By:  Craddick, Rose, Leach, Frank, Davis, H.B. No. 446

     et al.

A BILL TO BE ENTITLED

AN ACT

relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies.

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

ARTICLE 1. CIVIL PRACTICE AND REMEDIES CODE PROVISIONS

SECTION 1.01.  Sections 74.001(a)(11) and (18), Civil Practice and Remedies Code, are amended to read as follows:

(11)  "Health care institution" includes:

(A)  an ambulatory surgical center;

(B)  an assisted living facility licensed under Chapter 247, Health and Safety Code;

(C)  an emergency medical services provider;

(D)  a health services district created under Chapter 287, Health and Safety Code;

(E)  a home and community support services agency;

(F)  a hospice;

(G)  a hospital;

(H)  a hospital system;

(I)  an intermediate care facility for individuals with an intellectual disability [~~the mentally retarded~~] or a home and community-based services waiver program for individuals [~~persons~~] with an intellectual disability [~~mental retardation~~] adopted in accordance with Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n), as amended;

(J)  a nursing home; or

(K)  an end stage renal disease facility licensed under Section 251.011, Health and Safety Code.

(18)  "Intermediate care facility for individuals with an intellectual disability [~~the mentally retarded~~]" means a licensed public or private institution to which Chapter 252, Health and Safety Code, applies.

ARTICLE 2. CODE OF CRIMINAL PROCEDURE PROVISIONS

SECTION 2.01.  Article 46C.001(4), Code of Criminal Procedure, is amended to read as follows:

(4)  "Intellectual disability [~~Mental retardation~~]" has the meaning assigned by Section 591.003, Health and Safety Code.

SECTION 2.02.  Article 46C.105(c), Code of Criminal Procedure, is amended to read as follows:

(c)  The examiner shall submit a separate report stating the examiner's observations and findings concerning:

(1)  whether the defendant is presently a person with a mental illness and requires court-ordered mental health services under Subtitle C, Title 7, Health and Safety Code; or

(2)  whether the defendant is presently a person with an intellectual disability [~~mental retardation~~].

SECTION 2.03.  Article 46C.201, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.201.  DISPOSITION: NONDANGEROUS CONDUCT. (a) If the court determines that the offense of which the person was acquitted did not involve conduct that caused serious bodily injury to another person, placed another person in imminent danger of serious bodily injury, or consisted of a threat of serious bodily injury to another person through the use of a deadly weapon, the court shall determine whether there is evidence to support a finding that the person is a person with a mental illness or an intellectual disability [~~with mental retardation~~].

(b)  If the court determines that there is evidence to support a finding of mental illness or intellectual disability [~~mental retardation~~], the court shall enter an order transferring the person to the appropriate court for civil commitment proceedings to determine whether the person should receive court-ordered mental health services under Subtitle C, Title 7, Health and Safety Code, or be committed to a residential care facility to receive intellectual disability [~~mental retardation~~] services under Subtitle D, Title 7, Health and Safety Code. The court may also order the person:

(1)  detained in jail or any other suitable place pending the prompt initiation and prosecution of appropriate civil proceedings by the attorney representing the state or other person designated by the court; or

(2)  placed in the care of a responsible person on satisfactory security being given for the acquitted person's proper care and protection.

SECTION 2.04.  Article 46C.252(c), Code of Criminal Procedure, is amended to read as follows:

(c)  The report must address:

(1)  whether the acquitted person has a mental illness or an intellectual disability [~~mental retardation~~] and, if so, whether the mental illness or intellectual disability [~~mental retardation~~] is severe;

(2)  whether as a result of any severe mental illness or intellectual disability [~~mental retardation~~] the acquitted person is likely to cause serious harm to another;

(3)  whether as a result of any impairment the acquitted person is subject to commitment under Subtitle C or D, Title 7, Health and Safety Code;

(4)  prospective treatment and supervision options, if any, appropriate for the acquitted person; and

(5)  whether any required treatment and supervision can be safely and effectively provided as outpatient or community-based treatment and supervision.

SECTION 2.05.  Article 46C.253(b), Code of Criminal Procedure, is amended to read as follows:

(b)  At the hearing, the court shall address:

(1)  whether the person acquitted by reason of insanity has a severe mental illness or an intellectual disability [~~mental retardation~~];

(2)  whether as a result of any mental illness or intellectual disability [~~mental retardation~~] the person is likely to cause serious harm to another; and

(3)  whether appropriate treatment and supervision for any mental illness or intellectual disability [~~mental retardation~~] rendering the person dangerous to another can be safely and effectively provided as outpatient or community-based treatment and supervision.

SECTION 2.06.  Article 46C.255(c), Code of Criminal Procedure, is amended to read as follows:

(c)  If a hearing is held before a jury and the jury determines that the person has a mental illness or an intellectual disability [~~mental retardation~~] and is likely to cause serious harm to another, the court shall determine whether inpatient treatment or residential care is necessary to protect the safety of others.

SECTION 2.07.  Article 46C.256(a), Code of Criminal Procedure, is amended to read as follows:

(a)  The court shall order the acquitted person committed to a mental hospital or other appropriate facility for inpatient treatment or residential care if the state establishes by clear and convincing evidence that:

(1)  the person has a severe mental illness or an intellectual disability [~~mental retardation~~];

(2)  the person, as a result of that mental illness or intellectual disability [~~mental retardation~~], is likely to cause serious bodily injury to another if the person is not provided with treatment and supervision; and

(3)  inpatient treatment or residential care is necessary to protect the safety of others.

SECTION 2.08.  Article 46C.257(a), Code of Criminal Procedure, is amended to read as follows:

(a)  The court shall order the acquitted person to receive outpatient or community-based treatment and supervision if:

(1)  the state establishes by clear and convincing evidence that the person:

(A)  has a severe mental illness or an intellectual disability [~~mental retardation~~]; and

(B)  as a result of that mental illness or intellectual disability [~~mental retardation~~] is likely to cause serious bodily injury to another if the person is not provided with treatment and supervision; and

(2)  the state fails to establish by clear and convincing evidence that inpatient treatment or residential care is necessary to protect the safety of others.

SECTION 2.09.  Articles 46C.258(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a)  The head of the facility to which an acquitted person is committed has, during the commitment period, a continuing responsibility to determine:

(1)  whether the acquitted person continues to have a severe mental illness or an intellectual disability [~~mental retardation~~] and is likely to cause serious harm to another because of any severe mental illness or intellectual disability [~~mental retardation~~]; and

(2)  if so, whether treatment and supervision cannot be safely and effectively provided as outpatient or community-based treatment and supervision.

