

By: Leach

H.B. No. 4170

A BILL TO BE ENTITLED

AN ACT

1
2 relating to nonsubstantive additions to, revisions of, and
3 corrections in enacted codes, to the nonsubstantive codification or
4 disposition of various laws omitted from enacted codes, and to
5 conforming codifications enacted by the 85th Legislature to other
6 Acts of that legislature.

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

8 ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ARTICLE 2. CHANGES RELATING TO AGRICULTURE CODE

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

5 CHAPTER 77. FIRE ANT CONTROL

6 ~~[SUBCHAPTER A. ERADICATION PROGRAM]~~

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

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

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

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

21 ARTICLE 3. CHANGES RELATING TO BUSINESS & COMMERCE CODE

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

26 (b) Except as provided in Subsection (d) of this section,
27 the term "false, misleading, or deceptive acts or practices"

1 includes, but is not limited to, the following acts:

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

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

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

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

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

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

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

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

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

26 (10) advertising goods or services with intent not to
27 supply a reasonable expectable public demand, unless the

1 advertisements disclosed a limitation of quantity;

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

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

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

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

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

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

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

24 (18) advertising, selling, or distributing a card
25 which purports to be a prescription drug identification card issued
26 under Section [4151.152](#), Insurance Code, in accordance with rules
27 adopted by the commissioner of insurance, which offers a discount

1 on the purchase of health care goods or services from a third party
2 provider, and which is not evidence of insurance coverage, unless:

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

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

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

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

23 (20) representing that a guaranty or warranty confers
24 or involves rights or remedies which it does not have or involve,
25 provided, however, that nothing in this subchapter shall be
26 construed to expand the implied warranty of merchantability as
27 defined in Sections 2.314 through 2.318 and Sections 2A.212 through

1 2A.216 to involve obligations in excess of those which are
2 appropriate to the goods;

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

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

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

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

26 (25) using the term "corporation," "incorporated," or
27 an abbreviation of either of those terms in the name of a business

1 entity that is not incorporated under the laws of this state or
2 another jurisdiction;

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

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

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

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

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

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

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

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

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

12 "SPECIMEN-NON-NEGOTIABLE";

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

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

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

24 (32) a licensed public insurance adjuster directly or
25 indirectly soliciting employment, as defined by Section 38.01,
26 Penal Code, for an attorney, or a licensed public insurance
27 adjuster entering into a contract with an insured for the primary

1 purpose of referring the insured to an attorney without the intent
2 to actually perform the services customarily provided by a licensed
3 public insurance adjuster, provided that this subdivision may not
4 be construed to prohibit a licensed public insurance adjuster from
5 recommending a particular attorney to an insured; ~~[or]~~

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

9 (A) is not appropriately licensed under Chapter
10 455, Occupations Code, or is not in compliance with the applicable
11 licensing and other requirements of that chapter; or

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

15 (34) ~~[(33)]~~ a warrantor of a vehicle protection
16 product warranty using, in connection with the product, a name that
17 includes "casualty," "surety," "insurance," "mutual," or any other
18 word descriptive of an insurance business, including property or
19 casualty insurance, or a surety business.

20 ARTICLE 4. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

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

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

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

7 SECTION 4.003. Article 16.22(a), Code of Criminal
8 Procedure, as amended by Chapters 748 (S.B. 1326) and 950 (S.B.
9 1849), Acts of the 85th Legislature, Regular Session, 2017, is
10 reenacted to read as follows:

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

1 health or intellectual disability expert to:

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

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

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

23 (3) If the defendant fails or refuses to submit to the
24 collection of information regarding the defendant as required under
25 Subdivision (1), the magistrate may order the defendant to submit
26 to an examination in a jail or in another place determined to be
27 appropriate by the local mental health authority or local

1 intellectual and developmental disability authority for a
2 reasonable period not to exceed 72 hours. If applicable, the county
3 in which the committing court is located shall reimburse the local
4 mental health authority or local intellectual and developmental
5 disability authority for the mileage and per diem expenses of the
6 personnel required to transport the defendant, calculated in
7 accordance with the state travel regulations in effect at the time.

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

11 (c) A search warrant may not be issued under Article
12 18.02(a)(10) [~~18.02(10)~~] unless the sworn affidavit required by
13 Subsection (b) sets forth sufficient facts to establish probable
14 cause: (1) that a specific offense has been committed, (2) that the
15 specifically described property or items that are to be searched
16 for or seized constitute evidence of that offense or evidence that a
17 particular person committed that offense, and (3) that the property
18 or items constituting evidence to be searched for or seized are
19 located at or on the particular person, place, or thing to be
20 searched. Except as provided by Subsections (d), (i), and (j), only
21 a judge of a municipal court of record or a county court who is an
22 attorney licensed by the State of Texas, a statutory county court
23 judge, a district court judge, a judge of the Court of Criminal
24 Appeals, including the presiding judge, a justice of the Supreme
25 Court of Texas, including the chief justice, or a magistrate with
26 jurisdiction over criminal cases serving a district court may issue
27 warrants under Article 18.02(a)(10) [~~18.02(10)~~].

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

14 (e) A search warrant may not be issued under [~~Subdivision~~
15 ~~(10) of~~] Article 18.02(a)(10) [~~18.02 of this code~~] to search for and
16 seize property or items that are not described in Article
17 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), or [~~Subdivisions~~
18 ~~(1) through~~] (9) [~~of that article~~] and that are located in an office
19 of a newspaper, news magazine, television station, or radio
20 station, and in no event may property or items not described in
21 Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), or
22 [~~Subdivisions (1) through~~] (9) [~~of that article~~] be legally seized
23 in any search pursuant to a search warrant of an office of a
24 newspaper, news magazine, television station, or radio station.

25 (g) A search warrant may not be issued under [~~Subdivision~~
26 ~~(12),~~] Article 18.02(a)(12) [~~18.02, of this code~~] unless the sworn
27 affidavit required by Subsection (b) of this article sets forth

1 sufficient facts to establish probable cause that a specific felony
2 offense has been committed and that the specifically described
3 property or items that are to be searched for or seized constitute
4 contraband as defined in Article 59.01 of this code and are located
5 at or on the particular person, place, or thing to be searched.

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

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

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

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

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

18 (1) is arrested for an offense under Section 49.04,
19 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

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

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

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

1 SECTION 4.006. Articles 42A.651(a) and (c), Code of
2 Criminal Procedure, are amended to conform to the amendment of
3 Article 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B.
4 1584), Acts of the 85th Legislature, Regular Session, 2017, to read
5 as follows:

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

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

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

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

15 (c) A judge may not impose a condition of community
16 supervision requiring a defendant to reimburse a county for the
17 costs of legal services as described by Article 42A.301(b)(11)
18 [~~42A.301(11)~~] if the defendant has already satisfied that
19 obligation under Article 26.05(g).

20 SECTION 4.007. Article 42A.751(i), Code of Criminal
21 Procedure, is amended to conform to the amendment of Article
22 42A.301, Code of Criminal Procedure, by Chapter 109 (S.B. 1584),
23 Acts of the 85th Legislature, Regular Session, 2017, to read as
24 follows:

25 (i) In a revocation hearing at which it is alleged only that
26 the defendant violated the conditions of community supervision by
27 failing to pay community supervision fees or court costs or by

1 failing to pay the costs of legal services as described by Article
2 42A.301(b)(11) [~~42A.301(11)~~], the state must prove by a
3 preponderance of the evidence that the defendant was able to pay and
4 did not pay as ordered by the judge.

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

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

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

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

1 article.

2 SECTION 4.010. Article 43.09(h), Code of Criminal
3 Procedure, as amended by Chapters 977 (H.B. 351) and 1127 (S.B.
4 1913), Acts of the 85th Legislature, Regular Session, 2017, is
5 reenacted to read as follows:

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

8 (1) by attending:

9 (A) a work and job skills training program;

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

13 (C) an alcohol or drug abuse program;

14 (D) a rehabilitation program;

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

17 (F) a mentoring program; or

18 (G) any similar activity; or

19 (2) for:

20 (A) a governmental entity;

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

25 (C) an educational institution.

26 SECTION 4.011. Article 45.049(c), Code of Criminal
27 Procedure, as amended by Chapters 977 (H.B. 351) and 1127 (S.B.

1 1913), Acts of the 85th Legislature, Regular Session, 2017, is
2 reenacted to read as follows:

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

5 (1) by attending:

6 (A) a work and job skills training program;

7 (B) a preparatory class for the high school
8 equivalency examination administered under Section [7.111](#),
9 Education Code;

10 (C) an alcohol or drug abuse program;

11 (D) a rehabilitation program;

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

14 (F) a mentoring program; or

15 (G) any similar activity; or

16 (2) for:

17 (A) a governmental entity;

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

22 (C) an educational institution.

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

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

3 (1) by attending:

4 (A) a work and job skills training program;

5 (B) a preparatory class for the high school
6 equivalency examination administered under Section [7.111](#),
7 Education Code;

8 (C) an alcohol or drug abuse program;

9 (D) a rehabilitation program;

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

12 (F) a mentoring program;

13 (G) a tutoring program; or

14 (H) any similar activity; or

15 (2) for:

16 (A) a governmental entity;

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

21 (C) an educational institution.

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

27 (d) The justice or judge may order the defendant to perform

1 community service under this article:

2 (1) by attending:

3 (A) a work and job skills training program;

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

7 (C) an alcohol or drug abuse program;

8 (D) a rehabilitation program;

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

11 (F) a mentoring program; or

12 (G) any similar activity; or

13 (2) for:

14 (A) a governmental entity;

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

19 (C) an educational institution.

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

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

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

1 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

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

7 (b) A county or municipality may test an inmate confined in
8 the county or municipal jail or in a contract facility authorized by
9 Subchapter F, Chapter 351, or Subchapter E of this chapter [~~Article~~
10 ~~5115d, Revised Statutes, or Article 5115e, Revised Statutes,~~] to
11 determine the proper medical treatment of the inmate or the proper
12 social management of the inmate or other inmates in the jail or
13 facility.

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

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

21 SECTION 4.015. Article 62.053(a), Code of Criminal
22 Procedure, as amended by Chapters 329 (H.B. 355) and 924 (S.B.
23 1553), Acts of the 85th Legislature, Regular Session, 2017, is
24 reenacted and amended to read as follows:

25 (a) Before a person who will be subject to registration
26 under this chapter is due to be released from a penal institution,
27 the Texas Department of Criminal Justice or the Texas Juvenile

1 Justice Department shall determine the person's level of risk to
2 the community using the sex offender screening tool developed or
3 selected under Article 62.007 and assign to the person a numeric
4 risk level of one, two, or three. Before releasing the person, an
5 official of the penal institution shall:

6 (1) inform the person that:

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

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

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

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

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

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

18 (G) certain types of employment are prohibited
19 under Article [62.063](#) for a person with a reportable conviction or
20 adjudication for a sexually violent offense involving a victim
21 younger than 14 years of age and occurring on or after September 1,
22 2013; ~~and~~

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

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

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

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

15 (4) complete the registration form for the person.

16 SECTION 4.016. Subsection (g), Article 62.058, Code of
17 Criminal Procedure, as added by Chapter 924 (S.B. 1553), Acts of the
18 85th Legislature, Regular Session, 2017, is redesignated as
19 Subsection (h), Article 62.058, Code of Criminal Procedure, and
20 amended to correct a reference to read as follows:

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

26 SECTION 4.017. Article 62.064, Code of Criminal Procedure,
27 as added by Chapter 924 (S.B. 1553), Acts of the 85th Legislature,

1 Regular Session, 2017, is redesignated as Article 62.065, Code of
2 Criminal Procedure.

3 ARTICLE 5. CHANGES RELATING TO EDUCATION CODE

4 SECTION 5.001. Section 12.104(b), Education Code, as
5 amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B.
6 1153), Acts of the 85th Legislature, Regular Session, 2017, is
7 reenacted and amended to read as follows:

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

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

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

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

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

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

21 (D) accelerated instruction under Section
22 28.0211;

23 (E) high school graduation requirements under
24 Section 28.025;

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

27 (G) bilingual education under Subchapter B,

1 Chapter 29;

2 (H) prekindergarten programs under Subchapter E

3 or E-1, Chapter 29;

4 (I) extracurricular activities under Section

5 33.081;

6 (J) discipline management practices or behavior

7 management techniques under Section 37.0021;

8 (K) health and safety under Chapter 38;

9 (L) public school accountability under

10 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

11 (M) the requirement under Section 21.006 to

12 report an educator's misconduct;

13 (N) intensive programs of instruction under

14 Section 28.0213;

15 (O) the right of a school employee to report a

16 crime, as provided by Section 37.148; ~~and~~

17 (P) bullying prevention policies and procedures

18 under Section 37.0832;

19 (Q) the right of a school under Section 37.0052

20 to place a student who has engaged in certain bullying behavior in a

21 disciplinary alternative education program or to expel the student;

22 ~~and~~

23 (R) the right under Section 37.0151 to report to

24 local law enforcement certain conduct constituting assault or

25 harassment; and

26 (S) ~~(P)~~ a parent's right to information

27 regarding the provision of assistance for learning difficulties to

1 the parent's child as provided by Sections 26.004(b)(11) and
2 26.0081(c) and (d).

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

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

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

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

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

27 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.

1 An open-enrollment charter school is entitled to the instructional
2 materials and technology allotment under this chapter and is
3 subject to this chapter as if the school were a school district.

4 SECTION 5.005. (a) Section [31.021](#), Education Code, as
5 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
6 85th Legislature, Regular Session, 2017, is reenacted to read as
7 follows:

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

11 (1) an amount set aside by the State Board of Education
12 from the available school fund, in accordance with Section
13 [43.001\(d\)](#); and

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

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

18 (1) fund the instructional materials and technology
19 allotment, as provided by Section [31.0211](#);

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

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

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

27 (5) pay the expenses associated with the purchase of

1 instructional material, including intrastate freight and shipping
2 and the insurance expenses associated with intrastate freight and
3 shipping;

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

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

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

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

14 (b) Section 32.302(a), Education Code, as added by Chapter
15 705 (H.B. 3526), Acts of the 85th Legislature, Regular Session,
16 2017, is amended to conform to Section 4, Chapter 581 (S.B. 810),
17 Acts of the 85th Legislature, Regular Session, 2017, to read as
18 follows:

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

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

1 Sec. 31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
2 ALLOTMENT.

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

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

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

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

1 to read as follows:

2 Sec. 31.0212. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
3 ACCOUNT.

4 SECTION 5.009. Sections 31.0212(a), (b), (d), and (e),
5 Education Code, as amended by Chapters 581 (S.B. 810) and 705 (H.B.
6 3526), Acts of the 85th Legislature, Regular Session, 2017, are
7 reenacted to read as follows:

8 (a) The commissioner shall maintain an instructional
9 materials and technology account for each school district. In the
10 first year of each biennium, the commissioner shall deposit in the
11 account for each district the amount of the district's
12 instructional materials and technology allotment under Section
13 31.0211.

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

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

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

1 district with the district's instructional materials and
2 technology allotment.

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

7 Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL
8 MATERIALS AND TECHNOLOGY ALLOTMENT. Each school district shall
9 annually certify to the commissioner that the district's
10 instructional materials and technology allotment has been used only
11 for expenses allowed by Section [31.0211](#).

12 SECTION 5.011. Section [31.0214\(a\)](#), Education Code, as
13 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
14 85th Legislature, Regular Session, 2017, is reenacted to read as
15 follows:

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

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

27 Sec. 31.0215. INSTRUCTIONAL MATERIALS AND TECHNOLOGY

1 ALLOTMENT PURCHASES.

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

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

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

22 SECTION 5.014. Section 31.0231(b), Education Code, as
23 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
24 85th Legislature, Regular Session, 2017, is reenacted to read as
25 follows:

26 (b) A school district may select material on the list
27 adopted under Subsection (a) to be funded by the district's

1 instructional materials and technology allotment under Section
2 [31.0211](#).

3 SECTION 5.015. Section [31.029\(a\)](#), Education Code, as
4 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
5 85th Legislature, Regular Session, 2017, is reenacted to read as
6 follows:

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

11 SECTION 5.016. Section [31.031\(a\)](#), Education Code, as
12 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
13 85th Legislature, Regular Session, 2017, is reenacted to read as
14 follows:

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

19 SECTION 5.017. Section [31.071\(e\)](#), Education Code, as
20 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
21 85th Legislature, Regular Session, 2017, is reenacted to read as
22 follows:

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

27 SECTION 5.018. Section [31.081\(e\)](#), Education Code, as added

1 by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the 85th
2 Legislature, Regular Session, 2017, is reenacted to read as
3 follows:

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

7 SECTION 5.019. Section 31.083, Education Code, as added by
8 Chapter 705 (H.B. 3526), Acts of the 85th Legislature, Regular
9 Session, 2017, is repealed as duplicative of Section 31.002(1-a),
10 Education Code, as amended by Chapters 581 (S.B. 810) and 942 (S.B.
11 1784), Acts of the 85th Legislature, Regular Session, 2017, and
12 Section 31.083, Education Code, as added by Chapter 581 (S.B. 810),
13 Acts of the 85th Legislature, Regular Session, 2017.

14 SECTION 5.020. Section 31.101(f), Education Code, as
15 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
16 85th Legislature, Regular Session, 2017, is reenacted to read as
17 follows:

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

22 SECTION 5.021. Section 31.151(d), Education Code, as
23 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
24 85th Legislature, Regular Session, 2017, is reenacted to read as
25 follows:

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

1 technology fund.

2 SECTION 5.022. Section 39.053(c), Education Code, as
3 amended by Chapters 807 (H.B. 22), 842 (H.B. 2223), and 1088 (H.B.
4 3593), Acts of the 85th Legislature, Regular Session, 2017, is
5 reenacted and amended to read as follows:

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

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

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

13 (i) an indicator that accounts for the
14 results of assessment instruments required under Sections
15 39.023(a), (c), and (l), as applicable for the district and campus,
16 including the results of assessment instruments required for
17 graduation retaken by a student, aggregated across grade levels by
18 subject area, including:

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

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

1 area; and

2 (ii) an indicator that accounts for the
3 results of assessment instruments required under Section
4 39.023(b), as applicable for the district and campus, including the
5 percentage of students who performed satisfactorily on the
6 assessment instruments, as determined by the performance standard
7 adopted by the agency, aggregated across grade levels by subject
8 area; and

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

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

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

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

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

24 (v) students who earn industry
25 certifications;

26 (vi) students admitted into postsecondary
27 industry certification programs that require as a prerequisite for

1 entrance successful performance at the secondary level;

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

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

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

17 (x) students who successfully completed an
18 OnRamps dual enrollment course; ~~and~~

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

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

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

26 (A) for assessment instruments, including
27 assessment instruments under Subdivisions (1)(A)(i) and (ii), the

1 percentage of students who met the standard for improvement, as
2 determined by the commissioner; and

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

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

10 (A) students formerly receiving special
11 education services;

12 (B) students continuously enrolled; and

13 (C) students who are mobile.

