188 (S.B. 498), Acts
18 of the 84th Legislature, Regular Session, 2015.

19 ARTICLE 11. CHANGES RELATING TO LABOR CODE

20 SECTION 11.001. Sections 23.003(a) and (b), Labor Code, as
21 added by Chapter 195 (S.B. 805), Acts of the 84th Legislature,
22 Regular Session, 2015, are repealed as duplicative of Sections
23 23.003(a) and (b), Labor Code, as added by Chapter 816 (H.B. 3547),
24 Acts of the 84th Legislature, Regular Session, 2015.

25 ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

26 SECTION 12.001. Section 234.132, Local Government Code, as
27 amended by Chapters 623 (S.B. 1210) and 1170 (S.B. 866), Acts of the

1 84th Legislature, Regular Session, 2015, is reenacted and amended
2 to read as follows:

3 Sec. 234.132. APPLICABILITY. This subchapter applies only
4 to:

5 (1) a county that has a population of less than 25,000,
6 is adjacent to the Gulf of Mexico, and is within 50 miles of an
7 international border;

8 (2) a county that has a population of four million or
9 more;

10 (3) a county that is adjacent to the Gulf of Mexico and
11 to a county that has a population of four million or more; ~~and~~

12 (4) a county located on the Texas-Mexico border that
13 has a population of less than 300,000 and contains a municipality
14 with a population of 200,000 or more; and

15 (5) ~~(3)~~ a county that has a population of 550,000 or
16 more and is adjacent to a county described by Subdivision (2).

17 SECTION 12.002. Section 250.007, Local Government Code, is
18 amended to correct an error to read as follows:

19 Sec. 250.007. REGULATION OF RENTAL OR LEASING OF HOUSING
20 ACCOMMODATIONS. (a) Except as provided by this section, a
21 municipality or county may not adopt or enforce an ordinance or
22 regulation that prohibits an owner, lessee, sublessee, assignee,
23 managing agent, or other person having the right to lease,
24 sublease, or rent a housing accommodation from refusing to lease or
25 rent the housing accommodation to a person because the person's
26 lawful source of income to pay rent includes funding from a federal
27 housing assistance program.

1 (b) This section does not affect an ordinance or regulation
2 that prohibits the refusal to lease or rent a housing accommodation
3 to a military veteran because of the veteran's lawful source of
4 income to pay rent.

5 (c) This section does not affect any authority of a
6 municipality or county or decree to create or implement an
7 incentive, contract commitment, density bonus, or other voluntary
8 program designed to encourage the acceptance of a housing voucher
9 directly or indirectly funded by the federal government, including
10 a federal housing choice voucher.

11 ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

12 SECTION 13.001. Section 81.067(c), Natural Resources Code,
13 is amended to conform to the repeal of Section 81.112, Natural
14 Resources Code, by Chapter 470 (S.B. 757), Acts of the 84th
15 Legislature, Regular Session, 2015, to read as follows:

16 (c) The fund consists of:

17 (1) proceeds from bonds and other financial security
18 required by this chapter and benefits under well-specific plugging
19 insurance policies described by Section 91.104(c) that are paid to
20 the state as contingent beneficiary of the policies, subject to the
21 refund provisions of Section 91.1091, if applicable;

22 (2) private contributions, including contributions
23 made under Section 89.084;

24 (3) expenses collected under Section 89.083;

25 (4) fees imposed under Section 85.2021;

26 (5) costs recovered under Section 91.457 or 91.459;

27 (6) proceeds collected under Sections 89.085 and

- 1 91.115;
- 2 (7) interest earned on the funds deposited in the
3 fund;
- 4 (8) oil and gas waste hauler permit application fees
5 collected under Section 29.015, Water Code;
- 6 (9) costs recovered under Section 91.113(f);
- 7 (10) hazardous oil and gas waste generation fees
8 collected under Section 91.605;
- 9 (11) oil-field cleanup regulatory fees on oil
10 collected under Section 81.116;
- 11 (12) oil-field cleanup regulatory fees on gas
12 collected under Section 81.117;
- 13 (13) fees for a reissued certificate collected under
14 Section 91.707;
- 15 (14) fees collected under Section 91.1013;
- 16 (15) fees collected under Section 89.088;
- 17 (16) fees collected under Section 91.142;
- 18 (17) fees collected under Section 91.654;
- 19 (18) costs recovered under Sections 91.656 and 91.657;
- 20 (19) fees collected under Section 81.0521;
- 21 (20) fees collected under Sections 89.024 and 89.026;
- 22 (21) legislative appropriations;
- 23 (22) any surcharges collected under Section 81.070;
- 24 (23) fees collected under Section 91.0115;
- 25 (24) ~~[money deposited to the credit of the fund under~~
26 ~~Section 81.112,~~
- 27 [~~25~~] fees collected under Subchapter E, Chapter 121,

1 Utilities Code; and

2 (25) [~~26~~] fees collected under Section 27.0321,
3 Water Code.

4 SECTION 13.002. Section 81.112, Natural Resources Code, as
5 amended by Chapter 448 (H.B. 7), Acts of the 84th Legislature,
6 Regular Session, 2015, is repealed to conform to the repeal of
7 Section 81.112, Natural Resources Code, by Chapter 470 (S.B. 757),
8 Acts of the 84th Legislature, Regular Session, 2015.

9 ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

10 SECTION 14.001. Section 55.004, Occupations Code, as
11 amended by Chapters 586 (H.B. 3742) and 1193 (S.B. 1307), Acts of
12 the 84th Legislature, Regular Session, 2015, is reenacted to read
13 as follows:

14 Sec. 55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE
15 MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES. (a) A state
16 agency that issues a license shall adopt rules for the issuance of
17 the license to an applicant who is a military service member,
18 military veteran, or military spouse and:

19 (1) holds a current license issued by another
20 jurisdiction that has licensing requirements that are
21 substantially equivalent to the requirements for the license in
22 this state; or

23 (2) within the five years preceding the application
24 date held the license in this state.

25 (b) The executive director of a state agency may waive any
26 prerequisite to obtaining a license for an applicant described by
27 Subsection (a) after reviewing the applicant's credentials.

1 (c) In addition to the rules adopted under Subsection (a), a
2 state agency that issues a license may adopt rules that would
3 establish alternate methods for a military service member, military
4 veteran, or military spouse to demonstrate competency to meet the
5 requirements for obtaining the license.

6 SECTION 14.002. Section 1802.002(a), Occupations Code, as
7 amended by Chapters 777 (H.B. 2481) and 1230 (S.B. 1982), Acts of
8 the 84th Legislature, Regular Session, 2015, is reenacted to read
9 as follows:

10 (a) This chapter does not apply to:

11 (1) a sale conducted by order of a United States court
12 under Title 11, United States Code;

13 (2) a sale conducted by an employee of the United
14 States, this state, or a political subdivision of this state in the
15 course and scope of employment;

16 (3) a sale conducted by a charitable, religious, or
17 civic organization, including an organization having a tax exempt
18 status under Section 501(c), Internal Revenue Code of 1986, or
19 organized as a nonprofit entity, if the person organizing,
20 arranging, or conducting the auction receives no compensation;

21 (4) a foreclosure sale of real property personally
22 conducted by a trustee under a deed of trust;

23 (5) a foreclosure sale of personal property personally
24 conducted by:

25 (A) a person who holds a security interest in the
26 property, including a mortgage; or

27 (B) an employee or agent of a person described by

1 Paragraph (A) acting in the course and scope of employment, if:

2 (i) the employee or agent is not otherwise
3 engaged in the auction business; and

4 (ii) all property for sale in the auction is
5 subject to a security agreement;

6 (6) a sale conducted by sealed bid without the option
7 of increasing or decreasing the amount of a bid;

8 (7) an auction conducted only for student training
9 purposes as part of a course of study approved by the department;

10 (8) an auction conducted by a posted stockyard or
11 market agency as defined by the federal Packers and Stockyards Act
12 (7 U.S.C. Section 181 et seq.), as amended;

13 (9) an auction of livestock conducted by a nonprofit
14 livestock trade association chartered in this state, if the auction
15 involves only the sale of livestock owned by members of the trade
16 association;

17 (10) an auction conducted by a charitable or nonprofit
18 organization chartered in this state, if the auction:

19 (A) is part of a fair that is organized under
20 state, county, or municipal authority; and

21 (B) involves only the sale of property owned by
22 the organization's members;

23 (11) a sale or auction conducted by an auctioneer
24 while the auctioneer is physically located outside of this state;

25 (12) a sale of motor vehicles at auction by a person
26 licensed under Chapter [2301](#) or [2302](#);

27 (13) a sale of motor vehicles at auction by a person

1 who holds a wholesale motor vehicle auction general distinguishing
2 number or an independent motor vehicle general distinguishing
3 number issued by the Texas Department of Motor Vehicles; or

4 (14) an auction of property through the Internet.

5 SECTION 14.003. Section 1802.051(d), Occupations Code, as
6 added by Chapter 1230 (S.B. 1982), Acts of the 84th Legislature,
7 Regular Session, 2015, is repealed as duplicative of Section
8 1802.051(d), Occupations Code, as added by Chapter 777 (H.B. 2481),
9 Acts of the 84th Legislature, Regular Session, 2015.

10 ARTICLE 15. CHANGES RELATING TO PENAL CODE

11 SECTION 15.001. Section 31.18(b), Penal Code, is amended to
12 correct a reference to read as follows:

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

14 (1) knowingly or intentionally conducts, promotes, or
15 facilitates an activity in which the person receives, possesses,
16 conceals, stores, barter, sells, abandons, or disposes of:

17 (A) stolen cargo; or

18 (B) cargo explicitly represented to the person as
19 being stolen cargo; or

20 (2) is employed as a driver lawfully contracted to
21 transport a specific cargo by vehicle from a known point of origin
22 to a known point of destination and, with the intent to conduct,
23 promote, or facilitate an activity described by Subdivision (1)
24 [~~Subsection (b)(1)~~], knowingly or intentionally:

25 (A) fails to deliver the entire cargo to the
26 known point of destination as contracted; or

27 (B) causes the seal to be broken on the vehicle or

1 on an intermodal container containing any part of the cargo.

2 SECTION 15.002. Section 46.01(11), Penal Code, is repealed
3 to conform to Chapter 960 (H.B. 1862), Acts of the 83rd Legislature,
4 Regular Session, 2013.

5 SECTION 15.003. Section 46.03(f), Penal Code, as amended by
6 Chapters 437 (H.B. 910) and 1001 (H.B. 554), Acts of the 84th
7 Legislature, Regular Session, 2015, is reenacted to read as
8 follows:

9 (f) Except as provided by Subsection (e-1), it is not a
10 defense to prosecution under this section that the actor possessed
11 a handgun and was licensed to carry a handgun under Subchapter H,
12 Chapter 411, Government Code.

13 SECTION 15.004. Section 46.035(g), Penal Code, as amended
14 by Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the 84th
15 Legislature, Regular Session, 2015, is reenacted and amended to
16 read as follows:

17 (g) An offense under this section [~~(a-1), (a-2), (a-3),~~] is
18 a Class A misdemeanor, unless the offense is committed under
19 Subsection (b)(1) or (b)(3), in which event the offense is a felony
20 of the third degree.

21 SECTION 15.005. Sections 46.035(h) and (j), Penal Code, as
22 amended by Chapters 437 (H.B. 910) and 438 (S.B. 11), Acts of the
23 84th Legislature, Regular Session, 2015, are reenacted to read as
24 follows:

25 (h) It is a defense to prosecution under Subsection (a),
26 (a-1), (a-2), or (a-3) that the actor, at the time of the commission
27 of the offense, displayed the handgun under circumstances in which

1 the actor would have been justified in the use of force or deadly
2 force under Chapter 9.

3 (j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not
4 apply to a historical reenactment performed in compliance with the
5 rules of the Texas Alcoholic Beverage Commission.

6 ARTICLE 16. CHANGES RELATING TO PROPERTY CODE

7 SECTION 16.001. Section 209.00592(a-1), Property Code, as
8 added by Chapter 248 (S.B. 862), Acts of the 84th Legislature,
9 Regular Session, 2015, is repealed as duplicative of Section
10 209.00592(a-1), Property Code, as added by Chapter 1183 (S.B.
11 1168), Acts of the 84th Legislature, Regular Session, 2015.

12 ARTICLE 17. CHANGES RELATING TO TAX CODE

13 SECTION 17.001. Section 151.310(a), Tax Code, is amended to
14 correct an error to read as follows:

15 (a) A taxable item sold, leased, or rented to, or stored,
16 used, or consumed by, any of the following organizations is
17 exempted from the taxes imposed by this chapter:

18 (1) an organization created for religious,
19 educational, or charitable purposes if no part of the net earnings
20 of the organization benefits a private shareholder or individual
21 and the items purchased, leased, or rented are related to the
22 purpose of the organization;

23 (2) an organization qualifying for an exemption from
24 federal income taxes under Section 501(c)(3), (4), (8), (10), or
25 (19), Internal Revenue Code, if ~~of~~ the item sold, leased, rented,
26 stored, used, or consumed relates to the purpose of the exempted
27 organization and the item is not used for the personal benefit of a

1 private stockholder or individual;

2 (3) a nonprofit organization engaged exclusively in
3 providing athletic competition among persons under 19 years old if
4 no financial benefit goes to an individual or shareholder;

5 (4) a company, department, or association organized
6 for the purpose of answering fire alarms and extinguishing fires or
7 for the purpose of answering fire alarms, extinguishing fires, and
8 providing emergency medical services, the members of which receive
9 no compensation or only nominal compensation for their services
10 rendered, if the taxable item is used exclusively by the company,
11 department, or association; or

12 (5) a chamber of commerce or a convention and tourist
13 promotional agency representing at least one Texas city or county
14 if the chamber of commerce or the agency is not organized for profit
15 and no part of its net earnings inures to a private shareholder or
16 other individual.

17 SECTION 17.002. The heading to Section 313.009, Tax Code,
18 as redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th
19 Legislature, Regular Session, 2015, is amended to correct an error
20 in enrolling House Bill 2712, Acts of the 84th Legislature, Regular
21 Session, 2015, to read as follows:

22 Sec. 313.009. CERTAIN ENTITIES INELIGIBLE [~~ELIGIBLE~~].

23 SECTION 17.003. Section 351.101(a), Tax Code, as amended by
24 Chapters 666 (H.B. 3772) and 979 (H.B. 3615), Acts of the 84th
25 Legislature, Regular Session, 2015, is reenacted and amended to
26 read as follows:

27 (a) Revenue from the municipal hotel occupancy tax may be

1 used only to promote tourism and the convention and hotel industry,
2 and that use is limited to the following:

3 (1) the acquisition of sites for and the construction,
4 improvement, enlarging, equipping, repairing, operation, and
5 maintenance of convention center facilities or visitor information
6 centers, or both;

7 (2) the furnishing of facilities, personnel, and
8 materials for the registration of convention delegates or
9 registrants;

10 (3) advertising and conducting solicitations and
11 promotional programs to attract tourists and convention delegates
12 or registrants to the municipality or its vicinity;

13 (4) the encouragement, promotion, improvement, and
14 application of the arts, including instrumental and vocal music,
15 dance, drama, folk art, creative writing, architecture, design and
16 allied fields, painting, sculpture, photography, graphic and craft
17 arts, motion pictures, radio, television, tape and sound recording,
18 and other arts related to the presentation, performance, execution,
19 and exhibition of these major art forms;

20 (5) historical restoration and preservation projects
21 or activities or advertising and conducting solicitations and
22 promotional programs to encourage tourists and convention
23 delegates to visit preserved historic sites or museums:

24 (A) at or in the immediate vicinity of convention
25 center facilities or visitor information centers; or

26 (B) located elsewhere in the municipality or its
27 vicinity that would be frequented by tourists and convention

1 delegates;

2 (6) for a municipality located in a county with a
3 population of one million or less, expenses, including promotion
4 expenses, directly related to a sporting event in which the
5 majority of participants are tourists who substantially increase
6 economic activity at hotels and motels within the municipality or
7 its vicinity;

8 (7) subject to Section [351.1076](#), the promotion of
9 tourism by the enhancement and upgrading of existing sports
10 facilities or fields, including facilities or fields for baseball,
11 softball, soccer, flag football, and rodeos, if:

12 (A) the municipality owns the facilities or
13 fields;

14 (B) the municipality:

15 (i) has a population of 80,000 or more and
16 is located in a county that has a population of 350,000 or less;

17 (ii) has a population of at least 75,000 but
18 not more than 95,000 and is located in a county that has a
19 population of less than 200,000 but more than 160,000;

20 (iii) has a population of at least 36,000
21 but not more than 39,000 and is located in a county that has a
22 population of 100,000 or less that is not adjacent to a county with
23 a population of more than two million;

24 (iv) has a population of at least 13,000 but
25 less than 39,000 and is located in a county that has a population of
26 at least 200,000;

27 (v) has a population of at least 70,000 but

1 less than 90,000 and no part of which is located in a county with a
2 population greater than 150,000;

3 (vi) is located in a county that:

4 (a) is adjacent to the Texas-Mexico
5 border;

6 (b) has a population of at least
7 500,000; and

8 (c) does not have a municipality with
9 a population greater than 500,000;

10 (vii) has a population of at least 25,000
11 but not more than 26,000 and is located in a county that has a
12 population of 90,000 or less;

13 (viii) [~~(ix)~~] is located in a county that
14 has a population of not more than 300,000 and in which a component
15 university of the University of Houston System is located; or

16 (ix) [~~(x)~~] has a population of at least
17 40,000 and the San Marcos River flows through the municipality; and

18 (C) the sports facilities and fields have been
19 used, in the preceding calendar year, a combined total of more than
20 10 times for district, state, regional, or national sports
21 tournaments;

22 (8) for a municipality with a population of at least
23 70,000 but less than 90,000, no part of which is located in a county
24 with a population greater than 150,000, the construction,
25 improvement, enlarging, equipping, repairing, operation, and
26 maintenance of a coliseum or multiuse facility;

27 (9) signage directing the public to sights and

1 attractions that are visited frequently by hotel guests in the
2 municipality;

3 (10) the construction, improvement, enlarging,
4 equipping, repairing, operation, and maintenance of a coliseum or
5 multiuse facility, if the municipality:

6 (A) has a population of at least 90,000 but less
7 than 120,000; and

8 (B) is located in two counties, at least one of
9 which contains the headwaters of the San Gabriel River; and

10 (11) for a municipality with a population of more than
11 175,000 but less than 225,000 that is located in two counties, each
12 of which has a population of less than 200,000, the construction,
13 improvement, enlarging, equipping, repairing, operation, and
14 maintenance of a coliseum or multiuse facility and related
15 infrastructure or a venue, as defined by Section 334.001(4), Local
16 Government Code, that is related to the promotion of tourism.

17 ARTICLE 18. CHANGES RELATING TO TRANSPORTATION CODE

18 SECTION 18.001. Section 504.202(e-1), Transportation Code,
19 as amended by Chapters 708 (H.B. 1128) and 716 (H.B. 1273), Acts of
20 the 84th Legislature, Regular Session, 2015, is reenacted to read
21 as follows:

22 (e-1) Other than license plates issued under Subsection
23 (h), license plates issued under this section may include, on
24 request:

25 (1) the emblem of the veteran's branch of service; or

26 (2) one emblem from another license plate to which the
27 person is entitled under Section 504.308, 504.311, 504.312,

1 504.313, 504.3135, 504.314, 504.315, 504.316, 504.318, 504.319, or
2 504.320.

3 SECTION 18.002. The heading to Section 504.502,
4 Transportation Code, is amended to conform to the transfer of the
5 offense by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature,
6 Regular Session, 2011, to read as follows:

7 Sec. 504.502. CERTAIN EXHIBITION VEHICLES[~~, OFFENSE~~].

8 SECTION 18.003. Section 644.101(b), Transportation Code,
9 as amended by Chapters 278 (H.B. 716) and 1130 (S.B. 58), Acts of
10 the 84th Legislature, Regular Session, 2015, is reenacted and
11 amended to read as follows:

12 (b) A police officer of any of the following municipalities
13 is eligible to apply for certification under this section:

14 (1) a municipality with a population of 50,000 or
15 more;

16 (2) a municipality with a population of 25,000 or more
17 any part of which is located in a county with a population of
18 500,000 or more;

19 (3) a municipality with a population of less than
20 25,000:

21 (A) any part of which is located in a county with
22 a population of 3.3 million; and

23 (B) that contains or is adjacent to an
24 international port;

25 (4) a municipality with a population of at least
26 34,000 that is located in a county that borders two or more states;

27 (5) a municipality any part of which is located in a

1 county bordering the United Mexican States;

2 (6) a municipality with a population of less than
3 5,000 that is located:

4 (A) adjacent to a bay connected to the Gulf of
5 Mexico; and

6 (B) in a county adjacent to a county with a
7 population greater than 3.3 million;

8 (7) a municipality that is located:

9 (A) within 25 miles of an international port; and

10 (B) in a county that does not contain a highway
11 that is part of the national system of interstate and defense
12 highways and is adjacent to a county with a population greater than
13 3.3 million;

14 (8) a municipality with a population of less than
15 8,500 that:

16 (A) is the county seat; and

17 (B) contains a highway that is part of the
18 national system of interstate and defense highways; ~~[or]~~

19 (9) a municipality located in a county with a
20 population between 60,000 and 66,000 adjacent to a bay connected to
21 the Gulf of Mexico; or

22 (10) ~~[(9)]~~ a municipality with a population of more
23 than 40,000 and less than 50,000 that is located in a county with a
24 population of more than 285,000 and less than 300,000 that borders
25 the Gulf of Mexico.

26 ARTICLE 19. CHANGES RELATING TO WATER CODE

27 SECTION 19.001. Section 16.053(e), Water Code, as amended

1 by Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101),
2 Acts of the 84th Legislature, Regular Session, 2015, is reenacted
3 and amended to read as follows:

4 (e) Each regional water planning group shall submit to the
5 development board a regional water plan that:

6 (1) is consistent with the guidance principles for the
7 state water plan adopted by the development board under Section
8 16.051(d);

9 (2) provides information based on data provided or
10 approved by the development board in a format consistent with the
11 guidelines provided by the development board under Subsection (d);

12 (2-a) is consistent with the desired future conditions
13 adopted under Section 36.108 for the relevant aquifers located in
14 the regional water planning area as of the date the board most
15 recently adopted a state water plan under Section 16.051 or, at the
16 option of the regional water planning group, established subsequent
17 to the adoption of the most recent plan; provided, however, that if
18 no groundwater conservation district exists within the area of the
19 regional water planning group, the regional water planning group
20 shall determine the supply of groundwater for regional planning
21 purposes; the Texas Water Development Board shall review and
22 approve, prior to inclusion in the regional water plan, that the
23 groundwater supply for the regional planning group without a
24 groundwater conservation district in its area is physically
25 compatible, using the board's groundwater availability models,
26 with the desired future conditions adopted under Section 36.108 for
27 the relevant aquifers in the groundwater management area that are

1 regulated by groundwater conservation districts;

2 (3) identifies:

3 (A) each source of water supply in the regional
4 water planning area, including information supplied by the
5 executive administrator on the amount of modeled available
6 groundwater in accordance with the guidelines provided by the
7 development board under Subsections (d) and (f);

8 (B) factors specific to each source of water
9 supply to be considered in determining whether to initiate a
10 drought response;

11 (C) actions to be taken as part of the response;
12 and

13 (D) existing major water infrastructure
14 facilities that may be used for interconnections in the event of an
15 emergency shortage of water;

16 (4) has specific provisions for water management
17 strategies to be used during a drought of record;

18 (5) includes but is not limited to consideration of
19 the following:

20 (A) any existing water or drought planning
21 efforts addressing all or a portion of the region and potential
22 impacts on public health, safety, or welfare in this state;

23 (B) approved groundwater conservation district
24 management plans and other plans submitted under Section [16.054](#);

25 (C) all potentially feasible water management
26 strategies, including but not limited to improved conservation,
27 reuse, and management of existing water supplies, conjunctive use,

1 acquisition of available existing water supplies, and development
2 of new water supplies;

3 (D) protection of existing water rights in the
4 region;

5 (E) opportunities for and the benefits of
6 developing regional water supply facilities or providing regional
7 management of water supply facilities;

8 (F) appropriate provision for environmental
9 water needs and for the effect of upstream development on the bays,
10 estuaries, and arms of the Gulf of Mexico and the effect of plans on
11 navigation;

12 (G) provisions in Section 11.085(k)(1) if
13 interbasin transfers are contemplated;

14 (H) voluntary transfer of water within the region
15 using, but not limited to, regional water banks, sales, leases,
16 options, subordination agreements, and financing agreements;

17 (I) emergency transfer of water under Section
18 11.139, including information on the part of each permit, certified
19 filing, or certificate of adjudication for nonmunicipal use in the
20 region that may be transferred without causing unreasonable damage
21 to the property of the nonmunicipal water rights holder; and

22 (J) opportunities for and the benefits of
23 developing large-scale desalination facilities for:

24 (i) marine seawater that serve local or
25 regional entities; and

26 (ii) [~~(J) opportunities for and the~~
27 ~~benefits of developing large-scale desalination facilities for~~]

1 seawater or brackish groundwater that serve local or regional
2 brackish groundwater production zones identified and designated
3 under Section 16.060(b)(5);

4 (6) identifies river and stream segments of unique
5 ecological value and sites of unique value for the construction of
6 reservoirs that the regional water planning group recommends for
7 protection under Section 16.051;

8 (7) assesses the impact of the plan on unique river and
9 stream segments identified in Subdivision (6) if the regional water
10 planning group or the legislature determines that a site of unique
11 ecological value exists;

12 (8) describes the impact of proposed water projects on
13 water quality; and

14 (9) includes information on:

15 (A) projected water use and conservation in the
16 regional water planning area; and

17 (B) the implementation of state and regional
18 water plan projects, including water conservation strategies,
19 necessary to meet the state's projected water demands.

20 SECTION 19.002. Section 16.060, Water Code, as amended by
21 Chapter 990 (H.B. 30), Acts of the 84th Legislature, Regular
22 Session, 2015, and repealed by Chapter 756 (H.B. 2031), Acts of the
23 84th Legislature, Regular Session, 2015, is reenacted to read as
24 follows:

25 Sec. 16.060. DESALINATION STUDIES AND RESEARCH. (a) The
26 board shall undertake or participate in research, feasibility and
27 facility planning studies, investigations, and surveys as it

1 considers necessary to further the development of cost-effective
2 water supplies from seawater or brackish groundwater desalination
3 in the state.

4 (b) The board shall prepare a biennial progress report on
5 the implementation of seawater or brackish groundwater
6 desalination activities in the state and shall submit it to the
7 governor, lieutenant governor, and speaker of the house of
8 representatives not later than December 1 of each even-numbered
9 year. The report shall include:

10 (1) results of the board's studies and activities
11 relative to seawater or brackish groundwater desalination during
12 the preceding biennium;

13 (2) identification and evaluation of research,
14 regulatory, technical, and financial impediments to the
15 implementation of seawater or brackish groundwater desalination
16 projects;

17 (3) evaluation of the role the state should play in
18 furthering the development of large-scale seawater or brackish
19 groundwater desalination projects in the state;

20 (4) the anticipated appropriation from general
21 revenues necessary to continue investigating water desalination
22 activities in the state during the next biennium; and

23 (5) identification and designation of local or
24 regional brackish groundwater production zones in areas of the
25 state with moderate to high availability and productivity of
26 brackish groundwater that can be used to reduce the use of fresh
27 groundwater and that:

1 (A) are separated by hydrogeologic barriers
2 sufficient to prevent significant impacts to water availability or
3 water quality in any area of the same or other aquifers,
4 subdivisions of aquifers, or geologic strata that have an average
5 total dissolved solids level of 1,000 milligrams per liter or less
6 at the time of designation of the zones; and

7 (B) are not located in:

8 (i) an area of the Edwards Aquifer subject
9 to the jurisdiction of the Edwards Aquifer Authority;

10 (ii) the boundaries of the:

11 (a) Barton Springs-Edwards Aquifer
12 Conservation District;

13 (b) Harris-Galveston Subsidence
14 District; or

15 (c) Fort Bend Subsidence District;

16 (iii) an aquifer, subdivision of an
17 aquifer, or geologic stratum that:

18 (a) has an average total dissolved
19 solids level of more than 1,000 milligrams per liter; and

20 (b) is serving as a significant source
21 of water supply for municipal, domestic, or agricultural purposes
22 at the time of designation of the zones; or

23 (iv) an area of a geologic stratum that is
24 designated or used for wastewater injection through the use of
25 injection wells or disposal wells permitted under Chapter 27.

26 (c) The board shall actively pursue federal sources of
27 funding for desalination projects in the state.

1 (d) The board shall work together with groundwater
2 conservation districts and stakeholders and shall consider the
3 Brackish Groundwater Manual for Texas Regional Water Planning
4 Groups, and any updates to the manual, and other relevant
5 scientific data or findings when identifying and designating
6 brackish groundwater production zones under Subsection (b)(5).

7 (e) In designating a brackish groundwater production zone
8 under this section, the board shall:

9 (1) determine the amount of brackish groundwater that
10 the zone is capable of producing over a 30-year period and a 50-year
11 period without causing a significant impact to water availability
12 or water quality as described by Subsection (b)(5)(A); and

13 (2) include in the designation description:

14 (A) the amounts of brackish groundwater that the
15 zone is capable of producing during the periods described by
16 Subdivision (1); and

17 (B) recommendations regarding reasonable
18 monitoring to observe the effects of brackish groundwater
19 production within the zone.

20 SECTION 19.003. Section 36.001(31), Water Code, as added by
21 Chapter 415 (H.B. 2767), Acts of the 84th Legislature, Regular
22 Session, 2015, is repealed as duplicative of Section 36.001(31),
23 Water Code, as added by Chapter 308 (S.B. 854), Acts of the 84th
24 Legislature, Regular Session, 2015.

25 ARTICLE 20. CHANGES RELATING TO THE DISPOSITION OF CERTAIN
26 CIVIL STATUTES

27 SECTION 20.001. (a) Section 86.17, Education Code, is

1 repealed to conform to Chapter 570 (H.B. 1323), Acts of the 62nd
2 Legislature, Regular Session, 1971.

3 (b) Section 1, Chapter 570 (H.B. 1323), Acts of the 62nd
4 Legislature, Regular Session, 1971, is repealed as executed.

5 SECTION 20.002. (a) The Health and Safety Code is amended
6 to codify the Texas Environmental, Health, and Safety Audit
7 Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) by
8 adding Title 13 to read as follows:

9 TITLE 13. ENVIRONMENTAL, HEALTH, AND SAFETY AUDIT PRIVILEGE ACT

10 CHAPTER 1101. ENVIRONMENTAL, HEALTH, AND SAFETY AUDIT PRIVILEGE

11 ACT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 1101.001. SHORT TITLE. This chapter may be cited as
14 the Texas Environmental, Health, and Safety Audit Privilege Act.
15 (Acts 74th Leg., R.S., Ch. 219, Sec. 1.)

16 Sec. 1101.002. PURPOSE; CIRCUMVENTION BY RULE PROHIBITED.

17 (a) The purpose of this chapter is to encourage voluntary
18 compliance with environmental and occupational health and safety
19 laws.

20 (b) A regulatory agency may not adopt a rule or impose a
21 condition that circumvents the purpose of this chapter. (Acts 74th
22 Leg., R.S., Ch. 219, Secs. 2, 11.)

23 Sec. 1101.003. DEFINITIONS. (a) In this chapter:

24 (1) "Acquisition closing date" means the date on which
25 ownership of, or a direct or indirect majority interest in the
26 ownership of, a regulated facility or operation is acquired in an
27 asset purchase, equity purchase, merger, or similar transaction.

1 (2) "Audit report" means an audit report described by
2 Section 1101.051.

3 (3) "Environmental or health and safety audit" or
4 "audit" means a systematic voluntary evaluation, review, or
5 assessment of compliance with environmental or health and safety
6 laws or with any permit issued under an environmental or health and
7 safety law conducted by an owner or operator, an employee of an
8 owner or operator, a person, including an employee or independent
9 contractor of the person, that is considering the acquisition of a
10 regulated facility or operation, or an independent contractor of:

11 (A) a regulated facility or operation; or

12 (B) an activity at a regulated facility or
13 operation.