(b)  The head of the facility must notify the committing court and seek modification of the order of commitment if the head of the facility determines that an acquitted person no longer has a severe mental illness or an intellectual disability [~~mental retardation~~], is no longer likely to cause serious harm to another, or that treatment and supervision can be safely and effectively provided as outpatient or community-based treatment and supervision.

SECTION 2.10.  Article 46C.260(d), Code of Criminal Procedure, is amended to read as follows:

(d)  The executive commissioner shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illnesses or persons with intellectual disabilities [~~mental retardation~~], to determine whether the person is manifestly dangerous and, as a result of the danger the person presents, requires continued placement in a maximum security unit.

SECTION 2.11.  Article 46C.263(d), Code of Criminal Procedure, is amended to read as follows:

(d)  The court may order that supervision of the acquitted person be provided by the appropriate community supervision and corrections department or the facility administrator of a community center that provides mental health or intellectual disability [~~mental retardation~~] services.

SECTION 2.12.  Article 46C.268(f), Code of Criminal Procedure, is amended to read as follows:

(f)  The court shall discharge the acquitted person from all court-ordered commitment and treatment and supervision and terminate the court's jurisdiction over the person if the court finds that the acquitted person has established by a preponderance of the evidence that:

(1)  the acquitted person does not have a severe mental illness or an intellectual disability [~~mental retardation~~]; or

(2)  the acquitted person is not likely to cause serious harm to another because of any severe mental illness or intellectual disability [~~mental retardation~~].

ARTICLE 3. FAMILY CODE PROVISIONS

SECTION 3.01.  Sections 51.20(a), (b), (c), and (d), Family Code, are amended to read as follows:

(a)  At any stage of the proceedings under this title, including when a child is initially detained in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility, the juvenile court may, at its discretion or at the request of the child's parent or guardian, order a child who is referred to the juvenile court or who is alleged by a petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by a disinterested expert, including a physician, psychiatrist, or psychologist, qualified by education and clinical training in mental health or intellectual and developmental disabilities [~~mental retardation~~] and experienced in forensic evaluation, to determine whether the child has a mental illness as defined by Section 571.003, Health and Safety Code, is a person with an intellectual disability [~~mental retardation~~] as defined by Section 591.003, Health and Safety Code, or suffers from chemical dependency as defined by Section 464.001, Health and Safety Code. If the examination is to include a determination of the child's fitness to proceed, an expert may be appointed to conduct the examination only if the expert is qualified under Subchapter B, Chapter 46B, Code of Criminal Procedure, to examine a defendant in a criminal case, and the examination and the report resulting from an examination under this subsection must comply with the requirements under Subchapter B, Chapter 46B, Code of Criminal Procedure, for the examination and resulting report of a defendant in a criminal case.

(b)  If, after conducting an examination of a child ordered under Subsection (a) and reviewing any other relevant information, there is reason to believe that the child has a mental illness or an intellectual disability [~~mental retardation~~] or suffers from chemical dependency, the probation department shall refer the child to the local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority or to another appropriate and legally authorized agency or provider for evaluation and services, unless the prosecuting attorney has filed a petition under Section 53.04.

(c)  If, while a child is under deferred prosecution supervision or court-ordered probation, a qualified professional determines that the child has a mental illness or an intellectual disability [~~mental retardation~~] or suffers from chemical dependency and the child is not currently receiving treatment services for the mental illness, intellectual disability [~~mental retardation~~], or chemical dependency, the probation department shall refer the child to the local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority or to another appropriate and legally authorized agency or provider for evaluation and services.

(d)  A probation department shall report each referral of a child to a local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority or another agency or provider made under Subsection (b) or (c) to the Texas Juvenile Justice Department in a format specified by the department.

SECTION 3.02.  Section 54.0408, Family Code, is amended to read as follows:

Sec. 54.0408.  REFERRAL OF CHILD EXITING PROBATION TO MENTAL HEALTH AUTHORITY OR INTELLECTUAL AND DEVELOPMENTAL DISABILITY [~~MENTAL RETARDATION~~] AUTHORITY. A juvenile probation officer shall refer a child who has been determined to have a mental illness or an intellectual disability [~~mental retardation~~] to an appropriate local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority at least three months before the child is to complete the child's juvenile probation term unless the child is currently receiving treatment from the local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority of the county in which the child resides.

SECTION 3.03.  Section 58.0051(a)(2), Family Code, is amended to read as follows:

(2)  "Juvenile service provider" means a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile. The term includes:

(A)  a state or local juvenile justice agency as defined by Section 58.101;

(B)  health and human services agencies, as defined by Section 531.001, Government Code, and the Health and Human Services Commission;

(C)  the Department of Family and Protective Services;

(D)  the Department of Public Safety;

(E)  the Texas Education Agency;

(F)  an independent school district;

(G)  a juvenile justice alternative education program;

(H)  a charter school;

(I)  a local mental health authority or local intellectual and developmental disability [~~mental retardation~~] authority;

(J)  a court with jurisdiction over juveniles;

(K)  a district attorney's office;

(L)  a county attorney's office; and

(M)  a children's advocacy center established under Section 264.402.

ARTICLE 4. FINANCE CODE PROVISIONS

SECTION 4.01.  Section 393.624(a), Finance Code, is amended to read as follows:

(a)  A credit access business may not advertise on the premises of a nursing facility, assisted living facility, group home, intermediate care facility for persons with an intellectual disability [~~mental retardation~~], or other similar facility subject to regulation by the Health and Human Services Commission [~~Department of Aging and Disability Services~~].

ARTICLE 5. GOVERNMENT CODE PROVISIONS

SECTION 5.01.  Section 54A.209(a), Government Code, is amended to read as follows:

(a)  Except as limited by an order of referral, an associate judge may:

(1)  conduct a hearing;

(2)  hear evidence;

(3)  compel production of relevant evidence;

(4)  rule on the admissibility of evidence;

(5)  issue a summons for the appearance of witnesses;

(6)  examine a witness;

(7)  swear a witness for a hearing;

(8)  make findings of fact on evidence;

(9)  formulate conclusions of law;

(10)  rule on pretrial motions;

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

(12)  regulate all proceedings in a hearing before the associate judge;

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

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

(15)  order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54A.214;

(16)  without prejudice to the right to a de novo hearing under Section 54A.216, render and sign:

(A)  a final order agreed to in writing as to both form and substance by all parties;

(B)  a final default order;

(C)  a temporary order;

(D)  a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(E)  an order specifying that the court clerk shall issue:

(i)  letters testamentary or of administration; or

(ii)  letters of guardianship; or

(F)  an order for inpatient or outpatient mental health, intellectual disability [~~mental retardation~~], or chemical dependency services or an order authorizing psychoactive medications; and

(17)  sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54A.216.

