H.B. No. 4170

AN ACT

relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 85th Legislature to other Acts of that legislature.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

(2)  conforming codifications enacted by the 85th Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;

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

(4)  making necessary corrections to enacted codes; and

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

SECTION 1.002.  (a) The repeal of a statute by this Act does not affect an amendment, revision, or reenactment of the statute by the 86th Legislature, Regular Session, 2019. The amendment, revision, or reenactment is preserved and given effect as part of the code provision that revised the statute so amended, revised, or reenacted.

(b)  If any provision of this Act conflicts with a statute enacted by the 86th Legislature, Regular Session, 2019, the statute controls.

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

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

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

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including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law.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

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

ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

SECTION 2.001.  Chapter 77, Agriculture Code, is amended to conform to Section 9, Chapter 755 (S.B. 1731), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

CHAPTER 77. FIRE ANT CONTROL

[~~SUBCHAPTER A. ERADICATION PROGRAM~~]

Sec. 77.001.  COMMISSIONERS COURT MAY ESTABLISH PROGRAM. The commissioners court of any county may establish, implement, and conduct a program for the eradication or control of the imported fire ant.

Sec. 77.002.  COORDINATION WITH OTHER PROGRAMS. The program established under this chapter may be conducted independently of or in conjunction with any related program conducted and financed by private or other public entities.

Sec. 77.003.  COST OF PROGRAM. The commissioners court may expend any available county funds to pay for all or its share of the cost of a program established under this chapter, including funds derived from taxation under the 80-cent limitation of Article VIII, Section 9, of the Texas Constitution.

[~~SUBCHAPTER B. BASIC RESEARCH PROGRAM~~]

ARTICLE 3. CHANGES RELATING TO BUSINESS & COMMERCE CODE

SECTION 3.001.  Section 17.46(b), Business & Commerce Code, as amended by Chapters 324 (S.B. 1488), 858 (H.B. 2552), and 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

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

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

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

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

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

(5)  representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;

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

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

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

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

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

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

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

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

(14)  misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;

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

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

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

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

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

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

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

(19)  using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

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

(21)  promoting a pyramid promotional scheme, as defined by Section 17.461;

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

(23)  filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

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

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

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

(27)  taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

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

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

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

(29)  delivering or distributing a solicitation in connection with a good or service that:

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

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

(30)  delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

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

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

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

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

(33)  owning, operating, maintaining, or advertising a massage establishment, as defined by Section 455.001, Occupations Code, that:

(A)  is not appropriately licensed under Chapter 455, Occupations Code, or is not in compliance with the applicable licensing and other requirements of that chapter; or

(B)  is not in compliance with an applicable local ordinance relating to the licensing or regulation of massage establishments; or

(34) [~~(33)~~]  a warrantor of a vehicle protection product warranty using, in connection with the product, a name that includes "casualty," "surety," "insurance," "mutual," or any other word descriptive of an insurance business, including property or casualty insurance, or a surety business.

ARTICLE 4. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

SECTION 4.001.  Article 5.07, Code of Criminal Procedure, is transferred to Chapter 13, Code of Criminal Procedure, and redesignated as Article 13.38, Code of Criminal Procedure.

SECTION 4.002.  Article 5.08, Code of Criminal Procedure, is amended to conform to the amendment of Article 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B. 1584), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

Art. 5.08.  MEDIATION IN FAMILY VIOLENCE CASES. Notwithstanding Article 26.13(g) or 42A.301(b)(15) [~~42A.301(15)~~], in a criminal prosecution arising from family violence, as that term is defined by Section 71.004, Family Code, a court shall not refer or order the victim or the defendant involved to mediation, dispute resolution, arbitration, or other similar procedures.

SECTION 4.003.  Article 16.22(a), Code of Criminal Procedure, as amended by Chapters 748 (S.B. 1326) and 950 (S.B. 1849), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)(1)  Not later than 12 hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the sheriff or municipal jailer shall provide written or electronic notice to the magistrate. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the magistrate, except as provided by Subdivision (2), shall order the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert to:

(A)  collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment; and

(B)  provide to the magistrate a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(b), Health and Safety Code.

(2)  The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the local mental health authority, local intellectual and developmental disability authority, or another mental health or intellectual disability expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3)  If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a jail or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours. If applicable, the county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

SECTION 4.004.  Articles 18.01(c), (d), (e), (g), (h), and (j), Code of Criminal Procedure, are amended to correct references to read as follows:

(c)  A search warrant may not be issued under Article 18.02(a)(10) [~~18.02(10)~~] unless the sworn affidavit required by Subsection (b) sets forth sufficient facts to establish probable cause: (1) that a specific offense has been committed, (2) that the specifically described property or items that are to be searched for or seized constitute evidence of that offense or evidence that a particular person committed that offense, and (3) that the property or items constituting evidence to be searched for or seized are located at or on the particular person, place, or thing to be searched. Except as provided by Subsections (d), (i), and (j), only a judge of a municipal court of record or a county court who is an attorney licensed by the State of Texas, a statutory county court judge, a district court judge, a judge of the Court of Criminal Appeals, including the presiding judge, a justice of the Supreme Court of Texas, including the chief justice, or a magistrate with jurisdiction over criminal cases serving a district court may issue warrants under Article 18.02(a)(10) [~~18.02(10)~~].

(d)  Only the specifically described property or items set forth in a search warrant issued under [~~Subdivision (10) of~~] Article 18.02(a)(10) [~~18.02 of this code~~] or property, items or contraband enumerated in [~~Subdivisions (1) through (9) or in Subdivision (12) of~~] Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (12) [~~18.02 of this code~~] may be seized. A subsequent search warrant may be issued pursuant to [~~Subdivision (10) of~~] Article 18.02(a)(10) [~~18.02 of this code~~] to search the same person, place, or thing subjected to a prior search under [~~Subdivision (10) of~~] Article 18.02(a)(10) [~~18.02 of this code~~] only if the subsequent search warrant is issued by a judge of a district court, a court of appeals, the court of criminal appeals, or the supreme court.

(e)  A search warrant may not be issued under [~~Subdivision (10) of~~] Article 18.02(a)(10) [~~18.02 of this code~~] to search for and seize property or items that are not described in Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), or [~~Subdivisions (1) through~~] (9) [~~of that article~~] and that are located in an office of a newspaper, news magazine, television station, or radio station, and in no event may property or items not described in Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), or [~~Subdivisions (1) through~~] (9) [~~of that article~~] be legally seized in any search pursuant to a search warrant of an office of a newspaper, news magazine, television station, or radio station.

(g)  A search warrant may not be issued under [~~Subdivision (12),~~] Article 18.02(a)(12) [~~18.02, of this code~~] unless the sworn affidavit required by Subsection (b) of this article sets forth sufficient facts to establish probable cause that a specific felony offense has been committed and that the specifically described property or items that are to be searched for or seized constitute contraband as defined in Article 59.01 of this code and are located at or on the particular person, place, or thing to be searched.

(h)  Except as provided by Subsection (i) of this article, a warrant under [~~Subdivision (12),~~] Article 18.02(a)(12) [~~18.02 of this code~~] may only be issued by:

(1)  a judge of a municipal court of record who is an attorney licensed by the state;

(2)  a judge of a county court who is an attorney licensed by the state; or

(3)  a judge of a statutory county court, district court, the court of criminal appeals, or the supreme court.

(j)  Any magistrate who is an attorney licensed by this state may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~] to collect a blood specimen from a person who:

(1)  is arrested for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

(2)  refuses to submit to a breath or blood alcohol test.

SECTION 4.005.  Article 18.065(a), Code of Criminal Procedure, is amended to correct a reference to read as follows:

(a)  A warrant issued by the judge of a district court under Article 18.02(a)(10) [~~18.02(10)~~] to collect a DNA specimen from a person for the purpose of connecting that person to an offense may be executed in any county in this state.

SECTION 4.006.  Articles 42A.651(a) and (c), Code of Criminal Procedure, are amended to conform to the amendment of Article 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B. 1584), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(a)  A judge may not order a defendant to make a payment as a term or condition of community supervision, except for:

(1)  the payment of fines, court costs, or restitution to the victim;

(2)  reimbursement of a county as described by Article 42A.301(b)(11) [~~42A.301(11)~~]; or

(3)  a payment ordered as a condition that relates personally to the rehabilitation of the defendant or that is otherwise expressly authorized by law.

(c)  A judge may not impose a condition of community supervision requiring a defendant to reimburse a county for the costs of legal services as described by Article 42A.301(b)(11) [~~42A.301(11)~~] if the defendant has already satisfied that obligation under Article 26.05(g).

SECTION 4.007.  Article 42A.751(i), Code of Criminal Procedure, is amended to conform to the amendment of Article 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B. 1584), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(i)  In a revocation hearing at which it is alleged only that the defendant violated the conditions of community supervision by failing to pay community supervision fees or court costs or by failing to pay the costs of legal services as described by Article 42A.301(b)(11) [~~42A.301(11)~~], the state must prove by a preponderance of the evidence that the defendant was able to pay and did not pay as ordered by the judge.

SECTION 4.008.  Article 42A.756, Code of Criminal Procedure, is amended to more accurately reflect the source law from which it was derived to read as follows:

Art. 42A.756.  DUE DILIGENCE DEFENSE. For the purposes of a hearing under Article 42A.751(d), it is an affirmative defense to revocation for an alleged violation based on a failure to report to a supervision officer as directed or to remain within a specified place that no supervision officer, peace officer, or other officer with the power of arrest under a warrant issued by a judge for that alleged violation contacted or attempted to contact the defendant in person at the defendant's last known residence address or last known employment address, as reflected in the files of the department serving the county in which the order of [~~deferred adjudication~~] community supervision was entered.

SECTION 4.009.  Article 42A.757(a), Code of Criminal Procedure, is amended to more accurately reflect the source law from which it was derived to read as follows:

(a)  If a defendant is placed on [~~deferred adjudication~~] community supervision after receiving a grant of deferred adjudication community supervision for or being convicted of an offense under Section 21.11, 22.011, or 22.021, Penal Code, at any time during the period of community supervision, the judge may extend the period of community supervision as provided by this article.

SECTION 4.010.  Article 43.09(h), Code of Criminal Procedure, as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(h)  The court may order the defendant to perform community service under Subsection (f):

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program; or

(G)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or

(C)  an educational institution.

SECTION 4.011.  Article 45.049(c), Code of Criminal Procedure, as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(c)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program; or

(G)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

SECTION 4.012.  (a) Article 45.0492(d), Code of Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, and as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program;

(G)  a tutoring program; or

(H)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

(b)  Article 45.0492(d), Code of Criminal Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011, and as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program; or

(G)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

SECTION 4.013.  The heading to Chapter 46, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 46. MISCELLANEOUS PROVISIONS RELATING TO MENTAL ILLNESS AND INTELLECTUAL DISABILITY [~~INSANITY AS DEFENSE~~]

SECTION 4.014.  Chapter 46A, Code of Criminal Procedure, is transferred to Chapter 361, Local Government Code, redesignated as Subchapter Z, Chapter 361, Local Government Code, and amended to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

[~~CHAPTER 46A. AIDS AND HIV TESTING IN COUNTY AND MUNICIPAL JAILS~~]

Sec. 361.901  [~~Art. 46A.01~~]. AIDS AND HIV TESTING IN COUNTY AND MUNICIPAL JAILS; SEGREGATION[~~; DISCLOSURE~~]. (a) In this section, [~~article~~] "AIDS" and "HIV" have the meanings assigned [~~those terms~~] by Section 81.101, Health and Safety Code.

(b)  A county or municipality may test an inmate confined in the county or municipal jail or in a contract facility authorized by Subchapter F, Chapter 351, or Subchapter E of this chapter [~~Article 5115d, Revised Statutes, or Article 5115e, Revised Statutes,~~] to determine the proper medical treatment of the inmate or the proper social management of the inmate or other inmates in the jail or facility.

(c)  If the county or municipality determines that an inmate has a positive test result for AIDS or HIV, the county or municipality may segregate the inmate from other inmates in the jail or facility.

(d)  This section [~~article~~] does not provide a duty to test for AIDS or HIV, and a cause of action does not arise under this section [~~article~~] from a failure to test for AIDS or HIV.

SECTION 4.015.  Article 62.053(a), Code of Criminal Procedure, as amended by Chapters 329 (H.B. 355) and 924 (S.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a)  Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Juvenile Justice Department shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1)  inform the person that:

(A)  not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state or not later than the first date the applicable local law enforcement authority by policy allows the person to register or verify registration, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;

(B)  not later than the seventh day after the date on which the person is released or the date on which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by Article 62.051(h) or (j) or 62.055(e);

(C)  not later than the seventh day before the date on which the person moves to a new residence in this state or another state, the person must report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person;

(D)  not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by the department as the agency designated by that state to receive registration information, if the other state has a registration requirement for sex offenders;

(E)  not later than the 30th day after the date on which the person is released, the person must apply to the department in person for the issuance of an original or renewal driver's license or personal identification certificate and a failure to apply to the department as required by this paragraph results in the automatic revocation of any driver's license or personal identification certificate issued by the department to the person;

(F)  the person must notify appropriate entities of any change in status as described by Article 62.057;

(G)  certain types of employment are prohibited under Article 62.063 for a person with a reportable conviction or adjudication for a sexually violent offense involving a victim younger than 14 years of age and occurring on or after September 1, 2013; [~~and~~]

(H)  certain locations of residence are prohibited under Article 62.064 for a person with a reportable conviction or adjudication for an offense occurring on or after September 1, 2017, except as otherwise provided by that article; and

(I) [~~(H)~~]  if the person enters the premises of a school as described by Article 62.065 [~~62.064~~] and is subject to the requirements of that article, the person must immediately notify the administrative office of the school of the person's presence and the person's registration status under this chapter;

(2)  require the person to sign a written statement that the person was informed of the person's duties as described by Subdivision (1) or Subsection (g) or, if the person refuses to sign the statement, certify that the person was so informed;

(3)  obtain the address or, if applicable, a detailed description of each geographical location where the person expects to reside on the person's release and other registration information, including a photograph and complete set of fingerprints; and

(4)  complete the registration form for the person.

SECTION 4.016.  Subsection (g), Article 62.058, Code of Criminal Procedure, as added by Chapter 924 (S.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (h), Article 62.058, Code of Criminal Procedure, and amended to correct a reference to read as follows:

(h) [~~(g)~~]  A local law enforcement authority who provides a person with a registration form for verification as required by this chapter shall include with the form a statement and, if applicable, a description of the person's duty to provide notice under Article 62.065 [~~62.064~~].

SECTION 4.017.  Article 62.064, Code of Criminal Procedure, as added by Chapter 924 (S.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Article 62.065, Code of Criminal Procedure.

ARTICLE 5. CHANGES RELATING TO EDUCATION CODE

SECTION 5.001.  Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  An open-enrollment charter school is subject to:

(1)  a provision of this title establishing a criminal offense; and

(2)  a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A)  the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B)  criminal history records under Subchapter C, Chapter 22;

(C)  reading instruments and accelerated reading instruction programs under Section 28.006;

(D)  accelerated instruction under Section 28.0211;

(E)  high school graduation requirements under Section 28.025;

(F)  special education programs under Subchapter A, Chapter 29;

(G)  bilingual education under Subchapter B, Chapter 29;

(H)  prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I)  extracurricular activities under Section 33.081;

(J)  discipline management practices or behavior management techniques under Section 37.0021;

(K)  health and safety under Chapter 38;

(L)  public school accountability under Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(M)  the requirement under Section 21.006 to report an educator's misconduct;

(N)  intensive programs of instruction under Section 28.0213;

(O)  the right of a school employee to report a crime, as provided by Section 37.148; [~~and~~]

(P)  bullying prevention policies and procedures under Section 37.0832;

(Q)  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; [~~and~~]

(R)  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment; and

(S) [~~(P)~~]  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d).