14 (4) "Environmental or health and safety law" means:

15 (A) a federal or state environmental or
16 occupational health and safety law; or

17 (B) a rule, regulation, or regional or local law
18 adopted in conjunction with a law described by Paragraph (A).

19 (5) "Owner or operator" means a person who owns or
20 operates a regulated facility or operation.

21 (6) "Penalty" means an administrative, civil, or
22 criminal sanction imposed by the state to punish a person for a
23 violation of a statute or rule. The term does not include a
24 technical or remedial provision ordered by a regulatory authority.

25 (7) "Regulated facility or operation" means a facility
26 or operation that is regulated under an environmental or health and
27 safety law.

1 (b) A person acts intentionally for purposes of this chapter
2 if the person acts intentionally within the meaning of Section
3 6.03, Penal Code.

4 (c) For purposes of this chapter, a person acts knowingly,
5 or with knowledge, with respect to the nature of the person's
6 conduct when the person is aware of the person's physical acts. A
7 person acts knowingly, or with knowledge, with respect to the
8 result of the person's conduct when the person is aware that the
9 conduct will cause the result.

10 (d) A person acts recklessly or is reckless for purposes of
11 this chapter if the person acts recklessly or is reckless within the
12 meaning of Section 6.03, Penal Code.

13 (e) To fully implement the privilege established by this
14 chapter, the term "environmental or health and safety law" shall be
15 construed broadly. (Acts 74th Leg., R.S., Ch. 219, Sec. 3.)

16 Sec. 1101.004. APPLICABILITY. The privilege established
17 by this chapter applies to environmental or health and safety
18 audits that are conducted on or after May 23, 1995. (Acts 74th
19 Leg., R.S., Ch. 219, Sec. 12.)

20 Sec. 1101.005. RELATIONSHIP TO OTHER RECOGNIZED
21 PRIVILEGES. This chapter does not limit, waive, or abrogate the
22 scope or nature of any statutory or common law privilege, including
23 the work product doctrine and the attorney-client privilege. (Acts
24 74th Leg., R.S., Ch. 219, Sec. 13.)

25 SUBCHAPTER B. GENERAL AUDIT PROVISIONS

26 Sec. 1101.051. AUDIT REPORT. (a) An audit report is a
27 report that includes each document and communication, other than

1 those described by Section 1101.102, produced from an environmental
2 or health and safety audit.

3 (b) General components that may be contained in a completed
4 audit report include:

5 (1) a report prepared by an auditor, monitor, or
6 similar person, which may include:

7 (A) a description of the scope of the audit;

8 (B) the information gained in the audit and
9 findings, conclusions, and recommendations; and

10 (C) exhibits and appendices;

11 (2) memoranda and documents analyzing all or a portion
12 of the materials described by Subdivision (1) or discussing
13 implementation issues; and

14 (3) an implementation plan or tracking system to
15 correct past noncompliance, improve current compliance, or prevent
16 future noncompliance.

17 (c) The types of exhibits and appendices that may be
18 contained in an audit report include supporting information that is
19 collected or developed for the primary purpose of and in the course
20 of an environmental or health and safety audit, including:

21 (1) interviews with current or former employees;

22 (2) field notes and records of observations;

23 (3) findings, opinions, suggestions, conclusions,
24 guidance, notes, drafts, and memoranda;

25 (4) legal analyses;

26 (5) drawings;

27 (6) photographs;

- 1 (7) laboratory analyses and other analytical data;
2 (8) computer-generated or electronically recorded
3 information;
4 (9) maps, charts, graphs, and surveys; and
5 (10) other communications associated with an
6 environmental or health and safety audit.

7 (d) To facilitate identification, each document in an audit
8 report should be labeled "COMPLIANCE REPORT: PRIVILEGED DOCUMENT"
9 or labeled with words of similar import. Failure to label a
10 document under this section does not constitute a waiver of the
11 privilege established by this chapter or create a presumption that
12 the privilege does or does not apply. (Acts 74th Leg., R.S., Ch.
13 219, Secs. 4(a), (b), (c), (d).)

14 Sec. 1101.052. PERIOD FOR COMPLETION OF AUDIT. (a) Unless
15 an extension is approved by the governmental entity with regulatory
16 authority over the regulated facility or operation based on
17 reasonable grounds, an environmental or health and safety audit
18 must be completed within a reasonable time not to exceed six months
19 after:

- 20 (1) the date the audit is initiated; or
21 (2) the acquisition closing date, if the person
22 continues the audit under Section 1101.053.

23 (b) Subsection (a)(1) does not apply to an environmental or
24 health and safety audit conducted before the acquisition closing
25 date by a person that is considering the acquisition of the
26 regulated facility or operation. (Acts 74th Leg., R.S., Ch. 219,
27 Secs. 4(e), (f).)

1 (d) A person who conducts or participates in the preparation
2 of an environmental or health and safety audit and who has actually
3 observed physical events of violation may testify about those
4 events but may not be compelled to testify about or produce
5 documents related to the preparation of or any privileged part of an
6 environmental or health and safety audit or any item listed in
7 Section 1101.051.

8 (e) An employee of a state agency may not request, review,
9 or otherwise use an audit report during an agency inspection of a
10 regulated facility or operation or an activity of a regulated
11 facility or operation.

12 (f) A party asserting the privilege created by this section
13 has the burden of establishing the applicability of the privilege.
14 (Acts 74th Leg., R.S., Ch. 219, Sec. 5.)

15 Sec. 1101.102. NONPRIVILEGED MATERIALS. (a) The privilege
16 established by Section 1101.101 does not apply to:

17 (1) a document, communication, datum, or report or
18 other information required by a regulatory agency to be collected,
19 developed, maintained, or reported under a federal or state
20 environmental or health and safety law;

21 (2) information obtained by observation, sampling, or
22 monitoring by a regulatory agency; or

23 (3) information obtained from a source not involved in
24 the preparation of the audit report.

25 (b) This section does not limit the right of a person to
26 agree to conduct and disclose an audit report. (Acts 74th Leg.,
27 R.S., Ch. 219, Sec. 8.)

1 Sec. 1101.103. EXCEPTION: WAIVER. (a) The privilege
2 established by Section 1101.101 does not apply to the extent the
3 privilege is expressly waived by the owner or operator who prepared
4 the audit report or caused the report to be prepared.

5 (b) Disclosure of an audit report or any information
6 generated by an environmental or health and safety audit does not
7 waive the privilege established by Section 1101.101 if the
8 disclosure:

9 (1) is made to address or correct a matter raised by
10 the audit and is made only to:

11 (A) a person employed by the owner or operator,
12 including a temporary or contract employee;

13 (B) a legal representative of the owner or
14 operator;

15 (C) an officer or director of the regulated
16 facility or operation or a partner of the owner or operator;

17 (D) an independent contractor of the owner or
18 operator;

19 (E) a person considering the acquisition of the
20 regulated facility or operation that is the subject of the audit; or

21 (F) an employee, temporary employee, contract
22 employee, legal representative, officer, director, partner, or
23 independent contractor of a person described by Paragraph (E);

24 (2) is made under the terms of a confidentiality
25 agreement between the person for whom the audit report was prepared
26 or the owner or operator of the audited facility or operation and:

27 (A) a partner or potential partner of the owner

1 or operator of the facility or operation;

2 (B) a transferee or potential transferee of the
3 facility or operation;

4 (C) a lender or potential lender for the facility
5 or operation;

6 (D) a governmental official of a state; or

7 (E) a person engaged in the business of insuring,
8 underwriting, or indemnifying the facility or operation; or

9 (3) is made under a claim of confidentiality to a
10 governmental official or agency by the person for whom the audit
11 report was prepared or by the owner or operator.

12 (c) A party to a confidentiality agreement described by
13 Subsection (b)(2) who violates that agreement is liable for damages
14 caused by the disclosure and for any other penalties stipulated in
15 the confidentiality agreement.

16 (d) Information that is disclosed under Subsection (b)(3)
17 is confidential and is not subject to disclosure under Chapter 552,
18 Government Code. A public entity, public employee, or public
19 official who discloses information in violation of this subsection
20 is subject to any penalty provided by Chapter 552, Government Code.
21 It is an affirmative defense to the clerical dissemination of a
22 privileged audit report that the report was not clearly labeled
23 "COMPLIANCE REPORT: PRIVILEGED DOCUMENT" or labeled with words of
24 similar import. The lack of labeling may not be raised as a defense
25 if the entity, employee, or official knew or had reason to know that
26 the document was a privileged audit report.

27 (e) This section may not be construed to circumvent the

1 protections provided by federal or state law for individuals who
2 disclose information to law enforcement authorities. (Acts 74th
3 Leg., R.S., Ch. 219, Sec. 6.)

4 Sec. 1101.104. EXCEPTION: DISCLOSURE REQUIRED BY COURT OR
5 ADMINISTRATIVE HEARINGS OFFICIAL. (a) A court or administrative
6 hearings official with competent jurisdiction may require
7 disclosure of a portion of an audit report in a civil or
8 administrative proceeding if the court or administrative hearings
9 official determines, after an in camera review consistent with the
10 appropriate rules of procedure, that:

11 (1) the privilege is asserted for a fraudulent
12 purpose;

13 (2) the portion of the audit report is not subject to
14 the privilege by application of Section 1101.102; or

15 (3) the portion of the audit report shows evidence of
16 noncompliance with an environmental or health and safety law and
17 appropriate efforts to achieve compliance with the law were not
18 promptly initiated and pursued with reasonable diligence after
19 discovery of noncompliance.

20 (b) A party seeking disclosure under this section has the
21 burden of proving that Subsection (a)(1), (2), or (3) applies.

22 (c) Notwithstanding Chapter 2001, Government Code, a
23 decision of an administrative hearings official under Subsection
24 (a)(1), (2), or (3) of this section is directly appealable to a
25 court of competent jurisdiction without disclosure of the audit
26 report to any person unless so ordered by the court.

27 (d) A person claiming the privilege is subject to sanctions

1 as provided by Rule 215 of the Texas Rules of Civil Procedure or to a
2 fine not to exceed \$10,000 if the court finds, consistent with
3 fundamental due process, that the person intentionally or knowingly
4 claimed the privilege for information that, by application of
5 Section 1101.102, is not subject to the privilege.

6 (e) A determination of a court under this section is subject
7 to interlocutory appeal to an appropriate appellate court. (Acts
8 74th Leg., R.S., Ch. 219, Sec. 7.)

9 Sec. 1101.105. REVIEW OF PRIVILEGED DOCUMENTS BY
10 GOVERNMENTAL AUTHORITY. (a) If an audit report is obtained,
11 reviewed, or used in a criminal proceeding, the administrative or
12 civil evidentiary privilege established by Section 1101.101 is not
13 waived or eliminated for any other purpose.

14 (b) Notwithstanding the privilege established by Section
15 1101.101, a regulatory agency may review information that is
16 required to be available under a specific state or federal law, but
17 that review does not waive or eliminate the administrative or civil
18 evidentiary privilege if applicable.

19 (c) If information is required to be available to the public
20 by operation of a specific state or federal law, the governmental
21 authority shall notify the person claiming the privilege of the
22 potential for public disclosure before obtaining the information
23 under Subsection (a) or (b).

24 (d) If privileged information is disclosed under Subsection
25 (b) or (c), on the motion of a party, a court or the appropriate
26 administrative official shall suppress evidence offered in any
27 civil or administrative proceeding that arises or is derived from

1 review, disclosure, or use of information obtained under this
2 section unless the review, disclosure, or use is authorized under
3 Section 1101.102. A party having received information under
4 Subsection (b) or (c) has the burden of proving that the evidence
5 offered did not arise and was not derived from the review of
6 privileged information. (Acts 74th Leg., R.S., Ch. 219, Sec. 9.)

7 SUBCHAPTER D. VOLUNTARY DISCLOSURE; IMMUNITY

8 Sec. 1101.151. IMMUNITY FOR VIOLATION VOLUNTARILY
9 DISCLOSED. Except as otherwise provided by this subchapter, a
10 person who makes a voluntary disclosure of a violation of an
11 environmental or health and safety law is immune from an
12 administrative or civil penalty for the violation disclosed. (Acts
13 74th Leg., R.S., Ch. 219, Sec. 10(a).)

14 Sec. 1101.152. NATURE OF VOLUNTARY DISCLOSURE. (a) A
15 disclosure is voluntary for purposes of this subchapter only if:

16 (1) the disclosure was made:

17 (A) promptly after knowledge of the information
18 disclosed is obtained by the person making the disclosure; or

19 (B) not later than the 45th day after the
20 acquisition closing date, if the violation was discovered during an
21 audit conducted before the acquisition closing date by a person
22 considering the acquisition of the regulated facility or operation;

23 (2) the disclosure was made in writing by certified
24 mail to an agency that has regulatory authority with regard to the
25 violation disclosed;

26 (3) an investigation of the violation was not
27 initiated or the violation was not independently detected by an

1 agency with enforcement jurisdiction before the disclosure was made
2 using certified mail;

3 (4) the disclosure arises out of a voluntary
4 environmental or health and safety audit;

5 (5) the person making the disclosure initiates an
6 appropriate effort to achieve compliance, pursues that effort with
7 due diligence, and corrects the noncompliance within a reasonable
8 time;

9 (6) the person making the disclosure cooperates with
10 the appropriate agency in connection with an investigation of the
11 issues identified in the disclosure; and

12 (7) the violation did not result in:

13 (A) injury or imminent and substantial risk of
14 serious injury to one or more persons at the site; or

15 (B) off-site substantial actual harm or imminent
16 and substantial risk of harm to persons, property, or the
17 environment.

18 (b) For a disclosure described by Subsection (a)(1)(B), the
19 person making the disclosure must certify in the disclosure that
20 before the acquisition closing date:

21 (1) the person was not responsible for the
22 environmental, health, or safety compliance at the regulated
23 facility or operation that is subject to the disclosure;

24 (2) the person did not have the largest ownership
25 share of the seller;

26 (3) the seller did not have the largest ownership
27 share of the person; and

1 (4) the person and the seller did not have a common
2 corporate parent or a common majority interest owner.

3 (c) A disclosure is not voluntary for purposes of this
4 subchapter if the disclosure is a report to a regulatory agency
5 required solely by a specific condition of an enforcement order or
6 decree. (Acts 74th Leg., R.S., Ch. 219, Secs. 10(b), (b-1), (c).)

7 Sec. 1101.153. BURDEN OF PROOF WITH RESPECT TO VOLUNTARY
8 DISCLOSURE. (a) In a civil or administrative enforcement action
9 brought against a person for a violation for which the person claims
10 to have made a voluntary disclosure, the person claiming the
11 immunity created by this subchapter has the burden of establishing
12 a prima facie case that the disclosure was voluntary.

13 (b) After the person claiming the immunity establishes a
14 prima facie case of voluntary disclosure, other than a case in which
15 immunity does not apply under Section 1101.157, the enforcement
16 authority has the burden of rebutting the presumption by a
17 preponderance of the evidence. (Acts 74th Leg., R.S., Ch. 219, Sec.
18 10(f).)

19 Sec. 1101.154. NOTICE REQUIREMENT. (a) This section does
20 not apply to an environmental or health and safety audit conducted
21 before the acquisition closing date by a person considering the
22 acquisition of the regulated facility or operation that is the
23 subject of the audit.

24 (b) To receive immunity under this subchapter, a facility
25 conducting an environmental or health and safety audit under this
26 chapter must provide notice to an appropriate regulatory agency of
27 the fact that it is planning to begin the audit.

1 (c) The notice must specify:

2 (1) the facility or portion of the facility to be
3 audited;

4 (2) the anticipated time the audit will begin; and

5 (3) the general scope of the audit.

6 (d) The notice may provide notification of more than one
7 scheduled environmental or health and safety audit at a time. (Acts
8 74th Leg., R.S., Ch. 219, Sec. 10(g).)

9 Sec. 1101.155. NOTICE REQUIREMENT FOR CERTAIN AUDITS BEGUN
10 BEFORE ACQUISITION CLOSING DATE. (a) A person that begins an
11 environmental or health and safety audit before becoming the owner
12 of the regulated facility or operation that is the subject of the
13 audit may continue the audit after the acquisition closing date if,
14 not later than the 45th day after the acquisition closing date, the
15 person provides notice to an appropriate regulatory agency of the
16 fact that the person intends to continue an ongoing audit.

17 (b) The notice must specify:

18 (1) the facility or portion of the facility being
19 audited;

20 (2) the date the audit began; and

21 (3) the general scope of the audit.

22 (c) The person must certify in the notice that before the
23 acquisition closing date:

24 (1) the person was not responsible for the scope of the
25 environmental, health, or safety compliance being audited at the
26 regulated facility or operation;

27 (2) the person did not have the largest ownership

1 share of the seller;

2 (3) the seller did not have the largest ownership
3 share of the person; and

4 (4) the person and the seller did not have a common
5 corporate parent or a common majority interest owner. (Acts 74th
6 Leg., R.S., Ch. 219, Sec. 10(g-1).)

7 Sec. 1101.156. IDENTIFICATION OF VIOLATION IN COMPLIANCE
8 HISTORY REPORT. A violation that has been voluntarily disclosed
9 and to which immunity applies under this subchapter must be
10 identified in a compliance history report as being voluntarily
11 disclosed. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(i).)

12 Sec. 1101.157. EXCEPTION TO IMMUNITY: CERTAIN VIOLATIONS
13 AND OFFENSES; IMPOSITION OF PENALTY; MITIGATING FACTORS. (a) The
14 immunity established by this subchapter does not apply and an
15 administrative or civil penalty may be imposed under applicable law
16 if:

17 (1) the person who made the disclosure intentionally
18 or knowingly committed or was responsible within the meaning of
19 Section 7.02, Penal Code, for the commission of the disclosed
20 violation;

21 (2) the person who made the disclosure recklessly
22 committed or was responsible within the meaning of Section 7.02,
23 Penal Code, for the commission of the disclosed violation and the
24 violation resulted in substantial injury to one or more persons at
25 the site or off-site harm to persons, property, or the environment;

26 (3) the offense was committed intentionally or
27 knowingly by a member of the person's management or an agent of the

1 person and the person's policies or lack of prevention systems
2 contributed materially to the occurrence of the violation;

3 (4) the offense was committed recklessly by a member
4 of the person's management or an agent of the person, the person's
5 policies or lack of prevention systems contributed materially to
6 the occurrence of the violation, and the violation resulted in
7 substantial injury to one or more persons at the site or off-site
8 harm to persons, property, or the environment; or

9 (5) the violation has resulted in a substantial
10 economic benefit that gives the violator a clear advantage over its
11 business competitors.

12 (b) A penalty that is imposed under Subsection (a) should,
13 to the extent appropriate, be mitigated by factors such as:

14 (1) the voluntariness of the disclosure;

15 (2) efforts by the disclosing party to conduct
16 environmental or health and safety audits;

17 (3) remediation;

18 (4) cooperation with government officials
19 investigating the disclosed violation;

20 (5) the period of ownership of the regulated facility
21 or operation; or

22 (6) other relevant considerations. (Acts 74th Leg.,
23 R.S., Ch. 219, Secs. 10(d), (e).)

24 Sec. 1101.158. EXCEPTION TO IMMUNITY: VIOLATIONS THAT
25 CONSTITUTE PATTERN OF DISREGARD OF ENVIRONMENTAL OR HEALTH AND
26 SAFETY LAWS. (a) The immunity established by this subchapter does
27 not apply if a court or administrative law judge finds that the

1 person claiming the immunity has, after May 23, 1995, repeatedly or
2 continuously committed significant violations and not attempted to
3 bring the facility or operation into compliance, so as to
4 constitute a pattern of disregard of environmental or health and
5 safety laws.

6 (b) For violations committed by a person to be considered a
7 "pattern" under Subsection (a), the person must have committed a
8 series of violations that were due to separate and distinct events
9 occurring within a three-year period at the same facility or
10 operation. (Acts 74th Leg., R.S., Ch. 219, Sec. 10(h).)

11 (b) The Texas Environmental, Health, and Safety Audit
12 Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) is
13 repealed.

14 (c) Section 552.125, Government Code, is amended to read as
15 follows:

16 Sec. 552.125. EXCEPTION: CERTAIN AUDITS. Any documents or
17 information privileged under Chapter 1101, Health and Safety Code,
18 ~~[the Texas Environmental, Health, and Safety Audit Privilege Act]~~
19 are excepted from the requirements of Section 552.021.

20 (d) Section 5.125(a), Water Code, is amended to read as
21 follows:

22 (a) In this section, "environmental compliance assessment"
23 means an environmental compliance audit, pollution prevention
24 assessment, or environmental management system audit performed by a
25 small business. The term does not include an audit conducted under
26 Chapter 1101, Health and Safety Code ~~[the Texas Environmental,~~
27 ~~Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's~~

1 ~~Texas Civil Statutes~~].

2 SECTION 20.003. Section 2, Chapter 7 (S.B. 80), Acts of the
3 69th Legislature, Regular Session, 1985 (Article 6819a-55,
4 Vernon's Texas Civil Statutes), is repealed as executed.

5 SECTION 20.004. (a) Subtitle C, Title 10, Local Government
6 Code, is amended to codify the Cultural Education Facilities
7 Finance Corporation Act (Article 1528m, Vernon's Texas Civil
8 Statutes) by adding Chapter 337 to read as follows:

9 CHAPTER 337. CULTURAL EDUCATION FACILITIES FINANCE CORPORATION

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 337.001. SHORT TITLE. This chapter may be cited as the
12 Cultural Education Facilities Finance Corporation Act. (Acts 69th
13 Leg., R.S., Ch. 635, Sec. 1.)

14 Sec. 337.002. LEGISLATIVE FINDINGS. The legislature finds
15 that:

16 (1) the health, education, and general welfare of the
17 people of this state require the development of new and expanded
18 cultural and community facilities for the purpose of:

19 (A) exhibition and promotion of and education
20 about:

21 (i) performing, dramatic, visual, and
22 literary arts;

23 (ii) culture and history of races, ethnic
24 groups, and national heritage groups; and

25 (iii) history, natural history, and
26 science;

27 (B) promotion of and education about health and

1 physical fitness, public health and safety, conservation and
2 preservation of the environment or natural resources, child care,
3 adoption, children's services, substance abuse counseling, family
4 counseling, and care of persons who are elderly or have
5 disabilities;

6 (C) administration of the provision and granting
7 of charitable services and grants in accomplishment of the purposes
8 described by Paragraph (B);

9 (D) promotion of and education about activities
10 devoted to general cultural improvement, including scouting
11 programs and programs by which agencies seek to provide facilities
12 for retreats in urban or rural settings;

13 (E) support of agencies devoted to the
14 eradication, elimination, or amelioration of one or more diseases
15 or afflictions affecting health or improving the condition of
16 individuals or groups within a community; and

17 (F) provision of public health and safety and
18 charitable services to communities in times of catastrophe or
19 disaster;

20 (2) the existence, development, and expansion of
21 cultural facilities are essential to the continuing education,
22 health, general welfare, and comfort of the citizens of this state;

23 (3) the means and measures authorized and the
24 assistance provided by this chapter are in the public interest and
25 serve a public purpose in promoting the health, education, and
26 general welfare of the people of this state by securing and
27 maintaining cultural facilities and the resulting advancement of

1 culture and civilization;

2 (4) qualified cultural organizations in this state
3 have invested substantial funds in useful and beneficial cultural
4 facilities and have experienced difficulty in undertaking
5 additional projects because of:

6 (A) the partial inadequacy of their own funds or
7 of funds potentially available from local subscription sources; and

8 (B) limitations of local financial institutions
9 in providing necessary financing for these facilities;

10 (5) qualified nonprofit corporations in this state
11 have invested substantial funds in useful and beneficial cultural
12 facilities and have experienced difficulty in undertaking
13 additional projects because of:

14 (A) the inadequacy of their own funds or of funds
15 potentially available from local subscription sources; and

16 (B) limitations of local financial institutions
17 in providing necessary financing for these facilities; and

18 (6) the enactment of this chapter will:

19 (A) secure for present and future generations the
20 benefits and nurturance derived from these cultural facilities; and

21 (B) enhance the public health and welfare of
22 communities receiving the benefit of the cultural facilities.

23 (Acts 69th Leg., R.S., Ch. 635, Sec. 2(a).)

24 Sec. 337.003. CONSTRUCTION. (a) This chapter shall be
25 liberally construed to carry out the intention of the legislature.

26 (b) If this chapter conflicts with a provision of another
27 law, this chapter prevails.

1 (c) It is the intent of the legislature that a corporation
2 authorized under this chapter is a public corporation, constituted
3 authority, and instrumentality authorized to issue bonds on behalf
4 of the municipality or county on behalf of which the corporation is
5 created, all within the meaning of Section 103, Internal Revenue
6 Code of 1986, and the regulations adopted and rulings issued under
7 that section, and this chapter shall be construed accordingly.
8 (Acts 69th Leg., R.S., Ch. 635, Secs. 2(b), 5(a), (b) (part).)

9 Sec. 337.004. DEFINITIONS. In this chapter:

10 (1) "Board" means the board of directors of a
11 corporation.

12 (2) "Bond" means a bond, note, interim certificate, or
13 other evidence of indebtedness of a corporation issued under this
14 chapter.

15 (3) "Corporation" means a cultural education
16 facilities finance corporation created under this chapter.

17 (4) "Cost," as applied to a cultural facility, means
18 the cost of the cultural facility, including:

19 (A) the cost of the acquisition of land or a
20 right-of-way, an option to purchase land, an easement, a leasehold
21 estate in land, or another interest in land related to the cultural
22 facility;

23 (B) the cost of acquisition, construction,
24 repair, renovation, remodeling, or improvement of a building or
25 structure to be used as or in conjunction with the cultural
26 facility;

27 (C) the cost of site preparation, including the

1 cost of demolishing or removing a building or structure the removal
2 of which is necessary or incident to providing the cultural
3 facility;

4 (D) the cost of architectural, engineering,
5 legal, and related services; the cost of the preparation of a plan,
6 specification, study, survey, or estimate of cost and revenue; and
7 other expenses necessary or incident to planning, providing, or
8 determining the feasibility and practicability of the cultural
9 facility;

10 (E) the cost of machinery, equipment,
11 furnishings, and facilities necessary or incident to the equipping
12 of the cultural facility so that the cultural facility may be placed
13 in operation;

14 (F) the cost of finance charges, interest,
15 marketing, and start-up of the cultural facility before and during
16 construction and for not more than two years after completion of
17 construction;

18 (G) costs paid or incurred in connection with the
19 financing of the cultural facility, including out-of-pocket
20 expenses; bond insurance; a letter of credit, standby bond
21 purchase agreement, or liquidity facility; financing, legal,
22 accounting, financial advisory, and appraisal fees; expenses and
23 disbursements; a policy of title insurance; printing, engraving,
24 and reproduction services; and the initial or acceptance fee of a
25 trustee, paying agent, remarketing agent, tender agent, or indexing
26 agent; and

27 (H) direct and indirect costs of the corporation

1 incurred in connection with providing the cultural facility,
2 including reasonable sums to reimburse the corporation for time
3 spent by the corporation's agents or employees in providing and
4 financing the cultural facility.

5 (5) "Cultural facility" means any capital expenditure
6 by a user. The term includes:

7 (A) real property or an interest in real
8 property, including buildings and improvements, or equipment,
9 furnishings, or other personal property that:

10 (i) is found by the board to be necessary or
11 convenient to finance, refinance, acquire, construct, enlarge,
12 remodel, renovate, improve, furnish, or equip for cultural
13 education or community benefit;

14 (ii) is made available for use by the
15 general public, the user, or a community group; and

16 (iii) is used for a purpose described by
17 Section 337.002(1);

18 (B) a facility in which any of the following
19 entities engage in any activity in which the entity is permitted to
20 engage:

21 (i) a nonprofit corporation exempt from the
22 franchise tax under Section 171.063, Tax Code;

23 (ii) an organization described in Section
24 11.18, Tax Code; or

25 (iii) an organization described in Section
26 501(c)(3), Internal Revenue Code of 1986; and

27 (C) facilities incidental, subordinate, or

1 related to or appropriate in connection with property described by
2 Paragraph (A) or (B), regardless of the date of construction or
3 acquisition.

4 (6) "Furnishings" include works of art, books,
5 artifacts, scientific instruments, stage sets, musical scores,
6 collections, and other property necessary or useful for the
7 purposes of the cultural facility.

8 (7) "User" means a nonprofit corporation exempt from
9 the franchise tax under Section 171.063, Tax Code, an organization
10 described in Section 11.18, Tax Code, or an organization described
11 in Section 501(c)(3), Internal Revenue Code of 1986, that will own,
12 use, operate, or develop a cultural facility after the financing,
13 acquisition, or construction of the cultural facility. (Acts 69th
14 Leg., R.S., Ch. 635, Secs. 3(1), (2), (3), (4), (5), (8), (9).)

15 Sec. 337.005. ADOPTION OF ALTERNATE PROCEDURE. If a
16 procedure under this chapter is held by a court to be
17 unconstitutional, a corporation by resolution may provide an
18 alternate procedure conforming to the constitution. (Acts 69th
19 Leg., R.S., Ch. 635, Sec. 5(b) (part).)

20 SUBCHAPTER B. CREATION AND OPERATION OF CORPORATION

21 Sec. 337.011. AUTHORITY TO CREATE. (a) A municipality or
22 county may create a nonmember, nonstock, public, cultural
23 educational facilities finance corporation for the sole purpose of
24 acquiring, constructing, providing, improving, financing, and
25 refinancing cultural facilities for the public purposes stated in
26 this chapter.

27 (b) The municipality or county shall create and organize the

1 corporation in the same manner as a health facilities development
2 corporation is created and organized under Chapter 221, Health and
3 Safety Code. (Acts 69th Leg., R.S., Ch. 635, Secs. 4(a), (b)
4 (part).)

5 Sec. 337.012. GENERAL POWERS. (a) A corporation has the
6 same powers, authority, and rights:

7 (1) with respect to cultural facilities and health
8 facilities that a health facilities development corporation has
9 with respect to health facilities under Chapter 221, Health and
10 Safety Code; and

11 (2) with respect to educational facilities, housing
12 facilities, and other facilities incidental, subordinate, or
13 related to those facilities that a nonprofit corporation created
14 under Section 53.35(b), Education Code, or an authority created
15 under Section 53.11, Education Code, has under Chapter 53,
16 Education Code.

17 (b) Except as provided by this chapter, a corporation has
18 the same rights and powers as a corporation organized under the
19 former Texas Non-Profit Corporation Act (Article 1396-1.01 et seq.,
20 Vernon's Texas Civil Statutes) or formed under the Texas Nonprofit
21 Corporation Law, as described by Section 1.008(d), Business
22 Organizations Code.

23 (c) The powers of a corporation under Subsection (a) include
24 the power to:

25 (1) acquire, purchase, lease, mortgage, and convey
26 property with respect to a facility;

27 (2) borrow money by issuing bonds, notes, and other

1 obligations;

2 (3) lend money for the corporation's corporate
3 purposes;

4 (4) invest and reinvest the corporation's funds; and

5 (5) secure the corporation's bonds, notes, and
6 obligations by mortgaging, pledging, assigning, or otherwise
7 encumbering the corporation's property or assets.

8 (d) Except as otherwise provided by this chapter, any bonds,
9 notes, or other obligations authorized under Subsection (c) must be
10 issued in accordance with Chapter 1201, Government Code. (Acts
11 69th Leg., R.S., Ch. 635, Secs. 4(b) (part), (c), 5(c).)

12 Sec. 337.013. SCOPE OF AUTHORITY. (a) Notwithstanding any
13 provision of Chapter 221, Health and Safety Code, or Chapter 53,
14 Education Code, a corporation may exercise:

15 (1) the authority of the corporation inside or outside
16 the limits of:

17 (A) the municipality that created the
18 corporation if the municipality is located in a county with a
19 population of more than 300,000; or

20 (B) the county that created the corporation if
21 the county has a population of more than 300,000; and

22 (2) the powers of the corporation on behalf of a user
23 outside of this state if the user also conducts lawful activities in
24 this state.