14 SECTION 5.023. Section [39.053\(g-2\)](#), Education Code, as
15 amended by Chapters 807 (H.B. 22) and 890 (H.B. 3075), Acts of the
16 85th Legislature, Regular Session, 2017, is reenacted to read as
17 follows:

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

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

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

1 and

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

4 SECTION 5.024. Section 39.101, Education Code, as added by
5 Chapter 807 (H.B. 22), Acts of the 85th Legislature, Regular
6 Session, 2017, is transferred to Subchapter B, Chapter 39A,
7 Education Code, redesignated as Section 39A.0545, Education Code,
8 and amended to conform to the repeal of Subchapter E, Chapter 39,
9 Education Code, by Article 21, Chapter 324 (S.B. 1488), Acts of the
10 85th Legislature, Regular Session, 2017, to read as follows:

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

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

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

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

26 (1) an overall or domain performance rating of F; or
27 (2) an overall performance rating of D as provided by

1 Subsection (c).

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

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

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

15 Sec. 39A.002. AUTHORIZED COMMISSIONER ACTIONS. If a school
16 district is subject to commissioner action under Section [39A.001](#),
17 the commissioner may:

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

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

22 (A) the insufficient performance;

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

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

27 (3) order the preparation of a student achievement

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

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

10 (5) arrange a monitoring review of the district;

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

14 (7) appoint a conservator to oversee the operations of
15 the district; ~~or~~

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

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

24 (b) Chapter 823 (H.B. 1553), Acts of the 85th Legislature,
25 Regular Session, 2017, which amended Sections 39.102(a) and
26 39.111(c), Education Code, is repealed.

27 SECTION 5.026. (a) Section 39A.060, Education Code, is

1 amended to conform to Section 1, Chapter 472 (H.B. 2263), Acts of
2 the 85th Legislature, Regular Session, 2017, to read as follows:

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

6 (1) ~~[(1) continue to work with the campus until:~~
7 ~~[(A) the campus satisfies all performance~~
8 ~~standards under Section 39.054(e) for a two-year period; or~~

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

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

16 (2) ~~[(3)]~~ submit each updated targeted improvement
17 plan described by Subdivision (1) ~~[(2)]~~ to the board of trustees of
18 the school district.

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

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

1 regarding the turnaround plan that resulted in the rejection.

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

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

13 SECTION 5.027. Section 41.124(c), Education Code, as
14 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
15 85th Legislature, Regular Session, 2017, is reenacted to read as
16 follows:

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

22 SECTION 5.028. Section 43.001(d), Education Code, as
23 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
24 85th Legislature, Regular Session, 2017, is reenacted to read as
25 follows:

26 (d) Each biennium the State Board of Education shall set
27 aside an amount equal to 50 percent of the distribution for that

1 biennium from the permanent school fund to the available school
2 fund as provided by Section 5(a), Article VII, Texas Constitution,
3 to be placed, subject to the General Appropriations Act, in the
4 state instructional materials and technology fund established
5 under Section 31.021.

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

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

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

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

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

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

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

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

15 (7) any other relevant data or reporting
16 methodologies.

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

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

23 (1) \$160,000, for assistance from the state received
24 by a licensed physician;

25 (2) \$80,000, for assistance from the state received
26 by:

27 (A) a psychologist;

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

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

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

9 (3) \$60,000, for assistance from the state received by
10 an advanced practice registered nurse;

11 (4) \$40,000, for assistance from the state received by
12 a licensed clinical social worker, a licensed marriage and family
13 therapist, or a licensed professional counselor who is not
14 described by Subdivision (2); and

15 (5) \$10,000, for assistance from the state received by
16 a licensed chemical dependency counselor, if the chemical
17 dependency counselor has received an associate degree related to
18 chemical dependency counseling or behavioral science.

19 ARTICLE 6. CHANGES RELATING TO ESTATES CODE

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

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

1 retirement plan.

2 ARTICLE 7. CHANGES RELATING TO FAMILY CODE

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

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

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

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

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

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

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

1 SECTION 7.004. (a) Section 262.201(a), Family Code, as
2 amended by Chapters 317 (H.B. 7) and 910 (S.B. 999), Acts of the
3 85th Legislature, Regular Session, 2017, is reenacted to read as
4 follows:

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

13 (b) Section 262.201(e-1), Family Code, as added by Chapter
14 910 (S.B. 999), Acts of the 85th Legislature, Regular Session,
15 2017, is amended to conform to Section 262.201(a-5), Family Code,
16 as added by Chapter 317 (H.B. 7), Acts of the 85th Legislature,
17 Regular Session, 2017, to read as follows:

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

26 (c) Section 262.201(a-5), Family Code, as added by Chapter
27 317 (H.B. 7), Acts of the 85th Legislature, Regular Session, 2017,

1 is repealed as duplicative of Section 262.201(e-1), Family Code, as
2 added by Chapter 910 (S.B. 999), Acts of the 85th Legislature,
3 Regular Session, 2017.

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

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

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

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

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

1 department and the person's duties for the entity; and
2 (2) only if insurance coverage in the minimum amounts
3 required by Chapter 84, Civil Practice and Remedies Code, is in
4 force and effect at the time a cause of action for personal injury,
5 death, or property damage accrues.

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

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

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

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

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

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

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

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

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

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

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

11 (9) ~~(8)~~ identify specific strategies to increase
12 local capacity for the delivery of prevention and early
13 intervention services through collaboration with communities and
14 stakeholders.

15 ARTICLE 8. CHANGES RELATING TO GOVERNMENT CODE

16 PART A. GENERAL CHANGES

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

19 (d) A magistrate does not have authority under Article
20 18.01(c), Code of Criminal Procedure, to issue a subsequent search
21 warrant under Article 18.02(a)(10) ~~[18.02(10)]~~, Code of Criminal
22 Procedure.

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

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

27 (1) a bond forfeiture;

- 1 (2) a pretrial motion;
- 2 (3) a postconviction writ of habeas corpus;
- 3 (4) an examining trial;
- 4 (5) the issuance of search warrants, including a
- 5 search warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of
- 6 Criminal Procedure, notwithstanding Article 18.01(c), Code of
- 7 Criminal Procedure;
- 8 (6) the setting of bonds;
- 9 (7) the arraignment of defendants; and
- 10 (8) any other matter the judge considers necessary and
- 11 proper, including a plea of guilty or nolo contendere from a
- 12 defendant charged with:
- 13 (A) a felony offense;
- 14 (B) a misdemeanor offense when charged with both
- 15 a misdemeanor offense and a felony offense; or
- 16 (C) a misdemeanor offense.
- 17 (c) Subsection (a)(5) does not apply to the issuance of a
- 18 subsequent search warrant under Article 18.02(a)(10) [~~18.02(10)~~],
- 19 Code of Criminal Procedure.
- 20 SECTION 8.003. Section 54.908, Government Code, is amended
- 21 to correct references to read as follows:
- 22 Sec. 54.908. POWERS. (a) Except as limited by an order of
- 23 referral, a magistrate to whom a case is referred may:
- 24 (1) conduct hearings;
- 25 (2) hear evidence;
- 26 (3) compel production of relevant evidence;
- 27 (4) rule on admissibility of evidence;

- 1 (5) issue summons for the appearance of witnesses;
- 2 (6) examine witnesses;
- 3 (7) swear witnesses for hearings;
- 4 (8) make findings of fact on evidence;
- 5 (9) formulate conclusions of law;
- 6 (10) rule on a pretrial motion;
- 7 (11) recommend the rulings, orders, or judgment to be
- 8 made in a case;
- 9 (12) regulate proceedings in a hearing;
- 10 (13) accept a plea of guilty or nolo contendere from a
- 11 defendant charged with:
 - 12 (A) a felony offense;
 - 13 (B) a misdemeanor offense when charged with both
 - 14 a misdemeanor offense and a felony offense; or
 - 15 (C) a misdemeanor offense;
- 16 (14) notwithstanding Article 18.01(c), Code of
- 17 Criminal Procedure, issue a search warrant under Article
- 18 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure; and
- 19 (15) do any act and take any measure necessary and
- 20 proper for the efficient performance of the duties required by the
- 21 order of referral.

22 (b) A magistrate does not have authority under Subsection
23 (a)(14) to issue a subsequent search warrant under Article
24 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

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

27 (a) Except as limited by an order of referral, a magistrate

- 1 to whom a case or matter related to a criminal case is referred may:
- 2 (1) conduct hearings;
 - 3 (2) hear evidence;
 - 4 (3) compel production of relevant evidence;
 - 5 (4) rule on admissibility of evidence;
 - 6 (5) issue summons for the appearance of witnesses;
 - 7 (6) examine witnesses;
 - 8 (7) swear witnesses for hearings;
 - 9 (8) make findings of fact on evidence;
 - 10 (9) formulate conclusions of law;
 - 11 (10) rule on pretrial motions;
 - 12 (11) recommend the rulings, orders, or judgment to be
13 made in a case;
 - 14 (12) regulate proceedings in a hearing;
 - 15 (13) in any case referred under Section 54.976(a)(1):
 - 16 (A) accept a negotiated plea of guilty;
 - 17 (B) enter a finding of guilt and impose or
18 suspend sentence; or
 - 19 (C) defer adjudication of guilty;
 - 20 (14) notwithstanding Article 18.01(c), Code of
21 Criminal Procedure, issue a search warrant under Article
22 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure;
 - 23 (15) notwithstanding Article 18.01(h), Code of
24 Criminal Procedure, issue a search warrant under Article
25 18.02(a)(12) [~~18.02(12)~~], Code of Criminal Procedure; and
 - 26 (16) do any act and take any measure necessary and
27 proper for the efficient performance of the duties required by the

1 order of referral.

2 (d) A magistrate does not have authority under Subsection
3 (a)(14) to issue a subsequent search warrant under Article
4 18.02(a)(10) [~~18.02(10)~~], Code of Criminal Procedure.

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

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

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

11 (2) a bond forfeiture;

12 (3) a pretrial motion;

13 (4) a writ of habeas corpus;

14 (5) an examining trial;

15 (6) an occupational driver's license;

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

18 (8) a civil commitment matter under Subtitle C, Title
19 7, Health and Safety Code;

20 (9) setting, adjusting, or revoking bond;

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

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

27 SECTION 8.006. Section 54A.008(a), Government Code, is

1 amended to correct a reference to read as follows:

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

- 4 (1) conduct hearings;
- 5 (2) hear evidence;
- 6 (3) compel production of relevant evidence;
- 7 (4) rule on the admissibility of evidence;
- 8 (5) issue summons for the appearance of witnesses;
- 9 (6) examine a witness;
- 10 (7) swear a witness for a hearing;
- 11 (8) make findings of fact on evidence;
- 12 (9) formulate conclusions of law;
- 13 (10) rule on pretrial motions;
- 14 (11) recommend the rulings, orders, or judgment to be
15 made in a case;
- 16 (12) regulate proceedings in a hearing;
- 17 (13) order the attachment of a witness or party who
18 fails to obey a subpoena;
- 19 (14) accept a plea of guilty from a defendant charged
20 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 21 (15) select a jury;
- 22 (16) notwithstanding Article 18.01(c), Code of
23 Criminal Procedure, issue a search warrant, including a search
24 warrant under Article 18.02(a)(10) [~~18.02(10)~~], Code of Criminal
25 Procedure; and
- 26 (17) take action as necessary and proper for the
27 efficient performance of the duties required by the order of

1 referral.

2 SECTION 8.007. Section 124.001(b), Government Code, as
3 amended by Chapters 693 (H.B. 322) and 889 (H.B. 3069), Acts of the
4 85th Legislature, Regular Session, 2017, is reenacted to read as
5 follows:

6 (b) If a defendant who was arrested for or charged with, but
7 not convicted of or placed on deferred adjudication community
8 supervision for, an offense successfully completes a veterans
9 treatment court program, after notice to the attorney representing
10 the state and a hearing in the veterans treatment court at which
11 that court determines that a dismissal is in the best interest of
12 justice, the veterans treatment court shall provide to the court in
13 which the criminal case is pending information about the dismissal
14 and shall include all of the information required about the
15 defendant for a petition for expunction under Section 2(b), Article
16 55.02, Code of Criminal Procedure. The court in which the criminal
17 case is pending shall dismiss the case against the defendant and:

18 (1) if that trial court is a district court, the court
19 may, with the consent of the attorney representing the state, enter
20 an order of expunction on behalf of the defendant under Section
21 1a(a-1), Article 55.02, Code of Criminal Procedure; or

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

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

5 (b) This section applies to the:

- 6 (1) Angelina and Neches River Authority;
- 7 (2) Bandera County River Authority and Groundwater
8 District;
- 9 (3) Brazos River Authority;
- 10 (4) Guadalupe-Blanco River Authority;
- 11 (5) Lavaca-Navidad River Authority;
- 12 (6) Lower Colorado River Authority;
- 13 (7) Lower Neches Valley Authority;
- 14 (8) Nueces River Authority;
- 15 (9) Red River Authority of Texas;
- 16 (10) Sabine River Authority of Texas;
- 17 (11) San Antonio River Authority;
- 18 (12) San Jacinto River Authority;
- 19 (13) Sulphur River Basin Authority;
- 20 (14) Trinity River Authority of Texas;
- 21 (15) Upper Colorado River Authority; and
- 22 (16) Upper Guadalupe River Authority.

23 SECTION 8.009. Section 403.093(d), Government Code, as
24 amended by Chapters 581 (S.B. 810) and 705 (H.B. 3526), Acts of the
25 85th Legislature, Regular Session, 2017, is reenacted to read as
26 follows:

27 (d) The comptroller shall transfer from the general revenue

1 fund to the foundation school fund an amount of money necessary to
2 fund the foundation school program as provided by Chapter 42,
3 Education Code. The comptroller shall make the transfers in
4 installments as necessary to comply with Section 42.259, Education
5 Code, and permit the Texas Education Agency, to the extent
6 authorized by the General Appropriations Act, to make temporary
7 transfers from the foundation school fund for payment of the
8 instructional materials and technology allotment under Section
9 31.0211, Education Code. Unless an earlier date is necessary for
10 purposes of temporary transfers for payment of the instructional
11 materials and technology allotment, an installment must be made not
12 earlier than two days before the date an installment to school
13 districts is required by Section 42.259, Education Code, and must
14 not exceed the amount necessary for that payment and any temporary
15 transfers for payment of the instructional materials and technology
16 allotment.

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

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

- 23 (1) the State Board for Educator Certification;
- 24 (2) a school district, charter school, private school,
25 regional education service center, commercial transportation
26 company, or education shared services [~~service~~] arrangement;
- 27 (3) the Texas Medical Board;

- 1 (4) the Texas School for the Blind and Visually
2 Impaired;
- 3 (5) the Board of Law Examiners;
- 4 (6) the State Bar of Texas;
- 5 (7) a district court regarding a petition for name
6 change under Subchapter B, Chapter 45, Family Code;
- 7 (8) the Texas School for the Deaf;
- 8 (9) the Department of Family and Protective Services;
- 9 (10) the Texas Juvenile Justice Department;
- 10 (11) the Department of Assistive and Rehabilitative
11 Services;
- 12 (12) the Department of State Health Services, a local
13 mental health service, a local intellectual and developmental
14 disability authority, or a community center providing services to
15 persons with mental illness or intellectual or developmental
16 disabilities;
- 17 (13) the Texas Private Security Board;
- 18 (14) a municipal or volunteer fire department;
- 19 (15) the Texas Board of Nursing;
- 20 (16) a safe house providing shelter to children in
21 harmful situations;
- 22 (17) a public or nonprofit hospital or hospital
23 district, or a facility as defined by Section 250.001, Health and
24 Safety Code;
- 25 (18) the securities commissioner, the banking
26 commissioner, the savings and mortgage lending commissioner, the
27 consumer credit commissioner, or the credit union commissioner;

- 1 (19) the Texas State Board of Public Accountancy;
- 2 (20) the Texas Department of Licensing and Regulation;
- 3 (21) the Health and Human Services Commission;
- 4 (22) the Department of Aging and Disability Services;
- 5 (23) the Texas Education Agency;
- 6 (24) the Judicial Branch Certification Commission;
- 7 (25) a county clerk's office in relation to a
8 proceeding for the appointment of a guardian under Title 3, Estates
9 Code;
- 10 (26) the Department of Information Resources but only
11 regarding an employee, applicant for employment, contractor,
12 subcontractor, intern, or volunteer who provides network security
13 services under Chapter 2059 to:
 - 14 (A) the Department of Information Resources; or
 - 15 (B) a contractor or subcontractor of the
16 Department of Information Resources;
- 17 (27) the Texas Department of Insurance;
- 18 (28) the Teacher Retirement System of Texas;
- 19 (29) the Texas State Board of Pharmacy;
- 20 (30) the Texas Civil Commitment Office;
- 21 (31) a bank, savings bank, savings and loan
22 association, credit union, or mortgage banker, a subsidiary or
23 affiliate of those entities, or another financial institution
24 regulated by a state regulatory entity listed in Subdivision (18)
25 or by a corresponding federal regulatory entity, but only regarding
26 an employee, contractor, subcontractor, intern, or volunteer of or
27 an applicant for employment by that bank, savings bank, savings and

1 loan association, credit union, mortgage banker, subsidiary or
2 affiliate, or financial institution; and

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

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

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

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

22 (1) "Correctional facility" means:

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

26 (B) a municipal or county jail;

27 (C) a confinement facility operated by or under

1 contract with the Federal Bureau of Prisons; or

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

4 (b) Section 423.0045(a)(1-a), Government Code, as added by
5 Chapter 1010 (H.B. 1424), Acts of the 85th Legislature, Regular
6 Session, 2017, is reenacted to conform to the changes made to
7 Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B.
8 1643), Acts of the 85th Legislature, Regular Session, 2017, to read
9 as follows:

10 (1-a) "Critical infrastructure facility" means:

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

16 (i) a petroleum or alumina refinery;

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

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

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

24 (v) a natural gas compressor station;

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

27 (vii) a telecommunications central

1 switching office or any structure used as part of a system to
2 provide wired or wireless telecommunications services;

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

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

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

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

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

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

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

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

20 (ii) an oil or gas drilling site;

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

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

25 (v) an oil or gas wellhead; or

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

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

5 (c) This section does not apply to:

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

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

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

14 (C) a law enforcement agency;

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

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

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

23 (ii) all required Federal Aviation
24 Administration authorizations; or

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

27 (A) an owner or operator of the critical

1 infrastructure facility;

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

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

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

11 SECTION 8.013. Section [434.212](#), Government Code, as added
12 by Chapter 933 (S.B. 1677), Acts of the 85th Legislature, Regular
13 Session, 2017, is repealed as duplicative of Section [434.214](#),
14 Government Code, as added by Chapter 579 (S.B. 805), Acts of the
15 85th Legislature, Regular Session, 2017.

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

20 Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES.
21 The following functions are not subject to transfer under Sections
22 [531.0201](#) and [531.02011](#):

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

26 (A) child protective services, including
27 services that are required by federal law to be provided by this

1 state's child welfare agency;

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

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

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

10 (C) prevention and early intervention services;
11 and

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

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

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

23 SECTION 8.015. Section 552.139(d), Government Code, as
24 added by Chapter 683 (H.B. 8), Acts of the 85th Legislature, Regular
25 Session, 2017, is repealed as duplicative of Section 552.139(d),
26 Government Code, as added by Chapter 1042 (H.B. 1861), Acts of the
27 85th Legislature, Regular Session, 2017.