SECTION 5.02.  Section 76.003(c), Government Code, is amended to read as follows:

(c)  The community justice council shall appoint a community justice task force to provide support staff for the development of a community justice plan. The task force may consist of any number of members, but must [~~should~~] include:

(1)  the county or regional director of the Health and Human Services Commission, or the division of the commission performing the functions previously performed by the Texas Department of Human Services, with responsibility for the area served by the department;

(2)  the chief of police of the most populous municipality served by the department;

(3)  the chief juvenile probation officer of the juvenile probation office serving the most populous area served by the department;

(4)  the superintendent of the most populous school district served by the department;

(5)  the supervisor of the Department of Public Safety region closest to the department, or the supervisor's designee;

(6)  the county or regional director of the Health and Human Services Commission, or the division of the commission performing the functions previously performed by the Texas Department of Mental Health and Mental Retardation, with responsibility for the area served by the department;

(7)  a substance abuse treatment professional appointed by the Council of Governments serving the area served by the department;

(8)  the department director;

(9)  the local or regional representative of the parole division of the Texas Department of Criminal Justice with responsibility for the area served by the department;

(10)  the representative of the Texas Workforce Commission with responsibility for the area served by the department;

(11)  the representative of the Health and Human Services Commission, or the division of the commission performing the functions previously performed by the Department of Assistive and Rehabilitative Services, with responsibility for the area served by the department;

(12)  a licensed attorney who practices in the area served by the department and whose practice consists primarily of criminal law;

(13)  a court administrator, if one serves the area served by the department;

(14)  a representative of a community service organization that provides adult treatment, educational, or vocational services to the area served by the department;

(15)  a representative of an organization in the area served by the department that is actively involved in issues relating to defendants' rights, chosen by the county commissioners and county judges of the counties served by the department; and

(16)  an advocate for rights of victims of crime and awareness of issues affecting victims.

SECTION 5.03.  Section 125.001(a), Government Code, is amended to read as follows:

(a)  In this chapter, "mental health court program" means a program that has the following essential characteristics:

(1)  the integration of mental illness treatment services and intellectual disability [~~mental retardation~~] services in the processing of cases in the judicial system;

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

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

(4)  access to mental illness treatment services and intellectual disability [~~mental retardation~~] services;

(5)  ongoing judicial interaction with program participants;

(6)  diversion of defendants who potentially have a mental illness [~~mentally ill~~] or an intellectual disability [~~mentally retarded defendants~~] to needed services as an alternative to subjecting those defendants to the criminal justice system;

(7)  monitoring and evaluation of program goals and effectiveness;

(8)  continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(9)  development of partnerships with public agencies and community organizations, including local intellectual and developmental disability [~~mental retardation~~] authorities.

SECTION 5.04.  Section 125.002, Government Code, is amended to read as follows:

Sec. 125.002.  AUTHORITY TO ESTABLISH PROGRAM. The commissioners court of a county may establish a mental health court program for persons who:

(1)  have been arrested for or charged with a misdemeanor or felony; and

(2)  are suspected by a law enforcement agency or a court of having a mental illness or an intellectual disability [~~mental retardation~~].

SECTION 5.05.  Section 403.252, Government Code, is amended to read as follows:

Sec. 403.252.  EXCEPTIONS. This subchapter does not apply to:

(1)  state agency funds located completely outside the state treasury;

(2)  the petty cash accounts maintained by the [~~Texas~~] Department of State Health Services [~~Mental Health and Mental Retardation~~] under Section 533.037(d), Health and Safety Code [~~2.17(b)(3), Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes)~~]; or

(3)  imprest funds kept by enforcement agencies for the purchase of evidence or other enforcement purposes.

SECTION 5.06.  Section 411.052(a), Government Code, is amended to read as follows:

(a)  In this section, "federal prohibited person information" means information that identifies an individual as:

(1)  a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2)  a person acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3)  a person determined to have an intellectual disability [~~mental retardation~~] and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(4)  an incapacitated adult individual for whom a court has appointed a guardian of the individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs; or

(5)  a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure.

SECTION 5.07.  Section 411.0521(a), Government Code, is amended to read as follows:

(a)  The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than the 30th day after the date the court:

(1)  orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2)  acquits a person in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3)  commits a person determined to have an intellectual disability [~~mental retardation~~] for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(4)  appoints a guardian of the incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs;

(5)  determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(6)  finds a person is entitled to relief from disabilities under Section 574.088, Health and Safety Code.

SECTION 5.08.  Sections 411.126(a)(2) and (3), Government Code, are amended to read as follows:

(2)  "Volunteer" or "volunteer applicant" means a person who will perform one or more of the following services without remuneration:

(A)  any service performed in a residence;

(B)  any service that requires the access to or the handling of money or confidential or privileged information; or

(C)  any service that involves the care of or access to:

(i)  a child;

(ii)  an elderly person; or

(iii)  a person who is mentally incompetent, [~~mentally retarded,~~] physically disabled, ill, or incapacitated, or who has an intellectual disability.

(3)  "Employee" or "employee applicant" means a person who will perform one or more of the following services or functions for remuneration:

(A)  any service performed in a residence;

(B)  any service that requires the access to or the handling of money or confidential or privileged information; or

(C)  any service that involves the care of or access to:

(i)  a child;

(ii)  an elderly person; or

(iii)  a person who is mentally incompetent, [~~mentally retarded,~~] physically disabled, ill, or incapacitated, or who has an intellectual disability;

(D)  coordination or referral of volunteers; or

(E)  executive administrative responsibilities.

SECTION 5.09.  Section 495.023(a), Government Code, is amended to read as follows:

(a)  The institutional division shall request proposals and may award one contract to a private vendor or community supervision and corrections department to screen and diagnose, either before or after adjudications of guilt, persons who may be transferred to the division. The term of the contract may not be for more than two years. The institutional division shall award the contract if the division determines that:

(1)  the person proposing to enter into the contract can provide psychiatric, psychological, or social evaluations of persons who are to be transferred to the division;

(2)  the services provided will reduce the chances of misdiagnosis of [~~mentally ill and mentally retarded~~] persons with mental illness or persons with intellectual disabilities who are to be transferred to the division, expedite the diagnostic process, and offer savings to the division;

(3)  the quality of services offered equals or exceeds the quality of the same services provided by the division; and

(4)  the state will assume no additional liability by entering into a contract for the services.