25 (b) A corporation may exercise the authority of the
26 corporation without the consent or other action of any person that
27 would otherwise be required under Chapter 221, Health and Safety

1 Code, or Chapter 53, Education Code, unless the articles of
2 incorporation or bylaws of the corporation provide differently.
3 (Acts 69th Leg., R.S., Ch. 635, Secs. 4(d) (part), (e).)

4 Sec. 337.014. LIMITATION ON AUTHORITY. The authority of a
5 corporation may not preempt the police powers of any sponsoring
6 entity or any other laws regulating or empowering sponsoring
7 entities to regulate the activities of the corporation. (Acts 69th
8 Leg., R.S., Ch. 635, Sec. 4(d) (part).)

9 Sec. 337.015. LIMITATION ON CORPORATE PURPOSES. (a) A
10 municipality or county that creates a corporation may limit the
11 corporation's purposes in the proceedings directing the creation of
12 the corporation by prohibiting the corporation from financing
13 particular types of cultural facilities, including a cultural
14 facility to be used for a purpose specified in the proceedings.

15 (b) As a condition of providing financing, a corporation may
16 restrict a person receiving financing from using a cultural
17 facility for a particular purpose.

18 (c) A restriction imposed by a municipality or county on a
19 corporation may be enforced by the governing body of the sponsoring
20 entity by injunction or mandamus.

21 (d) A violation of a restriction by a corporation may not
22 impair the validity of an obligation incurred by the corporation.
23 (Acts 69th Leg., R.S., Ch. 635, Sec. 4A.)

24 (b) The Cultural Education Facilities Finance Corporation
25 Act (Article 1528m, Vernon's Texas Civil Statutes) is repealed.

1 ARTICLE 21. NONSUBSTANTIVE REVISION OF SUBCHAPTER E, CHAPTER 39,
2 AND SECTION 39.152, EDUCATION CODE: PROVISIONS RELATING TO PUBLIC
3 SCHOOL ACCOUNTABILITY INTERVENTIONS AND SANCTIONS

4 SECTION 21.001. Subtitle H, Title 2, Education Code, is
5 amended by adding Chapter 39A to read as follows:

6 CHAPTER 39A. ACCOUNTABILITY INTERVENTIONS AND SANCTIONS

7 SUBCHAPTER A. INTERVENTIONS AND SANCTIONS FOR SCHOOL DISTRICTS

8 Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The
9 commissioner shall take any of the actions authorized by this
10 subchapter to the extent the commissioner determines necessary if:

11 (1) a school district does not satisfy:

12 (A) the accreditation criteria under Section
13 39.052;

14 (B) the academic performance standards under
15 Section 39.053 or 39.054; or

16 (C) any financial accountability standard as
17 determined by commissioner rule; or

18 (2) the commissioner considers the action to be
19 appropriate on the basis of a special accreditation investigation
20 under Section 39.057. (Ed. Code, Sec. 39.102(a) (part).)

21 Sec. 39A.002. AUTHORIZED COMMISSIONER ACTIONS. If a school
22 district is subject to commissioner action under Section 39A.001,
23 the commissioner may:

24 (1) issue public notice of the deficiency to the board
25 of trustees of the district;

26 (2) order a hearing to be conducted by the board of
27 trustees of the district to notify the public of:

1 (A) the insufficient performance;
2 (B) the improvements in performance expected by
3 the agency; and

4 (C) the interventions and sanctions that may be
5 imposed under this subchapter if the performance does not improve;

6 (3) order the preparation of a student achievement
7 improvement plan that addresses each academic achievement
8 indicator under Section 39.053(c) for which the district's
9 performance is insufficient, the submission of the plan to the
10 commissioner for approval, and the implementation of the plan;

11 (4) order a hearing to be held before the commissioner
12 or the commissioner's designee at which the president of the board
13 of trustees of the district and the district's superintendent shall
14 appear and explain the district's low performance, lack of
15 improvement, and plans for improvement;

16 (5) arrange a monitoring review of the district;

17 (6) appoint an agency monitor to participate in and
18 report to the agency on the activities of the board of trustees of
19 the district or superintendent;

20 (7) appoint a conservator to oversee the operations of
21 the district; or

22 (8) appoint a management team to direct the operations
23 of the district in areas of insufficient performance or require the
24 district to obtain certain services under a contract with another
25 person. (Ed. Code, Sec. 39.102(a) (part).)

26 Sec. 39A.003. POWERS AND DUTIES OF CONSERVATOR OR
27 MANAGEMENT TEAM. (a) The commissioner shall clearly define the

1 powers and duties of a conservator or management team appointed to
2 oversee the operations of a school district.

3 (b) At least every 90 days, the commissioner shall review
4 the need for the conservator or management team and shall remove the
5 conservator or management team unless the commissioner determines
6 that continued appointment is necessary for effective governance of
7 the school district or delivery of instructional services.

8 (c) A conservator or management team, if directed by the
9 commissioner, shall prepare a plan for the implementation of the
10 appointment of a board of managers under Section 39A.004 or the
11 revocation of accreditation under Section 39A.005. The conservator
12 or management team:

13 (1) may direct an action to be taken by the principal
14 of a campus, the superintendent of the school district, or the board
15 of trustees of the district;

16 (2) may approve or disapprove any action of the
17 principal of a campus, the superintendent of the district, or the
18 board of trustees of the district;

19 (3) may not take any action concerning a district
20 election, including ordering or canceling an election or altering
21 the date of or the polling places for an election;

22 (4) may not change the number of or method of selecting
23 the board of trustees;

24 (5) may not set a tax rate for the district; and

25 (6) may not adopt a budget for the district that
26 provides for spending a different amount, exclusive of required
27 debt service, from that previously adopted by the board of

1 trustees. (Ed. Code, Sec. 39.111.)

2 Sec. 39A.004. APPOINTMENT OF BOARD OF MANAGERS. The
3 commissioner may appoint a board of managers to exercise the powers
4 and duties of a school district's board of trustees if the district
5 is subject to commissioner action under Section 39A.001 and:

6 (1) has a current accreditation status of
7 accredited-warned or accredited-probation;

8 (2) fails to satisfy any standard under Section
9 39.054(e); or

10 (3) fails to satisfy financial accountability
11 standards as determined by commissioner rule. (Ed. Code, Sec.
12 39.102(a) (part).)

13 Sec. 39A.005. REVOCATION OF SCHOOL DISTRICT ACCREDITATION.

14 (a) This section applies to a school district if the district is
15 subject to commissioner action under Section 39A.001, and for two
16 consecutive school years, including the current school year, the
17 district has:

18 (1) received an accreditation status of
19 accredited-warned or accredited-probation;

20 (2) failed to satisfy any standard under Section
21 39.054(e); or

22 (3) failed to satisfy financial accountability
23 standards as determined by commissioner rule.

24 (b) The commissioner may revoke the accreditation of a
25 school district subject to this section and:

26 (1) order closure of the district and annex the
27 district to one or more adjoining districts under Section 13.054;

1 or

2 (2) in the case of a home-rule school district or
3 open-enrollment charter school, order closure of all programs
4 operated under the district's or school's charter. (Ed. Code, Sec.
5 [39.102\(a\)](#) (part).)

6 Sec. 39A.006. BOARD OF MANAGERS FOR SCHOOL DISTRICT MANAGED
7 BY CONSERVATOR OR MANAGEMENT TEAM. (a) This section applies
8 regardless of whether a school district has satisfied the
9 accreditation criteria.

10 (b) If for two consecutive school years, including the
11 current school year, a school district has had a conservator or
12 management team assigned, the commissioner may appoint a board of
13 managers to exercise the powers and duties of the board of trustees
14 of the district.

15 (c) The majority of a board of managers appointed under this
16 section must be residents of the school district. (Ed. Code, Sec.
17 [39.102\(b\)](#).)

18 Sec. 39A.007. INTERVENTION TO IMPROVE HIGH SCHOOL
19 COMPLETION RATE. (a) This section applies to a school district if
20 the district is subject to commissioner action under Section
21 39A.001 and the district has failed to satisfy any standard under
22 Section [39.054\(e\)](#) because of the district's dropout rates.

23 (b) The commissioner may impose against a school district
24 subject to this section sanctions designed to improve high school
25 completion rates, including:

26 (1) ordering the development of a dropout prevention
27 plan for approval by the commissioner;

1 (2) restructuring the district or appropriate school
2 campuses to improve identification of and service to students who
3 are at risk of dropping out of school, as defined by Section 29.081;

4 (3) ordering lower student-to-counselor ratios on
5 school campuses with high dropout rates; and

6 (4) ordering the use of any other intervention
7 strategy effective in reducing dropout rates, including mentor
8 programs and flexible class scheduling. (Ed. Code, Sec. 39.102(a)
9 (part).)

10 SUBCHAPTER B. CAMPUS INTERVENTION TEAM; TARGETED IMPROVEMENT PLAN

11 Sec. 39A.051. ACTIONS BASED ON CAMPUS PERFORMANCE. (a) If
12 the performance of a campus is below any standard under Section
13 39.054(e), the commissioner shall:

14 (1) take actions, to the extent the commissioner
15 determines necessary, as provided by this chapter; and

16 (2) assign a campus intervention team.

17 (b) For a campus described by Subsection (a), the
18 commissioner, to the extent the commissioner determines necessary,
19 may:

20 (1) order a hearing to be held before the commissioner
21 or the commissioner's designee at which the president of the board
22 of trustees of the school district, the district superintendent,
23 and the campus principal shall appear and explain the campus's low
24 performance, lack of improvement, and plans for improvement; or

25 (2) establish a school community partnership team
26 composed of members of the campus-level planning and
27 decision-making committee established under Section 11.251 and

1 additional community representatives as determined appropriate by
2 the commissioner. (Ed. Code, Secs. 39.103(a), (b), 39.106(a)
3 (part).)

4 Sec. 39A.052. CAMPUS INTERVENTION TEAM MEMBERS. A campus
5 intervention team assigned by the commissioner under Section
6 39A.051 may include teachers, principals, other educational
7 professionals, and superintendents recognized for excellence in
8 their roles and appointed by the commissioner to serve as members of
9 a team. (Ed. Code, Sec. 39.113.)

10 Sec. 39A.053. ON-SITE NEEDS ASSESSMENT. (a) A campus
11 intervention team shall:

12 (1) conduct, with the involvement and advice of the
13 school community partnership team, if applicable:

14 (A) if the commissioner determines necessary, a
15 comprehensive on-site needs assessment, using the procedures
16 provided by Subsection (c); or

17 (B) a targeted on-site needs assessment relevant
18 to an area of insufficient performance of the campus as provided by
19 Subsection (d); and

20 (2) recommend appropriate actions as provided by
21 Section 39A.054.

22 (b) An on-site needs assessment required by Subsection (a)
23 must determine the factors resulting in the campus's low
24 performance and lack of progress, including the contributing
25 education-related factors.

26 (c) In conducting a comprehensive on-site needs assessment,
27 the campus intervention team shall use each of the following

1 guidelines and procedures:

2 (1) an assessment of the staff to determine:

3 (A) the percentage of certified teachers who are
4 teaching in their field;

5 (B) the percentage of teachers who are certified;

6 (C) the number of teachers with more than three
7 years of experience; and

8 (D) the rate of teacher retention;

9 (2) a determination of compliance with the appropriate
10 class-size rules and the number of class-size waivers received;

11 (3) an assessment of the quality, quantity, and
12 appropriateness of instructional materials, including the
13 availability of technology-based instructional materials;

14 (4) a report on the parental involvement strategies
15 and the effectiveness of the strategies;

16 (5) an assessment of the extent and quality of the
17 mentoring program provided for:

18 (A) new teachers on the campus; and

19 (B) experienced teachers on the campus who have
20 less than two years of teaching experience in the subject or grade
21 level to which the teacher is assigned;

22 (6) an assessment of the type and quality of the
23 professional development provided to the staff;

24 (7) a demographic analysis of the student population,
25 including student demographics, at-risk populations, and special
26 education percentages;

27 (8) a report of disciplinary incidents and school

1 safety information;

2 (9) financial and accounting practices;

3 (10) an assessment of the appropriateness of the
4 curriculum and teaching strategies;

5 (11) a comparison of the findings from Subdivisions
6 (1) through (10) to other campuses serving the same grade levels in
7 the school district or to other campuses in the campus's comparison
8 group if there are no other campuses in the district serving the
9 same grade levels as the campus; and

10 (12) any other research-based data or information
11 obtained from a data collection process that would assist the
12 campus intervention team in:

13 (A) recommending an action under Section
14 39A.054; and

15 (B) executing a targeted improvement plan under
16 Section 39A.059.

17 (d) In conducting a targeted on-site needs assessment, the
18 campus intervention team shall use the appropriate guidelines and
19 procedures described by Subsection (c) relevant to each area of
20 insufficient performance. (Ed. Code, Secs. 39.106(a) (part), (b).)

21 Sec. 39A.054. CAMPUS INTERVENTION TEAM RECOMMENDATIONS. On
22 completing the on-site needs assessment required under Section
23 39A.053, the campus intervention team shall, with the involvement
24 and advice of the school community partnership team, if applicable,
25 recommend actions relating to any area of insufficient performance,
26 including:

27 (1) reallocation of resources;

- 1 (2) technical assistance;
- 2 (3) changes in school procedures or operations;
- 3 (4) staff development for instructional and
- 4 administrative staff;
- 5 (5) intervention for individual administrators or
- 6 teachers;
- 7 (6) waivers from state statutes or rules;
- 8 (7) teacher recruitment or retention strategies and
- 9 incentives provided by the school district to attract and retain
- 10 teachers with the characteristics included in Sections
- 11 39A.053(c)(1)(A)-(C); or
- 12 (8) other actions the campus intervention team
- 13 considers appropriate. (Ed. Code, Sec. [39.106\(c\)](#).)

14 Sec. 39A.055. TARGETED IMPROVEMENT PLAN. In addition to

15 the campus intervention team duties under Sections 39A.053 and

16 39A.054 relating to the on-site needs assessment, the campus

17 intervention team shall:

- 18 (1) assist the campus in developing a targeted
- 19 improvement plan;
- 20 (2) conduct a public meeting at the campus with the
- 21 campus principal, the members of the campus-level planning and
- 22 decision-making committee established under Section [11.251](#),
- 23 parents of students attending the campus, and community members
- 24 residing in the school district to review the campus performance
- 25 rating and solicit input for the development of the targeted
- 26 improvement plan;
- 27 (3) assist the campus in submitting the targeted

1 improvement plan to the board of trustees of the district for
2 approval and presenting the plan in a public hearing as provided by
3 Section 39A.057; and

4 (4) assist the commissioner in monitoring the progress
5 of the campus in executing the targeted improvement plan. (Ed.
6 Code, Sec. 39.106(a) (part).)

7 Sec. 39A.056. NOTICE OF PUBLIC MEETING FOR DEVELOPMENT OF
8 TARGETED IMPROVEMENT PLAN. (a) The campus intervention team must:

9 (1) provide written notice of the public meeting
10 required by Section 39A.055(2) to the parents of students attending
11 the campus; and

12 (2) post notice of the meeting on the campus's Internet
13 website.

14 (b) The notice required by this section must include the
15 date, time, and place of the meeting. (Ed. Code, Sec. 39.106(a-1).)

16 Sec. 39A.057. HEARING FOR TARGETED IMPROVEMENT PLAN. (a)
17 After a targeted improvement plan or an updated targeted
18 improvement plan is submitted to the board of trustees of the school
19 district, the board shall conduct a hearing to:

20 (1) notify the public of:

21 (A) the insufficient performance of the campus;

22 (B) the improvements in performance expected by
23 the agency; and

24 (C) the intervention measures or sanctions that
25 may be imposed under this chapter if the performance does not
26 improve within a designated period; and

27 (2) solicit public comment on the targeted improvement

1 plan or updated targeted improvement plan.

2 (b) The board of trustees of the school district must post
3 the targeted improvement plan on the district's Internet website
4 before the hearing.

5 (c) The board of trustees of the school district may conduct
6 one hearing relating to one or more campuses subject to a targeted
7 improvement plan or an updated targeted improvement plan. (Ed.
8 Code, Sec. 39.106(e-1) (part).)

9 Sec. 39A.058. SUBMISSION OF TARGETED IMPROVEMENT PLAN TO
10 COMMISSIONER. The board of trustees of the school district shall
11 submit the targeted improvement plan or updated targeted
12 improvement plan to the commissioner for approval. The campus
13 intervention team shall assist the campus in submitting the
14 targeted improvement plan to the commissioner. (Ed. Code, Secs.
15 39.106(d), (e-1) (part).)

16 Sec. 39A.059. EXECUTING TARGETED IMPROVEMENT PLAN. In
17 executing the targeted improvement plan, the campus intervention
18 team shall, if appropriate:

19 (1) assist the campus in implementing research-based
20 practices for curriculum development and classroom instruction,
21 including bilingual education and special education programs, and
22 financial management;

23 (2) provide research-based technical assistance,
24 including data analysis, academic deficiency identification,
25 intervention implementation, and budget analysis, to strengthen
26 and improve the instructional programs at the campus; and

27 (3) require the school district to develop a teacher

1 recruitment and retention plan to address the qualifications and
2 retention of the teachers at the campus. (Ed. Code, Sec.
3 39.106(d-3).)

4 Sec. 39A.060. CAMPUS INTERVENTION TEAM CONTINUING DUTIES.
5 For each year a campus is assigned an unacceptable performance
6 rating, the campus intervention team shall:

7 (1) continue to work with the campus until:

8 (A) the campus satisfies all performance
9 standards under Section 39.054(e) for a two-year period; or

10 (B) the campus satisfies all performance
11 standards under Section 39.054(e) for a one-year period and the
12 commissioner determines that the campus is operating and will
13 continue to operate in a manner that improves student achievement;

14 (2) assist in updating the targeted improvement plan
15 to identify and analyze areas of growth and areas that require
16 improvement; and

17 (3) submit each updated targeted improvement plan
18 described by Subdivision (2) to the board of trustees of the school
19 district. (Ed. Code, Sec. 39.106(e).)

20 Sec. 39A.061. SATISFACTION OF CERTAIN REQUIREMENTS RELATED
21 TO CAMPUS PLANNING AND SITE-BASED DECISION-MAKING. (a) The
22 commissioner may authorize a school community partnership team
23 established under Section 39A.051 to supersede the authority of and
24 satisfy the requirements of establishing and maintaining a
25 campus-level planning and decision-making committee under
26 Subchapter F, Chapter 11.

27 (b) The commissioner may authorize a targeted improvement

1 plan or an updated targeted improvement plan to supersede the
2 provisions of and satisfy the requirements of developing,
3 reviewing, and revising a campus improvement plan under Subchapter
4 F, Chapter 11. (Ed. Code, Secs. 39.106(d-1), (d-2).)

5 Sec. 39A.062. SUBMISSION OF CAMPUS IMPROVEMENT PLAN IN
6 CERTAIN CIRCUMSTANCES. (a) This section applies if the
7 performance of a campus satisfies performance standards under
8 Section 39.054(e) for the current school year but would not satisfy
9 performance standards under Section 39.054(e) if the standards to
10 be used for the following school year were applied to the current
11 school year.

12 (b) On the request of the commissioner, the campus-level
13 planning and decision-making committee established under Section
14 11.251 shall revise and submit to the commissioner the portions of
15 the campus improvement plan developed under Section 11.253 that are
16 relevant to those areas for which the campus would not satisfy
17 performance standards. The revised portions of the improvement
18 plan must be submitted in an electronic format. (Ed. Code, Sec.
19 39.105(a).)

20 Sec. 39A.063. COMPLIANCE THROUGH INTERVENTION UNDER
21 FEDERAL ACCOUNTABILITY. Notwithstanding the provisions of this
22 chapter, if the commissioner determines that a campus subject to
23 interventions or sanctions under this chapter has implemented
24 substantially similar intervention measures under federal
25 accountability requirements, the commissioner may accept the
26 substantially similar intervention measures as measures in
27 compliance with this chapter. (Ed. Code, Sec. 39.103(c).)

1 SUBCHAPTER C. CAMPUS TURNAROUND PLAN

2 Sec. 39A.101. ORDER FOR PREPARATION OF CAMPUS TURNAROUND
3 PLAN. (a) If a campus has been identified as unacceptable for two
4 consecutive school years, the commissioner shall order the campus
5 to prepare and submit a campus turnaround plan.

6 (b) The commissioner shall by rule establish procedures
7 governing the time and manner in which the campus must submit the
8 campus turnaround plan.

9 (c) A campus intervention team shall assist the campus in:

10 (1) developing an updated targeted improvement plan,
11 including a campus turnaround plan to be implemented by the campus;

12 (2) submitting the updated targeted improvement plan
13 to the board of trustees of the school district for approval and
14 presenting the plan in a public hearing as provided by Section
15 39A.057;

16 (3) obtaining approval of the updated plan from the
17 commissioner; and

18 (4) executing the updated plan on approval by the
19 commissioner.

20 (d) The updated targeted improvement plan submitted to the
21 board of trustees of a school district under Subsection (c) must
22 include all plans and details that are required to execute the
23 campus turnaround plan without any additional action or approval by
24 the board of trustees. (Ed. Code, Secs. 39.107(a), (a-1), (b-3).)

25 Sec. 39A.102. IMPLEMENTATION OF UPDATED TARGETED
26 IMPROVEMENT PLAN. (a) A campus subject to Section 39A.101 shall
27 implement the updated targeted improvement plan as approved by the

1 commissioner.

2 (b) The commissioner may appoint a monitor, conservator,
3 management team, or board of managers to the school district to
4 ensure and oversee district-level support to low-performing
5 campuses and the implementation of the updated targeted improvement
6 plan.

7 (c) In making appointments under Subsection (b), the
8 commissioner shall consider individuals who have demonstrated
9 success in managing campuses with student populations similar to
10 the campus at which the individual appointed will serve. (Ed. Code,
11 Sec. 39.107(c).)

12 Sec. 39A.103. NOTICE OF CAMPUS TURNAROUND PLAN. Before a
13 campus turnaround plan is prepared and submitted for approval to
14 the board of trustees of the school district, the district, in
15 consultation with the campus intervention team, shall:

16 (1) provide notice to parents, the community, and
17 stakeholders that the campus has received an unacceptable
18 performance rating for two consecutive years and will be required
19 to submit a campus turnaround plan; and

20 (2) request assistance from parents, the community,
21 and stakeholders in developing the campus turnaround plan. (Ed.
22 Code, Sec. 39.107(a-2).)

23 Sec. 39A.104. PREPARATION OF CAMPUS TURNAROUND PLAN. (a)
24 The school district, in consultation with the campus intervention
25 team, shall prepare the campus turnaround plan and allow parents,
26 the community, and stakeholders an opportunity to review the plan
27 before it is submitted for approval to the board of trustees of the

1 district.

2 (b) The campus turnaround plan must assist the campus in
3 implementing procedures to satisfy all performance standards
4 required under Section 39.054(e). (Ed. Code, Sec. 39.107(b)
5 (part).)

6 Sec. 39A.105. CONTENTS OF CAMPUS TURNAROUND PLAN. A campus
7 turnaround plan must include:

8 (1) details on the method for restructuring,
9 reforming, or reconstituting the campus;

10 (2) a detailed description of the academic programs to
11 be offered at the campus, including:

12 (A) instructional methods;

13 (B) length of school day and school year;

14 (C) academic credit and promotion criteria; and

15 (D) programs to serve special student
16 populations;

17 (3) if a district charter is to be granted for the
18 campus under Section 12.0522:

19 (A) the term of the charter; and

20 (B) information on the implementation of the
21 charter;

22 (4) written comments from:

23 (A) the campus-level committee established under
24 Section 11.251, if applicable;

25 (B) parents; and

26 (C) teachers at the campus; and

27 (5) a detailed description of the budget, staffing,

1 and financial resources required to implement the plan, including
2 any supplemental resources to be provided by the school district or
3 other identified sources. (Ed. Code, Secs. 39.107(b) (part),
4 (b-1).)

5 Sec. 39A.106. DATE CAMPUS TURNAROUND PLAN TAKES EFFECT. A
6 campus turnaround plan must take effect not later than the school
7 year following the third consecutive school year that the campus
8 has received an unacceptable performance rating. (Ed. Code, Sec.
9 39.107(b-4).)

10 Sec. 39A.107. COMMISSIONER APPROVAL OF CAMPUS TURNAROUND
11 PLAN. (a) The commissioner may approve a campus turnaround plan
12 only if the commissioner determines that the campus will satisfy
13 all student performance standards required under Section 39.054(e)
14 not later than the second year the campus receives a performance
15 rating following the implementation of the campus turnaround plan.

16 (b) Section 12.0522(b) does not apply to a district charter
17 approved by the commissioner under this subchapter. A district
18 charter approved under this subchapter may be renewed or continue
19 in effect after the campus is no longer subject to an order under
20 Section 39A.101.

21 (c) If the commissioner does not approve a campus turnaround
22 plan, the commissioner shall order:

23 (1) appointment of a board of managers to govern the
24 school district as provided by Section 39A.202;

25 (2) alternative management of the campus; or

26 (3) closure of the campus. (Ed. Code, Secs.

27 39.107(b-8), (d).)

1 Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN.

2 Following approval of a campus turnaround plan by the commissioner,
3 the school district, in consultation with the campus intervention
4 team, may take any actions needed to prepare for the implementation
5 of the plan. (Ed. Code, Sec. 39.107(b-5).)

6 Sec. 39A.109. ASSISTANCE AND PARTNERSHIPS ALLOWED. A

7 school district may:

8 (1) request that a regional education service center
9 provide assistance in the development and implementation of a
10 campus turnaround plan; or

11 (2) partner with an institution of higher education to
12 develop and implement a campus turnaround plan. (Ed. Code, Sec.
13 39.107(b-2).)

14 Sec. 39A.110. CHANGE IN CAMPUS PERFORMANCE RATING. (a) If a

15 campus for which a campus turnaround plan has been ordered under
16 Section 39A.101 receives an acceptable performance rating for the
17 school year following the order, the board of trustees of the school
18 district may:

19 (1) implement the campus turnaround plan;

20 (2) implement a modified version of the campus
21 turnaround plan; or

22 (3) withdraw the campus turnaround plan.

23 (b) A school district required to implement a campus
24 turnaround plan may modify the plan if the campus receives an
25 acceptable performance rating for two consecutive school years
26 following implementation of the plan. (Ed. Code, Secs.
27 39.107(b-6), (b-7).)

1 Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING.

2 If a campus is considered to have an unacceptable performance
3 rating for three consecutive school years after the campus is
4 ordered to submit a campus turnaround plan under Section 39A.101,
5 the commissioner, subject to Section 39A.112, shall order:

6 (1) appointment of a board of managers to govern the
7 school district as provided by Section 39A.202; or

8 (2) closure of the campus. (Ed. Code, Sec. [39.107\(e\)](#).)

9 Sec. 39A.112. PARENT PETITION FOR ACTION. (a) For purposes
10 of this section, "parent" has the meaning assigned by Section
11 [12.051](#), and the signature of only one parent of a student is
12 required.

13 (b) If the commissioner is presented, in the time and manner
14 specified by commissioner rule, with a written petition signed by
15 the parents of a majority of the students enrolled at a campus to
16 which Section 39A.111 applies, specifying an action authorized
17 under that section that the parents request the commissioner to
18 order, the commissioner shall, except as otherwise authorized by
19 this section, order the specific action requested.

20 (c) If the board of trustees of the school district in which
21 the campus is located presents to the commissioner, in the time and
22 manner specified by commissioner rule, a written request that the
23 commissioner order specific action authorized under Section
24 39A.111 other than the specific action requested in the parents'
25 petition and a written explanation of the basis for the board's
26 request, the commissioner may order the action requested by the
27 board of trustees. (Ed. Code, Secs. [39.107\(e-2\)](#), [\(e-3\)](#).)

1 Sec. 39A.113. REPURPOSING OF CLOSED CAMPUS. (a) If the
2 commissioner orders the closure of a campus under this subchapter,
3 that campus may be repurposed to serve students at that campus
4 location only if the commissioner:

5 (1) finds that the repurposed campus:

6 (A) offers a distinctly different academic
7 program; and

8 (B) serves a majority of grade levels not served
9 at the original campus; and

10 (2) approves a new campus identification number for
11 the repurposed campus.

12 (b) The majority of students assigned to a campus that has
13 been closed and repurposed may not have attended that campus in the
14 previous school year.

15 (c) Any student assigned to a campus that has been closed
16 must be allowed to transfer to any other campus in the school
17 district that serves that student's grade level and on request must
18 be provided transportation to the other campus.

19 (d) The commissioner may grant an exemption allowing
20 students assigned to a closed campus to attend the repurposed
21 campus if there is no other campus in the school district at which
22 the students may enroll. (Ed. Code, Sec. [39.107\(e-1\)](#).)

23 Sec. 39A.114. TARGETED TECHNICAL ASSISTANCE AUTHORIZED IN
24 CERTAIN CIRCUMSTANCES. If the commissioner determines that the
25 basis for the unacceptable performance of a campus for more than two
26 consecutive school years is limited to a specific condition that
27 may be remedied with targeted technical assistance, the

1 commissioner may require the school district to contract for the
2 appropriate technical assistance. (Ed. Code, Sec. 39.107(i).)

3 Sec. 39A.115. RULES. The commissioner may adopt rules
4 necessary to implement this subchapter. (Ed. Code, Sec.
5 39.107(q).)

6 SUBCHAPTER D. ALTERNATIVE MANAGEMENT

7 Sec. 39A.151. SOLICITATION OF PROPOSALS FOR ALTERNATIVE
8 MANAGEMENT. (a) If the commissioner orders alternative management
9 of a campus under Section 39A.107, the commissioner shall solicit
10 proposals from qualified nonprofit entities to assume management of
11 the campus or appoint a school district as provided by Subsection
12 (b). The commissioner may solicit proposals from qualified
13 for-profit entities if a nonprofit entity has not responded to the
14 commissioner's request for proposals.

15 (b) The commissioner may appoint a school district to assume
16 management of the campus if the district:

17 (1) is not the district in which the campus is located;
18 and

19 (2) is located within the boundaries of the same
20 regional education service center as the campus.

21 (c) If a school district is appointed under Subsection (b),
22 the district shall assume management of the campus in the same
23 manner as a qualified entity or in accordance with commissioner
24 rule.

25 (d) The commissioner may annually solicit proposals under
26 this section for the alternative management of a campus. The
27 commissioner shall notify a qualified entity that has been approved

1 as a provider under this section. (Ed. Code, Secs. 39.107(h), (j)
2 (part).)

3 Sec. 39A.152. QUALIFICATIONS OF MANAGING ENTITY. (a) To
4 qualify for consideration as a managing entity under this
5 subchapter, the entity must submit a proposal that provides
6 information relating to the entity's management and leadership team
7 that will participate in management of the campus under
8 consideration, including information relating to individuals who
9 have:

10 (1) documented success in whole school interventions
11 that increased the educational and performance levels of students
12 in campuses considered to have an unacceptable performance rating;

13 (2) a proven record of effectiveness with programs
14 assisting low-performing students;

15 (3) a proven ability to apply research-based school
16 intervention strategies;

17 (4) a proven record of financial ability to perform
18 under the management contract; and

19 (5) any other experience or qualifications the
20 commissioner determines necessary.

21 (b) In selecting a managing entity under this subchapter,
22 the commissioner shall give preference to a qualified entity that:

23 (1) meets any qualifications under this section; and

24 (2) has documented success in educating students from
25 similar demographic groups and with similar educational needs as
26 the students who attend the campus to be operated by the managing
27 entity. (Ed. Code, Secs. 39.107(k), (l).)

1 Sec. 39A.153. CONTRACT WITH MANAGING ENTITY. (a) If the
2 commissioner has ordered alternative management of a campus, the
3 school district shall execute a contract with an approved provider
4 to serve as a managing entity for the campus. The term of the
5 contract may not exceed five years with an option to renew the
6 contract. The district must execute the contract and relinquish
7 control of the campus before January 1 of the school year.

8 (b) The management contract must include:

9 (1) a provision describing the school district's
10 responsibilities in supporting the operation of the campus; and

11 (2) provisions approved by the commissioner requiring
12 the managing entity to demonstrate improvement in campus
13 performance, including negotiated performance measures.