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

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

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

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

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

21 PART B. UPDATE OF COURT FEES AND COSTS

22 SECTION 8.101. Section 101.021, Government Code, is amended
23 to conform to Section 5.01, Chapter 912 (S.B. 1329), Acts of the
24 85th Legislature, Regular Session, 2017, to read as follows:

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

- 1 (1) application for petition for review (Sec. 51.005,
2 Government Code) . . . \$50;
- 3 (2) additional fee if application for petition for
4 review is granted (Sec. 51.005, Government Code) . . . \$75;
- 5 (3) motion for leave to file petition for writ of
6 mandamus, prohibition, injunction, and other similar proceedings
7 originating in the supreme court (Sec. 51.005, Government Code)
8 . . . \$50;
- 9 (4) additional fee if a motion under Subdivision (3)
10 is granted (Sec. 51.005, Government Code) . . . \$75;
- 11 (5) certified question from a federal court of appeals
12 to the supreme court (Sec. 51.005, Government Code) . . . \$75;
- 13 (6) case appealed to the supreme court from the
14 district court by direct appeal (Sec. 51.005, Government Code)
15 . . . \$100;
- 16 (7) any other proceeding filed in the supreme court
17 (Sec. 51.005, Government Code) . . . \$75;
- 18 (8) administering an oath and giving a sealed
19 certificate of the oath (Sec. 51.005, Government Code) . . . \$5;
- 20 (9) making certain copies, including certificate and
21 seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if
22 more than 10 pages;
- 23 (10) any official service performed by the clerk for
24 which a fee is not otherwise provided (Sec. 51.005, Government
25 Code) . . . reasonable amount set by order or rule of supreme court;
- 26 (10-a) supreme court support account filing fee (Sec.
27 51.0051, Government Code) . . . amount set by the supreme court,

1 not to exceed \$50;

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

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

7 (13) statewide electronic filing system fund fee (Sec.
8 51.851, Government Code) . . . \$30.

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

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

14 (1) appellate judicial system filing fees for:

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

17 (B) Second Court of Appeals District (Sec.
18 22.2031, Government Code) . . . \$5;

19 (C) Third Court of Appeals District (Sec.
20 22.2041, Government Code) . . . \$5;

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

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

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

27 (E-2) Seventh Court of Appeals District (Sec.

1 [22.2081](#), Government Code) . . . \$5;
2 (E-3) Eighth Court of Appeals District (Sec.
3 [22.2091](#), Government Code) . . . \$5;
4 (F) Ninth Court of Appeals District (Sec.
5 [22.2101](#), Government Code) . . . \$5;
6 (G) Eleventh Court of Appeals District (Sec.
7 [22.2121](#), Government Code) . . . \$5;
8 (G-1) Twelfth Court of Appeals District (Sec.
9 [22.2131](#), Government Code) . . . \$5; and
10 (H) Thirteenth Court of Appeals District (Sec.
11 [22.2141](#), Government Code) . . . not more than \$5;
12 (2) when administering a case for the Rockwall County
13 Court at Law (Sec. [25.2012](#), Government Code) . . . civil fees and
14 court costs as if the case had been filed in district court;
15 (3) additional filing fees:
16 (A) for each suit filed for insurance contingency
17 fund, if authorized by the county commissioners court (Sec. [51.302](#),
18 Government Code) . . . not to exceed \$5;
19 (B) to fund the improvement of Dallas County
20 civil court facilities, if authorized by the county commissioners
21 court (Sec. [51.705](#), Government Code) . . . not more than \$15;
22 (B-1) to fund the improvement of Bexar County
23 court facilities, if authorized by the county commissioners court
24 (Sec. [51.706](#), Government Code) . . . not more than \$15;
25 (C) to fund the improvement of Hays County court
26 facilities, if authorized by the county commissioners court (Sec.
27 [51.707](#), Government Code) . . . not more than \$15;

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

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

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

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

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

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

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

7 (J) to fund the construction, renovation, or
8 improvement of Starr County court facilities, if authorized by the
9 county commissioners court, and to fund the payment of the
10 principal of, interest on, and costs of issuance of bonds issued for
11 the construction, renovation, or improvement of Starr County court
12 facilities, if authorized by the county commissioners court (Sec.
13 51.713, Government Code) . . . not more than \$20; and

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

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

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

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

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

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

26 (E) for a suit with at least 501 but not more than
27 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

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

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

6 (6) for issuing a citation or other writ or process not
7 otherwise provided for, including one copy, when requested at the
8 time a suit or action is filed (Sec. 51.317, Government Code) . . .
9 \$8;

10 (7) for records management and preservation (Sec.
11 51.317, Government Code) . . . \$10;

12 (7-a) for district court records archiving, if adopted
13 by the county commissioners court (Sec. 51.317(b)(5), Government
14 Code) . . . not more than \$5;

15 (8) for issuing a subpoena, including one copy (Sec.
16 51.318, Government Code) . . . \$8;

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

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

26 (11) for searching files or records to ascertain the
27 existence of an instrument or record in the district clerk's office

- 1 (Sec. 51.318, Government Code) . . . \$5;
- 2 (12) for abstracting a judgment (Sec. 51.318,
3 Government Code) . . . \$8;
- 4 (13) for approving a bond (Sec. 51.318, Government
5 Code) . . . \$4;
- 6 (14) for a certified copy of a record, judgment,
7 order, pleading, or paper on file or of record in the district
8 clerk's office, including certificate and seal, for each page or
9 part of a page (Sec. 51.318, Government Code) . . . not to exceed
10 \$1;
- 11 (15) for a noncertified copy, for each page or part of
12 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;
- 13 (16) fee for performing a service:
- 14 (A) related to the matter of the estate of a
15 deceased person (Sec. 51.319, Government Code) . . . the same fee
16 allowed the county clerk for those services;
- 17 (B) related to the matter of a minor (Sec.
18 51.319, Government Code) . . . the same fee allowed the county
19 clerk for the service;
- 20 (C) of serving process by certified or registered
21 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
22 constable is authorized to charge for the service under Section
23 118.131, Local Government Code;
- 24 (D) prescribed or authorized by law but for which
25 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;
- 26 and
- 27 (E) related to a matter filed in a statutory

1 county court (Sec. 51.319, Government Code) . . . the same fees
2 allowed the district clerk for those services in the district
3 court;

4 (17) jury fee (Sec. 51.604, Government Code) . . .
5 \$40;

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

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

15 (20) statewide electronic filing system fund fee (Sec.
16 51.851, Government Code) . . . \$30.

17 (b) The following provisions are repealed:

18 (1) Section 101.06111, Government Code;

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

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

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

27 Sec. 101.0811. STATUTORY COUNTY COURT FEES AND COSTS:

1 GOVERNMENT CODE. The clerk of a statutory county court shall
2 collect fees and costs under the Government Code as follows:

3 (1) appellate judicial system filing fees:

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

6 (B) Second Court of Appeals District (Sec.
7 [22.2031](#), Government Code) . . . \$5;

8 (C) Third Court of Appeals District (Sec.
9 [22.2041](#), Government Code) . . . \$5;

10 (D) Fourth Court of Appeals District (Sec.
11 [22.2051](#), Government Code) . . . not more than \$5;

12 (E) Fifth Court of Appeals District (Sec.
13 [22.2061](#), Government Code) . . . not more than \$5;

14 (E-1) Sixth Court of Appeals District (Sec.
15 [22.2071](#), Government Code) . . . \$5;

16 (E-2) Seventh Court of Appeals District (Sec.
17 [22.2081](#), Government Code) . . . \$5;

18 (E-3) Eighth Court of Appeals District (Sec.
19 [22.2091](#), Government Code) . . . \$5;

20 (F) Ninth Court of Appeals District (Sec.
21 [22.2101](#), Government Code) . . . \$5;

22 (G) Eleventh Court of Appeals District (Sec.
23 [22.2121](#), Government Code) . . . \$5;

24 (G-1) Twelfth Court of Appeals District (Sec.
25 [22.2131](#), Government Code) . . . \$5; and

26 (H) Thirteenth Court of Appeals District (Sec.
27 [22.2141](#), Government Code) . . . not more than \$5;

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

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

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

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

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

14 (B) in the 1st Multicounty Court at Law (Sec.
15 25.2702, Government Code) . . . \$25;

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

17 (7) an additional filing fee:

18 (A) for each civil case filed to be used for
19 court-related purposes for the support of the judiciary (Sec.
20 51.702, Government Code) . . . \$40;

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

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

27 (C) to fund the improvement of Hays County court

1 facilities, if authorized by the county commissioners court (Sec.
2 51.707, Government Code) . . . not more than \$15;

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

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

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

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

21 (H) to fund the construction, renovation, or
22 improvement of Cameron County court facilities, if authorized by
23 the county commissioners court, and to fund the payment of the
24 principal of, interest on, and costs of issuance of bonds,
25 including refunding bonds, issued for the construction,
26 renovation, or improvement of Cameron County court facilities, if
27 authorized by the county commissioners court (Sec. 51.711,

1 Government Code) . . . not more than \$20;

2 (I) to fund the construction, renovation, or
3 improvement of Starr County court facilities, if authorized by the
4 county commissioners court, and to fund the payment of the
5 principal of, interest on, and costs of issuance of bonds issued for
6 the construction, renovation, or improvement of Starr County court
7 facilities, if authorized by the county commissioners court (Sec.
8 51.713, Government Code) . . . not more than \$20; and

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

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

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

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

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

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

26 (9) in Nueces County, in matters of concurrent
27 jurisdiction with the district court, with certain exceptions, fees

1 (Sec. 25.1802, Government Code) . . . equal to those in district
2 court cases;

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

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

15 (12) statewide electronic filing system fund fee (Sec.
16 51.851, Government Code) . . . \$30.

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

- 19 (1) Section 101.08111;
- 20 (2) Section 101.081193; and
- 21 (3) Section 101.081195.

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

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

- 27 (1) appellate judicial system filing fees:

- 1 (A) First or Fourteenth Court of Appeals District
2 (Sec. [22.2021](#), Government Code) . . . not more than \$5;
- 3 (B) Second Court of Appeals District (Sec.
4 [22.2031](#), Government Code) . . . \$5;
- 5 (C) Third Court of Appeals District (Sec.
6 [22.2041](#), Government Code) . . . \$5;
- 7 (D) Fourth Court of Appeals District (Sec.
8 [22.2051](#), Government Code) . . . not more than \$5;
- 9 (E) Fifth Court of Appeals District (Sec.
10 [22.2061](#), Government Code) . . . not more than \$5;
- 11 (E-1) Sixth Court of Appeals District (Sec.
12 [22.2071](#), Government Code) . . . \$5;
- 13 (E-2) Seventh Court of Appeals District (Sec.
14 [22.2081](#), Government Code) . . . \$5;
- 15 (E-3) Eighth Court of Appeals District (Sec.
16 [22.2091](#), Government Code) . . . \$5;
- 17 (F) Ninth Court of Appeals District (Sec.
18 [22.2101](#), Government Code) . . . \$5;
- 19 (G) Eleventh Court of Appeals District (Sec.
20 [22.2121](#), Government Code) . . . \$5;
- 21 (G-1) Twelfth Court of Appeals District (Sec.
22 [22.2131](#), Government Code) . . . \$5; and
- 23 (H) Thirteenth Court of Appeals District (Sec.
24 [22.2141](#), Government Code) . . . not more than \$5;

25 (2) additional filing fees as follows:

- 26 (A) for certain cases to be used for
27 court-related purposes for support of the judiciary (Sec. [51.704](#),

1 Government Code) . . . \$40;

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

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

8 (C) to fund the improvement of Hays County court
9 facilities, if authorized by the county commissioners court (Sec.
10 51.707, Government Code) . . . not more than \$15;

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

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

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

27 (G) to fund judicial and court personnel training

1 (Sec. 51.971, Government Code) . . . \$5;
2 (3) jury fee for civil case (Sec. 51.604, Government
3 Code) . . . \$40;
4 (4) the expense of preserving the record as a court
5 cost, if imposed on a party by the referring court or associate
6 judge (Sec. 54A.211, Government Code) . . . actual cost;
7 (5) a fee not otherwise listed in this subchapter that
8 is required to be collected under Section 25.0029, Government Code
9 (Sec. 25.0029, Government Code) . . . as prescribed by law relating
10 to county judges' fees; and
11 (6) statewide electronic filing system fund fee (Sec.
12 51.851, Government Code) . . . \$30.
13 (b) Sections 101.10111 and 101.101192, Government Code, are
14 repealed.
15 SECTION 8.105. (a) Section 101.1212, Government Code, is
16 amended to read as follows:
17 Sec. 101.1212. COUNTY COURT FEES AND COSTS: GOVERNMENT
18 CODE. The clerk of a county court shall collect the following fees
19 and costs under the Government Code:
20 (1) appellate judicial system filing fees:
21 (A) First or Fourteenth Court of Appeals District
22 (Sec. 22.2021, Government Code) . . . not more than \$5;
23 (B) Second Court of Appeals District (Sec.
24 22.2031, Government Code) . . . \$5;
25 (C) Third Court of Appeals District (Sec.
26 22.2041, Government Code) . . . \$5;
27 (D) Fourth Court of Appeals District (Sec.

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

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

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

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

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

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

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

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

20 (2) additional filing fees:

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

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

1 . . . \$6;

2 (C) to fund the improvement of Hays County court
3 facilities, if authorized by the county commissioners court (Sec.
4 [51.707](#), Government Code) . . . not more than \$15; ~~and~~

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

9 (E) to fund the construction, renovation, or
10 improvement of Willacy County court facilities, if authorized by
11 the county commissioners court, and to fund the payment of the
12 principal of, interest on, and costs of issuance of bonds issued for
13 the construction, renovation, or improvement of Willacy County
14 court facilities, if authorized by the county commissioners court
15 (Sec. [51.713](#), Government Code) . . . not more than \$20;

16 (F) to fund the construction, renovation, or
17 improvement of Starr County court facilities, if authorized by the
18 county commissioners court, and to fund the payment of the
19 principal of, interest on, and costs of issuance of bonds issued for
20 the construction, renovation, or improvement of Starr County court
21 facilities, if authorized by the county commissioners court (Sec.
22 [51.713](#), Government Code) . . . not more than \$20; and

23 (G) to fund judicial and court personnel training
24 (Sec. [51.971](#), Government Code) . . . \$5;

25 (3) for filing a suit in Comal County (Sec. [152.0522](#),
26 Human Resources Code) . . . \$1.50;

27 (4) fee for hearing on probable cause for removal of a

1 vehicle and placement in a storage facility if assessed by the court
2 (Sec. 2308.457, Occupations Code) . . . \$20; and

3 (5) statewide electronic filing system fund fee (Sec.
4 51.851, Government Code) . . . \$10.

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

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

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

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

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

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

26 (3-a) costs associated with operating a global
27 positioning monitoring system as a condition of release on bond

1 (Art. [17.49\(b\)\(2\)](#), Code of Criminal Procedure) . . . actual costs,
2 subject to a determination of indigency;

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

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

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

16 (6) payment to a crime stoppers organization as
17 condition of community supervision (Art. [42A.301\(b\)\(20\)](#)
18 [~~[42A.301\(20\)](#)~~], Code of Criminal Procedure) . . . not to exceed \$50;

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

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

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

26 (10) additional community supervision fee for certain
27 offenses (Art. [42A.653\(a\)](#), Code of Criminal Procedure) . . . \$5 per

1 month;

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

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

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

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

18 (15) an additional fee:

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

24 (B) as an administrative fee for requesting a
25 driving safety course or a course under the motorcycle operator
26 training and safety program for certain traffic offenses to cover
27 the cost of administering the article (Art. 45.0511(f)(1), Code of

1 Criminal Procedure) . . . not to exceed \$10; or

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

7 (16) a request fee for teen court program (Art.
8 45.052, Code of Criminal Procedure) . . . \$20, if the court
9 ordering the fee is located in the Texas-Louisiana border region,
10 but otherwise not to exceed \$10;

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

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

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

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

23 (20-a) a fee to defray the cost of notifying state
24 agencies of orders of expungement (Art. 45.0216, Code of Criminal
25 Procedure) . . . \$30 per application;

26 (20-b) a fee to defray the cost of notifying state
27 agencies of orders of expunction (Art. 102.006, Code of Criminal

1 Procedure) . . . \$100 per petition;

2 (21) sight orders:

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

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

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

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

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

18 (22) fees for a pretrial intervention program:

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) cost paid by each surety posting the bail bond for
24 an offense other than a misdemeanor punishable by fine only under
25 Chapter 17, Code of Criminal Procedure, for the assistant
26 prosecutor supplement fund and the fair defense account (Sec.
27 41.258, Government Code) . . . \$15, provided the cost does not

1 exceed \$30 for all bail bonds posted at that time for an individual
2 and the cost is not required on the posting of a personal or cash
3 bond;

4 (3) to participate in a court proceeding in this
5 state, a nonresident attorney fee (Sec. [82.0361](#), Government Code)
6 . . . \$250 except as waived or reduced under supreme court rules for
7 representing an indigent person;

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

14 (5) a program fee for a drug court program (Sec.
15 [123.004](#), Government Code) . . . not to exceed \$1,000;

16 (6) an alcohol or controlled substance testing,
17 counseling, and treatment fee (Sec. [123.004](#), Government Code) . . .
18 the amount necessary to cover the costs of testing, counseling, and
19 treatment;

20 (7) a reasonable program fee for a veterans treatment
21 court program (Sec. [124.005](#), Government Code) . . . not to exceed
22 \$1,000;

23 (8) a testing, counseling, and treatment fee for
24 testing, counseling, or treatment performed or provided under a
25 veterans treatment court program (Sec. [124.005](#), Government Code)
26 . . . the amount necessary to cover the costs of testing,
27 counseling, or treatment;

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

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

12 (9-b) a testing, counseling, and treatment fee for
13 testing, counseling, or treatment performed or provided under a
14 public safety employees treatment court program (Sec. 129.006,
15 Government Code) . . . the amount necessary to cover the costs of
16 testing, counseling, or treatment; and

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

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

26 ARTICLE 9. CHANGES RELATING TO HEALTH AND SAFETY CODE

27 SECTION 9.001. Section 364.034(a-1), Health and Safety

1 Code, as added by Chapters 70 (S.B. 1229) and 143 (H.B. 1584), Acts
2 of the 85th Legislature, Regular Session, 2017, is reenacted and
3 amended to read as follows:

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

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

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

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

22 (1) "Certified" includes:

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

25 (B) certification or approval by the United
26 States Environmental Protection Agency of a system to convert a
27 vehicle or engine to operate on an alternative fuel and a

1 demonstration by the emissions data used to certify or approve the
2 vehicle or engine, if the commission determines the testing used to
3 obtain the emissions data is consistent with the testing required
4 for approval of an alternative fuel conversion system for new and
5 relatively new vehicles or engines under 40 C.F.R. Part 85.