SECTION 5.10.  Section 499.102(a), Government Code, is amended to read as follows:

(a)  The staff of the institutional division, on its own initiative or as directed by the governor or the board, may recommend to the administration of the institutional division that the maximum capacity established under Section 499.101 for a unit be increased if the staff determines through written findings that the division can increase the maximum capacity and provide:

(1)  proper inmate classification and housing within the unit that is consistent with the classification system;

(2)  housing flexibility to allow necessary repairs and routine and preventive maintenance to be performed without compromising the classification system;

(3)  adequate space in dayrooms;

(4)  all meals within a reasonable time, allowing each inmate a reasonable time within which to eat;

(5)  operable hygiene facilities that ensure the availability of a sufficient number of fixtures to serve the inmate population;

(6)  adequate laundry services;

(7)  sufficient staff to:

(A)  meet operational and security needs;

(B)  meet health care needs, including the needs of inmates requiring psychiatric care, [~~mentally retarded~~] inmates with an intellectual disability, and inmates with a physical disability [~~physically handicapped inmates~~];

(C)  provide a safe environment for inmates and staff; and

(D)  provide adequate internal affairs investigation and review;

(8)  medical, dental, and psychiatric care adequate to ensure:

(A)  minimal delays in delivery of service from the time sick call requests are made until the service is performed;

(B)  access to regional medical facilities;

(C)  access to the institutional division hospital at Galveston or contract facilities performing the same services;

(D)  access to specialty clinics; and

(E)  a sufficient number of psychiatric inpatient beds and sheltered beds for [~~mentally retarded~~] inmates with an intellectual disability;

(9)  a fair disciplinary system that ensures due process and is adequate to ensure safety and order in the unit;

(10)  work, vocational, academic, and on-the-job training programs that afford all eligible inmates with an opportunity to learn job skills or work habits that can be applied on release, appropriately staffed and of sufficient quality;

(11)  a sufficient number and quality of nonprogrammatic and recreational activities for all eligible inmates who choose to participate;

(12)  adequate assistance from persons trained in the law or a law library with a collection containing necessary materials and space adequate for inmates to use the law library for study related to legal matters;

(13)  adequate space and staffing to permit contact and noncontact visitation of all eligible inmates;

(14)  adequate maintenance programs to repair and prevent breakdowns caused by increased use of facilities and fixtures; and

(15)  space and staff sufficient to provide all the services and facilities required by this section.

SECTION 5.11.  Section 501.006(a), Government Code, is amended to read as follows:

(a)  The institutional division may grant an emergency absence under escort to an inmate so that the inmate may:

(1)  obtain a medical diagnosis or medical treatment;

(2)  obtain treatment and supervision at a [~~Texas Department of Mental Health and Mental Retardation~~] facility operated by the Health and Human Services Commission; or

(3)  attend a funeral or visit a critically ill relative.

SECTION 5.12.  Section 501.056, Government Code, is amended to read as follows:

Sec. 501.056.  CONTRACT FOR CARE OF [~~MENTALLY ILL AND MENTALLY RETARDED~~] INMATES WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY. The department shall contract with the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] for provision of commission [~~Texas Department of Mental Health and Mental Retardation~~] facilities, treatment, and habilitation for [~~mentally ill and mentally retarded~~] inmates with mental illness or an intellectual disability in the custody of the department. The contract must provide:

(1)  detailed characteristics of the [~~mentally ill~~] inmate population with mental illness and the [~~mentally retarded~~] inmate population with intellectual disabilities to be affected under the contract;

(2)  for the respective responsibilities of the commission [~~Texas Department of Mental Health and Mental Retardation~~] and the department with regard to the care and supervision of the affected inmates; and

(3)  that the department remains responsible for security.

SECTION 5.13.  Section 501.058, Government Code, is amended to read as follows:

Sec. 501.058.  COMPENSATION OF PSYCHIATRISTS. The amount of compensation paid by the institutional division to psychiatrists employed by the division should be similar to the amount of compensation authorized for the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] to pay to psychiatrists [~~employed by the Texas Department of Mental Health and Mental Retardation~~].

SECTION 5.14.  Sections 501.093(a) and (c), Government Code, are amended to read as follows:

(a)  The department and[~~,~~] the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation, and the Texas Commission on Alcohol and Drug Abuse~~] shall by rule adopt a memorandum of understanding that establishes their respective responsibilities to establish a continuity of care program for inmates with a history of drug or alcohol abuse.

(c)  The memorandum of understanding must establish methods for:

(1)  identifying inmates with a history of drug or alcohol abuse;

(2)  notifying the pardons and paroles division and the Health and Human Services Commission[~~, the Texas Department of Mental Health and Mental Retardation, and the commission~~] as to when an inmate with a history of drug or alcohol abuse is to be released and as to the inmate's release destination;

(3)  identifying the services needed by inmates with a history of drug or alcohol abuse to reenter the community successfully; and

(4)  determining the manner in which each agency that participates in the establishment of the memorandum can share information about inmates and use that information to provide continuity of care.

SECTION 5.15.  Section 501.113(b), Government Code, is amended to read as follows:

(b)  The institutional division shall house the following classes of inmates in single occupancy cells:

(1)  inmates confined in death row segregation;

(2)  inmates confined in administrative segregation;

(3)  inmates assessed as having intellectual disabilities [~~mentally retarded~~] and whose habilitation plans recommend housing in a single occupancy cell;

(4)  inmates with a diagnosed psychiatric illness being treated on an inpatient or outpatient basis whose individual treatment plans recommend housing in single occupancy cells; and

(5)  inmates whose medical treatment plans recommend housing in a single occupancy cell.

SECTION 5.16.  Section 507.031(a), Government Code, is amended to read as follows:

(a)  The director of a state jail felony facility may grant a furlough to a defendant so that the defendant may:

(1)  obtain a medical diagnosis or medical treatment;

(2)  obtain treatment and supervision at a [~~Texas Department of Mental Health and Mental Retardation~~] facility operated by the Health and Human Services Commission;

(3)  attend a funeral or visit a critically ill relative; or

(4)  participate in a programmatic activity sanctioned by the state jail division.