14 (c) Performance measures included in a management contract
15 as required by Subsection (b) must be consistent with the
16 priorities of Chapter 39 and this chapter.

17 (d) The management contract must be approved by the
18 commissioner before the contract is executed. As appropriate, the
19 commissioner may require the school district, as a term of the
20 contract, to support the campus in the same manner as the district
21 was required to support the campus before the execution of the
22 contract. (Ed. Code, Secs. 39.107(g-1) (part), (j) (part), (m),
23 (n) (part).)

24 Sec. 39A.154. EXTENSION OF MANAGEMENT CONTRACT. The
25 commissioner may require a school district to extend the term of a
26 management contract with a managing entity if the commissioner
27 determines that extending the contract on expiration of the initial

1 term is in the best interest of the students attending the campus.
2 The terms of the contract must be approved by the commissioner.
3 (Ed. Code, Sec. 39.107(g-1) (part).)

4 Sec. 39A.155. EVALUATION OF MANAGING ENTITY. (a) The
5 commissioner shall evaluate a managing entity's performance on the
6 first and second anniversaries of the date of the management
7 contract.

8 (b) If the evaluation fails to demonstrate improvement as
9 negotiated under the management contract by the first anniversary
10 of the date of the contract, the school district may:

11 (1) terminate the contract, with the commissioner's
12 consent, for nonperformance or breach of contract; and

13 (2) select another provider from an approved list
14 provided by the commissioner.

15 (c) If the evaluation fails to demonstrate significant
16 improvement, as determined by the commissioner, by the second
17 anniversary of the date of the management contract, the school
18 district shall:

19 (1) terminate the contract; and

20 (2) select another provider from an approved list
21 provided by the commissioner or resume operation of the campus if
22 approved by the commissioner.

23 (d) If the commissioner approves the school district's
24 resumed operation of the campus as provided by Subsection (c), the
25 commissioner shall assign a technical assistance team to assist the
26 campus. (Ed. Code, Sec. 39.107(n) (part).)

27 Sec. 39A.156. CANCELLATION OF MANAGEMENT CONTRACT. If a

1 campus receives an unacceptable performance rating for two
2 consecutive school years after a managing entity assumes management
3 of the campus, the commissioner shall cancel the contract with the
4 managing entity. (Ed. Code, Sec. 39.107(g-1) (part).)

5 Sec. 39A.157. RETURN OF MANAGEMENT TO SCHOOL DISTRICT.
6 Subject to Section 39A.111, at the end of a management contract term
7 or on the cancellation of a management contract under Section
8 39A.156, the board of trustees of the school district shall resume
9 management of the campus. (Ed. Code, Sec. 39.107(g-2).)

10 Sec. 39A.158. CONTINUED APPLICABILITY OF ACCOUNTABILITY
11 PROVISIONS. Each campus operated by a managing entity under this
12 subchapter is subject to this chapter and Chapter 39 in the same
13 manner as any other campus in the school district. (Ed. Code, Sec.
14 39.107(p).)

15 Sec. 39A.159. FUNDING OF CAMPUS OPERATED BY MANAGING
16 ENTITY. Notwithstanding any other provision of this code, the
17 funding for a campus operated by a managing entity may not be less
18 than the funding of the other campuses in the school district on a
19 per student basis so that the managing entity receives at least the
20 same funding the campus would otherwise have received. (Ed. Code,
21 Sec. 39.107(o).)

22 Sec. 39A.160. OPEN MEETINGS AND PUBLIC INFORMATION. With
23 respect to the management of a campus by a managing entity:

24 (1) a managing entity is considered to be a
25 governmental body for purposes of Chapters 551 and 552, Government
26 Code; and

27 (2) any requirement in Chapter 551 or 552, Government

1 Code, that applies to a school district or the board of trustees of
2 a district applies to a managing entity. (Ed. Code, Sec.
3 39.107(r).)

4 Sec. 39A.161. RULES. The commissioner may adopt rules
5 necessary to implement this subchapter. (Ed. Code, Sec.
6 39.107(q).)

7 SUBCHAPTER E. BOARD OF MANAGERS

8 Sec. 39A.201. GENERAL POWERS AND DUTIES OF BOARD OF
9 MANAGERS. (a) A board of managers may exercise all of the powers
10 and duties assigned to a board of trustees of a school district by
11 law, rule, or regulation.

12 (b) A board of managers appointed by the commissioner under
13 Subchapter C is required to take appropriate actions to resolve the
14 conditions that caused a campus to be subject to an order under
15 Section 39A.101, including amending the school district's budget,
16 reassigning staff, or relocating academic programs. The
17 commissioner may adopt rules necessary to implement this
18 subsection. (Ed. Code, Secs. 39.107(e-4), (q), 39.112(a) (part).)

19 Sec. 39A.202. BOARD OF MANAGERS OF SCHOOL DISTRICT. (a) If
20 the commissioner appoints a board of managers to govern a school
21 district:

22 (1) the powers of the board of trustees of the district
23 are suspended for the period of the appointment; and

24 (2) the commissioner shall appoint a district
25 superintendent.

26 (b) Notwithstanding any other provision of this code, a
27 board of managers appointed to govern a school district may amend

1 the budget of the district.

2 (c) This chapter applies to a school district governed by a
3 board of managers in the same manner that this chapter applies to
4 any other district. (Ed. Code, Secs. 39.112(a) (part), (b).)

5 Sec. 39A.203. BOARD OF MANAGERS OF CAMPUS. (a) If the
6 commissioner appoints a board of managers to govern a campus:

7 (1) the powers of the board of trustees of the school
8 district in relation to the campus are suspended for the period of
9 the appointment; and

10 (2) the commissioner shall appoint a campus principal.

11 (b) Notwithstanding any other provision of this code, a
12 board of managers appointed to govern a campus may submit to the
13 commissioner for approval amendments to the budget of the school
14 district for the benefit of the campus. If the commissioner
15 approves the amendments, the board of trustees of the district
16 shall adopt the amendments. (Ed. Code, Sec. 39.112(c).)

17 Sec. 39A.204. COMPOSITION OF BOARD OF MANAGERS. A board of
18 managers appointed by the commissioner must, if possible, include
19 community leaders, business representatives who have expertise in
20 leadership, and individuals who have knowledge or expertise in the
21 field of education. (Ed. Code, Sec. 39.112(d-1).)

22 Sec. 39A.205. TRAINING OF BOARD OF MANAGERS. The
23 commissioner must provide each individual appointed to a board of
24 managers with training in effective leadership strategies. (Ed.
25 Code, Sec. 39.112(d-2).)

26 Sec. 39A.206. COMPENSATION. (a) The commissioner may
27 authorize payment of a board of managers appointed under Subchapter

1 C from agency funds. The commissioner may adopt rules necessary to
2 implement this subsection.

3 (b) A conservator or a member of a management team appointed
4 to serve on a board of managers may continue to be compensated as
5 determined by the commissioner. (Ed. Code, Secs. 39.107(e-5), (q),
6 39.112(d).)

7 Sec. 39A.207. REPLACEMENT OF MEMBER OF BOARD OF MANAGERS.
8 The commissioner may at any time replace a member of a board of
9 managers appointed under Subchapter C. The commissioner may adopt
10 rules necessary to implement this section. (Ed. Code, Secs.
11 39.107(e-6), (q).)

12 Sec. 39A.208. EXPIRATION OF APPOINTMENT. (a) A board of
13 managers shall, during the period of the appointment, order the
14 election of members of the board of trustees of the school district
15 in accordance with applicable provisions of law. Except as
16 provided by Subsection (b), the members of the board of trustees do
17 not assume any powers or duties after the election until the
18 appointment of the board of managers expires.

19 (b) Except as otherwise provided by Subsection (c), not
20 later than the second anniversary of the date the board of managers
21 of a school district was appointed, the commissioner shall notify
22 the board of managers and the board of trustees of the date on which
23 the appointment of the board of managers will expire. Following
24 each of the last three years of the period of the appointment,
25 one-third of the members of the board of managers shall be replaced
26 by the number of members of the board of trustees of the district
27 who were elected at an election ordered under Subsection (a) that

1 constitutes, as closely as possible, one-third of the membership of
2 the board of trustees.

3 (c) If, before the second anniversary of the date the board
4 of managers of a school district was appointed, the commissioner
5 determines, after receiving local feedback, that insufficient
6 progress has been made toward improving the academic or financial
7 performance of the district, the commissioner may extend the
8 authority of the board of managers for a period of up to two
9 additional years.

10 (d) On the expiration of the appointment of the board of
11 managers, the board of trustees assumes all of the powers and duties
12 assigned to a board of trustees by law, rule, or regulation.

13 (e) Following the expiration of the period of appointment of
14 a board of managers for a school district, the commissioner shall
15 provide training in effective leadership strategies to the board of
16 trustees of the district. (Ed. Code, Secs. [39.112\(e\)](#), as amended
17 Acts 84th Leg., R.S., Chs. 1046, 1104, (f), (g).)

18 Sec. 39A.209. REMOVAL OF BOARD OF MANAGERS. (a)
19 Notwithstanding Section 39A.208, the commissioner may remove a
20 board of managers appointed to govern a school district under
21 Subchapter C only if the campus that was the basis for the
22 appointment of the board of managers receives an acceptable
23 performance rating for two consecutive school years.

24 (b) If a campus that was the basis for the appointment of a
25 board of managers receives an unacceptable performance rating for
26 two additional consecutive years following the appointment of the
27 board of managers, the commissioner may remove the board of

1 managers and, in consultation with the local community, may appoint
2 a new board of managers to govern the school district.

3 (c) Following the removal of a board of managers under
4 Subsection (a) or (b), or at the request of a managing entity
5 appointed under Section 39A.107 to oversee the implementation of
6 alternative management, the commissioner may appoint a conservator
7 or monitor for the school district to ensure district-level support
8 for low-performing campuses and to oversee the implementation of
9 the updated targeted improvement plan.

10 (d) The commissioner may adopt rules necessary to implement
11 this section. (Ed. Code, Secs. 39.107(f), (g), (q).)

12 SUBCHAPTER F. INTERVENTIONS AND SANCTIONS FOR OPEN-ENROLLMENT

13 CHARTER SCHOOLS

14 Sec. 39A.251. APPLICABILITY OF INTERVENTIONS AND SANCTIONS
15 TO OPEN-ENROLLMENT CHARTER SCHOOL. Interventions and sanctions
16 authorized under this chapter for a school district or campus apply
17 in the same manner to an open-enrollment charter school. (Ed. Code,
18 Sec. 39.104(a).)

19 Sec. 39A.252. RULES. (a) The commissioner shall adopt
20 rules to implement procedures to impose intervention or sanction
21 provisions under this chapter as those provisions relate to an
22 open-enrollment charter school.

23 (b) In adopting rules under this section, the commissioner
24 shall require that the charter of an open-enrollment charter school
25 be automatically:

26 (1) revoked if the charter school is ordered closed
27 under this chapter; or

1 (2) modified to remove authorization for an individual
2 campus if the campus is ordered closed under this chapter. (Ed.
3 Code, Secs. 39.104(b), (c).)

4 Sec. 39A.253. HEARING NOT REQUIRED. If interventions or
5 sanctions are imposed on an open-enrollment charter school under
6 the procedures provided by this chapter, the school is not entitled
7 to an additional hearing relating to the modification, placement on
8 probation, revocation, or denial of renewal of a charter as
9 provided by Subchapter D, Chapter 12. (Ed. Code, Sec. 39.104(d).)

10 Sec. 39A.254. CAMPUS IMPROVEMENT PLAN FOR OPEN-ENROLLMENT
11 CHARTER SCHOOL. (a) This section applies to an open-enrollment
12 charter school campus that satisfies performance standards under
13 Section 39.054(e) for the current school year but would not satisfy
14 performance standards under Section 39.054(e) if the standards to
15 be used for the following school year were applied to the current
16 school year.

17 (b) If this section applies to a campus, the campus shall:

18 (1) establish a campus-level planning and
19 decision-making committee as provided by Sections 11.251(b)-(e),
20 to the extent practicable; and

21 (2) develop a campus improvement plan as provided by
22 Section 11.253.

23 (c) On the request of the commissioner, the campus shall
24 submit to the commissioner the portions of the campus improvement
25 plan that are relevant to those areas for which the campus would not
26 satisfy performance standards. The portions of the improvement
27 plan must be submitted in an electronic format. (Ed. Code, Secs.

1 39.105(a) (part), (b).)

2 Sec. 39A.255. CAMPUS TURNAROUND PLAN FOR OPEN-ENROLLMENT
3 CHARTER SCHOOL. (a) The commissioner shall adopt rules governing
4 the procedures for an open-enrollment charter school campus that is
5 subject to an order issued under Section 39A.101. The commissioner
6 may adopt other rules necessary to implement this section.

7 (b) The campus turnaround plan of an open-enrollment
8 charter school must include a revision of the school's charter in
9 accordance with Section 12.114.

10 (c) Nothing in this section or the following provisions of
11 this chapter may be construed to modify any provision of Subchapter
12 D, Chapter 12, relating to the expiration, nonrenewal, revocation,
13 or modification of the governance of an open-enrollment charter
14 school:

- 15 (1) Subchapter C;
- 16 (2) Subchapter D;
- 17 (3) Section 39A.201(b);
- 18 (4) Section 39A.206(a);
- 19 (5) Section 39A.207; and
- 20 (6) Section 39A.209.

21 (d) The governing board of the open-enrollment charter
22 school shall perform the duties of a board of trustees of a school
23 district under this chapter. (Ed. Code, Secs. 39.107(b-9), (q).)

24 Sec. 39A.256. APPOINTMENT OF BOARD OF MANAGERS FOR
25 OPEN-ENROLLMENT CHARTER SCHOOL. (a) A board of managers appointed
26 for an open-enrollment charter school or a campus of an
27 open-enrollment charter school under this chapter or Chapter 12 has

1 the powers and duties prescribed by Section 39A.201(b), if
2 applicable, and Sections 39A.201(a), 39A.202, 39A.203, and
3 39A.206(b).

4 (b) Except as otherwise provided by this subsection, the
5 board of managers for an open-enrollment charter school or a campus
6 of an open-enrollment charter school may not serve for a period that
7 exceeds the period authorized by law for a board of managers
8 appointed for a school district. A board of managers appointed to
9 wind up the affairs of a former open-enrollment charter school or
10 campus serves until dissolved by the commissioner. (Ed. Code,
11 Secs. [39.1121\(a\)](#), (c).)

12 Sec. 39A.257. SUPERINTENDENT FOR OPEN-ENROLLMENT CHARTER
13 SCHOOL. If the commissioner appoints a board of managers for an
14 open-enrollment charter school or a campus of an open-enrollment
15 charter school, the commissioner may also appoint a superintendent.
16 (Ed. Code, Sec. [39.1121\(b\)](#).)

17 Sec. 39A.258. REMOVAL BY COMMISSIONER. Any person
18 appointed to serve on the board of managers for an open-enrollment
19 charter school or a campus of an open-enrollment charter school or
20 as superintendent serves at the discretion of the commissioner and
21 may be replaced by the commissioner at any time. (Ed. Code, Sec.
22 [39.1121\(e\)](#).)

23 Sec. 39A.259. COMPENSATION OF BOARD OF MANAGERS AND
24 SUPERINTENDENT. (a) The commissioner may authorize compensation
25 for a member of a board of managers for an open-enrollment charter
26 school or a campus of an open-enrollment charter school or a
27 superintendent appointed by the commissioner.

1 (b) The commissioner shall establish the terms of
2 compensation provided under Subsection (a).

3 (c) The commissioner shall use funds received by or due to
4 the former charter holder under Section 12.106 or funds returned to
5 the state from liquidation of state property held by a former
6 charter holder for compensation of a member of a board of managers
7 for an open-enrollment charter school or a campus of an
8 open-enrollment charter school or a superintendent.

9 (d) If funds described by Subsection (c) are not available
10 or the commissioner determines that the circumstances require, the
11 commissioner may use available agency funds, provided that the use
12 of the available funds for that purpose is not prohibited by other
13 law.

14 (e) To the extent this section conflicts with Section
15 39A.206(a), this section prevails. (Ed. Code, Sec. 39.1122.)

16 Sec. 39A.260. IMMUNITY; REPRESENTATION BY ATTORNEY
17 GENERAL. Any person appointed by the commissioner to serve on the
18 board of managers for an open-enrollment charter school or a campus
19 of an open-enrollment charter school or as superintendent acts on
20 behalf of the commissioner and is entitled to:

- 21 (1) sovereign immunity; and
22 (2) representation by the attorney general for any act
23 or omission taken while acting in the person's official capacity.
24 (Ed. Code, Sec. 39.1121(d).)

25 SUBCHAPTER G. CHALLENGE OF INTERVENTION OR SANCTION

26 Sec. 39A.301. REVIEW OF SANCTIONS BY STATE OFFICE OF
27 ADMINISTRATIVE HEARINGS. (a) A school district or open-enrollment

1 charter school that intends to challenge a decision by the
2 commissioner under this chapter to close the district or a district
3 campus or the charter school or to pursue alternative management of
4 a district campus or the charter school must appeal the decision
5 under this section.

6 (b) A challenge to a decision under this section is under
7 the substantial evidence rule as provided by Subchapter G, Chapter
8 2001, Government Code. The commissioner shall adopt procedural
9 rules for a challenge under this section.

10 (c) Notwithstanding other law:

11 (1) the State Office of Administrative Hearings shall
12 conduct an expedited review of a challenge under this section;

13 (2) the administrative law judge shall issue a final
14 order not later than the 30th day after the date on which the
15 hearing is finally closed;

16 (3) the decision of the administrative law judge is
17 final and may not be appealed; and

18 (4) the decision of the administrative law judge may
19 set an effective date for an action under this section. (Ed. Code,
20 Sec. 39.152.)

21 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

22 Sec. 39A.901. ANNUAL REVIEW. (a) The commissioner shall
23 annually review the performance of a school district or campus
24 subject to this chapter to determine the appropriate actions to be
25 implemented under this chapter.

26 (b) The commissioner must review at least annually the
27 performance of a school district for which the accreditation status

1 or performance rating has been lowered due to insufficient student
2 performance and may not raise the accreditation status or
3 performance rating until the district has demonstrated improved
4 student performance.

5 (c) If the review conducted under this section reveals a
6 lack of improvement, the commissioner shall increase the level of
7 state intervention and sanction unless the commissioner finds good
8 cause for maintaining the current status. (Ed. Code, Sec. [39.108.](#))

9 Sec. 39A.902. ACQUISITION OF PROFESSIONAL SERVICES. In
10 addition to other interventions and sanctions authorized under this
11 chapter, the commissioner may order a school district or campus to
12 acquire professional services at the expense of the district or
13 campus to address the applicable financial, assessment, data
14 quality, program, performance, or governance deficiency. The
15 commissioner's order may require the district or campus to:

16 (1) select or be assigned an external auditor, data
17 quality expert, professional authorized to monitor district
18 assessment instrument administration, or curriculum or program
19 expert; or

20 (2) provide for or participate in the appropriate
21 training of district staff or board of trustees members in the case
22 of a district, or campus staff, in the case of a campus. (Ed. Code,
23 Sec. [39.109.](#))

24 Sec. 39A.903. COSTS PAID BY SCHOOL DISTRICT. The costs of
25 providing a monitor, conservator, management team, campus
26 intervention team, technical assistance team, managing entity, or
27 service provider under this chapter shall be paid by the school

1 district. If the district fails or refuses to pay the costs in a
2 timely manner, the commissioner may:

3 (1) pay the costs using amounts withheld from any
4 funds to which the district is otherwise entitled; or

5 (2) recover the amount of the costs in the manner
6 provided for recovery of an overallocation of state funds under
7 Section 42.258. (Ed. Code, Sec. 39.110.)

8 Sec. 39A.904. IMMUNITY FROM CIVIL LIABILITY. An employee,
9 volunteer, or contractor acting on behalf of the commissioner under
10 this chapter, or a member of a board of managers appointed by the
11 commissioner under this chapter, is immune from civil liability to
12 the same extent as a professional employee of a school district
13 under Section 22.051. (Ed. Code, Sec. 39.114.)

14 Sec. 39A.905. CAMPUS NAME CHANGE PROHIBITED. In
15 reconstituting, repurposing, or imposing any other intervention or
16 sanction on a campus under this chapter, the commissioner may not
17 require that the name of the campus be changed. (Ed. Code, Sec.
18 39.115.)

19 Sec. 39A.906. TRANSITIONAL INTERVENTIONS AND SANCTIONS.
20 (a) For a campus that received an unacceptable performance rating
21 for the 2013-2014, 2014-2015, and 2015-2016 school years, the
22 commissioner may apply the interventions and sanctions authorized
23 by Chapter 39 as that chapter existed on January 1, 2015, to the
24 campus.

25 (b) If a campus described by Subsection (a) receives an
26 unacceptable performance rating for the 2016-2017 and 2017-2018
27 school years, the commissioner shall apply the interventions and

1 sanctions authorized by Section 39A.111 to the campus.

2 (c) For a campus that received an acceptable performance
3 rating for the 2013-2014 school year and an unacceptable
4 performance rating for the 2014-2015 and 2015-2016 school years,
5 the commissioner shall apply the interventions and sanctions
6 authorized by Section 39A.101(a) to the campus.

7 (d) If a campus described by Subsection (c) receives an
8 unacceptable performance rating for the 2016-2017, 2017-2018, and
9 2018-2019 school years, the commissioner shall apply the
10 interventions and sanctions authorized by Section 39A.111 to the
11 campus.

12 (e) The commissioner may adopt rules as necessary to
13 implement this section.

14 (f) This section expires September 1, 2020. (Ed. Code, Sec.
15 [39.1071.](#))

16 Sec. 39A.907. SPECIAL STUDENT RECOVERY PROGRAM. (a) This
17 section applies only to a school district with a student enrollment
18 of at least 60,000 that is located in a county on the international
19 border with a population of 800,000 or more.

20 (b) The commissioner may require a school district to which
21 this section applies to operate a special student recovery program
22 if the commissioner has imposed a sanction under Subchapter A based
23 on a determination that the district has, for the purpose of
24 affecting the performance rating under Section [39.054](#) or former
25 Section 39.072 or a distinction designation under Section [39.202](#) or
26 [39.203](#) of the district or a campus in the district:

27 (1) assigned a student to a grade level to which the

1 student would not otherwise be assigned, in violation of local
2 policy;

3 (2) retained a student at a grade level at which the
4 student would not otherwise be retained, in violation of local
5 policy;

6 (3) declined to admit to the schools of the district a
7 student with limited English proficiency who was eligible for
8 admission; or

9 (4) encouraged a student who was eligible for
10 admission to the district to enroll in another district or drop out
11 of school.

12 (c) The commissioner shall require a school district to
13 which this section applies to operate a special student recovery
14 program if the superintendent or assistant superintendent of the
15 district or a principal or assistant principal of a campus in the
16 district is convicted of or receives a grant of deferred
17 adjudication community supervision for an offense associated with
18 conduct described by Subsection (b).

19 (d) A special student recovery program must include:

20 (1) identification of students affected by conduct
21 described by Subsection (b), with an emphasis on identifying and
22 obtaining current addresses for students who dropped out of school
23 after the conduct;

24 (2) notification of students identified under
25 Subdivision (1) of the availability of educational services
26 provided through the program;

27 (3) provision of appropriate compensatory, intensive,

1 and accelerated instructional services for students identified
2 under Subdivision (1), including services designed to enable
3 students to obtain high school equivalency certificates under
4 Section 7.111; and

5 (4) for students identified under Subdivision (1) who
6 are at least 21 years of age and under 26 years of age, the offer of
7 admission to the schools of the school district for the purpose of
8 completing the requirements for a high school diploma, as
9 authorized by Section 25.001.

10 (e) A student who is at least 21 years of age and is admitted
11 to the schools of the school district under Subsection (d)(4) is
12 subject to the placement restrictions described by Section
13 25.001(b-2) if the student has not attended school in the three
14 preceding school years.

15 (f) In addition to any other available funds, a school
16 district may use funds provided to the district under Section
17 42.152 to pay the costs of the program. Instructional services may
18 be provided to students identified under Subsection (d)(1) who are
19 under 26 years of age using funds provided under Section 42.152 or
20 other Foundation School Program funds, notwithstanding Section
21 42.003.

22 (g) This section requires a school district to provide
23 instructional services only to a student who is a resident of this
24 state and is eligible for admission to the schools of the district
25 under Section 25.001, including eligibility described by that
26 section for students who are under 26 years of age.

27 (h) The commissioner shall determine the duration of a

1 special student recovery program, provided that the program must
2 have a duration of at least two years. Before a program may be
3 concluded, the school district must conduct a public hearing in the
4 community served by the district to solicit comments from students,
5 parents, and other members of the community regarding whether there
6 is a continuing need for the program.

7 (i) The commissioner shall adopt rules necessary to
8 implement this section.

9 (j) This section expires September 1, 2018. (Ed. Code, Sec.
10 39.117.)

11 SECTION 21.002. The following provisions are repealed:

12 (1) Subchapter E, Chapter 39, Education Code; and

13 (2) Section 39.152, Education Code.

14 SECTION 21.003. The following changes are made to conform
15 the provisions amended to the nonsubstantive revision set out in
16 Section 21.001 of this Act:

17 (1) Section 7.028(a), Education Code, is amended to
18 read as follows:

19 (a) Except as provided by Section 29.001(5), 29.010(a), or
20 39.057, the agency may monitor compliance with requirements
21 applicable to a process or program provided by a school district,
22 campus, program, or school granted charters under Chapter 12,
23 including the process described by Subchapter F, Chapter 11, or a
24 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
25 Subchapter A, Chapter 37, or Section 38.003, and the use of funds
26 provided for such a program under Subchapter C, Chapter 42, only as
27 necessary to ensure:

- 1 (1) compliance with federal law and regulations;
- 2 (2) financial accountability, including compliance
- 3 with grant requirements; and
- 4 (3) data integrity for purposes of:
- 5 (A) the Public Education Information Management
- 6 System (PEIMS); and
- 7 (B) accountability under Chapters [~~Chapter~~] 39
- 8 and 39A.

9 (2) Section 7.055(b)(32), Education Code, is amended

10 to read as follows:

11 (32) The commissioner shall perform duties in

12 connection with the public school accountability system as

13 prescribed by Chapters [~~Chapter~~] 39 and 39A.

14 (3) Sections 7.056(e) and (f), Education Code, are

15 amended to read as follows:

16 (e) Except as provided by Subsection (f), a school campus or

17 district may not receive an exemption or waiver under this section

18 from:

19 (1) a prohibition on conduct that constitutes a

20 criminal offense;

21 (2) a requirement imposed by federal law or rule,

22 including a requirement for special education or bilingual

23 education programs; or

24 (3) a requirement, restriction, or prohibition

25 relating to:

26 (A) essential knowledge or skills under Section

27 28.002 or high school graduation requirements under Section 28.025;

1 (B) public school accountability as provided by
2 Subchapters B, C, D, ~~[E,]~~ and J, Chapter 39, and Chapter 39A;

3 (C) extracurricular activities under Section
4 33.081 or participation in a University Interscholastic League
5 area, regional, or state competition under Section 33.0812;

6 (D) health and safety under Chapter 38;

7 (E) purchasing under Subchapter B, Chapter 44;

8 (F) elementary school class size limits, except
9 as provided by Section 25.112;

10 (G) removal of a disruptive student from the
11 classroom under Subchapter A, Chapter 37;

12 (H) at-risk programs under Subchapter C, Chapter
13 29;

14 (I) prekindergarten programs under Subchapter E,
15 Chapter 29;

16 (J) educator rights and benefits under
17 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
18 A, Chapter 22;

19 (K) special education programs under Subchapter
20 A, Chapter 29;

21 (L) bilingual education programs under
22 Subchapter B, Chapter 29; or

23 (M) the requirements for the first day of
24 instruction under Section 25.0811.

25 (f) A school district or campus that is required to develop
26 and implement a student achievement improvement plan under
27 Subchapter A, Chapter 39A, or Section 39A.051 [~~Section 39.102 or~~

1 ~~39.103~~] may receive an exemption or waiver under this section from
2 any law or rule other than:

3 (1) a prohibition on conduct that constitutes a
4 criminal offense;

5 (2) a requirement imposed by federal law or rule;

6 (3) a requirement, restriction, or prohibition
7 imposed by state law or rule relating to:

8 (A) public school accountability as provided by
9 Subchapters B, C, D, ~~E,~~ and J, Chapter 39, and Chapter 39A; or

10 (B) educator rights and benefits under
11 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
12 A, Chapter 22; or

13 (4) selection of instructional materials under
14 Chapter 31.

15 (4) Section 7.102(c)(29), Education Code, is amended
16 to read as follows:

17 (29) The board shall perform duties in connection with
18 the public school accountability system as prescribed by Chapters
19 ~~[Chapter]~~ 39 and 39A.

20 (5) Section 12.013(b), Education Code, is amended to
21 read as follows:

22 (b) A home-rule school district is subject to:

23 (1) a provision of this title establishing a criminal
24 offense;

25 (2) a provision of this title relating to limitations
26 on liability; and

27 (3) a prohibition, restriction, or requirement, as

1 applicable, imposed by this title or a rule adopted under this
2 title, relating to:

3 (A) the Public Education Information Management
4 System (PEIMS) to the extent necessary to monitor compliance with
5 this subchapter as determined by the commissioner;

6 (B) educator certification under Chapter 21 and
7 educator rights under Sections 21.407, 21.408, and 22.001;

8 (C) criminal history records under Subchapter C,
9 Chapter 22;

10 (D) student admissions under Section 25.001;

11 (E) school attendance under Sections 25.085,
12 25.086, and 25.087;

13 (F) inter-district or inter-county transfers of
14 students under Subchapter B, Chapter 25;

15 (G) elementary class size limits under Section
16 25.112, in the case of any campus in the district that fails to
17 satisfy any standard under Section 39.054(e);

18 (H) high school graduation under Section 28.025;

19 (I) special education programs under Subchapter
20 A, Chapter 29;

21 (J) bilingual education under Subchapter B,
22 Chapter 29;

23 (K) prekindergarten programs under Subchapter E,
24 Chapter 29;

25 (L) safety provisions relating to the
26 transportation of students under Sections 34.002, 34.003, 34.004,
27 and 34.008;

1 (M) computation and distribution of state aid
2 under Chapters 31, 42, and 43;

3 (N) extracurricular activities under Section
4 33.081;

5 (O) health and safety under Chapter 38;

6 (P) public school accountability under
7 Subchapters B, C, D, ~~E~~ and J, Chapter 39, and Chapter 39A;

8 (Q) equalized wealth under Chapter 41;

9 (R) a bond or other obligation or tax rate under
10 Chapters 42, 43, and 45; and

11 (S) purchasing under Chapter 44.

12 (6) Section 12.016, Education Code, is amended to read
13 as follows:

14 Sec. 12.016. CONTENT. Each home-rule school district
15 charter must:

16 (1) describe the educational program to be offered;

17 (2) provide that continuation of the home-rule school
18 district charter is contingent on:

19 (A) acceptable student performance on assessment
20 instruments adopted under Subchapter B, Chapter 39; and

21 (B) compliance with other applicable
22 accountability provisions under Chapters ~~[Chapter]~~ 39 and 39A;

23 (3) specify any basis, in addition to a basis
24 specified by this subchapter, on which the charter may be placed on
25 probation or revoked;

26 (4) describe the governing structure of the district
27 and campuses;

1 (5) specify any procedure or requirement, in addition
2 to those under Chapter 38, that the district will follow to ensure
3 the health and safety of students and employees;

4 (6) describe the process by which the district will
5 adopt an annual budget, including a description of the use of
6 program-weight funds;

7 (7) describe the manner in which an annual audit of
8 financial and programmatic operations of the district is to be
9 conducted, including the manner in which the district will provide
10 information necessary for the district to participate in the Public
11 Education Information Management System (PEIMS) to the extent
12 required by this subchapter; and

13 (8) include any other provision the charter commission
14 considers necessary.