SECTION 5.002.  Section 21.0489(d), Education Code, as added by Chapters 757 (S.B. 1839) and 837 (H.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in educator preparation programs for an early childhood through grade six certificate.

SECTION 5.003.  Section 31.001, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.001.  FREE INSTRUCTIONAL MATERIALS. Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Section 31.104(d), a school district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials and technology allotment.

SECTION 5.004.  Section 31.005, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.005.  FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS. An open-enrollment charter school is entitled to the instructional materials and technology allotment under this chapter and is subject to this chapter as if the school were a school district.

SECTION 5.005.  (a) Section 31.021, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.021.  STATE INSTRUCTIONAL MATERIALS AND TECHNOLOGY FUND. (a) The state instructional materials and technology fund consists of:

(1)  an amount set aside by the State Board of Education from the available school fund, in accordance with Section 43.001(d); and

(2)  all amounts lawfully paid into the fund from any other source.

(c)  Money in the state instructional materials and technology fund shall be used to:

(1)  fund the instructional materials and technology allotment, as provided by Section 31.0211;

(2)  purchase special instructional materials for the education of blind and visually impaired students in public schools;

(3)  pay the expenses associated with the instructional materials adoption and review process under this chapter;

(4)  pay the expenses associated with the purchase or licensing of open education resource instructional material;

(5)  pay the expenses associated with the purchase of instructional material, including intrastate freight and shipping and the insurance expenses associated with intrastate freight and shipping;

(6)  fund the technology lending grant program established under Section 32.301;

(7)  provide funding to the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Juvenile Justice Department; and

(8)  pay the expenses associated with the instructional materials web portal developed under Section 31.081.

(d)  Money transferred to the state instructional materials and technology fund remains in the fund until spent and does not lapse to the state at the end of the fiscal year.

(b)  Section 32.302(a), Education Code, as added by Chapter 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is amended to conform to Section 4, Chapter 581 (S.B. 810), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(a)  The commissioner may use not more than $25 million from the state [~~technology and~~] instructional materials and technology fund under Section 31.021 each state fiscal biennium or a different amount determined by appropriation to administer a grant program established under this subchapter.

SECTION 5.006.  The heading to Section 31.0211, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.0211.  INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT.

SECTION 5.007.  Sections 31.0211(a) and (b), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, are reenacted to read as follows:

(a)  A school district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Section 31.0212.

(b)  A juvenile justice alternative education program under Section 37.011 is entitled to an allotment from the state instructional materials and technology fund in an amount determined by the commissioner. The program shall use the allotment to purchase items listed in Subsection (c) for students enrolled in the program. The commissioner's determination under this subsection is final and may not be appealed.

SECTION 5.008.  The heading to Section 31.0212, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.0212.  INSTRUCTIONAL MATERIALS AND TECHNOLOGY ACCOUNT.

SECTION 5.009.  Sections 31.0212(a), (b), (d), and (e), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, are reenacted to read as follows:

(a)  The commissioner shall maintain an instructional materials and technology account for each school district. In the first year of each biennium, the commissioner shall deposit in the account for each district the amount of the district's instructional materials and technology allotment under Section 31.0211.

(b)  The commissioner shall pay the cost of instructional materials requisitioned by a school district under Section 31.103 using funds from the district's instructional materials and technology account.

(d)  Money deposited in a school district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

(e)  The commissioner shall adopt rules as necessary to implement this section. The rules must include a requirement that a school district provide the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

SECTION 5.010.  Section 31.0213, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.0213.  CERTIFICATION OF USE OF INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT. Each school district shall annually certify to the commissioner that the district's instructional materials and technology allotment has been used only for expenses allowed by Section 31.0211.

SECTION 5.011.  Section 31.0214(a), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  Each year the commissioner shall adjust the instructional materials and technology allotment of school districts experiencing high enrollment growth. The commissioner shall establish a procedure for determining high enrollment growth districts eligible to receive an adjustment under this section and the amount of the instructional materials and technology allotment those districts will receive.

SECTION 5.012.  The heading to Section 31.0215, Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 31.0215.  INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT PURCHASES.

SECTION 5.013.  Sections 31.0215(b) and (c), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, are reenacted to read as follows:

(b)  The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials and technology account to pay for an order placed under this section.

(c)  The commissioner shall make payments for orders placed under this section as funds become available to the instructional materials and technology fund and shall prioritize payment of orders placed under this section over reimbursement of purchases made directly by a school district or open-enrollment charter school.

SECTION 5.014.  Section 31.0231(b), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b)  A school district may select material on the list adopted under Subsection (a) to be funded by the district's instructional materials and technology allotment under Section 31.0211.

SECTION 5.015.  Section 31.029(a), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  A school district shall purchase with the district's instructional materials and technology allotment or otherwise acquire instructional materials for use in bilingual education classes.

SECTION 5.016.  Section 31.031(a), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  A school district may purchase with the district's instructional materials and technology allotment or otherwise acquire instructional materials for use in college preparatory courses under Section 28.014.

SECTION 5.017.  Section 31.071(e), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(e)  The costs of administering this subchapter and purchasing state-developed open education resource instructional materials shall be paid from the state instructional materials and technology fund, as determined by the commissioner.

SECTION 5.018.  Section 31.081(e), Education Code, as added by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(e)  The commissioner shall use money in the state instructional materials and technology fund to pay any expenses associated with the web portal.

SECTION 5.019.  Section 31.083, Education Code, as added by Chapter 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 31.002(1-a), Education Code, as amended by Chapters 581 (S.B. 810) and 942 (S.B. 1784), Acts of the 85th Legislature, Regular Session, 2017, and Section 31.083, Education Code, as added by Chapter 581 (S.B. 810), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 5.020.  Section 31.101(f), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(f)  The commissioner shall maintain an online requisition system for school districts to requisition instructional materials to be purchased with the district's instructional materials and technology allotment.

SECTION 5.021.  Section 31.151(d), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  A penalty collected under this section shall be deposited to the credit of the state instructional materials and technology fund.

SECTION 5.022.  Section 39.053(c), Education Code, as amended by Chapters 807 (H.B. 22), 842 (H.B. 2223), and 1088 (H.B. 3593), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(c)  School districts and campuses must be evaluated based on three domains of indicators of achievement adopted under this section that include:

(1)  in the student achievement domain, indicators of student achievement that must include:

(A)  for evaluating the performance of districts and campuses generally:

(i)  an indicator that accounts for the results of assessment instruments required under Sections 39.023(a), (c), and (l), as applicable for the district and campus, including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(a)  for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(b)  for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(ii)  an indicator that accounts for the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area; and

(B)  for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for:

(i)  students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument in reading or mathematics designated by the coordinating board under that section;

(ii)  students who satisfy relevant performance standards on advanced placement tests or similar assessments;

(iii)  students who earn dual course credits in the dual credit courses;

(iv)  students who enlist in the armed forces of the United States;

(v)  students who earn industry certifications;

(vi)  students admitted into postsecondary industry certification programs that require as a prerequisite for entrance successful performance at the secondary level;

(vii)  students whose successful completion of a course or courses under Section 28.014 indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(viii)  students who successfully met standards on a composite of indicators that through research indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(ix)  high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);

(x)  students who successfully completed an OnRamps dual enrollment course; [~~and~~]

(xi)  [~~the percentage of~~] students who successfully completed a practicum or internship approved by the State Board of Education; and

(xii)  students who are awarded an associate [~~associate's~~] degree;

(2)  in the school progress domain, indicators for effectiveness in promoting student learning, which must include:

(A)  for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii), the percentage of students who met the standard for improvement, as determined by the commissioner; and

(B)  for evaluating relative performance, the performance of districts and campuses compared to similar districts or campuses; and

(3)  in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:

(A)  students formerly receiving special education services;

(B)  students continuously enrolled; and

(C)  students who are mobile.

SECTION 5.023.  Section 39.053(g-2), Education Code, as amended by Chapters 807 (H.B. 22) and 890 (H.B. 3075), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(g-2)  In computing completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude students who:

(1)  are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2)  have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3)  are enrolled and receiving individualized education program services.

SECTION 5.024.  Section 39.101, Education Code, as added by Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular Session, 2017, is transferred to Subchapter B, Chapter 39A, Education Code, redesignated as Section 39A.0545, Education Code, and amended to conform to the repeal of Subchapter E, Chapter 39, Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

Sec. 39A.0545 [~~39.101~~].  NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1)  the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2)  the interventions and sanctions provided by this chapter [~~subchapter~~] based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b)  The interventions and sanctions provided by this chapter [~~subchapter~~] based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned:

(1)  an overall or domain performance rating of F; or

(2)  an overall performance rating of D as provided by Subsection (c).

(c)  If a school district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

(d)  The commissioner shall adopt rules as necessary to implement this section.

SECTION 5.025.  (a) Section 39A.002, Education Code, is amended to conform to Section 1, Chapter 823 (H.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

Sec. 39A.002.  AUTHORIZED COMMISSIONER ACTIONS. If a school district is subject to commissioner action under Section 39A.001, the commissioner may:

(1)  issue public notice of the deficiency to the board of trustees of the district;

(2)  order a hearing to be conducted by the board of trustees of the district to notify the public of:

(A)  the insufficient performance;

(B)  the improvements in performance expected by the agency; and

(C)  the interventions and sanctions that may be imposed under this subchapter if the performance does not improve;

(3)  order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;

(4)  order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5)  arrange a monitoring review of the district;

(6)  appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees of the district or superintendent;

(7)  appoint a conservator to oversee the operations of the district; [~~or~~]

(8)  appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person; or

(9)  authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance.

(b)  Chapter 823 (H.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, which amended Sections 39.102(a) and 39.111(c), Education Code, is repealed.

SECTION 5.026.  (a) Section 39A.060, Education Code, is amended to conform to Section 1, Chapter 472 (H.B. 2263), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

Sec. 39A.060.  CAMPUS INTERVENTION TEAM CONTINUING DUTIES.  For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

(1)  [~~continue to work with the campus until:~~

[~~(A)  the campus satisfies all performance standards under Section 39.054(e) for a two-year period; or~~

[~~(B)  the campus satisfies all performance standards under Section 39.054(e) for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement;~~

[~~(2)~~]  assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

(2) [~~(3)~~]  submit each updated targeted improvement plan described by Subdivision (1) [~~(2)~~] to the board of trustees of the school district.

(b)  Section 39A.107, Education Code, is amended to conform to Section 2, Chapter 472 (H.B. 2263), Acts of the 85th Legislature, Regular Session, 2017, by adding Subsections (a-1) and (a-2) to read as follows:

(a-1)  Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(a-2)  If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

(c)  Chapter 472 (H.B. 2263), Acts of the 85th Legislature, Regular Session, 2017, which amended Sections 39.106(e) and 39.107, Education Code, is repealed.

SECTION 5.027.  Section 41.124(c), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(c)  A school district that receives tuition for a student from a school district with a wealth per student that exceeds the equalized wealth level may not claim attendance for that student for purposes of Chapters 42 and 46 and the instructional materials and technology allotment under Section 31.0211.

SECTION 5.028.  Section 43.001(d), Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials and technology fund established under Section 31.021.

SECTION 5.029.  Section 61.0664(f), Education Code, is amended to conform to Section 1.11, Chapter 842 (H.B. 2223), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(f)  The board, in consultation with public junior college districts, shall identify five junior college districts representative of each of the public junior college district peer groups as identified by the board, with two selected from the peer groups of the largest junior college district, and the geographic diversity of this state for the purpose of implementing a pilot program to develop and recommend minimum reporting language for financial and instructional cost information, including information relating to instruction of persons with intellectual and developmental disabilities. In consultation with the Legislative Budget Board, the junior college districts participating in the program shall study best practices for the reporting of revenue and costs allocated across the districts and the practicability of disaggregating financial and instructional cost information by instructional site within a junior college district. Participants in the study shall consider the following data:

(1)  the number of contact hours, including those generated from distance learning;

(2)  student attainment of completion milestones as measured by a performance funding formula established by the coordinating board under Section 51.340(b) [~~51.3062(m)~~];

(3)  the total amount of state appropriations, tax revenue, in-district and out-of-district tuition and fee revenue, or any other revenue received by the junior college districts and the rates or methods by which those revenues are collected;

(4)  the amount of money expended by the junior college districts for programs related to the participation, retention, and graduation of persons with intellectual and developmental disabilities;

(5)  a statement of the total amount of money expended by the junior college districts;

(6)  the number of full-time and adjunct faculty; and

(7)  any other relevant data or reporting methodologies.

SECTION 5.030.  Section 61.607(b), Education Code, as amended by Chapters 891 (H.B. 3083) and 1101 (H.B. 3808), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b)  The total amount of repayment assistance received by a mental health professional under this subchapter may not exceed:

(1)  $160,000, for assistance from the state received by a licensed physician;

(2)  $80,000, for assistance from the state received by:

(A)  a psychologist;

(B)  a licensed clinical social worker, if the social worker has received a doctoral degree related to social work;

(C)  a licensed professional counselor, if the counselor has received a doctoral degree related to counseling; or

(D)  a licensed marriage and family therapist, if the marriage and family therapist has received a doctoral degree related to marriage and family therapy;

(3)  $60,000, for assistance from the state received by an advanced practice registered nurse;

(4)  $40,000, for assistance from the state received by a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor who is not described by Subdivision (2); and

(5)  $10,000, for assistance from the state received by a licensed chemical dependency counselor, if the chemical dependency counselor has received an associate degree related to chemical dependency counseling or behavioral science.

ARTICLE 6. CHANGES RELATING TO ESTATES CODE

SECTION 6.001.  Section 752.113(c), Estates Code, is amended to correct a typographical error to read as follows:

(c)  Unless the principal has granted the authority to create or change a beneficiary designation expressly as required by Section 751.031(b)(4), an agent may be named a beneficiary under a retirement plan only to the extent the agent was [~~a~~] named a beneficiary by the principal under the retirement plan, or in the case of a rollover or trustee-to-trustee transfer, the predecessor retirement plan.

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

SECTION 7.001.  Section 58.003(c-3), Family Code, as amended by Chapters 324 (S.B. 1488) and 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017, is repealed to conform to the repeal of Section 58.003, Family Code, by Chapter 746 (S.B. 1304), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 7.002.  Section 58.252, Family Code, is amended to correct a reference to read as follows:

Sec. 58.252.  EXEMPTED RECORDS.  The following records are exempt from this subchapter:

(1)  records relating to a criminal combination or criminal street gang maintained by the Department of Public Safety or a local law enforcement agency under Chapter 67 [~~61~~], Code of Criminal Procedure;

(2)  sex offender registration records maintained by the Department of Public Safety or a local law enforcement agency under Chapter 62, Code of Criminal Procedure; and

(3)  records collected or maintained by the Texas Juvenile Justice Department for statistical and research purposes, including data submitted under Section 221.007, Human Resources Code, and personally identifiable information.

SECTION 7.003.  Section 155.201(d), Family Code, as added by Chapters 317 (H.B. 7) and 572 (S.B. 738), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 155.201(d), Family Code, as added by Chapter 910 (S.B. 999), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 7.004.  (a) Section 262.201(a), Family Code, as amended by Chapters 317 (H.B. 7) and 910 (S.B. 999), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  In a suit filed under Section 262.101 or 262.105, unless the child has already been returned to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession and the temporary order, if any, has been dissolved, a full adversary hearing shall be held not later than the 14th day after the date the child was taken into possession by the governmental entity, unless the court grants an extension under Subsection (e) or (e-1).