6 ARTICLE 10. CHANGES RELATING TO HUMAN RESOURCES CODE

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

13 SECTION 10.002. Section 40.0581(f), Human Resources Code,
14 as added by Chapter 1136 (H.B. 249), Acts of the 85th Legislature,
15 Regular Session, 2017, is repealed as duplicative of Section
16 40.0581(f), Human Resources Code, as added by Chapter 319 (S.B.
17 11), Acts of the 85th Legislature, Regular Session, 2017.

18 SECTION 10.003. Section 42.041(b), Human Resources Code, as
19 amended by Chapters 244 (H.B. 871) and 317 (H.B. 7), Acts of the
20 85th Legislature, Regular Session, 2017, is reenacted and amended
21 to read as follows:

- 22 (b) This section does not apply to:
- 23 (1) a state-operated facility;
 - 24 (2) an agency foster home;
 - 25 (3) a facility that is operated in connection with a
26 shopping center, business, religious organization, or
27 establishment where children are cared for during short periods

1 while parents or persons responsible for the children are attending
2 religious services, shopping, or engaging in other activities,
3 including retreats or classes for religious instruction, on or near
4 the premises, that does not advertise as a child-care facility or
5 day-care center, and that informs parents that it is not licensed by
6 the state;

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

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

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

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

27 (8) an educational facility that operates solely for

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

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

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

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

21 (12) an emergency shelter facility, other than a
22 facility that would otherwise require a license as a child-care
23 facility under this section, that provides shelter or care to a
24 minor and the minor's child or children, if any, under Section
25 [32.201](#), Family Code, if the facility:

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

1 (B) meets the requirements listed under Section
2 51.005(b)(3);

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

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

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

25 (16) a food distribution program that:

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

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

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

7 (18) a program:

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

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

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

17 (D) that informs the parent or guardian:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (B) provides emergency shelter and care for not
27 more than 15 days to children 13 years of age or older but younger

1 than 18 years of age who are victims of human trafficking alleged
2 under Section 20A.02, Penal Code;

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

6 (D) meets one of the following criteria:

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

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

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

15 (25) ~~(24)~~ a living arrangement in a caretaker's home
16 involving one or more children or a sibling group in which the
17 caretaker:

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

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

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

25 ARTICLE 11. CHANGES RELATING TO NATURAL RESOURCES CODE

26 SECTION 11.001. Section 81.067(c), Natural Resources Code,
27 as amended by Chapters 57 (H.B. 1818), 72 (S.B. 1422), and 324 (S.B.

1 1488), Acts of the 85th Legislature, Regular Session, 2017, is
2 reenacted and amended to read as follows:

3 (c) The fund consists of:

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

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

11 (3) expenses collected under Section 89.083;

12 (4) fees imposed under Section 85.2021;

13 (5) costs recovered under Section 91.457 or 91.459;

14 (6) proceeds collected under Sections 89.085 and
15 91.115;

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

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

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

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

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

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

27 (13) fees for a reissued certificate collected under

- 1 Section 91.707;
- 2 (14) fees collected under Section 91.1013;
- 3 (15) fees collected under Section 89.088;
- 4 (16) fees collected under Section 91.142;
- 5 (17) fees collected under Section 91.654;
- 6 (18) costs recovered under Sections 91.656 and 91.657;
- 7 (19) fees collected under Section 81.0521;
- 8 (20) fees collected under Sections 89.024 and 89.026;
- 9 (21) legislative appropriations;
- 10 (22) any surcharges collected under Section 81.070;
- 11 (23) fees collected under Section 91.0115;
- 12 (24) fees collected under Subchapter E, Chapter 121,
- 13 Utilities Code;
- 14 (25) fees collected under Section 27.0321, Water Code;
- 15 [~~and~~]
- 16 (26) fees collected under Section 81.071; and
- 17 (27) [~~(26)~~] money collected under Section 81.021.

18 ARTICLE 12. CHANGES RELATING TO OCCUPATIONS CODE

19 SECTION 12.001. Section 562.110(i), Occupations Code, as

20 added by Chapter 485 (H.B. 2561), Acts of the 85th Legislature,

21 Regular Session, 2017, is repealed as duplicative of Section

22 562.110(k), Occupations Code.

23 SECTION 12.002. Section 2308.151(b), Occupations Code, as

24 added by Chapters 919 (S.B. 1501) and 967 (S.B. 2065), Acts of the

25 85th Legislature, Regular Session, 2017, is reenacted and amended

26 to read as follows:

27 (b) Unless [~~a person is~~] prohibited by a local authority

1 under Section 2308.2085, a person may:

2 (1) perform booting operations; and

3 (2) operate a booting company.

4 SECTION 12.003. Section 2308.205(a), Occupations Code, as
5 amended by Chapters 919 (S.B. 1501) and 967 (S.B. 2065), Acts of the
6 85th Legislature, Regular Session, 2017, is reenacted to read as
7 follows:

8 (a) A towing company that makes a nonconsent tow shall tow
9 the vehicle to a vehicle storage facility that is operated by a
10 person who holds a license to operate the facility under Chapter
11 2303, unless:

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

14 (2) the vehicle is towed under:

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

16 (B) Section 2308.259(b).

17 ARTICLE 13. CHANGES RELATING TO PENAL CODE

18 SECTION 13.001. Sections 46.05(a) and (e), Penal Code, as
19 amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the
20 85th Legislature, Regular Session, 2017, are reenacted and amended
21 to read as follows:

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

25 (1) any of the following items, unless the item is
26 registered in the National Firearms Registration and Transfer
27 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and

1 Explosives or otherwise not subject to that registration
2 requirement or unless the item is classified as a curio or relic by
3 the United States Department of Justice:

- 4 (A) an explosive weapon;
- 5 (B) a machine gun; or
- 6 (C) a short-barrel firearm;

- 7 (2) knuckles;
- 8 (3) armor-piercing ammunition;
- 9 (4) a chemical dispensing device;
- 10 (5) a zip gun;

11 (6) a tire deflation device; ~~or~~

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

17 (8) ~~(7)~~ an improvised explosive device.

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

22 ARTICLE 14. CHANGES RELATING TO TAX CODE

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

26 (d) If the appraisal district fails to comply with the
27 recommendations in the report and the comptroller finds that the

1 board of directors of the appraisal district failed to take
2 remedial action reasonably designed to ensure substantial
3 compliance with each recommendation in the report before the first
4 anniversary of the date the report was issued, the comptroller
5 shall notify the Texas Department of Licensing and Regulation
6 [~~Board of Tax Professional Examiners~~], or a successor to the
7 department [~~board~~], which shall take action necessary to ensure
8 that the recommendations in the report are implemented as soon as
9 practicable.

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

20 SECTION 14.002. Section 25.025(a), Tax Code, as amended by
21 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.
22 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular
23 Session, 2017, is reenacted and amended to read as follows:

24 (a) This section applies only to:

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

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

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

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

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

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

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

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

21 (7) (7) [~~(6)~~] an individual who shows that the individual,
22 the individual's child, or another person in the individual's
23 household is a victim of sexual assault or abuse, stalking, or
24 trafficking of persons by providing:

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

1 17.292, Code of Criminal Procedure; or

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

6 (8) [~~(7)~~] a participant in the address
7 confidentiality program administered by the attorney general under
8 Subchapter C, Chapter 56, Code of Criminal Procedure, who provides
9 proof of certification under Article 56.84, Code of Criminal
10 Procedure;

11 (9) [~~(8)~~] a federal judge, a state judge, or the
12 spouse of a federal judge or state judge;

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

17 (11) [~~(9)~~] a current or former employee of a district
18 attorney, criminal district attorney, or county or municipal
19 attorney whose jurisdiction includes any criminal law or child
20 protective services matters;

21 (12) [~~(10)~~] an officer or employee of a community
22 supervision and corrections department established under Chapter
23 76, Government Code, who performs a duty described by Section
24 76.004(b) of that code;

25 (13) [~~(11)~~] a criminal investigator of the United
26 States as described by Article 2.122(a), Code of Criminal
27 Procedure;

1 (14) [~~(12)~~] a police officer or inspector of the
2 United States Federal Protective Service;

3 (15) [~~(13)~~] a current or former United States attorney
4 or assistant United States attorney and the spouse and child of the
5 attorney;

6 (16) [~~(14)~~] a current or former employee of the office
7 of the attorney general who is or was assigned to a division of that
8 office the duties of which involve law enforcement;

9 (17) [~~(15)~~] a medical examiner or person who performs
10 forensic analysis or testing who is employed by this state or one or
11 more political subdivisions of this state;

12 (18) [~~(16)~~] a current or former member of the United
13 States armed forces who has served in an area that the president of
14 the United States by executive order designates for purposes of 26
15 U.S.C. Section 112 as an area in which armed forces of the United
16 States are or have engaged in combat;

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

20 (20) [~~(18)~~] a current or former juvenile probation or
21 supervision officer certified by the Texas Juvenile Justice
22 Department, or the predecessors in function of the department,
23 under Title 12, Human Resources Code;

24 (21) [~~(19)~~] a current or former employee of a juvenile
25 justice program or facility, as those terms are defined by Section
26 [261.405](#), Family Code; [~~and~~]

27 (22) [~~(18)~~] a current or former employee of the Texas

1 Civil Commitment Office or of the predecessor in function of the
2 office or a division of the office; and

3 (23) [~~(18)~~] a current or former employee of a federal
4 judge or state judge.

5 SECTION 14.003. Section 351.101(a), Tax Code, as amended by
6 Chapters 53 (S.B. 1365), 267 (H.B. 1896), 324 (S.B. 1488), and 785
7 (H.B. 2445), Acts of the 85th Legislature, Regular Session, 2017,
8 is reenacted and amended to read as follows:

9 (a) Revenue from the municipal hotel occupancy tax may be
10 used only to promote tourism and the convention and hotel industry,
11 and that use is limited to the following:

12 (1) the acquisition of sites for and the construction,
13 improvement, enlarging, equipping, repairing, operation, and
14 maintenance of convention center facilities or visitor information
15 centers, or both;

16 (2) the furnishing of facilities, personnel, and
17 materials for the registration of convention delegates or
18 registrants;

19 (3) advertising and conducting solicitations and
20 promotional programs to attract tourists and convention delegates
21 or registrants to the municipality or its vicinity;

22 (4) the encouragement, promotion, improvement, and
23 application of the arts, including instrumental and vocal music,
24 dance, drama, folk art, creative writing, architecture, design and
25 allied fields, painting, sculpture, photography, graphic and craft
26 arts, motion pictures, radio, television, tape and sound recording,
27 and other arts related to the presentation, performance, execution,

1 and exhibition of these major art forms;

2 (5) historical restoration and preservation projects
3 or activities or advertising and conducting solicitations and
4 promotional programs to encourage tourists and convention
5 delegates to visit preserved historic sites or museums:

6 (A) at or in the immediate vicinity of convention
7 center facilities or visitor information centers; or

8 (B) located elsewhere in the municipality or its
9 vicinity that would be frequented by tourists and convention
10 delegates;

11 (6) expenses, including promotion expenses, directly
12 related to a sporting event in which the majority of participants
13 are tourists who substantially increase economic activity at hotels
14 and motels within the municipality or its vicinity if:

15 (A) the municipality is located in a county with
16 a population of one million or less; or

17 (B) the municipality has a population of more
18 than 67,000 and is located in two counties with 90 percent of the
19 municipality's territory located in a county with a population of
20 at least 580,000, and the remaining territory located in a county
21 with a population of at least four million;

22 (7) subject to Section [351.1076](#), the promotion of
23 tourism by the enhancement and upgrading of existing sports
24 facilities or fields if:

25 (A) the municipality owns the facilities or
26 fields;

27 (B) the municipality:

1 (i) has a population of 80,000 or more and
2 is located in a county that has a population of 350,000 or less;

3 (ii) has a population of at least 75,000 but
4 not more than 95,000 and is located in a county that has a
5 population of less than 200,000 but more than 160,000;

6 (iii) has a population of at least 36,000
7 but not more than 39,000 and is located in a county that has a
8 population of 100,000 or less that is not adjacent to a county with
9 a population of more than two million;

10 (iv) has a population of at least 13,000 but
11 less than 39,000 and is located in a county that has a population of
12 at least 200,000;

13 (v) has a population of at least 70,000 but
14 less than 90,000 and no part of which is located in a county with a
15 population greater than 150,000;

16 (vi) is located in a county that:

17 (a) is adjacent to the Texas-Mexico
18 border;

19 (b) has a population of at least
20 500,000; and

21 (c) does not have a municipality with
22 a population greater than 500,000;

23 (vii) has a population of at least 25,000
24 but not more than 26,000 and is located in a county that has a
25 population of 90,000 or less;

26 (viii) is located in a county that has a
27 population of not more than 300,000 and in which a component

1 university of the University of Houston System is located;

2 (ix) has a population of at least 40,000 and
3 the San Marcos River flows through the municipality; [~~or~~]

4 (x) has a population of more than 67,000 and
5 is located in two counties with 90 percent of the municipality's
6 territory located in a county with a population of at least 580,000,
7 and the remaining territory located in a county with a population of
8 at least four million; or

9 (xi) [~~(x)~~] contains an intersection of
10 Interstates 35E and 35W and at least two public universities; and

11 (C) the sports facilities and fields have been
12 used, in the preceding calendar year, a combined total of more than
13 10 times for district, state, regional, or national sports
14 tournaments;

15 (8) for a municipality with a population of at least
16 70,000 but less than 90,000, no part of which is located in a county
17 with a population greater than 150,000, the construction,
18 improvement, enlarging, equipping, repairing, operation, and
19 maintenance of a coliseum or multiuse facility;

20 (9) signage directing the public to sights and
21 attractions that are visited frequently by hotel guests in the
22 municipality;

23 (10) the construction, improvement, enlarging,
24 equipping, repairing, operation, and maintenance of a coliseum or
25 multiuse facility, if the municipality:

26 (A) has a population of at least 90,000 but less
27 than 120,000; and

1 (B) is located in two counties, at least one of
2 which contains the headwaters of the San Gabriel River; and

3 (11) for a municipality with a population of more than
4 175,000 but less than 225,000 that is located in two counties, each
5 of which has a population of less than 200,000, the construction,
6 improvement, enlarging, equipping, repairing, operation, and
7 maintenance of a coliseum or multiuse facility and related
8 infrastructure or a venue, as defined by Section 334.001(4), Local
9 Government Code, that is related to the promotion of tourism.

10 ARTICLE 15. CHANGES RELATING TO TRANSPORTATION CODE

11 SECTION 15.001. Section 501.072(e), Transportation Code,
12 as added by Chapter 969 (S.B. 2076), Acts of the 85th Legislature,
13 Regular Session, 2017, is repealed as duplicative of Section
14 501.072(e), Transportation Code, as added by Chapter 395 (S.B.
15 1062), Acts of the 85th Legislature, Regular Session, 2017.

16 SECTION 15.002. Section 522.035, Transportation Code, as
17 added by Chapter 21 (S.B. 128), Acts of the 85th Legislature,
18 Regular Session, 2017, is repealed as duplicative of Section
19 522.035, Transportation Code, as added by Chapter 685 (H.B. 29),
20 Acts of the 85th Legislature, Regular Session, 2017.

21 SECTION 15.003. Section 545.424(c), Transportation Code,
22 as amended by Chapters 438 (H.B. 62) and 1059 (H.B. 3050), Acts of
23 the 85th Legislature, Regular Session, 2017, is reenacted to read
24 as follows:

25 (c) Subsection (a-1) does not apply to a person operating a
26 motor vehicle while accompanied in the manner required by Section
27 521.222(d)(2) for the holder of a learner license.

1 SECTION 15.004. Section 644.101(b), Transportation Code,
2 as amended by Chapters 138 (H.B. 1355), 142 (H.B. 1570), and 324
3 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017,
4 is reenacted and amended to read as follows:

5 (b) A police officer of any of the following municipalities
6 is eligible to apply for certification under this section:

7 (1) a municipality with a population of 50,000 or
8 more;

9 (2) a municipality with a population of 25,000 or more
10 any part of which is located in a county with a population of
11 500,000 or more;

12 (3) a municipality with a population of less than
13 25,000:

14 (A) any part of which is located in a county with
15 a population of 3.3 million; and

16 (B) that contains or is adjacent to an
17 international port;

18 (4) a municipality with a population of at least
19 34,000 that is located in a county that borders two or more states;

20 (5) a municipality any part of which is located in a
21 county bordering the United Mexican States;

22 (6) a municipality with a population of less than
23 5,000 that is located:

24 (A) adjacent to a bay connected to the Gulf of
25 Mexico; and

26 (B) in a county adjacent to a county with a
27 population greater than 3.3 million;

1 (7) a municipality that is located:

2 (A) within 25 miles of an international port; and

3 (B) in a county that does not contain a highway
4 that is part of the national system of interstate and defense
5 highways and is adjacent to a county with a population greater than
6 3.3 million;

7 (8) a municipality with a population of less than
8 8,500 that:

9 (A) is the county seat; and

10 (B) contains a highway that is part of the
11 national system of interstate and defense highways;

12 (9) a municipality located in a county with a
13 population between 60,000 and 66,000 adjacent to a bay connected to
14 the Gulf of Mexico;

15 (10) a municipality with a population of more than
16 40,000 and less than 50,000 that is located in a county with a
17 population of more than 285,000 and less than 300,000 that borders
18 the Gulf of Mexico; ~~or~~

19 (11) a municipality with a population between 18,000
20 and 18,500 that is located entirely in a county that:

21 (A) has a population of less than 200,000;

22 (B) is adjacent to two counties that each have a
23 population of more than 1.2 million; and

24 (C) contains two highways that are part of the
25 national system of interstate and defense highways; or

26 (12) [~~(11)~~] a municipality with a population of more
27 than 3,000 and less than 10,000 that:

1 (A) contains a highway that is part of the
2 national system of interstate and defense highways; and

3 (B) is located in a county with a population
4 between 150,000 and 155,000.

5 SECTION 15.005. Sections 663.037(d) and (g),
6 Transportation Code, as amended by Chapters 125 (H.B. 920) and 1052
7 (H.B. 1956), Acts of the 85th Legislature, Regular Session, 2017,
8 are reenacted to read as follows:

9 (d) The operator of an off-highway vehicle may drive the
10 vehicle on a public street, road, or highway that is not an
11 interstate or limited-access highway if:

12 (1) the transportation is in connection with:

13 (A) the production, cultivation, care,
14 harvesting, preserving, drying, processing, canning, storing,
15 handling, shipping, marketing, selling, or use of agricultural
16 products, as defined by Section 52.002, Agriculture Code; or

17 (B) utility work performed by a utility;

18 (2) the operator attaches to the back of the vehicle a
19 triangular orange flag that is at least six feet above ground level;

20 (3) the vehicle's headlights and taillights are
21 illuminated;

22 (4) the operator holds a driver's license, as defined
23 by Section 521.001;

24 (5) the operation of the vehicle occurs in the
25 daytime; and

26 (6) the operation of the vehicle does not exceed a
27 distance of 25 miles from the point of origin to the destination.