15 (7) Section 12.056(b), Education Code, is amended to
16 read as follows:

17 (b) A campus or program for which a charter is granted under
18 this subchapter is subject to:

19 (1) a provision of this title establishing a criminal
20 offense; and

21 (2) a prohibition, restriction, or requirement, as
22 applicable, imposed by this title or a rule adopted under this
23 title, relating to:

24 (A) the Public Education Information Management
25 System (PEIMS) to the extent necessary to monitor compliance with
26 this subchapter as determined by the commissioner;

27 (B) criminal history records under Subchapter C,

1 Chapter 22;

2 (C) high school graduation under Section 28.025;

3 (D) special education programs under Subchapter

4 A, Chapter 29;

5 (E) bilingual education under Subchapter B,

6 Chapter 29;

7 (F) prekindergarten programs under Subchapter E,

8 Chapter 29;

9 (G) extracurricular activities under Section
10 33.081;

11 (H) health and safety under Chapter 38; and

12 (I) public school accountability under
13 Subchapters B, C, D, ~~E~~ F, and J, Chapter 39, and Chapter 39A.

14 (8) Section 12.059, Education Code, is amended to read
15 as follows:

16 Sec. 12.059. CONTENT. Each charter granted under this
17 subchapter must:

18 (1) describe the educational program to be offered,
19 which may be a general or specialized program;

20 (2) provide that continuation of the charter is
21 contingent on satisfactory student performance under Subchapter B,
22 Chapter 39, satisfactory financial performance under Subchapter D,
23 Chapter 39, and compliance with other applicable accountability
24 provisions under Chapters ~~Chapter~~ 39 and 39A;

25 (3) specify any basis, in addition to a basis
26 specified by this subchapter, on which the charter may be revoked;

27 (4) prohibit discrimination in admission on the basis

1 of national origin, ethnicity, race, religion, or disability;

2 (5) describe the governing structure of the campus or
3 program;

4 (6) specify any procedure or requirement, in addition
5 to those under Chapter 38, that the campus or program will follow to
6 ensure the health and safety of students and employees; and

7 (7) describe the manner in which an annual audit of
8 financial and programmatic operations of the campus or program is
9 to be conducted, including the manner in which the campus or program
10 will provide information necessary for the school district in which
11 it is located to participate, as required by this code or by
12 commissioner rule, in the Public Education Information Management
13 System (PEIMS).

14 (9) Section 12.102, Education Code, is amended to read
15 as follows:

16 Sec. 12.102. AUTHORITY UNDER CHARTER. An open-enrollment
17 charter school:

18 (1) shall provide instruction to students at one or
19 more elementary or secondary grade levels as provided by the
20 charter;

21 (2) is governed under the governing structure
22 described by the charter;

23 (3) retains authority to operate under the charter to
24 the extent authorized under Sections 12.1141 and 12.115 and Chapter
25 39A [~~Subchapter E, Chapter 39~~]; and

26 (4) does not have authority to impose taxes.

27 (10) Section 12.104(b), Education Code, is amended to

1 read as follows:

2 (b) An open-enrollment charter school is subject to:

3 (1) a provision of this title establishing a criminal
4 offense; and

5 (2) a prohibition, restriction, or requirement, as
6 applicable, imposed by this title or a rule adopted under this
7 title, relating to:

8 (A) the Public Education Information Management
9 System (PEIMS) to the extent necessary to monitor compliance with
10 this subchapter as determined by the commissioner;

11 (B) criminal history records under Subchapter C,
12 Chapter 22;

13 (C) reading instruments and accelerated reading
14 instruction programs under Section 28.006;

15 (D) accelerated instruction under Section
16 28.0211;

17 (E) high school graduation requirements under
18 Section 28.025;

19 (F) special education programs under Subchapter
20 A, Chapter 29;

21 (G) bilingual education under Subchapter B,
22 Chapter 29;

23 (H) prekindergarten programs under Subchapter E
24 or E-1, Chapter 29;

25 (I) extracurricular activities under Section
26 33.081;

27 (J) discipline management practices or behavior

1 management techniques under Section 37.0021;

2 (K) health and safety under Chapter 38;

3 (L) public school accountability under
4 Subchapters B, C, D, ~~E,~~ F, G, and J, Chapter 39, and Chapter 39A;

5 (M) the requirement under Section 21.006 to
6 report an educator's misconduct;

7 (N) intensive programs of instruction under
8 Section 28.0213; and

9 (O) the right of a school employee to report a
10 crime, as provided by Section 37.148.

11 (11) Section 12.111(a), Education Code, is amended to
12 read as follows:

13 (a) Each charter granted under this subchapter must:

14 (1) describe the educational program to be offered,
15 which must include the required curriculum as provided by Section
16 28.002;

17 (2) provide that continuation of the charter is
18 contingent on the status of the charter as determined under Section
19 12.1141 or 12.115 or under Chapter 39A [~~Subchapter E, Chapter 39~~];

20 (3) specify the academic, operational, and financial
21 performance expectations by which a school operating under the
22 charter will be evaluated, which must include applicable elements
23 of the performance frameworks adopted under Section 12.1181;

24 (4) specify:

25 (A) any basis, in addition to a basis specified
26 by this subchapter or Chapter 39A [~~Subchapter E, Chapter 39~~], on
27 which the charter may be revoked, renewal of the charter may be

1 denied, or the charter may be allowed to expire; and

2 (B) the standards for evaluation of a school
3 operating under the charter for purposes of charter renewal, denial
4 of renewal, expiration, revocation, or other intervention in
5 accordance with Section 12.1141 or 12.115 or Chapter 39A
6 [~~Subchapter E, Chapter 39~~], as applicable;

7 (5) prohibit discrimination in admission policy on the
8 basis of sex, national origin, ethnicity, religion, disability,
9 academic, artistic, or athletic ability, or the district the child
10 would otherwise attend in accordance with this code, although the
11 charter may:

12 (A) provide for the exclusion of a student who
13 has a documented history of a criminal offense, a juvenile court
14 adjudication, or discipline problems under Subchapter A, Chapter
15 37; and

16 (B) provide for an admission policy that requires
17 a student to demonstrate artistic ability if the school specializes
18 in performing arts;

19 (6) specify the grade levels to be offered;

20 (7) describe the governing structure of the program,
21 including:

22 (A) the officer positions designated;

23 (B) the manner in which officers are selected and
24 removed from office;

25 (C) the manner in which members of the governing
26 body of the school are selected and removed from office;

27 (D) the manner in which vacancies on that

1 governing body are filled;

2 (E) the term for which members of that governing
3 body serve; and

4 (F) whether the terms are to be staggered;

5 (8) specify the powers or duties of the governing body
6 of the school that the governing body may delegate to an officer;

7 (9) specify the manner in which the school will
8 distribute to parents information related to the qualifications of
9 each professional employee of the program, including any
10 professional or educational degree held by each employee, a
11 statement of any certification under Subchapter B, Chapter 21, held
12 by each employee, and any relevant experience of each employee;

13 (10) describe the process by which the person
14 providing the program will adopt an annual budget;

15 (11) describe the manner in which an annual audit of
16 the financial and programmatic operations of the program is to be
17 conducted, including the manner in which the person providing the
18 program will provide information necessary for the school district
19 in which the program is located to participate, as required by this
20 code or by commissioner rule, in the Public Education Information
21 Management System (PEIMS);

22 (12) describe the facilities to be used;

23 (13) describe the geographical area served by the
24 program;

25 (14) specify any type of enrollment criteria to be
26 used;

27 (15) provide information, as determined by the

1 commissioner, relating to any management company that will provide
2 management services to a school operating under the charter; and

3 (16) specify that the governing body of an
4 open-enrollment charter school accepts and may not delegate
5 ultimate responsibility for the school, including the school's
6 academic performance and financial and operational viability, and
7 is responsible for overseeing any management company providing
8 management services for the school and for holding the management
9 company accountable for the school's performance.

10 (12) Section [12.1141](#)(a), Education Code, is amended to
11 read as follows:

12 (a) The commissioner shall develop and by rule adopt a
13 procedure for renewal, denial of renewal, or expiration of a
14 charter for an open-enrollment charter school at the end of the term
15 of the charter. The procedure must include consideration of the
16 performance under Chapters [~~Chapter~~] 39 and 39A of the charter
17 holder and each campus operating under the charter and must include
18 three distinct processes, which must be expedited renewal,
19 discretionary consideration of renewal or denial of renewal, and
20 expiration. To renew a charter at the end of the term, the charter
21 holder must submit a petition for renewal to the commissioner in the
22 time and manner established by commissioner rule.

23 (13) Section [12.1162](#)(a), Education Code, is amended to
24 read as follows:

25 (a) The commissioner shall take any of the actions described
26 by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005,
27 or 39A.007 [~~39.102(a)~~], to the extent the commissioner determines

1 necessary, if an open-enrollment charter school, as determined by a
2 report issued under Section 39.058(b):

3 (1) commits a material violation of the school's
4 charter;

5 (2) fails to satisfy generally accepted accounting
6 standards of fiscal management; or

7 (3) fails to comply with this subchapter or another
8 applicable rule or law.

9 (14) Section 12A.004(a), Education Code, is amended to
10 read as follows:

11 (a) A local innovation plan may not provide for the
12 exemption of a district designated as a district of innovation from
13 the following provisions of this title:

14 (1) a state or federal requirement applicable to an
15 open-enrollment charter school operating under Subchapter D,
16 Chapter 12;

17 (2) Subchapters A, C, D, and E, Chapter 11, except that
18 a district may be exempt from Sections 11.1511(b)(5) and (14) and
19 Section 11.162;

20 (3) state curriculum and graduation requirements
21 adopted under Chapter 28; and

22 (4) academic and financial accountability and
23 sanctions under Chapters [~~Chapter~~] 39 and 39A.

24 (15) Section 18.006(a), Education Code, is amended to
25 read as follows:

26 (a) The commissioner shall develop and implement a system of
27 accountability consistent with Chapters [~~Chapter~~] 39 and 39A, where

1 appropriate, to be used in assigning an annual performance rating
2 to Job Corps diploma programs comparable to the ratings assigned to
3 school districts under Section 39.054. The commissioner may
4 develop and implement a system of distinction designations
5 consistent with Subchapter G, Chapter 39, where appropriate, to be
6 used in assigning distinction designations to Job Corps diploma
7 programs comparable to the distinction designations assigned to
8 campuses under Subchapter G, Chapter 39.

9 (16) Sections 28.006(e) and (j), Education Code, are
10 amended to read as follows:

11 (e) The results of reading instruments administered under
12 this section may not be used for purposes of appraisals and
13 incentives under Chapter 21 or accountability under Chapters
14 [~~Chapter~~] 39 and 39A.

15 (j) No more than 15 percent of the funds certified by the
16 commissioner under Subsection (i) may be spent on indirect costs.
17 The commissioner shall evaluate the programs that fail to meet the
18 standard of performance under Section 39.301(c)(5) and may
19 implement interventions or sanctions under Chapter 39A [~~Subchapter~~
20 ~~E, Chapter 39~~]. The commissioner may audit the expenditures of
21 funds appropriated for purposes of this section. The use of the
22 funds appropriated for purposes of this section shall be verified
23 as part of the district audit under Section 44.008.

24 (17) Section 28.007(b), Education Code, is amended to
25 read as follows:

26 (b) The results of assessment instruments developed under
27 Subsection (a) may not be used for purposes of appraisals and

1 incentives under Chapter 21 or accountability under Chapters
2 [~~Chapter~~] 39 and 39A.

3 (18) Section 29.918(c), Education Code, is amended to
4 read as follows:

5 (c) The commissioner shall adopt rules to administer this
6 section. The commissioner may impose interventions or sanctions
7 under Subchapter A, Chapter 39A, or Section 39A.251, 39A.252, or
8 39A.253 [~~39.102 or 39.104~~] if a school district or open-enrollment
9 charter school fails to timely comply with this section.

10 (19) Section 37.008(c), Education Code, is amended to
11 read as follows:

12 (c) An off-campus disciplinary alternative education
13 program is not subject to a requirement imposed by this title, other
14 than a limitation on liability, a reporting requirement, or a
15 requirement imposed by this chapter or by Chapter 39 or 39A.

16 (20) Sections 37.011(g) and (h), Education Code, are
17 amended to read as follows:

18 (g) A juvenile justice alternative education program shall
19 be subject to a written operating policy developed by the local
20 juvenile justice board and submitted to the Texas Juvenile Justice
21 Department for review and comment. A juvenile justice alternative
22 education program is not subject to a requirement imposed by this
23 title, other than a reporting requirement or a requirement imposed
24 by this chapter or by Chapter 39 or 39A.

25 (h) Academically, the mission of juvenile justice
26 alternative education programs shall be to enable students to
27 perform at grade level. For purposes of accountability under

1 Chapters [~~Chapter~~] 39 and 39A, a student enrolled in a juvenile
2 justice alternative education program is reported as if the student
3 were enrolled at the student's assigned campus in the student's
4 regularly assigned education program, including a special
5 education program. Annually the Texas Juvenile Justice Department,
6 with the agreement of the commissioner, shall develop and implement
7 a system of accountability consistent with Chapters [~~Chapter~~] 39
8 and 39A, where appropriate, to assure that students make progress
9 toward grade level while attending a juvenile justice alternative
10 education program. The department shall adopt rules for the
11 distribution of funds appropriated under this section to juvenile
12 boards in counties required to establish juvenile justice
13 alternative education programs. Except as determined by the
14 commissioner, a student served by a juvenile justice alternative
15 education program on the basis of an expulsion required under
16 Section 37.007(a), (d), or (e) is not eligible for Foundation
17 School Program funding under Chapter 42 or 31 if the juvenile
18 justice alternative education program receives funding from the
19 department under this subchapter.

20 (21) Sections 39.057(d) and (e), Education Code, are
21 amended to read as follows:

22 (d) Based on the results of a special accreditation
23 investigation, the commissioner may:

24 (1) take appropriate action under Chapter 39A
25 [~~Subchapter E~~];

26 (2) lower the school district's accreditation status
27 or a district's or campus's accountability rating; or

1 (3) take action under both Subdivisions (1) and (2).

2 (e) Regardless of whether the commissioner lowers the
3 school district's accreditation status or a district's or campus's
4 performance rating under Subsection (d), the commissioner may take
5 action under Section 39A.002 or 39A.051 [~~Sections 39.102(a)(1)~~
6 ~~through (8) or Section 39.103~~] if the commissioner determines that
7 the action is necessary to improve any area of a district's or
8 campus's performance, including the district's financial
9 accounting practices.

10 (22) Section 39.0823(d), Education Code, is amended to
11 read as follows:

12 (d) The agency may require a district or open-enrollment
13 charter school to submit additional information needed to produce a
14 financial report under Subsection (a). If a district or school
15 fails to provide information requested under this subsection or if
16 the commissioner determines that the information submitted by a
17 district or school is unreliable, the commissioner may order the
18 district or school to acquire professional services as provided by
19 Section 39A.902 [~~39.109~~].

20 (23) Section 39.0824(b), Education Code, is amended to
21 read as follows:

22 (b) The commissioner may impose appropriate sanctions under
23 Chapter 39A [~~Subchapter E~~] against a district or school failing to
24 submit or implement a corrective action plan required under
25 Subsection (a).

26 (24) The heading to Subchapter F, Chapter 39,
27 Education Code, is amended to read as follows:

1 SUBCHAPTER F. PROCEDURES FOR CHALLENGE OF ACCOUNTABILITY

2 DETERMINATION[~~, INTERVENTION, OR SANCTION~~]

3 (25) Section 39.232(b), Education Code, is amended to
4 read as follows:

5 (b) A school campus or district is not exempt under this
6 section from:

7 (1) a prohibition on conduct that constitutes a
8 criminal offense;

9 (2) requirements imposed by federal law or rule,
10 including requirements for special education or bilingual
11 education programs; or

12 (3) a requirement, restriction, or prohibition
13 relating to:

14 (A) curriculum essential knowledge and skills
15 under Section 28.002 or high school graduation requirements under
16 Section 28.025;

17 (B) public school accountability as provided by
18 Subchapters B, C, D, ~~[E]~~ and J and Chapter 39A;

19 (C) extracurricular activities under Section
20 33.081;

21 (D) health and safety under Chapter 38;

22 (E) purchasing under Subchapter B, Chapter 44;

23 (F) elementary school class size limits, except
24 as provided by Subsection (d) or Section 25.112;

25 (G) removal of a disruptive student from the
26 classroom under Subchapter A, Chapter 37;

27 (H) at risk programs under Subchapter C, Chapter

1 29;

2 (I) prekindergarten programs under Subchapter E,
3 Chapter 29;

4 (J) rights and benefits of school employees;

5 (K) special education programs under Subchapter
6 A, Chapter 29; or

7 (L) bilingual education programs under
8 Subchapter B, Chapter 29.

9 (26) Section 39.306(a), Education Code, is amended to
10 read as follows:

11 (a) Each board of trustees shall publish an annual report
12 describing the educational performance of the district and of each
13 campus in the district that includes uniform student performance
14 and descriptive information as determined under rules adopted by
15 the commissioner. The annual report must also include:

16 (1) campus performance objectives established under
17 Section 11.253 and the progress of each campus toward those
18 objectives, which shall be available to the public;

19 (2) information indicating the district's
20 accreditation status and identifying each district campus awarded a
21 distinction designation under Subchapter G or considered an
22 unacceptable campus under Chapter 39A [~~Subchapter E~~];

23 (3) the district's current special education
24 compliance status with the agency;

25 (4) a statement of the number, rate, and type of
26 violent or criminal incidents that occurred on each district
27 campus, to the extent permitted under the Family Educational Rights

1 and Privacy Act of 1974 (20 U.S.C. Section 1232g);

2 (5) information concerning school violence prevention
3 and violence intervention policies and procedures that the district
4 is using to protect students;

5 (6) the findings that result from evaluations
6 conducted under the Safe and Drug-Free Schools and Communities Act
7 of 1994 (20 U.S.C. Section 7101 et seq.); and

8 (7) information received under Section 51.403(e) for
9 each high school campus in the district, presented in a form
10 determined by the commissioner.

11 (27) Section 39.333, Education Code, is amended to
12 read as follows:

13 Sec. 39.333. REGIONAL AND DISTRICT LEVEL REPORT. As part of
14 the comprehensive biennial report under Section 39.332, the agency
15 shall submit a regional and district level report covering the
16 preceding two school years and containing:

17 (1) a summary of school district compliance with the
18 student/teacher ratios and class-size limitations prescribed by
19 Sections 25.111 and 25.112, including:

20 (A) the number of campuses and classes at each
21 campus granted an exception from Section 25.112; and

22 (B) for each campus granted an exception from
23 Section 25.112, a statement of whether the campus has been awarded a
24 distinction designation under Subchapter G or has been identified
25 as an unacceptable campus under Chapter 39A [~~Subchapter E~~];

26 (2) a summary of the exemptions and waivers granted to
27 campuses and school districts under Section 7.056 or 39.232 and a

1 review of the effectiveness of each campus or district following
2 deregulation;

3 (3) an evaluation of the performance of the system of
4 regional education service centers based on the indicators adopted
5 under Section 8.101 and client satisfaction with services provided
6 under Subchapter B, Chapter 8;

7 (4) an evaluation of accelerated instruction programs
8 offered under Section 28.006, including an assessment of the
9 quality of such programs and the performance of students enrolled
10 in such programs; and

11 (5) the number of classes at each campus that are
12 currently being taught by individuals who are not certified in the
13 content areas of their respective classes.

14 (28) Section 39.361, Education Code, is amended to
15 read as follows:

16 Sec. 39.361. NOTICE IN STUDENT GRADE REPORT. The first
17 written notice of a student's performance that a school district
18 gives during a school year as required by Section 28.022(a)(2) must
19 include:

20 (1) a statement of whether the campus at which the
21 student is enrolled has been awarded a distinction designation
22 under Subchapter G or has been identified as an unacceptable campus
23 under Chapter 39A [~~Subchapter E~~]; and

24 (2) an explanation of the significance of the
25 information provided under Subdivision (1).

26 (29) Section 44.0011, Education Code, is amended to
27 read as follows:

1 Sec. 44.0011. FISCAL YEAR. The fiscal year of a school
2 district begins on July 1 or September 1 of each year, as determined
3 by the board of trustees of the district. The commissioner may
4 adopt rules concerning the submission of information by a district
5 under Chapter 39, 39A, or 42 based on the fiscal year of the
6 district.

7 (30) Section 45.261(d), Education Code, is amended to
8 read as follows:

9 (d) If a school district fails to comply with the
10 commissioner's order under Subsection (c), the commissioner may
11 impose any sanction on the district authorized to be imposed on a
12 district under Chapter 39A [~~Subchapter E, Chapter 39~~], including
13 appointment of a board of managers or annexation to another
14 district, regardless of the district's accreditation status or the
15 duration of a particular accreditation status.

16 (31) Section 51.751(b), Education Code, is amended to
17 read as follows:

18 (b) The center shall examine the efficiency of the public
19 school system and the effectiveness of instructional methods and
20 curricular programs and promote the use of successful methods and
21 programs. The center shall monitor and evaluate the implementation
22 of the accountability system under Chapters [~~Chapter~~] 39 and 39A
23 and provide annual progress reports to the governor, Legislative
24 Budget Board, and commissioner of education.

25 (32) Section 302.006(c), Labor Code, is amended to
26 read as follows:

27 (c) To be eligible to receive a scholarship awarded under

1 this section, a person must:

2 (1) be employed in a child-care facility, as defined
3 by Section 42.002, Human Resources Code;

4 (2) intend to obtain a credential, certificate, or
5 degree specified in Subsection (b);

6 (3) agree to work for at least 18 additional months in
7 a child-care facility, as defined by Section 42.002, Human
8 Resources Code, that accepts federal Child Care and Development
9 Fund subsidies and that, at the time the person begins to fulfill
10 the work requirement imposed by this subdivision, is located:

11 (A) within the attendance zone of a public school
12 campus considered low-performing under Chapter 39A [~~Subchapter E,~~
13 ~~Chapter 39~~], Education Code; or

14 (B) in an economically disadvantaged community,
15 as determined by the commission; and

16 (4) satisfy any other requirements adopted by the
17 commission.

18 ARTICLE 22. CHANGES RELATING TO THE ESTATES CODE AND CODIFICATION
19 OF THE TEXAS PROBATE CODE

20 SECTION 22.001. Section 21.751(4), Business Organizations
21 Code, is amended to read as follows:

22 (4) "Shareholder" means a record or beneficial owner
23 of shares in a close corporation, including:

24 (A) a person holding a beneficial interest in the
25 shares under an inter vivos, testamentary, or voting trust; or

26 (B) the personal representative, as defined by
27 the Estates [~~Texas Probate~~] Code, of a record or beneficial owner.

1 SECTION 22.002. Section 64.034(b), Civil Practice and
2 Remedies Code, is amended to read as follows:

3 (b) A receiver appointed for a missing person under Section
4 64.001(d) who has on hand an amount of money belonging to the
5 missing person in excess of the amount needed for current
6 necessities and expenses may, on order of the court, invest, lend,
7 or contribute all or a part of the excess amount in the manner
8 provided by Chapter 1161, Estates [~~Subpart L, Part 4, Chapter XIII,~~
9 ~~Texas Probate~~] Code, for investments, loans, or contributions by
10 guardians. The receiver shall report to the court all transactions
11 involving the excess amount in the manner that reports are required
12 of guardians.

13 SECTION 22.003. Section 64.102(a), Civil Practice and
14 Remedies Code, is amended to read as follows:

15 (a) The court shall appoint an attorney ad litem to
16 represent the interests of a missing person at a proceeding to
17 appoint a receiver for the missing person under Section 64.001(d).
18 To be eligible for appointment as an attorney ad litem under this
19 subsection, a person must be certified in the same manner and to the
20 same extent as a person who is appointed as an attorney ad litem for
21 a proposed ward under Section 1054.001, Estates [~~646, Texas~~
22 ~~Probate~~] Code.

23 SECTION 22.004. Section 64.105(c), Civil Practice and
24 Remedies Code, is amended to read as follows:

25 (c) For official services rendered, the receiver is
26 entitled to be compensated in the same manner and amount as is
27 provided by Title 3, Estates [~~Chapter XIII, Texas Probate~~] Code,

1 for similar services rendered by guardians of estates.

2 SECTION 22.005. Section 71.012, Civil Practice and Remedies
3 Code, is amended to read as follows:

4 Sec. 71.012. QUALIFICATION OF FOREIGN PERSONAL
5 REPRESENTATIVE. If the executor or administrator of the estate of a
6 nonresident individual is the plaintiff in an action under this
7 subchapter, the foreign personal representative of the estate who
8 has complied with the requirements of Section 95, Texas Probate
9 Code, for the probate of a foreign will is not required to apply for
10 ancillary letters testamentary under Section 501.006, Estates
11 [~~105, Texas Probate~~] Code, to bring and prosecute the action.

12 SECTION 22.006. Section 71.022, Civil Practice and Remedies
13 Code, is amended to read as follows:

14 Sec. 71.022. QUALIFICATION OF FOREIGN PERSONAL
15 REPRESENTATIVE. If the executor or administrator of the estate of a
16 nonresident individual is the plaintiff in an action under this
17 subchapter, the foreign personal representative of the estate who
18 has complied with the requirements of Section 95, Texas Probate
19 Code, for the probate of a foreign will is not required to apply for
20 ancillary letters testamentary under Section 501.006, Estates
21 [~~105, Texas Probate~~] Code, to bring and prosecute the action.

22 SECTION 22.007. Section 102.002(e), Civil Practice and
23 Remedies Code, is amended to read as follows:

24 (e) A local government that does not give a bond under
25 Section 1105.101(b), Estates [~~702(b), Texas Probate~~] Code, shall
26 pay damages awarded against an employee of the local government
27 arising from a cause of action described by Subsection (c) if the

1 liability results from the employee's appointment as guardian of
2 the person or estate of a ward under the Estates [~~Texas Probate~~]
3 Code and the action or omission for which the employee was found
4 liable was in the course and scope of the person's employment with
5 the local government.

6 SECTION 22.008. Section [102.003](#), Civil Practice and
7 Remedies Code, is amended to read as follows:

8 Sec. 102.003. MAXIMUM PAYMENTS. Payments under this
9 chapter by a local government may not exceed:

10 (1) \$100,000 to any one person or \$300,000 for any
11 single occurrence in the case of personal injury or death; or

12 (2) \$10,000 for a single occurrence of property
13 damage, unless the local government is liable in the local
14 government's capacity as guardian under the Estates [~~Texas Probate~~]
15 Code and does not give a bond under Section 1105.101(b), Estates
16 [~~702(b)~~, ~~Texas Probate~~] Code, in which event payments may not
17 exceed the amount of the actual property damages.

18 SECTION 22.009. Section [137.001](#)(6), Civil Practice and
19 Remedies Code, is amended to read as follows:

20 (6) "Incapacitated" means that, in the opinion of the
21 court in a guardianship proceeding under Title 3, Estates [~~Chapter~~
22 ~~XIII, Texas Probate~~] Code, or in a medication hearing under Section
23 [574.106](#), Health and Safety Code, a person lacks the ability to
24 understand the nature and consequences of a proposed treatment,
25 including the benefits, risks, and alternatives to the proposed
26 treatment, and lacks the ability to make mental health treatment
27 decisions because of impairment.

1 SECTION 22.010. Section 137.009(a), Civil Practice and
2 Remedies Code, is amended to read as follows:

3 (a) Mental health treatment instructions contained in a
4 declaration executed in accordance with this chapter supersede any
5 contrary or conflicting instructions given by:

6 (1) a medical [~~durable~~] power of attorney under
7 Subchapter D, Chapter 166, Health and Safety Code [~~135~~]; or

8 (2) a guardian appointed under Title 3, Estates
9 [~~Chapter XIII, Texas Probate~~] Code, after the execution of the
10 declaration.

11 SECTION 22.011. Section 139.001(2), Civil Practice and
12 Remedies Code, is amended to read as follows:

13 (2) "Incapacitated person" has the meaning assigned by
14 Section 1002.017, Estates [~~601, Texas Probate~~] Code.

15 SECTION 22.012. Section 16.001(b), Election Code, is
16 amended to read as follows:

17 (b) Each month the clerk of each court having probate
18 jurisdiction shall prepare an abstract of each application for
19 probate of a will, administration of a decedent's estate, or
20 determination of heirship, and each affidavit under Chapter 205,
21 Estates [~~Section 137, Texas Probate~~] Code, that is filed in the
22 month with a court served by the clerk. The clerk shall file each
23 abstract with the voter registrar and the secretary of state not
24 later than the 10th day of the month following the month in which
25 the abstract is prepared.

26 SECTION 22.013. Section 3.406(b), Family Code, is amended
27 to read as follows:

1 (b) On the death of a spouse, a court may, on application for
2 a claim for reimbursement brought by the surviving spouse, the
3 personal representative of the estate of the deceased spouse, or
4 any other person interested in the estate, as defined by Chapter 22,
5 Estates [~~Section 3, Texas Probate~~] Code, impose an equitable lien
6 on the property of a benefited marital estate to secure a claim for
7 reimbursement against that property by a contributing marital
8 estate.

9 SECTION 22.014. Section 5.002, Family Code, is amended to
10 read as follows:

11 Sec. 5.002. SALE OF SEPARATE HOMESTEAD AFTER SPOUSE
12 JUDICIALLY DECLARED INCAPACITATED. If the homestead is the
13 separate property of a spouse and the other spouse has been
14 judicially declared incapacitated by a court exercising original
15 jurisdiction over guardianship and other matters under Title 3,
16 Estates [~~Chapter XIII, Texas Probate~~] Code, the owner may sell,
17 convey, or encumber the homestead without the joinder of the other
18 spouse.

19 SECTION 22.015. Section 5.003, Family Code, is amended to
20 read as follows:

21 Sec. 5.003. SALE OF COMMUNITY HOMESTEAD AFTER SPOUSE
22 JUDICIALLY DECLARED INCAPACITATED. If the homestead is the
23 community property of the spouses and one spouse has been
24 judicially declared incapacitated by a court exercising original
25 jurisdiction over guardianship and other matters under Title 3,
26 Estates [~~Chapter XIII, Texas Probate~~] Code, the competent spouse
27 may sell, convey, or encumber the homestead without the joinder of

1 the other spouse.

2 SECTION 22.016. Section 6.111, Family Code, is amended to
3 read as follows:

4 Sec. 6.111. DEATH OF PARTY TO VOIDABLE MARRIAGE. Except as
5 provided by Subchapter C, Chapter 123, Estates [~~Section 47A, Texas~~
6 ~~Probate~~] Code, a marriage subject to annulment may not be
7 challenged in a proceeding instituted after the death of either
8 party to the marriage.

9 SECTION 22.017. Sections 34.008(a) and (c), Family Code,
10 are amended to read as follows:

11 (a) Except as provided by Subsection (b), an authorization
12 agreement under this chapter terminates if, after the execution of
13 the authorization agreement, a court enters an order:

- 14 (1) affecting the parent-child relationship;
15 (2) concerning custody, possession, or placement of
16 the child;
17 (3) concerning access to or visitation with the child;
18 or

19 (4) regarding the appointment of a guardian for the
20 child under Subchapter B, Chapter 1104, Estates [~~Section 676, Texas~~
21 ~~Probate~~] Code.

22 (c) An authorization agreement under this chapter
23 terminates on written revocation by a party to the authorization
24 agreement if the party:

- 25 (1) gives each party written notice of the revocation;
26 (2) files the written revocation with the clerk of the
27 county in which:

- 1 (A) the child resides;
- 2 (B) the child resided at the time the
3 authorization agreement was executed; or
- 4 (C) the relative resides; and
- 5 (3) files the written revocation with the clerk of
6 each court:
- 7 (A) that has continuing, exclusive jurisdiction
8 over the child;
- 9 (B) in which there is a court order or pending
10 suit affecting the parent-child relationship concerning the child;
- 11 (C) in which there is pending litigation
12 concerning:
- 13 (i) custody, possession, or placement of
14 the child; or
- 15 (ii) access to or visitation with the
16 child; or
- 17 (D) that has entered an order regarding the
18 appointment of a guardian for the child under Subchapter B, Chapter
19 1104, Estates [~~Section 676, Texas Probate~~] Code.