(b)  Section 262.201(e-1), Family Code, as added by Chapter 910 (S.B. 999), Acts of the 85th Legislature, Regular Session, 2017, is amended to conform to Section 262.201(a-5), Family Code, as added by Chapter 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(e-1)  If a parent who is not indigent appears in opposition to the suit, the court may, for good cause shown, postpone the full adversary hearing for not more than seven days from the date of the parent's appearance to allow the parent to hire an attorney or to provide the parent's attorney time to respond to the petition and prepare for the hearing. A postponement under this subsection is subject to the limits and requirements prescribed by Subsection (e) and Section 155.207.

(c)  Section 262.201(a-5), Family Code, as added by Chapter 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 262.201(e-1), Family Code, as added by Chapter 910 (S.B. 999), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 7.005.  Section 264.018(d-1), Family Code, as added by Chapter 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 264.018(d-1), Family Code, as added by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 7.006.  (a) Subchapter B-1, Chapter 264, Family Code, as added by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular Session, 2017, is amended to conform to Chapter 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, by adding Section 264.170, Family Code, to read as follows:

Sec. 264.170.  LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM CONTRACTOR AND RELATED PERSONNEL. (a) A nonprofit entity that contracts with the department to provide services as a single source continuum contractor under this subchapter is considered to be a charitable organization for the purposes of Chapter 84, Civil Practice and Remedies Code, with respect to the provision of those services, and that chapter applies to the entity and any person who is an employee or volunteer of the entity.

(b)  The limitations on liability provided by this section apply:

(1)  only to an act or omission by the entity or person, as applicable, that occurs while the entity or person is acting within the course and scope of the entity's contract with the department and the person's duties for the entity; and

(2)  only if insurance coverage in the minimum amounts required by Chapter 84, Civil Practice and Remedies Code, is in force and effect at the time a cause of action for personal injury, death, or property damage accrues.

(b)  Subchapter B-1, Chapter 264, Family Code, as added by Chapter 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 7.007.  Section 265.005(b), Family Code, as amended by Chapters 319 (S.B. 11) and 822 (H.B. 1549), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  A strategic plan required under this section must:

(1)  identify methods to leverage other sources of funding or provide support for existing community-based prevention efforts;

(2)  include a needs assessment that identifies programs to best target the needs of the highest risk populations and geographic areas;

(3)  identify the goals and priorities for the department's overall prevention efforts;

(4)  report the results of previous prevention efforts using available information in the plan;

(5)  identify additional methods of measuring program effectiveness and results or outcomes;

(6)  identify methods to collaborate with other state agencies on prevention efforts;

(7)  identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals; [~~and~~]

(8)  identify strategies and goals for increasing the number of families receiving prevention and early intervention services each year, subject to the availability of funds, to reach targets set by the department for providing services to families that are eligible to receive services through parental education, family support, and community-based programs financed with federal, state, local, or private resources; and

(9) [~~(8)~~]  identify specific strategies to increase local capacity for the delivery of prevention and early intervention services through collaboration with communities and stakeholders.

ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

PART A. GENERAL CHANGES

SECTION 8.001.  Section 54.658(d), Government Code, is amended to correct a reference to read as follows:

(d)  A magistrate does not have authority under Article 18.01(c), Code of Criminal Procedure, to issue a subsequent search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

SECTION 8.002.  Sections 54.906(a) and (c), Government Code, are amended to correct references to read as follows:

(a)  A judge may refer to a magistrate any criminal case for proceedings involving:

(1)  a bond forfeiture;

(2)  a pretrial motion;

(3)  a postconviction writ of habeas corpus;

(4)  an examining trial;

(5)  the issuance of search warrants, including a search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;

(6)  the setting of bonds;

(7)  the arraignment of defendants; and

(8)  any other matter the judge considers necessary and proper, including a plea of guilty or nolo contendere from a defendant charged with:

(A)  a felony offense;

(B)  a misdemeanor offense when charged with both a misdemeanor offense and a felony offense; or

(C)  a misdemeanor offense.

(c)  Subsection (a)(5) does not apply to the issuance of a subsequent search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

SECTION 8.003.  Section 54.908, Government Code, is amended to correct references to read as follows:

Sec. 54.908.  POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1)  conduct hearings;

(2)  hear evidence;

(3)  compel production of relevant evidence;

(4)  rule on admissibility of evidence;

(5)  issue summons for the appearance of witnesses;

(6)  examine witnesses;

(7)  swear witnesses for hearings;

(8)  make findings of fact on evidence;

(9)  formulate conclusions of law;

(10)  rule on a pretrial motion;

(11)  recommend the rulings, orders, or judgment to be made in a case;

(12)  regulate proceedings in a hearing;

(13)  accept a plea of guilty or nolo contendere from a defendant charged with:

(A)  a felony offense;

(B)  a misdemeanor offense when charged with both a misdemeanor offense and a felony offense; or

(C)  a misdemeanor offense;

(14)  notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure; and

(15)  do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b)  A magistrate does not have authority under Subsection (a)(14) to issue a subsequent search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

SECTION 8.004.  Sections 54.978(a) and (d), Government Code, are amended to correct references to read as follows:

(a)  Except as limited by an order of referral, a magistrate to whom a case or matter related to a criminal case is referred may:

(1)  conduct hearings;

(2)  hear evidence;

(3)  compel production of relevant evidence;

(4)  rule on admissibility of evidence;

(5)  issue summons for the appearance of witnesses;

(6)  examine witnesses;

(7)  swear witnesses for hearings;

(8)  make findings of fact on evidence;

(9)  formulate conclusions of law;

(10)  rule on pretrial motions;

(11)  recommend the rulings, orders, or judgment to be made in a case;

(12)  regulate proceedings in a hearing;

(13)  in any case referred under Section 54.976(a)(1):

(A)  accept a negotiated plea of guilty;

(B)  enter a finding of guilt and impose or suspend sentence; or

(C)  defer adjudication of guilty;

(14)  notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure;

(15)  notwithstanding Article 18.01(h), Code of Criminal Procedure, issue a search warrant under Article 18.02(a)(12) [~~18.02(12)~~], Code of Criminal Procedure; and

(16)  do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(d)  A magistrate does not have authority under Subsection (a)(14) to issue a subsequent search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

SECTION 8.005.  Section 54A.006(a), Government Code, is amended to correct a reference to read as follows:

(a)  A judge may refer to an associate judge any matter arising out of a criminal case involving:

(1)  a negotiated plea of guilty or no contest before the court;

(2)  a bond forfeiture;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  an appeal of an administrative driver's license revocation hearing;

(8)  a civil commitment matter under Subtitle C, Title 7, Health and Safety Code;

(9)  setting, adjusting, or revoking bond;

(10)  the issuance of search warrants, including a search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure; and

(11)  any other matter the judge considers necessary and proper.

SECTION 8.006.  Section 54A.008(a), Government Code, is amended to correct a reference to read as follows:

(a)  Except as limited by an order of referral, an associate judge to whom a case is referred may:

(1)  conduct hearings;

(2)  hear evidence;

(3)  compel production of relevant evidence;

(4)  rule on the admissibility of evidence;

(5)  issue summons for the appearance of witnesses;

(6)  examine a witness;

(7)  swear a witness for a hearing;

(8)  make findings of fact on evidence;

(9)  formulate conclusions of law;

(10)  rule on pretrial motions;

(11)  recommend the rulings, orders, or judgment to be made in a case;

(12)  regulate proceedings in a hearing;

(13)  order the attachment of a witness or party who fails to obey a subpoena;

(14)  accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(15)  select a jury;

(16)  notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant, including a search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure; and

(17)  take action as necessary and proper for the efficient performance of the duties required by the order of referral.

SECTION 8.007.  Section 124.001(b), Government Code, as amended by Chapters 693 (H.B. 322) and 889 (H.B. 3069), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b)  If a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the veterans treatment court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1)  if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure; or

(2)  if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure.

SECTION 8.008.  Section 325.025(b), Government Code, as amended by Chapters 975 (S.B. 2262) and 1046 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b)  This section applies to the:

(1)  Angelina and Neches River Authority;

(2)  Bandera County River Authority and Groundwater District;

(3)  Brazos River Authority;

(4)  Guadalupe-Blanco River Authority;

(5)  Lavaca-Navidad River Authority;

(6)  Lower Colorado River Authority;

(7)  Lower Neches Valley Authority;

(8)  Nueces River Authority;

(9)  Red River Authority of Texas;

(10)  Sabine River Authority of Texas;

(11)  San Antonio River Authority;

(12)  San Jacinto River Authority;

(13)  Sulphur River Basin Authority;

(14)  Trinity River Authority of Texas;

(15)  Upper Colorado River Authority; and

(16)  Upper Guadalupe River Authority.

SECTION 8.009.  Section 403.093(d), Government Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(d)  The comptroller shall transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the instructional materials and technology allotment under Section 31.0211, Education Code. Unless an earlier date is necessary for purposes of temporary transfers for payment of the instructional materials and technology allotment, an installment must be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the instructional materials and technology allotment.

SECTION 8.010.  Section 411.0765(b), Government Code, is amended to correct a typographical error to read as follows:

(b)  A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter to the following noncriminal justice agencies or entities only:

(1)  the State Board for Educator Certification;

(2)  a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services [~~service~~] arrangement;

(3)  the Texas Medical Board;

(4)  the Texas School for the Blind and Visually Impaired;

(5)  the Board of Law Examiners;

(6)  the State Bar of Texas;

(7)  a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8)  the Texas School for the Deaf;

(9)  the Department of Family and Protective Services;

(10)  the Texas Juvenile Justice Department;

(11)  the Department of Assistive and Rehabilitative Services;

(12)  the Department of State Health Services, a local mental health service, a local intellectual and developmental disability authority, or a community center providing services to persons with mental illness or intellectual or developmental disabilities;

(13)  the Texas Private Security Board;

(14)  a municipal or volunteer fire department;

(15)  the Texas Board of Nursing;

(16)  a safe house providing shelter to children in harmful situations;

(17)  a public or nonprofit hospital or hospital district, or a facility as defined by Section 250.001, Health and Safety Code;

(18)  the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(19)  the Texas State Board of Public Accountancy;

(20)  the Texas Department of Licensing and Regulation;

(21)  the Health and Human Services Commission;

(22)  the Department of Aging and Disability Services;

(23)  the Texas Education Agency;

(24)  the Judicial Branch Certification Commission;

(25)  a county clerk's office in relation to a proceeding for the appointment of a guardian under Title 3, Estates Code;

(26)  the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A)  the Department of Information Resources; or

(B)  a contractor or subcontractor of the Department of Information Resources;

(27)  the Texas Department of Insurance;

(28)  the Teacher Retirement System of Texas;

(29)  the Texas State Board of Pharmacy;

(30)  the Texas Civil Commitment Office;

(31)  a bank, savings bank, savings and loan association, credit union, or mortgage banker, a subsidiary or affiliate of those entities, or another financial institution regulated by a state regulatory entity listed in Subdivision (18) or by a corresponding federal regulatory entity, but only regarding an employee, contractor, subcontractor, intern, or volunteer of or an applicant for employment by that bank, savings bank, savings and loan association, credit union, mortgage banker, subsidiary or affiliate, or financial institution; and

(32)  an employer that has a facility that handles or has the capability of handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials, if:

(A)  the facility is critical infrastructure, as defined by 42 U.S.C. Section 5195c(e), or the employer is required to submit to a risk management plan under Section 112(r) of the federal Clean Air Act (42 U.S.C. Section 7412) for the facility; and

(B)  the information concerns an employee, applicant for employment, contractor, or subcontractor whose duties involve or will involve the handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials and whose background is required to be screened under a federal provision described by Paragraph (A).

SECTION 8.011.  (a) Section 423.0045(a)(1), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(1)  "Correctional facility" means:

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

(B)  a municipal or county jail;

(C)  a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D)  a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

(b)  Section 423.0045(a)(1-a), Government Code, as added by Chapter 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to conform to the changes made to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B. 1643), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

(1-a)  "Critical infrastructure facility" means:

(A)  one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i)  a petroleum or alumina refinery;

(ii)  an electrical power generating facility, substation, switching station, or electrical control center;

(iii)  a chemical, polymer, or rubber manufacturing facility;

(iv)  a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v)  a natural gas compressor station;

(vi)  a liquid natural gas terminal or storage facility;

(vii)  a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;

(viii)  a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(ix)  a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x)  a transmission facility used by a federally licensed radio or television station;

(xi)  a steelmaking facility that uses an electric arc furnace to make steel;

(xii)  a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(xiii)  a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or

(B)  if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

(i)  any portion of an aboveground oil, gas, or chemical pipeline;

(ii)  an oil or gas drilling site;

(iii)  a group of tanks used to store crude oil, such as a tank battery;

(iv)  an oil, gas, or chemical production facility;

(v)  an oil or gas wellhead; or

(vi)  any oil and gas facility that has an active flare.

SECTION 8.012.  Section 423.0045(c), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(c)  This section does not apply to:

(1)  conduct described by Subsection (b) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:

(A)  the federal government, the state, or a governmental entity;

(B)  a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;

(C)  a law enforcement agency;

(D)  a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency; or

(E)  an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(i)  each applicable Federal Aviation Administration rule, restriction, or exemption; and

(ii)  all required Federal Aviation Administration authorizations; or

(2)  conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by:

(A)  an owner or operator of the critical infrastructure facility;

(B)  a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

(C)  a person who has the prior written consent of the owner or operator of the critical infrastructure facility; or

(D)  the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property.

SECTION 8.013.  Section 434.212, Government Code, as added by Chapter 933 (S.B. 1677), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 434.214, Government Code, as added by Chapter 579 (S.B. 805), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 8.014.  Section 531.02013, Government Code, as amended by Chapters 316 (H.B. 5), 319 (S.B. 11), and 1136 (H.B. 249), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 531.02013.  FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections 531.0201 and 531.02011:

(1)  the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A)  child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(B)  adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i)  in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii)  by a provider that has contracted to provide home and community-based services;

(C)  prevention and early intervention services; and

(D)  investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code; and

[~~(D)  investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code; and~~]

(2)  the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

SECTION 8.015.  Section 552.139(d), Government Code, as added by Chapter 683 (H.B. 8), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 552.139(d), Government Code, as added by Chapter 1042 (H.B. 1861), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 8.016.  Section 2054.516, Government Code, as added by Chapters 683 (H.B. 8) and 955 (S.B. 1910), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 2054.516.  DATA SECURITY PLAN FOR ONLINE AND MOBILE APPLICATIONS. (a) Each state agency, other than an institution of higher education subject to Section 2054.517, implementing an Internet website or mobile application that processes any sensitive personal or personally identifiable information or confidential information must:

(1)  submit a biennial data security plan to the department not later than October 15 of each even-numbered year to establish planned beta testing for the website or application; and

(2)  subject the website or application to a vulnerability and penetration test and address any vulnerability identified in the test.

(b)  The department shall review each data security plan submitted under Subsection (a) and make any recommendations for changes to the plan to the state agency as soon as practicable after the department reviews the plan.