SECTION 5.17.  Section 508.223, Government Code, is amended to read as follows:

Sec. 508.223.  PSYCHOLOGICAL COUNSELING. A parole panel may require as a condition of parole or mandatory supervision that a releasee serving a sentence for an offense under Section 42.072, Penal Code, attend psychological counseling sessions of a type and for a duration as specified by the parole panel, if the parole panel determines in consultation with a local mental health services provider that appropriate mental health services are available through the [~~Texas~~] Department of State Health Services [~~Mental Health and Mental Retardation~~] in accordance with Section 534.053, Health and Safety Code, or through another mental health services provider.

SECTION 5.18.  Section 508.316(a), Government Code, is amended to read as follows:

(a)  The department may contract for services for releasees if funds are appropriated to the department for the services, including services for releasees who have a history of:

(1)  mental impairment or intellectual disability [~~mental retardation~~];

(2)  substance abuse; or

(3)  sexual offenses.

SECTION 5.19.  Section 659.015(j), Government Code, is amended to read as follows:

(j)  With authorization from the administrative head of the agency for which an employee works, or that person's designee, an employee employed by a state mental health facility or an intellectual disability [~~mental retardation~~] facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

SECTION 5.20.  Section 659.016(j), Government Code, is amended to read as follows:

(j)  With authorization from the administrative head of the agency for which an employee works, or that person's designee, an employee employed by a state mental health facility or an intellectual disability [~~mental retardation~~] facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

SECTION 5.21.  The heading to Chapter 1401, Government Code, is amended to read as follows:

CHAPTER 1401. BONDS FOR CERTAIN CRIMINAL JUSTICE, [~~OR~~] MENTAL HEALTH, OR INTELLECTUAL DISABILITY [~~AND MENTAL RETARDATION~~] FACILITIES

SECTION 5.22.  Sections 1401.041(b) and (c), Government Code, are amended to read as follows:

(b)  As provided by Section 49-h(c), Article III, Texas Constitution, as that section existed September 1, 1999, the authority may:

(1)  issue general obligation bonds in an amount not to exceed $400 million; and

(2)  distribute the bond proceeds to any appropriate agency to:

(A)  acquire, construct, or equip a new facility; or

(B)  make a major repair of or renovate a facility, corrections institution, youth corrections institution, [~~or~~] mental health institution, or intellectual disability [~~and mental retardation~~] institution.

(c)  As provided by Section 49-h(d), Article III, Texas Constitution, as that section existed September 1, 1999, the authority may:

(1)  issue general obligation bonds in an amount not to exceed $1.055 billion and distribute the bond proceeds to any appropriate agency to:

(A)  acquire, construct, or equip a:

(i)  new prison or substance abuse felony punishment facility to confine criminals; or

(ii)  youth corrections institution;

(B)  make a major repair of or renovate a prison facility or youth corrections institution; or

(C)  acquire, make a major repair of, or renovate a facility for use as a state prison, a substance abuse felony punishment facility, or a facility in which a pilot program established as provided by Section 614.011, Health and Safety Code, is conducted;

(2)  issue general obligation bonds in an amount not to exceed $45 million and distribute the bond proceeds to any appropriate agency to:

(A)  acquire, construct, or equip a new mental health facility or intellectual disability [~~mental retardation~~] facility, including a community-based mental health facility or community-based intellectual disability [~~mental retardation~~] facility; or

(B)  make a major repair of or renovate a mental health facility or intellectual disability [~~mental retardation~~] facility; and

(3)  issue general obligation bonds in an amount not to exceed $50 million and distribute the bond proceeds to any appropriate agency to:

(A)  acquire, construct, or equip a new youth corrections facility; or

(B)  make a major repair of or renovate a youth corrections facility.

SECTION 5.23.  Section 1401.061(a), Government Code, is amended to read as follows:

(a)  The authority may:

(1)  issue revenue bonds; and

(2)  distribute the bond proceeds to any appropriate agency to:

(A)  acquire, construct, or equip a new facility; or

(B)  make a major repair of or renovate a:

(i)  facility;

(ii)  corrections institution, including a facility authorized by Section 495.001(a) or 495.021(a);

(iii)  criminal justice facility for the Texas Department of Criminal Justice;

(iv)  youth corrections institution; or

(v)  mental health institution or intellectual disability [~~and mental retardation~~] institution.

SECTION 5.24.  Section 2052.003(b), Government Code, is amended to read as follows:

(b)  In this section, "individual with a disability" means an individual who has:

(1)  a mental disability or impairment, including an intellectual disability [~~mental retardation~~]; or

(2)  a physical disability or impairment, including:

(A)  an impairment of hearing, speech, or vision;

(B)  blindness;

(C)  deafness; or

(D)  a crippling condition that requires special ambulatory devices or services.

SECTION 5.25.  Section 2155.202, Government Code, is amended to read as follows:

Sec. 2155.202.  [~~MENTAL HEALTH AND MENTAL RETARDATION~~] COMMUNITY CENTERS; ASSISTANCE ORGANIZATIONS; CHILD-CARE PROVIDERS. The following entities may purchase goods and services through the comptroller:

(1)  a community center for mental health services or intellectual disability [~~and mental retardation~~] services that receives state grants-in-aid under Subchapter B, Chapter 534, Health and Safety Code;

(2)  an assistance organization as defined by Section 2175.001 that receives state funds; and

(3)  a child-care provider that meets Texas Rising Star Program certification criteria.

SECTION 5.26.  The heading to Section 2155.441, Government Code, is amended to read as follows:

Sec. 2155.441.  PREFERENCE FOR PRODUCTS OF PERSONS WITH INTELLECTUAL [~~MENTAL RETARDATION~~] OR PHYSICAL DISABILITIES.

SECTION 5.27.  Section 2155.441(a), Government Code, is amended to read as follows:

(a)  The products of workshops, organizations, or corporations whose primary purpose is training and employing individuals having an intellectual disability [~~mental retardation~~] or a physical disability shall be given preference if they meet state specifications regarding quantity, quality, delivery, life cycle costs, and price.