20 SECTION 22.018. Sections 154.013(b) and (c), Family Code,
21 are amended to read as follows:

22 (b) Notwithstanding any provision of the Estates [~~Probate~~]
23 Code, a child support payment held by the Title IV-D agency, a local
24 registry, or the state disbursement unit or any uncashed check or
25 warrant representing a child support payment made before, on, or
26 after the date of death of the obligee shall be paid proportionately
27 for the benefit of each surviving child named in the support order

1 and not to the estate of the obligee. The payment is free of any
2 creditor's claim against the deceased obligee's estate and may be
3 disbursed as provided by Subsection (c).

4 (c) On the death of the obligee, current child support owed
5 by the obligor for the benefit of the child or any amount described
6 by Subsection (b) shall be paid to:

7 (1) a person, other than a parent, who is appointed as
8 managing conservator of the child;

9 (2) a person, including the obligor, who has assumed
10 actual care, control, and possession of the child, if a managing
11 conservator or guardian of the child has not been appointed;

12 (3) the county clerk, as provided by Chapter 1355,
13 Estates [~~Section 887, Texas Probate~~] Code, in the name of and for
14 the account of the child for whom the support is owed;

15 (4) a guardian of the child appointed under Title 3,
16 Estates [~~Chapter XIII, Texas Probate~~] Code, as provided by that
17 code; or

18 (5) the surviving child, if the child is an adult or
19 has otherwise had the disabilities of minority removed.

20 SECTION 22.019. Sections 154.015(a) and (e), Family Code,
21 are amended to read as follows:

22 (a) In this section, "estate" has the meaning assigned by
23 Chapter 22, Estates [~~Section 3, Texas Probate~~] Code.

24 (e) The obligee has a claim, on behalf of the child, against
25 the deceased obligor's estate for the unpaid child support
26 obligation determined under Subsection (c). The obligee may
27 present the claim in the manner provided by the Estates [~~Texas~~

1 ~~Probate~~] Code.

2 SECTION 22.020. Sections 263.603(a) and (b), Family Code,
3 are amended to read as follows:

4 (a) Notwithstanding Section 263.6021, if the court believes
5 that a young adult may be incapacitated as defined by Section
6 1002.017(2), Estates [~~601(14)(B), Texas Probate~~] Code, the court
7 may extend its jurisdiction on its own motion without the young
8 adult's consent to allow the department to refer the young adult to
9 the Department of Aging and Disability Services for guardianship
10 services as required by Section 48.209, Human Resources Code.

11 (b) The extended jurisdiction of the court under this
12 section terminates on the earliest of the date:

13 (1) the Department of Aging and Disability Services
14 determines a guardianship is not appropriate under Chapter 161,
15 Human Resources Code;

16 (2) a court with probate jurisdiction denies the
17 application to appoint a guardian; or

18 (3) a guardian is appointed and qualifies under the
19 Estates [~~Texas Probate~~] Code.

20 SECTION 22.021. Sections 21.009(2) and (4), Government
21 Code, are amended to read as follows:

22 (2) "Statutory county court" means a county court
23 created by the legislature under Article V, Section 1, of the Texas
24 Constitution, including county courts at law, county criminal
25 courts, county criminal courts of appeals, and county civil courts
26 at law, but does not include statutory probate courts as defined by
27 Chapter 22, Estates [~~Section 3, Texas Probate~~] Code.

1 (4) "Statutory probate court" has the meaning assigned
2 by Chapter 22, Estates [~~Section 3, Texas Probate~~] Code.

3 SECTION 22.022. Section 25.0003(f), Government Code, is
4 amended to read as follows:

5 (f) A statutory county court does not have the jurisdiction
6 of a statutory probate court granted statutory probate courts by
7 the Estates [~~Texas Probate~~] Code.

8 SECTION 22.023. Section 25.0021(b), Government Code, is
9 amended to read as follows:

10 (b) A statutory probate court as that term is defined in
11 Section 22.007(c), Estates [~~3(ii), Texas Probate~~] Code, has:

12 (1) the general jurisdiction of a probate court as
13 provided by the Estates [~~Texas Probate~~] Code; and

14 (2) the jurisdiction provided by law for a county
15 court to hear and determine actions, cases, matters, or proceedings
16 instituted under:

17 (A) Section 166.046, 192.027, 193.007, 552.015,
18 552.019, 711.004, or 714.003, Health and Safety Code;

19 (B) Chapter 462, Health and Safety Code; or

20 (C) Subtitle C or D, Title 7, Health and Safety
21 Code.

22 SECTION 22.024. Sections 25.0022(a) and (i), Government
23 Code, are amended to read as follows:

24 (a) "Statutory probate court" has the meaning assigned by
25 Chapter 22, Estates [~~Section 3, Texas Probate~~] Code.

26 (i) A judge assigned under this section has the
27 jurisdiction, powers, and duties given by Sections 32.001, 32.002,

1 32.003, 32.005, 32.006, 32.007, 34.001, 1022.001, 1022.002,
2 1022.003, 1022.005, 1022.006, and 1022.007, Estates [4A, 4C, 4D,
3 4F, 4G, 4H, 5B, 605, 607A, 607B, 607D, 607E, and 608, Texas Probate]
4 Code, to statutory probate court judges by general law.

5 SECTION 22.025. Section 25.00222(b), Government Code, is
6 amended to read as follows:

7 (b) If the judge of a statutory probate court that has
8 jurisdiction over a cause of action appertaining to or incident to
9 an estate pending in the statutory probate court determines that
10 the court no longer has jurisdiction over the cause of action, the
11 judge may transfer that cause of action to:

12 (1) a district court, county court, statutory county
13 court, or justice court located in the same county that has
14 jurisdiction over the cause of action that is transferred; or

15 (2) the court from which the cause of action was
16 transferred to the statutory probate court under Section 34.001
17 [~~5B~~] or 1022.007, Estates [608, Texas Probate] Code.

18 SECTION 22.026. Section 25.0202(a), Government Code, is
19 amended to read as follows:

20 (a) In addition to the jurisdiction provided by Section
21 25.0003 and other law, a county court at law in Bosque County has
22 concurrent jurisdiction with the district court in:

23 (1) family law cases and proceedings;

24 (2) civil cases in which the matter in controversy
25 exceeds \$500 but does not exceed \$200,000, excluding interest,
26 court costs, and attorney's fees; and

27 (3) contested probate matters under Section 32.003,

1 Estates [~~4D, Texas Probate~~] Code.

2 SECTION 22.027. Section 25.1132(c), Government Code, is
3 amended to read as follows:

4 (c) A county court at law in Hood County has concurrent
5 jurisdiction with the district court in:

6 (1) civil cases in which the matter in controversy
7 exceeds \$500 but does not exceed \$250,000, excluding interest;

8 (2) family law cases and related proceedings;

9 (3) contested probate matters under Section
10 32.003(a), Estates [~~4D(a), Texas Probate~~] Code; and

11 (4) contested matters in guardianship proceedings
12 under Section 1022.003(a), Estates [~~607B(a), Texas Probate~~] Code.

13 SECTION 22.028. Section 25.1863(b), Government Code, is
14 amended to read as follows:

15 (b) A county court at law has concurrent jurisdiction with
16 the district court over contested probate
17 matters. Notwithstanding the requirement in Section 32.003(a),
18 Estates [~~4D(a), Texas Probate~~] Code, that the judge of the
19 constitutional county court transfer a contested probate
20 proceeding to the district court, the judge of the constitutional
21 county court shall transfer the proceeding under that section to
22 either a county court at law in Parker County or a district court in
23 Parker County. A county court at law has the jurisdiction, powers,
24 and duties that a district court has under Section 32.003(a),
25 Estates [~~4D(a), Texas Probate~~] Code, for the transferred
26 proceeding, and the county clerk acts as clerk for the
27 proceeding. The contested proceeding may be transferred between a

1 county court at law in Parker County and a district court in Parker
2 County as provided by local rules of administration.

3 SECTION 22.029. Sections 25.2452(a) and (d), Government
4 Code, are amended to read as follows:

5 (a) In addition to the jurisdiction provided by Section
6 25.0003 and other law, including the general jurisdiction provided
7 for a county court at law by the Estates [~~Texas Probate~~] Code, a
8 county court at law in Wichita County has concurrent jurisdiction
9 with the county court in:

10 (1) appeals from municipal courts of record in Wichita
11 County as provided by Subchapter H [~~D~~], Chapter 30;

12 (2) misdemeanor cases; and

13 (3) probate and mental health matters.

14 (d) A county court at law does not have jurisdiction of:

15 (1) a case under:

16 (A) the Alcoholic Beverage Code;

17 (B) the Election Code; or

18 (C) the Tax Code;

19 (2) a matter over which the district court has
20 exclusive jurisdiction; or

21 (3) a civil case, other than a case under the Family
22 Code or the Estates [~~Texas Probate~~] Code, in which the amount in
23 controversy is:

24 (A) less than the maximum amount in controversy
25 allowed the justice court in Wichita County; or

26 (B) more than \$200,000, exclusive of punitive or
27 exemplary damages, penalties, interest, costs, and attorney's

1 fees.

2 SECTION 22.030. Section 54A.201, Government Code, is
3 amended to read as follows:

4 Sec. 54A.201. DEFINITION. In this subchapter, "statutory
5 probate court" has the meaning assigned by Chapter 22, Estates
6 [~~Section 3, Texas Probate~~] Code.

7 SECTION 22.031. Sections 155.001(2), (3), (5), and (7),
8 Government Code, are amended to read as follows:

9 (2) "Corporate fiduciary" has the meaning assigned by
10 Chapter 1002, Estates [~~Section 601, Texas Probate~~] Code.

11 (3) "Guardian" has the meaning assigned by Chapter
12 1002, Estates [~~Section 601, Texas Probate~~] Code.

13 (5) "Incapacitated person" has the meaning assigned by
14 Chapter 1002, Estates [~~Section 601, Texas Probate~~] Code.

15 (7) "Ward" has the meaning assigned by Chapter 1002,
16 Estates [~~Section 601, Texas Probate~~] Code.

17 SECTION 22.032. Section 155.104, Government Code, is
18 amended to read as follows:

19 Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL
20 GUARDIANS. In addition to the information submitted under Section
21 1104.306, Estates [~~697(e), Texas Probate~~] Code, the director may
22 require a private professional guardian or a person who represents
23 or plans to represent the interests of a ward as a guardian on
24 behalf of the private professional guardian to submit information
25 considered necessary to monitor the person's compliance with the
26 applicable standards adopted under Section 155.101 or with the
27 certification requirements of Section 155.102.

1 SECTION 22.033. Section 155.105(c), Government Code, is
2 amended to read as follows:

3 (c) A private professional guardian shall submit with the
4 report required under Subsection (b) a copy of the guardian's
5 application for a certificate of registration required by Section
6 1104.302, Estates [~~697(a), Texas Probate~~] Code.

7 SECTION 22.034. Section 411.052(a), Government Code, is
8 amended to read as follows:

9 (a) In this section, "federal prohibited person
10 information" means information that identifies an individual as:

11 (1) a person ordered by a court to receive inpatient
12 mental health services under Chapter 574, Health and Safety Code;

13 (2) a person acquitted in a criminal case by reason of
14 insanity or lack of mental responsibility, regardless of whether
15 the person is ordered by a court to receive inpatient treatment or
16 residential care under Chapter 46C, Code of Criminal Procedure;

17 (3) a person determined to have mental retardation and
18 committed by a court for long-term placement in a residential care
19 facility under Chapter 593, Health and Safety Code;

20 (4) an incapacitated adult individual for whom a court
21 has appointed a guardian of the individual under Title 3, Estates
22 [~~Chapter XIII, Probate~~] Code, based on the determination that the
23 person lacks the mental capacity to manage the person's affairs; or

24 (5) a person determined to be incompetent to stand
25 trial under Chapter 46B, Code of Criminal Procedure.

26 SECTION 22.035. Section 411.0521(a), Government Code, is
27 amended to read as follows:

1 (a) The clerk of the court shall prepare and forward to the
2 department the information described by Subsection (b) not later
3 than the 30th day after the date the court:

4 (1) orders a person to receive inpatient mental health
5 services under Chapter 574, Health and Safety Code;

6 (2) acquits a person in a criminal case by reason of
7 insanity or lack of mental responsibility, regardless of whether
8 the person is ordered to receive inpatient treatment or residential
9 care under Chapter 46C, Code of Criminal Procedure;

10 (3) commits a person determined to have mental
11 retardation for long-term placement in a residential care facility
12 under Chapter 593, Health and Safety Code;

13 (4) appoints a guardian of the incapacitated adult
14 individual under Title 3, Estates [~~Chapter XIII, Probate~~] Code,
15 based on the determination that the person lacks the mental
16 capacity to manage the person's affairs;

17 (5) determines a person is incompetent to stand trial
18 under Chapter 46B, Code of Criminal Procedure; or

19 (6) finds a person is entitled to relief from
20 disabilities under Section 574.088, Health and Safety Code.

21 SECTION 22.036. Section 411.114(a)(1)(E), Government Code,
22 is amended to read as follows:

23 (E) "Ward" has the meaning assigned by Chapter
24 1002, Estates [~~Section 601, Texas Probate~~] Code.

25 SECTION 22.037. Section 411.1386(d), Government Code, is
26 amended to read as follows:

27 (d) The criminal history record information obtained under

1 Subsection (a-4) is for the exclusive use of the court or
2 guardianship certification program of the Judicial Branch
3 Certification Commission, as appropriate, and is privileged and
4 confidential. The information may not be released or otherwise
5 disclosed to any person or agency except on court order, with the
6 consent of the person being investigated, or as authorized by
7 Subsection (a-6) or Section 1104.404, Estates [~~698(a-6), Texas~~
8 ~~Probate~~] Code. The county clerk or guardianship certification
9 program of the Judicial Branch Certification Commission may destroy
10 the criminal history record information after the information is
11 used for the purposes authorized by this section.

12 SECTION 22.038. Section 420.0735(b), Government Code, is
13 amended to read as follows:

14 (b) For purposes of Subsection (a)(1), a written consent
15 signed by an incapacitated person, as that term is defined by
16 Chapter 1002, Estates [~~Section 601, Texas Probate~~] Code, is
17 effective regardless of whether the incapacitated person's
18 guardian, guardian ad litem, or other legal agent signs the
19 release. If the incapacitated person is unable to provide a
20 signature and the guardian, guardian ad litem, or other legal agent
21 is unavailable to sign the release, then the investigating law
22 enforcement officer may sign the release.

23 SECTION 22.039. Section 501.014(b), Government Code, is
24 amended to read as follows:

25 (b) If an inmate with money in an account established under
26 Subsection (a) dies while confined in a facility operated by or
27 under contract with the department, the department shall attempt to

1 give notice of the account to a beneficiary or known relative of the
2 deceased inmate. On the presentation of a notarized claim to the
3 department for the money by a person entitled to the notice, the
4 department may pay any amount not exceeding \$2,500 of the deceased
5 inmate's money held by the department to the claimant. A claim for
6 money in excess of \$2,500 must be made under Chapter 205, Estates
7 ~~[Section 137, Probate]~~ Code, or another law, as applicable. The
8 department is not liable for making a payment or failing to make a
9 payment under this subsection.

10 SECTION 22.040. Section 552.140(c), Government Code, is
11 amended to read as follows:

12 (c) On request and the presentation of proper
13 identification, the following persons may inspect the military
14 discharge record or obtain from the governmental body free of
15 charge a copy or certified copy of the record:

16 (1) the veteran who is the subject of the record;
17 (2) the legal guardian of the veteran;
18 (3) the spouse or a child or parent of the veteran or,
19 if there is no living spouse, child, or parent, the nearest living
20 relative of the veteran;

21 (4) the personal representative of the estate of the
22 veteran;

23 (5) the person named by the veteran, or by a person
24 described by Subdivision (2), (3), or (4), in an appropriate power
25 of attorney executed in accordance with Subchapters A and B,
26 Chapter 752, Estates ~~[Section 490, Chapter XII, Texas Probate]~~
27 Code;

1 (6) another governmental body; or

2 (7) an authorized representative of the funeral home
3 that assists with the burial of the veteran.

4 SECTION 22.041. Section 825.508(b), Government Code, is
5 amended to read as follows:

6 (b) The system must honor a power of attorney executed in
7 accordance with Subchapters A and B, Chapter 752, Estates [~~XII,~~
8 ~~Section 490, Texas Probate~~] Code.

9 SECTION 22.042. Section 841.008(c), Government Code, is
10 amended to read as follows:

11 (c) If requested by the person entitled to the benefit or
12 the guardian, attorney in fact, or trustee of the person, the
13 director may, if the director determines that it is in the best
14 interest of the person entitled to the benefit, make payments
15 directly to the trustee of:

16 (1) a trust described by Subchapter B, Chapter 1301,
17 Estates [~~Section 867, Texas Probate~~] Code, that has been created
18 for the management of guardianship funds for the benefit of the
19 person; or

20 (2) a trust described by 42 U.S.C. Section
21 1396p(d)(4)(A), (B), or (C) that has been established to qualify
22 the person for benefits or other assistance under a state or federal
23 program or to supplement the benefits or other assistance provided
24 under the program.

25 SECTION 22.043. Sections 844.408(a), (b), and (c),
26 Government Code, are amended to read as follows:

27 (a) In this section "heirs" has the meaning assigned by

1 Chapter 22, Estates [~~Section 3, Texas Probate~~] Code, except that
2 the term excludes any person who has filed a proper disclaimer or
3 renunciation with the retirement system.

4 (b) If the administrator of a deceased member's estate would
5 be entitled to a refund or an annuity because of the death of the
6 member, the heirs of the deceased member may apply for and receive
7 the benefit if:

8 (1) no petition for the appointment of a personal
9 representative of the member is pending or has been granted;

10 (2) 30 days have elapsed since the date of death of the
11 member;

12 (3) the value of the entire assets of the member's
13 probate estate, excluding homestead and exempt property, does not
14 exceed \$50,000; and

15 (4) on file with the retirement system is a certified
16 copy of a small estates affidavit that has been approved and filed
17 in accordance with Chapter 205, Estates [~~Section 137, Texas~~
18 ~~Probate~~] Code, or an original affidavit described by Subsection
19 (c).

20 (c) If no affidavit has been filed with the clerk of the
21 court having jurisdiction and venue as provided by Chapter 205,
22 Estates [~~Section 137, Texas Probate~~] Code, the retirement system
23 may accept instead an affidavit sworn to by two disinterested
24 witnesses and by those heirs who have legal capacity and, if the
25 facts warrant, by the natural guardian or next of kin of any minor
26 or incompetent who is also an heir. The affidavit must include the
27 names and addresses of the heirs and witnesses, establish the facts

1 listed in Subsection (b), include a list of the assets and
2 liabilities of the estate, show the facts that constitute the basis
3 for the right of the heirs to receive the estate, and show the
4 fractional interests of the heirs in the estate as a result of those
5 facts.

6 SECTION 22.044. Sections 854.106(a), (b), and (d),
7 Government Code, are amended to read as follows:

8 (a) If a surviving spouse, or the executor or administrator
9 of a member's estate, would be entitled to make an election under
10 Section 854.105 because of the death of the member, the heirs of the
11 deceased member may make that election if:

- 12 (1) no surviving spouse exists;
- 13 (2) no petition for the appointment of a personal
14 representative of the member is pending or has been granted;
- 15 (3) 30 days have elapsed since the death of the member;
- 16 (4) the value of the entire assets of the member's
17 estate, excluding homestead and exempt property, does not exceed
18 \$50,000;
- 19 (5) there are not more than three heirs; and
- 20 (6) on file with the retirement system is a certified
21 copy of a small estates affidavit that has been approved and filed
22 in accordance with Chapter 205, Estates [~~Section 137, Texas~~
23 ~~Probate~~] Code, or an original affidavit as described by Subsection
24 (b).

25 (b) If no affidavit has been filed with the clerk of the
26 court having jurisdiction and venue as provided by Chapter 205,
27 Estates [~~Section 137 of the Texas Probate~~] Code, the retirement

1 system may accept instead an affidavit sworn to by two
2 disinterested witnesses, by the heirs who have legal capacity, and,
3 if the facts warrant, by the natural guardian or next of kin of any
4 minor or incompetent who is also an heir. The affidavit shall
5 include the names and addresses of the heirs and witnesses,
6 establish the facts listed in Subsection (a), include a list of the
7 assets and liabilities of the estate, show the facts that
8 constitute the basis for the right of the heirs to receive the
9 estate, and show the fractional interests of the heirs in the estate
10 as a result of those facts.

11 (d) In this section, "heirs" has the meaning assigned by
12 Chapter 22, Estates [~~Section 3, Texas Probate~~] Code, except that
13 the term excludes any persons who have filed with the retirement
14 system a proper disclaimer or renunciation.

15 SECTION 22.045. Section 313.003(a), Health and Safety Code,
16 is amended to read as follows:

17 (a) This chapter does not apply to:

18 (1) a decision to withhold or withdraw life-sustaining
19 treatment from qualified terminal or irreversible patients under
20 Subchapter B, Chapter 166;

21 (2) a health care decision made under a medical power
22 of attorney under Subchapter D, Chapter 166, or under Subtitle P,
23 Title 2, Estates [~~Chapter XII, Texas Probate~~] Code;

24 (3) consent to medical treatment of minors under
25 Chapter 32, Family Code;

26 (4) consent for emergency care under Chapter 773;

27 (5) hospital patient transfers under Chapter 241; or

1 (6) a patient's legal guardian who has the authority to
2 make a decision regarding the patient's medical treatment.

3 SECTION 22.046. Section 313.004(f), Health and Safety Code,
4 is amended to read as follows:

5 (f) A person who is an available adult surrogate, as
6 described by Subsection (a), may consent to medical treatment on
7 behalf of a patient who is an adult inmate of a county or municipal
8 jail only for a period that expires on the earlier of the 120th day
9 after the date the person agrees to act as an adult surrogate for
10 the patient or the date the inmate is released from jail. At the
11 conclusion of the period, a successor surrogate may not be
12 appointed and only the patient or the patient's appointed guardian
13 of the person, if the patient is a ward under Title 3, Estates
14 [~~Chapter XIII, Texas Probate~~] Code, may consent to medical
15 treatment.

16 SECTION 22.047. Section 576.002(b), Health and Safety Code,
17 is amended to read as follows:

18 (b) There is a rebuttable presumption that a person is
19 mentally competent unless a judicial finding to the contrary is
20 made under the Estates [~~Texas Probate~~] Code.

21 SECTION 22.048. Section 1104.004, Insurance Code, is
22 amended to read as follows:

23 Sec. 1104.004. WRITTEN APPROVAL BY ADULT REQUIRED. An
24 application or agreement made by a minor under this subchapter must
25 be signed or approved in writing by:

26 (1) a parent, grandparent, or adult sibling of the
27 minor; or

1 (2) if the minor does not have a parent, grandparent,
2 or adult sibling, an adult eligible under the Estates [~~Texas~~
3 ~~Probate~~] Code to be appointed guardian of the estate of the minor.

4 SECTION 22.049. Section 1551.004(a), Insurance Code, is
5 amended to read as follows:

6 (a) In this chapter, "dependent" with respect to an
7 individual eligible to participate in the group benefits program
8 means the individual's:

9 (1) spouse;

10 (2) unmarried child younger than 26 years of age;

11 (3) child of any age who the board of trustees
12 determines lives with or has the child's care provided by the
13 individual on a regular basis if the child is mentally or
14 physically incapacitated to the extent that the child is dependent
15 on the individual for care or support, as determined by the board of
16 trustees;

17 (4) child of any age who is unmarried, for purposes of
18 health benefit coverage under this chapter, on expiration of the
19 child's continuation coverage under the Consolidated Omnibus
20 Budget Reconciliation Act of 1985 (Pub. L. No. 99-272) and its
21 subsequent amendments; and

22 (5) ward, as that term is defined by Chapter 1002,
23 Estates [~~Section 601, Texas Probate~~] Code, who is 26 years of age or
24 younger.

25 SECTION 22.050. Sections 117.053(b) and (c), Local
26 Government Code, are amended to read as follows:

27 (b) Except as provided by Subsection (a), a clerk may not

1 draw a check on special account funds held by a depository except to
2 pay a person entitled to the funds. The payment must be made under
3 an order of the court of proper jurisdiction in which the funds were
4 deposited except that an appeal bond shall be paid without a written
5 order of the court on receipt of mandate or dismissal and funds
6 deposited under Chapter 1355, Estates [~~Section 887, Texas Probate~~]
7 Code, may be paid without a written order of the court. The clerk
8 shall place on the check the style and number of the proceeding in
9 which the money was deposited with the clerk.

10 (c) The clerk shall transfer any registry funds into a
11 separate account when directed to by a written order of a court of
12 proper jurisdiction or when the clerk is required to under Chapter
13 1355, Estates [~~Section 887, Texas Probate~~] Code. The clerk shall
14 transfer the funds into a separate account in:

15 (1) interest-bearing deposits in a financial
16 institution doing business in this state that is insured by the
17 Federal Deposit Insurance Corporation;

18 (2) United States treasury bills;

19 (3) an eligible interlocal investment pool that meets
20 the requirements of Sections [2256.016](#), [2256.017](#), and [2256.019](#),
21 Government Code; or

22 (4) a no-load money market mutual fund, if the fund:

23 (A) is regulated by the Securities and Exchange
24 Commission;

25 (B) has a dollar weighted average stated maturity
26 of 90 days or fewer; and

27 (C) includes in its investment objectives the

1 maintenance of a stable net asset value of \$1 for each share.

2 SECTION 22.051. Section 117.125(b), Local Government Code,
3 is amended to read as follows:

4 (b) A clerk shall transfer all money deposited in a registry
5 fund under Chapter 1355, Estates [~~Section 887, Texas Probate~~] Code,
6 into a separate account.

7 SECTION 22.052. Section 159.005(a), Occupations Code, is
8 amended to read as follows:

9 (a) Consent for the release of confidential information
10 must be in writing and signed by:

11 (1) the patient;

12 (2) a parent or legal guardian of the patient if the
13 patient is a minor;

14 (3) a legal guardian of the patient if the patient has
15 been adjudicated incapacitated to manage the patient's personal
16 affairs;

17 (4) an attorney ad litem appointed for the patient, as
18 authorized by:

19 (A) Subtitle C, Title 7, Health and Safety Code;

20 (B) Subtitle D, Title 7, Health and Safety Code;

21 (C) Title 3, Estates [~~Chapter XIII, Texas~~
22 ~~Probate~~] Code; or

23 (D) Chapter 107, Family Code; or

24 (5) a personal representative of the patient if the
25 patient is deceased.

26 SECTION 22.053. Section 201.405(b), Occupations Code, is
27 amended to read as follows:

1 (b) Consent for the release of confidential information
2 must be in writing and signed by:

3 (1) the patient;

4 (2) a parent or legal guardian if the patient is a
5 minor;

6 (3) a legal guardian if the patient has been
7 adjudicated incompetent to manage the patient's personal affairs;

8 (4) an attorney ad litem appointed for the patient, as
9 authorized by:

10 (A) Subtitle B, Title 6, Health and Safety Code;

11 (B) Subtitle C, D, or E, Title 7, Health and
12 Safety Code;

13 (C) Title 3, Estates [~~Chapter XIII, Texas~~
14 ~~Probate~~] Code;

15 (D) Chapter 107, Family Code; or

16 (E) another applicable provision; or

17 (5) a personal representative if the patient is
18 deceased.

19 SECTION 22.054. Section 202.406(a), Occupations Code, is
20 amended to read as follows:

21 (a) Consent for the release of information made
22 confidential under this subchapter must be made in writing and
23 signed by:

24 (1) the patient;

25 (2) the patient's parent or legal guardian if the
26 patient is a minor;

27 (3) a legal guardian if the patient has been

1 adjudicated incompetent to manage the patient's personal affairs;

2 (4) an attorney ad litem appointed for the patient, as
3 authorized by:

4 (A) Subtitle B, Title 6, Health and Safety Code;

5 (B) Subtitle C, D, or E, Title 7, Health and
6 Safety Code;

7 (C) Title 3, Estates [~~Chapter XIII, Texas~~
8 ~~Probate~~] Code;

9 (D) Chapter 107, Family Code; or

10 (E) another applicable law; or

11 (5) the patient's personal representative if the
12 patient is deceased.

13 SECTION 22.055. Section 1703.351(a), Occupations Code, is
14 amended to read as follows:

15 (a) The department may take action authorized under
16 Subsection (b) against an applicant or license holder who:

17 (1) wilfully violates this chapter or a rule adopted
18 under this chapter;

19 (2) violates Section 1703.306(a);

20 (3) wilfully aids or abets another to violate this
21 chapter or a rule adopted under this chapter;

22 (4) allows the person's license issued under this
23 chapter to be used by an unlicensed person in violation of this
24 chapter;

25 (5) makes a material misstatement in an application
26 for the issuance or renewal of a license;

27 (6) makes a wilful misrepresentation or false promise

1 or causes the printing of a false or misleading advertisement to
2 directly or indirectly obtain business or trainees;

3 (7) fails to inform a subject to be examined:

4 (A) of the nature of the examination; and

5 (B) that the subject's participation in the
6 examination is voluntary;

7 (8) fails to inform the subject of an examination of
8 the examination results on request;

9 (9) violates Section 51.151, Family Code;

10 (10) wilfully makes a false report concerning an
11 examination for polygraph examination purposes;

12 (11) fails to provide within a reasonable time
13 information requested by the department as the result of a formal
14 complaint to the department alleging a violation of this chapter;

15 (12) demonstrates unworthiness or incompetency to act
16 as a polygraph examiner;

17 (13) is convicted of an offense that directly relates
18 to the duties and responsibilities of a polygraph examiner; or

19 (14) is found to be incapacitated as provided by the
20 Estates [~~Probate~~] Code.

21 SECTION 22.056. Section 25.10(a), Penal Code, is amended to
22 read as follows:

23 (a) In this section:

24 (1) "Possessory right" means the right of a guardian
25 of the person to have physical possession of a ward and to establish
26 the ward's legal domicile, as provided by Section 1151.051(c)(1),

27 Estates [~~767(1), Texas Probate~~] Code.

1 (2) "Ward" has the meaning assigned by Chapter 1002,
2 Estates [~~Section 601, Texas Probate~~] Code.

3 SECTION 22.057. Section 32.45(a)(1), Penal Code, is amended
4 to read as follows:

5 (1) "Fiduciary" includes:

6 (A) a trustee, guardian, administrator,
7 executor, conservator, and receiver;

8 (B) an attorney in fact or agent appointed under
9 a durable power of attorney as provided by Subtitle P, Title 2,
10 Estates [~~Chapter XII, Texas Probate~~] Code;

11 (C) any other person acting in a fiduciary
12 capacity, but not a commercial bailee unless the commercial bailee
13 is a party in a motor fuel sales agreement with a distributor or
14 supplier, as those terms are defined by Section 162.001, Tax Code;
15 and

16 (D) an officer, manager, employee, or agent
17 carrying on fiduciary functions on behalf of a fiduciary.

18 SECTION 22.058. Section 26.005(b), Property Code, is
19 amended to read as follows:

20 (b) The interests of the deceased individual's children and
21 grandchildren are divided among them and exercisable on a per
22 stirpes basis in the manner provided by Section 201.101, Estates
23 [~~43, Texas Probate~~] Code, according to the number of the deceased
24 individual's children represented. If there is more than one child
25 of a deceased child of the deceased individual, the share of a child
26 of a deceased child may only be exercised by a majority of the
27 children of the deceased child.