PART B. UPDATE OF COURT FEES AND COSTS

SECTION 8.101.  Section 101.021, Government Code, is amended to conform to Section 5.01, Chapter 912 (S.B. 1329), Acts of the 85th Legislature, Regular Session, 2017, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(11)  issuance of attorney's license or certificate (Sec. 51.006, Government Code) . . . $25 [~~$10~~];

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

(13)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

SECTION 8.102.  (a) Section 101.0611, Government Code, as effective September 1, 2019, is amended to read as follows:

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

(1)  appellate judicial system filing fees for:

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

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

(C)  Third Court of Appeals District (Sec. 22.2041, Government Code) . . . $5;

(D)  Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than $5;

(E)  Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than $5;

(E-1)  Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . $5;

(E-2)  Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . $5;

(E-3)  Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . $5;

(F)  Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . $5;

(G)  Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . $5;

(G-1)  Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . $5; and

(H)  Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than $5;

(2)  when administering a case for the Rockwall County Court at Law (Sec. 25.2012, Government Code) . . . civil fees and court costs as if the case had been filed in district court;

(3)  additional filing fees:

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

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

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

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

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

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

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

(G)  to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20; [~~and~~]

(H)  to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20;

(I)  to fund the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20;

(J)  to fund the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20; and

(K)  to fund judicial and court personnel training (Sec. 51.971, Government Code) . . . $5;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16)  fee for performing a service:

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

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

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

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

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

(17)  jury fee (Sec. 51.604, Government Code) . . . $40;

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

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

(20)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

(b)  The following provisions are repealed:

(1)  Section 101.06111, Government Code;

(2)  Section 101.061194, Government Code, as added by Chapter 781 (H.B. 1234), Acts of the 85th Legislature, Regular Session, 2017; and

(3)  Section 101.061194, Government Code, as added by Chapter 794 (H.B. 2875), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 8.103.  (a) Section 101.0811, Government Code, is amended to read as follows:

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

(1)  appellate judicial system filing fees:

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

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

(C)  Third Court of Appeals District (Sec. 22.2041, Government Code) . . . $5;

(D)  Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than $5;

(E)  Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than $5;

(E-1)  Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . $5;

(E-2)  Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . $5;

(E-3)  Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . $5;

(F)  Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . $5;

(G)  Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . $5;

(G-1)  Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . $5; and

(H)  Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than $5;

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

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

(4)  a court reporter fee when testimony is taken in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . $3;

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

(A)  in a county court at law in Hidalgo County (Sec. 25.1102, Government Code) . . . $20; and

(B)  in the 1st Multicounty Court at Law (Sec. 25.2702, Government Code) . . . $25;

(6)  jury fee (Sec. 51.604, Government Code) . . . $40;

(7)  an additional filing fee:

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

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

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

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

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

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

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

(G)  to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20; [~~and~~]

(H)  to fund the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of Cameron County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20;

(I)  to fund the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20; and

(J)  to fund judicial and court personnel training (Sec. 51.971, Government Code) . . . $5;

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

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

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

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

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

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

(10)  a fee not otherwise listed in this subchapter that is required to be collected under Section 25.0008, Government Code, in a county other than Brazos, Cameron, Ellis, Guadalupe, Harris, Henderson, Liberty, Moore, Nolan, Panola, Parker, Starr, Victoria, and Williamson . . . as prescribed by law relating to county judges' fees;

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

(12)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

(b)  The following provisions of the Government Code are repealed:

(1)  Section 101.08111;

(2)  Section 101.081193; and

(3)  Section 101.081195.

SECTION 8.104.  (a) Section 101.1011, Government Code, is amended to read as follows:

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

(1)  appellate judicial system filing fees:

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

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

(C)  Third Court of Appeals District (Sec. 22.2041, Government Code) . . . $5;

(D)  Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than $5;

(E)  Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than $5;

(E-1)  Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . $5;

(E-2)  Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . $5;

(E-3)  Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . $5;

(F)  Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . $5;

(G)  Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . $5;

(G-1)  Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . $5; and

(H)  Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than $5;

(2)  additional filing fees as follows:

(A)  for certain cases to be used for court-related purposes for support of the judiciary (Sec. 51.704, Government Code) . . . $40;

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

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

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

(D)  to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) . . . not more than $15;

(E)  to fund the construction, renovation, or improvement of Travis County court facilities, if authorized by the county commissioners court (Sec. 51.710, Government Code) . . . not more than $15; [~~and~~]

(F)  to fund the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of Hidalgo County court facilities, if authorized by the county commissioners court (Sec. 51.711, Government Code) . . . not more than $20; and

(G)  to fund judicial and court personnel training (Sec. 51.971, Government Code) . . . $5;

(3)  jury fee for civil case (Sec. 51.604, Government Code) . . . $40;

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

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

(6)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

(b)  Sections 101.10111 and 101.101192, Government Code, are repealed.

SECTION 8.105.  (a) Section 101.1212, Government Code, is amended to read as follows:

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

(1)  appellate judicial system filing fees:

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

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

(C)  Third Court of Appeals District (Sec. 22.2041, Government Code) . . . $5;

(D)  Fourth Court of Appeals District (Sec. 22.2051, Government Code) . . . not more than $5;

(E)  Fifth Court of Appeals District (Sec. 22.2061, Government Code) . . . not more than $5;

(E-1)  Sixth Court of Appeals District (Sec. 22.2071, Government Code) . . . $5;

(E-2)  Seventh Court of Appeals District (Sec. 22.2081, Government Code) . . . $5;

(E-3)  Eighth Court of Appeals District (Sec. 22.2091, Government Code) . . . $5;

(F)  Ninth Court of Appeals District (Sec. 22.2101, Government Code) . . . $5;

(G)  Eleventh Court of Appeals District (Sec. 22.2121, Government Code) . . . $5;

(G-1)  Twelfth Court of Appeals District (Sec. 22.2131, Government Code) . . . $5; and

(H)  Thirteenth Court of Appeals District (Sec. 22.2141, Government Code) . . . not more than $5;

(2)  a jury fee (Sec. 51.604, Government Code) . . . $40;

(3)  a filing fee in each civil case filed to be used for court-related purposes for the support of the judiciary (Sec. 51.703, Government Code) . . . $40;

(4)  a filing fee to fund the preservation of court records (Sec. 51.708, Government Code) . . . not more than $10;

(4-a)  an additional filing fee:

(A)  to fund the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20; and

(B)  to fund judicial and court personnel training (Sec. 51.971, Government Code) . . . $5; and

(5)  a statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $30.

(b)  Sections 101.12121 and 101.12122, Government Code, are repealed.

SECTION 8.106.  (a) Section 101.141(b), Government Code, is amended to read as follows:

(b)  A clerk of a justice court shall collect fees and costs under other laws as follows:

(1)  the cost of a special program that a court may order a child to attend after a finding that the child committed an offense, if ordered by the court (Art. 45.057, Code of Criminal Procedure) . . . costs of the program not to exceed $100;

(2)  additional filing fees:

(A)  to fund Dallas County civil court facilities (Sec. 51.705, Government Code) . . . not more than $15;

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

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

(D)  to fund the construction, renovation, or improvement of Rockwall County court facilities, if authorized by the county commissioners court (Sec. 51.709, Government Code) . . . not more than $15;

(E)  to fund the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Willacy County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20;

(F)  to fund the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court, and to fund the payment of the principal of, interest on, and costs of issuance of bonds issued for the construction, renovation, or improvement of Starr County court facilities, if authorized by the county commissioners court (Sec. 51.713, Government Code) . . . not more than $20; and

(G)  to fund judicial and court personnel training (Sec. 51.971, Government Code) . . . $5;

(3)  for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . $1.50;

(4)  fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 2308.457, Occupations Code) . . . $20; and

(5)  statewide electronic filing system fund fee (Sec. 51.851, Government Code) . . . $10.

(b)  Sections 101.1411 and 101.143, Government Code, are repealed.

SECTION 8.107.  (a) Section 103.021, Government Code, is amended to conform to the amendment of Article 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B. 1584), Acts of the 85th Legislature, Regular Session, 2017, and is further amended to read as follows:

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

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

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

(3)  a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed $10;

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

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

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

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

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

(7)  children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed $50;

(8)  family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . $100;

(9)  community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than $25 or more than $60 per month;

(10)  additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . $5 per month;

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

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

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

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

(15)  an additional fee:

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

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

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

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

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

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

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

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

(20-a)  a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . $30 per application;

(20-b) a fee to defray the cost of notifying state agencies of orders of expunction (Art. 102.006, Code of Criminal Procedure) . . . $100 per petition;

(21)  sight orders:

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

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

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

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

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

(22)  fees for a pretrial intervention program:

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

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

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

(A)  greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than $2 and not to exceed $5; and

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

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

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

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

(b)  Section 103.02101, Government Code, is repealed.

SECTION 8.108.  (a) Section 103.027(a), Government Code, as effective September 1, 2019, is amended to read as follows:

(a)  Fees and costs shall be paid or collected under the Government Code as follows:

(1)  filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . $15;

(2)  cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . $15, provided the cost does not exceed $30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;

(3)  to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . $250 except as waived or reduced under supreme court rules for representing an indigent person;

(4)  on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177, Government Code) . . . as assessed by the court, all or part of the cost of preparation;

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

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

(7)  a reasonable program fee for a veterans treatment court program (Sec. 124.005, Government Code) . . . not to exceed $1,000;

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

(9)  a nonrefundable program fee for a commercially sexually exploited persons court program (Sec. 126.006, Government Code) . . . a reasonable amount not to exceed $1,000, which must include a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program, a victim services fee in an amount equal to 10 percent of the total fee, and a law enforcement training fee in an amount equal to five percent of the total fee;

(9-a)  a reasonable program fee for a public safety employees treatment court program (Sec. 129.006, Government Code) . . . not to exceed $1,000;

(9-b)  a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a public safety employees treatment court program (Sec. 129.006, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment; and

(10)  a district court records archive fee for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in any court in the county for which the district clerk accepts filings, if authorized by the county commissioners court (Sec. 51.305, Government Code) . . . not more than $5.

(b)  Sections 103.02714 and 103.02715, Government Code, are repealed.

ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

SECTION 9.001.  Section 364.034(a-1), Health and Safety Code, as added by Chapters 70 (S.B. 1229) and 143 (H.B. 1584), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a-1)  Notwithstanding Subsection (a)(2), a person is not required to use solid waste disposal services offered by a county[~~, as authorized under Section 364.011(a-1),~~] to persons in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area if:

(1)  the person contracts for solid waste disposal services with a provider that meets rules adopted by the commission for the regulation of solid waste disposal; or

(2)  the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling.

SECTION 9.002.  Section 394.001(1), Health and Safety Code, as amended and repealed by Chapter 755 (S.B. 1731), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(1)  "Certified" includes:

(A)  new vehicle or new engine certification by the United States Environmental Protection Agency; or

(B)  certification or approval by the United States Environmental Protection Agency of a system to convert a vehicle or engine to operate on an alternative fuel and a demonstration by the emissions data used to certify or approve the vehicle or engine, if the commission determines the testing used to obtain the emissions data is consistent with the testing required for approval of an alternative fuel conversion system for new and relatively new vehicles or engines under 40 C.F.R. Part 85.

ARTICLE 10. CHANGES RELATING TO HUMAN RESOURCES CODE

SECTION 10.001.  Sections 40.040(a) and (b), Human Resources Code, as added by Chapter 1136 (H.B. 249), Acts of the 85th Legislature, Regular Session, 2017, are repealed as duplicative of Sections 40.040(a) and (b), Human Resources Code, as added by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 10.002.  Section 40.0581(f), Human Resources Code, as added by Chapter 1136 (H.B. 249), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 40.0581(f), Human Resources Code, as added by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 10.003.  Section 42.041(b), Human Resources Code, as amended by Chapters 244 (H.B. 871) and 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  This section does not apply to:

(1)  a state-operated facility;

(2)  an agency foster home;

(3)  a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;

(4)  a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(5)  a youth camp licensed by the Department of State Health Services;

(6)  a facility licensed, operated, certified, or registered by another state agency;

(7)  an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;

(8)  an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(9)  a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;

(10)  a family home, whether registered or listed;

(11)  an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an educational program in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades;

(12)  an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under Section 32.201, Family Code, if the facility:

(A)  is currently under a contract with a state or federal agency; or

(B)  meets the requirements listed under Section 51.005(b)(3);

(13)  a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14)  an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15)  an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16)  a food distribution program that:

(A)  serves an evening meal to children two years of age or older; and

(B)  is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17)  a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18)  a program:

(A)  in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B)  that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C)  that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D)  that informs the parent or guardian:

(i)  that the program is not licensed by the state; and

(ii)  about the physical risks a child may face while participating in the program; and

(E)  that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19)  an elementary-age (ages 5-13) recreation program that:

(A)  adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;

(B)  provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C)  does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D)  informs parents that the program is not licensed by the state;

(E)  is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F)  does not accept any remuneration other than a nominal annual membership fee;

(G)  does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H)  conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20)  a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A)  had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B)  does not care for more than one unrelated child or sibling group;

(C)  does not receive compensation or solicit donations for the care of the child or sibling group; and

(D)  has a written agreement with the parent to care for the child or sibling group;

(21)  a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A)  the department is the managing conservator of the child or sibling group;

(B)  the department placed the child or sibling group in the caretaker's home; and

(C)  the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker;

(22)  a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization;

(23)  a facility operated by a nonprofit organization that:

(A)  does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B)  provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C)  is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D)  meets one of the following criteria:

(i)  is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii)  meets the eligibility requirements for a contract under Section 51.005(b)(3); [~~or~~]

(24)  a facility that provides respite care exclusively for a local mental health authority under a contract with the local mental health authority; or

(25) [~~(24)~~]  a living arrangement in a caretaker's home involving one or more children or a sibling group in which the caretaker:

(A)  has a written authorization agreement under Chapter 34, Family Code, with the parent of each child or sibling group to care for each child or sibling group;

(B)  does not care for more than six children, excluding children who are related to the caretaker; and

(C)  does not receive compensation for caring for any child or sibling group.

ARTICLE 11. CHANGES RELATING TO NATURAL RESOURCES CODE

SECTION 11.001.  Section 81.067(c), Natural Resources Code, as amended by Chapters 57 (H.B. 1818), 72 (S.B. 1422), and 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(c)  The fund consists of:

(1)  proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2)  private contributions, including contributions made under Section 89.084;

(3)  expenses collected under Section 89.083;

(4)  fees imposed under Section 85.2021;

(5)  costs recovered under Section 91.457 or 91.459;

(6)  proceeds collected under Sections 89.085 and 91.115;

(7)  interest earned on the funds deposited in the fund;

(8)  oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9)  costs recovered under Section 91.113(f);

(10)  hazardous oil and gas waste generation fees collected under Section 91.605;

(11)  oil-field cleanup regulatory fees on oil collected under Section 81.116;

(12)  oil-field cleanup regulatory fees on gas collected under Section 81.117;

(13)  fees for a reissued certificate collected under Section 91.707;

(14)  fees collected under Section 91.1013;

(15)  fees collected under Section 89.088;

(16)  fees collected under Section 91.142;

(17)  fees collected under Section 91.654;

(18)  costs recovered under Sections 91.656 and 91.657;

(19)  fees collected under Section 81.0521;

(20)  fees collected under Sections 89.024 and 89.026;

(21)  legislative appropriations;

(22)  any surcharges collected under Section 81.070;

(23)  fees collected under Section 91.0115;

(24)  fees collected under Subchapter E, Chapter 121, Utilities Code;

(25)  fees collected under Section 27.0321, Water Code; [~~and~~]

(26)  fees collected under Section 81.071; and

(27) [~~(26)~~]  money collected under Section 81.021.

ARTICLE 12. CHANGES RELATING TO OCCUPATIONS CODE

SECTION 12.001.  Section 562.110(i), Occupations Code, as added by Chapter 485 (H.B. 2561), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 562.110(k), Occupations Code.

SECTION 12.002.  Section 2308.151(b), Occupations Code, as added by Chapters 919 (S.B. 1501) and 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  Unless [~~a person is~~] prohibited by a local authority under Section 2308.2085, a person may:

(1)  perform booting operations; and

(2)  operate a booting company.

SECTION 12.003.  Section 2308.205(a), Occupations Code, as amended by Chapters 919 (S.B. 1501) and 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  A towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless:

(1)  the towing company agrees to take the vehicle to a location designated by the vehicle's owner; or

(2)  the vehicle is towed under:

(A)  rules adopted under Subsection (a-1); or

(B)  Section 2308.259(b).