1 (g) A peace officer or other person who provides law
2 enforcement, firefighting, ambulance, medical, or other emergency
3 services, including a volunteer firefighter, may operate an
4 off-highway vehicle on a public street, road, or highway that is not
5 an interstate or limited-access highway only if:

6 (1) the transportation is in connection with the
7 performance of the operator's official duty;

8 (2) the operator attaches to the back of the vehicle a
9 triangular orange flag that is at least six feet above ground level;

10 (3) the vehicle's headlights and taillights are
11 illuminated;

12 (4) the operator holds a driver's license, as defined
13 by Section 521.001; and

14 (5) the operation of the vehicle does not exceed a
15 distance of 10 miles from the point of origin to the destination.

16 ARTICLE 16. CHANGES RELATING TO UTILITIES CODE

17 SECTION 16.001. Section 39.002, Utilities Code, is amended
18 to correct a reference to read as follows:

19 Sec. 39.002. APPLICABILITY. This chapter, other than
20 Sections 39.155, 39.157(e), 39.203, [~~39.903~~] 39.904, 39.9051,
21 39.9052, and 39.914(e), does not apply to a municipally owned
22 utility or an electric cooperative. Sections 39.157(e), 39.203, and
23 39.904, however, apply only to a municipally owned utility or an
24 electric cooperative that is offering customer choice. If there is
25 a conflict between the specific provisions of this chapter and any
26 other provisions of this title, except for Chapters 40 and 41, the
27 provisions of this chapter control.

1 SECTION 16.002. Section 39.352(g), Utilities Code, is
2 amended to correct a reference to read as follows:

3 (g) If a retail electric provider serves an aggregate load
4 in excess of 300 megawatts within this state, not less than five
5 percent of the load in megawatt hours must consist of residential
6 customers. This requirement applies to an affiliated retail
7 electric provider only with respect to load served outside of the
8 electric utility's service area, and, in relation to that load, the
9 affiliated retail electric provider shall meet the requirements of
10 this subsection by serving residential customers outside of the
11 electric utility's service area. For the purpose of this
12 subsection, the load served by retail electric providers that are
13 under common ownership shall be combined. A retail electric
14 provider may meet the requirements of this subsection by
15 demonstrating on an annual basis that it serves residential load
16 amounting to five percent of its total load or [7] by demonstrating
17 that another retail electric provider serves sufficient qualifying
18 residential load on its behalf [~~7~~, ~~or by paying an amount into the~~
19 ~~system benefit fund equal to \$1 multiplied by a number equal to the~~
20 ~~difference between the number of megawatt hours it sold to~~
21 ~~residential customers and the number of megawatt hours it was~~
22 ~~required to sell to such customers, or in the case of an affiliated~~
23 ~~retail electric provider, \$1 multiplied by a number equal to the~~
24 ~~difference between the number of megawatt hours sold to residential~~
25 ~~customers outside of the electric utility's service area and the~~
26 ~~number of megawatt hours it was required to sell to such customers~~
27 ~~outside of the electric utility's service area)]. Qualifying~~

1 residential load may not include customers served by an affiliated
2 retail electric provider in its own service area. Each retail
3 electric provider shall file reports with the commission that are
4 necessary to implement this subsection. This subsection applies
5 for 36 months after retail competition begins. The commission
6 shall adopt rules to implement this subsection.

7 SECTION 16.003. Section 39.905(f), Utilities Code, is
8 amended to correct a reference to read as follows:

9 (f) Each [~~Unless funding is provided under Section 39.903,~~
10 ~~each~~] unbundled transmission and distribution utility shall
11 include in its energy efficiency plan a targeted low-income energy
12 efficiency program [~~as described by Section 39.903(f)(2)~~], and the
13 savings achieved by the program shall count toward the transmission
14 and distribution utility's energy efficiency goal. The commission
15 shall determine the appropriate level of funding to be allocated to
16 both targeted and standard offer low-income energy efficiency
17 programs in each unbundled transmission and distribution utility
18 service area. The level of funding for low-income energy
19 efficiency programs shall be provided from money approved by the
20 commission for the transmission and distribution utility's energy
21 efficiency programs. The commission shall ensure that annual
22 expenditures for the targeted low-income energy efficiency
23 programs of each unbundled transmission and distribution utility
24 are not less than 10 percent of the transmission and distribution
25 utility's energy efficiency budget for the year. A targeted
26 low-income energy efficiency program must comply with the same
27 audit requirements that apply to federal weatherization

1 subrecipients. In an energy efficiency cost recovery factor
2 proceeding related to expenditures under this subsection, the
3 commission shall make findings of fact regarding whether the
4 utility meets requirements imposed under this subsection. The
5 state agency that administers the federal weatherization
6 assistance program shall participate in energy efficiency cost
7 recovery factor proceedings related to expenditures under this
8 subsection to ensure that targeted low-income weatherization
9 programs are consistent with federal weatherization programs and
10 adequately funded.

11 SECTION 16.004. Section 40.001(a), Utilities Code, is
12 amended to correct a reference to read as follows:

13 (a) Notwithstanding any other provision of law, except
14 Sections 39.155, 39.157(e), 39.203, [~~39.903~~] and 39.904, this
15 chapter governs the transition to and the establishment of a fully
16 competitive electric power industry for municipally owned
17 utilities. With respect to the regulation of municipally owned
18 utilities, this chapter controls over any other provision of this
19 title, except for sections in which the term "municipally owned
20 utility" is specifically used.

21 SECTION 16.005. Section 40.004, Utilities Code, is amended
22 to correct a reference to read as follows:

23 Sec. 40.004. JURISDICTION OF COMMISSION. Except as
24 specifically otherwise provided in this chapter, the commission has
25 jurisdiction over municipally owned utilities only for the
26 following purposes:

27 (1) to regulate wholesale transmission rates and

1 service, including terms of access, to the extent provided by
2 Subchapter A, Chapter 35;

3 (2) to regulate certification of retail service areas
4 to the extent provided by Chapter 37;

5 (3) to regulate rates on appeal under Subchapters D
6 and E, Chapter 33, subject to Section 40.051(c);

7 (4) to establish a code of conduct as provided by
8 Section 39.157(e) applicable to anticompetitive activities and to
9 affiliate activities limited to structurally unbundled affiliates
10 of municipally owned utilities, subject to Section 40.054;

11 (5) to establish terms and conditions for open access
12 to transmission and distribution facilities for municipally owned
13 utilities providing customer choice, as provided by Section 39.203;

14 (6) ~~[to require collection of the nonbypassable fee~~
15 ~~established under Section 39.903(b) and]~~ to administer the
16 renewable energy credits program under Section 39.904(b) and the
17 natural gas energy credits program under Section 39.9044(b); and

18 (7) to require reports of municipally owned utility
19 operations only to the extent necessary to:

20 (A) enable the commission to determine the
21 aggregate load and energy requirements of the state and the
22 resources available to serve that load; or

23 (B) enable the commission to determine
24 information relating to market power as provided by Section 39.155.

25 SECTION 16.006. Section 41.001, Utilities Code, is amended
26 to correct a reference to read as follows:

27 Sec. 41.001. APPLICABLE LAW. Notwithstanding any other

1 provision of law, except Sections 39.155, 39.157(e), 39.203,
2 [~~39.903~~,] and 39.904, this chapter governs the transition to and
3 the establishment of a fully competitive electric power industry
4 for electric cooperatives. Regarding the regulation of electric
5 cooperatives, this chapter shall control over any other provision
6 of this title, except for sections in which the term "electric
7 cooperative" is specifically used.

8 ARTICLE 17. CHANGES RELATING TO WATER CODE

9 SECTION 17.001. Section 11.122(b-1), Water Code, as added
10 by Chapter 1097 (H.B. 3735), Acts of the 85th Legislature, Regular
11 Session, 2017, is repealed as duplicative of Section 11.122(b-1),
12 Water Code, as added by Chapter 429 (S.B. 1430), Acts of the 85th
13 Legislature, Regular Session, 2017.

14 SECTION 17.002. Section 54.016(a), Water Code, as amended
15 by Chapters 761 (S.B. 1987) and 965 (S.B. 2014), Acts of the 85th
16 Legislature, Regular Session, 2017, is reenacted to read as
17 follows:

18 (a) No land within the corporate limits of a city or within
19 the extraterritorial jurisdiction of a city, shall be included in a
20 district unless the city grants its written consent, by resolution
21 or ordinance, to the inclusion of the land within the district in
22 accordance with Section 42.042, Local Government Code, and this
23 section. The request to a city for its written consent to the
24 creation of a district, shall be signed by a majority in value of
25 the holders of title of the land within the proposed district as
26 indicated by the county tax rolls. A petition for the written
27 consent of a city to the inclusion of land within a district shall

1 describe the boundaries of the land to be included in the district
2 by metes and bounds or by lot and block number, if there is a
3 recorded map or plat and survey of the area, and state the general
4 nature of the work proposed to be done, the necessity for the work,
5 and the cost of the project as then estimated by those filing the
6 petition. If, at the time a petition is filed with a city for
7 creation of a district, the district proposes to connect to a city's
8 water or sewer system or proposes to contract with a regional water
9 and wastewater provider which has been designated as such by the
10 commission as of the date such petition is filed, to which the city
11 has made a capital contribution for the water and wastewater
12 facilities serving the area, the proposed district shall be
13 designated as a "city service district." If such proposed district
14 does not meet the criteria for a city service district at the time
15 the petition seeking creation is filed, such district shall be
16 designated as a "noncity service district." The city's consent
17 shall not place any restrictions or conditions on the creation of a
18 noncity service district as defined by this chapter other than
19 those expressly provided in Subsection (e) of this section and
20 shall specifically not limit the amounts of the district's bonds. A
21 city may not require annexation as a consent to creation of any
22 district. A city shall not refuse to approve a district bond issue
23 for any reason except that the district is not in compliance with
24 valid consent requirements applicable to the district. If a city
25 grants its written consent without the concurrence of the applicant
26 to the creation of a noncity service district containing conditions
27 or restrictions that the petitioning land owner or owners

1 reasonably believe exceed the city's powers, such land owner or
2 owners may petition the commission to create the district and to
3 modify the conditions and restrictions of the city's consent. The
4 commission may declare any provision of the consent to be null and
5 void. The commission may approve the creation of a district that
6 includes any portion of the land covered by the city's consent to
7 creation of the district. The legislature may create and may
8 validate the creation of a district that includes any portion of the
9 land covered by the city's consent to the creation of the district.

10 SECTION 17.003. Section 62.153, Water Code, as amended by
11 Chapters 398 (S.B. 1131) and 427 (S.B. 1395), Acts of the 85th
12 Legislature, Regular Session, 2017, is reenacted to read as
13 follows:

14 Sec. 62.153. DUTIES OF DISTRICT TREASURER; AUTHORITY OF
15 DESIGNATED OFFICER. (a) The district treasurer shall:

16 (1) open an account for all funds received by the
17 district treasurer for the district and all district funds which
18 the treasurer pays out;

19 (2) pay out money on vouchers signed by the chairman of
20 the commission, any two members of the commission, or the
21 commissioners court, or any two of any number of persons delegated
22 by the commission with authority to sign vouchers, provided that
23 the commission may, in such delegation, limit the authority of such
24 persons and may require that each furnish a fidelity bond in such
25 amount as the commission shall specify and subject to commission
26 approval;

27 (3) carefully preserve all orders for the payment of

1 money;

2 (4) render a correct account to the commissioners
3 court of all matters relating to the financial condition of the
4 district as often as required by the commissioners court; and

5 (5) not be required to sign a check drawn on a
6 depository selected under Section 62.156, unless the district
7 treasurer is the designated officer of the district, as defined by
8 Section 60.271(g).

9 (b) A designated officer of a district may make a payment on
10 behalf of the district by a check drawn on a depository selected
11 under Section 62.155 in a manner consistent with the payment
12 procedures adopted under Section 60.271(f) without authorization
13 by the district treasurer.

14 ARTICLE 18. CHANGES RELATING TO THE DISPOSITION OF CERTAIN CIVIL
15 STATUTES

16 SECTION 18.001. (a) Chapter 2101, Government Code, is
17 amended to codify Chapter 817 (S.B. 127), Acts of the 73rd
18 Legislature, Regular Session, 1993 (Article 4413(34e), Vernon's
19 Texas Civil Statutes), by adding Subchapter D to read as follows:

20 SUBCHAPTER D. FINANCIAL REPORTING BY CERTAIN FUNDS AND TRUST
21 ACCOUNTS

22 Sec. 2101.051. DEFINITION. In this subchapter,
23 "economically targeted investment" means an investment in which at
24 least 50 percent of the total investment is allocated to economic
25 development within this state or investment in businesses or
26 entities located within this state. (V.A.C.S. Art. 4413(34e), Sec.
27 4.)

1 Sec. 2101.052. APPLICABILITY OF SUBCHAPTER. The
2 requirements of this subchapter apply only to:

- 3 (1) the permanent school fund;
- 4 (2) the permanent university fund;
- 5 (3) the Teacher Retirement System of Texas trust fund;
- 6 and
- 7 (4) each trust account administered by the Employees
8 Retirement System of Texas. (V.A.C.S. Art. 4413(34e), Sec. 1.)

9 Sec. 2101.053. REPORT DEADLINE; CONTENT OF REPORT. (a) The
10 manager of each fund or account to which this subchapter applies
11 shall submit to the governor, the lieutenant governor, the speaker
12 of the house of representatives, and the executive director of the
13 State Pension Review Board:

- 14 (1) not later than January 25 of each year, a report
15 with the information required by Subsection (b) covering the last
16 six months of the previous calendar year; and
- 17 (2) not later than June 25 of each year, a report with
18 the information required by Subsection (b) covering the first six
19 months of that calendar year.

20 (b) Each report submitted under Subsection (a) must include
21 the following:

- 22 (1) the number of beneficiaries of the fund or
23 account;
- 24 (2) the name of each individual responsible for
25 administering the fund or account and the discretionary investment
26 authority granted to the individual;
- 27 (3) the investment objectives of the fund or account;

1 TO UTILITIES. Except as otherwise provided by state law enacted
2 after the Revised Statutes of 1925 (S.B. 84, Acts of the 39th
3 Legislature, Regular Session, 1925) or by federal law:

4 (1) a home-rule municipality may:

5 (A) prohibit the use of any street, alley,
6 highway, or grounds of the municipality by any telegraph,
7 telephone, electric light, street railway, interurban railway,
8 steam railway, gas company, or any other character of public
9 utility without first obtaining the consent of the governing
10 authorities expressed by ordinance and on paying such compensation
11 as may be prescribed and on such condition as may be provided by any
12 such ordinance; and

13 (B) determine, fix, and regulate the charges,
14 fares, or rates of any person, firm, or corporation enjoying or that
15 may enjoy the franchise or exercising any other public privilege in
16 said municipality and prescribe the kind of service to be furnished
17 by such person, firm, or corporation, and the manner in which it
18 shall be rendered, and from time to time alter or change such rules,
19 regulations, and compensation; provided that in adopting such
20 regulations and in fixing or changing such compensation, or
21 determining the reasonableness thereof, no stock or bonds
22 authorized or issued by any corporation enjoying the franchise
23 shall be considered unless proof that the same have been actually
24 issued by the corporation for money paid and used for the
25 development of the corporate property, labor done, or property
26 actually received in accordance with the laws and constitution of
27 this state applicable thereto;

1 (2) in order to ascertain all facts necessary for a
2 proper understanding of what is or should be a reasonable rate or
3 regulation, the governing authority shall have full power to
4 inspect the books and compel the attendance of witnesses for such
5 purpose;

6 (3) provided that in any municipality with a
7 population of more than 25,000, the governing body of such
8 municipality, when the public service of such municipality may
9 require the same, shall have the right and power to compel any
10 street railway or other public utility corporation to extend its
11 lines of service into any section of said municipality not to exceed
12 two miles, all told, in any one year; and

13 (4) whenever any municipality may determine to acquire
14 any public utility using and occupying its streets, alleys, and
15 avenues as hereinbefore provided, and it shall be necessary to
16 condemn the said public utility, the municipality may obtain funds
17 for the purpose of acquiring the said public utility and paying the
18 compensation therefor, by issuing bonds, notes, or other evidence
19 of indebtedness and shall secure the same by fixing a lien on the
20 said properties constituting the said public utility so acquired by
21 condemnation or purchase or otherwise; said security shall apply
22 alone to said properties so pledged; and such further regulations
23 may be provided by any charter for the proper financing or raising
24 the revenue necessary for obtaining any public utilities and
25 providing for the fixing of said security.

26 (b) Section [341.081](#), Health and Safety Code, is amended to
27 read as follows:

1 Sec. 341.081. AUTHORITY OF HOME-RULE MUNICIPALITIES NOT
2 AFFECTED. This chapter prescribes the minimum requirements of
3 sanitation and health protection in this state and does not affect a
4 home-rule municipality's authority to enact:

5 (1) more stringent ordinances in matters relating to
6 this chapter; or

7 (2) an ordinance under:

8 (A) Section 5, Article XI, [~~Section V, of the~~]
9 Texas Constitution; or

10 (B) [~~Article 1175, Revised Statutes; or~~

11 [~~(C)~~] Section 51.072 or 590.0001, Local
12 Government Code.

13 (c) Section 438.037, Health and Safety Code, is amended to
14 read as follows:

15 Sec. 438.037. MUNICIPAL ORDINANCES. This subchapter does
16 not affect the authority granted under Section 5, Article XI,
17 [~~Section 5, of the~~] Texas Constitution, [~~Article 1175, Revised~~
18 ~~Statutes,~~] Subchapter F of this chapter, and the applicable
19 chapters of the Local Government Code to a Type A general-law
20 municipality or a home-rule municipality to adopt an ordinance
21 relating to this subchapter.

22 (d) Article 1175, Revised Statutes, is repealed.

23 (e) The heading to Chapter 13, Revised Statutes, is
24 repealed.

25 SECTION 18.003. (a) Chapter 2021, Occupations Code, as
26 effective April 1, 2019, is amended to codify Section 6, Chapter 19
27 (S.B. 15), Acts of the 69th Legislature, 2nd Called Session, 1986

1 (Article 179e-2, Vernon's Texas Civil Statutes), by adding Section
2 2021.009 to read as follows:

3 Sec. 2021.009. PROHIBITED USE OF STATE APPROPRIATED FUNDS.
4 This subtitle prohibits the use of state appropriated funds for
5 capital improvements to racetracks or for interest payments on such
6 facilities except for racetracks that were publicly owned on
7 September 1, 1986.

8 (b) Section 6, Chapter 19 (S.B. 15), Acts of the 69th
9 Legislature, 2nd Called Session, 1986 (Article 179e-2, Vernon's
10 Texas Civil Statutes), is repealed.

11 SECTION 18.004. (a) Section 6, Chapter 355 (H.B. 417),
12 General Laws, Acts of the 44th Legislature, Regular Session, 1935
13 (Article 6819d, Vernon's Texas Civil Statutes), is repealed as
14 executed.

15 (b) The heading to Title 117, Revised Statutes, is repealed.