1 SECTION 22.059. Section 74.501(d), Property Code, is
2 amended to read as follows:

3 (d) On receipt of a claim form and all necessary
4 documentation and as may be appropriate under the circumstances,
5 the comptroller may approve the claim of:

6 (1) the reported owner of the property;

7 (2) if the reported owner died testate:

8 (A) the appropriate legal beneficiaries of the
9 owner as provided by the last will and testament of the owner that
10 has been accepted into probate or filed as a muniment of title; or

11 (B) the executor of the owner's last will and
12 testament who holds current letters testamentary;

13 (3) if the reported owner died intestate:

14 (A) the legal heirs of the owner as provided by
15 Sections 201.001 and 201.002, Estates [~~Section 38, Texas Probate~~]
16 Code; or

17 (B) the court-appointed administrator of the
18 owner's estate;

19 (4) the legal heirs of the reported owner as
20 established by an affidavit of heirship order signed by a judge of
21 the county probate court or by a county judge;

22 (5) if the reported owner is a minor child or an adult
23 who has been adjudged incompetent by a court of law, the parent or
24 legal guardian of the child or adult;

25 (6) if the reported owner is a corporation:

26 (A) the president or chair of the board of
27 directors of the corporation, on behalf of the corporation; or

1 (B) any person who has legal authority to act on
2 behalf of the corporation;

3 (7) if the reported owner is a corporation that has
4 been dissolved or liquidated:

5 (A) the sole surviving shareholder of the
6 corporation, if there is only one surviving shareholder;

7 (B) the surviving shareholders of the
8 corporation in proportion to their ownership of the corporation, if
9 there is more than one surviving shareholder;

10 (C) the corporation's bankruptcy trustee; or

11 (D) the court-ordered receiver for the
12 corporation; or

13 (8) any other person that is entitled to receive the
14 unclaimed property under other law or comptroller policy.

15 SECTION 22.060. Section 115.001(d), Property Code, is
16 amended to read as follows:

17 (d) The jurisdiction of the district court is exclusive
18 except for jurisdiction conferred by law on:

19 (1) a statutory probate court;

20 (2) a court that creates a trust under Subchapter B,
21 Chapter 1301, Estates [~~Section 867, Texas Probate~~] Code;

22 (3) a court that creates a trust under Section
23 142.005;

24 (4) a justice court under Chapter 27, Government Code;
25 or

26 (5) [~~a small claims court under Chapter 28, Government~~
27 ~~Code, or~~

1 ~~[(6)]~~ a county court at law.

2 SECTION 22.061. Section 123.003(a), Property Code, is
3 amended to read as follows:

4 (a) Any party initiating a proceeding involving a
5 charitable trust shall give notice of the proceeding to the
6 attorney general by sending to the attorney general, by registered
7 or certified mail, a true copy of the petition or other instrument
8 initiating the proceeding involving a charitable trust within 30
9 days of the filing of such petition or other instrument, but no less
10 than 25 days prior to a hearing in such a proceeding. This
11 subsection does not apply to a proceeding that is initiated by an
12 application that exclusively seeks the admission of a will to
13 probate, regardless of whether the application seeks the
14 appointment of a personal representative, if the application:

- 15 (1) is uncontested; and
16 (2) is not subject to Subchapter C, Chapter 256,
17 Estates [~~Section 83, Texas Probate~~] Code.

18 SECTION 22.062. Section 123.005, Property Code, is amended
19 to read as follows:

20 Sec. 123.005. BREACH OF FIDUCIARY DUTY: VENUE;
21 JURISDICTION. (a) Venue in a proceeding brought by the attorney
22 general alleging breach of a fiduciary duty by a charitable entity
23 or a fiduciary or managerial agent of a charitable trust shall be a
24 court of competent jurisdiction in Travis County or in the county
25 where the defendant resides or has its principal office. To the
26 extent of a conflict between this subsection and any provision of
27 the Estates [~~Texas Probate~~] Code providing for venue of a

1 proceeding brought with respect to a charitable trust created by a
2 will that has been admitted to probate, this subsection controls.

3 (b) A statutory probate court of Travis County has
4 concurrent jurisdiction with any other court on which jurisdiction
5 is conferred by Section 32.001, Estates [~~4A, Texas Probate~~] Code,
6 in a proceeding brought by the attorney general alleging breach of a
7 fiduciary duty with respect to a charitable trust created by a will
8 that has been admitted to probate.

9 SECTION 22.063. Section 27(a), Chapter 88 (H.B. 1573), Acts
10 of the 77th Legislature, Regular Session, 2001 (Article 6243h,
11 Vernon's Texas Civil Statutes), is amended to read as follows:

12 (a) A person eligible for payment of a pension or other
13 benefits administered by the pension system may direct the pension
14 system to treat as the authorized representative of the person
15 concerning the disposition of the pension or other benefits an
16 attorney-in-fact under a power of attorney that the pension system
17 determines complies with Subchapters A and B, Chapter 752, Estates
18 [~~Section 490, Texas Probate~~] Code.

19 SECTION 22.064. Section 6.13, Chapter 824 (S.B. 817), Acts
20 of the 73rd Legislature, Regular Session, 1993 (Article 6243o,
21 Vernon's Texas Civil Statutes), is amended to read as follows:

22 Sec. 6.13. GUARDIANSHIP. Any benefit payable under this
23 article to a dependent child as defined by Section 1.02(7)(B) of
24 this Act may be paid only to a guardian who is appointed in
25 accordance with Title 3, Estates [~~Chapter XIII, Texas Probate~~]
26 Code. Any benefit payable under this article to a dependent child
27 as defined by Section 1.02(7)(A) of this Act may, at the board's

1 discretion, be:

2 (1) paid to a guardian appointed in accordance with
3 Title 3, Estates [~~Chapter XIII, Texas Probate~~] Code; or

4 (2) accrued by the fund and paid directly to the
5 dependent child on the child's 18th birthday.

6 ARTICLE 23. CONFORMING CHANGES RELATING TO NONSUBSTANTIVE REVISION
7 OF CERTAIN LAWS CONCERNING COMMUNITY SUPERVISION

8 SECTION 23.001. Article [42.0199](#), Code of Criminal
9 Procedure, is amended to conform to Chapter 770 (H.B. 2299), Acts of
10 the 84th Legislature, Regular Session, 2015, to read as follows:

11 Art. 42.0199. FINDING REGARDING DILIGENT PARTICIPATION
12 CREDIT. If a person is convicted of a state jail felony, the judge
13 shall make a finding and enter the finding in the judgment of the
14 case regarding whether the person is presumptively entitled to
15 diligent participation credit in accordance with [~~Section 15(h),~~]
16 Article [42A.559](#) [~~42.12~~].

17 SECTION 23.002. Section 5, Article [42.03](#), Code of Criminal
18 Procedure, is amended to conform to Chapter 770 (H.B. 2299), Acts of
19 the 84th Legislature, Regular Session, 2015, to read as follows:

20 Sec. 5. Except as otherwise provided by [~~Section 5(a-1),~~]
21 Article [42A.106\(b\)](#) [~~42.12~~], the court after pronouncing the
22 sentence shall inform the defendant of the defendant's right to
23 petition the court for an order of nondisclosure of criminal
24 history record information under Subchapter E-1, Chapter [411](#),
25 Government Code, unless the defendant is ineligible to pursue that
26 right because of the requirements that apply to obtaining the order
27 in the defendant's circumstances, such as:

1 (1) the nature of the offense for which the defendant
2 is convicted; or

3 (2) the defendant's criminal history.

4 SECTION 23.003. Sections [411.072](#)(a) and (b), Government
5 Code, are amended to conform to Chapter 770 (H.B. 2299), Acts of the
6 84th Legislature, Regular Session, 2015, to read as follows:

7 (a) This section applies only to a person who:

8 (1) was placed on deferred adjudication community
9 supervision under Subchapter C [~~Section 5~~], Chapter 42A [~~Article~~
10 ~~42.12~~], Code of Criminal Procedure, for a misdemeanor other than a
11 misdemeanor:

12 (A) under Chapter [20](#), [21](#), [22](#), [25](#), [42](#), [43](#), [46](#), or
13 [71](#), Penal Code; or

14 (B) with respect to which an affirmative finding
15 under [~~Section 5(k)~~] Article 42A.105(f) [~~42.12~~], Code of Criminal
16 Procedure, was filed in the papers of the case; and

17 (2) has never been previously convicted of or placed
18 on deferred adjudication community supervision for another offense
19 other than an offense under the Transportation Code that is
20 punishable by fine only.

21 (b) Notwithstanding any other provision of this subchapter
22 or Subchapter F, if a person described by Subsection (a) receives a
23 discharge and dismissal under [~~Section 5(c)~~] Article 42A.111
24 [~~42.12~~], Code of Criminal Procedure, and satisfies the requirements
25 of Section [411.074](#), the court that placed the person on deferred
26 adjudication community supervision shall issue an order of
27 nondisclosure of criminal history record information under this

1 subchapter prohibiting criminal justice agencies from disclosing
2 to the public criminal history record information related to the
3 offense giving rise to the deferred adjudication community
4 supervision. The court shall determine whether the person
5 satisfies the requirements of Section 411.074, and if the court
6 makes a finding that the requirements of that section are
7 satisfied, the court shall issue the order of nondisclosure of
8 criminal history record information:

9 (1) at the time the court discharges and dismisses the
10 proceedings against the person, if the discharge and dismissal
11 occurs on or after the 180th day after the date the court placed the
12 person on deferred adjudication community supervision; or

13 (2) as soon as practicable on or after the 180th day
14 after the date the court placed the person on deferred adjudication
15 community supervision, if the discharge and dismissal occurred
16 before that date.

17 SECTION 23.004. Section 411.0725(a), Government Code, is
18 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
19 Legislature, Regular Session, 2015, to read as follows:

20 (a) This section applies only to a person placed on deferred
21 adjudication community supervision under Subchapter C [~~Section 5~~],
22 Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, who is not
23 eligible to receive an order of nondisclosure of criminal history
24 record information under Section 411.072.

25 SECTION 23.005. Section 411.0728(a), Government Code, is
26 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
27 Legislature, Regular Session, 2015, to read as follows:

1 (a) This section applies only to a person who on conviction
2 for an offense under Section 43.02, Penal Code, is placed on
3 community supervision under Chapter 42A [~~Article 42.12~~], Code of
4 Criminal Procedure, and with respect to whom the conviction is
5 subsequently set aside by the court under Article 42A.701 [~~Section~~
6 ~~20(a)~~] of that code [~~article~~].

7 SECTION 23.006. Section 411.073(a), Government Code, is
8 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
9 Legislature, Regular Session, 2015, to read as follows:

10 (a) This section applies only to a person placed on
11 community supervision under Chapter 42A [~~Article 42.12~~], Code of
12 Criminal Procedure:

13 (1) following a conviction of a misdemeanor other than
14 a misdemeanor under Section 106.041, Alcoholic Beverage Code,
15 Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71,
16 Penal Code; and

17 (2) under a provision of Chapter 42A [~~Article 42.12~~],
18 Code of Criminal Procedure, other than Subchapter C [~~Section 5~~],
19 including:

20 (A) a provision that requires the person to serve
21 a term of confinement as a condition of community supervision; or

22 (B) another provision that authorizes placing a
23 person on community supervision after the person has served part of
24 a term of confinement imposed for the offense.

25 SECTION 23.007. Section 411.1471(f), Government Code, is
26 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
27 Legislature, Regular Session, 2015, to read as follows:

1 (f) A defendant who provides a DNA sample under this section
2 is not required to provide a DNA sample under Section [411.148](#) of
3 this code or under [~~Section 11(j)~~], Article [42A.352](#) [~~42.12~~], Code
4 of Criminal Procedure, unless the attorney representing the state
5 in the prosecution of the felony offense that makes Section [411.148](#)
6 or Article [42A.352](#) [~~11(j)~~] applicable to the defendant establishes
7 to the satisfaction of the director that the interests of justice or
8 public safety require that the defendant provide additional
9 samples.

10 SECTION 23.008. Section [411.1882](#)(a), Government Code, is
11 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
12 Legislature, Regular Session, 2015, to read as follows:

13 (a) A person who is serving in this state as a judge or
14 justice of a federal court, as an active judicial officer as defined
15 by Section [411.201](#), as a district attorney, assistant district
16 attorney, criminal district attorney, assistant criminal district
17 attorney, county attorney, or assistant county attorney, as a
18 supervision officer as defined by [~~Section 2~~], Article [42A.001](#)
19 [~~42.12~~], Code of Criminal Procedure, or as a juvenile probation
20 officer may establish handgun proficiency for the purposes of this
21 subchapter by obtaining from a handgun proficiency instructor
22 approved by the Texas Commission on Law Enforcement for purposes of
23 Section [1702.1675](#), Occupations Code, a sworn statement that
24 indicates that the person, during the 12-month period preceding the
25 date of the person's application to the department, demonstrated to
26 the instructor proficiency in the use of handguns.

27 SECTION 23.009. Section [411.1953](#), Government Code, is

1 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
2 Legislature, Regular Session, 2015, to read as follows:

3 Sec. 411.1953. REDUCTION OF FEES FOR COMMUNITY SUPERVISION
4 AND CORRECTIONS DEPARTMENT OFFICERS AND JUVENILE PROBATION
5 OFFICERS. Notwithstanding any other provision of this subchapter,
6 an applicant who is serving in this state as a supervision officer,
7 as defined by [~~Section 2,~~] Article [42A.001](#) [~~42.12~~], Code of
8 Criminal Procedure, or as a juvenile probation officer shall pay a
9 fee of \$25 for the issuance of an original or renewed license under
10 this subchapter.

11 SECTION 23.010. Section [49.09](#)(h), Penal Code, as amended by
12 Section 2.84, Chapter 770 (H.B. 2299), and Section 2, Chapter 1067
13 (H.B. 2246), Acts of the 84th Legislature, Regular Session, 2015,
14 is reenacted to conform to Section [1.01](#), Chapter 770 (H.B. 2299),
15 Acts of the 84th Legislature, Regular Session, 2015, to read as
16 follows:

17 (h) This subsection applies only to a person convicted of a
18 second or subsequent offense relating to the operating of a motor
19 vehicle while intoxicated committed within five years of the date
20 on which the most recent preceding offense was committed. The court
21 shall enter an order that requires the defendant to have a device
22 installed, on each motor vehicle owned or operated by the
23 defendant, that uses a deep-lung breath analysis mechanism to make
24 impractical the operation of the motor vehicle if ethyl alcohol is
25 detected in the breath of the operator, and that requires that
26 before the first anniversary of the ending date of the period of
27 license suspension under Section [521.344](#), Transportation Code, the

1 defendant not operate any motor vehicle that is not equipped with
2 that device. The court shall require the defendant to obtain the
3 device at the defendant's own cost on or before that ending date,
4 require the defendant to provide evidence to the court on or before
5 that ending date that the device has been installed on each
6 appropriate vehicle, and order the device to remain installed on
7 each vehicle until the first anniversary of that ending date. If
8 the court determines the offender is unable to pay for the device,
9 the court may impose a reasonable payment schedule not to extend
10 beyond the first anniversary of the date of installation. The
11 Department of Public Safety shall approve devices for use under
12 this subsection. Section 521.247, Transportation Code, applies to
13 the approval of a device under this subsection and the consequences
14 of that approval. Failure to comply with an order entered under
15 this subsection is punishable by contempt. For the purpose of
16 enforcing this subsection, the court that enters an order under
17 this subsection retains jurisdiction over the defendant until the
18 date on which the device is no longer required to remain installed.
19 To the extent of a conflict between this subsection and Subchapter
20 I, Chapter 42A, Code of Criminal Procedure, this subsection
21 controls.

22 SECTION 23.011. Section 92.025(b), Property Code, is
23 amended to conform to Chapter 770 (H.B. 2299), Acts of the 84th
24 Legislature, Regular Session, 2015, to read as follows:

25 (b) This section does not preclude a cause of action for
26 negligence in leasing of a dwelling by a landlord or a landlord's
27 manager or agent to a tenant, if:

1 (1) the tenant:

2 (A) was convicted of an offense listed in
3 [~~Section 3g,~~ Article [42A.054](#) [~~42.12~~], Code of Criminal Procedure;
4 or

5 (B) has a reportable conviction or adjudication,
6 as defined by Article [62.001](#), Code of Criminal Procedure; and

7 (2) the person against whom the action is filed knew or
8 should have known of the conviction or adjudication.

9 SECTION 23.012. (a) Article [42A.105](#), Code of Criminal
10 Procedure, is amended to conform to Chapter 1279 (S.B. 1902), Acts
11 of the 84th Legislature, Regular Session, 2015, by adding
12 Subsection (f) to read as follows:

13 (f) If a judge places on deferred adjudication community
14 supervision a defendant charged with a misdemeanor other than a
15 misdemeanor under Chapter [20](#), [21](#), [22](#), [25](#), [42](#), [43](#), [46](#), or [71](#), Penal
16 Code, the judge shall make an affirmative finding of fact and file a
17 statement of that affirmative finding with the papers in the case if
18 the judge determines that it is not in the best interest of justice
19 that the defendant receive an automatic order of nondisclosure
20 under Section [411.072](#), Government Code.

21 (b) Article [42A.106](#)(b), Code of Criminal Procedure, is
22 amended to conform to Chapter 1279 (S.B. 1902), Acts of the 84th
23 Legislature, Regular Session, 2015, to read as follows:

24 (b) Before placing a defendant on deferred adjudication
25 community supervision, the court shall inform the defendant of the
26 defendant's right to receive or petition the court for an order of
27 nondisclosure of criminal history record information under

1 Subchapter E-1, Chapter 411 [~~Section 411.081~~], Government Code, as
2 applicable, unless the defendant is ineligible for an order [~~to~~
3 ~~pursue that right~~] because of:

4 (1) the nature of the offense for which the defendant
5 is placed on deferred adjudication community supervision; or

6 (2) the defendant's criminal history.

7 (c) Article 42A.111(e), Code of Criminal Procedure, is
8 amended to conform to Chapter 1279 (S.B. 1902), Acts of the 84th
9 Legislature, Regular Session, 2015, to read as follows:

10 (e) A judge who dismisses the proceedings against a
11 defendant and discharges the defendant under this article:

12 (1) shall [~~+~~

13 [~~(1)~~] provide the defendant with a copy of the order of
14 dismissal and discharge; and

15 (2) if the judge determines that the defendant is or
16 may become eligible for an order of nondisclosure of criminal
17 history record information under Subchapter E-1, Chapter 411,
18 Government Code, shall, as applicable:

19 (A) grant an order of nondisclosure of criminal
20 history record information to the defendant;

21 (B) inform the defendant of the defendant's
22 eligibility to receive an order of nondisclosure of criminal
23 history record information without a petition and the earliest date
24 on which the defendant is eligible to receive the order; or

25 (C) [~~7~~] inform the defendant of the defendant's
26 eligibility to petition the court for an order of nondisclosure of
27 criminal history record information [~~under Section 411.081,~~

1 ~~Government Code,~~] and the earliest date the defendant is eligible
2 to file the petition for the order [~~of nondisclosure~~].

3 (d) Section 16, Chapter 1279 (S.B. 1902), Acts of the 84th
4 Legislature, Regular Session, 2015, which amended Section 5,
5 Article 42.12, Code of Criminal Procedure, is repealed.

6 SECTION 23.013. (a) Article 42A.301, Code of Criminal
7 Procedure, is amended to conform to Section 2, Chapter 106 (H.B.
8 3633), Acts of the 84th Legislature, Regular Session, 2015, to read
9 as follows:

10 Art. 42A.301. BASIC DISCRETIONARY CONDITIONS. The judge of
11 the court having jurisdiction of the case shall determine the
12 conditions of community supervision. The judge may impose any
13 reasonable condition that is designed to protect or restore the
14 community, protect or restore the victim, or punish, rehabilitate,
15 or reform the defendant. Conditions of community supervision may
16 include conditions requiring the defendant to:

17 (1) commit no offense against the laws of this state or
18 of any other state or of the United States;

19 (2) avoid injurious or vicious habits;

20 (3) avoid persons or places of disreputable or harmful
21 character, including any person, other than a family member of the
22 defendant, who is an active member of a criminal street gang;

23 (4) report to the supervision officer as directed by
24 the judge or supervision officer and obey all rules and regulations
25 of the community supervision and corrections department;

26 (5) permit the supervision officer to visit the
27 defendant at the defendant's home or elsewhere;

1 (6) work faithfully at suitable employment to the
2 extent possible;

3 (7) remain within a specified place;

4 (8) pay in one or more amounts:

5 (A) the defendant's fine, if one is assessed; and

6 (B) all court costs, regardless of whether a fine
7 is assessed;

8 (9) support the defendant's dependents;

9 (10) participate, for a period specified by the judge,
10 in any community-based program, including a community service
11 project under Article 42A.304;

12 (11) if the judge determines that the defendant has
13 financial resources that enable the defendant to offset in part or
14 in whole the costs of the legal services provided to the defendant
15 in accordance with Article 1.051(c) or (d), including any expenses
16 and costs, reimburse the county in which the prosecution was
17 instituted for the costs of the legal services in an amount that the
18 judge finds the defendant is able to pay, except that the defendant
19 may not be ordered to pay an amount that exceeds [as follows]:

20 (A) the actual costs, including any expenses and
21 costs, paid by the county for the legal services provided by an
22 appointed attorney [if counsel was appointed, an amount for
23 compensation paid to appointed counsel for defending the defendant
24 in the case]; or

25 (B) if the defendant was represented by a public
26 defender's office, the actual [an] amount, including any expenses
27 and costs, that would have otherwise been paid to an appointed

1 attorney had the county not had a public defender's office;

2 (12) if under custodial supervision in a community
3 corrections facility:

4 (A) remain under that supervision;

5 (B) obey all rules and regulations of the
6 facility; and

7 (C) pay a percentage of the defendant's income
8 to:

9 (i) the facility for room and board; and

10 (ii) the defendant's dependents for their
11 support during the period of custodial supervision;

12 (13) submit to testing for alcohol or controlled
13 substances;

14 (14) attend counseling sessions for substance abusers
15 or participate in substance abuse treatment services in a program
16 or facility approved or licensed by the Department of State Health
17 Services;

18 (15) with the consent of the victim of a misdemeanor
19 offense or of any offense under Title 7, Penal Code, participate in
20 victim-defendant mediation;

21 (16) submit to electronic monitoring;

22 (17) reimburse the compensation to victims of crime
23 fund for any amounts paid from that fund to or on behalf of a victim,
24 as defined by Article 56.32, of the offense or if no reimbursement
25 is required, make one payment to the compensation to victims of
26 crime fund in an amount not to exceed \$50 if the offense is a
27 misdemeanor or not to exceed \$100 if the offense is a felony;

1 (18) reimburse a law enforcement agency for the
2 analysis, storage, or disposal of raw materials, controlled
3 substances, chemical precursors, drug paraphernalia, or other
4 materials seized in connection with the offense;

5 (19) pay all or part of the reasonable and necessary
6 costs incurred by the victim for psychological counseling made
7 necessary by the offense or for counseling and education relating
8 to acquired immune deficiency syndrome or human immunodeficiency
9 virus made necessary by the offense;

10 (20) make one payment in an amount not to exceed \$50 to
11 a crime stoppers organization, as defined by Section [414.001](#),
12 Government Code, and as certified by the Texas Crime Stoppers
13 Council;

14 (21) submit a DNA sample to the Department of Public
15 Safety under Subchapter G, Chapter [411](#), Government Code, for the
16 purpose of creating a DNA record of the defendant;

17 (22) in any manner required by the judge, provide in
18 the county in which the offense was committed public notice of the
19 offense for which the defendant was placed on community
20 supervision; and

21 (23) reimburse the county in which the prosecution was
22 instituted for compensation paid to any interpreter in the case.

23 (b) Article [42A.651](#), Code of Criminal Procedure, is amended
24 to conform to Section 2, Chapter 106 (H.B. 3633), Acts of the 84th
25 Legislature, Regular Session, 2015, by amending Subsection (a) and
26 adding Subsection (c) to read as follows:

27 (a) A judge may not order a defendant to make a payment as a

1 term or condition of community supervision, except for:

2 (1) the payment of fines, court costs, or restitution
3 to the victim; ~~or~~

4 (2) reimbursement of a county as described by Article
5 42A.301(11); or

6 (3) a payment ordered as a condition that relates
7 personally to the rehabilitation of the defendant or that is
8 otherwise expressly authorized by law.

9 (c) A judge may not impose a condition of community
10 supervision requiring a defendant to reimburse a county for the
11 costs of legal services as described by Article 42A.301(11) if the
12 defendant has already satisfied that obligation under Article
13 26.05(g).

14 (c) Article 42A.655, Code of Criminal Procedure, is amended
15 to conform to Section 2, Chapter 106 (H.B. 3633), Acts of the 84th
16 Legislature, Regular Session, 2015, to read as follows:

17 Art. 42A.655. ABILITY TO PAY. The court shall consider the
18 defendant's ability to pay before ~~in~~ ordering the defendant to
19 make any payments under this chapter.

20 (d) Section 2, Chapter 106 (H.B. 3633), Acts of the 84th
21 Legislature, Regular Session, 2015, which amended Sections 11(a)
22 and (b), Article 42.12, Code of Criminal Procedure, is repealed.

23 SECTION 23.014. (a) Article 42A.751(i), Code of Criminal
24 Procedure, is amended to conform to Section 3, Chapter 106 (H.B.
25 3633), Acts of the 84th Legislature, Regular Session, 2015, to read
26 as follows:

27 (i) In a revocation hearing at which it is alleged only that

1 the defendant violated the conditions of community supervision by
2 failing to pay [~~compensation paid to appointed counsel,~~] community
3 supervision fees[~~,~~] or court costs or by failing to pay the costs of
4 legal services as described by Article 42A.301(11), the state must
5 prove by a preponderance of the evidence that the defendant was able
6 to pay and did not pay as ordered by the judge.

7 (b) Section 3, Chapter 106 (H.B. 3633), Acts of the 84th
8 Legislature, Regular Session, 2015, which amended Section 21(c),
9 Article 42.12, Code of Criminal Procedure, is repealed.

10 SECTION 23.015. (a) Article 42A.304, Code of Criminal
11 Procedure, is amended to conform to Section 1, Chapter 1002 (H.B.
12 583), Acts of the 84th Legislature, Regular Session, 2015, by
13 amending Subsection (f) and adding Subsection (g) to read as
14 follows:

15 (f) Instead of requiring the defendant to work a specified
16 number of hours at one or more community service projects under
17 Subsection (a), the [~~The~~] judge may order a defendant to make a
18 specified donation to:

19 (1) a nonprofit food bank or food pantry in the
20 community in which the defendant resides;

21 (2) a charitable organization engaged primarily in
22 performing charitable functions for veterans in the community in
23 which the defendant resides; or

24 (3) in a county with a population of less than 50,000,
25 another nonprofit organization that:

26 (A) is exempt from taxation under Section 501(a)
27 of the Internal Revenue Code of 1986 because it is listed in Section

1 501(c)(3) of that code; and

2 (B) provides services or assistance to needy
3 individuals and families in the community in which the defendant
4 resides [~~instead of requiring the defendant to work a specified~~
5 ~~number of hours at one or more community service projects under~~
6 ~~Subsection (a)~~].

7 (g) In this article:

8 (1) "Charitable organization" has the meaning
9 assigned by Section 2252.906, Government Code.

10 (2) "Veteran" has the meaning assigned by Section
11 434.022, Government Code.

12 (b) Section 1, Chapter 1002 (H.B. 583), Acts of the 84th
13 Legislature, Regular Session, 2015, which amended Section 16,
14 Article 42.12, Code of Criminal Procedure, is repealed.

15 SECTION 23.016. (a) Article 42A.403(a), Code of Criminal
16 Procedure, is amended to conform to Chapter 838 (S.B. 202), Acts of
17 the 84th Legislature, Regular Session, 2015, to read as follows:

18 (a) A judge who places on community supervision a defendant
19 convicted of an offense under Sections 49.04-49.08, Penal Code,
20 shall require as a condition of community supervision that the
21 defendant attend and successfully complete, before the 181st day
22 after the date community supervision is granted, an educational
23 program designed to rehabilitate persons who have driven while
24 intoxicated that is jointly approved by:

25 (1) the Texas Department of Licensing and Regulation
26 [~~State Health Services~~];

27 (2) the Department of Public Safety;

1 (3) the traffic safety section of the traffic
2 operations division of the Texas Department of Transportation; and

3 (4) the community justice assistance division of the
4 Texas Department of Criminal Justice.

5 (b) Article 42A.403, Code of Criminal Procedure, is amended
6 to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature,
7 Regular Session, 2015, by adding Subsection (d-1) and amending
8 Subsection (e) to read as follows:

9 (d-1) The judge shall waive the educational program
10 requirement if the defendant successfully completes equivalent
11 education at a residential treatment facility under Article
12 42A.4045.

13 (e) The judge shall set out in the judgment, as applicable:

14 (1) the finding of good cause for waiver; or

15 (2) the finding that the defendant has successfully
16 completed equivalent education as provided by Article 42A.4045 [~~in~~
17 the judgment].

18 (c) Article 42A.404(a), Code of Criminal Procedure, is
19 amended to conform to Chapter 838 (S.B. 202), Acts of the 84th
20 Legislature, Regular Session, 2015, to read as follows:

21 (a) The judge shall require a defendant who is punished
22 under Section 49.09, Penal Code, to attend and successfully
23 complete as a condition of community supervision an educational
24 program for repeat offenders that is approved by the Texas
25 Department of Licensing and Regulation [~~State Health Services~~].

26 (d) Article 42A.404, Code of Criminal Procedure, is amended
27 to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature,

1 Regular Session, 2015, by amending Subsections (b) and (c) and
2 adding Subsection (b-1) to read as follows:

3 (b) The judge may waive the educational program requirement
4 [~~only~~] if the defendant by a motion in writing shows good cause. In
5 determining good cause, the judge may consider:

- 6 (1) the defendant's school and work schedule;
7 (2) the defendant's health;
8 (3) the distance that the defendant must travel to
9 attend an educational program; and
10 (4) whether the defendant resides out of state or does
11 not have access to transportation.

12 (b-1) The judge shall waive the educational program
13 requirement if the defendant successfully completes equivalent
14 education at a residential treatment facility under Article
15 42A.4045.

16 (c) The judge shall set out in the judgment, as applicable:
17 (1) the finding of good cause for waiver; or
18 (2) the finding that the defendant has successfully
19 completed equivalent education as provided by Article 42A.4045 [~~in~~
20 the judgment].

21 (e) Subchapter I, Chapter 42A, Code of Criminal Procedure,
22 is amended to conform to Chapter 851 (S.B. 1070), Acts of the 84th
23 Legislature, Regular Session, 2015, by adding Article 42A.4045 to
24 read as follows:

25 Art. 42A.4045. ALTERNATIVE TO EDUCATIONAL PROGRAM:
26 SUBSTANCE ABUSE TREATMENT FACILITY. (a) A judge shall waive the
27 educational requirement under Article 42A.403 or 42A.404 for a

1 defendant who is required to receive treatment as a resident of a
2 substance abuse treatment facility as a condition of community
3 supervision if the defendant successfully completes equivalent
4 education while the defendant is confined to the residential
5 treatment facility.

6 (b) The Department of State Health Services shall approve
7 equivalent education provided at substance abuse treatment
8 facilities.

9 (c) The executive commissioner of the Health and Human
10 Services Commission shall adopt rules to implement this article.

11 (d) For purposes of this article, a substance abuse
12 treatment facility includes:

13 (1) a substance abuse felony punishment facility
14 operated by the Texas Department of Criminal Justice under Section
15 493.009, Government Code;

16 (2) a community corrections facility, as defined by
17 Section 509.001, Government Code; or

18 (3) a chemical dependency treatment facility licensed
19 under Chapter 464, Health and Safety Code.

20 (f) Article 42A.405, Code of Criminal Procedure, is amended
21 to conform to Chapter 838 (S.B. 202), Acts of the 84th Legislature,
22 Regular Session, 2015, to read as follows:

23 Art. 42A.405. RULES FOR AND ADMINISTRATION OF EDUCATIONAL
24 PROGRAMS. (a) The Texas Department of Licensing and Regulation
25 ~~[Health and Human Services Commission]~~ shall adopt rules for the
26 educational program under Article 42A.404.

27 (b) The Texas Department of Licensing and Regulation ~~[State~~

1 ~~Health Services~~] shall:

2 (1) publish the jointly approved rules for the
3 educational program under Article 42A.403; and

4 (2) monitor, coordinate, and provide training to
5 persons providing the educational programs under this subchapter.

6 (c) The Texas Department of Licensing and Regulation [~~State~~
7 ~~Health Services~~] is responsible for the administration of the
8 certification of approved educational programs.

9 (d) The Texas Department of Licensing and Regulation [~~State~~
10 ~~Health Services~~] may charge a nonrefundable application fee for the
11 initial certification of approval or for a renewal of the
12 certification.