ARTICLE 13. CHANGES RELATING TO PENAL CODE

SECTION 13.001.  Sections 46.05(a) and (e), Penal Code, as amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the 85th Legislature, Regular Session, 2017, are reenacted and amended to read as follows:

(a)  A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1)  any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:

(A)  an explosive weapon;

(B)  a machine gun; or

(C)  a short-barrel firearm;

(2)  knuckles;

(3)  armor-piercing ammunition;

(4)  a chemical dispensing device;

(5)  a zip gun;

(6)  a tire deflation device; [~~or~~]

(7)  a firearm silencer, unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law; or

(8) [~~(7)~~]  an improvised explosive device.

(e)  An offense under Subsection (a)(1), (3), (4), (5), [~~or~~] (7), or (8) is a felony of the third degree. An offense under Subsection (a)(6) is a state jail felony. An offense under Subsection (a)(2) is a Class A misdemeanor.

ARTICLE 14. CHANGES RELATING TO TAX CODE

SECTION 14.001.  Sections 5.102(d) and (e), Tax Code, are amended to conform to Chapter 450 (H.B. 2447), Acts of the 81st Legislature, Regular Session, 2009, to read as follows:

(d)  If the appraisal district fails to comply with the recommendations in the report and the comptroller finds that the board of directors of the appraisal district failed to take remedial action reasonably designed to ensure substantial compliance with each recommendation in the report before the first anniversary of the date the report was issued, the comptroller shall notify the Texas Department of Licensing and Regulation [~~Board of Tax Professional Examiners~~], or a successor to the department [~~board~~], which shall take action necessary to ensure that the recommendations in the report are implemented as soon as practicable.

(e)  Before February 1 of the year following the year in which the Texas Department of Licensing and Regulation [~~Board of Tax Professional Examiners~~], or its successor, takes action under Subsection (d), and with the assistance of the comptroller, the department [~~board~~] shall determine whether the recommendations in the most recent report have been substantially implemented. The executive director [~~presiding officer~~] of the department [~~board~~] shall notify the chief appraiser and the board of directors of the appraisal district in writing of the department's [~~board's~~] determination.

SECTION 14.002.  Section 25.025(a), Tax Code, as amended by Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B. 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a)  This section applies only to:

(1)  a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2)  the adult child of a current peace officer as defined by Article 2.12, Code of Criminal Procedure;

(3)  a county jailer as defined by Section 1701.001, Occupations Code;

(4)  an employee of the Texas Department of Criminal Justice;

(5)  a commissioned security officer as defined by Section 1702.002, Occupations Code;

(6)  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence;

(7) [~~(6)~~]  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

(A)  a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(8) [~~(7)~~]  a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure, who provides proof of certification under Article 56.84, Code of Criminal Procedure;

(9) [~~(8)~~]  a federal judge, a state judge, or the spouse of a federal judge or state judge;

(10)  a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(11)  [~~(9)~~]  a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(12) [~~(10)~~]  an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(13) [~~(11)~~]  a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(14) [~~(12)~~]  a police officer or inspector of the United States Federal Protective Service;

(15) [~~(13)~~]  a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;

(16) [~~(14)~~]  a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

(17) [~~(15)~~]  a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

(18) [~~(16)~~]  a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(19) [~~(17)~~]  a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(20) [~~(18)~~]  a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(21) [~~(19)~~]  a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; [~~and~~]

(22) [~~(18)~~]  a current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office; and

(23) [~~(18)~~]  a current or former employee of a federal judge or state judge.

SECTION 14.003.  Section 351.101(a), Tax Code, as amended by Chapters 53 (S.B. 1365), 267 (H.B. 1896), 324 (S.B. 1488), and 785 (H.B. 2445), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a)  Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1)  the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2)  the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3)  advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4)  the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5)  historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A)  at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B)  located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6)  expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity if:

(A)  the municipality is located in a county with a population of one million or less; or

(B)  the municipality has a population of more than 67,000 and is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 580,000, and the remaining territory located in a county with a population of at least four million;

(7)  subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields if:

(A)  the municipality owns the facilities or fields;

(B)  the municipality:

(i)  has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii)  has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000;

(iii)  has a population of at least 36,000 but not more than 39,000 and is located in a county that has a population of 100,000 or less that is not adjacent to a county with a population of more than two million;

(iv)  has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v)  has a population of at least 70,000 but less than 90,000 and no part of which is located in a county with a population greater than 150,000;

(vi)  is located in a county that:

(a)  is adjacent to the Texas-Mexico border;

(b)  has a population of at least 500,000; and

(c)  does not have a municipality with a population greater than 500,000;

(vii)  has a population of at least 25,000 but not more than 26,000 and is located in a county that has a population of 90,000 or less;

(viii)  is located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located;

(ix)  has a population of at least 40,000 and the San Marcos River flows through the municipality; [~~or~~]

(x)  has a population of more than 67,000 and is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 580,000, and the remaining territory located in a county with a population of at least four million; or

(xi) [~~(x)~~]  contains an intersection of Interstates 35E and 35W and at least two public universities; and

(C)  the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;

(8)  for a municipality with a population of at least 70,000 but less than 90,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9)  signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

(10)  the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:

(A)  has a population of at least 90,000 but less than 120,000; and

(B)  is located in two counties, at least one of which contains the headwaters of the San Gabriel River; and

(11)  for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

ARTICLE 15. CHANGES RELATING TO TRANSPORTATION CODE

SECTION 15.001.  Section 501.072(e), Transportation Code, as added by Chapter 969 (S.B. 2076), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 501.072(e), Transportation Code, as added by Chapter 395 (S.B. 1062), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 15.002.  Section 522.035, Transportation Code, as added by Chapter 21 (S.B. 128), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 522.035, Transportation Code, as added by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 15.003.  Section 545.424(c), Transportation Code, as amended by Chapters 438 (H.B. 62) and 1059 (H.B. 3050), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(c)  Subsection (a-1) does not apply to a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of a learner license.

SECTION 15.004.  Section 644.101(b), Transportation Code, as amended by Chapters 138 (H.B. 1355), 142 (H.B. 1570), and 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  A police officer of any of the following municipalities is eligible to apply for certification under this section:

(1)  a municipality with a population of 50,000 or more;

(2)  a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;

(3)  a municipality with a population of less than 25,000:

(A)  any part of which is located in a county with a population of 3.3 million; and

(B)  that contains or is adjacent to an international port;

(4)  a municipality with a population of at least 34,000 that is located in a county that borders two or more states;

(5)  a municipality any part of which is located in a county bordering the United Mexican States;

(6)  a municipality with a population of less than 5,000 that is located:

(A)  adjacent to a bay connected to the Gulf of Mexico; and

(B)  in a county adjacent to a county with a population greater than 3.3 million;

(7)  a municipality that is located:

(A)  within 25 miles of an international port; and

(B)  in a county that does not contain a highway that is part of the national system of interstate and defense highways and is adjacent to a county with a population greater than 3.3 million;

(8)  a municipality with a population of less than 8,500 that:

(A)  is the county seat; and

(B)  contains a highway that is part of the national system of interstate and defense highways;

(9)  a municipality located in a county with a population between 60,000 and 66,000 adjacent to a bay connected to the Gulf of Mexico;

(10)  a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico; [~~or~~]

(11)  a municipality with a population between 18,000 and 18,500 that is located entirely in a county that:

(A)  has a population of less than 200,000;

(B)  is adjacent to two counties that each have a population of more than 1.2 million; and

(C)  contains two highways that are part of the national system of interstate and defense highways; or

(12) [~~(11)~~]  a municipality with a population of more than 3,000 and less than 10,000 that:

(A)  contains a highway that is part of the national system of interstate and defense highways; and

(B)  is located in a county with a population between 150,000 and 155,000.

SECTION 15.005.  Sections 663.037(d) and (g), Transportation Code, as amended by Chapters 125 (H.B. 920) and 1052 (H.B. 1956), Acts of the 85th Legislature, Regular Session, 2017, are reenacted to read as follows:

(d)  The operator of an off-highway vehicle may drive the vehicle on a public street, road, or highway that is not an interstate or limited-access highway if:

(1)  the transportation is in connection with:

(A)  the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Agriculture Code; or

(B)  utility work performed by a utility;

(2)  the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;

(3)  the vehicle's headlights and taillights are illuminated;

(4)  the operator holds a driver's license, as defined by Section 521.001;

(5)  the operation of the vehicle occurs in the daytime; and

(6)  the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination.

(g)  A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate an off-highway vehicle on a public street, road, or highway that is not an interstate or limited-access highway only if:

(1)  the transportation is in connection with the performance of the operator's official duty;

(2)  the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;

(3)  the vehicle's headlights and taillights are illuminated;

(4)  the operator holds a driver's license, as defined by Section 521.001; and

(5)  the operation of the vehicle does not exceed a distance of 10 miles from the point of origin to the destination.

ARTICLE 16. CHANGES RELATING TO UTILITIES CODE

SECTION 16.001.  Section 39.002, Utilities Code, is amended to correct a reference to read as follows:

Sec. 39.002.  APPLICABILITY. This chapter, other than Sections 39.155, 39.157(e), 39.203, [~~39.903,~~] 39.904, 39.9051, 39.9052, and 39.914(e), does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 16.002.  Section 39.352(g), Utilities Code, is amended to correct a reference to read as follows:

(g)  If a retail electric provider serves an aggregate load in excess of 300 megawatts within this state, not less than five percent of the load in megawatt hours must consist of residential customers. This requirement applies to an affiliated retail electric provider only with respect to load served outside of the electric utility's service area, and, in relation to that load, the affiliated retail electric provider shall meet the requirements of this subsection by serving residential customers outside of the electric utility's service area. For the purpose of this subsection, the load served by retail electric providers that are under common ownership shall be combined. A retail electric provider may meet the requirements of this subsection by demonstrating on an annual basis that it serves residential load amounting to five percent of its total load or[~~,~~] by demonstrating that another retail electric provider serves sufficient qualifying residential load on its behalf[~~, or by paying an amount into the system benefit fund equal to $1 multiplied by a number equal to the difference between the number of megawatt hours it sold to residential customers and the number of megawatt hours it was required to sell to such customers, or in the case of an affiliated retail electric provider, $1 multiplied by a number equal to the difference between the number of megawatt hours sold to residential customers outside of the electric utility's service area and the number of megawatt hours it was required to sell to such customers outside of the electric utility's service area~~]. Qualifying residential load may not include customers served by an affiliated retail electric provider in its own service area. Each retail electric provider shall file reports with the commission that are necessary to implement this subsection. This subsection applies for 36 months after retail competition begins. The commission shall adopt rules to implement this subsection.

SECTION 16.003.  Section 39.905(f), Utilities Code, is amended to correct a reference to read as follows:

(f)  Each [~~Unless funding is provided under Section 39.903, each~~] unbundled transmission and distribution utility shall include in its energy efficiency plan a targeted low-income energy efficiency program [~~as described by Section 39.903(f)(2)~~], and the savings achieved by the program shall count toward the transmission and distribution utility's energy efficiency goal. The commission shall determine the appropriate level of funding to be allocated to both targeted and standard offer low-income energy efficiency programs in each unbundled transmission and distribution utility service area. The level of funding for low-income energy efficiency programs shall be provided from money approved by the commission for the transmission and distribution utility's energy efficiency programs. The commission shall ensure that annual expenditures for the targeted low-income energy efficiency programs of each unbundled transmission and distribution utility are not less than 10 percent of the transmission and distribution utility's energy efficiency budget for the year. A targeted low-income energy efficiency program must comply with the same audit requirements that apply to federal weatherization subrecipients. In an energy efficiency cost recovery factor proceeding related to expenditures under this subsection, the commission shall make findings of fact regarding whether the utility meets requirements imposed under this subsection. The state agency that administers the federal weatherization assistance program shall participate in energy efficiency cost recovery factor proceedings related to expenditures under this subsection to ensure that targeted low-income weatherization programs are consistent with federal weatherization programs and adequately funded.

SECTION 16.004.  Section 40.001(a), Utilities Code, is amended to correct a reference to read as follows:

(a)  Notwithstanding any other provision of law, except Sections 39.155, 39.157(e), 39.203, [~~39.903,~~] and 39.904, this chapter governs the transition to and the establishment of a fully competitive electric power industry for municipally owned utilities. With respect to the regulation of municipally owned utilities, this chapter controls over any other provision of this title, except for sections in which the term "municipally owned utility" is specifically used.

SECTION 16.005.  Section 40.004, Utilities Code, is amended to correct a reference to read as follows:

Sec. 40.004.  JURISDICTION OF COMMISSION. Except as specifically otherwise provided in this chapter, the commission has jurisdiction over municipally owned utilities only for the following purposes:

(1)  to regulate wholesale transmission rates and service, including terms of access, to the extent provided by Subchapter A, Chapter 35;

(2)  to regulate certification of retail service areas to the extent provided by Chapter 37;

(3)  to regulate rates on appeal under Subchapters D and E, Chapter 33, subject to Section 40.051(c);

(4)  to establish a code of conduct as provided by Section 39.157(e) applicable to anticompetitive activities and to affiliate activities limited to structurally unbundled affiliates of municipally owned utilities, subject to Section 40.054;

(5)  to establish terms and conditions for open access to transmission and distribution facilities for municipally owned utilities providing customer choice, as provided by Section 39.203;

(6)  [~~to require collection of the nonbypassable fee established under Section 39.903(b) and~~] to administer the renewable energy credits program under Section 39.904(b) and the natural gas energy credits program under Section 39.9044(b); and

(7)  to require reports of municipally owned utility operations only to the extent necessary to:

(A)  enable the commission to determine the aggregate load and energy requirements of the state and the resources available to serve that load; or

(B)  enable the commission to determine information relating to market power as provided by Section 39.155.

SECTION 16.006.  Section 41.001, Utilities Code, is amended to correct a reference to read as follows:

Sec. 41.001.  APPLICABLE LAW. Notwithstanding any other provision of law, except Sections 39.155, 39.157(e), 39.203, [~~39.903,~~] and 39.904, this chapter governs the transition to and the establishment of a fully competitive electric power industry for electric cooperatives. Regarding the regulation of electric cooperatives, this chapter shall control over any other provision of this title, except for sections in which the term "electric cooperative" is specifically used.

ARTICLE 17. CHANGES RELATING TO WATER CODE

SECTION 17.001.  Section 11.122(b-1), Water Code, as added by Chapter 1097 (H.B. 3735), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 11.122(b-1), Water Code, as added by Chapter 429 (S.B. 1430), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 17.002.  Section 54.016(a), Water Code, as amended by Chapters 761 (S.B. 1987) and 965 (S.B. 2014), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(a)  No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by this chapter other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

SECTION 17.003.  Section 62.153, Water Code, as amended by Chapters 398 (S.B. 1131) and 427 (S.B. 1395), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

Sec. 62.153.  DUTIES OF DISTRICT TREASURER; AUTHORITY OF DESIGNATED OFFICER. (a)  The district treasurer shall:

(1)  open an account for all funds received by the district treasurer for the district and all district funds which the treasurer pays out;

(2)  pay out money on vouchers signed by the chairman of the commission, any two members of the commission, or the commissioners court, or any two of any number of persons delegated by the commission with authority to sign vouchers, provided that the commission may, in such delegation, limit the authority of such persons and may require that each furnish a fidelity bond in such amount as the commission shall specify and subject to commission approval;

(3)  carefully preserve all orders for the payment of money;

(4)  render a correct account to the commissioners court of all matters relating to the financial condition of the district as often as required by the commissioners court; and

(5)  not be required to sign a check drawn on a depository selected under Section 62.156, unless the district treasurer is the designated officer of the district, as defined by Section 60.271(g).