SECTION 5.28.  Section 2167.001(b), Government Code, is amended to read as follows:

(b)  This chapter does not apply to:

(1)  radio antenna space;

(2)  residential space for a [~~Texas~~] Department of State Health Services or Health and Human Services Commission [~~Mental Health and Mental Retardation~~] program;

(3)  residential space for a Texas Juvenile Justice Department program;

(4)  space to be used for less than one month for meetings, conferences, conventions, seminars, displays, examinations, auctions, or similar purposes;

(5)  district office space for members of the legislature;

(6)  space used by the Texas Workforce Commission;

(7)  residential property acquired by the Texas Department of Housing and Community Affairs or the Texas State Affordable Housing Corporation that is offered for sale or rental to individuals and families of low or very low income or families of moderate income;

(8)  except as provided by Section 2167.007, space for a university system or institution of higher education;

(9)  space leased by the Texas Veterans Commission to administer the veterans employment services program; or

(10)  space for the Texas Department of Motor Vehicles.

SECTION 5.29.  Section 2171.055(k), Government Code, is amended to read as follows:

(k)  An officer or employee of a qualified cooperative entity who is engaged in official business of the qualified cooperative entity may participate in the comptroller's contracts for travel services. The comptroller shall adopt rules and make or amend contracts as necessary to administer this subsection. For purposes of this subsection, a "qualified cooperative entity" includes:

(1)  a local government, as defined by Section 271.081, Local Government Code;

(2)  a community center for mental health services or intellectual disability [~~and mental retardation~~] services described by Section 2155.202(1);

(3)  an assistance organization, as defined by Section 2175.001, that receives any state funds; and

(4)  a political subdivision, as defined by Section 791.003.

SECTION 5.30.  Section 2171.104(b), Government Code, is amended to read as follows:

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

ARTICLE 6. HEALTH AND SAFETY CODE PROVISIONS

SECTION 6.01.  Sections 33.001(1-b), (2), and (4), Health and Safety Code, are amended to read as follows:

(1-b)  "Heritable disease" means an inherited disease that may result in a [~~mental or~~] physical or intellectual disability [~~retardation~~] or death.

(2)  "Hypothyroidism" means a condition that may cause a severe intellectual disability [~~mental retardation~~] if not treated.

(4)  "Phenylketonuria" means an inherited condition that may cause a severe intellectual disability [~~mental retardation~~] if not treated.

SECTION 6.02.  Section 33.002(a), Health and Safety Code, is amended to read as follows:

(a)  The department shall carry out a program to combat morbidity, including intellectual disability [~~mental retardation~~], and mortality in persons who have phenylketonuria, other heritable diseases, or hypothyroidism.

SECTION 6.03.  Section 281.094(a), Health and Safety Code, is amended to read as follows:

(a)  With the approval of the Nueces County Commissioners Court, the board of the Nueces County Hospital District may use funds made available to the district from sources other than a tax levy to fund health care services, including public health services, mental health services, intellectual disability [~~and mental retardation~~] services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes.

SECTION 6.04.  Section 431.4031(b), Health and Safety Code, is amended to read as follows:

(b)  A state agency or a political subdivision of this state that distributes prescription drugs using federal or state funding to nonprofit health care facilities, [~~or~~] local mental health authorities, or local intellectual and developmental disability [~~mental retardation~~] authorities for distribution to a pharmacy, practitioner, or patient is exempt from Sections 431.405(b), 431.407, 431.412, and 431.413.

SECTION 6.05.  The heading to Section 531.0021, Health and Safety Code, is amended to read as follows:

Sec. 531.0021.  REFERENCE TO STATE SCHOOL OR [~~,~~] SUPERINTENDENT [~~, OR LOCAL MENTAL RETARDATION AUTHORITY~~].

SECTION 6.06.  The heading to Subtitle E, Title 7, Health and Safety Code, is amended to read as follows:

SUBTITLE E. SPECIAL PROVISIONS RELATING TO MENTAL ILLNESS AND INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~]

SECTION 6.07.  The heading to Chapter 613, Health and Safety Code, is amended to read as follows:

CHAPTER 613.  KIDNEY DONATION BY WARD WITH INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~]

SECTION 6.08.  Section 613.001, Health and Safety Code, is amended to read as follows:

Sec. 613.001.  DEFINITION. In this chapter, "ward with an intellectual disability [~~mental retardation~~]" means a ward who is a person with an intellectual disability [~~mental retardation~~], as defined by Subtitle D.

SECTION 6.09.  Section 613.002, Health and Safety Code, is amended to read as follows:

Sec. 613.002.  COURT ORDER AUTHORIZING KIDNEY DONATION. A district court may authorize the donation of a kidney of a ward with an intellectual disability [~~mental retardation~~] to a father, mother, son, daughter, brother, or sister of the ward if:

(1)  the guardian of the ward with an intellectual disability [~~mental retardation~~] consents to the donation;

(2)  the ward is 12 years of age or older;

(3)  the ward assents to the kidney transplant;

(4)  the ward has two kidneys;

(5)  without the transplant the donee will soon die or suffer severe and progressive deterioration, and with the transplant the donee will probably benefit substantially;

(6)  there are no medically preferable alternatives to a kidney transplant for the donee;

(7)  the risks of the operation and the long-term risks to the ward are minimal;

(8)  the ward will not likely suffer psychological harm; and

(9)  the transplant will promote the ward's best interests.

SECTION 6.10.  Section 613.003, Health and Safety Code, is amended to read as follows:

Sec. 613.003.  PETITION FOR COURT ORDER. The guardian of the person of a ward with an intellectual disability [~~mental retardation~~] may petition a district court having jurisdiction of the guardian for an order authorizing the ward to donate a kidney under Section 613.002.

SECTION 6.11.  Section 613.004(c), Health and Safety Code, is amended to read as follows:

(c)  The court shall appoint an attorney ad litem and a guardian ad litem to represent the interest of the ward with an intellectual disability [~~mental retardation~~]. Neither person appointed may be related to the ward within the second degree by consanguinity.

SECTION 6.12.  Section 613.005, Health and Safety Code, is amended to read as follows:

Sec. 613.005.  INTERVIEW AND EVALUATION ORDER BY COURT. (a) Before the eighth day after the date of the hearing, the court shall interview the ward with an intellectual disability [~~mental retardation~~] to determine if the ward assents to the donation. The interview shall be conducted in chambers and out of the presence of the guardian.

(b)  If the court considers it necessary, the court may order the performance of a determination of intellectual disability [~~mental retardation~~], as provided by Section 593.005, to help the court evaluate the ward's capacity to agree to the donation.