16 ARTICLE 19. CONFORMING CHANGES RELATING TO THE ABOLISHMENT OF THE
17 TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

18 SECTION 19.001. Section 22.056, Business Organizations
19 Code, is amended to read as follows:

20 Sec. 22.056. HEALTH ORGANIZATION CORPORATION. (a) Doctors
21 of medicine and osteopathy licensed by the Texas Medical Board,
22 podiatrists licensed by the Texas Department of Licensing and
23 Regulation [~~State Board of Podiatric Medical Examiners~~], and
24 chiropractors licensed by the Texas Board of Chiropractic Examiners
25 may form a corporation that is jointly owned, managed, and
26 controlled by those practitioners to perform a professional service
27 that falls within the scope of practice of those practitioners and

1 consists of:

2 (1) carrying out research in the public interest in
3 medical science, medical economics, public health, sociology, or a
4 related field;

5 (2) supporting medical education in medical schools
6 through grants or scholarships;

7 (3) developing the capabilities of individuals or
8 institutions studying, teaching, or practicing medicine, including
9 podiatric medicine, or chiropractic;

10 (4) delivering health care to the public; or

11 (5) instructing the public regarding medical science,
12 public health, hygiene, or a related matter.

13 (b) When doctors of medicine, osteopathy, podiatry, and
14 chiropractic form a corporation that is jointly owned by those
15 practitioners, the authority of each of the practitioners is
16 limited by the scope of practice of the respective practitioners
17 and none can exercise control over the other's clinical authority
18 granted by their respective licenses, either through agreements,
19 the certificate of formation or bylaws of the corporation,
20 directives, financial incentives, or other arrangements that would
21 assert control over treatment decisions made by the practitioner.
22 The Texas Medical Board, the Texas Department of Licensing and
23 Regulation [~~State Board of Podiatric Medical Examiners~~], and the
24 Texas Board of Chiropractic Examiners continue to exercise
25 regulatory authority over their respective licenses.

26 SECTION 19.002. Sections [152.055](#)(a) and (c), Business
27 Organizations Code, are amended to read as follows:

1 (a) Persons licensed as doctors of medicine and persons
2 licensed as doctors of osteopathy by the Texas Medical Board,
3 persons licensed as podiatrists by the Texas Department of
4 Licensing and Regulation [~~State Board of Podiatric Medical~~
5 ~~Examiners~~], and persons licensed as chiropractors by the Texas
6 Board of Chiropractic Examiners may create a partnership that is
7 jointly owned by those practitioners to perform a professional
8 service that falls within the scope of practice of those
9 practitioners.

10 (c) The Texas Medical Board, the Texas Department of
11 Licensing and Regulation [~~State Board of Podiatric Medical~~
12 ~~Examiners~~], and the Texas Board of Chiropractic Examiners continue
13 to exercise regulatory authority over their respective licenses.

14 SECTION 19.003. Section 301.012(a), Business Organizations
15 Code, is amended to read as follows:

16 (a) Persons licensed as doctors of medicine and persons
17 licensed as doctors of osteopathy by the Texas Medical Board,
18 persons licensed as podiatrists by the Texas Department of
19 Licensing and Regulation [~~State Board of Podiatric Medical~~
20 ~~Examiners~~], and persons licensed as chiropractors by the Texas
21 Board of Chiropractic Examiners may jointly form and own a
22 professional association or a professional limited liability
23 company to perform professional services that fall within the scope
24 of practice of those practitioners.

25 SECTION 19.004. Section 411.122(d), Government Code, is
26 amended to read as follows:

27 (d) The following state agencies are subject to this

1 section:

2 (1) Texas Appraiser Licensing and Certification
3 Board;

4 (2) Texas Board of Architectural Examiners;

5 (3) Texas Board of Chiropractic Examiners;

6 (4) State Board of Dental Examiners;

7 (5) Texas Board of Professional Engineers;

8 (6) Texas Funeral Service Commission;

9 (7) Texas Board of Professional Geoscientists;

10 (8) Health and Human Services Commission [~~Department~~
11 ~~of State Health Services~~], except as provided by Section [411.110](#),
12 and agencies attached to the commission [~~department~~], including:

13 (A) Texas State Board of Examiners of Marriage
14 and Family Therapists;

15 (B) Texas State Board of Examiners of
16 Professional Counselors; and

17 (C) Texas State Board of Social Worker Examiners;

18 (9) Texas Board of Professional Land Surveying;

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

21 (11) Texas Commission on Environmental Quality;

22 (12) Texas Board of Occupational Therapy Examiners;

23 (13) Texas Optometry Board;

24 (14) Texas State Board of Pharmacy;

25 (15) Texas Board of Physical Therapy Examiners;

26 (16) Texas State Board of Plumbing Examiners;

27 (17) [~~Texas State Board of Podiatric Medical~~

1 ~~Examiners;~~

2 ~~[(18)]~~ Texas State Board of Examiners of
3 Psychologists;

4 (18) ~~[(19)]~~ Texas Real Estate Commission;

5 (19) ~~[(20)]~~ Texas Department of Transportation;

6 (20) ~~[(21)]~~ State Board of Veterinary Medical
7 Examiners;

8 (21) ~~[(22)]~~ Texas Department of Housing and Community
9 Affairs;

10 (22) ~~[(23)]~~ secretary of state;

11 (23) ~~[(24)]~~ state fire marshal;

12 (24) ~~[(25)]~~ Texas Education Agency;

13 (25) ~~[(26)]~~ Department of Agriculture; and

14 (26) ~~[(27)]~~ Texas Department of Motor Vehicles.

15 SECTION 19.005. Section [2054.2606](#)(a), Government Code, is
16 amended to read as follows:

17 (a) The following licensing entities shall establish a
18 profile system consisting of the specific license holder
19 information prescribed by Subsection (c):

20 (1) Texas Board of Chiropractic Examiners, with
21 respect to chiropractors;

22 (2) Texas Department of Licensing and Regulation
23 [~~State Board of Podiatric Medical Examiners~~], with respect to
24 podiatrists;

25 (3) State Board of Dental Examiners, with respect to
26 dentists;

27 (4) Texas Optometry Board, with respect to

1 optometrists and therapeutic optometrists;

2 (5) Texas Board of Physical Therapy Examiners, with
3 respect to physical therapists and physical therapy facilities;

4 (6) Texas Board of Occupational Therapy Examiners,
5 with respect to occupational therapists and occupational therapy
6 facilities;

7 (7) Texas State Board of Examiners of Psychologists,
8 with respect to psychologists; and

9 (8) Texas State Board of Pharmacy, with respect to
10 pharmacists and pharmacies.

11 SECTION 19.006. Section [2054.352\(a\)](#), Government Code, is
12 amended to read as follows:

13 (a) The following licensing entities shall participate in
14 the system established under Section [2054.353](#):

15 (1) Texas Board of Chiropractic Examiners;

16 (2) Judicial Branch Certification Commission;

17 (3) State Board of Dental Examiners;

18 (4) Texas Funeral Service Commission;

19 (5) Texas Board of Professional Land Surveying;

20 (6) Texas Medical Board;

21 (7) Texas Board of Nursing;

22 (8) Texas Optometry Board;

23 (9) Department of Agriculture, for licenses issued
24 under Chapter [1951](#), Occupations Code;

25 (10) Texas State Board of Pharmacy;

26 (11) Executive Council of Physical Therapy and
27 Occupational Therapy Examiners;

- 1 (12) Texas State Board of Plumbing Examiners;
- 2 (13) [~~Texas State Board of Podiatric Medical~~
- 3 ~~Examiners,~~
- 4 [~~(14)~~] Texas State Board of Examiners of
- 5 Psychologists;
- 6 (14) [~~(15)~~] State Board of Veterinary Medical
- 7 Examiners;
- 8 (15) [~~(16)~~] Texas Real Estate Commission;
- 9 (16) [~~(17)~~] Texas Appraiser Licensing and
- 10 Certification Board;
- 11 (17) [~~(18)~~] Texas Department of Licensing and
- 12 Regulation;
- 13 (18) [~~(19)~~] Texas State Board of Public Accountancy;
- 14 (19) [~~(20)~~] State Board for Educator Certification;
- 15 (20) [~~(21)~~] Texas Board of Professional Engineers;
- 16 (21) Health and Human Services Commission
- 17 [~~(22) Department of State Health Services];~~
- 18 (22) [~~(23)~~] Texas Board of Architectural Examiners;
- 19 (23) [~~(24)~~] Texas Racing Commission;
- 20 (24) [~~(25)~~] Texas Commission on Law Enforcement; and
- 21 (25) [~~(26)~~] Texas Private Security Board.

22 SECTION 19.007. Section [241.003](#)(13), Health and Safety

23 Code, is amended to read as follows:

24 (13) "Podiatrist" means a podiatrist licensed by the

25 Texas Department of Licensing and Regulation [~~State Board of~~

26 ~~Podiatric Medical Examiners~~].

27 SECTION 19.008. Section [401.064](#)(f), Health and Safety Code,

1 is amended to read as follows:

2 (f) In adopting rules under this section relating to the
3 inspection of medical, podiatric medical, dental, veterinary, and
4 chiropractic electronic products, the executive commissioner shall
5 solicit and follow the recommendations of the State Board of Dental
6 Examiners for the inspections of dental electronic products, the
7 Texas Department of Licensing and Regulation [~~State Board of~~
8 ~~Podiatric Medical Examiners~~] for the inspection of podiatric
9 medical electronic products, the Texas Medical Board for the
10 inspection of medical electronic products, the State Board of
11 Veterinary Medical Examiners for the inspection of medical
12 electronic products used in the practice of veterinary medicine,
13 and the Texas Board of Chiropractic Examiners for the inspection of
14 chiropractic electronic products, unless in conflict with federal
15 statutes or federal rules.

16 SECTION 19.009. Section 481.076(a), Health and Safety Code,
17 is amended to read as follows:

18 (a) The board may not permit any person to have access to
19 information submitted to the board under Section 481.074(q) or
20 481.075 except:

21 (1) the board, the Texas Medical Board, the Texas
22 Department of Licensing and Regulation, with respect to the
23 regulation of podiatrists [~~State Board of Podiatric Medical~~
24 ~~Examiners~~], the State Board of Dental Examiners, the State Board of
25 Veterinary Medical Examiners, the Texas Board of Nursing, or the
26 Texas Optometry Board for the purpose of:

27 (A) investigating a specific license holder; or

1 (B) monitoring for potentially harmful
2 prescribing or dispensing patterns or practices under Section
3 [481.0762](#);

4 (2) an authorized officer or member of the department
5 or authorized employee of the board engaged in the administration,
6 investigation, or enforcement of this chapter or another law
7 governing illicit drugs in this state or another state;

8 (3) the department on behalf of a law enforcement or
9 prosecutorial official engaged in the administration,
10 investigation, or enforcement of this chapter or another law
11 governing illicit drugs in this state or another state;

12 (4) a medical examiner conducting an investigation;

13 (5) provided that accessing the information is
14 authorized under the Health Insurance Portability and
15 Accountability Act of 1996 (Pub. L. No. 104-191) and regulations
16 adopted under that Act:

17 (A) a pharmacist or a pharmacy technician, as
18 defined by Section [551.003](#), Occupations Code, acting at the
19 direction of a pharmacist; or

20 (B) a practitioner who:

21 (i) is a physician, dentist, veterinarian,
22 podiatrist, optometrist, or advanced practice nurse or is a
23 physician assistant described by Section [481.002](#)(39)(D) or an
24 employee or other agent of a practitioner acting at the direction of
25 a practitioner; and

26 (ii) is inquiring about a recent Schedule
27 II, III, IV, or V prescription history of a particular patient of

1 the practitioner;

2 (6) a pharmacist or practitioner who is inquiring
3 about the person's own dispensing or prescribing activity; or

4 (7) one or more states or an association of states with
5 which the board has an interoperability agreement, as provided by
6 Subsection (j).

7 SECTION 19.010. Section 483.001(12), Health and Safety
8 Code, is amended to read as follows:

9 (12) "Practitioner" means:

10 (A) a person licensed by:

11 (i) the Texas Medical Board, State Board of
12 Dental Examiners, [~~Texas State Board of Podiatric Medical~~
13 ~~Examiners,~~] Texas Optometry Board, or State Board of Veterinary
14 Medical Examiners to prescribe and administer dangerous drugs; or

15 (ii) the Texas Department of Licensing and
16 Regulation, with respect to podiatry, to prescribe and administer
17 dangerous drugs;

18 (B) a person licensed by another state in a
19 health field in which, under the laws of this state, a licensee may
20 legally prescribe dangerous drugs;

21 (C) a person licensed in Canada or Mexico in a
22 health field in which, under the laws of this state, a licensee may
23 legally prescribe dangerous drugs; or

24 (D) an advanced practice registered nurse or
25 physician assistant to whom a physician has delegated the authority
26 to prescribe or order a drug or device under Section 157.0511,
27 157.0512, or 157.054, Occupations Code.

1 SECTION 19.011. Section 843.311, Insurance Code, is amended
2 to read as follows:

3 Sec. 843.311. CONTRACTS WITH PODIATRISTS. A contract
4 between a health maintenance organization and a podiatrist licensed
5 by the Texas Department of Licensing and Regulation [~~State Board of~~
6 ~~Podiatric Medical Examiners~~] must provide that:

7 (1) the podiatrist may request, and the health
8 maintenance organization shall provide not later than the 30th day
9 after the date of the request, a copy of the coding guidelines and
10 payment schedules applicable to the compensation that the
11 podiatrist will receive under the contract for services;

12 (2) the health maintenance organization may not
13 unilaterally make material retroactive revisions to the coding
14 guidelines and payment schedules; and

15 (3) the podiatrist may, while practicing within the
16 scope of the law regulating podiatry, provide x-rays and
17 nonprefabricated orthotics covered by the evidence of coverage.

18 SECTION 19.012. Section 843.319, Insurance Code, is amended
19 to read as follows:

20 Sec. 843.319. CERTAIN REQUIRED CONTRACTS. Notwithstanding
21 Section 843.304, a health maintenance organization may not deny a
22 contract to a podiatrist licensed by the Texas Department of
23 Licensing and Regulation [~~State Board of Podiatric Medical~~
24 ~~Examiners~~] who joins the professional practice of a contracted
25 physician or provider, satisfies the application procedures of the
26 health maintenance organization, and meets the qualification and
27 credentialing requirements for contracting with the health

1 maintenance organization.

2 SECTION 19.013. Section 1301.0521(a), Insurance Code, is
3 amended to read as follows:

4 (a) Notwithstanding Section 1301.051, an insurer may not
5 withhold the designation of preferred provider to a podiatrist
6 licensed by the Texas Department of Licensing and Regulation [~~State
7 Board of Podiatric Medical Examiners~~] who:

8 (1) joins the professional practice of a contracted
9 preferred provider;

10 (2) applies to the insurer for designation as a
11 preferred provider; and

12 (3) complies with the terms and conditions of
13 eligibility to be a preferred provider.

14 SECTION 19.014. Section 1301.062, Insurance Code, is
15 amended to read as follows:

16 Sec. 1301.062. PREFERRED PROVIDER CONTRACTS BETWEEN
17 INSURERS AND PODIATRISTS. A preferred provider contract between an
18 insurer and a podiatrist licensed by the Texas Department of
19 Licensing and Regulation [~~State Board of Podiatric Medical
20 Examiners~~] must provide that:

21 (1) the podiatrist may request a copy of the coding
22 guidelines and payment schedules applicable to the compensation
23 that the podiatrist will receive under the contract for services;

24 (2) the insurer shall provide a copy of the coding
25 guidelines and payment schedules not later than the 30th day after
26 the date of the podiatrist's request;

27 (3) the insurer may not unilaterally make material

1 retroactive revisions to the coding guidelines and payment
2 schedules; and

3 (4) the podiatrist may, practicing within the scope of
4 the law regulating podiatry, furnish x-rays and nonprefabricated
5 orthotics covered by the health insurance policy.

6 SECTION 19.015. Section 1451.001(17), Insurance Code, is
7 amended to read as follows:

8 (17) "Podiatrist" means an individual licensed to
9 practice podiatry by the Texas Department of Licensing and
10 Regulation [~~State Board of Podiatric Medical Examiners~~].

11 SECTION 19.016. Section 1452.153, Insurance Code, is
12 amended to read as follows:

13 Sec. 1452.153. ELIGIBILITY REQUIREMENTS. To qualify for
14 expedited credentialing under this subchapter and payment under
15 Section 1452.154, an applicant podiatrist must:

16 (1) be licensed as a podiatrist in this state by, and
17 be in good standing with, the Texas Department of Licensing and
18 Regulation [~~State Board of Podiatric Medical Examiners~~];

19 (2) submit all documentation and other information
20 required by the issuer of the managed care plan as necessary to
21 enable the issuer to begin the credentialing process required by
22 the issuer to include a podiatrist in the issuer's health benefit
23 plan network; and

24 (3) agree to comply with the terms of the managed care
25 plan's participating provider contract currently in force with the
26 applicant podiatrist's established professional practice.

27 SECTION 19.017. Section 56.002, Occupations Code, is

1 amended to read as follows:

2 Sec. 56.002. APPLICABILITY. This chapter applies only to
3 the following licensing authorities:

- 4 (1) Texas Board of Chiropractic Examiners;
- 5 (2) State Board of Dental Examiners;
- 6 (3) Texas Department of Licensing and Regulation, with
7 respect to the department's authority to regulate podiatrists
8 ~~[State Board of Podiatric Medical Examiners]~~; and
- 9 (4) Texas Medical ~~[State]~~ Board ~~[of Medical~~
10 ~~Examiners]~~.

11 SECTION 19.018. Section [101.002](#), Occupations Code, is
12 amended to read as follows:

13 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists
14 of 14 members, with one member appointed by each of the following:

- 15 (1) the Texas Board of Chiropractic Examiners;
- 16 (2) the State Board of Dental Examiners;
- 17 (3) the Texas Optometry Board;
- 18 (4) the Texas State Board of Pharmacy;
- 19 (5) the Texas Department of Licensing and Regulation
20 ~~[State Board of Podiatric Medical Examiners]~~;
- 21 (6) the State Board of Veterinary Medical Examiners;
- 22 (7) the Texas Medical Board;
- 23 (8) the Texas Board of Nursing;
- 24 (9) the Texas State Board of Examiners of
25 Psychologists;
- 26 (10) the Texas Funeral Service Commission;
- 27 (11) the entity that regulates the practice of

1 physical therapy;

2 (12) the entity that regulates the practice of
3 occupational therapy;

4 (13) the health licensing division of the Health and
5 Human Services Commission [~~Department of State Health Services~~];
6 and

7 (14) the governor's office.

8 SECTION 19.019. Section 104.003(g), Occupations Code, is
9 amended to read as follows:

10 (g) A person who is licensed by the Texas Department of
11 Licensing and Regulation to practice podiatry [~~State Board of~~
12 ~~Podiatric Medical Examiners~~] shall use:

- 13 (1) chiropodist;
- 14 (2) doctor, D.S.C.;
- 15 (3) doctor of surgical chiropody;
- 16 (4) D.S.C.;
- 17 (5) podiatrist;
- 18 (6) doctor, D.P.M.;
- 19 (7) doctor of podiatric medicine; or
- 20 (8) D.P.M.