(b)  A designated officer of a district may make a payment on behalf of the district by a check drawn on a depository selected under Section 62.155 in a manner consistent with the payment procedures adopted under Section 60.271(f) without authorization by the district treasurer.

ARTICLE 18. CHANGES RELATING TO THE DISPOSITION OF CERTAIN CIVIL STATUTES

SECTION 18.001.  (a) Chapter 2101, Government Code, is amended to codify Chapter 817 (S.B. 127), Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(34e), Vernon's Texas Civil Statutes), by adding Subchapter D to read as follows:

SUBCHAPTER D. FINANCIAL REPORTING BY CERTAIN FUNDS AND TRUST ACCOUNTS

Sec. 2101.051.  DEFINITION. In this subchapter, "economically targeted investment" means an investment in which at least 50 percent of the total investment is allocated to economic development within this state or investment in businesses or entities located within this state. (V.A.C.S. Art. 4413(34e), Sec. 4.)

Sec. 2101.052.  APPLICABILITY OF SUBCHAPTER. The requirements of this subchapter apply only to:

(1)  the permanent school fund;

(2)  the permanent university fund;

(3)  the Teacher Retirement System of Texas trust fund; and

(4)  each trust account administered by the Employees Retirement System of Texas. (V.A.C.S. Art. 4413(34e), Sec. 1.)

Sec. 2101.053.  REPORT DEADLINE; CONTENT OF REPORT. (a) The manager of each fund or account to which this subchapter applies shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the executive director of the State Pension Review Board:

(1)  not later than January 25 of each year, a report with the information required by Subsection (b) covering the last six months of the previous calendar year; and

(2)  not later than June 25 of each year, a report with the information required by Subsection (b) covering the first six months of that calendar year.

(b)  Each report submitted under Subsection (a) must include the following:

(1)  the number of beneficiaries of the fund or account;

(2)  the name of each individual responsible for administering the fund or account and the discretionary investment authority granted to the individual;

(3)  the investment objectives of the fund or account;

(4)  the current end-of-month market value of the fund or account;

(5)  the current book value of the fund or account;

(6)  the names and amounts of the 10 largest stock holdings of the fund or account and the investment performance of those stock holdings during the last 12-month period;

(7)  the asset allocations of the fund or account expressed in percentages of stocks, fixed income, real estate, cash, or other financial investments; and

(8)  the names and amounts of all investments made by the fund or account in economically targeted investments. (V.A.C.S. Art. 4413(34e), Secs. 2, 3.)

Sec. 2101.054.  EFFECT OF SUBCHAPTER. This subchapter does not diminish, impair, contradict, or affect the duties, powers, or authorities granted or imposed on a governing board of a fund or account listed in Section 2101.052 by the constitution or laws of this state. (V.A.C.S. Art. 4413(34e), Sec. 5.)

(b)  Chapter 817 (S.B. 127), Acts of the 73rd Legislature, Regular Session, 1993 (Article 4413(34e), Vernon's Texas Civil Statutes), is repealed.

SECTION 18.002.  (a) Title 13, Local Government Code, is amended to codify Article 1175, Revised Statutes, by adding Subtitle D to read as follows:

SUBTITLE D. POWERS OF COUNTIES OR MUNICIPALITIES OVER UTILITIES GENERALLY

CHAPTER 590. POWERS OF MUNICIPALITIES OVER UTILITIES

Sec. 590.0001.  POWERS OF HOME-RULE MUNICIPALITIES RELATING TO UTILITIES. Except as otherwise provided by state law enacted after the Revised Statutes of 1925 (S.B. 84, Acts of the 39th Legislature, Regular Session, 1925) or by federal law:

(1)  a home-rule municipality may:

(A)  prohibit the use of any street, alley, highway, or grounds of the municipality by any telegraph, telephone, electric light, street railway, interurban railway, steam railway, gas company, or any other character of public utility without first obtaining the consent of the governing authorities expressed by ordinance and on paying such compensation as may be prescribed and on such condition as may be provided by any such ordinance; and

(B)  determine, fix, and regulate the charges, fares, or rates of any person, firm, or corporation enjoying or that may enjoy the franchise or exercising any other public privilege in said municipality and prescribe the kind of service to be furnished by such person, firm, or corporation, and the manner in which it shall be rendered, and from time to time alter or change such rules, regulations, and compensation; provided that in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying the franchise shall be considered unless proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done, or property actually received in accordance with the laws and constitution of this state applicable thereto;

(2)  in order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the governing authority shall have full power to inspect the books and compel the attendance of witnesses for such purpose;

(3)  provided that in any municipality with a population of more than 25,000, the governing body of such municipality, when the public service of such municipality may require the same, shall have the right and power to compel any street railway or other public utility corporation to extend its lines of service into any section of said municipality not to exceed two miles, all told, in any one year; and

(4)  whenever any municipality may determine to acquire any public utility using and occupying its streets, alleys, and avenues as hereinbefore provided, and it shall be necessary to condemn the said public utility, the municipality may obtain funds for the purpose of acquiring the said public utility and paying the compensation therefor, by issuing bonds, notes, or other evidence of indebtedness and shall secure the same by fixing a lien on the said properties constituting the said public utility so acquired by condemnation or purchase or otherwise; said security shall apply alone to said properties so pledged; and such further regulations may be provided by any charter for the proper financing or raising the revenue necessary for obtaining any public utilities and providing for the fixing of said security.

(b)  Section 341.081, Health and Safety Code, is amended to read as follows:

Sec. 341.081.  AUTHORITY OF HOME-RULE MUNICIPALITIES NOT AFFECTED. This chapter prescribes the minimum requirements of sanitation and health protection in this state and does not affect a home-rule municipality's authority to enact:

(1)  more stringent ordinances in matters relating to this chapter; or

(2)  an ordinance under:

(A)  Section 5, Article XI, [~~Section V, of the~~] Texas Constitution; or

(B)  [~~Article 1175, Revised Statutes; or~~

[~~(C)~~]  Section 51.072 or 590.0001, Local Government Code.

(c)  Section 438.037, Health and Safety Code, is amended to read as follows:

Sec. 438.037.  MUNICIPAL ORDINANCES. This subchapter does not affect the authority granted under Section 5, Article XI, [~~Section 5, of the~~] Texas Constitution, [~~Article 1175, Revised Statutes,~~] Subchapter F of this chapter, and the applicable chapters of the Local Government Code to a Type A general-law municipality or a home-rule municipality to adopt an ordinance relating to this subchapter.

(d)  Article 1175, Revised Statutes, is repealed.

(e)  The heading to Chapter 13, Revised Statutes, is repealed.

SECTION 18.003.  (a) Chapter 2021, Occupations Code, as effective April 1, 2019, is amended to codify Section 6, Chapter 19 (S.B. 15), Acts of the 69th Legislature, 2nd Called Session, 1986 (Article 179e-2, Vernon's Texas Civil Statutes), by adding Section 2021.009 to read as follows:

Sec. 2021.009.  PROHIBITED USE OF STATE APPROPRIATED FUNDS. This subtitle prohibits the use of state appropriated funds for capital improvements to racetracks or for interest payments on such facilities except for racetracks that were publicly owned on September 1, 1986.

(b)  Section 6, Chapter 19 (S.B. 15), Acts of the 69th Legislature, 2nd Called Session, 1986 (Article 179e-2, Vernon's Texas Civil Statutes), is repealed.

SECTION 18.004.  (a) Section 6, Chapter 355 (H.B. 417), General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Article 6819d, Vernon's Texas Civil Statutes), is repealed as executed.

(b)  The heading to Title 117, Revised Statutes, is repealed.

ARTICLE 19. CONFORMING CHANGES RELATING TO THE ABOLISHMENT OF THE TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

SECTION 19.001.  Section 22.056, Business Organizations Code, is amended to read as follows:

Sec. 22.056.  HEALTH ORGANIZATION CORPORATION. (a) Doctors of medicine and osteopathy licensed by the Texas Medical Board, podiatrists licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], and chiropractors licensed by the Texas Board of Chiropractic Examiners may form a corporation that is jointly owned, managed, and controlled by those practitioners to perform a professional service that falls within the scope of practice of those practitioners and consists of:

(1)  carrying out research in the public interest in medical science, medical economics, public health, sociology, or a related field;

(2)  supporting medical education in medical schools through grants or scholarships;

(3)  developing the capabilities of individuals or institutions studying, teaching, or practicing medicine, including podiatric medicine, or chiropractic;

(4)  delivering health care to the public; or

(5)  instructing the public regarding medical science, public health, hygiene, or a related matter.

(b)  When doctors of medicine, osteopathy, podiatry, and chiropractic form a corporation that is jointly owned by those practitioners, the authority of each of the practitioners is limited by the scope of practice of the respective practitioners and none can exercise control over the other's clinical authority granted by their respective licenses, either through agreements, the certificate of formation or bylaws of the corporation, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner. The Texas Medical Board, the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], and the Texas Board of Chiropractic Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 19.002.  Sections 152.055(a) and (c), Business Organizations Code, are amended to read as follows:

(a)  Persons licensed as doctors of medicine and persons licensed as doctors of osteopathy by the Texas Medical Board, persons licensed as podiatrists by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], and persons licensed as chiropractors by the Texas Board of Chiropractic Examiners may create a partnership that is jointly owned by those practitioners to perform a professional service that falls within the scope of practice of those practitioners.

(c)  The Texas Medical Board, the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], and the Texas Board of Chiropractic Examiners continue to exercise regulatory authority over their respective licenses.

SECTION 19.003.  Section 301.012(a), Business Organizations Code, is amended to read as follows:

(a)  Persons licensed as doctors of medicine and persons licensed as doctors of osteopathy by the Texas Medical Board, persons licensed as podiatrists by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], and persons licensed as chiropractors by the Texas Board of Chiropractic Examiners may jointly form and own a professional association or a professional limited liability company to perform professional services that fall within the scope of practice of those practitioners.

SECTION 19.004.  Section 411.122(d), Government Code, is amended to read as follows:

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

(1)  Texas Appraiser Licensing and Certification Board;

(2)  Texas Board of Architectural Examiners;

(3)  Texas Board of Chiropractic Examiners;

(4)  State Board of Dental Examiners;

(5)  Texas Board of Professional Engineers;

(6)  Texas Funeral Service Commission;

(7)  Texas Board of Professional Geoscientists;

(8)  Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department~~], including:

(A)  Texas State Board of Examiners of Marriage and Family Therapists;

(B)  Texas State Board of Examiners of Professional Counselors; and

(C)  Texas State Board of Social Worker Examiners;

(9)  Texas Board of Professional Land Surveying;

(10)  Texas Department of Licensing and Regulation, except as provided by Section 411.093;

(11)  Texas Commission on Environmental Quality;

(12)  Texas Board of Occupational Therapy Examiners;

(13)  Texas Optometry Board;

(14)  Texas State Board of Pharmacy;

(15)  Texas Board of Physical Therapy Examiners;

(16)  Texas State Board of Plumbing Examiners;

(17)  [~~Texas State Board of Podiatric Medical Examiners;~~

[~~(18)~~] Texas State Board of Examiners of Psychologists;

(18) [~~(19)~~]  Texas Real Estate Commission;

(19) [~~(20)~~]  Texas Department of Transportation;

(20) [~~(21)~~]  State Board of Veterinary Medical Examiners;

(21) [~~(22)~~]  Texas Department of Housing and Community Affairs;

(22) [~~(23)~~]  secretary of state;

(23) [~~(24)~~]  state fire marshal;

(24) [~~(25)~~]  Texas Education Agency;

(25) [~~(26)~~]  Department of Agriculture; and

(26) [~~(27)~~]  Texas Department of Motor Vehicles.

SECTION 19.005.  Section 2054.2606(a), Government Code, is amended to read as follows:

(a)  The following licensing entities shall establish a profile system consisting of the specific license holder information prescribed by Subsection (c):

(1)  Texas Board of Chiropractic Examiners, with respect to chiropractors;

(2)  Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~], with respect to podiatrists;

(3)  State Board of Dental Examiners, with respect to dentists;

(4)  Texas Optometry Board, with respect to optometrists and therapeutic optometrists;

(5)  Texas Board of Physical Therapy Examiners, with respect to physical therapists and physical therapy facilities;

(6)  Texas Board of Occupational Therapy Examiners, with respect to occupational therapists and occupational therapy facilities;

(7)  Texas State Board of Examiners of Psychologists, with respect to psychologists; and

(8)  Texas State Board of Pharmacy, with respect to pharmacists and pharmacies.

SECTION 19.006.  Section 2054.352(a), Government Code, is amended to read as follows:

(a)  The following licensing entities shall participate in the system established under Section 2054.353:

(1)  Texas Board of Chiropractic Examiners;

(2)  Judicial Branch Certification Commission;

(3)  State Board of Dental Examiners;

(4)  Texas Funeral Service Commission;

(5)  Texas Board of Professional Land Surveying;

(6)  Texas Medical Board;

(7)  Texas Board of Nursing;

(8)  Texas Optometry Board;

(9)  Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

(10)  Texas State Board of Pharmacy;

(11)  Executive Council of Physical Therapy and Occupational Therapy Examiners;

(12)  Texas State Board of Plumbing Examiners;

(13)  [~~Texas State Board of Podiatric Medical Examiners;~~

[~~(14)~~] Texas State Board of Examiners of Psychologists;

(14) [~~(15)~~]  State Board of Veterinary Medical Examiners;

(15) [~~(16)~~]  Texas Real Estate Commission;

(16) [~~(17)~~]  Texas Appraiser Licensing and Certification Board;

(17) [~~(18)~~]  Texas Department of Licensing and Regulation;

(18) [~~(19)~~]  Texas State Board of Public Accountancy;

(19) [~~(20)~~]  State Board for Educator Certification;

(20) [~~(21)~~]  Texas Board of Professional Engineers;

(21)  Health and Human Services Commission [~~(22)  Department of State Health Services~~];

(22) [~~(23)~~]  Texas Board of Architectural Examiners;

(23) [~~(24)~~]  Texas Racing Commission;

(24) [~~(25)~~]  Texas Commission on Law Enforcement; and

(25) [~~(26)~~]  Texas Private Security Board.

SECTION 19.007.  Section 241.003(13), Health and Safety Code, is amended to read as follows:

(13)  "Podiatrist" means a podiatrist licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~].

SECTION 19.008.  Section 401.064(f), Health and Safety Code, is amended to read as follows:

(f)  In adopting rules under this section relating to the inspection of medical, podiatric medical, dental, veterinary, and chiropractic electronic products, the executive commissioner shall solicit and follow the recommendations of the State Board of Dental Examiners for the inspections of dental electronic products, the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] for the inspection of podiatric medical electronic products, the Texas Medical Board for the inspection of medical electronic products, the State Board of Veterinary Medical Examiners for the inspection of medical electronic products used in the practice of veterinary medicine, and the Texas Board of Chiropractic Examiners for the inspection of chiropractic electronic products, unless in conflict with federal statutes or federal rules.

SECTION 19.009.  Section 481.076(a), Health and Safety Code, is amended to read as follows:

(a)  The board may not permit any person to have access to information submitted to the board under Section 481.074(q) or 481.075 except:

(1)  the board, the Texas Medical Board, the Texas Department of Licensing and Regulation, with respect to the regulation of podiatrists [~~State Board of Podiatric Medical Examiners~~], the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas Optometry Board for the purpose of:

(A)  investigating a specific license holder; or

(B)  monitoring for potentially harmful prescribing or dispensing patterns or practices under Section 481.0762;

(2)  an authorized officer or member of the department or authorized employee of the board engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(3)  the department on behalf of a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(4)  a medical examiner conducting an investigation;

(5)  provided that accessing the information is authorized under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and regulations adopted under that Act:

(A)  a pharmacist or a pharmacy technician, as defined by Section 551.003, Occupations Code, acting at the direction of a pharmacist; or

(B)  a practitioner who:

(i)  is a physician, dentist, veterinarian, podiatrist, optometrist, or advanced practice nurse or is a physician assistant described by Section 481.002(39)(D) or an employee or other agent of a practitioner acting at the direction of a practitioner; and

(ii)  is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner;

(6)  a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity; or

(7)  one or more states or an association of states with which the board has an interoperability agreement, as provided by Subsection (j).