ARTICLE 7. HUMAN RESOURCES CODE PROVISIONS

SECTION 7.01.  Section 221.056(a), Human Resources Code, is amended to read as follows:

(a)  The department may contract with a local mental health authority and local intellectual and developmental disability [~~and mental retardation~~] authority for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department may work in cooperation with the local mental health authority and local intellectual and developmental disability [~~and mental retardation~~] authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

SECTION 7.02.  The heading to Section 244.011, Human Resources Code, is amended to read as follows:

Sec. 244.011.  CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~].

SECTION 7.03.  Sections 244.011(a), (b), (e), (f), and (g), Human Resources Code, are amended to read as follows:

(a)  The department shall accept a child committed to the department who is a person with a mental illness or a person with an intellectual disability [~~mentally ill or mentally retarded~~].

(b)  Unless a child is committed to the department under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department shall discharge a child who is a person with a mental illness or a person with an intellectual disability [~~mentally ill or mentally retarded~~] from its custody if:

(1)  the child has completed the minimum length of stay for the child's committing offense; and

(2)  the department determines that the child is unable to progress in the department's rehabilitation programs because of the child's mental illness or intellectual disability [~~mental retardation~~].

(e)  If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is not receiving intellectual disability [~~mental retardation~~] services, the child's discharge is effective on the earlier of:

(1)  the date the court enters an order regarding an application for intellectual disability [~~mental retardation~~] services filed under Section 244.012(b); or

(2)  the 30th day after the date that the application is filed.

(f)  If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is receiving intellectual disability [~~mental retardation~~] services, the child's discharge from the department is effective immediately.

(g)  If a child who is a person with a mental illness or a person with an intellectual disability [~~mentally ill or mentally retarded~~] is discharged from the department under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

SECTION 7.04.  Sections 244.012(a) and (c), Human Resources Code, are amended to read as follows:

(a)  The department shall establish a system that identifies children in the department's custody who have a mental illness or an intellectual disability [~~are mentally ill or mentally retarded~~].

(c)  Before a child who is identified as a person with an intellectual disability [~~mentally retarded~~] under Chapter 593, Health and Safety Code, is discharged from the department's custody under Section 244.011(b), the department shall refer the child for intellectual disability [~~mental retardation~~] services if the child is not receiving those [~~mental retardation~~] services.

ARTICLE 8. INSURANCE CODE PROVISIONS

SECTION 8.01.  Sections 843.002(18) and (21), Insurance Code, are amended to read as follows:

(18)  "Limited health care services" means:

(A)  services for mental health, chemical dependency, or intellectual disability [~~mental retardation~~], or any combination of those services; or

(B)  an organized long-term care service delivery system that provides for diagnostic, preventive, therapeutic, rehabilitative, and personal care services required by an individual with a loss in functional capacity on a long-term basis.

(21)  "Person" means any natural or artificial person, including an individual, partnership, association, corporation, organization, trust, hospital district, community mental health center, intellectual disability [~~mental retardation~~] center, mental health [~~and mental retardation~~] center, limited liability company, or limited liability partnership or the statewide rural health care system under Chapter 845.

SECTION 8.02.  Section 1201.059(a), Insurance Code, is amended to read as follows:

(a)  An accident and health insurance policy, including an individual, blanket, or group policy, and including a policy issued by a corporation operating under Chapter 842, that provides that coverage of a child terminates when the child attains a limiting age specified in the policy must provide in substance that the child's attainment of that age does not terminate coverage while the child is:

(1)  incapable of self-sustaining employment because of an intellectual [~~mental retardation~~] or physical disability; and

(2)  chiefly dependent on the insured or group member for support and maintenance.

SECTION 8.03.  Section 1305.004(a)(18), Insurance Code, is amended to read as follows:

(18)  "Person" means any natural or artificial person, including an individual, partnership, association, corporation, organization, trust, hospital district, community mental health center, intellectual disability [~~mental retardation~~] center, mental health [~~and mental retardation~~] center, limited liability company, or limited liability partnership.

SECTION 8.04.  Section 1355.056(c), Insurance Code, is amended to read as follows:

(c)  Treatment provided to an individual by a crisis stabilization unit licensed or certified by the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] shall be reimbursed.

SECTION 8.05.  Section 1355.058, Insurance Code, is amended to read as follows:

Sec. 1355.058.  HEALTH AND HUMAN SERVICES COMMISSION ASSISTANCE [~~OF THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION~~]. (a) The Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] shall assist the department in carrying out the department's responsibilities under this subchapter.

(b)  The department and the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] by rule may adopt a memorandum of understanding to carry out this subchapter.

SECTION 8.06.  Section 1355.202, Insurance Code, is amended to read as follows:

Sec. 1355.202.  PROHIBITION OF EXCLUSION OF MENTAL HEALTH OR INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~] BENEFITS FOR TREATMENT BY TAX-SUPPORTED INSTITUTION. (a) An individual or group accident and health insurance policy delivered or issued for delivery to a person in this state that provides coverage for mental illness or intellectual disability [~~mental retardation~~] may not exclude benefits under that coverage for support, maintenance, and treatment provided by a tax-supported institution of this state, or by a community center for mental health services or intellectual disability [~~mental retardation~~] services, that regularly and customarily charges patients who are not indigent for those services.

(b)  In determining whether a patient is not indigent, as provided by Subchapter B, Chapter 552, Health and Safety Code, a tax-supported institution of this state or a community center for mental health services or intellectual disability [~~mental retardation~~] services shall consider any insurance policy or policies that provide coverage to the patient for mental illness or intellectual disability [~~mental retardation~~].

SECTION 8.07.  Section 1359.001, Insurance Code, is amended to read as follows:

Sec. 1359.001.  DEFINITIONS. In this chapter:

(1)  "Heritable disease" means an inherited disease that may result in a [~~mental or~~] physical or intellectual disability [~~retardation~~] or death.

(2)  "Phenylketonuria" means an inherited condition that, if not treated, may cause a severe intellectual disability [~~mental retardation~~].

SECTION 8.08.  Section 1601.004(a), Insurance Code, is amended to read as follows:

(a)  In this chapter, "dependent," with respect to an individual eligible to participate in the uniform program under Section 1601.101 or 1601.102, means the individual's:

(1)  spouse;

(2)  unmarried child younger than 25 years of age; and

(3)  child of any age who lives with or has the child's care provided by the individual on a regular basis if the child is a person with an intellectual disability [~~is mentally retarded~~] or is physically incapacitated to the extent that the child is dependent on the individual for care or support, as determined by the system.