21 SECTION 19.020. Section 601.251, Occupations Code, is
22 amended to read as follows:

23 Sec. 601.251. APPLICABILITY. This subchapter applies to
24 the:

- 25 (1) Texas Board of Nursing;
- 26 (2) Texas Board of Chiropractic Examiners;
- 27 (3) State Board of Dental Examiners;

1 (4) Texas Medical Board;

2 (5) Texas Department of Licensing and Regulation, with
3 respect to the department's authority to regulate podiatrists
4 [State Board of Podiatric Medical Examiners]; and

5 (6) Texas Physician Assistant Board.

6 ARTICLE 20. NONSUBSTANTIVE REVISION OF CHAPTER 10, CODE OF
7 CRIMINAL PROCEDURE: PROVISIONS RELATING TO REMOVAL OF HIGHWAY
8 OBSTRUCTION THAT IS SUBJECT OF CRIMINAL PROSECUTION

9 SECTION 20.001. Subtitle Z, Title 6, Transportation Code,
10 is amended by adding Chapter 473 to read as follows:

11 CHAPTER 473. REMOVAL OF HIGHWAY OBSTRUCTION THAT IS SUBJECT OF
12 CRIMINAL PROSECUTION

13 Sec. 473.001. ORDER TO REMOVE HIGHWAY OBSTRUCTION. (a)
14 After a criminal prosecution begins against a person for
15 obstructing a highway, any person, in behalf of the public, may
16 apply to the county judge of the county in which the highway is
17 located for an order to remove the obstruction.

18 (b) On hearing proof regarding an application to remove an
19 obstruction, the county judge, either in term time or in vacation,
20 may issue to the sheriff or other proper officer of the county a
21 written order directing that officer to remove the obstruction.
22 (Code Crim. Proc., Art. 10.01 (part).)

23 Sec. 473.002. BOND REQUIRED. (a) Before an order may be
24 issued under Section 473.001, the applicant for the order must give
25 bond with security to indemnify the defendant, in case of the
26 defendant's acquittal, for any loss sustained by the defendant.

27 (b) The amount of the bond must be set by the county judge.

1 (c) The bond must be approved by the county judge and shall
2 be filed with the papers in the case. (Code Crim. Proc., Art. 10.01
3 (part).)

4 Sec. 473.003. DEFENDANT'S RECOVERY OF BOND AMOUNT ON
5 ACQUITTAL. (a) If the defendant is acquitted in the criminal case
6 described by Section 473.001(a), the defendant may maintain a civil
7 action against the applicant and the applicant's sureties on the
8 bond.

9 (b) The defendant may recover the full amount of the bond,
10 or an amount of damages that is less than the amount of the bond, as
11 may be assessed by a court or jury, if the defendant shows at trial
12 that, at the time the defendant placed the obstruction, the
13 obstruction was located on the defendant's own property or on
14 property in the defendant's lawful possession and not on a public
15 highway established by proper authority. (Code Crim. Proc., Art.
16 10.02.)

17 Sec. 473.004. REMOVAL OF HIGHWAY OBSTRUCTION ON CONVICTION.
18 On the conviction of a defendant for obstructing a public highway,
19 if the obstruction still exists, the court shall order the sheriff
20 or other proper officer to immediately remove the obstruction at
21 the defendant's cost, to be imposed and collected as other costs in
22 the case. (Code Crim. Proc., Art. 10.03.)

23 SECTION 20.002. Chapter 10, Code of Criminal Procedure, is
24 repealed.

25 ARTICLE 21. REDESIGNATIONS

26 SECTION 21.001. The following provisions of enacted codes
27 are redesignated to eliminate duplicate citations:

1 (1) Article [2.023](#), Code of Criminal Procedure, as
2 added by Chapter 686 (H.B. 34), Acts of the 85th Legislature,
3 Regular Session, 2017, is redesignated as Article 2.024, Code of
4 Criminal Procedure.

5 (2) Subsection (d), Article [2.13](#), Code of Criminal
6 Procedure, as added by Chapter 34 (S.B. 1576), Acts of the 85th
7 Legislature, Regular Session, 2017, is redesignated as Subsection
8 (f), Article [2.13](#), Code of Criminal Procedure.

9 (3) Section 12, Article [42.01](#), Code of Criminal
10 Procedure, as added by Chapter 443 (S.B. 500), Acts of the 85th
11 Legislature, Regular Session, 2017, is redesignated as Section 13,
12 Article [42.01](#), Code of Criminal Procedure.

13 (4) Subsection (b), Article [42A.511](#), Code of Criminal
14 Procedure, as added by Chapter 739 (S.B. 1232), Acts of the 85th
15 Legislature, Regular Session, 2017, is redesignated as Subsection
16 (c), Article [42A.511](#), Code of Criminal Procedure.

17 (5) Subsection (f), Section [25.081](#), Education Code, as
18 added by Chapter 1144 (H.B. 441), Acts of the 85th Legislature,
19 Regular Session, 2017, is redesignated as Subsection (g), Section
20 [25.081](#), Education Code.

21 (6) Subsection (b-1), Section [28.009](#), Education Code,
22 as added by Chapter 729 (S.B. 1091), Acts of the 85th Legislature,
23 Regular Session, 2017, is redesignated as Subsection (b-3), Section
24 [28.009](#), Education Code.

25 (7) Subsection (a-2), Section [42.006](#), Education Code,
26 as added by Chapter 916 (S.B. 1404), Acts of the 85th Legislature,
27 Regular Session, 2017, is redesignated as Subsection (a-5), Section

1 42.006, Education Code.

2 (8) Section 130.0828, Education Code, as added by
3 Chapter 181 (S.B. 286), Acts of the 85th Legislature, Regular
4 Session, 2017, is redesignated as Section 130.08285, Education
5 Code.

6 (9) Subchapter L, Chapter 130, Education Code, as
7 added by Chapter 510 (H.B. 2994), Acts of the 85th Legislature,
8 Regular Session, 2017, is redesignated as Subchapter M, Chapter
9 130, Education Code, and Sections 130.301, 130.302, 130.303,
10 130.304, and 130.305, Education Code, as added by that Act, are
11 redesignated as Sections 130.351, 130.352, 130.353, 130.354, and
12 130.355, Education Code, respectively.

13 (10) Section 63.0013, Election Code, as added by
14 Chapter 980 (H.B. 658), Acts of the 85th Legislature, Regular
15 Session, 2017, is redesignated as Section 63.0015, Election Code.

16 (11) Section 276.011, Election Code, as added by
17 Chapter 828 (H.B. 1735), Acts of the 85th Legislature, Regular
18 Session, 2017, is redesignated as Section 276.012, Election Code.

19 (12) Section 261.004, Family Code, as added by Chapter
20 316 (H.B. 5), Acts of the 85th Legislature, Regular Session, 2017,
21 is redesignated as Section 261.005, Family Code.

22 (13) Subsection (j), Section 261.301, Family Code, as
23 added by Chapter 356 (H.B. 2124), Acts of the 85th Legislature,
24 Regular Session, 2017, is redesignated as Subsection (k), Section
25 261.301, Family Code.

26 (14) Section 261.3017, Family Code, as added by
27 Chapter 523 (S.B. 190), Acts of the 85th Legislature, Regular

1 Session, 2017, is redesignated as Section 261.3018, Family Code.

2 (15) Section 262.013, Family Code, as added by Chapter
3 910 (S.B. 999), Acts of the 85th Legislature, Regular Session,
4 2017, is redesignated as Section 262.015, Family Code.

5 (16) Section 264.1211, Family Code, as added by
6 Chapter 333 (H.B. 928), Acts of the 85th Legislature, Regular
7 Session, 2017, is redesignated as Section 264.1212, Family Code.

8 (17) Section 264.1211, Family Code, as added by
9 Chapter 1076 (H.B. 3338), Acts of the 85th Legislature, Regular
10 Session, 2017, is redesignated as Section 264.1213, Family Code.

11 (18) Section 264.2042, Family Code, as added by
12 Chapter 319 (S.B. 11), Acts of the 85th Legislature, Regular
13 Session, 2017, is redesignated as Section 264.2044, Family Code.

14 (19) Chapter 280, Finance Code, as added by Chapter
15 376 (H.B. 3921), Acts of the 85th Legislature, Regular Session,
16 2017, is redesignated as Chapter 281, Finance Code, and Sections
17 280.001, 280.002, 280.003, 280.004, 280.005, and 280.006, Finance
18 Code, as added by that Act, are redesignated as Sections 281.001,
19 281.002, 281.003, 281.004, 281.005, and 281.006, Finance Code,
20 respectively.

21 (20) Subsection (k), Section 53.001, Government Code,
22 as added by Chapter 972 (S.B. 2174), Acts of the 85th Legislature,
23 Regular Session, 2017, is redesignated as Subsection (m), Section
24 53.001, Government Code.

25 (21) Subchapter D, Chapter 155, Government Code, as
26 added by Chapter 715 (S.B. 36), Acts of the 85th Legislature,
27 Regular Session, 2017, is redesignated as Subchapter F, Chapter

1 155, Government Code, and Sections 155.151, 155.152, 155.153, and
2 155.154, Government Code, as added by that Act, are redesignated as
3 Sections 155.251, 155.252, 155.253, and 155.254, Government Code,
4 respectively.

5 (22) Section 434.024, Government Code, as added by
6 Chapter 387 (S.B. 588), Acts of the 85th Legislature, Regular
7 Session, 2017, is redesignated as Section 434.025, Government Code.

8 (23) Section 442.019, Government Code, as added by
9 Chapter 838 (H.B. 2079), Acts of the 85th Legislature, Regular
10 Session, 2017, is redesignated as Section 442.0195, Government
11 Code.

12 (24) Section 531.0999, Government Code, as added by
13 Chapter 561 (S.B. 578), Acts of the 85th Legislature, Regular
14 Session, 2017, is redesignated as Section 531.0925, Government
15 Code.

16 (25) Section 531.0999, Government Code, as added by
17 Chapter 770 (H.B. 13), Acts of the 85th Legislature, Regular
18 Session, 2017, is redesignated as Section 531.0991, Government
19 Code.

20 (26) Section 662.065, Government Code, as added by
21 Chapter 1139 (H.B. 297), Acts of the 85th Legislature, Regular
22 Session, 2017, is redesignated as Section 662.067, Government Code.

23 (27) Section 662.065, Government Code, as added by
24 Chapter 692 (H.B. 208), Acts of the 85th Legislature, Regular
25 Session, 2017, is redesignated as Section 662.068, Government Code.

26 (28) Section 662.065, Government Code, as added by
27 Chapter 1133 (H.B. 210), Acts of the 85th Legislature, Regular

1 Session, 2017, is redesignated as Section 662.069, Government Code.

2 (29) Section 662.065, Government Code, as added by
3 Chapter 1002 (H.B. 1254), Acts of the 85th Legislature, Regular
4 Session, 2017, is redesignated as Section 662.070, Government Code.

5 (30) Section 772.0073, Government Code, as added by
6 Chapter 188 (S.B. 12), Acts of the 85th Legislature, Regular
7 Session, 2017, is redesignated as Section 772.0075, Government
8 Code.

9 (31) Section 772.0073, Government Code, as added by
10 Chapter 4 (S.B. 4), Acts of the 85th Legislature, Regular Session,
11 2017, is redesignated as Section 772.0076, Government Code.

12 (32) Section 810.002, Government Code, as added by
13 Chapter 443 (S.B. 500), Acts of the 85th Legislature, Regular
14 Session, 2017, is redesignated as Section 810.003, Government Code.

15 (33) Subchapter F, Chapter 2252, Government Code, as
16 added by Chapter 597 (S.B. 1289), Acts of the 85th Legislature,
17 Regular Session, 2017, is redesignated as Subchapter G, Chapter
18 2252, Government Code.

19 (34) Section 2256.0206, Government Code, as added by
20 Chapter 344 (H.B. 1472), Acts of the 85th Legislature, Regular
21 Session, 2017, is redesignated as Section 2256.0207, Government
22 Code.

23 (35) Chapter 2270, Government Code, as added by
24 Chapter 1 (H.B. 89), Acts of the 85th Legislature, Regular Session,
25 2017, is redesignated as Chapter 2271, Government Code, and
26 Sections 2270.001 and 2270.002, Government Code, as added by that
27 Act, are redesignated as Sections 2271.001 and 2271.002, Government

1 Code, respectively.

2 (36) Section [191.009](#), Health and Safety Code, as added
3 by Chapter 737 (S.B. 1205), Acts of the 85th Legislature, Regular
4 Session, 2017, is redesignated as Section 191.010, Health and
5 Safety Code.

6 (37) Subsection (a-1), Section [364.011](#), Health and
7 Safety Code, as added by Chapter 70 (S.B. 1229), Acts of the 85th
8 Legislature, Regular Session, 2017, is redesignated as Subsection
9 (a-2), Section [364.011](#), Health and Safety Code.

10 (38) Subsection (n), Section [1701.253](#), Occupations
11 Code, as added by Chapter 513 (S.B. 30), Acts of the 85th
12 Legislature, Regular Session, 2017, is redesignated as Subsection
13 (o), Section [1701.253](#), Occupations Code.

14 (39) Subsection (b-2), Section [22.01](#), Penal Code, as
15 added by Chapter 34 (S.B. 1576), Acts of the 85th Legislature,
16 Regular Session, 2017, is redesignated as Subsection (b-3), Section
17 [22.01](#), Penal Code.

18 (40) Subdivision (18), Section [46.01](#), Penal Code, as
19 added by Chapter 814 (H.B. 913), Acts of the 85th Legislature,
20 Regular Session, 2017, is redesignated as Subdivision (19), Section
21 [46.01](#), Penal Code.

22 (41) Section [48.03](#), Penal Code, as added by Chapter
23 697 (H.B. 810), Acts of the 85th Legislature, Regular Session,
24 2017, is redesignated as Section 48.04, Penal Code.

25 (42) Chapter [7998](#), Special District Local Laws Code,
26 as added by Chapter 621 (H.B. 4275), Acts of the 85th Legislature,
27 Regular Session, 2017, is redesignated as Chapter 8000, Special

1 District Local Laws Code, and Sections 7998.001, 7998.002,
2 7998.003, 7998.004, 7998.005, 7998.006, 7998.051, 7998.052,
3 7998.101, 7998.102, 7998.103, 7998.104, 7998.105, 7998.106,
4 7998.151, 7998.152, 7998.153, 7998.201, 7998.202, and 7998.203,
5 Special District Local Laws Code, as added by that Act, are
6 redesignated as Sections 8000.001, 8000.002, 8000.003, 8000.004,
7 8000.005, 8000.006, 8000.051, 8000.052, 8000.101, 8000.102,
8 8000.103, 8000.104, 8000.105, 8000.106, 8000.151, 8000.152,
9 8000.153, 8000.201, 8000.202, and 8000.203, Special District Local
10 Laws Code, respectively.

11 (43) Section 23.524, Tax Code, as added by Chapter 365
12 (H.B. 3198), Acts of the 85th Legislature, Regular Session, 2017,
13 is redesignated as Section 23.525, Tax Code.

14 (44) Section 22.091, Transportation Code, as added by
15 Chapter 723 (S.B. 1024), Acts of the 85th Legislature, Regular
16 Session, 2017, is redesignated as Section 22.092, Transportation
17 Code.

18 (45) Section 223.051, Transportation Code, as added by
19 Chapter 1155 (S.B. 82), Acts of the 85th Legislature, Regular
20 Session, 2017, is redesignated as Section 223.052, Transportation
21 Code.

22 (46) Section 225.123, Transportation Code, as added by
23 Chapter 54 (H.B. 409), Acts of the 85th Legislature, Regular
24 Session, 2017, is redesignated as Section 225.134, Transportation
25 Code.

26 (47) Section 225.123, Transportation Code, as added by
27 Chapter 85 (H.B. 947), Acts of the 85th Legislature, Regular

1 Session, 2017, is redesignated as Section 225.135, Transportation
2 Code.

3 (48) Section 225.123, Transportation Code, as added by
4 Chapter 114 (H.B. 216), Acts of the 85th Legislature, Regular
5 Session, 2017, is redesignated as Section 225.136, Transportation
6 Code.

7 (49) Section 225.123, Transportation Code, as added by
8 Chapter 176 (H.B. 3536), Acts of the 85th Legislature, Regular
9 Session, 2017, is redesignated as Section 225.137, Transportation
10 Code.

11 (50) Section 225.123, Transportation Code, as added by
12 Chapter 209 (H.B. 1221), Acts of the 85th Legislature, Regular
13 Session, 2017, is redesignated as Section 225.138, Transportation
14 Code.

15 (51) Section 225.123, Transportation Code, as added by
16 Chapter 367 (H.B. 3283), Acts of the 85th Legislature, Regular
17 Session, 2017, is redesignated as Section 225.139, Transportation
18 Code.

19 (52) Section 225.123, Transportation Code, as added by
20 Chapter 375 (H.B. 3917), Acts of the 85th Legislature, Regular
21 Session, 2017, is redesignated as Section 225.140, Transportation
22 Code.

23 (53) Section 225.123, Transportation Code, as added by
24 Chapter 732 (S.B. 1099), Acts of the 85th Legislature, Regular
25 Session, 2017, is redesignated as Section 225.141, Transportation
26 Code.

27 (54) Section 225.123, Transportation Code, as added by

1 Chapter 998 (H.B. 1162), Acts of the 85th Legislature, Regular
2 Session, 2017, is redesignated as Section 225.142, Transportation
3 Code.

4 (55) Section 225.123, Transportation Code, as added by
5 Chapter 55 (H.B. 1483), Acts of the 85th Legislature, Regular
6 Session, 2017, is redesignated as Section 225.143, Transportation
7 Code.

8 (56) Section 225.123, Transportation Code, as added by
9 Chapter 247 (H.B. 938), Acts of the 85th Legislature, Regular
10 Session, 2017, is redesignated as Section 225.144, Transportation
11 Code.

12 (57) Section 225.123, Transportation Code, as added by
13 Chapter 255 (H.B. 1303), Acts of the 85th Legislature, Regular
14 Session, 2017, is redesignated as Section 225.145, Transportation
15 Code.

16 (58) Section 225.123, Transportation Code, as added by
17 Chapter 309 (S.B. 867), Acts of the 85th Legislature, Regular
18 Session, 2017, is redesignated as Section 225.146, Transportation
19 Code.

20 (59) Section 225.123, Transportation Code, as added by
21 Chapter 492 (H.B. 2675), Acts of the 85th Legislature, Regular
22 Session, 2017, is redesignated as Section 225.147, Transportation
23 Code.

24 (60) Section 225.123, Transportation Code, as added by
25 Chapter 936 (S.B. 1732), Acts of the 85th Legislature, Regular
26 Session, 2017, is redesignated as Section 225.148, Transportation
27 Code.

1 (61) Section [225.123](#), Transportation Code, as added by
2 Section 2, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature,
3 Regular Session, 2017, is redesignated as Section 225.149,
4 Transportation Code.

5 (62) Section [225.123](#), Transportation Code, as added by
6 Section 3, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature,
7 Regular Session, 2017, is redesignated as Section 225.150,
8 Transportation Code.

9 (63) Section [225.125](#), Transportation Code, as added by
10 Chapter 711 (H.B. 3964), Acts of the 85th Legislature, Regular
11 Session, 2017, is redesignated as Section 225.151, Transportation
12 Code.