SECTION 19.010.  Section 483.001(12), Health and Safety Code, is amended to read as follows:

(12)  "Practitioner" means:

(A)  a person licensed by:

(i)  the Texas Medical Board, State Board of Dental Examiners, [~~Texas State Board of Podiatric Medical Examiners,~~] Texas Optometry Board, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs; or

(ii)  the Texas Department of Licensing and Regulation, with respect to podiatry, to prescribe and administer dangerous drugs;

(B)  a person licensed by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C)  a person licensed in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; or

(D)  an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code.

SECTION 19.011.  Section 843.311, Insurance Code, is amended to read as follows:

Sec. 843.311.  CONTRACTS WITH PODIATRISTS. A contract between a health maintenance organization and a podiatrist licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] must provide that:

(1)  the podiatrist may request, and the health maintenance organization shall provide not later than the 30th day after the date of the request, a copy of the coding guidelines and payment schedules applicable to the compensation that the podiatrist will receive under the contract for services;

(2)  the health maintenance organization may not unilaterally make material retroactive revisions to the coding guidelines and payment schedules; and

(3)  the podiatrist may, while practicing within the scope of the law regulating podiatry, provide x-rays and nonprefabricated orthotics covered by the evidence of coverage.

SECTION 19.012.  Section 843.319, Insurance Code, is amended to read as follows:

Sec. 843.319.  CERTAIN REQUIRED CONTRACTS. Notwithstanding Section 843.304, a health maintenance organization may not deny a contract to a podiatrist licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] who joins the professional practice of a contracted physician or provider, satisfies the application procedures of the health maintenance organization, and meets the qualification and credentialing requirements for contracting with the health maintenance organization.

SECTION 19.013.  Section 1301.0521(a), Insurance Code, is amended to read as follows:

(a)  Notwithstanding Section 1301.051, an insurer may not withhold the designation of preferred provider to a podiatrist licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] who:

(1)  joins the professional practice of a contracted preferred provider;

(2)  applies to the insurer for designation as a preferred provider; and

(3)  complies with the terms and conditions of eligibility to be a preferred provider.

SECTION 19.014.  Section 1301.062, Insurance Code, is amended to read as follows:

Sec. 1301.062.  PREFERRED PROVIDER CONTRACTS BETWEEN INSURERS AND PODIATRISTS. A preferred provider contract between an insurer and a podiatrist licensed by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] must provide that:

(1)  the podiatrist may request a copy of the coding guidelines and payment schedules applicable to the compensation that the podiatrist will receive under the contract for services;

(2)  the insurer shall provide a copy of the coding guidelines and payment schedules not later than the 30th day after the date of the podiatrist's request;

(3)  the insurer may not unilaterally make material retroactive revisions to the coding guidelines and payment schedules; and

(4)  the podiatrist may, practicing within the scope of the law regulating podiatry, furnish x-rays and nonprefabricated orthotics covered by the health insurance policy.

SECTION 19.015.  Section 1451.001(17), Insurance Code, is amended to read as follows:

(17)  "Podiatrist" means an individual licensed to practice podiatry by the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~].

SECTION 19.016.  Section 1452.153, Insurance Code, is amended to read as follows:

Sec. 1452.153.  ELIGIBILITY REQUIREMENTS. To qualify for expedited credentialing under this subchapter and payment under Section 1452.154, an applicant podiatrist must:

(1)  be licensed as a podiatrist in this state by, and be in good standing with, the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~];

(2)  submit all documentation and other information required by the issuer of the managed care plan as necessary to enable the issuer to begin the credentialing process required by the issuer to include a podiatrist in the issuer's health benefit plan network; and

(3)  agree to comply with the terms of the managed care plan's participating provider contract currently in force with the applicant podiatrist's established professional practice.

SECTION 19.017.  Section 56.002, Occupations Code, is amended to read as follows:

Sec. 56.002.  APPLICABILITY. This chapter applies only to the following licensing authorities:

(1)  Texas Board of Chiropractic Examiners;

(2)  State Board of Dental Examiners;

(3)  Texas Department of Licensing and Regulation, with respect to the department's authority to regulate podiatrists [~~State Board of Podiatric Medical Examiners~~]; and

(4)  Texas Medical [~~State~~] Board [~~of Medical Examiners~~].

SECTION 19.018.  Section 101.002, Occupations Code, is amended to read as follows:

Sec. 101.002.  COMPOSITION OF COUNCIL. The council consists of 14 members, with one member appointed by each of the following:

(1)  the Texas Board of Chiropractic Examiners;

(2)  the State Board of Dental Examiners;

(3)  the Texas Optometry Board;

(4)  the Texas State Board of Pharmacy;

(5)  the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~];

(6)  the State Board of Veterinary Medical Examiners;

(7)  the Texas Medical Board;

(8)  the Texas Board of Nursing;

(9)  the Texas State Board of Examiners of Psychologists;

(10)  the Texas Funeral Service Commission;

(11)  the entity that regulates the practice of physical therapy;

(12)  the entity that regulates the practice of occupational therapy;

(13)  the health licensing division of the Health and Human Services Commission [~~Department of State Health Services~~]; and

(14)  the governor's office.

SECTION 19.019.  Section 104.003(g), Occupations Code, is amended to read as follows:

(g)  A person who is licensed by the Texas Department of Licensing and Regulation to practice podiatry [~~State Board of Podiatric Medical Examiners~~] shall use:

(1)  chiropodist;

(2)  doctor, D.S.C.;

(3)  doctor of surgical chiropody;

(4)  D.S.C.;

(5)  podiatrist;

(6)  doctor, D.P.M.;

(7)  doctor of podiatric medicine; or

(8)  D.P.M.

SECTION 19.020.  Section 601.251, Occupations Code, is amended to read as follows:

Sec. 601.251.  APPLICABILITY. This subchapter applies to the:

(1)  Texas Board of Nursing;

(2)  Texas Board of Chiropractic Examiners;

(3)  State Board of Dental Examiners;

(4)  Texas Medical Board;

(5)  Texas Department of Licensing and Regulation, with respect to the department's authority to regulate podiatrists [~~State Board of Podiatric Medical Examiners~~]; and

(6)  Texas Physician Assistant Board.

ARTICLE 20. NONSUBSTANTIVE REVISION OF CHAPTER 10, CODE OF CRIMINAL PROCEDURE: PROVISIONS RELATING TO REMOVAL OF HIGHWAY OBSTRUCTION THAT IS SUBJECT OF CRIMINAL PROSECUTION

SECTION 20.001.  Subtitle Z, Title 6, Transportation Code, is amended by adding Chapter 473 to read as follows:

CHAPTER 473. REMOVAL OF HIGHWAY OBSTRUCTION THAT IS SUBJECT OF CRIMINAL PROSECUTION

Sec. 473.001.  ORDER TO REMOVE HIGHWAY OBSTRUCTION. (a) After a criminal prosecution begins against a person for obstructing a highway, any person, in behalf of the public, may apply to the county judge of the county in which the highway is located for an order to remove the obstruction.

(b)  On hearing proof regarding an application to remove an obstruction, the county judge, either in term time or in vacation, may issue to the sheriff or other proper officer of the county a written order directing that officer to remove the obstruction. (Code Crim. Proc., Art. 10.01 (part).)

Sec. 473.002.  BOND REQUIRED. (a) Before an order may be issued under Section 473.001, the applicant for the order must give bond with security to indemnify the defendant, in case of the defendant's acquittal, for any loss sustained by the defendant.

(b)  The amount of the bond must be set by the county judge.

(c)  The bond must be approved by the county judge and shall be filed with the papers in the case. (Code Crim. Proc., Art. 10.01 (part).)

Sec. 473.003.  DEFENDANT'S RECOVERY OF BOND AMOUNT ON ACQUITTAL. (a) If the defendant is acquitted in the criminal case described by Section 473.001(a), the defendant may maintain a civil action against the applicant and the applicant's sureties on the bond.

(b)  The defendant may recover the full amount of the bond, or an amount of damages that is less than the amount of the bond, as may be assessed by a court or jury, if the defendant shows at trial that, at the time the defendant placed the obstruction, the obstruction was located on the defendant's own property or on property in the defendant's lawful possession and not on a public highway established by proper authority. (Code Crim. Proc., Art. 10.02.)

Sec. 473.004.  REMOVAL OF HIGHWAY OBSTRUCTION ON CONVICTION. On the conviction of a defendant for obstructing a public highway, if the obstruction still exists, the court shall order the sheriff or other proper officer to immediately remove the obstruction at the defendant's cost, to be imposed and collected as other costs in the case. (Code Crim. Proc., Art. 10.03.)

SECTION 20.002.  Chapter 10, Code of Criminal Procedure, is repealed.

ARTICLE 21. REDESIGNATIONS

SECTION 21.001.  The following provisions of enacted codes are redesignated to eliminate duplicate citations:

(1)  Article 2.023, Code of Criminal Procedure, as added by Chapter 686 (H.B. 34), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Article 2.024, Code of Criminal Procedure.

(2)  Subsection (d), Article 2.13, Code of Criminal Procedure, as added by Chapter 34 (S.B. 1576), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (f), Article 2.13, Code of Criminal Procedure.

(3)  Section 12, Article 42.01, Code of Criminal Procedure, as added by Chapter 443 (S.B. 500), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 13, Article 42.01, Code of Criminal Procedure.

(4)  Subsection (b), Article 42A.511, Code of Criminal Procedure, as added by Chapter 739 (S.B. 1232), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (c), Article 42A.511, Code of Criminal Procedure.

(5)  Subsection (f), Section 25.081, Education Code, as added by Chapter 1144 (H.B. 441), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (g), Section 25.081, Education Code.

(6)  Subsection (b-1), Section 28.009, Education Code, as added by Chapter 729 (S.B. 1091), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (b-3), Section 28.009, Education Code.

(7)  Subsection (a-2), Section 42.006, Education Code, as added by Chapter 916 (S.B. 1404), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (a-5), Section 42.006, Education Code.

(8)  Section 130.0828, Education Code, as added by Chapter 181 (S.B. 286), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 130.08285, Education Code.

(9)  Subchapter L, Chapter 130, Education Code, as added by Chapter 510 (H.B. 2994), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subchapter M, Chapter 130, Education Code, and Sections 130.301, 130.302, 130.303, 130.304, and 130.305, Education Code, as added by that Act, are redesignated as Sections 130.351, 130.352, 130.353, 130.354, and 130.355, Education Code, respectively.

(10)  Section 63.0013, Election Code, as added by Chapter 980 (H.B. 658), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 63.0015, Election Code.

(11)  Section 276.011, Election Code, as added by Chapter 828 (H.B. 1735), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 276.012, Election Code.

(12)  Section 261.004, Family Code, as added by Chapter 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 261.005, Family Code.

(13)  Subsection (j), Section 261.301, Family Code, as added by Chapter 356 (H.B. 2124), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (k), Section 261.301, Family Code.

(14)  Section 261.3017, Family Code, as added by Chapter 523 (S.B. 190), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 261.3018, Family Code.

(15)  Section 262.013, Family Code, as added by Chapter 910 (S.B. 999), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 262.015, Family Code.

(16)  Section 264.1211, Family Code, as added by Chapter 333 (H.B. 928), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 264.1212, Family Code.

(17)  Section 264.1211, Family Code, as added by Chapter 1076 (H.B. 3338), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 264.1213, Family Code.

(18)  Section 264.2042, Family Code, as added by Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 264.2044, Family Code.

(19)  Chapter 280, Finance Code, as added by Chapter 376 (H.B. 3921), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Chapter 281, Finance Code, and Sections 280.001, 280.002, 280.003, 280.004, 280.005, and 280.006, Finance Code, as added by that Act, are redesignated as Sections 281.001, 281.002, 281.003, 281.004, 281.005, and 281.006, Finance Code, respectively.

(20)  Subsection (k), Section 53.001, Government Code, as added by Chapter 972 (S.B. 2174), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (m), Section 53.001, Government Code.

(21)  Subchapter D, Chapter 155, Government Code, as added by Chapter 715 (S.B. 36), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subchapter F, Chapter 155, Government Code, and Sections 155.151, 155.152, 155.153, and 155.154, Government Code, as added by that Act, are redesignated as Sections 155.251, 155.252, 155.253, and 155.254, Government Code, respectively.

(22)  Section 434.024, Government Code, as added by Chapter 387 (S.B. 588), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 434.025, Government Code.

(23)  Section 442.019, Government Code, as added by Chapter 838 (H.B. 2079), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 442.0195, Government Code.

(24)  Section 531.0999, Government Code, as added by Chapter 561 (S.B. 578), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 531.0925, Government Code.

(25)  Section 531.0999, Government Code, as added by Chapter 770 (H.B. 13), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 531.0991, Government Code.

(26)  Section 662.065, Government Code, as added by Chapter 1139 (H.B. 297), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 662.067, Government Code.

(27)  Section 662.065, Government Code, as added by Chapter 692 (H.B. 208), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 662.068, Government Code.

(28)  Section 662.065, Government Code, as added by Chapter 1133 (H.B. 210), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 662.069, Government Code.

(29)  Section 662.065, Government Code, as added by Chapter 1002 (H.B. 1254), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 662.070, Government Code.

(30)  Section 772.0073, Government Code, as added by Chapter 188 (S.B. 12), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 772.0075, Government Code.

(31)  Section 772.0073, Government Code, as added by Chapter 4 (S.B. 4), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 772.0076, Government Code.

(32)  Section 810.002, Government Code, as added by Chapter 443 (S.B. 500), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 810.003, Government Code.

(33)  Subchapter F, Chapter 2252, Government Code, as added by Chapter 597 (S.B. 1289), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subchapter G, Chapter 2252, Government Code.

(34)  Section 2256.0206, Government Code, as added by Chapter 344 (H.B. 1472), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 2256.0207, Government Code.

(35)  Chapter 2270, Government Code, as added by Chapter 1 (H.B. 89), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Chapter 2271, Government Code, and Sections 2270.001 and 2270.002, Government Code, as added by that Act, are redesignated as Sections 2271.001 and 2271.002, Government Code, respectively.

(36)  Section 191.009, Health and Safety Code, as added by Chapter 737 (S.B. 1205), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 191.010, Health and Safety Code.

(37)  Subsection (a-1), Section 364.011, Health and Safety Code, as added by Chapter 70 (S.B. 1229), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (a-2), Section 364.011, Health and Safety Code.

(38)  Subsection (n), Section 1701.253, Occupations Code, as added by Chapter 513 (S.B. 30), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (o), Section 1701.253, Occupations Code.

(39)  Subsection (b-2), Section 22.01, Penal Code, as added by Chapter 34 (S.B. 1576), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subsection (b-3), Section 22.01, Penal Code.

(40)  Subdivision (18), Section 46.01, Penal Code, as added by Chapter 814 (H.B. 913), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subdivision (19), Section 46.01, Penal Code.

(41)  Section 48.03, Penal Code, as added by Chapter 697 (H.B. 810), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 48.04, Penal Code.