ARTICLE 9. LABOR CODE PROVISIONS

SECTION 9.01.  The heading to Section 62.057, Labor Code, is amended to read as follows:

Sec. 62.057.  PATIENTS AND CLIENTS OF [~~TEXAS~~] DEPARTMENT OF STATE [~~MENTAL~~] HEALTH SERVICES [~~AND MENTAL RETARDATION~~].

SECTION 9.02.  Section 62.057(a), Labor Code, is amended to read as follows:

(a)  A person may be compensated for services rendered to the [~~Texas~~] Department of State [~~Mental~~] Health Services [~~and Mental Retardation~~] or a department facility at a percentage of the base wage adopted under this section if:

(1)  the person is a patient or client of a department facility;

(2)  the person's productive capacity is impaired;

(3)  the person:

(A)  assists in the operation of the facility as part of the person's therapy; or

(B)  receives occupational training in a sheltered workshop or other program operated by the department; and

(4)  the facility or department derives an economic benefit from the person's services.

SECTION 9.03.  Section 406.098(b)(4), Labor Code, is amended to read as follows:

(4)  "Political subdivision" means a county, municipality, special district, school district, junior college district, housing authority, community center [~~for mental health and mental retardation services~~] established under Subchapter A, Chapter 534, Health and Safety Code, or any other legally constituted political subdivision of the state.

SECTION 9.04.  Section 504.001(3), Labor Code, is amended to read as follows:

(3)  "Political subdivision" means a county, municipality, special district, school district, junior college district, housing authority, community center [~~for mental health and mental retardation services~~] established under Subchapter A, Chapter 534, Health and Safety Code, or any other legally constituted political subdivision of the state.

ARTICLE 10. LOCAL GOVERNMENT CODE PROVISIONS

SECTION 10.01.  Section 244.006, Local Government Code, is amended to read as follows:

Sec. 244.006.  EXEMPTIONS.  This subchapter does not apply to the operation of a correctional or rehabilitation facility at a location subject to this subchapter if:

(1)  on September 1, 1997, the correctional or rehabilitation facility was in operation, under construction, under contract for operation or construction, or planned for construction at the location on land owned or leased by an agency or political subdivision of the state and designated for use as a correctional or rehabilitation facility;

(2)  the correctional or rehabilitation facility was in operation or under construction before the establishment of a residential area the location of which makes the facility subject to this subchapter;

(3)  the correctional or rehabilitation facility is a temporary correctional or rehabilitation facility that will be operated at the location for less than one year;

(4)  the correctional or rehabilitation facility is required to obtain a special use permit or a conditional use permit from the municipality in which the facility is located before beginning operation;

(5)  the correctional or rehabilitation facility is an expansion of a facility operated by the correctional institutions division of the Texas Department of Criminal Justice for the imprisonment of individuals convicted of felonies other than state jail felonies or by the Texas Juvenile Justice Department;

(6)  the correctional or rehabilitation facility is a county jail or a pre-adjudication or post-adjudication juvenile detention facility operated by a county or county juvenile board;

(7)  the facility is:

(A)  a juvenile probation office located at, and operated in conjunction with, a juvenile justice alternative education center; and

(B)  used exclusively by students attending the juvenile justice alternative education center;

(8)  the facility is a public or private institution of higher education or vocational training to which admission is open to the general public;

(9)  the facility is operated primarily as a treatment facility for juveniles under contract with the Health and Human [~~Department of Aging and Disability~~] Services Commission, [~~or~~] the Department of State Health Services, [~~or~~] a local mental health authority, or a local intellectual and developmental disability [~~mental retardation~~] authority;

(10)  the facility is operated as a juvenile justice alternative education program;

(11)  the facility:

(A)  is not operated primarily as a correctional or rehabilitation facility; and

(B)  only houses persons or children described by Section 244.001(1)(B) for a purpose related to treatment or education; or

(12)  the facility is a probation or parole office located in a commercial use area.

ARTICLE 11. OCCUPATIONS CODE PROVISIONS

SECTION 11.01.  Section 1701.404(b), Occupations Code, is amended to read as follows:

(b)  The commission may certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person:

(1)  completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2)  completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3)  passes an examination administered by the commission that is designed to test the person's:

(A)  knowledge and recognition of the characteristics and symptoms of mental illness [~~, mental retardation,~~] and intellectual disability [~~mental disabilities~~]; and

(B)  knowledge of mental health crisis intervention strategies for people with mental impairments.

ARTICLE 12. TRANSPORTATION CODE PROVISIONS

SECTION 12.01.  Section 201.603, Transportation Code, is amended to read as follows:

Sec. 201.603.  AGREEMENT WITH OTHER AGENCIES FOR ROADS. (a) On request of the Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] or the Texas Juvenile Justice Department, the department may enter into agreements with either agency [~~department~~] for the construction, maintenance, or repair of roads in an institution, hospital, or school under the control, management, or supervision of that agency [~~department~~].

(b)  The Health and Human Services Commission [~~Texas Department of Mental Health and Mental Retardation~~] or the Texas Juvenile Justice Department may reimburse the appropriate fund of the department for the cost of construction or maintenance performed under Subsection (a). Before a transfer of an amount under this subsection, the reimbursing agency shall notify in writing the comptroller of the amount to be transferred and the fund from which the amount is to be taken.

ARTICLE 13. TAX CODE PROVISIONS

SECTION 13.01.  Section 171.1011(p)(2), Tax Code, is amended to read as follows:

(2)  "Health care institution" means:

(A)  an ambulatory surgical center;

(B)  an assisted living facility licensed under Chapter 247, Health and Safety Code;

(C)  an emergency medical services provider;

(D)  a home and community support services agency;

(E)  a hospice;

(F)  a hospital;

(G)  a hospital system;

(H)  an intermediate care facility for individuals with an intellectual disability [~~the mentally retarded~~] or a home and community-based services waiver program for individuals [~~persons~~] with an intellectual disability [~~mental retardation~~] adopted in accordance with Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n);

(I)  a birthing center;

(J)  a nursing home;

(K)  an end stage renal disease facility licensed under Section 251.011, Health and Safety Code; or

(L)  a pharmacy.

ARTICLE 14. REPEALERS

SECTION 14.01.  The following provisions of the Health and Safety Code are repealed:

(1)  Section 531.0021(c); and

(2)  Sections 591.003(13) and (16).

ARTICLE 15. EFFECTIVE DATE

SECTION 15.01.  This Act takes effect September 1, 2023.