13 (64) Section [504.323](#), Transportation Code, as added by
14 Chapter 274 (H.B. 2115), Acts of the 85th Legislature, Regular
15 Session, 2017, is redesignated as Section 504.324, Transportation
16 Code.

17 (65) Section [504.668](#), Transportation Code, as added by
18 Chapter 116 (H.B. 263), Acts of the 85th Legislature, Regular
19 Session, 2017, is redesignated as Section 504.669, Transportation
20 Code.

21 (66) Section [504.668](#), Transportation Code, as added by
22 Chapter 1003 (H.B. 1256), Acts of the 85th Legislature, Regular
23 Session, 2017, is redesignated as Section 504.670, Transportation
24 Code.

25 (67) Section [521.0062](#), Transportation Code, as added
26 by Chapter 1078 (H.B. 3359), Acts of the 85th Legislature, Regular
27 Session, 2017, is redesignated as Section 521.0063, Transportation

1 Code.

2 (68) Subchapter U, Chapter 623, Transportation Code,
3 as added by Chapter 750 (S.B. 1383), Acts of the 85th Legislature,
4 Regular Session, 2017, is redesignated as Subchapter V, Chapter
5 623, Transportation Code, and Sections 623.401, 623.402, 623.403,
6 623.404, 623.405, 623.406, and 623.407, Transportation Code, as
7 added by that Act, are redesignated as Sections 623.421, 623.422,
8 623.423, 623.424, 623.425, 623.426, and 623.427, Transportation
9 Code, respectively.

10 (69) Section 13.148, Water Code, as added by Chapter
11 305 (H.B. 1461), Acts of the 83rd Legislature, Regular Session,
12 2013, is redesignated as Section 13.149, Water Code.

13 SECTION 21.002. The following changes are made to conform
14 the provisions amended to the redesignating changes made by Section
15 21.001 of this Act and to correct cross-references:

16 (1) Article 42.0196, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 42.0196. FINDING REGARDING OFFENSE RELATED TO
19 PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense
20 described by Section 810.003 [~~810.002~~], Government Code, the judge
21 shall make an affirmative finding of fact and enter the affirmative
22 finding in the judgment in the case if the judge determines that the
23 defendant is:

24 (1) a member of the elected class described by Section
25 810.003(b)(1) [~~810.002(b)(1)~~], Government Code, while a member of
26 the Employees Retirement System of Texas; or

27 (2) a holder of an elected office for which the

1 defendant wholly or partly became eligible for membership in a
2 public retirement system.

3 (b) A judge who makes the affirmative finding described by
4 this article shall make the determination and provide the notice
5 required by Section 810.003(k) [~~810.002(k)~~], Government Code.

6 (2) Section 130.352, Education Code, as redesignated
7 from Section 130.302, Education Code, by Section 21.001 of this
8 Act, is amended to read as follows:

9 Sec. 130.352 [~~130.302~~]. FORMULA FUNDING FOR WORKFORCE
10 CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or
11 any other law, contact hours attributable to the enrollment of a
12 student in a workforce continuing education course offered by a
13 public junior college shall be included in the contact hours used to
14 determine the college's proportionate share of state money
15 appropriated and distributed to public junior colleges under
16 Sections 130.003 and 130.0031, regardless of whether the college
17 waives all or part of the tuition or fees for the course under
18 Section 130.354 [~~130.304~~].

19 (3) Section 130.354, Education Code, as redesignated
20 from Section 130.304, Education Code, by Section 21.001 of this
21 Act, is amended to read as follows:

22 Sec. 130.354 [~~130.304~~]. WAIVER OF TUITION AND FEES FOR
23 WORKFORCE CONTINUING EDUCATION COURSES. A public junior college
24 may waive all or part of the tuition or fees charged to a student for
25 a workforce continuing education course only if:

26 (1) the student:

27 (A) is enrolled in high school or in a school

1 described by Section 130.353(a)(2) [~~130.303(a)(2)~~];

2 (B) is 16 years of age or older, has had the
3 disabilities of minority removed, and is not enrolled in secondary
4 education; or

5 (C) is under the age of 18 and is incarcerated;

6 (2) all or a significant portion of the college's costs
7 for facilities, instructor salaries, equipment, and other expenses
8 for the course are covered by business, industry, or other local
9 public or private entities; or

10 (3) the course is taught in a federal correctional
11 facility and the facilities, equipment, supplies, and other
12 expenses for the course are funded by the federal government.

13 (4) Subsection (d), Section 63.0015, Election Code, as
14 redesignated from Subsection (d), Section ~~63.0013~~, Election Code,
15 by Section 21.001 of this Act, is amended to read as follows:

16 (d) The notice required by Subsection (c) must read:
17 "Pursuant to Section 63.0015 [~~63.0013~~], Election Code, an election
18 officer may give voting order priority to individuals with a
19 mobility problem that substantially impairs the person's ability to
20 move around. A person assisting an individual with a mobility
21 problem may also, at the individual's request, be given voting
22 order priority. Disabilities and conditions that may qualify you
23 for voting order priority include paralysis, lung disease, the use
24 of portable oxygen, cardiac deficiency, severe limitation in the
25 ability to walk due to arthritic, neurological, or orthopedic
26 condition, wheelchair confinement, arthritis, foot disorder, the
27 inability to walk 200 feet without stopping to rest, or use of a

1 brace, cane, crutch, or other assistive device."

2 (5) Section 1104.359(a), Estates Code, is amended to
3 read as follows:

4 (a) A guardianship program may not be appointed guardian:

5 (1) if the program is not registered as required under
6 Subchapter F [~~D~~], Chapter 155, Government Code;

7 (2) if a registration certificate issued to the
8 program under Subchapter F [~~D~~], Chapter 155, Government Code, is
9 expired or refused renewal, or has been revoked and not been
10 reissued; or

11 (3) during the time a registration certificate issued
12 to the program under Subchapter F [~~D~~], Chapter 155, Government
13 Code, is suspended.

14 (6) Section 281.003, Finance Code, as redesignated
15 from Section 280.003, Finance Code, by Section 21.001 of this Act,
16 is amended to read as follows:

17 Sec. 281.003 [~~280.003~~]. NOTIFYING THIRD PARTIES OF
18 SUSPECTED FINANCIAL EXPLOITATION OF VULNERABLE ADULTS. If a
19 financial institution submits a report of suspected financial
20 exploitation of a vulnerable adult to the department under Section
21 281.002(b) [~~280.002(b)~~], the financial institution may at the time
22 the financial institution submits the report also notify a third
23 party reasonably associated with the vulnerable adult of the
24 suspected financial exploitation, unless the financial institution
25 suspects the third party of financial exploitation of the
26 vulnerable adult.

27 (7) Subsections (a) and (b), Section 281.004, Finance

1 Code, as redesignated from Subsections (a) and (b), Section
2 280.004, Finance Code, by Section 21.001 of this Act, are amended to
3 read as follows:

4 (a) Notwithstanding any other law, if a financial
5 institution submits a report of suspected financial exploitation of
6 a vulnerable adult to the department under Section 281.002(b)
7 [~~280.002(b)~~], the financial institution:

8 (1) may place a hold on any transaction that:

9 (A) involves an account of the vulnerable adult;
10 and

11 (B) the financial institution has cause to
12 believe is related to the suspected financial exploitation; and

13 (2) must place a hold on any transaction involving an
14 account of the vulnerable adult if the hold is requested by the
15 department or a law enforcement agency.

16 (b) Subject to Subsection (c), a hold placed on any
17 transaction under Subsection (a) expires on the 10th business day
18 after the date the financial institution submits the report under
19 Section 281.002(b) [~~280.002(b)~~].

20 (8) Section 281.005, Finance Code, as redesignated
21 from Section 280.005, Finance Code, by Section 21.001 of this Act,
22 is amended to read as follows:

23 Sec. 281.005 [~~280.005~~]. IMMUNITY. (a) An employee of a
24 financial institution who makes a notification under Section
25 281.002(a) [~~280.002(a)~~], a financial institution that submits a
26 report under Section 281.002(b) [~~280.002(b)~~] or makes a
27 notification to a third party under Section 281.003 [~~280.003~~], or

1 an employee who or financial institution that testifies or
2 otherwise participates in a judicial proceeding arising from a
3 notification or report is immune from any civil or criminal
4 liability arising from the notification, report, testimony, or
5 participation in the judicial proceeding, unless the employee or
6 financial institution acted in bad faith or with a malicious
7 purpose.

8 (b) A financial institution that in good faith and with the
9 exercise of reasonable care places or does not place a hold on any
10 transaction under Section 281.004(a)(1) [~~280.004(a)(1)~~] is immune
11 from any civil or criminal liability or disciplinary action
12 resulting from that action or failure to act.

13 (9) Section 53.0071, Government Code, is amended to
14 read as follows:

15 Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the
16 appointing judge provides otherwise in the order of appointment, a
17 bailiff appointed under Section 53.001(b), (g), [~~or~~] (k), or (m) or
18 53.002(c), (e), or (f) is a "peace officer" for purposes of Article
19 2.12, Code of Criminal Procedure.

20 (10) Subsection (b), Section 155.253, Government
21 Code, as redesignated from Subsection (b), Section 155.153,
22 Government Code, by Section 21.001 of this Act, is amended to read
23 as follows:

24 (b) The supreme court shall adopt rules and procedures for
25 issuing, renewing, suspending, or revoking a registration
26 certificate under this section. Rules adopted by the supreme court
27 under this section must:

1 (1) ensure compliance with the standards adopted under
2 Section 155.252 [~~155.152~~];

3 (2) provide that the commission establish
4 qualifications for obtaining and maintaining a registration
5 certificate;

6 (3) provide that a registration certificate expires on
7 the second anniversary of the date the certificate is issued;

8 (4) prescribe procedures for accepting complaints and
9 conducting investigations of alleged violations by guardianship
10 programs of the standards adopted under Section 155.252 [~~155.152~~]
11 or other violations of this chapter or other applicable state law;

12 (5) prescribe procedures by which the commission,
13 after notice and hearing, may suspend or revoke the registration
14 certificate of a guardianship program that does not substantially
15 comply with the standards adopted under Section 155.252 [~~155.152~~]
16 or other provisions of this chapter or other applicable state law;
17 and

18 (6) prescribe procedures for addressing a
19 guardianship for which a guardianship program is the appointed
20 guardian if the guardianship program's registration certificate is
21 expired or refused renewal, or has been revoked and not been
22 reissued.

23 (11) Subsection (a), Section 364.034, Health and
24 Safety Code, is amended to read as follows:

25 (a) A public agency or a county may:

26 (1) offer solid waste disposal service to persons in
27 its territory, including, in the case of a county described by

1 Section 364.011(a-2)(2) [~~364.011(a-1)(2)~~], an area of the county
2 located within the extraterritorial jurisdiction of a municipality
3 if the municipality does not provide solid waste disposal services
4 in that area;

5 (2) require the use of the service by those persons,
6 except as provided by Subsection (a-1);

7 (3) charge fees for the service; and

8 (4) establish the service as a utility separate from
9 other utilities in its territory.

10 (12) Section 364.0345, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED
13 SERVICE IN CERTAIN AREAS. The commissioners court of a county
14 described by Section 364.011(a-2)(2) [~~364.011(a-1)(2)~~] that
15 requires the use of a county solid waste disposal service under
16 Section 364.034 in the extraterritorial jurisdiction of a
17 municipality may adopt orders to enforce the requirement, including
18 an order establishing a civil or administrative penalty in an
19 amount reasonable and necessary to ensure compliance with the
20 requirement.

21 (13) Subsection (b), Section 1003.056, Health and
22 Safety Code, is amended to read as follows:

23 (b) This subchapter does not affect or authorize a person to
24 violate any law regulating the possession, use, or transfer of
25 fetal tissue, fetal stem cells, adult stem cells, or human organs,
26 including Sections 48.02 and 48.04 [~~48.03~~], Penal Code.

27 (14) Subsection (f), Section 22.01, Penal Code, is

1 amended to read as follows:

2 (f) For the purposes of Subsections (b)(2)(A) and (b-3)(2)
3 [~~(b-2)(2)~~]:

4 (1) a defendant has been previously convicted of an
5 offense listed in those subsections committed against a person
6 whose relationship to or association with the defendant is
7 described by Section 71.0021(b), 71.003, or 71.005, Family Code, if
8 the defendant was adjudged guilty of the offense or entered a plea
9 of guilty or nolo contendere in return for a grant of deferred
10 adjudication, regardless of whether the sentence for the offense
11 was ever imposed or whether the sentence was probated and the
12 defendant was subsequently discharged from community supervision;
13 and

14 (2) a conviction under the laws of another state for an
15 offense containing elements that are substantially similar to the
16 elements of an offense listed in those subsections is a conviction
17 of the offense listed.

18 (15) Section 8000.004, Special District Local Laws
19 Code, as redesignated from Section 7998.004, Special District Local
20 Laws Code, by Section 21.001 of this Act, is amended to read as
21 follows:

22 Sec. 8000.004 [~~7998.004~~]. CONSENT OF MUNICIPALITY
23 REQUIRED. The temporary directors may not hold an election under
24 Section 8000.003 [~~7998.003~~] until each municipality in whose
25 corporate limits or extraterritorial jurisdiction the district is
26 located has consented by ordinance or resolution to the creation of
27 the district and to the inclusion of land in the district.

1 (16) Subsection (b), Section 8000.051, Special
2 District Local Laws Code, as redesignated from Subsection (b),
3 Section 7998.051, Special District Local Laws Code, by Section
4 21.001 of this Act, is amended to read as follows:

5 (b) Except as provided by Section 8000.052 [~~7998.052~~],
6 directors serve staggered four-year terms.

7 (17) Subsections (b) and (c), Section 8000.052,
8 Special District Local Laws Code, as redesignated from Subsections
9 (b) and (c), Section 7998.052, Special District Local Laws Code, by
10 Section 21.001 of this Act, are amended to read as follows:

11 (b) Temporary directors serve until the earlier of:

12 (1) the date permanent directors are elected under
13 Section 8000.003 [~~7998.003~~]; or

14 (2) the fourth anniversary of the effective date of
15 the Act enacting this chapter.

16 (c) If permanent directors have not been elected under
17 Section 8000.003 [~~7998.003~~] and the terms of the temporary
18 directors have expired, successor temporary directors shall be
19 appointed or reappointed as provided by Subsection (d) to serve
20 terms that expire on the earlier of:

21 (1) the date permanent directors are elected under
22 Section 8000.003 [~~7998.003~~]; or

23 (2) the fourth anniversary of the date of the
24 appointment or reappointment.

25 (18) Subsections (e) and (h), Section 8000.106,
26 Special District Local Laws Code, as redesignated from Subsections
27 (e) and (h), Section 7998.106, Special District Local Laws Code, by

1 Section 21.001 of this Act, are amended to read as follows:

2 (e) The board may adopt an order dividing the district
3 before or after the date the board holds an election under Section
4 8000.003 [~~7998.003~~] to confirm the district's creation.

5 (h) A new district created by the division of the district
6 shall hold a confirmation and directors' election as required by
7 Section 8000.003 [~~7998.003~~].

8 (19) Subsection (a), Section 8000.152, Special
9 District Local Laws Code, as redesignated from Subsection (a),
10 Section 7998.152, Special District Local Laws Code, by Section
11 21.001 of this Act, is amended to read as follows:

12 (a) If authorized at an election held under Section 8000.151
13 [~~7998.151~~], the district may impose an operation and maintenance
14 tax on taxable property in the district in accordance with Section
15 49.107, Water Code.

16 (20) Subsection (a-1), Section 621.508,
17 Transportation Code, is amended to read as follows:

18 (a-1) The affirmative defense provided by Subsection (a)
19 does not apply to the excess weights authorized under Section
20 623.421(b) [~~623.401(b)~~].

21 (21) Subsection (b), Section 623.003, Transportation
22 Code, as amended by Chapters 108 (S.B. 1524) and 750 (S.B. 1383),
23 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
24 and amended to read as follows:

25 (b) The Texas Department of Transportation shall provide
26 the department with all routing information necessary to complete a
27 permit issued under Section 623.071, 623.121, 623.142, 623.192, [~~623.192~~]

1 ~~623.401~~] 623.402, or 623.421.

2 (22) Subsection (a), Section 623.424, Transportation
3 Code, as redesignated from Subsection (a), Section 623.404,
4 Transportation Code, by Section 21.001 of this Act, is amended to
5 read as follows:

6 (a) Except as provided by Subsections (b) and (c), a vehicle
7 combination operating under a permit under this subchapter may
8 operate on a federal interstate highway or a state, county, or
9 municipal road, including a frontage road adjacent to a federal
10 interstate highway, if the truck-tractor displays a sticker
11 required by Section 623.422 [~~623.402~~] and the vehicle combination
12 does not exceed the maximum axle or gross weight applicable to the
13 combination under the terms of the permit.

14 (23) Section 623.425, Transportation Code, as
15 redesignated from Section 623.405, Transportation Code, by Section
16 21.001 of this Act, is amended to read as follows:

17 Sec. 623.425 [~~623.405~~]. CERTAIN COUNTY OR MUNICIPAL
18 ACTIONS PROHIBITED. Unless otherwise provided by state or federal
19 law, a county or municipality may not require a permit, fee, or
20 license for the operation of a vehicle combination described by
21 Section 623.421(a) [~~623.401(a)~~] or (b) in addition to a permit,
22 fee, or license required by state law.

23 (24) Subdivision (2), Subsection A, Section 45, The
24 Securities Act (Article 581-45, Vernon's Texas Civil Statutes), is
25 amended to read as follows:

26 (2) "Exploitation," "financial exploitation," and
27 "vulnerable adult" have the meanings assigned by Section 281.001

1 ~~[280.001]~~, Finance Code.

2 SECTION 21.003. The following provisions of enacted codes
3 are repealed to eliminate duplicate citations:

4 (1) Section 225.123, Transportation Code, as added by
5 Chapter 545 (S.B. 396), Acts of the 85th Legislature, Regular
6 Session, 2017, is repealed as duplicative of Section 225.128,
7 Transportation Code.

8 (2) Section 225.123, Transportation Code, as added by
9 Chapter 542 (S.B. 364), Acts of the 85th Legislature, Regular
10 Session, 2017, is repealed as duplicative of Section 225.131,
11 Transportation Code.

12 (3) Section 225.123, Transportation Code, as added by
13 Chapter 543 (S.B. 365), Acts of the 85th Legislature, Regular
14 Session, 2017, is repealed as duplicative of Section 225.132,
15 Transportation Code.

16 (4) Section 225.123, Transportation Code, as added by
17 Chapter 724 (S.B. 1037), Acts of the 85th Legislature, Regular
18 Session, 2017, is repealed as duplicative of Section 225.130,
19 Transportation Code.

20 (5) Section 225.124, Transportation Code, as added by
21 Section 2, Chapter 1008 (H.B. 1317), Acts of the 85th Legislature,
22 Regular Session, 2017, is repealed as duplicative of Section
23 225.129, Transportation Code.

24 ARTICLE 22. EFFECTIVE DATE

25 SECTION 22.001. This Act takes effect September 1, 2019.