(42)  Chapter 7998, Special District Local Laws Code, as added by Chapter 621 (H.B. 4275), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Chapter 8000, Special District Local Laws Code, and Sections 7998.001, 7998.002, 7998.003, 7998.004, 7998.005, 7998.006, 7998.051, 7998.052, 7998.101, 7998.102, 7998.103, 7998.104, 7998.105, 7998.106, 7998.151, 7998.152, 7998.153, 7998.201, 7998.202, and 7998.203, Special District Local Laws Code, as added by that Act, are redesignated as Sections 8000.001, 8000.002, 8000.003, 8000.004, 8000.005, 8000.006, 8000.051, 8000.052, 8000.101, 8000.102, 8000.103, 8000.104, 8000.105, 8000.106, 8000.151, 8000.152, 8000.153, 8000.201, 8000.202, and 8000.203, Special District Local Laws Code, respectively.

(43)  Section 23.524, Tax Code, as added by Chapter 365 (H.B. 3198), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 23.525, Tax Code.

(44)  Section 22.091, Transportation Code, as added by Chapter 723 (S.B. 1024), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 22.092, Transportation Code.

(45)  Section 223.051, Transportation Code, as added by Chapter 1155 (S.B. 82), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 223.052, Transportation Code.

(46)  Section 225.123, Transportation Code, as added by Chapter 54 (H.B. 409), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.134, Transportation Code.

(47)  Section 225.123, Transportation Code, as added by Chapter 85 (H.B. 947), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.135, Transportation Code.

(48)  Section 225.123, Transportation Code, as added by Chapter 114 (H.B. 216), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.136, Transportation Code.

(49)  Section 225.123, Transportation Code, as added by Chapter 176 (H.B. 3536), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.137, Transportation Code.

(50)  Section 225.123, Transportation Code, as added by Chapter 209 (H.B. 1221), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.138, Transportation Code.

(51)  Section 225.123, Transportation Code, as added by Chapter 367 (H.B. 3283), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.139, Transportation Code.

(52)  Section 225.123, Transportation Code, as added by Chapter 375 (H.B. 3917), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.140, Transportation Code.

(53)  Section 225.123, Transportation Code, as added by Chapter 732 (S.B. 1099), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.141, Transportation Code.

(54)  Section 225.123, Transportation Code, as added by Chapter 998 (H.B. 1162), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.142, Transportation Code.

(55)  Section 225.123, Transportation Code, as added by Chapter 55 (H.B. 1483), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.143, Transportation Code.

(56)  Section 225.123, Transportation Code, as added by Chapter 247 (H.B. 938), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.144, Transportation Code.

(57)  Section 225.123, Transportation Code, as added by Chapter 255 (H.B. 1303), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.145, Transportation Code.

(58)  Section 225.123, Transportation Code, as added by Chapter 309 (S.B. 867), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.146, Transportation Code.

(59)  Section 225.123, Transportation Code, as added by Chapter 492 (H.B. 2675), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.147, Transportation Code.

(60)  Section 225.123, Transportation Code, as added by Chapter 936 (S.B. 1732), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.148, Transportation Code.

(61)  Section 225.123, Transportation Code, as added by Section 2, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.149, Transportation Code.

(62)  Section 225.123, Transportation Code, as added by Section 3, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.150, Transportation Code.

(63)  Section 225.125, Transportation Code, as added by Chapter 711 (H.B. 3964), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 225.151, Transportation Code.

(64)  Section 504.323, Transportation Code, as added by Chapter 274 (H.B. 2115), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 504.324, Transportation Code.

(65)  Section 504.668, Transportation Code, as added by Chapter 116 (H.B. 263), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 504.669, Transportation Code.

(66)  Section 504.668, Transportation Code, as added by Chapter 1003 (H.B. 1256), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 504.670, Transportation Code.

(67)  Section 521.0062, Transportation Code, as added by Chapter 1078 (H.B. 3359), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 521.0063, Transportation Code.

(68)  Subchapter U, Chapter 623, Transportation Code, as added by Chapter 750 (S.B. 1383), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Subchapter V, Chapter 623, Transportation Code, and Sections 623.401, 623.402, 623.403, 623.404, 623.405, 623.406, and 623.407, Transportation Code, as added by that Act, are redesignated as Sections 623.421, 623.422, 623.423, 623.424, 623.425, 623.426, and 623.427, Transportation Code, respectively.

(69)  Section 13.148, Water Code, as added by Chapter 305 (H.B. 1461), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 13.149, Water Code.

SECTION 21.002.  The following changes are made to conform the provisions amended to the redesignating changes made by Section 21.001 of this Act and to correct cross-references:

(1)  Article 42.0196, Code of Criminal Procedure, is amended to read as follows:

Art. 42.0196.  FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 810.003 [~~810.002~~], Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the defendant is:

(1)  a member of the elected class described by Section 810.003(b)(1) [~~810.002(b)(1)~~], Government Code, while a member of the Employees Retirement System of Texas; or

(2)  a holder of an elected office for which the defendant wholly or partly became eligible for membership in a public retirement system.

(b)  A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 810.003(k) [~~810.002(k)~~], Government Code.

(2)  Section 130.352, Education Code, as redesignated from Section 130.302, Education Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 130.352 [~~130.302~~].  FORMULA FUNDING FOR WORKFORCE CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Section 130.354 [~~130.304~~].

(3)  Section 130.354, Education Code, as redesignated from Section 130.304, Education Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 130.354 [~~130.304~~].  WAIVER OF TUITION AND FEES FOR WORKFORCE CONTINUING EDUCATION COURSES. A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

(1)  the student:

(A)  is enrolled in high school or in a school described by Section 130.353(a)(2) [~~130.303(a)(2)~~];

(B)  is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education; or

(C)  is under the age of 18 and is incarcerated;

(2)  all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(3)  the course is taught in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

(4)  Subsection (d), Section 63.0015, Election Code, as redesignated from Subsection (d), Section 63.0013, Election Code, by Section 21.001 of this Act, is amended to read as follows:

(d)  The notice required by Subsection (c) must read: "Pursuant to Section 63.0015 [~~63.0013~~], Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around.  A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority.  Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

(5)  Section 1104.359(a), Estates Code, is amended to read as follows:

(a)  A guardianship program may not be appointed guardian:

(1)  if the program is not registered as required under Subchapter F [~~D~~], Chapter 155, Government Code;

(2)  if a registration certificate issued to the program under Subchapter F [~~D~~], Chapter 155, Government Code, is expired or refused renewal, or has been revoked and not been reissued; or

(3)  during the time a registration certificate issued to the program under Subchapter F [~~D~~], Chapter 155, Government Code, is suspended.

(6)  Section 281.003, Finance Code, as redesignated from Section 280.003, Finance Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 281.003 [~~280.003~~].  NOTIFYING THIRD PARTIES OF SUSPECTED FINANCIAL EXPLOITATION OF VULNERABLE ADULTS. If a financial institution submits a report of suspected financial exploitation of a vulnerable adult to the department under Section 281.002(b) [~~280.002(b)~~], the financial institution may at the time the financial institution submits the report also notify a third party reasonably associated with the vulnerable adult of the suspected financial exploitation, unless the financial institution suspects the third party of financial exploitation of the vulnerable adult.

(7)  Subsections (a) and (b), Section 281.004, Finance Code, as redesignated from Subsections (a) and (b), Section 280.004, Finance Code, by Section 21.001 of this Act, are amended to read as follows:

(a)  Notwithstanding any other law, if a financial institution submits a report of suspected financial exploitation of a vulnerable adult to the department under Section 281.002(b) [~~280.002(b)~~], the financial institution:

(1)  may place a hold on any transaction that:

(A)  involves an account of the vulnerable adult; and

(B)  the financial institution has cause to believe is related to the suspected financial exploitation; and

(2)  must place a hold on any transaction involving an account of the vulnerable adult if the hold is requested by the department or a law enforcement agency.

(b)  Subject to Subsection (c), a hold placed on any transaction under Subsection (a) expires on the 10th business day after the date the financial institution submits the report under Section 281.002(b) [~~280.002(b)~~].

(8)  Section 281.005, Finance Code, as redesignated from Section 280.005, Finance Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 281.005 [~~280.005~~].  IMMUNITY. (a) An employee of a financial institution who makes a notification under Section 281.002(a) [~~280.002(a)~~], a financial institution that submits a report under Section 281.002(b) [~~280.002(b)~~] or makes a notification to a third party under Section 281.003 [~~280.003~~], or an employee who or financial institution that testifies or otherwise participates in a judicial proceeding arising from a notification or report is immune from any civil or criminal liability arising from the notification, report, testimony, or participation in the judicial proceeding, unless the employee or financial institution acted in bad faith or with a malicious purpose.

(b)  A financial institution that in good faith and with the exercise of reasonable care places or does not place a hold on any transaction under Section 281.004(a)(1) [~~280.004(a)(1)~~] is immune from any civil or criminal liability or disciplinary action resulting from that action or failure to act.

(9)  Section 53.0071, Government Code, is amended to read as follows:

Sec. 53.0071.  BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), (g), [~~or~~] (k), or (m) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure.

(10)  Subsection (b), Section 155.253, Government Code, as redesignated from Subsection (b), Section 155.153, Government Code, by Section 21.001 of this Act, is amended to read as follows:

(b)  The supreme court shall adopt rules and procedures for issuing, renewing, suspending, or revoking a registration certificate under this section.  Rules adopted by the supreme court under this section must:

(1)  ensure compliance with the standards adopted under Section 155.252 [~~155.152~~];

(2)  provide that the commission establish qualifications for obtaining and maintaining a registration certificate;

(3)  provide that a registration certificate expires on the second anniversary of the date the certificate is issued;

(4)  prescribe procedures for accepting complaints and conducting investigations of alleged violations by guardianship programs of the standards adopted under Section 155.252 [~~155.152~~] or other violations of this chapter or other applicable state law;

(5)  prescribe procedures by which the commission, after notice and hearing, may suspend or revoke the registration certificate of a guardianship program that does not substantially comply with the standards adopted under Section 155.252 [~~155.152~~] or other provisions of this chapter or other applicable state law; and

(6)  prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian if the guardianship program's registration certificate is expired or refused renewal, or has been revoked and not been reissued.

(11)  Subsection (a), Section 364.034, Health and Safety Code, is amended to read as follows:

(a)  A public agency or a county may:

(1)  offer solid waste disposal service to persons in its territory, including, in the case of a county described by Section 364.011(a-2)(2) [~~364.011(a-1)(2)~~], an area of the county located within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area;

(2)  require the use of the service by those persons, except as provided by Subsection (a-1);

(3)  charge fees for the service; and

(4)  establish the service as a utility separate from other utilities in its territory.

(12)  Section 364.0345, Health and Safety Code, is amended to read as follows:

Sec. 364.0345.  PENALTIES FOR FAILURE TO USE REQUIRED SERVICE IN CERTAIN AREAS. The commissioners court of a county described by Section 364.011(a-2)(2) [~~364.011(a-1)(2)~~] that requires the use of a county solid waste disposal service under Section 364.034 in the extraterritorial jurisdiction of a municipality may adopt orders to enforce the requirement, including an order establishing a civil or administrative penalty in an amount reasonable and necessary to ensure compliance with the requirement.

(13)  Subsection (b), Section 1003.056, Health and Safety Code, is amended to read as follows:

(b)  This subchapter does not affect or authorize a person to violate any law regulating the possession, use, or transfer of fetal tissue, fetal stem cells, adult stem cells, or human organs, including Sections 48.02 and 48.04 [~~48.03~~], Penal Code.

(14)  Subsection (f), Section 22.01, Penal Code, is amended to read as follows:

(f)  For the purposes of Subsections (b)(2)(A) and (b-3)(2) [~~(b-2)(2)~~]:

(1)  a defendant has been previously convicted of an offense listed in those subsections committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision; and

(2)  a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense listed in those subsections is a conviction of the offense listed.

(15)  Section 8000.004, Special District Local Laws Code, as redesignated from Section 7998.004, Special District Local Laws Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 8000.004 [~~7998.004~~].  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8000.003 [~~7998.003~~] until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(16)  Subsection (b), Section 8000.051, Special District Local Laws Code, as redesignated from Subsection (b), Section 7998.051, Special District Local Laws Code, by Section 21.001 of this Act, is amended to read as follows:

(b)  Except as provided by Section 8000.052 [~~7998.052~~], directors serve staggered four-year terms.

(17)  Subsections (b) and (c), Section 8000.052, Special District Local Laws Code, as redesignated from Subsections (b) and (c), Section 7998.052, Special District Local Laws Code, by Section 21.001 of this Act, are amended to read as follows:

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8000.003 [~~7998.003~~]; or

(2)  the fourth anniversary of the effective date of the Act enacting this chapter.

(c)  If permanent directors have not been elected under Section 8000.003 [~~7998.003~~] and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 8000.003 [~~7998.003~~]; or

(2)  the fourth anniversary of the date of the appointment or reappointment.

(18)  Subsections (e) and (h), Section 8000.106, Special District Local Laws Code, as redesignated from Subsections (e) and (h), Section 7998.106, Special District Local Laws Code, by Section 21.001 of this Act, are amended to read as follows:

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 8000.003 [~~7998.003~~] to confirm the district's creation.

(h)  A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8000.003 [~~7998.003~~].

(19)  Subsection (a), Section 8000.152, Special District Local Laws Code, as redesignated from Subsection (a), Section 7998.152, Special District Local Laws Code, by Section 21.001 of this Act, is amended to read as follows:

(a)  If authorized at an election held under Section 8000.151 [~~7998.151~~], the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(20)  Subsection (a-1), Section 621.508, Transportation Code, is amended to read as follows:

(a-1)  The affirmative defense provided by Subsection (a) does not apply to the excess weights authorized under Section 623.421(b) [~~623.401(b)~~].

(21)  Subsection (b), Section 623.003, Transportation Code, as amended by Chapters 108 (S.B. 1524) and 750 (S.B. 1383), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, 623.192, [~~or 623.401~~] 623.402, or 623.421.

(22)  Subsection (a), Section 623.424, Transportation Code, as redesignated from Subsection (a), Section 623.404, Transportation Code, by Section 21.001 of this Act, is amended to read as follows:

(a)  Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays a sticker required by Section 623.422 [~~623.402~~] and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(23)  Section 623.425, Transportation Code, as redesignated from Section 623.405, Transportation Code, by Section 21.001 of this Act, is amended to read as follows:

Sec. 623.425 [~~623.405~~].  CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a vehicle combination described by Section 623.421(a) [~~623.401(a)~~] or (b) in addition to a permit, fee, or license required by state law.

(24)  Subdivision (2), Subsection A, Section 45, The Securities Act (Article 581-45, Vernon's Texas Civil Statutes), is amended to read as follows:

(2)  "Exploitation," "financial exploitation," and "vulnerable adult" have the meanings assigned by Section 281.001 [~~280.001~~], Finance Code.

SECTION 21.003.  The following provisions of enacted codes are repealed to eliminate duplicate citations:

(1)  Section 225.123, Transportation Code, as added by Chapter 545 (S.B. 396), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 225.128, Transportation Code.

(2)  Section 225.123, Transportation Code, as added by Chapter 542 (S.B. 364), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 225.131, Transportation Code.

(3)  Section 225.123, Transportation Code, as added by Chapter 543 (S.B. 365), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 225.132, Transportation Code.

(4)  Section 225.123, Transportation Code, as added by Chapter 724 (S.B. 1037), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 225.130, Transportation Code.

(5)  Section 225.124, Transportation Code, as added by Section 2, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature, Regular Session, 2017, is repealed as duplicative of Section 225.129, Transportation Code.

ARTICLE 22. EFFECTIVE DATE

SECTION 22.001.  This Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 4170 was passed by the House on May 3, 2019, by the following vote:  Yeas 138, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4170 was passed by the Senate on May 21, 2019, by the following vote:  Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  Governor