13 (g) Article 42A.406, Code of Criminal Procedure, is amended
14 to conform to Chapter 851 (S.B. 1070), Acts of the 84th Legislature,
15 Regular Session, 2015, by amending Subsection (a) and adding
16 Subsection (b-1) to read as follows:

17 (a) If a defendant is required as a condition of community
18 supervision to attend an educational program under Article 42A.403
19 or 42A.404, or if the court waives the educational program
20 requirement under Article 42A.403 or the defendant successfully
21 completes equivalent education under Article 42A.4045, the court
22 clerk shall immediately report that fact to the Department of
23 Public Safety, on a form prescribed by the department, for
24 inclusion in the defendant's driving record. If the court grants an
25 extension of time in which the defendant may complete the
26 educational program under Article 42A.403, the court clerk shall
27 immediately report that fact to the Department of Public Safety on a

1 form prescribed by the department. The clerk's report under this
2 subsection must include the beginning date of the defendant's
3 community supervision.

4 (b-1) Upon release from a residential treatment facility at
5 which the person successfully completed equivalent education under
6 Article 42A.4045, at the request of the court clerk, the director of
7 the residential treatment facility shall give notice to the
8 Department of Public Safety for inclusion in the person's driving
9 record.

10 (h) The following provisions are repealed:

11 (1) Section 1, Chapter 851 (S.B. 1070), Acts of the
12 84th Legislature, Regular Session, 2015, which amended Subsections
13 (h) and (j) and added Subsection (o), Section 13, Article 42.12,
14 Code of Criminal Procedure; and

15 (2) Section 1.224, Chapter 838 (S.B. 202), Acts of the
16 84th Legislature, Regular Session, 2015, which amended Subsections
17 (h) and (j), Section 13, Article 42.12, Code of Criminal Procedure.

18 SECTION 23.017. (a) Article 42A.407, Code of Criminal
19 Procedure, is amended to conform to Section 1, Chapter 1067 (H.B.
20 2246), Acts of the 84th Legislature, Regular Session, 2015, by
21 adding Subsection (g) to read as follows:

22 (g) Notwithstanding any other provision of this subchapter,
23 a defendant whose license is suspended for an offense under
24 Sections 49.04-49.08, Penal Code, may operate a motor vehicle
25 during the period of suspension if the defendant:

26 (1) obtains and uses an ignition interlock device as
27 provided by Article 42A.408 for the entire period of the

1 suspension; and

2 (2) applies for and receives an occupational driver's
3 license with an ignition interlock designation under Section
4 521.2465, Transportation Code.

5 (b) Section 1, Chapter 1067 (H.B. 2246), Acts of the 84th
6 Legislature, Regular Session, 2015, which added Section 13(o),
7 Article 42.12, Code of Criminal Procedure, is repealed.

8 SECTION 23.018. (a) Article 42A.454, Code of Criminal
9 Procedure, is amended to conform to Section 1, Chapter 684 (H.B.
10 372), Acts of the 84th Legislature, Regular Session, 2015, to read
11 as follows:

12 Art. 42A.454. CERTAIN INTERNET ACTIVITY PROHIBITED. (a)
13 This article applies only to a defendant who is required to register
14 as a sex offender under Chapter 62, by court order or otherwise,
15 and:

16 (1) is convicted of or receives a grant of deferred
17 adjudication community supervision for a violation of Section
18 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal
19 Code;

20 (2) used the Internet or any other type of electronic
21 device used for Internet access to commit the offense or engage in
22 the conduct for which the person is required to register under
23 Chapter 62; or

24 (3) is assigned a numeric risk level of two or three
25 based on an assessment conducted under Article 62.007.

26 (b) If the court grants community supervision to a defendant
27 described by Subsection (a), the court as a condition of community

1 supervision shall:

2 (1) prohibit the defendant from using the Internet to:

3 (A) [~~(1)~~] access material that is obscene, as
4 defined by Section 43.21, Penal Code;

5 (B) [~~(2)~~] access a commercial social networking
6 site, as defined by Article 62.0061(f);

7 (C) [~~(3)~~] communicate with any individual
8 concerning sexual relations with an individual who is younger than
9 17 years of age; or

10 (D) [~~(4)~~] communicate with another individual
11 the defendant knows is younger than 17 years of age; and

12 (2) to ensure the defendant's compliance with
13 Subdivision (1), require the defendant to submit to regular
14 inspection or monitoring of each electronic device used by the
15 defendant to access the Internet.

16 (c) The court may modify at any time the condition described
17 by Subsection (b)(1)(D) [~~(b)(4)~~] if:

18 (1) the condition interferes with the defendant's
19 ability to attend school or become or remain employed and
20 consequently constitutes an undue hardship for the defendant; or

21 (2) the defendant is the parent or guardian of an
22 individual who is younger than 17 years of age and the defendant is
23 not otherwise prohibited from communicating with that individual.

24 (b) Section 1, Chapter 684 (H.B. 372), Acts of the 84th
25 Legislature, Regular Session, 2015, which amended Section 13G,
26 Article 42.12, Code of Criminal Procedure, is repealed.

27 SECTION 23.019. (a) Subchapter K, Chapter 42A, Code of

1 Criminal Procedure, is amended to conform to Section 3, Chapter
2 1004 (H.B. 642), Acts of the 84th Legislature, Regular Session,
3 2015, by adding Article 42A.514 to read as follows:

4 Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR
5 DRUG RELATED OFFENSES. (a) If a judge grants community supervision
6 to a defendant younger than 18 years of age convicted of an
7 alcohol-related offense under Section 106.02, 106.025, 106.04,
8 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
9 49.02, Penal Code, or an offense involving possession of a
10 controlled substance or marihuana under Section 481.115, 481.1151,
11 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety
12 Code, the judge may require the defendant as a condition of
13 community supervision to attend, as appropriate:

14 (1) an alcohol awareness program approved under
15 Section 106.115, Alcoholic Beverage Code; or

16 (2) a drug education program that is designed to
17 educate persons on the dangers of drug abuse and is approved by the
18 Department of State Health Services in accordance with Section
19 521.374, Transportation Code.

20 (b) If a judge requires a defendant as a condition of
21 community supervision to attend an alcohol awareness program or
22 drug education program described by Subsection (a), unless the
23 judge determines that the defendant is indigent and unable to pay
24 the cost, the judge shall require the defendant to pay the cost of
25 attending the program. The judge may allow the defendant to pay the
26 cost of attending the program in installments during the term of
27 community supervision.

1 (b) Section 3, Chapter 1004 (H.B. 642), Acts of the 84th
2 Legislature, Regular Session, 2015, which added Section 11(n),
3 Article 42.12, Code of Criminal Procedure, is repealed.

4 SECTION 23.020. (a) Article 42A.559, Code of Criminal
5 Procedure, is amended to conform to Section 2, Chapter 225 (H.B.
6 1546), Acts of the 84th Legislature, Regular Session, 2015, by
7 amending Subsections (b), (e), and (f) and adding Subsections (g)
8 and (h) to read as follows:

9 (b) A defendant confined in a state jail felony facility
10 does not earn good conduct time for time served in the facility but
11 may be awarded diligent participation credit in accordance with
12 Subsection (f) or (g).

13 (e) For a defendant who has participated in an educational,
14 vocational, treatment, or work program while confined in a state
15 jail felony facility, ~~[not later than the 30th day before the date~~
16 ~~on which the defendant will have served 80 percent of the~~
17 ~~defendant's sentence,]~~ the Texas Department of Criminal Justice
18 shall record ~~[report to the sentencing court]~~ the number of days
19 during which the defendant diligently participated in any
20 educational, vocational, treatment, or work program. ~~[The~~
21 ~~contents of a report submitted under this subsection are not~~
22 ~~subject to challenge by a defendant.]~~

23 (f) For a defendant with a judgment that contains a finding
24 under Article 42.0199 that the defendant is presumptively entitled
25 to diligent participation credit and who has not been the subject of
26 disciplinary action while confined in the state jail felony
27 facility, the department shall ~~[A judge, based on the report~~

1 ~~received under Subsection (e), may~~ credit against any time the ~~[a]~~
2 defendant is required to serve in a state jail felony facility
3 additional time for each day the defendant actually served in the
4 facility while diligently participating in an educational,
5 vocational, treatment, or work program.

6 (g) For a defendant with a judgment that contains a finding
7 under Article 42.0199 that the defendant is not presumptively
8 entitled to diligent participation credit or who has been the
9 subject of disciplinary action while confined in the state jail
10 felony facility, the department shall, not later than the 30th day
11 before the date on which the defendant will have served 80 percent
12 of the defendant's sentence, report to the sentencing court the
13 record of the number of days under Subsection (e). The contents of a
14 report submitted under this subsection are not subject to challenge
15 by a defendant. A judge, based on the report, may credit against any
16 time a defendant is required to serve in a state jail felony
17 facility additional time for each day the defendant actually served
18 in the facility while diligently participating in an educational,
19 vocational, treatment, or work program.

20 (h) A time credit under Subsection (f) or (g) [this
21 subsection] may not exceed one-fifth of the amount of time the
22 defendant is originally required to serve in the facility. A
23 defendant may not be awarded a time credit under Subsection (f) or
24 (g) [this subsection] for any period during which the defendant is
25 subject to disciplinary status ~~[action]~~. A time credit under
26 Subsection (f) or (g) [this subsection] is a privilege and not a
27 right.

1 (b) Section 2, Chapter 225 (H.B. 1546), Acts of the 84th
2 Legislature, Regular Session, 2015, which amended Section 15(h),
3 Article 42.12, Code of Criminal Procedure, is repealed.

4 SECTION 23.021. (a) Article 42A.751(e), Code of Criminal
5 Procedure, is amended to conform to Section 1, Chapter 687 (H.B.
6 518), Acts of the 84th Legislature, Regular Session, 2015, to read
7 as follows:

8 (e) A judge may revoke without a hearing the community
9 supervision of a defendant who is imprisoned in a penal institution
10 if the defendant in writing before a court of record or a notary
11 public in the jurisdiction where the defendant is imprisoned:

12 (1) waives the defendant's right to a hearing and to
13 counsel;

14 (2) affirms that the defendant has nothing to say as to
15 why sentence should not be pronounced against the defendant; and

16 (3) requests the judge to revoke community supervision
17 and to pronounce sentence.

18 (b) Section 1, Chapter 687 (H.B. 518), Acts of the 84th
19 Legislature, Regular Session, 2015, which amended Section 21(b-2),
20 Article 42.12, Code of Criminal Procedure, is repealed.

21 ARTICLE 24. REDESIGNATIONS

22 SECTION 24.001. The following provisions of enacted codes
23 are redesignated to eliminate duplicate citations:

24 (1) Section 251.725, Alcoholic Beverage Code, as added
25 by Chapter 241 (S.B. 680), Acts of the 84th Legislature, Regular
26 Session, 2015, is redesignated as Section 251.726, Alcoholic
27 Beverage Code.

1 (2) Chapter 506, Business & Commerce Code, as added by
2 Chapter 794 (H.B. 2739), Acts of the 84th Legislature, Regular
3 Session, 2015, is redesignated as Chapter 507, Business & Commerce
4 Code, and Section 506.001, Business & Commerce Code, as added by
5 that Act, is redesignated as Section 507.001, Business & Commerce
6 Code.

7 (3) Article 2.139, Code of Criminal Procedure, as
8 added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature,
9 Regular Session, 2015, is redesignated as Article 2.1396, Code of
10 Criminal Procedure.

11 (4) Subdivision (5), Section 2, Article 38.01, Code of
12 Criminal Procedure, as added by Chapter 1276 (S.B. 1287), Acts of
13 the 84th Legislature, Regular Session, 2015, is redesignated as
14 Subdivision (6), Section 2, Article 38.01, Code of Criminal
15 Procedure.

16 (5) Section 21.0487, Education Code, as added by
17 Chapter 755 (H.B. 2014), Acts of the 84th Legislature, Regular
18 Session, 2015, is redesignated as Section 21.0488, Education Code.

19 (6) Subchapter E, Chapter 107, Family Code, as added
20 by Chapter 571 (H.B. 3003), Acts of the 84th Legislature, Regular
21 Session, 2015, is redesignated as Subchapter G, Chapter 107, Family
22 Code, and Sections 107.061, 107.062, 107.063, 107.064, 107.065,
23 107.066, 107.067, 107.068, 107.069, 107.070, 107.071, and 107.072,
24 Family Code, as added by that Act, are redesignated as Sections
25 107.251, 107.252, 107.253, 107.254, 107.255, 107.256, 107.257,
26 107.258, 107.259, 107.260, 107.261, and 107.262, Family Code,
27 respectively.

1 (7) Subchapter F, Chapter 107, Family Code, as added
2 by Chapter 571 (H.B. 3003), Acts of the 84th Legislature, Regular
3 Session, 2015, is redesignated as Subchapter H, Chapter 107, Family
4 Code, and Sections 107.101, 107.102, 107.103, 107.104, 107.105,
5 107.106, 107.107, and 107.108, Family Code, as added by that Act,
6 are redesignated as Sections 107.301, 107.302, 107.303, 107.304,
7 107.305, 107.306, 107.307, and 107.308, Family Code, respectively.

8 (8) Section 262.011, Family Code, as added by Chapter
9 455 (H.B. 331), Acts of the 84th Legislature, Regular Session,
10 2015, is redesignated as Section 262.012, Family Code.

11 (9) Subchapter C, Chapter 265, Family Code, as added
12 by Chapter 1257 (H.B. 2630), Acts of the 84th Legislature, Regular
13 Session, 2015, is redesignated as Subchapter D, Chapter 265, Family
14 Code, and Sections 265.101, 265.102, 265.103, 265.104, and 265.105,
15 Family Code, as added by that Act, are redesignated as Sections
16 265.151, 265.152, 265.153, 265.154, and 265.155, Family Code,
17 respectively.

18 (10) Chapter 36, Government Code, as added by Chapter
19 935 (H.B. 2398), Acts of the 84th Legislature, Regular Session,
20 2015, is redesignated as Chapter 38, Government Code, and Sections
21 36.001, 36.002, and 36.003, Government Code, as added by that Act,
22 are redesignated as Sections 38.001, 38.002, and 38.003, Government
23 Code, respectively.

24 (11) Section 402.038, Government Code, as added by
25 Chapter 105 (H.B. 3327), Acts of the 84th Legislature, Regular
26 Session, 2015, is redesignated as Section 402.039, Government Code.

27 (12) Section 411.0208, Government Code, as added by

1 Chapter 1221 (S.B. 1853), Acts of the 84th Legislature, Regular
2 Session, 2015, is redesignated as Section 411.02095, Government
3 Code.

4 (13) Section 442.030, Government Code, as added by
5 Chapter 445 (H.B. 3868), Acts of the 84th Legislature, Regular
6 Session, 2015, is redesignated as Section 442.031, Government Code.

7 (14) Section 442.030, Government Code, as added by
8 Chapter 556 (H.B. 2332), Acts of the 84th Legislature, Regular
9 Session, 2015, is redesignated as Section 442.032, Government Code.

10 (15) Section 501.068, Government Code, as added by
11 Chapter 406 (H.B. 2189), Acts of the 84th Legislature, Regular
12 Session, 2015, is redesignated as Section 501.069, Government Code.

13 (16) Section 531.00553, Government Code, as added by
14 Chapter 1209 (S.B. 1540), Acts of the 84th Legislature, Regular
15 Session, 2015, is redesignated as Section 531.00554, Government
16 Code.

17 (17) Subsection (q), Section 531.102, Government
18 Code, as added by Chapter 945 (S.B. 207), Acts of the 84th
19 Legislature, Regular Session, 2015, is redesignated as Subsection
20 (x), Section 531.102, Government Code.

21 (18) Section 533.0061, Government Code, as added by
22 Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular
23 Session, 2015, is redesignated as Section 533.0065, Government
24 Code.

25 (19) Section 656.002, Government Code, as added by
26 Chapter 111 (S.B. 389), Acts of the 84th Legislature, Regular
27 Session, 2015, is redesignated as Section 656.003, Government Code.

1 (20) Section 662.061, Government Code, as added by
2 Chapter 272 (H.B. 369), Acts of the 84th Legislature, Regular
3 Session, 2015, is redesignated as Section 662.063, Government Code.

4 (21) Section 662.061, Government Code, as added by
5 Chapter 503 (H.B. 194), Acts of the 84th Legislature, Regular
6 Session, 2015, is redesignated as Section 662.064, Government Code.

7 (22) Section 662.155, Government Code, as added by
8 Chapter 686 (H.B. 504), Acts of the 84th Legislature, Regular
9 Session, 2015, is redesignated as Section 662.156, Government Code.

10 (23) Section 2054.134, Government Code, as added by
11 Chapter 965 (S.B. 1877), Acts of the 84th Legislature, Regular
12 Session, 2015, is redesignated as Section 2054.135, Government
13 Code.

14 (24) Subsection (d-1), Section 2306.185, Government
15 Code, as added by Chapter 817 (H.B. 3576), Acts of the 84th
16 Legislature, Regular Session, 2015, is redesignated as Subsection
17 (d-5), Section 2306.185, Government Code.

18 (25) Subsection (g), Section 81.046, Health and Safety
19 Code, as added by Chapter 789 (H.B. 2646), Acts of the 84th
20 Legislature, Regular Session, 2015, is redesignated as Subsection
21 (h), Section 81.046, Health and Safety Code.

22 (26) Section 105.009, Health and Safety Code, as added
23 by Chapter 1088 (H.B. 2696), Acts of the 84th Legislature, Regular
24 Session, 2015, is redesignated as Section 105.010, Health and
25 Safety Code.

26 (27) Chapter 118, Health and Safety Code, as added by
27 Chapter 1123 (H.B. 3781), Acts of the 84th Legislature, Regular

1 Session, 2015, is redesignated as Chapter 119, Health and Safety
2 Code, and Sections [118.001](#), [118.051](#), [118.052](#), [118.053](#), [118.054](#),
3 [118.055](#), [118.056](#), [118.101](#), [118.102](#), [118.103](#), [118.104](#), [118.105](#),
4 [118.106](#), and [118.107](#), Health and Safety Code, as added by that Act,
5 are redesignated as Sections 119.001, 119.051, 119.052, 119.053,
6 119.054, 119.055, 119.056, 119.101, 119.102, 119.103, 119.104,
7 119.105, 119.106, and 119.107, Health and Safety Code,
8 respectively.

9 (28) Subsection (d), Section [712.0444](#), Health and
10 Safety Code, as added by Chapter 19 (S.B. 656), Acts of the 84th
11 Legislature, Regular Session, 2015, is redesignated as Subsection
12 (e), Section [712.0444](#), Health and Safety Code.

13 (29) Section [161.088](#), Human Resources Code, as added
14 by Chapters 826 (H.B. 4001) and 1200 (S.B. 1385), Acts of the 84th
15 Legislature, Regular Session, 2015, is redesignated as Section
16 161.089, Human Resources Code.

17 (30) Section [55.009](#), Occupations Code, as added by
18 Chapter 1193 (S.B. 1307), Acts of the 84th Legislature, Regular
19 Session, 2015, is redesignated as Section 55.010, Occupations Code.

20 (31) Subsection (l), Section [1701.253](#), Occupations
21 Code, as added by Chapter 642 (S.B. 1987), Acts of the 84th
22 Legislature, Regular Session, 2015, is redesignated as Subsection
23 (m), Section [1701.253](#), Occupations Code.

24 (32) Sections [1701.261](#) and [1701.262](#), Occupations
25 Code, as added by Chapter 725 (H.B. 1338), Acts of the 84th
26 Legislature, Regular Session, 2015, are redesignated as Sections
27 1701.264 and 1701.265, Occupations Code, respectively.

1 (33) Section 1701.262, Occupations Code, as added by
2 Chapter 1056 (H.B. 2053), Acts of the 84th Legislature, Regular
3 Session, 2015, is redesignated as Section 1701.266, Occupations
4 Code.

5 (34) Subchapter M, Chapter 11, Parks and Wildlife
6 Code, as added by Chapter 1181 (S.B. 1132), Acts of the 84th
7 Legislature, Regular Session, 2015, is redesignated as Subchapter
8 N, Chapter 11, Parks and Wildlife Code, and Section 11.351, Parks
9 and Wildlife Code, as added by that Act, is redesignated as Section
10 11.401, Parks and Wildlife Code.

11 (35) Section 21.16, Penal Code, as added by Chapter
12 676 (H.B. 207), Acts of the 84th Legislature, Regular Session,
13 2015, is redesignated as Section 21.17, Penal Code.

14 (36) Section 225.102, Transportation Code, as added by
15 Chapter 16 (S.B. 489), Acts of the 84th Legislature, Regular
16 Session, 2015, is redesignated as Section 225.110, Transportation
17 Code.

18 (37) Section 225.102, Transportation Code, as added by
19 Chapter 276 (H.B. 598), Acts of the 84th Legislature, Regular
20 Session, 2015, is redesignated as Section 225.111, Transportation
21 Code.

22 (38) Section 225.102, Transportation Code, as added by
23 Chapter 316 (H.B. 1187), Acts of the 84th Legislature, Regular
24 Session, 2015, is redesignated as Section 225.112, Transportation
25 Code.

26 (39) Section 225.102, Transportation Code, as added by
27 Chapter 714 (H.B. 1237), Acts of the 84th Legislature, Regular

1 Session, 2015, is redesignated as Section 225.113, Transportation
2 Code.

3 (40) Section 225.102, Transportation Code, as added by
4 Chapter 1233 (S.B. 2041), Acts of the 84th Legislature, Regular
5 Session, 2015, is redesignated as Section 225.114, Transportation
6 Code.

7 (41) Section 225.103, Transportation Code, as added by
8 Chapter 296 (H.B. 2181), Acts of the 84th Legislature, Regular
9 Session, 2015, is redesignated as Section 225.115, Transportation
10 Code.

11 (42) Section 225.103, Transportation Code, as added by
12 Chapter 349 (H.B. 1044), Acts of the 84th Legislature, Regular
13 Session, 2015, is redesignated as Section 225.116, Transportation
14 Code.

15 (43) Section 225.103, Transportation Code, as added by
16 Chapter 458 (H.B. 481), Acts of the 84th Legislature, Regular
17 Session, 2015, is redesignated as Section 225.117, Transportation
18 Code.

19 (44) Section 225.103, Transportation Code, as added by
20 Chapter 1233 (S.B. 2041), Acts of the 84th Legislature, Regular
21 Session, 2015, is redesignated as Section 225.118, Transportation
22 Code.

23 (45) Section 225.105, Transportation Code, as added by
24 Chapter 13 (S.B. 227), Acts of the 84th Legislature, Regular
25 Session, 2015, is redesignated as Section 225.119, Transportation
26 Code.

27 (46) Section 225.105, Transportation Code, as added by

1 Chapter 271 (H.B. 219), Acts of the 84th Legislature, Regular
2 Session, 2015, is redesignated as Section 225.120, Transportation
3 Code.

4 (47) Section 225.106, Transportation Code, as added by
5 Chapter 35 (S.B. 288), Acts of the 84th Legislature, Regular
6 Session, 2015, is redesignated as Section 225.108, Transportation
7 Code.

8 (48) Section 225.106, Transportation Code, as added by
9 Chapter 506 (H.B. 663), Acts of the 84th Legislature, Regular
10 Session, 2015, is redesignated as Section 225.121, Transportation
11 Code.

12 (49) Section 225.106, Transportation Code, as added by
13 Chapter 566 (H.B. 2540), Acts of the 84th Legislature, Regular
14 Session, 2015, is redesignated as Section 225.122, Transportation
15 Code.

16 (50) Section 502.004, Transportation Code, as added by
17 Chapter 67 (S.B. 449), Acts of the 84th Legislature, Regular
18 Session, 2015, is redesignated as Section 502.005, Transportation
19 Code.

20 (51) Subsections (j) and (k), Section 504.315,
21 Transportation Code, as added by Chapter 34 (S.B. 193), Acts of the
22 84th Legislature, Regular Session, 2015, are redesignated as
23 Subsections (n) and (o), Section 504.315, Transportation Code,
24 respectively.

25 (52) Subsection (j), Section 504.315, Transportation
26 Code, as added by Chapter 716 (H.B. 1273), Acts of the 84th
27 Legislature, Regular Session, 2015, is redesignated as Subsection

1 (p), Section 504.315, Transportation Code.

2 (53) Section 504.320, Transportation Code, as added by
3 Chapter 335 (H.B. 127), Acts of the 84th Legislature, Regular
4 Session, 2015, is redesignated as Section 504.321, Transportation
5 Code.

6 (54) Section 504.320, Transportation Code, as added by
7 Chapter 1012 (H.B. 923), Acts of the 84th Legislature, Regular
8 Session, 2015, is redesignated as Section 504.322, Transportation
9 Code.

10 (55) Section 504.649, Transportation Code, as added by
11 Chapter 942 (H.B. 4099), Acts of the 84th Legislature, Regular
12 Session, 2015, is redesignated as Section 504.666, Transportation
13 Code.

14 (56) Section 504.665, Transportation Code, as added by
15 Chapter 41 (S.B. 742), Acts of the 84th Legislature, Regular
16 Session, 2015, is redesignated as Section 504.667, Transportation
17 Code.

18 (57) Section 504.665, Transportation Code, as added by
19 Chapter 454 (H.B. 315), Acts of the 84th Legislature, Regular
20 Session, 2015, is redesignated as Section 504.668, Transportation
21 Code.

22 SECTION 24.002. The following changes are made to conform
23 the provisions amended to the redesignating changes made by Section
24 24.001 of this Act and to correct cross-references:

25 (1) Section 251.72, Alcoholic Beverage Code, is
26 amended to read as follows:

27 Sec. 251.72. CHANGE OF STATUS. Except as provided in

1 Sections [251.725](#), [251.726](#), [251.73](#), and [251.80](#), an authorized voting
2 unit that has exercised or may exercise the right of local option
3 retains the status adopted, whether absolute prohibition or
4 legalization of the sale of alcoholic beverages of one or more of
5 the various types and alcoholic contents on which an issue may be
6 submitted under the terms of Section [501.035](#), Election Code, until
7 that status is changed by a subsequent local option election in the
8 same authorized voting unit.

9 (2) Subsections (a) and (d), Section 107.256, Family
10 Code, as redesignated from Subsections (a) and (d), Section
11 [107.066](#), Family Code, by Section 24.001 of this Act, are amended to
12 read as follows:

13 (a) An office described by Section [107.254](#) [~~[107.064](#)~~] or
14 [107.255](#) [~~[107.065](#)~~] may be a governmental entity or a nonprofit
15 corporation operating under a written agreement with a governmental
16 entity, other than an individual judge or court.

17 (d) In creating an office of child representation or office
18 of parent representation under this section, the commissioners
19 court shall specify or the commissioners courts shall jointly
20 specify, as applicable:

21 (1) the duties of the office;

22 (2) the types of cases to which the office may be
23 appointed under this chapter and the courts in which an attorney
24 employed by the office may be required to appear;

25 (3) if the office is a nonprofit corporation, the term
26 during which the contract designating the office is effective and
27 how that contract may be renewed on expiration of the term; and

1 (4) if an oversight board is established under Section
2 107.262 [~~107.072~~] for the office, the powers and duties that have
3 been delegated to the oversight board.

4 (3) Subsection (a), Section 107.305, Family Code, as
5 redesignated from Subsection (a), Section ~~107.105~~, Family Code, by
6 Section 24.001 of this Act, is amended to read as follows:

7 (a) Unless a program uses a review committee appointed under
8 Section 107.306 [~~107.106~~], a program under this subchapter must be
9 directed by a person who:

- 10 (1) is a member of the State Bar of Texas;
11 (2) has practiced law for at least three years; and
12 (3) has substantial experience in the practice of
13 child welfare law.

14 (4) Subsection (b), Section 107.306, Family Code, as
15 redesignated from Subsection (b), Section ~~107.106~~, Family Code, by
16 Section 24.001 of this Act, is amended to read as follows:

17 (b) Each member of the committee:

- 18 (1) must meet the requirements described by Section
19 107.305(a) [~~107.105(a)~~] for the program director;
20 (2) may not be employed as a prosecutor; and
21 (3) may not be included on or apply for inclusion on
22 the public appointment list.

23 (5) Subsection (b), Section ~~261.3025~~, Family Code, is
24 amended to read as follows:

25 (b) The report must include the following information for
26 the preceding calendar year:

- 27 (1) the number of law enforcement officers who

1 completed the training program established under Section 1701.266
2 [~~1701.262~~], Occupations Code;

3 (2) the number of children who have been placed on the
4 child safety check alert list and the number of those children who
5 have been located; and

6 (3) the number of families who have been placed on the
7 child safety check alert list and the number of those families who
8 have been located.

9 (6) Subsection (d), Section 264.201, Family Code, is
10 amended to read as follows:

11 (d) The services may include in-home programs, parenting
12 skills training, youth coping skills, and individual and family
13 counseling. If the department requires or a court orders parenting
14 skills training services through a parenting education program, the
15 program must be an evidence-based or promising practice parenting
16 education program described by Section 265.151 [~~265.101~~] that is
17 provided in the community in which the family resides, if
18 available.

19 (7) Subsection (a-1), Section 265.004, Family Code, is
20 amended to read as follows:

21 (a-1) The department shall ensure that not less than 75
22 percent of the money appropriated for parenting education programs
23 under Subsection (a) funds evidence-based programs described by
24 Section 265.151(b) [~~265.101(b)~~] and that the remainder of that
25 money funds promising practice programs described by Section
26 265.151(c) [~~265.101(c)~~].

27 (8) Subsection (a), Section 38.003, Government Code,

1 as redesignated from Subsection (a), Section 36.003, Government
2 Code, by Section 24.001 of this Act, is amended to read as follows:

3 (a) The judge of a county, justice, or municipal court, in
4 accordance with Section 38.002 [~~36.002~~], may award money from a
5 judicial donation trust fund established under Section 38.001
6 [~~36.001~~] to eligible children or families who appear before the
7 court for a truancy or curfew violation or in another misdemeanor
8 offense proceeding before the court.

9 (9) Subsection (b), Section 656.023, Government Code,
10 is amended to read as follows:

11 (b) A form prescribed by the commission under Subsection (a)
12 must include a space for a state agency to list a military
13 occupational specialty code as provided by Section 656.003
14 [~~656.002~~].

15 (10) Subsection (e), Section 2306.185, Government
16 Code, as amended by Chapters 643 (S.B. 1989) and 817 (H.B. 3576),
17 Acts of the 84th Legislature, Regular Session, 2015, is reenacted
18 and amended to read as follows:

19 (e) Subsections (c), (d), (d-1), (d-2), (d-3), [~~and~~] (d-4),
20 and (d-5) and Section 2306.269 apply only to multifamily rental
21 housing developments to which the department is providing one or
22 more of the following forms of assistance:

23 (1) a loan or grant in an amount greater than 33
24 percent of the market value of the development on the date the
25 recipient completed the construction of the development;

26 (2) a loan guarantee for a loan in an amount greater
27 than 33 percent of the market value of the development on the date

1 the recipient took legal title to the development; or

2 (3) a low income housing tax credit.

3 (11) Section [81.032](#), Local Government Code, is amended
4 to read as follows:

5 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The
6 commissioners court may accept a gift, grant, donation, bequest, or
7 devise of money or other property on behalf of the county, including
8 a donation under Chapter [38](#) [~~36~~], Government Code, for the purpose
9 of performing a function conferred by law on the county or a county
10 officer.

11 (12) Subsection (m), Section [1701.402](#), Occupations
12 Code, is amended to read as follows:

13 (m) As a requirement for an intermediate or advanced
14 proficiency certificate issued by the commission on or after
15 January 1, 2016, an officer must complete an education and training
16 program on the Texas Crime Information Center's child safety check
17 alert list established by the commission under Section [1701.266](#)
18 [~~1701.262~~].

19 (13) Subsection (a-1), Section [504.009](#),
20 Transportation Code, is amended to read as follows:

21 (a-1) On request, the Texas Military Department, as defined
22 by Section [437.001](#), Government Code, shall issue a souvenir version
23 of the specialty license plate described by Section [504.322](#)
24 [~~504.320~~].

25 ARTICLE 25. EFFECTIVE DATE

26 SECTION 25.001. This Act takes effect September 1, 2017.